

# Public Document Pack



**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
*Chief Executive*

Date: 09 September 2015

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

To: **Members of the Scrutiny Commission**

Mr MR Lay (Chairman)	Mr KWP Lynch
Mr SL Bray (Vice-Chairman)	Mr SL Rooney
Mrs R Camamile (Vice-Chairman)	Mr BE Sutton
Mr RG Allen	Mr R Ward
Mr DC Bill MBE	Mr HG Williams
Mr WJ Crooks	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **SCRUTINY COMMISSION** in the De Montfort Suite - Hub on **THURSDAY, 17 SEPTEMBER 2015 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

## SCRUTINY COMMISSION - 17 SEPTEMBER 2015

### A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 2)

To confirm the minutes of the meeting held on 13 August 2015.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. MTFS PROGRESS REPORT (Pages 3 - 8)

Report of the Deputy Chief Executive (Corporate Direction).

7. ECONOMIC REGENERATION STRATEGY ACTION PLAN UPDATE (Pages 9 - 16)

Report of the Deputy Chief Executive (Community Direction).

8. AFFORDABLE HOUSING DELIVERY UPDATE (Pages 17 - 22)

Report of the Deputy Chief Executive (Community Direction).

9. ENVIRONMENTAL IMPROVEMENT PROGRAMME (Pages 23 - 30)

Report of the Deputy Chief Executive (Community Direction).

10. REGULATION OF INVESTIGATORY POWERS ACT POLICY (Pages 31 - 54)

Report of the Deputy Chief Executive (Corporate Direction).

11. SCRUTINY COMMISSION WORK PROGRAMME 2015-16 (Pages 55 - 56)

Members are reminded that, at the previous meeting, it was agreed that the suggested work programme items arising from the workshop would be taken back to respective groups in order to prioritise and formulate a work programme.

Members are requested to bring their groups' agreed priorities from the attached list to the meeting.

12. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### SCRUTINY COMMISSION

13 AUGUST 2015 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman  
Mr SL Bray and Mrs R Camamile – Vice-Chairman

Mr DC Bill MBE, Mr WJ Crooks, Mr KWP Lynch, Mr BE Sutton and Mr HG Williams

Also in attendance: Councillor J Kirby and Councillor K Morrell

Officers in attendance: Steve Atkinson, Julie Kenny and Rebecca Owen

#### 103 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Allen and Rooney.

#### 104 MINUTES

It was

RESOLVED – the minutes of the meeting held on 12 March 2015 be confirmed and signed by the Chairman.

#### 105 DECLARATIONS OF INTEREST

Urgent No interests were declared at this stage.

#### 106 URGENT DENTAL CARE PUBLIC CONSULTATION

Andrea Clark, Senior Engagement and Consultation Lead from Arden and Gem CSU and Jane Green, Assistant Contract Manager, Dental and Optometry for NHS England (Central Midlands), attended the meeting at the request of the Chairman to outline the current public consultation in relation to urgent dental care in the region. The consultation was due to end at midnight on 1 November 2015. During discussion which followed the presentation, the following points were made:

- The current lack of capacity in urgent care dentistry, contributing to the need for this review along with the forthcoming end of contract
- The reduction in use of the out-of-hours service, perhaps due to lack of awareness
- Poor public transport links to rural areas
- Co-ordinating services with neighbouring areas
- Some practices provided their own out-of-hours services, but this wasn't a requirement.

Members generally felt that, whilst it wasn't an option under the consultation, the public would prefer that their own dentists provided appointments at times convenient for those who worked 'office hours'. The Chairman asked members to complete the consultation questionnaire and to encourage others to do so. It was also requested that the Health & Well Being Board be asked to look at the consultation and co-ordinate a response.

#### 107 SCRUTINY COMMISSION WORK PROGRAMME 2015-16-17

During discussion on the work programme, the following suggestions were made:

- Refuse & recycling should be considered earlier in the work programme
- Half a dozen priorities should be highlighted
- The importance of housing repairs and considering future housing stock
- The Finance, Audit & Performance Committee could be requested to undertake some of the work
- Consideration was needed in relation to the reduction in rents proposed by the Government due to the impact on the authority.

It was agreed that the work programme items as suggested at the workshop on 13 July be taken back to groups for consideration and prioritisation for discussion by the Chair and Vice-Chairs.

108 SCRUTINY ENVIRONMENT GROUP - APPOINTMENT TO GROUP

Members agreed to seek nominations for appointment to the Scrutiny Environment Group from their groups.

(The Meeting closed at 7.40 pm)

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CHAIRMAN



**SCRUTINY COMMISSION – 17<sup>TH</sup> SEPTEMBER 2015**

**2016/17 BUDGET PLANNING**  
**REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE**  
**DIRECTION)**

**WARDS AFFECTED: ALL WARDS**

1. PURPOSE OF REPORT

- 1.1 To reiterate to Scrutiny Commission the financial targets for 2016/17 outlined in the abbreviated Medium Term Financial Strategy (MTFS). These targets have been communicated to Executive to identify direction as to what actions will be taken to fill the budget gap currently identified.
- 1.2 To inform members of the risk that the Council's external auditors may have been required to "qualify" the 2014/15 Value for Money opinion if plans are not clarified as to how the budget gap will be met

2. RECOMMENDATION

- 2.1 That Scrutiny Commission consider the options on either introducing a green waste charge and a 2% increase in Council Tax or going to referendum for an increase in Council Tax of between 10% and 13% to meet the funding gap (which was identified in the Council's approved MTFS) in 2016/17 as set out in this report.
- 2.2 That Scrutiny Commission consider the removal of the provision of Local Council Tax Support to parish councils in full from 2016/17
- 2.3 That pending the result of the discussions in 2.1, Scrutiny Commission consider how the balance of savings should be met in 2016/17

3. BACKGROUND TO THE REPORT

- 3.1 An abbreviated MTFS covering the period 2014/15 to 2017/18 was approved by Council in March 2015. This MTFS detailed three financial scenarios; a best case, worst case and forecast position. The impact of these scenarios on General Fund balances and reserves was detailed in the report and is summarised below for reference:

	<b>2015/2016</b>	<b>2016/2017</b>	<b>2016/2017</b>	<b>2016/2017</b>	<b>2017/2018</b>	<b>2017/2018</b>	<b>2017/2018</b>
	<b>Budget</b>	<b>Forecast</b>	<b>Best Case</b>	<b>Worst Case</b>	<b>Forecast</b>	<b>Best Case</b>	<b>Worst Case</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Closing General Fund Balance</b>	1,079,112	995,780	1,978,029	-667,279	1,105,476	3,646,957	-2,917,417
<b>Closing Earmarked Reserves Balance</b>	3,519,399	3,581,089	3,581,089	3,381,089	4,172,459	4,172,459	3,972,459
<b>Total General Fund Reserves and Balances</b>	4,598,511	4,576,869	5,559,118	2,713,810	5,277,935	7,819,416	1,055,042
<b>General Fund Surplus/(Deficit)</b>	112,279	1,207	957,475	-1,633,634	65,228	2,552,993	-3,898,635

3.2 What is clear from the above is that the worst case scenario is not viable under any circumstances and will effectively lead to the eradication of the General Fund. Conversely the best case scenario forecasts material levels of surplus balances that, in reality, would be difficult to achieve. The forecast position (ie one that preserves the General Fund and the ongoing solvency of the Council) was noted to be achievable by Council but only on the premise that certain financial decisions were made and targets were met in 2016/17.

3.3 The agreed targets contained within the MTFS are detailed in the table below. In each case the target has been categorised as follows:

- Those that have been achieved to date
- Those that are achievable and will be given, as targets, to officers as part of the budget setting process
- Those that are no longer achievable
- Those that require member decision and direction

	2016/17	Updates	Revised	Targets achieved	Targets achievable	Member decision/
	Original		targets		(officers)	direction required
	targets					
	£	£	£	£	£	£
Increased levels of building control income	25,000		25,000		25,000	
Reduction in banking contract	10,000		10,000		10,000	
Increased levels of development control income	78,000		78,000		78,000	
Savings from restructure of Revenues and Benefits Partnership (HBBC share)	108,017		108,017	108,017		
LCC waste management pressures recovered	486,000	157,890	643,890			643,890
Hub utilisation savings	50,000		50,000		50,000	
Further centralisation of budgets	12,000		12,000		12,000	
Reduction in contribution to VCS hub	12,330		12,330			12,330
Savings from restructure	129,800		129,800		129,800	
Additional income from Block C (75% occupancy)	188,303		188,303		188,303	
Phased reduction of Council Tax Support grant to parishes	23,452	119,548	143,000			143,000
Channel Shift	31,902		31,902		31,902	
Retender of ICT contract	100,000		100,000		100,000	
Private management of Atkins building	50,000		50,000			
Support services review	25,000		25,000		25,000	
Insurance contract saving	10,000		10,000		10,000	
Additional in year savings	180,000		180,000		180,000	
Increase in Council Tax (2%) and base (2%)	138,012		138,012			138,012
<b>Total</b>	<b>1,657,816</b>	<b>277,438</b>	<b>1,935,254</b>	<b>108,017</b>	<b>840,005</b>	<b>937,232</b>

3.4 The following two targets have been updated to reflect changes since the MTFS refresh:

- The MTFS forecast position contained an assumption that a decision would be made in 2016/17 to recover 100% the cost of decisions made by the County Council on green waste. The MTFS forecast these pressures would be around £486,000 (the cost of removing green recycling credits plus a contingency for an additional amount of unidentified cuts). This target has been amended in the table to reflect the pressures arising from green recycling credits (£345,000) and the additional costs of

the Palm recycling contract in 2016/17 (£298,8901). Both costs have been met from reserves in 2015/16. This pressure does therefore **not** reflect the cost of removing dry recycling credits as it is believed this will not be introduced until 2017/18 or even 2018/19

- In order to reflect the increased cost of the above and those unachievable targets, the target for removal of Council Tax Support Grant from parishes has been increased to the full allocation for 2016/17

3.5 On the basis of the above, the following direction/decisions are required from members to ensure that the MTFs forecast is achieved:

3.5.1 **Commence charging for Green Waste in 2016/17 to cover the cost of this service or alternatively raise council tax to fund the shortfall**

In previous years, the cost of removing green waste credits (£345,000) was met by reserves which will be depleted following this transfer.

The following options are to be considered by members to recoup this loss of income:

- 1) Offer the service to customers for a charge. Previously Council (November 2014) had considered introducing a charge of £30 for the first bin and £20 for a subsequent bin which would generate the following net income (after taking into account the costs of administering the charge). As this is an optional charge, the net income received would be dependent on take up

	<b>30% Take Up</b>	<b>40% Take Up</b>	<b>50% Take Up</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Income	-427,500	-570,000	-712,500
Cost of implementing	143,117	147,179	151,742
Net income	-284,383	-422,821	-560,758

- 2) Levy a charge on all customers who currently have a green waste bin. For the purpose of this calculation a charge of £24 for the first bin (£2 per month) and £10 for the second has been considered. If this charge is made mandatory it is proposed that customers will be charged for it at the same time as their council tax:

	<b>Properties</b>	<b>%</b>	<b>Chargeable Properties</b>	<b>Charge</b>	<b>Income</b>
	<b>#</b>	<b>%</b>	<b>#</b>	<b>£</b>	<b>£</b>
1 Bin	48,500	84.0%	40,740	-24	-977,760
2 Bins	48,500	1.4%	670	-10	-6,700
					-984,460
Admin costs <sup>i</sup>				6	291,000
<b>Net income</b>					<b>-693,460</b>

- 3) Raise council tax to cover the gap. In order to cover the gap from the loss of funding and the cost of administering a referendum to increase council tax (estimated at £100,000), the Council would be required to raise council tax by 13%. This would mean an increase of £12.50 per Band D property per annum.

3.5.2 **Remove the allocation Council Tax Support Grant to parishes in full from 2016/17**

The MTFS currently assumes a phased approach to removing this allowance. However, given the additional pressures identified, it is recommended that the allowance be removed in full (£143,000) in 2016/17. It should be noted that parish councils have the ability to raise Council Tax to meet any shortfall from this gap and many other authorities have removed/have never provided this funding

### 3.5.3 How do members propose to fund the remaining targets?

Depending on which of the above options are implemented, the MTFS contains additional targets of between £411 - £797k that are required to be met in 2016/17:

	Total member target	Member decision			Remaining target
		LCTS allocation	2% Council Tax	Income Generation	
	£				
Introduce optional charge for Green Waste (40% take up)	1,247,032	-143,000		-422,821	681,211
Introduce mandatory charge for Green Waste	1,247,032	-143,000		-693,460	410,572
Increase Council Tax (13%)	1,247,032	-143,000	138,012	-445,000	797,044

Officers require direction as to how these will be achieved from any the following means:

- Redundancies of staff
- Reductions/removal of discretionary services
- Reductions in service provision

3.6 Due to the fact that no firm plans are in place to fill the current budget gap, the Council's external auditors (PricewaterhouseCoopers LLP) have highlighted the risk that the 2014/15 Value for Money opinion may have been qualified. This is a serious risk as it indicates a lack of faith in the Council's financial position into the medium term. In order for the opinion to be unqualified, the auditors require assurance that plans are in place.

3.7 Notwithstanding any report from external audit, if no immediate decisions are made to bridge the funding gap then the s151 Officer of the Council will be duty bound bring a report to full Council s114 of the Local Government Act

#### 4. FINANCIAL IMPLICATIONS [KP]

4.1 Contained in the body of the report

#### 5. LEGAL IMPLICATIONS

5.1 The in-house legal team are considering the legal implications and these will be provided to the Scrutiny at the meeting.

#### 6. CORPORATE PLAN IMPLICATIONS

6.1 The budget will ultimately aid the achievement of all Corporate Plan aims

#### 7. CONSULTATION

7.1 As outlined in legal implications



## 8. RISK IMPLICATIONS

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
S.11 - Failure to successfully deliver the Medium Term Financial Strategy	<p>The position for 2016/17 has now become even more uncertain with the change in Administration and the initial direction of reducing debt through early redemption of borrowing, no introduction of green waste recycling charges and limiting Council Tax increases to 2%. This effectively means that the Council will now be facing a deficit in the budget for 2016/17 of around £500K to £600K as the shortfall resulting from LCC decision to remove recycling credits from 2015/16 was funded from general fund balances and reserves for this current year.</p> <p>Although there is a desire to increase income through "invest to earn" projects the revenue benefits will not be seen in 2016/17 and with the time lag resulting from the need for comprehensive business plans is unlikely until 2018/19 at the earliest.</p> <p>This position is of concern and will need further detailed discussions with the new administration.</p>	S Kohli

## 9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

No direct implications at this point

## 10. CORPORATE IMPLICATIONS

- 10.1 By submitting this report, the report author has taken the following into account:
- Community Safety implications
  - Environmental implications
  - ICT implications
  - Asset Management implications
  - Procurement implications
  - Human Resources implications
  - Planning implications
  - Data Protection implications
  - Voluntary Sector

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Background papers: MTFS

Contact Officer: Katherine Plummer, Chief Officer (Finance, Customer Services and Compliance) ext 5609

Executive Member: Cllr M Surtees

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<sup>1</sup> Further work is required to quantify these admin costs

## SCRUTINY COMMISSION – 17 SEPTEMBER 2015

### REPORT TITLE: ECONOMIC REGENERATION STRATEGY ACTION PLAN UPDATE REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## **WARDS AFFECTED: ALLWARDS**

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### **1. PURPOSE OF REPORT**

- 1.1 To provide Members with an update on work undertaken in the last 12 months, including ongoing initiatives, in order to fulfill the aims of the Action Plan of the Economic Regeneration Strategy 2009 – 2014

### **2. RECOMMENDATION**

2.1 That Scrutiny Commission:

- (i) Notes and endorses the economic regeneration work undertaken and outcomes achieved
- (ii) Endorses the ongoing work

### **3. BACKGROUND TO THE REPORT**

- 3.1 The following highlights the main areas of work undertaken to fulfill the aims and objectives of the Economic Regeneration Strategy's Action Plan, mainly through the work of the Regeneration team with other services within the Council and through working with external partners. The following sets out work undertaken in 2014/2015 under the six strategic objective of the Action Plan.

#### **3.2 Strategic Objective 1**

***Develop a targeted approach to supporting businesses, which have the potential to establish, expand and relocate within the borough:***

- In partnership with North Warwickshire Borough Council a successful LEADER bid was submitted and has received £1.4 million for rural projects across the two boroughs. The programme is being administered by North Warwickshire Borough Council. This bid was seen to be in the top ten of bids received across England. Calls for bids for projects to be funded through the programme will commence in the autumn. LEADER (2015-2020), which is funded through the EU Rural Development Programme, is business focused and includes:
  - Support for micro and small enterprises and farm diversification (40% of allocation)
  - Support for increasing farm productivity (15% of allocation)
  - Support for rural tourism (20% of allocation)
  - Support for increasing forestry productivity (5% of allocation)
  - Provision of rural services (10% of allocation)
  - Support for cultural and heritage activity (10% of allocation)
- Working with the £60m Crescent scheme, this continues to show significant progress. The new shopping and leisure scheme is due to open in November 2015, with Sainsbury's stating that they are targeting to open on 4 November.

The outcomes relating to scheme include:

- Being on target for 344 construction training weeks to be delivered on site
  - Leicestershire Cares clients being introduced to the site and three people obtaining full time employment
  - A Job Club, whereby individuals obtain support in seeking jobs at Sainsbury's, is being run by the County Council at the Hinckley Library
  - Currently working with Cineworld on the 20 – 30 job opportunities that will be available at the cinema.
- 
- The £10m MIRA Training Centre (opening 2016) supported together with the RGF funded projects to include the A5 upgrade works and the provision of sustainable transport in the form of cycles plus buses linking MIRA to Hinckley, Nuneaton and Atherstone. The launch of these buses took place in July 2015.
  - The MIRA Technology Park Enterprise Zone, which will secure £300m investment - creating 2,500 direct jobs and 2,500 indirect jobs, is developing well. Government announced recently the intention to extend the Enterprise Zone by 250,000 square feet. Hinckley and Bosworth Council was awarded £13,995m in 2013/14 and £3.146m in 2014/15 through the RGF for works to the A5 and MIRA.
  - Through the LLEP Enterprising Leicestershire Grants RGF scheme 13 local businesses received £210,000 of grants. This created 23 jobs and safeguarded 8.
  - Worked with staff from the Coventry & Warwickshire LEP Clearing House to continue a business support and grant programme, which is available to predominantly advanced manufacturing companies in Hinckley & Bosworth.
  - A well attended and successful 'Info2Grow' free business event supported by the Council; Stewart, Fletcher & Barratt; Hinckley Business Improvement District; Lloyds TSB; LDJ Solicitors and the Federation of Small Businesses was held on 10th September 2014 at the Green Rooms in Hinckley. The subject was 'Finance for Business.' Another 'Info2Grow' business event at the same location was held on the 25<sup>th</sup> March 2015. At this meeting local business leaders shared their success stories.
  - Helped in the facilitation of Hinckley Business Association business events to include one on social media for businesses, data protection and in particular an inspiring talk from a young businessman, who is a double amputee after being a soldier in Afghanistan. A second event at MIRA in June 2015 showcased the facilities there and the work on the High Technology Park.
  - Business advice to businesses wishing to expand, find new premises within the borough e.g. a micro brewery. This work includes directing business to the Leicester & Leicestershire Local Enterprise Partnership's website for its premises page and its Business Gateway page that provides detailed business advice.
  - The Economic Initiatives budget (see note 6.2) continues to pay a sponsorship towards the Hinckley BID's projects.
  - Facilitation of meetings such as RGF Board meetings, Crescent Board meetings.

### ***Summary and Highlight of Outcomes Achieved***

- In partnership with North Warwickshire Borough Council established a robust and successful LEADER bid
- Involvement with the Leicester & Leicestershire Business Survey, published in February 2015, which showed that Hinckley businesses demonstrated more business confidence than any of the other districts and also more than those in Leicester itself.
- Successful business support and grant programmes.
- Continued strong partnership working to include the Cross Border Partnership, MIRA, the A5 Strategy Partnership, and Hinckley BID.
- Two 'info2Grow' business events held and quarterly Hinckley Business Association events supported.

#### **3.3 Strategic Objective 2**

##### ***Develop an effective portfolio of sites and premises to meet the demands of business:***

- A new image Investor Prospectus has been produced and was launched at an event at Atkins on 18<sup>th</sup> March 2015, where the audience was given detailed information on sites with development potential and there were talks from MIRA, the Crescent developers and DPD.
- The new leisure centre development provides the opportunity, following demolition of the current leisure centre building in Trinity Lane, for a residential / mixed use scheme yielding a minimum of 66 dwellings that could also include hotel, leisure, retirement living and offices in a landmark development. A brief is being developed.
- A Key sites Programme with milestones has been developed. This supports the regeneration initiatives with individual programmes and milestones used to monitor projects to ensure timely delivery.
- A bid was submitted in August 2015 to the LLEP to create an Enterprise Zone for Hinckley town centre to bring forward underutilised sites and support regeneration. This bid identified that £75 m could potentially be secured from a business rate uplift and there would be a 5-year business rate holiday for local businesses if EZ status was secured.
- Dealing with commercial land and property enquiries.

### ***Summary and Highlight of Outcomes Achieved***

- A new and rebranded Investor Prospectus completed and promoted.
- A Key Sites Programme.
- The facilitation of productive monthly Crescent meetings and the scheme is on schedule and will secure over 600 permanent jobs.

#### **3.4 Strategic Objective 3**

##### ***To increase the vitality and viability of the network of centres across the borough:***

- Currently producing a 'Town Centres Vision' that sets out our ambitions for the town centres' in the borough to help boost their economic success and attractiveness to include the production of master plans.
- A bid for an HLF Townscape Initiative for Hinckley Town Centre is being worked up, to be submitted by August 2016 to help regenerate the town centre of Hinckley

through heritage led initiatives based around the town centre's conservation area.

HBBC are contributing to a County wide Market Towns' Study to provide a basis of identifying and seeking support for future regeneration opportunities.

- The Council's contribution of £58,000 (from the 2015/16 capital programme see note 6.4) to extend fibre broadband coverage within the borough continues to help the improved superfast roll-out in the borough. Representing the council at a series of county wide Broadband meetings in order to input into the funding package to extend fibre broadband.
- Earl Shilton was selected as one of four nation-wide pilots for place branding support as part of the Association of Town & City Management's Town Teams Programme and through this and engagement with the local business community, Town Council and the local community regeneration schemes have been initiated e.g. the ' Welcome to Earl Shilton' website. A successful bid for the Great British High Street Awards led to a place in the national finals and a commendation in the village category.
- The Economic Initiatives budget (see note 6.2) is contributing to a new shopping guide for Earl Shilton to enable it to link to the Town Council's website.

### ***Summary and Highlight of Outcomes Achieved***

- The Council's contribution of £58,000 to extend fibre broadband coverage within the borough means that improved superfast broadband provision continues to be rolled out.
- Partnership work in Earl Shilton is progressing well and is helping in the regeneration aspirations of the local community. It will help to embed the new residents moving into the Sustainable Urban Extension into the community to the economic benefit of the town.

### **3.5 Strategic Objective 4**

#### ***To ensure the benefits of economic growth are shared by all communities across the borough:***

- Having worked with Construction Futures to draw up a document to ensure local people are given the best opportunity in respect to construction jobs and apprenticeships, and by working with Job Centre Plus and other partners, local people have been engaged at the Crescent . In addition work is being undertaken in respect to jobs that will arise from the Sainsbury's and Cineworld developments.
- A Jobs Fair was held at Hinckley Leisure Centre on the 25 September 2014.
- The Barwell Village Regeneration Group has been reconvened comprising of councillors and officers and its aim is to bring forward regeneration in Barwell with the aim to make it a vibrant, safe and pleasant place where people are proud to live and work taking advantage of new opportunities and supporting businesses to grow.
- The Cross-border Delivery Partnership (comprising the Boroughs of Hinckley & Bosworth, North Warwickshire and Nuneaton and Bedworth) has commissioned an Economic Impact Assessment across the three authorities and this shows what economic impacts have resulted from regeneration projects. The study by Amion will be finalised in September 2015. Some high level findings identified include:
  - The regeneration catalyst that schemes like Hinckley Hub and Atkins have provided and that during the construction phase the former project supported around 30 person years of gross temporary employment and the latter around

- 45 person years of employment.
  - The Greenfields site currently supports some 80 full-time equivalent jobs and shows the value that environmental technologies have in attracting occupiers
  - Town centre BID activities through events and business support is estimated to have supported 75 gross jobs
  - Once fully developed the MIRA High Technology Park will accommodate approximately 2,500 jobs by 2021 and it is estimated that a further 2,150 jobs will be created over the next 10 years.
- The Cross-border Delivery Partnership continues work to looking at the problems that local people face with respect to journeys to work in order to establish solutions to problems identified.

### ***Summary and Highlight of Outcomes Achieved***

- An economic assessment to look at how economic initiatives are bringing economic benefits to the local economy.
- A Jobs Fair at Hinckley Leisure Centre on the 25 September 2014: 34 companies attended including MIRA and Hammonds. 224 people attended with over 77% from LE9 and LE10 postcodes.
- Construction jobs and apprentices for local people at the Crescent.
- A Job Club whereby individuals could obtain support in seeking jobs online, putting together a CV and other guidance.

### **3.6 Strategic Objective 5**

#### ***To raise the level of skills and knowledge within the borough's business and resident populations:***

- Working with North Warwickshire & Hinckley College and other providers in the promotion of apprenticeships and traineeships and in particular the the launch of a new Apprenticeship Training Agency, in affiliation with North Warwickshire & Hinckley College, on 1<sup>st</sup> July 2015.
- Attendance at the County Council Employment & Skills Board

### ***Summary and Highlight of Outcomes Achieved***

- Working with the newly established Apprenticeship Training Agency.
- The new MIRA Training Centre supported.
- The Twycross Zoo Life Science Academy project is being supported.

### **3.7 Strategic Objective 6**

#### ***To widely promote the economic, social and environmental opportunities and assets available in the borough:***

- A Local Economic Plan for Hinckley & Bosworth was submitted to LLEP to inform and feed into its Strategic Economic Plan (SEP) 2014-2020.
- A proforma of projects was submitted to LLEP in respect to its SEP Capital Infrastructure Projects for consideration and this will be pursued particularly in respect to potential funding through the European funding programme ESIF.
- Working with the Hinckley & Bosworth tourism partnership to help promote the tourism assets of the borough. These assets are promoted in the Investor

prospectus to demonstrate to developers and businesses the benefits of locating to the borough.

### ***Summary and Highlight of Outcomes Achieved***

- The Local Economic Plan for Hinckley & Bosworth is in place and will be used to pursue funding through LLEP especially via its Strategic Economic Plan and its EU Strategic Investment Plan.

## **4 FUTURE WORK PROGRAMME**

4.1 Much of the work outlined above is ongoing but new work and work to be highlighted includes:

- Promoting funding for rural initiatives in the borough through the LEADER programme.
- Local jobs for local people at development sites.
- The promotion of the Hinckley Investor Prospectus at relevant opportunities such as an event during the Leicester Business Festival that runs from 26<sup>th</sup> October to the 6<sup>th</sup> November.
- The MIRA Technology Park Enterprise Zone.
- A Key sites Programme.
- Town Centres' Vision across the borough.
- Pursuing funding opportunities for regeneration projects particularly through LLEP's national and European funding opportunities and ongoing work with Heritage Lottery Fund's Townscape Initiative scheme.
- Cross Border Delivery Partnership work to include a supply chain initiative event during the Leicester Business Festival.
- The work of the Cross Border Employment & Skills Partnership's Task and Finish groups to be accelerated especially in terms of the Local Apprentice Training Agency.
- Promotion of Horiba MIRA's sustainable transport solutions.
- Continued strong partnership working to include the Cross Border Partnership, the other Leicestershire districts and the county council, MIRA, the A5 Strategy Partnership, Hinckley BID, Hinckley Business Association.
- Working to develop the next Hinckley Business Association event at Caterpillar in October and the next Info to Grow event on the 23<sup>rd</sup> September

## **5 CONCLUSION**

5.1 The Economic Regeneration Strategy 2015–2020 is currently being developed and its draft aims, objectives and actions will be presented to a future meeting of Executive. We are seeking to align this strategy with those of our Cross-border partners: North Warwickshire and Nuneaton & Bedworth Borough Councils.

## **6 FINANCIAL IMPLICATIONS [MA]**

6.1 Any future individual initiatives as stated in paragraph 4 of this report (future work programme) may have financial implications and these will need to be reported at the appropriate time in line with the Council's financial regulations

6.2 The Economic Initiatives Budget (cost code edf) is being used to sponsor or contribute to events (as stated in point 3.2 and 3.4). The outturn position for 2014/15 is an under-spend of £211 from a budget of £10,050.

It is anticipated that the budget for 2015/16 of £5,050 will be sufficient to accommodate any sponsorship or contribution requested for this financial year.



- 6.3 In 2014/15 a £15,173 supplementary budget (cost code edf) was requested and approved in accordance with the financial procedure rules. This was used to fund the Council's contribution to the Cross-border Delivery Partnership (as stated in point 3.5).
- 6.4 In the 2015/16 capital programme there is a budget (cost code rkf) of £58,000 to fund the Rural Broadband contribution to Leicester County Council.
- 6.5 The Leader Project is being entirely administered by North Warwickshire Borough Council. This means activities such as their officer time with the promotion, bid applications and support to the businesses will have no financial implication to the council, as no charge will be made.
- 6.6 The Crescent Project has a capital budget for 2015/16 of £4.5m for purchasing 'block c' of the development.
- 6.7 The Council has been awarded Regional Growth Funding for works to the A5 and MIRA Enterprise Zone as follows:
- £13.995 million received in 2013/14
  - £3.146 million received in 2014/15

The Council acts as the "accountable body" for these funds, transferring designated elements to third parties to perform capital/revenue work.

## 7 LEGAL IMPLICATIONS (MR )

- 7.1 None raised directly by this report as it is just for noting, however the legal implications for individual projects will be considered as they progress.

## 8 CORPORATE PLAN IMPLICATIONS

The report has synergy with the Corporate Plan's aim of 'Creating a vibrant place to live and work' and the priority within this to 'sustain economic growth'.

## 9 CONSULTATION

Further consultations on specific projects will take place at the appropriate time in project development.

## 10 RISK IMPLICATIONS

Risks associated with the projects described in this update report are assessed on a project by project basis and dealt with accordingly

## 11 KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

A number of the projects benefit rural communities in the borough especially the LEADER programme and the broadband roll-out.

## 12. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:

- Community Safety implications: None
- Environmental implications: None

- ICT implications: None
- Asset Management implications: None
- Human Resources implications: None
- Planning Implications: None
- Voluntary Sector: None

Background papers: None

Contact Officer: Judith Sturley, Principal Economic Regeneration Officer, ext. 5855

Executive Member: Councillor Mike Hall



## SCRUTINY COMMISSION – 17 SEPTEMBER 2015

### REPORT TITLE: AFFORDABLE HOUSING DELIVERY

### REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

### WARDS AFFECTED: ALL WARDS

#### 1. PURPOSE OF REPORT

- 1.1 To inform Members of the delivery of affordable housing in the Borough, as requested by the Scrutiny Commission as an annual position update.

#### 2. RECOMMENDATION

- 2.1 That Scrutiny Commission notes the contents of this report.

#### 3. BACKGROUND TO THE REPORT

- 3.1 This report is in response to a request at the Scrutiny Commission meeting of 20 December 2012, which requested that Members are informed on an annual basis on the delivery of affordable housing in the Borough.
- 3.2 The targets and thresholds for affordable housing in the Borough are set out in Policy 15 of the Core Strategy. These differ for the urban and rural settlements and are as follows:

Location	Site size threshold	Target
Urban (Hinckley, Barwell, Burbage and Earl Shilton but not the SUEs)	15 dwellings or more, or sites of 0.5 ha or more	20% affordable housing
Sustainable Urban Extensions – Barwell and Earl Shilton	15 dwellings or more, or sites of 0.5 ha or more	20% affordable housing
Rural areas (all sites not in the above categories)	4 dwellings or more, or sites of 0.13 ha or more.	40% affordable housing

- 3.3 The Core Strategy also sets out the minimum numbers of affordable housing to be delivered in the Core Strategy period 2006 – 2026. This sets out a target of 2,090 affordable dwellings to be delivered over the policy period, 480 of which should be in rural areas.

#### 4. AFFORDABLE HOUSING COMPLETIONS AND PERMISSIONS TO 31 MARCH 2015

- 4.1 The total number of affordable housing completions and the percentage of affordable housing delivered since the start of the Local Plan period (2006 – 2026) is shown in the table below.

## ANNUAL AFFORDABLE HOUSING COMPLETIONS

Year	Affordable Completions (net)		Total Affordable Housing Completions (net)	Total Open Market Housing Completions (net)	Total Housing Completions (net)	Percentage of housing delivery that is affordable (%)
	Rural	Urban				
2006/07	15	65	80	358	438	18.26
2007/08	3	41	44	354	398	11.06
2008/09	9	80	89	385	474	18.78
2009/10	0	107	107	246	353	30.31
2010/11	0	5	5	222	227	2.20
2011/12	0	134	134	239	373	35.92
2012/13	6	11	17	210	227	7.49
2013/14	60	43	103	377	480	21.46
2014/15	93	61	154	598	752	20.48
<b>Totals:</b>	<b>186</b>	<b>547</b>	<b>733</b>	<b>2989</b>	<b>3722</b>	<b>19.69</b>

- 4.2 This table shows that since the beginning of the plan period (2006) a total of **733** affordable dwellings have been completed against the 2,090 affordable dwelling requirement set out in the Core Strategy Policy 15 (see point 3.3) which equates to 19.69% affordable provision.
- 4.3 In addition to the completions of affordable housing, there is planning permission for schemes yet to be implemented, which includes 54 affordable dwellings in urban areas and 83 affordable dwellings in the rural areas. This equates to **137** affordable dwellings with planning permission within the borough at 1 April 2015.
- 4.4 In conclusion, this equates to a total number of completions and permissions for affordable dwellings of **870** against the adopted Core Strategy target of 2,090 for the period 2006 – 2026. The delivery has been reasonable against the Core Strategy target but the Council recognises that there continues to be challenges in delivering affordable housing within the borough.

### 5.0 SUMMARY OF PAST DELIVERY

- 5.1 The delivery of affordable housing within the borough has been affected by many factors, these include the following;
- Not every site which comes forward for development crosses the minimum size threshold to require the provision of affordable housing
  - A developer can seek to negotiate a reduced level of affordable housing, or type of affordable housing, where the site is not financially viable
  - The economic downturn has meant that the total number of dwellings being built has been below the expected levels. This has resulted in the number of affordable dwellings not being constructed as a result.
  - The delay in the delivery of the Sustainable Urban Extensions at Barwell and Earl Shilton has had implications on the delivery of affordable housing.
  - On 28 November 2014 Government issued a revision to the site thresholds, which meant that affordable housing could not be required on sites of 10 dwellings or less. This affected sites in the rural areas where the policy requirement in the Core Strategy is for sites of 4 dwellings or more to provide affordable housing. However following a High Court challenge by West Berkshire Council and Reading Borough Council, Mr Justice Holgate has ordered that the relevant part of the National Planning Policy Guidance relating to the Ministerial Statement and all subsequent changes be quashed.

Therefore from 31 July 2015 there is again a requirement for affordable housing on rural sites of 4 dwellings or more.

- The announcement that social housing rent levels will be reduced by 1% for the next 4 years has resulted in Registered Providers revising their Business Plans. This is only just starting to impact on affordable housing delivery but is resulting in Registered Providers offering less for affordable housing on section 106 sites as well as reducing the number of sites they will bid for.

## 6.0 FUTURE AFFORDABLE HOUSING DELIVERY METHODS

6.1 The council is addressing the challenges in the following ways:

- Where developers approach the council to reduce the amount of affordable housing on a site, a robust appraisal of the developers' viability assessment is carried out to assess the quantity of affordable housing the site can deliver. The recommendations are subject to independent validation on a sample of assessments to ensure the council achieves the maximum affordable housing and other planning obligations possible.
- Work continues to bring forward a pipeline of rural exception sites to address the needs of local people who are priced out of open market housing in rural villages.
- The HRA Investment Plan 2013 – 2018 sets out a number of affordable housing delivery options which will increase the amount of affordable housing in the Borough including new development of council housing. The delivery plan also includes, but is not restricted to, purchase of affordable housing on section 106 sites, buy back of ex council housing and in exceptional cases purchase on the open market.

## 7. FINANCIAL IMPLICATIONS [MA]

7.1 The table below shows the capital programme for the HRA Investment Plan as stated in point 6.1.

	Total	Actual 2014- 15	Budget 2015-16	Budget 2016-17	Budget 2017-18
	£	£	£	£	£
Dragons lane	409,000	409,000	-	-	-
Southfields Road	2,750,000	-	2,750,000	-	-
Other Affordable Housing	6,825,000	-	231,537	3,199,463	3,410,000
<b>Total</b>	<b>10,000,000</b>	<b>409,000</b>	<b>2,981,537</b>	<b>3,199,463</b>	<b>3,410,000</b>

7.2 Assuming that the 154 affordable housing completions (as stated in table from point 6.1) can be included for New Homes Bonus purposes, the table below shows the potential \*£195,611 income stream for the council. This income will be received into the General Fund.

<b>* The assumption made that the properties on average council</b> <b>Property Category</b>	<b>Number of Affordable Completed Properties</b>	<b>Council Tax Banding Element of New Homes Bonus</b>	<b>Affordable Rent Element of New Homes Bonus</b>	<b>Total New Homes Bonus Income</b>
		£	£	£
Non Affordable Rent Properties	116	137,325	-	137,325
Affordable Rent Properties	38	44,986	13,300	58,286
<b>* Totals</b>	<b>154</b>	<b>182,311</b>	<b>13,300</b>	<b>195,611</b>

\*The formula for the New Homes bonus is 80% of the Council Tax Banding x Number of Affordable Completed Properties plus £350 per property if this is let as Affordable Rent. The assumption made in the table is that on average the properties are at Council Tax Band D £1,479.80. The split shown between non and affordable rent are actual figures.

7.3 Based on an average band D equivalent council tax of £112.09 (including special expenses) the estimated additional council tax income will be £1,345.08 (£112.09 x 154 Affordable Completed Properties)

## 8. LEGAL IMPLICATIONS [MR]

8.1 None arising directly from the report

## 9. CORPORATE PLAN IMPLICATIONS

9.1 The delivery of affordable housing supports the following aims of the Corporate Plan 2013 – 2016:

- Provide decent and affordable homes.

## 10. CONSULTATION

10.1 None required.

## 11. RISK IMPLICATIONS

11.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

11.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

11.3 The following significant risks associated with this report / decisions were identified from this assessment:

<b>Management of significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
Failure to deliver affordable housing increases the pressure on the Council's waiting lists and impedes its desire to assist residents in the Borough who cannot meet their needs on the open market	Completion of an independent viability assessment before agreement to reduce the numbers of affordable housing on qualifying sites	Valerie Bunting

12. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

12.1 This report is concerned with ensuring that a supply of affordable housing is available in the Borough for people in the greatest need. This includes consideration of people from vulnerable groups, and those living in rural areas.

13. CORPORATE IMPLICATIONS

13.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications - None identified
- Environmental implications - None identified
- ICT implications – None identified
- Asset Management implications – None identified
- Procurement implications – None identified
- Human Resources implications – None identified
- Planning implications - – Contained within the body of the report.
- Data Protection implications – None identified

Background papers: None

Contact Officer: Valerie Bunting x5612

Executive Member: Councillor M Hall

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## SCRUTINY COMMISSION – 1 SEPTEMBER 2015

### ENVIRONMENTAL IMPROVEMENT PROGRAMME FOR 2015/16 REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

#### WARDS AFFECTED: ALL WARDS

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#### 1. PURPOSE OF REPORT

1.1 This report outlines the Environmental Improvement Programme for 2015/16.

#### 2. RECOMMENDATION

2.1 That Scrutiny Commission agrees the enhancement schemes (see Appendix 1) to be implemented in the financial year 2015/16 as the Environmental Improvement Programme.

#### 3. BACKGROUND TO THE REPORT

##### BOROUGH IMPROVEMENT PROGRAMME 2015/16

3.1 If the Borough Council's applications for grant aid are successful and landowners agree to make financial contributions towards projects, as anticipated, it will be possible to finance the 19 schemes (3 carried forward from 14/15) identified in Appendix 1. The 19 schemes have an overall estimated cost of £144,131, with a gross cost to Hinckley and Bosworth Borough Council of £57,531. After taking account of the anticipated contribution of £13,608 from external funding, the net cost to this Authority will be £43,923.

3.2 This year's programme aims to continue the practice to implement schemes identified in the Authority's Conservation Area Management Plan Reviews and provide a good distribution of projects throughout the borough, both in the urban and rural areas. A new conservation area is proposed for Nailstone for which conservation area plaques are proposed throughout the conservation area from the 2015/16 budget.

3.3 Appendix 2 outlines the progress made on the projects included in the 2014/15 programme.

##### GUIDELINES FOR PRIORITISING SCHEMES

3.4 The agreed guidelines approved by members for prioritising schemes are set out below:

- (a) Implement schemes identified in the Authority's Conservation Area Management Plan Reviews,
- (b) Schemes that generate significant amounts of external funding, or be supported by partnerships involving private sector funding,
- (c) Complete or complement schemes undertaken in previous years' programmes
- (d) Contribute to the Strategic objectives of the Local Authority to provide an attractive environment.

- (e) Be implemented on publicly-owned or private accessible land
- (f) Be in areas which have not yet benefited significantly in previous years' programmes
- (g) Voluntary organisations are given priority for undertaking appropriate projects providing the work meets the selection guidelines outlined in sub paragraphs (a) to (f).

#### 4. FINANCIAL IMPLICATIONS (MA)

- 4.1 The budget position for the Borough Improvements capital scheme is detailed in the table below:

	2014/15			2015/16				
	Latest Budget	Actuals	Outturn (Over)/ Under Spend	Original Budget	Carry Forward	Latest Budget	Required Budget	Outturn (Over)/ Under Spend
	£	£	£	£	£	£	£	£
Expenditure	59,647	29,637	30,010	50,000	30,010	80,010	57,531	22,479
Income	(24,950)	(3,633)	(21,318)	(15,000)	(21,318)	(36,318)	(13,608)	(22,710)
Net budget	34,697	26,004	8,692	35,000	8,692	43,692	43,923	(231)

- 4.2 The table above shows that schemes proposed in Appendix 1 for 2015/16, will have a gross cost of £57,531 to the Authority and external contributions of £13,608 are expected. This will result in a net position of £43,923 against a net revised budget of £43,692.

- 4.3 Value of bids received is lower than that estimated. This is matched by an associated reduction in external contributions. The expenditure saving is estimated to be £22,479. After allowing for reductions in contributions of £22,710, the net outturn position is estimated to be a minor overspend of £231. If an additional £231 is required, this will have to be met by a revenue contribution to fund capital expenditure.

#### 5. LEGAL IMPLICATIONS (MR)

- 5.1 The Council has power under the Local Government Act 2000 to promote or improve the environmental well being of its area.

#### 6. CORPORATE PLAN IMPLICATIONS

- 6.1 This report contributes to the following Strategic Aims of the Council

Strategic Aim - Creating a vibrant place to work and live

Strategic Aim – Empowering communities

7. CONSULTATION

7.1 Consultations will take place on each project on an individual officer basis with parish councils and other interested parties.

8. RISK IMPLICATIONS

8.1

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None identified		

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 Projects put forward in the Environmental Improvement Programme are generally spread over the whole of the Borough and includes the rural area.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety Implications – Yes, Improving lighting and the environment will contribute reducing the fear of crime and disorder
- Environmental Implications – Yes, Protecting and enhancing the Borough’s Heritage
- ICT Implications – None directly arising from this report
- Asset Management Implications – None directly arising from this report
- Human Resources Implications – None directly arising from this report
- Planning Implications – Permissions sought where required
- Voluntary Sector – Conservation volunteers used where appropriate on different schemes.

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Background papers: none

Contact Officer: Daniel Britton, ext. 5872

Executive Member: Councillor M Hall

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Appendix 1 - 2015/16 Environmental Improvement Programme							
Location Ward/Parish	Scheme	Remarks	Estimated Cost of Project	Net Cost to HBBC	Anticipated External Contributions	Gross Cost to HBBC	Update July 2015
Boroughwide Project	Financial contributions for the Borough's conservation areas towards the rebuilding/provision of new stone walls/iron railings, the re-roofing of properties with traditional materials and the reinstatement of chimney stacks and pots.	This project is proving very successful in helping to retain / provide traditional features in the Borough's conservation areas.	£12,000	£6,000	£6,000	£12,000	Offered a contribution towards a wall in Stoke Golding
Market Bosworth	Contribution towards Churchill's Memorial	This is a project working with Churchills and the Market Bosworth Society to erect a memorial to Group Captain W Churchill DSO DFC and to the work carried out by the employees of Churchill Components during 1941-1945	£4,450	£2,225	£2,225	£4,450	Offer made
Earl Shilton	Contribution towards a blue plaque	This project working with Earl Shilton to Waterloo Historical Group places a plaque in recognition of three men who fought at the Battle of Waterloo	£230	£115	£115	£230	Plaques ordered
Stoke Golding	Crown Hill information board	This is a project working with Leicestershire County Council and Stoke Golding Heritage Group to install an information board to provide an interpretation of the events on Crown Hill during the Battle of Bosworth	£1,000	£500	£500	£1,000	Waiting for final details
Nailstone	Installation of conservation area plaques	Installation of new conservation area plaques to mark the proposed new conservation area in Nailstone	£240	£240		£240	Awaiting conservation area designation
Stoke Golding	Financial contributions to rebuild a 2nd World War observation post	A contribution towards a larger scheme for the cost of brick materials	£34,000	£4,000		£4,000	Contribution given
St Peter's Church Shackerstone	Re-building/ repairs to churchyard wall	Repairs to churchyard wall	£9,000	£4,500		£4,500	Offer made
Market Bosworth	Refurbishment of Battle of Bosworth litter bins, repairs to benches and repairs to noticeboard.	A contribution to the Parish Council towards the refurbishment of 16 battle of Bosworth litter bins and repaint two benches.	£1,160	£580	£580	£1,160	Offer made
St Catherine's Churchyard, Burbage	War memorial garden project and works to headstone	A contribution towards the memorial garden project and restoration of headstones	£2,000	£1,000		£1,000	Waiting for final quotes
Higham on the Hill	Restoration of chest tomb	A contribution towards the restoration of the Fisher Grave in the closed churchyard.	£3,000	£1,500		£1,500	Waiting for final quotes
Witherley	Church yard project	Repairs to St Peters churchyard path.	£4,400	£2,200		£2,200	Offer made
Markfield	Village trail information board	The information board will relate to the village plaque scheme to create a walking trail identifying important historic locations.	£1,110	£555	£555	£1,110	Offer made
Queens Park, Hinckley	Heritage lighting	A contribution to green spaces towards the replacement to 8 lights in Queens Park to heritage style.	£27,000	£3,100		£3,100	Offer made
Sutton Cheney and Dadlington	Installation of heritage nameplates	The parish council has designed a crest for inclusion on 16 nameplates in Dadlington and Sutton Cheney.	£2,600	£1,300	£1,300	£2,600	Plaques ordered
Ashby Canal	Repairs to bridge 26 and 41	A contribution towards materials for repairs to bridge 26, Foxwells Bridge and bridge 41, Jacksons Bridge working with the Canal & River Trust.	£30,000	£6,500		£6,500	Offer made
Ratby	Installation of Heritage plaques	The Ratby Local History Group has suggested a couple more locations for information plaques	£230	£230		£230	Plaques ordered
<b>2015/16 SUBTOTAL</b>			<b>£132,420</b>	<b>£34,545</b>	<b>£11,275</b>	<b>£45,820</b>	
<b>Projects carried forward from 2014/15 Programme into 2015/16</b>							
Burbage	Restoration of chest tomb at St Catherine's Churchyard.	Scheme carried forward from 2014/15	£2,260	£2,260		£2,260	The order for work to restore the chest tomb has been placed.
Markfield	Installation of seven information plaques.	Scheme carried forward from 2014/15	£665	£332.50	£332.50	£665	An order has been placed for seven historic information plaques.
Sibson	Installation of 2 heritage street lights.	Scheme carried forward from 2014/15	£8,786	£6,786	£2,000	£8,786	The heritage lights have been installed.
<b>2014/15 CARRY FORWARD SUBTOTAL</b>			<b>£11,711</b>	<b>£9,379</b>	<b>£2,333</b>	<b>£11,711</b>	
<b>TOTAL EXPENDITURE</b>			<b>£144,131</b>	<b>£43,923</b>	<b>£13,608</b>	<b>£57,531</b>	

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Appendix 2 - END OF YEAR PROGRESS REPORT ON THE ENVIRONMENTAL IMPROVEMENT PROGRAMME 2014-15

Location	Scheme	Remarks	Status
Boroughwide Project	Financial contributions towards cleaning/remedial works to the Borough's war memorials. 2014 is the 100th anniversary of the start of World War 1.	Contributions were made to various Parish Councils towards war memorial cleaning.	Project Completed
St Catherines Churchyard, Burbage	Restoration of chest tomb	The order for work to restore the chest tomb has been placed.	Project Ongoing. Funding carried forward to 2015/16 - see appendix 1
Higham on the Hill	Installation of heritage nameplates	All the nameplates have been installed.	Project Completed
Stoke Golding	Installation of heritage nameplates	All the nameplates have been installed for the rest of the village	Project Completed
Markfield	Installation of seven information plaques	An order has been placed for seven historic information plaques.	Project Ongoing. Funding carried forward to 2015/16 - see appendix 1
Ratby	Installation of heritage plaques	Heritage plaques were installed to mark the Leicester – Swannington Railway.	Project Completed
Ratby Parish Church	Re-building of a length of churchyard wall	A contribution was made towards the rebuilding the churchyard wall.	Project Completed
Sibson Conservation Area	Installation of 2 heritage street lights	The heritage lights are in the process of being installed.	Project Ongoing. Funding carried forward to 2015/16 - see appendix 1
Stoke Golding	Re-instate the railings and kissing date	The works to railings and kissing gate has been completed.	Project Completed
Stoke Golding	Enhancement works around war memorial	The enhancement works have been completed.	Project Completed
George Fox Memorial, Fenny Drayton	Installation of railings and edging kerbs	A dangerous tree was felled and railings and edging kerbs installed in its place.	Project Completed
Orton Church, Orton on the Hill	Rebuilding of small section of Church Yard wall	The work carried out has now been completed.	Project Completed
Berrys Lane, Ratby	Installation of plaque (Carry forward)	The three cricketers plaque has been installed.	Project Completed
St Catherine's Church, Burbage	Restoration to churchyard tomb (Carry Forward)	The work to restore the tomb from last years budget has been completed and a further tomb is to be restored from this years budget.	Project Completed

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## SCRUTINY – 17<sup>TH</sup> SEPTEMBER 2015

### REGULATION OF INVESTIGATORY POWERS ACT POLICY 2015 REPORT OF THE MONITORING OFFICER

#### WARDS AFFECTED: ALL WARDS

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#### 1. PURPOSE OF REPORT

- 1.1 To present to members the draft Regulation of Investigatory Powers Act (RIPA) policy.

#### 2. RECOMMENDATION

- 2.1 That members endorse the new RIPA Policy.

#### 3. BACKGROUND TO THE REPORT

- 3.1 A new policy was suggested following our inspection by the Office of Surveillance Commissioners (OCS) in Summer 2014. The policy aims to encourage a simplified procedure when applying to undertake covert surveillance under the Regulation of Investigatory Powers Act 2000.
- 3.2 The introduction of this policy has the potential to protect the council when they are assessing whether to undertake surveillance. This policy also takes into account The Protection of Freedoms Act 2012 and recent guidance issued by the OCS.
- 3.3 For note, there have been no applications to undertake covert surveillance over the last two year period.

#### 4. FINANCIAL IMPLICATIONS [IB]

- 4.1 None.

#### 5. LEGAL IMPLICATIONS [JB]

- 5.1 The legal implications in relation to The Human Rights Act 2000, The Data Protection Act 1998 and the Home Office's Codes of Practices are covered in section B of the RIPA Policy 2015 draft document.

#### 6. CORPORATE PLAN IMPLICATIONS

- 6.1 This policy has the potential to limit the misuse of surveillance. It aims to provide guidance on what is expected from officers, whether in a requesting role or an authorising one. It supports all aspects of the Corporate Plan.

#### 7. CONSULTATION

- 7.1 Senior management and staff that may undertake such surveillance have been consulted.

#### 8. RISK IMPLICATIONS

- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 This is a corporate policy and does not impact any community, group, area or parish in particular.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector
- Procurement implications
- Data Protection implications

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Background papers: None

Contact Officer: Julie Kenny, Ext 5985

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Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## **Hinckley & Bosworth Borough Council Surveillance Policy 2015 - DRAFT**

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DRAFT

## **A. Introduction and key contacts**

Our RIPA 2015 policy is based upon the requirements of the Regulation of Investigatory Powers Act 2000 ('RIPA') and the Home Office's Codes of Practices on Surveillance which support RIPA.

The authoritative position on RIPA is the Act itself and any officer who is unsure about any aspect of this document should contact, at the earliest possible opportunity, the Information Governance Officer for advice and assistance. A copy of this document is on the Intranet and is reviewed annually.

### **Senior Responsible Officer (SRO)**

Julie Kenny, Chief Officer for Corporate Governance and Housing Repairs is the council's Senior Responsible Officer for RIPA. The SRO is responsible for:

- Specifying, by name, appropriate officers able to grant RIPA authorisations (Authorising officers)
- Verifying the competency of those officers before authorising them
- Ensuring the integrity of the surveillance processes in place and compliance with legislation and Home Office Codes of Practice
- Engagement with Surveillance Commissioners and inspectors when they conduct their inspections
- Overseeing implementation of any post inspection action plans

### **Legal Services and Information Governance Officer**

For all Legal advice please refer to the Legal Team.

The Information Governance Officer is responsible for maintaining the central register of all RIPA authorisations, reviews, renewals, cancellations and rejections.

It is the responsibility of the relevant Authorising Officer, however, to ensure that the original forms are sent to the Senior Responsible Officer. Authorising officers must also ensure that, when sending the completed forms they are sent in a confidential manner.

RIPA and this document are important for the effective and efficient operation of the Borough Council's actions with regard to covert surveillance and Covert Human Intelligence Sources. This document will, therefore, be kept under annual review by the Information Governance Officer.

### **Email monitoring**

In terms of monitoring e-mails and internet usage, it is important to recognise the important interplay and overlaps with the council's e-mail and internet policies and

guidance, and legislation such as RIPA, subsequent statutory instruments relating to RIPA the Data Protection Act 1998 Human Rights Act 1988. RIPA forms should be used where relevant and they will be only relevant where the criteria listed on the forms are fully met.

## **B. Background to the relevant acts**

### **The Human Rights Act 2000**

Under legislation it is the responsibility of all public bodies to comply fully with the requirements of the Human Rights Act (HRA) 1998 which came into force on the 2 October, 2000. The Regulation of Investigatory Powers Act (RIPA) 2000 was enacted in order to give a clear statutory framework for the operation of certain intrusive investigative techniques, to provide for compliance with the HRA. RIPA also provided for the appointment of Independent Surveillance Commissioners to oversee the exercise by public authorities of their powers and duties under the act.

The purpose of RIPA is to regulate 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 decrypted or accessed.”

Essentially RIPA requires the following human rights principles to be complied with for investigatory work:

- The proposed action must be lawful
- The proposed action must be proportionate
- The proposed action must be necessary
- The proposed action must be non-discriminatory

### **The Data Protection Act 1998**

The DPA states eight principles to be observed to ensure that the requirements of the Act are complied with. They state that personal data, which includes personal data obtained from covert surveillance techniques must:

- Be fairly and lawfully obtained and processed
- Be processed for specified purposes and not in any manner incompatible with those purposes
- Be adequate, relevant and not excessive
- Be accurate
- Not be kept for longer than is necessary
- Be processed in accordance with individuals' rights
- Be secure

- Not be transferred to non-European Economic Area Countries without adequate protection

### **Codes of practice**

To coincide with the RIPA coming into force, the Home Office published four statutory codes of practice, which are mandatory under the terms of the Act (Part IV, para 75(1), covering:

- Use of covert surveillance
- Use of covert human intelligence sources
- Interception of communications and accessing communications data
- Investigation of electronic data protected by encryption

The Regulation of Investigatory Powers Act states that all public authorities (including local authorities) are expected to comply with the codes.

The code of practice which has the most significant impact on the activities of officers at Hinckley & Bosworth Borough Council is the Code of Practice on Covert Surveillance. However, officers should also be aware of the Regulation of Investigatory Powers (Communications Data) Order which provides guidance on the acquisition and disclosure of communications data.

### **C. What RIPA does and does not do**

#### **RIPA does:**

- Require prior authorisation of directed surveillance
- Prohibit the council from carrying out intrusive surveillance
- Require authorisation of the conduct and use of a CHIS
- Require safeguards for the conduct and use of a CHIS
- Require judicial approval of authorisations before directed surveillance and use of CHIS can be carried out (see section J)

#### **RIPA does not:**

- Prejudice or dis-apply any existing powers available to the council to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the council's current powers to obtain information via the DVLA or to get information from the Land Registry as to the ownership of a property.

If the Authorising Officer or any applicant is in any doubt, he/she should ask the SRO or Legal Services Manager **BEFORE** any directed surveillance and /or CHIS is authorised, renewed, cancelled or rejected.

## **D. Types of surveillance**

**All authorisations, even if urgent, must be made in writing.**

Surveillance is defined as including:

- Monitoring, observing, listening to persons, their movements, their conversations or their other activities or
- Recording anything monitored, observed or listened to in the course of surveillance
- Surveillance by or with the assistance of a surveillance device

There are different types of surveillance:

- General surveillance (not directed at an individual)
- Covert surveillance (directed/intrusive)

RIPA authorisation is not required for all surveillance. It only applies to covert surveillance

### **1 - Overt surveillance**

- 1.1 - Most of the surveillance carried out by this council will be done overtly – there will be nothing secretive or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public and / or will be going about council business openly (Clean Neighbourhood Officer on patrol)
- 1.2 - Similarly, surveillance will be overt if the subject has been told it will happen (Where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met)

### **2 - Covert surveillance**

- 2.1 - In terms of RIPA an action is defined as covert 'If, and only if, it is carried out in a manner that is calculated to ensure that the persons who are subject to surveillance are unaware that it is or may be taking place'
- 2.2 - RIPA regulates two types of covert surveillance, Directed Surveillance and Intrusive Surveillance and the use of Covert Human Intelligence Sources (CHIS)



### 3 - Directed surveillance

3.1 - Surveillance is directed if it is undertaken:

- For the purpose of a specific investigation or specific operation in such a manner as is likely to result in the obtaining of private information about a person (whether or not that person is specifically targeted for purposes of an investigation), and
- Is covert, and
- Is not intrusive surveillance (see definition below – the council must not carry out any intrusive surveillance), and
- Is not carried out in an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable, for example spotting something suspicious and continuing to observe it

3.2 - The key issue in directed surveillance is the targeting of an individual with the intention of gaining private information. This includes any information relating to private and family life, home and correspondence. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact, or associates, with.

3.3 - Similarly, although overt town centre CCTV cameras do not normally require authorisation, if the camera is tasked for a specific purpose, which involves prolonged surveillance on a particular person, authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.

3.4 - Examples of **directed** surveillance

## The covert taping of nuisance tenants within a neighbouring property

- **The use of noise nuisance recorders**

The use of electronic noise monitoring equipment for measuring levels and frequency of noise in a complainants premises has been expressly judged by the Chief Surveillance Commissioner as not surveillance because the noise has been inflicted by the perpetrator, and thereby forfeited any claim of privacy, unless sensitive equipment is used to discern speech or other noisy activity not discernible by the unaided ear (Oversight arrangements for covert surveillance and property interference conducted by public authorities. Office of Surveillance Commissioners December 2011)

- The use of a town centre CCTV to track an individual in a planned operation that the individual is unaware of
- The covert observations of an individual at home, but not 'intrusive'. Could include observations on a drive (fixing/washing the car)
- The covert monitoring of an individual to and from work and home

Seeking assistance from members of the public, for example asking them to record their neighbours and passing on the tape

### 3.5 – Examples of **not directed** surveillance

- 'Hot spot targeting' For example Licensing Officers standing on a street to monitor private hire cars plying for hire illegally
- CCTV
- Incidental surveillance – things observed as part of the course of other duties

## 4 - **Intrusive Surveillance**

4.1 - Surveillance is intrusive if it:

- Is covert
- Is carried out in relation to anything taking place on any residential premises or in any private vehicle (or on certain premises where legal consultations with professional legal advisors are taking place)
- Involves the presence of an individual in the premises or in the vehicle or
- Is carried out by a surveillance device in the premises / vehicle cameras, tape recorders

4.2 - However, surveillance carried out in relation to residential premises by use of a device (For example 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/vehicle.

Intrusive surveillance can be carried out only by the Police and other law enforcement agencies. Council officers must not carry out intrusive surveillance.

#### **E. Codes of practice for Covert Surveillance/Use of a CHIS**

1. The use of directed surveillance or covert human intelligence sources (CHIS) for a particular investigation must be subject to prior authorisation by an officer of a rank or position at least as senior as is specified in Regulations made under RIPA.
2. The use of directed surveillance should only be authorised if the authorising officer is satisfied that the action is necessary (in a democratic society) for the prevention or detection of crime falling within the following description:
  - Crime punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months imprisonment, or
  - Crime constituting an offence under sections 146, 147, 147A of the Licensing Act or section 7 of the Children and Young Persons Act 1933.
3. The use of covert human intelligence sources should only be authorised if the authorising officer is satisfied that the action is necessary for the prevention or detection of crime or disorder.
4. If either type of surveillance is considered necessary, then the authorising officer must also be satisfied that the surveillance is proportionate - the HRA defines a measure or 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
5. Essentially the person granting the authorisation must believe that the use of a source is proportionate to what is sought to be achieved by the conduct and use of that source. This involves balancing the intrusiveness of the use of the source on the target and others who might be affected by it against the need for the source to be used in operational terms. The use of a source 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.

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

- Balancing the size and scope of the operation against the gravity and extent of the perceived mischief

- Explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others
  - 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
  - Evidencing what other methods had been considered and why they were not implemented
6. Any surveillance involved in a case, even if it does not form part of an eventual prosecution case, may be deemed unlawful if not properly authorised and could lead to a challenge under Article 8 of the ECHR.
7. The requirements of the RIPA and the HRA impact on all officers of the council who undertake investigatory or enforcement activities, including Benefits fraud investigation, Environmental Health, Planning. The council adopts the Codes of Practice which are mandatory under the Act, and the following procedures should be adhered to in the conduct of any covert surveillance.

#### **F. Procedures for conduct of/Authorisation of surveillance**

A simplified way of remembering RIPA is by the acronym 'PLAN' covert surveillance must be proportional, lawful, authorised and necessary:

- **P**roportional
- **L**awful (in accordance with legislation and the legality of the audit activity)
- **A**uthorised (by a proper person)
- **N**ecessary (having considered alternatives)

For any covert surveillance to be lawful, records must be sufficient to prove that RIPA has been complied with. All procedures relating to covert surveillance must be documented on standard forms. These are available from the Information Governance Officer.

Covert surveillance carried out by an officer of the council should be subject to prior authorisation by a senior officer within the council. It should not be authorised by an officer directly involved in the surveillance so that there is independent review of whether the surveillance is necessary and proportionate. Officers designated to authorise surveillance are detailed in section H below.

Application for authorisation must be made in writing and these should include full details of the proposed surveillance and the duration. The application must include full details of:

- The grounds on which the action is necessary
- Why the action is proportionate to what it seeks to achieve (there must be a clear indication of what alternative methods were considered for obtaining the information required and why these were rejected) It may be useful to state that this is the only way the evidence can be gathered.
- The person(s) to be subject to the action
- The action to be authorised (for example observation/following and reference to any premises/vehicles involved and whether private/public, residential/business)
- Full description of the work to be carried out (including locations of areas from which observations are to be conducted for example street names and whether photography equipment or binoculars are to be used)
- An account of the investigation / operation
- The information which is sought from the action
- The potential for collateral intrusion and a plan to minimise this potential
- The likelihood of acquiring any confidential/religious material (medical records, financial records, legal documents)

### **Confidential material**

A higher level of authorisation is required in respect of confidential material.

In all such cases authorisation should be obtained from the Chief Executive (or the person acting as in their absence). Confidential information consists of communications subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material.

### **Reactive**

Where surveillance is reactive (for example an immediate response to an immediate situation) this must be documented within reasonable time of the surveillance. The time limit is three days.

The authorising officer must consider whether the proposed surveillance is proportionate, lawful, necessary and non-discriminatory. If the proposed surveillance cannot be managed within the criteria it should not be undertaken.

### **Is it proportionate?**

Surveillance activity must be proportionate to the offence under investigation.

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.

In assessing whether or not the proposed surveillance is proportionate, consideration should be given to other appropriate means of gathering the information. The least intrusive method will be considered proportionate by the courts.

### **Is it intrusive?**

Account must be taken of the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (Collateral Intrusion). Measures must be taken wherever practicable to avoid or minimise collateral intrusion and the matter may be an aspect of determining proportionality.

The appropriate course of action must then be decided in terms of the type of surveillance and hence the appropriate form/course of activity:-

- Directed surveillance
- Intrusive surveillance – not to be undertaken by local authority
- Use of a Covert Human Intelligence Source.

Intrusive surveillance is only allowed for 'serious' crimes. The police can only obtain authorisation for intrusive surveillance from the Surveillance Commissioners. Local authorities cannot undertake intrusive surveillance.

There must be appropriate arrangements in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment.

### **RIPA log and register**

Any surveillance should have a dedicated log-sheet for officers' use. The log-sheet should be kept in chronological order detailing who is on the surveillance, where it is and what happens. Where 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 information could be written in at a later date. These logs could be used in the event of 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 surveyed. 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, for example if the observed person was incidentally observed in a private context such as an extra marital affair.

Where 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 6 year from the date of the court order.

All authorisations should be held at a central point with the Information Governance Officer to facilitate independent examination by the Surveillance Commissioners. Copies of all authorisations and cancellations should therefore be forwarded to the Legal Services Manager/Information Governance Officer.

A review date should be set for the authorisation and be reviewed no later than that date.

With regard to the duration of an authorisation, cancellation must be a positive act for which diary dates are set. Time limits should be placed on any authorisation for surveillance. In all cases written 'Authorities' for directed surveillance last for 3 months (Authorisations for use of CHIS last for 12 months unless relating to use of juveniles). Authorisations must then be renewed if that is deemed necessary provided they meet the requirement for authorisation. Authorisations can be reviewed at any time and should be cancelled as soon as they are considered to be no longer necessary or appropriate. Forms are available for the cancellation and the renewal of surveillance as required.

Authorisations last for:

- 72 hours if not renewed
- If it is non-urgent and is in writing, three months for directed surveillance

The power to make urgent oral authorisations has been removed, because section 43(1) (a) of RIPA no longer applies to authorisations requiring a magistrate's approval. **All authorisations, even if urgent, must be made in writing.**

### **G. Officers permitted to authorise a covert surveillance exercise – Authorising Officers**

Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation.

The Senior Responsible Officer will ensure that sufficient numbers of Authorising Officers from each service are, after suitable training on RIPA and this document, duly certified to take action under this document.

It will be the responsibility of Authorising Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as 'Applicants' so as to avoid common mistakes appearing on forms for RIPA authorisations.

Authorising Officers will also ensure that staff who report to them follow this document and do not undertake or carry out any form of surveillance without first obtaining the relevant authorisations in compliance with this document.

Authorising Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should an Authorising Officer approve any RIPA form unless, and until s/he is satisfied the health and safety of council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed. If an Authorising Officer is in any doubt, s/he should obtain prior guidance on the same from the Legal Services Manager.

The officers permitted to authorise a covert surveillance exercise at the council (Authorising Officers) are:

- Julie Kenny, Chief Officer (Corporate Governance & Housing Repairs) **SRO**
- Steve Atkinson, Chief Executive
- Bill Cullen, Deputy Chief Executive (Community Direction)
- Sharon Stacey, Chief Officer for Housing, Community Safety and Partnerships
- Rob Parkinson, Chief Officer for Environmental Health

Prior to operating their powers to authorise surveillance, such officers must have undertaken such training as deemed appropriate by the SRO. A record of officers who have undertaken training will be kept by the SRO.

To authorise directed surveillance, the Authorising Officer must demonstrate that the proposed activity is necessary for the prevention or detection of a crime which either carries a maximum sentence of at least six months' imprisonment or is an offence relating to the sale of alcohol or tobacco products to minors. (As to the definition of 'detecting crime', see RIPA section 81(5).)

#### **H. Absence of Authorising Officer (section 94(1) of PA97, section 34(2) of RIPA and section 12(2) of RIP(S)A)**

It is unlikely to be regarded as 'not reasonably practicable' (within the meaning of sections of the Acts specified above) for an Authorising Officer to consider an application, unless he is too ill to give attention, on annual leave, is absent from his office and his home, or is for some reason not able within a reasonable time to obtain access to a secure telephone or fax machine. Pressure of work is not to be regarded as rendering it impracticable for an Authorising Officer to consider an application. Where a deputy acts in their stead, this should be on a substantive



officer basis and not a temporary or convenient arrangement to the Authorising Officer.

Where a designated deputy gives an authorisation the reason for the absence of the Authorising Officer should be stated.

## **I. Acquisition and disclosure of communications data**

1 - Communications data is information held by communication service providers (telecom, internet and postal companies). The Act makes provision for obtaining communications data from such service providers and the disclosure to any person of such data. Communications data includes information relating to the use of a postal service or telecommunication system but does not include the contents of the communication itself.

2 - Examples of 'data' available to the council under the Act include:

- Postal item (anything written on the outside of the envelope)
- Telephone (personal details of the subscriber, the telephone number and itemised calls made)
- E-mail and internet (details of the subscriber of email account, websites visited, details of the date and times emails sent and received).

3 - Communications data can only be obtained for the sole purpose of the prevention/detection of crime and /or disorder. Further the test of necessity must be met before data is obtained. The authorising officer must also consider the conduct involved in obtaining the communications data to be proportionate to what it is sought to achieve, and must also consider the risk of collateral intrusion

4 - Communications data can be accessed using two different methods:

- The granting of authorisations, or
- The service of notices

5 - An authorisation would allow the council to collect or retrieve the data itself from the service provider. A notice is given by the council to a postal or telecommunications operator and requires that operator to collect the data and provide it to the council.

6 - Integral to the acquisition of communications data under RIPA is the Single Point of Contact (SPoC). The role of the SPoC is to enable and maintain effective co-operation between a public authority and communications service providers in the lawful acquisition and disclosure of communications data. Any Notices or Authorisations must be passed to the service provider through a SPoC.

7 - SpOCs must be properly trained in accordance with Home Office guidelines and must register their details with the Home Office.

8 - The council currently uses the National Anti-Fraud Network (NAFN) as its SpOC.

## **J. Judicial Approval**

1 - Any grant or renewal of an authorisation for use of directed surveillance, use of covert human intelligence source or access to communications data, will need to be approved by order of a Justice of the Peace (District Judge or lay magistrate) before it can take effect.

2 - Applicants will still need to ensure an authorisation is completed by an Authorising Officer before an application for Judicial Approval is made.

3 - An application to the court should be made in good time before the start of the surveillance to be authorised. The court should be contacted to arrange a suitable hearing date and should be provided with:

- A copy of the relevant authorisation
- A written application for judicial approval
- Any other relevant reference or supporting material relating to the application

4 - Once an application date has been set, the applicant will appear before a Justice of the Peace (JP) in a private hearing. The JP will consider the application and may question the applicant to clarify certain points or require additional reassurance on particular matters. The nature of the questioning will be for the JP to satisfy themselves that the surveillance is necessary and proportionate and has been through the proper approval process within the council.

5 - In order to appear before a JP, the applicant will first need to be authorised by the Senior Responsible Officer to represent the Council under s.223 of the Local Government Act 1972.

6 - On hearing the application the JP may decide to:

- Approve the grant or renewal, or
- Refuse to approve, or
- Refuse to approve and quash the authorisation or notice

7 - Further guidance on the judicial approval process can be found at [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

## **K. Elected Members (Pursuant to Section 71 of the Regulation of Investigatory Powers Act 2000)**

Elected Members of Hinckley & Bosworth Borough Council shall review the authority's use of the 2000 Act and set the policy at least once a year to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. They should not, however, be involved in making decisions on specific authorisations.

## **L. Social media**

### **Using social media for investigative purposes - October 2014 Review date – October 2016**

#### **Purpose**

This policy aims to offer officers using social media sites for investigative purposes guidance on how to do so in accordance with HBBC policy. An additional policy documented entitled Social Media Policy and Guidelines provides more general guidance in relation to using social media sites for non-investigative measures. This guidance can be found at

<http://intranet/svc/corpserv/comms/Social%20media/Social%20Media%20Protocol%202012%20approved.pdf>

#### **Scope**

This policy is restricted to information being accessed through publicly open sources.

#### **Definitions of social media**

For the purpose of these guidelines, social media is held to include:

- Blogs (Wordpress, Tumblr, Blogger)
- Micro blogging (Twitter)
- Forums
- Networks (Facebook, Ning, LinkedIn)
- File sharing sites (YouTube, Flickr)

#### **Open Source Internet Intelligence sources**

Open source intelligence sources are intelligence collected from publicly available sources. As such, investigative officers at HBBC with permission from the Council's IT department can search such sources for intelligence necessary to pursue their investigation, this **does not have to be obtained on a case-by-case basis**.

Officers must obtain authorisation from their line manager and head of service. This will then enable that officer with the relevant IT permissions and authority to autonomously conduct appropriate intelligence gathering activities, where that officer considers that such intelligence-gathering methods are appropriate, proportionate, reasonable and necessary in order to effectively investigate offences.

The following circumstances provide an example of when investigative officer might employ open sourced intelligence methods of investigation.

- To evidence information in relation to a fraud allegation such as housing or benefit fraud
- To support an anti-social behaviour complaint

Investigation Officers are enabled with permission from the council's IT System to conduct searches for intelligence.

The most common sources of open source investigation intelligence are social networking sites, search engines and auction sites, including:

- Facebook
- Friends Reunited
- Bebo
- Myspace
- Twitter
- Ebay
- LinkedIn
- Google

(This list is not exhaustive)

### **Restrictions**

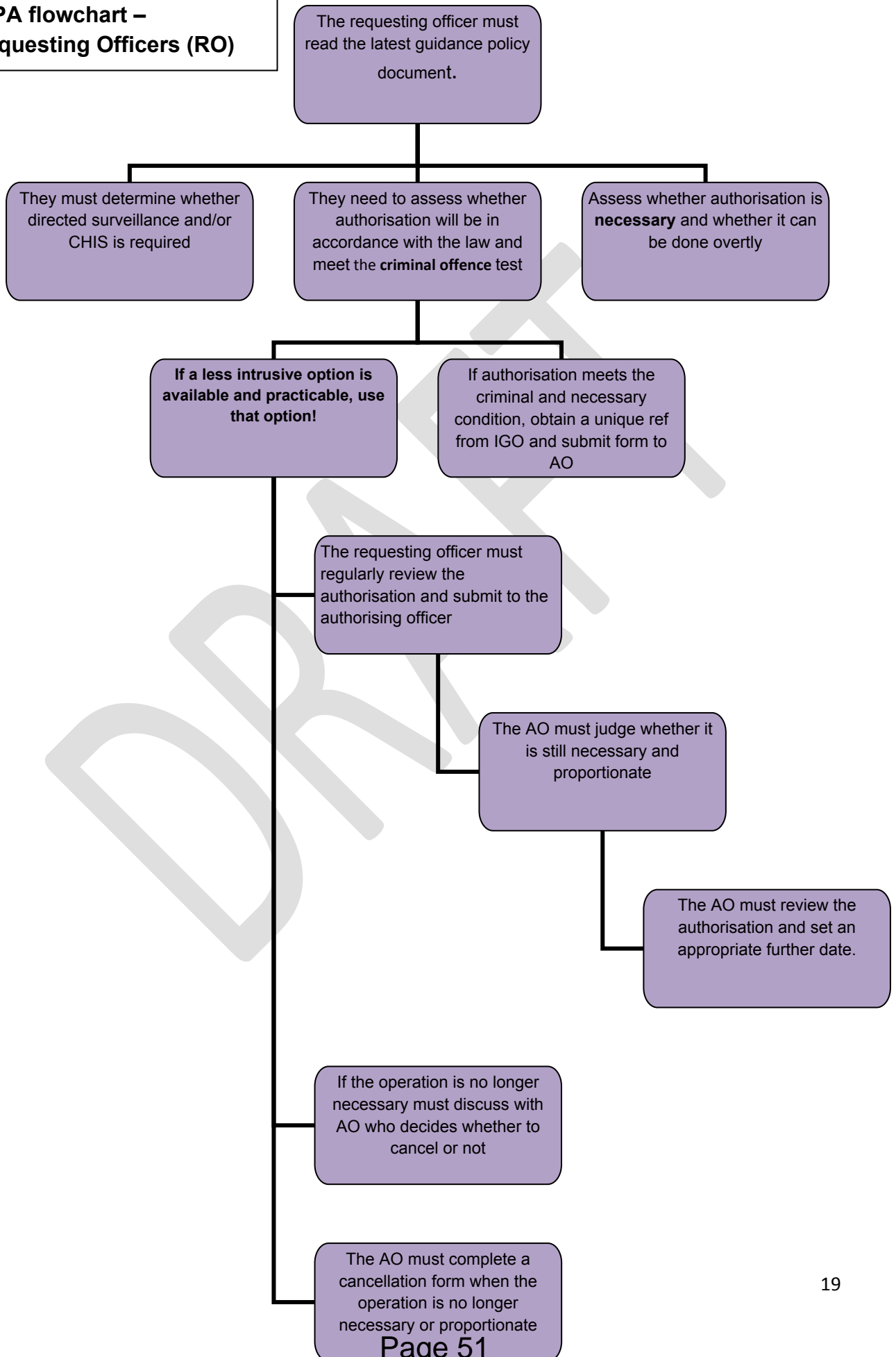
Officers accessing open sourced intelligence in this way **must not** attempt to view privately set profile information on social networking sites. Only publicly available information can be scrutinized.

Officers **must not** add an investigation subject as a friend in order to access private information.

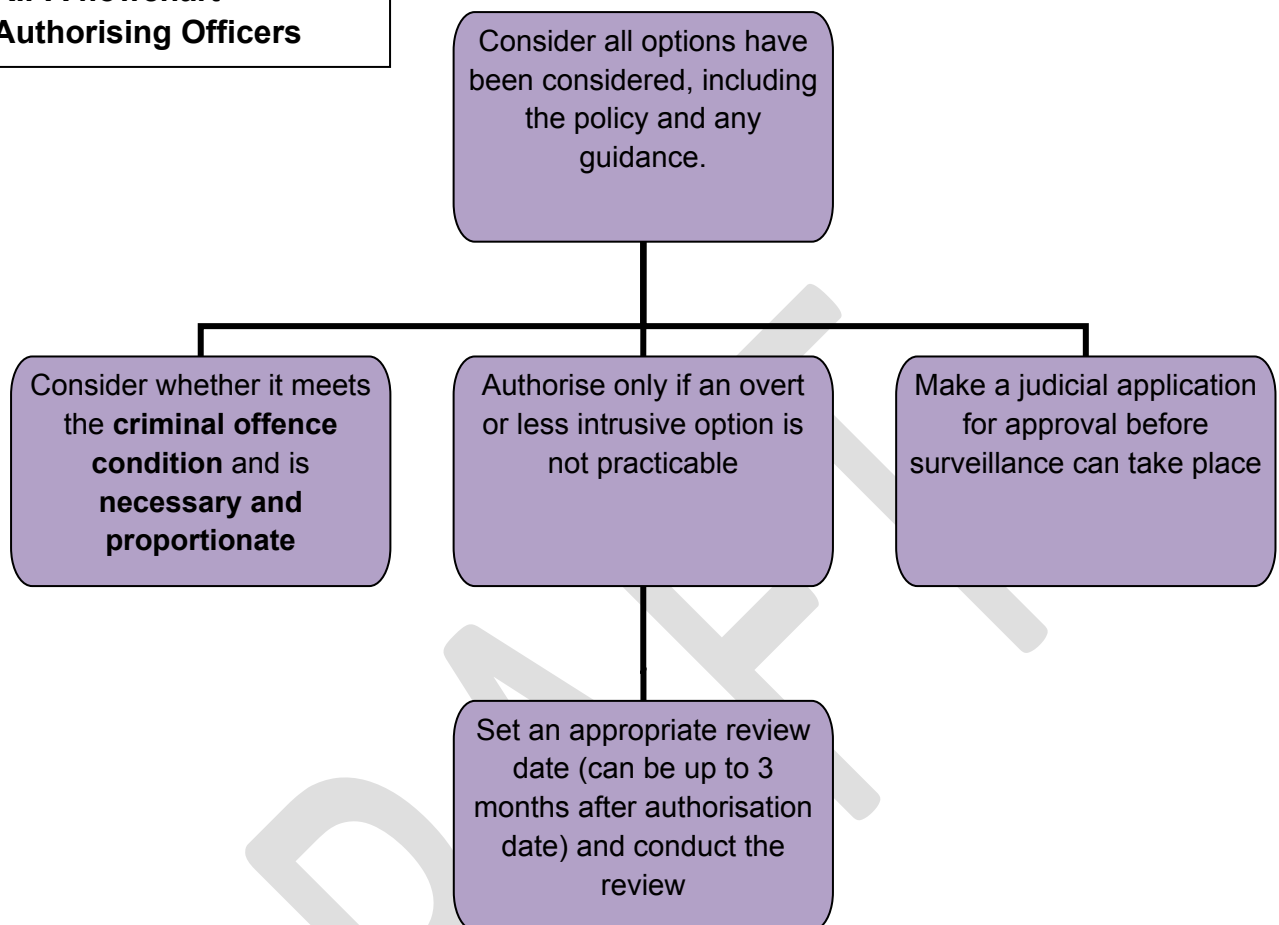
If valuable information is seen when a page is first checked it is prudent to take screen shots at that time. Once contacted with regard to their cases (when asked to attend interview) customers can often change their privacy settings, meaning that officers are then unable to gather useful intelligence.

Any safeguarding issues should be reported in line with the council's safeguarding policy.

**RIPA flowchart –  
Requesting Officers (RO)**



**RIPA flowchart –  
Authorising Officers**



**Essential**

Send all authorised (and any rejected) forms, Judicial approval from court, review, renewals and cancellations to the Information Governance Officer within **five working days of the relevant event.**



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## RIPA AUTHORISING OFFICER CERTIFICATE

**No:**

I HEREBY CERTIFY that the officer whose personal details are given below is an Authorising Officer for the purposes of authorising covert surveillance and the use and/or conduct of Covert Human Intelligence Sources ('CHIS') under the provisions of the Regulation of Investigatory Powers Act 2000.

It is further certified that this officer has received training to perform such authorisation procedures.

**Certificate issued to: [Full name of officer]**

**Job title:**

**Service:**

**Location:**

**Certificate date:**

(Signed) .....

**Steve Atkinson**

**Chief Executive**

**Hinckley & Bosworth Borough Council**

(PLEASE NOTE: This certificate and the authorisation granted by it is personal to the officer named in it and cannot be transferred. Any change in personal details must be notified in writing to the Chief Executive immediately. This certificate can be revoked at any time by Chief Executive by written revocation issued to the officer concerned. It is the named officer's personal responsibility to ensure full compliance with RIPA authorisation procedures and to ensure that s/he is fully trained in such procedures and that such training is kept up to date).

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## SCRUTINY WORKSHOP

13 JULY 2015

Below are the suggested areas for reviews that both groups came up with during the break out sessions. These are split into internal (council services) and external scrutiny.

<b>Scrutiny of Council Services</b>	
<u>Group 1</u>	<u>Group 2</u>
Capital Expenditure	Major capital projects
Affordable Council Housing	Future of social housing, development of, meeting community need
	Rural social housing
Housing Repairs	Responsive repairs
Recycling service	Recycling services
Living wage	Local energy provision (council housing)
Avoiding redundancies	Housing Development Company
Ageing population, including housing needs	Communication with public (re services etc)
Neighbourhood Planning	Burial space, graveyards
	The devolution agenda
	Grant funding - income v expenditure
	Brownfield development

<b>External scrutiny</b>	
<u>Group 1</u>	<u>Group 2</u>
Combined authorities	Combined authorities (linked to devolution, above)
Community Safety	Community policing / anti social behaviour
Affordable housing	
Verge cutting	Grass cutting & weeds on highway, litter in rural areas
Safeguarding children / adults	Highways in light of new developments
Engagement with parishes	GP Services – out of hours & wait times
Charity sector to engage council's aims	Dentistry services – registering
Social support for ageing population	Public transport – buses, lack of, inconvenient drop off points, Sunnyside, Crescent, MIRA
Housing association – repairs and complaints	Libraries
	Sustainability of developments (housing)
	Financial service provision
	Food banks

Members are asked to prioritise the suggested review topics, having regard to the Corporate Plan and the Council's aims and objectives, to assist in development of a work programme for the ensuing two years.

The Scrutiny Commission can request that some of the work is undertaken by the Finance, Audit & Performance Committee or may set up its own task and finish groups when necessary.

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