



Please ask for Martin Elliott  
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The Chair and Members of Cabinet

27 March 2017

Dear Councillor,

Please attend a meeting of the CABINET to be held on TUESDAY, 4 APRIL 2017 at 10.30 am in the Council Chamber, Town Hall, Rose Hill, Chesterfield, the agenda for which is set out below.

AGENDA

Part 1(Public Information)

1. Declarations of Members' and Officers' Interests relating to items on the Agenda
2. Apologies for Absence
3. Minutes (Pages 3 - 28)

To approve as a correct record the Minutes of the Cabinet meetings held on 21 February and 7 March, 2017.

4. Forward Plan (Pages 29 - 40)
5. Delegation Report (Pages 41 - 46)

Items Recommended to Cabinet via Cabinet Members

Cabinet Member for Customers and Communities and Cabinet Member for Health and Wellbeing

6. Funding to Voluntary and Community Organisations 2017/18: Service Level Agreements (Pages 47 - 84)

Cabinet Member for Finance and Governance

7. Review of Surveillance Policy (Pages 85 - 130)

Yours sincerely,

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

Local Government and Regulatory Law Manager and Monitoring Officer

## CABINET

Tuesday, 21st February, 2017

Present:-

Councillor Burrows (Chair)

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

\*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

138 **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

139 **MINUTES**

**RESOLVED –**

That the minutes of the meeting of Cabinet held on 7 February, 2017 be approved as a correct record and signed by the Chair.

140 **FORWARD PLAN**

The Forward Plan for the four month period 1 March to 30 June, 2017 was reported for information.

**\*RESOLVED –**

That the Forward Plan be noted.

**141 2017/18 BUDGET AND MEDIUM TERM FINANCIAL PLAN**

The Director of Finance and Resources submitted a report on the draft General Fund budget, making recommendations to Council on the budget allocations and the Council Tax level for 2017/18. It was noted that the continuing difficult financial situation for local councils had made the budget setting process very difficult again this year.

The Director of Finance and Resources advised that since the revised budget in December 2016 further work had been undertaken to identify other possible variances for inclusion in the final 2016/17 budget, and that the updated revised budget forecast for 2016/17 showed a surplus of £105,000.

The report included details of the effects of the economic climate on income streams, cuts in revenue support grant, and changes in funding arrangements particularly in respect of business rates retention. The report also provided details of the serious financial impact of the government's announcement in December, 2016 that the amount of New Homes Bonus, which in recent years had made a significant contribution to the council's finances, would be cut, meaning that New Homes Bonus income would fall from £676,640 in 2017/18 to £2,240 in 2020/21. The report also noted from 2020/21 the council would need to generate 100% of the revenue required to provide services.

The other major funding sources for the General Fund were business rates growth, fees and charges (particularly car parking income), rental income from the Council's industrial and commercial property portfolio as well as council tax. The Director of Finance and Resources advised that for 2017/18 district councils were again able to increase their council tax by a maximum of £5 or 2%, and that for Chesterfield the recommended £5 increase was equivalent to an increase of 3.34%. The report set out and evaluated all of the council tax setting options available to the Council.

The report also provided details of the expenditure estimates for 2017/18 to 2020/21, and summarised the planned budget savings proposals over the same period. A review of the Council's reserves and provisions had been undertaken and the report also included a comprehensive risk and sensitivity analysis.

The Director of Finance and Resources concluded that the medium term forecast showed that the council continued to face significant financial challenges in the years ahead and that all the indications were these challenges were likely to continue over the longer term, through to 2021. While in previous years the council had managed to deliver budget savings in a way that had not involved cutting frontline services or in making compulsory redundancies, the task was getting increasingly difficult, and that difficult spending decisions were going to have to be made during 2017/18 on the range and quality of discretionary services that were currently provided.

**\*RESOLVED -**

**That it be recommended to Full Council that:**

1. That the revised budget for 2016/17 be approved.
2. The Local Government Finance Settlement be noted.
3. The Collection Fund and the Tax Base forecasts be noted.
4. The Portfolio budgets and the overall revenue budget summary for 2017/18 be approved.
5. That authority be delegated to the Director of Finance and Resources in consultation with the Leader, Deputy Leader and Chief Executive to review what is required to ensure that the council makes best use of the flexibility available to use capital receipts for revenue purposes where such investment will lead to budget savings.
6. The budget forecasts for 2017/18 and the medium term, as well as the strategy for addressing the projected deficits be noted.
7. That the growth request of £100k for an HS2 project officer, to be funded from the Service Improvement Reserve be approved.
8. The estimates of reserves including:
  - i. maintaining the General Working Balance at £1.5m;

- ii. transferring from the Crematorium Capital Improvement and Revenue Reserves (subject to Chesterfield and District Joint Crematorium Committee approval), £200,000 to a new Northern Gateway reserve to support underwriting the Jomast Coop development and £250,000 into the Business Rate Risk Reserve;
- iii. Using £467,302 of Insurance Reserve surplus funds by retaining in the Insurance Reserve £60,000 to cover insurance excesses and self-insurance charges, transferring £407,302 to the General Fund to reduce General Fund contributions into reserves in order to support the budget position by £150,000 in both 2017/18 and 2018/19, and by £107,000 in 2019/20.

be approved.

- 9. The budget risks and sensitivity analysis be noted.
- 10. The recommended £5 increase in Council Tax for 2017/18 be approved.
- 11. The 2017/18 Council Tax Requirement and financing be approved.
- 12. The Director of Finance and Resources assurances be noted.

## **REASON FOR DECISIONS**

In order to meet the statutory requirements relating to setting a budget and the council tax.

## **142 CAPITAL STRATEGY AND GENERAL FUND CAPITAL PROGRAMME**

The Director of Finance and Resources submitted a report recommending for approval the updated General Fund Capital Strategy and Programme for the financial year 2017/18.

The report provided details of:

- The updated Capital Strategy.
- Updated Capital Programme forecasts.
- Schemes added to the Programme during 2016/17, including the Town Hall restack and Northern Gateway scheme.
- Progress made on current major schemes including Chesterfield Waterside.
- Recurring schemes including expenditure on Disabled Facilities Grants, vehicle and plant maintenance, ICT and major property repairs.

The report also provided details of capital financing arrangements, capital receipts and the net financing position.

The Director of Finance and Resources advised that based on current forecasts there would be no surplus resources available to fund new capital schemes until 2020/21. In this situation new schemes would only be able to be added to the Programme where they were aligned with a Corporate Plan priority and the additional funding required had been identified and secured. Where the funding could not be immediately identified schemes would be added to a prioritised list of growth requests and added to the Capital Programme as resources become available.

**\*RESOLVED -**

**That it be recommended to Full Council that:**

1. The Capital Strategy be approved.
2. The updated General Fund Capital Programme expenditure and financing be approved.
3. The new Capital Programme schemes, as outlined in paragraph 8.3 of the Director of Finance and Resources report be noted, with their approval subject to satisfactory business cases being made and subsequent Cabinet and/or Council agreement.
4. The prioritised list of “waiting list” Capital Programme, as outlined in paragraph 8.4 of the Director of Finance and Resources report, be noted.

## REASON FOR DECISIONS

To update the Council's General Fund Capital Programme and ensure that it is affordable and deliverable over the medium term.

### 143 **CHESTERFIELD BOROUGH COUNCIL'S COUNCIL PLAN 2017/18 UPDATE**

The Policy and Communications Manager attended to present a report recommending for approval the Council Plan 2015-2019, updated for 2017/18.

In 2015/16 the Council had moved from the production of a one year plan to a four year strategic Council Plan following a recommendation from the Local Government Association's peer challenge team in 2013. The updated plan had set out the Council's key priorities and aims, based on those identified by Cabinet Members and officers and taking account of a wide range of evidence. The plan was aimed at providing focus, and included projects that would require a collective corporate effort during the period.

The Council Plan had been revised to show the progress made during the first two years of the plan, and to highlight the priority areas for the remaining two years of the plan. The refreshed plan provided continuity with the 2016/17 version of the plan, maintaining the same vision, three overarching priorities and Council values. The Policy and Communications Manager also provided details on how the plan would be monitored and reviewed throughout the year in order to ensure the council delivered against its priorities and objectives.

#### **\*RESOLVED -**

##### **That it be recommended to Full Council that:**

1. The Council Plan 2015-2019, updated for 2017/18, be adopted as the council's strategic framework to measure our sustained high performance against key aims and objectives and to prioritise resources.
2. The Deputy Leader be delegated authority to approve any minor drafting changes that may be required in order to improve the readability of the plan.



## REASON FOR DECISIONS

To provide the Council with a clear statement of its strategic priorities for 2015-2019 and a framework within which decisions can be made about the allocation of resources.

144

### **COMMUNITY INFRASTRUCTURE LEVY INTERIM PROGRESS REPORT AND PAYMENT IN KIND POLICY**

The Strategic Planning and Key Sites Manager attended to present a report to update members on the performance of the Community Infrastructure Levy (CIL) during its first 9 months of operation, and to recommend for approval the introduction of a CIL “Payment in kind” policy.

The report noted that the Community Infrastructure Levy provided a way of seeking contributions from developers towards providing essential infrastructure that was needed to support new development. After a wide-ranging period of consultation and evidence preparation a CIL Charging Schedule, Infrastructure List and Instalments Policy, as well as the levy, had been introduced on 1 April, 2016 after approval by Full Council (Minute No.39 2015/16).

The report included information on the performance of the levy since its introduction on 1 April, 2016 up until 31 December, 2016 noting that 25 CIL Liability notices had been issued, with a combined potential CIL liability of approximately £900,000. The Strategic Planning and Key Sites Manager advised that while developments became CIL liable as soon as a full or reserved matters planning permission was granted, the liability was only paid once the development commenced which could mean that the lead in times between the developer accepting CIL liability and payment being received by the council could be significant.

The Strategic Planning and Key Sites Manager advised that there may be circumstances where the Borough Council, as the CIL Charging Authority, and the party who was liable for the CIL charge may wish for land and/or infrastructure to be provided, instead of money in order to satisfy the CIL charge. The CIL Regulations did provide for such ‘Payments in kind’, which allowed CIL charging authorities to put in place procedures which would allow acceptance of full or part payment of a CIL liability by way of a physical provision of land and/or infrastructure. However, necessary

that before a charging authority was able to accept such payments there needed to be a “Payment in kind” policy in place. The report set out the key requirements of such a policy, and a draft “payment in kind” policy was attached as an appendix to the officer’s report.

**\*RESOLVED –**

**That it be recommended to Full Council that:**

1. That the performance of the Community Infrastructure Levy during the first 9 months of its implementation be noted.
2. That the Community Infrastructure Levy ‘Payment in Kind’ policy, as set out in the officer’s report be approved.

**REASON FOR DECISIONS**

To allow the council the discretion to accept “Payment in Kind” where the council, and the person/developer liable for the CIL wish land and/or infrastructure to be provided, instead of money, to satisfy a CIL charge.

**145 SENIOR PAY POLICY STATEMENT 2017/18**

The Human Resources Manager submitted a report seeking approval for a revision of the current Senior Pay Policy Statement in accordance with the Localism Act 2011 and the Local Government (Transparency Requirements) (England) Regulations 2014.

The policy statement included details of how senior pay is set within the Council. The revised statement had been updated to reflect changes to the council’s corporate management team structure.

**\*RESOLVED –**

That it be recommended to Full Council that the revised Senior Pay Policy Statement be approved.

**REASON FOR DECISION**

To meet the requirements of the Localism Act 2011 by publishing the policy by 31 March 2017.

**146 HOUSING REVENUE ACCOUNT BUDGET 2017/18 TO 2021/22**

The Housing Manager and the Director of Finance and Resources submitted a report detailing the probable outturn for the current financial year and seeking approval for the budget estimates for 2017/18.

The rent and service charge levels agreed by Cabinet in January (Minute No.126 (2016/17) had been incorporated into the 2017/18 budget forecast. The report also proposed a schedule of priority growth requests.

The financial strategy for the HRA was to deliver a balanced and sustainable budget which was self-financing in the longer term and which reflected both the requirements of tenants and the strategic vision and priorities of the Council. The Housing Manager reaffirmed the implications arising from the enactment of the Welfare Reform and Work Bill Act 2016, most notably the requirement for a 1% reduction in social housing rents for 4 years from April 2016 as well as the introduction of Universal Credit to all claimants. The financial implications arising from these changes on the HRA had been considered and it was estimated that the HRA balance would fall to £18,485,746 in 2017/18 and to £1,553,036 by 2021/22. The Housing Manager advised that while the forecasts for future years were much healthier than previously reported it was important to note that they assumed that a range of measures to improve the financial viability of the HRA Business Plan were all successfully implemented. These measures had been proposed by a steering group that had been established in order to look at ways to fill revenue gaps in the HRA and to put forward a revised business plan. The steering group had comprised members, officers and tenants. The recommendations of the steering group had included:

- A £500,000 reduction in the responsive repairs budget in 2017/18 and each of the following 2 years, after the budget would be increased by inflation, as measured by the Consumer Price Index (CPI).
- A reduced and re-phased capital programme.
- Moving to a 52 week rent year and removing 'rent free' weeks to match universal credit payments and also to encourage a regular payment culture.

The report noted that the current HRA budget forecasts did not take into account the government's requirement on local authority housing providers to dispose of higher value assets as it was still unclear what

properties would be classed as “high value” for the Chesterfield area. The Housing Manager advised that as more information became available on the financial implications of this policy, adjustments would be made to the HRA budget.

**\*RESOLVED -**

1. That the probable outturn for the current financial year be noted.
2. That the draft estimates for 2017/18 and future years be noted.
3. That the “Growth Items” at Annexe 6 of Appendix A of the officers’ report be approved.

**REASONS FOR DECISIONS**

To enable the Council to set the Housing Revenue Account budget for 2017/18.

To continue with the financial strategy set out in the Housing Revenue Account Business Plan and self-financing debt settlement arrangements.

**147 HOUSING CAPITAL PROGRAMME: NEW PROGRAMME FOR 2017/18 THROUGH TO 2021/22**

The Housing Manager and the Director of Finance and Resources submitted a report on the Housing Capital Programme, outlining proposals for the New Programme for 2017/18, as well as for the provisional programmes for 2018/19 to 2021/22.

The report outlined the financial strategy to maintain the Decent Homes Standard for 100% of the council’s properties, which had first been achieved in March 2015, as well plans to improve the non-traditional housing stock and to deliver improvements to the estates environment in the immediate short term. The Housing Manager referenced the implications arising from the enactment of the Welfare Reform and Work Bill Act 2016, most notably the requirement for a 1% reduction in social housing rents for 4 years from April 2016, which would have a significant impact on the Housing Revenue Account Business Plan and consequently the financing and priorities of the Housing Capital Programme for 2017/18, as well in future years.

The Housing Manager advised that the proposed 2017/18 programme continued to broadly reflect the capital programme used in the Housing Revenue Account Business Plan in previous years and addressed needs arising due to the ageing housing stock, as identified in the Stock Condition Survey. The focus of the programme remained the modernisation of properties to the Decent Homes Standard, with the balance of activity over the next twelve months concentrating on building elements such as roofs, windows and improvements to external estate environments. It was noted that due to the large reduction of income to the Housing Revenue Account as a result of the annual 1% reduction in social rents over four years, a review of the way in which future maintenance programmes would be delivered had been carried out. This review had looked at factors including the standards against which the housing stock was maintained as well as how the repairs service was delivered.

Information was also provided on the commitment to use local contractors where possible, as well as how tenants had been involved in reviewing and prioritising the Capital Programme. The Housing Manager emphasised the important role that the HRA Business Plan steering group, which included tenant representatives and scrutiny members had played in reviewing and prioritising the Capital Programme.

The allocation of work to the Housing Services' Operational Services Division was also outlined in the officer's report.

**\*RESOLVED -**

**That it be recommended to Full Council that:**

1. The Housing (Public Sector) Capital Programme for 2017/18 be approved, and its procurement, as necessary, be authorised.
2. The Housing (Public Sector) Capital Programmes for 2018/19 through to 2021/22 be provisionally approved.
3. The Operational Services Division share of the approved 2017/18 Programme be approved.

4. The Housing Manager be delegated authority to transfer funds between programme heads and budgets in order to effectively and efficiently manage the Capital Programme.

## **REASONS FOR DECISIONS**

To ensure that the council is able to meet its 'Decent Homes Standard' targets in line with the Council's Vision and Corporate Plan.

To ensure that the condition of the Public Sector housing stock and its environment is maintained and improved.

To contribute to the aims of the Borough Housing Strategy and to deliver the HRA Business Plan.

### **148 HOUSING REPAIRS BUDGET 2017/18**

The Housing Manager submitted a report recommending for approval the Housing Repairs Budget for 2017/18, as well as for future years.

The report noted that Housing Repairs Budget financed day-to-day and planned revenue expenditure to the council's housing stock. During 2016/17, as a response to changes in national housing policy, a detailed review of the way in which Chesterfield Borough Council could deliver future repairs and maintenance programmes had been carried out.

The review had identified that the council was spending on average £1,000 per property per year on day-to-day repairs and maintenance. This figure was far in excess of the average of £850 per property per year spent by other social landlords. This expenditure was in addition to the £20 million per annum capital investment that had been made to the council's housing stock in each of the last three years. The report also noted that even though all of the council's housing stock had met the Decent Homes Standard since 2015, the demand for day-to-day repairs had not decreased and therefore accordingly neither had the responsive repairs budget. The report noted the evidence from benchmarking with other social landlords, which had confirmed that the need for day-to-day repairs should decrease after major improvements like new kitchens and bathrooms had been carried out.

In response to these findings a steering group comprised of officers, members and tenants had been established in order to look at ways to fill

revenue gaps in the HRA and to put forward a revised business plan. In December 2016, the group had made recommendations designed to mitigate the worsening financial position within the HRA. The group's recommendations had included a £500,000 reduction in the responsive repairs budget in 2017/18 and each of the following two financial years, after which the repairs budget would be increased by the rate of inflation (as measured by the Consumer Price Index). The Housing Manager advised that in order to achieve the savings in 2017/18 £500,000 could be cut from a number of budgets that had been consistently underspent in recent years. However in order to achieve the same saving in each of the following two financial years, further work and consultation with tenants would be required in order to explore where these savings could potentially be made. The steering group had recommended that consideration should be given to options including tenants taking more responsibility for their own repairs as well as carrying out a review of repair response times. The Housing Manager advised that the Tenants Executive, Tenants Challenge Panel as well individual focus groups would be involved in carrying out in depth reviews of the repairs policy.

**\*RESOLVED –**

1. That the Housing Repairs Budget of £8,691,000 for 2017/18, as set out at appendix 1 of the officer's report be approved.
2. That the Housing Repairs Budget for 2018/19 and 2019/20 be decreased by £500,000 in each financial year, after which it will be set in accordance with the increase in the annual rate of inflation, as measured by the consumer price index (CPI).
3. That the Commercial Services Manager be delegated authority to transfer funds between responsive repairs budget heads in order to effectively manage and respond to fluctuations in tenant-led or weather dependent repairs.

**REASONS FOR DECISIONS**

To permit required maintenance of the Housing Stock.

To contribute to the delivery of a balanced and sustainable Housing Revenue Account, which is self-financing in the longer term.

To support working with tenants through the Customer Engagement Strategy.

To support the Council's Vision and priorities within the Council Plan.

**149 LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC**

**RESOLVED –**

That under Regulation 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1 and 3 of Part I of Schedule 12A to the Local Government Act 1972 – as they contained information relating to an individual and information relating to financial and business affairs.

**150 PLOT GARAGE SITE REVIEW AND RECOMMENDATIONS**

The Housing Manager submitted a report seeking approval to adopt a strategic approach to rationalising the councils plot garage sites through a programme of closure, refurbishment and disposal.

The report noted that a plot garage site was a site where the council rented a plot of land to a lessee who subsequently developed their own garage, with the council currently owning over 40 such sites across the Borough. The Housing Manager advised that the condition of the plot garage sites and garages on them had been a matter of increasing concern over the past couple of years. The report also noted that the plot garage sites generated very low revenues and that many of the sites suffered from low demand and high vacancy rates. In response to the significant challenges presented, a Plot Garage Site Options Report had been compiled in order to assess the options for the plot garage sites, considering the costs and risks of retaining the sites against those of disposing of them.

The full Plot Garage Site Options Report was attached as an appendix to the officer's report and provided details of the appraisal process used for the review as well as a detailed analysis of the information gathered. The recommended future options for each of the plot garage sites were also set out and categorised as follows:



- sites identified for closure, clearance and sale / disposal to developer
- sites identified for closure, clearance and redevelopment by Chesterfield Borough Council
- sites identified for closure, clearance and any required remediation e.g. landscaping or groundworks
- sites identified for retention and investment
- sites identified for retention and conversion into car parking areas

The report also included details of the legal and financial considerations that had been taken into account in making the recommendations for rationalising the council's plot garage sites, as well as details of how the programme would be developed and implemented.

#### **\*RESOLVED –**

1. That the strategic approach to the rationalisation of the council's plot garage sites, as detailed in the officer's report be approved.
2. That the Housing Manager be authorised to begin a programme of closure, refurbishment and disposal of Housing Revenue Account plot garage sites.
3. That the Housing Manager, in consultation with the Property, Procurement and Contracts Law Manager, be delegated authority to begin a programme of closure, refurbishment and disposal of General Fund plot garage sites.
4. That the Housing Manager be delegated authority to amend the plot garage site option report recommendations, in consultation with relevant Cabinet members, as the process of closure, refurbishment and disposal of plot garage sites progresses.

#### **REASON FOR DECISIONS**

To meet the councils priority 'to improve the quality of life for local people' and objective 5 'To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs'.

**151 TRADE WASTE AND MISCELLANEOUS FEES AND CHARGES**

The Commercial Services Manager submitted a report setting out proposed charges for the collection and disposal of trade wastes and other miscellaneous environmental fees for 2017/18.

The report noted that in accordance with the Council's Budget Strategy, charges for waste and recycling services were reviewed annually and that charges the aim was to recover at least the full cost of the service except in circumstances where there was an opportunity to maximise income or that Members determined that a reduction or subsidy should be made for a specific reason.

**\*RESOLVED –**

That the revised charges for trade waste and other miscellaneous environmental fees for 2017/18, as detailed in the officer's report, be approved and implemented.

**REASON FOR DECISION**

To set the Council's trade waste charges and other miscellaneous environmental fees for the financial year 2017/18 in accordance with the Council's Budget strategy.

**CABINET****Tuesday, 7th March, 2017**

Present:-

Councillor Burrows (Chair)

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

\*Matters dealt with under the Delegation Scheme

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

No declarations of interest were received.

**153 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**154 FORWARD PLAN**

The Forward Plan for the four month period 1 April to 31 July, 2017 was reported for information.

**\*RESOLVED –**

That the Forward Plan be noted.

**155 DELEGATION REPORT**

Decisions taken by Cabinet Members during February, 2017 were reported.

**\*RESOLVED –**

That the Delegation Report be noted.

**156 DEMOLITION OF GARAGES AT DEVONSHIRE CLOSE**

The Housing Manager submitted a report to recommend action in respect of 16 garages at Devonshire Close, Staveley that were severely damaged by a fire on 20 November, 2016.

The report noted that Devonshire Close, Staveley, had a purpose built garage site comprising of 32 garages in two blocks of 16 and that these were let to both council tenants and private residents, on a weekly basis. On the night of 20 November, 2016 the 16 garages within one of the blocks suffered extensive damage, resulting from a fire which was believed to have been started deliberately. The Housing Manager advised that as the block of garages was now unsafe for the tenants to continue to occupy, arrangements had been made to cease rental charges and for alternative garages to be offered to the tenants of the garages.

The report included details of the options that had been considered for the future of the site which included repairing the garages, demolishing and rebuilding the garages and demolishing the garages and replacing them with an area of marked out car park places for the benefit of residents in the area. The Housing Manager advised that after assessing the costs and potential benefits to all council tenants in the area it was recommended that the garages should be demolished and replaced with an area of marked out parking spaces. This option would benefit all the residents of Devonshire Close by providing increased parking for visitors and residents as well as offering the best value option for the council.

**\*RESOLVED –**

1. That the purpose built block of 16 garages at Devonshire Close, Staveley, be demolished.
2. That the Housing Manager be delegated authority to tender for, and appoint a contractor to carry out the demolition works.
3. That the Housing Manager be delegated authority to tender for, and appoint a contractor to make the site into a parking area with marked bays.

## REASON FOR DECISIONS

To help meet the council plan priority 'to improve the quality of life for local people'.

### 157 HS2 CONSULTATION RESPONSE

The Executive Director, Michael Rich and the Development and Growth Manager submitted a report requesting Cabinet considered the implications for the council of its ongoing engagement on the HS2 project. The report also requested Cabinet considered the council's proposed response to the current consultation on the proposed route of HS2 through Chesterfield Borough.

On 15 November, 2016 the Government had published a revised route for Phase 2b of HS2 and had opened a consultation on the revised plans. The report noted that the implications of the revised route for Chesterfield and the wider area were largely positive and that the benefits of having Chesterfield station served by high speed rail services, as well as having a maintenance depot at Staveley had the potential to deliver substantial economic benefits for the borough and the wider area. The revised route did however have some negative impacts both for the borough and neighbouring districts, which the report noted would require further investigation on how these could be managed and mitigated.

The Government had requested that responses to the consultation on the revised route were received by 9 March 2017. The council's full response to the consultation was attached as an appendix to the officers' report. The response had been prepared in consultation with partners including Derbyshire County Council, East Midlands Councils and key landowners affected by the development of the proposed Staveley Depot. The response confirmed the ambition of Chesterfield Borough Council to maximise the opportunities for the borough that HS2 would bring and also included details of the main implications of the revised route for the borough. These included the lessened impact on residential areas at Woodthorpe and Netherthorpe and the significant reduction in journey times between Chesterfield, Birmingham and London and the consequent economic benefits that this could bring.

The report also provided information on how the council was working with, and planned to work with partners on the development and promotion of

plans and growth strategies to maximise the potential benefits for the area. The Executive Director advised that as all the work that would be required to maximise the benefits of HS2 could not be accommodated within existing resources approval had been given by the Joint Cabinet and Employment and General Committee for the establishment of a new project manager post to support the HS2 proposals for a station and depot in the borough (Joint Cabinet and Employment and General Committee Minute No.33, 2016/17). This post would provide the essential additional capacity to ensure that the strongest case could be made to enable Chesterfield and the surrounding area to gain the maximum benefits from HS2.

### **\*RESOLVED –**

1. That the draft response to the current consultation on the route of HS2 be approved, and that the Development and Growth Manager, in consultation with the Cabinet Member for Economic Growth, be delegated authority to approve the final response.
2. That the proposed approach to working with partners to prepare a growth strategy for HS2 in Chesterfield in order to maximise the benefits of HS2 for the borough, be approved.
3. That authority be delegated to the Development and Growth Manager, in consultation with the Deputy Leader, to sign the Memorandum of Understanding with HS2 Ltd.
4. That the decision made by Full Council on 23 February, 2017, to allocate £100,000 from the Service Improvement Reserve to increase officer capacity to lead on delivery of the growth strategy for Chesterfield, be noted.

### **REASONS FOR DECISIONS**

To maximise the benefits to Chesterfield of HS2.

To increase officer capacity over the next two years in order to enable Chesterfield Borough Council to work closely with partners and to lead delivery of the growth strategy for Chesterfield.

**158 OUTDOOR SPORTS AND RECREATION FEES AND CHARGES**

The Commercial Services Manager submitted a report recommending for approval the proposed fees and charges for Outdoor Recreation facilities to take effect from 1 April, 2017.

The fees and charges proposals had taken into account:

- The need to raise income and for the Council to achieve a balanced budget.
- The fees and charges structures of other local public and private sector providers.
- The ability of customers to pay against the current economic downturn and demand for facilities.
- The need to address health inequalities across the borough and to encourage young people into sporting activities.

The options of leaving the charges unchanged or introducing lower increases were ruled out as the proposed increases in the charges were required to deliver a balanced and sustainable budget. An option of introducing a significantly greater increase in the charges was ruled out as there would have been a risk in terms of deterring potential customers.

**\*RESOLVED –**

1. That the revised fees and charges for outdoor sports and recreation, as detailed at appendix A of the officer's report, be approved and implemented from 1 April, 2017.
2. That the Commercial Services Manager, in consultation with the Cabinet Member for Health and Wellbeing, be delegated authority to revise the approved fees and charges where threats to income generation emerge and/or opportunities to raise additional income arise, in line with the Council's general principles for charging.

**REASON FOR DECISIONS**

To set the Council's outdoor sports and recreation fees for the financial year 2017/18 in accordance with the Council's Budget strategy.

**159 CEMETERIES FEES AND CHARGES**

The Commercial Services Manager submitted a report recommending for approval the proposed fees and charges for the Council's cemeteries to take effect from 1 April, 2017.

The fees and charges proposals had taken into account:

- The reduction in the number of burials taking place in recent years.
- A comparison of fees and charges made by other authorities in the surrounding areas, so that fees should remain competitive and affordable.
- The need for the Council to achieve a balanced budget.

The options of leaving the charges unchanged or introducing lower increases were ruled out as the proposed increases in the charges were required to deliver a balanced and sustainable budget.

**\*RESOLVED -**

That the revised fees and charges for cemeteries, as detailed at appendix A of the officer's report, be approved and implemented from 1 April, 2017.

**REASON FOR DECISION**

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

**160 FUTURE USE OF THE FORMER QUEENS PARK SPORTS CENTRE**

The Executive Director, Michael Rich submitted a report to update Cabinet on the progress of development plans for the future use of the former Queen's Park Sports Centre site following the completion of the public consultation on potential future uses of the site. The report sought Cabinet's agreement in principle that the preferred future use for the site should be the development of artificial sports pitches and also requested authorisation for a full business case for this option to be developed.

A public consultation had been carried out during September and October 2016 on the options for developing the site of the former Queen's Park



Sports Centre. The consultation had set out a single preferred option of artificial sports pitches, as well as providing information on a range of other possible uses for the site. The results of the consultation, to which 583 responses had been received, showed 69% of respondents agreeing with the preferred option of artificial sports pitches and 94% of respondents supporting the principles that any future development should meet, i.e. it should fit with the objectives of the council plan, integrate with the wider Queen's Park site, have evidence of demand as well as being income generating. The Executive Director advised that the consultation responses had also provided a range of suggested alternative uses for the site, the most popular being an office/community/event space, ice-rink, water play area and other outdoor leisure provision, however none of these suggestions had met all of the essential criteria set out in the consultation.

The report noted that a petition containing over 1,000 signatures calling for an ice rink to be built on the site had been debated at Council on 23 February, 2017. As a result of the debate it had been resolved:

- That the council receives and notes the petition to turn the former Queen's Park Sports Centre site into an ice rink.
- That the petition and tonight's debate at Full Council be taken into account by Chesterfield Borough Council's Cabinet when making the decision on a suitable use for the former Queen's Park Sports Centre site.
- That the council, if approached by an ice rink operator, will assist with the identification of suitable sites and provide advice on planning and funding opportunities, including the development of external funding bids, in order to enhance the Borough's sport and leisure offer.

As a result of the responses to the public consultation, an outline business case for the preferred option of artificial sports pitches had been developed and was included as an appendix to the Executive Director's report.

The Executive Director advised that having done the preliminary work the outline proposals were now at a stage where they could be developed into a full business case. This would enable the necessary work to be carried out to test the assumptions within the outline business case and to

enable further evidence to be gathered to support each element of the case. The financial and commercial elements of the business case were especially important and both required significant further work before a robust business case could be presented for consideration by Cabinet. The report also recommended that an application for planning permission for the artificial sports pitches should be prepared in parallel to the full business case so as to reduce the overall time required to bring forward development on the site.

The report also included details of the costs and human resource requirements that would be involved in the development of the full business case and noted that these costs would be contained within the approved sums allocated for budget savings / income generation in the Invest to Save and Service Improvement Reserves.

The Cabinet Member for Town Centre and Visitor Economy thanked Members, Scrutiny Members and Officers for their contributions both during the consultation as well as in the preparation of the outline business case.

**\*RESOLVED –**

1. That the outcomes of the public consultation on the future use of the former Queen's Park Sports Centre site be noted.
2. That the motion passed by Council on 23 February, 2017, following the debate of a public petition calling for an ice rink to be built on the site of the former Queen's Park Sports Centre, be noted.
3. That the outline business case for artificial sports pitches to be built on the site of the former Queen's Park Sports Centre, as detailed in the officer's report, be noted.
4. That the intention to use allocated funds budget savings/income generation to fund an internal secondment post to manage the project, be noted
5. That a full business case be prepared for submission to Cabinet and Council as part of any request for any future capital expenditure at the site.

6. That a planning application for artificial sports pitches on the site of the former Queen's Park Sports Centre be developed at the same times as the preparation of the full business case for the site.

## **REASONS FOR DECISIONS**

To enable Cabinet to establish a clear way forward on its preferred use for the former sports centre site, whilst recognising that further work is required before taking a final decision and before seeking approval from Council for any additional expenditure.

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CHESTERFIELD BOROUGH COUNCIL FORWARD PLAN  
FOR THE FOUR MONTH PERIOD 1 APRIL 2017 TO 31 JULY 2017

**What is the Forward Plan?**

This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 of key decisions to be made on behalf of the Council. This Forward Plan sets out the details of the 'key' and other major decisions which the Council expects to take during the next four month period. The Plan is available to the public 28 days before the beginning of each month.

**What is a Key Decision?**

Any executive decision which is likely to result in the Council incurring significant expenditure or the making of savings where there is:

- a decision to spend £100,000 or more from an approved budget, or
- a decision to transfer funds of more than £50,000 from one budget to another, or
- a decision which would result in a saving of £50,000 or more to any budget head, or
- a decision to dispose or acquire any interest in land or buildings with a value of £50,000 or more, or
- a decision to propose the closure of, or reduction by more than ten (10) percent in the level of service (for example in terms of funding, staffing or hours of operation) provided from any facility from which Council services are supplied.

Any executive decision which will have a significant impact in environmental, physical, social or economic terms on communities living or working in one or more electoral wards. This includes any plans or strategies which are not within the Council's Policy Framework set out in Article 4 of the Council's Constitution.

**Are any other decisions included on the plan?**

The Forward Plan also includes details of any significant issues to be considered by the Executive Cabinet, full Council and Overview and Scrutiny Committee. They are called "non-key decisions". Non-key decisions that will be made in private are also listed.

**How much notice is given of forthcoming decisions?**

As far as possible and in the interests of transparency, the Council will seek to provide at least 28 clear days' notice of new key decisions (and many new non-key decisions) that are listed on this document. Where this is not practicable, such key decisions will be taken under urgency procedures (in accordance with Rule 15 (General Exception) and Rule 16 (Special Urgency) of the Access to information Procedure Rules). This will be indicated in the final column and a separate notice is also published with additional details.

**What information is included in the plan?**

The plan will provide a description of the decision to be taken, who will make the decision and when the decision is to be made. The relevant Cabinet Member for each decision is listed. If you wish to make representations about the decision to be made, the contact details of the appropriate officer are also provided. Decisions which are expected to be taken in private (at a meeting of the Cabinet or by an individual Cabinet Member) are marked "private" and the reasons privacy is required will also be stated. Each issue is also listed separately on the website which will show more details including any Urgency Notices if issued.

## How is consultation and Community Engagement carried out?

We want all our communities to be given the opportunity to be involved in the decisions that affect them so before a decision is taken, where appropriate, community engagement activities are carried out. The Council's Community Engagement Strategy sets out a framework for how the Council engages with its customers and communities. Details of engagement activities may be found in reports when published. Alternatively you can contact the officer to whom representations may be made.

## Notice of Intention to Conduct Business in Private

Whilst the majority of the business at Cabinet meetings will be open to the public and media to attend, there will inevitably be some business to be considered that contains, for example, confidential, commercially sensitive or personal information. This is formal notice under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the Cabinet meetings shown on this Forward Plan will be held partly in private because some of the reports for the meeting will contain either confidential information or exempt information under Part 1 of Schedule 12A to the Local Government (Access to Information) Act 1985 (as amended) and that the public interest in withholding the information outweighs the public interest in disclosing it.

A list of the reports which are expected to be considered at this meeting in private are set out in a list on this Forward Plan. They are marked "private", including a number indicating the reason why the decision will be taken in private under the categories set out below:

- (1) information relating to any individual
- (2) information which is likely to reveal the identity of an individual
- (3) information relating the financial or business affairs of any particular person (including the authority holding that information)
- (4) information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
- (5) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (6) Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.
- (7) Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

If you would like to make representations about any particular decision to be conducted in private at this meeting then please email: [democratic.services@chesterfield.gov.uk](mailto:democratic.services@chesterfield.gov.uk). Such representations must be received in advance of 5 clear working days before the date Cabinet meeting itself, normally by the preceding Monday. The Council is required to consider any representations received as to why an item should not be taken in private and to publish its decision.

It is possible that other private reports may be added at shorter notice to the agenda for the Cabinet meeting or for a Cabinet Member decision.

**Huw Bowen**  
**Chief Executive**

Copies of the Council's Constitution and agenda and minutes for all meetings of the Council may be accessed on the Council's website: [www.chesterfield.gov.uk](http://www.chesterfield.gov.uk)



**CHESTERFIELD**  
BOROUGH COUNCIL

### Meeting Dates 2017/18

<u>Cabinet</u>	<u>Council</u>
4 April 2017* 18 April 2017	26 April 2017
2 May 2017* 16 May 2017 30 May 2017	10 May 2017
13 June 2017* 27 June 2017	
11 July 2017* 25 July 2017	19 July 2017
5 September 2017* 19 September 2017	
3 October 2017* 17 October 2017 31 October 2017*	11 October 2017
15 November 2017 28 November 2017*	
12 December 2017	13 December 2017
12 January 2018* 23 January 2018	
6 February 2018* 20 February 2018	22 February 2018
6 March 2018* 20 March 2018	
3 April 2018* 17 April 2018	25 April 2018
1 May 2018* 15 May 2018 29 May 2018	9 May 2018

\*Joint Cabinet and Employment and General Committee meet immediately prior to the first meeting of Cabinet each month

Leader	Councillor John Burrows
Deputy Leader	Councillor Terry Gilby
Cabinet Member for Business Transformation	Councillor Ken Huckle
Cabinet Member for Customers and Communities	Councillor Helen Bagley
Cabinet Member for Economic Growth	Councillor Tricia Gilby
Cabinet Member for Finance and Governance	Councillor Sharon Blank
Cabinet Member for Health and Wellbeing	Councillor Chris Ludlow
Cabinet Member for Town Centre and Visitor Economy	Councillor Amanda Serjeant

**Cabinet members and their portfolios are as follows:  
In addition to the Cabinet Members above, the following Councillors are Assistant Cabinet Members for special projects.**

Councillor Ray Catt  
Councillor John Dickinson  
Councillor Jean Innes

**In addition to the Cabinet Members above, the following Councillors are voting Members for Joint Cabinet and Employment and General Committee**

Councillor Helen Elliott  
Councillor Maureen Davenport  
Councillor Jean Innes  
Councillor Gordon Simmons  
Councillor Mick Wall

(To view the dates for other meetings please click [here](#).)

Leader	Councillor John Burrows
Deputy Leader	Councillor Terry Gilby
Cabinet Member for Business Transformation	Councillor Ken Huckle
Cabinet Member for Customers and Communities	Councillor Helen Bagley
Cabinet Member for Economic Growth	Councillor Tricia Gilby
Cabinet Member for Finance and Governance	Councillor Sharon Blank
Cabinet Member for Health and Wellbeing	Councillor Chris Ludlow
Cabinet Member for Town Centre and Visitor Economy	Councillor Amanda Serjeant



Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
<b>Key Decisions</b>							
Key Decision 398	<b>Sale of CBC Land/Property</b>	Cabinet Member for Economic Growth, Deputy Leader	Cabinet Member - Economic Growth	Not before 28th Apr 2017	Matthew Sorby Tel: 01246 345800 matthew.sorby@chesterfield.gov.uk	Exempt 3 Contains financial information	No
Key Decision 584	<b>Purchase of Property under Strategic Acquisitions Policy</b>	Housing Manager	Cabinet Member - Customers and Communities	Not before 28th Apr 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Exempt 3	No
Key Decision 648	<b>Apprentice Town</b>	Cabinet	Cabinet Member - Economic Growth	2 May 2017	Neil Johnson Tel: 01246 345241 neil.johnson@chesterfield.gov.uk	Public	No
Key Decision 657	<b>Pay and Reward Project Proposals</b>	Joint Cabinet and Employment & General Committee	Cabinet Member - Business Transformation	2 May 2017	Kate Harley Kate.Harley@Chesterfield.gov.uk	Exempt 3, 4	No
Key Decision 659	<b>Proposed Restructure of Accountancy Services</b>	Joint Cabinet and Employment & General Committee	Cabinet Member - Finance and Governance	4 Apr 2017	Kevin Hanlon Director of Finance and Resources kevin.hanlon@chesterfield.gov.uk	Exempt 1	No

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 666	<b>Allocations Policy Review</b> 6 month review of Allocations Policy	Cabinet	Cabinet Member - Customers and Communities	2 May 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public	No
Key Decision 667	<b>Tenancy Strategy &amp; Policy</b> To agree a revised Tenancy Strategy Policy.	Cabinet	Cabinet Member - Customers and Communities	2 May 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public	No
Key Decision 668	<b>Leaseholder Charges</b> To agree methodology for calculating leaseholder service charges.	Cabinet	Cabinet Member - Customers and Communities	30 May 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public	No
Key Decision 670	<b>Barrow Hill Contractor Appointment</b> Approval to appoint contractor.	Cabinet	Cabinet Member - Customers and Communities	2 May 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Exempt 3	No
Key Decision 671	<b>Future use of the former Queens Park Sports Centre</b> To look at the case for the preferred option and take into account the public consultation.	Cabinet	Cabinet Member - Town Centre and Visitor Economy	7 Mar 2017	Michael Rich michael.rich@chesterfield.gov.uk	Exempt 3	No

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 673	<b>Crematorium Delivery Options - Final Report</b> A final decision on the future operating model of the Joint Crematorium.	Cabinet	Cabinet Member - Health and Wellbeing	16 May 2017	Angela Dunn Bereavement Services Manager Tel: 01246 345881 angela.dunn@chesterfield.gov.uk	Exempt 3	No
Key Decision 703	<b>Equality and Diversity Policy, Strategy and Action Plan 2017 - 2019</b>	Cabinet Council	Cabinet Member - Customers and Communities	18 Apr 2017 26 Apr 2017	Katy Marshall Tel: 01246 345247 katy.marshall@chesterfield.gov.uk	Public	No
Key Decision 704	<b>Progress on delivery of the Safeguarding Children and Vulnerable Adults Action Plan for 2016/17 and Action Plan for 2017/18</b>	Cabinet	Deputy Leader	18 Apr 2017	Donna Reddish Tel: 01246 345307 donna.reddish@chesterfield.gov.uk	Public	No
Key Decision 705	<b>Revised Partnership Strategy 2017-19</b>	Cabinet	Deputy Leader	30 May 2017	Donna Reddish Tel: 01246 345307 donna.reddish@chesterfield.gov.uk	Public	No
Key Decision 708	<b>Funding to Voluntary and Community Organisations 2017/18: Service Level Agreements</b>	Cabinet	Cabinet Member - Customers and Communities	4 Apr 2017	Martin Key Health and Wellbeing Manager martin.key@chesterfield.gov.uk	Public	No
Key Decision 709	<b>Cemeteries Fees and Charges</b>	Cabinet	Cabinet Member - Health and Wellbeing	7 Mar 2017	Angela Dunn Bereavement Services Manager Tel: 01246 345881 angela.dunn@chesterfield.gov.uk	Public	No

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 710	<b>Outdoor Sports and Recreation Fees and Charges</b>	Cabinet	Cabinet Member - Health and Wellbeing	7 Mar 2017	Angela Dunn Bereavement Services Manager Tel: 01246 345881 angela.dunn@chesterfield.gov.uk	Public	No
Key Decision 712	<b>Restructure of Private Sector Housing Service</b>	Joint Cabinet and Employment & General Committee	Cabinet Member - Customers and Communities	7 Mar 2017	Martin Key Health and Wellbeing Manager martin.key@chesterfield.gov.uk	Exempt 1	No
Key Decision 715	<b>Demolition of Garages at Devonshire Close</b>	Cabinet	Cabinet Member - Customers and Communities	7 Mar 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public	No
Key Decision 717	<b>HS2 Consultation Response</b>	Cabinet	Cabinet Member - Economic Growth	7 Mar 2017	Michael Rich michael.rich@chesterfield.gov.uk	Public	No
Key Decision 718	<b>Operational Services Division - 5 Year Development Plan</b>	Joint Cabinet and Employment & General Committee	Cabinet Member - Customers and Communities	4 Apr 2017	Mike Brymer michael.brymer@chesterfield.gov.uk	Exempt 1, 3, 4	No

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 719	<b>Capacity to support work on HS2</b>	Joint Cabinet and Employment & General Committee	Cabinet Member - Economic Growth	7 Mar 2017	Michael Rich michael.rich@chesterfield.gov.uk	Public	Yes The use of reserves has been already been approved by Council and the creation and recruitment to this post will ensure the council has sufficient capacity to lead the work required to support HS2 proposals for a station and depot in the borough.
Key Decision 720	<b>Chester Street / Catherine Street Garage Site</b> to obtain permission to clear garage site and make available for Housing Development	Cabinet	Cabinet Member - Customers and Communities	16 May 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Exempt 3	No

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Key Decision 721	<b>Consultation on potential Traveller Sites</b>	Cabinet	Deputy Leader	30 May 2017	Alan Morey Tel: 01246 345371 alan.morey@chesterfield.gov.uk	Public	No
Key Decision 722	<b>Adaptations Policy and Procedure 2017 - 2020</b> To approve policy and procedure for assessing and delivering disabled adaptations within the councils housing stock.	Cabinet	Cabinet Member - Customers and Communities	2 May 2017	Alison Craig Housing Manager Tel: 01246 345156 alison.craig@chesterfield.gov.uk	Public	No
Key Decision 723	<b>Outstanding debts for write off</b>	Cabinet Member for Customers and Communities	Cabinet Member - Customers and Communities	Not before 20th Apr 2017	Maureen Madin Tel: 01246-345487 maureen.madin@chesterfield.gov.uk	Exempt 3	No
<b>Private Items (Non Key Decisions)</b>							
Non-Key 363	<b>Application for Home Repairs Assistance</b>	Cabinet Member for Customers and Communities	Cabinet Member - Customers and Communities	Not before 28th Apr 2017	Jane Thomas jane.thomas@chesterfield.gov.uk	Exempt 1, 3 Information relating to an individual Information relating to financial affairs	No

Decision No	Details of the Decision to be Taken	Decision to be taken by	Relevant Portfolio Holder	Earliest Date Decision can be Taken	Representations may be made to the following officer by the date stated	Public or Private	Decision Under Urgency Provisions
Non-Key 367	<b>Lease of Commercial and Industrial Properties</b>	Cabinet Member for Economic Growth, Deputy Leader	Cabinet Member - Economic Growth	Not before 28th Apr 2017	Christopher Oakes Tel: 01246 345346 christopher.oakes@chesterfield.gov.uk	Exempt 3 Information relating to financial or business affairs	No
Non-Key Page 68 Page 39	<b>Application for Discretionary Rate Relief</b>	Cabinet Member for Business Transformation	Cabinet Member - Business Transformation	Not before 28th Apr 2017		Exempt	No

### Non Key Decisions

Key Decision Non Key: 64	<b>Consideration of the Community, Customer and Organisational Scrutiny Report on Friends Groups</b>	Cabinet	Cabinet Member - Health and Wellbeing	18 Apr 2017	Martin Elliott Committee & Scrutiny Co-ordinator martin.elliott@chesterfield.gov.uk	Public	No
Key Decision Non Key 66	<b>Progress on Council Plan - Year 2 2016/17</b>	Cabinet	Deputy Leader	30 May 2017	Donna Reddish Tel: 01246 345307 donna.reddish@chesterfield.gov.uk	Public	No

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## CABINET MEETING

4 April 2017

## DELEGATION REPORT

### DECISIONS TAKEN BY CABINET MEMBERS

#### Leader (Joint Board with NEDDC and Bolsover DC)

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>37/16/17</b>	<b>Minutes</b>	<b>R080L</b>	<b>13 March 2017</b>
<p>Decision</p> <p>That the notes and the Record of Decisions of the Joint Board meeting held on 12 September 2016 be noted.</p>			
<p>Reason for Decision</p> <p>To note progress on joint working.</p>			
<b>38/16/17</b>	<b>Chesterfield and North East Derbyshire Credit Union - Business Plan 2016-2019</b>	<b>R080L</b>	<b>13 March 2017</b>
<p>Decision</p> <p>That the report be noted.</p>			
<p>Reason for Decision</p> <p>To note the progress on the Chesterfield and North East Derbyshire Credit Union.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>39/16/17</b>	<b>Internal Audit Consortium Progress Report 2016/17 and Draft Business Plan 2017/18</b>	<b>R080L</b>	<b>13 March 2017</b>
<p>Decision</p> <ol style="list-style-type: none"> <li>(1) That the progress made by the Internal Audit Consortium be noted.</li> <li>(2) That the revised Business Plan (budget) for 2016/17 and the draft Internal Audit Consortium Business Plan (and associated charges) for 2017/18 be approved.</li> <li>(3) That the accumulated surplus of the Internal Audit Consortium at the 31 March, 2017 (less £20,000 to be held as a working balance) be distributed to the partner authorities.</li> <li>(4) That an annual report on the outcome of the operation of the Internal Audit Consortium for 2016/17 be submitted to the Joint Board following the year-end.</li> </ol>			
<p>Reasons for Decision</p> <ol style="list-style-type: none"> <li>1. To enable members to be aware of the progress made by the Internal Audit Consortium.</li> <li>2. To enable the Consortium resource availability to be kept under review.</li> <li>3. To enable the partner authorities to budget for the Consortium charges for 2017/18.</li> </ol>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>40/16/17</b>	<b>External Review of Internal Audit</b>	<b>R080L</b>	<b>13 March 2017</b>
<p>Decision</p> <p>(1) That the results of the external review of internal audit be noted.</p> <p>(2) That the action plan that had been put in place to address the recommendations arising out of the review be approved.</p>			
<p>Reason for Decision</p> <p>To ensure that Members are aware of the results of the external review of internal audit that is required by the Public Sector Internal Audit Standards.</p>			

**Cabinet Member for Economic Growth**

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>41/16/17</b>	<b>Sale of land and premises at Poolsbrook, Chesterfield</b>	<b>G260</b>	<b>17 March 2017</b>
<p>Decision</p> <p>(1) That the land and premises at Poolsbrook, Chesterfield be disposed of on the terms set out in the officer's report.</p> <p>(2) That the Property, Procurement and Contracts Law Manager be granted delegated authority to agree any late amendments to the sale as required.</p>			
<p>Reasons for Decision</p> <p>1. To support the Council to meet the housing needs of its residents and deliver housing growth in line with the targets set in the Local Plan.</p> <p>2. To secure a one off capital receipt for the Council.</p> <p>3. To enable conclusion of the sale contract in a timely and efficient manner.</p>			

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>42/16/17</b>	<b>Sale of land and premises at Spital Lodge, Chesterfield</b>	<b>G260</b>	<b>17 March 2017</b>
<p>Decision</p> <p>(1) That the land and premises at Spital Lodge, Hady Hill, Chesterfield be disposed of on the terms set out in the officer's report.</p> <p>(2) That the Property, Procurement and Contracts Law Manager be granted delegated authority to agree any late amendments to the sale as required</p>			
<p>Reasons for Decision</p> <p>1. To secure repair and refurbishment of a vacant listed property in Council ownership.</p> <p>2. To secure a one off capital receipt for the Council.</p> <p>3. To enable conclusion of the sale contract in a timely and efficient manner.</p>			

**Cabinet Member for Finance and Governance**

Decision Record No.	Subject	Delegation Reference	Date of Decision
<b>43/16/17</b>	<b>Representatives on Outside Bodies, Joint Committees, Other Bodies and Charities - 2016/17</b>	<b>C000L</b>	<b>22 March 2017</b>
<p>Decision</p> <p>That the schedule of appointment of representatives to outside bodies for 2016/17 as attached at Appendix A to the report be approved.</p>			
<p>Reason for Decision</p> <p>To confirm appointment of representatives of the Council to outside bodies for 2016/17.</p>			

## **For publication**

### **Funding to Voluntary and Community Organisations 2017/18 - Service Level Agreements (CC000)**

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Meeting:	Cabinet
Date:	4 April, 2017
Cabinet portfolio:	Customers and Communities Health and Wellbeing
Report by:	Health and Wellbeing Manager

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## **For publication**

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### **1.0 Purpose of report**

- 1.1 To update members on the achievements of the voluntary sector organisations funded via Service Level Agreements and to seek approval for Service Level Agreements for 2017/18.

### **2.0 Recommendations**

- 2.1 The level of funding for Service Level Agreements (SLAs) to remain at £239,544 for 2017/18.
- 2.2 The SLA Schedule 1 table for each organisation, attached at Appendix 2 to the report, to be approved for inclusion within the SLAs for 2017/18.
- 2.3 That Members agree as outlined in the Council Plan that a review of the funding provided to voluntary and community organisations by Chesterfield Borough, the Clinical Commissioning Group (CCG) and Derbyshire County Council is undertaken in 2017/18 to ensure that the funding is prioritised towards existing and emerging

community needs and Council priorities and contributes towards achieving a balanced budget for the Council in future years.

### **3.0 Background**

- 3.1 Since 2007, funding allocated to community and voluntary groups has been allocated via Service Level Agreements (SLAs). This process enables an annual review of the delivery of services to which the Council contributes, without the need for organisations to complete full application forms. Schedule 1 of the SLAs provides details of the activities to be delivered with clear outputs and milestones identified against which the service can be monitored. The SLAs highlights how activities to be undertaken link to the Council's Corporate Plan objectives.
- 3.2 In April 2016, following a review of the level of funding to voluntary organisations, Members agreed to reduce the level of funding by 10% for the period 2016/17 onwards. On-going discussions with CCG and County Council colleagues have identified that there is an opportunity before March 2018 to review the total funding across Chesterfield and consider rationalisation or co-commissioning of services from the voluntary and community organisations against the health, wellbeing and inequalities needs. Members have previously agreed that a re-prioritisation exercise should take place to ensure that the funding provided by the Council supports existing and emerging Council priorities and delivers value for money. This re-prioritisation would take effect from 2018/19.
- 3.3 All recipients have submitted an Annual Progress Report outlining achievements during 2016/17 and attended an annual review meeting to discuss the years progress, achievements and any issues they face with delivery of the SLA (see Appendix 2). Each organisation was asked to complete the Schedule 1 proforma which forms part of the SLA in advance of the review meeting. The Schedule 1 proformas are attached for consideration at Appendix 1.
- 3.4 Each organisation has provided copies of their latest audited accounts and failure by any organisation to pass the financial test conducted by the Chief Accountant, or future ability to fulfil their



SLA, will be considered within the annual review in late autumn of each year.

- 3.5 It is proposed that the overall level of funding for SLAs remains the same as 2016/17, as detailed below:

Table 1

<b>SLAs</b>	<b>16/17 Actual</b>	<b>17/18 Proposed</b>
CAB	120,375	120,375
Law Centre	41,697	41,697
Shopmobility	21,789	21,789
DUWC	39,681	39,681
Links	16,002	16,002
<b>Total</b>	<b>£239,544</b>	<b>£239,544</b>

## 4.0 Risk management

### 4.1

Description of the Risk	Impact	Likelihood	Mitigating Action	Resultant likelihood	Resultant Impact
Maintaining funding to voluntary and community organisations in 2016/17 could impact on other Council services given the limited financial flexibility the Council faces.	H	M	A 10% saving on funding was made for 2016/17 onwards and a further review of priorities and funding will take place during 2017/18.	M	L
There is a risk that there may be disagreement regarding the content of the SLAs with individual organisations	M	L	Annual review meetings and regular monitoring mean that a good dialogue exists between the Council and the organisations funded the Schedule 1 tables are a result of	L	L

			negotiations that have already taken place. The remaining sections of the SLA remain unchanged from previous years pending a full review in 2017/18.		
The level of funding following a reduction in funding in 2016/17 may be insufficient to meet the demand for advice, this could lead to long waiting times for residents to receive the advice they need.	M	H	This is a risk for the organisations as well as the Council. There has always been demand in excess of supply and the groups have worked well in mitigating against this by being clear in terms of the services they can provide, sources external funding, exploring savings from other budgets to continue service provision.	M	L

## 5.0 Financial considerations

- 5.1 The financial implications are set out within the report. The existing budget for SLAs to the voluntary and community sector of £239,544 is recommended to remain the same for 2017/18. The recommendation to review funding was agreed following consideration of the Cabinet report in April 2016 and a key activity has been included in the Council Plan to consider re-prioritisation and co-commissioning of these services to ensure they are co-ordinated and delivered to improve health and wellbeing outcomes

and address the wider social determinants of health. This review will take place during 2017/18.

- 5.2 Service Level Agreements have been subject to the Council's financial test. All organisations have passed the test with the exception of Links CVS. Links have reserves in their accounts that would cover one years of operation. The Council's financial test only allows for 6 months of annual spend in reserves. However, in line with Charities Commission guidance, this is considered to be good practice in terms of financial management for third sector organisations.

## **6.0 Public relations and media considerations**

- 6.1 Despite ongoing reductions in the Council's budget over recent years, funding for SLAs with the voluntary sector remained at the same level between 2008 and 2016. The reduction in funding in 2016/17 did not lead to negative media coverage, the organisations concerned were fully aware of the Council's financial position and appreciated the stability of funding throughout the previous 9 years. It is not anticipated that there will be a negative reaction to the proposed funding for 2017/18 as no cuts are proposed for this financial year. The recommendation to reprioritise the SLAs in future years was discussed with the organisations at their review meetings in order to provide sufficient notice that changes would be implemented in subsequent years.

## **7.0 Equalities considerations**

- 7.1 A preliminary Equality Impact Assessment (EIA) has been undertaken however; as funding and delivery remain consistent it concluded that there is unlikely to be an adverse impact on any specific group. A full EIA will be undertaken and ongoing equality analysis during the re-prioritisation exercise. It is not felt that a full EIA is required at this time as there is no proposal to change policy for 2017/18.

## **8.0 Recommendations**

- 8.1 The level of funding for Service Level Agreements (SLAs) to remain at £239,544 for 2017/18.

- 8.2 The SLA Schedule 1 table for each organisation, attached at Appendix 2 to the report, to be approved for inclusion within the SLAs for 2017/18.
- 8.3 That Members agree as outlined in the Council Plan that a review of the funding provided to voluntary and community organisations by Chesterfield Borough, the Clinical Commissioning Group (CCG) and Derbyshire County Council is undertaken in 2017/18 to ensure that the funding is prioritised towards existing and emerging community needs and Council priorities and contributes towards achieving a balanced budget for the Council in future years.

## 9.0 Reason for recommendations

- 9.1 To ensure that the future delivery of funding to Voluntary and Community Groups meets the priorities of the Council and the needs of the residents of Chesterfield within a realistic and sustainable budget.

### Decision information

<b>Key decision number</b>	<b>708</b>
<b>Wards affected</b>	<b>ALL</b>
<b>Links to Council Plan priorities</b>	To provide value for money services To make Chesterfield a thriving borough

### Document information

<b>Report author</b>	<b>Contact number/email</b>
<b>Martin Key</b>	Tel: 01246 345337 Email: martin.key@chesterfield.gov.uk
<b>Background documents</b>	
These are unpublished works which have been relied on to a material extent when the report was prepared.	
None	
<b>Appendices to the report</b>	
Appendix 1	Service Level Agreements
Appendix B	Annual Reports



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**Service Level Agreement between Chesterfield Borough Council and Chesterfield Citizens Advice Bureau  
Schedule 1 – Work Programme for Service Delivery**

*Details of activity undertaken/to be undertaken in 2017/18, the Measures and Targets; Milestones; and, Actions and Achievements to date against Measures and Targets*

<b>CBC Council Plan Priority</b>	<b>CBC Council Plan Objectives</b>	<b>Measures and Targets</b>	<b>Milestones</b>	<b>Actions and achievements to date</b>
Page 55 <b>To make Chesterfield a thriving borough</b>		<i>Please identify the measures and targets you will put in place to assist CBC in the delivery of the Council Plan objectives</i>	<i>Please identify key dates/actions/events expected in the coming year to help deliver measures and targets.</i>	<i>Please leave blank – this column will need to be completed for monitoring purposes half way through the financial year</i>
	1.To make sure that local people benefit from the growth in Chesterfield Borough	Provision of advice/support to enable people to seek, gain and maintain employment. Assist bring income into local economy and/or ensure income is retained there.  16,400 enquiries dealt with per year 4500 new unique clients per year £3 million of debt rescheduled £3 million of financial gains for clients	24 hours generalist advice per week, 50 weeks per year with casework services including for those in greatest need.	
	2. To continue delivering regeneration projects that will make Chesterfield Borough a better place			
	3. To develop our great town centre			
	4. To improve access to technology that		<u>Target:</u> 4000 unique users	Accessible website and

	meets the needs of our residents, businesses and visitors	of CCAB website/IPad information point per year.	information point, with up to date information & advice, linking to other services that meet needs of Chesterfield people. Use of social media via twitter.	
Page 56	5.To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs	<i>Provision of housing &amp; fuel advice to enable people to seek, gain and maintain the housing they need.</i>	24 hours generalist advice per week, 50 weeks per year.	
		<i>Target: 675 housing enquiries dealt with annually  450 fuel poverty enquiries dealt with annually</i>		
	6. To increase the quality of public space for which the council has responsibility through targeted improvement programmes			
	7. To improve the health and well-being of people in Chesterfield Borough	<i>Provision of advice and support that tackles the social determinants of ill health &amp; health inequality.</i>  <i>Targets: 16,400 enquiries dealt with per year 4500 new clients per year  £3 million of debt rescheduled £3 million of financial gains for clients</i>	27.5 hours generalist advice per week, 50 weeks per year with casework services for those in greatest need. (and through project funding, provision of advice in primary health care settings, children's centres & mental health advocacy)	



Page 57	8. To reduce inequality and support the more vulnerable members of our community	<p><i>Provision of quality advice and support to help the most vulnerable members of the community resolve their problems and access financial support</i></p> <p><i>Work with partners to deliver an intensive support and advice package in 4 areas in the year. (Health, wealth &amp; wellbeing project in conjunction with CBC and others)</i></p> <p><u>Targets:</u>  <i>16,400 enquiries dealt with per year</i>  <i>4,500 new clients per year</i>  <i>£3 million of debt rescheduled</i>  <i>£3 million of financial gains for clients</i></p> <p><i>Deal with 1170 enquiries per annum from Holmehall, Grangewood, St Helens and Middlecroft.</i></p>	24 hours generalist advice per week, 50 weeks per year with casework services, including for those in greatest need. (and through project funding: provision of advice in primary health care settings, children's centres & mental health advocacy money skills and financial inclusion project work)	
<b>To provide value for money services</b>	9. To become financially self sufficient by 2020, so we can continue to deliver the services our communities need			

**Service Level Agreement between Chesterfield Borough Council and Derbyshire Unemployed Workers Centre  
Schedule 1 – Work Programme for Service Delivery**

*Details of activity undertaken/to be undertaken in 2017/18, the Measures and Targets; Milestones; and, Actions and Achievements to date against Measures and Targets*

<b>CBC Council Plan Priority</b>	<b>CBC Council Plan Objectives</b>	<b>Measures and Targets</b>	<b>Milestones</b>	<b>Actions and achievements to date</b>
		<i>Please identify the measures and targets you will put in place to assist CBC in the delivery of the Council Plan objectives</i>	<i>Please identify key dates/actions/events expected in the coming year to help deliver measures and targets.</i>	<i>Please leave blank – this column will need to be completed for monitoring purposes half way through the financial year</i>
<p><b>To make Chesterfield a thriving borough</b></p>	<p>1.To make sure that local people benefit from the growth in Chesterfield Borough</p>	<p>Money brought into the local economy as a result of income maximisation advice, therefore supporting local businesses.</p> <p>Volunteering opportunities offered to Chesterfield residents providing training and work experience.</p> <p>Targets: Total of £3.0 million is brought into north Derbyshire in new benefit and credit claims to be potentially</p>	<p>Targets: Total of £3.0 million is brought into North Derbyshire in new benefit and credit claims to be potentially spent in Chesterfield.</p> <p>Total of 10 volunteers resident in Chesterfield contribute to DUWC service delivery. Close Links are maintained with Chesterfield Volunteer Centre.</p>	

Page 59		spent in Chesterfield		
	2. To continue delivering regeneration projects that will make Chesterfield Borough a better place			
	3. To develop our great town centre	Engagement with and help to develop Chesterfield's May Day Festival.	Monday May 1st support for Gala in the Town Centre	
	4. To improve access to technology that meets the needs of our residents, businesses and visitors			
<b>To Improve the quality of life of local people</b>	5.To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs			
	6. To increase the quality of public space for which the council has responsibility through targeted improvement programmes			
	7. To improve the health and well-being of people in Chesterfield Borough	Health inequalities tackled by ensuring households are claiming disability, ill health and caring benefits. Maximising	Those seeking help from DUWC are also signposted to other organisations for additional health based assistance e.g. Trust,	

Page 60		Incomes in order to combat poverty that is the greatest driver of ill-health.	Asbestos Support Team.  Target: 1000 households advised on PIP/DLA/IB/CA/IIDB/ESA claims.	
	8. To reduce inequality and support the more vulnerable members of our community	Provision of face to face welfare rights advice at three sites in the Borough. Provision of home visits when necessary and telephone where appropriate. Ensuring no barriers to use of DUWC services.  Targeting 'hard to reach' groups:  Advice provided at three sites – Central, Brimington, Staveley and Hasland	Targets: 3000 enquiries to be dealt with in total 18 home visits to be carried out.  350 cases dealt with by telephone	
<b>To provide value for money services</b>	9. To become financially self sufficient by 2020, so we can continue to deliver the services our communities need			

**Service Level Agreement between Chesterfield Borough Council and Chesterfield and District Shopmobility  
Schedule 1 – Work Programme for Service Delivery**

*Details of activity undertaken/to be undertaken in 2017/18, the Measures and Targets; Milestones; and, Actions and Achievements to date against Measures and Targets*

<b>CBC Council Plan Priority</b>	<b>CBC Council Plan Objectives</b>	<b>Measures and Targets</b>	<b>Milestones</b>	<b>Actions and achievements to date</b>
Page 61		<i>Please identify the measures and targets you will put in place to assist CBC in the delivery of the Council Plan objectives</i>	<i>Please identify key dates/actions/events expected in the coming year to help deliver measures and targets.</i>	<i>Please leave blank – this column will need to be completed for monitoring purposes half way through the financial year</i>
<b>To make Chesterfield a thriving borough</b>	1.To make sure that local people benefit from the growth in Chesterfield Borough	<p>Identify and promote the shopping and leisure amenities within the borough and high profile shopmobility to the wider audience. Update web site and Facebook page</p> <p>Advertising in Sports wise. Local top trader also in the health and community guide to reach the wider population and health professionals</p>	<p>Review monthly</p> <ul style="list-style-type: none"> <li>• Ashover Gala May</li> <li>• Chesterfield Canal Festival June</li> <li>• Information days (Royal hospital)</li> <li>• Hasland Gala June</li> <li>• Bolsover Gala June</li> <li>• Mac Millan Coffee morning-</li> <li>• S.A.F.V.A (Staveley</li> </ul>	

		<p>High profile advertising program of adverts and leaflet drop. raise awareness within health, local business, disability groups and in particular tourism with our have a go days and 'Keep moving Keep Safe' campaign.</p>	<p>Armed force and veterans Assoc) 8<sup>th</sup> &amp; 9th July</p> <ul style="list-style-type: none"> <li>• Medieval Market July</li> </ul> <p>Other events to be arranged</p>	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 62</p>	<p>2. To continue delivering regeneration projects that will make Chesterfield Borough a better place</p>	<p>Provide additional services for the town and borough of Chesterfield in line with developments. Expand catchment area to cover new developments. Look for funding for our new projects.</p> <ul style="list-style-type: none"> <li>• Community Access Shopmobility</li> <li>• Access all areas 'Tracks and Trails Shopmobility'</li> </ul> <p>Working in partnership with the Midland association for</p>	<p>To access the needs of our members in line with developments within the borough.</p>	

		<p>amputees and friends.</p> <p>Local mobility care provider to jointly promote shopmobility within the borough.</p>		
	3. To develop our great town centre	<p>Promote Chesterfield further afield and attract new members/visitors to the town.</p> <p>We will attend local events and meetings to promote the</p> <ul style="list-style-type: none"> <li>• Town centre service</li> <li>• Leisure facilities in the borough and local access for mobility equipment.</li> <li>• To identify potential members who will benefit from the independence and mobility shopmobility brings.</li> </ul>	Attend local events and promote our services to the wider public and professionals.	
	4. To improve access to technology that	To monitor and update	Attended local events	

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	meets the needs of our residents, businesses and visitors	<p>our website social media.</p> <p>To assess the needs of our members and update our equipment where possible.</p> <p>For example left and right hand use of equipment also individual choice of equipment.</p> <p>Look for funding to update IT equipment.</p>	<p>to promote the town centre service, leisure facilities in the borough and local access for mobility equipment.</p> <p>To identify potential members.</p>	
<p><b>To Improve the quality of life of local people</b></p> <p>Page 64</p>	5.To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs	<p>To continue to promote the use of equipment within the home to promote independence, having referrals from local hospitals and health practitioners including – Macmillan nurses</p> <p>We high profile our safe use of equipment instruction.</p>	<p>Introduce our safe use of equipment in the home and driving test/ instruction scheme.</p>	
	6. To increase the quality of public space for which the council has responsibility through targeted improvement programmes	<p>To work with the council to promote accessible places and space for our members</p>	<p>Evaluate the use of tracks, parks and safe mobility routes within the borough to</p>	



		to use. We continue to check and promote the use of accessible routes and places within the town and borough.	expand the services we can offer.	
	7. To improve the health and well-being of people in Chesterfield Borough	To continue to provide affordable services to members therefore combating isolation and promoting independence within the community.	Promote the use of mobility equipment to access open spaces.  Our long term and short term hire services continue to provide the opportunity to combat isolation combined with our have a go project and buddy service. To promote our new service 'keep moving Keep Safe'	
	8. To reduce inequality and support the more vulnerable members of our community	Evaluate our members mobility needs and respond accordingly with the correct mobility equipment.	Continue to provide a wide choice of equipment to cater for the needs of our new and existing members to the scheme.	
<b>To provide value for money services</b>	9. To become financially self-sufficient by 2020, so we can continue to deliver the services our communities need	In the process of developing a go alone strategy to progressively becoming self-funding.	We are at the development stage.	

**Service Level Agreement between Chesterfield Borough Council and Derbyshire Law Centre  
Schedule 1 – Work Programme for Service Delivery**

*Details of activity undertaken/to be undertaken in 2017/18, the Measures and Targets; Milestones; and, Actions and Achievements to date against Measures and Targets*

<b>CBC Council Plan Priority</b>	<b>CBC Council Plan Objectives</b>	<b>Measures and Targets</b>	<b>Milestones</b>	<b>Actions and achievements to date</b>
		<i>Please identify the measures and targets you will put in place to assist CBC in the delivery of the Council Plan objectives</i>	<i>Please identify key dates/actions/events expected in the coming year to help deliver measures and targets.</i>	<i>Please leave blank – this column will need to be completed for monitoring purposes half way through the financial year</i>
<b>To make Chesterfield a thriving borough</b>	1.To make sure that local people benefit from the growth in Chesterfield Borough	<i>The Law Centre will recruit, induct and train 10 volunteers a year.</i>	<i>By the end of September 2017, we will recruit 5 volunteers.</i>	.
		<i>We will recruit people who are disadvantaged people including those who experience mental health.</i>	<i>By end of the year, at least 50% of the volunteers will go into paid, educational and volunteering opportunities.</i>	
		<i>Derbyshire Law Centre will continue to provide free specialist legal services to the residents in Chesterfield Borough: -Community Care -Debt</i>	<i>By the end of September 2017, we will have assisted 175 clients and advised 750 callers.</i>  <i>By 30.9.2017, we will</i>	

		<ul style="list-style-type: none"> <li>-<i>Employment</i></li> <li>-<i>Housing &amp; homelessness</i></li> <li>-<i>Immigration</i></li> <li>-<i>Mortgage repossession</i></li> <li>-<i>Tackling hate &amp; harassment</i></li> </ul>	<p>have:</p> <ul style="list-style-type: none"> <li>-Prevented homelessness,</li> <li>-Improved housing conditions or security, management of debt,</li> <li>-- -Retained jobs or achieved compensation for loss of job.</li> <li>-Increased knowledge of rights, Improved confidence or self esteem, reduction of stress and anxiety.</li> </ul> <p><i>By the end of the year, we will have assisted 350 clients and advised 1500 callers.</i></p>	
	<p>2. To continue delivering regeneration projects that will make Chesterfield Borough a better place</p>	<p><i>The Law Centre aims to use recycled materials</i></p>	<p><i>Derbyshire Law Centre aims to recycle 60% of its waste.</i></p>	
		<p><i>The Law Centre continue to use local suppliers.</i></p>		
	<p>3. To develop our great town centre</p>			

	4. To improve access to technology that meets the needs of our residents, businesses and visitors	<i>As part of Digital Inclusion strategy, we will ensure that our website is up to date.</i>		
<b>To Improve the quality of life of local people</b>	5.To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs	<i>The Law Centre will work in partnership with CBC on serious disrepair issues in order to improve clients' quality of housing.</i>	By 31.3.2018, we will have: -Prevented homelessness, -Improved housing conditions or security, management of debt,	
		<i>Derbyshire Law Centre will work in partnership with CBC to resolve issues of supply and demand of social housing for e.g. prevention of eviction.</i>	By 31.3.2018, we will have: -Prevented homelessness, -Improved housing conditions or security, management of debt,	
		<i>The Law Centre will continue to attend meetings with CBC housing officers and Cabinet members.</i>		
	6. To increase the quality of public space for which the council has responsibility through targeted improvement programmes			
	7. To improve the health and well-being of people in Chesterfield Borough	<i>The Law Centre improves health &amp; well-being of people in Chesterfield Borough through provision of free specialist legal advice service.</i>	<i>By the end of September 2017, we will have assisted 175 clients and advised 750 callers.</i>	

			<p><i>By the end of the project, we will have assisted 350 clients and advised 1500 callers.</i></p>	
		<p><i>The Law Centre continues to work in partnership with advice agencies to ensure that Chesterfield residents have a smooth access to advice services.</i></p>		
		<p><i>To assist 350 and advise 1500 Chesterfield borough residents a year including those that are most deprived.</i></p>	<p><i>By the end of September 2017, we will have assisted 175 clients and advised 750 callers.</i></p> <p>By 30.9.17, we will have:</p> <ul style="list-style-type: none"> <li>-Prevented homelessness,</li> <li>-Improved housing conditions or security,</li> <li>management of debt,</li> <li>-- -Retained jobs or achieved compensation for loss of job.</li> <li>-Increased knowledge of rights,</li> <li>Improved confidence or self esteem,</li> <li>reduction of stress</li> </ul>	

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			and anxiety.	
		<i>To attend Welfare Reform and Financial Inclusion meetings organised by CBC.</i>		
	8. To reduce inequality and support the more vulnerable members of our community	Provision of advice to victims who experienced discrimination.		
		<i>Provision of advice to people on low incomes and/or living in deprived communities.</i>		
<b>To provide value for money services</b>	9. To become financially self sufficient by 2020, so we can continue to deliver the services our communities need	<i>To develop and pilot new income streams.</i>		

**Service Level Agreement between Chesterfield Borough Council and LINKS CVS  
Schedule 1 – Work Programme for Service Delivery**

*Details of activity undertaken/to be undertaken in 2017/18, the Measures and Targets; Milestones; and, Actions and Achievements to date against Measures and Targets*

<b>CBC Council Plan Priority</b>	<b>CBC Council Plan Objectives</b>	<b>Measures and Targets</b>	<b>Milestones</b>	<b>Actions and achievements to date</b>
Page 71		<i>Please identify the measures and targets you will put in place to assist CBC in the delivery of the Council Plan objectives</i>	<i>Please identify key dates/actions/events expected in the coming year to help deliver measures and targets.</i>	<i>Please leave blank – this column will need to be completed for monitoring purposes half way through the financial year</i>
<b>To make Chesterfield a thriving borough</b>	1.To make sure that local people benefit from the growth in Chesterfield Borough	One to one advice to 10 groups p.a.	Using pre-advice appointment questionnaire to find out groups’ needs in relation to the growth in Chesterfield, and then giving advice and information accordingly. On-going throughout the year.	
	2. To continue delivering regeneration projects that will make Chesterfield Borough a better place	One to one advice to 10 groups p.a.	Using pre-advice appointment questionnaire to find out groups’ needs in relation to the growth in Chesterfield, and	

			then giving advice and information accordingly. On-going throughout the year.	
	3. To develop our great town centre	Promote any relevant information to VCS groups that has an interest in the town centre of Chesterfield.	Publicise and circulate the information gathered to groups. On-going throughout the year.	
	4. To improve access to technology that meets the needs of our residents, businesses and visitors	Promote any relevant information to VCS groups that has an interest in the town centre of Chesterfield.	Publicise and circulate the information gathered to groups. On-going throughout the year.	
<b>To Improve the quality of life of local people</b>	5.To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs	Liaison with CBC housing department and DCC Adult Care regarding supportive housing for older people.	Publicise and circulate the information gathered to groups. On-going throughout the year.	
	6. To increase the quality of public space for which the council has responsibility through targeted improvement programmes	One to one advice to 10 groups p.a.	Using pre-advice appointment questionnaire to find out groups' needs in relation to the growth in Chesterfield, and then giving advice and information accordingly. On-going throughout the year.	



	7. To improve the health and well-being of people in Chesterfield Borough	One to one advice to 10 groups p.a.  Engage & liaise with the Chesterfield area Public Health Partnership & regarding relevant CCGs.	Using pre-advice appointment questionnaire to find out groups' needs in relation to the growth in Chesterfield, and then giving advice and information accordingly. On-going throughout the year.  Publicise and circulate information regarding the health and well-being agenda.	
	8. To reduce inequality and support the more vulnerable members of our community	One to one advice to 10 groups p.a. plus the promotion of and involvement in CBC Equality and Diversity Forum & Community Assemblies.	Publicise and circulate the information gathered to groups. On-going throughout the year.	
<b>To provide value for money services</b>	9. To become financially self sufficient by 2020, so we can continue to deliver the services our communities need	Explore & identify income generation initiatives that are compatible to Links principles	Develop income generation initiatives that are compatible to Links principles	

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2016/17

## Report to Chesterfield Borough Council

### 1. Introduction

Derbyshire Law Centre continues to deliver high quality free legal services to the residents of Chesterfield Borough. A detailed review of the services that we have provided can be found in our annual report 2015/16 where the overview ends on 31.8.2016. The annual report can be downloaded from our website.

#### 1.a Impact of the recession and reduction of public and voluntary sector services

The Law Centre continues to see a rise of people being represented at County Court preventing homelessness to many families in Chesterfield. We continue to advise employees with poor terms and conditions such as zero-hours contracts or not ideally being paid the Living Wage. All this affects their ability to pay their debts including their mortgages or rents. We continue to work in partnership with Chesterfield CAB, DUWC and Financial Inclusion and Advice Derbyshire to look at ways of managing demand for advice.

#### 1.b Derbyshire Law Centre's legal services

The Law Centre's core service is to deliver free specialist legal advice, assistance and representation in social welfare law:

- Community care
- Debt
- Discrimination
- Employment
- Housing and homelessness
- Immigration
- Mortgage Rescue scheme
- Tackling hate and harassment

### 2. An overview of the past ten months since 1.4.2016

#### 2.a Sharing premises

Sharing premises has been and continues to be beneficial for our staff and clients who can get advice under the one roof as well as making fewer trips for different advice which protect their incomes. The move has also been beneficial for our legal team as working in close proximity with other advice agencies mean that

we can conclude our cases quickly. We have now moved upstairs temporarily and the move has gone smoothly.

## 2.b Provision of advice, assistance and representation

We continue to advise people on:

- Community care matters such as advising disabled and older people and their carers on: their rights to access care services, choosing residential homes, staying in their own homes, how care bills can be paid and managing disability-related debts.
- Debt issues that include managing and writing off debts, negotiating payments with creditors, representing clients at court, developing a pay plan, increasing incomes through benefits advice. We often establish the client's trade and where applicable we approach their associations such as the British Legion to ask for payment to write off debts such as mortgage or rent arrears.
- Employment matters such as zero-hours contracts, not being paid the NMW, discrimination in work – mainly on the grounds of sex, race and disability, wages are not being paid, unfair dismissals and redundancies.
- Housing /homelessness matters for instance advising, assisting and representing families at risk from being evicted from rented properties; managing housing related debts that put their tenancies at risk; setting aside court orders right up to the last minute to negotiate a rescue package for tenants to ensure they have a roof over their heads; advising and assisting on serious disrepair that affects tenants' health as well on illegal evictions.
- Immigration issues involve us advising and assisting on entering and staying in the UK, uniting families together, etc.
- Mortgage Rescue where we advising, assisting and representing families at risk from being evicted from mortgaged properties. This includes setting aside orders to come up with an alternative rescue plan to keep them within their mortgaged properties or buying time to secure alternative living arrangements. Our service also involves managing debts and increasing incomes to assist them to remain in their mortgaged properties.

We also continue to represent tenants and mortgagees at Chesterfield County Court duty scheme two days a week where this mainly involve us persuading for suspended possession order or an adjournment.

## 2.c Provision of intensive one-to-one support for those with multiple and complex needs

With funding from Building Better Opportunities and European Union, via D2N2 and Framework/ Advice Nottingham, we have secured funding to recruit 1.4 FTE personal navigators who provide one to one support to those who require intensive support to manage their tenancies, finances and debts. This service is for residents in North Eastern Derbyshire including Chesterfield Borough.



In addition we have secured funding from the Big Lottery Fund via the Help through Crisis programme for those who need one to one bilingual support to get through crisis and return to stability within their households. This is aimed at those whose first language is not English living in Derby city and Derbyshire.

## 2.d Community care service

With funding from European Union and Building Better Opportunities, we have for the first time employed a qualified social worker to learn to become a community care specialist adviser. His role will primarily involve

him gaining support packages through carrying out Needs Assessments to support Opportunity and Change's beneficiaries to become work ready.



He will also be expanding our current legal aid contract in community care as we are the only legal aid agency to have this contract in Derbyshire.

### 2.e Advocacy service

The Law Centre for the first time have recruited an Advocate to work one to one with individuals to help them to say their wishes. She will be working closely with our Advice Worker specialising in community care law. Her role will enable and support Opportunity and Change's beneficiaries with complex and multiple needs to develop a support plan stating how their social care needs will be met.

She will be working in close partnership with representatives from Derby City and Derbyshire County Council, Adults Social Care departments.



### 2.f Feedback from clients and users

Feedback from clients have demonstrated that there is a high level of satisfaction. 68% have said that our service have achieved positive health and well-being such reducing anxiety and stress.

### 2.g Volunteers

We continue to recruit and train new volunteers to become telephone assessors to provide us with additional resource in managing demand for advice.

### 2.h Derbyshire Resettlement Advice service

This new service is funded by The A B Charitable Trust. This involves our Immigration solicitor to provide free legal advice to refugees and their families living in Derbyshire. The advice service is aimed at those who are separated across the international borders as a result of persecution, trafficking, conflict and migration. This service complements Chesterfield Borough Council in housing a small number of Syrian Refugees.

### 2.j Living Rights

The Living Rights project, funded by European Union, is aimed to inform EU citizens, public officials and local agencies of the right of the EU citizens living in the UK. This project has been well received by EU citizens where our senior solicitor continues to receive thank you cards for their gratitude in receiving advice about their rights.

## 2.k Derbyshire Pro Bono service

The Law Centre has secured funding from Access to Justice to set up Derbyshire Pro Bono scheme. This scheme aimed to secure non-financial resources to support the Law Centre to continue to provide free legal services to residents on low and unstable incomes within across Derbyshire including Chesterfield Borough. We have hosted and supervised law students from Derby University to assist clients with debt and housing problems as part of a module on their law degree. We have, so far, supported 3 students on placements of one day per week. One student found the experience so rewarding, she continued to volunteer with us in her own time.

## 2.l Building Better Opportunities in Sheffield City Region project

We have been contracted by South Yorkshire Housing Association to provide specialist advice and assistance for up to 72 beneficiaries with multiple and complex needs over the next two years across Chesterfield Borough, Bolsover and North East Derbyshire Districts and Derbyshire Dales.



## Conclusion

We are grateful for the financial assistance and support that Chesterfield Borough Council has given the Law Centre to date. This enables the Law Centre to lever in additional funding from outside the Borough for the benefit of Chesterfield's residents and its public sector services.

We would be happy to give a short presentation about the work we do.

Teresa Waldron, 31.1.2017

## DUWC – Annual Report

The Derbyshire Unemployed Workers' Centres works out of four venues in the Chesterfield Borough area. As well as the Rose Hill East venue we operate sessions in Brimington, Staveley and Hasland.

The Centre continues to receive superb support from Brimington Parish Council. At all our venues during the Calendar Year 2016 we have dealt with 490 enquiries from Brimington residents during the year as well as representing 9 people at tribunal. DUWC volunteers have leafleted the whole area and will continue to advertise our weekly service at the Community Centre.

Our Staveley Advice sessions at the Library receive much needed support from the Working Neighbourhood Fund and the Staveley Town Council. 33 people received help and representation at their Appeal Tribunal and 955 enquiries at all venues.

The Hasland outreach has begun operations at the start of the year, thanks to the Grassland Hasmoor Big Local and has had a steady uptake of enquiries with many responding to the advertising and literature encouraging take-up. 160 enquiries have been received at all venues.

Our Headquarters on Rose Hill East at the lower Ground Floor of the Town Hall have been inundated with enquiries from throughout North Derbyshire. There have been 2859 recorded contacts at this venue during the year.

The workload is rising and the staff and volunteers are under pressure. We ask for your patience as, undoubtedly, waiting times will increase as the number of tribunals increases and the support required increases.

## Chesterfield and District Shopmobility annual report 16/17

We have continued to provide a scooter equipment and wheelchair loan service for people who have mobility difficulties and who come to Chesterfield shopping. Our service also enables people to access all amenities provided throughout Chesterfield.

The development of our Chesterfield based hire service within local communities and leisure sites enables people to have access to the countryside and Heritage sites within Chesterfield and Derbyshire. This is within our policy to promote leisure and equal opportunity, building upon our partnership working with local business to high profile the service available to disabled people and those with mobility impairment whether short term or long term.

The provision of our short-term and long-term hire scheme is specifically designed to meet the needs of individuals with mobility needs to gain independence within their local villages, therefore enabling them to become more active within their local community and combating isolation.

We are also in the process of developing our 'keep moving Keep safe' maintenance and repair facility to provide an affordable service that is designed to keep people independent whilst their scooter is being repaired, we provide a free scooter to maintain independence.

Our driving tuition and driving test promotion take up has increased in 2016/17 we will continue with our have a go days to promote safety.

Future developments. 2017/18

We continue to evaluate the services we provide and our funding and finance sub group are continually looking for project funding to cover the additional services we offer, we review the affordable costs to our membership but are constantly aware as a user led organisation the additional costs for disabled people to come into Chesterfield to use the facility offered by the town by providing an affordable service we continue to attract disabled people to shop in Chesterfield.

Social media and our website play an important part in attracting new visitors to the town we will develop both these mediums also are promoting our services with a leaflet campaign for 2017/18 for people without access to the internet.

Colin Mitchell

Chairperson.



## **Review of Advice Provision Chesterfield Citizens Advice Introduction– 2016-17 To Date**

We provide information, advice, advocacy and support that helps people to resolve their problems. This report is about the people we help, the services we provide, the impact we have on the community and residents of Chesterfield.

We help over 6,000 `unique` people a year. Many of them are vulnerable and poor. They are often ill and disabled. There is a strong correlation between where users of Chesterfield Citizens Advice live and the most deprived wards of the borough.

Amongst the trends in people seeking advice have been:

- Trends in insecure employment, including zero hours contracts, placing financial pressures on family life
- Significant demand for debt services with a growth in enquiries where people obtaining household goods (TV, white goods, furniture) on expensive weekly `hire` terms with a view to eventually owning
- More crisis interventions where people have no money for eating or heating
- People with mental health problems accessing the support they need
- Continued problems with the key disability benefit, Personal Independence Payments

Amongst our strengths is the location of services across town including GP surgeries and Children's centres. We have strongly supported the Borough Councils Health, Wealth and Wellbeing initiative. This involves identifying unique areas in deprived /socially/financially excluded wards. Staff visit with publicity, `door knocking` and follow up with appointments for residents requiring assistance. Recently work took place in the `coal board` estate at Brimington generating a significant number of CAB appointments. This further helps us reach the most marginalised and excluded in our communities. We also support `meet, eat and treat` & other health partnership locality events.

We have continued to develop our service despite financial restrictions. One success has been strengthening our money skills work to support people who have been affected by homelessness, domestic violence and other `life shocks`. The Big Lottery Fund has informed us that it will renew funding for a further 3 years to develop this in partnership with Pathways and Derbyshire Domestic Violence and Sexual Abuse Service & others. We are starting a small project to increase awareness of the role of financial abuse as part of domestic abuse, working with frontline staff such as local authority workers. Although some Children's centres are closing across town, we will endeavour to ensure there is community-based advice for areas losing provision.

We have continued to campaign for better public policy. Recently we have challenged the Department of Work and Pensions over lost and misdirected mail sorting leading to delays in entitlement to essential benefits and acute financial hardship. We have completed successful media work in conjunction with Peak FM to encourage people to seek help with debts at an earlier stage and to be able to recognise `warning signs`.

Our paid staff and volunteers are the mainstay of our service. They work in very challenging circumstances, many times having to go beyond the call of duty to help people.

We are very grateful to the Council for their continued support. Without this, the vital services we deliver would not be possible.

Neil Storer  
Chief Officer  
January 2017

## CAB Performance against Indicators in SLA Summary

Local Authority Strategic Objectives	Role of Chesterfield Citizens in contributing to meeting these	Predicted results by the end of year 2016-17
To make sure that local people benefit from the growth in Chesterfield Borough	Provision of advice/support to enable people to seek, gain and maintain employment. Assist	Exceed Target
To improve the health and well-being of people in Chesterfield Borough	bring income into local economy and/or ensure income is retained there. 16,400 enquiries dealt with per year 4500 new unique clients per year £3 million of debt rescheduled £3 million of financial gains for clients	Anticipated out-turn: 20,000 enquiries 6,000 new unique clients £ 4.5 million debt rescheduled £ 5million financial gains
To improve access to technology that meets the needs of our residents, businesses and visitors	Target: 4000 unique users of CCAB website/iPad information point per year	On target
To increase the supply and quality of housing in Chesterfield Borough to meet current and future needs	<i>Provision of housing &amp; fuel advice to enable people to seek, gain and maintain the housing they need.</i> <i>Target:</i> <i>675 housing enquiries dealt with annually</i> <i>450 fuel poverty enquiries dealt with annually</i>	Exceed Target Anticipated out-turn 1000 housing enquiries dealt with 650 fuel poverty enquiries dealt with
To reduce inequality and support the more vulnerable members of our community	<i>Provision of quality advice and support to help the most vulnerable members of the community resolve their problems and access financial support</i> <i>Work with partners to deliver an intensive support and advice package in 4 areas in the year. (Health, wealth &amp; wellbeing project in conjunction with CBC and others)</i> <i>Targets:</i> <i>16,400 enquiries dealt with per year</i> <i>4,500 new clients per year</i> <i>£3 million of debt rescheduled</i> <i>£3 million of financial gains for clients</i> <i>Deal with 1170 enquiries per annum from Holmehall, Grange-wood, St Helens and Middlecroft.</i>	Exceed Target Anticipated out-turn: 20,000 enquiries 6,000 new unique clients £4.5 million debt rescheduled £5 million financial gains 2400 enquiries Holmehall, Grangewood, St Helens and Middlecroft

**Annual Report - 2016/17**

**CHESTERFIELD BOROUGH COUNCIL  
LINKS: THE CHESTERFIELD & N.E. DERBYSHIRE CVS & ACTION LTD**

Links provides support to voluntary organisations and community groups operating in the local government districts of Chesterfield and North East Derbyshire. Links also leads projects and works in partnership across a wider area of Derbyshire.

Progress against targets has been good.

**A Sustainable Community**

- Advised groups on legal structures and status, as well as provided supported on policy formation to enable groups to seek and secure funding to support members of the local community. Organising bi-monthly funding workshops for groups to meet and discuss their project ideas with various different funders.

**A Cohesive Community with equality of access to services**

- Given one to one advice to groups and attended CBC Equalities and Diversity Forum. Links was a key partner of CBC in organising this year's Holocaust Memorial Day Event on 25th January 2017.
- Being the Locally Trusted Organisation to host the Big Local Project covering Hasland & Grassmoor to support community engagement.

**A Community with Decent Homes for All**

- Disseminated the information on Decent Homes Standard of Chesterfield Borough Council and other related information.

**A Working and Learning Community**

- Advised potential social enterprises at funding surgeries.
- One to one advice to groups including the provision of information on business planning for VCS groups.
- Provided information to VCS groups on developing policies and running a VCS group.

**A Safe, Healthy and Active Community**

- Advice given to VCS groups (including BME, learning disabilities, disability and mental health groups) on the promotion of and organising activities around community safety, healthy living and active community engagement. Developed a BME Public Health Project with the support of the Chesterfield Health and Well Being Partnership and DCC Public Health to engage with members of the BME communities.

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## **For publication**

### **Review of Surveillance Policy (FG000)**

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Meeting:	Cabinet
Date:	4 April, 2017
Cabinet portfolio:	Finance and Governance
Report by:	Local Government and Regulatory Law Manager

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## **For publication**

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### **1.0 Purpose of report**

- 1.1 To inform members about the effects of the Regulation of Investigatory Powers Act 2000, actions following an inspection in 2016 and current best practice.
- 1.2 To make recommendations for updates to the current policy and procedures.

### **2.0 Recommendations**

- 2.1 To note the report and actions.
- 2.2 To formally adopt the suggested changes to the Council's RIPA policy and procedures.
- 2.3 To delegate to the Cabinet Member for Finance and Governance decisions on all matters relating to investigatory powers.
- 2.4 That Standards and Audit Committee receive annual reports on RIPA policy and practices.

- 2.5 To delegate to the Local Government and Regulatory Law Manager any necessary and consequential amendments relating to RIPA procedures.

### **3.0 Background**

- 3.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates different types of surveillance. Regulation is to ensure that surveillance is carried out in a way that conforms with the Human Rights Act (the right to privacy and the right to a fair trial).
- 3.2 This council very rarely uses the types of surveillance regulated by the Act. This is because any surveillance carried out by the council tends to be overt (ie open and known about) surveillance, with nothing secretive or hidden about it.
- 3.3 Under RIPA any secret (covert) surveillance must be properly authorized by the Council and, since 2012, also by the Magistrates Court.
- 3.4 This note updates members on use of the powers, though the Council has not needed to obtain any authorisations since February 2010.

### **4.0 Surveillance**

- 4.1 RIPA controls the use of various methods of investigation, in particular the use of:
- covert surveillance
  - covert human intelligence sources (known as "CHIS") - informants and
  - accessing communication data
- 4.2 There are two types of surveillance covered by the Act:

*Intrusive surveillance* is covert surveillance in residential premises or a vehicle by a person or a device. *Local authorities are not allowed to use intrusive surveillance.*

*Directed surveillance* is covert (but not intrusive) planned surveillance for the purposes of a specific investigation. *Local authorities are allowed to use directed surveillance in certain circumstances, but only if properly authorised and regulated.*

4.3 Any surveillance must be both necessary and proportionate:

- *Necessary*: It must be for the purpose of preventing or detecting crime or disorder and the authorising officer must be satisfied that it is necessary to use covert surveillance in the investigation.
- *Proportionate*: It must not be used where open methods of investigation will be adequate, it must be proportionate to the activity being investigated and the intrusion on the persons caught by the surveillance.

4.4 Participation by a person in an interview, or core public functions (such as staff disciplinary investigations) do not fall within the RIPA regime and authorisation is not needed.

4.5 Overt surveillance is not regulated. Public CCTV, such as the CCTV in the town centre generally observing the public, is not covert as people are made aware that it is there.

4.6 Even where surveillance is overt (eg CCTV) data protection considerations relating to personal information will still be relevant.

4.7 The Office of Surveillance Commissioners produces detailed procedures and guidance relating to their oversight of arrangements relating to public authorities. It also inspects local authorities every few years.

## **5.0 Authorisation**

5.1 Before surveillance is carried out it must be authorised by specified officers.

5.2 Since 2012 surveillance can only be authorised:

- for preventing or detecting a crime punishable by a maximum term of at least 6 months imprisonment or
- if related to the underage sale of alcohol or tobacco.

This significantly limits the types of local authority matters where authorisation is permitted.

- 5.3 A detailed record must be kept of all authorisations, which must be reviewed and a specific end date set. Authorisations for directed surveillance must not last longer than 3 months. Any authorised surveillance must be reviewed and cancelled at the end of the authorised period.
- 5.4 The Council has a surveillance policy which is reviewed periodically to keep it up to date and a secure database of authorisations (all cancelled).
- 5.5 Members are never involved in making decisions on specific authorisations but have a role in overseeing the process.

## **6.0 Authorised Surveillance**

- 6.1 Since February 2010 there has been no surveillance carried out requiring authorisation at the council.
- 6.2 Since the Protection of Freedoms Act 2012 RIPA authorisations can only be used for detecting serious crimes (see above).
- 6.3 As an additional test, authorisations approved by the Council also must be approved by the Magistrates Court following an application.

## **7.0 OSC Visit**

- 7.1 The council has visits from the Office of Surveillance Commissioners every few years. The most recent inspection was in 2016 and before that in 2012. Inspections result in a report containing any recommendations for review of policies and practices. It is usual to receive recommendations to ensure best practice.
- 7.2 The 2016 inspection report, carried out by a Surveillance Inspector, was received in July. While recognizing that the Council rarely, if at all, carries out covert surveillance, the report confirmed



that the council should do more to keep itself ready for doing so, in case the need arose.

7.3 In brief, the key recommendations of the report were that the council:

- (a) maintains a state of preparedness
- (b) ensures regular corporate training for appropriate officers and access to procedures and guidance
- (c) understands more about Arvato and Kier's knowledge about and involvement with the process
- (d) reviews who should be the Senior Responsible Officer overseeing the process
- (e) carries out biannual audit of processes
- (f) regularly reviews policy and guidance
- (g) reports at least annually to members, regardless of any activity
- (h) ensure up to date CCTV procedures are in place
- (i) ensure liaison with local magistrates court

The full recommendations are contained in **Appendix A**

7.4 The report recognises that

*Given such a prolonged absence of use of RIPA powers and the unlikelihood of an application being made in the future it is understandable at least, that the subject of RIPA does not occupy a high profile within the Council.*

## **8.0 Surveillance Policy**

8.1 The Council's surveillance policy (see **Appendix B**) incorporates proposed changes to take account of the 2016 Inspection report, changes relating to RIPA best practice and also recent senior officer restructures.

8.2 There is also opportunity for further rationalization of authorizing officers given how little the system is needed to be used. The inspection report recommends the council should have one or more authorizing officers. Formerly there were authorizing officers in relevant services, meaning the need for greater dissemination of knowledge about the law and practices of RIPA. The opportunity

exists to concentrate authorizing officers within the legal service, where knowledge of RIPA is greatest.

- 8.3 Inspections tend to focus on themes and liaison with other authorities has shown that the focus in 2017 inspections is on social media and surveillance. Accordingly further amendments to the policy have been made.

## **9.0 Training and Information**

- 9.1 It is important that relevant officers regularly receive appropriate training and updates.
- 9.2 The council's regulatory solicitors periodically attend RIPA seminars (either face to face or online) and will continue to do so regularly to keep up to date with the law and guidance. In addition to routine updates the Senior Responsible Officer will undertake online training about Investigations using Social Media Sites (in March).
- 9.3 For more than a year the regulatory team of solicitors was short staffed for a variety of reasons. Now staffing levels are restoring there are opportunities to ensure knowledge of RIPA powers and duties right across, and to share authorization responsibilities within, the new team. Greater capacity has also now enabled progress on review of systems following the 2016 inspection report.
- 9.4 Relevant investigation and authorizing officers have previously received training, and a comprehensive and well received training course was provided to many of them in early 2016 by Weightmans solicitors through EM Lawshare.
- 9.5 However, the need for regular training was an outstanding recommendation from the 2012 inspection. Senior leadership team changes and corporate restructures meant, in any case, that some previously with responsibility under the council's policy (and trained) are no longer with the council.
- 9.6 A new and effective training system, focused on the needs of those who might need to apply RIPA is overdue. The 2016 inspection report commented that

*it is important that its officers are able to recognise when the activity which they undertake as part of their role, may be intrusive and fall within the legislation.*

- 9.7 Various means of delivering regular training have been considered, including external online training, face to face delivery by external providers (as the 2016 training) or in house staff. None satisfactorily fulfilled the need to ensure that mandatory training was undertaken regularly by the relevant officers and records kept centrally and monitored.
- 9.8 During the course of 2016 due to the needs of the authority generally, a decision was made to acquire a corporate online training system.
- 9.9 The Council is now rolling out an online development resource from Learning Pool, accessible to all staff via the intranet, branded Aspire Learning.
- 9.10 While there is currently no RIPA training module on the system one is being developed at Chesterfield. This will enable identification of relevant officers, ensure relevant mandatory training is undertaken and renewed and also enable training activities to be monitored by management.
- 9.11 Liaison with other authorities shows that inspection reports are now also recommending training on controlling/handling 'covert human intelligence sources' to ensure preparedness should the need ever arise.
- 9.12 There are already pages of information on Aspire, the Council's intranet, about RIPA with links to the current Surveillance Policy and guidance. These pages will be refreshed and expanded as appropriate.
- 9.13 If the number of authorizing officers is reduced it will be easier to ensure that all the relevant officers receive regular training.

## **10.0 Senior Responsible Officer**

- 10.1 The 2016 Inspection Report recommended that the current Senior Responsible Officer should not be an authorizing officer, as the SRO oversees the process, including activities of an authorizing officer. The Local Government and Regulatory Law Manager is currently the SRO and also an authorizing officer. This overlap in responsibilities came about as the result of the deletion of the Head of Government post when many of the head of service's responsibilities passed on to him.
- 10.2 While the SRO role could be passed to an Executive Director or CMT Manager, the opportunity now exists to make regulatory solicitors authorizing officers instead, leaving the Local Government and Regulatory Law Manager as SRO. This is commensurate with his role also as statutory Monitoring Officer and Senior Information Risk Owner. This would be consistent with retaining the management of RIPA within a legal team with a thorough knowledge of the relevant law behind RIPA.
- 10.3 Liaison with other authorities shows that 2017 inspection reports recommend that the SRO should also be an authorizing officer, but should only authorize in exceptional circumstances. There is an inference in Home Office Guidance on directed surveillance that the SRO should also be an authorizing officer. It is proposed that the dual role is retained, but only exercised in exceptional circumstances.

## **11.0 Reporting to Members**

- 11.1 Members have an important role in overseeing the use of surveillance, but as there has been no surveillance in recent years there has been nothing to update them about. The OSC wishes members to be kept informed, even when there are no authorisations. This will help ensure proper procedures are in place and applied with member oversight.
- 11.2 It is proposed that Standards and Audit Committee is updated at least annually (as required) as to use (or non-use) of the surveillance policy. Members will also have the opportunity to consider any substantive amendments to the Surveillance Policy prior to approval. A copy of a report, to go to the next Standards and Audit committee, is attached at **Appendix C**.

## **12.0 Arvato and Kier**

12.1 Both Arvato and Kier are being liaised with to ensure that any investigative and enforcement staff are appropriately aware of RIPA, have relevant training and follow Council procedures.

## **13.0 Magistrates Court**

13.1 Local authorities in the area liaised with the North East Derbyshire and Dales Magistrates Court in Chesterfield at the time of the 2012 changes.

13.2 It was not considered by the court at that time that any special procedures should be introduced.

13.3 Recent contact with the court confirms that they do not deal with authorizations on a regular basis (this confirms feedback from other nearby local authorities), but that applications have been made to the court in the past.

13.4 No local protocol exists, but the court confirms that it would follow relevant procedures in the Home Office Guidance to Magistrates Courts on RIPA Authorisations (issued in 2012).

## **14.0 Relevant Portfolio**

14.1 Matters relating to RIPA were previously referred to the portfolio holder with responsibility for ensuring the Council exercises its functions with due regard to the effect on prevention of crime and disorder (delegation reference HW1140L), currently the Cabinet Member for Health and Wellbeing.

14.2 In recognition of the significance of RIPA in terms of proper governance, responsibility for this function has now been moved by the Leader to the Cabinet Member for Finance and Governance. The Constitution will be updated to reflect this.

## **15.0 Conclusion**

15.1 The Council has not needed to use RIPA authorisations since 2010. Since 2012 there is a much higher threshold before covert surveillance can be used and a double authorization procedure

involving first the council and then an application to the Magistrates Court. Evidence suggests that the procedures are also rarely used by local authorities in the wider area.

15.2 However it is important for procedures to be kept up to date and for relevant Council and partner staff to have knowledge of the law and procedures to ensure RIPA is complied with. Members must be kept informed regularly.

15.3 Accordingly it is recommended that the changes in procedures outlined in this report, and any consequential changes, are put into effect.

## **16.0 Human resources/people management implications**

16.1 There are no HR or people management implications other than an identifiable training need for staff and proposed training through face to face / Aspire Learning delivery.

16.2 RIPA controls do not apply to core employment functions of the council.

## **17.0 Financial implications**

17.1 There are no significant cost implications.

17.2 There is no financial penalty for non-compliance with RIPA. However, admissibility of evidence obtained in breach of RIPA could be questioned in a criminal prosecution, with potential to affect the outcome of the case and any penalties and costs order imposed.

## **18.0 Legal and data protection implications**

18.1 Legal duties are set out in detail throughout this report. While the council rarely has had need to use the RIPA in recent years, and since 2012 the controls on use have restricted how it is used, it must periodically review the procedures in place to ensure it complies with the law, relevant guidance and best practice.

## **19.0 Risk management**

19.1 The risks relating to the changes to procedures set out in this report are considered below.

Description of the Risk	Impact	Likelihood	Mitigating Action	Impact	Likelihood
Regulated surveillance is carried out without any necessary authorisation	High	Low	Continue to ensure that where possible overt surveillance is carried out. Ensure knowledge of RIPA and restrictions through training.	Low	Low
Relevant officers lacking relevant knowledge as do not receive adequate and regular RIPA training	Medium	High	Regular training that is monitored. Limit number of authorizing officers	Medium	Low
Court enforcement action is prejudiced by failure to follow RIPA procedures	High	Medium	Ensure the council and its officers are prepared, ensuring appropriate action is taken in compliance with law and guidance	Medium	Low

## 20.0 Equalities Impact Assessment (EIA)

20.1 As there are some recommendations for changes to the Surveillance Policy arising from the 2016 Inspection Report a preliminary EIA has been carried out. An EIA was previously carried out in respect of the policy in connection with a report to Cabinet dated 19<sup>th</sup> May 2010.

20.2 No negative impacts from the revised policy are anticipated. The policy is implementing legislative requirements and guidance in place to protect human rights.

## 21.0 Alternative options and reasons for rejection

21.1 The changes recommended come about as the result of the 2016 OSC inspection.

21.2 The proposals are the minimum reasonable, given that the council has not sought any authorisations since 2010, but must be ready to identify the need and seek them when necessary.

## **22.0 Recommendations**

22.1 To note the report and actions.

22.2 To formally adopt the suggested changes to the Council's RIPA policies and procedures.

22.3 To delegate to the Cabinet Member for Finance and Governance decisions on all matters relating to investigatory powers.

22.4 That Standards and Audit Committee receive annual reports on RIPA policy and practices.

22.5 To delegate to the Local Government and Regulatory Law Manager any necessary and consequential amendments relating to RIPA policies and procedures.

## **23.0 Reason for recommendations**

23.1 To enable the Council to operate the RIPA system effectively and as required by law and guidance.

### **Decision information**

<b>Key decision number</b>	<i>n/a</i>
<b>Wards affected</b>	<b>all</b>
<b>Links to Council Plan priorities</b>	<b>to improve the quality of life for local people</b>

### **Document information**

<b>Report author</b>	<b>Contact number/email</b>



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<b>Background documents</b> These are unpublished works which have been relied on to a material extent when the report was prepared.	
<b>Background documents: RIPA Surveillance Policy and Inspection Report - Legal Services</b>	
<b>Appendices to the report</b>	
<b>Appendix A</b>	<b>Inspection Report Recommendations</b>
<b>Appendix B</b>	<b>Draft Amendments To Surveillance Policy</b>
<b>Appendix C</b>	<b>Draft Annual Report to Standards and Audit Committee</b>
<b>Appendix D</b>	<b>Preliminary EIA</b>

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## APPENDIX A

### 2016 Inspection Report Recommendations

#### 10 Recommendations

**10.1 Recommendation 1** - The Council should ensure that it remains in an appropriate state of corporate preparedness in order to effectively discharge its responsibilities under the terms of the Regulation of Investigatory Powers Act 2000. To that extent it is recommended that it periodically reviews its internal arrangements so as to ensure that they include the following characteristics as a minimum. There should be:

- a) a clearly identified Senior Responsible Officer who is knowledgeable in RIPA matters and understands their responsibilities. Their identity and role should be communicated to all relevant personnel,
- b) readily accessible, relevant and up to date policy and practitioner guidance which is regularly updated,
- c) ready access to the RIPA legislation, the Codes of Practice and the most current OSC Procedures and Guidance document,
- d) one or more clearly identified authorising officers who receive training and regular knowledge/awareness refresher provision which ensures they remain appropriately competent for their role, and their identities and role should be communicated to all relevant personnel,
- e) coherent and clearly communicated and understood RIPA authorisation processes together with appropriately formatted RIPA documentation,
- f) a Central Record of authorisations which contains the information required by the RIPA Codes of Practice,
- g) coherent processes and audit trails which ensure that those called upon to undertake activities in accordance with the terms of an authorisation granted are suitably trained and equipped for their role and supported by clear processes pursuant of *R v Sutherland*,
- h) a workforce which has a level of understanding of RIPA which is commensurate with their role within the organisation,
- i) effective liaison arrangements with the local magistrates in order that the requisite judicial approval considerations in relation to RIPA authorisations can be diligently and expeditiously applied.

**10.2 Recommendation 2** – The Council should ensure that arrangements are in place so as to comply with the legislative requirement to report RIPA policy to elected members on at least an annual basis in accordance with paragraph 3.35 of the Code of Practice for Covert Surveillance and Property Interference.

**10.3 Recommendation 3** - The RIPA Senior Responsible Officer (SRO) for Chesterfield Borough Council establishes the degree of awareness relating to RIPA amongst the investigative and enforcement staff of Avarto and where this is considered to be deficient, to ensure that appropriate provision is made. In addition, the SRO should satisfy himself that clear and effective procedures exist to appropriately accommodate RIPA related activity by Avarto when acting as agents of Chesterfield Borough Council and these matters should be included within the existing Council RIPA policy.

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### **CHESTERFIELD BOROUGH COUNCIL** **SURVEILLANCE POLICY**

#### **1 Why does the Council need a Surveillance Policy?**

All public bodies like the Council must comply with The Human Rights Act 1998 (HRA). That act confers the right to respect for private and family life, home and correspondence (Article 8).

The Regulation of Investigatory Powers Act 2000 (RIPA) provides a framework for intrusive investigative procedures carried out by various authorities as part of their normal functions. This is to ensure that such procedures are carried out in a way that complies with the Human Rights Act. RIPA procedures were substantially changed by the Protection of Freedoms Act 2012.

The Office of Surveillance Commissioners carries out inspections of local authority procedures and policies, and oversees the exercise by public authorities of their powers under the Act.

#### **2 What does RIPA cover?**

RIPA aims to ensure that when public bodies carry out investigations:

- they respect the privacy of individuals and
- that there is an interference with privacy only where the law permits it and there is a clear public interest justification.

RIPA controls the use of various methods of investigation, in particular the use of:

- covert surveillance
- covert human intelligence sources (“CHIS” – see paragraph 12 below) and
- accessing communication data.<sup>1</sup>

If the activities proposed by investigating officers fall within the definitions then this policy and guidance must be followed.

If investigating officers have any doubts about the application or meaning of this policy, they should seek advice from CBC Legal Services before proceeding.

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<sup>1</sup> The Act itself states that it regulates: “the interception of communications, the acquisition and disclosure of data relating to communications, the carrying out of surveillance, the use of covert human intelligence sources and the acquisition of the means by which electronic data protected by encryption or passwords may be encrypted or accessed.”

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The Act covers public bodies ranging from the Police and Secret Services to district councils. The Council's use of RIPA will deal mainly with carrying out surveillance and, possibly, some use of covert human intelligence sources. The changes to RIPA by the Protection of Freedoms Act 2012 took effect on 1st November, 2012. These are described in more detail in this Policy but in summary:

- RIPA authorisations must be approved by a Magistrate.
- Authorisations can only be given for preventing or detecting more serious crimes which are punishable by at least 6 months' imprisonment or concern sales of alcohol or tobacco to children.

The Council may not seek authorisation for directed surveillance to investigate disorder that does not involve criminal offences or to investigate low level offences such as littering, dog fouling or fly-posting.

### 3 Human Rights Principles

RIPA requires compliance with the following human rights principles in investigatory work:

- Is the proposed action lawful?
- Is the proposed action proportionate?
- Is the proposed action necessary?
- Is the proposed action non-discriminatory?

Codes of Practice have been published by the Home Office and this Surveillance Policy is intended to establish procedures to ensure Council officers are able to carry out their jobs without risking claims that their actions are breaching any person's rights to respect for their private and family life.

**RIPA should be seen as assisting the Council by providing a statutory defence against such claims.**

The requirements of RIPA and the HRA impact on all officers of the Council but mainly those who undertake investigatory or enforcement activities, including, Environmental Health, Planning and Internal Audit.

Surveillance plays a necessary part in modern life. It is used not just in the targeting of criminals but as a means of protecting the public from harm and preventing crime.

### 4 Restrictions on Surveillance

Council officers may **only** authorise or engage in:

- covert surveillance,
- CHIS, and
- access to communication data

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where it is:

- necessary for the “prevention or detection of crime or disorder” (and the criminal offences concerned are punishable by a maximum term of at least 6 months’ imprisonment OR are related to underage sales of tobacco or alcohol). Examples of such offences are:-
  - dumping of dangerous waste
  - serious criminal damage
- and proportionate in what it seeks to achieve.

### 5 Definitions

**“Surveillance”** is:

- monitoring, observing or listening to persons, their movements, their conversations or other activities or communications;
- recording anything monitored, observed or listened to in the course of surveillance; and
- surveillance by or with the assistance of a surveillance device.

Surveillance can be general (not directed at an individual or group) or **covert**. Only covert surveillance is covered by RIPA.

#### **Types of Surveillance**

Surveillance may be **overt** or **covert**.

#### **Overt Surveillance**

RIPA is not concerned with **overt** surveillance. Most of the surveillance carried out by or on behalf of the Council will be overt. That is, there will be nothing secretive, clandestine or hidden about it. In many cases, officers will simply be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about Council business openly (e.g. a Council officer walking through one of the Council’s housing estates or inspecting Council land).

Similarly, surveillance will be **overt** if the subject has been told that it will happen (e.g. where a noisemaker is warned, preferably in writing, that noise will be recorded if it continues, or where an premises licence is issued subject to conditions, and the licensee is told that officers may visit without notice or identifying themselves to the licence holder to check that licence conditions are being met).

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### **Covert (or 'hidden') Surveillance**

However, covert surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is not aware it is or may be taking place. That is, it is done **secretly**.

### **Directed Surveillance**

**Directed Surveillance** is surveillance which is:-

- covert;
- NOT **intrusive surveillance** (see definition below) –
- not carried out as an immediate response to events which would otherwise make seeking authorisation under the Act not reasonably practicable (e.g. spotting something suspicious and continuing to observe it) and
- undertaken for the purpose of a **specific investigation or operation** and
- in a manner **likely to obtain private information** about a person (whether or not that person is specifically targeted). (Private information is any information about a person's family or private life – see definition below).

### **Private information**

Private information is defined in section 26(10) of the 2000 Act as including any information relating to a person's private or family life. The concept of private information should be broadly interpreted to include an individual's private or personal relationship with others, and can include running of business affairs. Family life should be treated as extending beyond the formal relationships created by marriage.

## **6 Effect of Valid Authorisations**

An authorisation will provide lawful authority for a public authority to carry out covert surveillance. A covert surveillance operation will not always require an authorisation. However, authorisation is required where the purpose of the covert surveillance (wherever it takes place) is to obtain private information about a person, whether or not that person is the target of the investigation or operation.

**The key issue in Directed Surveillance is the targeting of an individual with the likely effect of gaining private information (as defined above).**

## **7 CCTV and other Cameras**

RIPA does not cater for the use of overt CCTV surveillance systems, as members of the public are aware that such systems exist. General use of



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CCTV does not require authorisation. However, data protection considerations relating to personal information will apply to overt CCTV.

However, if CCTV is used for a covert pre-planned operation to follow an individual already identified then an authorisation should be sought for Directed Surveillance.

While the covert pre-planned operation may be carried out jointly with the police, if the surveillance is in relation to possible criminal prosecution by the police, then it is the police who should seek a prior authorisation under police RIPA procedures.

It is only when the council is planning carrying out covert pre-planned operation in relation to its own possible criminal proceedings that authorisation should be sought under the council's policy.

Relevant law relating to the use of CCTV (eg Protection of Freedoms Act 2012 and guidance (eg ICO's CCTV Code of Practice, Surveillance Camera Commissioner's Code of Practice) as well as the Council's own code of practice should be followed when any CCTV is used.

These considerations are also relevant when considering use of other forms of cameras. For example, body cams.

### 8 Intrusive Surveillance

This **cannot** be carried out by the Council and only relates to investigations as described below.

Covert surveillance is intrusive if it:

- is carried out in relation to anything taking place on any residential premises or in any private vehicle;
- **involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device (i.e. any apparatus designed or adapted for use in surveillance and will include cameras, tape recorders etc.**

However, surveillance carried out in relation to residential premises by use of a device (i.e. a camera) which is not in or on the premises **is not intrusive** (although it will be directed) unless it is of the same quality of information as would be obtained if the equipment was in the premises.

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### 9 Examples of Types of Surveillance

<i>Type of Surveillance:</i>	<i>Examples:</i>
<b><u>Overt</u></b>	<ul style="list-style-type: none"> <li>• Street Warden, Enforcement Officer or Ranger on routine patrol</li> <li>• Sign-posted Town Centre CCTV cameras (in normal use)</li> <li>• Recording noise coming from outside the premises after the occupier has been warned that this will occur if the noise persists.</li> </ul>
<b><u>Directed must be RIPA authorised</u></b>	<ul style="list-style-type: none"> <li>• Officers follow an individual or individuals over a period, to establish whether s/he is working when either claiming benefit or whilst off sick from employment</li> <li>• Test purchases where the officer has hidden camera or other recording device to record information that might include information about the private life of a shop-owner, e.g. where s/he is suspected of running his business in an unlawful manner</li> </ul>
<b><u>Intrusive - the Council cannot do this!</u></b>	<ul style="list-style-type: none"> <li>• Planting a listening or other device ('bug') in a person's home or in their private vehicle or using a sophisticated listening device outside a person's home or in their private vehicle that will provide results equivalent to being 'on-site.'</li> </ul>

- Going onto residential premises to take action to address an immediate nuisance, where it would not be reasonably practicable for an authorisation to be sought, is not covert surveillance (it might breach Article 8 (right to privacy) but would come within the permitted derogations provided the action could be shown to be proportionate to the harm being caused).

### 10 Communications Data

#### What is communications data?

The Regulation of Investigatory Powers (Communications Data) Order 2010 extends to local authorities certain powers set out within RIPA to access ***communications data***.

Communications data includes information relating to the use of a ***communications service*** but does not include the contents of the

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**communications itself** (see section 21(4) RIPA <sup>2</sup> for the detailed definition of “communications data”).

Local authorities are allowed to access certain types of communications data **only for the purposes of the prevention or detection of crime or the prevention of disorder.**

The types of data concerned are as follows:

### **Subscriber (“Customer”) data**

being any information, which does not include any of the contents of a communication, about the use made by any person of a postal or telecommunications service. In respect of a telecommunications service provider this is normally referred to as the “billing information”). This will include:

- Name of subscriber
- Address for billing, delivery or installation
- Contact telephone numbers
- Abstract personal data provided by the subscriber e.g.
- demographic information
- Subscriber account information e.g. billing arrangements
- including bank, credit/debit card details Other services provided to the customer

Service data being any other information held by the service provider relating to the persons to whom the service is provided. (This is normally referred to as “**subscriber information**”). This will include:

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<sup>2</sup> (a) any traffic data comprised in or attached to a communication (whether by the sender or otherwise) for the purposes of any postal service or telecommunication system by means of which it is being or may be transmitted; (b) any information which includes none of the contents of a communication (apart from any information falling within paragraph (a)) and is about the use made by any person— (i) of any postal service or telecommunications service; or (ii) in connection with the provision to or use by any person of any telecommunications service, of any part of a telecommunication system; (c) any information not falling within paragraph (a) or (b) that is held or obtained, in relation to persons to whom he provides the service, by a person providing a postal service or telecommunications service.

**Traffic Data is** (a) any data identifying, or purporting to identify, any person, apparatus or location to or from which the communication is or may be transmitted, (b) any data identifying or selecting, or purporting to identify or select, apparatus through which, or by means of which, the communication is or may be transmitted, (c) any data comprising signals for the actuation of apparatus used for the purposes of a telecommunication system for effecting (in whole or in part) the transmission of any communication, and (d) any data identifying the data or other data as data comprised in or attached to a particular communication,

but that expression includes data identifying a computer file or computer program access to which is obtained, or which is run, by means of the communication to the extent only that the file or program is identified by reference to the apparatus in which it is stored.

(7) In this section— (a) references, in relation to traffic data comprising signals for the actuation of apparatus, to a telecommunication system by means of which a communication is being or may be transmitted include references to any telecommunication system in which that apparatus is comprised; and (b) references to traffic data being attached to a communication include references to the data and the communication being logically associated with each other; and in this section “data”, in relation to a postal item, means anything written on the outside of the item

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- The period during which the customer used the service Information about forwarding services provided by telecommunication service providers and re-direction services provided by postal service providers
- Itemised billing information
- Information on connection, disconnection and redirection Information on conference calls, call messaging, call waiting and call barring services
- Top-up details for pre-pay mobile phones including credit/debit cards used
- For postal items, records of registered, recorded or special delivery of postal items and the delivery or collection of parcels.

**Access to communications data may be authorised by seeking the specialist services of the National Anti-Fraud Network of which the Council is a member.**

### 11 Procedures for Authorising Directed Surveillance

#### 11.1 Need for Proper Authorisation

It is crucial that **all directed surveillance, using a CHIS or accessing communications data** is properly authorised. The authorisation and supporting documents setting out the case will then form the basis of the application to a Magistrate for consideration and approval.

Failure to secure proper authorisation and to comply with this procedure could lead to evidence being excluded by the court, significant costs being awarded against the Council and complaints against the Council.

#### 11.2 General rules on Authorisations

##### 11.2.1 Necessity and Proportionality

Obtaining an authorisation under RIPA will ensure that there is a justifiable interference with an individual's rights to privacy only if the interference is necessary and proportionate.

###### 11.2.1.1 Necessity

The person granting an authorisation must believe that the authorisation is necessary **for the purpose of preventing or detecting crime or of preventing disorder of the type that could involve criminal offences**. In order to be satisfied there must be an identifiable offence to prevent or detect before an authorisation can be given. **The offence must be of a sufficiently serious category.**

###### 11.2.1.2 Proportionality

Then, if the activities are necessary, the person granting the authorisation must believe that they are proportionate to what is

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sought to be achieved by carrying them out: not the proverbial 'sledgehammer to crack a nut'. This involves balancing:

- the intrusiveness of the activity on the target and others who might be affected by it against
- the need for the activity in operational terms.

The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

The HRA defines an action as proportionate if it:

- Impairs as little as possible the rights and freedoms of the individual concerned and of innocent third parties
- Is carefully designed to meet the objectives in question
- Is not arbitrary, unfair or based on irrational considerations

All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

A potential model answer would make clear the four elements of proportionality had been considered:

- (a) balancing the size and scope of the operation against the gravity and extent of the perceived mischief.
- (b) explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others,
- (c) that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result, and
- (d) evidencing what other methods have been considered and why they were not implemented.

### 11.2.3 Collateral Intrusion

Before authorising surveillance the authorising officer should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion).

Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

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An application for an authorisation should include an assessment of the risk of any collateral intrusion. The authorising officer should take this into account, when considering the proportionality of the surveillance.

Those carrying out the surveillance should inform the authorising officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and re-authorised or a new authorisation is required.

### 11.2.4 Confidential Information

Particular care should be taken in cases where the subject of the investigation or operation might reasonably expect a high degree of privacy, or where confidential information is involved.

**Confidential information** consists of matters subject to legal privilege, confidential personal information or confidential journalistic material. So, for example, extra care should be given where, through the use of surveillance, it would be possible to acquire knowledge of discussions between a minister of religion and an individual relating to the latter's spiritual welfare, or where matters of medical or journalistic confidentiality or legal privilege may be involved.

**In cases where through the use of surveillance it is likely that knowledge of confidential information will be acquired, the use of surveillance is subject to a higher level of authorisation by the Chief Executive (see Appendix 1).**

### 11.3 Detailed Authorisation Procedures

#### 11.3.1 Completing Application Forms

All procedures under RIPA must be documented on standard forms and records kept. This is necessary to show compliance with RIPA. Standard forms can be downloaded from the Home Office Security site at <https://www.gov.uk/government/collections/ripa-forms--2>

The site also contains the Codes of Practice.

An applicant should complete the application form giving full details about the proposed surveillance and its duration. Particular care should be given to the following points:

#### 11.3.2 Time Limit

**A written authorisation granted by an authorising officer and approved by a Magistrate will take effect when signed by the Magistrate. It will**

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**automatically cease to have effect unless renewed or cancelled at the end of a period of three (3) months beginning with the day on which it took effect.**

An authorising officer must set suitable review dates on which the authorisation can be formally reviewed with the applicant.

### 11.3.3 Application Details

- Why the action is being begun: why is it felt to be **necessary**?
- Why the action is **proportionate** to what it seeks to achieve: for instance could the required information reasonably be obtained by other means? It must be shown that there cannot be any other reasonable way of doing this. The questions to consider are:
  - Is this excessive in relation to the offence? (For example, suspected theft from the workplace may merit surveillance at work but not at the person's home. The length of the investigation also needs to be proportionate.)
  - Is there any less intrusive way of doing this and has it been thought through?
  - What **collateral intrusion** is likely – other people and their Article 8 (1) rights (respect for private and family life, home and correspondence). Information about others should be minimised.
- Proportionality is **not** the same as necessity – there are separate boxes on the form for these two aspects.
- What action is to be authorised (i.e. observation or following, reference to any premises or vehicles involved and whether they are public or private) – describe the intended actions
- What information is sought from the action – for example, is there a breach of planning control?
- What is the likelihood of acquiring any religious or confidential material such as medical or financial records, legal documents etc.? **In such a case authorisation should be obtained only from the Chief Executive or (in his or her absence) any Executive Director or the Local Government & Regulatory Law Manager**

The applicant should discuss the contents of the form with the authorising officer, who if satisfied should sign the form. The authorising officer must fill in the box for his comments, addressing the issues of necessity and proportionality.

### 11.3.4 Urgent Cases

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These will be extremely rare and an urgent case may be one where delay may, in the authorising officer's opinion, jeopardise the operation for which authorisation is being given. A lack of forethought or planning does not constitute urgency. If out of hours access to a JP is required, the Council must make arrangements with HM Courts and Tribunals legal staff.

However, no RIPA authority is required an immediate response to events or situations where it is not reasonably practicable to obtain it, for instance, where criminal activity is observed during routine duties and officers conceal themselves to observe what is happening.

### 11.4 Action During the Surveillance Period.

Each surveillance should have a dedicated log-sheet for officers' use. This should be kept in chronological order detailing who is the subject of the surveillance, where it is and what happens. When notes cannot be written up at the time of surveillance it should be completed as soon as possible afterwards.

All alterations in the log sheet should be crossed through and initialled and then the corrected material written to the side in the normal manner. Correction fluid should not be used at any time. Completion of the log should ensure that no empty lines are left where additional material could be written in at a later date. These logs could be used in the event of a criminal prosecution and should be kept correctly, signed as true statements and secure at all times.

In all cases there is a duty of care to those observed. All details and approvals must be kept strictly confidential. The privacy of individuals must not be put at risk and unnecessary information should not be documented i.e. if the observed person was incidentally observed in a private context such as an extra-marital affair.

When photographs or videos are taken then a photographic log needs to be maintained and all negatives retained. Technology is available to alter photographs and the logs are important to prove the originality of the photographs/videos.

Log sheets should be kept locked with the rest of the supporting documents for a period of at least three years.

Time limits should be placed on any authorisation for surveillance. In all cases written authorisations last for three months and then must be renewed if deemed necessary, using the appropriate form. Authorisations must be cancelled when no longer necessary or appropriate. Authorising officers should keep diary reminders for cancellation/renewal dates.

### 11.5 Renewals



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Any person who would be entitled to grant a new authorisation can renew an authorisation. However, it should be the person who originally granted the authorisation. Authorisations (other than oral authorisations in urgent cases) may be renewed more than once, provided they continue to meet the criteria for authorisation. Renewals must also be authorised by a Magistrate.

Authorisations may be renewed more than once; if necessary, and the renewal should be kept/recorded as part of the central record of authorisations.

### 11.6 Cancellations

The authorising officer who granted or last renewed the authorisation must cancel it if he is satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the authorising officer is no longer available, this duty will fall on the person who has taken over the role of authorising officer. If in doubt about who may cancel an authorisation, Legal Services must be consulted. There is no requirement for a Magistrate to consider cancellations.

## 12 Use of Covert Human Intelligence Sources (CHIS)

### 12.1 A person is a covert human intelligence source if he/she:

- establishes or maintains a personal or other relationship with a person either to use the relationship to obtain information or discloses information obtained as a result of such a relationship;
- the surveillance is covert if and only if it is carried on in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is taking place.

Examples of use of a CHIS are the use of professional witnesses or in 'entrapment cases' when a person pretends to be a customer (but see paragraph 9 and below)

Other circumstances in which the Council could be considered to be using a covert human intelligence source is where a neighbour is requested to provide information about a neighbour and information is obtained not by personal observation as in the case of neighbour nuisance, but is information obtained through conversation with the neighbour under investigation such as personal relationships. This means that asking a neighbour for information regarding who is living in a property and the relationship between the parties would be using that person as a covert human intelligence source, which would need special authorisation.

Asking a neighbour to keep records of nuisance suffered by the neighbour would not be using a covert human intelligence source because the neighbour

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would not be relying on a relationship with the person under investigation to obtain information. However, every case should be considered on its merits. If it becomes apparent that information is being obtained in the course of a relationship, the neighbour may in reality be a CHIS and legal advice should be sought before acting on his/her information.

### 12.2 Juvenile Sources

Special safeguards apply to the use or conduct of a juvenile CHIS (i.e. under 18 year olds). On no occasion can a child under 16 years of age be authorised to give information against his or her parents. The advice of Legal Services must be sought if the use of juveniles is being considered.

### 12.3 Vulnerable Individuals

A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation.

A vulnerable individual will only be authorised to act as a source in the most exceptional of circumstances. The advice of Legal Services must be sought if the use of vulnerable individuals is being considered.

### 12.4 Test Purchases

Carrying out test purchases will not generally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business e.g. walking into a shop and purchasing a product over the counter.

However, developing a relationship with a person in the shop, to obtain information about the sellers suppliers of an illegal product e.g. illegally imported products will require authorisation as a CHIS. Similarly, using mobile, hidden recording devices to record what is going on in the shop will require authorisation as directed surveillance. Note that a CHIS may be authorised to wear a hidden camera without the need for a separate directed surveillance authorisation.

The use of covert human intelligence source for a particular investigation must be subject to prior authorisation by a senior officer of a rank specified in Regulations made under RIPA. CBC's authorising officers are listed at the end of the document.

### 12.5 Appointment of a CHIS

A named officer (i.e. a 'Handler') will have day to day responsibility for dealing with the CHIS. That officer will:

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- Fully recognise the Council has a duty of care to the CHIS, whose security safety and welfare is paramount,
- Undertake a risk assessment prior to the use of the CHIS to determine the risk to them and the likely consequences should their role become known,
- Take fully into account, at the outset, whether there will be ongoing security and welfare considerations related to the CHIS, once the authorisation has been cancelled, and
- Maintain a record of the use made by the CHIS, and regulate access to them, ensuring that the Regulation of Investigatory Powers (Source Records) Regulations 2000 are fully complied with.

A further named officer will have general oversight of the use made of the CHIS (i.e. a 'Controller').

### 13 Social Media

- 13.1 Reviewing open source sites does not require authorisation unless the review is carried out with regularity or if a profile is created. In those cases directed surveillance authorisation will be required.
- 13.2 If it is necessary to breach the privacy controls and become, for example, a 'friend' on Facebook, with the investigating officer using a false account concealing their identity as a Council officer for the purpose of gaining intelligence, this is a covert operation intended to obtain private information. Authorisation as directed surveillance will be required.
- 13.3 If the investigator engages in any form of relationship with the account operator then they become a CHIS requiring authorisation as such. They will require management by a Controller and Handler with a record being kept and a risk assessment created.

### 14 Record Keeping – Central Record

- 14.1 The Council keeps a record of all authorisations; renewals, cancellations and rejections.
- 14.2 This is an electronic **Central Record** and is monitored by the RIPA Co-ordinator in the Local Government and Regulatory Law Team.
- 14.3 The record shows:
- the type of authorisation;

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- the date the authorisation was given;
- name of the authorising officer; the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known; whether the urgency provisions were used, and if so why.
- if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name of the authorising officer;
- whether the investigation or operation is likely to result in obtaining confidential information as defined in this policy
- the date the authorisation was cancelled.

14.4 The Central Record is password protected, and access to it is strictly limited.

14.5 The Central Record is linked to scanned-in copies of RIPA documents themselves.

14.6 The Council will keep records for a period of 6 years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) may at any time audit/review the Council's policies and procedures, and individual authorisations.

14.7 The Local Government and Regulatory Law Team will make arrangements for applications for approval by a Magistrate once an authorisation has been granted by a designated Council Authorising Officer.

14.8 The Magistrates' Court will make a copy of a RIPA authorisation, the original of which is to be retained by the Council.

### **15 Records maintained by the Investigating Department**

15.1 The following original documents must be retained by the Local Government and Regulatory Law Team and copies kept by the relevant Service Manager:

- a copy of the Forms together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- a record of the dates on which an authorisation or notice in relation to access to communications data was started and cancelled;
- the frequency of reviews prescribed by the Authorised Officer;
- a record of the result of each review of the authorisation;

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- a copy of any renewal or an authorisation, together with supporting documentation submitted when the renewal was requested;
  - the date and time when any instruction was given by the Authorised Officer;
  - the Unique Reference Number for the authorisation (URN).
- 15.2 Each form will have a URN which will be generated by the Central Record. **A URN should be requested by an applicant from the Local Government and Regulatory Law Team** before the application is made, so that authorised and rejected applications will be recorded.
- 15.3 The Central Record and all other records are to be kept STRICTLY CONFIDENTIAL and may only be disclosed by or with the written consent of Legal Services.

### 16 Arvato, Kier and others

- 16.1 In some cases other investigative and enforcement staff may carry out authorised surveillance on when acting on behalf of the Council.
- 16.2 Relevant Arvato and Kier staff must also maintain awareness relating to RIPA and receive relevant training and any directed surveillance must be properly authorised.
- 16.3 The Senior Responsible Officer should be satisfied that clear and effective procedures are in place to ensure any RIPA related activity is properly conducted by such partners.

### 17 Responsibilities of Elected Members

- 17.1 The Cabinet Member for Finance and Governance has portfolio responsibility for RIPA matters.
- 17.2 RIPA Codes of Practice in force from December 2014 recommend a scrutiny role for councillors in relation to RIPA. Accordingly at least once a year, the Council's use of RIPA will be reviewed and its Surveillance Policy amended, if necessary, by Cabinet member and/or Standards and Audit Committee as appropriate.
- 17.3 On a regular basis, members should scrutinise internal reports on the use of RIPA to ensure that it is being used consistently in accordance with the Council's policy. The RIPA Senior Responsible Officer will report to Standards and Audit Committee at least once a year, whether or not there has been any authorised surveillance activity.

### 18 Training

## APPENDIX B

- 18.1 Relevant officers under this policy shall receive regular training to ensure their awareness is current and the authority is in a position of readiness to use these controls. This will also help ensure that investigating officers do not inadvertently undertake directed surveillance without proper authorisation.
- 18.2 Officers should undertake relevant mandatory training at least once a year, using in-house or external online and/or face to face training. Legal advisors should undertake specialist legal training as necessary to ensure awareness of the law within the legal service is up to date.
- 18.3 Relevant training is necessary, even if there is no directed surveillance or use of CHIS, to ensure the authority is prepared to take action should the need arise.

### 19 Government and ICO Codes of Practice and Guidance

19.1 The Home Office has issued codes of practice on:

- Covert surveillance and property interference (2014)
- Covert human intelligence sources (2014)
- Acquisition and disclosure of communications data (2010)
- Interception of communications (2010)

These are at: <https://www.gov.uk/government/collections/ripa-codes>

It has also issued other guidance, for example:

- Magistrates court approval process (2010)

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118173/local-authority-england-wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf)

19.2 The ICO Code of Practice on Surveillance Cameras and personal information:

<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>

19.3 The Surveillance Camera Commissioner's Code of Practice:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/157901/code-of-practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/157901/code-of-practice.pdf)

### 20 Amendment of this policy

19.1 This policy and any relevant authorisations, procedures and guidance will be reviewed and amended every 6 months as necessary from time to time by the Senior Responsible Officer and/or as the result of consideration by the Cabinet Member and/or Standards and Audit Committee (see paragraph 17).

## APPENDIX B

### **Appendix 1: Officers with RIPA Responsibilities**

#### **Authorising Officers where knowledge of confidential information is not likely to be acquired**

An authorisation should not be granted by an officer directly involved in the surveillance because there should be an independent review of whether the surveillance is both necessary and proportionate.

Where an officer listed below considers that he or she is directly involved in the surveillance the Local Government & Regulatory Law Manager (Monitoring Officer and Senior Information Risk Owner (SIRO)) will nominate an alternative authorising officer.

All officers listed below will have been or will be trained in RIPA.

Local team	 A solicitor from the Government and Regulatory Law
Arvato	[tbc]
Kier	[tbc]

#### **Authorising Officers in cases where knowledge of confidential information is likely to be acquired**

The Head of Paid Service (Chief Executive) or (in his or her absence) the Local Government and Regulatory Law Solicitor (Monitoring Officer) in exceptional circumstances (see below), or the Information Assurance Manager

#### **RIPA Senior Responsible Officer**

The Local Government & Regulatory Law Manager or other officer of equivalent level to be nominated by the Chief Executive to have responsibility for the integrity of the process in place within the Council for covert activity. The functions of this individual are as follows:

- (a) To ensure compliance with RIPA and relevant Codes of Practice.
- (b) To assess the risks that the Council is taking and to quality assure the work of the authorising officers.
- (c) To review authorisations to assess whether lessons can be learned from the tactics sought and/or granted.

## APPENDIX B

- (d) To review whether the requirement for RIPA authorisation is being considered appropriately.
- (e) To support authorising officers and facilitate applications to a Magistrate for approval as soon as possible after an authorisation has been made.
- (f) To appraise the Chief Executive of the impact of covert activity and any risks that are being taken.
- (g) To engage with Commissioners and Inspectors when they conduct their inspections and if necessary implement post-inspection recommendations.
- (h) To facilitate members' review and scrutiny powers.
- (i) To liaise with the National Anti-Fraud Network where there is a need to access communications data in order to use the services of that organisation as an expert single point of contact for such data requests.

While Home Office guidance implies that the SRO should also be an authorising officer and this dual role can provide additional resilience, the SRO should only authorise in exceptional circumstances.

### *Document Control*

#### *Amendments to policy:*

<i>April 2014</i>	<i>Cabinet 20<sup>th</sup> May 2014</i>
<i>Updated 2015</i>	<i>Changes to CMT</i>
<i>2016</i>	<i>new CMT structure</i>
<i>February 2017</i>	<i>RIPA Inspection recommendations and current best practice.</i>



## **APPENDIX C**

### **FOR PUBLICATION**

#### **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

#### **ANNUAL REPORT TO STANDARDS COMMITTEE 2017**

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**MEETING: STANDARDS AND AUDIT COMMITTEE**

**DATE: 5 APRIL 2017**

**REPORT BY: MONITORING OFFICER**

**WARD: ALL**

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FOR PUBLICATION

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#### **1.0 PURPOSE OF REPORT**

- 1.1 To give an annual report to members on activities relating to surveillance by the Council and policies under the Regulation of Investigatory Powers Act 2011.

#### **2.0 RECOMMENDATION**

- 2.1 To note the report.

## **3.0 BACKGROUND**

### **3.1 RIPA**

Chesterfield Borough Council has powers under the Regulation of Investigatory Powers Act 2000 (RIPA) to conduct authorised directed surveillances (DI) and use of human intelligence sources (CHIS) in certain circumstances in connection with the conduct of criminal investigations.

### **3.2 Reporting to Members**

This report is submitted to members as a result of the requirement to report to members under paragraph 3.35 of the Home Office Code of Practice for Covert Surveillance and Property Interference. Further reports will be submitted annually whether or not there has been any authorised surveillance.

### **3.3 Background**

All directed surveillances (covert, but not intrusive) and use of covert human intelligence sources (CHIS) require authorisation by a senior Council officer and the exercise of the powers is subject to review. The controls are in place in accordance with the Human Rights Act, particularly the right to respect for family and private life.

3.4 The Office of the Surveillance Commissioner (OSC) oversees the exercise by Councils of their surveillance powers.

3.5 A Confidential database of authorised surveillances is maintained, charting relevant details, reviews and cancellations. There have been no authorisations since 2010.

3.6 Substantial changes were made to the powers of Local Authorities to conduct directed surveillance and the use of human intelligence sources under the Protection of Freedoms Act 2012.

3.7 As from 1 November 2012 Local Authorities may only use their powers under the Regulation of Investigatory Powers Act 2000 to prevent or detect criminal offences punishable by a minimum term of 6 months in prison (or if related to underage sale of alcohol and tobacco – not relevant to this Council). The amendment to the 2000 Act came into force on 1 November 2012.

- 3.8 Examples of where authorisations could be sought are serious criminal damage, dangerous waste dumping and serious or serial benefit fraud. The surveillance must also be necessary and proportionate. The 2012 changes mean that authorisations cannot be granted for directed surveillance for e.g. littering, dog control, fly posting.
- 3.9 As from 1 November 2012 any RIPA surveillance which the Council wishes to authorise must be approved by an authorising officer at the council and also be approved by a Magistrate; where a Local Authority wishes to seek to carry out a directed surveillance or make use of a human intelligence source the Council must apply to a single Justice of the Peace.
- 3.10 The Home Office have issued guidance to Local Authorities and to Magistrates on the approval process for RIPA authorisations.

#### **4.0 Activity over past year**

- 4.1 During 2016 no directed surveillances (DS) or use of human intelligence sources (CHIS) were authorised by the Council under the Act.
- 4.2 Officer training was carried out by Weightman's solicitors in February 2016.
- 4.3 A routine inspection of the Council's procedures took place in March 2016 (see below).
- 4.4 The annual request for statistical returns to the Surveillance Commissioner has been received by the Council's Local Government and Regulatory Law Manager, for return by April 2017.
- 4.5 A report has been submitted to the Cabinet Member for Finance and Governance reviewing the Council's surveillance policy and practices.

## **5.0 OSC Inspection**

- 5.1 In March 2016 a surveillance inspector conducted a routine inspection of the Council's procedures. All surveillance authorities are inspected every few years. The previous inspection was in 2012 and before that in 2010.
- 5.2 The inspector, while noting that no authorised surveillance had taken place since 2010, recommended various changes to practices so the Council could maintain a state of readiness in case it ever needed to seek authorisation. The recommendations are set out in the report to Cabinet Member attached, but are summarised as follows. The Council should:
- (a) maintain a state of preparedness
  - (b) ensure regular corporate training for appropriate officers and access to procedures and guidance
  - (c) understand more about Arvato and Kier's knowledge about and involvement with the process
  - (d) review who should be the Senior Responsible Officer overseeing the process
  - (e) carry out biannual audit of processes
  - (f) regularly review policy and guidance
  - (g) report at least annually to members, regardless of any activity
  - (h) ensure up to date CCTV procedures are in place
  - (i) ensure liaison with local magistrates court

## **6.0 Relevant Portfolio**

- 6.1 To reflect the significance of RIPA in terms of governance, responsibility for this function has now been moved by the Leader to the Cabinet Member for Finance and Governance.
- 6.2 Previously RIPA matters were with the Lead Member/Cabinet Member with responsibility for functions relating to criminal proceedings.
- 6.3 The Constitution will be updated to reflect this change.

## **7.0 Surveillance Policy**

- 7.1 The Council's RIPA Policy and Procedure Guide reflects the current law. It has also been updated to take account of new CMT structure, recommendations of the 2016 OSC Inspection and current best practice. The revised policy has been approved by the Cabinet Member for Finance and Governance.
- 7.2 The revised policy is attached and is available on Aspire at: <https://aspire.interactgo.com/Interact/Pages/Content/Document.aspx?id=1782>

## **8.0 Activity in the current year**

- 8.1 Looking forward, the council's procedures continue to be strengthened in the light of best practice and the OSC's recommendations, while noting that corporately authorisation process is very rarely appropriate or necessary and has not been used since 2010.
- 8.2 A new training system for relevant staff is being developed and implemented using Aspire Learning, with appropriate training modules. This will ensure officers receive relevant and appropriate mandatory training which can be monitored. As there will be a lead-in time for the system to be implemented it will be supplemented by early refresher training (face to face, circulation of training materials etc). Legal staff will continue to attend online and face to face seminars to keep up to date with the law.
- 8.3 A greater understanding is to be obtained of the overt surveillance carried out by services of the Council and its partners organisations Arvato and Keir.
- 8.4 A RIPA update has been sent to relevant officers. More detailed information will be placed on the RIPA pages of the Council's intranet.
- 8.5 New guidance will be developed, for example, on the use of body cams by Council enforcement staff.

## **9.0 RECOMMENDATION**

9.1 To note the report.

## **10.0 REASON FOR RECOMMENDATION**

10.1 To enable the Council to operate the RIPA system effectively and as required by law and guidance.

GERARD ROGERS  
RIPA SENIOR RESPONSIBLE OFFICER

Further information from Gerard Rogers, Monitoring Officer and Regulatory & Local Government Law Manager, Legal Services - Tel 345310 or [gerard.rogers@chesterfield.gov.uk](mailto:gerard.rogers@chesterfield.gov.uk)

## APPENDIX D

### Chesterfield Borough Council

#### Equality Impact Assessment - Preliminary Assessment Form

The preliminary impact assessment is a quick and easy screening process. It should identify those policies, projects, services, functions or strategies which require a full EIA by looking at negative, positive or no impact on any of the equality groups.

Service Area: **Legal Services**

Section: **Local Government and Regulatory Law**

Lead Officer: **Gerard Rogers (RIPA Senior Responsible Officer)**

Title of the policy, project, service, function or strategy the preliminary EIA is being produced for: **Surveillance Policy**

Is the policy, project, service, function or strategy:

Existing

Changed

New/Proposed

Q1 - What is the aim of your policy or new service?

This is an update to an existing policy. To ensure the Council complies with the Regulation of Investigatory Powers Act, which protects rights under the Human rights Act 1998 (eg the right to respect for private and family life, home and correspondence (Article 8)).

Q2 - Who is the policy or service going to benefit?

The public – ensures only properly authorised surveillance takes place

The Council - RIPA controls covert surveillance. The council has only used overt surveillance since 2010 (no covert surveillance), but still needs policy and procedures for authorised surveillance. Authorities can only seek authority for covert surveillance if the offence the surveillance relates to can lead to a custodial sentence.

Q3 - Thinking about each group below, does, or could the policy, project, service, function or strategy have an impact on protected characteristics below? You may also need to think about sub groups within each characteristic e.g. older women, younger men, disabled women etc.

Please tick the appropriate columns for each group.

<b>Group or Protected Characteristics</b>	<b>Potentially positive impact</b>	<b>Potentially negative impact</b>	<b>No impact</b>
Age – including older people and younger people.			Yes
Disabled people – physical, mental and sensory including learning disabled people and people living with HIV/Aids and cancer.			Yes
Gender – men, women and transgender.			Yes
Marital status including civil partnership.			Yes
Pregnant women and people on maternity/paternity. Also consider breastfeeding mothers.			Yes
Sexual Orientation – Heterosexual, Lesbian, gay men and bi-sexual people.			Yes
Ethnic Groups			Yes
Religions and Beliefs including those with no religion and/or beliefs.			Yes
Other groups e.g. those experiencing deprivation and/or health inequalities.			Yes

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



Q4 - Should a full EIA be completed for this policy, project, service, function or strategy?

Yes

No

Q5 - Reasons for this decision:

No negative impacts are anticipated for on any of the protected characteristics. The types of cases where authorised surveillance can take place is restricted by law. No authorised surveillance has taken place since 2010. Before covert surveillance can take place, an Authorising Officer must be satisfied that the action proposed is necessary and proportionate to prevent or detect crime or disorder. The surveillance must also then be authorised by the Magistrates Court. All authorised surveillance must be authorised for specified periods only, regularly reviewed and cancelled when no longer proportionate or necessary.

Please e-mail this form to the Policy Service before moving this work forward so that we can confirm that either a full EIA is not needed or offer you further advice and support should a full EIA be necessary.

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