



Please ask for Rachel Appleyard
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The Chair and Members of Cabinet

5 November 2018

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 13 NOVEMBER 2018 at 10.30 am in Committee Room 1, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 8)

To approve as a correct record the Minutes of the Cabinet meeting held on 23 October, 2018.

4. Forward Plan

Please follow the link below to view the latest Forward Plan.

[Forward Plan](#)

5. Minutes of the Sheffield City Region Combined Authority (Pages 9 - 14)

To note the Minutes of the meeting of the Sheffield City Region Combined Authority held on 10 September, 2018.

Items Recommended to Cabinet via Cabinet Members

Cabinet Member for Health and Wellbeing

6. Revised corporate and housing ASB policies (Pages 15 - 114)
7. Environmental Health Fees and Charges 2019/20 (Pages 115 - 148)
8. Trade waste / outdoor sports and leisure fees and charges 2019/20 (Pages 149 - 160)
9. Cemetery Fees and Charges 2019/20 (Pages 161 - 168)

Cabinet Member for Homes and Customers

10. Annual Report to Tenants (To Follow)
11. Housing Fire Management Policy (To Follow)
12. Revised Adaptations Policy (Pages 169 - 194)

Cabinet Member for Town Centres and Visitor Economy

13. Open Market Fees and Charges 2019/20 (Pages 195 - 208)
14. Venues Fees and Charges 2019/20 (Pages 209 - 230)

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Randy', written in a cursive style.

Local Government and Regulatory Law Manager and Monitoring Officer

CABINET

Tuesday, 23rd October, 2018

Present:-

Councillor P Gilby (Chair)

Councillors	Bagley	Councillors	T Gilby
	Blank		Huckle
	Brunt		Ludlow
	A Diouf		Serjeant
Non Voting	Catt		J Innes
Members	Dickinson		

*Matters dealt with under the Delegation Scheme

43 **DECLARATIONS OF MEMBERS' AND OFFICERS' INTERESTS RELATING TO ITEMS ON THE AGENDA**

No declarations of interest were received.

44 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors...

45 **MINUTES**

RESOLVED –

That the minutes of the meeting of Cabinet held on 2 October, 2018 be approved as a correct record and signed by the Chair.

46 **FORWARD PLAN**

The Forward Plan for the four month period November, 2018 to February, 2019 was reported for information.

***RESOLVED –**

That the Forward Plan be noted.

47 DELEGATION REPORT

Decisions taken by Cabinet Members during September, 2018 were reported.

***RESOLVED –**

That the Delegation Report be noted.

48 CONSIDERATION OF THE OVERVIEW AND PERFORMANCE SCRUTINY FORUM REPORT ON HS2

The Lead Member of the HS2 Scrutiny Project Group, Councillor Flood, presented the report and recommendations of the Overview and Performance Scrutiny Forum on HS2.

The full report of the Scrutiny Project Group was attached at Appendix 1 to the Cabinet report.

The recommendations of the Scrutiny Project Group had been considered and approved by the Overview and Performance Scrutiny Forum on 11 September, 2018.

The Committee's recommendations were now required to be considered by Cabinet and a formal response provided to the Overview and Performance Scrutiny Forum, in accordance with the Council's Scrutiny Procedure rules.

The Scrutiny Project Group had consulted with officers from across the council along with staff from HS2 Ltd and the National College of High Speed Rail. Their input had helped to develop the report's recommendations which were focussed on maximising the benefits that HS2 will bring to the Borough and ensuring that future developments were monitored and aligned to the council's plans and strategies.

***RESOLVED –**

1. That the Cabinet thanks the Overview and Performance Scrutiny Forum for the first class work that has been taken forward in looking at how the Council is preparing for HS2 and, in particular, for the

Forum's efforts in broadening and deepening the understanding of Council Members of the subject matter.

2. That Cabinet notes and endorses the recommendations of the Overview and Performance Scrutiny Forum.
3. That Cabinet endorses, in particular, the Forum's recommendation to establish a new Skills Scrutiny Project group and resolves to defer to the Overview and Performance Scrutiny Forum further consideration of the merit of establishing new Scrutiny Project Groups to look at particular aspects of HS2 as part of the future work programming discussions.

REASONS FOR DECISIONS

1. To promote a joined up approach by the Council to ensure that the benefits of HS2 are maximised.
2. To contribute towards the delivery of the Council Plan objectives under the priorities "to make Chesterfield a thriving borough" and "to improve the quality of life for local people".

49 QUARTER 2 BUDGET MONITORING 2018/19 & UPDATED MEDIUM TERM FINANCIAL PLAN

The Director of Finance and Resources presented a report outlining the Council's budget position at the end of the second quarter of 2018/19, and the updated medium term financial forecast through 2022/23.

A revised year end surplus of £298k had been reported to members on 17 July, 2018 as part of the month 2 budget monitoring. Revised figures at the end of the second quarter were now forecasting a deficit of £130k at the year end.

The council had recently informed HMRC of the intention to implement Sporting Exemption from VAT on its sports centres; this would be implemented from August 2018 and was expected to save £200k in 2018/19 and £300k in future years. However, employee costs at the two sports centres had risen and significant income streams had not achieved their expected levels; the assistant director for health and wellbeing was putting in place a number of measures to remedy the position. A table

containing all the key variances was included in section 4 of the officer's report.

The report noted the anticipated movement in the council's reserves. An uncommitted balance of £869k remained in the budget risk reserve and the service improvement reserve, however there would be significant demands on these reserves in the future to fund budget deficits, investment in transformation projects and staffing restructures.

The report provided details of the General Fund Capital Programme; the capital receipts were forecast to bring in £1.9m for 2018/19. The Director of Finance and Resources advised that further large capital receipts needed to be identified beyond 2019/20 to avoid putting further pressure on the General Fund.

The Housing Revenue Account Budget was detailed in section 8 of the officer's report and it was noted that the Housing Revenue Account Business Plan would be reviewed to take into account changes to the repairs spend.

RESOLVED –

That it be recommended to full Council:

1. That the financial performance in the first half of the financial year and the new medium term forecast be noted.
2. That the changes to the medium term forecast, as outlined in section 4 of the officer's report, be noted.
3. That the supplementary estimate for registration of electors, as detailed in paragraph 4.2.7 of the officer's report, be approved.
4. That the proposed use of reserves and the new applications for funding, as set out in section 5 of the officer's report, be approved.
5. That the updated capital programme, as detailed in section 7 of the officer's report, be noted.
6. That the proposed additions to the capital programme, as detailed in paragraph 7.2 of the officer's report, be approved.

7. That the position of the HRA budgets, as detailed in section 8 of the officer's report, be noted.
8. That the indexation of the housing repairs contract for 2017/18 onwards, as detailed in paragraph 8.1 of the officer's report, be approved.
9. That the application for 75% Business Rates Pilot status for 2019/20, as detailed in section 9 of the officer's report, be noted.
10. That the budget preparation guidelines for the financial year 2019/20, as detailed in paragraph 10.1 of the officer's report, be approved.
11. That the approach to budget consultation, as detailed in paragraph 10.3 of the officer's report, be approved.

REASON FOR DECISIONS

To actively manage the Council's finances in the current financial year and forecast forward the emerging budget position to future financial years.

50 REVIEW OF THE COUNCIL'S ALLOCATIONS POLICY - FEEDBACK FROM CONSULTATION

The Assistant Director – Housing presented a report to inform members of the feedback from the consultation with current applicants and stakeholders regarding the proposed changes to the Council's Allocations Policy. The consultation pack was attached at Appendix A to the officer's report.

The revised Home Options Policy was attached at Appendix B to the officer's report and had been approved for consultation by Cabinet on 17 July, 2018.

Overall, 67% of respondents thought that the changes would have a positive impact, 22.3% had a neutral opinion and 9.5% indicated that they felt the impact of the changes could be negative. The introduction of the new policy would enable the housing options team to improve how council properties are allocated and create more sustainable tenancies by

properly assessing individual circumstances and providing appropriate information and advice.

The Assistant Director proposed to implement the new policy in March 2019 to coincide with the introduction of the new Locata IT system for administering the choice based lettings process.

RESOLVED –

That it be recommended to full Council:

1. That the feedback from the consultation be noted.
2. That the new Home Options Policy be adopted and its implementation be approved, incorporating local differences for Chesterfield.
3. That the Local Lettings Plan, approved in June 2017, be rescinded.
4. That the Assistant Director for Housing in consultation with the Cabinet Member for Homes and Customers be granted delegated authority to make minor operational amendments to the Home Options Policy.

REASON FOR DECISIONS

To enable the council, through the Housing Options Team, to be in the best possible position to allocate council housing stock to applicants most in need, and to provide a customer focussed and user friendly service.



SHEFFIELD CITY REGION COMBINED AUTHORITY

THE AMP TECHNOLOGY CENTRE, WAVERLEY, ROTHERHAM, S60 5WG

MINUTES OF THE MEETING HELD ON 10 SEPTEMBER 2018

PRESENT:

Mayor Dan Jarvis MBE, Sheffield City Region (Chair)
Councillor Chris Read, Rotherham MBC (Vice Chair)

Councillor Graham Baxter MBE, North East Derbyshire DC
Councillor Simon Greaves, Bassetlaw DC
Councillor Sir Steve Houghton CBE, Barnsley MBC
Mayor Ros Jones CBE, Doncaster MBC
Sir Nigel Knowles, SCR LEP Chair

Fiona Boden, SCR Exec Team
Steve Davenport, SCR / SYPTE
Steve Edwards, SYPTE
Councillor Chris Furness, Peak Park NPA
Andrew Gates, SCR Exec Team
Jeni Harvey, SCR Exec Team
Sharon Kemp, Rotherham MBC
Mark Lynam, SCR Exec Team
Martin McCarthy, Deputy Monitoring Officer
Dave Smith, SCR Exec Team
Neil Taylor, Bassetlaw DC
Diana Terris, Clerk / Barnsley MBC
Mike Thomas, SCC / SCR Exec Team
Craig Tyler, Joint Authorities Governance Unit
Eugene Walker, S.73 Officer
Paul Wilson, Derbyshire Dales
Krysia Wooffinden, SCR Exec Team

Apologies for absence were received from Councillor J Dore, Councillor T Gilby, Councillor L Rose OBE, Councillor A Syrett, R Adams, H Bowen, A Frostdick, J Mothersole, J Miller and D Swaine

1 SCRMCA 18/044 APOLOGIES

Apologies were noted as above.

2 SCRMCA 18/045 ANNOUNCEMENTS

The Mayor informed the Authority of the launch of the new South Yorkshire active travel campaign, and commenting on why this is of importance, urged the Leaders to provide support to the campaign

The Mayor also noted the launch of the Working Win pilot.

Members were advised of intentions to move the CA meeting schedule from six weekly, to bi-monthly. It was noted the full findings of the Mayor's governance review were due to be presented to the next CA meeting in October. The Mayor thanked Leaders for their input into the review which seeks to make the CA a better decision making body.

The Mayor welcomed the announcements regarding the new SCR LEP Board members.

The Mayor informed the CA he is preparing a response to the All-Party Parliamentary Group investigating post-Brexit funding and will use this as an opportunity to reiterate why the SCR needs the 'best deal possible' from the new Prosperity Fund.

3 SCRMCA 18/046 URGENT ITEMS

No urgent items were requested.

4 SCRMCA 18/047 ITEMS TO BE CONSIDERED IN THE ABSENCE OF THE PUBLIC AND PRESS

None.

5 SCRMCA 18/048 VOTING RIGHTS FOR NON-CONSTITUENT MEMBERS

It was agreed that voting rights would not be conferred on the non-Constituent districts for item 14 (Acceptance of the Enterprise Advisor Network Grant from the Careers and Enterprise Company) noting this matter only affects the Constituent districts.

It was agreed there were no further agenda items for which voting rights could not be conferred on the non-Constituent districts.

6 SCRMCA 18/049 DECLARATIONS OF INTEREST BY INDIVIDUAL MEMBERS IN RELATION TO ANY ITEM OF BUSINESS ON THE AGENDA

None.

7 SCRMCA 18/050 REPORTS FROM AND QUESTIONS BY MEMBERS

None received.

8 SCRMCA 18/051 RECEIPT OF PETITIONS

None received.

9 SCRMCA 18/052 PUBLIC QUESTIONS

None received.

10 SCRMCA 18/053 MINUTES OF THE MEETING HELD ON 30TH JULY

It was noted the previous minutes incorrectly recorded Cllr Chris Furness as being representative of Derbyshire Dales District Council. It was noted this should have referenced the Peak District National Park Authority.

RESOLVED, that the minutes of the meeting of the SCR Combined Authority held on 30th July are agreed to be an accurate record.

11 SCRMCA 18/054 SCR MASS TRANSPORT STRATEGY

It was noted the title of this item should read 'SCR Mass Transit Strategy'.

The report provided an update on the development of a strategic mass transit network for Sheffield City Region, which would provide intra-regional connectivity to enable growth and provide access to opportunities.

In addition, the Mayor reminded Members of the intention to have the revised SCR Transport Strategy produced before the end of the year.

It was noted the report provides an update on the outcome of the SCR Integrated Public Transport Network study (SCRIPT), as a means of identifying a corridor-based strategic transit network for the mass movement of people within the region. This network identifies the key movement corridors in support of growth and access to opportunities, and provides a case for future transport investment in route specific solutions, including potential tram expansion, bus rapid transit and tram/train (subject to a successful trial).

Members were asked to note that the mass transit project does not at this stage refer to specific modes of travel, but rather a bespoke network capable of the mass movement of people – be it by tram, bus rapid transit or tram/train.

It was noted the next stages of work will seek to identify costed options for schemes capable of delivering the mass transit vision. These, including options for the renewal of the existing Supertram network, will be presented at future CA meetings and timed to meet any obligations to report proposals to the Department for Transport.

Mayor Jones welcomed the mass transit concept but asserted the cost of Supertram renewal must be met through grants and fares, and not passed on to the local authorities.

Cllr Read welcomed the report's recognition of the need to also address air quality issues through the mass transit study, noting the effect negative air quality has on local residents.

RESOLVED, that the Combined Authority:

1. Notes the progress to date, through the SCRIPT study, to develop and identify a SCR-wide Strategic Mass Transit network for enhanced intra-regional connectivity, and the potential role of tram/train as a complimentary system to support and enable strategic transport initiatives such as HS2 and Northern Powerhouse Rail.
2. Endorses the development of the SCR Mass Transit network as part of the medium term financial strategy but reserves decisions on scheme approvals until the full financial implications of schemes are known.
3. Notes the additional work required to develop the funding and financial model for renewal of the existing Sheffield tram asset, including ongoing development costs and a local capital contribution, and notes Members' comments regarding the need for funding to be covered by grants and fares.
4. Notes the September commencement of a required period of public consultation on the Sheffield tram renewal options, as a mandatory part of developing the outline business case to the DfT.

12 SCRMCA 18/055 AUDIT COMMITTEE TERMS OF REFERENCE

A report was received advising Members of the requirement to amend the SCR Constitution to reflect best practice in approving the annual accounts, and clarify this is the responsibility of the SCRCA itself rather than the SCR Audit and Standards Committee.

It was requested that the full wording of the amendment be provided.

RESOLVED, that the Combined Authority approves the proposed amendment to the Mayoral Combined Authority Constitution to clarify that it is the function of the Mayoral Combined Authority to approve its statement of accounts.

13 SCRMCA 18/056 REVENUE AND CAPITAL BUDGET MONITORING

A report was received to provide the Q1 position for the revenue and capital programmes of the Sheffield City Region (SCR) Mayoral Combined Authority (MCA) for the financial year 2018/19.

RESOLVED, that the Combined Authority:

1. Notes the forecast underspend of c. £246k on the MCA/LEP Budget

2. Notes the forecast underspend of c. £28k on the MCA/LEP Revenue Programmes budget
3. Notes the forecast for the SY Transport Revenue Budget to come in on budget
4. Notes the increase in the South Yorkshire Transport Capital Programme from £44.747m to £53.053m, consequent of a roll forward of grant from 2017/18
5. Notes the budgetary variations (detailed at section 2.7 of the accompanying report) which are deemed required as a consequence of programme slippage.

14 SCRMCA 18/057 ACCEPTANCE OF THE ENTERPRISE ADVISOR NETWORK GRANT FROM CAREERS AND ENTERPRISE COMPANY

A report was received outlining the proposed Enterprise Adviser Network (EAN) programme and seeking approval for delegated authority to the Section 73 Officer to accept the grant offered by the Careers and Enterprise Company (CEC) to the SCR LEP to resource this work for a further two years.

The Mayor welcomed the report's confirmation of the offer of the grant and suggested initiatives such as these are important steps to the SCR realising its skills and business growth ambitions.

It was noted that for delivery in 2018/19 the CEC have offered a grant of £180k. This is the amalgamation of two previous grants that covered the existing EAN across South Yorkshire and additional funds allocated to Doncaster as an Opportunity Area for an additional fully funded Enterprise Co-ordinator.

It was noted that is accepted, the grant will cover one full time Enterprise Co-ordinator for the Doncaster Opportunity Area (OA) Enterprise Co-ordinator (£50k), a 50% contribution to 5 Enterprise Co-ordinators working in partnership with the four Local authorities (in addition to the Doncaster OA post), pro-rata based on the number of schools in each Local Authority (£125k), and an uplift to one of the Enterprise Co-ordinators to be designated a Senior Enterprise Co-ordinator (£5k).

RESOLVED, that the Combined Authority:

1. Endorsed the proposed programme as presented.
2. On behalf of the LEP, delegates authority to the S73 Officer in conjunction with the Head of Paid Services to accept £180,000 grant from the CEC for delivery of the Enterprise Adviser Network across the 4 south Yorkshire Local Authorities for the academic year 2018/19.

15 SCRMCA 18/058 ACCEPTANCE OF THE SKILLS BANK GRANT

A report was received seeking approval to accept a grant from the Education and Skills Funding Agency for the SCR Executive elements of the Skills Bank Phase 2 delivery programme.

Members were reminded that Skills Bank forms part of a 6-year Growth deal for £21.6 m between the Government and SCR LEP running from 2015-2021. The funding has been split into two phases with Skills Bank Phase 1 completing in March 2018 and Skills Bank Phase 2 in 2018-2021. The Skills Bank service is directly managed on our behalf by the Education and Skills Funding Agency through a Managing Agent , with an amount of resource allocated to the SCR Executive to fulfil its functions re the Skills Bank.

The Mayor welcomed confirmation of the grant offer and noted the successes achieved during the Skills Bank phase 1 period. However, it was noted there are a number of risks associated with the initiative that officers need to remain mindful of.

Assurances were provided that, subject to acceptance, the programme's activities would continue to be monitored closely by all parties to ensure the expected deliverables are achieved.

As Chair of the Skills Executive Board, Cllr Read expressed his thanks to the officers involved with progressing this matter.

RESOLVED, that the Combined Authority approves the acceptance of the grant and delegates authority to the S73 Officer in conjunction with the Head of Paid Services to accept the grant of £2,182,700 from the Education and Skills Funding Agency for Skills Bank Phase 2, subject to their acceptance of the terms of the agreement when this is received.

16 SCRMCA 18/059 DELEGATED AUTHORITY REPORT

A report was received to provide an update on CA approved delegations acted on in the last period.

RESOLVED, that the contents of the report are noted.

17 SCRMCA 18/060 RESOLUTION RECORD – BUSINESS GROWTH EXECUTIVE BOARD (17TH JULY)

RESOLVED, that the decisions and recommendations contained within the report are duly endorsed.

CHAIR

For publication

Approval of revised housing anti-social behaviour (ASB) policy

Meeting:	Cabinet
Date:	<i>13 November 2018</i>
Cabinet portfolio:	Cabinet Member for Health and Wellbeing Cabinet Member for Homes and Customers
Report by:	Assistant Director (Housing) Assistant Director (Health and Wellbeing)

1.0 **Purpose of report**

- 1.1 To seek approval from Members to make changes to the Corporate Anti-social Behaviour Policy (**Appendix A**) and Housing Services Anti-social Behaviour Policy (**Appendix B**) and to consult with stakeholders on these changes.

2.0 **Recommendations**

- 2.1 That Members approve the proposed changes to the Corporate Anti-social Behaviour Policy and Housing Services Anti-social Behaviour Policy.
- 2.2 That the Assistant Director (Housing) and Assistant Director (Health and Wellbeing) be authorised to consult with stakeholders regarding the proposed changes.

2.3 That a further report be brought to Members following the completion of the consultation process by no later than January 2019.

3.0 **Background**

3.1 The Corporate Anti-social Behaviour Policy provides the framework for all Chesterfield Borough Council services involved in responding to ASB, including the legal service, the housing service, environmental protection, private sector housing, planning and the community safety team. It ensures consistency of aims and the consistent use of the various powers and responsibilities in connection with their roles. Service-specific anti-social behaviour policies sit under and are consistent with the corporate policy.

3.2 The Anti-social Behaviour Act 2003 requires that the housing service publishes an anti-social behaviour policy.

3.3 The existing Corporate Anti-social Behaviour Policy (**Appendix C**) dates from 2015 and the Housing Services Anti-social Behaviour Policy (**Appendix D**) dates from 2013. Both require updating to take account of national and local developments.

3.4 A summary of the changes to the existing policies is at **Appendix E**. The revised draft policies provide a balance between broad aims and specific issues and commitments. They are designed to ensure corporate consistency and are set out in the same way, using the same phraseology for issues that are common to each policy. Where there is a specific housing-related issue, the revised housing policy provides more detail. The revised draft policies are prescriptive only where strong specific commitments are needed. They avoid describing specific legal and procedural tools, posts, teams, structures and procedures which can change during the term of the policies.

4.0 **Developments**

- 4.1 The Anti-social Behaviour Crime and Policing Act 2014 gave extended powers to local authorities, social housing providers and the police to tackle anti-social behaviour (e.g., injunctions, Closure Orders, Community Protection Orders, Public Space Protection Orders and absolute grounds for possession). The revised draft Housing Services Anti-social Behaviour Policy clarifies the role of the housing service within the corporate context.
- 4.2 The revised drafts reflect continuing key national and local priorities (e.g., placing victims at the centre of services and improving the quality of life for local people).
- 4.3 The type of anti-social behaviour and the profile of those involved have changed. Many more cases involve the use and/or supply of illegal drugs. Many of those involved have problems such as substance dependency, mental illness, personality and behavioural disorders, physical illness, disability, social isolation and learning disabilities, some or all of which may be attributable to drugs use. The targeting of vulnerable people by organised crime gangs (e.g., "County Lines") is far more prevalent. Legal proceedings are often defended under equalities grounds. The priority has therefore moved away from dealing with lower level nuisance and neighbour disputes. The policies must reflect these changes.
- 4.4 Responsibility for reviewing the corporate policy will be that of the Assistant Director (Health and Wellbeing) in consultation with the portfolio holder for health and wellbeing. Responsibility for reviewing the housing policy will be that of the Assistant Director (Housing) in consultation with the portfolio holder for homes and customers. In both cases, this will be after three years or in response to relevant change.

5.0 Financial considerations

5.1 There are no additional costs associated with the new proposed policies. Expenditure will continue to be met from existing Housing Revenue Account and General Fund budgets.

6.0 Risk management

6.1 The main risks associated with the revised policy are shown in the table below:

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Inappropriate or inadequate responses to ASB resulting in complaints by residents / adverse publicity / reputational damage	High	Medium	Updated policy	Low	Low
Legal challenges about working outside policy	High	Medium	Updated policy	Low	Low
Challenges about authority of specific posts to take legal action	High	Medium	Updated policy	Low	Low

7.0 Equalities Impact Assessment (EIA)

7.1 A preliminary equalities impact assessment is attached at **Appendix F.**

8.0 Recommendations

- 8.1 That Members approve the proposed changes to the Corporate Anti-social Behaviour Policy and Housing Services Anti-social Behaviour Policy.
- 8.2 That the Assistant Director (Housing) and Assistant Director (Health and Wellbeing) be authorised to consult with stakeholders regarding the proposed changes.
- 8.3 That a further report is brought to Members following the completion of the consultation process by no later than January 2019.

9.0 Reasons for recommendations

- 9.1 To take account of developments in anti-social behaviour characteristics, legislation and national and local priorities.

Decision information

Key decision number	841
Wards affected	ALL

Document information

Report author	Contact number/email
Michael Moore - Neighbourhoods Manager (Housing Services)	michael.moore@chesterfield.gov.uk
Appendices to the report	
Appendix A	Draft revised Corporate Anti-social Behaviour Policy
Appendix B	Draft revised Housing Services Anti-social Behaviour Policy

Appendix C	Corporate Anti-social Behaviour Policy 2015 - 2019
Appendix D	Housing Services Anti-social Behaviour Policy 2013
Appendix E	Summary of Changes
Appendix F	Equality impact assessment

CHESTERFIELD BOROUGH COUNCIL

CORPORATE ANTI-SOCIAL BEHAVIOUR POLICY

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1 Statement of policy

1.1 This policy sets out the council's commitment to reducing anti-social behaviour. It supports the council's vision **to put our communities first** and the following priorities:

- To make Chesterfield a thriving borough
- To improve the quality of life for local people
- To provide value for money services

Policy aims

1.2 We recognise that left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our communities, including those who live, work, visit and study in our borough. In order to support our commitment to reducing anti-social behaviour, our aims are to:

- Place victims and witnesses at the centre of our procedures and support them throughout their case.
- Make effective use of the powers, orders and mechanisms available to us to deal with anti-social behaviour.
- Participate fully in joint working with partner agencies to enable the best possible outcomes.
- Raise awareness of what conduct constitutes anti-social behaviour.
- Encourage people to report anti-social behaviour to the relevant services.
- Publicise and promote our service and others that are available to tackle anti-social behaviour.

1.3 This document is the council's over-arching ASB policy document, and therefore outlines issues in their broadest form.

1.4 Service-specific documents are available on our website. These should be read in conjunction with this document.

Partnership working

1.5 We may work with all relevant services and partners to tackle anti-social behaviour at all levels:

- At strategic level (e.g., by active participation in the Chesterfield Community Safety Partnership)
- With projects (e.g., to reduce crime and disorder on a particular estate, or to tackle a particular type of anti-social behaviour throughout the Borough)
- With individual cases where appropriate

Promotion of tolerance

- 1.6 We will promote tolerance, balancing individuals' liberties with the impact of their behaviour on others.

The role of the community

- 1.7 People in the community have the most important role in reducing anti-social behaviour. The organisations involved in tackling anti-social behaviour can only act where there is a partnership with the community. Where appropriate, we encourage informal resolution of disputes before we are asked to intervene.

Employee authority

- 1.8 Authority to issue formal notices and to enact legal interventions will only be given to employees that are suitably qualified and experienced. All authorised employees must have received appropriate training and have suitable relevant experience to demonstrate competence through an understanding of legislation and enforcement powers.

2 Definitions, responsibilities, powers, descriptions

Definition of Anti-social Behaviour

- 2.1 The definitions of anti-social behaviour vary according to specific laws and the legal measures available to deal with it. Therefore we do not include an explicit definition of anti-social behaviour in this policy because this may restrict our capacity to take action that would otherwise be within our powers. However in general terms, we consider anti-social

behaviour to include:

- Behaviour that is likely to cause, harassment, alarm or distress to any person.
- Behaviour capable of causing nuisance or annoyance.
- Disorderly, offensive, immoral or criminal behaviour.
- Behaviour that has a detrimental effect on the quality of life of other people.

The above are examples of types of behaviour that we consider to constitute anti-social behaviour. It is not intended to be an exhaustive list

Powers and responsibilities

- 2.2 As a borough council, we have a range of powers and responsibilities in dealing with anti-social behaviour, including:
- As a statutory partner within the Community Safety Partnership. As such, we have a shared legal responsibility with Derbyshire Constabulary to formulate and implement a strategy for the reduction of crime and disorder.
 - As a member of the Community Safety Partnership, we work in partnership with other agencies on projects to prevent anti-social behaviour.
 - As a local council, we have a range of powers to deal with anti-social, disorderly, offensive and criminal behaviour on public land, residential accommodation and other premises. In such cases, we will work with partners to decide who is best placed to take action.
 - As a social landlord, we have these powers where the housing related nuisance is directly or indirectly related to our housing management function. We also have powers and responsibilities arising from the landlord and tenant relationship.
 - We have a range of powers and responsibilities to deal with environmental anti-social behaviour.
- 2.3 We will take into account the views of those involved in a case. However it will remain our decision about what action we take or do not take.

3 Our general approach

Putting victims first

- 3.1 In responding effectively to anti-social behaviour, we will provide or work with partners to arrange support for victims and witnesses, including:
- Ensuring that a systematic and continuous assessment of the risk of harm is carried out for victims and witnesses and that appropriate action is taken.
 - Ensuring contact is maintained with victims and witnesses at every stage of the investigation.
 - Ensuring that timely and appropriate action is taken against those engaging in anti-social behaviour where possible.
 - Where appropriate, making referrals to specialist support providers.
- 3.2 We will participate in initiatives to identify vulnerable and repeat victims and to work with other services to carry out multi-agency case reviews.

Early intervention and prevention

- 3.3 Early intervention is important in preventing anti-social behaviour from escalating. We will therefore ensure that it is easy for people to report problems to us and we will respond within an appropriate time.
- 3.4 We recognise the importance of preventing anti-social behaviour through services for vulnerable people who may be engaging in anti-social behaviour. We may therefore provide support directly or by referral to another specialist support provider for people whose anti-social behaviour may be a result of a disability. We will take reasonable measures to ensure that an assessment takes place before taking legal action against a person who has, or who we suspect may have a protected characteristic. Exceptions include having to take action in situations where an urgent application to court is required without notice to any person who is alleged to have engaged in anti-social behaviour that warrants such an application.
- 3.5 If someone who is engaging in anti-social behaviour has a disability, we must balance their rights with any legitimate aim, such as the need to prevent and stop anti-social behaviour and enforce compliance with the law, rules, regulations and agreements, such as tenancy agreements. A

legal measure such as eviction or an injunction may be sought where it is proportionate to achieve a legitimate aim.

Incremental approach

- 3.6 Where appropriate, we will take an incremental approach, where legal action is only considered if other measures are not appropriate or have not worked, particularly where those engaging in anti-social behaviour are more vulnerable. However, we may take any action, including legal proceedings, without warning or consideration of other measures if, in our opinion, the circumstances warrant it.

Evidence

- 3.7 We base our interventions, investigations and action upon evidence. If there is no evidence to show that it is more likely than not that there has been anti-social behaviour, we will not consider taking enforcement action.

Reporting anti-social behaviour

- 3.8 We will try to be accessible to all. Where people have difficulty in communicating with us, we will make reasonable adjustments to make communication easier.
- 3.9 We will make available a range of ways to report anti-social behaviour. However we may not investigate or take further action unless we have direct reports from an individual or direct evidence such as a conviction, open source information or it is self-evident. If evidence from a witness is needed for investigation and enforcement, we will not normally accept anonymous reports or those made through a third party.
- 3.10 Reports in relation to the behaviour of others (e.g., someone making an allegation against a neighbour) will not be investigated under the council's complaints policy. Instead they will be reported as requests for service and managed in line with our policies and procedures.

Safeguarding

- 3.11 We recognise our role in protecting the most vulnerable members of our community. We will ensure that all staff are trained appropriately to enable them to respond appropriately to safeguarding concerns, including reporting anything that is a cause for concern.

4 Information exchange, disclosure and publicity

- 4.1 Sharing information is an integral part of dealing with anti-social behaviour. We will share information with other organisations engaged in multi-agency working as part of a strategy to reduce crime and disorder. We will do this in compliance with the law and with protocols, agreements and guidance made with Derbyshire Constabulary and Derbyshire Safer Communities Board. These explain the information that can be provided and exchanged and the mechanisms to allow this.
- 4.2 Except for exceptional circumstances (e.g., where the public interest would otherwise be profoundly and adversely affected, or if required by court order), we will not disclose the identity of a person making the report (the reporter) to the subject of their report without permission from the reporter.
- 4.3 Disclosure is possible where someone asks for information under the data protection law. We may refuse to supply information following a request made under the law if the purpose of the refusal is to prevent or detect crime or some other lawful purpose.
- 4.4 We may disclose third party information (e.g., information provided by a witness that may identify that person) to a data subject (normally the subject of the report) where the third party has withheld his or her consent to disclosure, if we consider it is reasonable in the circumstances to do so. However, when dealing with such requests we will be sensitive to, and give proper consideration to this potential conflict between the data subject's right of access and the third party's right to respect for his or her private life before deciding whether to disclose third party information. We will normally seek the third party's consent before disclosure. We may advise the third party of this and give the option to withdraw the report rather than have the information disclosed.

- 4.5 We may disclose personal information to various teams within the Council, but we will only do this with that person's consent or where permitted under the law.
- 4.6 All council employees have an obligation to protect confidentiality and a duty to make sure that information is only disclosed to those who have a right to see it.
- 4.7 All council employees will be trained and be fully aware of their responsibilities to maintain the security and confidentiality of personal information.

Publicity

- 4.8 The community needs information about anti-social behaviour. We will therefore publish information where appropriate.
- 4.9 We may publish details about individual orders that are granted in open court, including personal details of the perpetrator. In each case, we will consider the impact, including the human rights, on the named person and any associated people. If the court imposes reporting restrictions on the press, we will also consider whether and how to restrict our publication.

5 Employees, councillors and contractors

Protection

- 5.1 We do not tolerate the abuse of council employees elected councillors and people working for the council as agents or contractors. Abuse includes:
- abusive or threatening words or behaviour
 - violence and the threat of violence
 - making false, malicious, nuisance or vexatious complaints or allegations about council employees or its agents or contractors or services

There is an assumption that we will take legal action where appropriate against any person who engages in such abuse.

- 5.2 All incidents will be dealt with in compliance with the council's health and safety policies and procedures.
- 5.3 Acts of violence, threats or aggression will be recorded, and reported to the police where appropriate.

Training

- 5.4 We acknowledge the difficulties faced by employees who respond to anti-social behaviour. These difficulties include the need to make balanced assessments when confronted by conflicting accounts of behaviour, the avoidance of "confirmation bias", the need to follow procedures and to remain impartial when people demand early resolution in their favour. Good decision-making is made possible only when good training is provided and justified evidence-based assessments are backed up by senior management and elected representatives.
- 5.5 We will inform and train employees and elected representatives as appropriate on anti-social behaviour in general and the policies and procedures relevant to the council.
- 5.6 We will work in partnership with other organisations to provide training for our staff on any relevant aspects of the response to anti-social behaviour.

6 Policy implementation and update

- 6.1 Our corporate management team will ensure that this policy is communicated to employees.
- 6.2 We will review this policy after three years or in response to relevant significant change.

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Cabinet 13 November 2018

**CHESTERFIELD
BOROUGH COUNCIL
HOUSING SERVICES**

ANTI-SOCIAL BEHAVIOUR POLICY

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1. Terms and abbreviations

ASB	Anti-social behaviour
Community Safety Partnership	Representatives from the police, Chesterfield Borough Council, Derbyshire County Council, the fire and rescue service, health services, probation services and others which work together to tackle crime and disorder.
Reporter	A person making a report of anti-social behaviour (sometimes referred to as a “complainant”).
Subject	A person who is the subject of an anti-social behaviour report (sometimes called a “perpetrator” or “alleged perpetrator”).
The council	Chesterfield Borough Council
Victim	A person who is subject to an impact from anti-social behaviour
Witness	A person who sees, hears, experiences or is aware of in another way an incident or event

2. Statement of policy

- 2.1 This policy sets out the commitment of the council’s housing service to reducing anti-social behaviour. It supports the council’s vision to put our communities first and the following priorities:
- To make Chesterfield a thriving borough.
 - To improve the quality of life for local people.
 - To provide value for money services.

Policy aims

- 2.2 We recognise that left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our communities, including those who live, work, visit and study in our borough. In order to support

our commitment to reducing anti-social behaviour, our aims are:

- To reduce anti-social behaviour that involves Chesterfield Borough Council tenants as victims or perpetrators.
- To place victims and witnesses at the centre of our procedures and support them throughout their case.
- To make effective use of the powers, orders and mechanisms available for us to deal with anti-social behaviour.
- To participate fully in joint working with partner agencies to enable the best possible outcomes.
- To raise awareness of what conduct constitutes anti-social behaviour.
- To encourage people to report anti-social behaviour.
- To publicise and promote our service and others that are available to tackle anti-social behaviour.

Respect ASB Charter for Housing

- 2.3 We have signed up to the 'Respect ASB Charter for Housing' which includes a set of commitments which are underpinned by a range of outcomes.

The charter consists of the following core commitments which we shall try to meet:

1. Demonstrating leadership and strategic commitment.
2. Providing an accessible and accountable service.
3. Taking swift action to protect communities.
4. Adopting supportive approach to working with victims and witnesses.
5. Encouraging individual and community responsibility.
6. Having a clear focus on prevention and early intervention.
7. Ensuring that a value for money approach is embedded in our service.

Partnership working

- 2.4 We may work with all relevant services and partners to tackle anti-social behaviour at all levels, including:
- At a strategic level (e.g., by active participation in the Chesterfield

Community Safety Partnership).

- With projects (e.g., to reduce crime and disorder on a particular estate, or to tackle a particular type of anti-social behaviour throughout the Borough).
- With individual cases.

Promotion of tolerance

- 2.5 We will promote tolerance, balancing individuals' liberties with the impact of their conduct on others.

The role of the community

- 2.6 People in the community have the most important role in reducing anti-social behaviour. The organisations involved in tackling anti-social behaviour can only act where there is a partnership with the community. Where appropriate, we encourage informal resolution of disputes before we are asked to intervene.

Employee authority

- 2.7 Authority to issue formal notices and to enact legal interventions will only be given to employees that are suitably qualified and experienced. All authorised employees must have received appropriate training and have suitable relevant experience to demonstrate competence through an understanding of legislation and enforcement powers.

3 Responsibilities, definitions, powers, descriptions

Responsibilities

- 3.1 The housing service is a part of Chesterfield Borough Council. We therefore have powers and responsibilities arising from being part of a local authority and must comply with the council's policies, strategies and governance, including those related to anti-social behaviour.

- 3.2 As a social landlord, we have legal powers to respond to anti-social

behaviour involving our tenants and the land and property we manage. We also have legal powers and responsibilities arising from the relationship between landlord and tenant.

- 3.3 Chesterfield Borough Council is a statutory partner within the Community Safety Partnership (CSP). As such, it has a shared legal responsibility with Derbyshire Constabulary to formulate and implement a strategy for the reduction of crime and disorder. Because the housing service is part of the council, we are involved with working with other statutory services in the CSP to develop a strategy for the reduction of crime and disorder.

Definition of Anti-social Behaviour

- 3.4 Our definition of anti-social behaviour includes:
- Conduct, which for the purposes of this section includes disorderly, offensive, immoral or criminal behaviour, that has caused, or is likely to cause, harassment, alarm or distress to any person.
 - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises.
 - Conduct capable of causing nuisance or annoyance to any person which is directly or indirectly related to the council's housing management functions.

The above are examples of types of behaviour that we consider to constitute anti-social behaviour, it is not intended to be an exhaustive list and does not prevent us from taking action that would otherwise be within our powers.

- 3.5 We appreciate that individuals may have different levels of tolerance towards certain activities. To avoid doubt, the following are examples of types of behaviour that we do not generally consider to be anti-social and therefore may not become involved in investigating them:
- A baby crying.
 - Young people gathering socially or children playing in areas of general needs housing or a designated play area at reasonable times (unless this is combined with other anti-social behaviour).
 - Being unable to park a vehicle near or outside a home.
 - At reasonable times, frequency and duration, mowing lawns, using garden tools, using domestic appliances (e.g., vacuum cleaner, washing machine) or carrying out DIY.

- Noise from everyday living, e.g., walking across laminate flooring, flushing a toilet
- Cooking smells

This is not an exhaustive list.

Limits to our involvement

- 3.6 We understand that some people may be annoyed by the activities or behaviour of someone else and may consider this to be a nuisance or annoyance. However, we must also take account of a person's right to engage in activities that should be considered as reasonable under the circumstances.

We may not intervene or take enforcement action where:

- There is no reasonable indication that there has been, or there is likely to be anti-social behaviour (including where any nuisance or annoyance caused is a result of reasonable behaviour).
- The evidence does not show that it is more likely than not there has been, or there is likely to be, anti-social behaviour.
- Those engaging in anti-social behaviour cannot reasonably be identified.
- Our intervention or action is disproportionate.
- We assess that there is not an acceptable chance of a successful outcome.
- There is no suitable legal remedy that we can take.

In such cases, we may advise on "self-help" options and/or refer to another service.

- 3.7 We will not become involved in any case in our capacity as a local housing authority where there is no indication that:
- a Chesterfield Borough Council tenant has engaged in the anti-social behaviour in the locality of their home, or
 - a Chesterfield Borough Council tenant has been affected by anti-social behaviour in the locality of their home, or
 - there has been an effect on our housing management functions

Serious anti-social behaviour

3.8 Our assessment of whether anti-social behaviour is serious determines how quickly we respond, the measures we put in place to protect victims and the measures we consider for resolving the case.

We would normally consider serious anti-social behaviour to include:

- Hate crime
- Violence
- Threats of violence, serious aggression and deliberate intimidation
- Domestic abuse
- the use of council premises or land for serious illegal activity, e.g., the production, storage or supply of illegal drugs
- Malicious or recklessly false allegations
- Any relevant serious criminal offence as defined in law
- Conduct which puts any person's safety at risk e.g. interfering with electricity or gas supplies

The above are examples and are not intended to be an exhaustive list

4 Our general approach

Putting victims first

4.1 In responding effectively to anti-social behaviour, we must provide or work with partners to arrange support for victims and witnesses, including:

- Assigning an individual officer to the case.
- At the earliest stage possible, providing a realistic assessment for people reporting anti-social behaviour about whether their reports are likely to amount to anti-social behaviour, whether we can intervene and if so, what form that intervention might take.
- Ensuring that a systematic and continuous assessment of the risk of harm is carried out for victims and witnesses and that appropriate action is taken.
- Trying to minimise the need for people to provide evidence. However in most cases, a good standard of evidence provided by a witness,

occasionally over an extended period, is *the* most important element in bringing a case to a successful conclusion. Where legal action is taken, these reports are often needed up to the date of a court hearing and after a court order to show that the anti-social behaviour is continuing.

- Minimising delays by taking action as soon as we have assessed that there has been anti-social behaviour (see 3.4). There must be reasonable justification for not taking action at this stage.
- Where appropriate, making referrals to specialist support providers.
- Maintaining regular contact with victims and witnesses and keeping them updated with the progress of the case.
- Where required, carrying out a safety audit and arranging for “target hardening” and home security measures.
- If it is no longer reasonable for the victim to remain in their home, we will consider temporary or permanent rehousing in the most serious cases.

4.2 We will participate in initiatives to identify vulnerable and repeat victims and to work with other services to carry out multi-agency case reviews.

4.3 We recognise that giving evidence at court can be a worrying and stressful experience. Those who act on behalf of their community by agreeing to be witnesses deserve support. In order to minimise any anxiety around the process we will offer support to those who act as witnesses in court for us, including:

- Offering transport to and from the court or reimbursement of public transport costs.
- Having a named officer who stays with them at all times while at court.
- A meeting before the court hearing so they know what to expect.
- Arranging a “pre-court” visit to show them the building.

Early intervention and prevention

4.4 Early intervention is important in preventing anti-social behaviour from escalating. We will therefore ensure that it is easy for people to report problems to us and we will respond quickly to those reports by offering a face to face interview within a clear timescale, which we will publish.

- 4.5 We will normally consider any appropriate remedy which might work in a particular case. This may include working in partnership with other organisations.
- 4.6 We will make it clear to applicants for housing and our tenants from the earliest stage that they must observe certain standards of behaviour and what may happen if they do not.
- 4.7 We will make it clear that where behaviour is reasonable under the circumstances, we do not consider it to be anti-social and we will not take enforcement action. We may suggest alternative types of action.
- 4.8 We will take steps to identify people who are registered for housing and who may benefit from support so that we can offer support from the start of their tenancies. Where a need for support is identified, we will make a referral to an appropriate support service where one exists.
- 4.9 In accordance with the Allocations Policy, we may exclude an applicant from the housing register for a period where that person, or a member of their household, or their joint applicant, has engaged in anti-social behaviour. This means that until the applicant has proved that they have remedied their behaviour, other applicants who have not engaged in anti-social behaviour will be preferred over them.

We may disqualify applicants from the housing register if we have evidence that they, or a member of their household, or their joint applicant, has behaved in an unacceptable way and we consider this makes them unsuitable to have a tenancy with the council.

The above is not intended to alter or amend the Allocations Policy.

- 4.10 We recognise the importance of preventing anti-social behaviour through services for vulnerable people who may be engaging in anti-social behaviour. We may therefore provide support directly or by referral to another specialist support provider for people whose anti-social behaviour may be a result of a disability. We will take reasonable measures to ensure that an assessment takes place prior to taking legal action against a person who has, or who we suspect may have a protected characteristic. Exceptions include having to take action in situations where an urgent application to court is required without notice to any person who is alleged to have engaged in anti-social behaviour that warrants such an application.

4.11 If someone who is engaging in anti-social behaviour has a disability, we must balance their rights with any legitimate aim, such as the need to prevent and stop anti-social behaviour and enforce compliance with the law, rules, regulations and agreements, such as tenancy agreements. A legal measure such as eviction or an injunction may be sought where it is proportionate to achieve a legitimate aim.

Incremental approach and proportionality

4.12 Where appropriate, we will take an incremental approach, where legal action is only considered if other measures are not appropriate or have not worked, particularly where those engaging in anti-social behaviour are more vulnerable. However, we may take any action, including legal proceedings, without warning or consideration of other measures if, in our opinion, the circumstances warrant it.

4.13 We take legal measures when it is proportionate. We will normally consider using the most serious measures such as eviction under circumstances including, but not limited to:

- A response to the most serious anti-social behaviour as outlined at paragraph 2.8 above.
- Where the conduct is such that it is no longer appropriate for the person to remain in occupation of a council property.
- Where the conditions are met for an absolute ground for possession.
- Where incremental measures have not worked.
- Where anti-social behaviour is persistent or repeated

4.14 We will take into account the views of those involved in a case. However it will remain our decision about what action we take or do not take.

Evidence

4.15 We base our interventions, investigations and action upon evidence. If there is no evidence to show that it is more likely than not there has been anti-social behaviour (see 3.4), we are unlikely to take enforcement action.

4.16 We will use reasonable and proportionate means to clarify and substantiate evidence, including, at appropriate stages in an

investigation, face to face interviews and seeking corroboration from other potential sources of information.

- 4.17 Where someone does not comply with our reasonable requirements to provide, clarify and substantiate evidence, for instance by refusing a face to face interview, or to respond fully to reasonable questions, we reserve the right not to take further action.
- 4.18 Where a case goes to court, the strongest type of evidence is normally "first hand" or "direct" evidence. Where the source of this evidence is a witness, the identity of the witness is disclosed to the defendant, to his or her legal representatives and to the court. The witness attends court and may be cross examined. We encourage and expect witnesses to provide direct evidence where it is reasonable to do so.
- 4.19 Hearsay evidence is where, for example, a witness gives evidence to another person (e.g., a housing officer) about something which they have seen, heard or are aware of. The officer may present the hearsay evidence to the court without the witness needing to give a statement or to attend court to give evidence. However the housing officer may still need to disclose the identity of the witness. Hearsay evidence may be accepted by the court, but it does not have the same value as direct evidence. We will therefore consider the use of hearsay evidence, but reserve the right not to use it or take it in into consideration if, in our judgement, there is not an acceptable chance of a favourable outcome.
- 4.20 The court may consider anonymous hearsay evidence where it can be shown that there will be, or there is likely to be, a serious risk of harm to the witness if the witness's identity is revealed. However the weight which the court gives to hearsay or anonymous evidence will be less than that of direct evidence. We will therefore consider the use of hearsay evidence, but reserve the right not to use it or take it in into consideration if, in our judgement, there is not an acceptable chance of a favourable outcome.

Reporting anti-social behaviour

- 4.21 We will try to be accessible to all. Where people have difficulty in communicating with us, we make reasonable adjustments to make communication easier.
- 4.22 We will make available a range of ways to report anti-social behaviour.

However we may not investigate or take further action unless we have direct reports from an individual or direct evidence such as a conviction, open source information or it is self-evident. If evidence from a witness is needed for investigation and enforcement, we will not normally accept anonymous reports or those made through a third party.

- 4.23 Reports in relation to the behaviour of others (e.g., someone making an allegation against a neighbour) will not be investigated under the council's complaints policy. Instead they will be reported as requests for service and managed in line with our policy and procedures.

The right to respond

- 4.24 We will give a reasonable opportunity for any person we are investigating to respond to allegations.

Closing cases

- 4.25 We will normally close a case only when the situation is resolved and the reporter is happy for the case to be closed. However in certain circumstances we may close the case without the agreement of the reporter. These circumstances include where:
- We are satisfied that we have done all we reasonably can
 - We have assessed that it is not anti-social behaviour
 - The reporter has not cooperated with a reasonable request (e.g., has not responded to requests for contact, has refused to attend an interview or has not provide information reasonably requested)
 - We have not received any further reports of anti-social behaviour within three months
 - The allegations are likely to be false, malicious, a nuisance or vexatious
- 4.26 We will always try to make contact with the reporter before closing a case.

Safeguarding

- 4.27 We recognise our role in protecting vulnerable members of our

community. In dealing with anti-social behaviour, we may come into contact with children and adults where there are safeguarding concerns. We will ensure that all members of staff are trained appropriately to enable them to respond to such concerns, including reporting anything that is a cause for concern.

5 Information exchange, disclosure and publicity

- 5.1 Sharing information is an integral part of dealing with anti-social behaviour. We will share information with other organisations as part of a strategy to reduce crime and disorder. We will do this in compliance with the law and with protocols, agreements and guidance made with Derbyshire Constabulary and Derbyshire Safer Communities Board. These explain the information that can be provided and exchanged and the mechanisms to allow this.
- 5.2 Except for exceptional circumstances (e.g., where the public interest would otherwise be profoundly and adversely affected), we will not disclose the identity of a person making the report (the reporter) to the subject of their report without permission from the reporter.
- 5.3 Disclosure is possible where someone asks for information under data protection law. We may refuse to supply information following a request made under the law if the purpose of the refusal is to prevent or detect crime or some other lawful purpose.
- 5.4 If we consider it is reasonable in the circumstances to do so, we may disclose third party information (e.g., information provided by a witness that may identify that person) to a data subject (normally the subject of the report) where the third party has withheld consent to disclosure. However when dealing with such requests, before deciding whether to disclose third party information, we will be sensitive to, and give proper consideration to this potential conflict between the data subject's right of access and the third party's right to respect for a private life. We will normally seek the third party's consent before disclosure. We may advise the third party of this and give the option to withdraw the report rather than have the information disclosed.
- 5.5 We may disclose personal information to various teams within the council, but we will only do this with that person's consent or where permitted under the law.

- 5.6 All employees of the housing service have an obligation to protect confidentiality and a duty to make sure that information is only disclosed to those who have a right to see it.
- 5.7 All employees of the housing service will be trained and be fully aware of their responsibilities to maintain the security and confidentiality of personal information.

Publicity

- 5.8 The community needs information about anti-social behaviour. We will therefore publish information where appropriate.
- 5.9 We may publish details about individual orders that are granted in open court, including personal details of the perpetrator. In each case, we will consider the impact, including the human rights, on the named person and any associated people. If the court imposes reporting restrictions on the press, we will also consider whether and how to restrict our publication.

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Protection

- 6.1 We do not tolerate the abuse of council employees elected councillors and people working for the council as agents or contractors. Abuse includes:
- Abusive or threatening words or behaviour
 - Violence or the threat of violence
 - False, malicious, nuisance or vexatious complaints or allegations about council employees or its agents or contractors or services

There will be an assumption that we will take legal action where appropriate against any person who engages in such abuse.

- 6.2 All incidents will be dealt with in compliance with the council's health and safety policies and procedures.
- 6.3 Acts of violence, threats or aggression will be recorded, and reported to

the police where appropriate.

Training

- 6.4 We recognise that there is likely to be a higher risk to employees who respond to anti-social and often criminal behaviour. Our highest priority is the health and safety of our employees, elected councillors and people working for the council as agents or contractors. We will therefore ensure that employees of the housing service who are involved in responding to anti-social behaviour are trained in relevant health and safety policies and procedures.
- 6.5 We acknowledge the difficulties faced by employees who respond to anti-social behaviour. These difficulties include the need to make balanced assessments when confronted by conflicting accounts of behaviour, the avoidance of “confirmation bias”, the need to follow procedures and to remain impartial when people demand resolution in their favour. Good decision-making is made possible only when good training is provided and justified evidence-based assessments are backed up by senior management and elected representatives.
- 6.6 We will inform and train employees and elected representatives as appropriate on anti-social behaviour in general and the policies and procedures relevant to the housing service.
- 6.7 We will work in partnership with other organisations to provide training for our staff on any relevant aspects of the response to anti-social behaviour.

7 Policy implementation and update

- 7.1 Our housing management team will ensure that this policy is communicated to housing service employees.
- 7.2 We will review this policy after three years or in response to relevant significant change.

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Chesterfield Borough Council

Anti-Social Behaviour Policy

2015–2019

Policy statement and commitment

This policy sets out the Council's commitment to reducing anti-social behaviour, improving the quality of life for local people and reducing crime and fear of crime within our communities.

We recognise that, left unchallenged, anti-social behaviour can have a significant negative impact on the lives of our communities, including those who live, work, visit and study in our borough. In order to support our commitment to reducing anti-social behaviour we will:

- place victims and witnesses at the centre of our procedures and support them throughout their case
- make effective use of the powers, orders and mechanisms available to us to deal with anti-social behaviour
- participate fully in joint working with partner agencies to enable the best possible outcomes
- raise awareness of what conduct constitutes anti-social behaviour
- encourage people to report anti-social behaviour
- publicise and promote services available to tackle anti-social behaviour

Definition of anti-social behaviour

Anti-social behaviour can cover a wide range of behaviour. We take a wide view of what may be considered anti-social behaviour, it is considered to include behaviour capable of causing nuisance or annoyance or disturbance to any person or an act that causes or is likely to cause harassment, alarm or distress to one or more persons not of the same household. Some common examples of anti-social behaviour include:

- Noise nuisance including loud television and music, persistent alarms, excessively loud or frequent parties, shouting or yelling etc.
- Nuisance from pets as dogs barking or failing to control an aggressive dog

- Property damage
- Verbal and written abuse
- Threats of violence to damage property
- Environmental issues including fly-tipping, vandalism, dog fouling, graffiti, fly posting, abandoned vehicles etc.
- Hate behaviour including harassment directed at a person because of race, nationality, faith, gender, sexual orientation, disability etc.

Our approach to tackling to reducing anti-social behaviour

We work with our partner agencies using a wide range of measures to prevent and combat anti-social behaviour. Some of these are listed here:

- we will use a range of early informal interventions including warning letters, acceptable behaviour contracts, dog behaviour contracts, mediation
- we have a tenancy agreement which outlaws anti-social behaviour – this is fully explained to all new tenants
- we will use a wide range of legal interventions with our partner agencies to address both low level and more embedded ant-social behaviour while putting victims first. These include criminal behaviour orders, civil injunctions, community protection notices, public space protection orders, closure powers, dispersal/direction powers, absolute grounds for possession, community trigger and community remedy

More information about the relevant legislation, intervention options and council response is available in Appendix 1.

Working together, sharing information, managing cases and assessing risk

Each partner agency (including police, councils, fire and rescue, health services and community and voluntary sector) brings with it a range of expertise and experience that, when brought together, can assist in resolving issues more effectively. As part of this joined-up approach we have developed an effective information sharing protocol to ensure that appropriate information flows between partners quickly and so victims can see a real difference in the response to their reports. It has been agreed by partner agencies in Derbyshire that we will use the ECINs IT system will be used to share information, manage cases and assess the risk to victims.

Effective case management underpins all our activity to deal with anti-social behaviour, starting from when a complaint is received until the matter is resolved. The welfare, safety and well-being of victims, whose complaints form the basis of any action is the the main consideration at every stage of the process. This ensures that partner agencies provide a fair and consistent service to the public, taking timely, appropriate action to tackle anti-social behaviour.

Assessing the risk of harm to the victim is also an important part of case management. It is important to identify the effect the Anti-Social Behaviour is having on the victim, particularly if repeated incidents are having a cumulative effect on their well-being. A continuous and organised risk assessment helps to identify cases that are causing, or could result in serious harm to the victim, either as a one-off incident or as part of a targeted and persistent campaign of anti-social behaviour against the victim.

How to make a complaint/report an incident

If you are suffering from any kind of anti-social behaviour please contact us as soon as possible. You can make a complaint or report an incident in person, in writing, by telephone, via our website or through a third party such as a Councillor.

Complaints and reports can also be made anonymously, however this may restrict the amount of investigation and action we can undertake and will not allow us to provide the complainant with information and support. We would recommend therefore, that complainants give us their name and address.

Call us on –	01246 345345
Complete an online enquiry at -	www.chesterfield.gov.uk
Visit us at -	Customer Services Centre, 85 New Square, Chesterfield, S40 1SN
Write to us at -	Chesterfield Borough Council. Town Hall, Rose Hill, Chesterfield, S40 1LP

How we will ensure that this policy is implemented

Chesterfield Borough Council's Corporate Management Team will be responsible for ensuring this policy is communicated to employees and

that they are able to access appropriate training supported by the Community Safety Partnership

Authority to issue formal notices and to enact legal interventions will only be given to those officers that are suitably qualified/experienced. All authorised officers must have received appropriate training and have suitable relevant experience to demonstrate competence through an understanding of legislation and enforcement powers.

Legislation, intervention options and services

1.0 **Key Legislation**

1.1 **Anti-Social Behaviour, Crime and Policing Act 2014**

This Act provides the tools for practitioners and agencies to effectively tackle Anti-Social Behaviour. The Act strengthens and, in some aspects, replaces existing legislation to stream-line and re-enforce the powers that are available to practitioners.

1.2 **Crime and Disorder Act 1998**

The purpose of this Act is to tackle crime and disorder and help create safer communities. The Act gives the lead responsibility for crime and disorder to the Police and the Local Authorities and consequently after its introduction Crime and Disorder Partnerships were formed based in the District and the County Councils. The 1998 Act provides additional powers for agencies to use when carrying out their work to reduce crime, these include:

- Section 115 which allows for the sharing of information for the purposes of preventing crime and disorder without contravening the Data Protection Act 1998
- The establishment of local partnerships between Police, Local Authorities and others to help fight crime
- Section 17 places a duty upon local authorities to consider the community safety within their district for any function that it may undertake. This section dictates the way in which authorities need to plan, implement and monitor work on crime and disorder issues.

1.3 **Police Reform Act 2002**

This Act makes provisions about the supervision, administration functions and conduct of Police Forces, Police Officers and other persons serving with or carrying out functions in relation to the Police. In relation to Anti-Social Behaviour the 2002 Act strengthened the arrangements in the Crime and Disorder Act 1998 for Anti-Social Behaviour interventions:

- Extending the use of Anti-Social Behaviour interventions to the British Transport Police and Registered Social Landlords
- Extending the area over which an Anti-Social Behaviour intervention can be made within the United Kingdom
- The provision of imposing an Anti-Social Behaviour intervention in addition to a sentence on conviction for a criminal offence involving Anti-Social Behaviour
- Section 59 of the Police Reform Act 2002 introduced Police powers to deal with the anti-social use of motor vehicles on public roads and off road.

1.4 **Housing Acts 1985 and 1996**

These Acts gave measures to registered social landlords to enforce the terms and conditions of tenancy where there are breaches which may be considered to be nuisance or annoyance and where the registered social landlord may wish to seek possession.

1.5 Housing Act 1996 as amended by Homelessness Act 2002

The Housing Act 1996 section 160a sub-section 7 and 8 (allocation only to eligible persons) can be used by a local housing authority in the allocation of its properties and this has linkages to the prevention of Anti-Social Behaviour. Sub-section 7: a local housing authority may decide that an applicant is to be treated as ineligible for housing accommodation by them if they are satisfied that:

- a) he, or a member of his household, has been guilty of unacceptable Behaviour serious enough to make him unsuitable to be a tenant of the authority and
- b) in the circumstances at the time his application is considered , he is unsuitable to be a tenant of the authority by reason of that Behaviour.

Sub-section 8: the only Behaviour which may be regarded by the authority as unacceptable for the purposes of sub-section 7a is :

- a) behaviour of the person concerned which would (if he were a secure tenant of the authority) entitle the authority to a possession order under Section 84 of the Housing Act 1985 (c.68) on any ground mentioned in Part 1 of Schedule 2 to that Act (other than ground 8); or
- b) behaviour of a member of his household which would (if he were a person residing with a secure tenant of the authority) entitle the authority to such a possession order.

1.6 Other relevant Legislation

- Children Act 1989
- The Regulation of Investigatory Powers Act (RIPA) 2000
- Local Government Act 2000
- Homeless Act 2002
- Housing Act 1996
- Environmental Protection Act 1990
- Human Rights Act 1998
- Data Protection Act 1998
- Freedom of Information Act 2000
- Clean Neighbourhoods and Environment Act 2005
- Equality Act 2010

2.0 Intervention Options

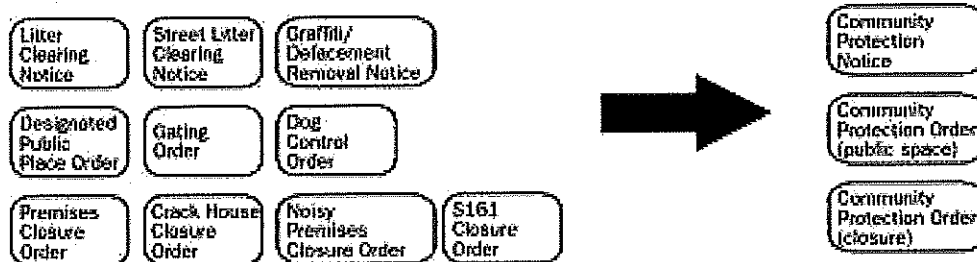
2.1 Since the implementation of the 2014 Anti-Social Behaviour, Crime and Policing Act in October 2014, the powers available to the Council and the police have changed, 19 interventions have been reduced to 6, please see the chart below to explain the changes.

SIMPLIFICATION: FROM 19 TO 6

People



Places



Police powers



2.2 Intervention Options

The legal and informal interventions to address anti-social behaviour, available to both the Council and the Police, are listed below. These interventions are best used in partnership to address both low level and more embedded anti-social Behaviour, whilst putting the victim's needs first.

2.2.1 Warnings

Verbal warnings: In deciding to use a verbal warning, the Council officer should still consider the evidence. For instance, the Council officer should have reason to believe that the anti-social behaviour has occurred, or is likely to occur, and that the individual's behaviour could be considered to be unreasonable. In issuing a verbal warning, the Council officer should make clear to the individual what conduct is causing concern, the effect of the conduct on the victim/ community and the consequences of continued, unacceptable conduct.

Written warnings: As with a verbal warning, a written warning should contain specifics about what behaviour has occurred and why this is not acceptable, including the impact on any victims or local community. Agencies should alert each other that the warning has been given so that it can be effectively monitored via the case management system (ECINS). Agencies may wish to consider what level of detail they go into at this stage regarding the consequences of further anti-social behaviour and more serious sanctions – for instance, an Acceptable Behaviour Contract (ABC), court proceedings for a Civil Injunction to Prevent Nuisance and Annoyance (IPNA) or even criminal proceedings if the behaviour continues or escalates.

2.2.2 Mediation

In many cases of Anti-Social Behaviour, mediation can be an effective tool to resolve the issue by bringing all parties together for facilitated discussion. This

can be very effective in neighbour disputes, family conflicts, lifestyle differences including noise nuisance complaints, where it can be difficult to establish who the victim is.

2.2.3 Acceptable behaviour contracts

Acceptable Behaviour Contracts (ABCs), sometimes called acceptable behaviour agreements, can be an effective way of dealing with Anti-Social individuals, especially where there are a number of problem behaviours. They can also be very effective, as an early Intervention, to nip problem behaviours in the bud before escalation. ABCs are a written agreement between a perpetrator of anti-social behaviour and the agency or agencies.

2.2.4 Parenting contracts

Where informal interventions are used against under 18s, the parents or guardians of the young person should be contacted in advance of the decision to take action. In many cases, the parents or guardians can play an important role in ensuring the individual changes their behaviour.

2.2.5 Support and counselling

In many cases, there are underlying causes of the Anti-Social Behaviour. The new powers allow professionals to actively deal with these through the use of positive requirements. However, there is no need to wait until formal court action before offering help. Substance misuse or alcohol dependency can drive Anti-Social Behaviour and low level crime, and support can have a positive impact. Intervening prior to a descent into criminality, e.g. by supporting them to escape addiction, can save thousands of pounds in enforcement action over a person's lifetime. The Troubled Families Programme has already identified many of the issues faced by young people.

2.2.6 Criminal Behaviour Orders

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

The CBO can deal with a wide range of anti-social behaviours following the individual's conviction for a criminal offence, for example, threatening violence against others in the community, persistently being drunk and aggressive in public or criminal damage.

2.2.7 Civil Injunctions

The injunction under Part 1 of the Anti-Social Behaviour, Crime and Policing Act 2014 is a civil power which can be applied for to deal with anti-social individuals. The injunction can offer fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.

Non-housing related:

For anti-social behaviour in a non-housing related context the test is conduct that has caused, or is likely to cause, harassment, alarm or distress to any person. This will apply, for example, where the anti-social behaviour has occurred in a public place, such as a town or city centre, shopping mall, or local park, and where the behaviour does not affect the housing management functions of a social landlord or people in their homes.

Housing-related:

For anti-social behaviour in a housing context the nuisance or annoyance test will apply, that is, where the conduct is capable of causing nuisance or

annoyance to a person in relation to that person's occupation of residential premises or the conduct is capable of causing housing-related nuisance or annoyance to any person. Only social landlords, local councils or the police will be able to apply for an injunction under these provisions in the legislation. In the case of social landlords only, "housing-related" means directly or indirectly relating to their housing management function.

The injunction can be applied for by the police, local councils and social landlords against perpetrators in social housing, the private-rented sector and owner-occupiers. This means that it can be used against perpetrators who are not even tenants of the social landlord who is applying for the order. The new Civil Injunction can be considered for people over the age of 11, in line with former Stand Alone ASBOs.

2.2.8 Community Protection Notices

The Community Protection Notice (CPN) is intended to deal with particular, ongoing problems or nuisances which negatively affect the community's quality of life by targeting those responsible.

In many areas, councils already take the lead in dealing with these kinds of issues and they will continue to be able to issue the new notice.

However, the move towards neighbourhood policing and community safety teams in recent years has seen the police take a more active role in dealing with these issues, working with councils, and so police officers and police community support officers will also be able to support the issue of CPNs.

In addition, there is a formal role for social landlords. Social landlords in England and Wales manage over four million dwellings and deal with hundreds of thousands of complaints of anti-social behaviour every year. Where it is appropriate, Chesterfield Borough Council can designate social landlords in their area to issue CPNs.

2.2.9 Public Spaces Protection Order

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

The Council will be responsible for making the new PSPO although enforcement powers will be much broader. Chesterfield Borough Council will take the lead. It is expected that the new PSPO will replace current Council By-laws such as Park By-laws, Dog Control Orders and Designated Public Space Orders. The PSPO will be reviewed every 3 years and any amendments or new orders will need to be agreed by the Police and Crime Commissioner for Derbyshire.

The new power is not available to town, parish or neighbourhood Councils in England.

2.2.10 Closure Powers

The closure power is a fast, flexible power that can be used to protect victims and communities by quickly closing premises that are causing nuisance or disorder. The power comes in two stages: the closure notice and the closure order which are intrinsically linked. The closure notice can be used by Chesterfield Borough Council or the police without initial recourse to the court. However, following the issuing of a closure notice, an application must be

made to the magistrates' court for a closure order, unless the closure notice has been cancelled.

2.2.11 New Absolute Ground for Possession – Landlords

Prevention and early intervention should be at the heart of all landlords' approaches to dealing with anti-social behaviour. The evidence shows this is the case with over 80% of anti-social behaviour complaints resolved by social landlords through early intervention and informal routes without resorting to formal tools. It is, however, a source of frustration for landlords and victims that in exceptional cases where anti-social behaviour (or criminality) persists and it becomes necessary to seek possession, the existing process for evicting anti-social tenants is often very lengthy and expensive for landlords and the courts and, most importantly, prolongs the suffering of victims, witnesses and the community. The purpose of the new absolute ground for possession is to speed up the possession process in cases where a tenant:

- has been convicted of a serious criminal offence in the locality of the home or against a neighbour anywhere else, or
- has breached an existing anti-social behaviour related order under the ASB Crime and Policing Act 2014 (e.g., a Civil Injunction, Criminal Behaviour Order, Closure Order) or a Noise Abatement Notice

2.3 **Community Trigger and Community Remedy**

The Community Trigger gives, those affected by anti-social behaviour, the right to request an anti-social Behaviour case review of the response by agencies to their reports of anti-social behaviour. The Community Trigger should only be used if you think your concerns have not been dealt with, or acted upon, by agencies.

Concerns about individual officers, or services, should continue to be directed to the relevant organisation's complaints procedure and/or the Ombudsman or the Independent Police Complaints Commission.

For further information, please use the link below.

[http://www.saferderbyshire.gov.uk/what we do/asb/how we can help/community_trigger/default.asp](http://www.saferderbyshire.gov.uk/what_we_do/asb/how_we_can_help/community_trigger/default.asp)

The Community Remedy, which gives victims a say in the out-of-court punishment of offenders for low-level crime and Anti-Social Behaviour.

3.0 **Services provided by the Council to prevent and deal with Anti-Social Behaviour**

3.1 There are a range of services to deal with Anti-Social Behaviour available to Chesterfield Borough Council dependent on the specific nature of the complaint.

3.2 Chesterfield Community Safety Partnership

The Chesterfield Community Safety Partnership are co-located with Chesterfield Borough Council and will assist with cases when intervention is needed to protect against violence, hate crime, criminal damage, harassment and intimidation within the Private sector and public open spaces.

3.3 Housing Services

Housing Services is the landlord of approximately 10,000 tenancies. Each tenant has a tenancy agreement that prohibits the tenant, members of the

tenant's household and their visitors from behaving in a manner that causes harassment, nuisance or annoyance in the vicinity of their home. Where it is necessary and proportionate, breaches of this obligation can be enforced by a range of measures, including eviction.

Tenancies are managed by the Neighbourhoods Team. Its priorities are:

- Where anti-social behaviour is reported, to intervene as early as possible.
- To prevent anti-social behaviour without the need for legal action.
- Where prevention does not work, to take swift enforcement action.
- To support witnesses and victims.
- To work in partnership with individuals and services that can help prevent anti-social behaviour.

Housing Services also has the power to seek an injunction to stop anyone from causing nuisance or annoyance to a Council tenant near the tenant's home or anyone whose Anti-Social Behaviour affects its functions as a local authority landlord.

The Neighbourhoods Team also manages many estates within the Borough. It is therefore responsible for taking action, either alone, or with appropriate partners against environmental ASB, such as dog fouling, littering, damage to land and property and rubbish in communal areas of flats.

The Tenancy Support Team is within the Neighbourhoods Team. It provides support for vulnerable tenants, often with multiple needs who may be engaged in, or victims of, ASB.

The Tenant Engagement Team is within the Neighbourhoods Team, it manages, promotes and organises projects such as diversionary schemes, the use of funds and land to reduce crime and disorder and community engagement and development.

These activities are funded from the Housing Revenue Account.

3.4 Environmental Health

Environmental Health is the lead service for the control of statutory nuisance and administers the licensing regime for the sale and supply of alcohol, the provision of entertainment and the provision of late night refreshment. Environmental Health makes a significant contribution to achieving the Council's aims relating to a cleaner, safer and greener borough. This includes tackling behaviour that adversely affects the environment, commonly referred to as 'environmental crimes'. These include fly tipping, littering and dog fouling.

Environmental Health will work with others to prevent environmental anti-social Behaviour. This includes schools for litter, responsible authorities for alcohol related incidents and engaging with business to reduce nuisance and improve the street scene.

3.4.1 Statutory Nuisance

Environmental Health will investigate a range of nuisance complaints such as noise and smoke to determine if they are a 'statutory nuisance'. We will tell you what to expect from us and what information and assistance we expect from the complainant. Our interventions will be consistent with current codes for regulation and will include advice and education and the possible use of Community Protection Notices.

For serious and/or persistent breaches of abatement notices, as well as prosecution other remedies will be considered. These include seizure of equipment (such as a loud stereo) and seeking a criminal behaviour order prohibiting further behaviours causing harassment, alarm or distress. Officers can act as professional witnesses and information will be shared with partner agencies to ensure the most effective solution to a problem. Evidence might be passed to Housing Services or Registered Social Landlords in cases involving tenants

3.4.2 Licencing

Chesterfield Borough Council has a published Licensing Policy and a Cumulative Impact Policy for the Town Centre which are consulted on and reviewed periodically. We will work with licensees and responsible authorities to ensure the licensing objectives are met. These include the prevention of public nuisance and crime and disorder.

Responsible authorities and interested persons can seek a review of a premises license where there is evidence of anti-social behaviour relating to particular premises.

3.4.3 Street Scene – Environmental Crimes

The Council has authorised officers to issue Fixed Penalty Notices for a range of environmental offences. It has adopted several dog control orders to require the removal of dog faeces, excluding dogs and to keep dogs on leads.

Environmental Health may use camera surveillance methods to identify fly-tipping offences in key locations, which will be marked with appropriate signs.

Environmental Health will carry out a range of campaigns each year in response to information we have about environmental crimes in the area. We will use a range of methods to communicate with the community including radio, leaflets, road shows, community assembly meetings, mobile signs and visits to businesses and homes.

Environmental Health will investigate reports of abandoned and nuisance vehicles and have them removed where appropriate. We will investigate waste crimes such as fly tipping and the duty of care to manage waste responsibly.

3.4.4 Animal related problems

Environmental Health deals with stray dogs as well as complaints about

animals in homes. They may be investigated as a statutory nuisance. Roaming dogs also foul public places so owners may be traced and be issued fixed penalty notices for failing to pick up dog faeces. We will give advice about dog behaviour and control and will support the Police in enforcing the Dangerous Dogs Act 1991 in relation to dogs causing alarm or distress. The Council may use the Community Protection Notice in cases where informal advice and warnings have not been followed.

3.5 Planning Enforcement

Under the Town and Country Planning Act 1990 the Planning Service is responsible for the control of development and development carried out without the benefit of planning permission or the failure to comply with conditions imposed on a planning permission can result in the Council serving an Enforcement or Stop Notice.

The Planning Service investigates where a breach occurs and will normally give the owner or person carrying out the works the opportunity to rectify the matter informally. This can be either through the submission of a retrospective application for permission or by ceasing the activity or by removing the unauthorised works.

In some cases the breach may be so minor or of so little consequence that no further action could be taken. Where matters cannot be resolved informally the Council has recourse to formal powers to issue notices to secure a satisfactory remedy. Failure to comply with a formal notice is an offence which can be prosecuted in the Magistrates Court.

The Planning enforcement team monitors the development and use of land to ensure it is being carried out in accordance with permissions given.

The Planning enforcement team also deals with unauthorised works to listed buildings and trees and with advertisements. Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is an offence to alter, extend or demolish a listed building in a way which affects its character as a building of special architectural or historic merit without the consent of the Council.

It is also an offence to carry out works to a protected tree or to erect certain advertisements without the Councils permission (Town and Country Planning Act 1990).

The Planning enforcement team also deals with untidy sites and buildings under S215 of the Town and Country Planning Act 1990 where they damage the amenity of the local area

The Planning Service is also responsible for enforcing High Hedge complaints

and fly posting under the Anti-Social Behaviour Act 2004.

3.6 Leisure Services

Leisure Services manage and develop public parks, open spaces and play areas across the Borough and uphold Byelaws in relation to these. Park rangers and other parks staff provide a visible presence on sites. Leisure Services work with a wide range of agencies and community groups to provide events and diversionary activities and to take appropriate action against anti-social behaviour.

Main facilities, such as the Sports centres, offer diverse activity and event programmes and provide opportunities for positive engagement with young people and the wider community

The Council's Parks and Open Spaces Strategy 2014 sets out our ambitions to ensure high quality provision of open space. We will consider the appropriateness of adopting Public Space Protection Orders for open spaces where there is evidence of persistent anti-social behaviour.

Community Assemblies and Equality, Diversity and Social Inclusion

Community Assemblies work with partner agencies and the community to help shape the future of our neighbourhoods. This can involve key crime and anti-social behaviour messages, promoting and organising events and activities which respond to anti-social behaviour. They also help to fund projects including diversionary activities via the two grant programmes Community Chest and Minor Grants.

Through our Equality, Diversity and Social Inclusion activities including supporting the work of the Equality and Diversity Forum, a range of promotional, education and celebration events and activities are undertaken throughout the year. These often link to the anti-social behaviour agenda.

3.8 Other Enforcement Agencies and Advice Agencies

Where the enforcement action is outside of the local authority's remit the following agencies may be contacted:

- Derbyshire Constabulary
- Derbyshire County Council
- Registered Social Landlords
- Environment Agency
- Chesterfield Law Centre

The following agencies provide advice and support regarding Anti-Social Behaviour:

- Victim Support
- Derbyshire County Council
- Drug and Alcohol Action Teams
- Independent Legal Advice
- Citizens Advice Bureau
- Domestic Violence Services/ Women's Aid.
- Troubled Families Programme
- Youth Inclusion Support Programme
- SPODA

ANTI-SOCIAL BEHAVIOUR

A STATEMENT OF POLICY

Housing Services
Cabinet Approval 19.02.13



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Introduction

The Anti-social Behaviour Act, 2003 requires that all Local Housing Authorities publish a statement of their policies and procedures in relation to anti-social behaviour. In April 2004, the Government published a Statutory Code of Guidance which gave details of what The Statement is expected to contain. The Statement was first published on 30th December 2004. This is a revision of that Statement, taking into account the relevant changes in law, guidance and local circumstances.

A summary of these policies and procedures has also been published. This is available free of charge by:

- Contacting the Neighbourhoods Team:

Address: Stonegravels Depot, Old Brick Works Lane, Chesterfield S41 7LF
Telephone: (01246) 345071
Fax: (01246) 345070
E-mail: neighbourhood.team@chesterfield.gov.uk

- Going to the Council's website and following the links:

www.chesterfield.gov.uk

- > Homes
- > Anti-social Behaviour / Hate Harassment
- > Summary of ASB Procedures

The policies and procedures of CBC Housing Services have been developed according to the developing framework of legislation, regulation and best practice. This statement of anti-social behaviour policies takes into account these developments.

This Statement is consistent with CBC's Corporate ASB Policy.

POLICIES

Definitions and Powers to Act

Anti-social behaviour can be anything from low level persistent nuisance to serious violence and other criminal behaviour. It includes all behaviour that impacts negatively on people's quality of life in and around their community.

Powers to act where CBC tenants are engaging in anti-social behaviour

CBC Housing Services has a tenancy agreement with every tenant. This agreement prohibits tenants, members of tenants' households or visitors to tenants' homes from causing **nuisance or annoyance to, or harassing any person living in, visiting, or otherwise engaging in lawful activity in the vicinity of their homes**. In order for us to take action, the behaviour must be unreasonable. CBC Housing Services can take action against a tenant who has broken this agreement. This action may involve bringing the tenancy agreement to an end and evicting the tenant. However, there is a range of other legal measures that we can consider that may be more suitable than eviction.

Powers to act across tenures

The Anti-social Behaviour Act 2003 enables us to seek an injunction to prevent a person from engaging, or from threatening to engage in behaviour:

- Which is capable of causing nuisance or annoyance to any person and
- Which directly or indirectly relates to our housing management functions.

The victim of the behaviour must be one of the following:

- A person with a right to live in or occupy accommodation that we own or manage
- A person with a right to live in or occupy accommodation in the neighbourhood of accommodation that we own or manage
- A person engaged in lawful activity in or in the neighbourhood of accommodation we own or manage
- A person employed in connection with the exercise of our housing management functions

We may seek an injunction against someone who is not a CBC tenant if their unreasonable behaviour affects our management functions or causes nuisance or annoyance to anyone living or working in, or near to CBC accommodation.

We may be asked to intervene in cases that do not involve a CBC tenant and whose behaviour does not affect our management functions (for instance an owner-occupier living on a private estate and engaging in anti-social behaviour that affects the owner-occupier neighbours).

We can intervene in such cases if there is evidence that the behaviour is sufficiently serious to consider using the legal measures at our disposal.

We may not intervene if there is no suitable legal remedy.

Limits to our involvement

We understand that some people may be annoyed by the activities of someone else and may consider those activities to be a nuisance or annoyance. However, we must also take account of a person's right to engage in activities that, given the circumstances, are within a broad range of what must be considered as "normal" or "every day".

We will not take enforcement action in cases where we assess that any nuisance or annoyance caused is as a result of reasonable behaviour. In such cases, we may advise on "self-help" options.

Descriptions of Anti-social Behaviour

Anti-social Behaviour may include:

- Noise nuisance, including:
 - Loud music.
 - Excessive domestic noise.
 - Noisy vehicles.
 - Persistent alarms.
 - Noise from pubs and clubs.
- Nuisance behaviour, including:
 - Fire-setting.
 - Shouting and swearing.
 - Fighting.
 - Urinating in public.
 - Inappropriate use of fireworks.
 - Throwing missiles.
 - Climbing on buildings.
 - Impeding access to communal areas.
 - Games in restricted or inappropriate areas.
 - Misuse of airguns.
 - Letting down tyres.
 - Cycling, skating or skateboarding in restricted or inappropriate areas.
- Intimidation and harassment, including
 - Aggressive and threatening behaviour.
 - Threats of violence.
 - Verbal abuse.

- Following or stalking people.
 - Pestering people.
 - Voyeurism.
 - Sending offensive letters.
 - Obscene or nuisance phone calls.
 - Inciting another person to intimidate or to harass.
- Animal-related problems, including:
 - Uncontrolled animals.
 - Fouling by animals.
 - Noise, including barking dogs.
 - Animal smells.
 - Animal aggression or intimidation.
 - Incitement of animals to be aggressive or intimidating.
 - Actual violence against people and property
 - Hate behaviour that targets members of identified groups because of their perceived differences. These identified groups include:
 - People from minority ethnic groups.
 - Disabled people.
 - People with mental illness.
 - People with learning difficulties.
 - Gay, lesbian and trans-sexual people.
 - Older or younger people.
 - People with particular religious beliefs.
 - Ex-offenders.
 - Use of housing accommodation to sell drugs, or for other unlawful purposes.
 - Overgrown or untidy gardens.
 - Deliberate or reckless littering and fly tipping.
 - Misuse of alcohol, drugs or other substances, including:
 - Dealing drugs.
 - Sniffing solvents or other volatile substances.
 - Discarding needles and other drugs-related paraphernalia inappropriately.
 - Crack houses and “shooting galleries”.
 - Presence of dealers or users.
 - Vandalism and criminal damage, including:
 - Graffiti.
 - Damage to buildings.
 - Damage to public amenities.
 - Damage to trees, plants or hedges.
 - Prostitution, kerb-crawling and other inappropriate sexual acts, including:
 - Soliciting.
 - Cards in phone boxes.
 - Discarded condoms.
 - Loitering.
 - Pestering residents.
 - Sexual or indecent assault.
 - Inappropriate sexual conduct.

- Indecent exposure.
- Vehicle repairs
- Use of premises for business purposes.

This list is not exhaustive. Other types of behaviour may be anti-social behaviour.

General Policy Statement of Approach to ASB

We believe that everyone has a right to the quiet enjoyment of their home, free from crime and unreasonable nuisance, annoyance, harassment, alarm or distress. We also consider that people must expect some disturbance arising from the normal and legitimate activities of daily life within a community.

Housing Services will respond to reports of anti-social behaviour by:

- Determining if involvement in the case is within the its remit. If it is within its remit:-
- Assessing the evidence to establish whether the behaviour is unreasonable and causing nuisance, annoyance, harassment, alarm or distress
- Where it has been assessed as unreasonable behaviour causing nuisance, annoyance, harassment alarm or distress, intervening to try and stop the behaviour

There is a range of measures that we can take to stop the anti-social behaviour. Some involve using the law. Other measures involve arranging for services to prevent anti-social behaviour that are provided directly by CBC or by other agencies.

In general, we will take legal action such as eviction only where other measures are not reasonably feasible or have failed, particularly where those engaging in anti-social behaviour are more vulnerable (e.g., families with children, people with mental illness or disability, younger people with inadequate life skills, etc). We may, however, choose to take eviction proceedings where feasible without consideration of other measures if the breach of the tenancy agreement is serious.

We take legal measures that are necessary and proportionate to the problem. We will normally consider using the most serious measures, such as eviction, to stop the most serious anti-social behaviour rather than for a case of minor occasional nuisance or annoyance. It is, however, more likely that we will seek the eviction of introductory tenants who have breached their tenancy agreement. We will work flexibly, considering any reasonable remedy which might work in a particular case. This will include working in partnership with other organisations that may be able to contribute.

We recognise that in responding effectively to anti-social behaviour, we must provide or arrange for support for victims and witnesses. We will therefore maintain regular contact with victims and witnesses and keeping them updated with the progress of the case.

We will try to minimise the need for victims and witnesses to provide evidence where possible. In most cases, however, a good standard of evidence provided by witnesses, occasionally over an extended period, will continue to be the most important element in bringing a case to a successful conclusion.

We recognise that members of the community need to have information about anti-social behaviour. We will therefore publish this information as appropriate.

We will consult our service users and other stakeholders about our service and service standards. We will endeavour to do so wherever appropriate and practicable.

The response of Housing Services to anti-social behaviour will be consistent with the properly agreed policies and strategies of the Chesterfield Community Safety Partnership.

We will ensure that we are accessible to all members of the community. Where people have difficulty in communicating with us, we will take reasonable steps to make communication easier. This includes interpreting and translation, signing, technology to assist people with hearing and visual impairment, Braille and making available officers for those who cannot read or write. We will arrange to see people at an alternative location, including their homes if they cannot come to our offices. We will do so we are satisfied that this will not compromise the health and safety of our staff.

Policy Aims

- To reduce anti-social behaviour that involves the tenants of Chesterfield Borough Council.
- To contribute to the reduction of the perception and fear of anti-social behaviour in Chesterfield.
- To take into account best practice.
- To make sure that support and feedback is available for witnesses and victims of anti-social behaviour.
- To respond to reports of anti-social behaviour in an appropriate, timely and proportionate manner.
- To work actively to encourage a multi-agency response to anti-social behaviour.

Service Standards

The details of our response to anti-social behaviour and racial and other harassment are given in our written operational procedures for use by staff. These procedures specify:

- How quickly we respond under which circumstances.
- How investigations are conducted.
- How we communicate with victims and those accused of causing anti-social behaviour and racial harassment.
- What action we will take.

Our service standards for dealing with anti-social behaviour are available by:

- Contacting the Neighbourhoods Team:

Address: Stonegravels Depot, Old Brick Works Lane, Chesterfield S41 7LF
Telephone: (01246) 345071
Fax: (01246) 345070
E-mail: neighbourhood.team@chesterfield.gov.uk

- Going to the Council's website and following the links:

www.chesterfield.gov.uk

> Homes

> Housing Service Standards

> Service Standards for ASB and Hate Harassment

Local Offers

Our local offers to tenants comprise the basic standards of service that tenants can expect from us. These are revised annually following consultation with tenants. A copy of the service standards for anti-social behaviour is available by:

- Contacting the Neighbourhoods Team:

Address: Stonegravels Depot, Old Brick Works Lane, Chesterfield S41 7LF
Telephone: (01246) 345071
Fax: (01246) 345070
E-mail: neighbourhood.team@chesterfield.gov.uk

- Going to the Council's website and following the links:

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> Homes

> Local Offers

Tenant Obligations

Standards of Behaviour

The standards of behaviour we expect from our tenants are set out in the tenancy agreement, which is signed by every tenant. The sections which are specific to nuisance and anti-social behaviour are as follows:

- *You (or anyone living with you, or your visitors) must ensure that no nuisance or annoyance is caused to any person living in, visiting or otherwise engaging in a lawful activity in the locality of your home. Examples of nuisance, annoyance or disturbance include:
Loud music; arguing and door slamming; dog(s) barking and fouling; offensive drunkenness; selling of drugs or drug abuse; rubbish dumping; undertaking major car repairs; playing ball games close to someone else's home; discarding litter; using air rifles or pellet guns.*
- *You (or anyone living with you, or visiting your home) must not harass any other person. Examples of harassment include:
Racist behaviour or language; using or threatening to use violence; using abusive or insulting words or behaviour; damaging or threatening to damage another person's home or possessions; writing threatening, abusive or insulting letters or graffiti; doing anything which interferes with the peace, comfort or convenience of other people.*
- *You (or anyone living with you, or visiting your home) must not inflict domestic violence or threaten violence against any person living with you or living elsewhere.*
- *You (or anyone living with you, or your visitors) must not use or threaten to use violence or use abusive or insulting words or behaviour against any employee, agent or contractor of the Council at any place or at any time.*
- *You (or anyone living with you, or visiting your home) must not do major car repairs or park an illegal or unroadworthy vehicle on the land around your home or on the road.*
- *You (or anyone living with you, or visiting your home) must not use your home or any communal area for any illegal or immoral purposes.*

More general sections which involve expected standards of behaviour include the following:

- *You are responsible for the behaviour of every person (including children) living in or visiting your home.*
- *You (or anyone living with you, or visiting your home) must not make false or malicious complaints to the Council about the behaviour of any other person living in or visiting within the vicinity of your home.*

The Role of the Community

Members of the community have a crucial role to play in reducing anti-social behaviour. The organisations involved in tackling anti-social behaviour can only do so where there is a partnership with the community. People have the right to live free from unreasonable nuisance or annoyance, harassment, alarm or distress. There is a corresponding expectation that members of the community participate in helping to stop problems when they occur. At its most basic, where it is reasonable to do so, people should approach those causing the problem to try to resolve the matter within the law and before the relevant authorities are asked to intervene. If it is not reasonable to make such an approach, or if this approach has not worked, then the problem should be reported to the relevant authorities in a way that enables them to take action. When people report anti-social behaviour, we have a corresponding duty to provide an effective response.

We will encourage tenants, tenant groups and leaders and partner organisations to promote tolerance, balancing individuals' liberties with their impact on others and the community.

We will encourage and facilitate community involvement among tenants, including how individuals can support other members of their community to help us and our partners tackle ASB issues.

We will encourage community groups to develop projects to prevent anti-social behaviour in their communities, including diversionary projects.

Specific Issues

Supporting Witnesses

People who witness anti-social behaviour and who are prepared to give evidence are essential in the tackling anti-social behaviour. We cannot act without evidence and we recognise that it may be more difficult for people to provide this evidence if we do not support them. We recognise that in many cases, witnesses act on behalf of their communities. We therefore consider support for witnesses as being central to our approach.

We will ensure that our services are accessible and are promoted in order to encourage people to act as witnesses of anti-social behaviour.

Once a person has decided to be a witness, we will ensure that an individual officer is assigned to the case, that the process and implications are fully explained and that the witness is kept fully informed of developments.

We will participate in appropriate programmes to identify vulnerable and repeat victims and liaise with appropriate organisations that may be able to provide specialist support for the witness.

We will try to minimise the period in which detailed records must be kept. However, in most cases, the evidence provided by witnesses is essential. We can achieve this by acting upon the evidence as soon as we have assessed it as causing nuisance, annoyance, harassment, alarm or distress. Nevertheless, extended periods of record keeping by witnesses is often necessary, particularly where legal action is proposed. This is because we need to demonstrate that the problem persists to the date of the court hearing and we may need to wait for an extended period before the court hearing can take place.

We will carry out a safety audit and arrange for "target hardening" and home security measures where required.

We will consider temporary or permanent re-housing in the most serious cases.

Racial and Other Hate-based Harassment Policies

For the purposes of investigating reports of racial harassment, we use the definition of a racist incident as one which is perceived to be racist by the victim or any other person.

We accurately record *all* racist incidents reported to the Council.

We treat all racist incidents reports very seriously, including verbal abuse and graffiti.

We respond to intimidation or harassment that occurs as a result of a person's perceived differences (for instance, a person's sexuality, trans-gender status, religious beliefs, physical or mental illness or disability or age) in the same way as we respond to racial harassment and intimidation.

We will provide services in such a way that they contribute towards the elimination of unlawful discrimination and the promotion of equality of opportunity and good race relations.

We will assess, monitor and consult on our services to ensure there is no unreasonable discrimination against *any* group. This includes groups such as ex-offenders. We need to ensure that all local residents and users of our services are equally satisfied with the Council.

The Council has adopted a policy of "zero tolerance" towards anti-social behaviour which is motivated by race or any other perceived difference. We describe such anti-social behaviour as "hate crime".

Domestic Abuse

Chesterfield Borough Council is a signatory to the Derbyshire County Forum Domestic Abuse Protocol, which sets out the values and principles of organisations dealing with domestic abuse in Derbyshire.

Domestic abuse is unacceptable and illegal. We consider domestic abuse to be serious anti-social behaviour.

We will, under appropriate circumstances, take legal action against perpetrators of domestic abuse. However, our over-riding concern is the safety and welfare of the victim and of the victim's household. The viewpoint of the victim is central.

We will give victims accurate information and advice on possible courses of legal action against the perpetrator, what the victim will be expected to do if a particular course of action is pursued, the consequences of such action and the support which is available.

We may refer the victim to an organisation that can provide specialist advice. In this way, we will ensure that the victim has the level of knowledge that allows an informed choice about whether to pursue legal action. We consider that where victims have good knowledge of the processes, their implications and the support available, it is more likely that they will wish to pursue legal action against the perpetrator.

If a victim wishes to remain in their current home, we will advise them of the options available to them to do so including, where possible, the installation of additional security measures (e.g., the Sanctuary Scheme)

We recognise the particular difficulties a victim of domestic abuse will face in pursuing legal action against a perpetrator. We will therefore ensure that a high

level of support is available to victim and their households throughout the legal process. This support will be from a variety of sources, including:

- Housing Services Homelessness Prevention Team
- Housing Services Tenancy Support Team
- Careline (emergency alarm)
- North Derbyshire Women's Aid
- Derbyshire Police
- Victim Support Derbyshire

The Housing Services Homelessness Prevention Team has the experience and expertise to deal sensitively and appropriately with victims of domestic abuse. However, victims may report their situation in a variety of ways to a variety of Council employees. With consent, we would therefore encourage the victim to seek specialist advice and assistance from the Homelessness Prevention Team.

Where a person may be homeless as a result of domestic abuse, we will refer that person to the Homelessness Prevention Team so that necessary investigations take place.

ASB Prevention

Early reinforcement of expected standards of behaviour

We will reinforce a clear message that anti-social behaviour will not be tolerated to those who apply for housing and at sign ups for new tenancies and new tenancy visits.

Early response by Housing Services

Early reporting and intervention is important in tackling anti-social behaviour. Our procedures emphasise the importance of an early response and prescribe how quickly we respond to reports.

A summary of these policies and procedures has also been published. This is available free of charge by:

- Contacting the Neighbourhoods Team:

Address: Stonegravels Depot, Old Brick Works Lane, Chesterfield S41 7LF
Telephone: (01246) 345071
Fax: (01246) 345070
E-mail: neighbourhood.team@chesterfield.gov.uk

- Going to the Council's website and following the links:

www.chesterfield.gov.uk

- > Homes
- > Anti-social Behaviour / Hate Harassment
- > Summary of ASB Procedures

Mediation

Under certain circumstances, particularly where there are reports of anti-social behaviour by one party and counter-claims from the other party, high quality mediation can assist both parties to resolve the problem. Mediation can only be used where both parties accept that there is a problem and are willing to accept mediation as the means to resolving it.

Lower level informal mediation is undertaken as a matter of course by the Neighbourhoods Team to try to resolve disputes before they escalate. However, higher level mediation is a specialist work area that requires a high level of skill and expertise.

We will therefore consider procuring services from specialist mediation providers where appropriate. We must also take into consideration that mediation services are expensive and that we must balance its potential advantages in a particular case against the level of the dispute, its impact upon those involved and their responsibilities.

We will normally pay for the costs of mediation where the parties involved in the dispute are Council tenants.

We may ask for an appropriate contribution from someone who is not a Council tenant.

We will ask a Registered Social Landlord to contribute towards the cost where one party is a tenant of that landlord.

Diversionsary projects

There is a range of services and projects available, particularly for young people, which contribute to preventing people from engaging in crime and anti-social behaviour. These are known as diversionsary projects.

Diversionsary projects may have wide access (for instance, a sports or IT project for young people in a particular area) or more restricted access (for instance, projects for young offenders and those at risk of offending).

The Chesterfield Community Safety Partnership has a strategic role in identifying where projects may be useful, facilitating the commissioning of projects and assessing their effectiveness. We will continue to play a very active role within this partnership at all levels.

We will work with and support members of the community and organisations that are equipped to set up and run diversionsary activities.

We will take an active role in participating in diversionsary projects where feasible and within the general scope of our activities.

Floating support

Floating support is support provided to people living in their own homes. Our Tenancy Support Worker provides floating support for vulnerable Chesterfield Borough Council tenants. Referrals to the Tenancy Support Worker can be made from any source. The support provided may be direct, with the Tenancy Support Worker visiting regularly, or it may be provided through a referral to another specialist support provider.

There is a range of organisations that provide specialist floating support for more vulnerable tenants in their own homes. These include support for young people, people with mental health problems, people leaving prison, people who have a drug or alcohol dependency and people who have learning difficulties. The support is aimed at enabling people to achieve their maximum levels of independence.

Our Tenancy Support Worker may support victims of anti-social behaviour and vulnerable perpetrators. The support offered to vulnerable perpetrators is aimed at stopping the anti-social behaviour and thereby preventing eviction.

We will consider legal action if the perpetrator does not accept support and the behaviour has not improved to an acceptable standard, or if the support has been accepted, but this not resulted in an acceptable standard of behaviour.

Interviewing of juveniles

We may be involved in interviewing a juvenile who has been engaging in anti-social behaviour.

We will conduct interviews with juveniles having regard to protocols agreed through Chesterfield Community Safety Partnership.

Neighbourhood Rangers

The Neighbourhood Rangers will patrol the estates managed by Housing Services. They are involved mostly in dealing with environmental anti-social behaviour, for instance dealing with dumped waste, animal fouling, fly-tipping, littering, overgrown gardens and abandoned vehicles. They also provide a visible presence on the estates, building links with the community and being available for members of the community who wish to report concerns about their neighbourhood.

Neighbourhood Rangers will give advice on how and to whom people can report anti-social behaviour and, where necessary, may collect evidence from witnesses.

We train the Neighbourhood Rangers to issue fixed penalty notices for littering and dog fouling.

Health and Safety of Staff

- We will train staff who are directly involved in responding to anti-social behaviour on the Council's Health and Safety and Lone Working procedures.
- We will train managers who manage staff involved in responding directly to anti-social behaviour in carrying out appropriate risk assessments
- We will consider appropriate action against any person who is violent is violent, or threatens violence, or uses abusive or insulting words or behaviour towards any Council employee or its agents or contractors.
- For the most serious abuse of staff, such as violence or threats of violence, there will be an assumption that the most serious action will be taken, such as a prosecution, injunction with the power of arrest for breaches and possession proceedings.

Support for Tenants who are Perpetrators

We consider that the wellbeing of the victims of anti-social behaviour is paramount. However, where the anti-social behaviour is a result of something that reduces a person's ability to behave in an acceptable manner, we also recognise the value of services that can help to prevent that behaviour. Things that might result in someone engaging in anti-social behaviour include:

- A disability or illness, such as a learning disability, mental illness or physical illness that results in changes in behaviour
- Drug or alcohol abuse
- A person's youth and inexperience of independent living
- Life experiences that increase the risk of anti-social behaviour (such as being a victim of abuse or an unsettled or neglectful family background)

It is more likely that interventions to stop the anti-social behaviour will be successful if someone is living in a stable home. Eviction is unlikely to stop an individual from engaging in anti-social behaviour. Where a person no longer has a stable home, there is a high risk that the behaviour will become worse and may be displaced to a situation where successful intervention is even less likely.

We will encourage and facilitate the provision of support services for tenants and members of their households who are less able to behave in an acceptable manner to change their behaviour.

We will make referrals to these support providers where available.

Our Tenancy Support Worker provides general support for vulnerable Chesterfield Borough Council tenants.

We may make referrals to our Tenancy Support Worker. The Tenancy Support Worker will refer the case on to an appropriate provider if more specialist support is needed

We recognise that in general, people with learning difficulties or mental illness are more likely to be victims than perpetrators of harassment and other forms of anti-social behaviour. However, we also recognise that in some cases, anti-social behaviour may be a result of a person's learning difficulty or mental illness. Our policies and the Disability Discrimination Act require that we do not unlawfully discriminate against any group. We may therefore offer support to our tenants whose anti-social behaviour may be a result of learning difficulties or mental illness.

Where a person is offered support, but does not accept it, or where support does not bring about sufficient change in behaviour, we will consider other measures to protect victims, including legal measures such as eviction or an injunction.

Applicants for Housing and New Tenants

We make reasonable attempts to identify people who are registered for housing and who may benefit from support so that we can offer support from the start of their tenancies.

We may make a referral to an appropriate support service where a need for support is identified.

We may suspend an applicant from the Housing Register where that person, or a member of their household, or their joint applicant, has been guilty of poor behaviour. This means that until the applicant has proved that they have remedied their behaviour, normally over a period of six months to twelve months, then other applicants who have not been guilty of poor behaviour will be preferred over them.

We may disqualify applicants from the Housing Register if we have evidence that they, or a member of their household, or their joint applicant, has behaved in an unacceptable way and we consider this makes them unsuitable to have a Council tenancy.

Key Partnerships

Chesterfield Community Safety Partnership

We recognise that the causes of anti-social behaviour and the solutions to reducing it are not within the remit of any single organisation. With their diversity of skills, experience and resources, many organisations can contribute to the response to anti-social behaviour, at strategic and operational levels both in prevention and enforcement.

The multi-agency Chesterfield Community Safety Partnership is the main strategic and co-ordinating body for community safety and crime reduction across the Borough. The Community Safety Partnership has various sub-groups that deal with specific aspects of community safety, including anti-social behaviour.

The key partner agencies include:

- The Community Safety Team, comprising staff whose main responsibilities are to co-ordinate community safety strategy
- Chesterfield Borough Council
- Derbyshire Constabulary
- Derbyshire Fire and Rescue Service
- Services providing offender rehabilitation and management
- Services providing health and social care and support
- Services providing education and learning
- Derbyshire County Council

The activities of the Community Safety Partnership are detailed in joint protocols, including for anti-social behaviour, which are revised as necessary.

The Police

Regular joint tasking meetings are held between the Neighbourhoods Team and each of the Police Safer Neighbourhoods Teams covering the residential areas of Chesterfield. These meetings provide a means of sharing information and deciding on appropriate action.

We will continue to participate in these meetings.

A close working partnership exists between the Neighbourhoods Team and the Police beyond these joint tasking meetings. This makes possible informal meetings and joint action as and when needed.

We will continue to participate in this informal partnership approach.

Environmental Services

We will work with In the Council's Environmental Services in appropriate cases (for instance, where there appears to be statutory noise nuisance) to carry out monitoring and, where necessary, joint action. In each case, a decision will be made whether action by Housing Services, by Environmental Services or by joint action is most appropriate in stopping the anti-social behaviour.

We may refer complaints about anti-social behaviour from or in the vicinity of licensed premises to Environmental Services. Environmental Services will then consider whether it is appropriate to take action under the Licensing Act 2003, for instance, if powers under specific anti-social behaviour law are inadequate or inappropriate.

We may work with Environmental Services to tackle persistent and serious problems of environmental anti-social behaviour in the residential areas that we manage (e.g., fly tipping, dog fouling, etc with litter hot-spots) for a co-ordinated approach to identifying those responsible and to take action against them.

We will report abandoned vehicles observed on estates to the appropriate officer in the Environmental Services.

Operational Services

The Operational Services Division (OSD) of Housing Services is responsible for repairs and maintenance of the Council's housing stock.

The Neighbourhoods Team and OSD will work together to:

- Identify tenants who report have high levels of criminal damage and who may be involved as victims or perpetrators of ASB and to take appropriate action.
- Identify and take action against tenants who may falsely report repairs being as a result of criminal damage (normally in order to have the repair done without cost to the tenant and to take appropriate action.
- Identify and take action against tenants who are responsible for damaging their homes
- Identify households where there may be domestic abuse
- Identify victims of anti-social behaviour

Many staff working for the OSD spend a considerable amount of their time working in the neighbourhoods and in tenants' homes. They will witness anti-social behaviour more frequently than other office-based staff.

OSD staff will report incidents of anti-social behaviour to their manager or supervisor as soon as possible and this will then be reported to the Neighbourhoods Team.

Housing Solutions Team

The Housing Solutions Team is responsible for managing the housing waiting lists, allocating tenancies and Choice Based Lettings.

The Housing Solutions Team may:

- Make reasonable enquiries to identify people who have applied for housing with CBC and who present a greater risk of engaging in anti-social behaviour
- Minimise the risk of allocating tenancies to people who have been identified as presenting a higher risk of engaging in anti-social behaviour through:
 - Disqualifying applicants for housing where they, or their household members, or their joint applicants have been guilty of poor behaviour and are unsuitable to have a Council tenancy.
 - Suspending an applicant for housing, where they or their household members, or their joint applicant have a history of poor behaviour until the behaviour improves or arrangements can be made to reduce the risk. This means giving preference to other applicants with no history of poor behaviour.
 - Making referrals to organisations that can provide support to help prevent anti-social behaviour
- To avoid increasing the problem and contribute towards its reduction, considering “sensitive lettings” in closely defined areas or to individual properties that have been subject to high levels of anti-social behaviour.

Each case will be considered individually and we will take into account all relevant circumstances.

Surveillance

Surveillance includes, but is not limited to, taking photographs, using video and CCTV.

Directed covert surveillance is where the subject of the surveillance is unaware that they are under surveillance. Applications to use directed covert surveillance must be considered by the Magistrates Court. Authority will only be given by a Magistrate if it is used for the detection or prevention of serious crime (i.e., that would result in a sentence of six months or more on conviction). Therefore, directed covert surveillance can not be used to prevent non-criminal anti-social behaviour.

We will consider asking the Council's Environmental Services to carry out monitoring where the reports indicate statutory noise nuisance.

Where staff witness incidents as a normal part of their work, we may use this as evidence.

Data Protection and Information Exchange

Sharing of information is integral to dealing with anti-social behaviour problems. When officers are sharing information with other agencies they need to be aware of importance of confidentiality and data protection. Section 115 of the Crime and Disorder Act 1998 makes it lawful for organisations engaged in multi-agency working to exchange information as part of a strategy to reduce crime and disorder. In addition the Police have common law powers to disclose information to anyone for the prevention and detection of crime.

A protocol on information sharing has been agreed by Derbyshire County Council Community Safety. It sets out how information about individuals will be exchanged.

We will have regard to this protocol.

Confidentiality

We recognise the great importance of confidentiality if we are to encourage witnesses to provide evidence of anti-social behaviour. Normally, the identity of complainants will not be disclosed to the subject of the allegation or to any other party unless the complainant gives permission to do so.

Disclosure of Information

There may be exceptional circumstances when it is necessary to disclose the details of a victim or witness to other agencies, such as the police and social services, without that person's consent. This will normally only happen in the most serious cases where the public interest would otherwise be profoundly and adversely affected.

There is also the possibility of disclosure where someone asks for information to be disclosed under the Data Protection Act, 1998.

We may refuse to supply information following a request made under the Data protection Act, 1998 if the purpose of that information is to prevent or detect crime.

Under the Act, we may receive a request for disclosure of personal information from the "data subject" (normally the subject of the complaint) which relates to him or her and where there is no crime involved. In this case, the information may relate to a third party (the witness or complainant) who can be identified from that information ("third party information"). This can give rise to conflict between the data subject's right of access and the witness or complainant's right to respect for his or her private life.

We may disclose third party information to a data subject where the witness or complainant has withheld his or her consent to disclosure, if we consider it is reasonable in the circumstances to do so. However, when dealing with such requests we will be sensitive to and give proper consideration to this potential conflict before deciding whether to disclose third party information.

We will normally seek the witness or complainant's consent before disclosure. We may advise the witness or complainant of this and give the option to withdraw the complaint rather than have the information disclosed.

Direct and Hearsay Evidence

Where a case is to be heard in court, it is normally preferable that "first hand" or "direct" evidence from witnesses is presented. The identity of the witness would therefore be disclosed to the defendant, to his or her legal representatives and to the court. "Hearsay" evidence may be acceptable instead but the quality of hearsay evidence may not be of the same value as direct evidence.

"Hearsay" evidence is where, for example, a complainant gives evidence of something which he or she has seen or heard to another person (for instance a Housing Officer or a Tenancy Enforcement Officer). The officer may then be able to present the evidence without the complainant having to make a witness statement or to attend court to give oral evidence. However, the officer would still have to disclose the identity of the complainant. If hearsay evidence is given, then the complainant may still be required to attend court to be cross-examined by the defendant.

The court is likely to consider receiving "anonymous" evidence where it can be shown that there will be, or there is likely to be, a serious risk of harm to the complainant if the complainant's identity was revealed. However, the weight which the court will attach to hearsay evidence or anonymous evidence may be less than that of evidence given directly by a witness.

Training and Awareness Raising

Staff

We acknowledge the difficulties faced by staff who respond to anti-social behaviour. These difficulties include good decision-making when confronted by conflicting accounts of behaviour and the need to remain impartial when distressed victims demand immediate resolution of the situation. Good decision-making is made possible only when good training is provided.

We will train staff as appropriate in Housing Services on anti-social behaviour in general and the policies and procedures relevant to Housing Services and the Community Safety Partnership.

We will work in partnership with other organisations, particularly members of the Community Safety Partnership, so that they provide training for our staff on any relevant aspects of the response to anti-social behaviour. This will be of particular use where a partner organisation can offer expertise or experience in a particular area – for instance, the Police in training staff how to take witness statements.

We recognise that there is likely to be a higher physical risk to officers who are responding to anti-social and sometimes criminal behaviour. We will therefore ensure that:

- Staff who are engaged in this response are trained to ensure their health and safety in accordance with the Council's Health and Safety and Lone working Policy and Procedures.
- Managers of these staff are trained in carrying out risk assessments to ensure the health and safety of staff.

The Community

We are committed to raising awareness of anti-social behaviour and the multi-agency response to anti-social behaviour amongst all the residents of Chesterfield. We are particularly concerned to raise awareness amongst more difficult to reach groups and amongst those groups which are less likely to report anti-social behaviour to the authorities.

We shall consider any reasonable measures to raise awareness, including:

- Giving briefings to elected members
- Providing information in Council publications such as 'Our Homes'.
- Producing articles for local press and broadcast media.
- Producing leaflets and posters for display in a variety of venues.
- Involvement in relevant community initiatives and campaigns.

Publicity

Publicity is an essential issue in providing information to local communities about anti-social behaviour, the local arrangements for tackling it and the performance of key agencies in responding to it. Publicity is also important to ensure that local communities are aware of orders made against individuals.

General

We will use the local media and other means, such as leaflets distributed to households affected by anti-social behaviour, to publicise measures used to tackle the anti-social behaviour, details of relevant services, appropriate details of individual cases and our performance.

Individual Cases

Publicity about individual orders that are granted in open court without restrictions about publicity is important if communities are to support agencies tackling anti-social behaviour. Many of the court orders used to tackle anti-social behaviour (for instance, injunctions, orders on conviction, dispersal orders and closure orders) are for the purpose of protecting the local community.

The main objectives of publicity are:

- **Enforcement** - Local people have the information they need to identify and report breaches. This is particularly important if a group which is causing anti-social behaviour uses a system of lookouts or warnings to avoid being seen by the police.
- **Public reassurance about safety** - Victims and witnesses must know what action has been taken to protect them, and publicity is an integral part of our witness support strategy. Making local people aware of an order which has been made to protect them can make a real difference to the way in which they live their lives, especially when they have suffered from anti-social behaviour or have lived in fear of it.
- **Public confidence in local services** - Local people are reassured that if they report anti-social behaviour, action will be taken by local authorities, the police or other agencies.
- **Deterrent to the subject of the order** - The subject of the order is aware that breaches are more likely to be reported because details are in the public domain.
- **Deterrent to others causing anti-social behaviour.** - Publicity spreads the message that orders are being used and is a warning to others causing a nuisance in the community.

In addition, section 17 of the Crime and Disorder Act 1998 states that *'it shall be the duty of each authority...to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.'* The purpose of publicising an order is not to shame or embarrass an individual. Disclosure of information will always be necessary and proportionate to achieving this aim.

We will inform people who are directly involved in a case (witnesses and victims) immediately when an order is made. This is in addition to keeping them informed of progress throughout the court process, and can be done by letters, visits, meetings or by phone.

We will give a copy of the order to victims and witnesses.

We will consider using publicity following an order made in open court on a case by case basis in compliance with relevant legal restrictions.

Leaflets and other written material

Leaflets and other printed materials such as newsletters allow us to specifically target particular neighbourhoods, streets or households with information.

The leaflet will contain factual information to identify the individual, the nature of the anti-social behaviour, relevant details of the order and how the public can report breaches.

A photograph of the subject of an order may be required so that they can be identified.

The main consideration is to target the distribution of leaflets to prevent the continuation of the anti-social behaviour by enabling breaches to be reported.

We will distribute leaflets primarily within the area(s) which suffered from the anti-social behaviour and are covered by the terms of the order, including exclusion zones.

We will target people who have suffered from anti-social behaviour, for example residents, local businesses, shop staff, staff of local public services, particular groups or households.

We will consider extending leafleting beyond the area where the anti-social behaviour was focused if there is a general term prohibiting harassment, alarm or distress in a wider area, or just beyond the area of the order if there is good reason to consider that there will be displacement of the anti-social behaviour.

We will normally distribute leaflets when a full order is made rather than an interim order. However exceptions can be made, for example, where the anti-social behaviour is severe, where there has been extreme intimidation or where there is a delay between the making of the interim order and the outcome of the final hearing. In these circumstances it should be stated on the leaflet that the order is temporary, that a hearing for a "full" order will follow, and distribution should be extremely localised. Alternatively the leaflet could alert people to the

fact that action has been taken, and inform them of who to contact in case of further anti-social behaviour, without naming those with interim orders.

Considerations when an order is made on a person under 18 years of age:

An order made against a person under 18 is normally made in open court and is not usually subject to reporting restrictions. The information is in the public domain and newspapers are entitled to publish details. However, where the court making the order imposes reporting restrictions, these must be scrupulously observed by the press. The law only makes direct reference to press reporting.

If we decide to distribute a leaflet under these circumstances, the reasons why a court has imposed reporting restrictions will be taken into consideration.

We will consider the impact of publicity on a youth when deciding how to inform people about the order.

We will obtain information as early as possible about whether the individual is particularly vulnerable to reduce delays in informing local people once the order is in place. The fact that someone is under 18 does not mean that their anti-social behaviour is any less distressing or frightening to the people around them and therefore generally the approach to publicity should be the same as for adults.

We will consider the impact of publicity on vulnerable family members such as younger siblings or parents with mental health issues. However, because of the importance of informing the public about an order, the effect on family members generally will not be a good reason for deciding not to publicise.

Timeframes

We will publicise relevant orders in a timely fashion, bearing in mind that people are able to report breaches, the need to build and maintain public confidence and to reflect the importance of the tackling the problem.

Compliance with Human Rights

Appropriate and proportionate publicity is compliant with the Human Rights Act 1998. It is recognised that, as a matter of fact, individuals do not welcome publicity and may view the effect of publicity as a punishment. However, a subjective assessment by the individual of the effect of publicity is irrelevant in determining the purpose of publicity.

We will, however, consider the impact of both the order and the publicity on the person's human rights should be considered.

We will record the reasons why it is deemed necessary and proportionate when deciding to publicise a case by using leaflets.

Arrangements for deciding on publicity in individual cases

The Community Safety Partnership has agreed a protocol for deciding on whether details relating of cases should be publicised.

Considerations include:

- The aims of the publicity
- The balance between the human rights of the victims, of the public and of the perpetrator
- Personal circumstances and vulnerability of the perpetrator and members of the perpetrator's household
- The type of publicity
- Distribution of publicity and timescales

Organisations and People Consulted

Consulted	Individual/Organisations
CBC tenants	Tenants' Executive
	Chesterfield Active Tenants Database (CHaT)
	Tenants who have returned ASB customer satisfaction questionnaires
	Tenants who attended ASB Policy road shows
	Consultation events on local offers
	Feedback from customers through ASB customer satisfaction questionnaires and the corporate Complaints Compliments Comments system
CBC elected members	Overview and Performance Scrutiny Forum
	Executive Member and Assistant Executive Member for Housing
CBC Housing Services	Head of Housing
	Manager – Customer Division
	Manager – Operational Services Division
	Housing Solutions Manager
	Assistant Manager – Homelessness/Homelessness Prevention
CBC Corporate	Head of Business Transformation
	Assistant Solicitor
	Equalities Officer
	Spirepride Enforcement
Community Safety Partnership	Community Safety Officer
	Anti-social Behaviour Co-ordinator
Derbyshire County Council	Community Safety Team
Derbyshire Constabulary	Inspector – Safer Neighbourhoods Teams
	Inspector – Community Safety
Derbyshire Fire and Rescue Service	Senior officers attending Community Safety Strategy Group
North Eastern Derbyshire Hate Crime Consultative Group.	CBC Equalities Officer consulted the Group.

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Anti-social (ASB) Policies - Summary of Changes

Corporate ASB Policy

Current Version	Revised Version	Reason
	Introduces relevant commitments from Council Plan	Provides context
Policy statement and commitment	Remains the same, but under new heading of 'Policy Aims' at 1.2	Greater clarity
	New explanation of partnership working at 1.5	Provides clarity and context
	New section on promotion of tolerance and role of community at 1.6 and 1.7	Important statements on balancing individual liberties and the crucial role of the community.
Authority to issue formal notices	Retained and moved to 1.8 as a statement of policy	Retention of necessary statement
Definition of ASB	Revised description of ASB at 2.1	Enables ASB legal tools and powers to be used under all legislation available to CBC services
Description of various types of ASB	Deleted	Unnecessary in a broad enabling policy

Current Version	Revised Version	Reason
		which already has a definition of ASB
	New chapter (2) – <i>‘Definitions, responsibilities, powers, descriptions’</i>	Provides clarity and context
	New section on powers and responsibilities (2.2 and 2.3). Outlines CBC’s position as a local authority, social landlord and key member of the Community Safety Partnership.	Provides clarity and context
	New statement at 2.3 that the views of those involved are taken into account, but the decision about appropriate action rest with officers.	Provides authority for services to take action that is appropriate in the professional judgement of officers.
Our approach to tackling and reducing ASB describes some early intervention tools and states that we will use a range of legal interventions with partner agencies, giving some examples	Revised Chapter (3) <i>‘Our general approach’</i> which incorporates key national and local themes.	<ul style="list-style-type: none"> • Provides clarity, context and corporate consistency • Avoids details of specific tools and interventions which may change during the term of the policy
	New sections (3.1 and 3.2) which specify how we will put victims first.	
	New sections 3.3 to 3.5 that recognise that services may be needed to prevent people	Provides specific authority to take legal action where people who are engaging

Current Version	Revised Version	Reason
	<p>from engaging in ASB where the behaviour may be attributable to a disability. However, the Council must still be capable of acting without a supportive intervention is circumstances warrant. Also, the protection of rights afforded to a disabled person under equalities and human rights legislation must be balanced against the rights of those affected by the behaviour.</p>	<p>in ASB may also have rights under equalities and human rights legislation.</p>
	<p>New section 3.6 on incremental approach. Includes capability to act without preliminary action where necessary.</p>	<p>Important principle of case management</p>
	<p>New section 3.7 explaining that action must be based upon evidence</p>	<ul style="list-style-type: none"> • Statement of key principle • Reduces risk of assumption that action can be taken based, for instance, on the “type” of person, how influential someone may be, intensity of emotion, etc
<p>Section on working together, sharing information, managing cases and assessing risk.</p>	<p>Reorganisation into separate chapters. Chapter 4 - '<i>Information exchange, disclosure and publicity</i>' expands and provides more detail on information exchange and disclosure as key issues</p>	<p>Provides further clarity and context</p>

Current Version	Revised Version	Reason
	within the policy. The assessment of risk to victims is covered in separate sections (3.1 and 3.2)	
The section on how to make a complaint/report an incident provides specific details about reporting incidents, including an explicit statement that reports can be made via a third party or anonymously.	Incorporated under new Chapter 3 - ' <i>Our general approach</i> ', which has general statements (3.8 and 3.9) about accessibility rather than specific means of contact (which is descriptive procedure).	Avoids description of current arrangements which may change during the term of the policy and allows for developments.
	Revised statement at 3.9 that third party or anonymous reports will not normally be accepted.	<ul style="list-style-type: none"> • Third party reports can cause significant problems for investigations and their use may provide a defence against legal action • Anonymous reports may not be capable of being properly investigated and validated and are not admissible evidence
	ASB reports and service requests are often referred to as complaints. A new distinction is made at 3.10 between complaints (i.e. complaints about services or employees) and reports (i.e., requests for service).	<ul style="list-style-type: none"> • Greater clarity • Avoids confusion between complaint handling and case management

Current Version	Revised Version	Reason
	New statement on safeguarding	Reflects local and national priorities
	New section on information exchange, disclosure and publicity reflecting legislation and the joint agreement with the police and Derbyshire Safer Communities Board.	Key elements in responding to ASB that should be made explicit in an ASB policy.
	New section 5.1 to 5.3 stating that abuse and violence to employees, councillors and contractors will not be tolerated and that there will be an assumption that legal action will be taken where appropriate against those who engage in abusive or violent behaviour.	<ul style="list-style-type: none"> • Important statement of policy • Improves confidence of employees, councillors and contractors
The section on how we will ensure the policy is implemented states that CMT is responsible for ensuring that the policy is communicated to all employees and they can access training supported by the Community Safety Partnership	The section on staff training (5.4 to 5.6) is updated and recognises the difficulties faced by staff dealing with ASB.	Important commitment to training
	New section 6.2 provides for a three year term before the policy is updated	Ensures timely policy revision

Housing ASB Policy

Current Version	Revised Version	Reason
Introduction	Deleted	Purpose and aims of policy provide all the explanation needed, so the introduction is superfluous.
	Introduces relevant commitments from <i>'Council Plan'</i>	Provides context and corporate consistency
	Moves <i>'Policy Aims'</i> to the beginning of the policy and amends them to replicate the corporate policy	Provides a more logical order and corporate consistency
	New section on <i>'Respect ASB Charter for Housing'</i>	As a signatory to achieve these standards, they should be reflected in the policy
Definitions and Powers to Act	Incorporated, updated and condensed into revised Chapter 3 – <i>'Responsibilities, definitions, powers, descriptions'</i> .	Provides a more logical order, clarity and context
	New sections in Chapter 3 describing the responsibilities of the housing service in relation to the Council and in its role as a social landlord	Provides clarification and context

Current Version	Revised Version	Reason
	New definition of ASB at 3.4	Ensures: <ul style="list-style-type: none"> • Actions are not limited any further than legislation allows • Actions are limited to ASB involving CBC tenants or that affects our housing management functions
	New statement of what is not likely to be ASB at 3.5	Provides authority for officers not to be expected to intervene where nuisance or irritation is a result of reasonable behaviour under the circumstances
Limits to involvement	Revised and extended at 3.5 and 3.6	Provides greater clarity on circumstances where we may not intervene or take enforcement action
Descriptions of ASB	Deleted	Unnecessary as: <ul style="list-style-type: none"> • The definition of ASB covers all the types of ASB described • It is not possible to describe all types of ASB
	New section 3.8 about speed of response according to seriousness of ASB and specifying types of ASB considered to be serious	With a different level of response for serious ASB it is necessary to state what serious ASB is.

Current Version	Revised Version	Reason
General Policy Statement of Approach to ASB	Key themes governing the approach to ASB moved to Chapter 4 – ‘ <i>Our general approach</i> ’.	Provides a more logical order, clarity and context
	New sections 4.13 and 4.13 on incremental approach and proportionality. Includes capability to act without preliminary action where necessary.	<ul style="list-style-type: none"> • Important principles of case management • Needs statement to allow exceptions to incremental action
	Section on evidence moved to 4.15 to 4.20 to reflect its importance as a key theme of the response to ASB.	<ul style="list-style-type: none"> • Statement of key principles of case management • Corporate consistency • Reduces risk of assumption that action can be taken based, for instance, on the “type” of person, how influential someone may be, intensity of emotion, etc
Service Standards and local offers	Deleted	Service standards and local offers may change during the term of policy. They are better published as separate documents.
Tenant obligations and standards of behaviour	Deleted	Tenant obligations and standards of behaviour are described in the tenancy

Current Version	Revised Version	Reason
		agreement and there is no need to duplicate them in a policy.
The role of the community	New sections 2.5 and 2.6 on promotion of tolerance, balancing liberties with the impact of behaviour on others and a condensed section on the role of community	Sufficiently important to be key statements of policy.
Generalised statements and detailed descriptions about supporting witnesses, including descriptions of specific job roles	Condensed into new sections 4.1 to 4.3 <i>'Putting victims first'</i> . This now provides clear standards and commitments which are of sufficient importance to be reflected explicitly in policy.	<ul style="list-style-type: none"> • Simplification • Clarity • Corporate consistency
Generalised statements and detailed descriptions about domestic abuse, including descriptions of other services involved	Largely deleted as the provisions are covered in other sections (e.g., types of serious ASB, support for victims)	<ul style="list-style-type: none"> • Simplification • Clarity
Detailed descriptions of types of prevention and arrangements for provision.	Revised section 4.4 to 4.10 stating what our general approach is on early intervention, prevention and support for vulnerable people engaging in ASB.	<ul style="list-style-type: none"> • Extension • Clarification • Avoidance of description of specific tools, services and arrangements
Health and safety of staff	Sufficiently raised priority to warrant its own chapter (Chapter 6) and to be	<ul style="list-style-type: none"> • Important statement of policy • Improves confidence of employees,

Current Version	Revised Version	Reason
	extended to include councillors and contractors. New statement that abuse and violence to employees, councillors and contractors will not be tolerated and that there will be an assumption that legal action will be taken where appropriate against those who engage in abusive or violent behaviour.	<p>councillors and contractors</p> <ul style="list-style-type: none"> • Corporate consistency
Detailed descriptions of the reasons for support for perpetrators and the services available to provide support	Condensed sections (4.10 and 4.11) that recognise that services may be needed to prevent people from engaging in ASB where the behaviour may be attributable to a disability. However, the Council must still be capable of acting without a supportive intervention is circumstances warrant. Also, the protection of rights afforded to a disabled person under equalities and human rights which also makes clear that we must balance the rights under equalities law of those engaging in ASB with the prevention of ASB under the law. Also	<ul style="list-style-type: none"> • Clarity • Corporate consistency • Provides specific authority to take legal action where people who are engaging in ASB may also have rights under equalities and human rights legislation • Avoids description of arrangement and specific services that may change during the term of the policy
Applicant for housing and new tenants	Realigned and condensed in sections at 4.8 and 4.9 as measures to prevent ASB	

Current Version	Revised Version	Reason
Detailed and descriptive chapter on key partnerships, including descriptions of the roles of some internal and external services.	Sufficiently important to become key statements of policy in Chapter 2. Condensed into 2.4 to provide broad context of how partnership occurs rather than detailed descriptions of various partners and their responsibilities	<ul style="list-style-type: none"> • Provides a more logical order, clarity and context • Simplification • Partner details can change during the term of the policy
Descriptions of surveillance	Deleted because as a result of changes in the law, directed covert surveillance is now beyond the scope of the housing service.	<ul style="list-style-type: none"> • No longer necessary
Data protection, information exchange, confidentiality, disclosure	Condensed into Chapter 5 and updated to take account of changes in the law.	<ul style="list-style-type: none"> • Update • Corporate consistency
	New section 2.7 on employee authority ensures that legal measures are taken by trained staff with relevant authority	<ul style="list-style-type: none"> • Corporate consistency • Responsible governance
Training and awareness raising	Updated section 6.4 to 6.7	Corporate consistency
Detailed descriptions of circumstances in which publicity may be used, the form that publicity may and compliance with human rights	Condensed into 5.8 and 5.9	<ul style="list-style-type: none"> • Unnecessary description and detail • Corporate consistency

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Chesterfield Borough Council Equality Impact Assessment – Preliminary Assessment Form

<i>Title of the policy, project, service, function or strategy:</i>		Revised corporate and housing anti-social (ASB) policies
<i>Service Area:</i>	Health and wellbeing and housing services	
<i>Section:</i>	Community safety team and neighbourhoods team.	
<i>Lead Officer:</i>	Michael Moore	
<i>Date of assessment:</i>	09/18	
<i>Is the policy, project, service, function or strategy:</i>		
<i>Existing</i>	<input type="checkbox"/>	
<i>Changed</i>	Y	
<i>New / Proposed</i>	<input type="checkbox"/>	

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Section 1 – Clear aims and objectives

1. What is the aim of the policy, project, service, function or strategy?	
<p><i>To provide an up-to-date framework for the commitments, aims, responsibilities and the use and limitation of powers in relation to ASB for:</i></p> <ul style="list-style-type: none"> • <i>all CBC services involved in responding to ASB</i> • <i>housing services</i> • <i></i> <p><i>See Appendix F for full details</i></p>	
2. Who is intended to benefit from the policy and how?	
<p><i>To benefit:</i> <i>CBC services and employees involved in responding to CBC</i> <i>Elected members</i> <i>Community safety partners</i> <i>Members of the public</i></p>	

Organisations involved in supporting and representing individuals who are engaging in, or who are victims of ASB

How: Clarity about the commitments, aims, responsibilities, use of powers and limits to involvement of:

- *CBC services in general*
- *the housing service in particular*

3. What outcomes do you want to achieve?

Approval to consult with stakeholders about revised corporate and housing ASB policies that take into account developments in ASC characteristics, legislation and national and local priorities

Section 2 – What is the impact?

4. Summary of anticipated impacts. *Please tick at least one option per protected characteristic. Think about barriers people may experience in accessing services, how the policy is likely to affect the promotion of equality, knowledge of customer experiences to date. You may need to think about sub-groups within categories eg. older people, younger people, people with hearing impairment etc.*

	Potentially positive impact	Potentially negative impact	No disproportionate impact
Age	<input type="checkbox"/>	<input type="checkbox"/>	Y
Disability and long term conditions	<input type="checkbox"/>	<input type="checkbox"/>	Y
Gender and gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	Y
Marriage and civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	Y
Pregnant women and people on parental leave	<input type="checkbox"/>	<input type="checkbox"/>	Y
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	Y
Ethnicity	<input type="checkbox"/>	<input type="checkbox"/>	Y
Religion and belief	<input type="checkbox"/>	<input type="checkbox"/>	Y

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Section 3 – Recommendations and monitoring

If you have answered that the policy, project, service, function or strategy could potentially have a negative impact on any of the above characteristics then a full EIA will be required.

5. Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No

Please explain the reasons for this decision:

Section 6 – Knowledge management and publication

Please note the draft EIA should be reviewed by the appropriate Service Manager and the Policy Service **before** WBR, Lead Member, Cabinet, Council reports are produced.

Reviewed by Head of Service/Service Manager (health and wellbeing)	Name:	Ian Waller
	Date:	DD/MM/YY
Reviewed by Head of Service/Service Manager (housing services)	Name:	Alison Craig
	Date:	DD/MM/YY
Reviewed by Policy Service	Name:	
	Date:	DD/MM/YY
Final version of the EIA sent to Policy Service	<input type="checkbox"/>	
Decision information sent to Policy Service	<input type="checkbox"/>	

For publication

Environmental Health Fees and Charges 2019 – 2020

Meeting:	Cabinet
Date:	13 th November 2018
Cabinet portfolio:	Cabinet Member for Health and Wellbeing
Report by:	Ian Waller, Assistant Director for Health and Wellbeing

1.0 Purpose of report

- 1.1 To ask Members to approve the proposed fees and charges for 2019/20, as outlined in Appendix A that relate to various environmental health functions.

2.0 Recommendations

- 2.1 That Members approve the proposed fees and charges, including concessionary rates (where applicable), as detailed in Appendix A, with effect from 1st April 2019.
- 2.2 That the Senior Environmental Health Officer continues to have discretion to offer reduced charges for micro-chipping of dogs at promotional events and campaigns associated with the mandatory chipping that came into effect in April 2016.
- 2.3 That the Senior Environmental Health Officer continues to have discretion to offer an alternative enforcement option for

fly-tipping offences instead of issuing a fixed penalty notice (this could include a simple caution or prosecution).

3.0 **Background**

3.1 In accordance with the Council's Financial Regulations, it is necessary for all fees and charges to be reviewed annually.

3.2 General principles that govern the Council's approach to charging include:

3.2.1 To make a charge wherever non-statutory services benefit an identifiable group as opposed to the entire community.

3.2.2 Fees and charges should aim to recover at least the full cost of the service except where:

- there is an opportunity to maximise income; or
- Members determine a reduction or subsidy should be made, for a specific reason.

3.2.3 That where charges are reduced from full cost the reason for that reduction is reviewed periodically (at least annually) to ensure it remains valid.

3.2.4 People on low income and/or suffering disadvantage through poverty or social exclusion may be charged less to ensure equal access.

3.3 On 12th January 2016 Cabinet approved the recommendations made by the 'Overview and Performance Scrutiny Forum' and it was resolved that '*concessions for bulky waste and pest control be reduced from 50% to 20%*'.

3.4 The 'concessions working group' has developed the Concessions Policy and this was approved by Cabinet in

November 2016. This Policy supports the recommendations of the 'Overview and Performance Scrutiny Forum' in 3.3 and confirms that concessions will be available for pest control treatments for residents in receipt of 'income based' benefits.

4.0 **Scope of Review**

4.1 The services for which fees and charges are reviewed in this report are as follows:

- Environmental Permitting – statutory function to inspect and regulate certain activities that might give rise to atmospheric pollutants.
- Dog Control – statutory function for seizure and kennelling of stray dogs and compulsory micro-chipping.
- Pest Control – provision of advice and treatment at domestic and commercial premises.
- Fixed penalty levels for antisocial and environmental crimes – where the level of penalty to be offered in lieu of prosecution for the offence.
- Abandoned vehicles – statutory function to investigate reports of abandoned vehicles and arrange for removal from the highway and/or private land.
- Environmental information requests – supply of information under the Environmental Information Regulations 2004 (EIR).
- Skin piercing.
- Food re-rate visits.
- Export health certificates.

5.0 **Outline of Services**

5.1 Environmental Permitting

5.1.1 The Pollution Prevention and Control Regime (PPC), (or Permitting Regime) is a statutory process for controlling pollution from certain industrial activities such as

foundries, petrol stations, dry cleaners, concrete batching plants and vehicle re-sprayers. Environmental Permits are issued under the Pollution, Prevention and Control Act 1999 and the Environmental Permitting (England and Wales) Regulations 2013. The Environmental Permit specifies conditions that must be complied with to ensure that the process operates in a way that does not give rise to excessive atmospheric pollutants and is operated in a manner that does not give rise to noise and/or odour complaints.

5.1.2 When applying for an Environmental Permit the operator must pay an application fee. Once an Environmental Permit has been issued, each operator is required to pay Chesterfield Borough Council an annual charge (subsistence fee) to cover administration and inspection fees. DEFRA are responsible for setting all fees and charges and whilst these are reviewed on an annual basis, the Council cannot deviate from the set statutory fees. The current fees are available in Appendix B. A list of premises and the annual subsistence fees is listed in Appendix C.

5.2 Dog Control

5.2.1 A stray dog is any dog that is running free in a public space without its owner being present. The law requires all local authorities to treat all unaccompanied dogs on public land as strays, regardless of whether they are wearing a collar/tag and/or have been microchipped. The Council must seize such dogs and if they cannot be returned immediately to their owner they must be taken to a kennelling facility where they are held for a mandatory period of 7 days. After the 7 day period, the dog legally becomes the property of the kennels and the kennels can either re-home the dog to a new owner

(if suitable for re-homing), keep the dog at the kennels or, following veterinary advice, put the dog to sleep.

5.2.2 The following table shows trends for demand on the dog control service.

Table 1 – requests for service for lost and stray dogs (number of service requests received), April to March

	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	04/2018 to 09/2018
Number of dogs reported as 'lost dogs'	107	88	82	79	46
Number of dogs reported as 'stray dogs'	300	214	176	139	79
Total number of service requests	407	302	258	218	125

5.2.3 The overall number of service requests for dog control has reduced significantly since 2014/15 and this can be attributed to the use of social media to reunite dogs with their owners. In addition to this, compulsory microchipping of dogs came into force in April 2016 making identification easier and resulting in less dogs being transported to the kennels.

5.2.4 If a stray dog is microchipped the dog can be reunited with its owner, but the owner must pay a statutory fee of £25 prior to the dog being handed over. In the period April 2017 to March 2018, only 21 dogs were 'returned to owners'.

5.2.5 What has been noticed by the officers is the number of dogs that are microchipped but the contact information on the relevant database is incorrect; resulting in the dog warden being unable to reunite the dog with its owner and the dog being taken to the kennels.

- 5.2.6 The levying of charges for the seizure and detention of a stray dog primarily reflects the costs we incur for kennelling that dog until it is claimed. We are statutorily required to provide a stray dog service and we use the kennels at a private facility.
- 5.2.7 We cannot profit from individuals who pay these charges. In March 2018 the contract with the previous kennelling provider ceased and in April 2018, new arrangements were put in place with a new kennelling provider.
- 5.2.8 The arrangements with the new kennelling provider mean that the Council has to pay a 'retention fee' to the kennelling provider for each of the five kennels, regardless of whether or not there is a dog in that kennel. For each day a dog is kennelled, there is an additional daily charge for that kennel. We endeavour to reunite all dogs with owners and if this is not achieved we have a legal duty to kennel that dog for the statutory maximum of 7 days.
- 5.2.9 Before a dog can be reunited with its owner, the law requires all fees to be paid prior to the release of the dog from the kennels. The kennel release fee consists of three parts:
- Administrative fee.
 - Statutory 'return to owner' fee.
 - Kennelling fees/daily charges.
- 5.2.10 On 24th April 2018 Members approved the '*Stray dog and Dog Law Policy*' which sets out the Council's approach to all dog related legislation, in particular stray dogs and recovering kennelling and veterinary costs from owners.

5.2.11 The Council may receive occasional requests from other authorities, such as Housing Services, the Police and Social Services to provide transportation to the kennelling facility for dogs coming into their possession. It is recommended that the fee for providing this service be retained at £50 an hour. It is anticipated that this service will generate an income of £100.

5.2.12 The Council offers a competitively priced microchipping service for dogs. Microchipping provides a permanent means of identification and the on 6th April 2016 The Microchipping of Dogs (England) Regulations 2015 made it a legal requirement for all dogs to be microchipped. We encourage dog owners to act responsibly by getting their pet microchipped and this can reduce the time officers spend dealing with stray dogs as well as assist with disputes over ownership. Anyone can provide a microchipping service and currently the Dogs Trust is funding free microchipping surgeries. The main advantage of our service to customers is that it can be provided in their home, which can be more relaxing for dog owners and their pet. The current fee is £16 including VAT and no changes are proposed to this fee. It would be of benefit to the service for the Senior Environmental Health Officer to have discretion to reduce this fee (i.e. to £10) when participating in promotional events across the Borough.

5.2.13 The service has generated an income of £142 between April 2017 and March 2018. Appendix D shows a comparison of stray dog and microchipping fees at other local authorities in Derbyshire.

5.3 Pest Control

5.3.1 There is no statutory duty for the Council to provide a pest control treatment service. However, the Council has a statutory duty to keep the borough free from rats and mice, principally on its own land (Prevention of Damage by Pests Act 1949). It also means that we must use enforcement powers and we have discretionary powers to provide advice and offer treatment services for the control of vermin. Pest control fees are subject to VAT.

5.3.2 Appendix E shows a comparison of pest control fees at other local authorities in Derbyshire.

5.3.3 The following table shows annual trends for the pest control service (i.e. number of requests/treatments for each pest type).

Table 2 – numbers of pest control treatments (domestic and commercial)

	2013 – 2014	2014 – 2015	2015 – 2016	2016 – 2017	2017 – 2018	2018 – mid 2019
Rats (full price)	466 (free service)	162	156	154	146	83
Rats (concessionary)	n/a	50	46	43	31	13
Rats (commercial)	12	27	28	16	16	2
Mice (full price)	180 (free service)	53	46	39	48	31
Mice (concessionary)	n/a	44	28	18	16	11
Mice (commercial)	1	8	4	7	-	-
Wasps (full price)	160	226	150	241	134	254
Wasps (concessionary)	58	57	47	49	25	49
Wasps (commercial)	21	22	20	20	7	25
Ants (full price)	9	12	11	9	10	4
Ants (concessionary)	17	20	17	12	3	3
Ants (commercial)	4	3	5	2	5	6
Bed bugs (full price)	3	4	9	5	4	7
Bed bugs (concessionary)	3	3	2	3	-	-
Bed bugs (commercial)	-	1	-	-	2	-
Fleas (full price)	28	38	37	62	65	30
Fleas (concessionary)	23	38	24	3	16	8

Fleas (commercial)	3	3	4	3	-	1
Cockroaches	3 (free service)	-	1	-	-	3
Other insects	2	8	33	16	19	10
Advice only - telephone	2	415	163	200	253	195
Home visits	n/a	n/a	n/a	4	3	7
Total no. of requests for service	995	1194	831	938	804	751

5.3.4 In April 2014 a charge for treatment of pests posing a significant public health risk (i.e. rats, mice and cockroaches) was introduced. From the table above it is clear to see that there was a significant decrease in requests for service for the treatment of rat/mice infestations and an increase in the number of requests for “advice only” telephone calls.

5.3.5 The total number of requests for service (for treatments) has fluctuated but has declined since 2013/2014. This could be attributed to an increase in telephone calls for advice; advisory information available on the Council’s website or residents sharing ideas for treatment via social media. It could also be an indication that the cost is deterring potential customers.

5.3.6 With specific regard to wasps, there has been a significant increase in the number of treatments provided from 2017/2018 to 2018/19 and this can be attributed to the exceptional warm weather during the summer months.

5.3.7 The current income covers the salary and some of the on-costs. An option would be to increase the cost of the treatments; however, there is concern amongst the profession that increasing the standard charges would encourage potential customers to shop around for a more competitive quote and/or self-treat. If the latter is carried out in an incorrect manner the pests, in

particular vermin, can become immune to future baits and treatment programmes.

5.3.8 We will continue to offer free telephone advice and the charge for home visits will be standardised with no concessionary charge (this is to ensure that as a minimum, the hourly rate of the pest control officer is covered).

5.3.9 The recommendation is to retain the majority of treatment charges for pest control the same as the 2018/19 fees. The charges for pest control are listed in Appendix A with the exception of bedbugs and fleas. The 2018/19 fees for bedbugs and fleas is based on treatment of 1 room. Recent treatments have shown that there are an increasing number of whole house treatments required for both bedbugs and fleas. It should also be noted that a treatment for bedbugs requires two officers to attend. Furthermore, many of the recent treatments for bedbugs have required additional visits; this has resulted in changing to a different and more expensive insecticide. The charges set by other local authorities in Derbyshire for pest control treatments are set out in Appendix E.

5.4 Fixed Penalty Levels

5.4.1 Whilst penalties should not be seen as “income”; Cabinet maintains the discretion to vary them from the national default sum. Fixed Penalty Notices (FPNs) can be issued for a range of environmental offences including littering, flytipping, dog related issues and nuisance parking and Public Spaces Protection Order (PSPO) offences.

5.4.2 Table 3 lists the fixed penalty levels for a range of statutory functions.

Table 3 – levels of FPNs

Offence	FPN amount	Discount applied
Litter	£150	£60 if paid within 14 days
Flytipping	£300.00	n/a
PSPO – dog control (e.g. dog fouling, dog in an excluded area, dog off a lead and nuisance dog)	£80.00	n/a
Community Protection Notice	£70.00	n/a
Smoke-free legislation	£50.00	£30.00 if paid within 29 days

- 5.4.3 Current government guidance is that local authorities must have an enforcement strategy that details
- ✓ Offences included in the local authority FPN scheme
 - ✓ How much fine is issued for each offence
 - ✓ Details of any early repayment discounts
 - ✓ How fixed penalty notices are issued
 - ✓ How we will deal with juvenile offenders
 - ✓ What we will do if the offenders don't pay
 - ✓ How to appeal (if that option is offered)
 - ✓ How the money received from FPNs will be spent
 - ✓ What records we will keep
- 5.4.4 The Corporate Enforcement Policy was approved by Members on 13th March 2018. As part of the committee papers, a separate '*Fixed Penalty Notice*' document was appended to the Corporate Enforcement Policy.
- 5.4.5 It is noted that the levels of fixed penalties issued fluctuates. Furthermore, we have seen some non-payment leading to prosecution. Whilst costs are

awarded to the Council, it can be some time before the monies are returned to us via the Courts and then into the central funds (so are not included here). We have had some recent successes with quick payments of FPNs for littering and dog fouling.

5.5 Abandoned Vehicles

- 5.5.1 Under the Refuse Disposal (Amenity) Act 1978 (as amended), Chesterfield Borough Council has a duty to remove abandoned vehicles or parts of vehicles (e.g. trailers) that have been left on land open to the air. Between April 2017 and March 2018, 302 calls for services were made to the Council alleging vehicle abandonment. Of these 19 vehicles/cases required removal and disposal.
- 5.5.2 The legislation also allows for local authorities to serve a Fixed Penalty Notice (of up to £200) on the registered keeper at the time of abandonment (if this person can be identified) to discharge their liability for committing the offence of abandoning a vehicle. Under the Removal, Storage and Disposal of Vehicles (Prescribed Sums and Charges) Regulations 2008 there is also the option for the local authority to recover costs associated with the removal and disposal of abandoned vehicles.
- 5.5.3 At the moment we do not recover the costs for removal and/or disposal, nor do we issue a Fixed Penalty Notice for abandoned vehicles. Preliminary enquiries with other local authorities in Derbyshire show that we are no different, with the exception of Amber Valley Borough Council who does recover costs for storage and disposal. The options for a local authority are to either pursue the registered keeper by means of issuing a FPN or send an invoice to the registered keeper for

the prescribed charges. It is anticipated that this will be explored and full details reported before April 2020.

5.5.4 It should be noted that on a quarterly basis the number of vehicles inspected and 'lifted' (i.e. removed from the highway) is reported to Derbyshire County Council and for this we receive a fixed fee for each vehicle inspected; this fee is currently set at £36.94.

5.6 Environmental Information Requests

5.6.1 The Environmental Information Regulations 2004 (EIR) give rights of public access to information held by public authorities.

5.6.2 The overarching purpose of the EIR is to encourage straightforward access to environmental information. Public authorities can charge for supplying environmental information that they hold in response to requests, but any charge must be 'reasonable' and take account the aim of the Regulations.

5.6.3 Requests are usually made for information held on commercial premises (i.e. any known contamination issues, nuisance complaints, pollution incidents etc.), properties (both commercial and residential) going through the conveyancing process and for professional opinion on environmental reports from solicitors and commercial proprietors for insurance purposes.

5.6.4 The charge for this type of enquiry will be £50 per hour.

5.7 Skin Piercing

5.7.1 The Local Government (Miscellaneous Provisions) Act 1982 (as amended) allows a local authority to charge

such reasonable fees as they may determine for registration under the legislation for skin piercing.

5.7.2 From 1st April 2017 to 31st March 2018, 28 premises visits were made and 13 personal applications submitted. There has already been a similar amount of visits between 1st April 2018 to 22nd October 2018 at the time this report was prepared and it is estimated that a similar amount will continue each year.

5.7.3 Table 4 below shows the comparison of fees across Derbyshire for skin piercing. Currently, Chesterfield Borough Council can be seen as one of the lower fees and with the revisions proposed will bring its fees more in line with others across Derbyshire. Appendix F shows the matrix used to determine the proposed fees.

5.7.4 Table 4 shows the comparison of fees for skin piercing.

Table 4 - showing the comparison across Derbyshire for application fees for skin piercing

	Premises Registration	Personal Registration
Amber Valley Council	£120	£40
Bolsover District Council	£37	£23.5
Chesterfield Borough Council New proposed fee	£60 (£130)	£84 (£130) (£45 if at same time as premises visit)
Derbyshire Dales District Council	£82	£82
Derby City Council	£149	£230
Erewash District Council	£120	£120
High Peak District Council	£150	£85
North East Derbyshire District Council	£76.50	£76.50
South Derbyshire District Council	£116	£116

5.8 Animal Licensing

5.8.1 Following a change in legislation, the council have recently reviewed animal licensing fees. Members of the Appeals and Regulatory Committee approved the revised fees on 26th September 2018

5.9 Food re-rate visits

5.9.1 This scheme is governed by the Food Standards Agency operating under the Food Hygiene Rating Scheme. Currently a fee of £170 is charged for re-rate inspections. It is recommended that an increase of 3% is applied. The new fee will be £175. From 1st April 2018 when the new fee came into place 11 re-rate visits have taken place resulting in an income of £1870. It is estimated that a similar amount will continue into 2019 and progressing in 2019 to 2020.

5.10 Export Health Certificates

5.10.1 Since 1st April 2018, 2 applications for export health certificates have been submitted resulting in an income of £100 (as the current fee is £50). It is recommended that an increase of 3% is applied. The new fee will be £52. It is estimated that this number of export certificates is low in the future.

6.0 **Equalities Impact Assessment (EIA)**

6.1 A preliminary Equalities Impact Assessment has been completed and no group is anticipated to face a disproportionate negative impact. We continue to facilitate appropriate income based concessions to assist residents.

6.2 Registered assistance dogs, as defined in law, shall be exempt from fees associated with straying and fouling.

7.0 **Financial Implications**

7.1 It is not easy to accurately predict the financial gain that will be achieved through these charges, as demand is variable and can be wholly dependent upon the weather (i.e. wasps) and, in the case of kennelling income, is principally there to offset the fees we pay to the kennelling provider.

7.2 For the purposes of these calculations, demand is based on recent years (and takes averages of fluctuations) and conservative predictions about the take-up of chargeable vermin control, since it came into effect in April 2014.

7.3 The Concessionary Policy will ensure that residents in receipt of 'income based' benefits will be eligible for concessionary fees for pest control treatments.

8.0 **Alternative options to be considered**

8.1 Given the agreed policy in terms of income generation, the alternative is to increase charges above those suggested and/or further reduce the level of concessions for pest control.

9.0 **Risk Management**

9.1 Details of the risks associated with fees and charges are given in Table 5 below.

Table 5 - Risk Factors Affecting Income

Risk	Likelihood	Impact	Mitigating Action	Revised Likelihood	Residual Impact
Below expected	Medium	Medium impact	Conservative income projection.	Low	Low

take up of services and competition		on the income levels	Marketing of pest control services. Training to provide a wider range of pest treatments. Competitive pricing and concessions. Publicity about risks associated with DIY treatments.		
Unpaid fees and written off debts	Low	Low	Pre-payment is necessary for many services. In others it is at point of delivery, apart from commercial invoicing	Low	Low
Risk	Likelihood	Impact	Mitigating Action	Revised Likelihood	Residual Impact
Fixed penalty fees not paid	Low	Low	Existing reminder letters to offenders keeps payment rates high. Court costs will be sought.	Low	Low
Reduced income due to uptake of Universal Credit	Low (due to phased introduction)	Low	Advice sought from Revenues. Limit to "income based" claimants. To monitor uptake.	Low	Low

10.0 Recommendations

10.1 That Members approve the proposed fees and charges, including concessionary rates (where applicable), as detailed in Appendix A, with effect from 1st April 2019.

10.2 That the Senior Environmental Health Officer continues to have discretion to offer reduced charges for micro-chipping of dogs at promotional events and campaigns associated with the mandatory chipping that came into effect in April 2016.

10.3 That the Senior Environmental Health Officer continues to have discretion to offer an alternative enforcement option for fly-tipping offences instead of issuing a fixed penalty notice (this could include a simple caution or prosecution).

11.0 **Reasons for recommendations**

11.1 To set the environmental health fees and charges for 2019/20.

Decision information

Key decision number	847
Wards affected	All wards
Links to Council Plan priorities	To provide value for money services.

Document information

Report author	Contact number/email
Ian Waller, Assistant Director Health & Wellbeing	01246 345337
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
This must be made available to the public for up to 4 years.	
Appendices to the report	
Appendix A	Proposed Fees for 2019 to 2020
Appendix B	DEFRA fees and charges for Environmental Permitting
Appendix C	Subsistence charges for 2019/2020 for processes regulated by CBC
Appendix D	Comparison of stray dog and microchipping fees across Derbyshire (correct at the time of writing)
Appendix E	Comparison of pest control fees across Derbyshire (correct at the time of writing)
Appendix F	Review of skin piercing fees

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Appendix A - Proposed Fees for 2019 to 2020

	2018-2019 fees Concession Rate = 20% reduction of standard rate and rounded to nearest whole £5	Proposed fee for 2019 to 2020 Concession Rate = 20% reduction of standard rate and rounded to nearest whole £5		
<u>Pest Control</u> (all domestic fees include VAT)				
Domestic premises – advice only home visit (no treatment)	£20, no concession available	£20, no concession available		
Rats	£45 full price £35 discounted	£45 full price £35 discounted		
Mice (indoor only)	£45 full price £35 discounted	£45 full price £35 discounted		
Cockroaches	£45 full price £35 discounted	£70 full price £55 discounted		
Wasps	£45 full price £35 discounted	£45 full price £35 discounted		
Ants (indoor only)	£60 full price £50 discounted	£60 full price £50 discounted		
Fleas	£70 full price £55 discounted	2 rooms: £70 full price £55 discounted	3 rooms: £90 full price £70 discounted	4 or more rooms: £110 full price £90 discounted
Bedbugs	£100 full price £80 discounted	2 rooms: £100 full price £80 discounted	3 rooms: £120 full price £100 discounted	4 or more rooms: £140 full price £120 discounted
<u>Pest control commercial one off treatments and contracts</u>				
One off treatments and annual contracts available	POA	POA		
Commercial – Wasps	£50	£50		

Dog Control (all fees include VAT)		
Microchipping	£16 £10 @ events	£16 £10 @ events
Stray dog: admin fee	£11.00	£15.00
Stray dog: kennel fee (per day or part thereof)	£15.50	£20.00 (per day or part thereof)
Stray dog: Statutory return to owner fee	£25.00	£25.00
Fixed Penalty Notices		
Littering offence	£60	Maximum penalty is £150, reduced to £60 if paid within 14 days
Public Spaces Protection Order (dog control)	-	Maximum £80
Public Spaces Protection Order (town centre)	-	Maximum £100
Flytipping	£300	£300
Community Protection Notice	£70	£70
Smoke free	£50 or £30 if paid within 29 days	£50 or £30 if paid within 29 days
Environmental Information Requests	Varied charge depending on query £30 - £60	£50 per hour
Skin Piercing		
Premises Registration	£60	£130
Personal Registration	£84	£130 unless assessed at time of premises inspection visit then it will be £45
Food Re-Rate inspection	£170	£175
Export Health Certificate	£50	£52
Animal Licensing		
Animal Boarding, Animals for Exhibition Breeding Dangerous Wild Animals Dog Day Care	£250	£250

Home Boarding Pet Shop Riding Establishments Z00		
Additional licence Activity	£65	£65
Enforcement Visit	£55	£55
Re-rate inspection (full cost recovery) / reinstatement after suspension	£160	£160
Appeal fee (unless re-inspection gives higher rating)	£160	£160
Lost Licence /Duplicate Licence	£10	£10
Variation of licence (admin only)	£25	£25
Variation that involves further inspection	£160	£160
Vets Fees	A recharge to the licensee of the cost to the Authority	A recharge to the licensee of the cost to the Authority

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Appendix B – DEFRA fees and charges for Environmental Permitting

Further details are available from 'The local authority permits for Part B installations and mobile plant and solvent emissions activities (fees and charges) (England) Scheme 2017', a copy of which is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/636243/env-permit-part-b-fees-2017.pdf

At the time of writing this report, the fees for 2019/2020 remain unchanged and are the same as 2018/19.

2017/18 Charges

LAPPC (Part B) Charges for 2017/18

Type of charge	Type of process	2017/18 fee
Application Fee	Standard process (includes solvent emission activities)	£1650
	Additional fee for operating without a permit	£1188
	PVRI, and Dry Cleaners	£155
	PVR I & II combined	£257
	VRs and other Reduced Fee Activities	£362
	Reduced fee activities: Additional fee for operating without a permit	£99
	Mobile plant**	£1650
	for the third to seventh applications	£985
	for the eighth and subsequent applications	£498
	<i>Where an application for any of the above is for a combined Part B and waste application, add an extra £310 to the above amounts</i>	£808
Annual subsistence charge	Standard process Low	£772 (+£103)*
	Standard process Medium	£1161 (+£156)*
	Standard process High	£1747 (+£207)
	PVRI, and Dry Cleaners L/M/H	£79/£158/£237
	PVR I & II combined L/M/H	£113/£226/£341
	VRs and other Reduced Fees	£228/£365/£548
	Mobile plant, for first and second permits L/M/H**	£646/£1034/£1506
	for the third to seventh permits L/M/H	£385/£617/£924
	eighth and subsequent permits L/M/H	£198/£316/£473
	Late payment Fee	£52
	<i>* the additional amounts in brackets must be charged where a permit is for a combined Part B and waste installation</i>	
	<i>Where a Part B installation is subject to reporting under the E-PRTR Regulation, add an extra £103 to the above amounts</i>	
Transfer and Surrender	Standard process transfer	£169
	Standard process partial transfer	£497
	New operator at low risk reduced fee activity (extra one-off subsistence charge - see Art 15(2) of charging scheme)	£78
	Surrender: all Part B activities	£0
	Reduced fee activities: transfer	£0
	Reduced fee activities: partial transfer	£47
Temporary transfer for mobile plant	First transfer	£53

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Appendix C – annual subsistence charges for environmental permitting 2019/2020 (correct at time of writing)

Process type	Address	Annual subsistence fee £
Cremation	Chesterfield Rd, Brimington, S43 1AU	1161
Cement and lime	Armytage Trading Estate, Station Road, S41 9ES	228
Cement and lime	Brimington Road North, Whittington Moor S41 9ES	228
Cement and lime	Storforth Lane, Hasland	228
Non-ferrous metals	Station Rd, Whittington Moor S41 9ES	1161
Ferrous metals	Trinity Works, Foundry Street, Whittington Moor, S41 9AX	1161
Vehicle re-finishing	464 Chatsworth Rd, S40 3WQ	228
Vehicle re-finishing	The Brushes, Sheffield Road, S41 9ED	228
Animal and vegetable	Clayton Street, Chesterfield, S41 0DU	772
Ferrous metals	Spital Lane, Spital, S41 0EX	1610
Timber processes	Albion Sawmills, Union Walk, S40 4SA	228
Tar and bitumen	Foxwood Way, Sheepbridge, S41 9RX	349
Cement and lime	Broombank Road, Sheepbridge, S41 9QF	228
Service station	1 Barnfield Close, Staveley, S43 3UL	79
Service station	Rother Way, Tupton, S41 0UB	79
Service station	300 Sheffield Road, S41 8JZ	79
Service station	Derby Road, Chesterfield	79
Service station	Newbold Road, Chesterfield, S41 7AL	79
Service station	Chatsworth Road, Chesterfield, S40 3BQ	79
Service station	561 Chatsworth Road, S40 3JX	79
Service station	108 Ashgate Road, Chesterfield, S40 4AR	79
Service station	Mansfield Road, Hasland, S41 0JF	79
Service station	High Street, Brimington, S41 1DF	79
Ceramics	Broombank Road, Sheepbridge, S41 9BS	772
Dry cleaning	5 Elder Way, S40 1UR	79
Coating activity (SED)	Farndale Road, Staveley, S43 3YN	772
Dry cleaning	Unit 2, Lordsmill Street, S41 7RR	79
Mineral activities	Troughbrook Road, Hollingwood, Chesterfield, S43 2JP	636
Cement and lime	Micon Brimington Road North, Chesterfield, S41 9BE	228
Dry cleaning	Chatsworth Road, Chesterfield, S40 3BQ	79
Dry cleaning	6 Littlemoor Centre, Newbold, S41 8QW	79
Service station	Lockoford Lane, Chesterfield, S41 7JB	79
Coating activity (SED)	Speedwell Industrial Estate, Staveley, S43 3JP	772
Ceramics	655 Sheffield Road, Chesterfield S41 9ED	772
Service station	Markham Lane, M1 Commerce Park, S44 5HY	79
Coating activity	Speedwell Industrial Estate, Staveley, S43 3PF	1161
Road-stone coating	Foxwood Industrial Estate, Foxwood Road, Sheepbridge, S41 9RN	365
Vehicle re-finishing	Sheffield Road, Stonegravels, S41 7JH	1161
	Total income	15914

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Appendix D – comparison of stray dog and microchipping fees across Derbyshire (based on information publicly available and at the time of this report)

	Microchipping fee	Return to owner fee/statutory fee	Kennelling fees/per day	Admin fee
Amber Valley	£20 (including VAT for home visit) £15 (including VAT) at an organised session	Off the van £28/£17 From the kennels £28/£18	£10.00	No fee
Bolsover	£17.00	£25.00	£9.60 Plus £25.00 out of hours fee	£12.39
Chesterfield	£16.00	£25.00	£20.00	£15.00
Derby City	Service not provided	Information not available	Day 1 in kennels £60.00 (additional £9.00 per day after).	-
Derbyshire Dales	Service provided by kennels/donation required	£58.95	£15.25	Built in with stray fee and kennels fee
Erewash	Free	£52.00	£12.00	No information available
High Peak	Service not provided	£25.00	Daily rate not available. Dogs are only kennelled for 3 days and then kept at the Manchester dog re-homing centre for next 4 days (i.e. remainder of statutory 7 days)	-
North East Derbyshire DC	£17.00	£25.00	£9.60 Plus £25.00 out of hours fee	£12.39
South Derbyshire	Free/donation required	£25.00	£8.50	-

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Appendix E – comparison of pest control fees across Derbyshire (based on information publicly available and at the time of this report) – fees are per treatment, unless specified as commercial/per hour

	Rats	Mice	Wasps	Fleas	Bed Bugs	Ants	Comments
Amber Valley	£45	£45	£46.23	£50	No service	£40	
Bolsover	Free	Free	£46.23	£46.23	£46.23	No service	
Chesterfield	£45 £35	£45 £35 (indoor only)	£45 £35 £50 commercial	£70 £55	£100 £80	£60 £50	Home visit £20 Commercial work - POA
Derby City	£33.00 (online) £38.00 (phone)	£72.00 (online) £83.00 (phone)	With ladder £72.00 (online) £83.00 (phone) £18 (extra nest)	£103 (3 rooms or less) £113 (4 rooms) £146 (5+ rooms)	£119 (3 rooms or less) £146 (4 rooms) £178 (5+ rooms)	No information available	Cancellation within 1 working day; treatment charge refunded minus administrative charge. Other charges apply for cancellation on the day.
Derbyshire Dales	£26.80 £13.40 £119.08/hour for commercial work	£53.60 £26.80 £119.08/hour for commercial work	£66.90 £33.45 £59.92/hour for commercial work	£66.86 £33.45 £59.92/hour for commercial work	£80.25 £33.45 £59.92/hour for commercial work	£66.85 £33.45 £59.92/hour for commercial work	50% concession if in receipt of housing/council tax benefit or aged 65 and over. Advice visit - £16.00 (no concession)
Erewash	-	-	-	-	-	-	Service not provided.
High Peak	Free	£55.00 £27.50	£55.00 £27.50	Charge depends on size of house £65 - £125	Charge depends on size of house £65 - £125	£105	Commercial work £100/hour
North East	£41	£41	£45	£45	£65	£32.50	No concessionary rates. £55/treatment for commercial work
South Derbyshire	£28 £14	£56 £28	£54 £27	£70 £35	Service not provided	Service not provided	No information on website regarding commercial work

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Premises or Personal Registration		Indicate TIME estimates in minutes used for your local authority	Indicate OFFICER responsible for each process in your local authority	Cost estimated for you local authority
Initial Enquiry and supply of forms/advice		30	Authorised Officer	£16.00
Receipt of fee. Processing payment		20	Admin Support Officer	£3.00
Enter onto LA database (create worksheet, scan and attach application and receipt, email officer)		30	Admin Support Officer	£4.50
Travel to and from business (average)		30	Authorised Officer	£16.00
Announced Inspection		60	Authorised Officer	£32.00
Officer to check new Registration before posted		10	Authorised Officer	£5.33
Fees and Charges Report took to committee		30	Licensing manager	£16.00
Website maintenance,		10	Authorised Officer	£5.33
mileage - average 10 miles @ 45p/mile				£4.50
Office stationary including postage				£25.00
TOTAL - do not enter details as this will automatically calculate		220		£127.66
Personal Registration (If at time of premise inspection)				
Inspection in line with premises Registration visit		30	Authorised Officer	£16.00
Enter onto LA database (create worksheet, scan and attach application and receipt, email officer)		30	Admin Support Officer	£4.50
Office stationary including postage				£25.00
TOTAL - do not enter details as this will automatically calculate				£45.50
Additional costs (insert any additional processes/costs identified not included in above)				
Process = Additional points		Indicate TIME estimates in minutes used for your local authority	Indicate OFFICER responsible for each process in your local authority	Cost estimated for you local authority
Personal Registration (separate visit to premises reg visit)				£130
Lost Licence/Duplication of licence/change of name			Admin Support Officer	£10
Costs used				
Environmental Health Practitioner (hourly rate)	£32.00	For guidance on completing this form please refer to the worksheet 'Guidance'		
Admin Support Officer (hourly rate)	£9.09			

Current Cost
Premises reg (£60)

Personal reg (£84)

New proposed costs
Premises Reg (£130)

Personal Reg (£130) unless at carried out at same time as premises registration visit then £45 on top of the £130

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For publication

Commercial Services Fees and Charges Report 2019 for Outdoor Recreation and Waste Services

Meeting:	Cabinet
Date:	13 November, 2018
Cabinet portfolio:	Health and Wellbeing
Report by:	Michael Brymer

For publication

1.0 Purpose of report

- 1.1 To set the Council's Waste and Outdoor Recreation fees and charges for the financial year commencing 1 April 2019.

2.0 Recommendations

- 2.1 It is recommended that the 2019/20 fees and charges as detailed in Appendix 1, be approved.

3.0 Report details

- 3.1 In accordance with the Council's Budget Strategy, this is the annual review of fees and charges taking into consideration that charges should aim to recover at least the full cost of the service except where:

- (1) There is an opportunity to maximise income: or

- (2) Members determine a reduction or subsidy should be made for a specific reason.

- 3.2 In preparing this report, we have had regard to The Council's Budget Strategy in that provision should be made for a minimum inflationary increase of 3% each year.

Outdoor Recreation fees and charges

- 3.3 The Council provides a variety of facilities and services that contribute to promoting positive and healthy lifestyles and improving the quality of life for residents. The demand for our services has held up generally well against national and local economic difficulties.
- 3.4 From time to time event organisers wish to make a major booking and there needs to be the flexibility to vary rates to be competitive and to attract bookings that will increase income to the Council. A decision on pricing of events of this nature is agreed with the Assistant Director – Commercial Services.
- 3.5 It should be noted that we are actively seeking to secure lease agreements, where possible, with sports clubs alongside reducing the subsidy for each pursuit. 2019/20 will continue to see a review of current leases and arrangements to ensure value for money and a consistent approach is achieved. This may affect the overall level of fees and charges during the year.

Waste

- 3.6 The Council has a duty under the Environmental Protection Act 1990 to arrange for the removal of Commercial Waste from shops, offices, hotels and similar businesses if requested to do so by the occupier. Businesses from which waste is removed must pay reasonable charges for the collection and disposal of such waste. Current charges for the collection and disposal (referred to as removal) are shown in Appendix A.
- 3.7 The services covered by this arrangement are listed below:
- Industrial Waste – Waste Collection Authorities (WCAs) such as CBC may if requested but only with the consent of the Waste Disposal Authority (WDA). Derbyshire County Council, our WDA, does not permit any of the WCAs in Derbyshire to collect and dispose of such waste so this is not a service CBC can offer.
 - Chargeable Household Waste – Such as schools, other educational premises, nursing homes, residential homes, registered charities and hospitals are charged has changed.

These changes were agreed by Cabinet 14 July 2015 and a new non-profit making charging structure was set up.

- Hire Charges For Trade Waste Receptacles – A separate charge is itemised on the customers invoice for the hire of a receptacle. This is for administrative purposes and also in order to ensure that as a minimum the total cost of servicing each size of receptacle is recovered and preferably makes a positive contribution to the Trading Account profitability.
- Healthcare Waste – In the interests of public health and safety certain types of healthcare waste defined as offensive or infectious are collected free of charge from domestic properties. However, it is Council policy to charge Commercial Waste rates at Residential Homes who request the service.
- One-off Collections – The Council may be requested to make special journeys for one-off collections of Commercial or Chargeable Household Waste. These are charged at an hourly rate. The annual number of such jobs is variable with current income estimated for this financial year at £4,500.
- Wheeled Bins – In April 2001 the Council introduced a charge for the supply and delivery of wheeled bins to new domestic properties and these charges include the cost of delivery.
- Bulky Household Waste Collections – Charges are based on the overriding waste management principles of the waste hierarchy (Reduce, Re-use, Recycle) and the polluter pays.
- Sharps Boxes – Occasionally we get requests from Residential Care Homes to collect sharps boxes.
- Mixed Hereditament – These are premises with a mix of customer categories, i.e. a shop and public house or business. A reduced charge (allowance) is made if the customer enters into a contract for the collection of their trade waste and the occupier opts to dispose of the domestic element of their waste in their trade bin that is provided.

3.8 However, producers of Commercial Waste may request the service from one of a number of private sector companies who operate in the Chesterfield area. Traditionally these have provided

strong competition for the Council, normally focusing on the servicing of larger 1100 and 660 litre sized receptacles.

3.9 Our knowledge of the service and our stable share of the market indicate that the fees and charges recommended will remain competitive. The service also plans to launch a commercial recycling service during 2018/19, this will improve the overall offer of the service to our customers as well as meet our Council Objectives.

4.0 **Human resources/people management implications**

4.1 There are no direct human resource implications arising from this report although the Council employee staff to deliver the services included in this report.

5.0 **Financial implications**

5.1 The Council's general guidelines for charging include an aim to recover the full cost of the service except where:

- There is an opportunity to maximise income; or
- Members determine that a reduction or subsidy should be made for specific reasons

The proposed fees and charges for 2019/20 achieve this aim whilst giving consideration to the current economic climate, market forces, competition, and the customer's ability to pay.

6.0 **Legal and data protection implications**

6.1 There are no legal or data protection implications arising from this report.

7.0 **Risk management**

7.1 Details of the risks associated with increasing fees and charges are given below.

Description	Impact	Probability	Controls to be Implemented
Below expected	Reduced income	Medium	Income is largely subject to economic fluctuations,

Description	Impact	Probability	Controls to be Implemented
take up of services generally			however, price sensitivities can be a factor. Proposed fees will be comparable with neighboring authorities.
Users choosing to use alternative facilities	Reduced income	Low	Proposed increases still represent good value for money. Continue to build sound relationships with our customers and service users.
Adverse publicity	Criticism of authority	Medium	Prepare good reasoning for the increase in fees and charges and that they remain below comparable authorities. Improve standards of services.

8.0 Equalities Impact Assessment (EIA)

8.1 A preliminary Equalities Impact Assessment has been completed previously and no group is anticipated to face a disproportionate negative impact.

9.0 Alternative options and reasons for rejection

9.1 Members could decide not to increase fees and charges, however, a number of service are already subsidised.

9.2 A larger increase could be applied to fees, however, this may result in services being either not competitive or not affordable.

10.0 Recommendations

10.1 It is recommended that the 2019/20 fees and charges as detailed in Appendix 1, be approved.

11.0 Reasons for Recommendations

11.1 To comply with the Council's Budget Strategy.

Decision information

Key decision number	849
Wards affected	All
Links to Council Plan priorities	To provide value for money services

Document information

Report author	Contact number/email
Mike Brymer	01246 345325 Michael.brymer@chesterfield.gov.uk
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
Appendices to the report	
Appendix A	Proposed fees and charges for 2019/20 for outdoor recreational activities and waste management

APPENDIX A OUTDOOR RECREATION FEES & CHARGES

	<u>Existing</u>	<u>Proposed 2019/20</u>
	£	£
<u>BOWLING</u>		
Casual - Adult per hour		
Casual - Concessionalry per hour		
Hire of Green Exclusive Use	£95.00	£95.00
Club - Annual Green Fee (Including Pavilion)	£1,400.00	£1,400
Bowling Clubs - Brimington, King George, Eastwood Park and Stand Road		Fixed at 2017/18 following each Club agreeing to take on additional maintenance

FOOTBALL

PITCHES (per season per team including posts & marking)		
Adult - Full Size	£571.65	£589
Adult - Full Size (Holmebrook Valley Park)	£679.80	£700
Junior - Full Size	£489.25	£504
Junior - Full Size (Holmebrook Valley Park)	£576.80	£594
3/4 Pitch	£412.00	£424
3/4 Pitch (Holmebrook Valley Park)	£484.10	£499
9 v 9 Pitch	£412.00	£424
9 v 9 Pitch (Holmebrook Valley Park)	£484.10	£499
Mini-Soccer	£257.50	£265
mini-Soccer (Holmebrook Valley Park)	£288.40	£297
CHANGING ACCOMODATION (per team per season)		
Adults - Purpose built changing rooms with showers & toilets	£216.30	£223
Juniors - Purpose built changing rooms with showers & toilets	£113.30	£117
Adults - Changing rooms with hand wash basin & toilets	£133.90	£138
Juniors - Changing rooms with hand wash basin & toilets	£72.10	£74
Adults - Changing rooms with no facilities	£113.30	£117
Juniors - Changing rooms with no facilities	£56.65	£58
OCCASIONAL MATCHES		
With changing accomodation	£69.01	£71
Without changing accomodation	£53.56	£55

CRICKET

WICKET (per season per team)		
Brearley Park	£587.10	£605
Eastwood Park	£587.10	£605
School Use	£422.30	£435
Junior Teams	£298.70	£308
CHANGING ACCOMODATION (per team per season)		
Brearley Park		
Eastwood Park	£133.90	£138
OCCASIONAL MATCHES		
Adults - With changing accomodation	£92.70	£95
Juniors - With changing accomodation	£59.74	£62
Adults - Without changing accomodation	£66.95	£69
Juniors - Without changing accomodation	£41.20	£42

TENNIS

Adult - Casual court booking per hour	£7.98	£8
Concessionary - Casual court booking per hour	£6.44	£7

MINIATURE RAILWAY

Per person	£2.00	£2
Family Ticket (1 Adult & 2 Children)	£5.00	£5

BMX TRACK

Seasonal use	
Club Events	

RECREATION GROUNDS

Hire per day	£257.50	£265
Club Hire of a designated area up to 3 hours	£20.00	£21
Catering rights per mobile unit / stall	£60.00	£62

COMMUNITY ROOM HIRE (Country Parks)

Monday - Friday (up to 2 hours)	£27.50	£28
Additional hourly rate	£11.00	£11
Weekends & Bank Holiday by negotiation		

QUEENS PARK CRICKET PAVILION

Monday - Friday (up to 4 hours)	£60.00	£62
Monday - Friday (all day)	£120.00	£124
Additional hourly rate	£22.00	£23
Weekends & Bank Holiday by negotiation		

POOLSBROOK COUNTRY PARK

LAUNCHING FEES (Based on 8 canoeists plus qualified coach)

Club sessions (up to 2 hours)	£33.00	£34
Club sessions (up to 4 hours)	£45.00	£46
Club sessions (all day)	£85.00	£88

PERMITS

Use of metal detector at designated sites per annum	£17.00	£25
Commercial fitness coach at designated sites per annum	£90.00	£93

EASTWOOD PARK

M.U.G.A.

Netball - per match *	£18.00	£19
Walking football - per session	£12.00	£12
Petanque - season	£110.00	£113

* Evening fixtures incurring security and flood light expenditure

EVENTS IN GENERAL

Friends of groups events		
Sponsored walks / bike rides / picnic		
Community event (fun day, awareness days)	£25.00	£26
Charity event	£75.00	£77
Commercial Events (Up to 500 attendees)	£500.00	£515
Commercial Events (Over 500 attendees)		By negotiation
Weddings - tapton	£500.00	£515

FUNFAIRS

Queen's Park - early may, spring bank and august bank	£1,630.00	£1,679
Eastwood Park	£1,209.00	£1,245
Other park	£637.00	£656
Stand Road fireworks	£2,000.00	£2,060

CIRCUS

Stand Road / Queen's Park - up to 1 week	£2,250.00	£2,318
Stand Road / Queen's Park - over 1 week	£3,750.00	£3,863
Smaller Circus on other sites- up to 1 week		£850
Smaller Circus on other sites- over 1 week		£1,250
Ground Bond		£500

Market Comparison (Where available)

chesterfield borough council	Mansfield District Council	Erewash Borough Council	Sheffield City Council
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BOWLING

Casual - Adult per hour				£2.92
Casual - Concessionary per hour				£2.92
Hire of Green Exclusive Use	£95.00	NA	NA	
Club - Annual Green Fee (Including Bowling Clubs - Brimington, King	£1,400.00	£1,600.00	NA	£0- fully maintained by clubs
	Fixed at 2017/18 following each Club agreeing to take on additional maintenance responsibilities			

FOOTBALL**PITCHES** (per season per team including posts & marking)

Adult - Full Size	£588.80	£400.00	NA	£363.00
Adult - Full Size (Holmebrook Valley Park)	£700.19	NA	NA	NA
Junior - Full Size	£503.93	£400.00	NA	£210.00
Junior - Full Size (Holmebrook Valley Park)	£594.10	NA	NA	NA
3/4 Pitch	£424.36	NA	NA	NA
3/4 Pitch (Holmebrook Valley Park)	£498.62	NA	NA	NA
9 v 9 Pitch	£424.36	NA	NA	NA
9 v 9 Pitch (Holmebrook Valley Park)	£498.62	NA	NA	NA
Mini-Soccer	£265.23	NA	NA	NA
mini-Soccer (Holmebrook Valley Park)	£297.05	NA	NA	NA

CHANGING ACCOMODATION (per team per season)

Adults - Purpose built changing rooms with	£222.79	NA	NA	£540.00
Juniors - Purpose built changing rooms	£116.70	NA	NA	£420.00
Adults - Changing rooms with hand wash	£137.92	NA	NA	NA
Juniors - Changing rooms with hand wash	£74.26	NA	NA	NA
Adults - Changing rooms with no facilities	£116.70	NA	NA	NA
Juniors - Changing rooms with no facilities	£58.35	NA	NA	NA

OCCASIONAL MATCHES

With changing accomodation	£71.08	£46.00	£36.35	£44.00
Without changing accomodation	£55.17	£46.00	£32.20	£25.00

CRICKET**WICKET** (per season per team)

Brearley Park	£604.71	£1,050.00	NA	NA
Eastwood Park	£604.71	£1,050.00	NA	NA
School Use	£434.97	£1,050.00	NA	NA
Junior Teams	£307.66	£1,050.00	NA	NA

CHANGING ACCOMODATION (per team per season)

Brearley Park				
Eastwood Park	£137.92	NA	NA	NA

OCCASIONAL MATCHES

Adults - With changing accomodation	£95.48	£51.00	£105.00	NA
Juniors - With changing accomodation	£61.53	£25.50	NA	NA
Adults - Without changing accomodation	£68.96	£50.00	NA	NA
Juniors - Without changing accomodation	£42.44	£25.00	NA	NA

TENNIS

Adult - Casual court booking per hour	£8.22	NA	NA	£5.00
Concessionary - Casual court booking per	£6.63	NA	NA	£5.00

MINIATURE RAILWAY

Per person	£2.00	NA	NA	NA
Family Ticket (1 Adult & 2 Children)	£5.00	NA	NA	NA

BMX TRACK

Seasonal use		NA	NA	NA
Club Events		NA	NA	NA

RECREATION GROUNDS

Hire per day	£265.23	£1,000.00	NA	£480.00-£3,500
Club Hire of a designated area up to 3	£20.60	£21.00	NA	NA
Catering rights per mobile unit / stall	£61.80	NA		NA

COMMUNITY ROOM HIRE (Country Parks)

Monday - Friday (up to 2 hours)	£28.33	£21.00	£35.30	NA
Additional hourly rate	£11.33	NA	£17.20	NA
Weekends & Bank Holiday by negotiation		£40 Community- £50 C	£53.90	NA

QUEENS PARK CRICKET **PAVILION**

Monday - Friday (up to 4 hours)	£61.80	£31.00	NA	NA
Monday - Friday (all day)	£123.60	£52.00	NA	NA
Additional hourly rate	£22.66	NA	NA	NA
Weekends & Bank Holiday by negotiation		NA	NA	NA

POOLSBROOK COUNTRY **PARK**

LAUNCHING FEES (Based on 8 canoeists plus qualified coach)

Club sessions (up to 2 hours)	£33.99	NA	NA	NA
Club sessions (up to 4 hours)	£46.35	NA	NA	NA
Club sessions (all day)	£87.55	NA	NA	NA

PERMITS

Use of metal detector at designated sites	£25.00	NA	NA	
Commercial fitness coach at designated	£92.70	£150.00	NA	£348.50

EASTWOOD PARK

M.U.G.A.

Netball - per match *	£18.54	NA	NA	NA
Walking football - per session	£12.36	NA	NA	NA
Petanque - season	£113.30	£1,600.00	NA	NA

* Evening fixtures incurring security and

EVENTS IN GENERAL

Friends of groups events			£0.00	NA
Sponsored walks / bike rides / picnic			£0.00	NA
Community event (fun day, awareness)	£25.75	£359 small/£1025 large	£200.00	£480.00
Charity event	£77.25	£359 small/£1025 large	£100.00	£480.00
Commercial Events (Up to 500 attendees)	£515.00	£718.00 per day	£500.00	£1,700.00
Commercial Events (Over 500 attendees)	By negotiation	£2050 per day	NA	£3,500.00
Weddings - tapton	£515.00	NA	NA	NA

FUNFAIRS

Queen's Park - early may, spring bank and	£1,678.90	By Negotiation	NA	£4,000.00
Eastwood Park	£1,245.27	By Negotiation	NA	£4,000.00
Other park	£656.11	By Negotiation	NA	£4,000.00
Stand Road fireworks	£2,060.00	By Negotiation	NA	£4,000.00

CIRCUS

Stand Road / Queen's Park - up to 1 week	£2,317.50	By Negotiation	NA	£6,000.00
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Stand Road / Queen's Park - over 1 week	£3,862.50	By Negotiation	NA	£6,000.00
Smaller Circus on other sites- up to 1 week	£850.00	By Negotiation	NA	£6,000.00
Smaller Circus on other sites- over 1 week	£1,250.00	By Negotiation	NA	£6,000.00
Ground Bond	£500.00	By Negotiation	£500.00	

commercial and clinical

current			
Receptacle Size	Hire	Collection & Disposal	Total
1100	93.11	778.8	871.9
660	76.22	544.9	621.1
360	32.14	356.8	388.9
240	20.91	274	294.9
140	12.26	195.3	207.6
Sack	NIL	153.1	153.1

2019/20 proposed			
Hire	Collection & Disposal	Total	weekly increase
95.9033	802.16	898	£0.50
78.5066	561.25	640	£0.36
33.1042	367.50	401	£0.23
21.5373	282.22	304	£0.17
12.6278	201.16	214	£0.12
NIL	157.69	158	£0.09

chargable household

current			
Receptacle Size	Hire	Collection	Total Charge
1100	£93.10	£303.80	£396.90
660	£76.20	£231.10	£307.30
360	£32.10	£161.40	£193.50
240	£20.90	£123.10	£144.00
Sack	NIL	£100.80	£100.80

2019/20 proposed			
Hire	Collection & Disposal	Total	weekly increase
£95.89	£312.91	£409	£0.23
£78.49	£238.03	£317	£0.18
£33.06	£166.24	£199	£0.11
£21.53	£126.79	£148	£0.08
NIL	£103.82	£104	£0.06

Benchmarking data (Commercial)

2018/19

Council	Amber V	Bolsover	Dales	NEDDC	Average	Chesterfield 19/20 Proposed
Sacks	110.72	315.12	131	315.12	217.99	£158
240	331.8	404.56	332.8	404.56	368.43	£304
360	429.83	465.92	416	465.92	444.42	£401
660	661.1	654.68	624	736.84*	646.59	£640
1100	926.55	947.96	910	947.96	933.12	£898

*770 Litre

For publication

Review of Cemeteries Fees and Charges 2019/20

Meeting:	Cabinet
Date:	13 November 2018
Cabinet portfolio:	Health and Wellbeing
Report by:	Assistant Director – Commercial Services

For publication

1.0 Purpose of report

- 1.1 To set the Council's cemeteries fees and charges for the financial year commencing 1 April 2019.

2.0 Recommendations

- 2.1 It is recommended that the 2019/20 fees and charges as detailed in Appendix A, be approved following an increase of 3% for residents of Chesterfield Borough Council and continued double fees for non-residents.

3.0 Report Details

- 3.1 Chesterfield Borough Council are responsible for the management of four Council cemeteries; Brimington, Staveley, Boythorpe and Spital. The cemeteries service is managed within the Bereavement Services Section who also manage the crematorium on behalf of the Chesterfield, North East Derbyshire and Bolsover Councils.
- 3.2 Cemeteries fees and charges are subject to annual review, with revised fees and charges implemented on 1st April each year.

3.3 In preparing this report, the Council's adopted general guidelines on charging for services have been taken into account.

3.4 The Cemeteries Service is currently subsidised with approximately 85% of controllable costs recovered from fees and charges. In setting the annual fees and charges for Cemeteries, proposals in this report have been taken into account;

- (a) The reduction in the number of burials taking place in recent years.
- (b) The need for the Council to achieve a balanced budget.
- (c) The level of fees and charges levied by other authorities in our family group and local cemeteries providers.
- (d) Broader value for money considerations.

3.5 A Comparison of charges has been carried out, reviewing fees and charges made by other authorities in our family group (table1) as well as those made by surrounding authorities (table 2).

Table 1: Fees of "Family Group Comparator Authorities 1 April 2018

Authority	Interment Fee	Exclusive Right of Burial	Exclusive Right of burial (CR)	Interment Fee (CR)	Non-resident fees?
Mansfield	£576	£1300	£725	£173	No
Chesterfield Borough Council	£824	£1020	£371	£278	Yes
Ipswich	£935 Purchased £715 Non-purchased	£1339 £198 Extra depth	£1339	£204	No
Worcester	£880 single depth £1040 double depth	30/99 years £795 / £2040	30/99 years £395 / £765	£335	Yes
Gloucester	£1041.90	£1041.90	£520.90	£208.40	Yes
Carlisle	£716	30/50 years £680 / £1140	30/50 years £238.50 / £397.50	£217	No
Newcastle U Lyme	£857	50 years £1155	£571	£375	No
Average Fee	£855.70*	£1290*	£670*	£255.80	3 Yes 4 No

Table 2: Fees of “Local” Comparator Authorities as at 1 April 2018

Authority	Interment Fee	Exclusive Right of Burial	Exclusive Right of burial (CR)	Interment Fee (CR)	Non-resident fees?
Amber Valley Borough Council	£589	£583	£216	£123	Yes
Chesterfield Borough Council	£824	£1020	£371	£278	Yes
Sheffield City Council	£1067	£1305	£575	£205	No
Derby City Council	£904	£1093	£311	£122	No
Derbyshire Dales District Council	£701.30	£624.65	£201.10	£147.70	No
Erewash Borough Council	£770	£747.50	£215	£195	No
High Peak Borough Council	£756	£660	£305	£194	Yes
North East Derbyshire District Council	£639.50	£525	£313	£127.24	No
South Derbyshire District Council	£412.50	£524	£252	£120.50	No
Mansfield	£576	£1300	£725	£173	No
Average Fee	£723.90	£838.20	£348.40	£168.50	

**Note to Tables: based on the best publically available information at the time of the report*

“Interment fee” is the price for each burial in a grave and is payable in addition to the Exclusive Right of Burial Fee”

“Exclusive Right of Burial Fee” is the price to purchase the right of burial in a grave. The owner of this right must authorise each burial in the grave and has the automatic right to be buried in the grave at the time of his or her own death.

“CR” – cremated remains

3.6 Members will note that the Council’s fees, whilst being above the local average, are still below the family group average. Comparator authorities will almost certainly increase their fees again in 2019-20.

3.7 For 2018/19 the controllable cost of cemeteries is forecast to be around £280,880 and the income is expected to be approximately

£238,980, meaning that there is an expected net subsidy of £41,900, and that income now covers around 85.08% of the controllable cost of the service.

3.8 Should members approve fees and charges for 2019/2020, as set out in Appendix A, it is estimated that burial numbers will be consolidated and approximately 85.51% of controllable costs will be recovered.

3.9 The table below explains how the Cemetery Fees and Charges have increased over 6 years from 2012 to 2018. The higher than average increases have seen the % of controllable costs recovered rise from 49.43% in 2012/13 to an estimated 85.08% in 2018/19. However, over the same period, there was a steady decline in interment numbers from 2012-2017, with numbers increasing again in 2017-18.

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
INTERMENTS	290	243	241	227	210	246
FEE INCREASE		+10%	+30%	+5%	+3%	+3%
% CONTROLLABLE COSTS RECOVERED	49.43%	50.01%	74.62%	76.65%	73.97%	84.20%

4.0 Human resources/people management implications

4.1 There are no human resource implications arising from this report.

5.0 Financial implications

5.1 The Council's general guidelines for charging include an aim to recover the full cost of the service except where:

- There is an opportunity to maximise income; or
- Members determine that a reduction or subsidy should be made for specific reasons

5.2 The proposed fees and charges for 2019/20 therefore aim to ensure that:

- the service continues to move towards cost recovery

- our fees remain competitive and affordable, helping to ensure we provide an affordable service and that burials continue to be an affordable option for the bereaved.

6.0 Legal and data protection implications

There are no legal or data protection implications arising from this report.

7.0 Risk management

7.1 Details of the risks associated with increasing fees and charges are given below.

Description	Impact	Probability	Controls to be Implemented
Below expected take up of services generally	Reduced income	Medium	Income from cemeteries is largely subject to fluctuations in the death rate, however, price sensitivities can be a factor. Proposed fees will be comparable with neighboring authorities.
Users choosing to use facilities elsewhere	Reduced income	Low	Families have a connection to local cemeteries and proposed increases still represent good value for money. Continue to build sound relationships with Funeral Directors who may influence the final decision.
Adverse publicity	Criticism of authority	Medium	Prepare good reasoning for the increase in fees and charges and that they remain below comparable authorities. Improve standards in cemeteries.

8.0 Equalities Impact Assessment (EIA)

8.1 Funeral payments are normally the first costs to come out of the deceased's estate. Where there is a shortfall a DWP Funeral Payment, an element of the Social Fund, provides help to people receiving specified income-related benefits and tax credits. This

can provide a contribution towards the costs of a simple, respectful, low cost funeral. The payment covers the full cost of specified expenses (i.e. cemetery fees and charges) plus up to £700 for Funeral Director expenses.

9.0 **Alternative options and reasons for rejection**

9.1 Members could decide not to increase fees and charges, however, the cemeteries service is already subsidised.

9.2 A larger increase could be applied to fees, however, this may result in burial not being an affordable option.

9.3 Members could abolish or reduce the non-residents fee, however, this could result in greater demand for plots and eventually lead to a decline in available space for residents of the Borough.

10.0 **Recommendations**

10.1 It is recommended that an increase of 3% is applied and the 2019/20 fees and charges as detailed in Appendix A, be approved.

11.0 **Reasons for Recommendations**

11.1 There has been a decline in burial numbers over recent years which has coincided with above average fee increases. It is expected that by applying an average increase, burial numbers will be consolidated.

11.2 To generate income to contribute to the costs of providing and maintaining a burial service.

Decision information

Key decision number	838
Wards affected	All
Links to Council Plan priorities	To provide value for money services

Document information

Report author	Contact number/email
Ross Fawbert	01246 345881

Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
Appendices to the report	
Appendix A	Proposed fees and charges for 2019/2020

APPENDIX A

	RESIDENT 2018/19	2019/20 PROPOSED	NON-RESIDENT 2018/19	2019/20 PROPOSED
INTERMENTS				
Interment of Stillborn	No Charge	No Change	No Charge	No Change
Interment of Child	No Charge	No Change	No Charge	No Change
Interment of Adult	£824.00	£849.00	£1648.00	£1698
Interment of Cremated Remains	£278.00	£286.00	£278.00	£286
Scattering of Cremated Remains	£54.00	£56.00	£108.00	£112
EXCLUSIVE RIGHT OF BURIAL				
Children's Grave	£87.00	£90	£174.00	£180
Graves 9' x 4' – 50 Years	£1020.00	£1051	£2040.00	£2102
Cremated Remains	£371.00	£382	£371.00	£382
MEMORIALS (FOR A PERIOD OF 30 YEARS)				
Headstone (3') and Footstones	£233.00	£240	£233.00	£240
Kerbstone/Other Memorial	£124.00	£128	£124.00	£128
Exceeding 3' Additional	£168.00	£173	£168.00	£173
Additional Inscription	£50.00	£52	£50.00	£52
Temporary Memorial Scheme	£98.00	£101	£98.00	£101
Communal Headstone Inscription	At Cost	At Cost	At Cost	At Cost
Headstone and Kerbs	£346.00	£356	£346.00	£356
Cremated Remains Plaque and Surrounds	£247.00	£254	£247.00	£254
OTHER CHARGES				
Grave Planting	£124.00	£128	£124.00	£128
Searching Burial Register (Per Name)	£6.00	£6	£6.00	£6
Saturday Surcharge – Full Burial	£196.00	£202	£196.00	£202
Saturday Surcharge – Cremated Remains	£116.00	£119	£116.00	£119
Exhumation of Cremated Remains	£278.00	£286	£278.00	£286
Burials from 3.30pm Onwards (Additional Fee)	£52.00	£54	£52.00	£54

FOR PUBLICATION

AMENDMENT TO THE ADAPTATION POLICY AND PROCEDURE

Meeting:	Cabinet
Date:	13 November 2018
Cabinet portfolio:	Cabinet Member for Homes and Customers
Report by:	Assistant Director - Housing

For publication

1.0 Purpose of report

- 1.1 To seek approval to amend the Adaptations Policy and Procedure in relation to "Approval Limits".

2.0 Recommendations

- 2.1 That Cabinet approve and adopt the amendment to the "Adaptations Policy and Procedure 2017 - 2020" in relation to approval limits.
- 2.2 That a review of the Adaptations Policy and Procedure 2017 - 2020 be carried out in December 2019.

3.0 **Report details**

3.1 The Adaptations Policy and Procedure 2017 – 2020 was approved by Cabinet on 16 May 2017

3.2 The Policy currently states

“Adaptations likely to exceed £25,000 will require approval by Cabinet following approval in the first instance by panel and subsequently by the Housing Options Manager. A report for Cabinet will be drafted by either the CBC Housing representatives and approved by the Housing Options Manager and submitted to Cabinet for consideration.”

3.3 On the 24 April 2018 a report was put to Cabinet to consider approval in relation to a case where adaptations were estimated to cost in excess of £25,000.

3.4 Cabinet approved the request and commented

“Members enquired as to whether future reports relating to disabled adaptations could be considered by individual Cabinet member(s).”

3.5 Approval is sought to amend the Policy cited in 3.2 as follows

“Adaptations likely to exceed £25,000 will require approval by the Cabinet member for homes and customers and the Assistant Director of Housing following approval in the first instance by panel and subsequently by the Housing Options Manager. A report for the Cabinet member for homes and customers and the Assistant Director of Housing will be prepared by the Housing Options team and approved by the Housing Options Manager.”

3.6 A copy of the revised Policy is attached as Appendix A

4.0 **Human Resource Implications**

4.1 There are no additional resources required and the policy will be delivered by existing staff.

5.0 **Financial implications**

5.1 Adoption of the amendment will mitigate the property void time resulting in increased rental income.

6.0 **Legal and data protection implications**

6.1 The policy has been considered by the council's Legal Section with subsequent adjustments and alterations made. The policy states what legal framework has been considered when drafting the policy

7.0 **Consultation**

7.1 Consultation has not been undertaken in this instance due to the proposal being a minor amendment to policy.

7.2 Consultation was carried out prior to adoption of the Policy.

8.0 **Risk management**

8.1 As this is a minor amendment to Policy no risks have been identified.

8.2 It is anticipated that very few cases will require consideration in respect of adaptations exceeding £25,000. Since adoption of the Policy in 16 May 2017 only one case has been put before Cabinet for consideration.

9.0 **Equalities Impact Assessment (EIA)**

9.1 As this is a request to make a minor amendment to the decision making process an EIA is not required. Equality

Impacts will be considered by the Cabinet Member and Assistant Director as part of the approval process

10.0 **Alternative options and reasons for rejection**

10.1 If the recommendation is not accepted the Policy will remain in its current format requiring Cabinet approval for adaptation requests that are likely to exceed £25,000. This will add delays to the process resulting in loss of rental income.

10.2 Responsibility will remain with Cabinet as opposed to delegated authority to a Member and Officer that are able to reach a decision in a much timelier manner.

11.0 **Recommendations**

11.1 That Cabinet approve and adopt the amendment to the “Adaptations Policy and Procedure 2017 - 2020” in relation to approval limits.

11.2 That a review of the Adaptations Policy and Procedure 2017 – 2020 be carried out in December 2019.

12.0 **Reasons for recommendations**

12.1 To contribute to the Council priorities Improving quality of life and delivering value for money services

Decision information

Key decision number	Non-key 103
Wards affected	All wards
Links to Council Plan priorities	To improve the quality of life for local people To improve the health and well-being of people in Chesterfield Borough To reduce inequality and support

	the more vulnerable members of our communities
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Document information

Report author	Contact number/email
Chris McDermott	01246 345385 chris.mcdermott@chesterfield.gov.uk
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
Appendices to the report	
Appendix A	Adaptations Policy and Procedure 2017 - 2020

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CHESTERFIELD

BOROUGH COUNCIL

Adaptations Policy and Procedure 2017 – 2020

Commencement on approval by Cabinet

Purpose

The Adaptations Policy and Procedure (“the policy”) provides Chesterfield Borough Council (CBC) with a framework to consider adaptation requests made via the Derbyshire Adaptation Partnership (DAP).

The main purpose of this document is to consider major adaptations. However, CBC appreciates the essential need in providing minor adaptations, as such provision can often provide a suitable solution to a person’s needs with little disruption caused and offers value for money. Prompt provision of minor adaptations can often mitigate the risk of hospitalisation and deterioration of a person’s health resulting in the potential need for major adaptations. Requests for minor adaptations will generally be processed without the need for approval by panel. Non-standard requests will require consideration by panel, page 4 defines the panel. Examples of standard minor requests are requests for grab rails, lever taps, rails etc. See page 4 for the definition of minor and page 17 in respect of the processes in processing minor and major adaptations.

Aims

CBC seeks to provide assistance in enabling tenants to live independently with privacy, confidence and dignity.

We will

Work in partnership with Derbyshire County Council (DCC) Adult Care Service.

Recognise the vital importance of adaptations in supporting disabled people to live independently with confidence and dignity.

Provide advice and assistance and seek to make best use of our housing stock.

Be fair, transparent and reasonable in our decision making, agreeing only to adaptations that are necessary, reasonable and practical.

Attend monthly meetings with our contractor to monitor how our adaptations budget is being spent having consideration of value for money and to ensure adaptations are completed within the prescribed targets.

Monitor the standard of work completed by attaining feedback following completed adaptations. Feedback will be attained in the form of satisfaction surveys.

Seek to ensure all complaints are dealt with in a timely and efficient manner. CBC on behalf of our tenants will seek to resolve complaints with our contractor.

Legal and regulatory framework

CBC endeavour's to comply with the relevant legislation whilst developing the policy, including:

Chronically Sick and Disabled Persons Act 1970

Housing Act 1980

Housing Act 1985

National Health Service and Community Care Act 1990

Housing Grants, Construction and Regeneration Act 1996

Housing Act 1996

Disabled Facilities Grants (Maximum Amounts and Additional Purposes) (England) Order 2008/1189

Equality Act 2010

Care Act 2014

Childrens & Families Act 2014

Definitions

Adaptation is an alteration or addition to any aspect of a dwelling to make it easier or safer for use by a disabled person.

Disabled person (as defined by the Equality Act 2010) is a person:

“that has a physical or mental impairment that has a “substantial” and “long term” negative effect on your ability to do normal daily activities”

“substantial” is more than minor or trivial, e.g. it takes much longer than it usually would to complete a daily task like getting dressed.

“long term” means 12 months or more, e.g. a breathing condition that develops as a result of a lung infection.

Major adaptation is an adaptation which is likely to cost above £1,000, or which will require the drawing of plans.

Minor adaptation is an adaptation costing £1,000 or less and does not involve the drawing of plans

Panel are the people who will consider requests for major adaptations. Minor adaptations are generally not put before panel unless a request requires panel consideration (this might be to discuss a non-standard request as determined by the Adaptations Assistant). The Adaptations Assistant is employed by CBC and works within the Housing Options Team. The Adaptations Assistant processes requests for minor adaptations and initiates major adaptation requests, see page 17 (the application process). The panel will meet routinely and the panel consists of either the Assistant Housing Options Manager CBC or his/her assigned deputy, the Service Manager of DCC Adult Care or his/her assigned deputy and a representative of CBC’s Architectural Service (“the panel”). Other professionals may attend as invited by the panel. The panel will consist of at least three panel members to remain quorate, represented by Housing & Architects CBC and DCC.

Routine adaptations are adaptations that do not meet the criteria for urgent adaptations.

Urgent adaptations are adaptations which meet one or more of the following criteria:

- The disabled person requires the adaptation to enable attendance at hospital to facilitate lifesaving/extending treatments (dialysis/chemotherapy)
- The disabled person has an unstable and deteriorating condition that precludes an equipment based solution
- The disabled person has a terminal condition with prognosis of 6 to 12 months
- The disabled person cannot bathe without the adaptation

Where the following apply, consideration will be given, in consultation with health and social care providers, to other options, including alternative living arrangements:

- There is an immediate risk of accident or hospital admission
- There is a threat to life or a major health and safety issue
- Person is in the final stages of life (palliative care)

The Adaptations budget is held and distributed via Business Planning and Strategy as part of the Housing Capital Programme.

The Housing Options Manager has overall responsibility for administration and process of the Adaptations Policy and Procedure.

Eligibility

Adaptations will be considered for CBC tenants having a secure tenancy. This extends to their partner or a member of the immediate family who permanently resides in the household.

Adaptations will only be considered for children of tenants where the property is their principle home. (Normally the residence of the parent who is in receipt of child benefit for that child)

The person to which the adaptation benefits must have resided at the property for at least 12 months. Consideration will be given to applicants that have moved within 12 months where it is evident that the move has mitigated the need for adaptations and/or cases where it is not practical or feasible to adapt the former home.

CBC will only approve adaptations of a permanent nature that will assist the disabled person in the long term. Adaptations will not be approved to assist temporary disablements e.g. a stairlift would not be approved in respect of a tenant that has broken their leg, as it would be expected that the tenant would make a recovery over a relatively short period of time.

Where a claim for a possession order, demotion order or suspension order is pending before any court, adaptations will not be considered until such time (if any) as the claim is determined without a possession order, demotion order or suspension order having been made.

If a tenant has rent arrears, but a claim for possession is not pending before any court, a Housing Options Officer would visit to discuss the arrears and consider applications for other benefits (including Discretionary Housing Payments (DHP)) and to discuss/agree/set up a repayment plan. Panel would then make a decision as to whether to consider adaptations based on the individual circumstances of each case.

Where there are allegations of anti-social behaviour or other breaches of tenancy, not including rent arrears, against the tenant or a member of the tenant's household or visitor and there is no claim pending before any court, panel will consider the individual circumstances of the case before a decision is made to consider adaptations. The panel will consider, amongst other things, the seriousness of the allegation(s), the number of allegations, the strength of the evidence, the period of time since the last allegation and the reasons for the request for the adaptation.

A request for an adaptation will generally not be considered for applicants that have submitted a Right to Buy Application. However, discretion will be applied and cases considered by the panel in exceptional circumstances based on emergency medical need.

Where a property has been adapted so that it is substantially different from ordinary dwellings, it may be classed as an exempt property from a Right to Buy application.

Where a tenant's housing need could be met through a move to a different property and where CBC has high levels of stock available of a particular property type, it is expected that the tenant will move to a different property.

Prospective tenants should consider the suitability of a property, in relation to their health needs, before accepting that property. Prospective tenants should not expect CBC to adapt a property in order to make the property suitable, once they have moved in. Where CBC has raised with a prospective tenant the unsuitability of a particular property, before that property has been accepted by the prospective tenant, a request for an adaptation will not be considered until 12 months after the start of the tenancy, unless due to limited stock availability the tenant had no other option but to accept the property.

Panel will consider cases within the 12 month period where it can be demonstrated that a tenant's health or disability has worsened since tenancy commencement. Supporting letters will be required from health professionals such as a tenant's GP or Hospital Consultant.

Requests within the 12 month period will also be considered where it is evident that the applicant has mitigated and lessened their need for adaptations.

Panel will decide whether there is justification in approving recommendations in cases where applicants have resided for less than the required 12 months.

Considerations

Panel will take into account a number of considerations when deciding whether to approve an adaptation request including, but not limited to, the following:

- The age, structure and internal layout of the property.

Due to their construction some properties are not suitable for certain adaptations, such as door widening. The internal layout of a property is of importance in considering "circulation" in respect of wheelchair users.

- Under-occupancy.

Major adaptations will not be carried out in respect of a **single person** occupying a family home. The applicant will be offered a move to a more suitable property that reflects the applicants housing need. CBC will identify a suitable property and submit a proxy bid on behalf of the tenant (“direct match”) in accordance with CBC’s Choice Based Lettings Allocations and Transfer Policy (“the Allocations Policy”). The property identified will be suitable in terms of size and have all, if not most, adaptations already in place. Consideration will be given to whether the identified property is able to be adapted to meet the applicants longer term needs.

If an applicant refuses a property that is considered to be suitable by CBC the applicant will be removed from the “direct match list” and will lose the Priority Band status in accordance with the Allocations Policy. Prior to removal the applicant will be contacted to warn of the implications of refusing a property that is considered suitable.

Once removed, the applicant will be placed in the appropriate band based on their circumstances and will need to “bid” on suitable properties in accordance with the Allocations Policy. The Housing Options Officer will ensure that the applicant is able to bid and understands the bidding process.

As part of the direct matching process there will be occasions where a property is offered as a direct match; acknowledging that the property doesn’t meet all of the applicant’s essential needs. Refusal of a property not meeting all of the essential needs will not result in removal from the direct match list. As an example a property might be offered in an alternate area to the area requested to see whether the applicant might be interested in a different area. Suitable offers will give reasonable preference to area and meet the applicant’s needs in terms of their disability.

Applicants that are added to the direct match list will be notified in writing, they will be advised what criteria are considered to be essential.

In respect of major adaptations in relation to **under occupancy relating to more than one occupant**, the following will apply:

If the property is under occupied by two or more bedroom's the tenant will be treated as a single person as outlined previously.

Otherwise if under occupancy relates to one bedroom only, further consideration will be given in considering the recommendation.

With regards to applicants in receipt of Housing Benefit; a Housing Options Officer will carry out an assessment to determine how the applicant has been managing the under occupancy charge and the applicant's future ability to manage the under occupancy charge. Where applicable the Housing Options Officer will signpost to the relevant agency if assistance in managing the charge is required. It should be noted that the award of Discretionary Housing Payments (DHP's) are usually for a short period of time. Where the under occupancy charge is not manageable in the long term, the tenant will be expected to move to a more suitable property and the procedure under single person under-occupancy above will be applied.

Discretion can be applied in exceptional circumstances if deemed appropriate by the panel. As an example, adaptations may be considered for a property that is under occupied where a member of the household has a learning disability and moving to alternative accommodation may cause significant disruption (including the need to change various service providers) along with considerable distress to the person having learning disabilities. Such consideration could also be extended to family members that have high level behavioural difficulties, high level mental health issues or sensory difficulties where a move to an alternate property would have significant impact.

CBC seeks to make best use of its housing stock by ensuring properties are occupied in accordance with need. To enable movement within our stock CBC has a Tenants Incentive's Scheme (TIS) to incentivise a tenants move to suitable accommodation. A Housing Officer will discuss the TIS with a tenant; advising of the amount available and the potential deductions from the payment e.g if an applicant has rent arrears which are preventing the tenant from moving the TIS could potentially clear the arrears to facilitate the move. ²

² NOTE – at the drafting of policy (February 2017) the TIS payment is £1,250.00, this amount could be changed further to policy amendment.

- Overcrowding.

Where overcrowding has been identified a Housing Options Officer will visit to discuss the current housing situation and to discuss potential remedies for example considering moving family members to alternate accommodation to relieve the overcrowding, this could include rehousing the family member that requires adaptations to a suitable property.

Panel will decide whether to agree to adaptations on a case by case basis where the property is overcrowded.

Major Adaptations will not be as prohibitive in overcrowding situations in comparison to under occupancy.

- Cost.

Consideration will be given whether the estimated cost of the adaptation is excessive in comparison to similar adaptations carried out elsewhere. Panel will decide on a case by case basis whether to agree to an adaptation where the cost is considered excessive.

- Long term outlook

Consideration will be given to the long term outlook and what, if anything, may be required in the future.

- The impact on the amenity of area.

Consideration will be given to the effect that any adaptation would have on the visual outlook of the immediate area.

- The impact on the local community

Consideration will be given to the impact of an adaptation on the local community. For example the installation of a disabled parking space where a bay has already been designated for disabled parking within the confines of a small parking area.

The aforesaid considerations are not exhaustive; the applicant will be advised in writing why the recommendation has been refused

Exclusions

- Adaptations will not be considered in respect of requests for access and storage relating to **mobility scooters**. Nor will electrical charging facilities be installed in respect of mobility scooters. (This is due to there being no requirement for a medical assessment in relation to mobility scooters i.e anyone with or without disability has the option to purchase or use a mobility scooter)
- Adaptations (both minor and major) will only be approved to allow access to the applicant's garden and to allow use of a 2metre by 2metre **garden area**, if applicable and where feasible. This ruling currently aligns with guidelines in respect of the Disabled Facilities Grant guidance, Statutory Instrument 2008 No 1189 and subsequent guidance adopted by Council's throughout Derbyshire. Such approvals will be classified as "routine". This is to allow funding to be concentrated on matters of greater priority such as the safe access/egress of a property, provision of safe washing/bathing facilities along with access to toilet facilities.

The examples above are not exhaustive. The merits of each case are considered by panel.

General principles in respect of common major adaptations

- **Ramping.** To facilitate safe access and egress to the property a ramp (further to DCC recommendation) will be installed (where practical) at the “point furthest from potential fire” (i.e furthest from the kitchen). DCC will consider specific needs in relation to rails and upstands.

In cases where panel consider the applicant’s mobility needs to be such, consideration will be given to installing ramping to both front and rear access points.

- **Shower over baths.** Panel will give consideration to the age of the applicant and the applicant’s health issues. Long term suitability will be considered. Other options that may be considered include a level access shower or low rise tray.
- **Level Access Shower (LASH).** Will be installed in all ground floor accommodation i.e bungalows, ground floor flats, sheltered or where scope to adapt internal (pantry) or external stores (coal store) to a LASH has been identified. We will consider the practicalities and feasibility in converting external stores to a level access shower where identified that ground floor living is essential.
- **High/Low Rise Tray (HRT / LRT).** Will be installed where it is impractical to install a level access shower (above ground floor). Consideration will be given to the applicant’s current and future ability in accessing a low or high rise shower tray.

It is preferable to install LASH’s as opposed to a LRT due to there being no potential trip hazard. Unfortunately, it is not always possible to install a LASH due to drainage issues.

- **Stairlifts.** We will only consider stairlifts in respect of straight stairs and where a stairlift is deemed to be feasible. Stairlifts for curved stairs will not be approved due to the cost and inability to reuse the stairlift. Stairlifts will not be installed in communal areas of blocks of flats.
- **Designated parking/Hardstandings/dropped kerbs.** Initial consideration will require proof/notification that the applicant has a “blue badge” as issued by DCC. Subsequent considerations will consider practicalities and feasibility with potential consent and authority from the Highways Authority (DCC)

Financing

All approved adaptations will be funded via the budget allocated for adaptations. The budget currently stands at £750,000 (February 2017).

Where applicable (e.g. kitchen and bathroom improvement programmes) shared costs will be discussed and negotiated between the appropriate parties.

Currently there is no requirement for applicants to contribute towards adaptations nor are applicant's means tested.

As a general rule; minor adaptations will account for 10% of the budget.

Tenants may wish to finance adaptations themselves (Note "Removal" page 15), a tenant will still need permission from CBC to install and will need to reinstate on termination of the tenancy. A tenant might wish to self-fund an adaptation that has been declined or in instances where the tenant wishes to appoint their own contractor.

Approval limits

Panel are able to approve major adaptations up to the estimated sum of £10,000.

Adaptations likely to exceed the sum of £10,000 will require consultation and subsequent authority by the Housing Options Manager.

Adaptations likely to exceed £25,000 will require approval by the Cabinet member for homes and customers and the Assistant Director of Housing following approval in the first instance by panel and subsequently by the Housing Options Manager. A report for Cabinet will be drafted by either of the CBC Housing representatives and approved by the Housing Options Manager and submitted to Cabinet for consideration.

Separate adaptation requests made in a 6 month period will count as "one scheme" in respect of the above. Referring agents (Occupational Therapists and Community Care Workers) should give this point consideration when referring.

Continued Occupation

In cases where CBC has committed to improve a tenant's home by use of the adaptations budget the Council would expect the tenant to remain in their adapted property as follows

Adaptations up to £10,000 – continued occupation for at least 2 years

Adaptations up to £25,000 – continued occupation for at least 3 years

Adaptations over £25,000 – continued occupation for at least 5 years

If an applicant makes a Housing Application for alternate accommodation within the above time frames; the move within our stock will only be granted if the property the applicant is moving to meets the household need i.e a move will not be approved where, there would be a further request for adaptations at any new property. Panel will consider any rehousing requests within 3 years of adaptations being made and the Housing Options Manager will consider any request for rehousing within 5 years.

Applicants will be advised of the “continued occupation ruling” prior to proceeding with a major adaptation.

Target times

Where adaptations have been approved CBC along with its contractor will endeavour to progress and promote the adaptation in a timely manner. Key performance indicators (KPI's) have been set as follows; such KPI's will be monitored by CBC.

Commencement of work	Urgent	Routine
Major	10 working days	15 working days
Minor	5 working days	15 working days

The above targets apply once the contractor has been issued with the order i.e. all plans and specifications have been drawn and agreed. Target times commence once the contractor has acknowledged receipt of the order.

The contractor will receive prior notification of the "order" at least two weeks prior to issue. This will allow the contractor time to order materials and factor the order into their work schedule. The Architects are responsible for issuing notification to the contractor.

The order should be completed within 5 working days for both classifications of major works and 5 working days for minor routine orders. Urgent minor orders should be complete within 2 working days.

Occasionally some adaptation requests due to their complexity or number will be considered to be "projects" and classified as projects. Such projects will fall outside the target times; it is expected that job completion will be completed in a timely manner.

Projects will be closely monitored and discussed at the monthly contractor meetings.

An order is considered complete once the order has been installed to the specifications of the order. All remedial work to decorate and "make good" will have been carried out. There will be no further requirement for the contractor to attend site.

KPI's will be marked showing cases whereby applicants have delayed the contractor in completing within the target times. Such cases will be discussed at the monthly contract meeting. KPI's will be marked "AD" (applicant delay)

Further to consideration by panel there will be some cases that having considered the full circumstances will require work to be carried out asap. In such cases the chair or vice chair will contact the contract manager to request work to be carried out asap, it is accepted that such requests may have an impact upon our contractor meeting the targets as above in respect of work already scheduled. Orders that are affected by such requests will be marked ESC (escalation) on all target monitoring data in respect of all cases affected.

Continued use of adapted properties and reusing adaptations

Adaptations to properties will be recorded within the council's Asset Management Register - Keystone - and within the Housing Management System - Northgate - in respect of each individual property, stating the type of adaptation and date installed.

On letting the property at a later date the property will ideally be let to an applicant that has a need for the adaptation. In the event that a property has a number of adaptations the property might be held back from general advertising in an attempt to specifically let to an applicant that has a need for the adaptations already in situ, this will be done via direct match. If advertised, a property that has significant major adaptations will be given preference to applicants with a medical need i.e the applicant has been awarded medical points.

Whilst every effort is made in allocating adapted properties to applicants with a medical need it is accepted that there will be instances where adapted properties are let to applicants without medical need.

Removal

Generally CBC won't remove an adaptation from a property once installed (unless in exceptional circumstances). Equipment such as stairlifts and KeeKlamp rails will be removed where a new tenant does not require the equipment.

Purpose built properties (PBP) generally will not be altered. Exception can be considered if a request is made to alter the property for the purpose of assisting in a disability. Changes will not be made that move a PBP towards a more mainstream property.

Servicing

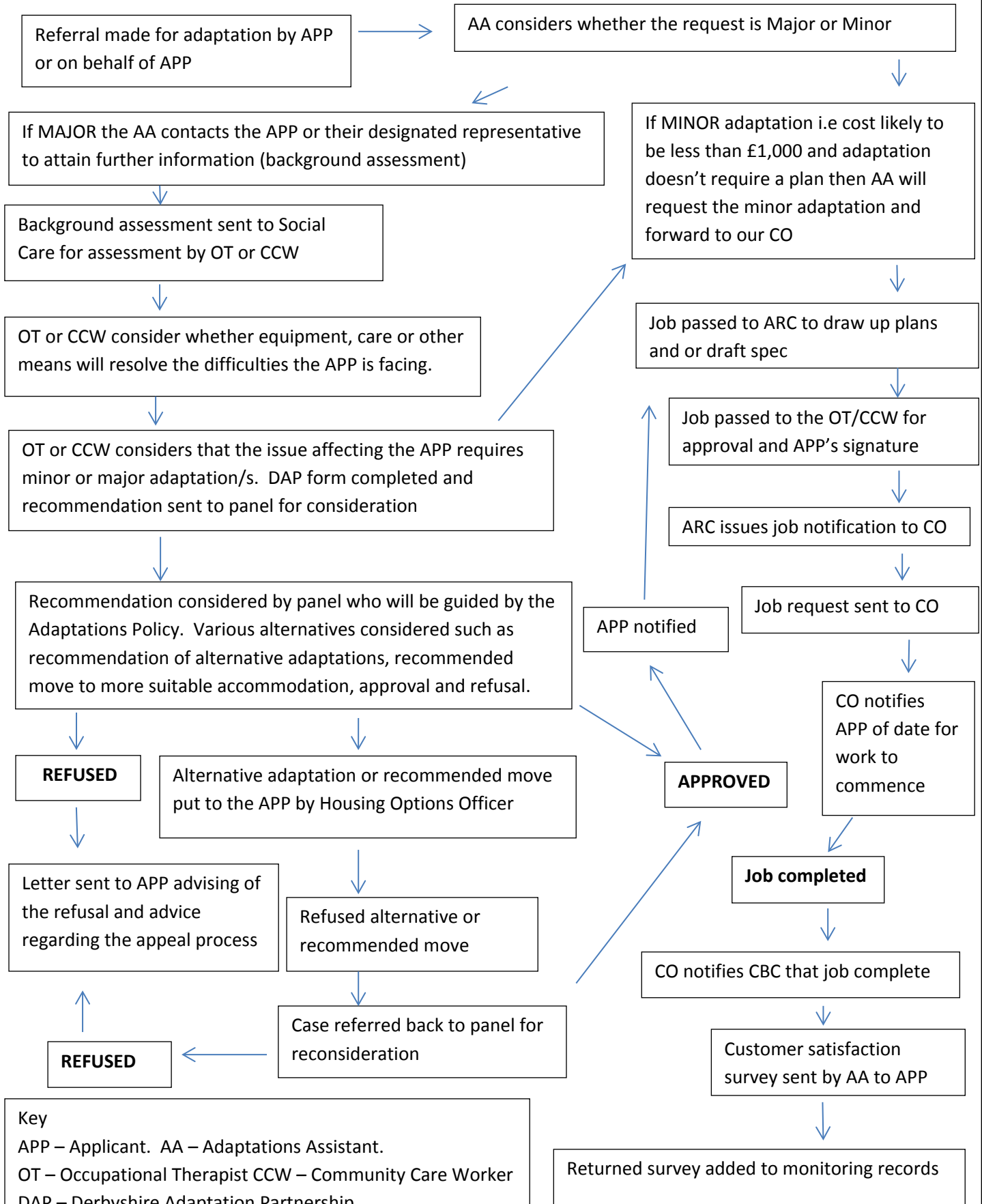
CBC is responsible for servicing certain adaptations such as stairlifts and hoists. CBC continues to be liable for all ongoing servicing and maintenance costs. Tenants in accordance with their Tenancy Agreement must allow CBC and its appointed contractor's access in carrying out servicing and maintenance.

Discretionary decisions

The Housing Options Manager may use their discretion to alter, amend or waive any aspect of this policy in exceptional cases.

Adaptations flow chart – the application process

See key below for abbreviations



Key
 APP – Applicant. AA – Adaptations Assistant.
 OT – Occupational Therapist CCW – Community Care Worker
 DAP – Derbyshire Adaptation Partnership
 ARC – Architect. CO - Contractor

Appeal

If you are dissatisfied with how your application has been dealt with you should initially put your complaint in writing to the Housing Options Manager. Letters should be sent to:

Housing Options Manager
On The Move, 73 Low Pavement
Chesterfield
S40 1PB

The Housing Options Manager will consider whether panel have acted fairly in their decision making and have given due consideration to the Adaptations Policy. The Housing Options Manager can either uphold panel's original decision or request that panel reconsiders the application with recommendations made.

If you are not happy with the response by the Housing Options Manager or feel your complaint has not been dealt with properly or fairly you can send a complaint online via www.chesterfield.gov.uk or you can ask for a complaints form to be sent to you or you can send your complaint in writing to

Chesterfield Borough Council
Town Hall
Rose Hill
Chesterfield
S40 1LP

Your complaint will be dealt with in accordance with the Council's internal complaints procedure.

If you feel that the Council hasn't dealt with your complaint fairly or properly you can escalate to the Housing Ombudsman Service. This is the final stage in the complaint process. Before contacting the Housing Ombudsman Service you must contact Chesterfield Borough Council initially and allow the Council opportunity to consider your complaint. If you fail to contact the Council in the first instance the Housing Ombudsman Service will advise you do to so. You should follow the procedure as outlined above. The Housing Ombudsman Service can be contacted at:

Housing Ombudsman Service
Exchange Tower
Harbour Exchange Square
London
E14 9GE

Or by telephone: 0300 111 3000 (lines are open Monday to Friday from 09:15 to 17:15)
or Fax: 020 7831 1942 or Email: info@housing.ombudsman.org.uk

Title	Adaptations Policy and Procedure
Dates Applicable	Awaiting approval – 31 March 2020
Author	Chris McDermott Team Leader – Housing Options
Date drafted	26 January 2017
Equality Impact Assessment	Preliminary completed 26 January 2017 Full – 28 March 2017
Consultation	Councillor Helen Bagley, Cabinet member for Customers & Communities Alison Craig, Housing Manager Carl Griffiths, Housing Options Manager Mark Turner, Assistant Housing Options Manager Chris Jones, Service Manager Stephen Haythorne, Solicitor Cathy Parsons, Housing Options Officer Adrian Presland, Housing Options Assistant Martin Wainwright, Senior Architectural Assistant Craig Alletson, Architectural Assistant Cathy Jones, Senior Quantity Surveyor Robbie Yearl, Quantity Surveyor Communication group – Tenant Participation
Consultation Group	April 2017
Weekly Business Review	Completed
Cabinet Approval	16 th May 2017
Date signed off as complete	
Review	Reviewed annually (each January) or further to a significant legislative change or further to a case presented that triggers a review requirement. Review 1 December 2019 to update for a further three year period.

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For publication

Chesterfield Markets Fees and Charges 2019/20

Meeting: 1.Cabinet

Date: 13 November 2018

Cabinet portfolio: Town Centre and Visitor Economy

Report by: Assistant Director – Commercial Services

1.0 Purpose of report

1.1 To set the fees and charges for the Chesterfield open markets and the Sunday car boot sale from 1 April 2019.

2.0 Recommendations

2.1 That no increase in stall fees should be introduced from 1 April 2019 on all stall rents on the general, flea and farmer's markets.

2.2 That the decline in occupancy levels of 8% be included in 2019/20 target income.

2.3 That there should be no increase in fees at the car boot sale held under licence by Chesterfield Football Club at the Proact Football Stadium.

2.4 That there should be no increase on electricity, storage charges and the publicity levy on the open market.

- 2.5 That the Market Manager has discretion to negotiate stall charges outside the set charges, to support new traders, existing traders that are struggling to continue and larger traders occupying multiple stalls.
- 2.6 That no rent free holiday period be offered to licensed traders for 2019/20, to help offset the predicted deficit.
- 2.7 That a review of the operating costs are undertaken, in particular in relation to the cleaning arrangements with Veolia.
- 2.8 That a 3% increase in stall prices is considered for 2020/21.

3.0 **Background**

- 3.1 Stall rents on the general markets vary in price according to four main factors:
- Length of stall – stalls are available in three sizes: 8 foot, 10 foot and 12 foot.
 - Day of the week – in recognition of the fact that the Monday and Friday markets are not as popular as the Saturday market, rents are lower on these days compared to Saturday. Thursday rents are comparable to Saturday. Tuesday and Wednesday are now available to selected traders.
 - Location in the town centre – rents reflect the anticipated footfall. Stalls on Central Pavement and Packers Row have the highest rents, and only pop-up marquees are available on Central Pavement.
 - Location within the market – again this reflects the anticipated footfall. Premium priced stalls are considered to be the top and bottom rows of the Market Place and New Square and the south side of the Market Hall. Intermediate priced stalls are located at the end of a row and centre aisles in both the Market Place and New Square. The lowest

priced stalls are the inside stalls in both New Square and the Market Place, areas with the lowest footfall.

- 3.2 The popularity of a stall location is reflected in the stall rents, these range from £9.70 for an inside, 8 foot stall on Monday and Friday to £31.20 for a 12 foot, top or bottom row stall on Saturday. A full list of all the stall rents is attached in Appendix A.
- 3.3 The rents on the Thursday flea market follow a similar pricing structure to the general markets; the location and the length of stall determine the prices.
- 3.4 Included in the stall rent, traders are also charged for electricity at £1.50 per day and 20p publicity fee. £11.20 is charged per storage box, per week, if required.
- 3.5 On the car boot sale, now held at the Proact Football Stadium and managed by Chesterfield Football Club, all vehicles are charged a fixed fee according to the number of parking spaces that they occupy. This is currently set at £10 per car space. This is viewed as the “ceiling price” for car boots in the area.
- 3.6 The Council receives a 35% income share of any net profit made by the car boot operation, for 2018/19 this is anticipated to be £11,300.
- 3.7 A fixed rent is also charged on the farmers’ market, which takes place on the second Thursday of each month.
- 3.8 The hire of New Square by third party operators, such as the Artisan Market, is by negotiation but typically costs £300 per day if all the stalls are to be let out.
- 3.9 The table below shows the stall fees agreed over the preceding 6 financial years:

Financial Year	Increase
2013 - 2014	1.5%
2014 - 2015	3.0%
2015 - 2016	3.0%
2016 - 2017	Nil
2017 - 2018	Nil
2018 - 2019	Nil

4.0 **Current Situation**

4.1 Chesterfield is a historic market town and the success of the town as a shopping destination is often aligned with the performance of the market, both outdoor and indoor. Busy market days, particularly Event driven days, see the town centre become a lively, dynamic and social place.

4.2 The occupancy, and subsequently income, for the current financial year has shown a further decline, continuing the trend seen over the last 4 years and can be seen in the table below.

4.3 The decline in occupancy is due to a number of reasons, locally these include traders retiring, traders no longer being able to sustain their business, traders choosing to cease trading and seek paid employment, traders standing less days, traders exploring other markets, traders going on line to trade and traders moving into premises to grow their businesses.

4.4 Nationally many markets have declined citing the increase in on line shopping, competition from out of town retail, car parking charges, lack of investment in markets and both the decline in footfall on the High Street and market shopping as the contributing factor.

4.5 The Council continues to recognise the difficult trading conditions locally and nationally in markets, the previous 3 years have seen no stall fee increases in support of this,

despite increases in inflation and the RPI. If the RPI increase had been applied over the last 3 years then a year on year increase of around 3% would have been expected.

Market Occupancy

2014/15	Monday		Friday		Saturday		Thursday	
	Actual	%	Actual	%	Actual	%	Actual	%
Full Year	121	50%	125	52%	146	61%	160	89%
2017/18	Monday		Friday		Saturday		Thursday	
	Actual	%	Actual	%	Actual	%	Actual	%
Full Year	81	34%	89	37%	97	40%	139	77%
2018/19	Monday		Friday		Saturday		Thursday	
	Actual	%	Actual	%	Actual	%	Actual	%
April to October	64	27%	74	34%	92	38%	121	67%

5.0 Proposed Charges for 2019/20

- 5.1 The council's budget strategy is to deliver a balanced and sustainable budget. Given the forecast budget deficit to the General Fund it is important that all potential increases to income streams are implemented.
- 5.2 It is part of this strategy to seek a minimum inflationary increase of 3% on all income streams across the Council in 2019/20 or greater, but only if the market will bear it. The council does need to show a reasonable return on its investment on what is a valuable town centre asset.
- 5.3 At the Markets Consultative Committee in November 2018 traders expressed their concerns that any stall fee increases would have a negative impact on existing traders, and that potentially this would push traders to either finish trading or

move on. Traders asked for assistance from the council to consider once again not increasing stall fees for 2019/20 as traders were struggling to sustain their businesses in these difficult trading times.

5.4 Retaining traders is crucial to the continued survival of the market, attracting and retaining new traders is increasingly difficult, confidence is low and getting established takes time, and unfortunately not many new traders are prepared to take the risk.

5.5 Chesterfield stall fees are however competitive and have been benchmarked with other local markets as can be seen in the table below. New traders are given introductory rates of £10 per stall for the first 3 months and increased in line with existing prices once they are established. Thursday traders are not offered this incentive as there is not the same need to attract new traders as occupancy remains strong comparatively.

Town	Mon	Tues	Wed	Thurs	Fri	Sat
Chesterfield	£9.90 to £20.70	£15.00 to £20.00	£15.00 to £20.00	£17.50 to £29.00	£9.90 to £20.70	£16.00 to £32.10
Bakewell	£26.30					
Ilkeston				£15.00	£15.00	£15.00
Mansfield		£11.00	£6.00	£11.00	£11.00	£16.00
Newark	£23.00		£23.00	£23.00	£23.00	£23.00
Rotherham	£15.95	£19.90	£14.75		£16.65	£16.65
Worksop			£14.50		£14.50	£13.50
Retford				£14.50	£13.50	£15.50

- Prices were obtained from individual operator websites and direct phone call
- Prices shown for other markets are the cheapest stalls available on that day

- All markets have introductory offers for new starters, generally £5 to £10 per stall for up to 3 months and longer
- The majority of markets surveyed above, when questioned, were open to negotiation on stall prices
- The Market Manager had discretion to negotiate stall charges outside these set charges, to support new traders, existing traders that are struggling to continue and larger traders occupying multiple stalls (audit have requested this be re-approved as part of this report)
- All operators have not indicated if they are to increase their prices for 2019/20 as yet

5.6 It is difficult to directly compare stall rents between other markets for a variety of reasons, including facilities offered such as parking, lighting and stall sizes; location is always a key factor to a stalls worth and will be reflected in a premium price not represented in the table. This is evidenced here at Chesterfield with street pitches set at £34.80 on Mon/Thur/Fri and £45.90 on Saturday for a 3m area.

5.7 The National Market Traders Federation (NMTF) recognises that the industry as a whole nationally is facing difficult and uncertain times and urges Local Authorities to support and invest in their markets if they are to compete with all the threats from differing retail channels and the current, continuing downturn on the High Street.

6.0 **Rent Free Holiday Entitlement 2019/20**

6.1 The concessionary free week rent given to licensed market traders has always been subject to the Council's financial position no free rent week is proposed to licensed traders. To offer this would result in giving back the majority of any stall increase.

7.0 **Financial Considerations**

- 7.1 If the proposed nil increase to the 2019/20 charges are accepted the target income from the general and flea markets will be an estimated **£430,000**. This takes into account the current deficit trend of 8%.
- 7.2 The main items of expenditure on the markets are refuse collection (£104,000), business rates (£105,000), staffing costs, central recharges and maintenance.
- 7.3 If the anticipated income is achieved then the Council will make a net deficit of around £100,290 in 2019/20.
- 7.4 Actions to improve this situation include the opportunity to increase trading by focussing on additional event driven markets e.g. a Food and Grooves offer, Motor Fest and Christmas Festive Fayre with a program currently underway for 2018/19, this has been very successful and will be further enhanced for 2019/20.
- 7.5 Economic Development have prepared a bid for funding the market reconfiguration project through the Business Rates Pooling initiative, this has been submitted through Derbyshire Economic Partnership and is currently being assessed. This focusses on re-visiting the existing reconfiguration project options and how this will create employment opportunity outcomes if further developed and funded. The council is committed to ensuring the market continues to be a key attraction for the town centre creating both jobs and supporting the vitality of the town centre as a whole.
- 7.6 A review of the market operationally is being undertaken to identify where both potential savings can be made operationally and where additional income can be generated through new commercial opportunities such as the increase in event days to address this worsening financial position.

8.0 Risk Management

8.1 Retail conditions remain difficult both in Chesterfield and nationally throughout both the markets as an industry and the high street in general.

Description of Risk	Likelihood	Impact	Mitigating Action	Resultant Likelihood	Resultant Impact
Adverse weather conditions, less trading days	H	H	Open for business protocol in place. Seasonal drop in income accounted for in budget.	M	M
Drop in occupancy levels	H	H	Ensure licensed traders have tangible benefits. Benchmark our activities and pricing structure against other local markets and car boot sales	M	M
Competitor activity/drop in footfall /increase in on line and out of town shopping	H	H	Vibrant town centre a priority. Investment in town centre, including markets.	M	M
No further investment in the market	M	H	Operate events to stimulate an increase in customer base	M	M

9.0 Equalities Impact Assessment (EIA)

9.1 The proposals have no negative impacts on any of the equalities groups.

10.0 **Alternative Options to be Considered**

- 10.1 An increase in market rents of 3%, a 3% increase has the potential to increase income by around £12,900.
- 10.2 An increase in market rents of less than 3%, a 2.0% increase could potentially increase income by £8,600 and a 1% increase could potentially increase income by £4,300.

11.0 **Recommendations**

- 11.1 That there should no increase in stall fees from 1 April 2019 on the general, flea and farmers markets.
- 11.2 That the decline in occupancy levels of 8% be included in 2019/20 target income.
- 11.3 That there should be no increase on the car boot sale fee at the Proact Football Stadium.
- 11.4 That there should be no increase on electricity, storage charges or the publicity levy on the open market.
- 11.5 That the Market Manager continues to have authority to negotiate stall fees.
- 11.6 That no rent free holiday period be granted to licensed traders for 2019/20.
- 11.7 That a review of the current operating costs are undertaken.
- 11.8 That a 3% increase in stall fees for 2020/21 is considered.

12.0 **Reasons for Recommendations**

- 12.1 To continue to secure a viable open air market in Chesterfield.

- 12.2 To ensure that the council continues to receive an acceptable return on a valuable town centre asset through supporting traders during this continued economic downturn.

Decision information

Key decision number	848
Wards affected	All
Links to Council Plan priorities	To provide value for money services

Document information

Report authors	Contact number/email
Mike Brymer/Andy Bond	345325/345991
Appendices to the report	
Appendix A	Stall Rents 2019-20

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MONDAY & FRIDAY	RENT 19/20	LIGHT 19/20	PUB 19/20	TOTAL 19/20
12' (3.65m) Top & Bottom Row	18.40	1.50	0.20	20.10
10' (3.04m) Top & Bottom Row	17.30	1.50	0.20	19.00
8' (2.43m) Top & Bottom Row	16.20	1.50	0.20	17.90
12' (3.65m) End Row & Centre Aisle	16.20	1.50	0.20	17.90
8' (2.43m) End Row & Centre Aisle	12.80	1.50	0.20	14.50
12' (3.65m) Inside	11.50	1.50	0.20	13.20
8' (2.43m) Inside	8.00	1.50	0.20	9.70

THURSDAY				
12' (3.65m) Top & Bottom Row	26.50	1.50	0.20	28.20
10' (3.04m) Top & Bottom Row	24.00	1.50	0.20	25.70
8' (2.43m) Top & Bottom Row	21.00	1.50	0.20	22.70
12' (3.65m) End Row	26.30	1.50	0.20	28.00
8' (2.43m) End Row	20.90	1.50	0.20	22.60
12' (3.65m) Centre Aisle (Main Sq)	24.00	1.50	0.20	25.70
8' (2.43m) Centre Aisle (Main Sq)	19.60	1.50	0.20	21.30
12' (3.65m) Inside	20.40	1.50	0.20	22.10
8' (2.43m) Inside	15.30	1.50	0.20	17.00

SATURDAY				
12' (3.65m) Top & Bottom Row	29.50	1.50	0.20	31.20
10' (3.04m) Top & Bottom Row	25.30	1.50	0.20	27.00
8' (2.43m) Top & Bottom Row	20.90	1.50	0.20	22.60
12' (3.65m) End Row	29.40	1.50	0.20	31.10
8' (2.43m) End Row	20.60	1.50	0.20	22.30
12' (3.65m) Centre Aisle (Main Sq)	24.30	1.50	0.20	26.00
8' (2.43m) Centre Aisle (Main Sq)	17.80	1.50	0.20	19.50
12' (3.65m) Inside	19.60	1.50	0.20	21.30
8' (2.43m) Inside	13.90	1.50	0.20	15.60

Other Pitches (+ 20p Publicity Fee)	Mon/Fri 19/20	Thurs 19/20	Sat 19/20
8' Central Pavement	34.80	34.80	45.90
16' Central Pavement	51.50	51.50	68.20
Burlington Street	21.60	21.60	27.20
+ electricity	1.50	1.50	1.50
Direct Sales Pitch	22.30	22.30	27.80
DEMO PITCH	15.90	15.90	15.90
Arena/Portland Site	44.80	44.80	56.00
Fairground Ride	28.90	28.90	28.90
Ice Cream	21.90	21.90	21.90
Catering Unit Main Sq	36.30	36.30	36.30
+ electricity	1.50	1.50	1.50
Catering Unit New Sq	36.00	36.00	36.00
+ electricity	1.50	1.50	1.50
Storage per Week	11.20		
Farmers' Market	20.60		
Car Boot	10.00		

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For publication

Venues Fees and Charges 2019/2020 (TV000)

Meeting:	Cabinet
Date:	13 th November 2018
Cabinet portfolio:	Town centres and visitor economy
Report by:	<i>Arts and Venues Manager</i>

For publication

1.0 **PURPOSE OF REPORT**

- 1.1 To review the scale of charges for lettings at the Pomegranate Theatre, the Winding Wheel, the Assembly Rooms in the Market Hall and Hasland Village Hall for 2019/20.
- 1.2 The report will not deal with any proposed changes to ticket prices, as these are negotiated with the visiting production companies throughout the year when productions are booked.
- 1.3 The report will not deal with any proposed increase in bar and catering prices. These prices are normally reviewed twice a year, and are set by the cost of the purchases, bar performance, VAT and what increases, if any, it is felt that the market can sustain.

2.0 **RECOMMENDATIONS**

- 2.1 That the theatre hire charges for the Pomegranate Theatre from 1 April 2019 will be as detailed in **Appendix A**.

- 2.2 That the room hire charges for the Winding Wheel from 1 April 2019 will be as detailed in **Appendix B**.
- 2.3 That the equipment hire charges at the Winding Wheel from 1 April 2019 will be as detailed in **Appendix B**.
- 2.4 That the theatre hire charges for the Winding Wheel for professional companies and commercial use from 1 April 2019 will be as detailed in **Appendix C**.
- 2.5 That the room hire charges at the Assembly Rooms in the Market Hall from 1 April 2019 will be as detailed in **Appendix D**.
- 2.6 That the room hire charges at Hasland Village Hall from 1 April 2019 will be as detailed in Appendix **E**.

3.0 **BACKGROUND**

- 3.1 In 2017/8 the Pomegranate Theatre operated at a deficit of £31,704 (net controllable costs). The theatre earned £1,077,836 in income in 2017/18, the majority of which, £672,884 came from gross ticket sales, £144,331 from bar and other front of house sales and £94,755 through the hire of the theatre.
- 3.2 In the same financial year, the Winding Wheel operated at a deficit of £208,977 (net controllable costs). It earned a total of £802,215 in income in 2017/18 of which £508,612 came from gross ticket sales, £148,713 from bar and other front of house sales and £77,853 from room lettings, and associated equipment hire.
- 3.3 In the same financial year, Hasland Village Hall operated at a deficit of £31,879 (net controllable costs). It earned a total of £32,091 in income from room hire in 2017/18.

- 3.4 In the same financial year, the Assembly Rooms, in the Market Hall, operated at a deficit of £45,230 (net controllable costs). It earned a total of £20,847 in income from room lettings in 2017/18.
- 3.5 The Council implemented an improvement programme for the venues, following a review in 2011, the key aims of which were to integrate the operation of the venues, improve the arts and cultural offer of the two theatres and reduce the overall subsidy to the Council tax payer. This has seen a significant reduction in the net operational costs for the service. The net controllable costs of the Winding Wheel and the Pomegranate Theatre have been reduced from £687,931 in 2011/12 to £240,701 in 2017/18. This is a reduction of £447,230 which is equivalent to a reduction of 65%.
- 3.6 At the beginning of 2017, due to the ongoing financial challenges which the Council faces, the Venues were asked to find further saving in its net operational costs. It has been tasked with reducing the net controllable costs of the service to NIL by the end of 2020/21.

4.0 **PROPOSED CHARGES FOR 2019/20**

4.1 **Hire Fees – Pomegranate**

When hiring the Pomegranate Theatre there are three different price categories, which are as follows:

Group A Charities, amateur musical, drama societies and educational establishments.

Group B Dancing schools.

Group C Professional companies and commercial use.

There is no proposal to change the classification of hirers at the Pomegranate Theatre.

4.2 Due to the requirement to further reduce the net operational costs of the Pomegranate Theatre, and following a review of the different rates, it is proposed that the existing rates be increased as detailed in **Appendix A** as from 1st April 2019.

4.3 **Hire Fees – Winding Wheel**

The Winding Wheel has two main categories of hire fees. Community charges, which apply to social gatherings and non-profit making organisations, and commercial charges, which are levied on profit making events and organisations. There is no proposal to change the classification of hirers at the Winding Wheel.

4.4 Due to the requirement to further reduce the net operational costs of the Winding Wheel, and following a review of the different rates, it is proposed the existing rates be changed as detailed in **Appendix B** as from 1st April 2019.

4.5 It is proposed that the theatre hire rates for professional companies and commercial use are unchanged as from 1 April 2019 as detailed in **Appendix C**.

4.6 The hirers at the Winding Wheel are also charged for additional equipment they may require, including seating, technical equipment, staging, etc. It is proposed that the existing rates be increased as detailed in **Appendix B** as from 1 April 2019.

4.7 **Hire Fees – Assembly Rooms, Market Hall**

The Assembly Rooms has two main categories of hire fees. Community charges, which apply to social gatherings and non-profit making organisations and commercial charges, which are levied on profit making events and organisations. There is no proposal to change the classification of hirers.

4.8 It is proposed that the existing rates are increased as detailed in **Appendix D** as from 1 April 2019.

4.9 **Hire Fees – Hasland Village Hall**

The Hasland Village Hall has three main categories of hire fees. Community charges, which apply to social gatherings and non-profit making organisations, community concessionary charges, which applies to children and senior citizen groups not receiving any other grant or concession and commercial charges, which are levied on profit making events and organisations. There is no proposal to change the classification of hirers.

4.10 It is proposed that the existing rates are increased as detailed in **Appendix E** as from 1 April 2019.

5.0 **FINANCIAL IMPLICATIONS**

5.1 In 2017/18 the income from hire fees for the Pomegranate Theatre was £94,755. The original budget for 2018/9 is £95,450. However due to a reduced number of hires programmed in the second half of the current financial year, we estimate that hire income will be approximately £30,000 less in the current financial year than budget, and will be approximately £65,450.

5.2 In 2017/18 the income from hire fees for the Winding Wheel was £70,432. The original budget for 2018/19 from hire fees for the Winding Wheel was £73,600. We estimate that assuming current levels of business continue, this figure should be achieved.

5.3 In 2017/18 the income from equipment hire at the Winding Wheel was £7,421. The original budget for 2018/19 from equipment hire for the Winding Wheel was £6,200. We estimate that assuming current levels of business continue, this figure should be achieved

5.4 In 2017/18 the income from hire fees for Hasland Village Hall was £32,091. The original budget for 2018/19 was £28,620, and we estimate that assuming current levels of business continue, this figure should be achieved.

5.5 In 2017/18 the income from hire fees for the Assembly Rooms in the Market Hall was £20,847. The original budget for 2018/19 was £21,120, and we estimate that assuming current levels of business continue, this figure should be achieved.

6.0 **HUMAN RESOURCES /PEOPLE MANAGEMENT IMPLCATIONS**

6.1 There are no human resources or people management implications from these proposals.

7.0 **RISK MANAGEMENT**

7.1 In the current economic climate, the entertainment, leisure and business markets are under pressure. There is also increasing local competition in this area from other modern venues and hotels. It is, therefore, inevitable that the risks in attaining the income targets are increasing.

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Decreased number of community group hirers	Medium	Medium	Offer alternative venues to these hirers	Low	Low
Increased competition	High	Medium	Improved marketing capacity and activity. Use of packages.	Medium	Low

8.0 **EQUALITIES IMPACT ASSESSMENT (EIA)**

8.1 The Council has agreed both a Venues Programming Policy and an Arts and Culture Strategy. These documents identify, in more detail, the impact that these proposed price increases will have on the various equalities groups and an action plan to militate against any negative impact will be developed. The Equality Impact Assessments are available from the Policy Service.

9.0 **ALTERNATIVE OPTIONS TO BE CONSIDERED**

9.1 An alternative option would be to introduce a significantly greater hire charges than those increases proposed for the Pomegranate Theatre, the Winding Wheel, Hasland Village Hall and the Assembly Rooms. However, this would risk putting off potential hirers, especially charities and local amateur and community groups.

9.2 Given the increasing competition and current economic situation, an alternative option would be not to increase hire charges. However, all venues operate at a considerable deficit and in order to develop a sustainable business plan, charges for these services have to increase.

10.0 **RECOMMENDATIONS**

10.1 That the theatre hire charges for the Pomegranate Theatre from 1 April 2019 will be as detailed in **Appendix A**.

10.2 That the room hire charges for the Winding Wheel from 1 April 2019 will be as detailed in **Appendix B**.

10.3 That the equipment hire charges at the Winding Wheel from 1 April 2019 will be as detailed in **Appendix B**.

- 10.4 That the theatre hire charges for the Winding Wheel for professional companies and commercial use from 1 April 2019 will be as detailed in **Appendix C**.
- 10.5 That the room hire charges at the Assembly Rooms in the Market Hall from 1 April 2019 will be as detailed in **Appendix D**.
- 10.6 That the room hire charges at Hasland Village Hall from 1 April 2019 will be as detailed in Appendix **E**.

11.0 **REASONS FOR RECOMMENDATIONS**

- 11.1 To make further progress towards a sustainable financial position for the venues.

Decision information

Key decision number	846
Wards affected	All
Links to Council Plan priorities	To provide value for money services The proposed changes to fees and charges will contribute to increased income at the Venues and is part of our plan to achieve zero subsidy.

Document information

Report author	Contact number/email
Anthony Radford Arts and venues manager	01246 345339 Anthony.radford@chesterfield.gov.uk
Background documents	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
<i>This must be made available to the public for up to 4 years.</i>	
Appendices to the report	
Appendix A	Pomegranate Theatre Hire Charges
Appendix B	Winding Wheel Hire and Equipment Charges
Appendix C	Winding Wheel Theatre Hire Charges
Appendix D	Assembly Rooms Hire charges
Appendix E	Hasland Village Hall Hire Charges

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Pomegranate Theatre Hire Charges from 1 April 2019

Charities, Amateur Musical, Drama Societies and Educational Establishments	Core hours	Existing Charge for up to eight hours	VAT	Total Charge for up to eight hours including VAT	Proposed Hire Charge	VAT	Total Charge for up to eight hours including VAT		For each extra hour or part thereof in core hours	VAT	Total for each extra hour or part thereof including VAT	For each extra hour or part thereof before or after core hours	VAT	Total for Hours before or after core hours including VAT	Additional Performance	VAT	Total for each Additional Performance including VAT
Rehearsals																	
Monday	9am-10pm	£520.00	£104.00	£624.00	£540.00	£108.00	£648.00		£67.50	£13.50	£81.00	£101.25	£20.25	£121.50			
Tuesday	9am-10pm	£520.00	£104.00	£624.00	£540.00	£108.00	£648.00		£67.50	£13.50	£81.00	£101.25	£20.25	£121.50			
Wednesday	9am-10pm	£520.00	£104.00	£624.00	£540.00	£108.00	£648.00		£67.50	£13.50	£81.00	£101.25	£20.25	£121.50			
Thursday	9am-10pm	£520.00	£104.00	£624.00	£540.00	£108.00	£648.00		£67.50	£13.50	£81.00	£101.25	£20.25	£121.50			
Friday	9am-10pm	£680.00	£136.00	£816.00	£700.00	£140.00	£840.00		£87.50	£17.50	£105.00	£131.25	£26.25	£157.50			
Saturday	9am-10pm	£680.00	£136.00	£816.00	£700.00	£140.00	£840.00		£87.50	£17.50	£105.00	£131.25	£26.25	£157.50			
Sunday	9.30am-5.30pm	£780.00	£156.00	£936.00	£810.00	£162.00	£972.00					£202.50	£40.50	£243.00			
Bank Holiday	9.30am-5.30pm	£780.00	£156.00	£936.00	£810.00	£162.00	£972.00					£202.50	£40.50	£243.00			
Performances																	
Monday	9am-10pm	£940.00	£188.00	£1,128.00	£970.00	£194.00	£1,164.00		£121.25	£24.25	£145.50	£181.88	£36.38	£218.25	£215.00	£43.00	£258.00
Tuesday	9am-10pm	£940.00	£188.00	£1,128.00	£970.00	£194.00	£1,164.00		£121.25	£24.25	£145.50	£181.88	£36.38	£218.25	£215.00	£43.00	£258.00
Wednesday	9am-10pm	£940.00	£188.00	£1,128.00	£970.00	£194.00	£1,164.00		£121.25	£24.25	£145.50	£181.88	£36.38	£218.25	£215.00	£43.00	£258.00
Thursday	9am-10pm	£1,300.00	£260.00	£1,560.00	£1,340.00	£268.00	£1,608.00		£167.50	£33.50	£201.00	£251.25	£50.25	£301.50	£215.00	£43.00	£258.00
Friday	9am-10pm	£1,300.00	£260.00	£1,560.00	£1,340.00	£268.00	£1,608.00		£167.50	£33.50	£201.00	£251.25	£50.25	£301.50	£215.00	£43.00	£258.00
Saturday	9am-10pm	£1,300.00	£260.00	£1,560.00	£1,340.00	£268.00	£1,608.00		£167.50	£33.50	£201.00	£251.25	£50.25	£301.50	£285.00	£57.00	£342.00
Sunday	9.30am-10pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00		£200.00	£40.00	£240.00	£400.00	£80.00	£480.00	£285.00	£57.00	£342.00
Bank Holiday	9.30am-10pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00		£200.00	£40.00	£240.00	£400.00	£80.00	£480.00	£285.00	£57.00	£342.00

Terms The Hirer shall pay the minimum hire fee as calculated from these charges or 25% of Box Office takings whichever is the greater plus VAT . VAT is charged at the prevailing rate as applicable. Any additional hours, as described in the list of Hire Charges and any additional technical requirements to be mutually agreed and recharged to the Visiting Manager.

Dance Schools	Core hours	Existing Charge for up to eight hours	VAT	Total Charge for up to eight hours including VAT	Proposed Hire Charge	VAT	Total Charge for up to eight hours including VAT		For each extra hour or part thereof in core hours	VAT	Total for each extra hour or part thereof including VAT	For each extra hour or part thereof before or after core hours	VAT	Total for Hours before or after core hours including VAT	Additional Performance	VAT	Total for each Additional Performance including VAT
Rehearsals																	
Monday	9am-10pm	£550.00	£110.00	£660.00	£570.00	£114.00	£684.00		£71.25	£14.25	£85.50	£106.88	£21.38	£128.25			
Tuesday	9am-10pm	£550.00	£110.00	£660.00	£570.00	£114.00	£684.00		£71.25	£14.25	£85.50	£106.88	£21.38	£128.25			
Wednesday	9am-10pm	£550.00	£110.00	£660.00	£570.00	£114.00	£684.00		£71.25	£14.25	£85.50	£106.88	£21.38	£128.25			
Thursday	9am-10pm	£550.00	£110.00	£660.00	£570.00	£114.00	£684.00		£71.25	£14.25	£85.50	£106.88	£21.38	£128.25			
Friday	9am-10pm	£720.00	£144.00	£864.00	£740.00	£148.00	£888.00		£92.50	£18.50	£111.00	£138.75	£27.75	£166.50			
Saturday	9am-10pm	£720.00	£144.00	£864.00	£740.00	£148.00	£888.00		£92.50	£18.50	£111.00	£138.75	£27.75	£166.50			
Sunday	9.30am-5.30pm	£830.00	£166.00	£996.00	£860.00	£172.00	£1,032.00					£215.00	£43.00	£258.00			
Bank Holiday	9.30am-5.30pm	£830.00	£166.00	£996.00	£860.00	£172.00	£1,032.00					£215.00	£43.00	£258.00			
Performances																	

Monday	9am-10pm	£990.00	£198.00	£1,188.00	£1,020.00	£204.00	£1,224.00		£127.50	£25.50	£153.00	£191.25	£38.25	£229.50	£230.00	£46.00	£276.00
Tuesday	9am-10pm	£990.00	£198.00	£1,188.00	£1,020.00	£204.00	£1,224.00		£127.50	£25.50	£153.00	£191.25	£38.25	£229.50	£230.00	£46.00	£276.00
Wednesday	9am-10pm	£990.00	£198.00	£1,188.00	£1,020.00	£204.00	£1,224.00		£127.50	£25.50	£153.00	£191.25	£38.25	£229.50	£230.00	£46.00	£276.00
Thursday	9am-10pm	£1,380.00	£276.00	£1,656.00	£1,430.00	£286.00	£1,716.00		£178.75	£35.75	£214.50	£268.13	£53.63	£321.75	£230.00	£46.00	£276.00
Friday	9am-10pm	£1,380.00	£276.00	£1,656.00	£1,430.00	£286.00	£1,716.00		£178.75	£35.75	£214.50	£268.13	£53.63	£321.75	£230.00	£46.00	£276.00
Saturday	9am-10pm	£1,380.00	£276.00	£1,656.00	£1,430.00	£286.00	£1,716.00		£178.75	£35.75	£214.50	£268.13	£53.63	£321.75	£300.00	£60.00	£360.00
Sunday	9.30am-10pm	£1,650.00	£330.00	£1,980.00	£1,700.00	£340.00	£2,040.00		£212.50	£42.50	£255.00	£425.00	£85.00	£510.00	£300.00	£60.00	£360.00
Bank Holiday	9.30am-10pm	£1,650.00	£330.00	£1,980.00	£1,700.00	£340.00	£2,040.00		£212.50	£42.50	£255.00	£425.00	£85.00	£510.00	£300.00	£60.00	£360.00

Terms The Hirer shall pay the minimum performance hire fee as calculated from these charges or 25% of Box Office takings whichever is the greater plus VAT. The rehearsal fee will be charged separately plus VAT. VAT is charged at the prevailing rate as applicable.N.B. Any additional hours, as described in the list of Hire Charges and any additional technical requirements to be mutually agreed and recharged to the Visiting Manager.

Pomegranate Theatre Hire Charges from 1 April 2019

Professional Companies and Commercial Use	Core hours	Existing Charge for up to eight hours	VAT	Total Charge for up to eight hours including VAT	Proposed Hire Charge	VAT	Total Charge for up to eight hours including VAT		For each extra hour or part thereof in core hours	VAT	Total for each extra hour or part thereof including VAT	For each extra hour or part thereof before or after core hours	VAT	Total for Hours before or after core hours including VAT	Additional Performance	VAT	Total for each Additional Performance including VAT
Rehearsals																	
Monday	9am-10pm	£770.00	£154.00	£924.00	£800.00	£160.00	£960.00		£100.00	£20.00	£120.00	£150.00	£30.00	£180.00			
Tuesday	9am-10pm	£770.00	£154.00	£924.00	£800.00	£160.00	£960.00		£100.00	£20.00	£120.00	£150.00	£30.00	£180.00			
Wednesday	9am-10pm	£770.00	£154.00	£924.00	£800.00	£160.00	£960.00		£100.00	£20.00	£120.00	£150.00	£30.00	£180.00			
Thursday	9am-10pm	£1,130.00	£226.00	£1,356.00	£1,170.00	£234.00	£1,404.00		£146.25	£29.25	£175.50	£219.38	£43.88	£263.25			
Friday	9am-10pm	£1,130.00	£226.00	£1,356.00	£1,170.00	£234.00	£1,404.00		£146.25	£29.25	£175.50	£219.38	£43.88	£263.25			
Saturday	9am-10pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00		£200.00	£40.00	£240.00	£300.00	£60.00	£360.00			
Sunday	9.30am-5.30pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00					£400.00	£80.00	£480.00			
Bank Holiday	9.30am-5.30pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00					£400.00	£80.00	£480.00			
Performances																	
Monday	9am-10pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00		£200.00	£40.00	£240.00	£300.00	£60.00	£360.00	£295.00	£59.00	£354.00
Tuesday	9am-10pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00		£200.00	£40.00	£240.00	£300.00	£60.00	£360.00	£295.00	£59.00	£354.00
Wednesday	9am-10pm	£1,550.00	£310.00	£1,860.00	£1,600.00	£320.00	£1,920.00		£200.00	£40.00	£240.00	£300.00	£60.00	£360.00	£295.00	£59.00	£354.00
Thursday	9am-10pm	£2,200.00	£440.00	£2,640.00	£2,200.00	£440.00	£2,640.00		£275.00	£55.00	£330.00	£412.50	£82.50	£495.00	£350.00	£70.00	£420.00
Friday	9am-10pm	£2,200.00	£440.00	£2,640.00	£2,200.00	£440.00	£2,640.00		£275.00	£55.00	£330.00	£412.50	£82.50	£495.00	£350.00	£70.00	£420.00
Saturday	9am-10pm	£2,900.00	£580.00	£3,480.00	£2,900.00	£580.00	£3,480.00		£362.50	£72.50	£435.00	£543.75	£108.75	£652.50	£420.00	£84.00	£504.00
Sunday	9.30am-10pm	£2,900.00	£580.00	£3,480.00	£2,900.00	£580.00	£3,480.00		£362.50	£72.50	£435.00	£725.00	£145.00	£870.00	£420.00	£84.00	£504.00
Bank Holiday	9.30am-10pm	£2,900.00	£580.00	£3,480.00	£2,900.00	£580.00	£3,480.00		£362.50	£72.50	£435.00	£725.00	£145.00	£870.00	£420.00	£84.00	£504.00

Terms 100% of all building hire charges are subject to VAT.VAT is charged at the prevailing rate as applicable.
Any additional hours and any additional technical requirements to be mutually agreed and recharged to the Visiting Manager.

Winding Wheel Fees & Charges

All bookings are subject to a minimum of three hours booking (excluding kitchen) or minimum hire charges whichever is the greater

All rates include VAT at the prevailing rate unless stated

	Existing	Proposed
	Hire	
Charges from 1 April 2019	Charge	
	incl VAT	
Minimum Hire Charge for all bookings	£ 90.00	£95
WINDING WHEEL - AUDITORIUM		
COMMUNITY CHARGE		
Mon-Thurs Per hr	Pre 5pm £ 50.00	£51.50
	After 5pm £ 80.00	£83.00
Friday - Sunday	Pre 5pm £ 75.00	£77.50
	After 5pm £ 105.00	£108.00
Balcony/ Circle (min 3hrs)	Hourly rate: £ 17.00	£17.50
Kitchen per hour	£ 9.00	£9.50
Servery per function	£ 16.00	£17.00
AUDITORIUM COMMUNITY BLOCK BOOKING DISCOUNT		
Monday - Friday	Pre 5pm £ 40.00	£41.50
	After 5pm £ 66.00	£68.00
Kitchen per hour	£ 7.00	£7.50
Servery per function	£ 13.50	£14.00
AUDITORIUM COMMERCIAL CHARGE		
Mon-Thurs Per hr	Pre 5pm £ 100.00	£102.00
	After 5pm £ 160.00	£162.00
Friday - Sunday	Pre 5pm £ 142.00	£144.00
	After 5pm £ 205.00	£208.00
Balcony (min 3hrs)	Hourly rate: £ 33.00	£34.00
Kitchen per hour	£ 14.00	£15.00
Servery per function	£ 21.00	£22.00
AUDITORIUM COMMERCIAL BLOCK BOOKING DISCOUNT		
Mon-Thurs Per hr	Pre 5pm £ 80.00	£82.00
	After 5pm £ 130.00	£132.00
Fri - Sun (min 3hrs)	Pre 5pm £ 113.00	£116.00
	After 5pm £ 165.00	£168.00
Kitchen per hour	£ 11.00	£11.50
Servery per function	£ 18.00	£19.00
BALLROOM COMMUNITY CHARGE		
Mon-Thurs Per hr	Pre 5pm £ 39.00	£40.00
	After 5pm £ 45.00	£46.00
Friday - Sunday	Pre 5pm £ 58.00	£60.00
	After 5pm £ 65.00	£67.00
Kitchen per hour	£ 9.00	£9.50
Servery per function	£ 16.00	£17.00
BALLROOM COMMUNITY BLOCK BOOKING DISCOUNT		
Monday - Friday	Pre 5pm £ 31.00	£32.00
	After 5pm £ 36.00	£37.00
Kitchen per hour	£ 7.00	£7.50
Servery per function	£ 13.50	£14.00
BALLROOM COMMERCIAL		
Mon-Thurs Per hr	Pre 5pm £ 76.00	£78.00
	After 5pm £ 89.00	£91.00
Friday - Sunday	Pre 5pm £ 116.00	£118.00
	After 5pm £ 128.00	£130.00
Kitchen per hour	£ 13.00	£13.50
Servery per function	£ 21.00	£22.00
COMMERCIAL BLOCK BOOKING DISCOUNT		
Mon- Thurs	Pre 5pm £ 61.00	£62.00
	After 5pm £ 71.00	£72.00
Friday - Sunday	Pre 5pm £ 93.00	£95.00
	After 5pm £ 103.00	£105.00
Kitchen per hour	£ 11.00	£11.50

Servery per function	£ 18.00	£19.00
FUNCTION ROOM COMMUNITY CHARGE		
Monday - Thursday	Pre 5pm £ 26.50	£27.00
	After 5pm £ 33.00	£34.00
Friday - Sunday	Pre 5pm £ 37.00	£38.00
	After 5pm £ 45.00	£46.00
Kitchen per hour	£ 9.00	£9.50
Servery per function	£ 16.00	£17.00
COMMUNITY BLOCK BOOKING DISCOUNT		
Monday - Friday	Pre 5pm £ 21.00	£22.00
	After 5pm £ 30.00	£31.00
Kitchen per hour	£ 7.00	£7.50
Servery per function	£ 13.50	£14.00
COMMERCIAL		
Monday - Thursday	Pre 5pm £ 40.00	£41.00
	After 5pm £ 50.00	£51.00
Friday - Sunday	Pre 5pm £ 60.00	£61.00
	After 5pm £ 70.00	£71.00
Kitchen per hour	£ 13.00	£13.50
Servery per function	£ 21.00	£22.00
COMMERCIAL BLOCK BOOKING DISCOUNT		
Monday - Thursday	Pre 5pm £ 35.00	£36.00
	After 5pm £ 45.00	£46.00
Friday - Sunday	Pre 5pm £ 55.00	£56.00
	After 5pm £ 65.00	£66.00
Kitchen per hour	£ 11.00	£11.50
Servery per function	£ 18.00	£19.00

Bank Holiday by negotiation at double rates of weekend rates

Average

Large event discount for a booking of all rooms 20% 20%
at the Winding Wheel for more than one day on consecutive days

	Existing	Proposed
	Hire	
	Charge	
	incl VAT	
<u>EQUIPMENT</u>		
Staging 8' x 4' (per unit)	£ 8.00	£8.40
Tiered Staging (per unit)	£ 56.00	£58.00
PA system in-house or portable	£ 25.00	£26.00
PA system in-house with radio mike	£ 36.00	£37.00
Additional microphone	£ 12.00	£12.50
Overhead Projector	£ 18.00	£19.00
Laptop	£ 27.00	£28.00
Multimedia Projector and Screen	£ 61.00	£63.00
Multimedia Projector, Screen and Laptop	£ 76.00	£78.00
Slide Projector	£ 20.00	£21.00
Screens - 6ft	£ 19.00	£20.00
Screens - 10ft	£ 56.00	£58.00
Screen - 8ft rear projection	£ 48.00	£50.00
Lectern	£ 8.00	£8.50
Flip Chart and Pad	£ 8.00	£8.50
Additional Set Lighting	£ 35.00	£37.00
Conditional hire of lighting/sound system	£ 160.00	£160.00
Technician - per hour	£ 25.00	£26.00
Duty Manager - per hour	£ 19.50	£20.00
Caretaker - per hour	£ 19.50	£20.00
Security Staff - per hour	£ 19.50	£20.00
Front of House Staff - per hour	£ 14.50	£15.00
Piano - Upright	£ 19.00	£20.00
Grand Piano	£ 260.00	£260.00
Seating over 200	£ 39.00	£40.00
Seating over 300	£ 56.00	£58.00
Seating over 400	£ 110.00	£112.00
Tiered Seating	£ 110.00	£112.00

Carpet for Staging/Catwalk	£	19.00	£20.00
Ticket Printing	£	55.00	£56.00
Licence Extension	£	26.00	£27.00
Round Tables - New Charge	£	50.00	£51.00
Cup and Saucers - 1-50	£	13.00	£14.00
Cup and Saucers - 51-100	£	19.00	£20.00
Cup and Saucers - 101-150	£	28.00	£29.00
Cup and Saucers - 151-300	£	35.00	£36.00
Tea and Coffee (per cup)	£	1.50	£1.55
Tea and Coffee (per mug)	£	1.70	£1.75
Tea/Coffee and Biscuits (per cup)	£	1.80	£1.85
Tea/Coffee and Biscuits (per mug)	£	2.10	£2.15
CORKAGE (including use of glasses)	£	9.00	£9.00
Refundable Deposit	£	120.00	£120.00

**Resources Block Booking Discount
(10 or more bookings per annum)**

Average

COMMUNITY ACTIVITIES

Lecture Programme

Full Rate	£	7.20	£7.30
Concessionary	£	5.70	£5.80

Tuesday Evening Dance	£	5.50	£5.60
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Winding Wheel Theatre Hire

Charges from 1 April 2019

Professional Companies and Commercial Use

	Core hours	Hire Charge	VAT	Total Charge for up to eight hours including VAT	For each extra hour or part thereof	VAT	Total for each extra hour or part thereof including VAT	Hours before or after core hours	VAT	Total for Hours before or after core hours including VAT	Additional Performance	VAT	Total for each Additional Performance including VAT
	Performance												
Monday	9am-11pm	£2,100.00	£420.00	£2,520.00	£262.50	£52.50	£315.00	£393.75	£78.75	£472.50	£1,050	£210.00	£1,260.00
Tuesday	9am-11pm	£2,100.00	£420.00	£2,520.00	£262.50	£52.50	£315.00	£393.75	£78.75	£472.50	£1,050	£210.00	£1,260.00
Wednesday	9am-11pm	£2,100.00	£420.00	£2,520.00	£262.50	£52.50	£315.00	£393.75	£78.75	£472.50	£1,050	£210.00	£1,260.00
Thursday	9am-11pm	£2,200.00	£440.00	£2,640.00	£275.00	£55.00	£330.00	£412.50	£82.50	£495.00	£1,100	£220.00	£1,320.00
Friday	9am-11pm	£2,200.00	£440.00	£2,640.00	£275.00	£55.00	£330.00	£412.50	£82.50	£495.00	£1,100	£220.00	£1,320.00
Saturday	9am-11pm	£2,200.00	£440.00	£2,640.00	£275.00	£55.00	£330.00	£412.50	£82.50	£495.00	£1,100	£220.00	£1,320.00
Sunday	9.30am-11pm	£2,900.00	£580.00	£3,480.00	£362.50	£72.50	£435.00	£543.75	£108.75	£652.50	£1,450	£290.00	£1,740.00
Bank Holiday	9.30am-11pm	£2,900.00	£580.00	£3,480.00	£362.50	£72.50	£435.00	£543.75	£108.75	£652.50	£1,450	£290.00	£1,740.00

Terms 100% of all building hire charges are subject to VAT.VAT is charged at the prevailing rate as applicable.

Any additional hours will be recharged and any additional technical requirements to be mutually agreed and recharged to the Visiting Manager.

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Charges from 1 April 2019

**MARKET HALL ASSEMBLY ROOMS
COMMUNITY CHARGE**

Hire
Charge
incl VAT

COMMUNITY

MAIN HALL

	£	Proposed
Monday - Thursday (min 3hrs) Pre 5pm	26.50	27.50
Monday - Thursday (min 3hrs) After 5pm	32.00	33.50
Fri- Sun (min 3hrs) Pre 5pm	37.00	38.00
Fri - Sun (min 3hrs) After 5pm	45.00	46.00
Kitchen (per hour)	6.70	7.00

ROOM 1

Monday - Thursday (min 2hrs) pre 5pm	7.50	8.00
Monday - Thursday (min 3hrs) post 5pm	17.50	18.00
Fri (min 2 hrs) pre 5pm	10.00	11.00
Fri (min 3hrs) post 5pm	24.00	25.00

ROOM 2

Monday - Thursday (min 2hrs) pre 5pm	5.50	6.00
Monday - Thursday (min 3hrs) post 5pm	16.50	17.00
Fri (min 2 hrs) pre 5pm	9.50	10.00
Fri (min 3hrs) post 5pm	22.50	23.00

COMMUNITY BLOCK BOOKING DISCOUNT

MAIN HALL

Monday - Thursday (min 3hrs) Pre 5pm	22.00	23.00
Monday - Thursday (min 3hrs) After 5pm	26.00	27.00

Kitchen (per hour)	5.50	6.00
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ROOM 1

Monday - Thursday (min 2hrs) before 5pm	6.00	6.50
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ROOM 2

Monday - Thursday (min 2hrs) before 5pm	5.00	5.50
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COMMERCIAL

MAIN HALL

Monday - Thursday (min 3hrs) Pre 5pm	40.00	41.00
Monday - Thursday (min 3hrs) After 5pm	46.50	48.00

Fri- Sun (min 3hrs) Pre 5pm	52.50	53.00
Fri - Sun (min 3hrs) After 5pm	65.00	66.00
Kitchen (per hour)	11.00	12.00

ROOM 1

Monday - Thursday (min 2hrs) pre 5pm	12.00	13.00
Monday - Thursday (min 3hrs) post 5pm	26.00	27.00
Fri (min 2 hrs) pre 5pm	17.00	18.00
Fri (min 3hrs) post 5pm	34.00	35.00
Sat and Sun (min 3 hrs)	36.50	37.50

ROOM 2

Monday - Thursday (min 2hrs)	9.00	10.00
Monday - Thursday (min 3hrs) post 5pm	25.50	26.00
Fri (min 2 hrs) pre 5pm	14.00	15.00
Fri (min 3hrs) post 5pm	33.00	34.00
Sat and Sun (min 3 hrs)	33.50	34.50

COMMERCIAL BLOCK BOOKING DISCOUNT

MAIN HALL

Monday - Thursday (min 3hrs) Pre 5pm	36.00	37.00
Monday - Thursday (min 3hrs) After 5pm	41.50	43.00
Fri- Sun (min 3hrs) Pre 5pm	47.50	48.00
Fri - Sun (min 3hrs) After 5pm	58.00	59.00
Kitchen (per hour)	8.50	9.00

ROOM 1

Monday - Thursday (min 2hrs) pre 5pm	11.00	12.00
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ROOM 2

Monday - Thursday (min 2hrs) Pre 5pm	8.00	9.00
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Bank Holiday by negotiation at double rates of Saturday and Sunday ct

All rates include VAT at the prevailing rate unless stated

HASLAND VILLAGE HALL**Hourly charge**

	Current	Proposed
MAIN HALL COMMUNITY CHARGE		
Monday - Friday (min 3 hrs)	15.25	£16.00
Saturday / Sunday (min 3hrs)	18.70	£19.50
Kitchen/Bar per function	7.60	£8.00
COMMUNITY BLOCK BOOKING DISCOUNT		
MAIN HALL		
Monday - Friday (min 3 hrs)	12.35	£13.00
Kitchen/Bar per function	7.05	£7.40
COMMUNITY CONCESSIONARY CHARGE (childrens groups / senior citizens groups)		
MAIN HALL		
Monday - Friday (min 3hrs)	11.80	£12.50
Saturday / Sunday	14.50	£15.00
Kitchen/Bar per function	7.05	£7.40
COMMUNITY CONCESSIONARY BLOCK BOOKING DISCOUNT		
MAIN HALL		
Monday - Friday (min 3hrs)	8.75	£9.25
Kitchen/Bar per function	6.30	£6.50
COMMERCIAL		
Monday - Friday (min 3hrs)	30.90	£32.00
Saturday/ Sunday (min 3hrs)	35.00	£36.00
Kitchen/Bar per function	16.50	£17.00
COMMERCIAL BLOCK BOOKING DISCOUNT		
Monday - Friday (min 3hrs)	24.70	£26.00
Saturday/Sunday (min 3 hrs)	28.80	£30.00
Kitchen/Bar per function	13.30	£14.00
COMMUNITY CHARGE		
ANCILLARY ROOM		
Monday - Friday (min 3 hrs)	6.05	£6.40
Saturday/Sunday (min 3 hrs)	6.60	£6.90
Kitchen/Bar per function	7.60	£8.00
COMMUNITY BLOCK BOOKING DISCOUNT		
ANCILLARY ROOM		
Monday - Friday (min 3hrs)	5.50	£5.80
COMMERCIAL CHARGE		
ANCILLARY ROOM		
Monday - Friday (min 3hrs)	11.60	£12.20
Saturday/Sunday (min 3hrs)	12.20	£13.00
COMMERCIAL BLOCK BOOKING DISCOUNT		
ANCILLARY ROOM		
Monday - Thursday (min 3hrs)	9.10	£9.70
Saturday/Sunday (min 3hrs)	9.70	£10.50

Bank Holiday by negotiation at double rates of Saturday and Sunday charges

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