

# Executive Cabinet

Agenda and Reports

For consideration on

## Thursday, 11th January 2007

In the Council Chamber, Town Hall, Chorley

At 5.00 pm



## **PROCEDURE FOR PUBLIC QUESTIONS/SPEAKING AT EXECUTIVE CABINET MEETINGS**

- Questions should be submitted to the Democratic Services Section by midday, two working days prior to each Executive Cabinet meeting to allow time to prepare appropriate responses and investigate the issue if necessary.
- A maximum period of 3 minutes will be allowed for a question from a member of the public on an item on the agenda. A maximum period of 30 minutes to be allocated for public questions if necessary at each meeting.
- The question to be answered by the Executive Member with responsibility for the service area or whoever is most appropriate.
- On receiving a reply the member of the public will be allowed to ask one supplementary question.
- Members of the public will be able to stay for the rest of the meeting should they so wish but will not be able to speak on any other agenda item upon using their allocated 3 minutes.

---

## Chief Executive's Office

Please ask for: Tony Uren  
Direct Dial: (01257) 515122  
E-mail address: tony.uren@chorley.gov.uk  
Date: 2 January 2007

---

**Chief Executive:** Donna Hall

**Chorley**  
Council

Town Hall  
Market Street  
Chorley  
Lancashire  
PR7 1DP

Dear Councillor

## EXECUTIVE CABINET - THURSDAY, 11TH JANUARY 2007

You are invited to attend a meeting of the Executive Cabinet to be held in the Council Chamber, Town Hall, Chorley on Thursday, 11th January 2007 at 5.00 pm.

### AGENDA

1. **Declarations of any Interests**

Members of the Cabinet are reminded of their responsibility to declare any personal interest in respect of matters contained in this agenda in accordance with the provisions of the Local Government Act 2000, the Council's Constitution and the Members' Code of Conduct. If the personal interest is a prejudicial interest, then the individual Member should not participate in a discussion on the matter and must withdraw from the Council Chamber and not seek to influence a decision on the matter.

2. **Apologies for absence**

3. **Minutes (Pages 1 - 14)**

To confirm as a correct record the minutes of the meeting of the Executive Cabinet held on 7 December 2006 (enclosed).

**MATTERS REFERRED BY THE OVERVIEW AND SCRUTINY COMMITTEE  
(INTRODUCED BY THE CHAIR OF THE OVERVIEW AND SCRUTINY COMMITTEE,  
COUNCILLOR D EDGERLEY)**

4. **Overview and Scrutiny Improvement Plan - Update (Pages 15 - 24)**

Copy of the updated Plan enclosed

**EXECUTIVE LEADER'S ITEM (INTRODUCED BY THE EXECUTIVE LEADER,  
COUNCILLOR P GOLDSWORTHY)**

5. **Forward Plan (Pages 25 - 34)**

To receive and consider the Council's Forward Plan for the four months period from 1 January to 30 April 2007 (copy enclosed).

Continued....

**EXECUTIVE LEADER AND RESOURCES ITEM (INTRODUCED BY THE EXECUTIVE LEADER AND EXECUTIVE MEMBER FOR RESOURCES, COUNCILLOR P GOLDSWORTHY AND COUNCILLOR A CULLENS)**

6. **Revised Sanction and Prosecution Policy - Housing Benefit and Council Tax Benefit** (Pages 35 - 44)

Report of Director of Finance (enclosed).


**RESOURCES ITEM (INTRODUCED BY THE EXECUTIVE MEMBER, COUNCILLOR A CULLENS)**

7. **Housing Rents and Charges for 2007/08** (Pages 45 - 52)

Report of Director of Finance (enclosed).

8. **Any other item(s) that the Chair decides is/are urgent**

Yours sincerely



Chief Executive

ENCS

**Distribution**

1. Agenda and reports to all Members of the Executive Cabinet, Lead Members and Chief Officers for attendance.

**This information can be made available to you in larger print or on audio tape, or translated into your own language. Please telephone 01257 515118 to access this service.**

આ માહિતીનો અનુવાદ આપની પોતાની ભાષામાં કરી શકાય છે. આ સેવા સરળતાથી મેળવવા માટે કૃપા કરી, આ નંબર પર ફોન કરો: 01257 515822

ان معلومات کا ترجمہ آپ کی اپنی زبان میں بھی کیا جاسکتا ہے۔ یہ خدمت استعمال کرنے کیلئے براہ مہربانی اس نمبر پر ٹیلیفون

01257 515823

کیجئے:

## Executive Cabinet

### Minutes of meeting held on Thursday, 7 December 2006

**Present:** Councillor Peter Goldsworthy (Executive Leader in the Chair), Councillor Mrs Pat Case (Deputy Leader of the Council) and Councillors Eric Bell, Peter Malpas, Mark Perks and John Walker

**Also in attendance:**

**Lead Members:** Councillors Peter Baker (Lead Member for Information Communication Technology), Alan Cain (Lead Member Human Resources), Francis Culshaw (Lead Member for Housing), David Dickinson (Lead Member for Parish Councils), Mrs Marie Gray (Lead Member for Town Centre), Harold Heaton (Lead Member for Development Control), Geoffrey Russell (Lead Member for Finance), Rosemary Russell (Lead Member for Health and Older People) and Mrs Iris Smith (Lead Member for Licensing)

**Other Members:** Councillors Terry Brown, Dennis Edgerley, Anthony Gee, Daniel Gee, Adrian Lowe, Miss June Molyneaux and Ralph Snape

#### 06.EC.141 APOLOGIES FOR ABSENCE

An apology for absence was submitted on behalf of Councillor A Cullens (Executive Member for Resources).

#### 06.EC.142 DECLARATIONS OF ANY INTERESTS

There were no declarations of interest by the Executive Members in any of the agenda items.

#### 06.EC.143 EXCLUSION OF THE PUBLIC AND PRESS

**Decision made:**

**That the press and public be excluded from the meeting during consideration of the following item of business on the ground that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.**

#### 06.EC.144 MARKET WALK - PHASE 2

The Executive Cabinet considered a confidential report of the Chief Executive on plans to pursue a scheme to develop a second phase of Market Walk in the town centre.

The report recommended the appointment of the current owners of Market Walk, RREEF, as the preferred developers and sought authority for the Council to enter into detailed negotiations with the developers, subject to approval of the final terms of the development agreement by the Executive Cabinet.

The report outlined the development plans; analysed the financial implications of the proposals; and evaluated the arguments for the appointment of the preferred developer, which had concluded that, after taking account of the expected land receipt and other benefits, the Council was likely to receive full value from the transaction.

Mr D Masters and one of his colleagues from the Council's Consultants, GVA Grimley, attended the meeting to support the recommendations and answer Members' queries

on the development plans. A presentation on the proposals was to be given to all Councillors in the Town Hall on Tuesday, 12 December 2006.

**Decision made:**

**That the Council be recommended:**

- (a) **to endorse the appointment of RREEF as the preferred developers for the Market Walk Phase II scheme on the basis of the proposals outlined in the Chief Executive's submitted report, subject to the provisions detailed in paragraph 30 of the report;**
- (b) **to note the planned processes and timescales set out in paragraph 40 of the submitted report;**
- (c) **to authorise Officers to enter into detailed negotiations with RREEF and conclude a development agreement for a second phase of the Market Walk retail development, incorporating a multi-storey car park, subject to the Executive Cabinet's prior agreement of the final terms.**

**Reason for recommendation:**

To enable the early development of a second phase of the Market Walk retail scheme, together with enhanced town centre parking provision and public realm improvements, in line with the Council's corporate priorities, on a basis considered most likely to provide best value and to enhance and sustain the vitality and viability of the town centre.

**Alternative option(s) considered and rejected:**

Consideration has been given to inviting competitive bids for the development. Having sought independent specialist professional advice, this option has been rejected in favour of the recommended approach for the reasons set out in the submitted report. In addition, consideration has been given to doing nothing or seeking alternative proposals for a lower quality, lower cost scheme. Both alternatives were rejected in favour of the recommended approach as this is considered to be in the best interests of enhancing and sustaining the town centre's vitality and viability.

(The meeting was re-opened to the press and public at this point).

**06.EC.145 MINUTES**

The minutes of the meeting of the Executive Cabinet held on 9 November 2006 were confirmed as a correct record for signature by the Executive Leader.

**06.EC.146 MAXIMISING THE OPPORTUNITIES IN THE NEW LOCAL GOVERNMENT WHITE PAPER**

The Executive Cabinet considered a report of the Chief Executive which gave a general overview of the provisions contained in the new Local Government White Paper and their implications for Chorley.

The report highlighted, in particular, the Government's encouragement of two-tier Authorities to explore ways of improving the two-tier system for the benefit of local communities and services, including the submission of a limited number of two-tier pathfinder bids.

**Decision made:**

**That the Council be recommended:**

- (1) to enter into a discussion with Lancashire County Council and other Lancashire Authorities with a view to preparing an Improving Two-Tier Pathfinder bid for submission by 25 January 2007;
- (2) to agree this Council's Director of Policy and Performance chairing of a meeting of officers across Lancashire to prepare the bid;
- (3) to submit a bid to the North West Improvement Network's Communities of Interest programme for resources to support the development of the bid;
- (4) to request the Leader of the Council to regularly update the Executive Cabinet and Members of the Council on the progress of the bid and the potential implications for Chorley Borough Council.

**Reason for recommendation:**

In order to maximise the opportunities offered by the provisions of the White Paper for the benefit of local residents and service delivery.

**Alternative option(s) considered and rejected:**

None.

**06.EC.147 FORWARD PLAN**

The Council's Forward Plan for the four months period 1 December 2006 to 31 March 2007 was submitted for the information and comment of the Executive Cabinet. The Plan set out the details of the key decisions which the Executive Cabinet, individual Executive Members or Officers were expected to take during the four months period.

**Decision made:**

**That the Council's Forward Plan for the four month period 1 December 2006 to 31 March 2007, as now presented, be noted.**

**06.EC.148 DRAFT EQUALITY SCHEME**

The Executive Cabinet considered a report of the Director of Policy and Performance seeking agreement to a draft Equality Scheme.

The Council, in partnership with South Ribble Council, had commissioned Consultants in April 2006 to develop an Equality Scheme which would meet the Council's statutory requirements. The draft scheme produced would assist the Authority's delivery of the strategic objective requiring the improvement of the equality of opportunity and life chances for the Borough's residents by embedding equality and diversity outcomes across the Authority.

The Equality Scheme, which had been compiled following an extensive consultation with Council Members, Officers and community groups, outlined a commitment to the achievement of Level Three of the Equality Standard by March 2009. This Standard provided a framework for improving equality practice and producing equitable outcomes in service delivery, employment and pay.

**Decision made:**

**That the Council be recommended to approve the draft Equality Scheme as now presented.**

**Reason for recommendation:**

To ensure that the Council meets its statutory duties in relation to equality and diversity and is able to use the document as the main driver for taking forward work around equality, diversity and community cohesion.

**Alternative option(s) considered and rejected:**

None.

**06.EC.149 QUARTERLY PERFORMANCE REPORT, 2006/07 - MONITORING REPORT FOR PERIOD ENDING 30 SEPTEMBER 2006**

The Director of Policy and Performance presented a report monitoring the Council's performance during the second quarter of 2006/07 against the Council's Corporate Strategy and Best Value Performance Indicators (BVPIs).

Overall, the Council's performance on the delivery of the Corporate Strategy's key projects was good, with the majority of projects performing as planned.

The report also revealed a positive performance against the BVPIs during the quarter. Action Plans had been introduced to improve those areas where performance had declined for two consecutive periods and targets had missed by more than 5%. Whilst the timescale for the achievement of the BVPI relating to the percentage of buildings accessible to disabled persons might require revision, the Directors were confident that the planned improvements would achieve the target soon after the year end.

The report confirmed that the organisation continued to perform satisfactorily with service performance levels remaining high.

**Decision made:**

**That the report be noted.**

**06.EC.150 BUILDING ON BUSINESS PROCESS ARCHITECTURE**

The Executive Cabinet received a report of the Director of Finance on the Authority's involvement in a Business Process Architecture process with a significant Government funding contribution as part of the National Process Improvement Programme.

The project aimed to build on work previously developed by Blackburn with Darwen Council and other organisations to identify principles and methodologies to enable other authorities to improve their customer processes and to determine a best delivery model for any District Council.

It was anticipated that the project would produce ultimately a new organisation structure for Chorley with a defined change management programme that would enable the Authority to respond more effectively to the needs and aspirations of its customers, whilst making optimum use of all available resources.

The report outlined the basis elements and processes of the projects, entailing Consultant facilitated workshops, leading ultimately to the development of a blueprint for a transformed District Council organisation structure and a programme of the work required to implement the blueprint.

**Decision made:**



**That the report be noted.**

#### **06.EC.151 VALUE FOR MONEY SELF-ASSESSMENT**

The Director of Finance submitted a report enclosing the Authority's Use of Resources Value for Money Self-Assessment for 2006, which had been presented to the Council's external auditors for consideration. Fixed scores for all Councils were expected to be published by the Audit Commission in the spring of 2007.

In the light of the Audit Commission's commendations of the Council's 2005 Use of Resources Assessment, a Value for Money Framework for 2006 – 2009 had been compiled. The framework set out the Authority's strategic objectives and approach, key principles and plans for the embedding of a value for money culture throughout the organisation. The document encouraged a corporate approach and commitment to the achievement and improvement of value for money principles at all levels of the Authority.

#### **Decisions made:**

- 1. That the Council's Use of Resources Value for Money Self Assessment for 2006, as now presented, be noted.**
- 2. That the Value for Money Framework for 2006 – 2009, as now presented, be approved for implementation.**

#### **Reason for decisions:**

The implementation of the Value for Money Framework will ensure a more strategic approach to the effective achievement of value for money in the delivery of services.

#### **Alternative option(s) considered and rejected:**

None.

#### **06.EC.152 CAPITAL PROGRAMME, 2006/07 - MONITORING**

The Executive Cabinet was presented with a joint report of the Executive Director – Corporate and Customer and the Director of Finance on the progress of the 2006/07 Capital Programme.

The report recommended an increase in the 2006/07 Capital Programme to £16,682,490 and contained a number of recommendations of the Capital Efficiency Programme Board to revise the capital budget allocation for a number of projects requiring additional resources and to include a number of new Category 'B' and Category 'C' schemes within the capital programme.

#### **Decision made:**

**That the Council be recommended:**

- (1) to approve the revised Capital Programme for 2006/07 in the sum of £16,682,490, as presented in Appendix 1 to the submitted report;**
- (2) to agree the removal of the Ecclestone Community Centre bid from the reserve list;**
- (3) to approve the following recommendations of the Capital and Efficiency Programme Board.**

**Exception Reports**

- (a) a £12,910 increased in the Kerbside Recycling budget to be funded from prudential borrowing;
- (b) the additional design fee of £16,808 to be funded from existing resources.

**New Capital Schemes and Projects**

- (c) the inclusion of the following new schemes on the reserve list (Category 'C') for future consideration when resources become available:

1. Cemetery Development
2. Tree Management
3. Corporate Play Development Plan – Year Five Project 'Chorley Moor'
4. Grant towards a community centre in Ecclestone
5. Grant scheme for village halls and community centres
6. Astley Hall CCTV
7. Brinscall Swimming Pool
8. HR Management System

- (d) the inclusion of the following new schemes in Category 'B' of the 2006/07 capital programme:

1. Telephony Review
2. Brinscall Village Junior Football Club Pitch Improvements
3. Ulmes Walton Parish Council Schemes
4. Adlington Play Development

**Reasons for recommendations:**

To make provision for schemes that are either overspending or require additional resources and to bring forward new schemes for inclusion in the capital programme.

**Alternative option(s) considered and rejected:**

None.

**06.EC.153 CAPITAL PROGRAMMES 2007/08 TO 2009/10**

The Director of Finance submitted a report which presented the committed Capital Programme for 2007/08 to 2009/10 and a schedule of the potential Category 'C' reserve list of schemes assessed by the Capital and Efficiency Programme Board.

The Capital Programme for 2007/08 to 2009/10 totalling £4,238,700 (of which £3,074,950 would be required from Council resources) was shown within Appendix 1 to the submitted report. The projected Category 'C' bids for inclusion in the Capital Programme were scheduled in Appendix 2 to the report, with additional information on the proposed schemes being outlined in Appendix 4 to the report.

A table set out in Paragraph 17 of the Director's report identified a number of proposed new Category 'C' schemes, totalling £1,095,990, which the Officers considered would accord with the Council's corporate priorities and complement the Council's community leadership programme. The report also referred to the proposed financing arrangements and anticipated revenue implications.

**Decision made:**

**That the Council be recommended to approve, for consultation purposes, the draft Capital Programme for 2007/08 to 2009/10, as outlined in the submitted report of the Director of Finance, together with the proposed financing arrangements.**

**Reasons for recommendation:**

The Council needs to review its medium-term capital investment requirements in the context of the investment that is required to achieve its strategic objectives and the consideration of affordability.

The use of S106 resources in 2006/07 instead of external borrowing will save borrowing costs in 2007/08.

**Alternative option(s) considered and rejected:**

None.

**06.EC.154 REVENUE BUDGET, 2006/07 - MONITORING**

The Executive Cabinet received a report of the Director of Finance monitoring the current financial position of the Council in comparison with the budgetary and efficiency savings targets for 2006/07 in respect of the General Fund and the Housing Revenue Account.

The report contained details of the significant budget variations that had occurred since the last monitoring report, which had effectively reduced the projected overspend of the General Fund from £170,000 to £67,000. While progress continued to be made towards the achievement of the overall corporate savings target of £278,000, the intense monitoring of spending, particularly in a number of identified areas, would continue in order to achieve the cash savings target.

The position in relation to the Housing Revenue Account had also improved in that the forecasted balances at the end of the year had increased to £973,000.

The Executive Cabinet also noted an additional report appended to the Director of Finance's report on the current position in respect of the concessionary travel scheme in Chorley. While there was likely to be sufficient funding to cover the likely increase in the budgeted sum for 2006/07, the Council would need to determine any required changes to the scheme to be introduced in 2007. A range of options aimed at reducing the costs of the service were being examined by the Concessionary Travel Working Group.

**Decision made:**

**That the report be noted.**

**06.EC.155 DRAFT GENERAL FUND REVENUE BUDGET FOR 2007/08**

The Executive Cabinet considered a report of the Director of Finance setting out the savings targets, budget assumptions and relevant factors that would influence the proposals to deliver a balanced budget for 2007/08.

The report sought approval to the suggested consultation process on the draft budget plan aimed at delivering the objectives of the revised Corporate Strategy and the Council's new priorities. The budget proposals would make provision for limited growth and investment through a redistribution of resources in line with the Executive's strategy to freeze Chorley Council's proportion of Council Tax for 2007/08.

The report also incorporated the Director's initial statutory advice to the Council on the adequacy of resources and robustness of the budget proposals under Section 25 of the Local Government Act 2003.

**Decision made:**

1. That the savings and draft budget proposals, as outlined in the in the Director of Finance's submitted report, be approved for public consultation purposes.
2. That approval be given to the outlined consultation process.
3. That the Director of Finance's advice on the draft budget proposals provided under Section 25 of the Local Government Act 2003, particularly in relation to the maintenance of working balances within the range set out in the Medium Term Financial Strategy, be noted.

**Reason for decision:**

In order to commence the statutory budget consultation procedure for 2007/08.

**Alternative option(s) considered and rejected:**

None.

**06.EC.156 AREA FORUM PILOT SCHEME**

The Chief Executive presented a report reviewing the outcome of the Area Forum Pilot Scheme, following the conclusion of the three rounds of meetings in the pilot areas of Clayton-le-Woods North Ward, Coppull Parish and Lostock Ward between February and October 2006.

As a result of the success and positive feedback from the pilot meetings, the Executive Cabinet was recommended to extend the pilot scheme Borough-wide by the introduction of four Community Forums (ie Central, East, South and West) that, collectively, would cover the whole of the Borough. A plan showing the boundaries and populations of each of the four projected Community Forum areas, and the recommended procedure rules to be applied to the Forums, were appended to the report.

A note summarising the views of the Overview and Scrutiny Committee on the proposals was circulated at the meeting. The Overview and Scrutiny Committee had expressed reservations, in particular, on the size of the projected Community Forum footprints and the division and linkage of Parish Councils between the four Forum areas. In response, the Member for Customer, Democratic and Legal Services clarified that the Community Forum concept was aimed at enhancing and complementing Parish Councils and the Chief Executive confirmed that the Community Forum footprint would be reviewed on an annual basis.

**Decisions made:**

**That the Council be recommended:**

- (1) to give approval to the establishment of 4 Community Forums on the footprint as set out in the attached report with effect from February 2007, together with the enclosed draft terms of reference for the Forums;

- (2) to note that, in accordance with Paragraph 27.2 of the Council's Procedure Rules, the following recommendation is adjourned without further discussion to the next Ordinary Council meeting on 23 January 2007:

**"To authorise the addition of the text of the Community Forum Procedure Rules, as outlined in the addendum to the attached Chief Executive's report, to the Council Procedure Rules set out in Part A of Appendix 3 to the Council's Constitution", and**

- (3) to give consideration at the next Ordinary meeting of the Council on 23 January 2007 to the appointment of a Chair of all the 4 Community Forums, and the appointment of a Vice-Chair for each of the separate Community Forums.

**Reason for recommendation:**

The introduction of Community Forums will accord with the Government's promotion of neighbourhood working and will assist the achievement of the Council's corporate priority to involve people in their communities.

**Alternative option(s) considered and rejected:**

Abandonment of the Area Forum concept.

**06.EC.157 ASTLEY PARK - PROGRESS REPORT**

The Director of Development and Regeneration presented a report on the current progress on the multi-faceted project to regenerate and restore Astley Park with Heritage Lottery Fund grant money.

Tenders for the main landscape contract were being evaluated, with the work programmed to commence in December 2006. Tenders had been issued for the building contract with the work expected to start in January/February 2007, following the evaluations exercise.

The report highlighted a few aspects of the project that were currently being reviewed, including the uncertainty that remained in respect of the inclusion of the pets' corner in the park. A consultation exercise was to be undertaken to ascertain the public's views on the retention or otherwise of the facility and the report commented on the financial implications of a decision to seek the omission of the pets' corner from the overall scheme.

The report also confirmed that the costs of the project remained currently within budget and that the overall forecasted completion date remained well within the period for the expiry of the Heritage Lottery funding on 31 December 2008.

**Decision made:**

**That the report be noted.**

**06.EC.158 EXCLUSION OF PRESS AND PUBLIC**

**Decision made:**

**That the press and public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in Paragraphs 1, 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972.**

**06.EC.159 BRINSCALL BATHS**

The Executive Cabinet considered a confidential report of the Director of Leisure and Cultural Services on proposals to secure the completion of initial refurbishment works at Brinscall Pool, and subsequent operational arrangements, in order to secure its medium to long-term future.

A recent survey had revealed the necessity for initial essential repairs and maintenance work to be undertaken at a capital cost of £190,000. The completion of additional non-essential repair and maintenance works would need to be addressed as a medium to long term project.

The report also recommended the incorporation within the recently negotiated contract with Community Leisure Services for the management of All Seasons and Clayton Green Leisure Centres of provision for the operation of Brinscall Pool, subject to the insertion of break clauses to safeguard the Council's interest in the event of major failings. It was envisaged that the likely annual operation costs of £37,000 would be met from the current contract provision for repairs and maintenance.

**Decisions made:**

- 1. That approval be given to the recommended approach to safeguarding the medium to long-term future of Brinscall Pool as outlined in the submitted report.**
- 2. That provision for both the initial capital investment of £190,000 for essential major work at Brinscall Pool and the ongoing revenue contribution of £37,000 for the operation of the Pool be considered as part of the Council's budget deliberations for 2007/08.**
- 3. That responsibility be delegated to the Indoor Leisure Committee to approve any variations to the contractual arrangements outlined in the submitted report.**

**Reason for decision:**

The proposals are aimed at safeguarding the medium to long-term future of the Brinscall Pool.

**Alternative option(s) considered and rejected:**

A decision not to invest in Brinscall Pool was rejected and it was likely that the decision could lead ultimately to the closure of the Pool.

The transfer of the Pool to community management was rejected as there was no local support for this model of delivery.

**06.EC.160 DEVELOPMENT AND REGENERATION DIRECTORATE - RESTRUCTURE**

The Executive Cabinet considered a report of the Director of Development and Regeneration on proposals for the restructure of the Directorate.

The proposals, in particular, took account of the close links between Development Control and Building Control issues, the impact of technological advances and e-planning processes, the key roles afforded to economic regeneration and town centre strategies and the projected transfer of the housing stock to Chorley Community Housing.

It was anticipated that the proposals would deliver overall cost savings in the region of £108,500.

The overall aim of the proposals was to provide a more simplified structure that would be capable of delivering the Council's corporate strategy in an effective and efficient manner.

**Decision made:**

**That the proposals to revise the staffing structure of the Development and Regeneration Directorate, as outlined in the submitted report, be approved for consultation with staff and trade unions.**

**Reason for decision:**

The proposals are aimed at providing a 'fit for purpose' structure for the Development and Regeneration Directorate.

**Alternative option(s) considered and rejected:**

A range of other structures have been considered and rejected because either they did not fulfil corporate objectives or had additional cost implications.

**06.EC.161 INFORMATION AND COMMUNICATIONS TECHNOLOGY DIRECTORATE - RESTRUCTURE**

The Director of Information and Communications Technology presented a report on proposals to restructure his Directorate.

The restructure plans had been compiled in the light of the impending transfer of the housing stock and the outsourcing of the Property Services function, whilst having regard to the Directorate's involvement in key corporate projects and the need to maintain adequate support of the Council's complex technological environment.

**Decision made:**

**That the proposals to revise the staffing structure of the Information and Communications Technology Directorate, as outlined in the submitted report, be approved for consultation with staff and trade unions.**

**Reason for decision:**

The proposals are considered the most effective means of achieving the necessary savings, whilst maintaining a sustainable service.

**Alternative option(s) considered and rejected:**

None.

**06.EC.162 FINANCE DIRECTORATE - RESTRUCTURE**

The Executive Cabinet considered a report of the Director of Finance outlining proposals for the restructure of his Directorate.

The plans, in particular, had taken account of the significant emphasis to transfer front end services (including Benefits and Council Tax) into the Contact Centre, the need to achieve budget efficiencies as part of the budgetary process, the impending transfer of the housing stock, the efficiencies generated by e-government processes and the need to strengthen a number of sections within the Directorate.

The restructure proposals were envisaged to generate savings in the region of £116,000.

**Decision made:**

**That the proposals to revise the staffing structure of the Finance Directorate, as outlined in the submitted report, be approved for consultation with staff and trade unions.**

**Reasons for decision:**

The proposals are aimed at achieving the savings required to balance the Council's budget in 2007/08 and to meet the requirement for resources for the Contact Centre.

**Alternative option(s) considered and rejected:**

None.

**06.EC.163 STREETSCENE, NEIGHBOURHOODS AND ENVIRONMENT DIRECTORATE - RESTRUCTURE, RECONFIGURATION OF SERVICES AND BUDGET SAVINGS PROPOSALS.**

The Director of Streetscene, Neighbourhoods and Environment submitted a report outlining details of proposals to alter the staffing structure of his Directorate.

The proposals, in particular, aimed to:

- deliver a revised operational management structure for the Directorate's activities as a consequence of the earlier Phase I restructure;
- deliver revised arrangements for the delivery of crime and disorder improvements by the development of a new Multi-Agency Tasking and Deployment process;
- support the establishment of up to 22 additional Police Community Support Officers, partly delivered by the closure of the Council's existing Neighbourhood Warden service; and
- strengthen a number of sections within the Directorate (eg Waste Management Team).

The restructure proposals were envisaged to generate total savings in the region of £339,000 in 2007/08.

In response to concerns expressed at the disengagement of the Neighbourhood Warden service, the Executive Cabinet was reminded that the proposals to strengthen the Police Community Support Officer service would enable the Council to take advantage of available Home Office funding, increase Officer presence within the community and establish close links with the MAPS Team and Environment Officers.

**Decisions made:**

1. **That the proposals to revise the staffing structure of the Streetscene, Neighbourhoods and Environment Directorate, as outlined in the submitted report, be approved for consultation with staff and trade unions.**
2. **That approval be given to the capital expenditure detailed in the Outline Business Case for the Intelligence Management Infrastructure Development.**



3. That the Executive Leader, in consultation with the Director of Streetscene, Neighbourhoods and Environment and the Director of Human Resources, be given delegated authority to agree variations to the proposals following the consultation process and to implement the recommendations accordingly.

Executive Leader

This page is intentionally left blank

Revision History

Revision Date	Previous Revision Date	Version
Approved by Overview and Scrutiny Committee and Executive Cabinet	02/03/06 09/03/06	1
Approved by Overview and Scrutiny Committee	05/09/06	2
Overview & Scrutiny Committee Executive Cabinet	10/01/07 11/01/07	3



# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN



## OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

This Overview and Scrutiny Improvement Plan forms part of the Council's Performance Management process. The document brings together areas of existing good practice and areas for improvement which have been identified, following the compilation of the Centre for Public Scrutiny self-evaluation framework at a workshop session held on 20 October 2005, attended by Members of the Council and the Senior Management Group. These areas are those which the Council will be focusing its attentions on to remove the barriers to the Council achieving its corporate vision of excellence.

This Overview and Scrutiny Improvement Plan will be kept up to date and will form the key control document for the Executive Cabinet and the Overview and Scrutiny Committee to ensure that improvement plans for Scrutiny are kept on track, to help deliver the Council's Performance Agreement and Corporate Strategy.

We want to share our progress with everyone and regular updates will be posted to the Council's website at [www.chorley.gov.uk](http://www.chorley.gov.uk). In addition, we will provide regular information on how we are doing through the Council's newspaper, Chorley Borough News, and through regular press releases.

If you have any comments relating to the Overview and Scrutiny Improvement Plan or require any further information, please contact:

Steve Pearce  
Assistant Head of Democratic Services  
Town Hall, Market Street  
Chorley, PR7 1DP

Telephone No. 01257 515196  
Fax No. 01257 515150

eMail: [steve.pearce@chorley.gov.uk](mailto:steve.pearce@chorley.gov.uk)



Councillor P Goldsworthy, Executive Leader



Councillor J Walker  
Executive Member for Customers, Democratic and  
Legal Services



Councillor D Edgerley  
Chairman of the Overview and Scrutiny  
Committee

# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

1	2	3	4	5	6	7	8		9
SCRUTINY PRINCIPLE	FOCUS	EVIDENCE OF WHAT WE DO WELL	OPPORTUNITIES IDENTIFIED FOR IMPROVEMENT	ACTIONS PLANNED	EXPECTED OUTCOMES	BY WHEN	BY WHOM	PROGRESS UPDATE	
							Officer	Member	
1. Provide 'critical friend' challenge	1.1 Does scrutiny provide an effective challenge to the Executive?	<ul style="list-style-type: none"> <li>➢ Non Cabinet Members can attend Cabinet meetings - receive all papers</li> <li>➢ Revised Forward Plan</li> <li>➢ Toolkit</li> <li>➢ Pls and Business Plans quarterly</li> <li>➢ Non political in the main</li> <li>➢ Shadow Executive Cabinet members appointed</li> </ul>	<ul style="list-style-type: none"> <li>• Some members reluctant to criticise Executive - more commitment/need for training</li> <li>• Need to improve Executive Cabinet involvement in scrutiny</li> <li>• Increase public awareness</li> <li>• Feed success back to public</li> <li>• Officer support for O&amp;S</li> <li>• Call-in should be used more</li> <li>• Provide the opportunity for Scrutiny Members to question Executive Members</li> </ul>	<ol style="list-style-type: none"> <li>1. Implement Overview and Scrutiny training sessions on a regular basis for:                             <ul style="list-style-type: none"> <li>• Executive Cabinet Members</li> <li>• Scrutiny Committee/ Panel members</li> <li>• Overview and Scrutiny Committee/ Panel chairs</li> <li>• SMG Officers</li> <li>• Democratic Services Section</li> </ul> </li> <li>2. Introduce questions with notice to Executive Members at Council meetings</li> </ol>	<ol style="list-style-type: none"> <li>1. Clear understanding of Overview and Scrutiny function</li> </ol>	July 2007	Steve Pearce/Sue Baxendale	Councillor M Lees	Proposals for a programme of Overview and Scrutiny training sessions to be delivered by the Improvement and Development Agency from June 2007 are currently being finalised
	1.2 How does scrutiny have an impact on the work of the Executive?	<ul style="list-style-type: none"> <li>➢ Scrutiny Reviews - evidence gathering</li> </ul>	<ul style="list-style-type: none"> <li>• Call-in (used once) - should be received positively</li> <li>• Ensure appropriate Cabinet Members attend Inquiry hearings</li> <li>• Increase public involvement in O&amp;S to initiative topics</li> </ul>	<p style="text-align: center;">See Item 1</p> <ol style="list-style-type: none"> <li>3. Actively invite public to submit Overview and Scrutiny topics</li> </ol>	<ol style="list-style-type: none"> <li>2. More effective 'critical friend' challenge to the Executive</li> <li>3. Improved public involvement in Overview and Scrutiny</li> </ol>	October 2006	Donna Hall	Councillor J Walker	Implemented – Council agreed on 31 October 2006 to the introduction of public questions/speaking at various Council meetings
						June 2006	Steve Pearce	Councillor J Walker	On-going – Increased publicity on the scrutiny process to be given in the Chorley Borough News, local media and through the Community Forum meetings.

# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

1	2	3	4	5	6	7	8		9
SCRUTINY PRINCIPLE	FOCUS	EVIDENCE OF WHAT WE DO WELL	OPPORTUNITIES IDENTIFIED FOR IMPROVEMENT	ACTIONS PLANNED	EXPECTED OUTCOMES	BY WHEN	BY WHOM		PROGRESS UPDATE
							Officer	Member	
	1.3 How does scrutiny routinely challenge the authority's corporate strategy and budget?	<ul style="list-style-type: none"> <li>Business Plans and PI's go to O&amp;S committee/Panels every quarter</li> <li>Monthly financial monitoring reports go to O&amp;S Committee</li> </ul>	<ul style="list-style-type: none"> <li>Scrutiny members should have more say in strategic items from the start</li> <li>O&amp;S Committee to meet prior to Executive Cabinet to scrutinise reports</li> <li>More training on budget process</li> <li>Presentations on strategic issues to O&amp;S members</li> <li>Scrutiny of budget process needs to be improved.</li> <li>Improved monitoring of performance</li> </ul>	<ol style="list-style-type: none"> <li>Improved scrutiny of draft policy and strategy documents before they are agreed for consultation purposes.</li> <li>Improved scrutiny of budget</li> <li>Improved scrutiny of performance management within the authority</li> </ol>	<ol style="list-style-type: none"> <li>Effective scrutiny of policy and strategic documents</li> <li>Effective scrutiny of budget</li> <li>Effective performance management</li> </ol>	<p>March 2006</p> <p>From March 2006</p> <p>December 2006</p>	<p>Donna Hall</p> <p>Gary Hall</p> <p>Donna Hall</p>	<p>Councillor J Walker</p> <p>Councillor D Edgerley</p> <p>Councillor D Edgerley</p>	<p>Implemented - Executive Cabinet agreed on 8 September 2005 that all draft policy/strategy documents should be submitted to the Overview and Scrutiny Committee</p> <p>Implemented - the Overview and Scrutiny Committee/Panels will be scrutinising elements of the budget for 2006/07 during January 2007</p> <p>Ongoing - Performance Management Data is submitted to the Overview and Scrutiny Committee/Panels on a quarterly basis.</p> <p>Ongoing - The Corporate and Customer Overview and Scrutiny Panel commenced a scrutiny inquiry into the Contact Centre Partnership agreement with Lancashire County Council in July 2006.</p> <p>Other local partnership bodies will be included in the Overview and Scrutiny Work Programme in due course following the establishment of the new management structure for the Chorley Partnership (LSP).</p>
	1.4 Are external partners involved in scrutiny and how are they included?	<p>Scrutiny Inquiries on:</p> <ul style="list-style-type: none"> <li>Flooding</li> <li>One Stop Shop</li> <li>Juvenile nuisance - Youth and Community Service</li> <li>Parkwise</li> </ul>	<ul style="list-style-type: none"> <li>CBC to scrutinise partners and vice versa</li> <li>Scrutinise LOC</li> <li>Ask partners/consultative bodies for topics/comments</li> <li>Bring 'everyone' together to improve service delivery</li> <li>LSP improvement proposals to be discussed at Scrutiny</li> </ul>	<ol style="list-style-type: none"> <li>Implement scrutiny of external partners</li> </ol>	<ol style="list-style-type: none"> <li>Focused scrutiny of local partnership bodies</li> </ol>	<p>December 2006</p>	<p>Donna Hall</p>	<p>Councillor D Edgerley</p>	

# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

1	2	3	4	5	6	7	8		9
SCRUTINY PRINCIPLE	FOCUS	EVIDENCE OF WHAT WE DO WELL	OPPORTUNITIES IDENTIFIED FOR IMPROVEMENT	ACTIONS PLANNED	EXPECTED OUTCOMES	BY WHEN	BY WHOM		PROGRESS UPDATE
							Officer	Member	
	<p><b>1.5 Does scrutiny work effectively with the Executive and senior management?</b></p>	<p>➤ Overview and Scrutiny Chair presents Inquiry Reports to Executive Cabinet</p>	<ul style="list-style-type: none"> <li>Meetings between Leader/Chief Executive with O&amp;S Chairs</li> <li>Prioritise key issues for scrutiny</li> <li>Member training on the 'real issues'/chairing skills/O&amp;S Procedures/Role of the Executive and Senior Management</li> <li>Capacity of Councillors</li> <li>SMG to refer policy docs to Overview and Scrutiny Committee prior to consultation</li> </ul>	<p>8. (a) Programmed meetings of Overview and Scrutiny chairs with officers</p> <p>(b) Programmed meetings of Overview and Scrutiny chairs with Executive Leader/Chief Executive</p> <p>See Item 1</p> <p>See Item 4</p>	<p>8. Effective working relationship between Overview and Scrutiny Chair with Leader/Chief Executive</p>	<p>From May 2006</p>	<p>Donna Hall</p>	<p>Councillor P.Godsworthy</p>	<p>Implemented -</p> <p>a) Meetings with Overview and Scrutiny Chairs to be held every Committee cycle.</p> <p>b) programmed meetings to be held on a quarterly basis.</p>
<p><b>2. Reflect the voice and concerns of the public and its communities</b></p>	<p><b>2.1 How is the work of the scrutiny informed by the public?</b></p>	<p>➤ Recommendations at front of report</p> <p>➤ Consult partnerships and relevant organisations</p> <p>➤ Articles in newspaper and website</p> <p>➤ Regular monitoring reports on Inquiries</p>	<ul style="list-style-type: none"> <li>Need to be more proactive rather than reactive</li> <li>More effective communications with partners</li> <li>More information on website and Borough News</li> <li>Regular Overview and Scrutiny articles in Borough News</li> <li>Ensure widespread distribution of Borough News</li> </ul>	<p>9. Improved communication/ publicity of Overview and Scrutiny activities</p>	<p>9. Effective publicity for Overview and Scrutiny inquiries/activities</p>	<p>From May 2006</p>	<p>Steve Pearce/ Shelley Wright</p>	<p>Councillor D Ederley</p>	<p>Ongoing - publicity provided for the Parkwise Scrutiny Inquiry in June 2006</p> <p>Regular publicity on scrutiny issues to be provided in the Chorley Borough News.</p>

# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

1	2	3	4	5	6	7	8		9
							BY WHOM	Member	
SCRUTINY PRINCIPLE	FOCUS	EVIDENCE OF WHAT WE DO WELL	OPPORTUNITIES IDENTIFIED FOR IMPROVEMENT	ACTIONS PLANNED	EXPECTED OUTCOMES	BY WHEN	Officer	Member	PROGRESS UPDATE
	<p><b>2.2 How does scrutiny make itself accessible to the public?</b></p>	<ul style="list-style-type: none"> <li>➢ Questionnaires to relevant parties</li> <li>➢ Citizens Panel</li> <li>➢ Members reflect public complaints for inquiry requests</li> <li>➢ Regular slot in Borough News</li> </ul>	<ul style="list-style-type: none"> <li>• Improved communication between Council its partners and other non-executive members - better external and internal communication</li> <li>• Lack of facilities for public participation</li> <li>• Capacity and resource issues</li> <li>• Encouragement of public to comment on Inquiries (eg through Press Articles)</li> </ul>	<p>See Item 9</p>					
	<p><b>2.3 How does scrutiny communicate?</b></p>	<ul style="list-style-type: none"> <li>➢ Publish articles in newspaper</li> <li>➢ Inform consultees of inquiry results</li> <li>➢ Overview and Scrutiny toolkit</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity issues</li> <li>• Better consultation with partners in inquiry/meetings timetable</li> <li>• Time constraints on Member participation</li> <li>• Members ability to attend meetings</li> <li>• Members training opportunities - for both Executive and Scrutiny Members</li> <li>• Executive Members attendance at scrutiny meetings</li> </ul>	<p>See Item 9</p>					
				<p>See Item 1</p>					
				<p>See Item 1</p>					



# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

1	2	3	4	5	6	7	8		9
SCRUTINY PRINCIPLE	FOCUS	EVIDENCE OF WHAT WE DO WELL	OPPORTUNITIES IDENTIFIED FOR IMPROVEMENT	ACTIONS PLANNED	EXPECTED OUTCOMES	BY WHEN	BY WHOM		PROGRESS UPDATE
							Officer	Member	
3. Take the lead and own the scrutiny process	3.1 Does scrutiny operate with political impartiality	<ul style="list-style-type: none"> <li>➢ Non political</li> <li>➢ No pressure is placed on Members</li> <li>➢ Consensus amongst all on issues</li> <li>➢ Smaller Panels (10 Members)</li> <li>➢ Collect evidence</li> <li>➢ Opposition Chairs</li> <li>➢ More transparent</li> <li>➢ Referral of Issue from Exec for Scrutiny</li> </ul>	<ul style="list-style-type: none"> <li>• Improvement of the understanding/more training on the scrutiny process</li> </ul>	<p>See Item 1 and</p> <p>10. Revise/update Overview and Scrutiny toolkit</p>	<p>10. Updated Overview and Scrutiny toolkit in line with current best practice in other local authorities</p>	May 2007	Steve Pearce	Councillor D Edgerley	Ongoing - Toolkit to be reviewed by Member/Officer Working Group.
	3.2 Does scrutiny have ownership of its own work programme?	<ul style="list-style-type: none"> <li>➢ We do have a work programme</li> <li>➢ We decide Members contribution</li> <li>➢ We monitor regularly the work programme</li> <li>➢ Criteria for choosing Scrutiny Inquiries</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to get the correct information</li> <li>• Need to examine the skills required</li> <li>• External organization to improve timescales</li> </ul>	<p>11. Public invited to submit scrutiny inquiry topics</p> <p>12. Rolling Overview and Scrutiny work programme to be produced prior to each municipal year following consultation with members/partners/public [To be based on the Corporate Strategy]</p>	<p>11. Improved public involvement in Overview and Scrutiny</p> <p>12. Improved/co-ordinated annual work programme</p>	From June 2006  From June 2006	Steve Pearce  Donna Hall	Councillor D Edgerley  Councillor D Edgerley	<p>Ongoing - Public to be invited to submit topics through articles in the Chorley Borough News and publicity at the Community Forum meetings.</p> <p>Ongoing - Improved rolling work programme approved by Overview and Scrutiny Committee on 29/7/06 - Topics all based on issues in the corporate strategy.</p>
	3.3 Do scrutiny members consider that they have a worthwhile and fulfilling role?	<ul style="list-style-type: none"> <li>➢ We have a greater response from the Executive</li> <li>➢ Monitoring of Recommendation from Inquiries</li> <li>➢ Most Members are enthusiastic</li> </ul>	<ul style="list-style-type: none"> <li>• Lack of experience</li> <li>• More training</li> </ul>	<p>-</p> <p>See Item 1</p>					

# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

1	2	3	4	5	6	7	8		9
							BY WHOM Officer	Member	
SCRUTINY PRINCIPLE	FOCUS	EVIDENCE OF WHAT WE DO WELL	OPPORTUNITIES IDENTIFIED FOR IMPROVEMENT	ACTIONS PLANNED	EXPECTED OUTCOMES	BY WHEN	BY WHOM	PROGRESS UPDATE	
4 Make an impact on service delivery	3.4 Is there a current constructive working partnership with officers including support arrangements for scrutiny?	<ul style="list-style-type: none"> <li>➢ Officers attend and present reports</li> <li>➢ Support from officers</li> <li>➢ Toolkit</li> <li>➢ Acceptance of Scrutiny Inquiry Recommendations by the Executive Cabinet</li> </ul>	<ul style="list-style-type: none"> <li>• Improve Chairing skills</li> <li>• Members lack of knowledge of Officers functions</li> </ul>	<p>See Item 8</p> <p>See Item 1</p>					
	4.1 How is the scrutiny workload coordinated and integrated in to corporate processes?	<ul style="list-style-type: none"> <li>➢ Panels shaped around corporate priorities eg Markets inquiries</li> <li>➢ Executive Cabinet has accepted majority of recommendations</li> <li>➢ Financial implications now included in Scrutiny reports</li> <li>➢ Corporate priorities in topic selection</li> <li>➢ Reports are requested on agendas by Members</li> <li>➢ Councillors can request scrutiny inquiries</li> </ul>	<ul style="list-style-type: none"> <li>• Training/ understanding of Forward Plan Scrutiny of the budget needs to be non political</li> <li>• early sharing of budgets</li> <li>• executive and scrutiny look at budget at same time</li> <li>• Identify resources aligned when considering rec's (where is the money coming from)</li> <li>• Ensure scrutiny topics are in line with the corporate priorities</li> </ul>	<p>See Item 1</p> <p>See Item 5</p> <p>See Item 5</p> <p>See Item 10</p> <p>See Item 10</p>					

# OVERVIEW AND SCRUTINY IMPROVEMENT PLAN

1	2	3	4	5	6	7	8		9
SCRUTINY PRINCIPLE	FOCUS	EVIDENCE OF WHAT WE DO WELL	OPPORTUNITIES IDENTIFIED FOR IMPROVEMENT	ACTIONS PLANNED	EXPECTED OUTCOMES	BY WHEN	BY WHOM	Member	PROGRESS UPDATE
							Officer		
	<p><b>4.2 What evidence is there to show that scrutiny has contributed to improvement ?</b></p> <p><b>4.3 How well is information required by scrutiny managed?</b></p>	<ul style="list-style-type: none"> <li>➢ Results of inquiries - recs eg grass cutting, One Stop Shop, housing maintenance</li> <li>➢ Executive Cabinet have accepted the majority of recommendations</li> <li>➢ Have monitoring reports on inquiry rec's (every six months)</li> <li>➢ Annual report on Overview and Scrutiny activities</li> <li>➢ Planning/scoping and toolkit good</li> <li>➢ Info received good</li> <li>➢ Officer support good</li> <li>➢ Do consult with partner groups</li> <li>➢ Do go on site visits/consider best practice</li> </ul>	<ul style="list-style-type: none"> <li>• Set up small groups to look at issues for scrutiny</li> <li>• Encourage the public to "call-in"/participate in scrutiny</li> <li>• Need to raise awareness of Scrutiny</li> <li>• Officer resources planned throughout the year - clear plan at start of year (impact of inquiries)</li> <li>• Annual review to ensure the quality of recommendations submitted to the Executive</li> <li>• Lessons learnt at the end of inquiries (what could we do better?)</li> <li>• Percentage of recommendations approved as PI (Scrutiny Performance)</li> </ul>	<p>13. Annual review of Overview and Scrutiny function.</p> <p>See Item 12</p> <p>See Item 10</p>	<p>13. Effective and efficient Overview and Scrutiny function following a review of the existing structure.</p>	May 2007	Donna Hall	Councillor J Walker	<p>Overview and Scrutiny structure to be reviewed prior to May 2007.</p> <p>Assessment event to be held in late 2007.</p>

This page is intentionally left blank

# CHORLEY BOROUGH COUNCIL FORWARD PLAN FOR THE FOUR MONTH PERIOD 1 JANUARY 2007 TO 30 APRIL 2007

This Forward Plan sets out the details of the key decisions, which the Executive Cabinet, individual Executive Members or Officers expect to take during the next four-month period. The Plan is rolled forward every month and is available to the public 14 days before the beginning of each month.

A Key Decision is defined as:

1. Any executive decision (as opposed to a regulatory decision) which is likely to result in the Council incurring significant expenditure or the making of savings where there is:
  - A change in service provision that impacts upon the service revenue budget by £100,000 or more, or
  - A contract worth £100,000 or more, or
  - A new or unprogrammed capital scheme of £100,000 or more.
2. Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in two or more electoral wards - This includes any plans or strategies which are not within the meaning of the Council's Policy Framework set out in Article 4 of the Council's Constitution.
3. As a matter of local choice, the Forward Plan also includes the details of any significant issues to be initially considered by the Executive Cabinet and submitted to the Full Council for approval.

The current members of the Executive Cabinet are:

Councillor Peter Goldsworthy	Leader of the Council
Councillor Patricia Case	Deputy Leader and Executive Member for Corporate, Policy and Performance
Councillor Eric Bell	Executive Member for Streetscene, Neighbourhoods and Environment
Councillor Alan Cullens	Executive Member for Resources
Councillor Peter Malpas	Executive Member for Economic Development and Regeneration
Councillor Mark Perks	Executive Member for Health, Leisure and Well Being
Councillor John Walker	Executive Member for Customer, Democratic and Legal

Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each key decision, within the time period indicated.

Under the Access to Information Procedure Rules set out in the Council's Constitution, a Key Decision may not be taken, unless:

- It is published in the Forward Plan;
- 5 clear days have lapsed since the publication of the Forward Plan; and
- If the decision is to be taken at a meeting of the Executive Cabinet, 5 clear days notice of the meeting has been given.

The law and the Council's Constitution provide for urgent key decisions to be made, even though they have not been included in the Forward Plan in accordance with Rule 18 (General Exception) and Rule 19 (Special Urgency) of the Access to Information Procedure Rules.

Copies of the following documents may be inspected at the Town Hall, Chorley, PR7 1DP or accessed from the Council's website: [www.chorley.gov.uk](http://www.chorley.gov.uk)

- Council Constitution
- Forward Plan
- Reports on the key decisions to be taken
- The minutes or decision notice for each key decision, which will normally be published within 5 working days after having been made

Members of the public are welcome to attend meetings of the Executive Cabinet, which are held at the Town Hall, Chorley. The dates and times of the meetings are published on [www.chorley.gov.uk](http://www.chorley.gov.uk) or you may contact the Democratic Services Section on telephone number 01257 -515118 for further details.

**D Hall**  
**Chief Executive**

**Publication Date: 19 December 2006**

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Earliest Date decision can be taken</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representation s may be made to the following officer by the date stated</b>
Approval of Housing Rents and other charges	Executive Cabinet	Executive Member for Development and Regeneration and Executive Member for Resources	11 Jan 2007	Tenants and Shadow Housing Management Board	Tenant Meetings	Report of the Executive Director - Environment and Community	Executive Director - Environment and Community Tel: 01257 515500 Monday 18 December 2006
Approval of Leisure and Cultural Services Fees and Charges 2007/08	Executive Member Decisions - Health, Leisure and Well-Being	Executive Member for Life, Leisure and Well Being	2 Feb 2007	Service Users	Publicity in the various centres and publication on the Council's website	Schedule of proposed charges	Director of Leisure and Cultural Services Tel: 01257 515815 Friday 5 January 2007
Approval of Housing Transfer Contract for recommendation to Full Council	Housing Transfer Committee	Executive Leader	21 Feb 2007	Internal and External Stakeholders	Established channels of communication for stock transfer process	Plain english version of Transfer Contract	Executive Director - Environment and Community Tel: 01257 515500 Monday 21 January 2007

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representations may be made to the following officer by the date stated</b>
Selection of Public Toilet Cleaning Contract - Renewal	Director of Streetscene, Neighbourhoods and Environment	Executive Member for Streetscene, Neighbourhoods and Environment	22 Feb 2007	Legal and Procurement Teams	Procurement procedures	Report of the Director of Streetscene, Neighbourhoods and Environment	Director of Streetscene, Neighbourhoods and Environment Tel: 01257 515720 Thursday 24 January 2007
Review of Community Management of Community Centres	Executive Cabinet	Executive Member for Health, Leisure and Well Being	22 Feb 2007	Human Resources, Staff and Trade Unions	Formal Staffing Process	Report of the Director of Leisure and Cultural Services	Director of Leisure and Cultural Services Tel: 01257 515815 by Thursday 24 January 2007
Approval of Sustainable Resources Development Plan	Executive Cabinet	Executive Member for Development and Regeneration	22 Feb 2007	Officers and Members	Draft Document	Report of the Director of Development and Regeneration	Director of Development and Regeneration Tel: 01257 515285 by Thursday 24 January 2007



<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representations may be made to the following officer by the date stated</b>
Approval of "Every Child Matters action Plan" outlining the Council's contribution to the wider agenda	Executive Cabinet	Executive Member for Life and Leisure	22 Feb 2007	Stakeholders	Draft Plan circulated and available for comments on website	Draft Action Plan	Director of Leisure and Cultural Services Tel: 01257 515815 Monday 21 January 2007
Approve "Choosing Health Action Plan" outlining the Council's contribution to the wider agenda	Executive Cabinet	Executive Member for Health, Leisure and Well Being	22 Feb 2007	Stakeholders	Draft Plan circulated and available for comments on the Website	Draft Action Plan	Director of Leisure and Cultural Services Tel: 01257 515815 Monday 21 January 2007
Review of Advice and Support Funding to External Groups	Executive Cabinet	Executive Member for Health, Leisure and Well Being	22 Feb 2007	Chorley and South Ribble CAB and Lancashire County Council Welfare Rights Service	Direct Contact	Various - including Annual Reports on Activity	Director of Leisure and Cultural Services Tel: 01257 515815 Monday 21 January 2007

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representations may be made to the following officer by the date stated</b>
Approval of Local Development Framework Householder Supplementary Planning Document	Executive Cabinet	Executive Member for Development and Regeneration	22 Feb 2007	All Spatial Development Stakeholders	Letters, Statutory Notice and publication on the Council's website	Householder Supplementary Planning Document	Director of Development and Regeneration Tel: 01257 515285 Thursday 24 January 2007
Approval of Information Security Policy	Executive Cabinet	Executive Member for Resources	22 Feb 2007	Officers, Members and Trade Unions	Publication of documents on the Council's Intranet	Information Security Policy	Director of Information and Communication Technology Tel: 01257 515455 Thursday 25 January 2006
Approval of ICT Strategy	Executive Cabinet	Executive Member for Resources	22 Feb 2007	Officers and Members	Publication of Strategy on the Council's Website	IEG Statement Customer Focus Strategy	Director of Information and Communication Technology Tel: 01257 515455 Monday 25 January 2007

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representation s may be made to the following officer by the date stated</b>
Approval of Core Funding Awards for 2007/2008 - £5000 or less	Executive Member Decisions - Health, Leisure and Well-Being	Executive Member for Health, Leisure and Well Being	23 Feb 2007	Previous Applicants and other groups who express an interest	Media Coverage, website and distribution of application packs	Completed Application Forms	Director of Leisure and Cultural Services Tel: 01257 515815 Friday 26 January 2007
Approval of Housing Transfer Legal Agreement	Council	Executive Member for Resources	6 Mar 2007	Tenants, Members and Partners	Tenant Consultation, Partner Liaison and Member Briefings	Report of the Chief Executive, Transfer Agreement and Summary Document	Chief Executive Tel: 01257 515104 Monday 5 February 2007
Approval of Core Funding Awards 2007/2008 - more than £5000	Executive Cabinet	Executive Member for Health, Leisure and Well Being	29 Mar 2007	Previous applicants and other groups who express an interest	Media Coverage, website publication and Application Packs to be distributed	Completed Application Forms	Director of Leisure and Cultural Services Tel: 01257 515815 Thursday 1 March 2007

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representations may be made to the following officer by the date stated</b>
Approval of the Economic Regeneration Strategy Action Plan	Executive Cabinet	Executive Member for Development and Regeneration	29 Mar 2007	Private/Public Business Voluntary/Community Sector Regeneration	Partnership based workshops	Report of the Director of Development and Regeneration	Director of Development and Regeneration Tel: 01257 515285 Thursday 1 March 2007
Approve Accessibility Plan	Executive Cabinet	Executive Member for Development and Regeneration	29 Mar 2007	All public agencies and transport operators	Stakeholder Workshops, Public Exhibitions and information available on Council's Website	Plan	Director of Development and Regeneration Tel: 01257 515285 Thursday 1 March 2007
Approval of Pay and Workforce Strategy	Executive Cabinet	Executive Member for Resources	29 Mar 2007	Trade Union's, Staff Members, Staff Forum and Strategy Group	Draft Plan to be circulated and available for comments on the website	Draft Plan	Interim Director of Human Resources Tel: 01257 515159 Thursday 1 March 2007

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representations may be made to the following officer by the date stated</b>
Approval of terms for aquisition of property required to construct the Gillibrand Link Road	Executive Cabinet	Executive Member for Resources	29 Mar 2007	None	None	Report of the Arbitrator appointed to determine compensation due	Director of Property Services Tel: 01257 515311 Thursday 1 March 2007
Approval of new Pay and Grade Structure as part of the Job Evaluation process	Executive Cabinet	Executive Member for Resources	29 Mar 2007	Trade Unions, Staff Members, Staff Forum and Strategy Group	Draft Plan to be circulated and available for comments on the Website	Various Options on Reward Structures	Interim Director of Human Resources Tel: 01257 515159 Thursday 1 March 2007
Approval of IEG7 Return	Executive Cabinet	Executive Member for Resources	29 Mar 2007	Officers and Members	Strategy available on Council's Website	IEG7 Statement, Customer Focus Strategy and ICT Strategy	Director of Information and Communication Technology Tel: 01257 515455 Thursday 1 March 2007

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Relevant Portfolio Holder</b>	<b>Expected Date of Decision</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representations may be made to the following officer by the date stated</b>
Approval of the "Older People's Action Plan" outlining the Council's contribution to the wider agenda	Executive Cabinet	Executive Member for Health, Leisure and Well Being	29 Mar 2007	Stakeholders	Draft Plan circulated and available for comment on the website	Draft Plan	Director of Leisure and Cultural Services Tel: 01257 515815 Thursday 1 March 2007
Approval of Neighbourhood Management and Engagement Strategy	Executive Cabinet	Executive Member for Streetscene, Neighbourhoods and Environment	28/04/07	Internal and External Stakeholders	Draft Strategy	Report of the Director of Streetscene, Neighbourhoods and Environment	Director of Streetscene, Neighbourhoods and Environment Tel: 01257 515720 Thursday 29 March 2007
Approval of Streetscene Strategy Document	Executive Cabinet	Executive Member for Streetscene, Neighbourhoods and Environment	29/04/07	Internal Stakeholders	Draft document to be circulated	Strategy Document	Director of Streetscene, Neighbourhoods and Environment Tel: 01257 515720 Thursday 29 March 2007

Report of	Meeting	Date
Director of Finance (Introduced by the Executive Member for Resources)	Executive Cabinet	11 January 2007

## REVISED SANCTION AND PROSECUTION POLICY – HOUSING BENEFIT AND COUNCIL TAX BENEFIT

### PURPOSE OF REPORT

- To explain the reason for proposed changes to the Sanction and Prosecution Policy and to obtain approval to adopt the changes. The revised policy is contained in Appendix A.

### CORPORATE PRIORITIES

- This report does not specifically concern with the Council's key corporate priorities, although some of the revisions in the policy may impact on those priorities.

### RISK ISSUES

- The issues raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation	√	Regulatory/Legal	
Financial		Operational	√
People		Other	

#### 4. **Reputation**

- It is important that the Council does review and update its Sanction and Prosecution Policy where necessary. Prosecution is a serious step and has implications for the claimant. The reputation of the Council could be compromised if prosecutions were taken based on a policy, which was outdated and did not reflect current arrangements or best practice.

#### **Operational**

- The change to the policy enables the decision-making process to be shared between the Director of Finance and the Revenues and Benefits Manager.

**BACKGROUND**

5. In March 2001, the Council introduced a policy, which outlined the general principles to be applied when considering sanctions and prosecution action in cases where Housing Benefit and/or Council Tax Benefit had been fraudulently overpaid. This policy was reviewed in June 2005 to reflect the changes to guidance from the Department of Work and Pensions. However all cases where either a sanction or prosecution was recommended were referred to the Director of Finance for a decision.
  - 5.1 Between April and October 2006 39 reports were submitted to the Director of Finance for a decision with only 7 requiring a decision on whether to prosecute.
6. A review of this policy has become necessary to reflect a more appropriate delegation of decision-making powers.

**MAIN CHANGES**

7. ***Sanctions – Chorley Council is the ‘lead’ in the investigation***

Where the recommendation by the Compliance Manager is to offer a sanction as an alternative to prosecution, the authority to make this decision to be delegated to the Revenues and Benefits Manager.
8. ***Prosecutions – Chorley Council is the ‘lead’ in the investigation***

Where the recommendation by the Compliance Manager is to commence criminal proceedings, the authority to make this decision will remain with the Director of Finance
9. ***Sanctions and Prosecutions- Department for Work and Pension is the ‘lead’ in the investigation***

Where a recommendation by the DWP Fraud Sector Manager is received, the authority to make the decision whether Chorley Council should participate in a joint sanction or joint prosecution to be delegated to the Compliance Manager.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

10. There are no Human Resources implications to this report.

**RECOMMENDATION(S)**

11. Executive Cabinet is asked to approve the amendments to the Sanction and Prosecution Policy and that these be adopted with immediate effect.

**REASONS FOR RECOMMENDATION(S)  
(If the recommendations are accepted)**

12. It will assist the Director of Finance if the decision-making process on potential sanctions and prosecution cases was shared.
13. The changes will ensure that the policy reflects the custom and practice that has developed in respect of joint investigations with the Department for Work and Pensions.



**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

14. None.

GARY HALL  
 DIRECTOR OF FINANCE

<b>Background Papers</b>			
<b>Document</b>	<b>Date</b>	<b>File</b>	<b>Place of Inspection</b>
Sanction and Prosecution Policy (revised 2006)	November 2006		Appendix A

<b>Report Author</b>	<b>Ext</b>	<b>Date</b>	<b>Doc ID</b>
Margaret Stansfield	5424	1.November 2006	2005/Revised Sanction & Pros Policy – HB & CTB

**CHORLEY COUNCIL****APPENDIX A****SANCTION AND PROSECUTION POLICY**  
**HOUSING BENEFIT & COUNCIL TAX BENEFIT**

In line with the Council's Anti-Fraud Strategy, Chorley Council is committed to fighting fraud.

In considering prosecution or other sanction under this policy, the Council will take into account all relevant legislation including the Human Rights Act 1998.

**General**

The Council appreciates that each case is unique and must be considered on its own merits. However the general principles set out below will be applied in all appropriate cases. In reaching a decision as to whether a case is appropriate for prosecution, two important criteria should be borne in mind.

1. That there is sufficient admissible evidence to justify prosecution
2. That the prosecution of that case would be in the public interest.

Every case where the evidence is such that it may be prosecuted must still be tested to see whether it is in the public interest to do so.

The Council will use various means to conduct the prosecution in appropriate cases.

These will include: -

- a) The Council's own Legal Department
- b) Lancashire Police
- c) DWP Solicitors Branch in joint LA/BA cases.
- d) Agency Solicitors

(All the above bodies will make reference to "The Code for Crown Prosecutors" produced by the Crown Prosecution Service)

In line with the policy adopted by the Department for Work and Pensions and to ensure consistency in the prosecution process, the following guidelines will apply.

**Local Authority Caution**

Providing an offence has been committed, there is no lower overpayment limit for prosecution purposes in caution cases. This means that a caution can be considered where the offence has been an attempted fraud.

In cases where the overpayment is less than £2,000 (including other benefits if the case is a joint LA/DWP case) and where evidence indicates

- The person has not offended before, or
- The person has previously committed benefit fraud, but the offence was minor and not subject to a caution or prosecution and the current offence is minor; or
- The person has previously been cautioned within the last 5 years for a similar offence but the offence was minor and the current offence is minor; and
- There was planning involved in the process, or
- There were other persons involved in the fraud, and
- The person's circumstances and demeanour towards the offence indicates that a caution would be the appropriate action.

Then the Council will, in most circumstances issue an official Local Authority Caution (see Appendix 1 for conditions applicable to Local Authority Cautions) in addition to requiring full repayment of the overpayment.

### **Administrative Penalties**

If the total overpayment (including other benefits if the case is a joint LA/BA case) is more than £50 and less than £2000.00 and where the evidence indicates

- It was a first offence
- There was no planning involved, and
- There was no other person involved, and
- The person's circumstances and demeanour towards the offence indicates that an administrative penalty would be the most appropriate action.

Then the Council will, in most circumstances, make an offer of a 30% Administrative Penalty in addition to requiring full repayment of the overpayment. (See Appendix 2 for conditions applicable to Administrative Penalties.)

### **Prosecutions**

If the total overpayment (including other benefits if the case is a joint LA.BA case) is below £2,000.00 and where the evidence indicates

- It was not a first offence, or
- The fraud had been deliberate and calculated, or
- The fraud had continued over a long period; or
- The person has failed to attend an interview under caution; or
- There were other persons involved in the fraud, or
- The person has declined the offer of an Administrative Penalty or withdrawn agreement to pay and Administrative Penalty; or
- The person has declined the offer of an official caution

Then the Council will, in most circumstances, prosecute.

If the total overpayment (including other benefits if the case is a joint LA/BA case) is over £2,000 prosecution will be considered at the outset.

### **Other Factors**

Other factors will be taken into consideration before *prosecution* is recommended.

#### 1. Duration of the Offence

An offence committed over a long period of time should be a factor towards prosecution. The claimant may have had opportunity to declare the correct information when the claim was renewed.

#### 2. Previous Offences

The Council must make enquiries about any previous offences of a similar nature, committed by the offender. If the offender has already been cautioned for deception, a second caution issued by the Council may not be appropriate.

#### 3. Trust

Was the offender in a position of trust? E.g. a member of staff or a Councillor?

#### 4. Collusion

Has the case arisen through collusion e.g. with landlords, managing agents or employers etc? This type of case is considered to amount to serious fraud and should be recommended for prosecution where possible irrespective of the amount of overpayment involved.

#### 5. Offenders Physical and Mental Condition

It would be *inadvisable* to prosecute in the following cases: -

- a) Where the offender is seriously ill
- b) Where the offender is mentally ill
- c) Where the offender is a heavily pregnant (within 3 months of confinement)
- d) Where the offender is over 75 years of age or bedridden
- e) Where the offender is deaf or visually impaired
- f) Where the health of the offender's partner may suffer. This will only apply where the partner suffers from a condition that would be made worse if proceedings were taken.

#### 6. Social Factors

Consideration must be given to social factors when deciding whether or not to recommend prosecution. Instances in which prosecution may be considered inappropriate include cases where:-

- a) The Court would set against the offence such personal or mitigating factors that would make prosecution inappropriate e.g. the person was driven to the offence by a tragedy or domestic situation such as bereavement or sickness.
- b) The offender has already served a prison sentence for benefit fraud and an earlier offence has subsequently been discovered (it is the Court's view that people come out of prison with a 'clean sheet')
- c) The claimant is young (under 21), immature and would appear to the Court as someone who could have been dealt with effectively without proceeding. Youth does not automatically exclude the possibility of prosecution. Prosecution may be desirable where the offender already has a criminal record.
- d) It is known that a prosecution would have a damaging effect upon the defendant's career or employment i.e. the offender would not only lose their job but would not be able to get similar employment if prosecuted successfully by the Local Authority.

#### 7. Voluntary Disclosure

Voluntary disclosure is where a claimant of his or her own free will reveals a fraud. In this case prosecution would not be appropriate. However, a disclosure is not voluntary if: -

- a) the admission is not a complete disclosure of the fraud
- b) It was apparently prompted by the expectation that the fraud would be discovered e.g. they knew the Council was making enquiries of their employer etc
- c) The claimant admits all the facts as soon as they are challenged
- d) The claimant discloses the fraud as a result of being required to complete a review form.

In all the above cases prosecution should be considered in the normal way.

## 8. Procedural Difficulties/Delays/Failures in the Investigation/Administrative Process

Closure of the case, without prosecution will be the only course of action where: -

- a) The investigation has been deficient and has failed to obtain all the evidence available
- b) Internal checks which should have revealed the offence did not do so e.g. benefit paid on incomplete or inadequate information, failure to observe flaws in a statement or document.

### **Decision-Making Process Under This Policy**

*Where Chorley Council are the 'lead' in the investigation*

The recommendation to apply any sanction, including prosecution will be made, in the first instance, by the Compliance Manager, or in his/her absence the Investigator after consultation with the Revenues and Benefits Manager.

Where the case involves offences concerning benefits other than Housing and Council Tax Benefits, agreement will be sought from the DWP Sector Fraud Manager to the proposed action before submitting the recommendation.

All recommendations will be in the form of a written report and will include the following:

- Amount overpaid
- Period of overpayment
- Summary of the investigation and its findings
- Details of previous convictions, penalties or cautions
- Reasons for recommendation
- Recommended action

Any report will be accompanied by sufficient evidence and information obtained during the investigation including the investigator's report and either a transcript of the interview under caution or contemporaneous notes taken during the interview under caution.

Where the recommendation is that a Local Authority Caution or Administrative Penalty be offered, authorisation will be sought and given by the Revenues and Benefits Manager.

Where the recommendation is that criminal proceedings should be commenced, authorisation will be sought and given by the Director of Finance.

*Where Department for Work and Pensions is the 'lead' in the investigation*

On receipt of the DWP Sector Fraud Manager's recommendation (FPA5) the Compliance Manager shall decide to whether the Council should participate in the action proposed.

*All cases*

Legal advice or opinion must be obtained where there is any doubt or uncertainty of a course of action to be taken under this policy.

### **Conclusion**

It is essential that each case is treated on its own merit and any decision taken under this policy is fair and consistent.

The decision to prosecute an individual is a serious step. Fair and effective use of the sanction and prosecution policy is essential to the maintenance of law and order and in the deterrence of benefit fraud. However even in a minor case, a prosecution have serious implications for all involved.

In exceptional circumstances, an alternative to prosecution (caution or administrative penalty) may be considered without regard to the amount of the overpayment. The reasons for the recommendation to deviate from the policy must be explained in full to the Director of Finance.

**All sanctions and prosecutions will be subject to a monitoring process.**

**LOCAL AUTHORITY FORMAL CAUTIONS**

A formal caution is an oral warning given in certain circumstances (as described in the Sanction and Prosecution Policy) to a person who has committed an offence.

In any case selected for the issue of a caution, there must be evidence to prove the offence, an admission at an Interview Under Caution and the person being cautioned must give his/her informed consent for the procedure.

Where a person declines a caution, the case should then be recommended for prosecution in the normal way. It is expected that most people who are offered a caution will accept it in preference to being prosecuted.

A formal Caution is a deterrent and does not affect the recipient, unless by re-offending, he/she is prosecuted for a subsequent offence.

It is important to ensure that Cautions are administered and seen to be administered by Senior Officers to prevent their use being devalued in the eyes of the public when compared with Cautions issued by other prosecuting authorities, including the Police.

A Certificate of Caution must be completed detailing the offences committed and the following points made clear to the person at the outset:-

- a) The significance of the Caution itself
- b) That a record will be kept of the Caution for 5 years
- c) That the existence of a previous Caution may influence the decision whether or not to prosecute if the person should offend again
- d) That the Caution may be cited if the person should subsequently be found guilty of a different offence by a Court
- e) That the Caution is being issued instead of their case being passed to the prosecution authorities to consider instituting criminal proceedings
- f) That the Caution is not a criminal conviction

The person agreeing to this course of action must sign a Certificate of Caution. The Cautioning Officer will endorse the certificate and issue a copy. A further copy will be issued to the Professional Standards Unit of DWP. The certificate will contain a reminder that the fact that they have been Cautioned will count against them and the Caution may be cited if they are convicted by a court in future for a different offence.

**ADMINISTRATIVE PENALTIES**

An administrative penalty is a financial penalty which can be offered to a person who, the Authority believes, has caused benefit to be overpaid to them by a deliberate act or omission on their part and there are grounds for instituting proceedings against them for a criminal offence relating to the overpayment.

Legislation lays down the circumstances in which a penalty can be offered and how the penalty is calculated. The legislation:-

1. Is contained in Section 115A of the Social Security Administration Act 1992
2. Was introduced under the Social Security Administration (Fraud) Act 1997; and
3. Came into force on the 18<sup>th</sup> December 1997.

The following requirements are mandatory :-

- Offer of a penalty can only be made where the overpayment is recoverable from a person under, or by virtue of Section 75 or 76 of the Social Security Administration Act 1992, and the making of the overpayment was attributable to an act or omission on the part of the person; there must be grounds for instituting criminal proceedings against the person for an offence relating to the overpayment upon which the penalty is based.
- A penalty can only be offered to a person in respect of an overpayment or any part of thereof that has accrued after the commencement date of 18<sup>th</sup> December 1997.
- If a person agrees to pay a penalty, criminal proceedings cannot be instituted against them in respect of the overpayment on which the penalty is based.
- The amount of the penalty must be calculated at 30% of the amount of the recoverable overpayment (rounded down to the whole penny)
- Once a penalty offer has been accepted, the person may withdraw from the agreement at any time during the period of 28 calendar days beginning with the day on which the agreement was reached
- Where a person agrees to pay a penalty, and the overpayment on which the penalty is based is subsequently revised, then the agreement to pay a penalty no longer applies. Any penalty that has already been recovered must be repaid. However, if a new agreement is made based on the revised overpayment, the amount already recovered by way of a penalty may be treated as recovered under the terms of the new agreement instead of being repaid.
- Where a person declines a penalty, the case should then be recommended for prosecution in the normal way.

This page is intentionally left blank



Report of	Meeting	Date
Director of Finance (Introduced by the Executive Member for Resources)	Executive Cabinet	11 January 2007

## HOUSING RENTS AND CHARGES 2007/08

### PURPOSE OF REPORT`

1. This report seeks approval to the 2007/08 increase in housing rents and other housing charges, such increases to apply from 2 April 2007.

### CORPORATE PRIORITIES

2. The report is linked to the Corporate Priority of Chorley being a performing organisation.

### RISK ISSUES

3. The issue raised and recommendations made in this report involve risk considerations in the following categories:

Strategy		Information	
Reputation		Regulatory/Legal	√
Financial	√	Operational	
People		Other	

4. The main risk issue relates to meeting statutory deadlines for issuing appropriate rent increase notices, given the timing of the transfer of the stock to Chorley Community Housing.

### BACKGROUND

5. Although it is planned that Chorley's housing stock should transfer on the 26 March 2007, it has been agreed with Chorley Community Housing that in order to achieve an April rent increase, the decisions on the levels of rents and charges for 2007/08 will go through the Council's normal approval channels. This is to ensure statutory dates for issuing rent notices is achieved.
6. The proposals in this report were considered by the Finance Committee of CCH on 11 December 11, and tenants were consulted on 18 December.

### RENTS

7. 2007/08 is the sixth of the planned ten year journey to restructured rents. Each year however the Government urges authorities to constrain rent increases in accordance with a formula, and in both 2007/08 and 2006/07 it has further requested authorities to limit the average rent increase to 5%. The effect of these limits is that the restructuring period will exceed ten years for many properties. (Note that although the constraints and limits are not statutory there are subsidy penalties on any increase in excess of the requested amount).

8. The Council has 2,923 council houses (excluding Cotswold House), and it is proposed that all but 19 of these be subject to the 5% rent increase. The rents of the 19 properties are already in excess of the formula rent, or would be if they were increased by 5%. These rents have therefore been subject to the “normal” constraint formula. The average rents of these properties will increase by 3.61%. The average increase for all properties is 4.99%.

### **SERVICE CHARGES**

9. Service charges for grounds maintenance at general needs housing, and for caretaking, communal areas and grounds maintenance at sheltered housing, were unpooled in 2006/7, (i.e. in previous years a separate charge was not levied for these items, the costs were deemed to be recovered through the rent. In 2006/07 rents were reduced and a new charge levied for the same amount, a process known as “unpeeling”).
10. The unpooling of the full charge at some schemes will take more than one year. In 2007/08 it is necessary therefore to review the existing charges, and also to unpool the second tranche of the service charge. Details are shown in Appendix 3.
11. The rent restructuring guidance is that existing service charges should not increase by more than inflation plus 0.5%. The DCLG have determined inflation (RPI “all items”) to September 2006 as 3.6%.
12. It is proposed therefore that the existing service charge for sheltered property and general needs housing should increase by 4.1%.

### **SUPPORT AND OTHER RELATED CHARGES**

13. A Support Charge is levied on those properties covered by the warden service. Charges are also levied on properties covered by the Tunstall alarm system (wired into the property) and persons using the Lifeline alarms (portable alarms).
14. These charges are met, in many cases, by Supporting People Grant. Any increase in them should be consistent with changes in the level of SPG, but the Commissioning Board will not decide on this until its meeting on 26 January. At this stage it is assumed that the increase will be based on inflation less required efficiency savings. This is estimated at a net 1.1%, and this increase has been assumed in Appendix 1. Members are asked to approve the principle that the change in these charges be linked to the change in SP grant. Appendix 1 will be subject to amendment when the final figure is known.
15. Currently 81 tenants pay a reduced, “protected” support charge due to the phased introduction of the charges. In 2007/08 that protection ceases. For 75 tenants this will mean an increase of £1.87, for the other 6, who only receive a partial service, the increase will be £0.54.
16. 160 tenants in sheltered property currently pay a weekly charge of £0.20 for the rent of a cooker, and 82 pay the same amount to rent a fridge. In accordance with the offer document to tenants it is proposed that these charges be cancelled.

### **HEATING CHARGES**

17. Heating charges are levied on 85 sheltered properties in three schemes.
18. Gas prices increased by 70% in June 2006 and all three schemes will be substantially in deficit in 2007/08. It is therefore proposed that these charges rise by 50%. This will wipe out the deficit on one scheme and significantly reduce those on the other two.

### **GARAGES**

19. It is proposed that garage rents should increase by 5%, this increase is not subject to rent restructuring and is therefore at the discretion of the Council.

**COTSWOLD HOUSE**

20. Proposals for rents and charges at Cotswold House will be submitted to the February Cabinet meeting

**RESULTS OF CONSULTATION**

21. At the meeting with the Tenants Investment Group and the Tenants Forum Committee on 18 December the main area of concern was the large increase in heating charges, but clearly the increase is justified in terms of the increases in tariffs that have occurred.

**COMMENTS OF THE DIRECTOR OF HUMAN RESOURCES**

22. There are no Human Resources implications to this report.

**RECOMMENDATION(S)**

23. It is recommended that the rents and charges detailed in Appendix 1 be approved i.e.
- An average rent increase of 4.99%.
  - An increase of 4.1% in the existing sheltered accommodation and general needs environmental charges, and the second tranche of unpooling of those charges
  - That the charges for Supported Housing, the Tunstall alarm system and the Lifeline alarm system be increased by the same amount as the change in SPG funding, once known
  - Removal of remaining protection from the support charge
  - Scrapping of the charges for fridges and cookers
  - An increase of 50% in heating charges in sheltered property despite a 70% increase in energy costs.
  - A 5% increase in garage rents

**REASONS FOR RECOMMENDATION(S)  
(If the recommendations are accepted)**

24. The recommendations comply with the Governments guidance on rents and service charges and are consistent with the Business Plan of Chorley Community Homes.

**ALTERNATIVE OPTIONS CONSIDERED AND REJECTED**

25. None.

GARY HALL  
DIRECTOR OF FINANCE

There are no background papers to this report.

Report Author	Ext	Date	Doc ID
Gordon Whitehead	5480	19 January 2006	ADMINREP/REPORT



**HOUSING RENTS AND CHARGES – 2007/08**

Item	Current Charge (£)	Proposed Charge (£)
Increased by 5%	50.57	53.09
<b>Increase by 5%</b>	7.38	7.75
Full Service (provisionally increased by 1.1%) Partial Service (provisionally increased by 1.1%) In 2006/7 some tenants were protected at a lower charge. That protection will end in 2007/8 and each tenant will be charged the full or partial rate applicable to his/her dwelling	13.25 6.38	13.40 6.45
Sheltered Tenants (50% increase) Sheltered Managers (50% increase)	3.85 5.75	5.77 8.62
Tunstall (provisionally increased by 1.1%) Lifeline/patron alarms (provisionally inc' by 1.1%) Cookers (delete) Refrigerators (delete)	3.62 2.32 0.20 0.20	3.66 2.35 0 0
Sheltered property General needs dwellings Band 1 General needs dwellings Band 2 General needs dwellings Band 3 All increased by 4.1%	1.09 to 1.60 0.45 0.90 1.60	1.13 to 1.67 0.47 0.94 1.67

Note In all cases the charges shown are collected for 48 weeks of the year.

## Impact of Rent Increase – Examples (all over 48 weeks)

		Current Rent 2006/07	Property Valuation	Formula Rent 2007/08	New Rent 2007/08	Increase	Increase
		£	£	£	£	£	%
Adlington	1 Bed Bungalow	44.49	30000	58.08	46.71	2.22	5.0
Euxton	1 Bed Bungalow	42.51	27500	56.96	44.63	2.12	5.0
Heath	1 Bed Bungalow	40.55	30000	58.08	42.59	2.04	5.0
Charnock	1 Bed Bungalow	44.80	33250	59.52	47.05	2.25	5.0
Heapey	1 Bed First Floor Flat	46.62	30000	58.08	48.96	2.34	5.0
Adlington	1 Bed First Floor Flat	41.99	24000	55.39	44.09	2.10	5.0
Chorley	1 Bed First Floor Flat	46.71	23500	55.17	49.05	2.34	5.0
Chorley	1 Bed Grnd Floor Flat	45.87	25000	55.84	48.17	2.30	5.0
Clayton le Woods	1 Bed Grnd Floor Flat	40.16	22500	54.73	42.16	2.00	5.0
Chorley	2 Bed House	50.72	33750	64.72	53.26	2.54	5.0
Adlington	2 Bed House	61.76	38000	66.61	64.85	3.09	5.0
Hoghton	3 Bed Bungalow	70.44	35000	70.24	72.72	2.28	3.2
Croston	3 Bed Grnd Floor Flat	56.22	22000	64.43	59.02	2.80	5.0
Coppull	3 Bed House	66.33	38000	71.58	69.65	3.32	5.0
Chorley	3 Bed House	59.93	43000	73.82	62.93	3.00	5.0
Eccleston	3 Bed House	60.79	47500	75.83	63.84	3.05	5.0
Heskin	3 Bed House	60.61	47500	75.83	63.65	3.04	5.0
Mawdesley	3 Bed House	60.21	42500	73.59	63.22	3.01	5.0
Charnock	3 Bed House	61.42	47000	75.60	64.48	3.06	5.0
Richard	3 Bed House	64.38	45500	79.90	67.60	3.22	5.0
Heapey	4 Bed House	71.93	47000	80.56	75.53	3.60	5.0
Chorley	4 Bed House	66.46	51000	82.35	69.79	3.33	5.0
Brinscall	4 Bed House	63.84	32500	74.09	67.04	3.20	5.0
Euxton	Bedsit - Ground Floor	37.16	18000	47.75	39.02	1.86	5.0
Chorley	Bedsit - Ground Floor	34.50	18000	47.75	36.23	1.73	5.0
Coppull	Bedsit	41.57	29500	52.89	43.65	2.08	5.0
Whittle le Woods	Bungalow						

**Range of Rent Increases 2007/08**

Less than £1 per week	1	£2.51 to £3 per week	973
£1 to £2 per week	214	£3 to £3.50 per week	428
£2 to £2.50 per week	1,297	£3.51 to £3.85 (maximum)	10

In percentage terms 2,904 property rents have increased by 5%, with the rest increasing by a smaller amount.

**Sheltered Housing**

<b>Scheme</b>	<b>Service Charge at cost 2006/07</b>	<b>Amount unpooled in 2006/07</b>	<b>Amount to be unpooled in 2007/08</b>	<b>Amount to be unpooled in 2008/09</b>	<b>Amount to be unpooled in 2009/10</b>	<b>Amount to be unpooled in 2010/11</b>
Arcon House	£7.76	£1.60	£1.54	£1.54	£1.54	£1.54
Eldon House	£7.76	£1.60	£1.54	£1.54	£1.54	£1.54
The Willows	£7.76	£1.60	£1.54	£1.54	£1.54	£1.54
The Heys	£1.24	£1.24				
Charnock Richard	£1.49	£1.49				
Eccleston	£3.46	£1.60	£1.05	£0.81		
Heapey	£2.35	£1.60	£0.75			
Heath Charnock	£1.09	£1.09				
Hurst Green	£4.91	£1.60	£0.83	£0.83	£0.83	£0.82
Church Hill	£1.60	£1.60				
Calder/Hodder	£1.66	£1.60	£0.06			

The service charges cover the cost of Caretaking, Repairs and Utilities in Communal Areas, Grounds Maintenance, and related administrative support costs.

**General Needs Housing**

Band 1	£0.45	£0.45				
Band 2	£0.90	£0.90				
Band 3	£1.80	£1.60	£0.20			
Band 4	£2.71	£1.60	£1.11			

The charge to general needs properties covers grounds maintenance