



# Sevenoaks

## DISTRICT COUNCIL




Despatched: 05.07.12

**Cabinet**  
 12 July 2012 at 7.00 pm  
 Conference Room - Council Offices


### Agenda

Membership:

Chairman: Cllr. Fleming  
 Cllrs. Mrs. Bosley, Mrs. Bracken, Mrs. Clark, Mrs. Davison, Mrs. Hunter and Ramsay

	<u>Pages</u>	<u>Contact</u>
Apologies for Absence.		
1. <b>Minutes</b> Minutes of the meeting of Cabinet held on 14 June 2012.	(Pages 1 - 4)	
2. <b>Declarations of interest</b>		
3. <b>Questions from Members (maximum 15 minutes)</b>		
4. <b>Matters referred from Council</b> <i>None</i>		
5. <b>Matters referred from the Performance and Governance Committee and/or Select Committees</b> (Paragraph 5.20 of Part 4 (Executive) of the Constitution) <i>None.</i>		
6. <b>Localisation of Council Tax Support</b>   	(Pages 5 - 14)	Adrian Rowbotham Tel: 01732 227153
7. <b>Community Right to Challenge</b>  	(Pages 15 - 34)	Lee Banks Tel: 01732 227161
8. <b>2012/13 Performance Indicator Targets</b>	(Pages 35 - 52)	Lee Banks Tel: 01732 227161

 Indicates a Key Decision

 indicates a matter to be referred to Council

To assist in the speedy and efficient despatch of business, Members wishing to obtain factual information on items included on the Agenda are asked to enquire of the appropriate Director or Contact Officer named on a report prior to the day of the meeting.

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**The Democratic Services Team (01732 227241)**

CABINET

Minutes of the meeting of the held on 14 June 2012 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Mrs. Bracken, Mrs. Clark, Mrs. Davison and Ramsay

Apologies for absence were received from Cllrs. Mrs. Bosley and Mrs. Hunter

Cllrs. Brookbank, Cooke and Searles were also present.

4. Minutes

Resolved: That the minutes of the Cabinet meeting held on 10 May 2012 and the Special Meeting of the Cabinet held on 15 May 2012 be approved and signed as a correct record.

5. Declarations of interest

There were no declarations of interest.

6. Questions from Members (maximum 15 minutes)

No questions were received.

7. Matters referred from Council

No matters were referred from Council.

8. Matters referred from the Performance and Governance Committee and/or Select Committees (Paragraph 5.20 of Part 4 (Executive) of the Constitution)

(a) Community Infrastructure Levy (Environment Select Committee)

This item was considered in Minute 12 below.

(b) Provisional Outturn 2011/12 and Carry Forward Requests (Performance & Governance and Finance Advisory Group)

This item was considered in Minute 10 below.

(c) Property Review – Local Needs Housing, Shoreham (Performance & Governance)

This item was considered in Minute 9 below.

## 9. Property Review - Local Needs Housing, Shoreham

In 2005, Shoreham Parish Council, supported by Sevenoaks District Council, asked the Rural Housing Enabler at Action with Communities in Rural Kent to carry out a housing needs survey in the Parish, to identify if there was a need for affordable housing for local people. The results identified a housing need from 17 households and the Parish council agreed that a small development of eight homes would go some way to meet this need. From an initial sight search it was agreed that the most appropriate available site was in Filston Lane. The land identified formed part of Timberden Farm, owned by the District Council and let on a Farm Business Tenancy. The land would have no other development use other than for agricultural purposes were it not for an identified local need and had been valued at £25,000. The original purchase of the farm by the District Council provided for the vendor to receive 50% of any proceeds of sale of whole or part of the farm for development purposes. The proposal accorded with equality issues in that it would be beneficial to provide housing for disadvantaged sections of the local community, especially in rural areas such as Shoreham.

The Portfolio for Finance and Value for Money reported that at its last meeting, Shoreham Parish Council had taken the decision to defer any further request pending a further review. The Performance and Governance Committee had deferred any decision until a further request from Shoreham Parish Council was received.

Resolved: That the decision be deferred pending further review.

## 10. Provisional Outturn 2011/12 and Carry Forward Requests

The Portfolio Holder for Finance and Value for Money introduced a report setting out the provisional outturn for 2011/12 and requests to carry forward budgets into 2012/13. The Portfolio Holder reported that there was a favourable variance of £632,000 compared to the budget for the year 2011/12, which after taking into account a VAT refund, was an underspend of £80,000 compared to a forecast underspend of £50,000 in the February Monitoring report. The Finance Advisory Group considered the carry forward requests on 13 June 2012 and agreed requests totally £72,010 for revenue and £490,107 for capital, subject to further clarification on asset management requests.

The Finance Manager tabled additional information relating to asset management requested by the Finance Advisory Group, this showed an analysis of the breakdown of the underspend on asset maintenance together with details of the proposed expenditure.

The Leader noted the comments made by the Finance Advisory Group on the Disabled Facilities Grants 2011/12 and reported that he had raised this issue with the Leader of Kent County Council. The Leader expressed concerns that significant amounts of funding were allocated to teams that had no responsibilities for budgets, and provided assurances to Members that this issue would continue to be pursued.

Members thanked all staff for their hard work and diligence in ensuring that the budget was balanced and that a favourable variance was achieved during a difficult year.

Resolved: That

- a) The Revenue 'carry forward' requests totalling £72,010 as set out in paragraph 13 of the report be approved; and
- b) The Capital carry forward requests totalling £490,107 as set out in paragraph 15 of the report be approved.

#### 11. Bank Account Signatories

The Portfolio Holder for Finance and Value for Money introduced a report seeking approval for a change to the list of Officers authorised to sign cheques and other banking instruments on behalf of the Council.

Resolved: That

- a) Mrs P. Marshall, former Head of Finance and Human Resources, no longer be authorised to sign cheques and other banking instruments on behalf of the Council; and
- b) pursuant to Finance Procedure Rules 4.72 and 4.73, Mrs J. Weyman, Service Accountant, be authorised to sign cheques and other banking instruments on behalf of the council in respect of all bank accounts other than the Chief Executive's Imprest Account.

#### 12. Consultation on the Community Infrastructure Levy

In order to begin charging a Community Infrastructure Levy (CIL), Sevenoaks District Council would be required to prepare a Charging Schedule, setting out what developers would need to pay per square meter of new buildings and any variations by area of type of development. The consultation document would form the first formal stage in the Council's preparation of CIL. It was proposed that there would be a six week consultation between June/July and August 2012. This was the first part of the process and further reports would be bought back once the consultation period had ended.

The Portfolio Holder for Planning and Improvement introduced the report and highlighted that the District Council would maintain control over any income generated from the CIL. The two different charges that would be levied across the District were a result of differences in average land values. The Senior Planning Officer reported that guidance from government around the charges had been clear; charges should be as straight forward as possible. As a result of this the decision had been taken to base charges on ward boundaries across the District.

Members considered whether Kent County Council would be able to utilise any of the funding and the Senior Planning Officer confirmed that it would be down to the discretion of the District Council. One of the questions in the consultation document focused on where funding should be allocated. In the past consultees had favoured schools and highways which fell within the remit of Kent County Council, however, the District Council would be able to put safeguards in place which meant that funding was ring-fenced for use within the District.

Visiting Members expressed concerns surrounding the levels of charges, noting that the proposed charges for Sevenoaks appeared to be higher than those for other authorities.

Those Members felt that the high charges would stifle development within the District. The Leader commented that 90% of the District was made up of green belt and therefore opportunities for development were limited and land values high. The Environment Select Committee had noted that developers were largely supportive of CIL as it was more predictable than Section 106 agreements and could be more easily factored into costings.

The Portfolio Holder for Planning and Improvement reported that the CIL cost on a development would be considerably less than the current cost of affordable housing and was therefore unlikely to influence the majority of development across the District.

In response to a question, the Senior Planning Officer reported that in the majority of cases developers would not have to pay CIL and Section 106 contributions for infrastructure. This may occur where there are infrastructure projects directly related to the development, such as major highway improvements necessary to allow a development to proceed. There were also restrictions to the number of Section 106 that could be utilised when developing a piece of infrastructure, and this restriction had been set to a maximum of five. The Leader requested that after the consultation Officers provide Members with a comparison with the current cost of section 106 contributions for infrastructure.

A Member noted that the Environment Select Committee had raised concerns surrounding Gypsy and Traveller sites and asked what these concerns had been. The Senior Planning Officer explained that the CIL could be charged on new buildings. Moving a caravan onto a site or establishing a mobile home would not attract the CIL, although there was a debate to be had around planning law affecting when a mobile home became a building.

Resolved: That

- a) the CIL Preliminary Draft Charging Schedule Consultation Document be published for consultation;
- b) the Portfolio Holder be authorised to agree minor presentational changes and detailed amendments, including any changes to the proposed charging levels as a result of the completion of the CIL Viability Study, prior to publication to assist the clarity of the document; and
- c) copies be made available for sale at a price to be agreed by the Portfolio Holder.

## **IMPLEMENTATION OF DECISIONS**

This notice was published on 18 June 2012. The decisions contained in minutes 9, 10 and 11 take effect immediately. The decision contained in minute 12 takes effect on 26 June 2012.

THE MEETING WAS CONCLUDED AT 7.41 PM

CHAIRMAN

**LOCALISATION OF SUPPORT FOR COUNCIL TAX**

**Cabinet – 12 JULY 2012**

Report of the: Deputy Chief Executive and Director of Corporate Resources

Status: Decision

Also considered by: Council – 24 July 2012

Services Select Committee – 19 June 2012

Key Decision: Yes

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**Executive Summary:** The Local Government Finance Bill has introduced one of the biggest fundamental changes that will require all council tax billing authorities to devise a local Council Tax Support Scheme to replace the current national Council Tax Benefit Scheme to commence on 1 April 2013.

This reports sets out the options for a local scheme and proposes a scheme that has been recommended by the Kent Forum.

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**This report supports the Key Aim of Effective Management of Council Resources**

**Portfolio Holder** Cllr. Ramsay

**Head of Service** Group Manager Financial Services – Adrian Rowbotham

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**Recommendation to Services Select Committee:** It be RESOLVED that Members approve the Proposed Localisation of Support for Council Tax Scheme as set out at Appendix A, and delegated authority to approve any adjustments to this scheme be given to the Leader of the Council, Portfolio Holder for Value for Money and Deputy Chief Executive & Director of Corporate Resources, for recommendation to Full Council.

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**Reason for recommendation:** to agree a scheme to be used to calculate Council Tax Support for three years from 1 April 2013.

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**Introduction**

- 1 The current national scheme for council tax benefit will cease on 31 March 2013 and be replaced by local schemes from 1 April 2013.
- 2 Currently district councils, as billing authorities, make a “payment” of council tax benefit to eligible claimants and generally recover the full amount as grant from Government. The “payment” is by way of a charge to benefits and a credit to the council tax account. No cash is involved.

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- 3 With new local schemes, if a claimant is eligible for any support it will be deducted as a “discount” from the council tax bill, rather than as a “payment”, in the same way as other discounts e.g. single person discount. This has the effect of reducing the council tax base and thus affects all tiers of authorities, including parish councils.
- 4 Government grant to contribute towards council tax “discounts” given to claimants will, in future, be paid direct to both districts and upper tier authorities, but not parish councils. Grant will be a fixed amount and for 2013/14 (at least) it will be lower than the current level by about 10% although there is uncertainty as to how the 10% reduction will be calculated. Thus from 1 April 2013 all the financial risk of new local schemes of support for council tax rests with local authorities. Nationally expenditure on council tax benefit has roughly doubled in the last ten years so this is a significant financial risk in that such demographic growth will be born by councils in the future and in the case of Sevenoaks there is an increased element of risk in that it has the highest proportion of elderly in Kent who will remain a protected group.
- 5 One effect of these changes will be that some claimants who have not previously had to pay any council tax may be required to pay a proportion under a new scheme.
- 6 The fundamental questions to consider in developing local schemes are:
  - Which vulnerable groups (other than pensioners) should receive council tax support.
  - How much extra it is reasonable to ask existing beneficiaries to pay towards their council tax bill.
- 7 Sevenoaks District Council, as the billing authority, is the lead authority and is responsible for developing and approving a scheme.
- 8 A consultation process will take place to ensure that the views of the affected parties are taken into account before the new scheme is finalised.

### Government Announcements

- 9 The Government included within the Spending Review 2010 a policy commitment to localise support for council tax by 2013/14, reducing expenditure by 10%. The Welfare Reform Bill, published on 17 February 2011, contained provisions for the abolition of council tax benefit, paving the way for new localised schemes.
- 10 On 2 August 2011, the Department for Communities and Local Government (CLG) published its consultation paper “Localising support for Council Tax in England”. This consultation paper considered how local schemes for council tax benefit could be established in England. In December 2011, the Government put before parliament the Local Government Finance Bill 2011 and published its response to views expressed in the consultation on its proposals for the localisation of support for council tax.



- 11 In May 2012 the Government issued a Statement of Intent which sets out policy statements of intent for the regulations to be provided under the Local Government Finance Bill. The statements are intended to inform discussion of the Bill in Parliament and provide further detail to help billing authorities in their preparation of local schemes.
- 12 The Government has stated that it has two underlying principles behind the localisation of council tax benefits in England:
  - Localised schemes should provide support for the most vulnerable, including vulnerable pensioners;
  - Localised schemes should assist with lifting the poorest off benefits and supporting them into work.
- 13 The Government's ambition to put this legislation into effect is included in the Local Government Finance Bill which is expected to receive Royal assent in July 2012.

### **Constraints when Devising a Local Scheme**

- 14 The timescale for implementation is extremely tight and it is almost impossible to devise a new scheme from scratch by 1 April 2013. Lead authorities have to devise a scheme, consult on it, put all administrative processes in place, procure and test software enhancements and notify claimants. All of this has to be done without detailed knowledge of the legislative requirements and without knowing how much grant will be received.
- 15 The risk of producing a poor scheme with unintended consequences for claimants for 2013/14 is high.
- 16 Benefit and council tax administration are complex processes and authorities rely on specialist software. The benefits database includes core information that calculates entitlement for both housing benefit and council tax benefit. This means that if the data requirements for the local scheme of support for council tax are different from the data requirements for housing benefit, then data may need to be input twice, incurring additional cost.
- 17 There are only a few suppliers of this specialist software so it would be impossible for them to provide the resources to construct unique systems for potentially over 300 local schemes within the required timescale. The suppliers have informed Government of this issue.
- 18 It is not yet clear what functionality will be available, or if all suppliers will offer the same functionality. The risk of system failure is the biggest single risk to successful implementation.

### **Options Considered**

- 19 An operational group of officers at this Council has been considering the possible options whilst taking into account the stream of information provided by the Government during this year. There has also been a Kent-wide group consisting of

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lead authorities and precepting authorities looking at alternative options. The Leader, Chief Executive and Director of Corporate Resources have all been heavily involved in negotiating a Kent-wide deal that minimises the risk to this council and limits the impact on affected groups.

### Option 1 – A scheme which delivers reductions in cost to fully mitigate estimated grant loss

- 20 It is not possible to devise a completely new scheme by 1 April 2013 and suppliers have indicated that only limited changes to the current software will be possible.
- 21 The simplest solution under this option is to calculate entitlement under existing rules, estimate the amount likely to be payable to pensioners and then apply a “standard percentage reduction” to all other claimants (mainly working poor).
- 22 The higher the percentage of pensioners as a proportion of all claimants then the higher the percentage reduction that is required from all other cases. Based on expenditure in 2011/12, the Kent average is 18.65% with Sevenoaks being the highest at 20.8% due to it having the highest percentage of pensioners. Demand for council tax benefit is currently rising so the actual percentages could be significantly higher.
- 23 The main advantages of this option are that it is relatively simple to implement, it minimises the risks of error and reduces financial risk for all tiers of authority. Financial risks would be shared based between each authority based on their share of the total council tax .
- 24 The main disadvantages are that it is an arbitrary reduction on all non-pensioner claimants and makes no allowance for individual circumstances or other changes affecting the income of claimants. It would lead to an increase in complaints and appeals. It is likely that authorities will be faced with collecting small amounts of council tax from many new households.
- 25 A further refinement of this option could be protection for other vulnerable groups e.g. households with children, or those with disability premium. This would require the remaining groups to bear a greater reduction in council tax benefit.

### Option 2 – A scheme which maintains current levels of eligibility where the grant loss is absorbed by authorities

- 26 This is the easiest option to implement but has significant financial implications. Each claimant would receive the same level of “discount” that they currently receive as a “benefit”, therefore the 10% grant loss would have to be funded by the local authorities.
- 27 This is expected to be the default scheme the Government will impose if lead authorities do not agree a local scheme.
- 28 This option would cost this council in excess of £200,000 per annum and if all Kent lead authorities chose this option, the cost to Kent County Council would be in the region of £10m.

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- 29 Absorbing the cost of this option is likely to have an impact on other council tax payers through increased council tax or lead to reductions elsewhere in the budget.
- 30 The main advantages of this option are that it would be easy to implement; there would be no additional ongoing administration costs and no increase in customer complaints and it would give authorities time to consider a longer term scheme.
- 31 The main disadvantage is the increased cost to be absorbed.

### Option 3 – A scheme which delivers reductions in cost that partially mitigates estimated grant loss, or full reductions phased

- 32 It is possible to have a variation that is someway between the extremes of the first two options.
- 33 The simplest option would be a standard reduction, as in the first option above, but at a lower standard percentage. It is not clear at this stage what other variations the software will allow.
- 34 The main advantage of Option 3 over Option 1 is that it would reduce the impact on households.
- 35 The main disadvantages are that there will potentially be an increase in costs of collecting more small council tax amounts and the reduction in costs will not offset the reduction in grant.

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### Other ways to bridge any funding gap

- 36 As part of the wider localism reforms the Government is proposing to give authorities discretion to vary some of the statutory exemptions from council tax. Details of the exemptions that could be localised, and the amount of council tax exemption granted in 2011/12 are set out in the following table.

	Total Amount in 2011/12 £000	Sevenoaks DC Proportion (12%) £000
Class A - Vacant dwellings where major repair works or structural alterations are required, under way or recently completed (up to 12 months)	174	21
Class C - A vacant dwelling, i.e. empty and substantially unfurnished (up to 6 months)	866	104
Class L - An unoccupied dwelling which has been taken into possession by a mortgage lender	25	3
Discount on Second Homes	43	5
Discount on Long Term Empties	0	0
TOTAL	1,108	133

- 37 The only category likely to have any significant effect on the amount of council tax raised is Class C where exemption of up to six months is granted for vacant properties.

### Proposed Scheme

- 38 Members of the Kent Forum have agreed to recommend a scheme that is shown in Appendix A.
- 39 This scheme will be consistent across Kent with the three major precepting authorities (Kent County Council, Kent Police Authority and Kent & Medway Fire & Rescue Authority) agreeing to fund the scheme for three years.
- 40 This scheme is based on Option 1 above with an adjustment to the Class C discount, most likely by reducing the discount from six months to three months.
- 41 This approach has significant advantages including only requiring one scheme for consulting across Kent, one scheme for equality assessment, opportunities to standardise forms and processes, no confusion for claimants moving between authorities. Also, lead authorities should not be adversely affected financially for three years as the precepting authorities have agreed to fund additional collection costs and any increased costs above this council's grant level.
- 42 The disadvantage of common criteria is that it limits local flexibility.

- 43 Each authority may want to revise their schemes after the initial three years so that they better suit local circumstances
- 44 From October 2013 housing benefits will be closed to new claimants, who will move to Universal Credit. Over the following four years all existing housing benefit claimants will move to Universal Credit. This will have a major impact on claimants, systems and staffing due to the changing role of local authorities. A separate report is being presented to this committee by the In-depth Scrutiny Group looking at the effects of Universal Credit.

### **Key Implications**

#### Financial

By adopting the proposed scheme, the financial impact for the first three years will be borne by the three major precepting authorities instead of this council. If a different option is chosen, the financial impact for this council could be significant.

#### Community Impact and Outcomes

A consultation will be undertaken on the content of the proposed scheme with the public and other affected parties.

#### Legal, Human Rights etc.

The final scheme approved by the council must meet the requirements to be provided under the Local Government Finance Bill.

#### Resource (non-financial)

The proposed scheme should not result in additional staffing requirements. If a different option is chosen, there may be additional staffing requirements due to the changes required and the duplication of benefits and council tax data.

#### Equality Impacts

An Equalities Impact Assessment will be carried out for the proposed scheme in conjunction with all Kent authorities.

### **Conclusions**

Localisation of council tax benefit is seen by many as one of the biggest changes to local government since the community charge. In an economic climate that shows no real signs of recovery, the cost of benefits will continue to increase and the impact on district councils both financially and from a social wellbeing perspective is likely to be significant and unsustainable.

By adopting the proposed scheme, the three major precepting authorities will bear the additional costs for the first three years instead of this council.

It therefore seems sensible for this council to accept the proposal as set out in Appendix A as it provides an element of stability during what are likely to be difficult times.

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### **Risk Assessment Statement**

Failure to agree a local scheme would result in the forced adoption of the Government's default scheme which would result in a significant cost to this council.

**Appendices** Appendix A – Proposed agreement between districts and major precepting authorities on Local Schemes of Support for Council Tax.

**Background Papers:** Department for Communities and Local Government – Localising Council Tax Support documents:  
<http://www.communities.gov.uk/localgovernment/localgovernmentfinance/counciltax/counciltaxsupport/>

**Contact Officer(s):** Adrian Rowbotham Ext. 7153

**Dr. Pav Ramewal**  
**Deputy Chief Executive and Director of Corporate Resources**

**PROPOSED AGREEMENT BETWEEN DISTRICTS AND MAJOR  
PRECEPTING AUTHORITIES ON LOCAL SCHEMES OF SUPPORT FOR  
COUNCIL TAX**

If a District

1. Accepts Option 1 with a standard deduction of 18.5% on all non pensioner claimants, or produces an alternative local scheme that achieves the equivalent of a 10% saving in expenditure on discounts to claimants,

and

2. Agrees to reduce the exemption on Class C empty properties from 6 months to 3 months (or its equivalent).

THEN

Major Precepting Authorities will agree:

1. If a district incurs a cost on new council tax discounts from the local scheme that is higher than the grant receivable from government, then major precepting authorities (jointly) will reimburse the district the difference.
2. Major Precepting Authorities (jointly) will pay £125,000 to each district each year as a contribution to the increased administrative, collection and recovery costs of the new scheme.
3. Major Precepting Authorities (jointly) will reimburse each district reasonable increased administrative costs necessarily incurred if the case load on the local scheme (during the period of this agreement) exceeds the case load of the council tax benefit scheme (as at 31 March 2013) by more than 15%.

FURTHER

1. This agreement to operate for three years
2. A review is undertaken between April and June 2015..

This agreement will limit the cost to districts of discounts granted under a local scheme to the value of the grant received from government. Districts will also receive a contribution from major preceptors to offset estimated additional administrative and recovery costs. The agreement gives major preceptors some certainty and increased income for the change to class C empty exemptions.

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**COMMUNITY RIGHT TO CHALLENGE**

**Cabinet - 12 July 2012**

Report of the: Director of Corporate Resources and Deputy Chief Executive

Status: For Decision

Also considered by: Council - 24 July 2012

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**Executive Summary:** This report sets out the duty placed on local authorities in the Localism Act 2011 to administer the Community Right to Challenge. The Community Right to Challenge allows relevant bodies to express and interest in running Council services and places a duty on a local authority to consider those expressions of interest and where they are accepted run a full tender process for the future delivery of that service.

The report proposes that Members adopt a Policy that aligns the management of the Community Right to Challenge within existing budget setting processes and ensures the Council places a priority on the cost to the District and the quality of service delivered when drawing up any tender document that is required as a result of an expression of interest under the Community Right to Challenge.

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**This report supports the Key Aim of the Corporate Plan ‘ Effective Management of Council Resources’**

**Portfolio Holder** Cllr. Mrs Davison

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**Recommendation to Cabinet:**

- (a) To recommend to Council the approval of the Sevenoaks District Council Community Right to Challenge Policy; and
- (b) To recommend to Council that authority be delegated to the Portfolio Holder for Planning and Improvement to agree any final adjustments to the Community Right to Challenge Policy that may result from the finalisation of Government policy and statutory guidance.

**Recommendation to Council:**

- (a) To approve the Sevenoaks District Council Community Right to Challenge Policy; and
  - (b) To delegate authority to the Portfolio Holder for Planning and Improvement to agree any final adjustments to the Community Right to Challenge Policy that may result from the finalisation of Government policy and statutory guidance.
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**Reason for recommendation:** The Council has a duty under the Localism Act 2011 to accept and consider expressions of interest to run its services under the Community Right to Challenge. By adopting a policy the Council would have a consistent and transparent approach to when it will accept expressions of interest and how each expression of interest will be treated. Failure to adopt a policy will mean the Council must accept and consider expressions of interest for its services at any time of year.

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### Introduction

- 1 Chapter 5, Section 2 of the Localism Act 2011 provides the legislative framework for the Community Right to Challenge (CRtC). The CRtC allows for relevant bodies to express an interest in running a local authority service. Local authorities must consider that expression of interest and if acceptable under the legislation must run a full procurement process for the future running of that service.
- 2 The Government published Regulations at the end of April that were due to be approved by Parliament in June 2012, with the CRtC enacted on 27 June 2012. Subsequent to enactment the Government published the final statutory guidance that local authorities require to ensure the processes they adopt in managing expressions of interest under the CRtC are in accordance with legislation.
- 3 This report provides Members with a summary of the legislation and guidance that the Council is required to follow in determining its approach to the CRtC and provides a draft policy for Members consideration and approval at Appendix A to this report.

### Legislative Framework

- 4 The Localism Act, associated Regulations and Statutory Guidance set out the rules that the Council must follow in considering its approach to the management of the CRtC. This includes:
  - Specifying the 'relevant bodies' that may submit an expression of interest;
  - Defining 'relevant services' and stating the services which are excluded from the CRtC;
  - Specifying the information required in an expression of interest; and
  - Specifying the grounds whereby an expression of interest may be rejected.
- 5 Each of these regulations is explained in more detail in the following sections of this report. It is the consideration of these regulations and the Council's own values and priorities in relation to the way it provides its services for the benefit of the community that is reflected in the draft policy for the management of the CRtC, which is set out for Members consideration and approval at Appendix A to this report.

**Relevant Bodies**

- 6 Relevant bodies are those groups of people that are eligible to submit an expression of interest to deliver relevant services on behalf of local authorities. The Localism Act lists the following as relevant bodies:
- a) A voluntary or community body;
  - b) A body of persons or a trust which is established for charitable purposes only;
  - c) A parish council;
  - d) Two or more employees of the local authority; or
  - e) Any other person or body specified by the Secretary of State by regulations.
- 7 Under the current legislation it is not possible for district councils to bid to run the services of any other local authority.
- 8 In statutory guidance the Government does provide further clarification on what constitutes each of the relevant bodies. Importantly it clarifies that a voluntary or community body is not a public or local authority and that their activities must be carried out for the benefit of the community and not for profit. The Government also expects that they must be incorporated with limited liability. The guidance also clarifies that town councils are included under the definition of parish councils.
- 9 An area that has drawn scrutiny on a national basis is the ability of relevant bodies to work in partnership, particularly with the private sector in drawing up an expression of interest. The Government’s statutory guidance clarifies that this is permitted and acceptable under the legislation, stating that:
- ‘Whilst only relevant bodies are eligible to submit an expression of interest, they may do so in partnership with other relevant bodies and/or **non relevant bodies.**’*
- 10 At the time of reporting the Secretary of State has not specified any other person or body in regulations that may make use of the CRtC.

**Relevant Services**

- 11 A relevant service is defined as a service provided by or on behalf of a relevant authority in the exercise of its functions. In order to help clarify this the Government provide the following example:

**Planning**

The Town and Country Planning Act 1990 gives powers to local planning authorities to grant or refuse planning permission where a planning application is made to the authority. The right does not allow for the function of determining planning applications to be provided by a third party. Therefore the function of taking the planning decision is excluded from the CRtC.

The delivery of planning services, for example the processing of a planning application (not the decision), may be carried out by the local authority itself, or by

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a third party on behalf of the authority. Therefore this service would be included in the CRtC.

- 12 The statutory guidance also sets out that relevant local authority services that may already be delegated to a town or parish council for example, or are already carried out in partnership with another local authority remain subject to the CRtC.
- 13 The Government only excludes a very limited number of services from the CRtC. These relate to services predominantly delivered by County or Unitary authorities in conjunction with the National Health Service. Therefore unless there is a legislative requirement for the Council to deliver a function which specifically cannot be carried out by a third party all Sevenoaks District Council services are potentially open to the CRtC.

### Expressions of Interest

- 14 Legislation and associated guidance allows for local authorities to specify periods when expressions of interest may be submitted in relation to a particular service. If this approach is adopted, the details of the timescales must be published. This may be useful to assist with existing procurement arrangements or ensuring expressions of interest may be considered in due time for consideration in the Council's budgetary planning. If time periods are not specified for relevant services an expression of interest may be submitted at any time.
- 15 The Council has a duty to accept and consider an expression of interest from a relevant body which is in writing and provides the information that legislation sets out is required in an expression of interest. The Council is able to request additional information from that required in legislation but cannot make inclusion of such information a requirement for the expression of interest to be considered or use it as a basis for rejecting the expression of interest. Provision of such information therefore becomes optional.
- 16 The Government sets out in regulations that the following information must be provided in an expression of interest:

1. An expression of interest must include the following information and, where the relevant body proposes to deliver the relevant service as part of a consortium or to use a sub-contractor for delivery of any part of the relevant service, the information and evidence referred to in paragraphs 2 and 3 must be given in respect of each member of the consortium and each sub-contractor as appropriate.

2. Information about the financial resources of the relevant body submitting the expression of interest.

3. Evidence that demonstrates that by the time of any procurement exercise the relevant body submitting the expression of interest will be capable of providing or assisting in providing the relevant service.

4. Information about the relevant service sufficient to identify it and the

geographical area to which the expression of interest relates.

5. Information about the outcomes to be achieved by the relevant body or, where appropriate, the consortium of which it is a part, in providing or assisting in the provision of the relevant service, in particular –

(a) how the provision or assistance will promote or improve the social, economic or environmental well-being of the relevant authority's area; and

(b) how it will meet the needs of the users of the relevant service.

6. Where the relevant body consists of employees, details of how that relevant body proposes to engage other employees of the relevant authority who are affected by the expression of interest.

- 17 In addition to the information above the Council may also require that the body submitting the expression of interest demonstrate that they meet the definition of a relevant body.

#### **Decisions on Expressions of Interest**

- 18 The Council must specify the maximum period that it will take to notify a relevant body of its decision on an expression of interest. The time period may vary for different services and must be published, including on the Council's website. In addition the Council has a duty to communicate the maximum time period for a decision directly to the body submitting the expression of interest, this must be within 30 days of receiving the expression of interest and be in writing.

- 19 In deciding on a maximum period the Council will take to reach a decision on an expression of interest the Council must have regard to a number of factors set out in statutory guidance. The timescale must be reasonable, but may also relate to the complexity of the service to which the expression relates, the complexity of the expression of interest itself, and current procurement or budgetary timescales.

#### **Rejecting an Expression of Interest**

- 20 The Government has set out in Regulations 10 grounds on which an expression of interest may be rejected. These are:

1. The expression of interest does not comply with any of the requirements specified in the Localism Act 2011 or in Regulations.

2. The relevant body provides information in the expression of interest which in the opinion of the relevant authority, is in a material particular inadequate or inaccurate.

3. The relevant authority considers, based on the information in the expression of interest, that the relevant body or, where applicable –

(a) any member of the consortium of which it is a part, or

(b) any sub-contractor referred to in the expression of interest

## Agenda Item 7

is not suitable to provide or assist in providing the relevant service.

4. The expression of interest relates to a relevant service where a decision, evidenced in writing, has been taken by the relevant authority to stop providing that service.

5. The expression of interest relates to a relevant service –

(a) provided, in whole or in part, by or on behalf of the relevant authority to persons who are also in receipt of a service provided or arranged by an NHS body which is integrated with the relevant service; and

(b) the continued integration of such services is, in the opinion of the relevant authority, critical to the well-being of those persons.

6. The relevant service is already the subject of a procurement exercise.

7. The relevant authority and a third party have entered into negotiations for provision of the service, which negotiations are at least in part conducted in writing.

8. The relevant authority has published its intention to consider the provision of the relevant service by a body that two or more specified employees of that authority propose to establish.

9. The relevant authority considers that the expression of interest is frivolous or vexatious.

10. The relevant authority considers that acceptance of the expression of interest is likely to lead to contravention of an enactment or other rule of law or a breach of statutory duty.

21 In addition to the above reasons for rejection the Council may also refuse to consider an expression of interest if it is submitted outside of any published timescales that the Council may chose to set for expressions of interest to be accepted for any given service.

22 Where the Council choses to reject an expression of interest it must notify the relevant body, clearly stating the reasons for doing so and also publish that notification on its website.

### **The Procurement Exercise**

23 If an expression of interest is accepted the Council has a duty to run a full procurement exercise. The procurement exercise would be open to any potential bidders from the private, public or third sector and be operated in accordance with the Council's own financial and contract procedure rules.

24 The Council must specify the minimum and maximum time period between accepting an expression of interest and a procurement exercise starting. The timescale must be reasonable, allowing sufficient time for the body submitting the expression of interest to properly compete for the service, have regard to the

complexity of the procurement exercise and any existing contractual obligations, procurement or budgetary timetables the Council already has in place.

### **Sevenoaks District Council approach**

- 25 Set out at Appendix A to this report is a draft policy for the management of the Community Right to Challenge at Sevenoaks District Council for Members consideration.
- 26 The draft Policy aims to strike a balance between the Council being able to consider expressions of interest that may enhance the level of service and value for money delivered to the community but also ensuring appropriate processes are put in place for the proper management of expressions of interest within the resources the Council has available.
- 27 Key to this is a proposal that Members limit the time period when expressions of interest are accepted. The suggested time limited period is for a period between 1 June and 31 July that would ensure expressions of interest can be considered as an integral part of the Council's budget setting process. This would ensure that the Council is able to consider any potential amendments to its future service delivery models within existing process, delivering efficiency and also ensuring proper financial management and protecting the strength and stability of the 10 year budget.
- 28 Within this approach there would be some exceptions. For example where the Council already has contracts in place to provide a service to a third party or a third party is contracted to carry out a service on the Council's behalf. The Council would publish, on its website, separate timescales for expressions of interest for these services in line with the end of the current contractual obligations as is required by legislation.

### **Key Implications**

#### Financial

- 29 The Council will endeavour to ensure that the costs associated with managing the Community Right to Challenge process will be met from existing resources and budgets.
- 30 The Council may incur additional costs relating to its Procurement function where an expression of interest is accepted. It is anticipated that New Burdens funding will be payable in respect of the Community Right to Challenge but Government are still to confirm this. It is estimated from the Governments Impact Assessment that if New Burdens funding is payable it will be in the region of £8,500 in the first year, reducing in future years as the number of expressions of interest expected reduces.
- 31 There is potential under the Community Right to Challenge for expressions of interest to result in a procurement exercise that drives down the cost of service delivery. However the impact on wider service costs could be significant as the Council suffers from diminishing economies of scale. This will need to be

## Agenda Item 7

considered as part of each procurement process ensuring overall value to the taxpayer is not detrimentally affected.

### Community Impact and Outcomes

- 32 The Community Right to Challenge is unlikely to have a significant impact on the community in terms of their experience of service delivery. The Council will ensure that service standards do not decline in the case where there is a successful expression of interest for any Council service.
- 33 Using the full powers of the legislation the Council may be able to improve community outcomes by ensuring that any external provider that may successfully be awarded a contract to run a council service improves the social, economic or environmental well-being of the area.

### Legal, Human Rights etc.

- 34 Failure to administer the Community Right to Challenge in accordance with regulations will leave the Council in breach of the duties placed upon it by the Localism Act 2011.
- 35 The Council in considering expressions of interest must have due regard to existing legislation that provides the powers and regulations for delivering services and ensure employment law legislation is followed in the contracting of any services.

### Resource (non-financial)

- 36 None.

### Value For Money and Asset Management

- 37 The Council will ensure that any procurement exercise delivers value for money to the taxpayer through a rigorous and structured tender process. However this may have a detrimental impact on the value for money or related services that were not subject to the expression of interest that will need to be considered in more detail as circumstances demand.
- 38 If the Council did contract out any services as a result of the Community Right to Challenge it is likely that there would be some impact on the Council's assets. This could range from accommodation being vacated in Council offices to the transfer or sale of assets to benefit the level of service and value for money achievable through any procurement exercise.

### Equality Impacts

- 39 *Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?*

No. The Council is able to ensure through its Procurement Strategy that equality is a significant consideration in the tendering of services.

- 40 *Does the activity make a positive contribution to promoting equality?*



Yes. There is potential for the Council to ensure that any service provider considers the social benefits for the District when competing for services under the Community Right to Challenge. Under these circumstances the Council is in a position to ensure a positive contribution is made to promoting equality.

### 41 *Summary of Impacts*

An assessment of the potential impacts of the Community Right to Challenge Policy has identified no detrimental impacts to Equality Groups.

### 42 *How the equality impacts weigh on other factors relating to the decision*

The impact assessment has identified no potential detrimental equality impacts. As a result the equality impacts do not weigh on other factors relating to this decision.

## Conclusions

- 43 The Localism Act 2011 places a duty on the Council to administer the Community Right to Challenge in accordance with legislation, Regulations and Statutory guidance. A Policy has been proposed for Members consideration that complies with the legislative framework but also allows the Council to make the most efficient use of its limited resources to effectively and fairly manage the Community Right to Challenge through its existing budget setting procedures.

## Risk Assessment Statement

- 44 Setting out the Council's approach to the Community Right to Challenge in a Policy minimises the risk of failing to comply with the relevant legislation.

## Appendices

Appendix A – Community Right to Challenge Policy

## Background Papers:

Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/contents>

Community Right to Challenge Regulations

<http://www.legislation.gov.uk/all?title=right%20to%20challenge>

Community Right to Challenge Draft Statutory Guidance

<http://www.communities.gov.uk/communities/communityrights/righttochallenge/>

## Contact Officer(s):

Lee Banks, Policy & Performance Manager. Ext. 7161

**Dr. Pav Ramewal**

**Director of Corporate Resources and Deputy Chief Executive**

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# Sevenoaks District Council

## Community Right to Challenge Policy



## **Community Right to Challenge**

Chapter 5, Section 2 of the Localism Act 2011 provides the legislative framework for the Community Right to Challenge. The Community Right to Challenge allows for relevant bodies to express an interest in running a local authority service. Local authorities must consider that expression of interest and if acceptable under the legislation must run a full procurement process for the future running of that service.

This Policy sets out the approach adopted by Sevenoaks District Council to receive, consider and approve or reject an expression of interest.

The Policy is approved by Council and subject to regular review to ensure it takes on board the lessons learnt as this new policy area develops, new guidance is released by Government and best practice emerges.

**We are always interested in ways to improve our Community Right to Challenge Policy and welcome your suggestions**

### **Contact us**

Policy & Performance  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
Kent TN13 1HG

01732 227000  
policy@sevenoaks.gov.uk

### **Publication details**

#### **Purpose of the Community Right to Challenge Policy**

To help ensure that the Council maximises the opportunities of the Community Right to Challenge scheme and considers each expression of interest in accordance with legislation.

#### **Publication date**

July 2012

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## Legislative Framework

The Localism Act 2011, associated Regulations and Statutory Guidance set out the rules that the Council must follow in operating the Community Right to Challenge (CRtC). This includes:

- Specifying the 'relevant bodies' that may submit an expression of interest;
- Defining 'relevant services' and stating the services which are excluded from the CRtC;
- Specifying the information required in an expression of interest; and
- Specifying the grounds whereby an expression of interest may be rejected.

This section of the Policy provides a brief summary of the key points within the legislation, but it is not a comprehensive guide.

### Relevant Bodies

These are the groups that are allowed to submit an expression of interest. The Government have currently limited this to:

- A voluntary or community body;
- A body of persons or a trust which is established for charitable purposes only;
- A Town or Parish council; or
- Two or more employees of the local authority.

### Relevant Services

These are the services that relevant bodies can express an interest in operating. They are defined as a service provided by or on behalf of a local authority in the exercise of its functions.

In the case of Sevenoaks District Council this limits only a small number of functions that it is not allowed by law to pass on

responsibility for. For example the making of planning decisions is a Council function that is not subject to the community right to challenge but the processing of the planning applications themselves is.

### Expressions of Interest

For an expression of interest to be valid it must include certain information, including:

- Information about financial resources;
- Evidence that demonstrates capability of providing or assisting in providing the relevant service;
- Information about the geographical area to which the expression of interest relates; and
- Information about the outcomes to be achieved, in particular how the provision or assistance will promote or improve the social, economic or environmental well-being of the local authority's area and how it will meet the needs of the users of the relevant service.

### Rejecting an Expression of Interest

The Government has set out 10 grounds on which an expression of interest may be rejected. These include:

- The expression of interest does not comply with any of the requirements specified in the Localism Act 2011 or in Regulations;
- The local authority considers, based on the information in the expression of interest, that the relevant body is not suitable to provide or assist in providing the relevant service;
- The expression of interest relates to a service where a decision has been to stop providing that service; or
- The relevant authority considers that the expression of interest is frivolous or vexatious.

## Council Aims and Objectives

Sevenoaks District Council is proud of the high quality, value for money services it delivers to the community.

The Council takes pride in the District and has a vision to work with the community as a whole to sustain and develop a fair, safe and thriving local economy.

Faithful to its core values of fairness, integrity and quality the Council is committed to considering the potential benefits of each expression of interest received through the Community Right to Challenge.

At the same time the Council has promised to provide value for money. To help ensure this continues the Council will integrate the Community Right to Challenge in to its robust financial planning processes.

When an expression of interest is accepted the Council will ensure that the procurement exercise has a focus on:

- the quality of the service delivered;
- the value provided to the whole of the District; and
- ensuring that the service provider is committed and able to promote or improve the social, economic or environmental well-being of the District.

## Links to Other Policies & Resources

The Council has chosen to ensure that the Community Right to Challenge Policy is integrated in to its Policy Framework, ensuring that it contributes directly to the achievement of the Council's vision and promises. It is therefore linked to the Council's:

- Financial Strategy;
- 10 Year Budget;
- Procurement Strategy; and
- Equality Aims and Commitments.

## 2. Expressions of Interest

### Submitting an Expression of Interest

Sevenoaks District Council has chosen to integrate the Community Right to Challenge into its budget setting processes.

To ensure this is a fair, efficient and effective process it is necessary to restrict the time during which expressions of interest can be submitted to the Council.

The Council will accept expressions of interest for any of its relevant services during the period of 1 June to 31 July.

The only exceptions to this policy are those services where the Council already has a contractual obligation in place. A record of these services and the time period when expressions of interest will be accepted will be publicised on the Sevenoaks District Council website at:

[www.sevenoaks.gov.uk/righttochallenge](http://www.sevenoaks.gov.uk/righttochallenge)

For an expression of interest to be accepted by the Council it must be made in writing. The Council are able to accept expressions of interest by post or by Email to the following addresses:

Policy and Performance,  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
Kent  
TN13 1HG

[righttochallenge@sevenoaks.gov.uk](mailto:righttochallenge@sevenoaks.gov.uk)

### Deciding on an Expression of Interest

The Council will ensure that each expression of interest received is properly and effectively considered.

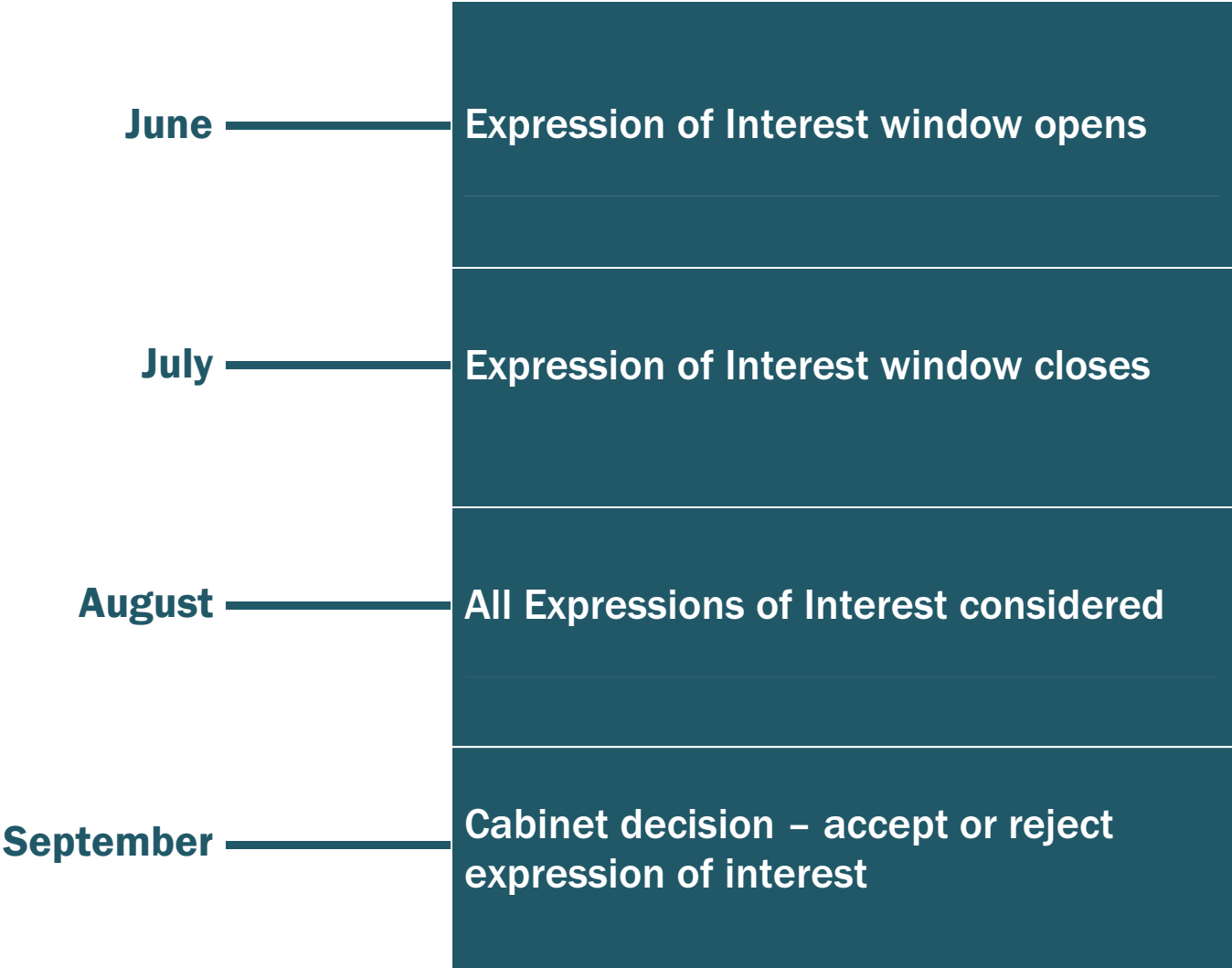
It will be the responsibility of the Council's Cabinet to decide on whether an expression of interest is acceptable under the legal framework set out by the Government.

As expressions of interest will form part of the Council's budget setting process the Council will be unable to provide a final decision on whether an expression of interest is accepted until 30 September.

The Council will reply in writing confirming the receipt of each expression of interest. At that time the Council will state clearly when the relevant body submitting the expression of interest can expect to be informed whether it's expression of interest has been accepted or rejected by the Council.



**Timeline**



### 3. The Procurement Exercise

#### Procurement Policy

The Council is committed to ensuring the best value outcome for the whole District when tendering for contracts, including those received under the Community Right to Challenge.

This Policy commits the Council to:

- Delivering a procurement process that is appropriate for the size and complexity of the relevant service;
- A requirement for method statements from potential providers that are clear on the resources and delivery model that they will use to provide the service to the council or the community;
- A focus on best value to the whole of the District;
- A focus on high quality service delivery;
- The use of external tender assessors where appropriate; and
- Ensuring contracts are outcome based.

These commitments are in accordance with the principles set out in the Council’s Sustainable Procurement Policy and the regulations in the Council’s Constitution relating to financial and contract procedure rules.

Further information about Council Procurement is available on the Sevenoaks District Council website at:

[www.sevenoaks.gov.uk/procurement](http://www.sevenoaks.gov.uk/procurement)

#### Timeline

The timeline below sets out a proposed procurement timetable. The timetable will be subject to change dependent on the complexity of the service subject to the expression of interest.





# Community Right to Challenge

## Time Line

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# Sevenoaks District Council

## Community Right to Challenge Policy

If you have any comments about this document or require further copies, please contact:

**Policy & Performance  
Sevenoaks District Council  
Argyle Road  
Sevenoaks  
Kent  
TN13 1HG**

Telephone **01732 227000**

E-mail [policy@sevenoaks.gov.uk](mailto:policy@sevenoaks.gov.uk)

The Community Right to Challenge Policy is available on the Council's website at [www.sevenoaks.gov.uk/communityrights](http://www.sevenoaks.gov.uk/communityrights).

Other formats:

**This publication is available in large print.**

**For a copy, call 01732 227000.**

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[www.sevenoaks.gov.uk](http://www.sevenoaks.gov.uk)

July 2012



## 2012/13 PERFORMANCE INDICATOR TARGETS

### CABINET – 12 JULY 2012

Report of the: Deputy Chief Executive and Director of Corporate Resources

Status: For Decision

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**This report supports the Key Aim of Corporate Performance Plan “Effective Management of Council Resources”**

**Portfolio Holder:** Cllr. Mrs Davison

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**Recommendation:** It be RESOLVED that Members approve the Council’s performance indicators and targets for 2012/13.

---

#### 1. Introduction

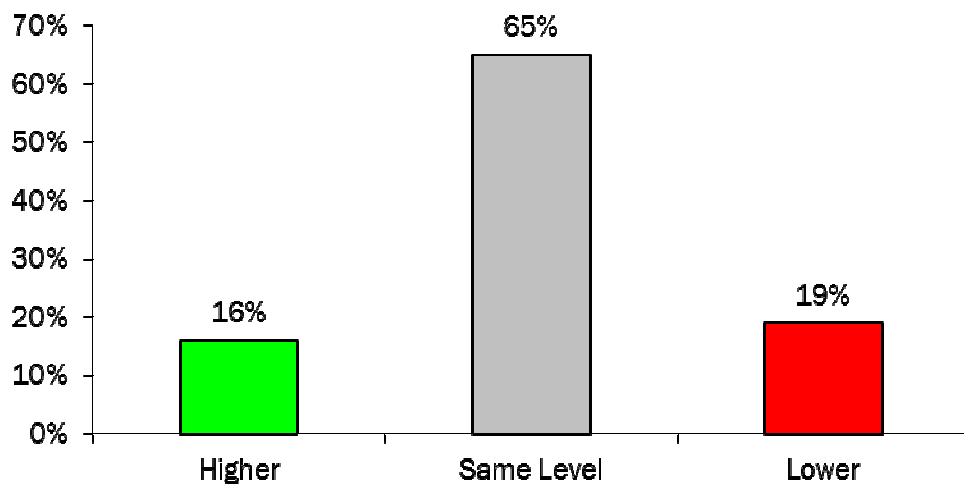
- 1.1 Each year the Council reviews the list of the performance indicators it collects. This process helps to ensure that services maintain the right focus and that progress against key Council and service objectives is measured against.
- 1.2 To ensure that performance management maintains a strong focus on the Council’s recently published Vision and Promises and is proportionate to the resources available to manage performance Officers, in partnership with Portfolio Holders, have undertaken a thorough review of the local performance indicators to be reported against in 2012/13. Resultantly it is recommended that data is collected against 62 local performance indicators.
- 1.3 For each performance indicator Officers have recommended a performance target for 2012/13. The proposed performance targets reflect Officers’ assessment of the available resources to deliver the highest achievable quality of service.

#### 2. Performance Targets

- 2.1 The selection of performance indicators and the setting of targets is one element of the Councils Strategic Service Planning process. Service Plans record the vision and priorities for each Council service and the key strategic objectives the service will deliver in the coming year.
- 2.2 Within the Service Plans, Officers also document the resources they have available to deliver their objectives and the operational risks that may prevent objectives from being achieved. It is an assessment of these resources and the impact of the savings required of the service that informs the target setting process.

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- 2.3 It remains the Council's ambition to deliver the highest quality services with the resources available to it and to seek new and improved ways of working to ensure that performance targets are exceeded. However, the impact of delivering financial savings is reflected in some of the performance targets recommended by Officers this year.
- 2.4 The following chart summarises the percentage of performance targets proposed for 2012/13 that are higher, lower or at the same level as 2011/12.



- 2.5 Set out at Appendix 1 to this report is a record of all performance indicators proposed by Officers for 2012/13. These are grouped by Portfolio Holder with responsibility for the service and detail the year end performance for 2011/12 and the performance target proposed by Officers for 2012/13.
- 2.6 Members are asked to review the performance targets for 2012/13 and approve their adoption.

### Key Implications

#### Financial

- 3 Effective performance management monitoring arrangements will assist the Council in diverting resources to areas or services where it is considered to be a greater priority.

#### Community Impact and Outcomes

- 4 Robust performance management arrangements ensure services continue to be measured against targets. Striving to meet these targets and developing action plans where performance needs to be improved helps to ensure the delivery of high quality services to the community

#### Legal, Human Rights etc.

- 5 None.

#### Resource (non-financial)

6 None.

Value For Money

7 A strong performance culture and effective performance management monitoring arrangements contribute to improved services and ultimately more cost effective Value for Money services.

**Conclusions**

8 Officers, in partnership with Portfolio Holders, have reviewed the performance indicators they propose for collection in 2012/13 to ensure progress against the Council's Vision and Promises, service and corporate objectives is measured. Targets have been proposed to Members for review and approval that strive to deliver the highest performance level achievable with the resources available.

**Risk Assessment Statement**

Risk	Impact	Control	Residual Risk
1. Inaccurate data could be used in the assessment of performance	High	Robust data collection arrangements in place. Annual data quality audit by Internal Audit	Low. Risk Adequately Controlled
2. Poor performance might not be identified	High	Performance indicators collected by the Council reviewed annually to ensure all key areas of service delivery are appropriately monitored.  Members focus on exceptions in their performance reporting.	Low. Risk Adequately Controlled
3. Poor performance might not be addressed	High	Performance management is embedded in the organisation with robust performance review and monitoring arrangements in place.  Covalent updated monthly with data and made available to officers and Members to review.  Formal quarterly reports to Management Team, Performance and Governance Committee and Cabinet.  Service Review processes in place.	Low. Risk Adequately Controlled

**Sources of Information:** Covalent Performance Management System

**Contact Officer(s):** Lee Banks, Policy and Performance Manager. Ext 7161

## Agenda Item 8

**Dr. Pav Ramewal**

**Deputy Chief Executive and Director of Corporate Resources**











## 2012/13 Draft Performance Targets







### Portfolio - Cleaner and Greener Environment










Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Building Control</b>						
LPI BC 001	Percentage of full plans / Building Notices acknowledged within 3 working days	98.18%	90%		90%	
LPI BC 002	Percentage of full plans checked within 10 working days	90.92%	90%		80%	
LPI BC 003	Percentage of full plans checked within 15 working days	95.69%	95%		DELETE	LPI BC 002 collects information against the tougher target of 10 working days.
LPI BC 005	Percentage of reports of Dangerous Structures responded to within 2 hours	100%	98%		DELETE	Response to dangerous structures is always instant. PI value has been 100% since April 2008 and will continue to be monitored by Management.
<b>Street Cleaning</b>						
LPI Clean 001	Number of justified Street Cleaning complaints	112	140		130	
LPI Clean 002	Average number of days taken to remove fly tips which the District Council has responsibility to clear	5.71	5		5	
LPI Clean 003	Average number of days taken to remove abandoned vehicles	0.71	5		3	
LPI Clean 004	Percentage of cleaning schedules completed to agreed frequency	86%	80%		80%	
LPI Clean 005a	Improved street and environmental cleanliness - Levels of Litter	N/A	2%	-	DELETE	Resources no longer exist to collect data against these complex indicators. Complaints continue to be monitored to evaluate the effectiveness of the street cleaning service.
LPI Clean 005b	Improved street and environmental cleanliness - Levels of Detritus	N/A	7%	-	DELETE	







Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Parking &amp; Amenity</b>						
LPI PA 002	Percentage of Penalty Charge Notices cancelled	11.83%	13%		13%	
<b>Waste &amp; Recycling</b>						
LPI Waste 001	Percentage of household waste which has been sent for recycling	22.59%	23.00%		DELETE	LPI Waste 006 will continue to be reported allowing Members to track the amount of waste being recycled. These will continue to be monitored by Management and will be referred to in commentaries where necessary and data can be provided to Members when issues arise with the overall recycling rate.
LPI Waste 002	Percentage of household waste sent for composting or treatment by anaerobic digestion	9.44%	9.00%		DELETE	
LPI Waste 003	Number of missed collections per 100,000	8.40	10		10	
LPI Waste 004	Percentage of missed collections put right by the next working day	95.88%	97%		97%	
LPI Waste 005	Number of missed green waste collection complaints	125	100		100	
LPI Waste 006	Percentage of household waste sent for reuse, recycling and composting	32.03%	32.00%		32.00%	
LPI Waste 007	Percentage of missed green waste collections corrected by next working day	94.42%	98.00%		98.00%	

**Portfolio - Community Wellbeing**









Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Community Development</b>						
LPI CD 002	Percentage of actions in the Young Peoples Action Plan achieved	N/A	70%	-	70%	
LPI CD 017	Percentage of Health & Wellbeing Board Action Plan on target	67.5%	80%		80%	
<b>Leisure</b>						
LPI SL 001	Number of visits to Sencio leisure centres and facilities	911,970	902,880		DELETE	As with other contractual arrangements day to day management is with the contractor i.e. Sencio. The Council has no direct influence over performance but have a client oversight role which is overseen by Social Affairs Select Committee. Management will continue to work closely with Sencio and performance will be reviewed at least annually by Social Affairs.
LPI SL 003	Customer accident rate per 1,000 users	0.58	0.61		DELETE	
LPI SL 004	Subsidy per user	0.20	0.20		DELETE	

<b>Portfolio - Finance and Value for Money</b>
--








Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Direct Services – Trading Account</b>						
LPI DS 001	Total Income Generation (external to council budget)	£1,520,683	£1,593,234		DELETE	Both of these indicators are monitored through the budget monitoring process overseen by Finance Advisory Group. Reporting as PI's is duplication.
LPI DS 002	Total Trading Account position (year to date)	-£21,318	£73,500		DELETE	
<b>Audit, Risk &amp; Anti Fraud</b>						
LPI IA 001	Number of Benefit Fraud sanctions	33	24		DELETE	To be replaced by a LPI IA 002 which focuses on prosecutions.
LPI IA 002	Number of Benefit Fraud prosecutions	New LPI for 2012/13			9	
<b>Financial Services</b>						
LPI FS 001	The percentage of undisputed invoices paid within 30 days or agreed terms	98.08%	96%		DELETE	This is an old Best Value Performance Indicator which the Council has always performed strongly against and is no longer an effective measure of performance.
LPI FS 003	Debts outstanding more than 61 days	£20,215	£20,000		£20,000	
<b>Housing Benefits</b>						
LPI HB 001	Average number of days to process new benefits claims	42.08	25		30	
LPI HB 002	Percentage of new benefit claims processed within 14 days of full information being received	65.33	90%		DELETE	Benefits performance is most effectively evaluated by the time taken to process new claims and change events. Management use a wide range of information in the day to day management of the service which enables the source of any performance issues arise to be identified.
LPI HB 003	Percentage of all new claims outstanding over 50 days	N/A	7%	-	DELETE	
LPI HB 005	Time taken to process Housing Benefit/Council Tax Benefit new claims and change events	20.7	13.0		DELETE	
LPI HB 006	Average days to process change of events	17	12		18	



Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Human Resources</b>						
LPI HR 001	The average number of working days lost to sickness absence per FTE	10.57	9.50		9.50	
LPI HR 002	Number of working days lost through short term sickness absence per FTE (< 20 calendar days)	3.77	3.40		DELETE	LPI HR 001 will continue to be reported allowing Members to monitor the overall level of sickness absence. The short and long term sickness will continue to be monitored by Management and will be referred to in commentaries where necessary. More detailed data and information on sickness absence can be provided to Members if issues arise.
LPI HR 003	Number of working days lost through long term sickness absence per FTE (> 20 calendar days)	6.8	6.10		DELETE	
<b>Land Charges</b>						
LPI LC 002	The percentage of local land charge searches carried out within 10 working days	93.29%	90%		90%	
<b>Local Tax</b>						
LPI TAX 001	The percentage of Council Tax collected in-year	98.6%	98.6%		98.6%	
LPI TAX 003	The percentage of business rates collected in-year	98.2%	98%		98.5%	

<b>Portfolio - Housing and Balanced Communities</b>
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Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Housing Policy</b>						
LPI HP 001	The number of dwellings vacant for more than six months returned to occupation or demolished	17	15		15	
LPI HP 002	Number of affordable homes delivered (gross)	15	15		44	
<b>Private Housing</b>						
LPI PH 001	Number of Home improvement Agency projects completed	418	540		450	
LPI PH 002	Number of unauthorised encampments started in the District	9	12		12	
<b>Social Housing</b>						
LPI SH 001	Total number of homelessness applications received	79	96		116	
LPI SH 002	Total number of homelessness acceptances	34	84		84	
LPI SH 003	Percentage of homeless decisions notified within 33 working days	93.08%	96%		96%	Response time to correspondence is monitored in the day to day management of the service. The target relates to an old Best Value Performance Indicator target which is longer than the Council's own customer service standards.
LPI SH 004	Number of households living in temporary accommodation	17	40		35	











<b>Portfolio - Leader</b>
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Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Communications</b>						
LPI COM 001	Percentage of positive and balanced articles in the local press (by number of articles)	92.02%	90%		DELETE	The Council will be monitoring the effectiveness of its Communications function through the results of campaigns. This will be evaluated and reported to the Portfolio Holder.
<b>Customer Services</b>						
LPI CS 001	Percentage of phone calls answered within 20 seconds by the Contact Centre	80.33%	70.00%		70%	
LPI CS 002	Percentage of phone calls to the Contact Centre abandoned by the caller	3.18%	5%		5%	
LPI CS 003	Percentage of all queries resolved at the first point of contact by the Contact Centre	73.31%	70%		70%	
LPI CS 010	Percentage of personal callers to reception who are seen by the required service within five minutes	77.63%	70%		DELETE	The information collected by the queuing system does not capture all visitors to reception and therefore there are currently some concerns on data reliability that need to be resolved.
<b>Facilities Management</b>						
LPI FM 001	The percentage of Facilities Management Service Desk Calls resolved in agreed time	97.90%	95%		95%	
LPI FM 002	The percentage of customers satisfied or very satisfied with Facilities Management call resolution service	100%	95%		DELETE	The current level of response to customer surveys is low making the data unrepresentative. A new method of surveying customers for internal services is being investigated in the coming year.

Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
IT Services						
LPI IT 001	Percentage of IT Service Desk Calls resolved within the agreed time	90.88%	90%		90%	
LPI IT 003	The percentage of customers satisfied or very satisfied with IT call resolution service	100%	95%		DELETE	The current level of response to customer surveys is low making the data unrepresentative. A new method of surveying customers for internal services is being investigated in the coming year.

















<b>Portfolio - Planning and Improvement</b>
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Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
Development Control						
LPI DC 001	Percentage of applications assessed for validation in 5 days	91.50%	85%		87.5%	
LPI DC 002	Percentage of decisions delegated	98.63%	97%		97%	
LPI DC 003	Percentage of decisions issued within 2 days	99.14%	97%		DELETE	Response time to correspondence is monitored in the day to day management of the service.
LPI DC 004	Percentage of appeals against planning application refusal allowed	24.59%	25%		DELETE	Replaced with new LPI DC 009 which focuses on the proportion of Council decisions that are deemed correct.
LPI DC 005	Percentage of enforcement visits undertaken within 3 days of receiving a complaint	91.92%	95%		DELETE	Response time to correspondence is monitored in the day to day management of the service.
LPI DC 006	Percentage of all enforcement appeals allowed	3.33%	25%		DELETE	Replaced with new LPI DC 010 which focuses on the proportion of Council decisions that are deemed correct.
LPI DC 007a	Processing of planning applications: Major applications in 13 weeks	80.65%	85%		84%	
LPI DC 007b	Processing of planning applications: Minor applications in 8 weeks	77.81%	86%		82%	
LPI DC 007c	Processing of planning applications: Other applications in 8 weeks	89.65%	94%		92%	
LPI DC 008	Applications to works to Tree Preservation Orders Determined within 8 weeks	100%	100%		98%	
LPI DC 009	Percentage of appeals against planning application refusal dismissed	New LPI for 2012/13			75%	
LPI DC 010	Percentage of all enforcement appeals dismissed	New LPI for 2012/13			75%	

Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
Planning Policy						
LPI PLP 001	Has the authority met the milestones which the current LDS sets out?	Yes	Yes		DELETE	These indicators are old Best Value Performance Indicators reflecting statutory requirements. These are an ineffective measure of the work of the Planning Policy team. A wide range of data reflecting planning in the District is included in the Monitoring Report which is approved by Members annually and better reflects the work of the team.
LPI PLP 002	Did the authority publish an annual monitoring report by December of the last year?	Yes	Yes		DELETE	




<b>Portfolio - Safe Community</b>
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Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Community Development</b>						
LPI CD 001	Percentage of Community Safety Partnership actions achieved	N/A	85%	-	85%	
LPI CD 005	Percentage of responses to reports of Anti Social Behaviour within 25 working days	100%	100%		100%	
LPI CD 011	Percentage of racial incidents that resulted in further action	100%	100%		100%	
LPI CD 014	12 month average of the number of domestic burglaries per 1,000 households	6.5	8.0		8.0	
LPI CD 015	12 month average for the number of vehicle crimes per 1,000 population	5.8	6.5		6.5	
LPI CD 016	Percentage of victims of domestic incidents that are repeat victims	23.13	23.7		23.7	
<b>Democratic Services</b>						
LPI DEM 001	Standard Freedom of Information requests responded to within 20 working days	99.02%	95%		DELETE	This is not an effective measure of the work of Democratic Services. With a new Service Manager in place work is being undertaken to determine more effective measures by which to evaluate performance.
<b>Environmental Health</b>						
LPI EH 002	Percentage of all Environmental Health cases responded to within 5 working days	90%	90%		DELETE	This indicator was not taken forward within the Partnership Agreement.
LPI EH 003	Percentage cases closed within 4 months	91%	90%		DELETE	This indicator was not taken forward within the Partnership Agreement.
LPI EH 004	Percentage of higher risk food inspections due that was done (higher risk is categories A & B)	100%	98%		100%	
LPI EH 005	Percentage of due Environmental Protection Regulation inspections completed	New LPI for 2012/13			100%	New Indicator and Target agreed in the Partnership Agreement.



Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
LPI EH 006	Percentage of animal licences issued that were due	New LPI for 2012/13			100%	New Indicator and Target agreed in the Partnership Agreement.
LPI EH 007	Percentage of due Category A premises Health & Safety inspections completed	New LPI for 2012/13			100%	New Indicator and Target agreed in the Partnership Agreement.
LPI EH 008	Percentage of food establishments in the area that are broadly compliant with food hygiene regulations	New LPI for 2012/13			85%	New Indicator and Target agreed in the Partnership Agreement.
<b>Equalities</b>						
LPI EQ 001	Percentage progress against West Kent Equality Aims and Commitments	New LPI for 2012/13			70%	
LPI EQ 002	Percentage of equality actions completed or in progress	80%	90%		DELETE	New LPI EQ 001 introduced to monitor progress against the new West Kent Equality Aims and Commitments approved by Cabinet in April 2012.
LPI EQ 003	Percentage of impact assessments due that have been completed	72%	90%		DELETE	
<b>Legal Services</b>						
LPI LEG 001	Percentage of litigation cases successfully prosecuted	100%	95%		95%	
LPI LEG 002	Planning inquiries percentage success rate	100%	95%		DELETE	This indicator reflects on the inquiries worked on wholly by the Legal team and is not an accurate reflection of the Council's overall performance at planning inquiries. Development Control to consider adopting a new performance indicator related to this.
LPI LEG 003	Conveyancing completed within customer response time	100%	90%		95%	
LPI LEG 004	Percentage of customers satisfied with the Legal Service (scores of 3 or more on quality monitoring forms)	New LPI for 2012/13			80%	

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<b>Portfolio - Safe Community (continued)</b>
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Code	Short Name	2011/12			2012/13 Target	Commentary
Licensing						
LPI LIC 001	Number of monthly premises licensing enforcement visits due that were undertaken	337	336		DELETE	This measure relates to the workload of the team and is not an effective measure of performance. Management will continue to monitor the work levels undertaken in managing the pressures on the service.
LPI LIC 002	Percentage of valid personal licences processed within 2 weeks	97.25%	98%		95%	
LPI LIC 004	Percentage of valid temporary event notices processed within 48 hours	100%	98%		90%	

**Shared Portfolios**

Code	Short Name	2011/12			2012/13 Target	Commentary
		Value	Target	Status		
<b>Community Plan</b>						
LPI CD 006	Percentage of actions in the Sustainable Community Action Plan achieved	N/A	85%	-	85%	
<b>Economic Development</b>						
LPI CD 013	Percentage of actions in the Economic Development Action Plan achieved	85%	82%		82%	
<b>Performance Management</b>						
LPI PP 001	The percentage of Local Performance Indicators at or above target level	69.41%	65%		65%	