



THE CABINET

Thursday 29th January 2015 at 5.30 p.m.
COUNCIL CHAMBER, PARK NORTH, NORTH STREET, HORSHAM

Councillors:	Ray Dawe	Leader
	Helena Croft	Deputy Leader and Communication, Horsham Town & Special Projects
	Andrew Baldwin	The Environment
	Jonathan Chowen	Arts, Heritage & Leisure
	Gordon Lindsay	Resources
	Roger Paterson	The Local Economy
	Sue Rogers	Safer & Healthier District
	Claire Vickers	Living & Working Communities

You are summoned to the meeting to transact the following business

Tom Crowley
Chief Executive

AGENDA

	Page No.
1. Apologies for absence.	
2. To approve as correct the record of the meeting of 20 th November 2014 (herewith).	1
3. To receive any declarations of interest from Members of the Cabinet.	
4. To receive any announcements from the Leader, Cabinet Members or Chief Executive.	
5. To receive questions from and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting.	

6. To consider the following reports:

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| (a) Report of the Director of Corporate Resources on the Budget/Medium Term Financial Strategy 2015/16 | 7 |
| (b) Report of the Cabinet Member for the Environment on the Review of waste services in response to Waste England and Wales Regulations 2011 (as amended); 'TEEP Assessment' | 47 |
| (c) Report of the Cabinet Member for a Safer & Healthier District on Anti-Social Behaviour - revised powers | 67 |
| (d) Report of the Chairman of Finance & Performance Working Group on performance indicators for quarter 2 2014/15; District Plan priorities; and tracked project list progress | 93 |

7. To consider any matters referred to Cabinet by the Scrutiny & Overview Committee - There are no matters currently outstanding for consideration.

8. To consider matters of special urgency.

THE CABINET
20TH NOVEMBER 2014

Present: Councillors:
Ray Dawe Leader
Helena Croft Deputy Leader and Communication, Horsham Town
& Special Projects
Andrew Baldwin The Environment
Gordon Lindsay Resources
Roger Paterson The Local Economy
Claire Vickers Living & Working Communities

Apologies: Jonathan Chowen Arts, Heritage & Leisure
Sue Rogers A Safer & Healthier District

Also Councillors: Clive Burgess, George Cockman, Leonard Crosbie,
present: Malcolm Curnock, Frances Haigh, David Holmes, Christian Mitchell

EX/28 **RECORD OF THE MEETING OF 18TH SEPTEMBER 2014**

The record of the meeting of the Cabinet held on 18th September 2014 was approved as correct and signed by the Leader, subject to the amendment of the last paragraph of the preamble to Minute No. EX/24 to refer to Councillor *Duncan* England.

EX/29 **DECLARATIONS OF INTEREST**

There were no declarations of interest.

EX/30 **ANNOUNCEMENTS**

There were no announcements.

EX/31 **PUBLIC QUESTIONS**

No questions had been received.

REPORT BY THE CABINET MEMBER FOR A SAFER & HEALTHIER DISTRICT

EX/32 **Funding Arrangements for a Community Advice Service from 2015**

The Cabinet Member for Resources presented a report on behalf of the Cabinet Member for a Safer & Healthier District regarding arrangements for the provision of a Community Legal Advice Service in West Sussex.

In 2010, following an open tender process, this Council, together with West Sussex County Council and the other Districts and Boroughs in the County, had entered into a contract with a consortium of the West Sussex Citizens Advice

EX/32 Funding Arrangements for a Community Advice Service from 2015 (cont.)

Bureaux (CAB) for the provision of a Community Legal Advice Service across the County. This contract would expire on 31st March 2015.

A Joint Scrutiny Task and Finish Group, comprising one Member from each District and Borough Council within the County and one from the County Council, had considered the operation and performance of the current service and future arrangements for the provision of generalist legal advice services to residents of West Sussex.

The Task and Finish Group had recommended that there was a continuing need for a community advice service in line with the current specification; that the current level of funding should be uplifted; and that a procurement method compliant with Contract Standing Orders and EU guidance should be used.

Work had been carried out by the County Council to scope the potential for other providers who might be able to undertake the service. However, the marketplace did not appear to have changed since the letting of the original contract in 2010 when the CAB had been the only provider able to meet the requirements of the contract. The County Council had therefore concluded that, due to the specialised and bespoke nature of the service and given the excellent levels of satisfaction achieved by the current provider, the West Sussex Community Advice Service contract should be offered to the consortium of West Sussex Citizen Advice Bureaux.

The Head of Community and Culture indicated that he would check that the specification for the service referred to all the protected characteristics contained within current equality legislation.

RECOMMENDED

- (i) *That, due to the specialised and bespoke nature of the service, the requirement within the Council's Contract Standing Orders to tender for these services be suspended.***
- (ii) *That funding for the service be held at the current level but that this figure be revisited when setting the final budget for 2015/16.***

RESOLVED

- (iii) That the findings of the West Sussex Joint Scrutiny Task and Finish Group, which had considered the current operation and future procurement of the West Sussex Community Advice Service (WSCAS) contract, be noted.**

EX/32 **Funding Arrangements for a Community Advice Service from 2015 (cont.)**

- (iii) That the advisory service be procured jointly with West Sussex County Council and the other six West Sussex District and Borough Councils.
- (iv) That the contract be offered to the consortium of West Sussex Citizen Advice Bureaux (CAB) for a period of five years, with an option to extend the contract on the same terms for a further five year period, with such terms being subject to review and agreement between the parties.
- (v) That the specification for the existing service was still largely appropriate in its terms and conditions for the service post March 2015.
- (vi) That revisions to and details of the contract be agreed by the Director of Community Services.

REASONS

- (i) The most effective, economic and efficient way of continuing to secure a Community Advice Service for Horsham District is to remain within the West Sussex partnership of local authorities and its commissioning arrangements.
- (ii) The Community Advice Service contract is specific in its requirements that the provider delivers much of the service by recruiting and training volunteers. The market place has not changed in the five years since the contract was last tendered so suspending the requirement to tender will save significant time and costs.
- (iii) There has been some growth in provider costs and whilst it is not appropriate to suggest that these costs should automatically be met by the funding partners some consideration should be given to an uplift as part of the budget process for 2015/16.

REPORT BY THE CABINET MEMBER FOR THE ENVIRONMENT

EX/33 **Clinical Waste Collection Service**

The Cabinet Member for the Environment reported that the Council was legally

EX/33 Clinical Waste Collection Service (cont.)

obliged to collect clinical waste arising from healthcare/medical treatment in a domestic setting. This waste was currently collected using a dedicated vehicle and single-man crew operating five days per week. The disposal and treatment of the collected waste was provided by West Sussex County Council.

The current disposal contract for clinical waste was due for renewal and the County Council had been working with the District and Borough Councils in the County to find a service provider capable of providing both a collection and disposal service for clinical waste. The procurement of this new contract had been structured in such a way that the service provider would not be able to undertake compliant disposal without the facility to also provide a collection service. There was no obligation on the District and Borough Councils to use the service provider and there was an option to 'call-off' the collection element at any time during the first three years of the contract.

The disposal element of the current and future service was solely the responsibility of the County Council and this Council did not contribute anything towards the costs of disposal.

The County Council's new disposal contract would start from 1st January 2015.

It was proposed that this Council should transfer the provision of its clinical waste collection service to the County Council's new contractor. The recommendation to transfer the service was led in part by increasingly stringent legislative demands on the service and the fact that the Council was not currently fully equipped with the specialist knowledge, equipment or experience to meet these demands, which were likely to increase in complexity into the future. It was also noted that if the service were to remain with the Council, full compliance would be required to transfer the waste for disposal and that this would result in a number of additional costs to the Council. This would include capital expenditure of £45,000 for the purchase of a specialist vehicle. However, if the service were contracted out, savings would be achieved.

RESOLVED

That the provision of the clinical waste collection service be transferred to a private contractor from 1st April 2015 and that responsibility for the transfer of the service be delegated to the Streetscene and Fleet Services Manager.

REASONS

- (i) Transferring the service will provide savings to the Council of £11,000 over three years.

EX/33 Clinical Waste Collection Service (cont.)

- (ii) Given the complexities surrounding clinical waste collections, a professional dedicated supplier experienced in clinical/healthcare collections will be able to provide an efficient service, with capacity to fully meet the increasingly stringent legislative and compliance demands of providing this service now and into the future.

REPORT BY THE DIRECTOR OF CORPORATE RESOURCES

EX/34 **Horsham District Council's Finance and Performance, District Plan Priorities and Key Projects for Quarter 2 2014/15**

The Director of Corporate Resources submitted a report summarising financial and performance information for the current financial year to 30th September 2014.

Net revenue expenditure for the half-year to 30th September 2014 was £4,654,000 excluding Housing benefits, which represented 33% of the net annual budget. In terms of gross expenditure, the amount spent represented 47% of the annual budget, whilst income was at 57%, including grants and fees paid in advance.

The forecast outturn for the year to 31st March 2015 now estimated that the approved revenue budget would be underspent by £395,000.

Actual spend from April to September on capital projects totalled £2,618,000 which represented 22% of the annual budget. A further £642,000 of expenditure was committed at the end of September. An under spend for the year of £4,500,000 was anticipated, as projects slipped to 2015/16.

It was noted that a capital overspend of £45,000 was forecast for the introduction of the new car park payment machines, resulting from the installation of additional machines to alleviate queueing and unforeseen engineering complications.

An analysis of the key performance indicator set showed that 65% were on or above target; 21% close to target and 14% outside the target range. The indicators falling outside of target range included the percentage of planning appeals allowed; Council Tax Benefits speed of change of circumstances processing and staff sickness and turnover.

Information on key projects tracked by the Project Assurance Core Team and on the progress on District Plan priorities was also submitted.

EX/34 Horsham District Council's Finance and Performance, District Plan Priorities and Key Projects for Quarter 2 2014/15 (cont.)

It was noted that the Finance & Performance Working Group had expressed some concern regarding staff turnover and the current ratio of temporary to permanent staff in Development Management. The Chief Executive indicated that a report was being submitted to the Personnel Committee on 26th November 2014 in respect of Development Management staffing issues.

Members raised a number of other issues including the introduction of online payment for parking and the proposed timescale for submission of the Broadbridge Heath Quadrant Business Case to Council.

Members also commended the Strategic Planning Team for their dedication in preparing for, supporting and attending the Examination in Public of the Horsham District Planning Framework.

RESOLVED

That the report be noted.

REASON

Performance Indicators are provided as part of the duty of Best Value to drive up service improvement.

EX/35 **SCRUTINY & OVERVIEW COMMITTEE – MATTERS REFERRED TO CABINET**

There were no matters currently outstanding for consideration.

EX/36 **MATTERS OF SPECIAL URGENCY**

There were no matters of special urgency to be considered.

The meeting closed at 6.51pm having commenced at 5.30 pm.

LEADER

Report to Cabinet

29th January, 2015

By the Director of Corporate Resources

RECOMMENDATION TO COUNCIL REQUIRED

Not exempt



Horsham
District
Council

BUDGET 2015/16 AND MEDIUM TERM FINANCIAL STRATEGY to 2018/19

Executive Summary

This report sets out details of the proposed 2015/16 revenue and capital budgets and reviews the Medium Term Financial Strategy. As a result of the earlier decisions taken by Council to increase income and the implementation of the on-going business transformation programme, the Council is able to set a balanced budget for 2015/16, adding £175k to general reserves, without making decisions which would significantly impact the delivery of services to its residents.

However, owing to the continuing drive to reduce Government Debt, the pressure on Council finances remains. The Autumn Statement made it clear that the policy to reduce the payment of grant to Local Authorities will continue. Horsham District Council has fared better than most local authorities as a result of significant allocations of New Homes Bonus, but the future of this and other government grants such as Council Tax Freeze Grant and Housing Benefit Subsidy will remain uncertain until after the General Election.

The current estimate for the future deficit for the Council, after allowing for savings delivered by the business transformation programme, is about £400k for 2016/17, rising to £540k in 2017/18 and approaching £1m in 2018/19. These assume that New Homes Bonus awards already announced will be paid for the full six years originally envisaged and will need revision should these expectations not be realised.

The report sets out a series of prudential indicators that are a statutory requirement to demonstrate that the Council's capital programme is affordable and prudent in the context of the Council's overall finances.

Recommendations

Cabinet is RECOMMENDED TO PROPOSE THE FOLLOWING FOR CONSIDERATION BY COUNCIL ON 25th FEBRUARY 2015:-

- (i) That the level of Council Tax for 2015/16 remains at £135.54 at Band D.
- (ii) That the net revenue budget for 2015/16 of £13.000m be approved (attached as **Appendix A**).
- (iii) That Special Expenses of £267,120 and a Band D charge of £23.60 be agreed in respect of the unparished area for 2015/16. Details are provided in **Appendix D**
- (iv) That the capital programme for 2015/16 (attached as **Appendix C**) be approved and that the indicative capital budgets in the programme for future years be noted.
- (v) That the projected future deficits on the revenue account be noted and the Medium Term Financial Strategy continue to be reviewed and refined to ensure that decisions are taken to develop a balanced budget in 2016/17 and subsequent years.
- (vi) That the Minimum Revenue Provision (MRP) Statement set out in **Appendix E** be approved.
- (vii) That the prudential indicators and limits for 2015/16 to 2017/18 set out in **Appendix F** be approved.

Reasons for Recommendations

To meet the Council's statutory requirement to approve the budget and the prudential indicators before the start of a new financial year.

Background Papers

Consultation	None
Wards Affected	All
Contact	Sue McMillan ext. 5302

BUDGET 2015/16 AND MEDIUM TERM FINANCIAL STRATEGY**Introduction and Financial Outlook****Introduction**

- 1.1 This report sets out the Council's budget requirement for 2015/16 for capital and revenue expenditure. The budget is reviewed in the context of the projected outturn for 2014/15, future years projected deficits and the impact of those deficits on reserves.
- 1.2 The report also sets out the prudential indicators that are used to measure the affordability of the Council's capital programme.

Finance Settlement 2015/16

- 1.3 Details of the provisional funding available for 2014/15 and 2015/16 were first announced in the Local Government Finance Settlement on the 18th December 2013. The total level of Settlement Funding Assessment to Local Authorities fell by 10% in 2014/15 and the most recent Settlement has confirmed a further fall of 13.9% in 2015/16. The Settlement Funding Assessment (introduced in last year's Finance Settlement) is comprised of Revenue Support Grant (RSG) and the Business Rates Spending Baseline.
- 1.4 The settlement figures for 2014/15 and 2015/16, are as follows:-

	2014/15	2015/16
	£ m	£ m
Revenue Support Grant	2.148	1.603
Business Rates Spending Baseline	1.828	1.862
Settlement Funding Assessment	3.976	3.465

- 1.5 The reduction in Revenue Support Grant equates to a 20% drop in 2014/15 and a further 25% drop in funding in 2015/16. The 15/16 reduction is somewhat lower than provisionally indicated as a result, largely, of the inclusion of 2014/15 Council Tax Freeze grant in the total. The increase in Business Rates reflects Horsham's share of the Business Rates Spending Baseline.
- 1.6 The government has provided figures to show the impact of changes in grant in 2015/16 relative to 2014/15 on every council's "spending power". "Spending power" which includes government grants and New Homes Bonus plus Council Tax, rose by 2% in 2014/15 and a further 2.9% in 2015/16. This is in contrast to the reductions suffered by most authorities. It reflects the impact of New Homes Bonus on the Council's finances at a time when overall funding for local government is falling sharply.

2. Revenue Budget 2014/15

- 2.1 Expenditure against budget has been monitored during the year and overall it is expected that expenditure will be below budget by at least £250k. The estimated underspend includes savings on staffing costs and on borrowing costs, (as no borrowing is anticipated). Additional expenditure includes costs and awards against the Council as a result of planning appeals. The estimated outturn for the 3rd quarter will be reported to Cabinet at its next meeting.

3. Update on the Medium Term Financial Strategy projections

- 3.1 The Medium Term Financial Strategy (MTFS) has been updated for the projected outturn for 2014/15, the Finance Settlement and other known information. It assumes that the Council Tax Freeze Grant is accepted for 2015/16 and that Council Tax increases by 2% from 2016/17 onwards. The current projected deficits, assuming New Homes Bonus in excess of the 2013/14 level (£1.166m) is taken to reserves, are as follows:

	2015/16	2016/17	2017/18	2018/19
	£000	£000	£000	£000
Net expenditure	13,000	13,560	14,201	14,619
Funded by				
New Homes Bonus	1,166	1,166	1,166	1,166
Council Tax	7,959	8,216	8,479	8,749
1% Freeze Grant	83			
Government Grant				
RSG	1,603	1,121	721	421
Business Rates	1,862	1,862	1,862	1,862
Additional Business Rates	400	440	470	500
Payment to parishes	(82)	(57)	(37)	(22)
Collection Fund Surplus	184	0	0	0
Total Funding	13,175	12,748	12,661	12,676
Net (Surplus)/Deficit	(175)	812	1,540	1,943
Business Transformation Savings		(400)	(1,000)	(1,000)
Deficit after BTP Savings	(175)	412	540	943

- 3.2 The projected budget deficit has reduced since the Budget and Medium Term Financial Strategy were considered a year ago. This is in part as a result of anticipation of increased business rate income. It also reflects savings in borrowing and principal repayment costs (MRP) resulting from delays in the capital programme and the anticipation of the capital receipt from the sale of the Council's offices and savings identified by managers as part of the budget process. Further details of the proposed 2015/16 revenue budget are detailed in paragraph 4 below.
- 3.3 The budget deficit figures assume the availability of £1.166m of New Homes Bonus to fund the revenue account each year to 2018/19. New Homes Bonus is discussed in greater detail in paragraphs 3.12 - 3.16, but should this funding not be available, the projected budget deficit will be higher.

3.4 The assumptions underlying the current projections are as follows:

Inflation on net budget	£150k per annum
Increase in salaries budget	2% in 2016/17 and thereafter
Contribution to pension fund	1% additional in 2016/17
Increase in employer's NI	£250k increase in 2016/17
Revenue Support Grant	Reducing to zero in 2019/20
Increase in tax base (Band D equivalent)	750 per year

Following the elections in May an updated Medium Term Financial Strategy will be presented to Cabinet. It will consider emerging policies and the direction of the Council's finances, including an investigation of the opportunities to increase the Council's returns from property investment.

Business Transformation

- 3.5 Progress has been made on the Transformation Agenda, with the implementation of revised staff Terms and Conditions and the new management structure now in place. These projects have resulted in a delivery of annual savings of £440k against one-off project costs of £189k plus redundancy costs.
- 3.6 A new website was developed this year to streamline our customers' experience enabling quicker access to information and improved digital access to services. We also developed our customer contact centre and will be transferring a wider range of service queries into this central point. We have spent about £95k to date developing these services and we have anticipated savings of £100k per year in our forward projections. To date, £333k has been spent from the £500k reserves set aside to fund business transformation, leaving a balance of £167k.
- 3.7 Efforts of the Business Transformation team to make progress with the Electronic Document and Records Management System (EDRMS) have escalated as a result of the forthcoming move to Parkside. Much is being done to facilitate a move to a "paperless" office and deal with the accumulation of past records. The team will be exploring the use of mobile technologies to further improve workflows and reduce reliance on paper.
- 3.8 When the business transformation programme was outlined in October 2012, we set a target of £1.25m. To date we have realised £440k with a further £100k in the pipeline. We have set an additional target of £1m to realise by 2017/18. As we embed our commissioning approach to reviewing our services, ensuring we realise the best outcome for our customers at the least possible cost, we will be developing a detailed roadmap to ensure we make the target.

Pension Fund

- 3.9 In November 2013 the triennial actuarial valuation of the Pension Fund to 31st March 2013 was received from the Fund's actuaries. This identified a deficit of £1.575m on the Fund. The Fund's investments had performed well but the valuation put on the Fund's liabilities, i.e. pensions payable in the future, had also increased. This was partly as a result of continued improvements in longevity and partly as a result of a higher valuation of the liabilities as the discount rate was very low by historical standards, a consequence of continued low interest rates. A payment of £1.5m was made to the pension fund from the Council's reserves on 31st March 2014 to make good this deficit.
- 3.10 In addition the Valuation Report recommended increases in the employer's contribution to the Fund to provide for future liabilities and contributions increased from 17.5% to 18.5% in 2014/15 and will go up by a further 1% in each of 2015/16 and 2016/17. This increase has been built into the 2015/16 proposed budget.
- 3.11 A further triennial revaluation of the Fund is due at 31st March 2016, with the results impacting on contributions from 2017/18 onwards. It is too early to say if this will result in further increases in employer's contributions.

New Homes Bonus

- 3.12 New Homes Bonus (NHB) was payable for the first time in 2011/12 and is a major source of finance. Details on the amounts already payable and projected are shown in the **Appendix G**. New Homes Bonus is paid for each new property on the Council Tax valuation list and for empty properties brought back into use, with an additional sum for affordable homes. A sum equal to the national average Council Tax is paid for each property for a period of six years, split 80% to the district, 20% to the county.
- 3.13 As shown in the Appendix G, it was agreed by Council in December 2012 to allocate a total of £1.166m from the New Homes Bonus to fund the revenue account in 2013/14 and future years. It was agreed to transfer any sums in excess of this level to a New Homes Bonus reserve. For 2015/16 an additional £994k of New Homes Bonus will be received as a result of the significant new house building across the district, bringing the total 2015/16 allocation to £2.936m. The reserve will total £1.9m at 31st March 2015, rising to an estimated £3.7m at 31st March 2016.
- 3.14 As New Homes Bonus has been funded largely by reductions in Revenue Support Grant (RSG), it has been considered essential that an element of the Bonus be used to fund the Council's ongoing revenue activities. However, there is concern that it would be imprudent to rely too heavily on the Bonus to fund day-to-day services as government policy in this area may change after the General Election.
- 3.15 As a result no assumption has been made that any new allocation of additional New Homes Bonus will be available from 2016/17, although at this stage it is assumed that allocations already made will be paid for the full six years for which they were awarded. Indications are that funding might reduce more rapidly, or in its entirety, from 2016/17, with the £1billion now being distributed as NHB, being recycled into RSG. In this case the Council could expect additional RSG, but at a very much

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lower figure. The Council would need to consider using some of the New Homes Bonus reserve, estimated at £3.7m by March 2016, to support the revenue account for a period of time to enable it to take measures to increase income and phase in additional spending reductions.

- 3.16 A New Homes Bonus policy is in development to propose future uses of the NHB Reserve. This will come forward to Cabinet for consideration this Spring.

Localised Business Rates

- 3.17 The Business Rates Retention scheme introduced in 2013/14 sets a baseline level of Business Rates based on historic levels and allows authorities to retain locally a percentage of increased rates income above baseline, while also putting authorities at risk of loss (up to a safety net) if rates income falls below baseline. Business rates are volatile, not only because new properties can be valued and old ones demolished, but because ratepayers can appeal against the valuation put on their property. The last revaluation came into force on 1st April 2010 and there are still a significant number of appeals outstanding. A small number of appeals against the 2005 revaluation are still outstanding. If successful, any revaluation is backdated, and hence generates a repayment of rates, and further appeals can be made at any time.
- 3.18 The Rates Retention Scheme, which was complex at the outset, has become even more complex as a result of separate government compensation for the impact of policy changes, for example, the doubling of Small Business Rate Relief and Retail Relief. This is paid to the Council as a separate "Section 31 grant", directly to the General Fund revenue account, while Business Rate income is accounted for in the Collection Fund, before being shared with Central Government, County Council and District Council. This affects the timing of the receipt of income. The Council set up a Business Rates (NNDR) Reserve in 2013/14 to provide a cushion should rate receipts fall below baseline, and this reserve has now also been used to hold a surplus which is the result of timing differences only.
- 3.19 In 2013/14, the first year of operation, the Council made a modest overall surplus (£74k), after all timing differences, above the Business Rates Baseline. Provision was made in 2013/14 for an estimate of the cost of backdated repayments. The exact position for 2014/15 is still uncertain as many appeals are still outstanding, but a larger overall surplus is anticipated. A cautious approach has been taken to the estimation of Business Rates income in 2015/16, because of the continuing level of uncertainty about appeals and possible reductions in rate income should a number of local schools seek Academy status, so an additional £400k income (net of transfers to the NNDR reserve) has been assumed in preparing the 2015/16 budget.

4. Draft Revenue Budget for 2015/16

- 4.1 The 2015/16 budget has been prepared following a detailed “Budget Challenge” with Service Managers designed to identify areas where further savings could be achieved.
- 4.2 The budget requirement is for £13m. The detail of the revenue budget is shown in Appendix A. The budget is balanced, and allows a modest transfer to general reserves of £175k in addition to the proposed transfer of £1,770k to the New Homes Bonus Reserve.
- 4.3 The revenue budget for 2015/16 incorporates changes resulting from the planned move to Parkside and sale of North Point and Park North and a £50k budget for decommissioning costs related to the sale. These were part of the business case for the move and will be met from reserves.
- 4.4 The main items of growth and savings in the 2015/16 budget are detailed in Appendix B. Although provision is made for the costs of the recent pay award to staff and the 1% increase in employer’s superannuation contributions, other staffing costs have reduced significantly as a result of the Terms and Conditions review and an anticipated reduction in facilities management staff as a consequence of the move to Parkside. Other savings have been made in corporate financing costs, as a result of delays to the capital programme and the anticipated capital receipt from the sale of the Council offices.
- 4.5 The significant items of optional growth include: the maintenance of staffing levels in the Anti-Social Behaviour team, despite a reduction in grant funding from West Sussex County Council, the re-surfacing of Warnham Nature Reserve car park and the re-upholstery of seats at the Capitol. Optional savings items include the closure of the HDC Help Point at Storrington on the retirement of the part-time member of staff who runs it, with an alternative source of advice about HDC services being provided by Storrington library. Discussions with West Sussex County Council are in hand for the library to provide this service, as they do at other libraries in the district. There is also a proposal to reduce refuse collection costs by the relocation of bin collection points for some rural properties.

4.6 Grants to Voluntary and Community Groups

The budget includes the following grants to voluntary groups. These budgets remain unchanged from the previous year.

	£
Citizen Advice Bureau - Horsham	94,000
Age UK	51,950
Impact Initiatives, Dingemans Centre	9,840
Horsham Voluntary Action - cost to HDC	20,399
Home-Start, Crawley, Horsham and Mid-Sussex	4,120
West Sussex Mediation Service	3,090
Relate North	2,580
Relate South	1,750
Y Centre	20,000
Purple Bus, West Sussex Rural Mobile Youth Trust	3,000
Horsham District Community Transport	21,750
Snack Wagon	7,866
Community and individual grants	7,550
Total Grants	247,895

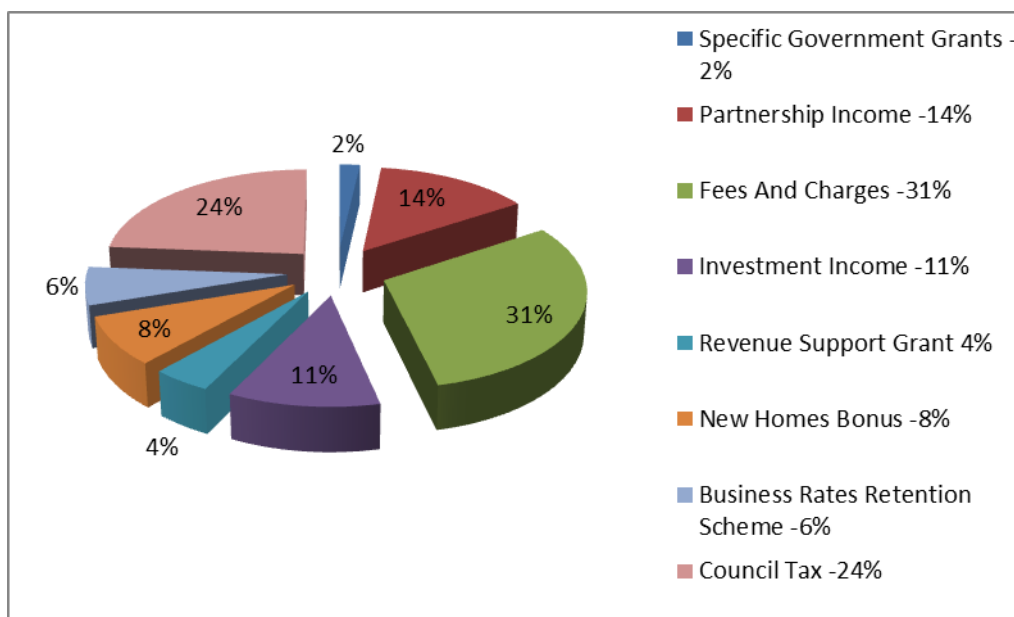
4.7 Repairs and Maintenance

The Repairs and Renewals Fund was discontinued in 2014/15 and all repairs and maintenance are now included in the revenue budget. The major items in the 2015/16 budget are as follows:

		£
Forum Car Park	Anti-Carbonation/Soffit Decoration	35,000
	Glazed Panels Lift Lobbies	10,000
	Solar Control/Reflective Film Lift Shaft Glazing	10,000
	Stair core 1 Redecoration	10,000
	Lift tower glazing replacement	15,000
Swan Walk Car Park	CCTV/Access Control	10,000
	Window Replacements To Stairwells	25,000
	Surface Repairs To Parking bays	20,000
	Fire Escape Staircase Floor Tiling Refurbishments	15,000
Piries Place Car Park	Safety Inspection	10,000
The Drill Hall	External Decoration	10,000
The Museum	External Decoration	15,000
Stable Block	Window Replacements	25,000

4.8 Summary of Income Sources

The main sources of the Council's income (excluding Housing Benefit Subsidy) are illustrated below:



5. Capital Budget

- 5.1 The draft capital programme is attached as **Appendix C**. This includes changes to the programme approved during the year and an estimate of the likely budget slippage from 2014/15 to 2015/16. The new programme for 2015/16 is for approval. Budgets for future years are included to indicate the scale of provision which may be required to maintain the life of the Council's assets and meet the aspirations in the District Plan.
- 5.2 The Council's project management methodology will be applied to projects detailed in the Capital Programme for 2015/16. Business cases will be completed to ensure that decisions taken by the Council represent Value for Money.
- 5.3 Of the £13.7m capital programme proposed to be delivered in 2015/16, the majority has already been approved in preceding years. Details of new schemes are as follows:

Parbrook Landslip Prevention £100,000 An access road joining Berrall Way, Billingshurst is owned by the Council as part of its green space network and serves a number of domestic properties. This roadway is suffering from subsidence, with deep wide cracks in the road continuing to develop as the land slowly sinks on its southern side into the adjacent deep cutting known as Parbrook. Significant engineering works are required to stabilise the land.

Southwater Country Park - Car park £120,000 Car parking around Southwater Country Park continues to present challenges regarding unauthorised parking. The Council is working with the Parish and the County Council to resolve this issue, part of which necessitates the extension / improvement of current car parking arrangements. Additional visitors to the Park, with the imminent opening of

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the adventure Play Park, will be likely to present increasing parking pressures. The introduction of modest car parking fees will cover the cost of this investment.

Capitol Arts Centre, Horsham £65,000 The current sound system at the Capitol was installed when the building was refurbished in 2003. Some of the equipment was from the previous building and some was purchased new. In recent months the system has deteriorated significantly, some elements have failed and replacement parts are not available. The Capitol has therefore had a 'part-system' on hire for the past three months. To hire a suitable system for a whole year's events would cost approximately £25,000.

Warnham Mill Pond Engineering Works £117,000 The sluice gates at Warnham Mill can now no longer be used as a water level control measure whilst the reservoir dam works take place, it has therefore been necessary to implement an alternative measure resulting in further civil engineering works. This has led to additional resources and materials required to complete the works and these costs will be shared between HDC and the Environment Agency.

Granary refurbishment £35,000 Installation of a toilet in order to facilitate a letting of the property should the property be deemed surplus to requirements following the move to Parkside.

Drill Hall heating system £65,000 Replacement of a 27 year old boiler at the end of its natural life.

Bishopric refurbishment / enhancement £160,000 Planned work to improve the area to improve customer flows from the new John Lewis /Waitrose in the late summer. This work will be funded by Section 106 receipts.

6. Council Tax

- 6.1 The Council has frozen Council Tax for the last four years. As Council Tax is the Council's second largest source of income, (after fees and charges), this creates a challenge for the authority. The government has been encouraging councils to freeze Council Tax by making available freeze grants to those who do so. These grants have now been incorporated into the Council's RSG allocation (except the 2012/13 Freeze Grant, which was a one-off grant). This gives some assurance of their continued payment but it is widely expected that Revenue Support Grant will be eliminated entirely by 2020, so it is not clear that this funding can be assumed indefinitely. An increase in Council Tax, on the other hand, gives an assured continuing income to the Council into the future.
- 6.2 The government has offered a further Freeze Grant of 1% for councils which freeze Council Tax for 2015/16, and has set a limit of 2% on increases. Breach of the limit would trigger a Council Tax referendum. The figures in this report are based on the assumption that Council Tax is frozen for a fifth year at £135.54 for a Band D property.
- 6.3 If the Council agrees to freeze Council Tax it will be the fifth year in a row that Council set its Band D rate at £135.54.

7 Special Charge

- 7.1 Details of the Special Charge expenditure of £267,120 are included in **Appendix D**.
- 7.2 As a result of the changes to council tax benefits, the tax base of the unparished area reduced in 2013/14. To ensure comparability with the funding of the parishes, an element of the Council Tax Support Grant needs to be attributed to the unparished area, a sum of £11,662.
- 7.3 It is proposed that the Special Charge for 2015/16 is set at £23.60, raising a sum of £255,458. This, with the addition of the grant, is sufficient to fund the proposed Special Expenses. It also ensures that the overall increase in Council Tax for the district as a whole, including the Special Expenses, remains at zero, ensuring eligibility for the £83k of Council Tax Freeze grant on offer for 2015/16.

8 Council tax for 2015/16

2014/15 £000		2015/16 £000
13,350	Net expenditure	13,000
(258)	Contribution from R&R reserve	0
13,092		13,000
(189)	Contribution to/(from) general reserves	175
12,903		13,175
(2,149)	Revenue Support Grant	(1,603)
118	Less parish share of Council Tax support grant	82
(82)	Council Tax freeze grant	(83)
(1,943)	New Homes Bonus	(2,937)
776	Less contribution to New Homes Bonus Reserve	1,771
(1,828)	Business Rates Retention Scheme Baseline	(1,862)
0	Business Rates Retention Scheme net additional business rates	(400)
7,795	Expenditure to be financed from District Council Tax	8,143
(248)	<u>Less</u> funding by Special Charge taxpayers	(255)
(61)	<u>Less</u> share of estimated surplus on Collection Fund	(184)
7,486	Expenditure to be funded from District Council tax	7,704
55,233.3	Estimated Band D equivalent properties	56,836.4
£135.54	Council Tax at Band D	£135.54
£2.61	Cost per week at Band D	£2.61

9 Robustness of Estimates and Adequacy of Reserves

- 9.1 Section 25 of the Local Government Act 2003 requires Chief Financial Officers to report to their authorities about the robustness of estimates and the adequacy of reserves when determining their precepts, and authorities are required to take the Chief Financial Officer's report into account when setting the Council Tax. The position for 2015/16 is as follows, assuming that all declared payments of New Homes Bonus are paid for their full six years, but that no new additional funding is provided from 2016/17 onwards:

31 st March	2015 £m	2016 £m	2017 £m	2018 £m	2019 £m
General Reserves	9.2	8.6	8.2	7.6	6.7
New Homes Bonus	1.9	3.7	5.5	6.9	7.9

If New Homes Bonus is discontinued in its entirety from 2016/17, additional income or savings would need to be identified, or the NHB reserve could be used to support the revenue budget, leading to lower reserve levels:

31 st March	2015 £m	2016 £m	2017 £m	2018 £m	2019 £m
General Reserves	9.2	8.6	8.2	7.6	6.7
New Homes Bonus	1.9	3.7	2.5	1.4	0.3

- 9.2 The desired minimum level of general reserves was established in the 2012/13 budget report at £6m. Sufficient General Reserves are required to ensure that the Council is able to meet its expenses if it finds it needs to fund unplanned costs during the year or its projected income fall short of the budgeted amount. These changes could result from a number of sources such as increased homelessness or and increase in voids in the commercial property estate, or reduced business rate income.
- 9.3 The Council has sufficient revenue reserves for 2015/16 and the period covered by the Medium Term Financial Strategy. However, the projection of funds from NHB may prove too optimistic for 2016/17 and beyond, increasing the annual deficit and reducing or eliminating the contribution to the NHB reserve, so that further measures will need to be considered to constrain expenditure or raise income. By holding some of the current New Homes Bonus in reserves, if the Council finds itself in a difficult position and the projected deficits in future years increase as a result of the removal of NHB, the Council should still be able to maintain a minimum level of reserves while it identifies increased savings or additional income.

10. Prudential Indicators

10.1 The Local Government Act 2003 requires the Council to adopt the CIPFA Prudential Code (2011) and produce prudential indicators. This report revises the indicators for 2014/15, 2015/16 and 2016/17 and introduces new indicators for 2017/18. Revision is necessary as the Capital Programme has been amended. Each indicator either summarises the expected activity or introduces limits upon the activity, and they are intended to show the affordability and prudence of the Council's underlying capital finance planning.

10.2 The Council is required to set aside funds to repay the borrowing need each year through a revenue charge (the Minimum Revenue Provision – MRP). Regulations have been issued which require full Council to approve an MRP Statement in advance of each year and the statement is shown in **Appendix E**.

10.3 Capital Expenditure Plans

Alongside the budget the Council must set out a range of prudential indicators. The first is the Council's capital expenditure plans and how they will be financed. **Appendix F** shows the projections and the Council is asked to approve the estimates as the first prudential indicator. This is the impact of the Capital Plans set out in **Appendix C**, the anticipated financing and the resultant financing need.

10.4 The Council's borrowing need, the Capital Financial Requirement

The second prudential indicator is the Council's Capital Financial Requirement. This is the total outstanding capital expenditure which has not yet been paid for from either revenue or capital resources. It is essentially a measure of Council's underlying borrowing need. **Appendix F** shows the estimates of the projected Capital Financial Requirement and the net capital financing need shown in the table above will increase it.

10.5 Affordability Prudential Indicators

The first two prudential indicators cover the capital programme and its financing, the next two indicators are designed to assess the affordability of the capital investment plans. The indicators are estimates of the ratio of financing costs to the net revenue stream and the incremental impact of the capital decisions on the Council Tax. The estimates for both are set out in **Appendix F** and the Council are asked to adopt them as prudential indicators.

10.6 Limits to Borrowing Activity

The remaining prudential indicators govern borrowing limits and to some extent overlap with the Treasury Management Strategy which was scrutinised and approved by the Accounts, Audit and Governance Committee on 7th January 2015. The key indicators to be considered alongside the capital budget are that borrowing is only for capital purposes, the values of debt expected and the debt limit. These three indicators are shown on **Appendix F**.

Appendix 1

Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>Budget reductions may risk the delivery of aspects of the District Plan. Failure to achieve expenditure reductions or increased income would leave to depletion of the Council's reserves.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>These proposals will enhance the Council's role in reducing crime and disorder by providing a more efficient enforcement service.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>These proposals make no impact on Human Rights.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<p>The closure of Storrington Help Point may impact on elderly and disabled residents who would find it difficult to travel to Horsham. This will be mitigated by arrangements to be made with Storrington library Help Point, similar to the arrangements which operate in all other parts of the District.</p> <p>The proposal to change refuse collection points for some rural properties could impact on elderly or disabled residents. The Council operates an assisted collection service for those who are unable to take their bins to the kerbside and residents affected by the changes will be advised of this.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>These proposals have a neutral impact on sustainability.</p>

BUDGET SUMMARY

2015 – 2016

APPENDIX A

Original Budget		Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
2014 - 2015	Service									
<u>BUSINESS TRANSFORMATION</u>										
213,625	Business Transformation	202,195		200	810				203,205	203,205
213,625	BUSINESS TRANSFORMATION	202,195		200	810				203,205	203,205
<u>CHIEF EXECUTIVE OFFICE</u>										
280,430	Chief Executive Office	273,340			1,910				275,250	275,250
128,960	Democratic Rep	20,560			109,430				129,990	129,990
409,390	CHIEF EXECUTIVE OFFICE	293,900			111,340				405,240	405,240
<u>COMMUNICATIONS</u>										
354,380	Communications	274,665		150	128,620			-35,000	403,435	368,435
354,380	COMMUNICATIONS	274,665		150	128,620			-35,000	403,435	368,435
977,395	CHIEF EXECUTIVE	770,760		350	240,770			-35,000	1,011,880	976,880

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
<u>COMMUNITY & CULTURE</u>		<u>COMMUNITY SERVICES</u>								
200,180	Capitol	427,620	312,800	250	828,010			-1,263,070	1,568,680	305,610
89,295	COMMUNITY & CULTURE	95,425		200	360				95,985	95,985
558,875	Community Development	555,305	2,900	5,400	612,080			-643,783	1,175,685	531,902
15,500	Community Planning	50,430	700		14,800				65,930	65,930
157,565	Community Safety	364,285	1,250	17,990	71,130			-205,110	454,655	249,545
130,960	Leisure Services	50,370	89,080	1,310	80,440	433,000		-741,820	654,200	-87,620
232,130	Museums	149,540	68,820	200	34,700			-31,000	253,260	222,260
969,090	PARKS & COUNTRYSIDE SERVICES	655,340	411,190	2,960	159,400	135,980		-330,440	1,364,870	1,034,430
2,353,595	COMMUNITY & CULTURE	2,348,315	886,740	28,310	1,800,920	568,980		-3,215,223	5,633,265	2,418,042
<u>CUSTOMER SERVICES</u>		<u>COMMUNITY SERVICES</u>								
397,900	Customer Services	368,500			450				368,950	368,950
397,900	CUSTOMER SERVICES	368,500			450				368,950	368,950
<u>DIR OF COMMUNITY SERVICES</u>		<u>COMMUNITY SERVICES</u>								
119,700	Dir Of Community Services	120,480		200	1,150				121,830	121,830

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
119,700	DIR OF COMMUNITY SERVICES	120,480		200	1,150				121,830	121,830

ENVIRONMENTAL SERVICES/LICENSING

786,435	Environmental Health/Licensing	958,515	36,250	9,750	121,865			-313,240	1,126,380	813,140
786,435	ENVIRONMENTAL SERVICES/LICENSING	958,515	36,250	9,750	121,865			-313,240	1,126,380	813,140

COMMUNITY SERVICES

HOUSING

-96,690	Community Link - Housing	84,660		3,500	89,400			-277,000	177,560	-99,440
15,000	Housing				10,000				10,000	10,000
714,820	Housing Needs	513,690		4,520	399,180			-208,000	917,390	709,390
-442,300	Housing Services	9,580	193,510		15,410			-571,500	218,500	-353,000
190,830	HOUSING	607,930	193,510	8,020	513,990			-1,056,500	1,323,450	266,950

COMMUNITY SERVICES

PARKING SERVICES

293,540	Parking	231,450		1,000	33,870			-15,500	266,320	250,820
-155,100	Parking services	283,280		2,000	59,610			-492,210	344,890	-147,320
68,795	Rural car parks		91,118		9,500			-21,990	100,618	78,628

COMMUNITY SERVICES

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
-2,464,310	Urban Car Parks		773,585		89,220			-3,213,105	862,805	-2,350,300
-2,257,075	PARKING SERVICES	514,730	864,703	3,000	192,200			-3,742,805	1,574,633	-2,168,172

STREET SCENE & FLEET

800,809	Litter & Cleansing	781,611	3,200	7,750	197,789			-138,100	990,350	852,250
113,870	REFUSE DEPOTS		86,730		16,530				103,260	103,260
1,933,307	Vehicle & Plant	223,850		1,640,860	48,630				1,913,340	1,913,340
2,847,986	STREET SCENE & FLEET	1,005,461	89,930	1,648,610	262,949			-138,100	3,006,950	2,868,850

COMMUNITY SERVICES

WASTE & RECYLING

486,795	Operations	2,390,916	36,900	3,400	295,920			-2,268,820	2,727,136	458,316
-203,088	Trade Waste & Recycling	232,433		1,000	463,360			-904,984	696,793	-208,191
283,707	WASTE & RECYLING	2,623,349	36,900	4,400	759,280			-3,173,804	3,423,929	250,125
4,723,078	COMMUNITY SERVICES	8,547,280	2,108,033	1,702,290	3,652,804	568,980		-11,639,672	16,579,387	4,939,715

COMMUNITY SERVICES

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
<u>AUDIT</u>									<u>CORPORATE RESOURCES</u>	
187,455	Audit	186,015		200	2,235				188,450	188,450
187,455	AUDIT	186,015		200	2,235				188,450	188,450
<u>CENSUS ICT</u>									<u>CORPORATE RESOURCES</u>	
673,810	CENSUS ICT	1,404,290		2,540	1,235,183	23,100		-1,997,187	2,665,113	667,926
31,150	CENSUS PROJECTS				250,000			-174,453	250,000	75,547
704,960	CENSUS ICT	1,404,290		2,540	1,485,183	23,100		-2,171,640	2,915,113	743,473
<u>COMMISSIONING</u>									<u>CORPORATE RESOURCES</u>	
165,160	Policy And Performance	208,020		0	510				208,530	208,530
58,925	Procurement	104,645		260	6,220			-42,880	111,125	68,245
224,085	COMMISSIONING	312,665		260	6,730			-42,880	319,655	276,775
<u>DIR RESOURCES</u>									<u>CORPORATE RESOURCES</u>	
-22,130	Benefit Payments				42,450	31,570,250		-31,634,830	31,612,700	-22,130
1,038,580	Census Revs & Bens				1,153,420			-130,000	1,153,420	1,023,420

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
119,660	Dir Resources	121,000			770				121,770	121,770
-499,972	HDC Revs & Bens				70,170			-656,924	70,170	-586,754
20,000	Projects			0					0	0
656,138	DIR RESOURCES	121,000		0	1,266,810	31,570,250		-32,421,754	32,958,060	536,306

FINANCE

CORPORATE RESOURCES

880,180	Finance Accountancy	725,020		340	154,910	18,000		-10,000	898,270	888,270
1,358,380	Finance Corporate	-1,040		400	241,150		912,000	-215,500	1,152,510	937,010
2,238,560	FINANCE	723,980		740	396,060	18,000	912,000	-225,500	2,050,780	1,825,280

HDC ICT

CORPORATE RESOURCES

891,510	HDC ICT	500,870	0	2,500	335,890				839,260	839,260
256,000	HDC PROJECTS	48,290			201,250			-48,290	249,540	201,250
1,147,510	HDC ICT	549,160	0	2,500	537,140			-48,290	1,088,800	1,040,510

HUMAN RESOURCES & ORG DEVELOPMENT

CORPORATE RESOURCES

22,495	Equalities	44,520		250	300			-21,755	45,070	23,315
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Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
521,070	Human Resources	424,000		150	46,610				470,760	470,760
543,565	HUMAN RESOURCES & ORG DEVELOPMENT	468,520		400	46,910			-21,755	515,830	494,075
<u>LEGAL & DEMOCRATIC</u>						<u>CORPORATE RESOURCES</u>				
724,770	Democratic Services	234,340		22,250	480,910			-8,500	737,500	729,000
677,250	Legal	627,200		100	46,260			-55,500	673,560	618,060
1,402,020	LEGAL & DEMOCRATIC	861,540		22,350	527,170			-64,000	1,411,060	1,347,060
7,104,293	CORPORATE RESOURCES	4,627,170	0	28,990	4,268,238	31,611,350	912,000	-34,995,819	41,447,748	6,451,929

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
<u>BUILDING CONTROL</u>									<u>PLANNING , ECON DEV, PROPERTY</u>	
-77,960	Building Control	697,130	4,300	18,330	75,590			-850,890	795,350	-55,540
-77,960	BUILDING CONTROL	697,130	4,300	18,330	75,590			-850,890	795,350	-55,540
<u>DEVELOPMENT</u>									<u>PLANNING , ECON DEV, PROPERTY</u>	
592,055	Development	1,616,570		8,740	394,950			-1,524,320	2,020,260	495,940
592,055	DEVELOPMENT	1,616,570		8,740	394,950			-1,524,320	2,020,260	495,940
<u>DIR OF PLANNING, ECON DEV & PROP</u>									<u>PLANNING , ECON DEV, PROPERTY</u>	
106,810	Dir Plan, Ed, Prop	116,550							116,550	116,550
106,810	DIR OF PLANNING, ECON DEV & PROP	116,550							116,550	116,550
<u>ECONOMIC DEVELOPMENT</u>									<u>PLANNING , ECON DEV, PROPERTY</u>	
55,520	Economic Devel Mgr	67,480							67,480	67,480
197,415	Economic Development	211,670	1,160	1,500	57,840			-62,530	272,170	209,640
114,340	Town Centre Mgt	82,730	20,710	250	51,490			-48,100	155,180	107,080
23,420	Visitor Economy		17,250		6,000				23,250	23,250

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
390,695	ECONOMIC DEVELOPMENT	361,880	39,120	1,750	115,330			-110,630	518,080	407,450
<u>PROPERTY & FACILITIES</u>									<u>PLANNING , ECON DEV, PROPERTY</u>	
1,266,340	Buildings	346,470	692,120	1,520	345,210			-112,590	1,385,320	1,272,730
-2,228,470	Estates	329,040	256,300	200	109,790	10,350		-2,788,340	705,680	-2,082,660
60,000	Properties & Facilities				60,000				60,000	60,000
-902,130	PROPERTY & FACILITIES	675,510	948,420	1,720	515,000	10,350		-2,900,930	2,151,000	-749,930
<u>SPATIAL PLANNING</u>									<u>PLANNING , ECON DEV, PROPERTY</u>	
589,000	Spatial Planning	493,850	250	1,360	175,370			-40,070	670,830	630,760
589,000	SPATIAL PLANNING	493,850	250	1,360	175,370			-40,070	670,830	630,760
698,470	PLANNING , ECON DEV, PROPERTY	3,961,490	992,090	31,900	1,276,240	10,350		-5,426,840	6,272,070	845,230

Original Budget 2014 - 2015	Service	Employee Expenses	Direct Premises Expenses	Transport and Plant Expenses	Supplies and Services	Contract Payments	Capital Costs	Income	Gross Expenditure	Net Expenditure 2015 - 2016
13,503,236	Report Totals	17,906,700	3,100,123	1,763,530	9,438,052	32,190,680	912,000	-52,097,331	65,311,085	13,213,754
-153,160	Less Capitalised Salaries									-163,580
-258,000	Budgets funded from reserves – previously approved									-50,000
13,092,166	Total									13,000,174

Major items of growth and savings in the 2015/16 revenue budget

SALARIES	£	Growth £	Savings £
Pay Increase	203,890		
Superannuation Increase	146,640		
Other Staff costs	(267,380)	83,150	
Office Accommodation			
Rent and Service Charges - Parkside		404,160	
Existing Running Costs of Park North and North Point			(288,830)
Other net costs		20,390	
Decommission Park North and North Point		50,000	
Corporate			
Insurance		38,710	
Rates (exc Park North, North Point)		19,400	
Decrease in repairs and maintenance (excluding impact of office move)			(103,940)
Decrease in housing benefit and council tax support admin grants		48,048	
Interest			(70,000)
Property and Facilities			
Audit Office rent			(11,250)
Arun House rent reduction		35,000	
Reduction in Town Centre rents to reflect rent free periods and rent reviews		58,000	
Community and Culture			
Sand dressing for pitches		10,000	
Capitol - cleaning and catering contracts		20,500	
Increase in loss of income provision for closures during works to Leisure Centres		140,000	
Southwater car parking income			(20,000)
Maintenance of ASB team following reduction in grant		30,000	
Capitol - repairs to seating		25,000	
Warnham Car Park - resurfacing		25,000	
Development			
Reduction in advertising costs			(15,000)

Net increase in miscellaneous fees reflecting activity and the impact of CIL			(45,000)
Additional land charges income to reflect anticipated activity levels following appointment of new staff			(95,500)
Waste and Recycling			
Recycling Support grant			(51,940)
Green waste income			(42,750)
Kerb collection only			(59,940)
Street Scene and Fleet			
Derv			(79,000)
Acorn vehicle refurbishment		40,000	
Trade waste vehicle repairs		50,000	
Finance			
Interest payments -no borrowing envisaged			(200,000)
Repayment of capital costs - Minimum Revenue Provision			(75,000)
NNDR provision			(135,000)
Parking			
Net reduction in income		42,150	
Housing			
Tenants temporary accommodation - void costs		35,570	
Commissioning			
Change in Procurement partnership contribution		28,720	
Legal and Democratic			
Professional fees			(40,000)
Increased level of legal costs recovered			(10,000)
HR and OD			
Reduction in subscriptions			(18,500)
Census ICT			
Partnership contribution			(25,483)
Projects		64,380	
HDC ICT			
Reduction in projects			(46,000)
Reduction in electricity budget			(10,000)
Customer Services			
Closure of Storrington Help Point			Included in salary savings

CAPITAL PROGRAMME 2014/15 to 2018/19

APPENDIX C

Description	2014/15 Current approved	2014/15 Slippage	2015/16	2016/17	2017/18	2018/19
<i>Comm and Culture</i>						
CCTV CAMERAS - TOWN CENTRE	12,743	-	-	-	-	-
SOUTHWATER COUNTRY PARK-BEACH/PLAYEQT	250,648	-	-	-	-	-
FRENCHES WAY PLAY AREA, BILL'HURST	89,194	-	-	-	-	-
RIVERSIDE WALK PROJECT-HORMARE	25,924	(20,000)	-	-	-	-
PARTRIDGE GREEN	1,175	-	-	-	-	-
TRAVELLER TRANSIT SITE CHICHESTER	162,000	(162,000)	-	-	-	-
PARBROOK LANDSLIP PREVENTION	-	-	100,000	-	-	-
CAR PARK SOUTHWATER (COUNTRY PARK)	-	-	120,000	-	-	-
CAPITOL ARTS CENTRE - SOUND SYSTEM	-	-	65,000	-	-	-
HENFIELD LEISURE CENT - SOFT PLAY EXTEND	300,000	-	-	-	-	-
WARNHAM MILL POND ENGINEERING WORKS	-	-	117,000	-	-	-
Total	841,684	(182,000)	402,000	-	-	-
<i>Economic Dev</i>						
PULBOROUGH TOWN CENTRE IMPS S106	32,826	(31,000)	-	-	-	-
Total	32,826	(31,000)	-	-	-	-
<i>Envir Health & LM</i>						
96 ACT-DISABLED FACILITY GRANT	713,000	-	713,000	713,000	713,000	713,000
ACT-HOME REPAIR ASSIST. GRANT	75,000	-	75,000	75,000	75,000	75,000
ACT-RENOVATION GRANTS-DISC.	50,000	-	50,000	50,000	50,000	50,000
Total	838,000	-	838,000	838,000	838,000	838,000
<i>Housing</i>						
HOUSING ENABLING GRANTS	1,500,000	(125,000)	1,865,000	2,000,000	6,854,287	4,854,287
HOUSING SERVICES - SAXON WEALD LOAN	-	-	7,000,000	-	-	-
Total	1,500,000	(125,000)	8,865,000	2,000,000	6,854,287	4,854,287
<i>Parking services</i>						
SWAN WALK CP PAYM M/CS/BARRIERS	225,000	-	-	-	-	-
SIGNAGE - TOWN AND RURAL CAR PARKS	-	-	-	20,000	-	-
Total	225,000	-	-	20,000	-	-
<i>Property & Facilities</i>						
SWIMMING PROVISION-PARK SWIMMING	593,290	-	-	-	-	-
SWIMMING PROVISION-STEYNING	307,202	(130,000)	-	-	-	-
BROADBRIDGE HEATH LC-NEW BUILD	1,150,000	(1,100,000)	-	7,237,134	-	-
LEISURE FACILITIES - GENERAL	-	-	200,000	200,000	-	-
ARTS CENTRE-CHILLER REPLACEMENT	7,950	-	-	-	-	-
MULTI-STOREY CAR PARK-REPAIRS	497,697	(475,000)	-	-	-	-
SWAN WALK CENTRE	300,000	(285,000)	-	-	-	-
PIRIES PLACE CARPARK	120,000	(110,000)	-	-	-	-
PIRIES PLACE CARPARK LIFT	-	-	125,000	-	-	-
FORUM CAR PARK LIFT	-	-	140,000	-	-	-
COMMERCIAL ESTATES - GENERAL	-	-	50,000	100,000	100,000	100,000
GRANARY REFURBISHMENT	-	-	35,000	-	-	-
DRILL HALL HEATING SYSTEM	-	-	65,000	-	-	-
BISHOPRIC ENHANCEMENT	-	-	160,000	-	-	-
HILLSIDE PARK, SMALL DOLE, SAFETY WORKS	9,737	-	-	-	-	-
FORUM PAVING	82,307	(48,000)	-	-	-	-
REPLACE BOILERS	58,630	-	-	-	-	-
ENERGY EFFICIENCY IMPROVEMENTS	-	-	40,000	50,000	50,000	-
PARK ACCESS IMPROVEMENTS	16,677	-	-	-	-	-
SOUTHWATER HEALTH CENTRE PROJECT	20,000	-	-	-	-	-
HOP OAST DEPOT DRAINAGE RENEWAL	26,588	-	-	-	-	-
HOP OAST SECURITY	65,000	(65,000)	-	-	-	-
MILLSTREAM SURGERY	625,000	-	-	-	-	-
PARKSIDE MOVE PROPERTY SIDE	1,098,000	-	-	-	-	-
EAST STREET PEDESTRIANISATION	1,500	-	-	-	-	-

CAPITAL PROGRAMME 2014/15 to 2018/19

APPENDIX C

Description	2014/15 Current approved	2014/15 Slippage	2015/16	2016/17	2017/18	2018/19
WEST STREET IMPROVEMENTS	356,671	(200,000)	-	-	-	-
DISABLED ACCESS TO PUB.BLDGS.	20,000	-	-	-	-	-
WARNHAM MILLPOND RESERVOIR	648,420	-	-	-	-	-
CORPORATE BUDGET - ASSET ENHANCEMENT	50,000	-	50,000	500,000	500,000	500,000
Total	6,054,669	(2,413,000)	865,000	8,087,134	650,000	600,000
<i>Resources ICT</i>						
HDC DATA CENTRE - PARK NORTH	38,870	-	-	-	-	-
SAN	9,887	-	-	-	-	-
CORE SWITCH REPLACEMENT	20,000	-	-	-	-	-
PC DESKTOP MGT SOLUTION-CENSUS	33,834	-	-	-	-	-
DISASTER RECOVERY	38,737	(25,000)	-	-	-	-
LAN - HDC	7,746	-	-	-	-	-
WAN	36,342	-	-	-	-	-
HDC-WINDOWS 7+ OFFICE 2010 ROLLOUT	76,702	-	-	-	-	-
HDC-REPLACE DESKTOP PC'S	16,901	-	-	-	-	-
ICT PROJECTS	210,000	-	200,000	200,000	200,000	200,000
CENSUS ICT PROJECTS INC PSN	672,759	(69,000)	25,020	-	-	-
Total	1,161,778	(94,000)	225,020	200,000	200,000	200,000
<i>Streetscene & Fleet</i>						
VEHICLES - NEW	1,128,000	(565,000)	852,000	1,725,000	2,977,000	560,000
Total	1,128,000	(565,000)	852,000	1,725,000	2,977,000	560,000
<i>Waste & Recycling</i>						
HOP OAST DEPOT REALIGNMENT	996,200	(900,000)	1,500,000	1,000,000	-	-
Total	996,200	(900,000)	1,500,000	1,000,000	-	-
COUNCIL TOTAL	12,778,157	(4,310,000)	13,547,020	13,870,134	11,519,287	7,052,287
Capitalised salaries	153,160		163,580	150,000	150,000	150,000
GRAND TOTAL	12,931,317	(4,310,000)	13,710,600	14,020,134	11,669,287	7,202,287

APPENDIX D

SPECIAL CHARGE ELEMENT - SUMMARY

		2015/16
		£
EF1120	ALLOTMENTS	4,140
EF1200	CHILDRENS PLAYGROUNDS	25,170
EH1120	DRILL HALL	33,370
EW1110	BANDSTANDS	15,700
PE1110	FOOTWAYS & AMENITY LIGHTING	2,040
EF1180	FLORAL DISPLAYS	9,430
EE1110	HORSHAM PARK	57,430
	GRANTS TO NEIGHBOURHOOD	
AB1130	COUNCILS	14,290
AC2110	YOUTH WORKER GRANT	30,000
EF1160	RECREATION GROUNDS	54,080
JB1120	CHRISTMAS LIGHTS	21,470
	TOTAL	<u>267,120</u>

MINIMUM REVENUE PROVISION (MRP)

When the Council does not finance capital expenditure with resources such as capital receipts, grants, contributions and reserves it effectively finances the spend by debt (although this can be internally sourced debt), and it must put aside resources to repay that debt. The amount charged is known as the Minimum Revenue Provision (MRP).

The amount of Minimum Revenue Provision (MRP) is set by the Council but legislation requires the Council to have regard to guidance issued by the Department for Communities and Local Government (DCLG). The aim of the guidance is to ensure that debt is repaid over a period that broadly matches the period over which the unfinanced capital expenditure provides benefits

The Department for Communities and Local Government's guidance requires the Council to approve an annual MRP statement and recommends a number of options for calculating a prudent amount of MRP. The following statement incorporates options recommended in the Guidance as well as locally determined prudent methods.

The Council is recommended to approve the following MRP Statement:

- For capital expenditure incurred before 1 April 2008 or which in the future will be Supported (*Note*) Capital Expenditure, the MRP policy will follow the former DCLG Regulations. This means the MRP will be based on 4% of the Capital Financing Requirement in respect of that expenditure.
- From 1 April 2008 for all unsupported capital expenditure, the MRP will be calculated by dividing the capital expenditure by the expected useful life of the relevant assets, starting in the year after the asset becomes operational. MRP on purchases of freehold land will be charged over 50 years. MRP on expenditure not related to fixed assets but which has been capitalised by regulation or direction will be charged over 20 years.
- For assets subject to finance leases, the MRP requirement would be regarded as met by a charge equal to the element of the rent/charge that goes to write down the balance sheet liability.
- Where loans are made to other bodies for their capital expenditure, no MRP will be charged. However, the capital receipts generated by the annual repayments on those loans will be put aside to repay debt instead.
- Capital spend is not subject to a MRP until the next financial year.

Note Supported Capital Expenditure is capital spend that central government supports with a contribution through grant. Horsham District Council does not have any Supported Capital Expenditure at present.

Prudential Indicators

Capital Expenditure Plans

The Council is asked to approve the capital expenditure projections below. The estimate of capital expenditure is based on the capital budget approved elsewhere in this report and estimates of capital spend that may become necessary during the period of the medium term financial strategy.

	2014/15 Revised £000	2015/16 Revised £000	2016/17 Revised £000	2017/18 Estimate £000
Projected Capital Expenditure	6,862	14,458	12,550	14,252
Financed by:				
Capital receipts and third party contributions	3,766	5,422	11,053	9,900
Capital grants	442	442	442	442
Revenue reserves	855	0	0	0
Total Financing	5,063	5,864	11,495	10,342
Net financing need	1,799	8,594	1,055	3,910

The Council's borrowing need, the Capital Financing Requirement

The Council is asked to approve the projections below:

Capital Financing Requirement	2014/15 Revised £000	2015/16 Revised £000	2016/17 Revised £000	2017/18 Estimate £000
Opening balance	10,964	12,018	19,812	19,837
Net financing need	1,799	8,594	1,055	3,910
Less MRP	(745)	(800)	(1,030)	(830)
Closing balance	12,018	19,812	19,837	22,917
Net inc/(decrease)	1,054	7,794	25	3,080

Affordability Prudential Indicators

Estimates of the ratio of financing costs to net revenue stream – This indicator identifies the trend in the cost of capital (borrowing costs net of investment income) against the net revenue stream. It therefore measures how much of the Council's overall income is used to finance capital.

2014/15	2015/16	2016/17	2017/18
6%	5%	6%	5%

Estimates of the incremental impact of capital investment decisions on the Council Tax – This indicator identifies the revenue costs associated with the proposed changes to the capital programme recommended in the budget report. The costs are shown per Band D property and have been included in all the budget projections brought before the Council.

2015/16	2016/17	2017/18
£0.03	£0.09	£0.17

Limits to Borrowing Activity

For the first of these indicators the Council needs to ensure that its total borrowing net of any investments, does not, except in the short term, exceed the total of the Capital Financing Requirement in the preceding year plus the estimates of any additional requirement for 2015/16 and next two financial years (the relevant comparative figures are highlighted). This allows some flexibility for limited early borrowing for future years but ensures that borrowing is not undertaken for revenue purposes.

	2014/15 Revised £000	2015/16 Revised £000	2016/17 Revised £000	2017/18 Estimate £000
Gross Borrowing	4,000	4,000	4,000	4,000
Investments	27,652	27,248	32,152	19,812
Net Borrowing	(23,652)	(23,248)	(28,152)	(15,812)
Capital Fin. Req.	12,018	19,812	19,837	22,916

On the basis of the estimates above total debt is expected to remain below the CFR in the forecast period.

Limits to debt

The Operational Boundary prudential indicator represents the expected maximum debt position during each year. The other debt prudential indicator is the authorised limit for external debt which represents the limit beyond which external borrowing is prohibited, and needs to be set and revised by Council. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003. The table below shows the estimates that the Council are asked to approve.

	2015/16	2016/17	2017/18
Operational boundary - borrowing	£4m	£4m	£4m
Operational boundary – other long term liabilities	£0m	£0m	£0m
Operational boundary - Total	£4m	£4m	£4m
Authorised limit – borrowing	£14m	£14m	£14m
Authorised limit – other long-term liabilities	£1m	£1m	£1m
Authorised limit – Total	£15m	£15m	£15m

New Homes Bonus

APPENDIX G

		<u>2011/12</u>	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>	<u>2016/17</u>	<u>2017/18</u>	<u>2018/19</u>	<u>Total NHB for year</u>	<u>Used to fund revenue account</u>	<u>Added to NHB Reserve</u>	<u>Balance of Reserve</u>
		£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
<u>New Homes Bonus</u>	2011/12	379								379	0	379	379
<u>Assuming no new</u>	2012/13	379	390							769	0	769	1,148
<u>allocations from 16/17</u>	2013/14	379	390	397						1,166	1,166	0	1,148
	2014/15	379	390	397	776					1,942	1,166	776	1,924
	2015/16	379	390	397	776	994				2,936	1,166	1,770	3,694
	2016/17	379	390	397	776	994	<i>0</i>			2,936	1,166	1,770	5,464
	2017/18		390	397	776	994	<i>0</i>	<i>0</i>		2,557	1,166	1,391	6,855
	2018/19			397	776	994	<i>0</i>	<i>0</i>	<i>0</i>	2,167	1,166	1,001	7,856
<u>Total NHB (allocations already announced)</u>		<u>2,274</u>	<u>2,340</u>	<u>2,382</u>	<u>3,880</u>	<u>3,976</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>14,852</u>		<u>7,856</u>	

Figures assume no new awards of new Homes Bonus from 2016/17 onwards, but that announced allocations are paid for the full six years.

Figures in italics from 2016/17 could be at risk if government policy on the payment of existing allocations for the full six years were to change.

Report to Cabinet

29 January 2015

By Cabinet Member for the Environment



KEY DECISION

Not exempt



Horsham
District
Council

Review of waste services in response to Waste England and Wales Regulations 2011 (as amended); TEEP Assessment

Executive Summary

The Waste England and Wales Regulations 2011 (the Regulations) impose a duty on waste collection authorities to arrange for separate collection of each stream of recycling or to demonstrate that any alternative collection system used achieves objectives for high quality recycling as required by Regulation 13 of the EU Waste Framework Directive. The West Sussex Waste Partnership has commissioned consultants to undertake a 'TEEP' review (technically, environmentally or economically practicable) for each of the Districts and the results of that review have now been received. It has concluded that the current system does not achieve the quality of recycling that would be achieved by adopting source segregated collections, but that it is not economically practicable to change the current collection arrangements.

Therefore the existing co-mingled recycling collection system using blue-topped bins complies with the requirements of the Regulations. There is an ongoing duty to ensure continued compliance with the regulations therefore any significant changes in collection systems or external factors will require further reviews to be undertaken.

Recommendations

The Cabinet is recommended:

- i) To adopt the findings of the 'Waste Regulation 13 Assessment' produced by Ricardo-AEA on 19 December 2014 (ref AEA/R/ED60103); in particular the primary conclusion that since it would not be economically practicable to change to source segregated recycling collections the existing system complies with the duties imposed by the Regulations
- ii) To delegate authority to the Director of Community Services to monitor continued compliance and undertake future reviews of compliance with the Regulations as required by changes in circumstances or proposed service changes.
- iii) To delegate authority to the Cabinet Member for the Environment and Director of Community Services to promote environmental and economic improvements in recycling quality through the established partnership arrangements with West Sussex County Council and the other districts and boroughs in the area.

Reasons for Recommendations

- i) To ensure compliance with the duties imposed by the Regulations as interpreted through statutory and non-statutory guidance issued by government agencies
- ii) To ensure continued compliance with the Regulations
- iii) To seek to achieve continuous improvement of the environmental and economic performance of recycling collection arrangements.

Background Papers

Ricardo AEA Waste Regulation13 Assessment Executive Summary

Consultation

Clean & Tidy Advisory Group
Senior Leadership Team

Wards affected

All wards

Contact

David Robertson, Waste and Recycling Officer. 01403 739455

Background Information

1 Introduction

- 1.1 This report presents the finding of consultants engaged to establish if the Council complies with new legal requirements to:
- a) Collect recyclable material separately, for example through using recycling boxes and manually sorting the material into different streams on the lorry or
 - b) Ensure that such a system is not necessary to achieve high quality recycling or
 - c) determine that it would not be technically, environmentally or economically practicable (TEEP) to take the measures in a) above.

2 Statutory and Policy Background

Statutory background

- 2.1 The Waste England and Wales Regulations 2011 (as amended) create a duty on waste collection authorities to adopt separate recycling collections or to establish if this is not necessary or practical to achieve high quality recycling. These regulations stem from Regulation 13 of the EU Waste Framework Directive. Local Authorities are required to comply with the Regulations from 01 January 2015.

Relevant Government policy

- 2.2 There are no formal government policies in relation to these Regulations and no statutory guidance. However WRAP, a government agency have published a guidance 'roadmap' and this is being widely used as best practice guidance in complying with the regulations.
- 2.3 The Environment Agency is the enforcement body and has issued guidance notes and statements about prosecution strategy.

Relevant Council policy

- 2.3 There are no policies that directly relate to this legislation

3 Details

Summary of TEEP Assessment

- 3.1 The TEEP assessment has been carried out by consultants Ricardo AEA, commissioned by WSCC acting on behalf of the waste partnership. The assessment evaluates the costs and environmental performance of the existing recycling collection and treatment system and compares this against alternative options including pure source segregation and hybrid solutions. The results of this assessment show that in order to comply with the Regulations some or all of the

Agenda Item 6(b)

existing collection fleet would have to be replaced with lorries which were suitable for collecting single-stream recycling. This would result in a net increase in the number of vehicles and staff required. It would also require significant changes to the recycling infrastructure put in place by WSCC, for example changes to the materials recycling facility and transfer stations. It is likely that any changes to waste infrastructure could involve capital investment in excess of a million pounds plus significant operating expenses.

The assessment uses detailed data on the costs and performance of the current system and uses objective assumptions of the costs of alternative systems based on available information, for example the capital costs of vehicles and their operating efficiencies.

Meeting the 'Necessity' and 'TEEP' tests

- 3.2 The TEEP assessment has been carried out by consultants Ricardo AEA, The regulations require the authority to consider whether its current collection system passes two tests.

The first test asks whether the current system achieves the same quality and quantity of recyclable material as could be achieved by source segregation. For paper, cans and plastics there is some uncertainty whether the current system achieves the same standards as source segregation. For glass it is clear that it does not.

The second 'TEEP' test then assesses whether source segregation is technically, environmentally and economically practicable. If it passes all of these tests then the current system must be changed in accordance with the Regulations.

- 3.2 **Technically – Pass.** It is technically possible to purchase suitable vehicles and containers for source segregated collections, as evidenced by the fact that many other similar districts in England operate these systems.
- 3.3 **Environmentally – Pass.** Although the current system achieves high recycling rates there would be better environmental outcomes if glass is source separated. This is because the MRF recycling process smashes the bottles into smaller pieces and only 60% are currently sent to 're-melt' markets to be made back into new bottles. The remaining 40% of smaller fragments are sent to aggregates recycling and this has a poorer carbon footprint. For the other materials there are no environmental advantages.
- 3.2 **Economically – Fail.** Source segregated collections will be a lot more expensive than the current co-mingled system. Taking into account all capital and operating costs but excluding depot expansion costs, the additional annual cost would be:

- Pure source segregation of all materials	£1,381,000 per year
- Separate glass collection and mixed paper, cans, plastics	£559,000
- Separate paper collection and mixed glass, cans, plastics	£287,000

Each of these options is significantly higher than current operating costs. Although separate collection of paper is the least expensive it would not improve the environmental performance so should be rejected.

Pure source segregated collection is the most expensive option and has no discernible environmental benefit over separate collection of glass; therefore this option should be rejected on economic grounds.

Segregation of glass from the current system is the best available option however this would incur direct net costs of £559,000 per year, plus significant additional costs to the County Council to reconfigure existing waste processing infrastructure. It is likely that these costs would be passed on to the Council through a reduction in the recycling grant received from the County Council.

These figures represent 17% of the Council's current waste and recycling budget and equates to an additional per £15.01 tonne or £9.70 per household on top of current costs. The assessment therefore concludes that it would NOT be economically practicable to operate a separate collection of glass within the district context.

4 Next Steps

- 4.1 The Regulations impose a continuing duty to ensure compliance. Therefore any change in local circumstances or external factors such as technical innovations or changes in the economics of recycling collections will require a review of compliance. Likewise any proposed changes in Council waste policies or collection systems should include consideration of continued or improved compliance and reduction of risk of non-compliance and legal challenge.
- 4.2 While it is an absolute requirement to comply with the specific duties of the regulations it is also clear that there is a wider duty to achieve the spirit of the regulations. This is to comply with Regulation 13 of the EU Directive's aims to achieve high quality recycling. Therefore the Council should consider this wider duty when changing waste policy and service delivery.

5 Outcome of Consultations

- 5.1 The Director of Corporate Resources has given advice on the matter and supports the recommendations in the report.
- 5.2 The Head of Legal and Democratic Services and Monitoring Officer has given advice on the matter and supports the recommendations in the report.
- 5.3 The Director of Community Services has given advice on the matter and supports the recommendations in the report.

6 Other Courses of Action Considered but Rejected

- 6.1 No other courses of action have been considered. There is a legal duty to comply with the Regulations and the Environment Agency has made it clear that enforcement action will be taken against authorities that fail to comply.

7 Staffing Consequences

- 7.1 There are no staffing consequences at this stage since the report does not recommend any changes to staff engaged in recycling collection services.

8 Financial Consequences

- 8.1 There are no financial consequences arising from this report. The Regulations could cause additional costs in the future if there is a significant change in the environmental or economic performance of alternative recycling collection systems and these should be considered by members or officers as appropriate
- 8.2 The costs of conducting the consultant's assessment were met through the Recycling Contingency Fund, a budget held by West Sussex County Council on behalf of the Waste Partnership. This is part of the locally agreed arrangements for supporting waste collection authorities in lieu of the County's duty to provide statutory recycling credits. The total cost for the assessments for all districts and boroughs in West Sussex is approximately £45,000.

Appendix 1

Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached /No</p>	<p>Failure to adopt a separate recycling system or to conduct an appropriate assessment of the existing system could lead to prosecution. The methodology of the assessment carried out by the consultants follows established best practice.</p> <p>By adopting the recommendations in this report the Council is achieving its statutory obligations</p> <p>A formal risk assessment has not been carried out as the report does not recommend any changes in policies or service delivery.</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. There are no crime and disorder implications as a result of this report.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The report is considered to be consistent with the provisions of the Human Rights Act 1998</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached /No</p>	<p>The proposal does not change policies or the delivery of any services. There are no direct or indirect impacts on any groups of people by adopting the recommendations in this report.</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>The Regulations aim to achieve the EU Directives goals for recycling quality. The recommendations in this report aim to ensure compliance with this duty and will act as a driver to enhance recycling systems by requiring that future changes in policies and services prioritise recycling quality.</p>

Horsham District Council

Waste Regulation 13 Assessment



Report for Horsham District Council

Ricardo-AEA/R/ED60103

Issue Number 1 Commercial Restricted

Date 19/12/2014

Customer:

Horsham District Council

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Approved By:

Hannah Lawrie and Sarahjane Widdowson

Date:

19 December 2014

Ricardo-AEA reference:

Ref: ED60103- Issue Number 1 Commercial
Restricted

Executive Summary

This report sets out recommendations with respect to meeting the requirements of the Waste (England and Wales) Regulations 2011 (as amended) [“the Regulations”], Regulation 13 with respect to the separate collection of paper, glass, metal and plastic.

1.1 Legal requirement

The Regulations transcribe into English law the requirements of the revised Waste Framework Directive (2008). The objective of this directive is “to protect the environment and human health by preventing or reducing the adverse impacts of the generation and management of waste and by reducing overall impacts of resource use and improving the efficiency of such use.”

The objective of Regulation 13 is understood by Horsham District Council (the Council) officers, based on reading the relevant guidance and discussions with our technical advisors Ricardo-AEA, to be to promote high quality “closed loop” recycling. Closed loop recycling means recycling materials back into similar products e.g. newspaper back into paper and glass bottles back into glass bottles (rather than down-cycling into aggregate for example). Regulation 13 provides the framework to achieve this objective by requiring that waste collection authorities separately collect paper, glass, metal and plastic.

The Council currently collects these materials in-house using a co-mingled collection system. The co-mingled materials are delivered to Ford Materials Recycling Facility (MRF) under the Reclaim Contract with Viridor held by the County Council. Under Regulation 13 the collection system needs to be changed to provide all householders with separate collections for these materials.

However, under the Regulations co-mingled collections may be permitted if:

- The quality and quantity of the material collected is the same or better than could be achieved by a separate collection (i.e. separate collection isn't necessary to improve or facilitate recovery of the material – the ‘Necessity Test’); or
- Separate collection is not Technically, Environmentally or Economically Practicable (the ‘TEEP Test’).

The decision about whether or not co-mingled collections are permitted to continue in Horsham must be based on the particular circumstances of the Council's collection system and how this system performs against the Necessity and TEEP Tests.

Regulation 13 comes into force on 1st January 2015 and at the present time there is no formal guidance or case law to provide insight or official interpretation of this complex legal requirement. The Waste Resource Action Programme (WRAP) and other key stakeholders have developed a Waste Regulation Route Map which offers guidance on how to assess whether separate collection is required in a particular council area. In order to work out if separate collection is necessary or technically, environmentally or economically practicable under the Regulations, the Council commissioned Ricardo-AEA to undertake a detailed assessment, based on WRAP's Route Map approach, on our behalf.

This report sets out the Council Officers' and Ricardo-AEA's understanding and interpretation of the legal requirements based on our technical knowledge and experience. It should be noted that Ricardo-AEA are not lawyers and they have not provided legal advice.

1.2 Is separate collection necessary for Horsham?

1.2.1 Waste Hierarchy

According to WRAP's Route Map, the first requirement of the assessment is to consider whether the Council could move the recovery (and recycling in particular) of the different materials collected up the waste hierarchy, thus achieving the best overall environmental outcome, reducing each material's lifecycle impact.

This assessment identified that in most instances, where reasonable, materials collected by the Council were in line with the waste hierarchy. With regards to those materials relevant to Regulation 13 (and collected at the kerbside); paper, metal (cans), plastics (plastic bottles) and glass are currently being recycled and it would not be economically viable and in most cases technically feasible to move these higher up the hierarchy to preparation for re-use. However, plastic tubs and pots are currently not targeted for recycling by the Council and collection of these materials would move them up the hierarchy from other recovery or disposal to recycling. The Council will be targeting this material by incorporating it within the co-mingled collection from April 2015, subject to agreement on a variation of the Reclaim Contract.

From a lifecycle impact perspective, the "recycling" level of the hierarchy could be split into two tiers with higher quality closed loop recycling (e.g. glass being sent for re-melt) being preferable to open loop recycling (e.g. glass being sent for use in aggregate). The assessment concluded that currently paper, cans and plastic bottles are sent for closed loop recycling. Coloured plastic bottles and plastic tubs and pots are currently (or will be in the case of tubs and pots) open-loop recycled. The issue here is not the method of collection but the availability of markets; at the present time there are no economic options available for closed loop recycling of mixed plastics.

However, glass is currently recovered at the end of the MRF sorting process and some of the material is broken into small pieces which are not suitable for re-melting back into glass bottles. The MRF achieves a 60% re-melt (closed loop recycling) rate for this material. The remaining 40% of the glass is sent to be used as aggregate (open loop recycling). Use as aggregate is better than landfilling the material due to the avoidance of raw materials, but is lower down the value chain than re-melt. In terms of climate change impact, the avoided carbon emissions associated with glass sent for re-melt are -366 kg CO₂/tonne rather than just -21 kg CO₂/tonne when used in aggregate. Separate collection of glass is likely to enable closer to 100% of the collected material to be sent for re-melt. The assessment identified that separate collection of glass would move the recovery of this material up the waste hierarchy to higher quality recycling.

With regards to other materials which require assessment under Regulation 12; the waste hierarchy assessment concluded that the majority of textiles (collected via bring sites and the county's HWRCs) are sent for re-use via textile reclaim. This material is therefore as high up the waste hierarchy as it can be. However, by introducing textile collections at the kerbside, it could be that capture rates of textiles would be increased, thus diverting more material from the residual waste stream, and moving it higher up the waste hierarchy. It may be most appropriate for the Councils to encourage residents to donate textiles for re-use locally. This option should be considered by Horsham.

The assessment also concluded that food waste is currently disposed with the residual waste to landfill or sent for other recovery (energy from waste (EfW) or mechanical biological treatment (MBT)). Separate collection of this material would move this up the waste hierarchy to recycling (through composting). It is not currently economically viable to collect this material separately due to the current contract arrangements for the residual waste stream.

1.2.2 Necessity Test

Following the guidance in WRAP's Route Map the next step is to decide whether the Council needs to collect the materials cited within the regulations (paper, metal, plastic and glass) separately from one another.

The Necessity test requires the Council to take each material in turn and determine whether separate collection (the default option) is necessary to ensure that waste is recycled and to 'facilitate or improve recovery'.

This requires examination of the quantity and quality of recycling that can be achieved through the required separate collection of each material compared to using the Council's current co-mingled system.

Ricardo-AEA has assessed the quantity and quality of recyclate currently being collected by the Council and sent for recycling after treatment at the Ford MRF, and compared this to the performance achieved by separate collection.

The outcome of this assessment is presented in Table 1.

Table 1: Outcome of the Necessity Test

Material	Quantity	Quantity Commentary	Quality	Quality Commentary		Overall assessment	Conclusion
				Outputs	Assessment limitations		
Paper	↓	Modelling suggests separate collection may lead to a decrease in recyclate yield.	↑(?)	<ul style="list-style-type: none"> Information from Viridor with respect to paper outputs from the MRF indicate that the co-mingled collection is achieving the necessary quality standards for the reprocessor (0.5% contamination¹). Viridor claim 100% of paper sent for recycling is sent to reprocessors for closed loop recycling. Typically source separated systems for paper produce higher quality outputs than co-mingled systems. 	<ul style="list-style-type: none"> During this assessment Viridor have not provided information on the actual levels of contamination being received by the reprocessor. Contamination information relating to output quality sent to the reprocessor is being sought and in any event will be publicly available from the first quarter of 2015 (as part of the routine sampling and compositional testing required by the Environmental Permitting (England and Wales) (Amendment) Regulations 2014) Information relating to the levels of 	<ul style="list-style-type: none"> Quantity levels may be improved with the co-mingled system but it is not clear whether or not separate collection is likely to deliver increased quality and to what extent. As such, it is not clear whether source separation will facilitate or improve recovery overall i.e. will the modelled decrease in quantity offset any increase in quality (if any). 	Uncertainty on the relative performance of the co-mingled system in the local context compared to separate collection means the TEEP Test should be applied.
Metal	↓	Modelling suggests separate collection may lead to a decrease in	→(?)	<ul style="list-style-type: none"> Information from Viridor with respect to cans indicates that the co-mingled collection is achieving the necessary quality standards for the 			

¹ <http://www.resourceassociation.com/regip-contamination-value-chart> (Classification: Fibre)

Material	Quantity	Quantity Commentary	Quality	Quality Commentary		Overall assessment	Conclusion
				Outputs	Assessment limitations		
		recyclate yield.		reprocessor (3% contamination for aluminium cans and N/A for steel cans ²). • Viridor claim 100% of cans sent for recycling is sent to reprocessors for closed loop recycling. • It is simple to extract steel and aluminium from co-mingled collections and separate collection is unlikely to increase the quality of material recycled.	contamination from source separated schemes is limited and it is difficult to be certain what levels of contamination would be for a separate collection system in Council's area. • Without this information relating to MRF output quality and contamination in separate collections, it is not possible to directly compare the levels of		
Plastic	↓	Modelling suggests separate collection may lead to a decrease in recyclate yield.	→(?)	• Information from Viridor with respect to plastic bottles indicates that the co-mingled collection is achieving the necessary quality standards for the reprocessor (6% contamination for plastic bottles ³).	contamination at the reprocessor for the Council's current co-mingled system and the levels achieved by a source separated systems.		

² <http://www.resourceassociation.com/regip-contamination-value-chart> (Classification: Packaging)

³ <http://www.resourceassociation.com/regip-contamination-value-chart> (Classification: Packaging)

Material	Quantity	Quantity Commentary	Quality	Quality Commentary		Overall assessment	Conclusion
				Outputs	Assessment limitations		
				<ul style="list-style-type: none"> Viridor claim 100% of clear PET plastic bottles sent for recycling is sent to reproprocessors for closed loop recycling and all mixed plastic sent for recycling is sent to reproprocessors for open loop recycling. 			
Glass	↓	Modelling suggests separate collection may lead to a decrease in recycle yield.	↑	<ul style="list-style-type: none"> 60% of glass sent for recycling is sent to reproprocessors for re-melt (closed loop recycling) and 40% is sent to reproprocessors to be used in aggregate (open loop recycling). Separate collections are likely to achieve higher rates of re-melt than co-mingled collections i.e. a higher proportion of closed loop (higher quality) recycling – closer to 100%. 		Although the modelling indicates that separate collection may lead to a marginal decrease in quantity of glass collected (of 1.13 kg/hh/yr), this will be offset by the likely significantly higher rates of closed loop recycling achieved through separate collection of glass (close to 100%).	Analysis shows separate collection meets the Necessity Test so the TEEP Test should be applied.

1.3 Is separate collection practicable for Horsham?

The 'TEEP Test' establishes whether separate collection is technically, environmentally and economically practicable (Regulation 13), and is applied to any material that the Necessity Test says it is or may be necessary to collect separately. If separate collection of a material fails any one of the tests the analysis shows that separate collection is not practicable and therefore, not required.

The outcome of the Necessity Test for Horsham has shown that the TEEP Test needs to be applied to all four materials – paper, metal, plastic and glass.

1.3.1 Technical Practicability

The European Commission guidance on the WFD says that “‘Technically practicable’ means that the separate collection may be implemented through a system which has been technically developed and proven to function in practice.”

Although collecting the four materials separately would provide the Council with operational challenges, similar systems are being run successfully elsewhere in the Country and have been proven to function in practice. Therefore, it is considered that it would be technically practicable to operate separate collections within the local context.

Technical practicability outcome - PASS

1.3.2 Environmental Practicability

The European Commission guidance on the WFD says that “‘Environmentally practicable’ should be understood such that the added value of ecological benefits justify possible negative environmental effects of the separate collection (e.g. additional emissions from transport).”

From the modelling conducted it has been demonstrated that separate collections of the key materials would achieve environmental benefits with respect to the waste hierarchy and climate change impacts. The net embedded CO₂ emissions associated with the collection options investigated show a net ecological benefit. This calculation included burdens associated with the disposal, treatment and handling of the waste and the avoided CO₂ emissions associated with open and closed loop recycling.

Guidance from the EU suggests that these benefits are likely to outweigh local amenity and air quality issues. The assessment therefore concludes that it would be environmentally practicable to operate separate collections within the local context.

Environmental practicability outcome - PASS

1.3.3 Economic Practicability

‘Economically practicable’ refers to a separate collection which does not cause excessive costs in comparison with the treatment [including recycling] of a non-separated [co-mingled or residual] waste stream, considering the added value of recovery and recycling and the principle of proportionality.

From the modelling conducted, if the Council implemented separate collections additional costs (in comparison to current service costs) would be incurred in the form of:

- Additional / replacement vehicles;
- Additional drivers and operatives;
- Upgrades required to the depot to accommodate additional vehicles;
- Bulking facilities requirements; and
- Additional / replacement container costs.

There would also be costs to the County Council (WDA) relating to upgrading the transfer station and MRF, which might be passed on to the Council and/or householders. The WDA has requested details of these potential costs and impacts from Viridor: these costs are not yet available and therefore are not currently included in the cost calculations.

There may also be contract change costs to the current Reclaim Contract that also have not been taken into consideration within the cost calculations. There is also a current MOU between the Council and the County Council covering the Reclaim Contract that specifies the types of materials that can be collected and how they can be delivered (i.e. as co-mingled material).

The cost calculations include material revenue from separate collections. It is assumed this will provide an increased income to the Council that would help to offset a proportion of the aforementioned costs.

Despite this, the cost calculations show that moving to a kerbside sort separate collection system with all key materials collected separately would incur an additional £1,381,864 per annum (above the current service costs) to implement. This includes the annualised cost of purchasing vehicles and containers, vehicle running costs including fuel, the cost of the required crews and a cost relating to construction and operation of a bulking facility. Land acquisition costs are not included. The additional cost represents 42% of the Council's current waste and recycling budget and equates to an additional £37.12 per tonne or £23.99 per household on top of current costs. The assessment therefore concludes that it would NOT be economically practicable to operate separate collections within the local context.

As the separate collection of each of the four materials is not economically practicable an assessment was undertaken to understand whether a separate collection of one of the four materials is practicable. The assessment focussed on paper and glass as it was determined that separate collection of these materials could achieve the greatest improvement in recovery and therefore the best overall environmental outcome. Further it was considered, and backed up by high level modelling, that separate collection of either plastic or metal would incur a higher cost (due to its low density compared to paper and glass resulting in higher collection costs) than either paper or glass. Therefore if the separate collection of glass and paper proved not to be economically practicable then it would follow that plastic and metal would be too.

In considering the separate collection of glass, the assessment found that of the different collection configurations modelled the lowest cost option is an additional £558,945 per annum. This represents 17% of the Council's current waste and recycling budget and equates to an additional per £15.01 tonne or £9.70 per household on top of current costs. The assessment therefore also concludes that it would NOT be economically practicable to operate separate collection of glass only within the local context.

For separate paper collection the assessment found that of the different collection configurations modelled the lowest cost option is an additional £286,950 per annum. This represents 9% of the Council's current waste and recycling budget and equates to an additional per £7.71 tonne or £4.98 per household on top of current costs. The assessment therefore also concludes that it would NOT be economically practicable to operate separate collection of paper only within the local context.

Economic practicability outcome - FAIL

TEEP TEST CONCLUSION – Separate collection of the four materials is NOT practicable and therefore separate collection is NOT required.

1.4 Re-evaluation process

The Council needs to have a process in place to re-evaluate the current position to ensure continuing compliance. As the principal factor that has influenced the outcome of the TEEP Test is economic practicability and in particular the additional costs of operating a separate

collection system which includes the costs of updating and/or replacing current fleet and containers and the prohibitive cost of exiting or changing the current recycling/treatment/disposal contract, the Council may need to undertake a further review/update when any of the following is in prospect:

- Purchase of new vehicles;
- If new disposal/treatment/recycling arrangements are put in place that affect the waste the Council are able to deliver to the County Council (WDA);
- Data gaps highlighted within the technical report have been addressed e.g. costs associated with contract change; or
- If further guidance or case law becomes available which would materially affect the assumptions made in this assessment, such as clarification on the definition of what constitutes 'high quality' recycling or 'excessive costs'.

1.5 Recommendation

That approval is given to continue collecting recyclables using the existing co-mingled system.



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Report to Cabinet

29th January 2015

By the Cabinet Member for a Safer & Healthier District

NON-KEY DECISION REQUIRED

Not exempt



Horsham
District
Council

Introduction of an Anti-social Behaviour Policy

Executive Summary

This report seeks Cabinet approval for the introduction of an Anti-social Behaviour Policy which has been developed to reflect the Anti-social Behaviour, Police and Crime Act 2014 effective from 20th October 2014. The policy provides a transparent and consistent approach to dealing with the victims and perpetrators of anti-social behaviour with clear information and advice.

Recommendations

The Cabinet is recommended:

- i) To adopt the draft Anti-social Behaviour Policy applicable to all departments of the authority as set out at Appendix 2 to this report.
- ii) To authorise the Community Safety Manager in consultation with the relevant Cabinet Member to make minor amendments to the policy, once adopted, to reflect changes in legislation or guidance and codes of practice where a full review of the policy is not warranted.

Reasons for Recommendations

- i) Horsham District Council as a Local Authority is considered by the new legislation 'relevant body' and as such has a statutory duty to have a Community Trigger procedure to undertake case reviews where necessary. It is considered by appropriate and in line with Home Office guidance to have a clear Policy which staff in relevant departments and Council Members are aware of. The Policy should be made publicly available in a variety of formats.

Background Papers: Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers, Statutory guidance (Home Office July 2014).

Consultation: Council Solicitor / Sussex Police / Relevant HDC Department

Wards affected: All

Contact: Greg Charman, Ex 5124

Background Information

1 Introduction

The purpose of this report

- 1.1 The purpose of this report is to seek Cabinet approval for applying and making publicly available an Anti-social Behaviour Policy to provide a consistent approach to how Horsham District Council will deal with Anti-social Behaviour and more specifically how an individual can activate the Community Trigger.

Background/Actions taken to date

- 1.2 The Government has published statutory guidance which explain the reforms of the Anti-social Behaviour powers. This guidance has been used to develop the local policy.

2 Statutory and Policy Background

Statutory background

- 2.1 The Anti-social Behaviour, Crime and Policing Act 2014

Relevant Government policy

- 2.2 The reform of anti-social behaviour powers – Statutory Guidance

Relevant Council policy

- 2.3 i General Enforcement Policy for Environmental Health and Licensing
ii Environmental Enforcement Policy

3 Details

- 3.1 Since 2003 Horsham District Council has had an anti-social behaviour function, initially in the form of a co-ordinator and then more latterly since 2006 through a team of part time staff comprising two case workers and an administrator, based at Horsham Police Station. The District Council has never had a formal policy to govern the work of this function, however over the years and by learning from best practise, the team have achieved an excellent reputation to deliver real results for our residents using the powers as set out in the Anti-social Behaviour Act 2003.

The purpose of this policy is to ensure that this good work is built upon and the protection of people from ASB and any harm caused by the same. It describes how Horsham District Council:

- Recognises and records reports of ASB
- Assesses the risk to individuals

- Prioritises the response required
- Takes action with partners to solve problems and prevent further harm from ASB

3.2 This Policy recognises the new legislation and once formally adopted by the Council all HDC staff and Councillors will be made familiar with the document and aware of the procedures to follow if they are contacted by victims of anti-social behaviour. Once introduced all staff and Councillors will be offered training by the Community Safety Unit to ensure that there is a good level of corporate knowledge and understanding.

3.3 The Council has a duty as a Relevant Body to ensure that it has the necessary procedures in place to deal with a Community Trigger activation. Adopting and applying the Anti-social Behaviour Policy for Horsham District Council is a key method of ensuring that the Council does all that it reasonably can to tackle anti-social behaviour thereby reducing the likelihood of Community Trigger activations in the first place.

3.4 Failure to adopt an Anti-social Behaviour Policy for the Council which outlines the Community Trigger process would expose the Council to legal challenge as we would be in breach of Statutory Duties.

4 Next Steps

4.1 The Cabinet is recommended to adopt the Anti-social Behaviour Policy for Horsham District Council set out at Appendix 2 to this report.

5 Outcome of Consultations

5.1 The Director of Corporate Resources has been consulted and their comments incorporated within the report.

5.2 The Monitoring Officer has been consulted and his comments incorporated within the report.

5.3 The Cabinet Member for Safer and Healthier District has been closely engaged with the development of the policy and fully supports the approach proposed.

6 Other Courses of Action Considered but Rejected

6.1 None

7 Staffing Consequences

7.1 There are no staffing consequences

8 Financial Consequences

8.1 There are no financial consequences

Appendix 1

Consequences of the Proposed Action

<p>What are the risks associated with the proposal?</p> <p>Risk Assessment attached Yes/No</p>	<p>The current lack of policy and no process for the Community Trigger could be challenged as a breach of Statutory Duty.</p> <p>The adoption of this policy relies upon having the necessary staff employed currently within the Community Safety Unit to undertake the functions in accordance with the Policy. Whilst there is a continued uncertainty over external funding for officers that will discharge this policy, this issue is picked up separately through the budget process where there is a growth bid in response to a reduction in external funding in 2015/16.</p> <p>No</p>
<p>How will the proposal help to reduce Crime and Disorder?</p>	<p>Anti-social Behaviour is a key priority for the both Sussex Police and the local Horsham District Community Safety Partnership accounting for significant numbers of calls as it can make the lives of residents and visitors very unpleasant. The policy aims to make clear to victims of anti-social behaviour what they can expect from Horsham District Council and how we aim to put victims at the heart of our response providing Council Officers the necessary tools to deal with a variety of situations.</p>
<p>How will the proposal help to promote Human Rights?</p>	<p>The new policy will very much promote Human Rights ensuring that investigating reports of anti-social behaviour are carried out in a transparent and equitable manner in accordance with the requirements of the specific legislation.</p>
<p>What is the impact of the proposal on Equality and Diversity?</p> <p>Equalities Impact Assessment attached Yes/No/Not relevant</p>	<p>There will be no impact on race relations issues arising from this report.</p> <p>Not relevant</p>
<p>How will the proposal help to promote Sustainability?</p>	<p>Not relevant</p>



Horsham District Council

Anti-Social Behaviour Policy

January 2015

Authors

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Readership

This is a public document and sets out the process that Horsham District Council will follow when dealing with complaints of Anti-Social Behaviour.

References

The following references should be read in conjunction with this document:

- A. The Anti-Social Behaviour, Crime and Policing Act 2014.
- B. Anti-Social Behaviour, Crime and Policing Act 2014: Reform of Anti-Social Behaviour Powers, Statutory guidance for frontline professionals (Home Office July 2014).
- C. The Environmental Protection Act 1990.

Document History

Version	Issue Date	Author	Reason
1.0	October 2014	Neil Worth	Internal consultation
1.1	November 2014	Greg Charman	Feedback from internal consultation
1.2	December 2014	Natalie Brahma-Pearl & Trevor Beadle	Feedback from internal discussion
1.3	December 2014	John Batchelor	Feedback to Statutory Nuisance content
1.4	December 2014	Will Jones	Feedback to High Hedges content
1.5	January 2015	Neil Worth	Feedback concerning out of hours content
1.6	January 2015	John Batchelor	Updates on Noise Nuisance content
1.7	January 2015	Insp. Clare McKnight (Sx. Police)	Feedback on content (various)

Document Review

This policy will be reviewed annually each year following the initial issue.

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DRAFT

Introduction

This policy describes the role which Horsham District Council (HDC) has when it comes to dealing with anti-social behaviour (ASB) and the principles we will apply in our approach to the handling and management of reported incidents of ASB.

Anti-social behaviour is an overarching term which is used to describe a broad range of socially unacceptable behaviours including day-to-day incidents of crime, nuisance and disorder which can make many people's lives a misery. In order to address incidents of anti-social behaviour Horsham District Council will engage in and play an active role in a **multi-agency harm centred approach**.

Policy Application

This Anti-social Behaviour, Crime and Policing Act became effective across England and Wales from Monday 20th October 2014. This Policy recognises the new legislation and once formally adopted by the Council all HDC staff and Councillors will be made familiar with the document and aware of the procedures to follow if they are contacted by victims of anti-social behaviour. Once introduced all staff and Councillors will be offered training by the Community Safety Unit to ensure that there is a good level of corporate knowledge and understanding.

Purpose and Scope

The purpose of this policy is to ensure the protection of people from ASB and any harm caused by the same. It describes how Horsham District Council:

- Recognises and records reports of ASB
- Assesses the risk to individuals
- Prioritises the response required
- Takes action with partners to solve problems and prevent further harm from ASB

What is Anti-Social Behaviour?

Section 2 of the Anti-Social Behaviour, Crime and Policing Act 2014 defines anti-social behaviour as:

- a) Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
- b) Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or
- c) Conduct capable of causing housing-related¹ nuisance or annoyance to any person.

How Does Horsham District Council Deal with Anti-Social Behaviour?

When a member of the public reports a case of Anti-Social Behaviour to an Officer or Councillor the following procedure should be followed.

¹ "Housing-related" means directly or indirectly relating to the housing management functions of a housing provider, or a local authority.

These include functions conferred by or under an Act of Parliament; and the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.

Having listened to the complaint, the Officer or Councillor should determine whether or not the complaint meets one of the definitions of Anti-Social Behaviour as listed above. If it does not or is one of the following issues detailed below, then the caller should be advised that no further action will be taken in terms of Anti-Social Behaviour but advice given as to which agency or organisation may be best placed to help them. As with the enforcement of any legislation, Officers will always consider which powers best suit the situation and ensure it is a proportionate use to match the behaviour.

If the complaint does meet the definition of Anti-Social Behaviour, be the problem noise or another issue then details of the complaint will be recorded on the incident management systems (E-Cins) and the complainant given a reference number.

The call-taker will then carry out a risk assessment over the telephone which will indicate whether the case is standard, medium or high risk. A copy of the Risk Assessment can be found at Appendix 2 and a flow chart detailing the above process at Appendix 3.

Where an incident of anti-social behaviour or another nuisance matter is reported out of normal office hours, Horsham District Council operates a 24/7 emergency duty officer scheme. It is the role of this on call officer to ensure that in an emergency situation the appropriate internal departments or external partners are alerted in order that immediate action can be taken. This includes complaints of noise nuisance which often accompany other reported anti-social behaviour (see overleaf for details).

Criminal Matters

Acts of criminality such as offences involving public order issues, physical assault, theft, harassment etc. are matters that are handled by Sussex Police.

Domestic Abuse Incidents

Domestic Abuse incidents are dealt with by Sussex Police and through Worth Services.

Animals

This policy is aimed at reducing harm to individuals, therefore, some incidents involving animals (e.g. sheep in someone's garden) would not fall within its scope. However a common sense approach will be taken in this respect. Incidents such as allowing a dog to persistently bark/foul an area, and other animal related issues including, smell or risks of harm to health, may be construed as ASB.

Highway Parking Complaints

Complaints of unlawful or inconsiderate parking do not constitute anti-social behaviour and are dealt with by Horsham District Council's Parking Services Department.

Driveway Ownership, Access and Boundary Disputes

Disputes between parties concerning ownership, access or boundaries are a purely civil matter and it is not the responsibility of HDC to intervene. Blocked access is considered to be obstruction and was not de-criminalised with other parking duties which Sussex Police have the powers.

Motoring Offences

Motoring offences are handled by Sussex Police. Reports of anti-social driving can be made via the Operation Crackdown website: www.operationcrackdown.org

High Hedges

Involving the Council in a high hedge dispute should be a last resort if a resident cannot resolve the matter locally. The Council will investigate the matter accordingly under its powers in Part 8 of the Anti-social Behaviour Act 2003. Such complaints should be made to the Council's Arboricultural Officer within the Planning Department.

Common Lifestyle Differences

The following list although not exhaustive provides examples of lifestyle differences which are not in their own right considered to be anti-social behaviour and which if reported aside from logging the call to build a history, no direct action would be taken.

- Day to day living noise between domestic dwellings
- Children playing in and around the vicinity of their own home
- Cooking smells
- Disputes between children
- Talking too loudly
- Personal disagreements associated with social media and landline/mobile communication devices
- Groups of young people socialising/associating, in a lawful manner, in public places

Noise Nuisance

Horsham District Council is very experienced in dealing with noise nuisance with a legal duty to investigate complaints under the Environmental Protection Act 1990. If such nuisance is substantiated the District Council must also take action to remedy. In deciding whether a noise problem is a statutory nuisance, environmental health practitioners will consider a number of factors including; noise levels, origins, frequency and duration, timings, location and sensitivities.

To amount to a statutory nuisance, a matter complained of must either be prejudicial to health or a nuisance, either public or private, at Common Law. For a noise to be a statutory nuisance, it must be an unacceptable interference with the personal comfort or amenity of neighbours or the nearby community.

Not all noise nuisances are a statutory nuisance and there are some situations where noise can occur but where the Environmental Protection Act 1990 will not apply. In particular, to be a statutory nuisance, the noise must originate in a "premises" and be heard beyond those premises. So noise made for example, made by people in the street, will not be covered by statutory nuisance legislation.

As well as the Environmental Protection Act 1990, Horsham District Council has access to a range of other legislative powers designed to tackle particular kinds of noise, including;

- The Control of Pollution Act 1974
- The Noise Act 1996
- The Clean Neighbourhoods and Environment Act 2005

For persistent problems that cause you annoyance and that fall within the category of a statutory nuisance, an individual can complain to the Environmental Health Department who will require the complainant's name and address and information on the source of the problem for an investigation to be initiated. Usually the complainant will be asked to complete a diary record of the times and dates when they are affected and what the impacts are on them. For noise nuisances, the environmental health officers may install sound recording equipment to monitor noise levels. Once the investigation has been concluded a decision will be made on whether a statutory nuisance is occurring and what, if any, would be the most appropriate action. In most cases the problem can be remedied informally, but if a statutory nuisance exists an abatement notice can be served on those causing the nuisance requiring them to stop it. If they fail to comply with the notice, then the local authority can prosecute the offenders.

In some cases despite all efforts, the Council will not be able to establish that the noise causing the problem is a nuisance. In these cases individuals can take their own action for noise nuisance via the Magistrates Court under Section 82 of the Environmental Protection Act 1990.

Littering

Two specific powers to deal with littering are being repealed by this legislation (the litter clearing notice and street litter clearing notice) and replaced by the Community Protection Notice. If littering is reported and or witnessed it is recommended that following a warning procedure in line with HDC's Environmental Enforcement Policy be applied. One off littering offences can in the first instance be tackled through the issuing of fixed penalty notices under section 88 of the Environmental Protection Act 1990 as a CPN would be disproportionate.

Hate and ASB Risk Assessment (HARA)

Standard Risk

Standard risk cases will be allocated to an appropriate caseworker who will liaise with the victim and investigate the matter. The caseworker will agree a course of action with the victim where appropriate. The case will be reviewed by a manager within 28 days of receipt and closed following resolution.

Medium Risk

Medium risk cases will be allocated to an appropriate caseworker who will liaise with the victim and investigate the matter. The caseworker will agree a course of action with the victim where appropriate. The case will be reviewed by a manager within 7 days of receipt and will also be discussed at the multi-agency Anti-Social Behaviour Action Group.

High Risk

High risk cases will be allocated to an appropriate caseworker who will liaise with the victim and investigate the matter. The caseworker must hold a multi-agency case conference within 72 hours to agree an action plan to reduce the risk of harm to the victim. The case will be reviewed by a manager within 7 days of receipt and will also be discussed at the multi-agency Anti-Social Behaviour Action Group.

Case Management

The relevant² caseworkers will take full responsibility for managing their cases according to the process outlined above and be accountable for their actions, primarily to victims and their line-manager.

All cases will be recorded and managed through E-CINS which has been adopted as the Sussex-wide Multi-Agency Case Management System.

Multi-Agency Meetings

In tackling anti-social behaviour Horsham District Council will work together with our partners to reduce the risk of harm to individuals and the community. We achieve this through a number of formal and informal meetings.

Anti-Social Behaviour Action Group

The Anti-Social Behaviour Action Group (ASBAG) is a monthly multi-agency meeting attended by practitioners from police, local authority, registered social landlords, social care and other interested parties. Referrals can be made by any practitioner within Horsham District who has a role in tackling anti-social behaviour.

All medium and high risk cases are reviewed at ASBAG meetings, actions are agreed and recorded. ASBAG is accountable to the Community Safety Partnership Board and also Horsham District Council's Scrutiny and Overview Committee acting in its capacity as Crime and Disorder Committee under the Police and Justice Act 2006 and the Crime and Disorder (Overview and Scrutiny) Regulations 2009.

² Caseworkers can include Environmental Health Officers, Housing Officers or Anti-Social Behaviour Officers

Street Community Operational Group

Horsham District Council will work closely with a variety of agencies including housing services outreach workers and Sussex Police to reduce anti-social behaviour caused by the street drinking community and will apply a mixture of support and enforcement. It is widely accepted that enforcement alone will not stop those individuals who have addiction or are habitual drinkers from drinking. HDC will support a balanced and supportive delivery of measures to encourage drinkers to reduce the number of units they are drinking, so that they can start to address some of the contributing factors, for example secure accommodation & manage debt.

Information Sharing

Information will be shared in accordance with the West Sussex Community Safety Partnerships Information Sharing Agreement making use of Section 115 of the Crime and Disorder Act 1998 and other relevant legislation, including the Anti-Social Behaviour, Crime and Policing Act 2014.

Repeat Demand Callers

In the case of regular and persistent calls to the District Council concerning anti-social behaviour, there is a monthly meeting to investigate such instances and these cases will be referred to the Repeat Demand meeting. An action plan will be developed to support such individuals and the necessary referrals made where it is suspected that the individual is suffering from a mental health condition.

Service Standards

Horsham District Council is committed to providing a high quality of service and the following standards outline what victims of ASB can expect from us:

- a) We have put in place a variety of reporting methods and systems which make it quick and easy for anyone to report ASB.
- b) HDC take all complainants of ASB extremely seriously and we will respond to such reports promptly and fully investigate all such reports in line with this policy.
- c) ASB Reports will be allocated to a named caseworker who will contact the victims or those reporting ASB using the preferred method of contact identified by the person making the report.
- d) The caseworker will meet with the victim/complainant at an agreed location where they indicate that they would prefer a face to face meeting.
- e) Where the victim/complainant indicates that they wish to be sent an acknowledgement letter, this will be provided and will include a unique case reference number and the relevant contact details.
- f) The caseworker after any initial contact will make further contact with victim/complainant and agree/confirm an action plan for dealing with their ASB issue.
- g) The victim / complainant will on a case by case basis be provided with an ASB incident diary in order to record details of ASB incidents.
- h) The caseworker will regularly review the case with victim / complainant, as agreed in the action plan and this will take place at minimum, at least once a month.

- i) All active cases will be regularly reviewed jointly on a fortnightly basis by the caseworker and the Community Safety Manager.
- j) Where appropriate mediation will be offered if it is considered the most effective way to deal with any problems.
- k) HDC will provide support to the victim / complainant along with our partner agencies and other support services to ensure that a full package of support is provided.
- l) The most appropriate tools and powers to resolve ASB cases will be utilised and where appropriate HDC will share information with others to ensure the best outcome for any victim of ASB.
- m) Contact will be made with the ASB victim / complainant prior to closing their case. A case closure confirmation letter will be sent to the victim/complainant outlining the outcome of the case in writing.
- n) An ASB case will only be closed where consent by the Community Safety Manager has been granted.
- o) All information provided to HDC surrounding ASB cases will be treated in confidence and all records will be kept safe and secure in line with legal requirements, subject to safeguarding exemptions.
- p) Where legally permitted to do so, HDC will publish in the public domain details of individuals who are subject to ASB enforcement sanctioned by the courts.
- q) Where appropriate and with the consent of any victim / complainant, HDC will undertake customer satisfaction surveys to help find out what people think of the service and how it can be improved.

Anti-Social Behaviour Powers Available

In determining the appropriate course of action to deal with the reported anti-social behaviour, the relevant caseworker will consider a number of options that are available to them. These include low level intervention through warning letters or Acceptable Behaviour Contracts through to the use of formal powers including, but not limited to, those outlined below:

Civil Injunction (CI)

(Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014)

The Civil Injunction is used to stop or prevent individuals engaging in further anti-social behaviour quickly and prevent its escalation. The CI is available in the county court for adults and the youth court for 10 to 17 year olds. Breach by someone aged 10 to 17 would result in a curfew, activity or supervision requirement, or as a last resort, custody for up to three months for someone aged 14 to 17. Breach by an adult could result in up to two years in prison.

The injunction is a civil power which can be applied for to deal with anti-social individuals. CIs can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

Although the CI is a civil power, it is still a formal sanction and HDC will consider early and informal approaches before resorting to court action, especially in the case of those under 18 years of age. However, where early and informal approaches have not worked or HDC decides that a formal response is needed more quickly, we will pursue the enforcement route.

It will not automatically be the responsibility of HDC to undertake responsibility to act as lead agency as a number of agencies can apply for a CI and this will ensure that the body which is best placed to lead on a specific case can do so. Other agencies who can apply for a CI are –

- A Non-Council Housing Provider (Registered Social Landlords)
- The Chief Officer of Police for the local area
- The Chief Constable of the British Transport Police
- Transport for London
- The Environment Agency and Natural Resources Body for Wales
- NHS Protect and NHS Protect (Wales)

There are two specific tests for a Civil Injunction. The first is for non-housing related ASB in that the person's conduct has, or is likely to cause harassment, alarm or distress to any person. This will apply when the ASB has taken place in a public place and does not affect the housing management functions of a social landlord or people in their homes.

The second test relates to housing-related ASB. The test in these circumstances is that the conduct is capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or the conduct is capable of causing housing-related³ nuisance or annoyance to any person

Where HDC are seeking to apply for a CI we must have evidence (to the civil standard of proof, that is, 'on the balance of probabilities') that the respondent's behaviour has met either of the tests detailed above. HDC will also need to satisfy the court that it is just and convenient to grant the injunction.

HDC will communicate with all potential victims and witnesses to understand the wider harm to individuals and the community. Not only will this test ensure that victims and communities feel that their problem is being taken seriously, but it will also aid our evidence-gathering process for application to the court.

The test also allows for the CI to be used in cases where the perpetrator has allowed another person to engage in ASB, as opposed to actively engaging in such behaviour themselves. For example, in a case where another person such as a visitor or a lodger was behaving anti-socially, HDC will consider seeking a CI against the problem visitor, lodger or owner, if applicable.

Criminal Behaviour Order (CBO) (Part 2 of the Anti-Social Behaviour, Crime and Policing Act 2014)

A Criminal Behaviour Order (CBO) is issued by any criminal court against a person who has been convicted of an offence, to tackle the most persistently anti-social individuals who are also engaged in criminal activity.

The CBO is available on conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court.

The prosecution, usually the Crown Prosecution Service (CPS), may apply for the CBO after the offender has been convicted of a criminal offence. The prosecution can apply for a CBO at its own initiative or following a request from a council or the police. The CBO hearing will occur after, or at the same time as, the sentencing for the criminal conviction. The CPS will rely on the police or council to build the case to be presented to the court.

³ "Housing-related" means directly or indirectly relating to the housing management functions of a housing provider, or a local authority.

These include functions conferred by or under an Act of Parliament; and the powers and duties of the housing provider or local authority as the holder of an estate or interest in housing accommodation.

For a CBO to be imposed, the court must be satisfied beyond reasonable doubt that –

- The offender has engaged in behaviour that caused/was likely to cause, harassment, alarm or distress to one or more persons; and
- That making the order will help in preventing the offender from engaging in such behaviour.

The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community or persistently being drunk and aggressive in public. HDC will make proportionate and reasonable assessments before applying for a CBO and the conditions of an order **should not** be designed to stop reasonable, trivial or benign behaviours that have not caused, or are not likely to cause, serious harm to victims or communities. An application for a CBO does not require a link between the criminal behaviour which led to the conviction and the ASB for it to be issued by the court. However, if there is no link this may increase the likelihood that an application will not be successful.

As with the CI, HDC will, where appropriate seek to include requirements where it is believed by and held by the court that such measures will help stop further ASB by the offender. HDC will ensure that any requirements placed on the offender will aim to tackle the underlying cause of the ASB and are tailored to the specific needs of each offender. They could include:

- Attendance at an anger management course or cognitive behavioural therapy where an offender finds it difficult to respond without violence.
- Youth mentoring.
- A substance misuse awareness session where an offender's ASB occurs when they have been drinking or using drugs; or
- A job readiness course to help an offender get employment and move them away from the circumstances that cause them to commit ASB.

It will not automatically be the case that HDC will undertake responsibility to act as lead agency. A number of agencies can apply for the CBO and this will ensure that the body which is best placed to lead on a specific case can do so. Each case will be considered by liaising with partners during the monthly anti-social behaviour action group meeting to establish which agency would be the best fit in terms of taking the lead.

Community Protection Notice (CPN) (Part 4, Chapter 1 of the Anti-Social Behaviour, Crime and Policing Act 2014)

The CPN is aimed at stopping a person, business or organisation committing persistent and continuing unreasonable behaviour that spoils the community's quality of life, by targeting those responsible.

In many areas, councils already take the lead in dealing with these kinds of issues and they will continue to be able to issue the new notice. However, the move towards neighbourhood policing and community safety teams in recent years has seen the police take a more active role in dealing with these issues, working with councils, and so Police Officers and Police Community Support Officers will also be able to issue CPNs.

In addition, there is a formal role for social landlords. Social landlords in England and Wales manage over four million dwellings and deal with hundreds of thousands of complaints of ASB every year. Where it is appropriate, local councils can designate social landlords in their area to issue CPNs. This designation is presently unadopted but will be considered by the Council's Scrutiny and Overview Committee (Crime and Disorder Working Group) in 2015.

A Community Protection Notice is a written warning that requires the perpetrator to stop the behaviour that is causing ASB. It can include a requirement to stop doing something, to positively do something (such as clear land of litter) and take reasonable steps to prevent the

behaviour continuing. A CPN allows HDC to carry out works in default on behalf of the perpetrator.

Failing to comply with a CPN is an offence for which the individual or business can be subject to a fixed penalty notice or prosecution through the courts.

Statutory Noise Nuisance and CPN's

Once an environmental health practitioner has decided that a statutory nuisance exists or is likely to occur or recur, the District Council is under a duty to serve an abatement notice to prohibit or restrict the recurrence of the noise. In light of this, it would be inappropriate to serve a community protection notice where a noise amounts to a statutory nuisance or an abatement notice has been served in the past or the restriction remains in force.

Environmental Anti-social Behaviour

Since 1998, the range of powers available to frontline professionals to deal with environmental ASB have grown substantially and become quite confusing and often limiting. Previous powers now repealed have tended to deal with specific issues, and include: litter clearing notices, street litter control notices, defacement removal notices, gating orders, dog control orders, designated public place orders, crack house closure orders and premises closure orders. Such a wide range of powers means the responsibility for dealing with environmental ASB has been shared between a number of agencies, in particular the police, HDC and social landlords. The CPN is intended to deal with particular, ongoing problems or nuisances and the test will be that the agency empowered reasonably believes that the behaviour is detrimental to the local community's quality of life and is unreasonable and persistent. It becomes a criminal offence if the person or business does not comply with the notice and the sanction of a fine or fixed penalty notice can be applied in certain cases.

Public Spaces Protection Order (PSPO) (Part 4, Chapter 2 of the Anti-Social Behaviour Act 2014)

Public Spaces Protection Orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can enjoy public spaces, safe from ASB.

HDC are responsible for making PSPOs, in consultation with Sussex Police. In making an order the Council must be satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:

- Have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
- Is, or is likely to be, persistent or continuing in nature;
- Is, or is likely to be, unreasonable; and
- Justifies the restrictions imposed.

The Council can make a PSPO on any public space within the boundaries of Horsham District (the definition of a public space includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission).

It is an offence for a person, without reasonable excuse, to do anything that they are prohibited from doing by a PSPO or for them to fail to comply with a requirement to which they are subject to under a PSPO (this could be keeping a dog on a lead for example). Enforcement action can be undertaken by HDC officers, Police Officers and Police Community Support Officers.

Closure Power

(Part 4, Chapter 3 of the Anti-Social Behaviour, Crime and Policing Act 2014)

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder and it comes in two stages, the closure notice and the closure order which are intrinsically linked. The closure notice can be issued by HDC or the police out of court. The short-term closure notice can then be extended upon application for a closure order to the magistrates' court. The court will make the final decision as to whether to grant the order. A Head of Service with responsibility for: Environmental Health, Licensing, Anti-social Behaviour or Environmental Services must authorise the initial closure notice.

When deciding whether or not to issue a closure notice HDC will, in consultation with Sussex Police, need to be satisfied, on reasonable grounds:

- That the use of a particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- That there has been, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public; or
- That there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

The closure notice will be in effect for 24 hours but can be extended to up to 48 hours by the Chief Executive or his delegate at Director level.

Following the issuing of a closure notice HDC will apply to the magistrates' court for a Closure Order. We will use this power in partnership with other relevant bodies to protect the community from ASB and criminality.

Absolute Ground for Possession

(Part 5 of the Anti-Social Behaviour, Crime and Policing Act 2014)

HDC can use the absolute ground for possession in relation to its own housing stock in order to speed up the possession process in cases where ASB or criminality has been already been proven by another court.

As HDC will not need to prove that it is reasonable to grant possession, the court will be more likely to determine cases in a single, short hearing. This will strike a better balance between the rights of victims and alleged perpetrators, and provide swifter relief for victims, witnesses and the community. The new absolute ground is intended for the most serious cases of ASB and HDC will ensure that the ground is used selectively.

The Community Trigger

Horsham District Council together with other Relevant Bodies⁴ are under a legal duty to have in place a process known as the Community Trigger and also a procedure to undertake case reviews when requested to do so and assuming the appropriate criteria have been met.

The Community Trigger allows victims, communities and those acting on their behalf, such as local councillors, to request action from the relevant bodies if they feel that they have complained about anti-social behaviour but have not received appropriate service or resolution to their complaint. The law requires Relevant Bodies to work together to address

⁴ Horsham District Council, Sussex Police, Horsham and Mid-Sussex Clinical Commissioning Group, Coastal West Sussex Clinical Commissioning Group, Registered Social Landlords

anti-social behaviour complaints made under the Community Trigger process (see Appendix 1 for the process diagram).

The Community Trigger process cannot be used to review decisions that have previously been taken by the Crown Prosecution Service. This can be done through the CPS complaints process and the 'Victims' Right to Review scheme that can be found at: www.cps.gov.uk/contact/feedback_and_complaints/

Threshold

The law states that the Relevant Bodies must set a threshold for complaints in order for the Community Trigger process to be activated. Within Sussex it has been agreed that the threshold will be:

If an individual has reported three separate anti-social behaviour or hate incidents in the last six months.

When reviewing whether or not a particular complaint has met the threshold we will undertake a risk assessment that will take into account the persistence of the anti-social behaviour, the potential harm that has or could be caused as a result of the anti-social behaviour; and finally the response that agencies have given to that behaviour.

Qualifying Complaints

In order to be able to activate the Community Trigger and the subsequent case review process, complaints about anti-social behaviour need to have first been reported to the relevant agency. This allows for those agencies to investigate and take action where necessary. The Community Trigger exists to review previous actions and make recommendations through an action plan if appropriate but does not replace the need to report incidents when they happen.

Making a Complaint through the Community Trigger Process

Individuals who wish to make a complaint through the Community Trigger Process must do so in writing by either completing the online reporting form that can be found at:

www.horsham.gov.uk/communitysafety/community-safety/the-community-trigger

Alternatively the form can be printed completed and posted to:

Community Trigger
Anti-Social Behaviour Unit
Police Station
Hurst Road
Horsham
West Sussex
RH12 2DJ

For any person unable to access a computer or printer a form can be requested from the Anti-social Behaviour Unit via the above and it will be posted out as a hard copy.

Complaints will be acknowledged in writing within three working days of receipt. This acknowledgement will include the details of the process for reviewing the complaint and the name and contact details of the nominated case worker.

All complaints made under the Community Trigger process will be assessed by the Anti-Social Behaviour Unit in conjunction with the relevant agency. We aim to carry out the initial

assessment within ten working days. The applicant will be informed of the outcome of that assessment and the next steps as necessary in each case.

Complaints will be recorded using the E-Cins computer system and any subsequent action taken will be documented using this system, including any case reviews, action plans or recommendations that are made in connection with the complaint.

Anti-Social Behaviour Case Reviews

Those complaints that have met the threshold will be subject to an anti-social behaviour case review that will be led by a nominated caseworker who has not been previously been involved with the matter. It will be fully reviewed at the monthly multi-agency Anti-Social Behaviour Action Group (ASBAG) meeting. The result of the review will be recorded on the appropriate case record on E-Cins will be discussed with the applicant by the nominated case worker after the ASBAG meeting.

Action Plans

If the review establishes the need for further work to address the anti-social behaviour then an action plan will be prepared in consultation with the applicant. We will adopt a problem solving approach to address the anti-social behaviour, working in partnership with the community and the relevant agency.

Recommendations

Following the case review at the ASBAG it may be deemed appropriate by those undertaking the review to make recommendations to other agencies (including the Relevant Bodies) relating to the case review. Any person that carries out a public function has a duty to have regard to the recommendations when carrying out these duties in the future. They are not, however, obliged to carry out the recommendations but they should be acknowledged and they may be challenged if they choose not to carry them out without good reason.

Applicants will be notified of the results of the case review and any recommendations that come may be made in connection to it in writing within ten days of the review.

Recommendations will not be made to the Crown Prosecution Service to take action in particular cases. The CPS are an independent body and are governed by the Code for Crown Prosecutors upon which their decisions to prosecute individuals are based.

Information Sharing

The Act has created a duty to share information to allow case reviews to take place. The law allows the Relevant Bodies to request information from any person in order to carry out a review. Those who exercise a public function (such as the Police, District Council, Fire Service etc) are under a duty to disclose such information. The only exemption to this is where to share the information would contravene the provisions of the Data Protection Act 1998 or is prohibited by Part 1 of the Regulation of Investigatory Powers Act 2000.

Other than the two exemptions detailed above, the disclosure of information in relation to case reviews does not breach any other restriction on the disclosure of information or breach any duty of confidence.

Information will be shared in accordance with the West Sussex Community Safety Partnerships Information Sharing Agreement.

Appeals Process

Applicants, who are dissatisfied with the result of the assessment of their Community Trigger complaint or subsequent case review, may make an appeal via Horsham District Council to

have the matter re-considered. Appeals must be made in writing within 14 days of receipt of the result of the review / application.

Appeals will be overseen by the Horsham District Council Scrutiny and Overview Committee (acting in its statutory role as Crime and Disorder Committee) in consultation with the Chair of the Horsham District Community Safety Partnership Board.

Comments and Complaints

Anyone is entitled and encouraged to contact the Council and to receive replies. Contacts may comprise comments, representations, criticisms of a policy which the Council has adopted, information useful to the Council, requests for services or formal complaints. However hard the Council tries properly to respond to the wishes and aspirations of the public it will fail sometimes to satisfy those wishes or aspirations. Sometimes the views of a member of the public and the Council cannot coincide because, for example, the Council is compelled to act in a certain way or its perception of the wider public interest may be different from a resident's personal considerations. Nevertheless, there are occasions when the Council gets it wrong. Then a review will be undertaken in an open and honest way because the Council cares about providing high quality services and wishes to respond positively - See more at: <http://www.horsham.gov.uk> or by telephoning: 01403 215100.

If following the outcome of the complaint the applicant remains dissatisfied it is recommended that contact be made with the Local Government Ombudsman using the following details:

Telephone: 0300 061 0614

Website: www.lgo.org.uk

Write To: Local Government Ombudsman, PO Box 4771, Coventry, CV4 0EH

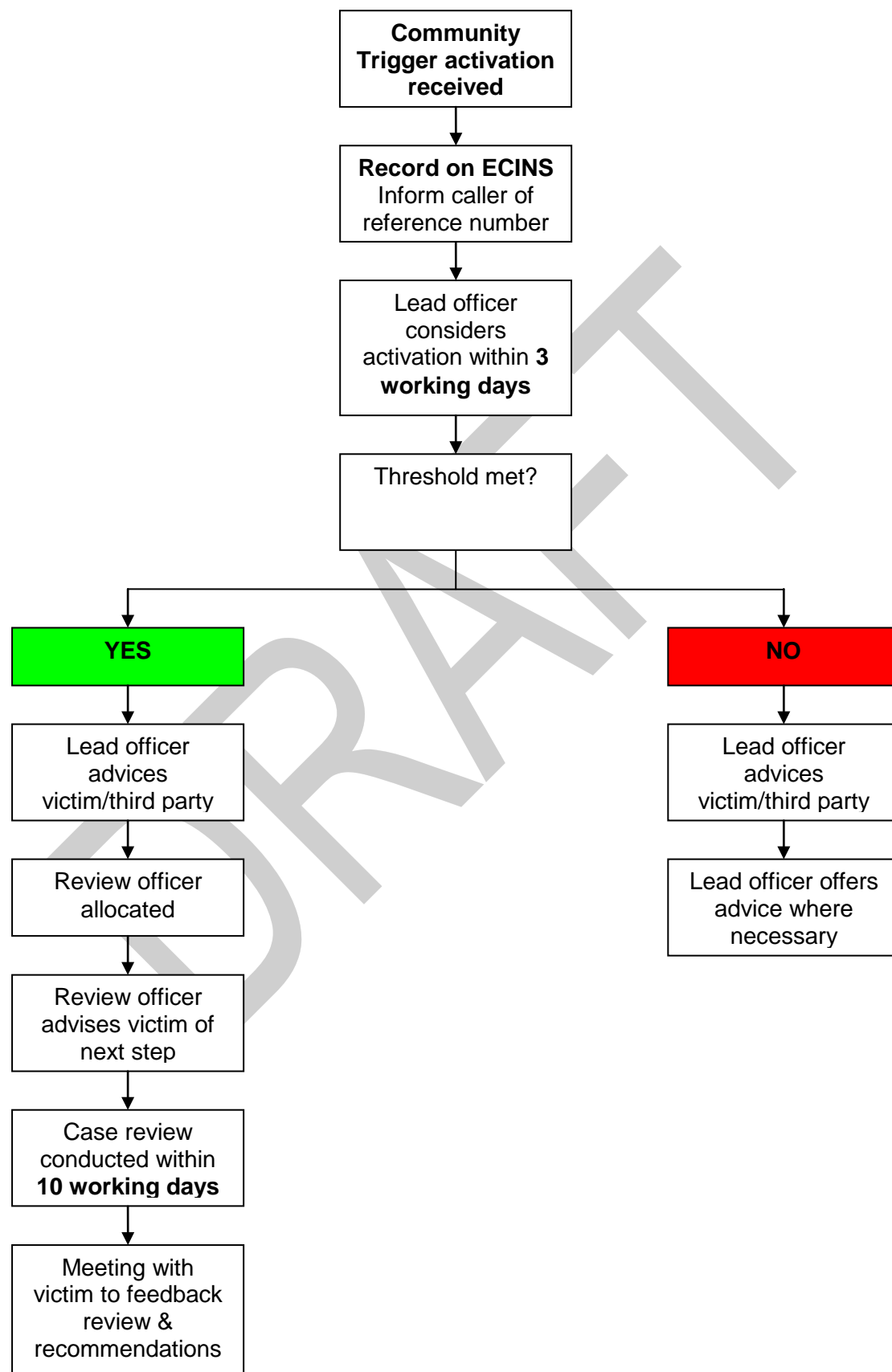
Publishing Data

The Relevant Bodies are under a duty to publish the following information in relation to the use of the Community Trigger and Anti-Social Behaviour Case Reviews:

- A. The number of applications for Community Triggers received;
- B. The number of times that the threshold was not met;
- C. The number of Anti-Social Behaviour Case Reviews carried out; and
- D. The number of Anti-Social Behaviour Case Reviews that resulted in recommendations being made.

This information will be published annually on the Community Safety pages of the Horsham District Council website and will also be published in the Horsham District Community Safety Partnership Plan for the following year.

Appendix 1 - Community Trigger Activation Process



Appendix 2 – Risk Assessment

Hate & ASB Risk Assessment (H.A.R.A)			
Where did it occur?	Brighton and Hove	East Sussex	West Sussex
Select which applies:	ASB	Hate	Both
STORM CAD and date:			
NICHE occurrence no:			
Is this a crime or crime-related incident (CRI)?			
1. How often do you experience ASB and/or hate problems?	4 3 2 1 0	Daily Most days Most weeks Most months Only occasionally/first occasion	
2. Is the current incident linked to previous incidents?	2 0	Yes Specify: No	
3. Are these incidents happening more often and/or getting worse?	2 0	Yes Specify: getting worse / more often No	
4. Does the perpetrator (or others with them) have a history of, or a reputation for, intimidation or threats? <i>(* if more than one answer applies, select the highest score only)</i>	4 2 0	Perpetrator/their associates have harassed the victim in the past Perpetrator/their associates have harassed someone other than the victim in the past Perpetrator/their associates have no known history or reputation for harassment or intimidation	
5. Do you think the perpetrator's behaviour is influenced by drugs, alcohol or mental health?	1 0	Yes Specify: No / no known history	
6. Has the perpetrator encouraged other people to commit incidents against you?	2 0	Yes No	
7. Do you feel this incident has deliberately targeted* . . . <i>(* if more than one answer applies, select the highest score only)</i>	4 2 0	You or your family Your community None	
8. Do you feel that this incident is associated with prejudice against your: Disability [] Ethnic Group [] Faith [] Gender Identity [] Sexual Orientation [] Other []	3 0	Yes (Please complete the victim profile box on page 2) No	
9. Have you been threatened with physical harm? If yes, do you believe them?	1 0 1 0	Yes No Yes No	
10. How affected do you feel by what has happened?	4 3 2	Affected a great deal Moderately affected Affected a little	
11. Has your physical or mental health been affected as a result of these incidents?	1 0	Yes Specify: No	
12. Do you have a disability? (Consider physical and mental health, visual/speech impairment, mobility etc)	1 0	Yes Specify: No	
13. Do you have anyone to support you? Specify: friends / family / professional	3 1 0	The victim is isolated from people who can offer support The victim has a few people to draw on for support The victim has a close network of people	
14. Is there anything that is increasing your household's personal risk? (e.g. children within the family, your location)	3 0	Yes Specify: No	
Total score:			
Select which applies:	Standard 0 - 16	Medium 17 -24	High 25 - 36
These scores are there as a guide and should be used in combination with other local resources, and your own judgement of what support and protection are required in any given situation. All action taken as a result of your assessment should be discussed with the victim to ensure it meets their needs.			

Review the risk based on the information you have, and your own professional judgement -					
Person completing:				Date:	
Victim details					
Name:					
Date of birth:					
Address:					
Telephone number:					
Email address:					
How would the victim prefer contact? e.g. only at certain times or locations, by telephone, in person or by letter					
Does the victim require an interpreter?		YES / NO			
If yes, what is the victim's preferred language?					
Victim profile					
Disability					
Ethnicity	<u>White</u> British English Gypsy Irish Irish traveller Northern Irish Scottish Welsh	<u>Black</u> African British Caribbean	<u>Asian</u> Bangladeshi British Chinese Indian Japanese Korean Pakistani Taiwanese	<u>Mixed heritage</u> White & Black African White & Black Caribbean White & Asian	
	Other:		Prefer not to say		
Faith	Buddhist	Christian	Hindu	Jewish	Muslim
	Sikh	No faith	Prefer not to say	Other:	
Gender Identity	Is their gender identity the same as assigned at birth?			YES / NO / Prefer not to say	
Sexual orientation	Bisexual		Gay/lesbian		Heterosexual
	Unsure		Prefer not to say		Other:
What is the victim's desired outcome? Ensure the victim is fully informed about out of court disposal options					

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This report has been made by:	Victim	Third party
If this report is made by a witness/third party, is this with the victim's knowledge?	YES / NO / NA	

Third party details	
Name:	
Address:	
Telephone number:	
Email address:	

Incident details			
Time / date of incident			
Incident type (Indicate all that apply)	Abuse - verbals/gestures	Emotional abuse	Missile
	Abuse via phone/text/email/social media	Extremist Organisation involvement	Physical violence
	Arson	Gang involvement	Sexual
	Criminal damage	Graffiti	Weapons
	Dispute/threat	Harassment	Written/printed
	Other:		

Summarise the ASB/ hate incident being reported:

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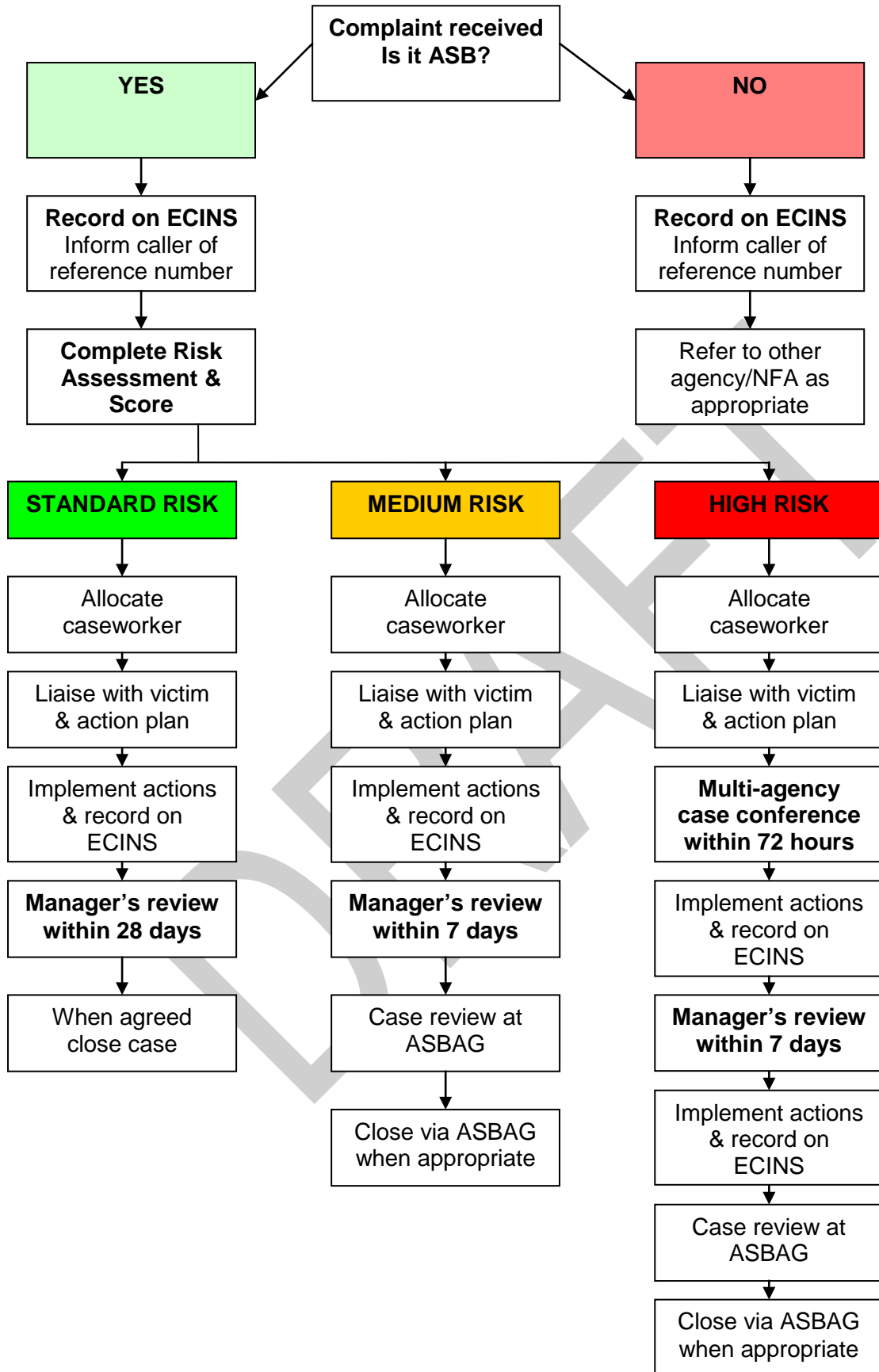
Location type (Indicate all that apply)	Home	Place of Worship	Residential Care
	Local Authority /Health Authority/Police premises	Pub/Restaurant	Shops
	Park/Beach	Public sex environment	Street
	Place of Education	Public Transport	Work

	Other:
Full address of incident location	

Safety considerations	
Is the victim safe? (if not consider immediate response)	YES / NO
Is the victim vulnerable or especially upset?	YES / NO
Are they a repeat victim? Specify:	YES / NO
Does the victim know the perpetrator? Specify relationship & how well they know one another:	YES / NO
Has anyone else been affected by what has happened? Specify:	YES / NO
Has the victim informed any other agencies about this? Specify:	YES / NO
Is this report likely to affect community tensions?	YES / NO
Is a Community Impact Assessment (CIA) required?	YES / NO
What actions have been taken by the Initial Investigating Officer? All action taken as a result of your assessment should be discussed with the witness to ensure it meets their needs.	
<p>You must take all reasonable steps to manage the immediate risk. Use the RARA model (Remove, Avoid, Reduce, Accept the risk) when compiling safety plans for victims.</p>	

Supervisors Review: Detail any change of risk category, additional information, further risk management or recommendations	
Risk to Victim: Standard / Medium / High	
<p>I have reviewed this form, the risks identified and the quality of the investigation to date. I confirm that they have been completed to a satisfactory standard and all reasonable risk management actions have been taken.</p>	
Supervisor completing:	Date:

Appendix 3 – Risk Application Process



Report to Cabinet

Date of meeting 29th January 2015

By the Chairman of Finance and Performance Working Group



**Horsham
District
Council**

serving our towns and villages

INFORMATION REPORT

Not exempt

REPORT ON FINANCE AND PERFORMANCE INDICATORS FOR QUARTER 2 2014/15, DISTRICT PLAN PRIORITIES AND TRACKED PROJECT LIST PROGRESS

Executive Summary

The purpose of this report is to inform Cabinet of any concerns raised by the Finance and Performance Working Group at their quarterly review meeting on 19th November 2014. The quarterly Finance and Performance Working Group meeting considers Horsham District Council's finance and performance against performance indicators for Quarter 2 2014/15 , progress towards District Plan priorities and the tracked projects list.

Recommendations

It is recommended that Members note the contents of this report and consider actions necessary to improve performance.

Reasons for Recommendations

Performance Management is part of the duty of Best Value to drive up service improvement.

Background Papers

Consultation

Wards affected All

Contact Julie McKenzie, Performance Manager Ext. 5306

Background Information

1. Introduction

The purpose of this report is to inform Cabinet of the outcome of the Finance and Performance Working Group's quarterly performance review on 19th November 2014 and to seek comments on the particular areas identified. The full Finance and Performance report (as discussed by the Finance and Performance Working Group) was circulated as part of the agenda for the Cabinet meeting scheduled for 20th November 2014.

1.1 Background/Actions taken to date

The Horsham District Council's performance management framework includes reviews of the Council's performance against District Plan Priorities, performance indicators with the focus upon key performance measures and key projects tracked by the Senior Leadership Team (SLT). Performance reviews are carried out monthly by SLT and quarterly by the Finance and Performance Working Group. Matters of concern arising are reported to Cabinet as an appendix to this report.

2. Finance and Key Performance Indicators

2.1 The Working Group noted the report detailing finance and performance information up to 30 September, Quarter 2, which was presented in the new combined report format providing a summary of financial expenditure along with performance data by Service area. The report included the financial expenditure and income for each service area with accompanying text by the relevant service manager.

2.2 On 19th November 2014 the Finance and Performance Working Group reviewed progress of the following:

2014/15 Quarter 2 Combined Finance and Performance Indicators Monitoring Report

2014/15 Quarter 2 Key Tracked Projects Update Report

2014/15 Quarter 2 District Plan Priorities (Year 4)

2.3 The Working Group noted:

- 1) That the forecast outturn for the year to 31 March 2015 was estimated to underspend the approved revenue budget by £395k
- 2) Positive performance in a number of areas including the increased attendance figures for Horsham Museum, the good attendance figures for visits to sports centres and swimming pools; and for the key government measure to improve the quality of decision making in relation to the percentage of all major planning applications allowed at appeal.

Agenda Item 6(d)

- 3) The Group expressed their thanks to the Spatial Planning Manager and her team for their work in relation to the Horsham District Planning Framework Public Examination.

- 2.4 The Finance and Performance Working Group highlighted a number of areas of concern and request for further information. These appear at Appendix A.
- 2.5 A revised format for the reporting of finance and performance was presented by officers and was well received by the Working Group.

3. Tracked Projects monitoring

- 3.1 Key corporate projects are tracked by the Project Assurance Core Team (PACT) and reviewed at the Finance and Performance Management Working Group.
- 3.2 There were no major issues to report, however, 5 out of the 11 sections are flagged amber ('keep an eye on'). These include sub-projects associated with the Broadbridge Heath Quadrant Project and Leisure Management provision, and the Car Parking equipment Replacement Project.
- 3.3 The Finance and Performance Management Working Group commented that there are no issues to be raised with Cabinet.

4. District Plan Priorities monitoring

- 4.1 The Finance and Performance Management Working Group commented that there are no issues to be raised with Cabinet.

5. Outcome of Consultations

- 5.1 SLT have considered the combined Finance and Performance Indicators report, and Tracked Project List for Quarter 2 2014/15, District Plan priorities report??.

6. Other Courses of Action Considered but Rejected

- 6.1 The Council needs to evidence effective monitoring of performance.

7. Staffing Consequences

- 7.1 There are no direct staffing consequences associated with this report.

8. Financial Consequences

- 8.1 There are no direct financial consequences as a result of this report.

Appendix 1

Consequences of the Proposed Action

Consequences of the proposed action on:	
Risks Risk Assessment attached Yes/No	There are no risks attached to this report. This is a 'for information' report. No
Crime and Disorder	Section 17 of the Crime and Disorder Act 1998 requires the Council to do all that it reasonably can to reduce crime and disorder. There are no crime and disorder implications as a result of this report. Managing performance will help identify areas where the Council can provide better crime and disorder reduction initiatives.
Equality and Diversity/ Human Rights Equalities Impact Assessment attached Yes/No/Not relevant	Managing performance will help identify areas where the Council can continue to improve.
Sustainability	Performance against sustainability issues are reviewed regularly. There are no implications as a result of this report.

Statutory and Policy Background

Statutory Background	'Best value' (Local Government Act 1999) is the statutory basis on which councils plan, review and manage their performance in order to meet the needs and expectations of their citizens who use their services. The aim is to deliver continuous improvement in all their services. The principles involve Local accountability, breaking departmental and organisational boundaries, partnership, performance measurement and management, comparability and continuous improvement.
Relevant Government policy	Duty of Best Value. Moving away from National Indicators, the Department of Communities and Local Government has published a Single Data List. This is a catalogue of data requirements. The Single Data List is data already collected through statutory returns for example RO1 (finance) returns, housing, and planning returns, which are existing 'burdens'.
Relevant Council policy	Setting of District Plan priorities, service plans, and key performance indicators.

Feedback from the Finance and Performance Working Group

Appendix A: Quarter 2 2014/15 Performance Indicators, District Plan Priorities and Key Tracked Projects Update

On 19th November 2014 the Finance and Performance Working Group reviewed the following:

- 2014/15 Quarter 2 combined Finance and Performance Indicators Monitoring Report
- 2014/15 Quarter 2 Key Tracked Projects Update Report
- 2014/15 Quarter 2 District Plan Priorities Update

2014/15 Quarter 2 Finance and Performance Indicators Monitoring Report

Finance & Performance Working Group considered the Quarter 2 Finance and Performance Indicator Monitoring Report.

The Working Group noted **positive** performance in the following areas;

- 1) The forecast outturn for the year to 31 March 2015 was estimated to underspend the approved revenue budget by £395k
- 2) Increased attendance figures for Horsham Museum,
- 3) Good attendance figures for visits to sports centres and swimming pools;
- 4) The key government measure to improve the quality of decision making in relation to the percentage of all major planning applications allowed at appeal.
- 5) The Group expressed their thanks to the Spatial Planning Manager and her team for their work in relation to the Horsham District Planning Framework Public Examination

The following PIs, where the Finance and Performance Management Group have concerns about performance, have been highlighted, and include the departmental response.

**Cabinet Member with Responsibility for Living and Working Communities:
Cllr Claire Vickers**

Additional background information requested		
Number of household and minor applications that were subject to voluntary extensions Enforcement case closures – details of how old enforcement cases were when closed		
General notes	Feedback from F&PWG	Service Manager Comments
The number of voluntary extensions are expressed as a PI for Major applications.	The Chairman of BIWG requested further details of household and minor applications, which were then provided to the next meeting of that group.	<p>Further details of household and minor applications were provided to the next meeting of BIWG (25th November 2014) along with the Enforcement case data.</p> <p>Howard Cheadle Interim Development Manager</p> <p>Howard.cheadle@horsham.gov.uk Tel: 01403 215451</p>

General Comments

2014/15 Quarter 2 Key Tracked Projects Update Report

Performance Management Working Group considered the Quarter 2 update on the Key Tracked Projects Update Report (key SLT-tracked projects) and commented as follows:

There are no issues to be raised with Cabinet, but there are a number of requests for information which have been addressed separately.

2014/15 Quarter 2 District Plan Priorities Update

Performance Management Working Group considered the Quarter 2 update on the District Plan Priorities and commented as follows:

There are no issues to be raised with Cabinet; it was noted that most of the priorities had been covered in the SLT Tracked Projects list.