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To The Chairman and Members of the Cabinet
All other Members of the Council – for information

Your Ref:
Our Ref: JB/L.3
Contact: Julie Britton
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Date 08 September 2008

Dear Sir/Madam,

CABINET - TUESDAY 9 SEPTEMBER 2008

I refer to the agenda for the above-mentioned meeting and enclose the following item:

Item No	Report Title	Page Nos
17.	Reference from the meeting of the Overview and Scrutiny Commission held on 4 th September 2008.	160 - 167

Yours faithfully

Julie Britton

Senior Member Services Officer

BRECKLAND COUNCIL

CABINET – 9 SEPTEMBER 2008

REFERENCES FROM OVERVIEW AND SCRUTINY COMMISSION

1. Purpose of Report

- 1.1 Cabinet is asked to consider references from the meeting of the Overview and Scrutiny Commission held on 4 September 2008 in regard to the following items:
- Empty Homes Policy (*Cabinet Agenda Item 12 (pages 123-131) refers*)
 - Watton Horse Fair (*Cabinet Agenda Item 15 (pages 138-141) refers*)
 - Fuel Poverty Policy
 - Breckland Community Car Schemes

2. EMPTY HOMES POLICY

- 2.1 Cabinet agenda item 12 refers.
- 2.2 This item was considered at the meeting of the Policy Development and Review Panel 2 on 3 September 2008. The Panel concluded that while it was supportive of the benefits in encouraging empty dwellings to be brought back into use and noting that the new discretionary powers for the use of Empty Dwellings Management Orders were 'a last resort' option when all other options had been exhausted, it was concerned to ensure that in extreme cases, where an owner could not be traced and it was proposed that their property was required to be demolished and/or redeveloped, such action should be subject to the approval of the full Council. Members also wished to ensure that the Ward Member should be notified of any cases affecting their Ward.
- 2.3 The Panel's views were considered and supported by the Overview and Scrutiny Commission at its meeting on 4 September and accordingly, the Commission

RECOMMENDS TO CABINET that the replacement Empty Dwellings Policy be adopted subject to the following amendments:

- (1) To require that the Ward Member is informed of any instances where an Empty Dwellings Management Order is to be pursued in their Ward; and
- (2) To require that in extreme cases where the owner cannot be traced and it is proposed that a property is required to be demolished and/or redeveloped, such action to be subject to the approval of full Council.

3. WATTON HORSE FAIR – LICENSING OF LAND USED FOR THE STATIONING OF CARAVANS, THETFORD ROAD, WATTON

- 3.1 Cabinet agenda item 15 refers.
- 3.2 This report was considered by the Overview and Scrutiny Commission at its meeting on 4th September 2008.
- 3.3 A motion to recommend that prosecution proceedings are commenced immediately was lost.
- 3.4 The Commission resolved to accept the recommendations as set out in paragraph 2 of the report to Cabinet.

4. FUEL POVERTY POLICY

- 4.1 The Commission has considered a report from the meeting of Policy Development and Review Panel 3 on 29 July 2003 on the Housing Performance and Improvement Plan Monitoring Report July 2008.
- 4.2 Minute 25/08 of the Panel's meeting highlighted Members' concerns around the issue of fuel poverty in the light of the current level of increases in fuel costs and their view that the Council needed a policy to address the poverty problems that would occur in the forthcoming months.
- 4.3 The Panel had noted that completion of a review of fuel poverty, amongst other work, had been delayed as a consequence of the Department of Communities and Local Government's response to the Council's proposed scheme for a district-wide licensing scheme for Houses in Multiple Occupation to require instead that it be concentrated on the towns only. A report on the review of fuel poverty was due to come before the Panel in due course and would cover matters such as energy efficiency and budgeting, etc.
- 4.3 It was also noted that a Financial Inclusion Policy had already been included on the Risk Register. This policy was aimed at educating residents on how they used their money, such as prioritising debts, etc. Articles of this nature would also be placed in future editions of Breckland Voice.
- 4.4 It had been acknowledged by the Panel that there was an important role for the Council to play in advising all people, not just the elderly, about planning for the winter ahead.
- 4.5 The Commission has noted the Panel's views in this matter and supported its proposals. Accordingly, the Commission

RECOMMENDS TO CABINET that

- (1) a policy be put in place to address the fuel poverty problems that will occur in the forthcoming months; and
- (2) the Council be seen to support local people by actively raising awareness of fuel poverty in the District by placing articles on the matter in future editions of Breckland Voice.

5. BRECKLAND COMMUNITY CAR SCHEMES

- 5.1 The Commission has considered a report on the Breckland Community Car Schemes and proposals for the future delivery of this service.
- 5.2 A copy of the report is appended, which gives full details of the background, issues and options considered by the Commission.
- 5.3 The Commission was fully supportive of the Breckland Community Car Schemes, which were seen as a vital lifeline to people living in the rural areas. Although there were some concerns that the governance arrangements should not be too burdensome on scheme operators and volunteer drivers, Members accepted the need for more formal arrangements for the Council to meet its duty of care and support to all parties.
- 5.4 The question of mileage rates was also discussed and while it was noted the Council could increase the rates above the Inland Revenue Rate, Members felt this should only be done in consultation and with the agreement of the Parish Council and Co-ordinators, because of the implications increased rates could have on drivers' income tax liabilities. However, it was felt that the Inland Revenue should review its rates to a

more realistic level.

- 5.5 The Commission, however, considered that there was a need for substantially more funding than the £10,000 proposed in the report if the Council was to achieve the aims to expand the scheme (noting that there were new applications to join the scheme, such as at Bawdeswell) and to support existing schemes in the future. One suggestion was that a more realistic figure was £100,000. It was felt the Council should also meet the costs of CRB and medical checks.
- 5.6 While being mindful of the need not to introduce unfair competition between the community car scheme service and private hire vehicles and taxis, there was support for some limited diversification of the service to support local key services, such as post offices.
- 5.7 The Commission agreed to incorporate a quarterly review of the Schemes as part of the work of the Task and Finish Group covering the Sustainable Communities Strategy review.
- 5.8 **RECOMMEND TO CABINET** that
 - (1) it notes that seldom has any Council initiative been so unanimously supported;
 - (2) robust governance arrangements and legal agreements between Breckland Council and all scheme operators and volunteer drivers be put in place as a requirement to qualify for funding support, along the lines set out in paragraph 3.8.1 of the report;
 - (3) it recommends to the Council that substantial funding be invested to support new and existing Community Car Schemes, to include meeting the costs of required CRB and medical checks.

BRECKLAND COUNCIL

REPORT OF THE STRATEGIC DIRECTOR OF SERVICES – MARK STOKES **OVERVIEW AND SCRUTINY COMMITTEE – 4th SEPTEMBER 2008**

BRECKLAND COMMUNITY CAR SCHEMES – DISCUSSION PAPER

1. Purpose of Report

- 1.1 This report considers the current status of the Breckland Council Community Car Schemes, and sets out recommendations for the future delivery of this service.

2. Recommendations

It is recommended that the Council/Committee:

- 2.1 Puts in place robust governance arrangements and legal agreements between Breckland Council and all scheme operators and volunteer drivers as a requirement to qualify for funding support.
- 2.2 To provide additional funding of up to £10,000 to support new and existing Community Car Schemes.

Note: In preparing this report, due regard has been had to equality of opportunity, human rights, prevention of crime and disorder, environmental and risk management considerations as appropriate. Relevant officers have been consulted in relation to any legal, financial or human resources implications and comments received are reflected in the report.

3. Information, Issues and Options

3.1 Background Information

- 3.1.1 Breckland Council has been operating the community car scheme service for 20 years. There are 22 car schemes operating in the Breckland area. These schemes are run in an informal manor with no contracts or written agreements in place. The Council provides funding to each scheme, with the day to day management and operation carried out by a number of local volunteers.
- 3.1.2 The Council, similar to many other Local Authorities across the country operating similar schemes, are faced with the challenge of providing greater governance in terms of putting in place monitoring and controls procedures to protect all parties.

3.2 Purpose and Effectiveness of Schemes:

- 3.2.1 The problems with rural isolation are heightened for those who have difficulty accessing services and transportation, such as, the young, those on low incomes and the elderly. The majority of the community car scheme users are the elderly. Key factors for this are generally low incomes and an increase in health issues.
- 3.2.2 The car schemes are mainly used for medical and medical related journeys, for example, hospital and doctors appointments. The scheme is also sometimes used for visits to the sick and elderly and occasionally for long distance transport connections.
- 3.2.3 Those people using the community car schemes would not be able to afford the cost of a taxi to make regular and essential medical journeys. In 2006/07 the Breckland car schemes totalled 12217 journeys, transporting a total of 12782 passengers.
- 3.2.4 The community car scheme journeys are charged at 40p per mile, this cost is split between

the passenger (20p), Parish Council (10p) and Breckland (10p).

- 3.2.5 Rising fuel costs have however raised concerns from volunteers not being able to recover their costs, with the risk of losing their support. There are however, implications with increasing the mileage rates. This is the Inland Revenue approved rate, therefore should drivers receive an enhanced rate, they would be liable to tax implications., unless they can prove that the increased mileage only covered their costs.
- 3.2.6 There is an annual budget of £21,890 however the estimated cost of the scheme per year is approximately £25,500. The cost of running each scheme differs significantly depending on the population size and the promotion of the scheme throughout the community.
- 3.2.7 The average cost of one scheme amounts to just over £1000. Smaller villages cost less compared to running a scheme within a town.
- 3.2.8 There are a number of parish requests to set up new community car schemes, and a current commitment to developing a new scheme in Bawdeswell. The Council, should it wish to continue supporting new and existing schemes will need to consider increasing the current budget.

3.3.1 **Insurance & Liability**

- 3.3.2 Council officers currently provide town and parish council's or voluntary groups the support and guidance required to set up a car scheme. Following this initial support, all the schemes are managed locally at town or parish level, based on trust and goodwill.
- 3.3.3 Breckland Council pays for public liability insurance to cover the car scheme and the volunteer drivers, although each volunteer driver has to have in place a valid motor insurance policy for the vehicle and driver, which includes an endorsement on the policy permitting the driver to use the vehicle for carrying people in relation to car scheme.
- 3.3.4 The Council's insurance indemnifies the car schemes and their drivers in respect of sums they may become legally liable to pay in respect of accidental injury, damage to property, claimants' costs and expenses, other than risks covered by the motor insurance.
- 3.3.5 Although these insurance policies are in place there is a risk that claims could still be made against Breckland Council as there is no contract or agreement in place with the volunteers that run the schemes and although it is recommended, no formal training is given to the car scheme organisers or volunteer drivers.

3.6.1 **Competition with taxi's**

- 3.6.2 There is an ongoing national debate around the competition between the community car schemes and private hire vehicles (PHV).
- 3.6.3 The car schemes are restricted to medical and medical related journeys, for example, hospital and doctors appointments. The scheme is also sometimes used for visits to the sick and elderly and occasionally for long distance transport connections. The cost to the passenger under the community car scheme is set at 20p per mile, which the Private Hire Vehicles are unable to compete claiming loss of business opportunity.

3.7.1 **Post Offices**

- 3.6.4 Consideration could be given to diversify the service in terms of providing help and support to other key services such as post offices, should members feel this is a viable option.

3.8.1 **Governance Arrangements**

There is best practice guidance on driver checks and risk assessments regarding the operating of a community car scheme, for example vehicle and driver checks:

- i) Current tax disc, MOT certificate
- ii) Valid, fully comprehensive insurance
- iii) Letter of agreement from the drivers' insurers
- iv) Valid driving license (*Points on licenses may be taken into consideration*)

- v) Conduct Criminal Record Bureau (CRB) checks on each individual driver
- vi) Medical check on each individual volunteer driver annually by own GP

Volunteer drivers should carry out a basic risk assessment and review on a regular basis. This involves making sure that any risks to the volunteer driver and/or the passengers are kept to a minimum by checking and adhering to user guidelines.

3.8.2 Breckland Council do not currently enforce or pay for any of the checks listed above.

3.9.1 Summary of Key matters

- The need for robust governance procedures and legal agreements between Breckland Council and car scheme providers so that the responsibility for management and operation is placed with the respective car scheme operator.
- Requirement to consider additional funding to support new and existing schemes
- Consideration for scheme to expand to support post offices.

4.0 Options

4.1 Option 1 - Continue to run the existing scheme

4.2 Associated Risks

- Exposure to risk to the Council with minimal governance arrangements in place
- Volunteers could choose to withdraw from the service robust controls are placed on each scheme. Furthermore the rising costs of fuel presents a threat to schemes
- No budget in place to increase the scheme to other parishes.

4.2 Option 2 - To continue the scheme, including new :

- Put in place the necessary governance procedures and legal agreements to protect the Council, Car scheme operators and volunteers.
- Consider a further allocation of funding up to £10,000 to cover shortfall and accommodate potential for new schemes

Associated Risks

- Car scheme operators may not want to take on the legal responsibility of operating the car schemes.
- Volunteers may not support the tighter control procedures

3.4 Reasons for Recommendation(s)

3.4.1 Meets the priorities of the Council

3.4.2 The scheme is extremely successful, well supported and held as a 'best practice' model.

3.4.3 Robust control procedures will protect the Council, Parish and volunteer drivers

4. Risk and Financial Implications

4.1 I have completed a risk assessment in accordance with the Council's Risk Management methodology and have identified the following risks that I propose to mitigate in the following ways with the additional insurance/control costs outlined.

Risk:

There is a risk that there will not be sufficient funds available to cover the rising cost of the existing car scheme and taking on new schemes.

Control measure/mitigating plan:

Keeping finance informed of any potential over spend on the scheme at its current level. If members agree to increase the budget we can look at calculating the average claim per car scheme and monitor spend consistently during the year.

Risk:

There is a risk that the car scheme operators will not like the new governance and legal agreement between Breckland Council and could therefore lead to the closure of some of the car

Control measure/mitigating plan:

The new rules will be phased in on a gradual basis.

4.2 Financial

4.2.1 Proforma B attached

5. Legal Implications

5.1 The recommendation of this report will reduce the liability to the Council by putting in place robust best practice governance arrangements and legal agreements between the car scheme operators and Breckland Council in order for the car schemes to be eligible for funding.

The risk of taking this approach is the potential rejection of the individual car scheme operators in taking on the responsibility and following best practice governance in the management of the schemes. This could therefore lead to the closure of some of the car schemes.

6. Other Implications

- a) Equalities: Yes – See attached report
- b) Section 17, Crime & Disorder Act 1998: None
- c) Section 40, Natural Environment & Rural Communities Act 2006: None
- d) Human Resources: None
- e) Human Rights:

There are no Human Rights implications within the content of the report itself. However, depending on the outcome of the final arrangements surrounding the operation of the community car schemes implications are likely to arise. If the scheme collapsed because Parish Councils felt it had become too burdensome on them, the service may cease which may give rise to a challenge.

- f) Other: None

7. Alignment to Council Priorities

7.1 This scheme fits within the Council priority of supporting Stronger Communities

8. Ward/Community Affected

8.1 This is a Breckland district wide initiative

Background Papers

Lead Contact Officer:

Name/Post: Laura Apps-Green

Telephone: 01362 656 261

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Key Decision Status (Executive Decisions only):

This is a key decision

Appendices attached to this report:

BRECKLAND COUNCIL

PROFORMA FOR EXECUTIVE MEMBER APPROVAL OF THE RELEASE OF RESOURCES (CAPITAL AND REVENUE BUDGETS)

FROM: Sue L Smith (Senior Accountant)

THIS PROFORMA PROVIDES THE FINANCIAL IMPLICATIONS IN RESPECT OF THE ATTACHED REPORT

REPORT: **Breckland Community Car Scheme**

REPORT DATE: **31st July 2008**

	£ Year1 2008/09	£ Year2 2009/10	£ Year3 2010/11	£ Year4 2011/12	£ Year5 2012/13
Capital	0	0	0	0	0
Revenue					
502 **** ** 6123	10,000	10,000	10,000	10,000	10,000
Total Capital + Revenue	10,000	10,000	10,000	10,000	10,000

Funding required:		Considered by:	Date:
Total capital cost	£0	Exec Board:	04/08/2008
Revenue cost	£50,000	Overview & Scrutiny:	04/09/2008

Financial Services Comments

The report requests approval of additional budget to support the community car scheme. The cost of the scheme in 2006-07 was £25,166, in 2007-08 £25,517 and the budget for 2008-09 and ongoing is £20,000. The cost of the scheme to date for 2008-09 is £6,398. There is insufficient budget identified within the 2008-09 approved budget, therefore, a request will need to be made to Full Council to approve a supplementary budget covering the additional ongoing budget each year. It may be possible for this sum to be funded from savings within the current year's revenue budget.

Risk

If additional ongoing costs cannot be met within existing budget there is a risk that by approving additional expenditure, the Council may not be able to set a balanced budget in future without having to reduce other services.

Procurement

There are no procurement issues identified at present.

Value for Money Efficiencies

The scheme may provide value for money efficiencies if additional schemes are set up and a greater number of participants are identified.

This PB is valid for 3 months from PB date	If this PB is not longer required please advise Finance	If there are changes to the original report it may invalidate this document, it must be reviewed by Finance.
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