Striving for quality - continuous improvement around the country

- Perils of a new property tax
- How to make people listen to you
- Plus: Legal Update 2002
The gathering and assessing of information must be efficient and effective.

The long awaited white paper, issued in December, makes it clear the government is determined on radical reform of local government. The aim is to create a strong, vibrant, innovative and responsive service, by setting up a lasting framework that will free councils from unnecessary red tape.

The white paper says the framework will help councils deliver better services. New monitoring procedures will be put in place that will be linked to comprehensive performance assessments. Local authorities will be classified as ‘high performing’, ‘striving’, ‘coasting’ or ‘poor performing’. Clear, concise public information about a council’s performance will be available, including a ‘scorecard’ which will be available to the public.

These are fine words, but who will deliver this mass of information? Who will ensure the information is accurate? Who will target support and inspection resources?

Because it is the government’s intention to link these measures to fiscal and operational independence, I cannot see local authorities accepting the current hit and miss performance of the inspection bodies as a monitoring resource. The collection and assessing of performance indicators will have to improve dramatically if these indicators are to be used as a companion tool for the compilation of scorecards across authorities.

The gathering and assessing of information must be efficient and effective. It must not place an operational burden on local authorities. There must be only one assessment process for each service, not a plethora of data gathering and form filling requirements.

Take the monitoring process of housing benefit as an example. Annually, benefit managers supply information in numerous different forms. Each year they will complete a subsidy form that is regarded as over-complicated, together with statistical returns and supplementary information for various incentive schemes. The audit of these forms will generally further add to the information gathering.

The process doesn’t stop there: performance indicators must be provided and if you are really unlucky you will be faced with an external inspection with information demands second only to the Encyclopaedia Britannica. On top of all of this there are proposals to add to the burden with a self-assessment style performance framework!

There is no room for compromise on this issue. The assessment process must be smart. The Audit Commission must make the mechanisms acceptable and if you are really unlucky you will be faced with an external inspection with information demands second only to the Encyclopaedia Britannica. On top of all of this there are proposals to add to the burden with a self-assessment style performance framework!

Talking of compromise, part of my pre-Christmas bedtime reading was the Commons Public Accounts Committee report on the benefits payment card. This is labelled in the report as ‘one of the biggest IT failures in the public sector’. Committee chairman Edward Leigh said: “This is a sorry tale of waste amounting to more than £1 billion”.

The contract for the card was awarded by the then Department of Social Security and Post Office Counters Ltd in May 1996. The government abandoned the scheme in May 1999. The loss to public funds was real. No doubt the Treasury, under the column ‘otherwise irrecoverable’, has now written this off.

Contrast this real loss with the housing benefit subsidy problems being faced by local authorities post the Bridgnorth case. Yes, mistakes were made - they generally are when you are processing millions of transactions a year. But those mistakes were not deliberate and there was no loss to public funds. Let’s hope the Department for Work and Pensions and the Treasury show the same sympathy and understanding when making the decision on recovery from local authorities.
Inside News

Proposed council tax changes for second homes

A paper from the Department of Transport, Local Government and the Regions (DTLR) invites views on how the additional council tax, raised by local authorities which remove or reduce the discounts for second homes and/or long term empty homes, should be distributed. Views are also sought on whether the proceeds should be ring-fenced for housing purposes. The paper proposes that local authorities should bear the full cost of any new exemptions or discounts that they choose to apply in their areas. Deadline for response: 15 February 2002. [http://www.local.detr.gov.uk/finance/ctax/2nd homes/index.htm](http://www.local.detr.gov.uk/finance/ctax/2nd homes/index.htm)

Enterprise Bill tackles insolvency system

As part of the government’s aim to promote enterprise and drive up productivity, the Enterprise Bill will provide for reform of the insolvency system.

The system of administration will be streamlined. The government will provide an out-of-court route into administration for both floating charge holders and directors. Bureaucratic requirements are to be removed and clear limits introduced so that administration is concluded quickly. The purposes of administration will be simplified so that it is clear that the aim of the procedure is to rescue companies in financial difficulties or, where that is not possible, to achieve a better realisation of assets than via winding up.

The government will restrict the use of administrative receivership and shift the balance in favour of administration. It says the proposals will provide a modern bankruptcy regime that encourages entrepreneurship and provides a fresh start to those who have failed through no fault of their own. At the same time protection will be provided against the small minority of bankrupts who abuse their creditors and the public.

Benefits cut for cheats

New regulations to reduce or withdraw the benefits of persistent benefit fraud offenders came into effect on 1 April 2002. They apply to anyone who is convicted twice of benefit fraud offences. The Social Security (Loss of Benefit) Regulations 2001 will provide the sanction to withdraw or reduce certain benefits to people who have committed a benefit offence for the second time, within three years of a first conviction for benefit fraud. Certain benefits will be withdrawn, or reduced by 20% or 40% in some cases, for 13 weeks; they include all social security benefits, except bereavement payments, retirement pensions, benefits paid for children or those that cover the extra costs of disability. It is estimated that the sanction will apply to around 500 benefit fraudsters a year.

White paper sets out local taxation reforms

The government’s white paper, Strong Local Leadership – Quality Public Services, sets out a "radical programme for improving council services, enhancing local democracy and strengthening community leadership". The paper can be found at [www.localregions.dtlr.gov.uk/sll/index.htm](http://www.localregions.dtlr.gov.uk/sll/index.htm).

A national framework is proposed to help councils deliver better services for their communities, including comprehensive performance assessments for all councils. Extra freedoms, over and above universal deregulation, will be available for high-performing councils. The best value framework is to be streamlined and reformed to help councils manage improvement across all services; and tough and early action will be taken to tackle failing councils or services.

The white paper sets out a substantial package of deregulation, including abolishing the council tax benefit subsidy limitation scheme, to take effect from 2002-03. From that financial year, the Department for Work and Pensions (DWP) will pay for 95% of council tax benefit costs. There are also proposals to provide greater freedom for all local authorities to decide council tax discounts and exemptions; to make local authorities responsible for deciding how much they can prudently borrow; and to allow them to charge for the discretionary services they provide in a bid to help them succeed as community leaders. Local authorities will be allowed to introduce Business Improvement Districts, where businesses want them. Other local public sector partners will be encouraged to work effectively with councils, other organisations and communities themselves to tackle local problems and exploit local opportunities.

Council tax revaluations will be set at 10-yearly intervals, the next to commence in 2005 and to be reflected in bills issued in 2007. A transitional relief scheme will make gainers contribute towards the costs of losers. Powers will be provided to allow the creation of additional bands without the need for primary legislation.

A new non-departmental public body, the Valuation Tribunal Administrative Support Service, will be created. It will provide support to valuation tribunals and ensure that they operate to best practice principles.
Local performance indicators and best value

Local authorities are currently addressing the integration of indicators within the corporate objectives. Initially, most authorities have concentrated their efforts at the service level and given service managers autonomy to develop local PIs. This has been useful in developing a broader understanding and ownership of local PIs. However, in many cases it has meant that the indicator sets are not well integrated with broader corporate objectives. Further, there is a need for authorities to develop a coherent and integrated framework of indicators (both national and local) from the community/partnership level through to detailed service level management data. The research has identified that a useful framework, containing a hierarchy of indicators, is emerging as follows:

- Community/partnership indicators;
- Council corporate indicators;
- Service indicators; and
- Management information indicators.

The report states that joining up the indicators within this framework covering all levels is important and may take many authorities up to three years to establish.

Most of the case study authorities have more than 100 local PIs, with many having around 150. Constraints on the development of local PIs included: time and competing pressures; resources; initiative fatigue; inadequate management information systems; lack of political/senior officer commitment; and cultural resistance. In addition, the lack of stability within the national best value framework and, particularly, the best value performance indicators was noted as a barrier.

Extra help for online services

Councils in England will receive £160 million over the next two years to help them improve delivery of their services using new technology. The money, which is subject to Parliamentary approval, will help councils implement their action plans to deliver services online by 2005.

A consultation draft national Local Government Online (LGOL) strategy will set out the government’s vision for e-enabled and joined up government services delivered locally. This will propose the building blocks for e-government and outline action at national, regional and local level. The government intends to provide a capital grant of £200,000 each to 398 local authorities in 2002-03 to support proposals contained in their Implementing Electronic Government (IEG) statements. Subject to demonstrating good progress, a further £200,000 each will be available in 2003-04.

A series of presentations about e-government are provided on the website http://pathfinders.redsnapper.net/en/1/event2913x71.html. These explore practical issues surrounding the delivery of e-government which have arisen from the experiences of Local Government Online (LGOL) Pathfinders. Also included is a summary of new research into customer perceptions and expectations for e-government.

Rural rate relief problems

The DTTL’s plans to change the way in which rural areas are designated, for the purposes of the village shop rate relief scheme, have run into difficulties. The current designations, based on listed parishes, were to be replaced by a scheme based on maps. As a result of problems identified by the consultation exercise, for the next two years areas will be rural if they are either named in the existing designation orders or shown as not being an excluded urban area in the new maps. This safeguards those areas that would otherwise have lost designation as a result of the move to a map based system, whilst extending designation to those areas not covered by the existing orders.
Case Law Corner

Latest best value inspections

Dartford BC - revenues and benefits (report issued 7 December 2001, judged good, unlikely to improve).
Eden DC - business rates (12 December, good, unlikely to improve).
Alnwick DC - fees and charges (20 November, fair, will probably improve).
Weymouth and Portland BC - benefits (December, fair, promising prospects for improvement).

Progress of legislation

The Land Registration Bill (Bill No. 2); Public (Government Bill) received its Commons second reading on 3 December 2001. This Bill makes provision about land registration and connected purposes.

The Water Industry (Scotland) Bill (SP Bill No.35) Public (Executive Bill) (SP) went through its first stage on 6 December 2001. This is a Bill for an Act of the Scottish Parliament, provisions of which include the establishment of Scottish Water and the transfer to Scottish Water of the functions of the water and sewerage authorities established by section 62(1) of the Local Government etc (Scotland) Act 1994.

NDR multiplier

The national rate multiplier for 2002-03 for England has been set at 43.7 pence in the pound, subject to Parliamentary approval. The adjustment for inflation for 2002-03, to be within the appropriate fraction in the calculation of rate bills of hereditaments in transition, is 1.017. (www.local.detr.gov.uk/finance/busrats/ tr132001.doc)

The following cases have been provided by Lawtel, the UK’s leading online legal information service. For more information or for a free trial call 020 7970 4818, e-mail enquiries@lawtel.com or visit www.lawtel.com.

(1) Richard James Rees (2) Gordon Iain Bennett v Boston Borough Council sub nom In The Matter Of Beck Foods Ltd (2001)
CA (Pill LJ, Jonathan Parker LJ) 20/12/2001
Administrative receivers who continued to manage the company after a liquidator had been appointed were not personally liable for non-domestic rates.

CA (Brooke LJ, Hale LJ, David Steele J) 14/12/2001
A review decision letter under s.203(3) Housing Act 1996 complied with the duty to give reasons imposed by s.203(4) of that Act, notwithstanding the local authority’s failure to explain why it considered that the homeless applicant’s failure to pay rent was deliberate and not the result of inadequate resources, where it was clear that the local authority had considered that question.

R v Highbury Magistrates’ Court, ex parte Maureen Clark-Darby (2003)
QBD Administrative Court (Sir Richard Tucker) 15/11/2001
A council tax liability order granted where the taxpayer had not received notice of the hearing was made in breach of natural justice and would be quashed. The High Court had jurisdiction to deal with the matter by judicial review.

Eston Bernard v Enfield London Borough Council (2001)
CA (Mummery LJ, Buxton LJ, Harrison J) 4/12/2001
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L TL 20/12/2001

L TL 14/12/2001

R TL 12/12/2001
The consultation period for the draft performance standards for housing and council tax benefit, which I wrote about in the December 2001 Insight, came to an end on 11 December. Subject to the responses to this consultation, the performance standards come into effect in April 2002.

The initial reaction on seeing the volume of performance standards involved is one of dismay. This changes when you read through them and see the standards that are being set and the relatively simple nature of dealing with the responses to the questions in each module. I believe that, if seen in a positive light, the performance standards will become a genuinely useful management tool in assessing our performance relative to national standards.

The danger is that they will be seen as a further check on the benefit service, which already receives a high level of attention from internal auditors, external auditors, the Department for Work and Pensions (DWP) through the management information system and the accuracy reviews, the Audit Commission through performance indicators and best value and last, the Benefit Fraud Inspectorate (BFI). It is important that the performance standards should be sold as an aid to management and not just another check in the system.

The DWP and the BFI have said that they need to define what standards are necessary for the effective and secure delivery of housing benefit and council tax benefit and that the draft standards are the first stage in the development of a wider benefits performance framework for local authorities and central government, with a view to driving up the standards of delivery in all types of local authority.

While supporting the concept of performance standards and performance management, I hope that the development of a wider framework does not add to an already high workload. We are beginning to develop a whole checking industry on the back of benefits and it would be very easy to lose sight of what the benefit service is really there for.

There must be a realistic understanding that local authorities are autonomous, democratically elected organisations that have competing demands for scarce resources and that not everyone will have the same priorities - nor is benefits the only service they provide. The very fact that they are democratically elected bodies means that they should be allowed to make choices about service delivery. They are not lemmings and should not be made to follow blindly in a pack.

### Performance framework – key components

The proposed performance framework includes:

- **Standards** - national standards which make clear what local authorities are expected to deliver;
- **Measurement and inspection** - so it can assess whether local authorities are actually delivering;
- **Subsidy incentives** - for rewarding improved performance;
- **A better service from DWP** - better change management, more local authority participation.

The standards cover seven key areas:

1. Strategic management
2. Customer service
3. Processing claims
4. Landlords
5. Internal security
6. Counter fraud
7. Overpayments.

The DWP and BFI have developed these proposals in consultation with the local authority associations and with a wider group of stakeholders, including local authorities, auditors and professional bodies. The draft standards have been tested during the summer with a pilot group of 14 authorities and, as a result, substantial changes were made to the draft in the light of the comments made. I trust the testing was more
comprehensive than that which took place prior to the implementation of verification framework.

In developing the standards the approach has been:

➔ To set an ideal – what do local authorities need to do to deliver housing benefit effectively and securely?
➔ To ensure that it is achievable - setting standards that some authorities are already achieving, for instance those in the best value upper quartile.
➔ Not just to accept average performance, which is poor in some cases.
➔ Not just to accept what can be achieved within existing resources and with existing ways of running things – we need to look at ways of working more effectively and both central and local government may need to invest over the long term to deliver improvements and meet standards.
➔ To set measurable standards that are capable of objective self-assessment and scoring – scoring is simply a yes/no response to whether each standard is met. The DWP and BFI aim to make rapid progress on developing and launching the standards, in order to allow local authorities time to implement the standards as a tool for self-assessment and locally driven improvement.
Key dates include:
➔ Formal consultation on draft performance standards completed by Christmas 2001;
➔ Performance standards package launched by April 2002 followed by a regional programme of support and training to local authorities;
➔ Electronic self-assessment tool with local authorities summer 2002;
➔ BFI using performance standards to inspect from spring 2002;
➔ Dialogue and consultation with local authorities and other interested groups during 2002 on how performance standards could be linked to subsidy;
➔ Local authority feedback on gap between standards and performance, late 2002;
➔ April 2003 – first date from which local authority work to meet performance standards could attract extra subsidy.

The BFI has said that working to meet these standards will be a gradual process and its inspections will be an important factor in driving the adoption of the standards. Therefore, it proposes to start inspecting using the standards in 2002.

The DWP has also said that it will have to consider how best to structure financial rewards to drive forward improvement. The department will be examining options that offer help and rewards, not just to the best authorities that meet standards, but also to struggling authorities to break through the cycle of poor performance.

I believe that this is a key area and the performance standards must not be used to penalise those councils that do not measure up. Arguably it is the poor performing local authorities that need help, not the better ones. If the performance standards are to be accepted as a useful management tool, they must not become a means of punishment for local authorities and used to reduce subsidy.

Inspectors found wanting

The inspection process has been under attack again - this time from the chief executive of Redcar and Cleveland Council, who has accused the Best Value Inspectorate of publishing findings that were "hopelessly out of date" and of being "secretive" in failing to notify the authority properly of its conclusions before releasing them. He also accuses the Audit Commission of costing the taxpayer "hundreds of thousands of pounds by producing unusable inspection reports". I have no doubt that his comments will strike a chord with the majority of local government officers.

It is interesting to compare his comments with those of Sir Andrew Foster, Controller of the Audit Commission, who was reported in the Municipal Journal as saying: "We think in one year we have learned many lessons. We have suggested a lot of changes to best value ourselves. We have put our hands up and we would like councils to do the same."

I found this an interesting comment. Whilst Sir Andrew may have put his hands up, no one has bothered to tell his inspectors to do the same. According to many of my colleagues who have been subject to inspection the inspectors suffer from what Professor John Stewart calls "inspectorial infallibility".

That said, I hope the Inspectors continue to flourish because I have decided to come back in my next life as an Inspector – on the principle that it is better and (probably better paid) to have a job that involves telling others how to deliver better services, while having no responsibility for actually delivering services, and therefore little stress, no problems related to scarce resources, budgets, staffing issues, elected members, taxpayers or benefit claimants.

On second thoughts what a boring life that must be!

Statutory Instruments
SI 2000/3561 The Rent Officers (Housing Benefit Functions) (Amendment) Order 2000

This order amends the Rent Officers (Housing Benefit Functions) Order 1997 and the Rent Officers (Housing Benefit Functions) (Scotland) Order 1997 (the orders) which confer functions on rent officers in connection with housing benefit and rent allowance subsidy and require them to make determinations in respect of tenancies and licences of dwellings.

Articles 2 and 3 amend paragraphs 1 to 5 of Schedule 1 to each of the orders. Articles 2(2) and (3) and 3(2) and (3) replace the term "locality" with "vicinity" for the purposes of paragraphs 1 and 2 which relate to significantly high rents and size-related rent. Articles 2(4) and (4) replace the term "locality" with "neighbourhood" in paragraph 3, which relates to exceptionally high rents. Articles 2(5) and (5) insert a definition of the term "locality" for the purposes of paragraphs 4 and 5, which relate to local reference rents and single room rents.

SI 2000/3689 The Social Security Fraud Act 2001 (Commencement No. 2) Order 2000

This order provides for the coming into force of sections 7 to 13 of the Social Security Fraud Act 2001 (which provides for loss of benefit where benefit offences are committed). Sections 7 to 11 and 13 are commenced for the purposes of making regulations on 17 November 2001 and for all other purposes on 1 April 2002. Section 12, which makes consequential changes, is commenced on 1 April 2002.


This order provides for the membership of the Technical Advisory Board, established by section 13 of the Regulation of Investigatory Powers Act 2000 (c. 23). The Board must be consulted before the secretary of state makes an order under section 12(1) of the Act, imposing obligations on persons who are providing public postal services or public telecommunications services, or who are proposing to do so. The Board also has functions under section 12(6) of the Act, relating to the consideration of notices issued to service providers under section 12(2), the effect of which is to trigger the imposition of the obligations provided for in the section 12(1) order.

Pat Dobbs is a Deputy Director of Finance at Harrogate Borough Council and a Past President, IRIV
West Midlands branches out

In recent years the executive committee of the West Midlands Association, like colleagues nationally, has become increasingly frustrated at the general apathy of our members towards the events arranged for them. Month after month a session was organised that offered a quality speaker talking on a topical subject. Yet month after month attendance was poor.

In the last few years we have made an effort to identify the reasons for this lack of interest and set about finding a cure. Our efforts have been met with a certain degree of success and we believe that our events will now continue to grow in popularity as a result of the changes that we have made and continue to make.

The problem
Our meetings were simply not being supported by enough of our members. A small number of loyal supporters attended regularly, but we could not attract the numbers that we would have liked. In particular, we were not attracting the student, technician or newly qualified members who, we believe, represent the future of our Association and the Institute.

Feedback from these people suggested that a change of image was needed.

Addressing the problem
Our efforts began in earnest, two years ago under the Presidency of Bob Tatham; they continued last year under Roger Burton’s leadership and have moved on again this year.

We make a conscious effort to introduce ourselves to members attending our events. We are keen to make members feel welcome at our events, so no-one needs to feel nervous about coming along.

Our first significant change was to address the quality of information given to members. We abandoned the traditional branch card and introduced our yearbook. This includes details of our programme and lots more useful information for our members. It has a direct input into events. Our executive committee now comprises an ideal mix of youth and experience, as well as a good range of professional disciplines.

We introduced an annual student event. For many years we had offered the IRRV’s Introduction to the Institute and passed on details of our education courses, the Association’s rules, contact details of organisations within our area and a diary for noting appointments. Feedback so far suggests that members find this useful and will tend to retain it, whereas the previous card was discarded.

The cost of the book is covered by the many organisations that place advertisements in the book. The support of these organisations is invaluable and much appreciated.

Rob Wolfe, President of the West Midlands Association, describes the efforts that the Association has made to improve the service to its members.

Students and Technician members
The next significant step was to address the attractiveness of our service to students and technicians. All too often we saw students pass their examinations and then disappear, never to be seen again at an IRRV event. We are keen to promote the IRRV as a professional institute and not just a means of acquiring a qualification.

We introduced reserved places on our executive committee for a Student member and a Technician member. I am happy to say that we have filled these posts and they now attend our events. The students felt that we had offered events that were geared more towards the needs of senior management. They wanted to see topics that affected them more directly.

Support for out of hours events has disappeared completely of late. Increasingly, we find that people are not prepared to give up the little leisure time that they get, to attend work related events. But would employers be prepared to give their staff time to attend our events? We realised that, frankly, if managers were regarding our events as a waste of time, then we were offering the wrong thing and had to change.

For a few years we experimented with the location of our events. By going ‘on the road’ and holding our events at a variety of venues, we believed that we would make ourselves more accessible to the membership. This experiment brought a limited degree of success but we have now found that a central location is more popular.

This year’s programme addresses all these issues. We have made sweeping changes to the format of our events. We have:

➔ Abandoned the evening meetings and moved to a more user-friendly time of day;
➔ Concentrated on a central Birmingham venue for ease of access. With the kind assistance of our friends at Birmingham City Council, we hold most of our seminars at their Lancaster Circus office;
➔ Extended the length of our seminars. We have moved away from the one-speaker meetings and moved towards a half-day seminar format;
➔ Introduced training value. I believe that employers can now send staff to our sessions and far from wasting their time, they will receive an excellent half-day training session free of charge.

Other services
Seminars are by no means the only service that we provide. We issue a regular newsletter to our members. This gives details of all forthcoming local and national events, as well as updates on seminars previously held.

We have enjoyed enormous success with our new training days. Periodically we offer low cost training courses, aimed specifically at supervision/team leaders. Courses offered so far have covered human rights, best value
Trouble at the top?

During my time as Director at IRRV I had an occasionally fraught relationship with elected officers. But no-one actually produced (publicly at least) death threats or a suicide pact to resolve the problem, as President Watson has done in his challenge to Director Magor to "walk or cycle" with him from Doughty Street to Brighton ("President gets in the running", December 2001).

I hope that the physical state of both these gentlemen has radically improved since I last saw them a few years ago. If not, then this macho challenge implies either a dramatic deterioration in professional relationships or the potential simultaneous loss of your two leaders.

At a time when the Institute is clearly winning back some of its past glory this should alarm both members and friends alike. Surely there are still some wiser voices in the organisation that can counsel them appropriately?

Colin Farrington
Director General
Institute of Public Relations
London EC1
New for 2002...

DIGEST OF THE LATEST NEWS FROM THE VALUATION PROFESSION

ARTICLES ON KEY ISSUES

CASE LAW UPDATES

INTERNATIONAL COMMENTARY

AND MORE...

...a must for all valuation professionals
In December, the Department for Transport, Local Government and the Regions (DTLR) finally delivered a 139 page white paper entitled Strong Local Leadership – Quality Public Services, dealing with the future of local government finance. Chapter 7 of the white paper deals with “The Way Forward on Business Rates” and it covers the revaluation programme, supplementary rates, transitional schemes, business improvement districts, rate reliefs and the future of the valuation tribunal service.

The government appears to have accepted that, in principle, the non-domestic rating system is a sound and reliable method of raising taxation and should continue in its present form, with five-yearly revaluations. Supplementary rates are however, rejected.

Despite the manifest unfairness of the transitional scheme, the government still appears wedded to the concept of such a scheme, with all the complexities and anomalies which this produces. It had been thought that with the earlier publication of the rating list, businesses would have plenty of time to plan their future rate liability. Indeed the new scheme, which appears to be extraordinarily complex, does provide for the transition to relate not to the last year’s rate liability in the previous scheme, but to the amount that should have been payable if the property had been paying full rates on its assessment in the previous rating list.

However, this proposal is somewhat self defeating. While the increases year on year during the revaluation period may be moderated, the initial increase between revaluations – which for ratepayers is the crucial change – may be very substantial. Why, if we must have transition, can it not follow the eminently logical and successful Welsh scheme, which is properly targeted to small businesses, minimises downward penalty, and unwinds in three years so as not to distort the rental evidence for the next rating list?

As a footnote to this section, the government intends to end prescribed assessment so that all those public utilities (yes – including Railtrack) will be subject to market value rating.

There is a significantly revised and improved proposal for business improvement districts (BIDs) which would appear a much more generally acceptable method of additional revenue raising than the supplementary rate. Specifically, it is a targeted tax which requires the agreement of all parties to its being raised.

The IRV is opposed in principle to reliefs within the rating system, since they merely produce anomalies and are an inadequate substitute for a proper resolution of the issues they seek to address. The plethora of complex changes indicated in the white paper only underlines our objection.

The proposal, however, to create greater flexibility in hardship relief is to be welcomed, since this is clearly a method of assisting those who need it and can be targeted locally.

The DTLR’s proposals for the valuation tribunal service by no means match the ideas of the Lord Chancellor’s Department in the Leggatt report. The concept of a unified tribunal service, though attractive in administrative terms, is likely to be inefficient, particularly in the area of valuation.

It is to be hoped the valuation tribunals will be allowed to develop along the progressive lines they have created. Having had recent experience of the county court minor jurisdictions, I can personally vouch for the significantly higher standards of customer care and practical common sense in the valuation tribunal service.

A parallel project to the white paper is the modernisation of the Valuation Office Agency and it is pleasing to report that this is making headway. The National Ratepayers Valuation Forum has now led on to pilot schemes for Local Ratepayer Valuation Forums, which are being tested in areas of the South West and North Wales.

It is unsurprising that there have been a few initial difficulties and misunderstandings but, contrary to some reports, the Institute and the other professional bodies have been involved in liaison meetings with the VOA throughout. An agreement has now been reached as to the way in which Institute members and others involved in the local government finance field can participate in this sea change to the way in which revaluations are prepared.

Paul Sanderson took over direction of the project with effect from 7 January 2002, as the pace towards the 2005 revaluation starts to increase. Issues to be resolved include changes to the way in which rent returns are issued and completed and pilot schemes on this aspect have commenced in North Wales and Sheffield. Bearing in mind that the whole revaluation scheme has been brought forward by some six months from the timescale which operated for the 2000 list, the pace is set to accelerate even faster as 2002 progresses. All parties will need to work closely together to ensure that this brave new world of valuation for rating is safely and successfully delivered.

“The government appears to have accepted that, in principle, the non-domestic rating system is a sound and reliable method of raising taxation”

PROGRESS - BUT SLOWLY

Tom Dixon finds good and bad in the government’s proposals for business rates

Tom Dixon is Vice President of the IRV and is Managing Director of Dixon Rankin Chartered Surveyors
EDUCATION CORNER

A full year for education and membership

Suzanne Dean looks back on achievements and forward to new challenges

It hardly seems like 12 months ago that I introduced the aims of Education and Membership to you, but here is the new year again. I am delighted that we achieved so much during 2001. This is a credit to the staff in the Education department, who have worked very hard. During the year we said goodbye to our temporary membership officer, Nadine Newport, but have been pleased to welcome Julia McConnell into that role.

The examinations process comes and goes now with little impact on those not directly affected. Indeed, that is how it should be and it is a credit to the hard work that goes into the preparation and administration. From my perspective, I know that a number of people have been successful by the large numbers of signatures my fountain pen has performed during the year. I sincerely hope that I suffer this again this year and that I continue to have the privilege of presenting certificates as I visit the Associations. Congratulations to all who have passed exams over the last 12 months.

Membership numbers have been a principal concern for us. The Institute is rightly proud of its examination process and what that means to those who complete the qualification. However, we have to recognise that the profession is changing and we need to ensure a viable level of membership for the future.

We have thought long and hard about appropriate ways in which we can offer skilled professionals the opportunities to join the Institute. Sue Stevens set out the three new ways to gain membership in the December 2001 Insight. I am very grateful for the support of colleagues on the Council who have enabled us to bring these initiatives forward.

Valuer members are also vital to the Institute and other articles have told you about the TEGoVA certification that we are planning to offer. We are committed to adding value to members who work in this professional area and want to be even more active in offering education routes to those in private practice.

At last in 2001, we gained our awarding body status for NVQs and have started to gain approval of each qualification from the Qualifications and Curriculum Authority. In Scotland, our application for awarding body status should be under the consideration of the Scottish Qualifications Authority right now. I was pleased to attend a meeting with Edinburgh City Council to talk about some of the practical issues arising as candidates work on their SVQs.

This highlighted to me that this route to qualification is no easy option. I sincerely hope that this time next year we can be celebrating the award of a full SVQ or NVQ. We have approved a number of centres over the past year, appointed external verifiers and registered many candidates. This has resulted in the need to take on an additional administrator for the vocational qualifications.

Looking forward, we expect to complete the syllabus review in the first quarter of the year. Information on the new syllabus will be published as soon as possible, so that those involved in the education process can have maximum notice of the changes necessary. As well as revising the syllabus, we are considering how to make each year of study an achievement in its own right, with an award at the end of each examination level.

We also have to work with the Department for Work and Pensions, together with other professional bodies, to take forward training initiatives for housing benefits. This has to be good for the profession and as an Institute we must build on our Benefits Inquiry and ensure that we are at the forefront of developing quality training here.

The future is exciting for Education and Membership. There is undoubtedly a lot of work to be done, involving many people in the Institute, so your support is always very welcome. If you have any queries or any suggestions for this area of the Institute’s work then please let our Head of Education, Sue Stevens, know.

Suzanne Dean is the Chairman of the IRRV Education and Membership Committee.

Distance learning dispatch

This is the time when you have to remember to put 02 at the end of the date, when you have only just got used to writing 01! That is not the only thing that is new and different. There is a new IRRV Distance Learning Website at UWCON. It holds much of the same information as the earlier version but is up to date and will be easier to maintain. Your comments would be welcome and we will try to respond to any suggestions for improvement.

We have just about caught up with all the modules and are continuing to enrol students. We will soon be working on updates for those taking the June 2002 exams and looking forward to the Caerleon Revision Week. For those planning to sit the June examinations, don’t forget that you have to ensure that your entry form is with the IRRV by 1 March 2002. We try to send reminders to everyone but it is your responsibility to meet the deadline.

May I also remind you of the advice that we give concerning assignments – do as many as you can. If you haven’t made a new year’s resolution to this effect, make a belated one now! We wish all distance learners a good year and again remind you of the offer of help not only from DL Centre staff but from all the tutors and authors around the country. If you need help or advice please ask.

Lea Tuckwell, Manager, IRRV Distance Learning Centre.
On becoming President of the IRRV in October 2001, my first thought was to pay tribute to the work of my predecessor, Roger Messenger. In his year as President, Roger was not only instrumental in securing the services of our current Director, David Magor, but also provided a foundation and set a vision for taking the Institute forward. These are exciting times for the IRRV and we all have a part to play in its future development.

As I face up to the challenge of being your President, I am grateful for all the guidance and advice that has been offered by previous Presidents. It is the aim of any President to ensure they represent all the interests of the Institute. I may have much to learn in terms of etiquette at formal dinners (never again will I get wine confused with port) but I hope that at the end of my year in office, I will have proved a successful ambassador for the IRRV.

Looking back at the Annual Conference in Bournemouth, there was wide acceptance that it was a great success. The Performance Awards Dinner on the Thursday evening continues to carry considerable prestige. However, if I was to select just one highlight from the week, then it must be the award of Honorary Membership of the Institute to my colleague on Council, Brian Hardy. Never has an award been more deserved.

My first function as President was to attend a conference run by the Institute on Social Inclusion. Held in Blackpool in November, this new event was a considerable success amongst the delegates, with many excellent papers. A further conference on the same theme is planned as part of the programme for the current year; full details of which can be obtained from the Institute’s website.

The close links our Institute has maintained and developed with other bodies and professions are very important. The hospitality afforded to myself in my first few weeks as President when attending lunch with members of the Lands Tribunal, the annual dinner of the Rating Surveyors’ Association and the annual luncheon of the Rating Diploma Holders Section of the Royal Institution of Chartered Surveyors was really appreciated. The membership can be left in no doubt that the IRRV is held in very high regard.

At the end of last year we also had the presentation and launch of the pan-european qualification for valuation professionals. Held aboard HMS Belfast, it was the result of much hard work by valuer members on Council. This is just one example of the IRRV representing the professional interests of the membership and demonstrates the high profile the Institute has been able to develop in Europe.

It is very much my wish to visit as many as possible, if not all, the Associations during my year as President. In the first two months, I attended the South West Association for a “Pasties and Skittles” night, which concluded with the award of a Certificate of Service to one of the most active members in the Associations, Margaret Humphries. I was also very pleased to be able to present a Technician Certificate to Clive O’Shaughnessy, one of my own students from the Distance Learning and Caerleon Courses.

Closer to home, it was the annual quiz of the Metropolitan and Home Counties Association in early December, which was again held at Tower Hamlets LBC Town Hall. With catering provided by the President (my apologies to those who attended) and questions set by staff from Tower Hamlets, a highly successful evening concluded with the Shield being retained by... yes... Tower Hamlets LBC.

Finally, can I just say that I am very conscious of what is expected and demanded of the President. I have been quite taken aback by the good wishes that have been extended by the membership and look forward to meeting as many members as possible in the weeks and months ahead.

Exciting times ahead
Gary Watson gives the first of a series of regular reports on his Presidential year
Rural rewards

Liz Reeves describes how Mid Devon became Benefits Team of the Year

Winning the IRRV Benefits Team of the Year award means a great deal to us at Mid Devon. It shows that small rural authorities can run the race with the “big boys” and win. It shows that customers in rural areas are equally as entitled to a good service as those in towns and cities, and it gives recognition to the 17 staff who have worked hard to provide a quality service.

I have worked in housing benefit administration for more than 15 years and experienced all aspects of the service. Like many authorities, we have struggled through backlogs and spent years fire-fighting! This is the side of benefits that normally makes the headlines, so I was more than happy to take the opportunity to show that housing benefit is administered very well in most authorities and – in particular – that it is administered very well in Mid Devon.

So when I drew up our submission for the award, I wanted to show how we had gone the extra mile. The fact that we were no longer in backlog and were processing claims quickly and accurately would show that we were doing our job well, but it would not demonstrate the exceptional work and commitment of our small team.

I decided to concentrate on the new initiatives we had introduced to enhance customer services and to show how these went across all aspects of housing benefit and revenues administration.

Benefits surgeries at our two area offices

Mid Devon is a rural area of 365 square miles, based in three market towns. The surgeries allow customers the opportunity to make an appointment with an assessor to discuss their claim. Consideration was given to local needs when deciding on which day the surgeries should be held and it was agreed that this should be on market days, when buses from more rural areas were available.

By introducing the benefits surgeries both customers and staff have benefited from the new arrangements. The exchange of information between the area offices and the benefit office has improved. Customers can be offered the chance to see a member of the benefit team at their local office, saving on travel expenses and time.

Promotion of benefits using the local library bus

A member of the revenues and benefits team has travelled on the library bus, giving out information on the services provided by Mid Devon revenue services. This has helped to promote benefits to a wider audience and reach some of the more rural locations, helping to reduce social exclusion.

Visiting all new applicants’ within three days of receipt of their claim.

This has been initiated to improve speed of processing, reduce errors and fraud and provide customers with the opportunity to discuss any benefit issues with a visiting officer in their own home. It also gives us the opportunity to pass on information about other benefits. The visiting staff are able to explain to people how the benefit system works and what they can expect from us. At the visit, in most cases the visiting officer is able to check all the details relating to the claim, including the verification of documents and identity.

This procedure has had many positive results. Any errors in completing the forms or any possible fraud are identified at the outset. Claims are processed quickly and accurately, taking the principle of the verification framework of “getting it right first time” one step further. The visiting team play a vital role in the smooth administration of benefits and are an important interface with the customer.

The introduction of a website

This provides 24-hour access to information relating to benefit issues. Customers can print out claim forms, employer’s certificates, payment mandates and disclosure forms, which can be completed and returned in the post. The website provides information on all aspects of making a claim for housing benefit such as the local Citizens Advice Bureau and Age Concern. The creation of a website provided a new and interesting means of communicating with the public. The information needs to be kept up to date.

The Post Office has asked to include the benefits calculator provided on the website in the work they are putting together for the “Government General Practitioner Programme”.

Provision of training

We carry out thorough training for internal and external staff on new legislation and good practice. Keeping staff informed is essential to ensure that a quality service can be provided to the public. It is also important for staff morale and development. Staff are provided with a summary of all circulars, which are then discussed at monthly office meetings to ensure
everyone understands the contents and the impact there may be on their own work.

High priority has always been given to training staff. Training days away from the office are provided on a workshop basis to ensure staff are fully equipped with the information and skills needed to provide an efficient service. This service has also been extended to other local authorities and we have provided five days training on the verification framework to several local authorities and private sector competitors within the area. The provision of training ensures a high standard is maintained and allows for the exchange of ideas and good practice.

The costs for many of the projects have been very little, as we have used resources available within the office. Staff have worked on projects that have been of interest to them, allowing them the opportunity to develop new skills and increase motivation. The website was a joint project with an external partner, and is now being marketed to other local authorities.

The gains can also be measured in terms of improvements to performance:

➔ There has been a marked improvement in turnaround times of claims, with the number of claims processed within 14 days of receipt of all information increasing on average for all claim types from 87.55% in 1999-2000 to 99.27% 2000-01.

➔ There has been a reduction in complaints and improvements to staff morale.

➔ The website development has allowed us to achieve a number of our e-government targets four years early and has contributed to BVPI 157.

Although this award was for the benefits team, it could not have been achieved without the support of our colleagues here at Mid Devon, who make up the revenues team. This includes council tax, customer services (reception and cashiers) and IT support. Without the support and commitment of the whole section we could not have achieved so successfully the improvements to the delivery of our service.

We hope to build on this success and continue working to provide a quality service to the public in the Mid Devon area and show that local government is capable of dealing with the country’s most complicated benefit system.

Liz Reeves is Housing Benefits Manager at Mid Devon DC

The IRRV would like to thank Trinity Public Sector for sponsoring the Wine Reception and Conference Dinner at the forthcoming Benefits Conference. This conference takes place on 5th-6th February at the Majestic Hotel, Harrogate and is the leading event of its kind.

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Neither success nor failure is ever final

Steve White explains how Guildford became a three star council

In November 2001, Guildford’s revenues and benefits service became the first in the country to be awarded three stars by the Best Value Inspectorate – not only for excellence but also for being likely to improve further. In our press release following the announcement of our three star award, the Council Leader Fiona White said: “It is important to remember that achievements like this can only be reached on the basis of a really strong existing service – you can’t just produce it at the last minute”. Our experience shows the truth of this.

Some will argue that this is paradoxical to a best value review, in that a review should have a start and an end. But our jobs are full of paradox, the management of which remains as relevant now as it was 20 years ago when Tom Peters’ management guide In Search of Excellence was published, just consider the paradox in the requirement to pay benefit quickly, while at the same time keeping fraud out of the system. Furthermore, the Audit Commission’s Seeing is Believing document says: ”Best Value should be integral... not a bolt-on”.

Outcomes

Outcomes have been monitored for many years in Guildford and used to continually improve performance. Giving the inspectors access to our online management information system enabled them to experience for themselves the extraordinary amount of performance data being used to analyse and drive the service. Their final report suggests that perennial performance measurement, and subsequent improvement, is instrumental in determining an additional three stars for the second judgement. (See fig.1)

Nobody told us to monitor our service back in 1994, so why did we bother? After all best value wasn’t around then and compulsory competitive tendering was a glint in someone’s eye. We could have spent our time doing something other than planning future performance, putting ideas into action, monitoring progress and evaluating our next steps. It is interesting to reflect on this situation when, with the turmoil that housing benefit is in nationally, many will wonder how we can consider anything other than just keeping our heads above water.

Teams

Teamwork is vital to our performance. We spend a lot of time trying to be good team players, and have much to thank past and present members of our division for. But our success on this occasion is also the product of a larger team, which includes the Head of Corporate Strategy, and five other internal best value ‘pilot’ services.

The pilot arrangements within the council prevented complacency and provided a catalyst for improvement. Using solely internal resources to challenge the service and test tools for creating meaningful plans, one key objective was to avoid the totally unacceptable judgement that we would not improve.

Integrated at various stages was the Member Review Group, which tested current performance levels and robustness of the forward plan. The inspectors highlighted this as an important initiative which gave them...
Striving for Quality

Synergy

The Inspector understood the advantages for customers created through synergies between benefits and council tax, and the systems team and their internal customers. For instance, council tax determine liability from benefit claim forms before they get to the benefits section, and benefit notifications are matched with council tax bills and rent letters. Such radical approaches have made our costs extremely competitive. Interestingly, Charter Mark assessors did not recognise these service attributes when rating us only ‘highly commended’ in 1998-99.

Competition

We do not profess to be the only people achieving these synergies. We narrowly missed out to New Forest DC in our bid for Beacon Status (Modern Service Delivery) in 1999. Feedback received from the Beacon organisers allowed us to learn what to concentrate on if we wanted to accomplish more. Judging by the number of councils that have contacted us since our result was announced it would appear that competition amongst us is fierce. This is encouraging because a great deal has been written recently about how benefits services in particular cannot win – that systems are unworkable and people demotivated. Responding positively to the demands and entering into the competitive spirit is the best way to drive our industry forward.

Performance

It has been suggested recently that performance is not the real issue, or that performance indicators are wrong, divisive and unrepresentative of what we do. But what is wrong with a measure of performance that attempts to determine how quickly you can pay benefit? We will be failing in our basic responsibility to address anti-poverty if we do not make payments quickly. The inspector recognised our average of 20 days was one of the best scores nationally. But hang on a minute. Why should anyone with a “basic need for shelter and inability to pay for it all themselves”, have to wait 20 days? We concluded that one day is the only acceptable future service standard, and it features prominently in our service plan.

Carrot and stick

So, complete the C for challenge part of your best value review papers by, amongst other things, rising to the challenge to pay the next day. Join in the competition and motivate each other: develop yourself, develop your teams, create synergies and believe that it is possible to improve standards rather than lower them. When we compare our scores we might find we have all contributed to national improvement - without the aid of a government stick.

SECONDMENTS

If you would like to learn more about the way Guildford Revenues Services operate why not consider sending a member of your team to spend a week or so with us. We have discovered that it is not possible to demonstrate all of our attributes during a conventional two-hour whistle stop tour. W hile we are keen to help in any way we can, the hosting of individual Council visits is difficult to conduct and does not show us in our best light.

As a remedy we will be happy to integrate a member or members of your team into our team at no cost to you (apart from travelling and accommodation), which will hopefully be beneficial to both Guildford and yourselves.

To discuss your requirements call:
Steve White, Assistant Borough Treasurer on (01483) 444920
E-mail: whites@guildford.gov.uk  www.guildfordborough.co.uk

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A history of stress

The problems of fraud, difficult claimants and high pressure working in benefits go back a long way, says Andrew Paramour

When I became housing benefits manager for my local authority in 1982, the effect of the new housing benefits scheme was yet to be understood. It was viewed in some quarters as just a continuation of the old rebates scheme, with a few more cases.

New terminology entered our work lives. We learned that a LBA4 was not a member of a pop group, that taper loss protection was not some kind of sex aid and that a certificated claimant was not going to be admitted to an asylum.

It soon became apparent that we were understaffed and lack of understanding (or not wanting to know) made the problem worse. One member said: “We are not worried about the one or two people who may be committing fraud.”

Our difficulties were compounded by:

➔ Computer problems (hardware and software)
➔ Staff turnover and sickness
➔ Pressure from the claimants (more than 30,000 of them)
➔ Constant legislation changes and - worse of all -
➔ Pressure from landlords.

The increase in housing benefit claimants also meant an increase in the number of public counter enquiries and some very violent people were visiting the office. All credit must be given to our officer in charge, who kept things under control.

However, there were threats made to individuals by claimants. In one memorable incident an old age pensioner managed to get into the benefit office and proceeded to hit staff and myself with her walking stick. Eventually it took five police officers to remove her. The council’s computer centre blamed the software suppliers and the suppliers blamed the computer centre.

"In one memorable incident an old age pensioner managed to get into the benefit office and proceeded to hit staff and myself with her walking stick. Eventually it took five police officers to remove her."

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Meanwhile, the phone did not stop ringing and the stress on the staff got worse. One by one they went off sick. It was always difficult separating genuine sickness from an excuse for time off, but there is no doubt many dedicated staff were really suffering.

Fraud was a problem then, as it is now, but not all fraud was down to claimants. Certain landlords were taking advantage of the scheme. In one particular case, an upstanding member of the local community was found to have committed fraud, albeit not a major one.

We were instructed not to proceed, which was frustrating for the staff who had carried out a lot of work on the case.

Some landlords were making it a condition of tenancy that benefit was paid direct to them. A few were abusing the system to such an extent that we stopped direct payments altogether (apart from legal requirements). I have never known such pressure to reverse this.

Even though many landlords said we were not giving a good service, come Christmas, the number of gifts that were sent to the housing benefits section was embarrassing.

This could be interpreted as bribery and I ensured that audit were well aware of the situation.

Over the years, I had written several reports on the required structuring for benefits, but these were either ignored or watered down. It took an Ombudsman and a consultant’s report before the benefit section structure, staff and equipment levels were substantially increased.

In 1992 I moved on to another post. Despite the difficulties, I enjoyed most of my time in benefits and I had some very dedicated staff who helped keep our head just above water.

At the time I didn’t think I suffered from stress but now, at the age of 51, I have progressive multiple sclerosis, am severely disabled and wheelchair bound. I am now told that my illness dates back to before 1990.

I often wonder if the stress at work could have contributed.

A few years back, I wrote a training manual for the IRNAV on customer care. I wish I had written it since my hospital experiences - I see real stress among the nurses, yet many still provide excellent customer care in a way local authority staff could learn from.

I now have the stress of how to live on a vastly reduced income. Like many professional colleagues, I always said when working that the money wasn’t my main motivation - now money is very important. And, by the way, I can’t get housing benefit myself, due to my small local government pension.”

Andrew Paramour is a Technician member of the IRNAV
Legal update 2002

This has had a considerable impact on many of the areas covered in this year’s summary. So that extent, a conclusion on human rights had been added to emphasise the areas where the legislation has had a significant impact.

While every attempt has been made to include as many subject areas as possible, it is likely that cases and statutory instruments made late in the year may have been omitted.

Part 2 of the Legal Update follows in next month’s issue.

ADMIINSTROATIVE LAW


COUNTY FIRE OFFICER V NORTHAMPTONSHIRE COUNTY COUNCIL [2001] EWHC Admin 60 A fire certificate under the provisions of the Fire Precautions Act 2001 and whether a statutory bar upon requirement for alterations.

J OBSIN CO UK PLC T/A INTERNET RECRUITMENT SOLUTIONS V DEPARTMENT OF HEALTH [2001] EWHC 1241 (QB) Tender for a contract for online recruitment service.

MACDONALD V WESTERN 1895 L COST LICENSING BOARD 2001 SC 628 An application for a licence extension for a licensed premises was refused on grounds of Salliehar observance. No prior notice of reason had been given to the applicant. The applicant applied for judicial review on the grounds of a breach of natural justice.

MORSTON ASSETS LTD V EDINBURGH CITY COUNCIL 2001 SLT 452 On the sale of land by competitive tendering the council had the duty to obtain best price. A bid was received late and the council was challenged as to whether, by not accepting the late bid, it had obtained the best price possible.

BRUCE V KORDULA 2001 SLT 983 In event of a dispute it was to be referred to arbitrator chosen by both parties or Dean of Faculty of Arbitrs. Where agreement was not possible and no such Faculty was in existence, then what was the standing of a court appointment.

CHARLES BRAND LTD V ORKNEY ISLANDS COUNCIL 2001 SC 545 Building and engineering contracts: ICE conditions of contract and common law right of retention.


BALLAST PLC V BURRELL CO [2000] SLT 255 Contractor’s right to compensation for work in progress and the impact of vandalism.

AM CONSULTING LTD V PREMIER PRIME SERVICES LTD [2001] SLT 171 Compensation: nature and extent to which damages are recoverable from third party.


BRUCE V KORDULA 2001 SLT 983 In event of a dispute it was to be referred to arbitrator chosen by both parties or Dean of Faculty of Arbitrs. Where agreement was not possible and no such Faculty was in existence, then what was the standing of a court appointment.

CHALMERS BROS LTD V BRUCE V KORDULA 2001 SLT 983 Independence of adjudicator on the grounds of his failure to pass information to both parties.

COMMINSIONS FOR NEW TOWNS [2001] SLT 186 Compensation for disturbance. Licensee displaced by statutory landlord. A pull-out guide to case law and legislation over the past year, compiled by Peter Brown.
Case law

**BRITISH WATERWAYS BOARD v MOORE TRADING LIMITED [2001] EWCA Civ 276**

- Sewage undertakers and the implied power to discharge water from sewers
- Requirement of consent

**MCINERNEY v PORTLAND PORT LTD [2001] EPLR 304**

- The ferry – garden exemption

**R on the application of ANSCOMBE v SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS [2001] EWHC Admin 300**

- Rights of third party challenge to planning appeals decisions. Applicability of Human Rights Act

**R on the application of UNITED KINGDOM REGULATIONS ASSOCIATION LTD v SECRETARY OF STATE FOR THE HOME DEPARTMENT [2001] EWHC Admin 675**

- Environmental protection in respect of air pollution from the rendering of animal byproducts
- Conflict of guidance issued by Secretary of State with legislative scheme.

**ATTORNEY GENERAL v REFERENCE NO.292 OF 2000, RE [2001] EWCA Crim 1077**


**CAMPBELL v ENVIRONMENT AGENCY [2001] EWHC Admin 224**

- Waste material – land
- Waste recovery and the meaning of “waste”

**DAVIES v HILLIER NURSERIES LTD [2001] UKHL 28**

- Waste – pesticide

**R on the application of Macdonald v ENVIRONMENT AGENCY [2001] EWHC Admin 267**

- Nuclear waste – discharge of radioactive waste from military sites

**R on the application of MAYBURY RECYCLING LTD v ENVIRONMENT AGENCY (NO.1) [2001] UKHL 31**


**BERKELY v SECRETARY OF STATE FOR THE ENVIRONMENT, TRANSPORT AND THE REGIONS [2001] EWCA Civ 302**

- EC law and its transposition of directive on international waste management

**CAMBRIDGE CITY COUNCIL v VANCE [2001] EWHC Admin 41**

- Noise pollution, notice requirements and the method of abatement.

**HERITABLE PROPERTY – SCOTLAND EVANS v ARGUS HEALTHCARE (ISLE OF MAN) LTD [2001] SLT 137**

- Servitudes for water pipe – waiver of right

**GRAPMAN v POLICE INVESTIGATIONS [2001] SCF 772**

- Pre-emption rights – condition uncontrollable

**MOSS BROS GROUP PLC v SCOTTISH ASSURANCE PLC [2001] SLT 179**

- Servitudes – real or personal right created in respect of right of express for fire escape

**PATTERSON v MENZIES [2001] SLT 269**

- Disputed title to land

**REYNA v STAHL Rents [2001] MAC 1243**

- Occupiable – title of adjoining subjects and inconsistency in management and plans started to be demonstrative only.

**HIGHWAYS AND FOOTPATHS SERVICES LTD v YORKSHIRE WATER SERVICES LTD [2001] SLT 1309**

- Drainage from private premises meaning of ‘saver’

**DEE CREEK TRUST v COUNTY COUNCIL**

- Local authorities’ powers and duties with respect to footpaths and their maintenance. Dangerous defects and the requirement for immediate repair

**FERNLEE ESTATES LTD v SVERSON [2001] SLT 1179**

- Occupier’s liability – no duty to maintain footpath established as public right of way

**HOOZ v SUSSEX HEATH BOROUGH COUNCIL**

- Local authorities’ power and duties with respect to road maintenance. Intermittent salting of icy roads

**KANE v NEW FOREST DISTRICT COUNCIL [2001] EWCA Civ 678**

- Local authorities’ powers and duties with respect to footpaths with dangerous exit onto main road. Liability for injuries suffered by pedestrian,

**KIRKPATRICK v DUMFRIES AND GALLOWAY COUNCIL [2001] SLT 179**

- Duty to maintain highway as land under Occupiers Liability (Scotland) Act 1930

**MCKELLER v ABERDEEN CITY COUNCIL [2001] SCJ 729**

- Traffic calming and installation of wheeler bins – ultra vires.

**R on the application of WATTERWRIGHT v RICHMOND UPON THAMES LBC [2000] SI 2071**

- Road traffic regulation – planning considerations

**TOWER HAMLETS LBC v SHERWOOD [2000] EWHC 137**

- Street trading licenses to trade on highway – meaning of “street trading”. Irreversibility of renewables

**HOUSING BENEFITS**

**Statutory Instruments – England and Wales Housing Benefit (General) Amendment (No.3) Regulations 2001, SI 1243**

- Housing Benefit (Amendment) Regulations 2001, SI 1190

**Housing Benefit (General) Amendment Regulations 2001, SI 487**

- Housing Benefit (Permuted Totals) Amendment (Order) 2001

**Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, SI 1264**

- Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, SI 1244

**Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, SI 537**

- Housing Benefit and Council Tax Benefit (Extended Payments) Regulations 2001, SI 537

**Housing Benefit and Council Tax Benefit (Amendment) Regulations 2001, SI 1864**

- Housing Benefit (Extended Amendments) Regulations 2001, SI 330

**Housing Benefit (Permitted Total) Amendment (Order) 2001, SI 1129**

- Housing Benefit (General) Amendment Regulations 2001, SI 1190

**Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001, SI 1264**

- Housing Benefit (General) Amendment Regulations 2001, SI 1244

**Statutory Instruments – Northern Ireland**

**Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001, SI No.214**

- Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001, SI No.213

**Housing Benefit (Extended Payments) Regulations (Northern Ireland) 2001, SI No.213**

- Housing Benefit (General) Amendment No.2 Regulations (Northern Ireland) 2001, SI No.179

**Housing Benefit (General) Amendment No.3 Regulations (Northern Ireland) 2001, SI No.238**

- Housing Benefit (General) Amendment No.3 Regulations (Northern Ireland) 2001, SI No.259

**Housing Benefit (General) Amendment Regulations (Northern Ireland) 2001, SI No.79**

**Case law**

**GRYFFINDOR v BRITISH COAL CORP [2001] EWHC 236**


**R on the application of SHADWELL RENT SERVICE [2001] EWHC 1559**

- Rent – local reference rent – meaning of “locality”

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**R on the application of SAWYER v HOLTZ KEYNES HOUSING BENEFIT REVIEW BOARD [2000] EWHC 456**

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- Rent Officers (Housing Benefit Functions) (Amendment) Order 2001, SI 1367

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Glossary of References

All England Law Reports
ACD  Administrative Court Digest
BLR  Building Law Reports
CLR  Construction Law Reports
Cr Appr  Criminal Appeal Reports
EG  Estates Gazette
EGCS  Environmental Law Reports
EWC  Estates Gazette Case Summaries
ENHC  Estate News
FPL  Financial Times Law Reports
NPC  Property Cases
PLCR  Planning Law Reports
PGR  Planning and Compensation
R  RA  Rating Appeals
RVR  RVR
SCLR  Scottish Civil Law Reports
SLF  Scottish Law Times
TCLR  Technology and Construction Law Report
UKHL  UK Housing Law
WLR  Weekly Law Reports

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Third party challenge to planning inspector's decisions – right to fair trial.

MCDONAGH) V SALISBURY DC (2001)  STC  100


MCLELLAN V BRACKNELL FOREST BC  (2001)  EWCA  App  350

Possession orders – compatibility of Introductory tenant evictions with right to fair trial and right to respect for private and family life.

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Intercultural tenancies and possession orders – compatibility with review procedure and human rights.

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RVR  RVR

Rating and Valuation Reporter

Scottish Civil Law Reports

Scottish Law Times

Technology and Construction Law Report

UKHL  UK Housing Law

WLR  Weekly Law Reports

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Is anybody listening?

Robin Crockett reveals the secret of effective public speaking

When you speak does anybody listen? Does your audience always appear to be sitting in the quick exit seats near the door? Do you feel that you really make contact? The ability to communicate skillfully and effectively and deliver powerful presentations is increasingly a key job requirement. One of the challenges facing many Institute members is to acquire these so-called ‘soft’ communications skills. You may be on top of the technical aspects of your job, but if you wish to make impact or to exert greater influence, you will need to acquire equally brilliant business communications skills.

Fortunately, you can achieve an impressive level of presentation skills through focused self-development or expert training. By following simple techniques and taking every opportunity to practise, the IRRV specialist will become a good communicator and a confident presenter. Excellence in public speaking is not an innate skill. Good speakers are made through hard work, practice and experience. Training accelerates the process.

The first essential step of preparation is to understand your presentation in three parts – the introduction, the audience and their needs is linked to your presentation – the purpose. Knowing your purpose should make your audience sit up and take notice and introduce the theme and scope of your presentation. It should also aim to build a rapport between you and your audience.

The main body should present your information clearly and in a logical order. Remember to find examples and anecdotes to illustrate your key facts. Aim to have three or four key messages only. Too many facts overload an audience and they remember nothing.

Your ending must reinforce your key message. It should be short, definite, conclusive and said with meaning. Finish with a bang.

“Speaking in front of an audience, internal or external, is a prospect that terrifies people from all disciplines”, says Barbara Malpass, Director of Training Solutions, who has trained many professional specialists. “The key to conquering anxiety is in the mental interpretation of the feeling. The thrust of adrenaline is a positive force and you can use it effectively to harness your nervous energy”.

The voice conveys much information about the speaker. Used well, it can communicate assuredness and a sense of control. Through the voice, you can give variety to your presentation and help the audience maintain interest.

Body language is important in how your presentation is received. People who make good eye contact are perceived as trustworthy, confident and friendly. Gestures should be lively and comfortable. Stand tall and be perceived as a confident person. Use your space well and move with purpose and enthusiasm.

Good speakers project their own personalities and this means speaking in a way that reflects their natural conversational style, rather than reading from a pre-prepared script with perfect grammar and immaculate syntax.

Visual aids can add variety and clarifies but shouldn’t be overdone. It is the qualities of the speaker, what is said and how, that make the greatest impact.

Professional help will accelerate the learning process by providing expert objective feedback and offering opportunities for experimentation and practice. Whether you are a reasonably experienced speaker or a platform novice, you will gain from professional help that concentrates on your own particular needs.

The secret to great presentations is not complicated. Audiences want a speaker who is enthusiastic about the topic and who uses bursts of humour, personal stories or examples to convey the message. And of course the audience does expect the speaker to be an expert in the subject.

Even though your subject matter may be technical, remember that you are talking to fellow human beings – people like yourself who get bored, daydream and react irrationally, even during serious presentations. So keep your presentation upbeat, fast-paced and simple.

Top tips for presenting

➔ Have a clear purpose
➔ Focus on your audience needs
➔ Structure your presentation in three parts
➔ Harness your nervous energy
➔ Use your voice to add enthusiasm
➔ Make eye contact and use body language
➔ Project your own personality
➔ Use a conversational style – never read
➔ Practise, practise, practise

Robin Crockett is a Director of Training Solutions and a Fellow of the Institute of Directors.

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According to the old saying, "Taxes are paid in sorrow, rates are paid in anger". Although still true to some extent, it has less force since council tax replaced domestic rates. There does not appear to be the same hostility from domestic taxpayers to this new form of raising revenue as there was to rates; perhaps because it replaced the hugely unpopular community charge.

Raising money to fund local government has never been popular with politicians; they see too many opportunities to antagonise their electorate and lose votes and, quite possibly, office. This is just as true in the former communist countries of central and eastern Europe as it is here at home.

Now that these 'transition economies', as they are known, have moved, or are moving, from a command economy to a market economy, most of them are contemplating the introduction of a market-value based property tax. One or two, notably Estonia, have already done this (incidentally, Estonia has just had its third revaluation in the 10 years since independence; it has taken England and Wales 28 years to achieve a similar number!).

When the subject of a market-value based property tax is first mooted, it normally receives an enthusiastic welcome from politicians, but the devil is in the detail and it is then that the trouble starts for those who are trying to introduce the tax.

Additionally, the task of the public officials who are trying to promote the tax is made more difficult because of the legal system in most of these countries and the manner of government. Take the case of the Baltic country of Lithuania. It is planning to introduce a market-value based property tax in 2003. The taxable value will be capital value, the taxpayer will be the owner or, in some cases, the occupier, and the tax will probably apply to both land and buildings (in Estonia it...
When the subject of a market-value based property tax is first mooted, it normally receives an enthusiastic welcome from politicians, but the devil is in the detail. The amount that the local authority can levy will be in a very narrow band and it will be at a very low level. This sounds simple in theory, but it is proving rather different in practice. For a start, Lithuania does not appear to have the cabinet system which we are familiar with in this country, whereby the cabinet discusses proposed legislation, agrees on a consensus, which the members of government then all back. Instead, the sponsoring department has to try and convince all the other government departments that its proposals are soundly based and get their agreement before it can put the proposed legislation before Parliament. This can present major problems - just envisage a minister in this country trying to persuade, not just the majority, but every single department of government that there is a crying need for a council tax revaluation!

A good example of how this system can frustrate well thought-out proposals can be found in the Czech Republic, where the finance ministry has been planning for many years to introduce a market-value based property tax, only to see its plans frustrated at the last hurdle by opposition from another government department.

Even when this hurdle has been surmounted there are still others along the way. For example, unlike in the UK's common law based system, where details of interpretation of the law and practice are left to the judiciary, in most, if not all, of the emerging democracies an attempt is made to spell everything out in legislation or by decrees. This can include such matters as the method of valuation to be used for specific types of properties. To someone from the UK or the US, steeped in the common law tradition, this is very hard to come to terms with. If legislation specified which method of valuation should be used to value leisure centres or telecoms networks, it would spoil all the fun and make life very boring for valuers! Besides which, there is a very good chance that Parliament would get it wrong.

In Lithuania, politicians and officials in both central and local government are starting to get concerned at the political impact that the introduction of this new tax might have. At present, house and flat owners do not pay property tax – the only taxpayers being the owners of business property, who pay tax based on the old Soviet system - so the new tax will mean a shift in the burden away from business and on to domestic taxpayers. Of course, homeowners have votes, so politicians and officials are now looking around for some transitional arrangements (perish the thought). The first solution included in the draft legislation could present serious problems in practice. It is that every local authority should have a 'minimum taxable value', specified in legislation, for the whole of its area. What this means in practice is that where a minimum taxable value of, say, 30,000 Litas (about £5,000) is specified, then the first 30,000 Litas of value is not subject to tax. It does not take a genius to recognize that this will cause severe problems at the borders between authorities where, for example, the minimum taxable value is 30,000 in one authority and 25,000 in the next. This is a good example of the potential pitfalls of attempting to attach the tax base to the property, rather than to the taxpayer.

Another fundamental question that has to be answered is: should the tax base be land and buildings or just land alone? In Estonia (the probable location for the next IRRV International Conference) they opted for just land, and are now coming to regret their decision. The reason for the regret is that, now the economy and the property market are functioning very well, they wish to tax buildings in addition to land, to cash in on the prosperity which is attaching to some buildings in the form of increased capital values. The authorities are encountering resistance to the idea of enlarging the tax base and to the consequent shift in burden. There is also taxpayers' instinctive resistance to any increase to the tax base, because it is assumed – wrongly – that an increase in the tax base will automatically result in an increase in the tax payable, whereas the truth is that some bills will go up and some will come down.

The problem is exacerbated because, when land only is taxed, the paucity of market evidence of transactions in land means that the values arrived at are much further from the true market value than when buildings are included. So, when the systems change, there is an even bigger shift in relative tax burdens.

These are just a few of the problems which the transition countries are having to cope with when introducing market-value based property tax. And that is only one of the taxes they are having to introduce – VAT, excise duty, capital gains tax and so on must all follow. We should thank our lucky stars that we have an established tax system and a property tax system with a 400 year old pedigree.
After suffering from problems with the benefits service for some time, North Lincolnshire Council decided to look for an innovative solution to turn a troubled service into a good one. Rather than just bringing in an agency or a consultancy, or outsourcing the service, we wanted something that would give us the chance to improve our service delivery and that would involve working in true partnership with an external company, who understood our aspirations for the future.

We had previously invested in new technology by installing new core IT systems and document image processing. However we were finding it hard to reap the benefits of this investment. In June 2000 we had a fair share of problems experienced by lots of local authorities. These included:

➔ A backlog of 25,000 documents, affecting about 7,500 claimants;
➔ High sickness levels, including the benefits assessment manager on long term sick leave;
➔ Poor staff morale and high turnover;
➔ Lack of customer care and high levels of complaints;
➔ Poor use of technology, with delays in scanning and indexing and lost documents the norm;
➔ Poor performance, with average turnaround of new claims at about 90 days and less than 50% of new claims processed within 14 days of receipt of all information;
➔ Lack of clear objectives and focus. The result was that senior staff spent all day fire fighting instead of planning and managing. There was a system of crisis management, with everything a priority and nothing really being achieved.

We initially employed a team of agency staff as ‘backlog busters’. But this was only a partial success as the underlying root causes of the problems were not solved and the in-house staff struggled to keep up to date with the ongoing day to day work. The council’s senior management realised there was a problem that needed to be solved with innovative ideas. A four stage plan was drawn up, to eradicate the backlog, restructure the service, enter into an innovative partnership and enable us to be prepared for the best value review.

1. Restructure of the benefits section to join with local taxation under one management structure.
2. Creation of a separate customer services team, to deal with all incoming telephone enquiries and all work common to the sections, such as post sorting and scanning and indexing to the document image system.
3. Relocation of all staff together under one roof, rather than being on split sites as previously.
4. Implementation of a support and development partnership with a private sector company in order to improve the service. It is this last item that has had the most significant effect.

A report was approved at committee and we went out to tender for what was initially proposed as a one-year contract. Our requirements were for a partner who would work with us to:

➔ Strengthen the management of the benefits function, by providing an on-site manager, to manage and implement the changes required;
➔ Eradicate the claims and appeals backlog;
➔ Deliver sustained improvements in claim processing times;
➔ Develop closer integration of working practices with council tax, housing rents and the council’s network of customer service centres – ‘Local Links’;
➔ Plan for and implement the verification framework;
➔ Supply experienced assessment staff to cover vacancies or deal with backlogs as they arise;
➔ Review office practices and procedures and production of comprehensive procedure manual;
➔ Improve productivity and customer care.
➔ Develop the existing IT systems to maximise the use of their functionality;
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Michael Erwin, the on site Benefits Manager from WS Atkins, and Benefit Team Leaders, Paula Spencer and Chrissy Dyer

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Four companies expressed an interest. After various meetings and evaluation of the proposals, we decided that WS Atkins were the company who best understood what we wanted to achieve. We felt that we could work with them in a true partnership. We also believed that they were willing to learn from us and share some of our successes and good practices. They had outsourcing contracts at three other council benefit sites which used the same IT systems as us, which was seen as a distinct advantage in sharing experience.

The contract commenced on 1 January 2001 and to date has been a real success story. We have an on-site manager who is forcing through change, off-site consultancy to look at things such as procedures for assessment and an overview of scanning and indexing. We are also developing an ISDN line to another of the WS Atkins sites to allow for off-site processing if it is needed.

Led by WS Atkins staff, the senior benefits staff got together to create a vision for the benefits service in North Lincolnshire, declaring “We aspire to deliver a customer focused benefits service committed to achieving excellence”.

We set ourselves visions and values and challenging targets that we wanted to achieve by 31 March 2002. These included:

➔ To have no claim form more than a week old without some action being taken;
➔ To be fully verification framework compliant;
➔ To achieve the IT Strategy for the section;
➔ To scan and index all documents within 24 hours of receipt;
➔ To have all benefits assessment staff fully trained and multi skilled;
➔ To set and monitor performance management and personal targets;
➔ To have completed the best value review and to be retained as an in-house service;
➔ To demonstrate a significant improvement in the service;
➔ To have excellent communications, with all staff understanding and committed to improving the service;
➔ To have exceeded the targets set in the service plan;
➔ To have clear working practices in place with Local Links, rents and council tax.

These vision and values were communicated to all staff via Make A Difference (mad@North Lincs) days. All staff bought into improving the service and accepting change. Senior staff meet every two weeks to ensure we remain focused and committed to achieving the vision. All senior staff attended a very comprehensive skills development course provided by WS Atkins, which enabled them to meet people from other sites and to develop their management ability. They have now become true managers and are no longer simply fire-fighters.

Achievements since the start of the contract with WS Atkins are:

➔ Number of documents outstanding down from 19,000 to 6,800;
➔ Number of claims affected by outstanding documents down from over 6,000 to 2,700;
➔ Average days for processing new claims down from 90 to 57;
➔ 75% of new claims processed in target of 56 days;
➔ Staff productivity trebled on numbers of customers dealt with and up by half on processing documents;
➔ Increased productivity sustained even at holiday times;
➔ Number of days taken to examine new claims and write for further information reduced from up to 89 days to now routinely one day.

An important result has been that staff turnover has reduced and morale has vastly improved. We became verification framework compliant on 5 November 2001. This was introduced in a well managed and efficient way and we have so far experienced few of the problems following its introduction reported by some other councils. In addition, the online procedure manual has been produced and is about to be implemented to all staff.

We are now well into our best value review of benefits and, while we admit that we still have some way to go to fully meet our vision of being totally customer focused, we are well on the way, thanks to the support from WS Atkins.

We recently held a scoping workshop as preparation for best value, at which the issues identified were customer focused rather than directly associated with benefits processing.

With solid achievements behind us, we are now able to concentrate on the future. Senior staff are working with WS Atkins to produce a strategy aimed at improving our customer focus. We see the partnership with WS Atkins as being a truly innovative approach to service provision, and have recently agreed an extension of the contract to encompass council tax and business rates, with the intention of improving collection rates and focusing on customer requirements in those areas of our work.

We are looking forward very positively to the future and our continued relationship with our true partner.
Strings attached

David Scott reports on the row in Scotland over how councils spend their money

The Scottish Parliament is currently conducting a wide-ranging review of local government finance and is expected to prepare its report shortly. The investigation was begun after the Scottish Executive rejected calls by the McIntosh Commission to set up an independent inquiry. Members of the Scottish Parliament’s local government committee decided it would carry out its own inquiry and it has been considering evidence from a wide range of bodies. These include the Convention of Scottish Local Authorities (COSLA) which has produced a 211-page report titled: Putting the Local into Local Government Finance. COSLA voices particular concern about the way it believes governments in recent years have eroded the ability of councils to make their own decisions. It reckons the process, which has continued under Labour, has now reached an unacceptable level.

The issue mainly concerning local government is that of ring-fencing. COSLA has calculated that 30% of the money councils receive comes with strings attached – in other words, the Executive is specifying the areas where grants should be spent, such as school buildings or homelessness.

With spending already restrained because of the limited amount of money coming from the government, COSLA has told MSPs on the local government committee that important core services are suffering, because such a large slice of the total spending ‘cake’ is taken up with ring-fenced resources.

“It also means that councils have to set up systems to prove that they are spending money on the ring-fenced services, leading to increased bureaucracy and less flexibility,” COSLA told the committee. “There is no conflict between the national and local priorities, but local government needs to be allowed more flexibility to deliver local solutions in the right way for local people.” Norrie Williamson, Head of Finance for COSLA, says ring-fencing and other controls, like specific grants, have been steadily increasing over the years. “We recognise that the Executive wants to deliver on its priorities but it needs local government to implement these priorities”, he says. “We need to sit down with the Executive and talk about what is actually delivered on the ground rather than the money coming in.”

The recently-appointed Scottish Minister for Finance and Public Services, Andy Kerr, has announced an increase of £350 million, or 11%, in the revenue allocations for 2002-03, made under the new three-year finance planning system introduced for the first time last year.

In his statement, Mr Kerr said specific grants account for only 10% of total Scottish Executive funding support through the general local government settlement. He announced that, from next year, councils would be allowed even more flexibility in how they used resources and that certain ring-fenced controls would be abolished.

The statement has gone some way towards alleviating the concerns of COSLA. However, it believes the issue, along with the system of bidding for a share of government resources, remains one that must be addressed fully by the Parliament’s local government committee as it draws up its final report.

The future of the council tax is one that raises the prospect of different revenue-raising systems being in operation north and south of the border. However, much of the evidence put to the committee concludes that the council tax should remain, albeit with some changes made to the system. Debate has also taken place on whether there should be supplementary taxes, such as tourism or sales taxes. COSLA believes the present property banding system is inappropriate, because there are too many properties in the two lowest bands, A and B. It recommends that the present eight bands be increased to 10 or 12. It also wants property revaluations held at regular intervals to keep the system up to date.

Although proposals for a revaluation have already been made for England, the Scottish Executive is awaiting the outcome of the Parliament’s local government finance inquiry before making a decision. COSLA has concluded that the council tax meets the majority of tests like ability to pay, ease of collection, fairness and administrative efficiency. But it gives warning that the council tax system runs the risk of losing its credibility if it is seen to be out of date and unfair. “Refinements to the system are needed to reflect these issues”.

David Scott is Scottish Government
Editor of The Scotsman
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unvention of the two tier system whereby the ‘full’ inspection system whereby the ‘full’

review was only retained for sites deemed in need; those perceived to be better receive a ‘desk top’ or ‘light touch’ inspection. Further developments may now eradicate the need for inspection altogether, for those sites that are assessed to be doing a good job and which have sound development plans for continuous improvement. It remains to be seen how the inspectorate will assess such solid performers in practice, but the concept must surely be supported. The inspectorate may also consider the whole way in which reviews are timetabled. Currently, the inspectors will normally arrive after review work has been completed. Future inspectorate studies may be targeted at those councils deemed in need of challenge, whether they have reviewed services under the spotlight or not. Presumably, this targeting will be based on emerging trends analysed from key performance indicators, and from evidence from the District Audit service.

The inspectorate may also consider the way in which they interact with the local authority’s review process. The predominant pattern at the moment sees inspectorate resource deployed after a council team has completed a review. Access to inspectorate views before completion is often limited to their published reports. Useful though this is, some forward thinking councils have gone further by liaising with equally innovative inspectorate personnel to sample views within the process. The value of this critical input must not be left as a matter of local lottery, based on which inspectorate is covering the review, and the local inspection team that is deployed. Should all this change indeed be delivered, that will surely be a sensible use of both limited inspectorate resource, and local authority time. There can be few who still support the idea of the same, crude level of inspection resource for all, irrespective of need. The continued refinement of inspection services targeted on need and focused on improvements should be applauded and supported by all those interested in better local services.

If the above considerations are indeed positive steps to improve and develop the inspection regime, there remain other difficult decisions that the service must face. Not least among these is the task of establishing and subsequently maintaining appropriate standards of quality. Inspection standards must be consistent. When the inspection process started, the absence of any over-prescriptive centralised approach was celebrated as one that would allow for local diversity. Surely this premise is way past the sell-by date. The scope for local discretion to match service delivery to local need is one thing. The absence of national standards that control inspection competence - in areas including practical use of benchmarking, the determination of effective forward strategy and the mechanics of the market - are quite another. Inspection should have a point, and a role that adds value. We have an opportunity for existing best practice within the inspection service to be identified and used to raise standards.

Reinventing inspection services

Simon Horsington calls for inspections that really add value

The dictionary describes inspection as: “to look closely at, or examine”. Maybe the current regime satisfies this definition, but is that enough? Best value requires you to do things better; it targets specific efficiency gains to be tracked and controlled by nationally published league tables. At one level, the inspection regime doesn’t have to be a part of enabling that improvement. But is that the part that the inspectorate ought to play? The point of this apparent navel-gazing is the government’s review of best value. We are now only weeks away from the operation of the new code of conduct, to be followed for the inspection process from April 2003. If we are lucky, the new regime will rise to the challenge in facing not only the worst in local government, but also the best value under the new code of conduct, to be followed for the inspection regime doesn’t satisfy this definition, but that is an example of the BVI as a discernible stand-alone product.

An interesting further development is the low key rebranding of the Best Value Inspection Service that followed in the autumn. That development brings the service clearly within the mainstream of the Audit Commission, and sees the end of the BVI as a discernible stand-alone product.

So what other changes might be considered for the development of inspection services? There has been widespread discussion of the need for better targeting of inspection resources, so that government audit effort is focused on need. The first faltering steps in this process were the introduction of the two tier inspection system whereby the ‘full’

inspection services in need for the development of the Audit Commission signalled the reinventing inspection services. review practice to date, but also only the worst in local government rise to the challenge in facing not only the worst in local government, but also the best value under the new code of conduct, to be followed for the inspection regime doesn’t satisfy this definition, but that is enough?

Gear

Audit service.

I

Inspection should have a point, and a role that adds value. We have an opportunity for existing best practice within the inspection service to be identified and used to raise standards.
Preparing today for tomorrow’s customer

Bradford’s approach to technology has been to make life easier for both customers and staff – and it has paid off, says Tony Burns.

Bradford is proud to have won our IRRV Performance Award, but did we win it for Best Use of Technology or Best Use of Resources? The answer to that question is - both. In making best use of technology we have freed up resources that have been directed into service provision and collection initiatives. And we’ve had a bit of fun with technology and design along the way.

Bradford’s Revenues Service is fortunate to have its own systems development and control team, that has played a major role in progressing electronic service delivery in partnership with the IT department and users. Most of our computer systems are in-house and the support we receive from our IT colleagues is excellent. Without that background I wouldn’t be writing this article.

Equipping staff

In readiness for the introduction of workflow in October 2000, the use of PCs was extended throughout the service. Every member of the 141 strong workforce received training and was equipped with a PC with a 17 inch workflow compatible monitor. This meant that new technology could be utilised to benefit both staff and external customers. All staff have access to many applications; the most commonly used are e-mail, Bradweb (Bradford Council’s intranet), Inc Pot (the Revenues Service intranet) and Microsoft Office.

The use of Microsoft Word has enabled all staff to produce their own letters, either free form or from a selection of standard letters. The service no longer uses the word processing section and this has led to annual recharge savings of £69,000. It has also speeded up the turnaround time of letters by approximately two days, thus providing a higher level of customer service. A survey of all customers who corresponded with the service during a six week period revealed that 86% were satisfied with the time it took us to reply to their letter – our service standard for replying to letters is five working days.

Using the internet

Bradford Council has a website at www.bradford.gov.uk. Within the website is a comprehensive revenues enquiry section devoted to our services that, amongst other things, features online forms and services.

Customers can notify us at www.bradford.gov.uk/ctaxchanges when they occupy or vacate a property, or change their name, via a simple online form. Apart from time savings and sustainability, this ensures that the customer provides all the necessary information required to process the change correctly and removes the need to seek follow-up information, as is so often the case when the information is provided in letter format. A partnership arrangement with Yorkshire Water has facilitated a joined-up change of address service for the people of Bradford by linking the two organisational web sites for change of address purposes.

Some of the other facilities we offer through the internet are:
- Extra care scheme - this is a helping hand

“...in approaching electronic service delivery, our aim has been to prepare today for tomorrow’s customer expectations”
Working practices

The use of hand-held computers for empty property inspections has led to great savings in terms of paper records and an increase in the number of inspections that can be undertaken in the working day - so much so that we have reduced the staff structure by 20% (saving £15,000). In the longer term, the inspectors may work from home with data being transferred electronically from and to the office.

The use of hand-held computers for empty property inspections is handled centrally at the office. The mainframe is used to store all the data and an electronic report is then sent to the inspectors’ hand-held computers, which are set up with an electronic output setting. When the inspectors return to the office, they review the information and then update the system with any information that they may have found. This process is ongoing and allows for the inspectors to check all the empty properties four times a year and therefore approximately 40,000 annual inspections are undertaken.

Sectional issues such as:

➔ Minutes from meetings;
➔ Business plans and collection strategies;
➔ Handbooks - online collections of all the useful bits of information that teams need to function, telephone number lists, maps, recovery timetables, band charges and so on.

Documents are presented on the Inc Pot in a user friendly format that’s easy to read. They are a mixture of web pages, Word documents (when a copy of a form needs to be printed out) and links to Bradweb (Bradford’s intranet site). Documents are controlled by people who work in the service and can, therefore, be updated quickly on request. In practice documents are usually amended or published on the Inc Pot on the same day as the request is made.

The Inc Pot now forms the basis of the Revenues Service’s electronic best value service portfolio. All documents are electronically linked and will be available for review and inspection purposes.

A question we are frequently asked is, how much time and money have our electronic initiatives taken? The answer is, not much. Because our systems are mainly in-house and we are structured in such a way to develop our systems as we go along, the work has been done in amongst other work and at little actual expense. We truly have made the best use of our resources!
Government claims success for online communities

Launching the UK online second annual report in December, Trade and Industry Secretary Patricia Hewitt and e-Envoy Andrew Pinder said it marks the huge progress made towards ensuring that the UK is a world leader in the knowledge economy.

In 2001 great leaps were made in getting UK citizens online, in e-commerce and e-government, Ms Hewitt said. "We now have the highest Internet use in Europe, with 51% of the people in the UK now regularly logging on.

"This time last year, public understanding of UK online was low - today the ‘Let’s all get on’ campaign is the first interactive advertising campaign run by the government and one of the most successful ever on digital television. Nearly 50,000 people have contacted us and taken their first steps to getting online.

"This time last year, there were no UK online centres. Today there are more than 2,000 UK online centres in local communities with most offering free or low-cost access to the Internet and training for those less familiar with computers. By the end of 2002 there will be 6,000 UK online centres, including 3000 in local libraries right across England."

Warwick creates computerised property and values list

Warwick District Council is acquiring a geographic information system (GIS) from GGP Systems, which will form an integral part of the council’s IT infrastructure and e-government strategy. The GIS will link to a corporate property database running on a Plantech ACOLAID system.

Warwick has signed up to the National Land and Property Gazetteer (NLPG) and will be matching different internal property datasets together with address data and grid references from Ordnance Survey’s Address-Point. By adding information such as property ownership and valuations, Warwick will create a master land and property list for use authority-wide.

With standardised NLPG-compliant address records, there is easier interchange of information in line with e-government initiatives. GGP links these records to an accurate grid reference so the precise location of a property or piece of land can be viewed on digital maps. The NLPG is a major initiative involving local authorities to create a common national database of land and property records. Nationally 28 million unique property reference numbers have been created and around 100 local authorities are now linked to the NLPG.

Lewisham puts fraud hotline online

Lewisham LBC’s fraud team has launched a new anti-fraud service on www.lewisham.gov.uk. Members of the public can report anyone they suspect of committing benefit fraud directly to Lewisham’s fraud team over the Internet. The service is secure, confidential and, if members of the public wish, anonymous.

The public can do this from their house or any one of the many free use Internet accessible computers the council has located around the borough.

Video link to Benefits Agency

BT has won the contract to provide video conferencing suites which link individuals with the Benefits Agency in Ayr. This will save people the time and expense required when visiting the regional office in person. The contract also includes high-speed access to the Internet for people in Ayrshire. The network, which is similar to an extended Intranet, enables isolated groups or individuals to share information across the region.

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**Weymouth and Portland pioneers online benefits**

People who live in Weymouth and Portland are the first in the country to be able to access their housing and council tax benefits online in real time, with a new system from Academy. Residents can check when their next benefits payments are due, find out how much they will receive, and see how their entitlement has been calculated. Nearly 6,000 benefits claimants have been allocated individual PIN numbers which enable them to log on to the council website and check their accounts from any PC or computer with Internet access. Any resident can also print out benefits claim forms directly from the website.

Academy is also working on separate pages for the website designed for landlords.

Weymouth and Portland already has an Academy system up and running which allows council tax payers and ratepayers to access their accounts online.

Revenues and Benefits Manager Stuart Dawson said the new benefits system was part of the council’s ongoing programme of development and innovation. “Every day we receive requests from solicitors and Citizens Advice Bureaux asking for information pertaining to individual claimants. Each of these inquiries could take up to an hour to process”, Mr Dawson said. “Now the claimants will be able to print out all the information they need, including copies of any correspondence relating to their case, and our staff will be able to use their time more effectively.”

Weymouth and Portland has written to all housing benefit and council tax benefit claimants telling them the location of free public Internet access sites and including details of free and subsidised computer courses.

Academy is currently developing the next phase of the system – an interactive claim form which can be filled in electronically with prompts to ensure all the relevant sections are correctly completed.

**Ealing enters into knowledge partnership with government**

Ealing LBC and a team based in the Government’s Office of the e-Envoy (Oe-E) are to pioneer a ‘knowledge partnership’ between central and local government as part of the development of the government’s first ever knowledge management policy framework.

Ealing is introducing a new information management system, following a substantial redesign of its website. This system will allow the council to manage all its internal business systems, re-launch its Intranet and handle all the content for its new-look website.

Ultimately, council staff will have quick and convenient access to information about other local authorities and central government. The OeE ‘Knowledge Network’ team have delivered a joined-up Intranet which links all government departments. The system provides the technical foundations for a government-wide Knowledge Management programme. The Knowledge Network will enable information to be co-ordinated throughout central government, and enhance knowledge-sharing between central government and outside bodies.

Ealing will pilot key elements of the ‘Knowledge Network’ in a local government setting. It is expected that lessons learned through the Ealing experience will form a case study within the Oe-E Knowledge Management Policy Framework document, which is to be published for use across government by the e-Envoy in 2002.
Legal Corner

Tough as old boots

Car boot sale sites pose some tricky rating questions, says Paul Russell

I was recently asked to supply an opinion with regard to the rateability and liability for two car boot sale sites entered in the rating list. What these cases showed is that car boot sale site assessments are being treated differently by the Valuation Office Agency and by different local authorities. What was particularly concerning was the valuation officer in these cases was bringing the assessments into the list each spring and removing them each autumn. In addition, the valuation officer, at a meeting with both the operators and the owners, gave advice with regard to the liable ratepayer.

Clearly, it is for the local authority to decide who should be rated, once the entry exists in the rating list. However, it didn’t help matters that the local authority subsequently advised the ratepayers that any appeal with regard to liability concerning a rate.

Confusion was compounded by a reply to the ratepayers from the Department for Transport, Local Government and the Regions (DTLR), stating: “only in special circumstances will a car boot sale be exempt, for instance if it is a ‘one-off’ run for the benefit of a charity, or the land is returned to full agricultural use by the end of the day.”

The purpose of seeking my opinion was to establish how such assessments should be treated by the Valuation Office; who should be liable for rates and over what period each year. The facts of the cases are quite typical and are as follows.

The car boot sales have taken place for some years and are major events in the area. Planning consent, permitting usage of both sites, was subject to restrictions.

In the case of the car boot sale sites, it is clear that the established usage removes the agricultural exemption from the land and thus the sites should properly be entered into the rating list.

Letters from the operator, it appears that he is acting as servant of the tenant/landowner-farmer in each case, for example saying: “There are no landlord/tenancy agreements”...

“I am merely an organiser of car boot sales on a farmer’s field on behalf of the farmer”.

So what is the law relating to the rateability of car boot sale sites?

Section 42(1) of the Local Government Finance Act 1988 (“the Act”) states:

“A local non-domestic rating list must show, for each day in each chargeable financial year for which it is in force each hereditament which fulfils the following conditions on the day concerned—

(a) it is situated in the authority’s area,
(b) it is a relevant non-domestic hereditament,
(c) at least some of it is neither domestic property nor exempt from local non-domestic rating, and
(d) it is not a hereditament which must be shown for the day in a central non-domestic rating list.”

Section 64(4) to the Act states that a hereditament is relevant if it consists of, inter alia, “lands”.

Section 51 and Schedule 5 to the Act provides for hereditaments to be exempt from non-domestic rates, including as follows:

“A hereditament is exempt to the extent that it consists of any of the following:
(a) agricultural land;
(b) agricultural buildings;
(c) gardens (other than market gardens),
(d) pleasure grounds,
(e) land used mainly or exclusively for purposes of sport or recreation, or
(f) land used as a racecourse.

Thus land which is prima facie arable, meadow or pasture ground will be liable to be rated if the usage is not wholly agricultural, unless such usage is so small that it can fall within the principle de minimis non curat lex (de minimis).
would be, for example, some non-exempt purpose which exists for only part of a day (not part of each day) or for a short period and as a one-off event (section 67(3) to (6) of the Act).

The current edition of Ryde on Rating states that ‘the use of land necessary to establish actual occupation is often quite slight. For instance, the collection of tolls in respect of a barge-way or towing-path, the management of a burial ground and the use of moorland as a gathering-ground for water have all been held to be sufficient use of land to give rise to actual occupation by the owner of the lands’.

Where some regular small use exists, case law has established that rateability will subsist on the basis of “seasonal occupation”.

In both Hall (VO) v Darwin Corporation and Siswick (LT) 1957 and Liverpool Corporation v Huyton-with-Roby UDC (QB) 1964, a piece of land, owned by the local authority and used by a fairground operator for two weeks in each year, was rateable. The ratepayer was declared to be the operator in the former case, as the operator had paramount control of the land at all times. In the Liverpool case, as paramount control rested with the local authority which owned the land, it was held to be the ratepayer.

In the case of the car boot sale sites, it is clear that the established usage removes the agricultural exemption from the land and thus the sites should properly be entered into the rating list. The rateable value for each site must be based on the rent at which it is estimated the hereditament might reasonably be expected to be let from year to year (as at the appropriate antecedent date with respect to each rating list) which would, as regards the part of the hereditament which is not exempt from local non-domestic rating, be reasonably attributable to the non-domestic use (Schedule 6, Paragraph 2 to the Act). The practice of the valuation officer, in entering the sites into the list each spring and removing them each autumn, is, in my opinion, erroneous. The assessments should remain rateable throughout the life of each rating list, unless or until there is a clear intention for a permanent ceasing of such car boot sales on the site, as they continue to be occupied on a seasonal basis.

To further quote from Ryde: “As appears from the judgement in Channel J in Gage v Wren (1903), there is no real hardship in rating property throughout the year, although it can be profitably occupied only during the summer season. Suppose a lodging-house at the seaside is let at £100 a year: the rent for the year is fixed with the knowledge of both landlord and tenant that the season will last, say, for six months only, and for that reason the rent is lower than it would otherwise be. If the rateable value is based upon the rent thus reduced, and the tenant pays rates on that rateable value in the summer months, he would be getting the benefit of the reduction twice over if the house were not rated during the winter months. It may further be noticed that property which can only be profitably occupied during part of each year may yet fairly be rated at the same amount at any time of the year. For, as will be shown in Division E, Chapter 3, the rating is based on the yearly rent at which the hereditament might reasonably be expected to let, and a tenant for a year, at whatever time of the year he came in, would know that in the coming year he would have the benefit of the profitable season”.

It has been argued that, in the case of, for example Hayes (VO) v Lloyd (ILR) 1985 (concerning a point-to-point race course) the fences remained permanently present. This featured in the leading judgement of Lord Bridge of Hanwicht as one of the reasons for holding the racecourse liable, in spite of the presence of agricultural usage for all of the days in the year other than the one on which the race took place. However, that was to defeat the contention that one day of usage was de minimis. The presence on the land of something physical relating to the non-exempt activity, was not a feature in either of the fairground cases. If the particular valuation officer’s view should apply, then the assessment should be removed from the rating list for each day on which agricultural use is present and not just for the winter. That would create a preposterous situation.

As each tenant/landowner-farmer retains paramount control over the land, both during and outside the periods within which the car boot sales take place, the liable ratepayer must be the tenant/landowner-farmer of the land rather than the operator/organiser of the car boot sales, as that latter person has only limited and transient control over the land, subordinate to that of the tenant/landowner-farmer.

Under the Non-Domestic Rating (Collection and Enforcement) (Local Lists) Regulations 1989, each local authority is required to demand and collect the rate due by each ratepayer within the rating list for the local authority’s area. So it is for the local authority concerned to identify each ratepayer, to make a demand accordingly and to enforce payment in accordance with those regulations.

The views given in this column are personal views and should not be construed as a legal opinion.
References - handle with care

Most managers have to give references from time to time for staff who are moving on - but this can be a legal minefield, warns Ibrahim Hasan

In these days of psychometric testing and handwriting analysis, some see the ordinary reference as an antiquated practice. But since it is still widely used in the recruitment field, managers need to be careful when asked for a reference. Bad or inaccurate references are becoming a growth area of litigation. Options for an aggrieved employee, if economic loss results from a damaging reference, include a claim for defamation, malicious falsehood, discrimination or harassment.

While it may be good employment practice, contrary to popular belief there is no legal obligation on employers to supply references in respect of employees. The only successful cases, based on a failure to give references, have been where refusal was ancillary to allegations of racial or sexual discrimination. eg. in Coote v Granada Hospitality Ltd. (1998).

However, it is clear that once an employer decides to give a reference, then the employer owes a duty to the employee in respect of the contents of the reference. Case law in the last few years has confirmed this. In Spring v Guardian Assurance [1994] Lord Woolfe stated that references should be "based on facts revealed after making those reasonably careful enquiries which, in the circumstances, a reasonably careful employer would make". In Bartholomew v London Borough of Hackney (1999) the Court of Appeal made three statements of general principle in connection with references:

➔ There is a duty to ensure that references are true, accurate and fair in substance.
➔ However, there is no duty on employers to be "full and comprehensive". This is imposing too high a burden.
➔ Employers cannot break references down into individual sentences and state that each individual sentence was factually correct. References must be looked at in the whole.

In the recent case of Cox v Sun Alliance Life Ltd (2001) it was held that Sun Alliance had provided an unfair reference for Mr Cox. It implied he was sacked for taking bribes when he had in fact resigned with compensation. The company had agreed to provide a neutral reference. But a quiet word in the ear of his new employers ended Mr Cox's career. The Court of Appeal was unimpressed and made it clear that when this happens, there is no such thing as an "off-the-record chat".

But how would an aggrieved employee get hold of his or her reference to ascertain whether the employer has breached the above duties? Enter the Data Protection Act 1998.

This strengthens the rights of individuals to gain access to personal data held on them by organisations, even where such data is held in paper files rather than automated form. However the Act recognises that such rights will be inappropriate in certain situations where the need for confidentiality is paramount. As a result, schedule 7 provides an exception for confidential references given by a data controller in connection with, amongst other things, the employment or prospective employment of the data subject.

As a result, an employer who has provided such a reference will have no obligation to respond to a request for access to that reference by the subject and, to that extent, confidentiality will be preserved.

By contrast, there is no parallel exception for the party who receives the reference. This means that the person or individual to whom the reference is sent will, in principle, have to disclose the contents of the reference if a request is made by the data subject. The only limitation on this right is found in section 7(4) of the 1998 Act. The effect of this section is to ensure that all passages identifying the author of the reference or any other individual mentioned in the reference have to be deleted before a copy is provided unless the author or the individual in question consents to the disclosure or in certain other limited circumstances.

The possibility of an individual being able to gain access to confidential references will be a matter of concern for employers, particularly as any inaccuracies in the reference could give rise to legal proceedings for defamation, malicious falsehood, discrimination or harassment. Employers should consider issuing guidance to managers and personnel officers on the giving of references. This should emphasise the need for references to be drafted with extreme care taking into account the above caselaw to minimise the risk of liability. As ever where there is any cause for concern legal advice should be sought.

Ibrahim Hasan is Principal Solicitor at Calderdale Council and a trainer in information law.
Help your staff to help

With changes ahead for housing benefit and other benefits, staff must be trained to give correct advice, says Sharon Jones

From April 2002, all local authorities will be working to the new weekly incorrect benefit scheme (WIBs) which will replace the current weekly benefit savings (WBS). The government has put aside £60 million for the new scheme, as opposed to approximately £11m for the old method of fraud subsidy incentives. The new scheme is more generous than the old and authorities partially or fully compliant with the verification framework will also have reduced targets.

So far, 63 councils are already adhering to WIBs and should have identified any problem areas that may affect the authorities that follow their lead. IT providers have had time to get their systems altered and we should all be up to speed with staff being trained on the new scheme. The Fraud Strategy Unit of the Department for Work and Pensions (DWP) has been out and about, training council staff to ensure a smooth transition.

The major difference between the two schemes is that, under the new scheme, fraud does not have to be proved. Housing benefit subsidy is payable at one rate (40%) for any incorrect benefit paid to the customer, whether caused by claimant fraud or error. This is less complicated and will help to ensure benefit officers correctly code overpayments.

On top of this, incorrect benefit saved will be totalled towards the WIBs target given to each local authority. If this target is achieved, anything above will be paid as an extra subsidy. Any sanctions given by fraud officers will also earn payment, whether or not the WIBs target has been reached. The £2,000 paid for a successful prosecution will not cover costs, but it will help. Information laid before a magistrate, administration penalties or formal cautions will attract extra subsidy of £1,000.

Training will need to be given to general benefit staff, as they are the ones who are likely to identify incorrect benefit. These staff may write or follow up claims: if they find a relevant overpayment it will contribute to the WIBs total.

WIBs will only be accrued at 75% where an overpayment has been prevented, rather than paid. This may have the effect of ensuring benefits are paid quickly, providing verification is completed, because if an error is found later, 100% WIBs will be accrued. There is no need for a fraud officer to be involved.

However, there will still be instances where an investigation by a fraud officer is needed, and these cases must be identified and passed to the fraud team. Obviously, it is in the authority’s interest to ensure that incorrect benefit is identified and accounted for, as this will ensure targets are met and extra income earned. The more overpayments identified by the assessment team, the more the fraud team may be able to gain in the way of sanctions. Under the verification framework, staff must be trained at least annually on fraud awareness and this may be the time to remind staff of how these areas fit together and where they differ. There will be times when an overpayment is relevant for overpayment subsidy purposes, but not for WIBs.

At the same time staff should be able to ensure benefit is paid correctly to those entitled. Welfare advice helps bring money to those in need and some people support charges. Those will be met by new money available from a pot to be granted to unitary or county councils.

Some people are aware that there are changes ahead and will expect the authority currently helping with these changes to know what is happening. Again, benefit or housing staff may find themselves being asked questions which, without training, they will be unable to answer. I recognise that staff cannot know everything but they should be trained up to advise customers correctly on the basics, to assure them there is no need to worry, or to give details of help lines. This will boost both customer and job satisfaction.

Sharon Jones is Revenues Benefits Manager at Breckland DC

“Training will need to be given to general benefit staff, as they are the ones who are likely to identify incorrect benefit. These staff may write or follow up claims: if they find a relevant overpayment it will contribute to the WIBs total.”

Agency and the Employment Service are trying to meet the needs of customers whilst also changing the way they work. It is fair to say their staff will be stretched and we should be helping our customers to maximise their income.

Pensioners are able to talk to advisers by calling help lines, to find out more about the minimum income guarantee. However, there is a lot of confusion about what will happen post April 2003, when housing benefits will not cover general counselling and

Sharon Jones is Revenues Benefits Manager at Breckland DC
Members

New IRRV members

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Colin Hunter, Basset, Kennng and News, Associate Director
Hilary Elizabeth Ritchie, South Somerset DC, Council Tax Section Head
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Retired Members
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Janette Ann Brett, Selton MBC, Cashier/Revenues Clerk
Catherine J Brewer, Fylde BC, Revenues Assistant
Gemma Louise Buckingham, Wicks Head and Eve, Ratings Administrator
Patricia M Bunting, Derbyshire Dales DC, Benefits Team Leader
Helen Burkwood, Sutton LBC, Housing Benefits Team Leader
Janet Campbell, South Ayrshire Council, Income Recovery Officer
Jan Canfield, Woking BC, Benefit Team Leader
Alison Mary Chapman, South Lakeland DC, Revenues Assistant
Julie Chils, North Warwickshire BC, Senior Collections Officer
Patricia Susan Clews, Stoke-on-Trent Council, Benefits Officer
Karen Jayne Coek, South Norfolk Council, Benefits Officer
Beverley Jayne Coombes, Rossendale CB, Client Services Officer
Jonathan Dearing, Nunavut and Bedworth BC, Principal Benefits Officer
Leslie Dunn, Bridgnorth DC, Benefits Officer

Kenneth Durie, East Lothian Council, Council Tax Officer
Stuart Anthony Edwards, Stockport MBC, Benefits Assessor
Emma Jayne Falcus, Scarborough BC, Local Taxation Assistant
Gary Allen Few, Westminster City Council, Policy Officer
Karen Anne Fuhrer/Cole, Chattenham BC, Senior Benefit Monitoring/Appals Officer

Anna Louise Fung, Waltham Forest LBC, Council Tax Team Leader
Christopher Anthony Hansford, Selton MBC, Assessor

Annie Roob, South Lakeland DC, Revenues Officer
Maxine Hider, Bath & North East Somerset Council, Senior Revenues and Benefits Officer

Aneurin Vaught Hughes, Vale of Glamorgan BC, Senior Revenues Assistant

Gaynor Elizabeth Kelsall, Stoke-on-Trent Council, Team Leader
Kathryn Leaning, North Lincolnshire Council, Assessment Officer
Laura Leecole, Kings Lynn and West Norfolk BC, Assistant Benefits Manager
Alison Uster, East Lothian Council, Council Tax Officer
Ronald Martin, City of Edinburgh Council, Revenues and Benefits Officer
Victoria Gemma Alexis Matcham, Ashford BC, Clerical Assistant
Barry Alexander McQuarlane, North Lanarkshire Council, Credit Controller
Susan McCourt, Falkirk Council, Visiting Officer
Janet M Culloch, Dumfries and Galloway Council, Benefits Assessor
Colin J S McGovern, East Lothian Council, Council Tax Officer
Chris Robert Metcalfe, Calderdale MBC, Revenues Court Assitant
Christopher Paul Moon, Scarborough BC, Local Taxation Assistant
Maggie Price, York City Council, Business Management Assistant
Philip John Rimmer, St Helens MBC, Senior Benefits Officer
Rachel Elizabeth Roberts, South Staffordshire DC, Verification Officer
Joanne Robinson, North Warwickshire BC, Benefits Officer
David Rudding, East Lothian Council, Benefits Team Leader
Reginald Alan Shaw, Newcastle under Lyme Council, Verification Officer
Lesley Ann Shawcroft, North East Derbyshire Council, Revenues Assistant
Samantha Diane Siddall, South Lakeland DC, Revenues Assistant
Lee Dennis Sirdfield, North Lincolnshire Council, Assessment Officer
Leon Spence, Lichfield DC, Recovery Manager
Lisa Victoria Sykes, Calderdale MBC, Collections Assistant
Michael Robert Tait, East Lothian Council, Benefits Assessor
Gloria Waby, Bournemouth BC, Housing Benefits Assessment Assistant
Adrian Mark Webster, Warrington BC, Benefits Manager
Elizabeth Sheila West, South Ayrshire Council, Clerical Assistant
Hazel Rosemary Wilkinson, South Lakeland DC, Revenues Officer
Richard Mark Wilks, Barnsley MBC, Benefit Technician
Mark Williams, Wyre Forest DC, Clerical Assistant
Malcolm Yorke, Eddingdon DC, Benefit Officer

Members’ moves

Geoff Fisher (Corporate), IRRV Council member, has taken early retirement from the Valuation Office and is now a Consultant for Strettons Chartered Surveyors, of east London.
E-mail: gfisher@strettons.co.uk

Bruce Jones, Past President of the IRRV and formerly Director, Modernisation, at the Valuation Office Agency, is to retire on 22 March. Bruce left the modernisation project at the beginning of January and is currently working on a special project to identify precisely what categories of information the agency needs to carry out reliable valuations.

Paul Sanderson, former Director of Rating, has taken over as Director, Modernisation on 1 January and will be implementing the 2005 revaluation.

Suzanne Dean, Council Member and chairman of the Education and Membership Committee, has joined Mouchel Consulting Limited as a Principal Consultant, focusing on initiatives with local government across a range of services.

Philip Dolan (Corporate) has been appointed to the post of Chief Executive at Baby District Council. Mr Dolan is currently Deputy Chief Executive at North Dorset DC and was previously at Bromsgrove DC. He served as a member of the original IRRV Benefits Practitioner Panel. He will take up his appointment in early March.

Phil Adami (Tech) has been appointed Senior Benefits Systems and Control Manager for Slough BC. He joins there from Cheltenham DC.
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Adapting to change

The collection of revenues by local authorities, public utilities and statutory bodies has changed beyond recognition over the past two decades. The assessment and payment of benefits is an increasingly complex area of public and social finance. The profile and expectations placed on staff in these sectors has, in turn, necessitated major changes in the recruitment process. Eden Brown’s Revenues and Benefits division is at the forefront of these changes and has set the Gold Standard by which such services can be measured.

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