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Dear Members

Cabinet

A meeting of the Cabinet will be held on **Thursday 8 June 2023** at **6.30pm** in the **Craddock Room, Civic Centre, Riverside, Stafford** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded.

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

A handwritten signature in black ink, appearing to read "I. Curran".

Head of Law and Governance

CABINET - 8 JUNE 2023

Chair - Councillor A T A Godfrey

AGENDA

- 1 Minutes of 6 April 2023 as circulated and published on 11 April 2023
- 2 Apologies
- 3 Councillors' Question Time (if any)
- 4 Proposals of the Cabinet Members (as follows):-

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(a) ENVIRONMENT PORTFOLIO	
(i) Draft Sex Establishment Policy	4 - 42
(b) COMMUNITY PORTFOLIO	
(i) The Impact of the Cost of Living and Additional Support to Residents	43 - 48
(c) RESOURCES PORTFOLIO	
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PART CONFIDENTIAL	

Report contains information which is likely to reveal the identity of an individual and information relating to the financial or business affairs of any particular person (including the authority holding the information).

Membership

Chair - Councillor A T A Godfrey

A T A Godfrey	- Leader
R Kenney	- Deputy Leader
A N Pearce	- Climate Change Portfolio
J Hood	- Community Portfolio
A F Reid	- Economic Development and Planning Portfolio
I D Fordham	- Environment Portfolio
G P K Pardesi	- Leisure Portfolio
R P Cooke	- Resources Portfolio

Agenda Item 4(a)(i)

Cabinet Date:	8 June 2023
Contact Officer:	Julie Wallace
Telephone Number:	01785 619605
Ward Interest:	Nil
Report Track:	Cabinet 08/06/2023 (Only)
Key Decision:	No
Submission by:	Councillor I D Fordham, Environment Portfolio

Draft Sex Establishment Policy

1 Purpose of Report

- 1.1 To seek approval of this draft Sex Establishment Policy for consultation purposes (noting that adoption of the Policy would be a decision of full Council).

2 Proposal of Cabinet Member

- 2.1 That the draft Policy be approved for consultation purposes.

3 Key Issues and Reasons for Recommendation

- 3.1 At Full Council on 24 February 2011 the Council resolved:
- (a) To adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment establishments shall apply; and
 - (b) That the new powers took effect from 1 April 2011

The amended Schedule 3 gives local authorities more powers to control the number and location of sex establishments in their area.

For the purposes of this report and the draft policy, sex establishments include:

- 1. Sex Shops
- 2. Sex Cinemas
- 3. Sexual Entertainment Venues

- 3.2 There is no legal requirement for the policy, however it is considered to be best practice to have such a policy, in order to provide more detail as to how the Council will consider applications under Schedule 3 of the Act.
- 3.3 A draft policy attached at **APPENDIX 1** has been devised based upon the principles of Schedule 3 of the Act.
- 3.4 A policy gives the Council and local people a greater say over where and how many sexual establishments may open and operate in their neighbourhoods.

4 Relationship to Corporate Business Objectives

4.1 Corporate Business Objective 2

To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and wellbeing.

5 Report Detail

- 5.1 At Full Council on 24 February 2011 Council resolved:
 - (a) To adopt Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (“the Act”) as amended by Section 27 of the Policing and Crime Act 2009 so that the provisions for the control of sexual entertainment establishments shall apply; and
 - (b) That the new powers took effect from 1 April 2011
 - (c) The amended Schedule 3 gives local authorities more powers to control the number and location of sex establishments in their area.
- 5.2 Members will note that the Council has not previously developed a Sex Establishment Licensing Policy; it has been guided by the contents of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 with regard to previous applications for sex establishments.
- 5.3 There is no legal requirement for the Policy, however it is considered to be good practice to have such a policy, to explain how the Council will consider applications under Schedule 3 of the Act. A draft policy, attached at **APPENDIX 1**, has been devised based upon the principles of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.
- 5.4 Adoption of Schedule 3 allows the Council to set terms and conditions and fees for the grant, variation, renewal and transfer of such licences and the number of premises to be licensed in an area (which may be nil).
- 5.5 The draft Policy sets out the Council’s guidance, application procedure, terms and conditions relating to the regulation of sex establishments and will guide

current licence holders, potential licence holders, the public and the Council when considering applications for sex establishments.

- 5.6 The draft Policy sets out the Council's approach for the benefit of applicants and operators. It also aims to guide and inform the public and other public authorities and aims to ensure transparency and consistency in decision making. Where decision-making powers of the Council are engaged, each application will be considered on its own merits.
- 5.7 The outcome of the proposed 6-week consultation period (which will include seeking the views of the relevant Scrutiny Committee) will be fed back to Cabinet, and a final version of the policy will then be recommended to Full Council for approval and implementation. At that stage any necessary changes to the Council's Constitution, Scheme of Delegations and terms of Reference for Committees, will also be explained.
- 5.8 The following timetable demonstrates the steps in the decision-making process in order to achieve approval of the Policy at the Council meeting in September:

- 18 April - Leadership Team
- Mid-May - Cabinet preview
- 31 May - Cabinet agenda publication
- 8 June - Cabinet
- 14 June to 26 July - Public consultation for 6 weeks
- 10 July - Scrutiny Committee agenda publication
- 18 July - Community Wellbeing Scrutiny Committee
- 26 July - Cabinet agenda publication
- 3 August - Cabinet
- 4 September - Council agenda publication
- 12 September – Council

6 Implications

6.1 Financial

The cost of placing an advertisement relating to the consultation would be about £200 and this can be found from the existing Service budget.

6.2 Legal

Having a policy which is clearly detailed and compliant with the legislation, fit for purpose and clear to Applicants could assist in implementing rules while preventing a legal challenge by way of appeal or judicial review, with associated costs defending the same.

6.3 Human Resources

None

6.4 Human Rights Act

None

6.5 Data Protection

There are no specific data protection issues arising from this report.

6.6 Risk Management

The most significant risk lies in the Council not having a Policy framework in place because it could expose the Council to a risk of making unsound decisions on Licence applications.

6.7 Community Impact Assessment Recommendations

Impact on Public Sector Equality Duty:

Section 149 of the Equality Act 2010 obliges public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by or under the Act: advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

For example: If sex establishment licences were granted the Authority would be able to attach conditions to licences as appropriate, for example to protect performers from harassment and any threat to their dignity and to address any suggestion that women may be less welcome in premises than men. The fears of women and vulnerable persons moving around or undertaking other lawful activities in the vicinity of the premises can be addressed in decisions as to the locations of such facilities and by conditions.

Wider Community Impact:

None arising from the completed CIA.

7 Previous Consideration

Nil

8 Background Papers

Community Impact Assessment (dated March 2023); and general research of relevant legislation and similar policies in other Local Authorities.

Sex Establishment Venue Licensing Policy 2023

**Schedule 3 Local Government
(Miscellaneous Provisions Act 1982), as
amended by Section 27 Policing and Crime
Act 2009**

Draft

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1 Introduction

- 1.1** This Policy sets out the Authority's requirements for premises to be licensed as Sex establishments within the meaning of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ("1982 Act") as amended by Section 27 of the Policing and Crime Act 2009.
- 1.2** Adoption of Schedule 3 enables Stafford Borough Council, 'the Authority', to set terms and conditions and fees for the grant, variation, renewal and transfer of such licences and the number of premises to be licensed in an area (which may be nil).
- 1.3** The Authority adopted the original provisions of Schedule 3 of the 1982 Act for Sex Cinemas and Sex Shops in 1995 and the new provisions for sex establishments under the amendments of the Policing and Crime Act 2009, in 2011.
- 1.4** The aforementioned amendments provide local authorities and communities greater power in determining whether sex establishments are permitted in their locality and increase the controls available to be imposed on them. The policy reflects the view of the Authority that local citizens and businesses should be able to determine whether sex establishments should be permitted in any particular area, whilst allowing flexibility to consider the potentially conflicting needs of commercial interests, patrons, employees, residents and communities.
- 1.5** A six-week public consultation to seek the views of Stafford Borough Citizens, elected SBC Members, bodies determined by the Authority to be 'responsible authorities' (Licensing Authority, Staffordshire Police, Fire Authority, Public Health, Environmental Health, Trading Standards, Planning), relevant night-time economy bodies and current sex establishment licence holders, will be undertaken to inform this policy.
- 1.6** This policy statement sets out the Authority's guidance, application procedure, terms and conditions relating to the regulation of sex establishments and will guide current licence holders, potential licence holders, the public and the Authority when considering applications for sex establishments.
- 1.7** This policy statement applies to every type of sex establishment (as defined in the Act) unless an exemption applies.
- 1.8** Whilst each application will be considered on its individual merits, this policy statement is intended to give prospective applicants an early indication of whether their specific application is likely to be successful and the material facts that will be taken into consideration when

determining any such application. This policy statement also sets out the expectations of the Authority on the applicant when receiving an application.

1.9 Applications for grant or variation and opposed applications to renew and/or transfer, will be determined by the Authority's Licensing Committee or a sub-Committee appointed for the purpose. Unopposed applications to renew and/or transfer will be determined by the relevant Head of Service in accordance with the Authority's constitution and scheme of delegation.

1.10 The Local Government (Miscellaneous Provisions) Act 1982 (the Act), as amended by the Policing and Crime Act 2009, makes provision for the control of sex establishments through the Council's Licensing function. The provisions allow the Authority to take into account a broader range of considerations than the Licensing Act 2003 permits before making decisions about licences. It also gives local people a greater say over the regulation of lap dancing clubs and similar venues in their area.

1.11 This Policy sets out the Authority's approach for the benefit of applicants and operators. It also aims to guide and inform the public and other public authorities and aims to ensure transparency and consistency in decision making. Where the decision-making powers of the Authority are engaged, each application will be considered on its own merits.

In formulating this Policy, consideration has been given to the relevant legislation and guidance issued by the Home Office.

1.12 Consultation on this policy will be carried out for a six-week period between 14 June 2023 and 26 July 2023 (or such other dates as may be determined by Cabinet).

Consultation will take place with:

- The Chief Officer for Staffordshire Police.
- Persons who appear to the authority to represent the interests of persons carrying or proposing to carry on the business of a sex establishment in the Authority's area.
- Persons who appear to the Authority to represent the interests of persons to be employed either as performers or otherwise in the business of a sex establishment.
- Persons who appear to the Authority to represent the interests of persons who are likely to be affected by or otherwise have an interest in the Policy. These include regulatory authorities such as

Staffordshire Police, the Fire Authority, Ward members and Parish Councils as considered necessary.

- Resident associations and trade associations and others as considered appropriate.
- Local people who live or work within the Stafford Borough area.

1.13 A list of those to be consulted is attached at **APPENDIX 3**.

1.14 The draft Policy will be published on the Authority's website and interested parties will be invited to respond using the following link:
www.staffordbc.gov.uk/sex-establishment-policy-consultation

Hard copies are available upon request from the Authority's Licensing Section, Stafford Borough Council, Civic Centre, Riverside, Stafford ST16 3AQ.

2 Definitions

2.1 The Act

This refers to Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, as amended by section 27 of the Policing and Crime Act 2009.

2.2 The Policy Statement

This refers to this Policy.

2.3 Sex Shop

A sex shop is any premises, vehicle, vessel, or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- (a) sex articles
- (b) other things intended for use in connection with or for stimulating or encouraging: -
 - (i) sexual activity;
 - (ii) acts of force or restraint which are associated with sexual activity.

2.4 Sex Articles

A sex article is anything for use in connection with or for stimulating or encouraging:

- (a) sexual activity;
- (b) acts of force or restraint which are associated with sexual activity;
- (c) anything: -
 - (i) containing or embodying matter to be read or looked at or anything intended to be used, either alone or as one of a set, for the reproduction or manufacture of any such article; and
 - (ii) to any recording of vision or sound, which:
- (d) is concerned primarily with the portrayal of, or primarily deals with or relates to, or is intended to stimulate or encourage, sexual activity or acts of force or restraint which are associated with sexual activity; or
- (e) is concerned primarily with the portrayal of, or primarily deals with or relates to, genital organs, or urinary or excretory functions.

2.5 Sexual Entertainment Venues

Further to amendments provided by section 27 Policing and Crime Act 2009, a Sexual Entertainment Venue is defined as “any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer unless an exemption applies”. The exemptions are defined fully in the legislation.

This includes any vessel, vehicle, or stall but not a private dwelling to which the public are not permitted.

2.6 Relevant Entertainment

Relevant entertainment is “any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)”. An audience can consist of just one person (e.g., where the entertainment takes place in private booths).

Relevant entertainment includes, but is not limited to:

- lap dancing,

- pole dancing,
- table dancing,
- strip shows,
- Peep shows,
- live sex shows
- topless bars

2.7 Although this list is not exhaustive, it is the relevant entertainment itself and not the name that defines the activity. For example, a fitness class, based upon the actions of pole dancing would not normally be considered a relevant entertainment requiring a sex establishment licence.

2.8 A display of nudity would not automatically be provided solely or principally for the purpose of sexually stimulating any member of the audience. If a display of nudity forms part of a drama or dance performance in a theatre, then it would be unlikely to be classified as relevant entertainment. Such displays would be considered on a case-by-case basis.

2.9 Sex Cinema

A sex cinema is defined as premises used to a significant degree for the exhibition of moving pictures concerned with relevant images:

- (a) Relevant images are defined as images which deal with or relate to or are intended:
 - i. to stimulate or encourage sexual activity or acts of force or restraint which are associated with sexual activity.
 - ii. are concerned primarily with the portrayal of, or primarily deal with or relate to genital organ or urinary or excretory functions.
- (b) Whether premises provide a significant degree of relevant images is determined quite simple in that any premises showing British Board of Film Classification R18 film (a legally restricted classification primarily for the explicit works of consenting sex or strong fetish material involving adults) images to a public audience will require a sex cinema licence.

2.10 The Organiser

This is any person who is responsible for the organisation or management operation of the relevant entertainment or the premises.

In most cases this will refer to the manager of the premises concerned but on occasion it may also refer to someone who organises the relevant entertainment on behalf of those who are responsible for the management of the premises.

2.11 Display of Nudity

This means:

- in the case of a woman: exposure of her nipples, pubic area, genitals or anus; and
- in the case of a man: exposure of his pubic area, genitals or anus.

2.12 Relevant Locality

This is the locality where premises are situated or where the vehicle, vessel or stall is going to be used as a sex establishment.

2.13 Character of the Relevant Locality

The character of the Relevant Locality, where the premises is situated will be instrumental in determining whether the grant of a licence will be appropriate. This is a proper matter for the Authority to consider based on local knowledge, factors, and circumstances.

2.14 Permitted Hours

These are the hours of activity and operation that have been authorised under a sex establishment licence. These may vary from premises to premises and will be considered on individual circumstances.

2.15 Authority

Means Stafford Borough Council.

3 Policy Considerations and Relevant Locality

- ## **3.1**
- The locality and the area that this covers, is a matter for the Authority to decide at the time it considers an application for the grant, renewal or transfer of a sex establishment licence. The decision will be based upon the principle of reasonableness but may not be a clearly defined area or have precise boundaries.

- 3.2** In accordance with Section 17 of the Crime and Disorder Act 1998, the Authority is under a duty to exercise its functions with due regard to the likely effects on crime and disorder. It aims to do all it can to prevent crime and disorder in its area. The possible impact of crime and disorder are clearly relevant factors in the consideration of all applications. In giving due regard to these possible implications, Members will consider all the information available to them and any representations made by Staffordshire Police, the applicant, and any objectors.

4 Waivers

- 4.1** The Authority will not normally grant a waiver for a sex establishment licence but will consider applications on their individual merits. Applicants will be expected to demonstrate exceptional circumstances in justifying why the licensing requirement should be waived.
- 4.2** Waiver applications will be considered by the Licensing and Appeals Committee, or delegated sub-committee thereof, and reasons shall be given of the decision taken.

5 The Application process

- 5.1** An application for the grant, variation, renewal or transfer of a sex establishment licence must be made in writing on the relevant application form to the Authority in accordance with the requirements set out below.
- 5.2** The address at which the Authority will accept applications and notices is:
- (a) By post/personal service to: Licensing Section, Stafford Borough Council, Civic Centre, Riverside, Stafford, ST16 3AQ.
 - (b) By email to ehlicensing@staffordbc.gov.uk.
- 5.3** For all enquiries you can contact the Licensing team on 01785 619745.

6 Application for the Grant of a Licence

- 6.1** The Authority may grant to any applicant a licence for the use of premises as a sex establishment on such terms and conditions as specified by the Authority.
- 6.2** A licence will only be granted for a maximum of one year at a time.
- 6.3** The Authority may grant a shorter licence if it thinks fit. A shorter period may be granted for example where a licensee wants a licence for a limited period for a trade exhibition or a show.

6.4 To apply for the grant of a sex establishment licence an applicant must submit:

- (a) A completed application form;
- (b) The Rules and Code of Conduct relating to both customers and performers;
- (c) The relevant fee (please note that there is a fee payable upon application and a further fee payable should the licence be granted);
- (d) A site plan (scale 1:1250 or 1:500) showing the whole curtilage of the premises (edged in black) (see Section 7 below);
- (e) A layout plan (scale 1:50 or 1:100) of the premises to which the application relates (see Section 7 below);
- (f) Plans or drawings (scale 1:50 or 1:100) showing the public-facing elevations of the Premises as existing and as proposed (see Section 7 below);
- (g) Display a notice on or near the premises (see section 8 below);
- (h) Advertise the application in a local newspaper no later than 7 days after the date of the application; and
- (i) Send a copy of the application and plan to the Chief Officer of Police for the area within 7 days of making the application to the Authority.

6.5 Application forms, sample advertisements and site notices are available on request from the Licensing Section at ehlicensing@staffordbc.gov.uk

Note: Applications may take 8-12 weeks to determine.

7 Plans

7.1 Any Application for a Licence to operate a Sex Establishment Venue must be accompanied by the following plans, unless agreed in writing beforehand:

- 1 A site plan, drawn at a scale of 1:1250 or 1:500 showing:
 - (a) The whole curtilage of the Premises (edged in black) in the context of its setting; and

- (b) The proposed sex establishment in relation to other premises within 100 metres of any part of the Premises' curtilage.

2 A layout plan of each floor of the Premises, drawn at a scale of 1:50 or 1:100, including a legend through which the matters mentioned below are sufficiently illustrated using symbols on the plan, showing:

- (a) The area(s) to be licensed must be clearly identified by outlining these areas in red.
- (b) All external and internal walls of the building and, if different, the perimeter of the Premises;
- (c) The location of points of access to and exits from the premises, any parts used in common with any other building and indicating how the premises lie in relation to the street;
- (d) If different from paragraph (2)(b), the location of escape routes from the Premises;
- (e) In a case where the premises is used for more than one existing activity, the area within the Premises used for each activity.
- (f) Fixed structures (including furniture) or similar objects temporarily in a fixed location (but not furniture) which may impact on the ability of individuals on the premises to use exits or escape routes without impediment;
- (g) In a case where the Premises includes a stage or raised area, the location and height of each stage or area, relative to the finished floor level of each floor of the building or Premises;
- (h) In a case where the premises includes any steps, stairs, elevators, or lifts, the location of the steps, stairs, elevators, or lifts;
- (i) The dressing room(s) of performers;
- (j) The designated area(s) where performances take place;
- (k) Any private screened area where performances may take place;

- (l) In a case where the premises includes any room or rooms containing public conveniences, the location of such room or rooms;
 - (m) Any areas designated for staff use only including offices, storage, and toilets;
 - (n) The location and type of any fire safety and any other safety equipment; and
 - (o) The location of any kitchen or food preparation areas on the premises.
- 3 Elevation plans or drawings (scale 1:50 or 1:100) of the Premises, showing all public-facing elevations of the Premises as existing and as proposed. Such plans shall be amplified by larger scale plans or drawings, as necessary, to show any proposals for window displays or marketing / promotional information relating to the proposed use of the Premises.

8 Public Notices

- 8.1** A notice, must be displayed at or on the premises to which the Application relates for a period of no less than 28 consecutive days beginning with the date of the application, where it can be easily and conveniently read from the exterior of the premises by any passing member of the public.
- 8.2** Where the premises cover an area of more than 50 square metres, a further identical notice must be displayed every 50 metres along the external perimeter of the premises abutting any highway.
- 8.3** The notice must be on pale blue paper sized A4 or larger and printed legibly in black ink or typed in black in a font size equal to or larger than 16.
- 8.4** The notice must state:
- (a) the details of the application and activities that it is proposed will be carried on or from the premises;
 - (b) the full name of the applicant;
 - (c) the postal address of the premises, or in the case where there is no postal address, a description of the premises sufficient to enable the location and extent of the premises to be identified;

- (d) the date, being 28 days after that on which the application is given to the Authority, by which objections may be made to the Authority and making clear that any such objections should be made in writing;
- (e) that it is an offence to knowingly or recklessly make a false statement in connection with an application and the maximum fine (£20,000) for which a person is liable on summary conviction for the offence.

8.5 A similar notice must be published in a local newspaper circulating in the area within 7 days of giving the application to the authority **(proofs of this must be supplied to the authority as part of the bundle of Application documents).**

8.6 A copy of the notice must also be served on the Chief Officer of Police at Police Licensing Unit, Ground Floor, Block 9, Staffordshire Police Headquarters, Weston Road, Stafford, ST18 0YY.

licensinghq@staffordshire.pnn.police.uk

9 Variation of a Licence

9.1 The holder of a sex establishment licence may apply at any time for any variation of the terms, conditions, or restrictions on or subject to which the licence is held.

9.2 The process of applying for a variation is the same as that for applying for an initial grant except that a plan of the Premises is not required unless the application involves structural alterations to the Premises or changes to its layout or external appearance.

9.3 Dependant on the scope of the variation, public advertisement may, or may not, be required. Applicants should check the advertisement requirement by contacting ehlicensing@staffordbc.gov.uk

10 Renewal of a Licence

10.1 The holder of a sex establishment licence may apply for renewal of the licence. In order for the licence to continue to have effect during the renewal process, a valid application form together with the appropriate fee must be submitted before the current licence expires.

10.2 A licence will only be granted for a maximum of one year at a time.

- 10.3** The process of applying for the renewal of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required unless the application involves structural alterations to the Premises or changes to its layout or external appearance.
- 10.4** The authority will not accept applications for the renewal of a sex establishment licence more than 3 months in advance of the renewal date.
- 10.5** The authority will determine renewal applications on their individual merits taking into account the facts of the application and any objections received. Opposed applications will be referred to the Authority's licensing committee for determination. Applicants should note that the Courts have confirmed that Authorities are entitled to look afresh at renewal applications and, accordingly, it is open to the Authority to refuse to renew a licence even where there has been no change in the character of the relevant locality, or in the use to which any Premises in the locality are put.

11 Transfer of Licence

- 11.1** A person may apply for the transfer of a licence at any time.
- 11.2** The process of applying for the transfer of a licence is the same as that for applying for an initial grant except that a plan of the premises is not required provided that there have been no changes to the layout or external appearance of the Premises since the granting of the Licence.

12 Determination

12.1 Mandatory Grounds for Refusal

Under schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982, an application must not be granted:

- (a) to any person under the age of 18 years.
- (b) to any person who is for the time being disqualified due to the person having had a previous licence revoked in the appropriate authority within the last 12 months.
- (c) to any person, other than a body corporate, who is not resident in the United Kingdom.; or
- (d) to a corporate body which is not incorporated in the United Kingdom; or

- (e) to any person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made unless the refusal has been reversed on appeal.

12.2 Discretionary Grounds for Refusal

12.2.1 The Authority may also refuse a licence where:

- (a) The applicant is unsuitable to hold a licence because they have been convicted of a criminal offence or some other reason associated with the Council's Licensing Objectives.
- (b) If the licence were to be granted, renewed or transferred, the business to which it relates would be managed or carried on for the benefit of another person who would have been refused the grant, renewal or transfer of the licence if he/she had made the application him/herself;
- (c) The number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the Authority considers to be appropriate for that locality (nil may be an appropriate number for these purposes);
- (d) The grant or renewal of the licence would be inappropriate, having regard;
- to the character and/or nature of the relevant locality; and/or
 - to the use to which any premises in the vicinity are put; and/or
 - to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

12.2.2 Applications for the transfer of an issued sex establishment licence may only be refused on grounds (a) and (b) above.

12.2.3 Any decision to refuse a licence must be relevant to one or more of the above grounds.

12.3 In circumstances such as those given in 12.2.1 (b) above, where the application for a licence to be granted, renewed or transferred and the business to which it relates would be managed or carried on for the benefit of a person other than the applicant and that person would have been refused a licence if they had applied themselves, the Local Authority will take into account representations from the applicant, any person

objecting and the Chief Officer of Police. Each application will be considered on its own merits and the Authority shall normally consider:

- comments/observations of the Police and the Authority's personnel, including compliance with licensing conditions, relevant history (including noise complaints) together with details of previous convictions/prosecutions pending.
- the suitability and fitness of an applicant/operator to hold a licence.
- the determination of the business benefit is a matter for the Local Authority to decide at the time the application is made.

12.4 In 12.2.1 (d) above, the character and/or nature of the relevant locality will be determined in accordance with where the premises are situated or where the vehicle, vessel or stall is going to be used. The area and extent of the relevant locality is a matter for the Authority to decide at the time the application is made. Each application will be considered on its own merits, and it should be noted that some localities may be considered as suitable for sex shops but not for sexual entertainment venues and vice versa or, furthermore, none at all.

12.5 In determining the character and/or nature of the relevant locality and the appropriate number of sex establishments in that relevant locality, the Authority will take into account, but not limit its determination to:

- (a) the use to which any premises in the vicinity are put;
- (b) the number of existing sex establishments both in total and in respect of each type (i.e., sex shops, sexual entertainment venues and sex cinemas);
- (c) the number of existing premises engaged in and or offering entertainment of an adult or sexual nature or entertainment or associated with an adult or sexual nature;
- (d) the proximity of residents to the premises. In particular, any sheltered housing or accommodation for vulnerable persons;
- (e) the proximity of educational establishments to the premises;
- (f) the proximity of places of worship to the premises, or any other religious establishment;
- (g) access routes to and from schools, play areas, nurseries, children's centres or similar premises;

- (h) the proximity to shopping centres;
- (i) the proximity to community facilities/halls and public facilities such as swimming pools, leisure centres, public parks, youth centres/clubs;
- (j) the potential impact of the licensed activity on crime and disorder and public nuisance;
- (k) the potential cumulative impact of licensed premises in the area taking into account the days and hours of operation of the activity and the character of the locality where the premises are situated.
- (l) a Conservation Area within the meaning of the Town and Country Planning Acts and any associated legislation;
- (m) the nature and concerns of any objections received from residents/establishments objecting to the licence application;
- (n) any evidence of complaints about noise and/or disturbance caused by activities undertaken at the Premises;
- (o) any current planning permission (including any relevant conditions) or Lawful Development Certificate relating to the authorised use of the premises;
- (p) any relevant local or national planning policy considerations; and/or
- (q) any current permissions relating to other nearby premises in respect of licensable activities and operating hours etc.

12.6 When determining an application for the grant of a sex establishment licence, the Authority shall have regard to the policy statement, the relevant guidance issued by the Home Office and provisions set out above, but subject to the overriding principle that each application will be determined on its own merits.

The Authority will take into account:

- previous demonstrable knowledge and experience of the applicant and their managerial competence;
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other administrative area of the British Isles;

- any report about the applicant and management of the premises received from objectors or the Police and any criminal convictions or cautions of the applicant;
- that the operator is proposing a management structure which will deliver compliance with operating conditions, and policies detailing the training of staff and welfare of performers as well as means to protect the public; and
- any other relevant reason.

12.7 Applications in respect of premises must state the full address of the premises.

12.8 Applications in respect of a vehicle, vessel or stall must state where it is to be used as a sex establishment.

12.9 The Authority would normally expect that applications for licences for permanent commercial premises would be supported by evidence of the lawful use of the Premises by either having the appropriate Planning Permission or Lawful Development Certificate for the property concerned.

13 Granting a Licence

13.1 All applications for the grant of a new sex establishment licence will be referred to the Authority's Licensing Committee or relevant sub-committee for determination.

13.2 In determining the application, the said Committee will have regard to this policy statement, any limitation on the number of permitted sex establishments, the merits of the application and any objections, if any, that have been made.

13.3 Any licence approved does not constitute any approval under any other Acts such as the Town and Country Planning Act 1990 (as amended), or Byelaws. The applicant should note that sex establishments fall within a particular Planning land use category and that they must ensure that all necessary permissions and approvals are obtained prior to bringing any licensed activity into operation.

14 Representations/Objections

- 14.1** When considering an application for the grant, renewal, variation or transfer of a sex establishment licence the authority will have regard to any observations submitted to it by the Chief Officer of Police and any objections/representations that have been received from anyone else within the statutory consultation period.
- 14.2** Any person can object to an application provided that the objection is relevant to the discretionary grounds for refusal of a licence.
- 14.3** Objections must not be frivolous, vexatious or malicious and should not be based on moral grounds or values but must be on those grounds which the Authority may properly consider. These grounds are outlined at paragraphs 12.1 and 12.2. of this document.
- 14.4** Objectors must give notice of their representations in writing, stating the general terms of the objection and any specific or detailed points of concern. Valid representations must be made within 28 days of the application being submitted. Representations made, up to 3 months, before the Application is submitted can be considered.
- 14.5** Where the authority receives notice of any objection it will, before considering the application, give notice in writing of the general terms of the objection to the applicant. However, the Authority shall not, without the consent of the person making the objection, reveal the name or address of the objector to the applicant.

15 Hearings

- 15.1** Where applications are referred to a Licensing Committee, the hearing will take place within 20 working days of the end of the period in which objections may be made, or such other timescale that shall have been agreed in writing with the applicant.
- 15.2** Where a Hearing is required to determine an application, it is the Policy of this Authority to disclose the names and addresses of objectors unless there are clear reasons to depart from the Policy, since this supports the objective of transparency in decision making. The Head of Regulatory Services (or other appropriate Chief Officer) will make the final decision on whether details of objectors are to be disclosed.
- 15.3** The Hearing provides all parties to the application, including those making objections, the opportunity to air their views openly and those views will be considered by the Licensing Committee.

15.4 Upon refusal of an application on one or more grounds, the Licensing Committee will provide the applicant with reasons for the refusal in writing within 7 days.

16 Appeals

16.1 There is no right of appeal:

- (a) Against the mandatory grounds for refusal as detailed in section 12.1.1 (a), (b), (c), (d), and (e) above, unless the applicant can prove that the ground of refusal does not apply to them, and
- (b) Against the grounds as detailed in Section 12.2.1 (c) and (d) which can only be challenged by the applicant by way of judicial review.

16.2 All relevant grounds for appeal, other than these detailed at point (a) and (b) above can be made to the Magistrates Court within 21 days from the date on which the person is notified of the decision.

16.3 There is no right of appeal for objectors.

17 Fees

17.1 The fees set are deemed to be reasonable to cover the cost of administration, enforcement in relation to licensed operators, inspections, and any hearings and are not refundable. The fees are set annually and are published in the Authority's Table of Fees and Charges.

18 Standard Conditions

18.1 The Standard Conditions for Sexual Entertainment Venues are attached at **APPENDIX 1**.

19 Specific Conditions

19.1 Under schedule 3(8) of the Local Government (Miscellaneous Provisions) Act 1982 the Authority may grant to an applicant, and from time to time renew, a licence for a sex establishment on such terms and conditions and subject to any restrictions as may be specified. These specific terms and conditions will be tailored for each individual premises and each type of sex establishment licence.

20 Duration of Licence

20.1 Unless there are exceptional circumstances for doing otherwise, the Authority shall grant a licence for the maximum duration of one year at a time, to provide certainty to those persons operating businesses.

21 Exempt Sexual Entertainment Code of Practice

21.1 The Government has seen fit to exempt infrequent sexual entertainment from requiring a licence. Whilst the Authority recognises and accepts this, it is also acutely aware that unless it is properly managed there are risks to public protection and safety, an increased likelihood of associated crime and disorder and an inability of regulatory bodies to respond accordingly.

21.2 Whilst the authority cannot legitimately impose restrictions on infrequent sexual entertainment, it has formulated an Exempt Sexual Entertainment Code of Practice. The intention of the Code of Practice is to promote responsible and properly managed exempt sexual entertainment. The Authority expects any Premises wishing to offer infrequent sexual entertainment to adhere to the code of practice.

21.3 A copy of the Code of Practice is attached at **APPENDIX 2** of this policy statement.

22 Enforcement

22.1 In general, action will only be taken in accordance with agreed enforcement procedures and principles in line with the Authority's own enforcement policy. To this end, the key principles of consistency, transparency and proportionality will be maintained.

22.2 Other Authorities and/or Regulatory Bodies who consider enforcement appropriate remain operationally independent and will act as they deem necessary.

NOTE: No conditions will be attached to a licence that duplicates primary legislation such as Health and Safety or Fire Regulations. It is expected that there will be compliance with primary legislation, always, and failure to do so will result in enforcement action.

23 Licensing Act 2003

- 23.1 The provision of dancing and associated background live/recorded music which is integral to the provision of relevant entertainment, such as lap dancing will not require a license under the Licensing Act 2003, providing an authorisation under this policy is in force.
- 23.2 If the premises wishes to provide other licensable activities such as sale of alcohol, late night refreshment or the provision of music to allow members of the audience to dance, then a Premises Licence under the Licensing Act 2003 will be required.

24 Immigration Act 2016

- 24.1 Under the Immigration Act 2016, the Home Office granted new duties for local authorities to deal with illegal workers and those who employ them. Anyone employing illegal workers, (those without the right to be working in the UK) can be fined up to £20,000 per illegal worker. The wages of the illegal workers can also be seized as proceeds of crime. Licence holders and applicants are required to check the residency status and right to work of anyone who is employed to trade under a sex establishment licence. For more information on the Immigration Act 2016, and the duties of employers to check the rights of their employees to work, please review the Home Office guidance. Any licence holder found to allow an illegal worker to work as part of their activities is likely to have their licence reconsidered at renewal.

25 Policy Review

- 25.1 This policy statement will be reviewed periodically and at any time when significant legislative changes occur. Any significant amendments will be subject to public consultation and endorsed by the Authority's Executive.
- 25.2 Any minor amendments or textual changes to this Policy, which do not alter the substantive content, may be authorised by the Head of Service responsible for Licensing and undertaken in accordance with the Authority's Constitution.
- 25.3 The Standard Conditions appended to this policy (**APPENDIX 1**) do not form part of the policy document, although may be referred to within the policy. These Standard Conditions could be subject to change during the duration of this policy, but such amendment may not result in review of this policy.

Standard Conditions Regarding Sexual Entertainment Venues

In these conditions:

‘Relevant Entertainment’ means any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).

‘Authority’ means Stafford Borough Council.

‘Borough’ or ‘Town’ means the administrative area of Stafford Borough Council in its entirety, including the towns of Stafford, Stone and Eccleshall.

‘Premises’ means any vessel, vehicle, stall, building, forecourt yard, place of storage or any part of any of these where Relevant Entertainment takes place and is the subject of a licence.

‘Plans’ means any or all of the Plans or Drawings as defined in section 7 of the Policy.

In the event of a conflict between the prescribed conditions and special conditions contained in a SEV licence the special conditions shall prevail.

General Conditions:

- 1 The premises shall only permit adult entertainment between the hours stated on the licence as determined by the Authority.
- 2 Only activities which have previously been agreed in writing by the Authority shall take place.
- 3 The agreed activities shall take place only in designated areas approved by the Authority.
- 4 There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the Borough any advertisements, photographs or images that indicate or suggest that striptease-type dancing takes place on the premises.
- 5 Rules shall be produced by the licensee for customers indicating conduct that is deemed acceptable. These rules shall be prominently displayed at all tables and at other appropriate locations within the Premises.

- 6 No person(s), providing they are of relevant age, should be excluded from entering the Premises on the grounds of gender, race, disability or sexual orientation.
- 7 A copy of the licence is to be displayed prominently at the Premises at all times.

Advertisements, solicitation and displays

- 8 There shall not be displayed outside the premises, in the immediate vicinity, or elsewhere within the respective Town or overall Borough, advertisements that indicate or suggest that any form of Relevant Entertainment takes place on the Premises. This includes the display of any advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) including in any of the following ways:
 - (a) by means of personal solicitation in the locality of the licensed premises;
 - (b) by means of leafleting in the locality;
 - (c) by means of externally displayed advertisement (such as on billboards or posters) in any part of the Authority's administrative area; and/or
 - (d) by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

Premises

- 9 Alterations or additions, either internal or external and whether permanent or temporary, to the structures, lighting or layout of the premises as shown on the Plans, including any change in the permitted signs on display shall not be made except with the prior approval of the Authority.
- 10 A clear Notice shall be displayed inside the entrance to the premises in the following terms:

“Striptease-style entertainment takes place on these premises. No persons under 18 shall be permitted in the premises.”
- 11 Any Relevant Entertainment or performance carried out at the Premises must not be visible from adjacent or nearby public places (e.g. highways), and any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily-clad individuals employed in the premises must not be present in the entrance area or in the vicinity of the premises.

- 12** When the premises are open for Relevant Entertainment no person under the age of 18 shall be permitted to be on the premises. Anyone appearing to be under the age of 25 years shall be asked to produce valid photographic identification. If this is not produced the individual shall be refused access.

Management and Licensee

- 13** Where the licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Authority within 14 days of such change.
- 14** The premises shall maintain a refusals log whereby on any occasion a person is refused entry it shall be recorded, and such a log made available upon request by the Police or an authorised officer of the Authority.

Conditions regarding performers

- 15** Relevant Entertainment may only take place in 'designated areas' that are marked on the Plans of the Premises.
- 16** The customers and/or members of the audience must, at all times, remain fully clothed.
- 17** Performers shall be aged not less than 18 years and the licence holder (or his nominated deputy who is authorised in writing) shall satisfy him/herself that this is the case by requesting valid photographic ID, if necessary, prior to the performance.
- 18** A 'Signing-in' Register shall be kept at the Premises that records the time that the performer starts and finishes at the Premises. This shall be made available for immediate inspection by a Police Officer or authorised officers of the Authority.
- 19** During any performance there must be no physical contact between the performer and any customer or member of the viewing public.
- 20** Any bodily contact between entertainers or performers or any movement that indicates sexual activity or simulated sex between entertainers or performers is strictly forbidden.
- 21** No performances shall include any sexual act with objects.
- 22** No performances shall include animals.
- 23** There shall be no nudity by performers in public areas of the premises, unless the Authority has agreed in writing that the area may be used for performances of Relevant Entertainment.

- 24** At the completion of the Relevant Entertainment the performers shall dress themselves immediately and leave the designated performance area. Performers not engaged in performing shall not remain in any public area of the Premises in a state of undress.
- 25** Performers are not to solicit, exchange addresses, telephone numbers or social media contact details with customers, liaise with customers of the premises, or incite customers to purchase alcoholic drinks.
- 26** An appropriate room(s) shall be set aside to provide a changing and rest area for performers. Access to this room(s) shall be restricted to performers only, whilst the performers are on the Premises and shall be marked on the Plans of the Premises.
- 27** There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices in respect of Relevant Entertainment, including any charge for the company of any person working at the premises, which shall be placed in such a position that it can, always, be easily and conveniently read by persons inside the Premises.
- 28** Literature and contact details of organisations that provide advice and counselling on matters relating to:
- (a) Modern slavery;
 - (a) Domestic abuse;
 - (b) Coercive control; and
 - (c) Rape and sexual assault,
- shall be made available to performers free of charge in their designated changing room / area.

Briefing

- 29** Prior to performers carrying out any Relevant Entertainment on the Premises, they shall be briefed (verbally or in writing) by the licence holder or his nominated deputy who is authorised in writing as to the conditions that pertain to these particular premises, including the fact that their activities will be recorded on CCTV. The performer(s) shall sign in the Register that they have been briefed.

Door-Supervisors

- 30** Subject to a minimum of two, SIA-registered door-supervisors shall be employed at a minimum ratio of 1:50 customers on the Premises whilst Relevant Entertainment is taking place.

- 31 The licence holder, or his nominated deputy who is authorised in writing, or door-supervisors, shall carry out regular monitoring of all areas of the Premises to which the public have access, and shall intervene promptly, if necessary, to ensure compliance with licence conditions by customers and performers.
- 32 Door-supervisors shall regularly monitor the area immediately outside the Premises for a distance of 30 metres in all directions and shall take steps to deal with (by alerting the Police if appropriate) any unsavoury activity that may be attracted to the vicinity due to the nature of the business.
- 33 A dedicated SIA-registered door supervisor shall remain, at all times, in any 'private' performance area where performers are performing nude, and shall intervene promptly, if necessary, to ensure compliance with the Licence conditions.
- 34 When performers leave the Premises they are to be escorted to their cars or taxi by a door-supervisor or member of staff.

CCTV System

- 35 A digital CCTV system shall be installed and be maintained in good working order, shall record, at all times, the Premises are open, and recordings shall be kept for 28 days. The CCTV system is to be installed in all areas as recommended by the Staffordshire Police Licensing team.
- 36 The CCTV recording device, controls and recordings shall be kept under suitable security to prevent unauthorised access/tampering. Access shall be restricted to the licence holder or his nominated deputy who will be authorised in writing and no more than two designated persons.
- 37 Unaltered CCTV recordings shall be provided on request (as soon as possible and in any event within 24 hours) to the Police or authorised Officers of the Authority (who will carry identification).
- 38 No CCTV footage is to be copied, given away or sold (except as required by Police/Authority for investigation/enforcement purposes).
- 39 Except in accordance with the requirements for CCTV as described above, no photographs, films or video recordings shall be taken of the performances. Nor shall electronic transmissions of performances take place.
- 40 Notices shall be displayed informing customers of the presence of CCTV.

Goods available in Sex Establishments

- 41** Neither Sex Articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging, sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned, or demonstrated in a Sex Cinema or Sexual Entertainment Venue.
- 42** All printed matter offered for sale, hire, exchange, or loan shall be available for inspection prior to purchase and a notice to this effect is to be prominently displayed within the Sex Establishment Venue.
- 43** No film or video film shall be exhibited, sold, or supplied unless it has been passed by the British Board of Film Censors and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video film so certified.

Sexual Entertainment Code of Practice.

- 1** Operators/licenseses will notify the Authority and Police Licensing Sections of events where sexual entertainment is due to take place.
- 2** All sexual entertainment should only take place in one designated area inside the Premises, and this shall not be visible from any public place (e.g. highway) outside of the Premises.
- 3** Private performances should only take place inside screened-off private booths. However, the front of these booths must not be covered or obstructed, so that managers and SIA door- supervisors are able to monitor activity inside the booths.
- 4** A clear notice should be displayed inside the entrance to the designated area stating:

“Sexual entertainment takes place on these premises. No persons under 18 shall be admitted.”
- 5** Scantily clad individuals performing in the premises must not be present in the entrance to or in the vicinity of the Premises and individuals not performing shall not remain in any area of the Premises in a state of undress.
- 6** Customers must, at all times, remain fully clothed.
- 7** During any performance there must be no physical contact between the performer and any member of the viewing public/private customer.
- 8** No performance shall include any sexual act with other performers, customers or viewing public.
- 9** An appropriate room(s) shall be set aside to provide a changing and rest area for performers. Access to this room(s) shall be restricted to performers only.
- 10** A minimum of one SIA registered door supervisor shall be employed in the designated area where sexual entertainment is taking place and they shall intervene promptly to ensure compliance with these rules.
- 11** The area in which sexual entertainment is to take place shall be covered by CCTV from which footage shall be stored for a minimum of 28 days and produced to Police or Authority officers on request.
- 12** A list of all performers shall be available on the premises for immediate production if requested by Police or Authority officers. This list shall contain full names, dates of birth and contact details (address or telephone number).

13 Rules 2, 3, 5,7,8,9 and 10 shall be drawn to the attention of all performers and promoters prior to activity commencing.

Rules 6, 7 and 8 shall be prominently displayed to customers at appropriate locations within the premises.

Consultees

Staffordshire Police Licensing

Police Licensing Unit
Ground Floor, Block 9
Staffordshire Police Headquarters
Weston Road
Stafford
ST18 0YY

licensinghq@staffordshire.pnn.police.uk

Fire Safety Officer - Licensing Application

Western Service Delivery Group
Staffordshire Fire and Rescue Service
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wsdg.firesafety@staffordshirefire.gov.uk

Chief Officer of Police

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Licensing Authority

Julie Wallace - Licensing Manager

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The Officer in Charge

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Richard Harling

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Economic Development and Planning

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ST16 3AQ

planning@staffordbc.gov.uk

Staffordshire Trading Standards

First Floor, Staffordshire Place 1
Stafford
ST16 2DH

licensing@staffordshire.gov.uk

Local businesses, licensed premises and residents will also be informed.

- Stafford Borough Council's responsible authorities
- Representatives of local businesses, including the Chamber of Commerce
- Local residents and their representatives
- Local town and parish councils, plus surrounding local authorities
- Local Member of Parliament
- Local Community Safety Partnership
- Elected members and departments of the Council

Agenda Item 4(b)(i)

Cabinet Date:	8 June 2023
Contact Officer:	Anna Nevin
Telephone Number:	01785 619176
Ward Interest:	Nil
Report Track:	Cabinet 08/06/2023 (Only)
Key Decision:	No
Submission by:	Councillor J Hood, Community Portfolio

The Impact of the Cost of Living and Additional Support to Residents

1 Purpose of Report

- 1.1 To discuss the support currently provided by the council to support residents with the cost of living increases and for wider vulnerabilities and to propose additional support to the voluntary sector.

2 Proposal of Cabinet Member

- 2.1 That progress be noted and agreement be given to providing additional financial support to initiatives as set out in paragraph 3.3 below (should the funding not be required for a specific project, for example, if an alternative funding source is identified, authority be delegated to the Cabinet Member and Head of Service to reallocate the available resource within the identified priority areas of domestic abuse, hate crime, cohesion and wider vulnerabilities).

3 Key Issues and Reasons for Recommendations

- 3.1 The Council has been providing financial support to the community and voluntary sector for a number of years. It currently supports a number of community and voluntary sector organisations with grants totalling £132,250 per annum. During the covid pandemic, an additional £27,000 was provided to the voluntary sector to support vulnerable residents, alongside significant focus from staff to ensure that all residents remained safe and well.
- 3.2 Over the past two years demand for support from the voluntary sector has increased considerably, and with the rise in the cost of living, this demand is

predicted to increase yet further. In the later part of 2022 cabinet agreed to allocate an additional £18,000 towards the set up of a food distribution hub that is being run by a Community Interest Company and was involved in the setting up of a network of Warm Spaces across the Borough with the voluntary sector, Midlands Partnership Foundation Trust and the Community Foundation for Staffordshire.

3.3 The council recognises the role of the voluntary sector and how they support the council to deliver outcomes as part of the corporate business plan and also the community wellbeing partnerships. However, due to changes in priority areas and increases in demand it has become evident that there are some gaps in service delivery relating to domestic abuse, hate crime, cohesion and wider vulnerabilities. Therefore, the proposal is to utilise the remainder of the funding the council received during the covid pandemic to support clinically extremely vulnerable residents to commission the voluntary sector to provide additional preventative and early help support. in the following areas:

- £15,000 to deliver healthy relationship sessions in primary schools as part of the preventative work on domestic abuse.
- £10,000 for hate crime sessions in schools as part of the preventative work on preventing extremism.
- £10,000 for diversionary activities for asylum seekers that promote positive wellbeing, cohesion and improve confidence.
- £15,000 to provide support that focuses on community cohesion and the development and the fostering of positive relationships with new and existing community and faith group networks in the borough with a particular focus on town centre and rural areas.
- £15,000 to provide support for individuals experiencing low level issues of vulnerability in terms of mental health and drug and alcohol misuse as part of the warm space hub.

4 Relationship to Corporate Business Objectives

4.1 This directly supports the delivery of corporate business objective 2.

5 Report Detail

5.1 The impact of the rise in the cost of living is already being seen as disposable income is tightening to an extent that families are already having to take difficult decisions to either heat their home or feed their families. This situation will be challenging for the majority, but in particular, those households who are particularly vulnerable. This report provides a summary of the national and local picture, outlines the support being provided by the council and also proposes additional support for residents.

5.2 Using data from the Opinions and Lifestyle Survey 2022, the Office for National Statistics (ONS) found that 83% of adults reported an increase in their living costs in March 2022 compared to 62% in November 2021. They

also found that 43% of respondents said they found it very difficult to pay their bills, and in July 2022, they found that almost half (46%) of people were finding it difficult to pay their energy bills and most likely to not use their gas or electricity as a means of coping.

- 5.3 The ONS also found that certain groups, including disabled adults, renters, and those with no formal qualifications, were most likely to report they could not afford an unexpected expense of £850. Research from the Department of Works and Pensions (DWP) found that 40% of families had savings or investments under £1,500 in 2020/21, and in July 2022 the ONS found that 46% of people did not expect to be able to save any money in the coming twelve months.
- 5.4 Locally there has been increases in the number of vulnerable residents across the borough. Vulnerability is a cross-cutting issue and many of those considered vulnerable can be for a number of reasons such as safeguarding and social isolation, domestic abuse economic stress and health and mental health concerns. Individuals experiencing these issues can also be extremely vulnerable to criminal exploitation and victimisation. In addition to concerns about mental health and quality of life, socioeconomic status is statistically linked to poorer outcomes, including avoidable death.
- 5.5 Although the council continues to work in partnership on preventative and early help support for a number of these issues, it is apparent that further investment in areas such as domestic abuse, preventing extremism and improving cohesion and wider vulnerabilities is required.
- 5.6 It is for these reasons that voluntary sector organisations in the borough have seen demand for their services doubled over the past 24 months. There are more people who are seeking debt advice for the first time, Citizens Advice Staffordshire South West (CASSW) have reported an increase in the number of people accessing their services with the majority being concerned about their fuel, gas and electricity. Faith group organisations operating in the borough have also stated that more working people who are having to access foodbanks to feed themselves and their families and there has been increases in the number of people who are experiencing domestic abuse, mental health issues along with drug and alcohol issues.
- 5.7 Over the past few years the council has been proactively providing support to residents in three main workstreams that are outlined below:

Energy Support and Keeping Warm

- Warmer Homes Stafford
This is a partnership between Stafford Borough Council and Beat the Cold to help the residents of the Borough get access to funding, advice and

information about improving the energy efficiency of your home, reducing your fuel bills and keeping warm.

- **Energy Efficiency**
The council has been allocated a limited amount of funding from the Department for Business, Energy and Industrial Strategy (BEIS) to proactively target private rented accommodation to improve energy efficiency and/or reduce/remove fuel poverty, through measures installed and advice provided.
- **Warm Spaces**
This is a new initiative to bring communities together in warm spaces during the winter. With the cost of living crisis, and rising energy bills, we have invited venues across the borough to open their doors for people to keep warm - with the possibility of having hot food and drink as well. This is a partnership initiative with Midlands Partnership Foundation Trust, working with the borough council, the Community Foundation for Staffordshire, parish councils and voluntary sector organisations.

Support for feeding families

- **Food Distribution HUB**
This is an initiative to provide additional support to local foodbanks in Stafford Borough working in partnership with voluntary sector organisations/foodbanks through a newly formed Community Interest Company. The borough council are providing the funding for the first year of operation as well as the venue.

- **Slow Cooker Project**
Working in partnership with the County Council to set up a slow cooker project in Stafford Borough. The borough council will provide the operational delivery model for getting the slow cookers distributed across the Borough; families/individuals will be identified through existing data sets, voluntary sector organisations, elected members. Community events to demonstrate how to use the cookers will be held and will involve cooking ideas and also follow up events for people.

Funding for voluntary sector organisations

- **Grant funding**
The council currently supports a number of community and voluntary sector organisations with grants totalling £132,250 per annum.
- **Stafford Borough Small Grants**
Grants up to £1000 available to voluntary sector organisations, administered by the Community Foundation with fifty organisations benefitting in the last four years through the awarding of a total of £55,000.

5.8 Whilst this has helped considerably, the council recognises the role of the voluntary sector and how they continue to support the council to deliver outcomes as part of the corporate business plan and also the community wellbeing partnerships. However, due to changes in priority areas and increases in demand it has become evident that there are some gaps in service delivery relating to domestic abuse, hate crime, cohesion and wider vulnerabilities. Therefore, the proposal is to utilise the remainder of the funding the council received during the covid pandemic to support clinically extremely vulnerable residents to commission the voluntary sector to provide support as detailed in paragraph 3.3 of this report.

6 Implications

6.1 Financial

Funding for the spend of £65,000 set out above is available within the Councils Earmarked reserve Clinically Vulnerable G042.

6.2 Legal

None

6.3 Human Resources

None

6.4 Human Rights Act

None

6.5 Data Protection

None

6.6 Risk Management

None

6.7 Community Impact Assessment Recommendations

Impact on Public Sector Equality Duty:

There are no known impacts.

Wider Community Impact:

Wider community impact will be addressed through the individual project plans that will be developed as part of the commissioning process.

7 Previous Consideration

None

8 Background Papers

Corporate Business and Partnerships

Agenda Item 4(c)(i)

Cabinet Date:	8 June 2023
Contact Officer:	Stephen Baddeley
Telephone Number:	01543 464415
Ward Interest:	Nil
Report Track:	Cabinet 08/06/2023 Audit and Accounts 20/06/2023
Key Decision:	No
Submission by:	Councillor R P Cooke, Resources Portfolio

Strategic Risk Register**1 Purpose of Report**

- 1.1 To set out details of the Council's Strategic Risk Register as at 1 April 2023

2 Proposal of Cabinet Member

- 2.1 That Cabinet approve the draft Strategic Risk Register and consider the progress made in the identification and management of the strategic risks.

3 Key Issues and Reasons for Recommendations

- 3.1 All Strategic Risks and associated action plans have been reviewed and the Council's current risk profile is summarised in the table below:-

Risk Status	Number of Risks 30 Sept 2022	Number of Risks 1 April 2023
Red (High)	3	1
Amber (Medium)	5	7
Green (Low)	0	0
TOTAL	8	8

- 3.2 Whilst the overall total number of risks remains the same at 8 two risks have reduced their scores and moved from being a Red risk to an Amber risk.

4 Relationship to Corporate Business Objectives

- 4.1 This report supports the Council's Corporate Priorities as follows:-

- (a) Risk management is a systematic process by which key business risks/opportunities are identified, prioritised and controlled so as to contribute towards the achievement of the Council's aims and objectives.
- (b) The strategic risks set out in the Appendices have been categorised against the Council's priorities.

5 Report Detail

5.1 The Accounts and Audit Regulations 2015 state that:-

"A relevant body must ensure that it has a sound system of internal control which:-

- (a) facilitates the effective exercise of its functions and the achievement of its aims and objectives;
- (b) ensures that the financial and operational management of the authority is effective; and
- (c) includes effective arrangements for the management of risk."

5.2 Risk can be defined as uncertainty of outcome (whether positive opportunity or negative threat). Risk is ever present and some amount of risk-taking is inevitable if the council is to achieve its objectives. The aim of risk management is to ensure that the council makes cost-effective use of a risk process that has a series of well-defined steps to support better decision making through good understanding of risks and their likely impact.

Management of Strategic Risks/Opportunities

5.3 The Council's approach to risk management (including its risk appetite) is set out in the Risk Management Policy and Strategy (March 2016).

5.4 Central to the risk management process is the identification, prioritisation and management of strategic risks/opportunities. Strategic Risks are those that could have a significant impact on the Council's ability to deliver its Corporate Business Plan Objectives.

5.5 The risk register has been updated as at 1 April 2023 and a summary is attached as **APPENDIX 1**.

5.6 The risk summary illustrates the risks/opportunities using the “traffic light” method ie:-

RED risk score 12 and above (action plan required to reduce risk and/or regular monitoring)

AMBER risk score 5 to 10 (action plan required to reduce risk)

GREEN risk score below 5 (risk tolerable, no action plan required)

5.7 As part of this review the following changes have been made-

- Risk C2 “The economy of the Borough is adversely impacted limiting the ability to deliver the Economic Growth Strategy for the Borough” has had its risk score decreased from a 15 Red to 9 Amber. This is due to a better economic outlook as the Borough’s economy continues to be resilient, with unemployment rates at a stable level and a large number of job vacancies available. Major investments such as the Stafford Town centre transformation and UK Shared Prosperity Fund will support the prosperity and growth of the District.
- Risk C5 “The Council’s key contractors remain sustainable and continue to provide value for money” has reduced from a 15 Red to a 10 Amber. This is due to the situation for Contractors improving especially for the Waste Contractor and whilst still being a challenging time due to the cost of energy and cost of living impact the support from the Government via grants and a forecast drop in prices means the risk to the Leisure contractor has also diminished.

5.8 All other risks have remained at the same score but comments detail the progress made to deliver the identified controls.

5.9 The key information and progress for each risk is set out in the strategic risk register attached at **APPENDIX 2**. A full strategic risk register including detailed controls and actions for each risk is held on file by the Chief Internal Auditor Risk Manager.

6 Implications

6.1 Financial

Nil

6.2 Legal

Nil

6.3 Human Resources

Nil

6.4 Human Rights Act

Nil

6.5 Data Protection

Nil

6.6 Risk Management

As set out in the report and appendices

6.7 Community Impact Assessment Recommendations

Impact on Public Sector Equality Duty:

The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation

Wider Community Impact:

No wider community impact

7 Previous Consideration

Nil

8 Background Papers

File available in Internal Audit and Risk Section

Stafford Borough Council
Summary of the Strategic Risk Register as at 1 April 2023

Summary of Red Risks

Risk No	Risk Name	Risk Owner	Date Added to Register	Residual Risk Score at Sept 2022	Residual Risk Score at April 2023	Direction of Travel over period reported
C1	Finance Risk	Deputy Chief Executive Resources	May 2020	20 RED	20 RED	↔

Summary of Amber Risks

Risk No	Risk Name	Risk Owner	Date Added to Register	Residual Risk Score at Sept 2022	Residual Risk Score at April 2023	Direction of Travel over period reported
C2	Economy Risk	Head of Economic Development & Planning	May 2020	15 RED	9 Amber	↓
C4	Partnership Risk	Head of Wellbeing	May 2020	9 AMBER	9 AMBER	↔
C5	Key Contractors Risk	Head of Operations / Head of Wellbeing	May 2020	15 RED	10 Amber	↓
C6	Organisational Resilience Risk	Chief Executive	May 2020	9 AMBER	9 AMBER	↔
C7	Cyber Attack Risk	Head of Transformation & Assurance	May 2020	9 AMBER	9 AMBER	↔
38b	Impact of HS2 Risk	Head of Regulatory Services and Head of Economic Development & Planning	2014	10 AMBER	10 AMBER	↔
40b	Westbridge Park Transformation Risk	Head of Economic Development & Planning	2016	6 AMBER	6 AMBER	↔

Key to Direction of Travel

↓	Risk has decreased	↔	Risk level unchanged	↑	Risk has increased
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Cannock Chase District Council – Strategic Risk Register Key Information as at 1 April 2023

Ref No:	C1
Risk Name	Finance Risk
Risk Description:	The funding available to the Council from central Government resulting from changes to Business Rates, New Homes Bonus etc. will not be known until the autumn at the earliest. This together with increases in inflation and interest rates makes accurate budget planning difficult, resulting in a risk of over commitment of financial resources or inappropriate use of reserves.
Risk Owner:	Deputy Chief Executive Resources
Portfolio:	Resources
Gross Risk Score (Without Controls in Place)	Likelihood: 4 Impact: 5 Total Score: 20 - RED
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 4 Impact: 5 Total Score 20 - RED
Overall Progress Summary:	<p>The medium-term financial stability of the Council is dependent upon its ability to set a 2024-25 budget that does not draw upon reserves, and the impact of changes arising from the future funding regime for local government. Details in relation to the implementation of 50% Business Rates Retention and Fair Funding and Business Rates Reset are still awaited.</p> <p>The funding available to the Council from central Government resulting from changes to Business Rates, New Homes Bonus etc. will not be known until the autumn at the earliest. This together with increases in inflation and interest rates makes accurate budget planning difficult, resulting in a risk of over commitment of financial resources or inappropriate use of reserves.</p> <p>A consultation document in relation to the Future of New Homes Bonus was published in February 2021 (a response from the Council was submitted in advance of the closing date). The Council is awaiting details of the financial Settlement for 2024-25, including New Homes Bonus, to be provided by Central Government, likely in the Autumn.</p> <p>It is therefore clear that the Government's plans for reviews of Business Rates, New Homes Bonus and Fair Funding have a potentially significant impact on the Budget and Medium-Term Financial Strategy (MTFS); and currently there is little information as to outcomes. This uncertainty creates financial risk for the Council. This could result in savings being delivered, in anticipation of a poor Settlement, that are not required; or conversely, sub-optimal decisions taken in haste to balance the Budget if the Settlement is worse than expected.</p>

	<p>In addition to Government policy, there are risks related to inflation and interest rates, both of which have risen since the last financial plan, with predictions they will be more persistent than previously thought by economists. The Council's ability to increase its income in line with rising expenditure is restricted, even if it is willing to do so. Therefore this places a further potential burden on the Budget and MTFS.</p> <p>The rapidly rising cost of living will have a direct impact on our residents and businesses. This, in turn, has the potential to place additional burdens on already stretched Council services. It may also lead to reduced income from fees and charges as residents limit their discretionary spending, and non-payment of Council Tax and Business Rates.</p>
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Ref No:	C2
Risk Name:	Economy Risk
Risk Description:	The economy of the Borough is adversely impacted limiting the ability to deliver the Economic Growth Strategy for the Borough
Risk Owner:	Head of Economic Development & Planning
Portfolio:	Economic Development & Planning
Gross Risk Score (Without Controls in Place)	Likelihood: 3 Impact: 5 Total Score: 15 - Red
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 3 Impact: 3 Total Score: 9 - Amber
Overall Progress Summary:	<p>Immediate and longer terms interventions identified and being implemented; minor disruption to major projects and Future High Streets Fund bid updated to reflect impact of Covid-19. Local Plan progression under regular review. Emerging pressures linked to global supply chain issues and costs of goods, services and labour impacting on contracts/delivery. Economic conditions remain challenging, due largely to the current cost of living pressures and inflation growth, but the situation locally has remained stable during the last quarter. The Borough's economy continues to be resilient, with unemployment rates at a stable level and a large number of job vacancies available. The Council will continue to monitor local economic conditions and respond if the situation worsens.</p> <p>Major investments such as the Stafford Town centre transformation and UK Shared Prosperity Fund will support the prosperity and growth of the District. Furthermore, the Borough has a strong pipeline of projects and ambitious plans for a new Garden Community at Meecebrook.</p>

Ref No:	C4
Risk Name:	Partnerships Risk
Risk Description:	Failure to work in partnership to sustain support to vulnerable residents
Risk Owner:	Head of Wellbeing
Portfolio:	Community
Gross Risk Score (Without Controls in Place)	Likelihood: 4 Impact: 3 Total Score: 12 - RED
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 3 Impact: 3 Total Score: 9 - AMBER
Overall Progress Summary:	<ul style="list-style-type: none"> • The Community Wellbeing Partnership and other organisations including parish councils and community groups continue to support vulnerable residents in the borough and services commissioned have been sustained. • The council has supported a local CIC to set up a food distribution HUB that works in partnership with foodbanks across the borough. • The Council engaged with community groups over winter 2022/23 to deliver the Warm Space scheme. The Warm Space scheme provided support to residents and volunteers were upskilled to provide effective signposting and advice where appropriate. One scheme is looking to continue through the summer due to the ongoing high level of demand. • Council webpages continue to be updated and they now encompass a broad range of signposting information for residents under the 'Talk to Us' pages and also information for community groups and parish councils. Webinars have been specifically designed for community groups, volunteers, parish councillors and elected members to enable them to respond to resident queries and effectively signpost to support services. These are also available on the SBC website. • The Council has brought the delivery of Disabled Facilities Grants back in house, as a shared service with South Staffordshire District Council. The service works alongside CCDC on the procurement of labour contractors, equipment suppliers and Occupational Therapy services. A key partnership with Homes Plus has been established to provide funded adaptations to their eligible tenants efficiently with the RP as the resident's main point of contact. • Increasing numbers of people are seeking housing assistance, many have multiple support needs. This increases demand on temporary accommodation. There is increased pressure on partner agencies who work in partnership with the housing options team to address support needs to assist a resident into sustainable accommodation.

Ref No:	C5
Risk Name:	Key Contractors Risk
Risk Description:	The Council's key contractors remain sustainable and continue to provide value for money
Risk Owner:	Head of Operations / Head of Wellbeing
Portfolio:	Environment / Leisure / Resources
Gross Risk Score (Without Controls in Place)	Likelihood: 4 Impact: 5 Total Score: 20 - RED
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 2 Impact: 5 Total Score: 10 - Amber
Overall Progress Summary:	<ul style="list-style-type: none"> • Risk is not at the same level with all contractors. • We are concentrating on the monitoring and financial support to the Leisure contractor which currently carries the highest risk. • Services have been re-introduced following the lifting of Government Covid-19 restrictions/return of work force. • Prioritisation of service have been reintroduced based on “open book” process. • The other emergent issue has been the significant increase in energy prices coupled with rising inflation arising from marked increases in the prices of fuel, goods, and services. <p>During the Covid pandemic lockdown periods and associated restrictions the Council worked with its contractors to support them in implementing their recovery plans (in accordance with Cabinet Office Action Note PPN04/20 Procurement Policy Note - Recovery and transition from COVID –19). However, the rises in energy prices, taken together with rising inflation, has emerged as a significant risk, particularly to the Leisure contractor. The Council is providing some support to its leisure and culture service provider with its energy costs, based on an open book approach. The Government has announced plans to provide a level of support for leisure providers with swimming pools, as part of the recent budget but the council is awaiting further details of that support to be published. Along with the above, the forecasted energy costs for 2023 appear to be positive, which therefore reduces the likelihood of service failure, as shown by the revised likelihood score of 2 from a 3. That said, the leisure contract remains a strategic risk due to uncertainty in energy markets.</p>

Ref No:	C6
Risk Name:	Organisational Resilience Risk
Risk Description:	Reduced Organisational resilience may lead to reduced resources to support Council's service delivery and transformation.
Risk Owner:	Chief Executive
Portfolio:	Resources
Gross Risk Score (Without Controls in Place)	Likelihood: 3 Impact: 5 Total Score: 15- RED
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 3 Impact: 3 Total Score 9- Amber
Overall Progress Summary:	The majority of services are operating normally but some services are continuing to experience capacity issues due to vacancies and problems in recruiting new staff and others have taken on additional duties over the last few months e.g. support for Ukrainian families. Officer capacity continues to be reviewed and work prioritised. The Council has had a number of interim Heads of Service covering key work areas over the last year but following the decision to proceed with shared services a new senior management structure came into effect on 1 April 2023. It will take time to establish the new Leadership Team as we recruit to the vacant posts. This will help with strategic capacity and resilience. The next stage will be to review the operational management tier.

Ref No:	C7
Risk Name:	Cyber Attack Risk
Risk Description:	Failure to repel or recover from cyber-attack including targeted ransomware, malware, and Distributed Denial of Service attacks
Risk Owner:	Head of Transformation & Assurance
Portfolio:	Resources
Gross Risk Score (Without Controls in Place)	Likelihood: 4 Impact: 5 Total Score: 20 - RED
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 3 Impact: 3 Total Score 9 - AMBER
Overall Progress Summary:	<p>Work has been completed and actions are in progress. However, the environment means that new risks and challenges are always developing, and attacks are becoming more sophisticated. The move to homeworking has increased the risks in this area</p> <p>The Technology Team has achieved Cyber Essentials Plus. About Cyber Essentials - NCSC.GOV.UK</p> <p>A Security Officer role has been created within the team as part of the localised restructure. Cyber Essentials Plus renewal is underway.</p> <p>PSN certification has been renewed.</p> <p>Working with National Cyber Security Centre (NCSC) on our Cyber action plan, meetings held quarterly.</p>

Ref No:	38b
Risk Name:	Impact of HS2 Risk
Risk:	Failure to minimise the impact on the environment from the construction and operation of HS2
Risk Owner:	Head of Regulatory Services and Head of Economic Development & Planning
Portfolio:	Environment / Economic Development & Planning
Gross Risk Score (Without Controls in Place)	Likelihood: 3 Impact: 5 Total Score: 15 - RED
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 2 Impact: 5 Total Score 10 - AMBER
Overall Progress Summary:	<p>Information obtained by officer's participation in HS2 working groups to address noise, environmental, air quality and planning elements of the route alignment, during construction and subsequent operation, has assisted them in providing an input into the Council's petitioning document. Continued liaison between the Council's Development Manager and Regulatory Services Manager has enabled better shared understanding of the issues/risks; and the use of appropriate mechanisms to try and address the areas of concern.</p> <p>The hybrid bill has received Royal Assent</p> <p>Officers are now working closely with HS2 on the processing of relevant planning proposals and the mechanism associated with section 61 notices under the Control of Pollution Act 1974 which require contractors to state mitigation measures for adverse effects of the construction phase.</p> <p>Section 61 notices have been received by Officers and reviewed, negotiated, and subsequently approved.</p>

Ref No:	40b
Risk Name	Westbridge Park Transformation Risk
Risk Description:	Failure to deliver Westbridge Park Open Space transformation
Risk Owner:	Head of Economic Development & Planning
Portfolio:	Economic Development & Planning
Gross Risk Score (Without Controls in Place)	Likelihood: 4 Impact: 3 Total Score: 12 - RED
Residual/Net Risk Score (i.e. with controls in place)	Likelihood: 2 Impact: 3 Total Score: 6 - AMBER
Overall Progress Summary:	<p>The £1.5m transformation of Westbridge Park is progressing. The development will include facilities for toddlers and youngsters, a multi-use games area and wheeled sports provision, natural play trail through the woodland area, picnic and seating spaces, toilets, enhanced pathways and landscaping - with key space for local events and football pitches.</p> <p>Planning consent has been granted for the scheme. Contractors have been appointed and are now fully mobilised with works underway.</p> <p>It is anticipated that the scheme will be completed during Q4 of 2023.</p>

Agenda Item 4(c)(ii)

Cabinet Date:	8 June 2023
Contact Officer:	Judith Aupers
Telephone Number:	01543 464411
Ward Interest:	Nil
Report Track:	Cabinet 08/06/23 Resources Scrutiny Committee 22/06/23 Economic Development and Planning Scrutiny 04/07/23 Community Wellbeing Scrutiny Committee 18/07/23
Key Decision:	No
Submission by:	Councillor R P Cooke, Resources Portfolio

Quarter 4 and End of Year Performance Report for 2022-23

1 Purpose of Report

- 1.1 To advise Members on the progress in delivering the Council's priorities and performance at the end of the quarter 4 and the year -end position for 2022-23.

2 Proposal of Cabinet Member

- 2.1 To note the progress made during 2022-23 in the delivery of the Council's priorities and performance as set out in **APPENDICES 1 AND 2**.

3 Key Issues and Reasons for Recommendations

- 3.1 The Corporate Business Plan 2021-24 sets out the Council's priorities and the key actions to deliver these.
- 3.2 Overall, 93% of the key actions have been delivered or are on schedule to be completed. Progress in delivering the corporate priorities is summarised in 5.4 of the report and set out in detail in **APPENDICES 1A TO 4A**.
- 3.3 With regard to the operational performance of the key services of the Council, 74% of targets have been met or exceeded. Further details can be found at 5.6 and in **APPENDICES 1B AND 2B**.

Reasons for Recommendations

3.4 The performance information allows Cabinet to monitor progress in delivery of the Council’s corporate priorities and operational services.

4 Relationship to Corporate Business Objectives

4.1 The indicators and actions contribute individually to the Council’s priorities as set out in the Corporate Business Plan 2021-24.

5 Report Detail

5.1 The Corporate Business Plan 2021-24 sets out the Council’s priorities and the key actions to deliver these.

5.2 The Delivery Plans set out in **APPENDICES 1A TO 4A**, to this report summarise how the Council will achieve progress against its Corporate Priorities; these plans establish the actions and timetable for delivery and form the basis of the Council’s performance reporting framework. The appendices summarise performance in delivery of the actions at the end of 2022-23.

5.3 In addition to the Delivery Plans, performance is also reported against the delivery of key operational services; Key Performance Indicators (KPIs) for these services are set out in **APPENDICES 1B AND 2B**.

Delivery Plans

5.4 A commentary on performance and a rating for each of the actions set out in the Delivery Plans is given in **APPENDICES 1A TO 4A**. A summary of progress, by rating, is given in the table below.

Table 1: Delivery Plans - Summary of Progress

Corporate Business Plan Priority	 Action completed	 Work on Target	 Work behind schedule	Total Number of Actions
The Economy	1	11	3	15
Community	0	15	0	15
Climate Change	1	8	0	9
The Council	1	3	0	4
Total	3	37	3	43

5.5 At the end of 2022-23, of the 43 actions due for delivery:

- 7 % of have been completed;
- 86 % are on target to be completed;
- 7 % have slipped slightly.

Key Performance Indicators (KPIs)

5.6 A set of key operational performance indicators for each of the Council’s priorities is set out in **APPENDICES 1B-3B**. In summary:

Table 2: Key Performance Indicators - Summary of Progress

Corporate Business Plan Priority	 Performance exceeds target	 Performance on target	 Performance below target	Total Number of KPIs
The Economy	5	1	0	6
Community	9	2	6	17
Total	14	3	6	23

- 61% indicators show performance above target;
- 13% indicators show performance on target; and
- 26% indicators show performance below target.

6 Implications

6.1 Financial

There are no direct financial implications arising from the report.

The financial management of the Corporate Plan and the Delivery Plans is standard in accordance with Financial Regulations. All actions are budgeted for accordingly.

6.2 Legal

None

6.3 Human Resources

None

6.4 Human Rights Act

None

6.5 Data Protection

None

6.6 Risk Management

None

6.7 Community Impact Assessment Recommendations

Impact on Public Sector Equality Duty:

None

Wider Community Impact:

None

7 Previous Consideration

Nil

8 Background Papers

Corporate Plan 2021-24

Priority 1 - The Economy

Delivery Plan - Progress Report for 2022-23 Year End

KEY	Description	Number of Actions
	Action completed	1
	Work on Target	11
	Work behind schedule	3

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
Assess the economic implications for the Borough over the medium and long term				
1.1.1	Review and assess all key programmes and major projects	From April 2021 and then on-going		Details of the projects being delivered are referred to in the actions that follow. Where project milestones have been delayed due to considerations outside of our control alternative delivery options are being progressed
To facilitate the delivery of 500 new homes in the Borough per year including 210 affordable homes				
1.2.1	Complete five year land supply statement	On-going		Five year housing land supply statement completed and published.
1.2.2	Work with Registered Providers, Developers and	On-going		42 affordable homes were delivered in Q4. This is slightly lower than anticipated due to delivery on one particular site slipping into

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
	Homes England to deliver 210 affordable homes per year			next financial year. This year has seen only 92 affordable homes delivered, against the target of 210. This is partly low because of the target being exceeded last year. Work is ongoing with Registered Providers to bring forward sites of 100% affordable housing. There are a number of such schemes progressing. When development as a whole starts to slow down, this will inevitably impact on the delivery of affordable housing, therefore delivery performance can be beyond the control of the local authority.
1.2.3	Improve and maintain performance of development management	On-going		Development Management performance is subject to a national league table which is published on a rolling 2 year snapshot. As at 31/03/23 performance is as follows: 83% Major applications processed on time (an increase from 79.5% in Q3; national target 60%); 77% of non-Major applications processed on time (a decrease from 83.9% in Q3; national target is 70%). For Quarter 4 (01/01/23-31/03/23) performance was as follows: Major applications processed on time 88.9% (a decrease from 90% in Q3) and non-major applications processed on time 74.2% (an increase from 72.5% in Q3. Validation backlogs remain around 2-3 weeks. Additional agency resource has been brought in to help progress planning applications and the number on hand has reduced over the quarter. However caseloads remain high and the difficulty in securing and retaining good temporary agency staff remains an issue.
1.2.4	Improve and maintain performance of local land charges	On-going		5% of searches received in this period were completed within the 10 day target. Of those over 10 days the longest was 24 days which is an improvement from the last 2 quarters. This is due to the continuing issue whereby the County Council are taking an extended period of time to respond due to staffing issues and also staff absence. We are advising customers of the situation.
Deliver key projects and infrastructure proposals that will promote economic growth and investment for the Borough				

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
1.3.1	Delivery of the Stafford Town Centre Transformation Programme	31/03/2024		Work on the Market Square refurbishment commenced January 2023 with procurement due to commence on Station Approach during May 2023 (having experienced delays with external approval process). It is anticipated that a contractor will be appointed by autumn 2023. Discussions are ongoing with third party landowners on the larger projects and where milestones have been delayed alternative delivery options are being progressed.
1.3.2	Delivery of the Stafford Station Gateway	From June 2021 and then on-going		The Strategic Regeneration Framework was approved by SBC Council on 24th Jan 2023. The Levelling Up Fund round 2 bid for land assembly etc. was not successful in the announcements made in Jan 2023. Alternative funding options are currently being investigated. SBC is currently working with Avanti, LCR and SCC to look at some feasibility work on station access improvements.
1.3.3	Supporting the development of Meecebrook Garden Community	On-going		Local Plan Regulation consultation representation considered and technical support sought to address appropriately completed. New Governance arrangements introduced to Programme Board to enable programme to move forward post regulation 18 to support allocation at Regulation 19. A key workstream element continued to be land assembly - working to cement relationships with four major landowners and two business owners, this has been completed and includes first joint landowner meeting. Rail SOBC via commission with SLC moving forward, includes engagement with Network Rail. Masterplan consultants reviewing existing technical evidence. Draft Planning Strategy ready to go through governance structure. Health Impact Assessment moving at pace and benefiting from stakeholder engagement. Transport Data Collection report received. Officer Homes England support secured, deliverability paper and land assembly paper received to enable progress to be measured and recommendations to be agreed to terms of next steps relating to viability to be presented to Programme Board.

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
1.3.4	Stone Leisure: Westbridge Park	On-going		UKSPF fund approved £245k for Car Parks works to be undertaken as part of main works contract. Preparatory works undertaken on Contract preparation and 3rd LOI for stage 4 designs issued. 15.3.23 Planning Committee recommended approval subject to Secretary of State call in 31.3.23. Secretary of State informed us of the decision not to call in application.
Work in partnership to generate economic and sustainable growth for the long-term prosperity of our residents, visitors and businesses				
1.4.1	Develop Stafford as a hub of productivity to help businesses develop, grow and thrive	On-going		Q4 data shows a record number of new Stafford Borough based businesses were registered at companies house. There is a good mix of sectors across retail, hospitality, tourism, professional services along with engineering, logistics and technology companies. The Borough is currently home to 5325 Enterprises and 6,335 local units.
1.4.2	Promote our visitor economy to demonstrate the offer in the Borough	On-going		Our creative agency has now developed the visitor economy artwork to include leaflets, posters, banners, a new website, social media posts and are beginning the delivery process. We will be working closely with stakeholders across the Borough to encourage collaboration and joint marketing events to promote the area. The new website will be a "one stop shop" for visitors to explore the Borough and uncover all that we have to offer. Tourism, hospitality, leisure and retailers are listed along with events, videos, drone footage, new photography and town trails. Users of the website will be able to create their own itinerary based on their area of interest and the website will be very similar to an app that is readable on most devices. Dynamic links to venues own websites will ensure that the information is up to date. In addition there will be a whole host of social media activity.

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
1.4.3	Unlock economic opportunities in our rural areas	On-going		We have received notification that a REPF addendum has been approved which will provide a further £480k of funding for our communities and tourism hospitality venues in our rural areas. Currently we are developing the processes for applications. We anticipate this fund to go live on 1st June 2023 and to run for 2 years. Rural specialist consultants have now been selected and the chosen firm will be engaging with us in May to scope out the feasibility study for a rural hub in Stafford. Our rural commercial property vacancies remain at an all time low of 3% and we have seen an increase in enquiries from businesses looking for light industrial workshops. The Borough is still a favoured location due to our transportation links and also cost per square meter compared to other development areas across the West Midlands.
1.4.4	Support the facilitation of lifelong learning to create a local workforce with specialist skills that can respond to growth ambitions	On-going		The Borough is still seeing a high number of vacancies, Pets At Home are continuing to recruit for 260 positions and we supported them recently with showcasing the Borough to existing staff from Northampton and new employees. The Borough is one of 29 partners in the Employment and Skills Task Group. The group has led on a countywide response in the implementation and delivery of the variety of Plan for Jobs initiatives, such as Kickstart, Restart, Job-Entry Training Support, Sector-based Work Academies (SWAPs) and the Way to Work campaign.
Develop a new Local Plan that reflects our Corporate ambitions for growth				
1.5.1	Revise and refresh the Local Plan	October 2024 Adoption of the Local Plan		New Local Plan Preferred Option consultation took place in October to December 2022 alongside full range of evidence based studies. 541 consultation responses published in February 2023, with officer assessment of key issues on-going. Council response submitted in March 2023 to latest Government's National Planning Policy Framework (NPPF) proposals, with further consultations now being considered. On-going assessment for implications on subsequent stages of the Local Plan 2020-2040.

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
1.5.2	Embed high quality design into Planning Policy to ensure that Stafford is an attractive place that people want to live in, promoting healthy lifestyles and supporting future investment	October 2024 Adoption of the Local Plan	✓	Policy approach published through Local Plan preferred options alongside site assessment evidence base. Government's proposals through NPPF for local design codes and green infrastructure strategy being considered.

Priority 1 - The Economy

Performance Indicators for 2022-23 - Year End Report

Description	Symbol	Number of KPIs
Performance exceeds target	★	5
Performance on target	✓	1
Performance below target	✗	0

No	Indicator	Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Year End Actual	Year End Rating
LI1	Number of existing businesses in commercial premises retained	40	10	11	11	27	59	★
LI2	Number of new start-ups in commercial premises, shared space or domestic properties	40	107	193	152	193	645	★
LI3	Building Control-Applications registered and acknowledged within 3 days of valid receipt	90%	89%	81%	99%	98%	90%	✓
LI4	Building Control-Full plans applications with initial full assessment within 15 days of valid receipt	70%	79%	76%	86%	96%	82%	★

No	Indicator	Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Year End Actual	Year End Rating
LI5	Building Control-Site visits completed on day requested	99%	99%	99%	100%	100%	100%	★
LI6	Building Control-Customers satisfied or very satisfied with the service	85%	91%	100%	80%	67%	88%	★

Priority 2 - Community

Delivery Plan - Progress Report for 2022-23 Year End

KEY	Description	Number of Actions
	Action completed	0
	Work on Target	15
	Work behind schedule	0

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
Work in partnership to sustain support for vulnerable residents				
2.1.1	To work in partnership to provide support to our communities and the voluntary sector	March 2024		Stafford Borough Small Grants Panel awarded a total of £3,000 to 3 groups in the Borough and Stafford Borough Sports Grants awarded a total of £2,820 to 5 groups in the Borough.
Keep the streets and parks clean and attractive for everyone to enjoy				
2.2.1	Investigate appropriate enviro crime complaints within 72 hours of receipt	31.03.2023 (annual target which is monitored quarterly)		248 reports investigated within the quarter, 223 dealt within the time frame.

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
2.2.2	Deliver high quality Neighbourhood Services to ensure that town centres, parks and open spaces are clean, tidy, and attractive	31.03.2023 (annual target which is monitored quarterly)	✓	81 Land Audit Management Systems (LAMS) inspections were carried out in the period with the following results: Streets Cleansing achieving 89.8*% Grade B or better and Grounds Maintenance achieving 92.1% Grade B or better. Customer Satisfaction Survey carried out by the Customer Contact Centre with residents who called in specifically for Streetscene related issues. Response from 226 residents was 97.8% positive in the range of 'satisfactory to excellent' regarding the cleanliness of the town centres.
2.2.3	Monitoring of construction works associated with major infrastructure eg M6 Smart Motorways and HS2	From April 2021 and then on-going	✓	Discussions are continuing with the HS2 Phase 2a Planning Forum – Environmental Health Subgroup, of which our officers are members. The purpose of the group is to discuss any potential air quality, noise, vibration and contaminated land issues associated with the construction and operation of HS2 Phase 2a, and appropriate mitigation measures. The Council continues to receive further section 61 applications for works.
2.2.4	Encourage households to increase recycling and minimise residual waste because this will be good for the environment and reduce collection and disposal costs	31.03.2023 (annual target which is monitored quarterly)	✓	Continuing to work with Veolia to identify contamination issues, visit to the Materials Recovery Facility planned to monitor and understand sampling process outcomes. Ongoing work with Housing Associations, landlords and schools to improve awareness and encourage proper use of all; bins provided. Awaiting delayed response outcome from the Resources & Waste Strategy for further guidance on waste and recycling acceptance criteria and possible future service changes.
Support and promote community health and wellbeing to all our residents and businesses				

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
2.3.1	Support partners to set up initiatives to improve and enhance health and wellbeing of residents	On-going	✓	The Warm Space Scheme has been successful. Half the venues supplied data and this showed they supported over 600 residents. The central hub saw close to 90 visitors every day. The majority of people who attended the Warm Spaces were aged over 65 and single, with one venue reporting a high number of visitors aged over 90. Over 30% of visitors attended every session highlighting the importance of the session to them. The most common concerns of residents related to physical and mental health, accounting for 46% of issues raised by visitors. Other issues of concern among attendees were debt, rent arrears and energy bills, all of which will have an adverse impact on a person's health. A series of webinars were recorded for volunteers on some of these key issues being raised so they were able to advise visitors where appropriate and signpost people to the relevant services.
2.3.2	Support the co-ordination of high profile events run by Freedom Leisure	31.03.2023 (annual target which is monitored quarterly)	✓	The Stafford Half Marathon and Fun Run took place on 12th March, with over 2,000 runners taking part. The Shakespeare production also took place.
2.3.3	Support the promotion of and use of town centres in the borough	31.03.2023 (annual target which is monitored quarterly)	✓	Due to the refurbishment of Market Square some events have been curtailed however alternative arrangements have been made for Stafford's monthly Farmers Markets, and Greengate Street is being used until the completion of the works. Stone's monthly markets are continuing. There have been no Stafford Walking Street events this quarter. Victoria Park held a Half Term Event, in February, called Craft and Meet the Keeper Activities.
2.3.4	Work towards all businesses being compliant with environmental regulations	From April 2021 and then on-going	✓	Programmed inspections continue to be undertaken in accordance with the Recovery Plan laid out by the Food Standards Agency.
Work with partners to ensure the borough is a safe place to be at all times				

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
2.4.1	To assist in the operational delivery of, and lead on, the implementation of specific initiatives that support the reduction of crime and vulnerability in the Borough (as per the recommendations in the Community Safety Strategic Assessment)	March 2024		At the end of this quarter the CWP received the strategic assessment for Stafford Borough which will inform the partnerships priorities. Discussions are underway on the use of the locality deal funding. Further funding has been secured to extend the taxi marshal service to a Friday night. The service has shown to reduce incidents of ASB/Crime on a Saturday night, has encouraged taxi drivers to operate during the night time economy and has increased public confidence. Work on the new Public Spaces Protection Order is underway. Consultation with partners was the first step in moving this forward. All new CCTV cameras have now been installed and are operational taking the total number of cameras in operation by SBC to 122 with circ 147 images being monitored. A new outreach hub has been developed and will be piloted in the coming weeks to support early intervention around ASB and vulnerable persons. A new ASB email address has been set up and a new reporting form has been developed to ensure that ASB is easily reported by victims and risk is appropriately addressed by officers. Communications are being developed to promote this.
2.4.2	To ensure that the authority adheres to its statutory responsibility in respect of the Prevent, Safeguarding and Domestic Abuse (DHR's)	March 2024		No safeguarding referrals have been received this quarter. Officers continue to engage in and contribute to cases on channel panel and attend the prevent board. Safeguarding training is being reviewed with Cannock to look at a shared policy and training package. We are working to ensure that new & expected legislation & government strategies are built in to our working practices such as the Modern Slavery Bill, Domestic Abuse Plan and Martyns Law.

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
2.4.3	Utilise procedures and processes to investigate reported incidents of anti-social behaviour	March 2024		<p>During Q4 37 new reports of ASB were received by the council. This is higher than the previous two quarters and that of Q4 last year. These complaints have been a mixture between housing provider properties, private rented and owner occupied dwellings.</p> <p>The vulnerabilities hub held each week provides an opportunity to discuss any concerns and collaborate with multiple agencies to problem solve at an early stage.</p> <p>To assist in tackling the ASB reported within this Quarter, the following have been served by the Council.</p> <ul style="list-style-type: none"> • 1 Community Protection Notice Warning (CPNW) • 2 Community Protection Notices • 13 Community Protection Notice Warnings following section 35 dispersal notices issued by the Police • 1 Fixed Penalty Notice for breaches of the PSPO • 3 Fixed Penalty Notices for breaches of current CPNs <p>We have also been involved in developing a draft CPNW which has been distributed around Stafford Police, so that should officers witness ASB this can be used as an effective early intervention tool.</p>
Work towards everyone having access to safe and suitable accommodation				
2.5.1	Provide a comprehensive housing options service to prevent homelessness and support people into sustainable accommodation	On-going		<p>Quarter 4 has been the third quarter this year that has seen unprecedented demand through the Housing Options Service. Although there has been an increase in prevention cases, the majority of cases approach at crisis point requiring complex multi-agency interventions and often emergency accommodation. A Housing Options Assistant has recently been recruited to support the team and a temporary full-time senior officer is assisting with the more complex cases.</p>

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
2.5.2	Ensure good housing standards are delivered in the private sector	On-going		The team returned to full strength by the end of the period, and have been able to undertake proactive work as well as responding to resident concerns. A project ensuring licenced HMOs continue to be safe and meet required standards has been undertaken. The externally funded Minimum Energy Efficiency Standards project has formally finished but work continues with landlords to bring the energy efficiency of properties up to standard. 47 Compliance Notices were issued this quarter, a number of which are likely to lead to further enforcement action.
2.5.3	Provide an effective and efficient service to deliver Disabled Facilities Grants	On-going		Quarter 4 saw final preparations put in place for the new shared DFG service. This was the culmination of a year-long programme of work to design and deliver a new service. As much work as possible was completed during the final quarter of Millbrook's contract. People in urgent situations had key items of work prioritised, for example those receiving palliative care or with life limiting conditions. Others had part-works completed, for example a stairlift installed, whilst works like bathroom adaptations and extensions were passed over to the new service to progress.

Priority 2 - Community

Performance Indicators for 2022-23 - Year End Report

Description	Symbol	Number of KPIs
Performance exceeds target	★	9
Performance on target	✓	2
Performance below target	✗	6

No	Indicator	Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Year End Actual	Year End Rating
LI3	No of Enviro-crime complaints dealt with promptly and no longer than 72 hours after receipt	94%	99.7%	99.4%	99%	90%	97%	★
LI4	No of residents who think the town centres are clean and tidy (%)	90%	100%	96.4%	98.4%	97.79%	98% (est)	★
LI5	Kgs Residual Household Waste Collected per household	110	108.12	101.66	104.89	112.96	107 (est)	✗
LI6	% of household waste sent for reuse, recycling and composting	51%	52.8%	50.52%	45.10%	41%	47% (est)	✗
LI7	% of homeless cases resolved through prevention	35%	22%	18%	20%	30%	23%	✗

No	Indicator	Target	Q1 Actual	Q2 Actual	Q3 Actual	Q4 Actual	Year End Actual	Year End Rating
LI8	% of homeless cases resolved through relief	65%	78%	82%	80%	70%	77%	
LI9	No of DFGs completed	100	34	16	19	37	106	
LI10	No of households referred for energy efficiency measures	50	20	24	22	9	75	
LI11	Empty Homes brought back into use following Officer interventions	50	8	18	7	8	41	
LI12	No of households given advice on energy efficiency	90	113	210	137	199	659	
LI13	Days taken to process new HB/CT Claims	20 Days	18.42 Days	14.34 days	18.43 days	23.36 days	18.7	
LI14	Days taken to process new HB/CT change of circumstances	9 Days	7.29 Days	3.31 days	3.82 days	5.34 days	5.1	
LI41	No of sites with green flag status	6					6	
LI43	No of entries in the Community Awards	30					44	
LI52	Overall reported crime in the Borough	6849					8410	
LI53	Reported incidents of domestic abuse	2755					2959	
LI54	Reported incidents of ASB	2739					2031	

Year End Improvement Report

No	Measure Detail	Target	End of Year	Performance	Context for current performance	Improvement Actions Taken
L15	Kgs Residual Household Waste Collected per household	110	107 (est)		Q4 performance is an estimate and it is considered the actual may be higher which will improve the position in relation to the target, if not achieving it.	The annual figure is only just below the target (3kgs) and is an estimate (see current context); it may still be achieved when actual figures become available.
LI6	% of household waste sent for reuse, recycling and composting	51%	47% (est)		Q4 figure is an estimate (as above). The quarter change is largely due to a reduction in garden waste due to time of year. This may improve when actuals figures are available.	Garden waste tonnages balance out across the year and the growing seasons. Nationally there is a trend in the reduction of recycling, as regulations and markets have tightened, and packaging has changed, in recent years.

No	Measure Detail	Target	End of Year	Performance	Context for current performance	Improvement Actions Taken
LI7	% of homeless cases resolved through prevention	35%	23%		Demand on the Housing Options Team has continued to increase in Q4, which is traditionally our busiest time following the Christmas period and with Cold Weather Provision frequently being triggered. More households this quarter have presented earlier - at the Prevention stage - which improves our ability to resolve homelessness and obtain positive outcomes. Despite the increased number of preventions, there continues to be a high number of people experiencing complex needs being referred into the Housing Options Service that require multi-agency interventions.	Although staffing has been increased within the Housing Options Team, case loads remain above the national average and team staffing and structures are being reviewed. The contract for exclusive use of the Bailey Guesthouse has been extended to protect the provision of emergency accommodation. The team continue working with commissioned specialist providers Turning Point and Humankind to provide high level supported accommodation for single homeless people with support needs. The existing arrangements with Eagle House (32 bed supported accommodation) have been reviewed to increase the level of support provided where required.
LI8	% of homeless cases resolved through relief	65%	77%	 		
LI11	Empty Homes brought back into	50	41		The Empty Homes Officer (EHO) has been in post for 6	A programme of work is in place, properties are being

No	Measure Detail	Target	End of Year	Performance	Context for current performance	Improvement Actions Taken
	use following Officer interventions				<p>months and is picking up new and historical cases. As the post was vacant for a period of time there is now a lag in bringing properties back into use as interventions tend to take some time to lead to properties being reoccupied. The EHO is working closely with empty home owners and has a programme of proactive work underway. The owners are currently identifying the main barriers to bringing properties back into use as rising costs and higher interest rates. This is especially true for properties that require large amounts of work as the cost of materials is high. Despite this the officer continues to work closely with owners to find ways to bring the property into use.</p>	<p>prioritised and interventions are under way. There has been a successful application for a warrant of entry for a property which has received many complaints. The EHO has had appropriate training and has visited another local authority to understand how they bring properties back into use, this enables the sharing of good practice.</p>

No	Measure Detail	Target	End of Year	Performance	Context for current performance	Improvement Actions Taken
L152	Overall reported crime in the Borough	6849	8410		Recorded crime has increased compared to the period of the pandemic. Nationally overall recorded crime has returned to pre-pandemic levels While the increases in crime in the 2021-22 financial year were slower than those seen at a national level, the following six months of data (April 2022 to end of October 2022) shows that levels of reported crime have continued to steadily increase in Stafford. By the end of October 2022, monthly reported crime in Stafford has risen in line with the upper limit of 'normal' monthly levels; showing an increase on the previous 12 months which is slightly above the force-wide increase although similar to that seen across Staffordshire County overall.	The CWP will continue to work in partnership to address these issues

Priority 3 - Climate Change

Delivery Plan - Progress Report for 2022-23 Year End

KEY	Description	Number of Actions
	Action completed	1
	Work on Target	8
	Work behind schedule	0

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
3.1	Reduce emissions from our own activities			
3.1.1	Undertake a meaningful audit of the council's carbon footprint to derive the council's own carbon inputs and output	August 2023		The 21/22 carbon footprint data was published in November 22. Collection for the 22/23 carbon audit will be collected in the Summer.
3.1.2	Reduce emissions from our own activities	Ongoing		Work is continuing on the replacement of LED light fittings at the Waterfront Car Park. The council has switched to a 100% renewable energy tariff. Initial reports have been received from the Midlands Net Zero Energy Hub which identify where renewable energy technologies can be installed across the council estate. These reports have been produced in a way which allow them to be used as evidence for the submission of a Salix Finance application. The window for funding opportunities opens in the Autumn.

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
3.2	Work in partnership to raise awareness of and identify opportunities to implement sustainable low carbon initiatives and promote community action on reducing emissions			
3.2.1	Work in partnership to determine best practice and increase awareness of climate change in our council, communities, businesses, and contractors	Ongoing		The SBC Climate Change Community Panel have been developing multiple projects which will contribute to sustainability in the Borough. These projects include a marginal space management project which will see marginal green spaces be managed for wildlife, a sustainable fashion project, and a waste reduction and reuse project. One of the community panel projects involves partnership working with the Wildlife Trust. The council have continued to work with an increasing number of community groups. The council continue to work with the other Staffordshire district and borough councils and the county council. The council sits on the West Midlands Climate Adaptation Working Group.
3.2.2	Work with government and elected bodies to determine best practice and use this to raise awareness in our communities, businesses and contractors	Ongoing		Work is continuing with the SBC Climate Change Community Panel to progress and deliver sustainability initiatives. The council has recently began working with the Chamber of Commerce and the Staffordshire Business Environment Network to develop a business resilience project.
3.3	Mitigate and adapt to climate change			
3.3.1	Deliver the measures identified in the Climate Change Adaptation Strategy	Ongoing		The council adopted it's Climate Change Adaptation Strategy in January. Work to progress the delivery of the actions within the document is underway. This includes projects looking to provide nature based solutions to climate change on council owned green spaces, and a resilience project looking to encourage businesses to consider how future impacts of climate change might impact their premises and operations,

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
3.3.2	Mitigate the impacts of climate change	Ongoing		Work is underway to increase the roll out of Electric Vehicle Charge Points both across council owned car parks, and across the wider Borough area. A Local Area Energy Plan has been produced which identifies areas for the roll out of renewable energy across the Borough.
3.4	Continue to implement our green recovery objectives			
3.4.1	Develop blue and green infrastructure and public realm	Ongoing		Stafford Brooks continues to progress, with schedules being prepared for design and works. The HS2 BIF application is currently being revised as a larger project.
3.4.2	Protect and enhance our environment	December 2023		Progress is being made towards a County Local Nature Recovery Strategy for Environment Act 2021, leading to Biodiversity Net Gain requirements. Initial meetings to establish partnership working in progress linked to the New Local Plan, currently awaiting Government guidance. Air quality monitoring for nitrogen levels continuing.
3.4.3	Adopt the New Local Plan to meet climate change mitigation and adaptation, and environmental measures through new development – Delivered by Business Objective 1	Adoption of new Local Plan		Evidence base published for the New Local Plan alongside other Staffordshire authorities. Borough Council consulted on Preferred Option policy approach from October to December 2022 including an interim Sustainability Appraisal Report. Preferred Options responses published in February 2023

Priority 4 - The Council

Delivery Plan - Progress Report for 2022-23 Year End

KEY	Description	Number of Actions
	Action completed	1
	Work on Target	3
	Work behind schedule	0

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
4.1	Use our resources in the most effective and efficient way by focusing on financial recovery, reform and sustainability			
4.1.1	Determine a medium financial strategy to maintain the financial resilience of the Council	March each year		Budget agreed at Council 24 January with detailed budget for 23/24 and indicative for 24/25 and 25/26
4.2	Continue to work towards organisational and transformational change, integrating equality objectives into everything we do			
4.2.1	Consider the impact of change and future ways of working on the Council workforce, members and customers	March 2024		IT have completed all of the development training for the new Customer Portal and are now in a position to start building the Forms and Integrations. Process mapping for the front end/Contact Centre for Waste Services is complete and back office process mapping is scheduled.

Ref	Key Deliverable	End Date	Q4 Rating	Q4 Commentary/Action
4.2.2	Investigate the opportunity for further shared services with neighbouring authorities	March 2024		<p>Following agreement of the business case to extend the sharing of services with Cannock Chase Council, work has commenced in putting in place the necessary arrangements.</p> <p>The overarching legal agreement, including the lead authority for services and the relevant delegations were approved by Council on 18 April. The new senior management structure is in place with just one of Head of Service post vacant pending recruitment.</p>

Agenda Item 4(c)(iii)

Cabinet Date:	8 June 2023
Contact Officer:	Rob Wolfe
Telephone Number:	01543 464 397
Ward Interest:	Nil
Report Track:	Cabinet 08/06/2023 (Only)
Key Decision:	No
Submission by:	Councillor R P Cooke, Resources Portfolio

Revenues and Benefits Collection Report - Quarter 4

1 Purpose of Report

- 1.1 To inform Cabinet of the performance of the Revenues and Benefits Service as regards:
 - collections of Council Tax during the 2022/2023 financial year.
 - collections of Business Rates during the 2022/2023 financial year.
- 1.2 To seek approval of the updated Billing, Collection and Recovery Policy Annexed to this report.
- 1.3 To seek approval to the write off of the arrears listed in the **CONFIDENTIAL APPENDICES**.

2 Proposal of Cabinet Member

- 2.1 That the information regarding collections be noted;
- 2.2 The updated Billing, Collection and Recovery Policy be approved;
- 2.3 That the arrears listed in the **CONFIDENTIAL APPENDICES** be written off.

3 Key Issues and Reasons for Recommendations

- 3.1 Efficient collection of the Council's revenues is of major importance to the funding of Council services and those provided by our preceptors.

- 3.2 Council Tax due for the year amounted to £94.6M, of which some **97.0%** was collected by the end of March, which is slightly lower than the 97.3% collected in the same period last year.
- 3.3 Business Rates due for the current year amounted to £48.2M of which some **96.3%** was collected by the end of the financial year. This compares to 96.2% collected in the same period last year.
- 3.4 Most of the methods of billing and recovering Council Tax and Business rates are prescribed and governed by statute, but some discretions and local decisions are required. The Annexe to this report includes a refreshed Billing, Collection and Recovery Policy to describe how this Council will operate these functions.
- 3.5 Whilst our collection rates are traditionally good, regrettably not all of the monies owed to the Council can be collected and this report contains a recommendation to write off bad debts which cannot be recovered.

4 Relationship to Corporate Priorities

- 4.1 Not Applicable

5 Report Detail

5.1 Council Tax

- 5.1.1 Council Tax is collected on behalf of the District Council, Parish Councils and our Major Preceptors (Staffordshire County Council and Commissioner for Police, Crime, Fire and Rescue). The effect of the Collection fund arrangements means that Stafford Borough Council retains around 10% of the council tax collected.
- 5.1.2 Council Tax due for the current year amounted to £94.6M and we have collected 97.0% of this within the year. The knock-on effect of underpayments during the past two years, the current economic climate and the need for Revenues staff to have managed Council Tax Energy Rebate awards, added to the difficulty in achieving this target in the current year. Action will continue to collect arrears after the end of the financial year, with around 99% traditionally being recovered.
- 5.1.3 The distractions of alternative workloads due to Covid-19 and the Energy Rebate payments are believed to have now ended and 2023-24 is expected to be a more traditional year in terms of our ability to recover unpaid bills. It is of course noted that residents continue to face increased costs of living which will impact their ability to pay Council Tax.
- 5.1.4 In accordance with the Council's approved policies, all reasonable and lawful attempts are made to recover all amounts due. In the first instance this

involves the issue of bills, reminders and final notices, followed by Summonses in the Magistrates Court where the warning notices are not effective. At all stages of this process, debtors are encouraged to engage in voluntary arrangements to repay their arrears, to prevent the need for formal action.

Where necessary and when Liability Orders are granted by Magistrates, the Council uses its powers to make deductions from earnings and benefits of debtors, where it can, and instructs Enforcement Agents where such deductions are not possible or appropriate.

In the most severe cases and for debts exceeding £5,000, the Council will consider personal bankruptcy action against individuals.

- 5.1.5 The recovery powers available to the Council are considerable but not completely infallible. There are occasions when bills are not paid and the debts cannot be recovered.
- 5.1.6 Statutory safeguards such as Debt Relief Orders, Individual's Voluntary Arrangements exist to protect debtors suffering hardship, to attempt to the expensive, stressful and sometimes ineffective process of personal bankruptcy. Where a debt is included in such an instrument, or when a debtor is bankrupt, our ordinary recovery powers cannot be used.
- 5.1.7 For any of our powers to be effective we need to know the whereabouts of a debtor, and this is not always the case. Where debtors abscond, we will use all reasonable endeavours to trace them and are often successful in doing so. Unfortunately, on occasions this is not so and we must submit a debt for write off.

Our trace procedures include:

- Checking our internal Council systems and following any information which may help us to trace the debtor.
- Use of Transunion credit reference agency data.
- Trace and collect facilities offered by our Enforcement Agencies
- Visits to the last known address by the Council's Property Inspector and use of external tracing agents.

Unfortunately, legislation does not currently permit access to DWP or HMRC records to trace Council Tax debtors or their employers, though a Cabinet Office project is currently reviewing this.

Data protection legislation allows us to receive information as to a debtor's whereabouts, but we cannot disclose information to other creditors. Reciprocal arrangements with utility companies and similar are not therefore workable.

- 5.1.8 1 Irrecoverable council tax debt in the sum of £2,865.15 are listed in the **CONFIDENTIAL APPENDIX** to this report.

5.2 Business Rates

- 5.2.1 Business Rates due for the current year amounts to £48.2M of which some **96.3%** was collected by the end of March. This compares to 96.1% collected in the same period last year and so would appear to reflect some upturn in the economy following the pandemic. The collection rate for 2019-20 was 97.9% and so it would appear that it will take some time to return to pre-pandemic level.
- 5.2.2 The recovery powers available to us are again contained in the Council's approved policies and are used in full. Those powers and our procedures are similar to the council tax powers described above, with the exception that deductions from individuals' benefits and earnings are not permissible, even if the debtor is an individual.
- 5.2.3 Where rates are owed by an individual, similar safeguards exist for the debtors and trace facilities are used by the Council for absconding debtors, as described above.
- 5.2.4 Additionally, in the case of business rates, as has been reported to Cabinet previously, our collection efforts are sometimes frustrated by weaknesses in legislation. Rates are due from the occupiers rather than the owners of property and where the occupier is a company, we can only recover from that company. Some proprietors will strip a company of its assets, or dissolve the company before we have had an opportunity to implement our recovery procedures. A new company is then formed in a similar style, to trade from the same premises.

Central Government has previously undertaken to review the loopholes that exist in rating and company legislation, though no changes have yet been received. Officers continue to actively monitor these issues.

- 5.2.5 6 irrecoverable business rate debts in the sum of £378,898.51 are listed in the **CONFIDENTIAL APPENDIX** to this report.

5.3 Housing Benefit Overpayments

- 5.3.1 The Council manages the Housing Benefit scheme on behalf of the Department for Work and Pensions, who fund the cost of benefits paid to claimants.
- 5.3.2 From time to time a claimant will receive too much Housing Benefit, this is called an overpayment. Overpayments can occur for the following reasons:

- **Claimant Error** - where wrong information is provided by the claimant or more commonly a claimant does not tell us about a change of circumstances in a timely manner. DWP will fund 40% of these overpayments by way of subsidy. This means that we need to recover at least 60% of the amounts raised to avoid a financial impact for the Council.
- **Fraud** - where a claimant deliberately misleads the Council by providing false information or withholding relevant information. Again DWP will fund 40% of these overpayments.
- **DWP Error**.- When an overpayment is caused by DWP error, DWP will pay for it in full and we need to write off the overpayment, rather than attempt recovery.
- **Local Authority Error or Delay** - where the council makes a mistake in assessing the claim. Also, and more commonly, the time from our being notified of a change, to that change being actioned is categorised as LA Error. These errors are recoverable from the claimant, provided that it would not have been reasonable for the claimant to know that he/she was being overpaid at the time the overpayment occurred. There is a duty placed upon benefit claimants to check the calculation of their benefits and let us know that we are using accurate information about them. When the error is of a particularly technical nature, or the claimant lacks the capacity to recognise the Council's error, we should not recover it. A decision to recover such an overpayment can be challenged via Social Security Tribunal. The DWP funding of LA Error overpayments depends on the level of errors that we make in the year.
 - Where the annual error rate is less than 0.48% of Housing Benefit expenditure, we receive 100% DWP funding.
 - Where the annual error rate is more than 0.48% but less than 0.54% of Housing Benefit expenditure, we receive 40% DWP funding.
 - Where the annual error rate is more than 0.54% of Housing Benefit expenditure, we receive 100% DWP funding.

Our error rates have been less than 0.48% for a number of years and have attracted full subsidy.

5.3.3 Recovery of overpaid Housing Benefit continues to progress well, with some £500,684.55 being collected in the last financial year, compared to the £481,117.20 new overpayments that were raised.

5.3.4 There are no irrecoverable Benefit Overpayment debts included in the **CONFIDENTIAL APPENDIX** to this report.

5.4 Updated Billing Collection and Recovery Policy

5.4.1 A revised policy document is annexed to this report as **APPENDIX 1** for approval by Cabinet. It was last updated in 2014 and the underlying legislative rules are largely unchanged, a refreshment of the policy is timely as we begin to return to more normal billing and recovery methods post-pandemic and as residents continue to deal with increased costs of living.

5.4.2 The updated policy is largely unchanged, and the Council continues to reserve the right to use all of the powers available to recover unpaid bills. The main differences from the previous version are:

- Some figures have been updated to reflect changes to the underlying legislation.
- The document describes more clearly, how the Council will vary its actions to accommodate the needs of vulnerable residents.
- The previous Billing Collection and Recovery Policy and the Insolvency Policy are combined into a single document, for ease of reference.

6 Implications

6.1 Financial

Council Tax write offs are losses to the Collection Fund and, as such, form part of the cost of collection incurred by this Council. The Council Tax write offs on this report total £2,865.15. This represents 0.003% of the outstanding collectable debit for the current year.

The cost of collecting the debts has been considered as part of the decision to put them forward for write off. If further information does come forward about the whereabouts of any of the individual debtors the Council will pursue recovery action.

Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced.

6.2 Legal

Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced.

6.3 Human Resources

None

6.4 Human Rights Act

None

6.5 Data Protection

The appendices to this report contain personal information and are therefore not published.

6.6 Risk Management

The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

6.7 Community Impact Assessment Recommendations

The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

Impact on Public Sector Equality Duty:

Nil

Wider Community Impact:

Nil

7 Previous Consideration

Nil

8 Background Papers

None

STAFFORD BOROUGH COUNCIL

LOCAL TAXATION AND BENEFITS SERVICES

Billing, Collection and Recovery Policy

April 2023

Council Tax and Business Rates Collection and Recovery Policy

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Billing Collection and Recovery

1 Introduction

Stafford Borough Council is fully committed to ensuring that all aspects of the collection and recovery processes are delivered in the most efficient and effective ways, to the highest standards of customer care and having regard to the individual needs of customers and the interests of the residents and businesses that we serve.

The Council is also committed to ensuring that its taxpayers' interests are properly protected by maximising the income that can be generated for receipts of Council Tax and Business Rates.

This document sets out the policy guidelines that the Council will follow, in the billing, collection and recovery of Council Tax and Business Rates.

2 Statement of Objectives

- We will issue a prompt, correct bill that is understandable and easy to pay
- We will collect monies outstanding quickly and efficiently
- We will treat all liable persons with courtesy, respect and sensitivity.
- We will ensure any person experiencing legitimate difficulty in paying has the opportunity to agree flexible payment arrangements.
- We will attempt to contact the tax payer as early as possible after payment default occurs to avoid formal recovery action where possible.
- At all stages of our recovery action are an attempt to contact the tax payer to arrange mutually acceptable payment arrangements.
- We will ensure those who attempt to avoid paying without legitimate reason will be pursued using all legal means.
- We will recover all costs incurred in recovery action from the relevant tax payer.
- We will provide clear advice at every stage of recovery including tax payers' rights and responsibilities and also sources of independent advice.
- We will promote regular Direct Debit payments and other regular payment schemes that ensure all amounts due are collected in the year due.
- We will ensure that any exemptions, discounts and reductions are paid only to those who are genuinely entitled to them.

3 Background

The collection and recovery of Business Rates and Council Tax is prescribed by the Local Government Finance Acts of 1988 and 1992 respectively, and subsequent regulations.

The Council must undertake collection and recovery within this legal framework, but it does allow for some degree of discretion regarding the manner and emphasis of administering the procedures.

Procedures are designed to take account of several basic principles, which are crucial to ensure a successful process and make sure that there is a fair and equitable service to the taxpayers of the Council.

Maximising the Council's income through receipts of Council Tax and Business Rates is essential to facilitate the services provided by this Council, and by other preceptors. We will achieve this by:

- Ensuring that all chargeable property is brought into the rating list or valuation list promptly.
- Ensuring that only legitimate claims for reductions are accepted.
- Ensuring that "scams" designed to avoid liability for charges are countered.
- Ensuring that Bills are issued promptly and collected.
- Promoting efficient collection methods.
- Taking swift, but fair and proportionate action against defaulters.
- Ensuring that any discretionary reliefs granted, support the Council's priorities, comply with our policy and are supported by the appropriate business justification.

4 The Policy

Prevention is the first essential step in a sensitive and cost-effective recovery process. There are several measures that can be taken to minimise indebtedness at an early stage which reduce the necessity for costly enforcement action which not only reduces costs but works towards avoiding potential hardship for taxpayers. Our main priority is to make early contact with taxpayers to establish the correct amount that is payable and make a mutually acceptable arrangement to pay, which does not increase indebtedness.

We will endeavour to distinguish between those who have genuine difficulty in paying their debts and those who are deliberately withholding, delaying or giving false evidence in respect of payment of debt. All taxpayers will be given the opportunity to make arrangements to pay and any sanctions will only be taken after attempts to make satisfactory arrangements have failed.

We will ensure that those who have the means to pay are required to do so on the due date specified on their bill and procedures will be in place to ensure that recovery action is taken uniformly against anyone who fails to pay for no good reason, thereby ensuring that all taxpayers are treated equitably.

We will ensure that all available allowances, discounts, rebates and reliefs are granted in appropriate cases at the earliest possible time in order to ensure the amount owed is correct. We will make all reasonable attempts at all stages of recovery to identify taxpayers who may be entitled to claim discounts or other reductions. Taxpayers will be encouraged and assisted to make appropriate applications.

We will identify payment default as early as possible and will then contact the taxpayer, to attempt to make arrangements to pay.

We will ensure that all of our documentation is clear and easy to understand, and that appropriate publicity is undertaken to encourage people to pay early or to contact us promptly in order to avoid their debt building up.

We will consider the taxpayer's financial and personal circumstances at every stage of contact, particularly as early as possible after the debt is established to allow reasonable timescales in which to settle the outstanding debt.

All statutory notices will be issued as early as possible within the legal framework to ensure maximum cash flow (having taken account of the various exceptions within this policy document).

Whilst in general payments will be required in accordance with the regulations, where taxpayers pay regularly, but not in accordance with the statutory instalment scheme, we will be as flexible as possible to their needs of when it is suitable for them to pay. Our policy aim is to ensure payment of the full bill for the year, within the year.

We will monitor outstanding debts and take appropriate recovery action. Where there is default on an arrangement, we will attempt to contact the taxpayer in order to either review the arrangement or to take further recovery action.

We will make all reasonable attempts to identify and bill partners and other individuals (where they exist) who may be jointly liable for a charge in order to recover against the person who has the greatest ability to pay.

This policy will be available on the Council's website and in appropriate circumstances, the Council will issue press releases on specific cases.

5 Dealing with Vulnerable People.

The Council recognises and takes very seriously its duty to support vulnerable people, to ensure that our services are provided fairly and equitably to all. This responsibility is of particular importance, when considering the actions that we take in terms of issuing bills and the actions needed to enforce unpaid debts.

Vulnerability takes several different forms and there can be no single solution that can be applied in all circumstances. All instances of vulnerability that are brought to the attention of the Revenues Team will be considered on their own merits and where specific actions are considered necessary and are reasonable, they will be taken. It is often the case that an individual's particular vulnerability will not remove their liability to pay or the necessity of recovery action, but help will be given when appropriate.

Ordinarily, the Council would expect specific actions and adjustments to be made in the case of vulnerability caused by disability, old age, illness or an inability to deal with financial matters, though this list is not exhaustive.

The actions that the Council would ordinarily expect to take include but are not exclusive to:

- Noting the vulnerability, to enable identification of it when dealing with ongoing issues, with a particular resident.
- Issuing bills and correspondence in alternative formats or languages other than English.
- Having bills and correspondence directed to an agreed third party such as family member, friend appointee or attorney.
- Contacting and/or discussing issues with those third parties as they arise.
- Ensuring, as far as is reasonably practicable, that the individual is receiving any discounts or reductions that they may be able to claim.
- Referring individuals to voluntary organisations or other third-party agencies when specialist help may seem to be needed.
- Individual consideration of specific circumstances prior to the commencement of Enforcement action.
- Notifying enforcement agents of known vulnerabilities when they are engaged to enforce debts against vulnerable people.
- Ensuring that Enforcement Agents have in place adequate measures to deal appropriately with vulnerabilities that they become aware of.

Dependant upon the point at which a potential vulnerability is brought to the attention of the Revenues Team, the actions previously taken or ongoing, it may be appropriate for the Council to seek proof of the vulnerability being claimed, before embarking on a specific or form of action.

6 Bill and Reminder Stages

6.1. Bills

- We will issue bills and revised bills, where necessary, as early as possible.
- We will promote and encourage Direct Debit as the easiest, most effective method of payment but all other methods will be made freely available.
- Direct Debit payers will be offered a choice of alternative payment dates within the month.

- Monthly instalments are the preferred method of payment frequency but any reasonable method of payment within the instalment period will be considered.

6.2. Joint and Several Liability

- A bill may be addressed to one or more joint taxpayers in respect of an amount for which they are jointly and severally liable.
- The recovery procedures may be applied to one or more than one of the joint taxpayers.
- Different recovery proceedings cannot be applied simultaneously to more than one joint taxpayer for the same debt.

6.3. Missed Payments – Reminders

- Taxpayers are required to pay in accordance with the regulations. We will aim to issue reminders within one calendar month of an instalment being missed in accordance with the regulations.
- The reminder will inform the taxpayer of the amount in arrears and that if payment is not received within 7 days the facility to pay by instalments will be withdrawn and will result in further recovery action for the full years charge.
- If the instalments are brought up to date within the statutory period or we make an agreement with the taxpayer, we will not take any further action providing future payments are made correctly.

6.4. Final Notices

Final Notices, requiring payment of the full amount within seven days, will be issued when:

- The overdue amount represents the whole balance of the charge for a year, i.e. no future instalments will become due. Or
- The required number of Reminder Notices have already been served and complied with for a particular debt (one reminder is required for Business Rates, two are required for Council Tax).

6.5. Summons and Liability Orders

- If payments are not made as required or agreed, the Council will make complaint to the Magistrates' Court and in accordance with the regulations, a summons will be issued giving at least 16 days notice before the hearing date.

- At the hearing, if the court is satisfied that the charge is legally payable and remains unpaid, the Magistrates are required to issue a Liability Order, together with an order for reasonable costs.
- Taxpayers who do not attend Court will usually be dealt with in their absence.
- Unless alternative arrangements for payment have been made, or a course of recovery action decided upon, in the case of Council Tax debts, a notice will be sent to the taxpayer when a Liability Order has been granted by the Magistrates. The notice may be issued either directly by the Council or by agents acting on our behalf.
- This notice will include the statutory requirement for information regarding the taxpayer's financial circumstances and employment, so that arrangements to recover the debt may be made from earnings or Income Support/Job Seekers Allowance as appropriate.
- In addition to the statutory requirement for financial information, this notice will emphasise the need to make an acceptable arrangement to pay based on the taxpayer's financial circumstances.
- Where a defaulter is known to be in receipt of Local Council Tax Reduction, more than one notice will be issued before Enforcement Agents visit the taxpayer.
- In the case of Business Rate default, debts may be issued to Enforcement Agents without a warning notice being issued.

7 Liability Orders and Enforcement Stages

7.1. Overriding Aims

- The Council's aim is always to collect any outstanding debt as efficiently and effectively as possible and will base any discretion as to methods of enforcement on this overriding aim.
- This aim will be balanced with ensuring that debtor's individual circumstances, where available, are considered.
- The previous conduct of a debtor will be taken into consideration when exercising discretion.
- The regulations only allow for one method of enforcement to be taken at any one time in relation to a single Liability Order. The Council will aim to use the most effective method at any point that debts remain outstanding.

7.2. Attachment of Earnings (Council Tax Debts only)

- If the details of the taxpayer's employment are known and an Attachment of Earnings Order is considered appropriate, we will make an Attachment of Earnings Order and serve it on the debtor's employer.

- The sums to be deducted are prescribed in the regulations and employers have a statutory obligation to comply with an Order.
- An employer may deduct £1.00 towards administrative costs on each occasion a deduction is made.
- Where the debtor has two or more unpaid liability orders the Council may request a maximum of two Attachment of Earnings Orders be initiated.
- Where alternative arrangements have been made but not adhered to, the recourse to enforce an Attachment of Earnings Order will be taken.
- If it is felt by a debtor that the deductions under the Attachment of Earnings Order will cause hardship, the debtor may apply to the Council for the deductions to be reviewed. This review will be undertaken on the basis of ensuring that any debts are collected as efficiently and effectively as possible.

7.3. Deductions from Benefits (Council Tax Debts Only)

- Where appropriate we will apply to the Department for Works and Pensions for deductions from Jobseeker Allowance or Income Support
- The Council can apply to the Job Centre Plus for deductions to be made from Universal Credit, Jobseeker Allowance, or Income Support but not from any other benefits.
- The Council Tax (Deductions from Income Support) Regulations 1993 specify the fixed weekly amount deductible which is 5% of the Universal Credit, Jobseeker Allowance or Income Support for a single person aged over 25.
- The fixed nature of the rate of deductions may render this method of recovery inappropriate, for example where the ongoing liability is greater than the deduction rate, or other means of recovering the debt are available.

7.4. Taking Control of Goods (formerly known as Levy of Distress)

- We will pass debts to Enforcement Agents (formerly known as bailiffs) to take control of debtors' goods, to enforce payment where it is felt that no alternative enforcement power is available or appropriate.
- Enforcement agents are required by law to undertake a compliance stage to encourage the debtor to engage, prior to visiting the debtor's home or place of business, or charging fees.
- Legislation permits the Enforcement Agent to charge statutory fees directly to the debtor. There is therefore usually no cost to the Council in this process.
- When a debt is referred to an Enforcement agent, we would expect the debtor to resolve payment of his arrears and associated fees with the agent. The Council will only intervene or withdraw a case from the Agent in exceptional

circumstances, for example in the event of a Council error leading to the referral.

- The Council will from time to time, issue operating rules and a Code of Conduct to its Enforcement agents. The aim of these is to ensure that the agents operate fairly, proportionately and within the legal framework.
- We will always try to establish if a debtor is vulnerable, and act accordingly when this is the case. This will not ordinarily require the matter to be returned by the Agent. It is considered reasonable, at this stage for the Agent to require some form of proof or verification of the vulnerability and where this is provided, allow time for the debtor to seek the support needed to be able to deal with the Agent's visit.

7.5. Bankruptcy, Liquidation and Charging Orders

- Any amounts due can be deemed to be debts for the purposes of the Insolvency Act 1986 in relation to winding up limited companies or to petition for the bankruptcy of individual.
- We will engage the assistance of private sector specialists in this type of recovery action, when appropriate.
- We will generally, only consider personal bankruptcy after other recovery methods have failed. However, we will choose it sooner if information is received that suggests that by initiating bankruptcy proceedings, this be a more effective method of collection.
- Insolvency proceedings against companies may be preferable to attempting to take control of their goods, and this method will be deployed where it appears preferable, having regard to the size of the debt and the circumstances and conduct of the debtor.
- We will make reasonable efforts to ascertain if there are assets available prior to making a petition for bankruptcy or insolvency.
- Insolvency and bankruptcy proceedings will only be considered where the overall debt is over £5000. The debt may be made up of debts other than Council Tax.
- Charging Orders will be applied for where £1,000 or more is owed and it is felt appropriate to do so, having regard for the amount of debt and circumstances of the debtor. These will generally be followed with applications for Orders for Sale. Again, private sector specialism may be procured in these cases.

The procedures to be followed in the case of Bankruptcy, Insolvency and Charging Orders are as below.

8 Insolvency (Bankruptcy and Winding Up proceedings)

8.1. Legal Requirements

The legal requirements are contained within the Insolvency Act 1986, as amended. Essentially, bankruptcy action can be taken against any debtor who owes in excess of £5,000 to creditors and who, for whatever reason, is unable to satisfy his creditors' claims in full.

In addition, a debtor may initiate action by petitioning for their own bankruptcy. Winding Up proceedings are used against Limited Companies.

Insolvency frees a debtor from overwhelming debts so they can make a fresh start, subject to some restrictions, and makes sure the assets belonging to the debtor are shared out fairly among all the creditors. However, the consequences can be severe and can involve the loss of the debtor's home or business and considerable legal and Trustee costs. The level of costs will reflect the complexity of the matters involved and the extent to which the debtor cooperates with the Trustee who is administering the estate.

Insolvency action takes place in the County Court or the High Court if the debtor resides in London.

8.2. Use of Specialists.

The Council will refer appropriate cases to a solicitor. Solicitors are fully authorised to deal with all matters connected with insolvency from the issue of the Statutory Demand to dealing with contested matters. Where appropriate a private sector specialist will be engaged to undertake the work on our behalf.

8.3. Circumstances where Insolvency Proceedings may be appropriate

- Where the debt exceeds £5,000 and the debtor has sufficient assets or equity to ensure the debt is recoverable by the Official Receiver or the Trustee.
- Where the debtor is not making regular and mutually agreed payments that are sufficient to clear accruing debt and the arrears within an acceptable timescale.
- Where insolvency action is considered most effective in recovering from a particular debtor.
- Where the debt has arisen as a result of fraud.
- Where specific assets cannot be identified but there are indicators that the debtor is one of high material worth for example, renting high value property/has a high salaried profession.
- Where bankruptcy action would encourage payment from specific groups of debtors where their credit rating is important to them, for example company directors, self-employed people and those people needing finance.

- Where debt is arising as a result of continuing default and facilitating occupation by another party would be beneficial to the Council's future Business Rate or Council Tax income.

8.4. Special Circumstances

If made aware of the following circumstances prior to a Bankruptcy Order being obtained, the Council will consider withdrawing proceedings in favour of alternative enforcement action.

- Where a debtor, as a result of age, severe mental illness, or serious learning difficulties, is vulnerable and cannot deal with their affairs.
- Where the debtor is currently in receipt of 100% Council Tax Reduction with no accruing debt and another method of recovery is considered to be more appropriate.

8.5. Consideration of Insolvency and Officers' Actions

A decision for the Council to begin bankruptcy proceedings will be made by the Principal Revenues Officer, Revenues Services Manager or Local Taxation and Benefits Manger.

As part of the consideration as to whether insolvency action is appropriate in an individual case, officers will consider the overall debt position, the financial position including income and equity, personal circumstances and the level of engagement including previous payment history.

The more information held about the debtor the more efficient the decision-making process will be in terms of selecting the most effective enforcement option. As part of the decision-making process the Council officer will seek to build a picture of the debtor and their circumstances and will achieve this in various ways, including some or all of the following activities. The list is not exhaustive.

- Demanding financial information in writing following a Liability Order being granted whilst stating bankruptcy is an option to be considered.
- Checking all Council Tax records and if possible, any other records to see if there is any reason bankruptcy would not be appropriate as a result of vulnerability issues.
- Checking with the Benefits Service to ensure that all Council Tax Benefit and Reduction due to the debtor has been posted to the Council Tax account and that their records do not indicate significant vulnerability issues.
- Checking H.M. Land Registry to confirm property assets.
- Checking with a Credit Reference Agency for information on outgoings, requests for finance, mortgages and other financial information.
- Checking known or potential employment details.

- Checking Benefit Overpayment records and Business Rates records (and including all debts in the bankruptcy action).
- Checking Companies House records for business information.

The Council may engage private sector practitioners or solicitors to undertake these checks and/or issue appropriate correspondence to the debtor.

9 Charging Orders

9.1 Legal Requirements

If the aggregated balance on Council Tax Liability Orders for a property is over £1,000 then an application may be made for a Charge to be placed on the same property only, to secure the debt owed to the Council. Charging Orders are not a method of enforcement in that the debt remains unpaid until the property is sold, and the Charge extinguished by the payment of the debt from the proceeds. The property may never be sold or not for a considerable time. If the debt is to be actively recovered then following a Charging Order being obtained, an application must be made to the Court for an Order of Possession and Order for sale.

Charging Orders may only be used for Business Rates debt with the agreement of the ratepayer and therefore such action will not be taken without the written consent of the ratepayer.

9.2. Use of solicitors.

The Council will refer appropriate cases to a solicitor. Solicitors are fully authorised to deal with applications for Charging Orders, Orders for Sale and Possession and contested matters. Where appropriate, private sector specialist assistance will be sought.

9.3. Circumstances where a Charging Order may be appropriate.

- Where the property is currently for sale voluntarily and a Charging Order is used as a way of securing the debt by agreement with the Council.
- Where the property is owned by a debtor who resides outside UK jurisdiction.
- Where a debtor, as a result of age, severe mental illness or serious learning difficulties cannot deal with their affairs.
- Where the debtor's whereabouts are unknown making service to allow bankruptcy action difficult.
- Where a payment arrangement has been agreed on the basis that the debt is secured via a Charging Order.

9.4. Decision Making

The number of cases is very small. The Local Taxation and Benefits Manager will consider each case on its own merits being mindful of all the facts and the level of arrears.

10 Committal Proceedings

Where Enforcement Agents have attempted to take control of an individual's goods and (for whatever reason) have been unsuccessful, the Council has the power to apply for committal to prison. This requires attendance at the Magistrates Court to enable a means enquiry to be conducted to see whether failure to pay is due to 'wilful refusal' or 'culpable neglect'.

The Council will only use this as a last resort. There will be many attempts to make arrangements and elicit payment, before reaching this stage, but in some cases, there is no alternative.

In the majority of cases where committal action is taken, there will have been persistent refusal or avoidance of payment and the Magistrates will be asked to impose a suspended sentence and order the taxpayer to make monthly or weekly payments.

Legal precedents exist that state that Magistrates should not commit forthwith without either considering alternatives or having made suspended orders to coerce payment. Once a suspended order has been made, debtors are obliged to pay as required by the order. If the debtor fails to pay, the Magistrates are entitled to remove the suspension and order that the debtor serves the sentence. In these cases, the Council will give debtors an opportunity to attend hearings to show cause why they have not paid. The term of imprisonment will not exceed three months for each Liability Order.

If the Magistrates decide that failure to pay was not due to wilful refusal or culpable neglect, they have the power to remit all or part of the debt. However, they are entitled to remit the debt, on the basis of inability to pay.

If a term of imprisonment is served, the relevant Council Tax will be written off as irrecoverable. Any part payment will reduce the term of imprisonment proportionally.

11 Policy Review

This policy will be reviewed and updated, from time to time, in order to ensure it remains valid, effective, and relevant. Updates that do not materially alter the aims or operation of this policy, for example changes to the underlying legislation, will be approved by the Local Taxation and Benefits manager in consultation with the cabinet Member(s) responsible for Council Tax and Business Rates.

Material changes to the policy will require further approval in accordance with the Council's Constitution.