

20 August 2018

Committee	Executive
Date	Wednesday, 29 August 2018
Time of Meeting	2:00 pm
Venue	Committee Room 1

ALL MEMBERS OF THE COMMITTEE ARE REQUESTED TO ATTEND

Agenda

1. ANNOUNCEMENTS

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the visitors' car park at the front of the building and await further instructions (during office hours staff should proceed to their usual assembly point; outside of office hours proceed to the visitors' car park). Please do not re-enter the building unless instructed to do so.

In the event of a fire any person with a disability should be assisted in leaving the building.

2. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

To receive apologies for absence and advise of any substitutions.

3. DECLARATIONS OF INTEREST

Pursuant to the adoption by the Council on 26 June 2012 of the Tewkesbury Borough Council Code of Conduct, effective from 1 July 2012, as set out in Minute No. CL.34, Members are invited to declare any interest they may have in the business set out on the Agenda to which the approved Code applies.



	Item	Page(s)
4.	MINUTES To approve the Minutes of the meeting held on 11 July 2018.	1 - 7
5.	ITEMS FROM MEMBERS OF THE PUBLIC To receive any questions, deputations or petitions submitted under Rule of Procedure 12. <i>(The deadline for public participation submissions for this meeting is 22 August 2018).</i>	
6.	EXECUTIVE COMMITTEE FORWARD PLAN To consider the Committee's Forward Plan.	8 - 12
7.	FINANCIAL UPDATE - QUARTER ONE 2018/19 To consider the quarterly budget position.	13 - 21
8.	DATA PROTECTION POLICY To approve the Data Protection Policy.	22 - 39
9.	TEWKESBURY BOROUGH COMMUNITY SAFETY PARTNERSHIP To approve the proposals for the Tewkesbury Borough Community Safety Partnership.	40 - 47
10.	SEPARATE BUSINESS The Chairman will move the adoption of the following resolution: That under Section 100(A)(4) Local Government Act 1972, the public be excluded for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.	
11.	SEPARATE MINUTES To approve the separate Minutes of the meeting of the Committee held on 11 July 2018.	48 - 51

DATE OF NEXT MEETING
WEDNESDAY, 10 OCTOBER 2018
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: K J Berry, R A Bird (Chair), G F Blackwell, M Dean, R Furolo, M A Gore, J Greening, E J MacTiernan and J R Mason (Vice-Chair)

Substitution Arrangements

The Council has a substitution procedure and any substitutions will be announced at the beginning of the meeting.

Recording of Meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, please be aware that the proceedings of this meeting may be recorded and this may include recording of persons seated in the public gallery or speaking at the meeting. Please notify the Democratic Services Officer if you have any objections to this practice and the Chairman will take reasonable steps to ensure that any request not to be recorded is complied with.

Any recording must take place in such a way as to ensure that the view of Councillors, Officers, the public and press is not obstructed. The use of flash photography and/or additional lighting will not be allowed unless this has been discussed and agreed in advance of the meeting.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held at the Council Offices,
Gloucester Road, Tewkesbury on Wednesday, 11 July 2018 commencing at
2:00 pm**

Present:

Chair	Councillor R A Bird
Vice Chair	Councillor J R Mason

and Councillors:

K J Berry, G F Blackwell, R Furolo, M A Gore, J Greening and E J MacTiernan

also present:

Councillor P W Awford

EX.12 ANNOUNCEMENTS

- 12.1 The evacuation procedure, as noted on the Agenda, was taken as read.
- 12.2 The Chair welcomed Councillor Awford, Chair of the Overview and Scrutiny Committee, who was in attendance to present Item 7, Performance Management Report – Quarter Four 2017/18.

EX.13 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

- 13.1 An apology for absence was received from Councillor M Dean. There were no substitutions for the meeting.

EX.14 DECLARATIONS OF INTEREST

- 14.1 The Committee's attention was drawn to the Tewkesbury Borough Council Code of Conduct which was adopted by the Council on 26 June 2012 and took effect from 1 July 2012.
- 14.2 There were no declarations of interest made on this occasion.

EX.15 MINUTES

- 15.1 The Minutes of the meeting held on 6 June 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.16 ITEMS FROM MEMBERS OF THE PUBLIC

- 16.1 There were no items from members of the public on this occasion.

EX.17 EXECUTIVE COMMITTEE FORWARD PLAN

17.1 Attention was drawn to the Committee's Forward Plan, circulated at Pages No. 9-14. Members were asked to consider the Plan.

17.2 Accordingly, it was

RESOLVED: That the Committee's Forward Plan be **NOTED**.

EX.18 PERFORMANCE MANAGEMENT REPORT - QUARTER FOUR 2017/18

18.1 The report of the Chair of the Overview and Scrutiny Committee, circulated at Pages No. 15-60, asked Members to review and, if appropriate, take action on the observations of the Overview and Scrutiny Committee following its review of the 2017/18 quarter four performance management information.

18.2 Attention was drawn to the observations made by the Overview and Scrutiny Committee, attached at Appendix 1 to the report, to the Council Plan Performance Tracker, attached to the report at Appendix 2, and to the financial information circulated at Appendices 3-5.

18.3 The Chair of the Overview and Scrutiny Committee explained that, as part of the ongoing review of the effectiveness of Overview and Scrutiny, an external trainer had recently provided an overview of the national picture regarding scrutiny and the Chair had found it pleasing to note that the Council's Overview and Scrutiny Committee demonstrated a lot of the traits she had mentioned; however, the one key area where the Council's Overview and Scrutiny Committee's effectiveness could be enhanced was the challenge it gave to the Executive Committee. He thanked those Members that had attended the session, as he felt it had been helpful for both Overview and Scrutiny and Executive Committee Members to be present, and indicated that Executive Committee Members may be asked to attend his Committee to present reports in future, just as he did at the Executive Committee. His Committee Members had also challenged him to be more robust when making his presentations on performance management to the Executive Committee and he had undertaken to meet that challenge.

18.4 In terms of the review of performance management information, the Overview and Scrutiny Committee had noted the information and key actions delivered which included: the excellent performance of the Council's commercial property investments; the appointment of a Growth and Enterprise Manager and a Growth Hub Navigator in readiness for the introduction of the growth hub; the delivery of affordable homes which, at 233, had exceeded the target of 150; adoption of the Public Space Protection Order and the more proactive approach to enviro-crimes which had been seen; and the success of the garden waste 'sticker' project which had now sold 17,094 stickers and generated income of £769,000. The Committee had also recognised that some actions had not progressed as envisaged and had raised particular concern about the review of trade waste and the fact that delivery of the project had slipped for the third time from its original target of April 2017 – the Committee had felt that the positive approach to the garden waste project could be translated to the trade waste service so that it was commercially exploited to the fullest extent. During the recent review of Overview and Scrutiny it was generally accepted that the information reported to it was open and transparent but, in relation to trade waste, there had been references made to an Association for Public Service Excellence (APSE) report which Members were yet to have sight of. The Committee had also identified that the partnership working to bring Healings Mill back into use had slipped a number of times and, whilst it was accepted that this was out of the Council's control to some extent, they had

questioned whether the programme was documented and what the key milestones were as well as whether the milestones aligned to the dates within the performance tracker. In addition, the Committee had noted that one of its Members, who worked in the supermarket arena, had advised that supermarkets had made a commitment to reduce the amount of packaging being used by 40% by 2020 which could reduce the amount of waste being recycled; however, it was positive that the Council's recycling rate had improved from the previous year especially when over half of Councils had seen a reduction in their recycling rates.

- 18.5 During the discussion which ensued, a Member indicated that she understood the Overview and Scrutiny Committee's concerns about the Healings Mill project as the Council had been involved for quite a long time without actually being able to achieve a way forward. She was aware that the owners had refused an offer on the buildings opposite the Mill as they wanted to sell it as a package with the Mill buildings and she was concerned about the area being left to fall into disrepair as some buildings had previously received planning permission which was now expiring. The Member felt there should be something the Council could do to force the issue. In response, the Head of Development Services explained that there had been a lot of discussions with the owners of Healings Mill and the new Conservation Officer had been tasked with looking into what could be done. Some options lay within planning powers and some in areas such as 'Tidy-Up Notices'. Throughout the discussions, the owners had been advised about the expiry of the planning permissions but nothing had been done so there was now a new conversation to be had on that matter. It was anticipated that the masterplan would help with the issues faced and consultation on that would be taking place during the summer. The Member understood that many of the issues were not within the Council's control; however, she felt there needed to be more forceful discussions. She questioned whether there were any legal routes that could be taken to force the owners to do something about the fact the historic building was becoming more and more run down. In response, the Chief Executive explained that any controls the Council may have at its disposal would probably cost a significant amount of money and Homes England was unlikely to put any money into it. He felt that, given the circumstances and the fact that the Council had little influence over the sale, the target date for the project was unrealistic and it was that which needed to be reviewed so that Members did not have expectations that could not be met.
- 18.6 Another Member requested an update on the current situation regarding the letting of the Public Services Centre. In response, the Head of Finance and Asset Management explained that the room on the top floor, which had previously been set up as the Council Chamber, had now been occupied by Mole Valley Farmers on a five year lease. The remainder of the space was currently under offer and Heads of Terms were in the process of being agreed for occupation from September.
- 18.7 Referring to the possibility of selling the Council's trade waste service, the Chair of the Overview and Scrutiny Committee questioned whether this would be possible. In response, a Member indicated that one of the problems with local authorities operating as a business in offering a trade waste service was that they had to compete with the private sector and that was an extremely competitive market. The Joint Waste Partnership was currently considering the possibility of making a joint trade waste scheme but this was in the early stages. The Head of Community Services explained that there were a number of issues with this approach which were set out in the APSE report commissioned by Ubico. There were concerns around sharing that report in full because it did not belong to the Council; however, he intended to take a summary of the document to the Overview and Scrutiny Committee for consideration. In terms of the timescale for discussions with neighbouring authorities regarding a joint authority's trade waste scheme, the Head of Community Services indicated that this was dependent on a number of discussions with different organisations but he hoped to be able to conclude a way

forward during the current financial year.

18.8 Accordingly, it was

RESOLVED: That the Overview and Scrutiny Committee's comments on the Performance Management Report for Quarter Four of 2017/18 be **NOTED**.

EX.19 PLANNING ENFORCEMENT PLAN

19.1 The report of the Head of Development Services, circulated at Pages No. 61-81, attached the Planning Enforcement Plan which had been revised following consultation. Members were asked to approve the Plan as circulated.

19.2 The Head of Development Services explained that the Executive Committee had approved the draft Plan for consultation purposes on 31 January 2018. It had then been published on the Council's website with a paper copy available for inspection at the Public Services Centre. A press release had been issued, the consultation on the Plan had been promoted through social media and it had been sent to the Council's Citizen Panel. In addition, it was sent to all Parishes, Councillors and Officers within the Council and external agencies that worked with, or had an interest in, the enforcement of planning regulations. The consultation period had run for four weeks up to the closing date of Monday 16 April 2018. 21 responses had been received; 13 from members of the public, seven from Parish Councils and one from a partner organisation. The responses had largely been positive with the Plan, its purpose and aims widely welcomed albeit with a small amount of further explanation, changes or additions suggested. In terms of its format, there appeared to be differing views regarding the document being easy to understand, properly referenced and written in plain English to those who regarded it as being difficult to read. The remaining comments included the need for a brief explanation of the County Council's planning enforcement role to be provided in Section 2 of the document to ensure people were signposted to the correct authority; concern regarding the availability of resources to fully implement the Plan; concerns that the Council's discretion to take enforcement action (expediency) made it too easy to take no action; a need to enforce building regulation breaches; and a need for more transparency and reporting of enforcement decisions.

19.3 The Head of Development Services explained that the purpose of the document was to inform members of the public what to do if they had been the subject of an enforcement notice and also how to report a breach. There was a flowchart at the end of the Plan which was felt to be particularly useful. Some improvements to enforcement procedures had also been made and should ensure the whole process was more efficient and effective.

19.4 Accordingly, it was

RESOLVED: That the Planning Enforcement Plan be **APPROVED**.

EX.20 SECTION 106 - ALLOCATION OF FUNDS FOR COMMUNITY INFRASTRUCTURE

20.1 The report of the Community and Economic Development Manager, circulated at Pages No. 83-88, proposed a clear decision-making mechanism for the distribution of Section 106 funds where the Section 106 Agreement was not explicit in where the funding should be directed. Members were asked to adopt the process as set out at Paragraph 3 of the report.

- 20.2 Members were advised that there were a number of agreements made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (Section 106) that required the payment of financial contributions towards a range of facilities, including community infrastructure. For a range of reasons, in some instances, the terms upon which those financial contributions could subsequently be spent were not sufficiently specific. Consequently, the allocation of certain Section 106 funds could be subject to prolonged discussions. The report before the Committee sought to establish a clear decision-making mechanism in such scenarios to ensure the funds were allocated appropriately. It was anticipated the process would offer a clear and transparent procedure for applications for funding from Parish and Town Councils and the voluntary and community sector.
- 20.3 The proposed process would involve three stages and was summarised in a flow chart attached to the report at Appendix 1: Council to notify Parish/community of trigger point; community group and/or Parish/Town Council to submit details to Council and Officers to check paperwork and make a recommendation; Head of Development Services to consider application in consultation with a panel of local/Lead Members on the basis of criteria and make a recommendation. Referring to stage 1 of the flowchart, a Member was aware of an issue in Gotherington where the village had held a Parish Poll that decided not to spend money on the Church Centre; she questioned how the Council would consult with the Parish where there was a conflict between it and the community. In response, the Community and Economic Development Manager explained that the Parish, and any local groups Officers were aware of, would be contacted and, ideally, they would work together to provide one submission; if that was not possible the panel would make the decision in consultation with the Head of Development Services. The panel would have to take into account the views of the Parish and the community but, in the event of multiple requests for the same money, the Members would have to make the decision to ensure clarity and transparency.
- 20.4 In response to a query regarding trigger points, the Head of Development Services indicated that these were usually set out in the agreement i.e. upon completion of the twentieth house. The Member questioned what would happen if the Parish/Town Council had aspirations for Section 106 monies which were not achievable and whether the Parish/Town Council/community group had to be ready to submit its application as soon as the trigger point was reached. In response, the Head of Development Services explained that the submission would have to meet the test for community need and a case would have to be made. There was no reason the facilities needed to be delivered immediately as long as the five year period was met. The Member was concerned that the previous system had worked perfectly well and he questioned whether the new system would make it harder for Parishes. In response, the Head of Development Services indicated that the majority of Section 106 applications had no issues but there was a need for a process to address those that were not straightforward. The process outlined by the report sought to make a clear, transparent and auditable process which would be a great improvement. It was certainly not the intention to make the procedure more difficult or slower and the process laid out in the report was roughly what happened already.
- 20.5 At the recent seminar Members had requested information about how much Section 106 monies were currently held by the Council, and not claimed, and how much the Borough Council held on behalf of Parishes. In response, the Community and Economic Development Manager undertook to circulate that information via a Member Update following the meeting. Referring to Paragraph 3.2(3) of the report, a Member noted that, where a Member of the panel had a connection to the application, e.g. sat on the Board or Parish Council that was making an application, they would be required to declare this and not sit on the panel for that decision; he felt that this would affect a lot of Members as most of the submissions would come from Parishes and local Members were likely to also be Parish/Town Councillors.

In response, the Borough Solicitor explained that the panel would be set up so that competing interests could be brought forward where Parish Councils and community groups did not agree – local Members would have to think carefully and decide if they were able to sit on the panel or not. Another Member explained that the amount of changes to Parish and Town Council membership meant there could be an occasion where one set of Parish Councillors had decided how the funds should be spent but, before the agreement was concluded, those Councillors could change and the new Councillors may want the money spent on something else. The Borough Solicitor advised that this would depend on the commitment made and would have to be addressed dependent upon the particular circumstances.

20.6 In response to a query regarding the Community Infrastructure Levy examination, the Head of Development Services was hopeful that the Council would receive the Inspector's draft report by the end of July; if this was the case, it would then be finalised around mid-August. It needed to be remembered that the Council had undertaken to agree a Community Infrastructure Levy with the other Joint Core Strategy authorities so the report would have to be considered by all three Councils.

20.7 Accordingly, it was

RESOLVED: That the process for the distribution of Section 106 funds, where the Section 106 Agreement does not explicitly specify how the funding should be directed, be **ADOPTED** as set out in Paragraph 3 of the report.

EX.21 SEPARATE BUSINESS

21.1 The Chair proposed, and it was

RESOLVED That, under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely discussion of exempt information as defined in Part 1 of Schedule 12(A) of the Act.

EX.22 SEPARATE MINUTES

22.1 The separate Minutes of the meeting held on 6 June 2018, copies of which had been circulated, were approved as a correct record and signed by the Chair.

EX.23 DISPOSAL OF MAFF SITE

(Exempt – Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information))

23.1 The Committee considered and agreed the way forward regarding the disposal of the MAFF site, subject to appropriate terms, surveys and legal documentation.

EX.24 REVIEW OF COMMUNITY SERVICES

(Exempt – Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)

- 24.1 The Committee considered the outcomes of the review of Community Services and made a recommendation to Council as to the way forward.

The meeting closed at 3:20 pm

EXECUTIVE COMMITTEE FORWARD PLAN 2018/19

REGULAR ITEM:

- **Forward Plan – To note the forthcoming items.**

Addition to 29 August 2018

- Tewkesbury Community Safety Partnership.

Deletion from 29 August 2018

- Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly) – No write-offs for consideration in quarter one.

Committee Date: 10 October 2018

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Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Management Report – Quarter One 2018/19.	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management information.	Head of Corporate Services.	No.
Community Grants Update.	To consider each of the current community grant commitments.	Head of Finance and Asset Management.	Yes – from 29 August 2018 to enable further consideration of the grants which will need to be considered.

Committee Date: 21 November 2018

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Financial Update – Quarter Two 2018/19.	To consider the quarterly budget position.	Head of Finance and Asset Management.	No.
Medium Term Financial Strategy (Annual).	To recommend to Council the adoption of the five year MTFS which describes the financial environment the Council is operating in and the pressures it will face in delivering its services and a balanced budget over the period.	Head of Finance and Asset Management.	No.
Housing Strategy Monitoring Report (Year 3) (Annual).	To approve the Housing Strategy Monitoring Report for Year Three.	Housing Services Manager.	No.
Community Infrastructure Levy (CIL) Governance	To approve the governance arrangements.	Head of Development Services.	No.
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Head of Corporate Services.	No.

(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

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Committee Date: 2 January 2019			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Management Report – Quarter Two 2018/19.	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter two performance management information.	Head of Corporate Services.	No.
ICT Strategy.	To approve the ICT Strategy,	Head of Corporate Services.	Yes – from 6 June 2018 to align with the action within the Corporate Services action plan.
Risk Management Strategy.	To approve the Risk Management Strategy.	Head of Corporate Services.	Yes – from 29 August to allow for more time to devise the Strategy.

Committee Date: 6 February 2019			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Budget 2019/20 (Annual).	To recommend a budget for 2019/20 to the Council.	Head of Finance and Asset Management.	No.
Financial Update - Quarter Three 2018/19.	To consider the quarterly budget position.	Head of Finance and Asset Management.	No.
Confidential Item: Irrecoverable Debts Write-Off Report (Quarterly).	To consider the write-off of irrecoverable debts.	Head of Corporate Services.	No.
(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to the financial or business affairs of any particular person (including the authority holding that information)).			

Committee Date: 6 March 2019			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required

Committee Date: 3 April 2019			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Performance Management Report – Quarter Three 2018/19.	To receive and respond to the findings of the Overview and Scrutiny Committee’s review of the quarter three performance management information.	Head of Corporate Services.	No.
Council Plan 2016/20 Refresh (Annual).	To consider the Council Plan and make a recommendation to Council.	Head of Corporate Services.	No.
High Level Service Plan Summaries (Annual).	To consider the key activities of each service grouping during 2017/18.	Head of Corporate Services.	No.

12

PENDING ITEMS

Agenda Item	Overview of Agenda Item
Confidential Item: Spring Gardens/Oldbury Road Regeneration.	To consider the information provided and agree a way forward.
Workforce Development Strategy.	To approve the Council’s Workforce Development Strategy.
Affordable Housing Partnership	To consider the extension of the partnership prior to the agreed five year review – deferred from Forward Plan for 29 August for further information.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 August 2018
Subject:	Financial Update – Quarter One 2018/19
Report of:	Head of Finance and Asset Management
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Finance and Asset Management
Number of Appendices:	Three

Executive Summary:

The budget for 2018/19 was approved by Council in February 2018 with the reserves being approved at Executive Committee in June 2018. This report is the first quarterly monitoring report of the Council's financial performance for the year.

The report highlights a quarter 1 surplus of £81,867 on the revenue budget and details the expenditure to date against both the capital programme and the approved reserves.

Recommendation:

To CONSIDER the financial performance information for the first quarter of 2018/19

Reasons for Recommendation:

The Executive Committee is responsible for recommending the budget to Council and for the management and delivery of the approved budget during the financial year.

The quarterly financial report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to advise of any corrective action to be taken, if required.

Resource Implications:

As detailed within the report.

If the budget is in deficit at year end then the Council will have to use reserves to fund the overspend, meaning that these resources are not available to fund other activities or future financial management of the Council's projected medium term budgets. The Council currently has a £550,000 General Fund balance, £850,000 to cover shortfalls in the Medium Term Financial Plan and a £415,000 retained business rates reserve.

Legal Implications:

None associated with the report.

Risk Management Implications:

A financial deficit will result in the utilisation of the limited reserves available to the Council. The financial performance of the Council is monitored on a monthly basis and reported to Members quarterly. Active management of the budget takes place to reduce the projected deficit whilst maintain delivery of services.

Performance Management Follow-up:

Budgets will continue to be monitored on a regular basis by budget holders supported by Finance. Quarterly monitoring reports will be presented to Members with the outturn position reported to the Committee in June 2019.

Environmental Implications:

None

1.0 INTRODUCTION/BACKGROUND

1.1 This report provides the quarter 1 (Q1) monitoring position statement for the financial year 2018/19. The purpose of this report is to notify Members of any known significant variations to budgets for the current financial year, highlight any key issues, and to advise of any action to be taken, if required.

2.0 REVENUE BUDGET POSITION

2.1 The financial budget summary for Q1 shows a £81,867 surplus against the profiled budget. Below is a summary of the expenditure position for the Council split out between the main expenditure types:

Services expenditure	Budget £	Budget Q1 £	Actual Q1 £	Variance £
Employees	9,319,411	2,282,692	2,206,362	76,330
Premises	610,297	272,010	272,174	(164)
Transport	165,777	40,958	26,124	14,834
Supplies & Services	1,913,446	460,816	453,061	7,755
Payments to Third Parties	5,358,570	1,510,975	1,510,164	811
Transfer Payments - Benefits Service	20,276,485	0	58,754	(58,754)
Income	(27,082,098)	(2,174,536)	(2,194,476)	19,940
	10,561,888	2,392,915	2,332,162	60,753

Corporate Codes

Treasury activity	117,260	29,315	11,715	17,600
Investment Properties	(1,928,859)	(512,567)	(513,929)	1,362
Corporate Savings Targets	(67,500)	(16,875)	0	(16,875)
New Homes Bonus	50,000	0	0	0
Business rates	(2,694,620)	0	(19,027)	19,027
	6,038,169	1,892,788	1,810,921	81,867

Note: With regards to savings and deficits, items in brackets and red are overspends

- 2.2** The budget position in relation to the Heads of Service responsibility shows an underspend of £60,753 as at the end of June. As can be seen there are two main areas of savings - employees of £79,330 and income of £19,940.
- 2.3** Employee costs savings are generated mainly through staff vacancies, particularly in Property and Development Services, although the saving in Development Services is being offset by a deficit on the income budget for that service in Q1. Services have managed vacancies during the recruitment period with limited use of agency staff and help from current staff to cover work. Democratic Services have a vacant post which is maintained to offset overtime and other pressures during elections. Savings are being made against this post as there has been no significant elections so far this year.
- 2.4** In relation to the surplus on overall income for the Council, there is a £70,289 surplus on the Community Services income budget. This is mostly in relation to the new Garden Waste service bringing in income above target as a result of the implementation of the new sticker system and the fixed renewal date of 1 April. There is also additional income showing in Corporate Services. This relates to additional grant income for the Benefits Team, received from central government, which had not been budgeted for. This money is to help with any cost of transition of claimants to Universal Credit. One area of concern remains the planning application income budget. This is a significant income stream for the Council but is currently in a deficit of £87,092 against target for Q1. This is a continuing trend over the last 12 months where actual planning income has been below levels expected and trends seen in previous periods. Pre-application income is slightly ahead of budget, which is expected to then generate further application income during the next half of year to close the budget deficit.
- 2.5** In terms of deficits being reported at the first quarter there is an overspend being shown against benefit claimant payments. Q1 monitoring has identified that the Housing Benefits Team has processed higher than predicted level of overpayments going back over several years. Claimants not informing the Council of changes in their circumstances cause these overpayments. This reduces the amount of subsidy that the Council can claim for operating this service. This will be monitored during the coming months to see if this is a trend. Team resources have been realigned with specific officer resource allocated to the recovery of overpaid housing benefit. Whilst we cannot always avoid the overpayment from occurring, we are focussing efforts to make sure we recover the overpayment from the recipient. In addition, the first quarter outturn position for the Ubico contract has indicated a forecast full year deficit of £84,000. A pro rata sum has been included within the Q1 figures.

2.6 Attached at Appendix A is a summary of the position for each Head of Service, which shows the current variance against their budget. Where the main types of expenditure headings within the Head of Service's responsibility have a variance over £10,000, a short explanation for the reason for the variance has been provided.

2.7 Below the service expenditure lines are detailed the other sources of financing which are needed to balance the budget. Currently business rates income, the returns we are receiving from our investment portfolio and treasury management activities are all positive, delivering a surplus of £37,989 against budget and helping deliver the overall reported surplus of £81,867.

3.0 CAPITAL BUDGET POSITION

3.1 Appendix 2 shows the capital budget position as at Q1. This is currently showing a small underspend against the profiled budget.

3.2 The underspend is because of the refurbishment of the Council Offices being slightly behind the budget profile; however, it should be noted that work was delayed, and the overall costs increased due to issues such as the discovery of asbestos. This will put pressure on the overall budget as it moves to completion in Q2 although additional contributions have been identified from partners to offset this.

4.0 RESERVES POSITION

4.1 Appendix 3 provides a summary of the current usage of available reserves.

4.2 Reserves have been set aside from previous years to fund known future costs and the strategic planning of the authority's operation. The information in the appendix does not take account of reserves which have been committed, but not yet paid.

4.3 Whilst the Q1 position shows that there remains a significant balance on the reserves, the expectation is that the balances will be spent in the future. Finance has asked for updates from all departments about their plans to ensure that earmarked reserves are either used for their intended purpose or released back to the general fund.

5.0 CONSULTATION

5.1 Budget holders have been consulted about the budget outturn for their service areas. The feedback has been incorporated in the report to explain differences between budgets and actual income and expenditure.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 Budget monitoring is on the approved budget for 2018/19 which has been prepared in line with the Medium Term Financial Strategy

7.0 RELEVANT GOVERNMENT POLICIES

7.1 None

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 None

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11.1 None

Background Papers: None

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Appendices: Appendix A – Quarter 1 revenue position by service
Appendix B – Quarter 1 capital position
Appendix C – Quarter 1 earmarked reserves update

Appendix A - Quarter 1 Budget Report

Chief Executive

	Full Year Budget	Budget	Actual	Savings / (Deficit)
	£	£	£	£
Employees	246,000	61,442	60,704	738
Premises	0	0	0	0
Transport	2,918	732	584	148
Supplies & Services	7,432	1,365	1,365	0
Payments to Third Parties	0	0	0	0
Income	0	0	0	0
TOTAL	256,350	63,539	62,653	886

Community Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)
	£	£	£	£
Employees	1,097,558	259,764	263,324	(3,560)
Premises	2,500	627	148	479
Transport	32,317	8,084	5,899	2,185
Supplies & Services	108,998	10,497	13,311	(2,814)
Payments to Third Parties	4,558,341	1,396,214	1,402,905	(6,691)
Income	(2,066,806)	(1,121,001)	(1,191,290)	70,289
TOTAL	3,732,908	554,185	494,298	59,887

1

1) The new Garden Waste service has brought in income above target. As all renewals are now for the 1st April the income target has been achieved for the whole financial year. Other income areas such as licencing and bulky waste are also performing adequately against income budgets

Corporate Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)
	£	£	£	£
Employees	1,762,933	439,931	437,299	2,632
Premises	0	0	0	0
Transport	16,423	4,208	2,845	1,363
Supplies & Services	506,574	144,241	136,258	7,983
Payments to Third Parties	127,934	27,780	21,001	6,779
Transfer Payments - Benefits Service	20,276,485	0	58,754	(58,754)
Income	(20,726,872)	(119,139)	(154,977)	35,838
TOTAL	1,963,477	497,021	501,180	(4,159)

2

3

2) As a result of a higher level of overpayments being identified due to both claimant error and the receipt of better and more timely data through RTI (Real Time Information) referrals, benefit subsidy is below budget. This will be monitored during the coming months to see if this is a trend. Team resources have been realigned with specific officer resource allocated to the recovery of overpaid Housing Benefit. Whilst we can't always avoid the overpayment from occurring we are focussing efforts to make sure we recover the overpayment from the recipient

3) Additional grants have been provided to the benefits team to help cover the cost of developments and changes in the service, particularly the implementation of Universal Credit

Democratic Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)
	£	£	£	£
Employees	254,331	63,137	41,951	21,186
Premises	0	0	0	0
Transport	16,730	4,187	2,610	1,577
Supplies & Services	433,968	110,983	110,341	642
Payments to Third Parties	36,700	7,017	8,808	(1,791)
Income	(500)	(126)	(136)	10
TOTAL	741,229	185,198	163,574	21,624

4

4) A vacant post is held within the democratic services team to offset the costs of any elections, which generate a peak of additional work. Currently there has been no significant elections relating to the 2018/19 financial year and so an underspend is being reported.

Deputy Chief Executive

	Full Year Budget	Budget	Actual	Savings / (Deficit)
	£	£	£	£
Employees	112,154	28,059	27,638	421
Premises	0	0	0	0
Transport	3,460	868	400	468
Supplies & Services	4,450	320	37	283
Income	0	0	0	0
TOTAL	120,064	29,247	28,075	1,172

Development Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	1,860,039	465,155	444,934	20,221	5
Premises	43,281	8,050	8,623	(573)	
Transport	57,248	14,330	9,153	5,177	
Supplies & Services	262,513	81,831	79,309	2,522	
Payments to Third Parties	204,235	27,685	24,877	2,808	
Income	(1,680,202)	(394,500)	(307,408)	(87,092)	6
TOTAL	747,114	202,551	259,488	(56,937)	

5) Development services continue to have a range of vacant posts in the team which are being recruit to, the period of recruitment resulting in a saving on staff budgets

6) Development services are behind the income budget target for Q1, which continues a trend from the previous year where planning income is below that experienced in prior years. The head of service expects that they will catch up on income to shorten the gap during the year, with evidence that pre-application income is slightly up on target in Q1 .

Finance and Asset

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	2,591,457	638,438	622,801	15,637	7
Premises	564,516	263,333	263,402	(69)	
Transport	14,974	3,764	2,157	1,607	
Supplies & Services	455,749	58,649	64,355	(5,706)	
Payments to Third Parties	270,900	49,664	51,828	(2,164)	
Income	(1,271,630)	(486,420)	(499,546)	13,126	8
TOTAL	2,625,966	527,428	504,998	22,430	

7) The property team has had vacant posts and maternity leave during Q1 of the financial year resulting in a saving against budget

8) Income levels from both general car parking income and parking permits is higher than budgeted at the end of Q1.

One Legal

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	1,394,939	326,766	307,711	19,055	9
Premises	0	0	0	0	
Transport	21,707	4,785	2,476	2,309	
Supplies & Services	133,762	52,930	48,084	4,846	
Payments to Third Parties	160,460	2,615	745	1,870	
Income	(1,336,088)	(53,350)	(41,120)	(12,230)	10
TOTAL	374,780	333,746	317,896	15,850	

9) Vacant posts within the one-legal team are contributing to a Q1 underspend against budget projections.

10) Third party income levels have not been achieved in the first quarter

Appendix B - Analysis of Capital Budget

	Q1 Budget Position £	Q1 Actual Position £	(Over) / Under spend £	% Slippage	Comments
Council Land & Buildings	628,750	587,988	40,762	6	Expenditure in Q1 is in relation to final stages of the refurbishment of the public services centre. Whilst expenditure in this quarter is showing as being within budget, there has been additional costs incurred, due to unforeseen circumstances relating to asbestos which means that there is additional pressure on the total budget available for this project.
Equipment	31,500	11,706	19,794	63	Timing issue, invoices from Idox and Financials (GDPR module) not yet received.
Capital Investment Fund	0	0	0	0	Officers are investigating any opportunities for commercial capital investments. As expected none have been identified at the end of Q1 which have been progressed to a purchase.
Community Grants	30,500	30,440	60	0	Payments in Q1 are in line with expectations.
Housing & Business Grants	100,000	106,366	(6,366)	(6)	Payments in Q1 are in line with expectations.
	790,750	736,499	54,251	7	

Appendix C - Revenue Reserves for 2018/19

Reserve	Balance 31st March 2018	Spent in Reserve Quarter 1	Reserve Remaining	Note
Service Reserves				
Asset Management Reserve	1,156,802	11,188	1,145,614	
Borough Regeneration Reserve	6,934	180	6,754	
Business Rates Reserve	637,371	-	637,371	
Business Support Reserve	220,140	28,260	191,880	
Business Transformation Reserve	355,882	20,558	335,325	
Community Support Reserve	114,278	7,062	107,215	
Development Management Reserve	238,002	450	237,552	
Development Policy Reserve	525,428	4,382	521,046	
Elections Reserve	68,500	-	68,500	
Flood Support and Protection Reserve	13,682	952	12,730	
Health & Leisure development reserve	1,989	-	1,989	
Housing & Homeless Reserve	430,735	1,279	429,455	
IT Reserve	18,231	-	18,231	
Organisational Development Reserve	131,372	14,240	117,132	
Risk Management Reserve	5,000	-	5,000	
Transport Initiatives Reserves	520,391	- 2,221	522,612	
	4,444,736	86,331	4,358,405	
Uncommitted Reserve				
Waste & Recycling development Reserve	535,641	-	535,641	
Uncommitted Reserve	46,769	-	46,769	
MTFS Equalisation Reserve	866,004	-	866,004	
	1,448,414	-	1,448,414	
Totals	5,893,150	£86,331	5,806,820	

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 August 2018
Subject:	Data Protection Policy
Report of:	Head of Corporate Services
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	2

Executive Summary:

Tewkesbury Borough Council is fully committed to compliance with the requirements of the Data Protection Act 2018 and General Data Protection Regulations 2016 (GDPR). The Council's Data Protection Policy attached at Appendix 1 describes the Council's arrangements for compliance. The policy was considered at Audit Committee on 18 July 2018 where it was recommended to Executive Committee for approval.

Recommendation:

To APPROVE the Data Protection Policy.

Reasons for Recommendation:

The Council is required to process personal data lawfully in compliance with the requirements of the Data Protection legislation as set out in this report. The policy outlines the Council's legal requirements for processing data and how the Council will meet them.

Resource Implications:

None arising directly from this report.

Legal Implications:

None directly arising from this report.

Risk Management Implications:

The Council recognises that there are risks associated with users processing and handling information in order to conduct official Council business.

This policy aims to mitigate the following risks;

- Accidental or deliberate breach of data protection.
- Potential sanctions against the Council or individuals imposed by the Information Commissioner's Office (ICO) as a result of the loss or misuse of data.
- Council reputational damage as a result of a data protection breach.

Performance Management Follow-up:

The Council's Data Protection Officer will monitor this policy on an annual basis. The Council's Senior Information Risk Owner (SIRO) will regularly review the policy, for example, by using Internal Audit to determine if the policy is being adhered to.

Environmental Implications:

None.

1.0 INTRODUCTION/BACKGROUND

1.1 The document attached at Appendix 1 sets the Council's policy for compliance with the Data Protection Act 2018 (DPA) and General Data Protection Regulation 2016 (GDPR) which came into effect on 25 May 2018. The Council must comply with all relevant legislation and maintain good practices to protect the personal data held. This policy also aims to outline the members of the public's rights in gaining access to their personal data held by the Council, and to assist the Information Commissioner's Office (ICO). Those who process data must comply with the statutory requirements which applies to all personal data, and the policy provides guidance to ensure that all personal data is lawfully processed by the Council. The Audit Committee considered the draft policy on 18 July 2018 and have recommended it to the Executive Committee for approval.

2.0 THE PRINCIPLES OF DATA PROTECTION

2.1 Anyone processing personal data must comply with six principles of good practice. Summarised, the principles require that personal data should be:

- Processed lawfully, fairly and in a transparent manner.
- Only obtained for specified, explicit and legitimate purposes.
- Adequate, relevant and not excessive.
- Accurate and kept up to date.
- Not be kept for longer than is necessary.
- Processed in a secure manner.

The principles are detailed within the Data Protection Policy at Appendix 1.

2.2 The Council will ensure that it is able to demonstrate compliance with all of the above six principles by:

- Following best practice in all personal data processing.
- Ensuring the fair and lawful processing of personal data.
- Telling people why we are processing their personal data and who we will share their personal data with, through our clear and effective privacy notices.
- Ensuring that if relying on consent from the data subject, it is freely given, specific, informed and unambiguous.
- Implementing 'privacy by default' measures to ensure that, by default, we only process the personal data necessary for each business purpose.

3.0 ROLES AND RESPONSIBILITIES

3.1 The Council is accountable for and must be able to demonstrate compliance with Data Protection legislation and adherence to the proposed policy. An overview of the roles and responsibilities established to oversee compliance are as follows:

- Senior Information Risk Owner (SIRO) – to ensure that information assets are appropriately managed. Oversees and is responsible for the whole information governance framework and the risk associated with it.
- Data Protection Officer (DPO) – to undertake the statutory role by monitoring compliance and by providing training, advice and assistance to the SIRO.
- Business Administration Manager – acts as the single point of contact for customers, staff, members and the DPO in relation to personal data. Oversees delivery of the GDPR action, providing advice and support to information asset owners.
- Information asset owners (IAO) – each operational manager has been designated as the IAO for their service. It is their responsibility to ensure their services are compliant with data protection legislation.

A summary of the key roles of the SIRO, the Data Protection Officer and the Information Commissioner is set out in Appendix 2. An internal Information Board has been set up to ensure the ongoing compliance with GDPR. The board meets on a monthly basis and is chaired by the SIRO.

4.0 OTHER OPTIONS CONSIDERED

4.1 None.

5.0 CONSULTATION

5.1 Information board.
Audit Committee 18 July 2018.

6.0 RELEVANT COUNCIL POLICIES/STRATEGIES

6.1 Information Security Policy.
Supports delivery of relevant Council Plan actions.

7.0 RELEVANT GOVERNMENT POLICIES

7.1 Government Security Classifications.

8.0 RESOURCE IMPLICATIONS (Human/Property)

8.1 None.

9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

9.1 None.

10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

10.1 As set out in the report

11.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

11 .1 None.

Background Papers: None

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Appendices: Appendix 1 – Data Protection Policy
Appendix 2 – Key roles and responsibilities

TEWKESBURY BOROUGH COUNCIL

Data Protection Policy

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Staff and Member responsibility

Section Two – Introduction to Data Protection Legislation

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SECTION ONE – POLICY OBJECTIVES

1.1 Policy Objectives

- To comply with all relevant legislation and good practice to protect the Personal Data held by the Council.
- To monitor, demonstrate and review compliance with legislation and introduce changes where necessary.
- To ensure that Personal Data is processed fairly and lawfully.
- To respect the confidentiality of all Personal Data.
- To provide staff with appropriate procedures and training to handle Personal Data.
- To assist members of the public in exercising their rights over their Personal Data held by the Council
- To co-operate with the Information Commissioner and the external auditor as required.

1.2 Staff and Member responsibility

It is the duty of individual staff and Members to ensure that Personal Data held by the Council is handled in accordance with current Data Protection Legislation and this Policy. Action may be taken against any employee or Member who fails to comply or commits any breach of the Data Protection Legislation and/or this Policy.

SECTION 2 – INTRODUCTION TO DATA PROTECTION LEGISLATION

2.1 Data Protection Legislation was introduced to balance the rights of individuals, to protect their Personal Data and an organisation's right to use their Personal Data. Data Protection Legislation covers both electronic information and manual files the Council holds.

2.2 This Policy is applicable to all Data Protection Legislation relating to the use of Personal Data.

2.3 The Council processes and keeps Personal Data about Data Subjects to enable it to conduct Council business, provide services and to employ staff.

The Data Protection Principles

2.4 The Council will:

- process Personal Data lawfully, fairly and transparently (the first data protection principle)
- only obtain Personal Data for specified, explicit and legitimate purposes (the second data protection principle)
- only collect Personal Data that is adequate, relevant and not excessive (the third data protection principle)
- ensure that Personal Data is accurate and kept up to date (the fourth data protection principle)
- ensure that Personal Data is not being kept for longer than is necessary (the fifth data protection principle)
- ensure that Personal Data is processed in a secure manner (the sixth data protection principle).

SECTION THREE – ACCOUNTABILITY AND DEMONSTRATING COMPLIANCE

- 3.1 The Council is accountable for and must be able to demonstrate compliance with the Data Protection Legislation.

Roles and Responsibilities

- 3.2 The Council allocates the following roles and responsibilities:

SENIOR INFORMATION RISK OWNER (SIRO) – to ensure information assets and risks with the Council are managed as a business, actively work with the Data Protection Officer and other experts within or outside the Council to determine the most effective and proportionate information control measure. The SIRO is responsible for building an informed culture within the Council to promote the best practice for the use and protection of Information assets. The SIRO is responsible for implementing current Data Protection Legislation on behalf of the Council (the Data Controller).

SINGLE POINT OF CONTACT FOR CONTROLLER (SPoC) – to act as single point of contact for customers, staff and the Data Protection Officer in relation to Personal Data. Support the SIRO in ensuring the Council can demonstrate compliance with current Data Protection Legislation.

DATA PROTECTION OFFICER (DPO) – to undertake the statutory role by monitoring compliance and by providing training, advice and assistance to the SIRO.

INFORMATION ASSET OWNERS – Service managers have been nominated as Information Asset Owners for the information held within their service areas and are responsible for ensuring that their services area can demonstrate compliance with current Data Protection Legislation.

STAFF – all staff are responsible for ensuring that the Personal Data they handle is processed in accordance with this Policy and current Data Protection Legislation.

MEMBERS - all members are responsible for ensuring that the Personal Data they handle when acting as a member of the Council is processed in accordance with this Policy and current Data Protection Legislation.

Demonstrating Compliance

- 3.3 The Council must be able to demonstrate to its customer, supplier, staff, members and the Information Commissioner that it is compliant with current Data Protection Legislation.

3.4 Examples of how the Council will do this:

- holding a list of processing and keep it up to date (kept by the SIRO)
- minimising the Personal Data collected (Information Asset Owners)
- having and complying with its retention schedules (Information Asset Owners)
- being open and transparent and tell people what we are doing with their data (SIRO)
- checking any Processors are Data Protection Legislation compliant and have written processing agreements and written data sharing agreements in place (Information Asset Owners)
- carrying out privacy by design and privacy impact assessments where necessary (Information Asset Owners)
- ensuring it has appropriate technical and organisational security (SIRO)
- regularly review and update its policies and procedures (SIRO)

3.5 The Council will pay the fee due to the Information Commissioner on an annual basis (SIRO).

SECTION 4 – ORGANISATIONAL SECURITY

Security

4.1 The Council will implement appropriate technical and organisational measures to ensure a level of security appropriate to the risks arising from the processing of Personal Data.

4.2 Security shall be applied to all stages of processing to prevent unauthorised access, disclosure (internal or external), loss, damage (accidental or deliberate), or unauthorised alteration.

4.3 Examples of security measures are:

- Personal Data must not be left on display or unsecured when unattended
- System entry passwords shall be kept secure and be changed regularly and not shared
- All emails and documents must be classified in accordance with the Government's Document Classification scheme. [Government Security Classifications- Guidance](#)

4.4 The SIRO will undertake a regular review of security measures and an audit shall be made of the way Personal Data is managed. This will include an assessment of the methods of handling Personal Data and processing carried out by a third party on behalf of the Council or jointly with other local authorities shall be subject to a written contract, which stipulates compliance with the data protection principles.

Privacy by design

- 4.5 Privacy by design means that privacy and data protection is a key consideration in the early stages of any project and throughout its lifecycle.
- 4.6 Where the Council changes the way it processes Personal Data or purchases a new or upgrades an IT system that processes large amounts of Personal Data, the Council will carry out a Privacy Impact Assessment in accordance with the current Data Protection Legislation and Information Commissioner guidance and ensure that privacy by design is built in the processing.
- 4.7 Examples of when privacy by design should be considered:
- building, developing or purchasing a new IT systems for storing or accessing Personal Data;
 - developing policy, procedures or strategies that have privacy implications;
 - embarking on a data sharing initiative; or
 - using Personal Data for new purposes.
- 4.8 The Privacy Impact Assessment form is available [here](#)
- 4.9 Copies of the Privacy Impact Assessments carried out will be held by the SIRO and available for inspection by the Data Protection Officer.

Storing Personal Data

- 4.10 The fifth data protection principle requires that Personal Data should not to be kept longer than necessary for the purpose for which it is processed. It is the responsibility of the Information Asset Owner to ensure that Personal Data is used and stored properly to prevent any unauthorised access and ensure that a retention schedule is in place for the Personal Data used within their service area and ensure staff comply with that retention schedule.
- 4.11 Personal Data should:
- be stored in locked desks or filing cabinets
 - be securely protected on computers using industry standards authentication methodologies and limited access
 - not be visible on screens by unauthorised persons (including other members of staff)
 - not be taken out of the Council offices or stored externally unless such use or storage is necessary and authorised by a line manager or Information Asset Owner.
 - only be kept for as long as is necessary and disposed of securely when it is no longer needed. It should be reviewed regularly and deleted promptly when no longer needed
- 4.12 Special Categories of Data should be kept secure and subject to very limited access.
- 4.13 Duplicate records should be kept to a minimum to reduce the risk of unauthorised access or loss and to avoid anomalies in Personal Data being kept longer than is necessary.

- 4.14 Portable storage devices such as handheld devices, mobile phones and laptops must be encrypted; they should not be left unattended and should be locked away when not in use.

Protective Marking

- 4.15 The protective marking scheme supplied by the Government Protective Marking Scheme (GPMS) provides a framework for users to share and protect information.

SECTION 5 – HANDLING PERSONAL DATA

Collecting Personal Data/information

- 5.1 The Council will only collect Personal Data that is necessary to carry out the purpose for which it was collected. Staff will not collect Personal Data on the grounds that it might come in useful. Extra care will be taken when collecting or using Special Categories of Data and will only be collected where absolutely necessary.
- 5.2 When collecting Personal Data the Information Asset Owner will ensure that the person is told what will be done with their Personal Data at the time it is collected This must be conveyed in a concise, transparent, intelligible, easily accessible way, and use clear and plain language.
- 5.3 The Council will provide individuals with all the following privacy information:
- The contact details of the Council
 - The contact details of the Council's SpOC.
 - The contact details of the Council's Data Protection Officer
 - The purposes of the processing
 - The lawful basis for the processing
 - The legitimate interests for the processing (if applicable).
 - The categories of Data Subjects and Personal Data obtained
 - The recipients or categories of recipients of the Personal Data
 - Details of the use of profiling
 - The categories of transfers of the Personal Data to any third countries or international organisations (if applicable)
 - Where possible, a general description of the Council's technical and organisational security measures
 - The retention periods for the Personal Data.
 - The rights available to individuals in respect of the processing.
 - The right to withdraw consent (if applicable).
 - The right to lodge a complaint with the ICO.
 - The source of the Personal Data (if the Personal Data is not obtained from the individual it relates to)
 - The details of whether individuals are under a statutory or contractual obligation to provide the Personal Data (if applicable, and if the Personal Data is collected from the individual it relates to).
 - The details of the existence of automated decision-making, including profiling (if applicable).

5.4 All staff will inform their line manager or Information Asset Owner if Personal Data is collected or used in a new or different way so that this can be added to the list of processing held by the SIRO.

Using Personal Data

5.5 When processing Personal Data, the first data protection principle requires that it must be done lawfully and in a fair and transparent manner. Personal Data is considered to be lawfully processed if one of the following conditions apply:

- The Data Subject has given their consent to the processing
- The processing is necessary for:
 - the performance of a contract to which the Data Subject is a party
 - the compliance with any legal obligation of the Council as a Data Controller
 - the protection the vital interests of the Data Subject. This means a life or death situation
 - the exercise of a function conferred on the Council by law
 - for the exercise of any other function of a public nature exercised in the public interest by the Council
 - for the purposes of legitimate interests of the Council subject to the legitimate rights and freedoms of the Data Subject.

5.6 When processing Special Categories of Data a further processing condition set out in the Data Protection Legislation is required.

5.7 The second data protection principle requires that Personal Data should only be used for the purpose(s) for which it is collected and not for any incompatible purpose. If it is to be used for any other purpose then the individual concerned must be informed and there must be a legal basis for processing the Personal Data for the other purpose.

Disclosing Personal Data

5.8 Before disclosing Personal Data staff must ensure that they are speaking to the Data Subject or that they have the Subject's consent to release it to a third party acting on their behalf. If the person is present with the third party and staff are satisfied that it is the correct person and they provide verbal consent, a record of the circumstances of the situation shall be kept at the time of releasing the information. In any other circumstance written consent of the Data Subject is required.

5.9 In some cases staff may be asked to provide information by law. It is the responsibility of staff to ensure that there is a sound basis for releasing that Personal Data. Personal Data must not be disclosed until staff are satisfied it is lawful to do so. The Data Protection Legislation may give the person the right to ask for the information but staff may not be under a legal obligation to release that information. Do not disclose any Personal Data until you are satisfied it is lawful to do so.

5.10 Disclosure may be necessary to protect the vital interests of the Data Subject for example to prevent serious harm, or in a life or death situation. Do not disclose any Personal Data until satisfied it is lawful to do so.

5.11 Obtain legal advice if you are unsure.

Disclosing Personal Data to Members

5.12 Before releasing information to elected Members, staff need to ascertain for what purpose the Member is requesting the information. Elected Members have up to 3 roles:

1. **Acting as a Member**

Members have the same rights of access to Personal Data as staff when acting in this role. Staff should ensure that Members need the Personal Data to carry out their official duties and when releasing the information should specify the purpose(s) for which the Personal Data may be used or disclosed.

2. **Acting on behalf of local residents**

Staff do not, generally, need to obtain the individuals consent to disclose their Personal Data to a Member if:

- The Member represents the ward in which the individual lives; and
- The Member makes it clear that they are representing the individual when requesting the Personal Data; and
- The information is necessary to respond to the individual's complaint or requests

Otherwise, Members must obtain consent from the Data Subject before any Personal Data is released.

3. **Acting for political purposes**

Personal Data should not be released for political purposes without the individual's consent. Exceptions to this:

Personal Data which the Council is required by law to make public for that purpose.

Personal Data presented in a form which does not identify any living individuals, for example statistical information or Council tax band information and any other information that cannot be linked to the individual concerned, for example by comparing data to the electoral register.

Disposal of Personal Data

5.13 Personal Data must be disposed of securely.

5.14 **Paper records** must be shredded. If an outside company is used they must be Data Protection compliant and a certificate of shredding must be obtained when the information is shredded.

5.15 **Electronic records** must be removed permanently. Just because it is not visible on the screen does not mean it is not still recoverable.

5.16 Information Asset Owners are responsible for ensuring staff follow their retention schedule when disposing of Personal Data.

Dealing with Data Subject Requests

5.17 Individuals (Data Subjects) have rights over their Personal Data held by the

Council on computer and paper records.

5.18 Data Subjects are entitled

- To know what information is being processed and why
- To have information about them erased (be forgotten)
- To object to direct marketing and automated decisions
- To be told about automated profiling
- To obtain information about decision making
- To data portability – consent or contract

- To have information about them rectified – if inaccurate
- To the right to restrict or object to processing – inaccurate/unlawful
- To the right to withdraw consent

5.18 The Council shall respond to Data Subject request as soon as possible and at the latest within one month.

5.19 In certain circumstance the Council may charge a reasonable fee or refuse a Data Subject Request where it is manifestly unfounded, excessive or repetitive.

5.20 Data Subject request forms are available on the Council's [website](#).

Data Protection breaches

5.21 Any **breach of security** leading to or which is likely to lead to accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, Personal Data transmitted, stored or otherwise processed must be reported to your line manager or the Information Asset Owner immediately and the process for breach reporting in the Information Security Policy followed.

5.22 The Information Security Form available [here](#) will be completed by the Information Asset Owner and sent to SIRO. The SIRO in consultation with the Data Protection Officer shall report breaches to the Information Commissioner within 72 hours in accordance with current Data Protection Legislation and any guidance issued by the Information Commissioner or Article 29 Working Party.

5.23 Copies of Incident Breach report forms will be held centrally by the SIRO.

SECTION SIX – SHARING PERSONAL DATA AND PROCESSING OF PERSONAL DATA BY THIRD PARTIES

6.1 To share Personal Data and/or Special Categories of Data for another purpose it must be done lawfully.

Internal one off requests for Personal Data

6.2 Staff requesting Personal Data must do so in writing and demonstrate that the Personal Data is necessary and that the sharing is lawful. Staff receiving requests must be satisfied that the sharing is lawful before any Personal Data can be released. A record of the Personal Data released, together with the legal basis for sharing, shall be ~~35~~ kept by the Information Asset Owner to demonstrate compliance with the Data Protection Legislation.

Regular or bulk transfers of Personal Data and Special Categories of Data

- 6.3 In many instances the Council shares data with other internal departments and external organisations on a regular basis. For instance, the Council's shares Personal data with third party services providers, the Police or other councils as part of a joint initiative such as Domestic Violence and Homelessness.
- 6.4 Although there may be a statutory requirement placed on the Council to transfer data, the Council is the Controller and is responsible for demonstrating compliance with Data Protection Legislation. It is the responsibility of the Information Asset Owners to ensure that appropriate data processing and/ or sharing agreements are in place.
- 6.5 The Council recommends all staff read the Information Commissioners Office advice and guidance to ensure they comply with legislation.

[Data sharing - code of practice and checklist.](#)

If you require assistance please contact One Legal email: legalservices@tewkesbury.gov.uk

- 6.7 Information Asset Owners will be responsible for ensuring copies of the data sharing/processing agreement are sent to the SIRO and are regularly reviewed and kept up to date.

Copies of Data Sharing and Processing agreements will be held by the SIRO.

SECTION SEVEN – SPECIFIC USES

Processing of Criminal Convictions

- 7.1 Processing of Personal Data relating to criminal convictions and offences or related security measures shall be carried out only under the control of official authority or when the processing is authorised by UK law providing for appropriate safeguards for the rights and freedoms of data subjects.

Law enforcement processing

CCTV systems and Data

- 7.2 The Council [CCTV policy](#) states that any system operator (Service Manager) who has the responsibility for a CCTV scheme must have a scheme specific Code of Practice in place before it becomes operational or within 6 months of the approval of this Policy.
- 7.3 This Code of Practice will provide the guidance for complying with the requirements of the Data Protection Legislation in respect of the use and operation of these systems.

- 7.4 The current [CCTV codes of practice](#) are available on the Councils website.

Direct Marketing

- 7.5 The Privacy and Electronic Communications (EC Directive) Regulations 2003 (PECR) deals with direct marketing.
- 7.6 Electronic communications mean any information sent between particular parties over a phone line or internet connection. This includes phone calls, faxes, text messages, video messages, emails and internet messaging. It does not include generally available information such as the content of web pages or broadcast programming.
- 7.7 Direct Marketing means the communication (by whatever means) of any advertising or marketing material which is directed to particular individuals.
- 7.8 Genuine market research does not count as direct marketing. However, if a survey includes any promotional material or collects details to use in future marketing campaigns, the survey is for direct marketing purposes and the rules apply.
- 7.9 PECR cover marketing by phone, fax, email, text or any other type of [‘electronic mail’](#).
- 7.10 There are different rules for live calls, automated calls, faxes, and electronic mail (this includes emails or texts).
- 7.11 PECR marketing provisions do not apply to other types of marketing, such as mailshots or online advertising. However, staff must always still comply with the Data Protection Legislation and if online advertising is proposed uses cookies or similar technologies, the provisions about [cookies](#) under PECR may apply.
- 7.12 Most of the rules in PECR only apply to unsolicited marketing messages. They do not restrict solicited marketing. - a solicited message is one that is actively requested. An unsolicited message is any message that has not been specifically requested. So even if the customer has consented to receiving marketing from the Council, it still counts as unsolicited marketing.
- 7.13 This does not make all unsolicited marketing unlawful. The Council can still send unsolicited marketing messages – as long as it is in compliance with PECR.
- 7.14 For most Direct Marketing consent will be required. Consent must be knowingly and freely given, clear and specific. A clear records of what a person has consented to, and when and how consent was obtained must be retained. This will enable the Council to demonstrate compliance in the event of a complaint.
- 7.15 If the Council employs someone else to actually make the calls or send the messages, the Council is still responsible, as the Council is ‘instigating’ those calls or messages.
- 7.16 The rules on Direct Marketing to ~~to~~ individuals are stricter than those to businesses.

7.17 Any Direct Marketing made or sent by electronic means must be made or sent in accordance with PECR. Staff must check with the fax and or telephone preference service before making any Direct Marketing calls and not make calls to those numbers on the preference service.

Data Sharing for public service delivery, debt recovery and fraud investigations

7.18 Information Asset Owners will be responsible for ensuring copies of the data sharing/processing agreement are sent to the SIRO and are regularly reviewed and kept up to date.

Copies of Data Sharing and Processing agreements will be held by the SIRO.

SECTION EIGHT – MONITORING AND REVIEW

8.1 The Data Protection Officer will monitor this Policy on an annual basis.

8.2 The SIRO will review this Policy on a regular basis taking into account the advice of the Data Protection Officer.

DEFINITIONS

Controller	The person(s) who determines how and the manner in which Personal Data are or are to be processed (the Council).
Processor	The person who processes the data on behalf of the data controller.
Data Subject	The person who the Personal Data is about.
Personal Data	Any information relating to an identifiable person who can be directly or indirectly identified in particular by reference to an identifier.
Special Categories of Data	Information relating to the racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation
Processing data	Includes collecting, recording, use, organising, structuring, storing, adaptation or alteration, retrieval, consultation, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction
Data Protection Legislation	(i) The General Data Protection Regulation (Regulation EU 2016/679), the Law Enforcement Directive (Directive EU 2016/680) The Privacy and Electronic Communications (EC Directive) Regulations 2003, Digital Economy Act 2017 and any applicable national implementing Laws as amended from time to time, (ii) The Data Protection Act 2018 subject to Royal Assent to the extent that it relates to Processing of Personal Data and privacy, (iii) all applicable Laws relating to Personal Data and privacy

Tewkesbury Borough Council		
DATA CONTROLLER	DATA PROTECTION OFFICER	INFORMATION COMMISSIONER
<p>In Summary:</p> <ul style="list-style-type: none"> • Duty to comply with Data Protection legislation <p>Key Obligations:</p> <ul style="list-style-type: none"> • Implement appropriate technical and organisational measures to ensure and demonstrate compliance e.g. data protection policies, safeguarding measures, retention and destruction policies and security measures • Have contractual arrangements with data processors • Maintain records of all categories of processing activities • Co-operate with the ICO • Carry out Impact Assessments • Notify the ICO of breaches • Notify the data subject if the breach is high risk to the rights and freedoms of the individual 	<p>In Summary:</p> <ul style="list-style-type: none"> • To monitor compliance by the Data Controller of Data Protection legislation. • Statutory role. <p>Key Obligations:</p> <ul style="list-style-type: none"> • Inform and advise the Data Controller, specifically monitor compliance with the data protection policies (assign responsibilities, raise awareness, train and audit) and monitor compliance with the Data Protection legislation generally • Draft contractual arrangements with data processors • Co-operate with the ICO • Advise on the carrying out of Impact Assessments • Contact point for the ICO on issues relating to processing • Data subject may contact the DPO on issues relating to processing of their data or their rights 	<p>In Summary:</p> <ul style="list-style-type: none"> • To enforce compliance by the Data Controller of Data Protection legislation <p>Key Obligations:</p> <ul style="list-style-type: none"> • Require the Data Controller to provide information to ensure compliance • May Carry out audits • Has the right to access Data Controller premises • May issue corrective measures (e.g. warnings, reprimands, compliance orders), enforcement notices, fines
Accountable Officer is the Chief Executive as SIRO	DPO is the Borough Solicitor	
<p>Supported by:</p> <ul style="list-style-type: none"> • Single point of contact [Business Administration Manager] • Information Asset Owners [Operational Managers] • GDPR Champions [each service] 	<ul style="list-style-type: none"> • Supported by One Legal 	

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	29 August 2018
Subject:	Tewkesbury Borough Community Safety Partnership
Report of:	Head of Community Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Community
Number of Appendices:	One

Executive Summary:

Community safety responsibilities have continued to evolve since the original formation of the Tewkesbury Borough Community Safety Partnership (CSP) almost 20 years ago. Successive changes to public services have resulted in less in-house capacity and a move away from localised services in other community safety partner agencies.

The Police and Crime Commissioner, in agreement with the Council Chief Executives, carried out a review of community safety across Gloucestershire. The review recognised that each of the Council's Community Safety Partnerships worked in different ways and there was little coordination between them across the county. The review also noted that, whilst legal responsibility for community safety matters sits within each Community Safety Partnership, a coordinating group would be beneficial to provide some oversight and direction.

Over the last two years, the Community Safety Partnership has been held in abeyance pending the creation of a countywide partnership. The countywide group would seek to create and implement a common county wide approach, whilst retaining the distinctiveness of each district, recognising that delivery mechanisms may vary across the county in accordance with local need. This countywide partnership is now in place and "Safer Gloucestershire" is considering the countywide community safety priorities. Priorities are gained from an analysis of statistics across the county from a document called the Gloucestershire Community Safety Strategic Needs Assessment (GCSSNA) which contains countywide data on crime, anti-social behaviour and safeguarding etc.

Locally there is a need to rejuvenate the Tewkesbury Borough Community Safety Partnership and decide what our local priorities are. As some of our local priorities will also be drawn from the GCSSNA and some will likely be specific to Tewkesbury Borough itself, it makes sense to align some of our priorities with the countywide group. In order to start this work a small community safety steering group has been meeting to move this forward.

The purpose of this report is to gain agreement from the Executive Committee as to the suggested way forward with the Tewkesbury Borough Community Safety partnership arrangements.

Recommendation:

That the proposals, set out in Paragraph 4 of the report, for the Tewkesbury Borough Community Safety Partnership be APPROVED.

Reasons for Recommendation:

Tewkesbury Borough Council has a duty to carry out the functions of a Community Safety Partnership as set out in the Crime and Disorder Act 1998. This decision enables that duty to be met and will enable the CSP to set out a strategy for tackling crime, disorder and anti-social behaviour in a coherent and comprehensive way.

Resource Implications:

None arising directly from this report.

Legal Implications:

Community Safety Partnerships (CSPs) were set up under Sections 5-7 of the Crime and Disorder Act 1998. They are made up of representatives from 'responsible authorities' which are the local authorities, police, fire and rescue, probation and health. Community Safety remains a responsibility of second tier councils.

It is advisable to consider whether a formal partnership agreement (incorporating the Terms of Reference appended to this report) should be entered into to assist with the operation of the reconstituted CSP.

Risk Management Implications:

None arising directly from this report

Performance Management Follow-up:

An annual report on the work of Safer Gloucestershire and the local Community Safety Partnership will be produced for the Council's Overview and Scrutiny Committee to consider.

Environmental Implications:

None arising directly from this report

1.0 INTRODUCTION/BACKGROUND

1.1 *Community safety* is about feeling safe, whether at home, in the street or at work. It relates to quality of life and being able to pursue and obtain the fullest benefits from our domestic, social and economic lives without fear or hindrance from harm, crime and disorder.

1.2 Community Safety Partnerships (CSPs) were set up under Sections 5-7 of the Crime and Disorder Act 1998. They are made up of representatives from 'responsible authorities' which are the local authorities, police, fire and rescue, probation and health.

1.3 Locally, the CSP was suspended pending the outcome of the countywide review. Now that review is complete there is a need to consider our arrangements locally.

2.0 SAFER GLOUCESTERSHIRE

- 2.1** The review into community safety in Gloucestershire concluded that, whilst the responsibility for dealing with community safety and coordinating the local CSP sits with second tier authorities, it would be beneficial to have a countywide view of the work that is being undertaken. In addition, in terms of setting strategic priorities, taking a countywide view makes more sense than each local CSP doing this in isolation, although local CSP should be free to set local priorities.
- 2.2** The overall purpose of Safer Gloucestershire is to develop the strategic vision for community safety so that the residents of Gloucestershire feel safer. It will achieve this through:
- Strong and Effective Leadership
 - Encouraging improved co-ordination and integration of joined up services
 - Identifying the needs and priorities of Gloucestershire residents using countywide and local data sources
- 2.3** Safer Gloucestershire has commissioned a Community Safety Strategic Needs Assessment and is in the process of setting the countywide priorities.
- 2.4** The Deputy CEO and Head of Community Services have a place on the Safer Gloucestershire Board.

3.0 DOMESTIC HOMICIDE REVIEWS

- 3.1** Domestic Violence Homicide Reviews (DHRs) were established on a statutory basis under Section 9 (3) of the Domestic Violence, Crime and Victims Act (2004). This provision came into force on 13th April 2011 and undertaking reviews is a statutory requirement.
- 3.2** The Home Office published *Multi-Agency Statutory Guidance for the Conduct of Domestic Homicide Reviews* in April 2011 and issued a revised version of this guidance in June 2013 and December 2016.
- 3.3** The guidance details that DHRs are to be established to review the circumstances in which the death of a person aged 16 or over has, or appears to have, resulted from violence abuse or neglect by a) a person to whom he was related or with whom he was or had been in an intimate personal relationship, or, b) a member of the same household as himself.
- 3.4** Gloucestershire has had a number of DHRs over the years and Tewkesbury Borough has had two full reviews and a third non-statutory review.
- 3.5** These statutory reviews must be carried out by an independent chair and tend to be costly both in terms of finance and time. Evidence shows a high level of variation in the way DHR's are undertaken, chaired and, importantly, monitored in relation to ensuring completion in a timely fashion.
- 3.6** The districts and boroughs in Gloucestershire have agreed that this work should be centralised and coordinated by Safer Gloucestershire to ensure that reviews are carried out in a timely manner and that there is adequate and timely sharing of learning coming from these reviews. The cost of DHRs is also shared countywide under the new arrangements.

4.0 TEWKESBURY BOROUGH COMMUNITY SAFETY PARTNERSHIP (CSP)

- 4.1 Locally, the CSP remains suspended meaning that arrangements for managing community safety do not necessarily reflect the countywide approach, nor the best way locally to implement community safety arrangements. This is not sustainable and the Head of Community Services has been tasked with rectifying this situation.
- 4.2 With the agreement of the Lead Member for Community, a steering group has been established to investigate how community safety can be delivered within the borough.
- 4.3 The steering group includes the Lead Member and members of staff from some of the Council's key community safety partners including Gloucestershire Police Constabulary, Gloucestershire Fire and Rescue Service and Severn Vale Housing.
- 4.4 The steering group has agreed Terms of Reference and these are attached at Appendix 1 for information - they will be formally adopted at the first meeting of the new CSP.
- 4.5 The Terms of Reference set out the aims of the CSP, the membership and the arrangements for governing the partnership and also sets out how the partnership will report back to Members.
- 4.6 Pending agreement of this report it is proposed to have the CSP reconstituted by October 2018. The first piece of work will be to consider the priorities for the partnership and an action plan will be developed to commence in April 2019, setting out those priorities and how the partnership will tackle them.
- 4.7 Priorities will be based on an intelligence model which will be developed following the rejuvenation of the CSP.

5.0 WIDER COUNCILLOR ENGAGEMENT

- 5.1 Both Safer Gloucestershire and the Tewkesbury Borough CSP will be keen to engage with all Councillors and are therefore proposing a number of annual events to keep Councillors updated on the progress of the community safety plans, as well as highlighting the achievements and outcomes of the previous years work and discussing the priorities for the forthcoming year.

6.0 OTHER OPTIONS CONSIDERED

- 6.1 None

7.0 CONSULTATION

- 7.1 A report outlining the proposed approach was presented to the Council's Overview and Scrutiny Committee on 17 July 2018.

8.0 RELEVANT COUNCIL POLICIES/STRATEGIES

- 8.1 None

9.0 RELEVANT GOVERNMENT POLICIES

- 9.1 None

10.0 RESOURCE IMPLICATIONS (Human/Property)

- 10.1 None arising directly from this report.

11.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

11.1 None arising directly from this report.

12.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

12.1 None arising directly from this report.

13.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

13.1 None arising directly from this report.

Background Papers: None

Contact Officer: Head of Community Services
01684 272259 Peter.tonge@tewkesbury.gov.uk

Appendices: Appendix 1 - Tewkesbury Borough CSP Draft Terms of Reference



Tewkesbury Borough Community Safety Partnership Terms of Reference



1.0 Overview

The 1998 Crime and Disorder Act, as amended by the Police Reform Act 2002 and the Police and Justice Act 2006, requires 'responsible authorities' (named under the Act) to work together to reduce crime and disorder in their area. The requirement resulted in the formation of Community Safety Partnerships (CSPs).

The 'responsible authorities' are:

- Police
- Local Authorities
- Fire & Rescue Authorities
- Probation Service
- Clinical Commissioning Groups

Other partners are also invited to attend the CSP, including:

- Severn vale Housing Trust
- Any other partner as may be necessary from time to time as agreed

2.0 Working together to keep Tewkesbury Borough Safe

We work with partner organisations to keep the area one of the safest places to live in the country.

We also form part of a powerful alliance known as Safer Gloucestershire, aimed at clamping down on crime and anti-social behaviour across the County area.

Every year the partnership identifies joint priorities, and delivery plans are developed locally to combat crime and disorder in the coming year.

3.0 Remit

- To ensure compliance with the statutory duties and responsibilities stated in the Crime and Disorder Act 1998, the Police and Justice Act 2006, Policing and Crime Act 2009, the Crime and Social Responsibility Act 2011 and any subsequent Home Office regulations.
- To commit resources from their organisation to support the delivery of the Community Safety Strategy and its themes and priorities.
- To ensure that Gloucestershire Community Safety Strategic Needs Assessment (GCSSNA) are undertaken annually.
- To consider the GCSSNA and agree the key strategic priorities, objectives and targets for the three years Community Safety Strategy, which will be updated annually.
- To ensure that delivery plans are in place to support the strategic objectives and provide good value for money.
- To learn and implement through partner agencies the key findings from Domestic Homicide Reviews and Serious Case reviews

- To set clear objectives, targets, responsibilities for the key priorities identified in the Community Safety Strategy and identify lead agencies.
- To oversee a clear communication strategy and ensure that information is cascaded into partner agencies.
- To work closely with Safer Gloucestershire ensuring that Tewkesbury Borough residents needs and priorities are reflected at the County wide group.
- Communicating and championing the work of the Tewkesbury Borough CSP and Safer Gloucestershire within their individual agencies.
- Promote and share best practice and experience between partner agencies within the county

4.0 Membership

Organisation	Title
Tewkesbury BC	Head of Community Services
Tewkesbury BC	Lead Member for Community
Gloucestershire Constabulary	Tewkesbury Neighbourhood Inspector
Gloucestershire F&R Services	TBC
Probation Services	TBC
Clinical Commissioning Group	TBC
Seven Vale Housing Trust	TBC
Tewkesbury BC	One Councillor representative appointed annually by the Council
Tewkesbury BC	Housing Services Manager
Tewkesbury BC	Environmental Health Manager
Tewkesbury BC	Community & Economic Development Manager
Tewkesbury BC	Minutes / CSP Coordinator

Members may send a substitute to meetings but the nominee should be able to make decisions on behalf of their organisation.

The individual partner organisation roles and responsibilities with regards to Tewkesbury Borough CSP are to:

- To champion and provide leadership for the CS agenda,
- To develop problem solving approach of the partnership,
- To develop strong relationships whilst providing challenge,
- To act in the best interest of the partnership,
- Feed in information about issues, needs and priorities to develop the local priorities,
- Appropriately influence the use of resources within own organisation for dealing with agreed partnership priorities,
- Ensure that they have delegated responsibilities and can make decisions,
- Act as committed partners,
- Commit to regularly attend and represent their organisation effectively,

- Key performance indicators are identified in the Community Safety Strategy (most measured centrally quarterly) and will be reported at each meeting when available.

6.0 Governance

The CSP will submit a formal annual report to the Overview & Scrutiny to inform the committee of the work during that year and the plans for the next.

An annual all Member CSP seminar will be held to inform all members of the Council of the work of the CSP including interaction with Safer Gloucestershire.

The CSP will elect a Chair from amongst the responsible authorities, the Chair may be an elected official or from the Officer group and may rotate at a period as agreed by the CSP.

Where voting on an issue is necessary, each responsible authority will have one vote – in the event of a tie, the Chair will have the casting vote.

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