

10 November 2020

Committee	Executive
Date	Wednesday, 18 November 2020
Time of Meeting	4:00 pm
<p>This is a remote meeting in accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.</p> <p>Members of the public will be able to view this meeting whilst it is in session by clicking on the link that will be available on the Agenda publication page immediately prior to the commencement of the meeting.</p>	

Agenda

1. ANNOUNCEMENTS

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.

4. MINUTES

1 - 5

To approve the Minutes of the meeting held on 21 October 2020.



	Item	Page(s)
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 12 November 2020).</i>	
6.	EXECUTIVE COMMITTEE FORWARD PLAN	6 - 12
	To consider the Committee's Forward Plan.	
7.	CORPORATE ENFORCEMENT POLICY	13 - 30
	To approve the Corporate Enforcement Policy following a recommendation from Overview and Scrutiny Committee.	
8.	REGULATION OF INVESTIGATORY POWERS (RIPA) / INVESTIGATORY POWERS ACT POLICIES	31 - 81
	To receive a recommendation from the Audit and Governance Committee.	
9.	COUNCIL PLAN PERFORMANCE TRACKER AND COVID-19 RECOVERY TRACKER - QUARTER ONE 2020/21	82 - 168
	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management and recovery information.	
10.	FINANCIAL UPDATE - QUARTER TWO 2020/21	169 - 194
	To consider the quarterly budget position.	
11.	CORPORATE PEER CHALLENGE - FINAL REPORT AND ACTION PLAN	195 - 218
	To receive the final report and action plan following the corporate peer review challenge and make a recommendation to Council.	
12.	WORMINGTON VILLAGE HALL GRANT UPDATE	To Follow
	To receive an update on the discussions in respect of the Wormington Village Hall grant following the decision of Executive Committee on 8 January 2020.	
13.	TEWKESBURY TOGETHER 2021	219 - 221
	To allocate £25,000 from Reserves to support Tewkesbury Together 2021.	
14.	INFRASTRUCTURE FUNDING STATEMENT	222 - 249
	To consider the Infrastructure Funding Statement and make a recommendation to Council.	

Item	Page(s)
<p>15. REPLACEMENT PAY AND DISPLAY PARKING MACHINES</p> <p>To recommend to Council the setting aside of capital receipts for the replacement of machinery.</p>	250 - 254
<p>16. SEPARATE BUSINESS</p> <p>The Chairman will move the adoption of the following resolution:</p> <p>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.</p>	
<p>17. SEPARATE MINUTES</p> <p>To approve the separate Minutes of the meeting of the Committee held on 21 October 2020.</p>	255 - 257
<p>18. RECYCLING MATTERS</p> <p><i>(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))</i></p> <p>To bring to the attention of the Committee and to consider emerging issues affecting the Council’s recycling service.</p>	258 - 263
<p>19. MANAGEMENT ARRANGEMENTS FOLLOWING THE DEPARTURE OF THE DEPUTY CHIEF EXECUTIVE</p> <p><i>(Exempt –Paragraph 1 of Part 1 of Schedule 12A of the Local Government Act 1972 – Information relating to any individual)</i></p> <p>To make a recommendation to Council regarding management arrangements to be put into place following the departure of the Deputy Chief Executive.</p>	264 - 270

DATE OF NEXT MEETING
WEDNESDAY, 6 JANUARY 2021
COUNCILLORS CONSTITUTING COMMITTEE

Councillors: R A Bird (Chair), G F Blackwell, M Dean, M A Gore, D J Harwood, E J MacTiernan, J R Mason (Vice-Chair), C Softley, R J Stanley, M G Sztymiak and R J E Vines

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.

TEWKESBURY BOROUGH COUNCIL

**Minutes of a Meeting of the Executive Committee held remotely on
Wednesday, 21 October 2020 commencing at 4:00 pm**

Present:

Chair
Vice Chair

Councillor R A Bird
Councillor J R Mason

and Councillors:

G F Blackwell, M Dean, M A Gore, D J Harwood, E J MacTiernan, C Softley, R J Stanley,
M G Sztymiak and R J E Vines

EX.37 ANNOUNCEMENTS

37.1 The Chair advised that the meeting was being held under the emergency provisions of the Coronavirus Act 2020 and, specifically, The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020. The meeting was being broadcast live via the internet, it was not being recorded by the Council but, under the usual transparency rules, it may be being recorded by others.

EX.38 DECLARATIONS OF INTEREST

38.1 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.

38.2 There were no declarations of interest made on this occasion.

EX.39 MINUTES

39.1 The Minutes of the meeting held on 26 August 2020, copies of which had been circulated, were approved as a correct record.

EX.40 ITEMS FROM MEMBERS OF THE PUBLIC

40.1 There were no items from members of the public.

EX.41 WHITE PAPER: PLANNING FOR THE FUTURE

41.1 The report of the Head of Development Services, circulated at Pages No. 7-106, attached the government's White Paper; Planning for the Future and set out a proposed response which Members were asked to consider and approve as the Council's submission to the consultation.

- 41.2 Members were advised that the government had published its White Paper for consultation on 6 August 2020. The paper set out a package of proposals for the reform of the planning system in England to streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land was available for development where it was needed. The proposals were wide-ranging and would bring a significant change to the planning system in England, covering plan-making, development management, development contributions and other related policy proposals.
- 41.3 The White Paper was structured around three pillars: pillar one – planning for development; pillar two – planning for beautiful and sustainable places; and pillar three – planning for infrastructure and connected places. Under each pillar there were a series of proposals that covered a comprehensive range of issues. Key proposals included simplification of the role of local plans and changing the emphasis to a more zonal approach to designating land for development or protection that focussed on setting out specific design codes rather than generic planning policies. The government was seeking views on its proposals using 26 questions covering the different elements of the reform presented. The consultation was being undertaken over a 12-week period with the deadline for responses on 29 October 2020. Officers from across Development Services had reviewed the proposals to formulate a response to each of the questions posed in the consultation and a Member seminar had been held to gain initial views, and the suggested response was attached to the report at Appendix 1. The Head of Development Services indicated that there were some typographical errors and duplication of words which would be amended using the delegation proposed within the recommendation.
- 41.4 The Lead Member for Built Environment thanked Officers for their work on the submission. She felt it provided a strong message about the Council's view of the document and particularly about the standard methodology which the government was trying to impose. Referring to pillar two, she felt that sustainability was at the heart of the proposals; however, she questioned who would be responsible for the costs of retrofitting homes and how those changes would be delivered. In response, the Head of Development Services indicated that this was currently unknown as no guidance had been released; however, she agreed that this did need to be addressed by the government. The Planning Policy Manager indicated that retrofitting was outside of the planning policy system as it applied to homes that already existed but he understood that currently it was dealt with by the use of grants like the 'green homes grant' which offered £5,000 to help with retrofitting measures and residents applied for those privately. There was no indication that it would become the responsibility of Councils to retrofit properties apart from offering support for those applying for grants. In terms of lifetime homes, the government was generally supportive, however, it had recently been bringing in more building regulations which meant that, whilst there was a basic level of adaptability in homes, it was up to individual Councils to decide how to get to the top level of adaptability. In terms of a query regarding the answer to Question 16 on Appendix 1, the Planning Policy Manager advised that the second 'not' in the second sentence would be removed as it was a double negative.
- 41.5 Some Members expressed concern that although the Council did not agree with many of the proposals, the responses to the consultation questions often began with positive statements and they feared that would result in them not being taken as seriously as if the responses were more direct and stated that they did not agree with the proposals. In response, the Head of Development Services advised that the approach had been taken of demonstrating how the proposals could work as it was felt this would enable the Council to shape the next iteration of the

process. In addition, the Planning Policy Manager advised that, in some cases, the principle of the idea was not too objectionable, e.g. expediting the plan-making process was a good idea, but Officers did not agree with the way the White Paper sought to do that, and Officers were of the view that it was better to state how the proposals could be improved rather than just saying they would not work. The Members remained of the view that the Council needed to be stronger in its responses and the Head of Development Services undertook to consider those comments in consultation with the Lead Member.

- 41.6 A Member advised that she had a major issue with the response to Question 14 which asked local authorities what further measures they would support on the build out of developments, as the answer did not provide the information requested. Another Member referred to Question 8a and queried whether Tewkesbury Borough Council had seen Cotswold District Council's submission to the government consultation. The Member was aware that Cotswold District would see a 188% increase on housing need with the proposed standard methodology and he would be interested to know what it had said in response to that issue. He also felt consideration had to be given to the effect on the landscape as a whole and not just within the Area of Outstanding Natural Beauty. In response, the Head of Development Services advised that she had not seen the response made by Cotswold District Council, but she would ask them for a copy and circulate to Members for information if possible. In addition, she confirmed that Officers had grave concerns about the detrimental impact of the standard methodology on areas like Tewkesbury Borough and she felt other rural Councils across the whole country would be saying the same.
- 41.7 Referring to Question 4, a Member questioned whether 'design' was one of the Council's top three priorities for planning in the local area and expressed the view that environmental sustainability should be on that list. He also expressed concerns that the responses to the consultation did not appear to reflect the feeling of Members at the recent seminar which had been far stronger than set out in Appendix 1 to the report. The Lead Member for Built Environment advised that she had canvassed Members views of the priorities and had received quite a variation; however, she was happy to amend that should the Executive Committee wish to do so. She had felt that carbon zero etc. was covered within 'design', and also that many people felt the design of new homes in the Borough was often not reflective of the area, which was why that had been included. In offering further clarification about Question 8a, the Head of Development Services explained that, historically, Examinations had taken weeks as there had been no standard methodology for calculating housing need and this had been a huge problem. The government had subsequently devised a standard methodology which had stopped those issues; in this response, Officers were not saying they did not agree with the use of a standard methodology because they did, the intention was to make it clear that the Council did not agree specifically with the one being proposed. The Lead Member agreed with that view and felt strongly that the response was the correct way around in that regard.
- 41.8 Some Members felt the tone of the document was right and that it was entirely correct that technical responses should be made rather than emotional ones, whereas others continued to believe that the answers needed to be stronger and suggested that the order of some of the paragraphs be changed to keep a positive statement but not to have that at the beginning of the response. One Member asked that copies of the Council's final response be sent to the Borough MPs so they could use it to inform their parliamentary debates on the matter. Another Member also noted that she would be horrified if the proposals at Question 9a came forward as it stood as well as having concerns about Neighbourhood Plans as detailed at Question 13a. She felt both needed to be much clearer and advised that she could not vote in favour of the responses as they currently stood. In offering reassurance in respect of Question 9a, the Planning Policy Manager

explained that in terms of areas to be granted automatic outline permissions, this would only be for sites already in the local plan so would be a Council decision not a developer one. In response to a further query, he indicated that the financial and resource burden would fall to the Council so, if the government wanted to undertake that approach in growth areas, it would need to ensure Councils were properly resourced to do so. In respect of the government providing additional money to Councils, the Head of Development Services confirmed that there was a lot of uncertainty as the proposals represented fundamental reform to the planning system so it was difficult to make comparisons to the current system to understand the cost implications. Another Member expressed the view that the whole process seemed to centralise a lot of decision-making and he felt this would inevitably lead to a loss of control and input from Councils which would not be a good thing.

- 41.9 The Chief Executive expressed the importance of the Council making a response to the consultation. He felt the answers proposed were well scripted and carried weight in that they provided a technical response with context. He also felt that the responses did reflect the discussion at the seminar even if they were not as direct as some Members would like. However, a Member was of the view that, at the seminar, Councillors had wanted clear, robust responses that did not pull any punches and he felt the wording in the document before the Committee was too positive to get the Council's views across effectively. The Leader of the Council advised that he would be happy to defend the wording put forward as he believed it to be in the thrust and meaning of what was discussed at the all Member seminar and Officers were the experts in how best to word responses to government in a way that they would be understood.
- 41.10 It was suggested that with a minor amendment to the recommendation, it would be possible to agree a way forward that would reflect the discussion which had taken place at the current meeting and, accordingly, it was

RESOLVED:

1. That the proposed responses to the White Paper: Planning for the Future, provided at Appendix 1 to the report, are **APPROVED** by the Executive Committee as the basis of Tewkesbury Borough Council's final response to the consultation.
2. That authority is delegated to the Head of Development Services, in consultation with the Lead Member for Built Environment, to finalise the response taking into account the views expressed by the Executive Committee.

EX.42 SEPARATE BUSINESS

- 42.1 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 12A of the Act.

EX.43 SEPARATE MINUTES

- 43.1 The separate Minutes of the meeting held on 26 August 2020, copies of which had been circulated, were approved as a correct record.

EX.44 CLEEVE COMMON LEASE

(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))

- 44.1 The report provided information about several interested parties who had expressed an interest in trying to conserve golf on Cleeve Hill and had requested the possibility of acquiring a long term lease of the clubhouse. Members were asked to determine whether a new lease of the clubhouse should be granted and how this should be concluded. After consideration of the report the Committee agreed to delegate authority to the Head of Finance and Asset Management, in consultation with various Lead Members, to agree Heads of Terms for a long lease of up to 125 years for the clubhouse, subject to various conditions including a licence with Cleeve Common Trust to play golf on Cleeve Common and authorisation was given to prepare the necessary legal documentation.

The meeting closed at 6:20 pm

EXECUTIVE COMMITTEE FORWARD PLAN 2020/21

REGULAR ITEM:

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

Committee Date: 18 November 2020			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter One 2020/21. (Previously Performance Management Report)	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter one performance management and recovery information.	Head of Corporate Services.	Yes – moved from 7 October to accommodate later consideration by the Overview and Scrutiny Committee.
Financial Update – Quarter Two 2020/21.	To consider the quarterly budget position.	Head of Finance and Asset Management.	No.
Wormington Village Hall Grant Update	To receive an update on the discussions in respect of the Wormington Village Hall grant following the decision of Executive Committee on 8 January 2020.	Head of Finance and Asset Management / Deputy Chief Executive	Yes – deferred from August meeting due to the COVID-19 pandemic.
Corporate Enforcement Policy.	To receive a recommendation from Overview and Scrutiny Committee.	Head of Corporate Services.	No.

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Committee Date: 18 November 2020

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Regulation of Investigatory Powers (RIPA) / Investigatory Powers Act Policies.	To receive a recommendation from the Audit and Governance Committee.	Head of Corporate Services.	Yes – April Committee cancelled due to pandemic.
Tewkesbury Together 2020/21.	To agree a grant to Tewkesbury Together 2020/21.	Head of Development Services.	Yes – April Committee cancelled due to pandemic.
Infrastructure Funding Statement.	To consider the Infrastructure Funding Statement and make a recommendation to Council.	Head of Development Services.	No.
Corporate Peer Challenge Final Report and Action Plan.	To receive the final report and action plan following the peer challenge review.	Head of Corporate Services.	No.
Replacement of Car Parking Machines.	To recommend to Council the setting aside of capital receipts for the replacement of machinery.	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.
Confidential Item: Recycling Matters.	To bring to the attention of the Committee and to consider emerging issues affecting the Council's recycling service.	Head of Community Services.	Yes – deferred from August Committee as negotiations ongoing.

(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: 18 November 2020			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Confidential Item: Management Arrangements Following the Departure of the Deputy Chief Executive.	To make a recommendation to Council regarding management arrangements following the departure of the Deputy Chief Executive.	Chief Executive.	No.
(To be considered in private because of the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 – Information relating to an individual).			

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Committee Date: 6 January 2021

Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter Two 2020/21. (Previously Performance Management Information)	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter two performance management and recovery information.	Head of Corporate Services.	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 One (Annual).	To approve the Housing Strategy Monitoring Report.	Housing Services Manager.	No.
Treasury and Capital Management (Annual)	To approve and recommend approval to Council, a range of statutorily required policies and strategies relating to treasury and capital management.	Head of Finance and Asset Management.	No.
Council Tax Hardship Fund 2020/21	To receive an update in respect of the Council Tax Hardship Fund.	Revenues and Benefits Manager.	No.
Money Laundering Policy.	To approve the Money Laundering Policy following a recommendation from the Audit and Governance Committee.	Head of Corporate Services.	Yes – Moved from November meeting to enable consideration by the Audit and Governance Committee.

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Committee Date: 6 January 2021			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Local Electricity Bill Motion.	To receive a recommendation from the Overview and Scrutiny Committee.	Deputy Chief Executive.	No.

Committee Date: 3 February 2021			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Budget 2021/22 (Annual).	To recommend a budget for 2021/22 to the Council.	Head of Finance and Asset Management.	No.
Financial Update - Quarter Three 2020/21.	To consider the quarterly budget position.	Head of Finance and Asset Management.	No.
Council Tax Discount for Care Leavers.	To consider and make a recommendation to Council.	Revenues and Benefits Manager.	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: 3 March 2021			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required

Committee Date: 31 March 2021			
Agenda Item	Overview of Agenda Item	Lead Officer	Has agenda item previously been deferred? Details and date of deferment required
Council Plan Performance Tracker and COVID-19 Recovery Tracker – Quarter Three 2020/21. (Previously Performance Management Information)	To receive and respond to the findings of the Overview and Scrutiny Committee's review of the quarter three performance management and recovery information.	Head of Corporate Services.	No.
Council Plan 2020/24 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 2019/20.	Head of Corporate Services.	No.
COVID-19 Corporate Recovery Plan Refresh	To consider the COVID-19 Corporate Recovery Plan.	Deputy Chief Executive.	No.

Trade Waste Service Business Case	To receive a recommendation from the Overview and Scrutiny Committee.	Head of Community Services	No.
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PENDING ITEMS

Agenda Item	Overview of Agenda Item
Shopfronts Supplementary Planning Document (SPD).	To agree the document for the purposes of consultation.
Spring Gardens Regeneration Phase 1a report.	To agree the recommendation of the preferred option for the regeneration of Spring Gardens.
Trade Waste Review.	Following recommendation from Overview and Scrutiny Committee.
Parking Strategy Review.	To consider the recommendations from the Overview and Scrutiny Committee.
Parking Strategy Review.	To consider the statutory responses to the Parking Strategy Review.

12

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Corporate Enforcement Policy
Report of:	Head of Corporate Services
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	One

Executive Summary:

To present Executive Committee with a Corporate Enforcement Policy.

The Council is required to have an effective Enforcement Policy to enable Officers to investigate and take action to ensure individuals and businesses comply with the law.

The Policy sets out the legislative framework and principles the Council will abide by in investigations undertaken and to mitigate the risk of legal challenge in Court.

The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for its customers.

The Policy was endorsed by Overview and Scrutiny Committee on 13 October 2020.

Recommendation:

- 1. That the Corporate Enforcement Policy be APPROVED.**
- 2. That the Head of Corporate Services be authorised to approve future minor amendments in consultation with the Counter Fraud Unit Manager, One Legal and the Lead Member for Corporate Governance.**

Reasons for Recommendation:

To introduce a Policy to reflect key legislation and service responsibilities.

Effective enforcement plays an important role in enabling the Council to achieve its priorities and community outcomes.

Resource Implications:

The adoption and approval of these Policies will support the Council's objectives in reducing crime and financial loss. Some additional revenue will be realised from the imposition of financial penalties and sanctions for further prevention work.

Legal Implications:

The Council has a statutory obligation for enforcing a wide range of legislation, where it is necessary and proportionate to do so, and this is identified within the Policy.

Human rights implications are a consideration of enforcement activity and this is included within the Policy.

Risk Management Implications:

The Council is required to have an effective Enforcement Policy to enable Officers to investigate and take action to ensure individuals and businesses comply with the law.

The Policy sets out the legislative framework and principles the Council will abide by in investigations undertaken and to mitigate the risk of legal challenge in Court.

The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for its customers.

Performance Management Follow-up:

None directly arising from the report.

Environmental Implications:

The Policy contributes to the Council's corporate objectives.

1.0 INTRODUCTION/BACKGROUND

- 1.1 Regulatory authorities produce enforcement policies to inform the public and businesses about the principles which underpin their approach to enforcement.
- 1.2 The Council is responsible for investigating and enforcing a wide range of breaches and offences. This Policy is required to ensure consistency in the approach the Council takes when considering the enforcement options available, as it provides an overarching framework.
- 1.3 The Policy sets out the enforcement principles that the Council will apply to its enforcement activities and the guiding principles by which the Council will seek to protect public health, safety, amenity and environment within its locality.
- 1.4 Some service areas will have separate enforcement plans and policies setting out more detailed relevant service-specific procedures.
- 1.5 This Policy will be presented for adoption across multiple Councils within Gloucestershire and at West Oxfordshire to provide a co-ordinated approach to enforcement. This will ensure consistency in the decision-making process for the Legal Departments. Importantly, however, the Policy also reflects service provision and objectives for each individual Council.
- 1.6 The Policy was considered and endorsed by the Council's Overview and Scrutiny Committee on 13 October 2020.

2.0 UPDATED POLICY

2.1 This is a new overarching Council Policy.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 The draft Policy was subject to consultation with Operational Managers, the Corporate Governance Group, Management Team and One Legal.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 None.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 As detailed at Paragraph 2.2 within the Policy.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Council staff with responsibility for enforcement will be made aware of the Policy.

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

8.1 None.

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

9.1 The Policy seeks to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Counter Fraud Unit Manager Tel: 01285 623356
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Appendices: 1 – Corporate Enforcement Policy.

Corporate Enforcement Policy

Version Control:	
Document Name:	Corporate Enforcement Policy
Version:	1.0
Responsible Officer:	Mike Dawson, Chief Executive Emma Cathcart, Counter Fraud Unit
Approved by:	Executive Committee
Date First Approved:	November 2020
Next Review Date	November 2023
Retention Period:	N/A

Revision History

Revision date	Version	Description

Consultees

Internal	External
Operational Managers One Legal Management Team Overview and Scrutiny Committee	

Distribution

Name	
Enforcement Officers	

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1. INTRODUCTION

- 1.1 The Council is responsible for enforcing a wide range of legislation. This document sets out the Council's Enforcement Policy. It is clear that, due to the range of enforcement issues dealt with by the Council, there is no one approach, which fits all and therefore where dealing with particular issues, the policy has been separated into service areas.
- 1.2 This Council takes breaches of legislation seriously and always carries out investigations where necessary. Enforcement includes any action taken by Officers aimed at ensuring that individuals or businesses comply with the law. The enforcement options will differ where different pieces of legislation are used, but the principles of application should remain constant.
- 1.3 Any reference within this Policy to staff, employees or Officers includes individuals employed to carry out duties on behalf of the Council. These Officers may be contractors, employees of Publica or have joint employment arrangements with the Council.
- 1.4 Enforcement includes visits, verbal and written advice on legal requirements and good practice, assistance with licensing compliance, written warnings, the service of statutory and fixed penalty notices including financial penalties, prohibitions, formal cautions, attachment to earnings (including some benefits and allowances), prosecution, seizure and detention, works in default, injunctions and liaison and cooperation with other enforcement authorities where appropriate.

2. PURPOSE OF THE POLICY

- 2.1 The purpose of this Policy is to set out the guiding principles by which legislation will be enforced by the Council to protect public health, safety, amenity and the environment within the Council's jurisdiction.
- 2.2 It provides an enforcement framework in accordance with:
 - The Central and Local Government Concordat on Good Enforcement.
 - The Legislative and Regulatory Reform Act 2006.
 - The Regulators Compliance Code.
 - The Crime and Disorder Act 1998.
 - The Regulatory Enforcement and Sanctions Act 2008.
- 2.3 Enforcement plays an important role in enabling the Council to achieve a number of key priorities as set out in the Council Plan.

3. PRINCIPLES AND PROCEDURES FOR GOOD ENFORCEMENT

- 3.1 The Council has adopted the Central and Local Government Concordat on Good Enforcement. The Legislative and Regulatory Reform Act 2006 also places a duty on the Council to have regard to the 'Principles of Good Regulation' when exercising specified regulatory functions.
- 3.2 The 'Principles of Good Regulation', together with the principles set out in the Concordat, are intended to ensure:
 - **Standards:** Provide and publish clear standards setting out the level of service and performance provided by the Council.
 - **Openness:** Provision of information and advice in plain language about how we carry out our work, including consultation with stakeholders.

- **Helpfulness:** Provision of advice and assistance on compliance in a courteous efficient and prompt manner.
- **Proportionality:** When making a decision on appropriate enforcement action, Officers will, where discretion is allowed, consider both the circumstances of the case and history of the parties involved and will ensure that the remedial action required is proportionate to the risks and/or disadvantage created by the non-compliance, that it reflects any advice issued by Central Government or other co-ordinating bodies and takes into consideration relevant advice, Policy and the aims of the Council.
- **Consistency:** Duties to be carried out in a fair, equitable and consistent manner and with arrangements in place to promote consistency.
- **Transparency:** Access to information regarding regulatory procedures and decisions to be freely available.
- **Accountability:** The Council will be accountable for the efficiency and effectiveness of its regulatory activities.
- **Targeting:** The Council accepts that its enforcement resources are limited and, where appropriate, they should be focused on those persons or companies whose activities give rise to the risks which are most serious or least well controlled on their own premises or public open space. Enforcement is informed through intelligence arising from an investigation or complaints, planned projects, special surveys, enforcement initiatives or as a requirement from a Government Department.
- **Confidentiality:** The Council will ensure information provided in confidence is treated accordingly.

4 THE REGULATORS' COMPLIANCE CODE

4.1 The Council will have regard to the Regulators' Compliance Code with a view to achieving regulatory outcomes without imposing unnecessary burdens on businesses, organisations and other regulated entities by:

- **Supporting economic progress:** To allow and encourage economic progress and choose proportionate approaches to those they regulate based on relevant factors including, for example, business size and capacity.
- **Risk assessment:** To determine the priority risk in the area of responsibility and then allocate resources where they would be most effective in addressing those priority risks.
- **Advice and guidance:** To provide authoritative and accessible advice to businesses.
- **Simple and straightforward ways to engage:** To explain clearly what the non-compliant item or activity is, the advice being given, actions required or decisions taken and the reasons for these.
- **Transparency:** By publishing a clear set of service standards and setting out what those they regulate should expect from them.

5 CONFLICTS OF INTEREST AND UNDUE INFLUENCE

5.1 The enforcement role of the Council is an impartial one. However, as with any organisation, there is the possibility of a real or perceived conflict of interest or undue influence arising. It is therefore important to the integrity of the enforcement services of the Council that people seeking to use it are not the subject of discrimination, nor are they granted advantageous treatment because of their status.

- 5.2 Conflict of interest could include where a customer is socially acquainted with or related to the Enforcement Officer. Under these circumstances it may be difficult for the Officer to act in an impartial manner.
- 5.3 Undue influence arises where a party exercises a dominant influence over the mind of another so that person is unable to exercise a free and independent will in the matter. For example, when an employee knows that a client is a Councillor or a more senior member of staff.
- 5.4 Where an employee believes that there is potential for conflict of interest or undue influence then the matter should be referred to their Line Manager for appropriate action and advice.

6 **FAIRNESS AND EQUALITY**

- 6.1 All enforcement action and investigations will be carried out in a manner which complies with the requirements of legislation and codes of practice governing the collection of evidence and investigatory powers.
- 6.2 Officers will take care not to take any action which contravenes human rights and anti-discrimination legislation unless it is necessary and proportionate to do so.

7 **REFERRALS**

- 7.1 The Council regularly consults (and works) with other agencies including:
- Fire and Rescue Services;
 - Welsh Water/Severn Trent Water/Thames Water;
 - The Police;
 - The Environment Agency;
 - The Department for Environment, Food and Rural Affairs;
 - The Drinking Water Inspectorate;
 - The Department for Work and Pensions;
 - Health and Safety Executive;
 - The County Council;
 - Other Councils;
 - Other agencies or organisations as appropriate;
- 7.2 Information of allegations outside the remit of this Council may be referred to the appropriate enforcement authority to enable that agency to investigate the allegation.
- 7.3 The Council may also provide data to or obtain data from other enforcing authorities. When data sharing between authorities/agencies occurs this will be done in accordance with all data protection legislation and regulations.
- 7.4 The information supplied by an individual may be used to commence or support an investigation. However, the Council will ensure that the identity of persons contacting the Council is not revealed to a third party except:
- Where the law requires.
 - Where the case proceeds to Court or Tribunal.
 - With the prior written agreement of the person supplying the information.

8 **ENFORCEMENT OPTIONS**

8.1 The options available (but not limited to) are:

- Informal action and advice – written or oral,
- A range of Statutory Notices generally requiring some remedy within a specified timescale (or possibly immediately),
- Fixed Penalty and Civil Penalty Notices,
- Letter of warning,
- Simple Caution,
- Financial Penalty,
- Prosecution,
- Prohibition,
- Injunctive Restraint,
- Seizure of goods, equipment, articles or records (paper or computer),
- Execution of work in default i.e. works required by a Statutory Notice where the recipient has not complied,
- A range of Statutory Orders,
- Compulsory purchase and enforced sale of properties or land,
- Attachment to earnings,
- County Court Enforcement,
- Bankruptcy and Winding-Up Petitions.
- Proceeds of Crime Applications

9 **ENFORCEMENT ACTION**

9.1 All enforcement action, whether formal or informal, will be carried out in accordance with the principles set out in this Policy.

9.2 In deciding to take formal action and, if so, what type of action to take, Officers will consider the following:

- Any individual Enforcement Policy relevant to their practice area;
- The seriousness of the breach or contravention;
- The consequences of non-compliance in terms of risk to people, property, the community or the environment;
- The individual's or company's past history in terms of compliance;
- Confidence in management, level of awareness of statutory responsibilities and willingness to prevent a recurrence;
- The likely effectiveness of the various alternative enforcement options;
- The public interest, protecting public health, public expectation and the importance of the case in setting a precedent;
- The application of any national or local guidance to the matter in question;
- The aims and priorities of the Council;

- Information received following liaison with other external enforcing agencies;
- Relevant case law and guidance;
- The likelihood of the contravener being able to establish a defence;
- The information received following liaison with other authorities;
- The reliability of witnesses.

9.3 The most efficient and effective action will be taken to achieve the desired compliance with the law. The decision will be taken in an objective and fair way in accordance with the principles set out in this Policy.

10 PROSECUTION

10.1 The Council will use discretion in deciding whether to initiate a prosecution. Other approaches to enforcement can sometimes promote compliance with legislation more effectively. However, where the circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.

10.2 Each case will be treated as unique and considered on its own facts and merits with due consideration to the Equalities Act 2010 and the Human Rights Act 1998. All the circumstances surrounding the case will be considered including the social benefits and costs associated with bringing the matter to the attention of the Courts.

10.3 The prosecution of offenders will be used judiciously but, without hesitation, against those businesses or individuals where the law is broken and the health, safety, well-being or amenity of the public, employees and consumers are subject to serious risk.

10.4 Legal advice will be taken to ensure that only those cases presenting a realistic prospect of conviction will be pursued. The Council will have due regard to the availability of any defences and to any explanation, apology or other issue referred to by the suspect by way of mitigation.

10.5 The decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors, issued by the Crown Prosecution Service. Both stages of the 'Full Code Test' as set out in the Code for Crown prosecutors will be applied as set out below:

10.5.1 **The Evidential Test**

10.5.1.1 There must be sufficient evidence to provide a realistic prospect of conviction and the evidence must be admissible and reliable.

10.5.1.2 In determining the sufficiency of evidence, consideration should be given to the following factors:

- i) Availability of essential evidence;
- ii) Credibility of witnesses – are they likely to be seen as credible witnesses and whether they are likely to be consistent and fail under cross-examination? – are they willing to attend as witnesses? – could they be 'hostile' witnesses?
- iii) Where the case depends in part on admissions or confessions, regard should be had to their admissibility;
- iv) Where two or more defendants are summonsed together, the sufficiency and admissibility of evidence available against each defendant, in the event that separate trials are ordered.

10.5.1.3 In determining the admissibility of evidence, regard should be given to the requirements of the Police and Criminal Evidence Act 1984 and the Criminal Procedure and Investigations Act 1996 and associated Codes of Practice.

10.5.2 **The Public Interest Test**

10.5.2.1 When satisfied that sufficient evidence is available, consideration must be given to whether the public interest requires a prosecution.

10.5.2.2 The following considerations should apply:

- i) Seriousness of the offence – the degree of detriment or potential detriment to consumers, employees or the environment. Current public attitudes to the particular breach of law should be considered.
- ii) The age of the offence – less regard will be paid to this if the length of time could be attributable to the defendant themselves, the complexity of the case or the particular characteristics of the offence that have contributed to the delay in its coming to light.
- iii) The age, circumstances or mental state of the offender – less regard to this is given if there is a real possibility of repetition or the offence is of a serious nature. Whether the defendant is likely to be fit enough to attend Court should also be considered.
- iv) The willingness of the offender to prevent a recurrence of the problem. If the circumstances that give rise to the offence have subsequently been rectified and there is little likelihood of a recurrence then the case may be dealt with more appropriately by other means.
- v) The ‘newness’ of the legislation transgressed may be a consideration, especially where the offence is of a technical nature, and future compliance may be obtained by less formal means.
- vi) Important but uncertain legal points that may have to be tested by way of prosecution.

11 **SIMPLE CAUTIONS**

11.1 A Simple Caution may be used as an alternative to prosecution. The aim of a Simple Caution is to deal quickly and simply with offences, save Court time and reduce the likelihood of re-offending.

11.2 A decision to offer a Simple Caution must be made having regard to:

- Home Office circular 30/2005 Cautioning of Offenders.
- Guidance to Police Officers and Crown Prosecutors issued by the Director of Public Prosecutions.
- LACORS Guidance on Cautioning of Offenders.

11.3 Following the offer of a Simple Caution, the individual or company concerned will be required to confirm acceptance within 14 days.

11.4 When considering whether to offer a Simple Caution, the following will be taken into account:

- Whether a Simple Caution is appropriate to the offence and the offender;
- Whether a Simple Caution is likely to be effective;
- Public interest considerations;
- The views of the victim and the nature of any harm or loss;
- Whether the offender has made any form of reparation or paid any compensation;
- Any known records of previous convictions or Simple Cautions relating to the offender.

- 11.5 A Simple Caution cannot be given where the offence is indictable only or where the offender is under 18 years of age. It may only be offered where the offence has been fully admitted by the offender.
- 11.6 The person administering the Caution will be an appropriate Senior Officer employed within the Council.
- 11.7 If the offender fails to admit the offence or does not agree to the Simple Caution, the case will be considered for prosecution.

12 **POWERS OF OFFICERS**

- 12.1 Officers have a range of delegated powers set out within legislation to assist them in undertaking their duties. These can include the power to require answers to questions and the power to enter premises.
- 12.2 Officers have powers delegated to them, under the relevant schemes of delegation, to undertake duties relating to the Council.
- 12.3 Officers will carry an identity badge and their authorisation card (warrant) with them at all times, where they hold one. Where Officers do not have an authorisation card, delegation documentation can be supplied. In the event of any doubt with regard to an Officers' powers, confirmation can be obtained by contacting the Officer's Line Manager who can provide any Statutory Notice describing their powers. It is an offence to obstruct an Authorised Officer who is conducting an inspection or investigation which could lead to prosecution.

13 **CIVIL CLAIMS**

- 13.1 Officers will not become involved in any negotiations on awarding reparation or compensation to victims following offences being committed.
- 13.2 Any enforcement action taken by the Council is separate and distinct from any civil claims likely to be made by individuals. Enforcement action is not necessarily undertaken in all circumstances where civil claims may be pursued, nor is it undertaken to assist such claims.
- 13.3 The Council may, on request, provide solicitors acting for individuals pursuing a civil claim, a factual report of the investigation. There may be a charge for this report.

14 **COMPLAINTS PROCEDURE**

- 14.1 The Council aim to provide an efficient and fair enforcement service. In the first instance, most problems can be resolved with the Officer dealing with the matter or with their Line Manager.
- 14.2 In the event that a person or business is not satisfied with the response received informally, the Council has a formal complaints procedure which should be followed.
- 14.3 The Council aims to acknowledge all formal complaints immediately and to provide an initial response within an allotted time as set out in the Complaints Procedure.
- 14.4 Please note that a complaint regarding a decision to prosecute cannot be progressed through the formal complaints procedure as this is a matter for the Court.
- 14.5 If a person is still dissatisfied having exhausted the Council's complaints procedure, a complaint can be made to the Local Government and Social Care Ombudsman.

15 IMPLEMENTATION AND REVIEW

- 15.1 Implementation of the policy is the responsibility of all Enforcement Officers.
- 15.2 Departures from this policy will not occur without full consideration of all the circumstances and in consultation with the Council's Legal Service save in exceptional or unforeseeable circumstances.
- 15.3 This policy will be reviewed and updated if any changes in legislation, guidance or other circumstances have a significant impact on the enforcement principles set out in this Policy.

16 ENFORCEMENT TOOLS AND REMEDIES

- 16.1 In the vast majority of cases the Council will try to resolve matters informally through negotiation and discussion. In some cases informal resolution cannot be achieved, or the matter being enforced is so serious that the informal stage would be inadequate. In these cases the Council has a wide range of alternative powers available. Certain breaches of legislation will require urgent and immediate attention, either because the time period for action is limited or because the effect of the activity causes significant harm to the public interest.
- 16.2 The Council has the power to issue a Requisition for Information under section 16 of the Local Government (Miscellaneous Provisions) Act 1976, section 330 of the Town and Country Planning Act 1990 and section 85 of the Private Water Supply Regulations 2016. This notice requires the recipient to provide information in respect of land/property in which they are suspected to have an interest. Not returning the form duly completed is an offence which can be prosecuted in the Magistrates' Court and lead to a fine of up to £5,000. For breaches of planning control the Council also has the power to issue a Planning Contravention Notice which carries a similar penalty for failing to comply.
- 16.3 The Council can use civil remedies to recover any property or debts and any costs incurred, but the Council also has the power to prosecute a wide range of offences under section 223 of the Local Government Act 1972. Where there is enforcement action in a criminal court the Council can use Proceeds of Crime Act 2002 legislation to recover money.
- 16.4 There are three areas under the Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 that have to be considered by a Local Authority when conducting investigations. These are:
- Directed Surveillance.
 - Covert Human Intelligence Sources (CHIS).
 - Acquisition of Communications Data.
- 16.5 The Council has separate Policies and Procedural Guides relating to the use of RIPA and any Officer considering the use of it should follow these.
- 16.6 Where the Council uses CCTV it does so in line with the appropriate regulatory guidance and legislation. The Council has a separate Policy which Officers must adhere to.

17 THE SCOPE OF EACH SERVICE

17.1 Planning

- 17.1.1 The Planning Enforcement Team is empowered to investigate breaches of planning control and conditions. The team's role is to resolve such breaches by informal methods wherever possible and expedient, but, if necessary, through legal notices and court

proceedings. Officers cannot intervene in non-planning matters such as boundary disputes and blocking off rights of way or matters controlled by other legislation such as building regulations or public nuisance.

- 17.1.2 Generally enforcement action can only be pursued where works have taken place without the benefit of planning permission, or where a development with the benefit of planning permission has not been undertaken in accordance with the approved plans/details or a condition attached to it.
- 17.1.3 Some development including domestic extensions, regardless of impact on neighbours, may either be immune from planning enforcement action due to elapse of time or if the works fall within permitted development rights will not be a breach of planning control. Enforcement notices cannot be issued in respect of anticipated breaches however the use of injunctions is possible where there is strong evidence that such breaches will occur and an injunction is necessary for example that unauthorised development would cause irreparable damage to protected assets or serious harm to the public. Otherwise, action for breaches can only be taken once an unauthorised development has commenced.
- 17.1.4 In addition to building works, planning enforcement can also apply to demolition in certain circumstances, material changes of use, alterations to listed buildings, advertisement signs and hoardings, and trees subject to Tree Preservation Orders or in a Conservation Area. Although technically not breaches of planning control, remedial action may also be taken against untidy land and buildings.
- 17.1.5 Complainants should note that, whilst the Council, as the Local Planning Authority (LPA), does have a duty to investigate allegations of planning breaches, enforcement powers are discretionary and it is therefore foreseeable that some complainants will be disappointed with the outcomes where it is not considered expedient to take action. The planning system is designed to achieve a balance between competing demands in the public interest and enforcement of planning control reflects this by focusing on proportionate resolution rather than punishing those who have undertaken unauthorised work.
- 17.1.6 There are many different types of action available to the Planning Service when dealing with breaches of planning control. These may include:
- Informal Remedy.
 - Service of Statutory Notices, such as an Enforcement Notice, Breach of Condition Notice or Stop Notice.
 - Simple Caution.
 - Injunction.
 - Prosecution.
 - No further action.
 - Invite and application/regularisation.
- 17.1.7 The Council's Planning Enforcement Plan and more details on the tools and powers available to the Planning Service can be found on the Council's website www.tewkesbury.gov.uk.
- 17.1.8 Priority Cases - Urgent and Immediate
- Complaints of serious irreparable harm to Listed Buildings or scheduled ancient monuments,
 - Demolition works in a Conservation Area,
 - Works to trees in Conservation Areas,
 - Removal of ancient hedgerows,

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- Adverse impacts on wildlife habitats,
- Works to trees with Preservation Orders,
- Cases where the time-limit for enforcement action will expire imminently,
- Complaints of development taking place which are causing serious harm to amenity or safety,
- Non-compliance with effective notices,
- Complaints where an urgent response is likely to prevent serious harm to amenity or shorten the time taken to resolve the issue.
- Cases of unauthorised occupation of Council land.
- Concerns (backed up by strong evidence) that a breach of control may occur in the future and a proactive response is required to prevent this happening,
- The Council has signed up to the Gloucestershire Protocol for Managing Unauthorised Encampments. Where the Council is identified as the lead authority, the Council will take appropriate action in partnership with the Police and other agencies.

17.1.9 Other Cases

- A risk based approach will be adopted in relation to scale, impact, number of people affected, harm caused and effect on LPA's reputation. It should be noted that, where an investigation reveals additional breaches of planning control, the status of the complaint may be varied.

17.2 Building Control

17.2.1 The Council has a statutory obligation to enforce Building Regulations and to be responsible for the building control function within its boundaries. The purpose of building regulations is to safeguard the health and safety of people in or around buildings. They also deal with energy conservation and with access and facilities for people in and around buildings.

17.2.2 The Building Control Services within the Council enforcement role encompasses the following:

- Enforcing Building Regulations through a process of plan checking and site inspection.
- Ensuring that those responsible for the condition of buildings/structures maintain them in a safe condition.
- Ensuring that those responsible for the demolition of buildings observe conditions relating to health and safety.
- Responding to complaints.
- Providing advice.
- Arranging for works in default to be carried out where necessary.
- Initiating legal intervention, where necessary.

17.2.3 In the majority of cases the inspecting Building Control Surveyor will try and solve any problem informally with the customer or their representative e.g. builder or architect. This will usually involve having any incorrect work already done altered or, if the Council has not been given the requisite notice to carry out an inspection, the work will need to be opened for inspection.

17.2.4 If these informal methods are unsuccessful, the inspecting Building Control Surveyor may issue an Informal Notice detailing the offending items and giving a time period for

compliance. If the Informal Notice is not complied with the Building Control Surveyor may issue a Statutory Notice. Failure to comply with this could result in a prosecution.

17.2.5 The Building Control Surveyor may also issue Statutory Notices for dangerous structures. These are given priority, followed by breaches of building regulations where the impact on the area or risk to the public is greatest.

17.3 **Housing**

17.3.1 Tewkesbury Borough Council – transferred its housing stock to Severn Vale Housing, now Merlin Housing Society which is a subsidiary of Bromford Group (Bromford).

17.3.2 The Council has a statutory duty with regard to provision of accommodation for homeless people that falls within categories prescribed by legislation. The investigation of applications made through the Council's Housing Options Team may also be subject to enforcement action. This could include civil remedies to recover property, but also criminal action such as a Simple Caution or prosecution.

17.3.3 Whilst the Council no longer owns any social housing properties, as a prosecuting body it can act on behalf of Registered Social Landlords to take action and obtain information, under the Prevention of Social Housing Fraud Act 2013.

17.4 **Environmental Services**

17.4.1 The aim of the Council's Environmental Health service is to maintain and improve the health of local communities through the provision of cost effective advisory, investigation, inspection, monitoring or enforcement services for a range of issues. This will involve enforcing legal requirements in areas including:

- Environmental protection, including noise, nuisance and anti-social behaviour, air quality, contaminated land and private water supplies
- Private Sector Housing; the team works to make sure that private rented properties are safe, and are well maintained and healthy places to live. They provide advice and assistance to both tenants and landlords to make sure a property meets the correct standards and complies with the relevant legislation and, where standards are not maintained, the team has powers of enforcement to ensure that works are carried out.
- Food Safety, including food poisoning, unfit food and private water supplies.
- Health and Safety at work.
- Licensing, including the sale of alcohol, entertainment, animal licensing, caravan sites, houses in multiple occupation, hackney carriage and private hire vehicles, gaming machines, lotteries, street/house to house collections and street trading.
- Public health and pest control regulation.
- Waste, including fly-tipping and environmental crime

17.4.2 The service is consulted on planning and licensing applications and where appropriate conditions are recommended.

17.4.3 The relevant Policies referred to in connection with enforcement issues for Environmental and Regulatory Services can be found on the Council's website at www.tewkesbury.gov.uk. The responsibilities for decisions are also detailed therein.

17.5 **Land and Property**

17.5.1 The Council will deal with enforcement in relation to land drainage matters. In most cases the owner of land next to a watercourse is the "Riparian Owner". The legal responsibility for maintaining watercourses rests with the Riparian Owner. Where a watercourse passes over someone's land, the Riparian Owner has to keep it clear to allow water to

flow freely through it. Further, it is usually the landowner's responsibility to maintain a watercourse that forms a boundary with a public highway.

- 17.5.2 Where the Flood Engineering Service investigates and gathers evidence which identifies that the Riparian Owner has failed to fulfil his/her duty, the Council has the power to serve a notice under section 25 of the Land Drainage Act 1991. The Notice will include the nature of the works to be carried out and the period within which they are to be carried out.
- 17.5.3 If, following service of the Notice, the Riparian Owner fails to carry out the required works, the Council can carry out the work and charge the owner for the costs incurred. The Council can also take a prosecution in the Magistrates' Court under Section 25(6)b, in addition to carrying out the work.
- 17.5.4 The Council has signed up to the Gloucestershire Land Drainage Protocol. This sets out in more details the Council's powers and the procedure that will be used for land drainage enforcement.
- 17.5.5 Problems will be categorised as urgent or non-urgent. If a problem is categorised as urgent, attendance will be arranged as soon as possible. Examples of matters requiring urgent action may include blockages to a watercourse causing immediate or imminent flooding of property.
- 17.5.6 In the event that immediate urgent action is deemed necessary, arrangements will be made to send appropriate services to the scene without delay. If the situation appears to be life-threatening or dangerous, the public emergency services will be contacted.

17.6 Revenues and Benefits

- 17.6.1 Responsibility for investigating and prosecuting cases of Housing Benefit fraud has transferred to the Department for Work and Pensions. The Council administers Housing Benefit and still has the power to impose Civil Penalties (or fines) in relation to overpayments of Housing Benefit. In respect of Council Tax and the Council Tax Reduction Scheme (formerly Council Tax Benefit) the Council has the ability to impose Civil Penalties as well as take criminal action, to include Cautions, penalties and prosecution. The Council's policy in relation to the application of both civil and criminal sanctions can be found on the Council's website www.tewkesbury.gov.uk
- 17.6.2 In relation to National Non Domestic Rates, the Council may commence civil or criminal proceedings where appropriate.

17.7 Counter Fraud Unit

- 17.7.1 The Counter Fraud Unit (CFU) is a support service offering investigation and assistance with enforcement and criminal action across the Council. The CFU has a specific responsibility to investigate all allegations of fraud received whether perpetrated by internal or external parties. The CFU will work to support other enforcement teams within the Council where appropriate and will take action to include offering Cautions, imposing fines /penalties and commencing prosecution proceedings as applicable.
- 17.7.2 The remit of the CFU encompasses investigating issues such as internal or employee fraud, theft, procurement or contract fraud, tenancy and housing fraud, and any other area as requested.
- 17.7.3 The CFU will consider criminal proceedings in all cases where offending contrary to any of the following has occurred, although the list is not exhaustive:
- Theft Acts 1968 and 1978.
 - Forgery and Counterfeiting Act 1987.
 - Computer Misuse Act 1990.

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- Social Security Administrative Act 1992.
- Local Government Finance Act 1992.
- Data Protection Regulations / Legislation.
- Identity Card Act 2006.
- Fraud Act 2006.
- The Bribery Act 2010.
- Welfare Reform Act 2012.
- The Prevention of Social Housing Fraud Act 2013.
- Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.

17.8 **Parking Services**

17.8.1 Parking Enforcement is carried out under the Traffic Management Act 2004.

17.8.2 Civil Enforcement Officers are employed to enforce on and off street parking for the Boroughs, Districts and County Council. This service may be contracted out or conducted by an in house service.

17.8.3 A Penalty Charge Notice can be issued if a vehicle is parked in contravention of the restrictions which are in force.

17.9 **Liaison with other Agencies**

17.9.1 The Council will maintain effective mechanisms for communication and liaison with all its services and other agencies and may have a joint enforcement role where appropriate.

17.9.2 If another agency is better able to provide a service in any particular case, the Council will either;

- (a) pass on the relevant details to that agency and, where appropriate, advise the complainant and contravener accordingly or
- (b) give contact details of the other agency to the complainant in order for them to make direct contact.

17.10 **Publicity**

17.10.1 The Council may actively inform the media of impending prosecutions, with the aim of drawing their attention to the court case. After the case the Council may publicise any conviction which could serve to draw attention to the need to comply with legislation or deter anyone tempted to break the law.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Regulation of Investigatory Powers Act (RIPA) 2000 & Investigatory Powers Act (IPA) 2016
Report of:	Borough Solicitor
Corporate Lead:	Borough Solicitor
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	Two

Executive Summary:

To present Executive Committee with:

- i) A revised Regulation of Investigatory Powers Act 2000 Surveillance and Covert Human Intelligence Source Policy.
- ii) A new Investigatory Powers Act 2016 Acquisition of Communications Data Policy.

The local authority is required to have effective policies to enable officers to gather intelligence and conduct surveillance in line with the law.

The policies set out the legislative framework and principles the Local Authority will abide by to mitigate the risk of legal challenge in Court.

The Policies demonstrate the local authority's consideration of necessity, proportionality and public interest when deciding on surveillance activity and requests for communication data. It also demonstrates openness and transparency for its customers.

The Policies were endorsed by the Audit and Governance Committee in September 2020.

Recommendation:

- 1. That the Regulation of Investigatory Powers Act 2000 Surveillance and Covert Human Intelligence Source Policy be APPROVED.**
- 2. That the Investigatory Powers Act 2016 Acquisition of Communications Data Policy be APPROVED.**
- 3. That approval of future minor amendments be delegated to the Borough Solicitor, in consultation with the Counter Fraud Unit Manager and the Lead Member for Corporate Governance.**

Reasons for Recommendation:

To update and replace the existing RIPA Procedural Guide in line with changes to the legislation.

Effective enforcement plays an important role in enabling the local authority to achieve its priorities and community outcomes.

Resource Implications:

The adoption and approval of these policies will support the local authority's objectives in reducing crime and financial loss to the local authority.

Legal Implications:

The local authority is required to ensure that it complies with the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and any other relevant/statutory legislation regarding investigations. It should also consider government guidance in this area.

The local authority has a statutory obligation for enforcing a wide range of legislation, where it is necessary and proportionate to do so. Human rights implications are a consideration of this type of activity and this is included within the policy.

Any requests for directed/covert surveillance or the acquisition of communications data to be undertaken should be necessary and proportionate, and authorised by the appropriate Officer. Both policies provide information and advice to those seeking authorisation and those officers granting authorisation. Both policies confirm the process to be used and matters to be considered.

Risk Management Implications:

The policies demonstrate the local authority's consideration of necessity, proportionality and public interest when deciding on surveillance activity or the decision to obtain personal communication data.

The policies set out the legislative framework and principles the local authority will abide by in investigations undertaken to mitigate the risk of legal challenge in Court.

Performance Management Follow-up:

None directly arising from this report.

Environmental Implications:

None directly arising from this report.

1.0 INTRODUCTION/BACKGROUND

1.1 The local authority's policies are based on the legislative requirements of the Regulation of Investigatory Powers Act 2000, the Investigatory Powers Act 2016 and the Codes of Practice relating to directed surveillance, the use of covert human intelligence sources and the acquisition of communications data. Attached at Appendix 1 and at Appendix 2 are revised policies. These policies have been reviewed by the Investigatory Powers Commissioner's Office Inspector and the suggested minor amendments have been incorporated.

1.2 The Investigatory Powers Act 2016 now governs communication data requests. The legislation widened the scope of information the local authority may obtain for investigations, introduced the necessity for a serious crime threshold and removed the requirement for judicial approval.

- 1.3** All applications for communications data are made online via the National Anti-Fraud Network (NAFN) which acts as the single point of contact for local authorities. NAFN send requests to the Office for Communication Data Authorisations (OCDA) which ratifies all applications from public authorities for approval and if granted, NAFN will then obtain the requested data for the applicant.
- 1.4** There is a requirement for the local authority to nominate a Designated Senior Officer who will confirm to NAFN that the local authority is aware of any request and approve its submission. This role will be undertaken by the Counter Fraud Manager and the Deputy Counter Fraud Manager.
- 1.5** Surveillance and the use of a Covert Human Intelligence Source (CHIS) is still governed by the Regulation of Investigatory Powers Act 2000 and any 'RIPA' applications are subject to the same application processes as outlined in the previous policy – the offence must meet the serious crime threshold and the local authority must obtain judicial approval.
- 1.6** The local authority must have a Senior Responsible Officer and Authorising Officers to approve the application before the Court is approached. The Borough Solicitor is the Senior Responsible Officer and the Authorising Officers are the Head of Finance and Asset Management and the Head of Community Services.
- 1.7** The role of RIPA Coordinator has been transferred to the Counter Fraud Unit Manager who will be responsible for the management of policies, annual updates to Members, the return of statistics to the Investigatory Powers Commissioners Office, coordination of any inspections by the Investigatory Powers Commissioners Office and the management and recording of all applications by Officers of the local authority.
- 1.8** The refreshed policy introduces a mandatory requirement for staff to complete a Non-RIPA Application Form where surveillance is being undertaken but the offence does not meet the serious crime criteria.
- 1.9** The application of these policies, to govern surveillance and the obtaining of personal communications data, ensures that there is less risk that an individual's human rights will be breached. Furthermore, it protects the local authority from allegations of the same.
- 2.0** **UPDATED POLICY**
- 2.1** These two policies replace The RIPA Procedural Guide.
- 2.2** The Social Media Policy is currently undergoing a review and will be the subject of consultation with the Corporate Governance Group and Management Team prior to approval by Members.
- 3.0** **OTHER OPTIONS CONSIDERED**
- 3.1** None.
- 4.0** **CONSULTATION**
- 4.1** The draft policies were subject to consultation with the Corporate Governance Group, Management Team and One Legal.
- 5.0** **RELEVANT COUNCIL POLICIES/STRATEGIES**
- 5.1** None.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 Home Office Codes of Practice.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Council staff with responsibility for enforcement and Authorising Officers will be made aware of the updated policies and receive training.

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

8.1 None.

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

9.1 The legislation was introduced to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 Audit and Governance Committee – 23 September 2020.

Background Papers:

None.

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Appendices:

1 – Regulation of Investigatory Powers Act 2000 Surveillance and Covert Human Intelligence Source Policy.
2 - Investigatory Powers Act 2016 Acquisition of Communications Data Policy.

Regulation of Investigatory Powers Act 2000
Surveillance and Covert Human Intelligence Source Policy

Appendix 1

Version Control:	
Document Name:	Regulation of Investigatory Powers Act 2000 Surveillance and Covert Human Intelligence Source Policy
Version:	2
Responsible Officer:	Emma Cathcart, Counter Fraud Unit
Approved by:	Cabinet
Date First Approved:	TBC
Next Review Date	
Retention Period:	N/A

Revision History

Revision date	Version	Description
April 2019	2	Change in legislation / introduction of IPA 2016

Consultees

Internal	External
Audit Committee	
Legal Department	
Corporate Management	

Distribution

Name	
Enforcement Officers	

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1. INTRODUCTION

- 1.1 The performance of certain investigatory functions by Local Authorities may require the surveillance of individuals or the use of undercover Officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) regulates these types of activities and the Act and this Policy must be followed at all times.
- 1.2 Neither RIPA nor this Policy covers the use of any overt surveillance, or general observation that forms part of the normal day to day duties of Officers, or circumstances where members of the public volunteer information to the Council. The majority of the Council's enforcement functions are carried out in an overt manner.
- 1.3 RIPA was introduced to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks. This reflects the requirements of Article 8 (right to privacy) under the HRA. RIPA provides a statutory mechanism for authorising covert surveillance and the use of a covert human intelligence source (CHIS).
- 1.4 RIPA also introduced a legal gateway for public authorities to apply for telecommunications and postal data. However, these have been amended by the Investigatory Powers Act 2016 (IPA), and for guidance in relation to the obtaining of Communications Data please see the IPA Acquisition of Communications Data Policy.

2. SCOPE OF POLICY

- 2.1 The purpose of this document is to ensure that the Council complies with RIPA.
- 2.2 This document provides guidance on the regulation of any Directed Covert Surveillance that is carried out by the Council. This includes the use of undercover Officers and informants, known as Covert Human Intelligence Sources (CHIS).
- 2.3 Covert surveillance will only be used by the Council where it judges such use to be necessary and proportionate to the seriousness of the crime or matter being investigated.
- 2.4 All directed surveillance must be authorised and conducted in accordance with RIPA. Therefore, all Officers involved in the process must have regard to this document and the statutory Codes of Practice issued under section 71 RIPA. The Codes of Practice are available from:

<https://www.gov.uk/government/collections/ripa-codes#current-codes-of-practice>
- 2.5 There must be no situation where a Council Officer engages in covert surveillance without obtaining authorisation in accordance with the procedures set out in this document and the RIPA Codes of Practice.
- 2.6 Any queries concerning the content of the document should be addressed to the RIPA Coordinator, Counter Fraud Unit.

3. BACKGROUND

3.1 RIPA provides a legal framework for the control and regulation of covert surveillance techniques which public authorities undertake as part of their duties. As was highlighted in the introduction to this Policy, the need for such control arose as a result of the HRA. Article 8 of the European Convention on Human Rights states that:-

- 1) Everyone has the right of respect for his private and family life, his home and his correspondence.
- 2) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.

3.2 The right under Article 8 is a qualified right and public authorities can interfere with this right for the reasons given in 2.3 above. RIPA provides the legal framework for lawful interference.

3.3 However, under RIPA, Local Authorities can only authorise directed covert surveillance for the purpose of preventing or detecting conduct which constitutes a criminal offence which is:

- An offence that is capable of attracting a maximum prison sentence of 6 months or more punishable whether on summary conviction or indictment meets the serious crime threshold or,
- Relates to the underage sale of alcohol or tobacco.

3.4 Furthermore, the Council's authorisation can only be given effect once an Order approving the authorisation has been granted by a Justice of the Peace (JP).

3.5 The serious crime criteria do not apply to CHIS authorisations.

3.6 RIPA ensures that any surveillance undertaken following a correct authorisation and approval from a JP is lawful and therefore protects the Council from legal challenge. It allows the information obtained to be used as evidence in the investigation. It can also be used if required in other investigations.

4. SURVEILLANCE WITHOUT RIPA

4.1 Section 27 of RIPA provides that surveillance shall be lawful for all purposes if authorised and conducted in accordance with an authorisation granted under RIPA.

4.2 Lawful surveillance is exempted from civil liability.

4.3 Although not obtaining authorisation does not make the surveillance unlawful per se, it does have some consequences:-

- Evidence that is gathered may be inadmissible in court;
- The subjects of surveillance can bring their own proceedings or defeat proceedings brought by the Council against them on human rights grounds i.e. we have infringed their rights under Article 8;
- If a challenge under Article 8 is successful, the Council could face a claim for financial compensation;

- The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC) (See Complaints section within the Code of Practice)

5. INDEPENDENT OVERSIGHT

- 5.1 From 1 September 2017 oversight of RIPA is provided by the Investigatory Powers Commissioner's Office (IPCO). They are the independent inspection office whose remit includes providing comprehensive oversight of the use of the powers to which the RIPA Codes of Practice apply, and adherence to the practices and processes described in it. They also provide guidance to be followed which is separate to the codes.
- 5.2 Anyone, including anyone working for the Council, who has concerns about the way that investigatory powers are being used, may report their concerns to the IPCO
- 5.3 IPCO has unfettered access to all locations, documentation and information systems as is necessary to carry out its full functions and duties and it will periodically inspect the records and procedures of the Council to ensure the appropriate authorisations have been given, reviewed, cancelled, and recorded properly.
- 5.4 It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information required for the purpose of enabling them to carry out their functions.
- 5.5 It is important that the Council can show it complies with this Policy and with the provisions of RIPA.

6. LEGAL ADVICE

- 6.1 The Council's legal representatives will provide legal advice to staff making, renewing or cancelling authorisations. Requests and responses for legal advice will be in writing and copied to the RIPA Coordinator, Counter Fraud Unit to keep on file.

7. REVIEW OF POLICY AND PROCEDURE

- 7.1 The Audit Committee will receive annual reports regarding the use of RIPA. Those reports will contain information on:
- Where and when the powers have been used;
 - The objective;
 - The authorisation process;
 - The job title of the Senior Responsible Officer (SRO), Authorising Officers (AO) and RIPA Coordinator;
 - The outcomes including any legal court case;
 - Any costs.

8. RIPA ROLES AND RESPONSIBILITIES

8.1 THE SENIOR RESPONSIBLE OFFICER

8.2 The SRO has responsibility for the following:

- The integrity of the process in place within the Council to authorise Directed and Intrusive Surveillance;
- Compliance with the relevant sections of RIPA and the Codes of Practice;
- Oversight of the reporting of errors to the Investigatory Powers Commissioner (IPC) and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- Engagement with the IPCO and the inspectors who support the IPC when they conduct their inspections;
- Where necessary, overseeing the implementation of any recommended post-inspection action plans and;
- Ensuring that all AO are of an appropriate standard, addressing any recommendations and concerns in the inspection reports prepared by the IPC.

8.3 THE RIPA COORDINATOR

8.4 The RIPA Coordinator is responsible for storing all the original authorisations, reviews, renewals and cancellation forms and the signed approval or refusal documentation from the JP. This will include any authorisations that have not been authorised by the AO or refused by a JP.

8.5 The RIPA Coordinator will:

- Keep the copies of the forms for a period of at least 3 years;
- Keep the Central Register (a requirement of the Codes of Practice) of all of the authorisations, renewals and cancellations; and issue a unique reference number. This record should contain the information outlined within the Covert Surveillance and Property Interference revised Code of Practice;
- Keep a database for identifying and monitoring expiry dates and renewal dates;
- Along with Officers (AO and Investigating Officers (IO)), ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with the Council's Information Management Policies, Departmental Retention Schedules and Data Protection Legislation /Regulations;
- Provide administrative support and guidance on the processes involved;
- Not provide legal guidance or advice;
- Monitor the authorisations, renewals and cancellations with a view to ensuring consistency throughout the Council;
- Monitor each department's compliance and act on any cases of non-compliance;
- Provide training and further guidance and awareness of RIPA and the provisions of this Policy; and review the contents of this Policy.

8.6 INVESTIGATING OFFICER/APPLICANT

8.7 The applicant is normally an IO who completes the application section of the RIPA form. IOs should think about the need to undertake directed surveillance or the use of a CHIS before they seek authorisation. IOs must consider whether they can obtain the information by using techniques other than covert surveillance. Advice can be given by the RIPA Coordinator.

8.8 The applicant or IO must carry out a feasibility study and this should be seen by the AO. The IO seeking authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any significant delay between the feasibility study and the completion of the application form in order to ensure that the details within the application are accurate. The form should then be submitted to the AO for authorisation.

8.9 AUTHORISING OFFICERS

8.10 The role of the AO is to authorise, review, renew and cancel directed surveillance.

8.11 AOs should not be responsible for authorising investigations or operations in which they are directly involved. Where an AO authorises such an investigation or operation the Central Record of Authorisations should highlight this, and it should be brought to the attention of the Inspector during their next inspection.

8.12 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for the Council, the AO shall be a Director, Head of Service, Service Manager or equivalent as distinct from the Officer responsible for the conduct of an investigation.

8.13 A designated AO must qualify both by rank and by competence. Officers who wish to be designated must have been trained to an appropriate level in order to have an understanding of RIPA and the requirements that must be satisfied before an authorisation can be granted.

8.14 Authorisations must be given in writing by the AO by completing the relevant section on the authorisation form. Before giving authorisation for directed surveillance, an AO must be satisfied that the reason for the request is for the prevention and detection of crime and that the crime attracts a custodial sentence of a maximum of 6 months or more, or is an offence relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

8.15 The lawful criteria for CHIS are prevention and detection of crime and prevention of disorder and the offence does not have to have a sentence of 6 months imprisonment but consideration must be given to the risk of collateral intrusion (the risk of obtaining private information about persons who are not the subject of investigation), the possibility of collecting confidential personal information and that the result cannot reasonably be achieved by any other means.

8.16 When completing an authorisation, the case should be presented in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the authorisation.

8.17 The application should explain why the activity is both necessary and proportionate, having regard to the collateral intrusion. It should also explain exactly what is being authorised, against whom, in what circumstances, where and so on, and that the level of the surveillance is appropriate to achieve the

objectives. It is important that this is very clear as the surveillance operatives will only be able to carry out activity that has been authorised. This will assist with avoiding errors.

- 8.18 If any equipment such as covert cameras are to be used, the AO should know the capability of the equipment before authorising its use. This will have an impact on collateral intrusion, necessity and proportionality. It is important that they consider all the facts to justify their decision and that it is not merely a rubber-stamping exercise.
- 8.19 The AO may be required to attend court to explain what has been authorised and why. Alternatively, they may have to justify their actions at a tribunal. AOs are also responsible for carrying out regular reviews of applications, for authorising renewals and cancelling any authorisation (see relevant sections below).
- 8.20 AOs must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA and the current Procedures and Guidance issued by the Commissioner. This document also details the latest operational guidance to be followed. It is recommended that AOs hold their own copy of this document.
- 8.21 AOs, through the Council's Data Controller, must ensure compliance with the appropriate data protection requirements under data protection legislation and regulation and any relevant internal protocols of the Council relating to the handling and storage of material.

9. SURVEILLANCE TYPES AND CRITERIA

9.1 Surveillance is:

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications.
- Recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.

9.2 By its very nature, surveillance may involve invading an individual's right to privacy. The level of privacy which individuals can expect depends upon the nature of the environment they are within at the time. For example, within an individual's own home or private vehicle, an individual can expect the highest level of privacy. The level of expectation of privacy may reduce if the individual transfers out into public areas.

9.3 There are different types of surveillance which, depending on their nature, are either allowable or not allowable and that require different degrees of authorisation and monitoring under RIPA.

9.4 OVERT SURVEILLANCE

9.5 Overt surveillance is where the subject of surveillance is aware that it is taking place. This could be by way of signage, such as in the use of CCTV, or because the subject of the surveillance has been informed of the activity. Overt surveillance is outside the scope of RIPA and therefore does not require authorisation. However, it still must take account of privacy under the HRA.

9.6 COVERT SURVEILLANCE

9.7 Covert Surveillance is defined as "surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that

it is or may be taking place” and is covered by RIPA. Covert surveillance is categorised as either intrusive or directed.

9.8 There are three categories of covert surveillance regulated by RIPA:

- 1) **Directed Surveillance;**
- 2) **Covert Human Intelligence Sources (CHIS);** and
- 3) **Intrusive surveillance** (the Council is not permitted to carry out intrusive surveillance).

9.9 INTRUSIVE SURVEILLANCE

9.10 The Council has no authority in law to carry out Intrusive Surveillance. Intrusive surveillance is defined in section 26(3) of RIPA as covert surveillance that:

- Is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- Involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

9.11 Where surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by means of a device, without that device being present on the premises, or in the vehicle, it is not intrusive unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. Thus, an observation post outside premises, which provides a limited view and no sound of what is happening inside the premises, would not be considered as intrusive surveillance.

9.12 A risk assessment of the capability of equipment being used for surveillance of residential premises and private vehicles should be carried out to ensure that it does not fall into intrusive surveillance.

9.13 If you are considering conducting surveillance that may fall within the scope of intrusive surveillance you must contact the RIPA Coordinator for clarification or seek legal advice from the legal department before you undertake any surveillance.

9.14 DIRECTED SURVEILLANCE

9.15 Surveillance is directed surveillance within RIPA if the following are applicable:

- It is covert, but not intrusive surveillance;
- It is conducted for the purposes of a specific investigation or operation;
- It is likely to result in the obtaining of private information (see private information below) about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- It is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought.
- The offence under investigation attracts a maximum custodial sentence of six months, or it is an investigation into criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

10. PRIVATE INFORMATION

- 10.1 The Code of Practice provides guidance on the definition of private information and states it includes any information relating to a person's private or family life. As a result, private information is capable of comprising any aspect of a person's relationship with others including family and professional or business relationships.
- 10.2 Information which is non-private may include publicly available information such as books, newspapers, journals, TV and radio broadcasts, newswires, web sites, mapping imagery, academic articles, conference proceedings, business reports, and more. Such information may also include commercially available data where a fee may be charged, and any data which is available on request or made available at a meeting to a member of the public.
- 10.3 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public, and where a record is being made by the Council of that person's activities for future consideration or analysis.
- 10.4 Surveillance of publicly accessible areas of the internet should be treated in a similar way particularly when accessing information on social media websites. (See the Internet and Social Media Research and Investigations Policy for further guidance)
- 10.5 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish a pattern of behaviour. Consideration must be given if one or more pieces of information (whether or not available in the public domain) are covertly and / or overtly obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a directed surveillance authorisation may be considered appropriate.
- 10.6 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate

11. CONFIDENTIAL OR PRIVILEGED MATERIAL

- 11.1 Particular consideration should be given in cases where the subject of the investigation or operation might reasonably assume a high degree of confidentiality. This includes where the material contains information that is legally privileged; confidential journalistic material or where material identifies a journalist's source; or material containing confidential personal information or communications between a Member of Parliament and another person on constituency business. Directed surveillance likely or intended to result in the acquisition of knowledge of confidential or privileged material must be authorised by the Head of Paid Service, or (in their absence) the person acting as the Head of Paid Service (as per the codes and Statutory Instrument). Advice should be sought from the RIPA Coordinator and the Legal Department if there is a likelihood of this occurring.

12. INTERNET AND SOCIAL MEDIA INVESTIGATIONS

- 12.1 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 12.2 The use of online open source internet and social media research techniques has become a productive method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues and debt recovery. However, the use of the internet and social media is constantly evolving and with it the risks associated with these types of enquiries, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks. The activity may also require RIPA authorisations for Directed Surveillance or CHIS. Where this is the case, the application process and the contents of this policy are to be followed.
- 12.3 There is a detailed Internet and Social Media Research and Investigations Policy that covers online open source research which should be read and followed in conjunction with this policy.

13. CCTV

- 13.1 The use of the CCTV systems operated by the Council does not normally fall under the RIPA regulations. However, it does fall under the data protection legislation and regulations, the Surveillance Camera Code 2013 and the Council's CCTV Policy. However, should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under directed surveillance and therefore require an authorisation under RIPA. The Council's CCTV Policy and Procedures should be referred to.
- 13.2 If an IO envisages using any other CCTV system they should contact the RIPA Coordinator concerning any clarification on the administrative process or seek legal advice before they undertake any surveillance.

14. AUTOMATIC NUMBER PLATE RECOGNITION (ANPR)

- 14.1 Automated Number Plate Recognition (ANPR) does not engage RIPA if it is used for the purpose it is registered for, such as traffic flow management or safety and enforcement within car parks. However, it is capable of being a surveillance device if used in a pre-planned way to carry out surveillance by monitoring a particular vehicle or by plotting its locations, e.g. in connection with illegally disposing of waste.
- 14.2 Should it be necessary to use the Police ANPR systems to monitor vehicles, the same RIPA principles apply regarding when a directed surveillance authorisation should be sought.

15. JOINT AGENCY SURVEILLANCE

- 15.1 In cases where one agency is acting on behalf of another, it is usually for the tasking agency to obtain or provide the authorisation. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the Police. If it is a joint operation involving both agencies, the lead agency should seek authorisation.

- 15.2 Council staff involved with joint agency surveillance must ensure that all parties taking part are authorised on the form to carry out the activity. When Council Officers are operating on another organisation's authorisation they are to ensure they see what activity they are authorised to carry out and make a written record. They should also provide a copy of the authorisation to the RIPA Coordinator at the Council to assist with oversight and monitoring.

16. USE OF THIRD PARTY AGENTS

- 16.1 In some circumstances it may be appropriate or necessary for the Council to work with third parties who are not themselves a public Authority (such as an individual, company or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of the Council, then they are acting as our agent and any activities that the third party conducts which meet the RIPA definitions of directed surveillance should be authorised. The agent will be subject to RIPA in the same way as any employee of the Council would be. The AO should ensure that the agents are qualified or have the necessary skills to achieve the objectives. They should also ensure that they understand their obligations under RIPA. If advice is required, please contact the Legal Department.
- 16.2 If the above circumstances apply and it is intended to instruct an agent to carry out the covert activity, the agent must complete and sign the appropriate form.
- 16.3 Similarly, a surveillance authorisation should also be considered where the Council is aware that a third party (that is not a public Authority) is independently conducting surveillance and the Council intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation or is to act as the prosecuting body.

17. EQUIPMENT

- 17.1 All equipment capable of being used for directed surveillance, such as cameras, should be fit for the purpose for which they are intended. The equipment should be logged on the central register of equipment held by the RIPA Coordinator. This will require a description, Serial Number, and an explanation of its capabilities.
- 17.2 When completing an Authorisation, the applicant must provide the AO with details of any equipment to be used and its technical capabilities. The AO will have to take this into account when considering the intrusion issues and proportionality. The AO must make it clear on the Authorisation exactly what equipment, if any, they are authorising and under what circumstances.

18. COVERT HUMAN INTELLIGENCE SOURCES (CHIS)

- 18.1 This policy applies to all use of under-cover Officers or informants, referred to as Covert Human Intelligence Sources (CHIS). Not all human source activity will meet the definition of a CHIS. For example, a source may be a public volunteer or someone who discloses information out of a professional or statutory duty or has been tasked to obtain information other than by way of a covert relationship.
- 18.2 Test purchase activity does not in general require authorisation under RIPA as vendor-purchaser activity does not constitute a relationship. However, if a number of visits are undertaken, a relationship may be established and

authorisation as a CHIS should be considered. Equally a test purchase may meet the definition of directed surveillance.

- 18.3 If you intend to instruct a third party to act as the CHIS, the agent must complete and sign the appropriate form. The agent will be subject to RIPA in the same way as any employee of the Council would be. If advice is required, please contact either the RIPA Coordinator or the Legal Department.
- 18.4 An application for either directed surveillance or the use of a CHIS will need authorising internally by an AO. If authorised by the AO, approval will be required from a Justice of the Peace (JP) prior to any activity taking place. (See the appropriate sections below).
- 18.5 The authorisation request should be accompanied by a risk assessment, giving details of how the CHIS is going to be handled and the arrangements which are in place for ensuring that there is at all times a person with responsibility for maintaining a record of the use made of CHIS. The risk assessment should take into account the safety and welfare of the CHIS in relation to the activity and should consider the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS after the cancellation of the authorisation should also be considered at the outset.
- 18.6 Where surveillance or the use of a CHIS is likely to result in the obtaining of confidential information, it is imperative that legal advice should first be sought from the SRO or the Legal Department. Confidential information includes, though is not limited to, matters subject to legal privilege, confidential personal information and confidential journalistic material. Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it.
- 18.7 Should a CHIS authority be required, all of the staff involved in the process should make themselves fully aware of all of the aspects relating to tasking contained within the CHIS codes of Practice.
- 18.8 Legal advice should always be sought where consideration is given to the use of CHIS.
- 18.9 DEFINITION OF CHIS
- 18.10 A CHIS is a person who: -
- Establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within the following paragraphs;
 - Covertly uses such a relationship to obtain information or to provide access to any information to another person; or
 - Covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.
- 18.11 A relationship is established, maintained or used for a covert purpose if, and only if, it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.
- 18.12 The serious crime criteria of the offences under investigation do not apply to CHIS.
- 18.13 CHIS's may only be authorised if the following arrangements are in place:

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- That there will at all times be an Officer (the handler) within the Council who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security. The handler is likely to be the IO,
- That there will at all times be another Officer within the Council who will have general oversight of the use made of the source; (controller) i.e. the Line Manager.
- That there will at all times be an Officer within the Council who has responsibility for maintaining a record of the use made of the source.
- That the records relating to the source maintained by the local authority will always contain particulars of all matters specified by the Secretary of State in Regulations.

18.14 The Handler will have day to day responsibility for:

- dealing with the source on behalf of the Council concerned;
- directing the day to day activities of the source;
- recording the information supplied by the source; and
- monitoring the source's security and welfare.

18.15 The Controller will be responsible for the general oversight of the use of the source.

18.16 Tasking is the assignment given to the source by the Handler or Controller such as asking them to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant Council. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.

18.17 In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example, a member of the public is asked to maintain a record of all vehicles arriving and leaving a specific location or to record the details of visitors to a neighbouring house. A relationship has not been established or maintained in order to gather the information and a CHIS authorisation is therefore not available. Other authorisations under the Act, for example, directed surveillance, may need to be considered where there is a possible interference with the Article 8 rights of an individual.

18.18 Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task.

18.19 VULNERABLE CHIS

18.20 Special consideration must be given to the use of a Vulnerable Individual as a CHIS. A 'Vulnerable Individual' is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a Juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the by the Head of Paid Service, or (in their absence) the person acting as the Head of Paid Service (as per the codes and Statutory Instrument).

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- 18.21 Special safeguards also apply to the use or conduct of Juvenile Sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for them.
- 18.22 If the use of a Vulnerable Individual or a Juvenile is being considered as a CHIS you must consult the Legal Department before authorisation is sought as authorisations should not be granted unless the special provisions contained within the Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied. Authorisations for Juvenile Sources must be authorised by the by the Head of Paid Service, or (in their absence) the person acting as the Head of Paid Service (as per the codes and Statutory Instrument).
- 18.23 It is unlikely that the use of a Vulnerable Individual or Juvenile CHIS by the Council will meet the requirements of necessity and proportionality and be considered justifiable.
- 18.24 USE OF EQUIPMENT BY A CHIS
- 18.25 If a CHIS is required to wear or carry a surveillance device such as a covert camera it does not need a separate intrusive or directed surveillance authorisation, provided the device will only be used in the presence of the CHIS. It should be authorised as part of the conduct of the CHIS.
- 18.26 CHIS, whether or not wearing or carrying a surveillance device, in residential premises or a private vehicle, does not require additional authorisation to record any activity inside those premises or that vehicle which takes place in their presence. This also applies to the recording of telephone conversations.
- 18.27 CHIS MANAGEMENT
- 18.28 The operation will require managing by the handler and controller which will include ensuring that the activities of the source and the operation remain focused and there is no status drift. It is important that the intrusion is assessed on an ongoing basis to ensure the operation remains proportionate. The security and welfare of the source will also be monitored. The AO should maintain general oversight of these functions.
- 18.29 During CHIS activity there may be occasions when unforeseen action or undertakings occur. Such incidences should be recorded as soon as practicable after the event and if the existing authorisation is insufficient, it should either be dealt with by way of a review and updated (for minor amendments only) or it should be cancelled, and a new authorisation obtained before any further action is carried out. Similarly, where it is intended to task a CHIS in a new significantly different way than previously identified, the proposed tasking should be referred to the AO, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and details of such referrals must be recorded.
- 18.30 CHIS RECORD KEEPING
- 18.31 The records relating to the source maintained by the Council will always contain particulars as laid down by the Covert Human Intelligence Sources codes of practice, revised CHIS codes of practice and the RIPA (Source Records) Regulations 2000; SI No: 2725 which details the particulars that must be included in these records.

19. NECESSITY

- 19.1 Obtaining an authorisation under RIPA will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place.
- 19.2 RIPA first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds applicable to the Council.
- 19.3 The applicant must be able to demonstrate why it is necessary to carry out the covert activity to achieve the objectives and that there was no other means of obtaining the same information in a less intrusive method. The applicant must detail the crime being investigated and the information or evidence they are hoping to obtain. They should also state that they have considered other means of obtaining this information and have either concluded this is the only method available or that other methods are not appropriate and state the reason; for example it would alert the subject to their investigation which would be detrimental to the case.

20. PROPORTIONALITY

- 20.1 If the activities are deemed necessary, the AO must also believe that they are proportionate to the objective they are aiming to achieve. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.
- 20.2 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render the proposed actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.
- 20.3 When completing the authorisation the AO should explain why the methods and tactics to be adopted during the surveillance are justified in the particular circumstances of the case.
- 20.4 The Codes provide guidance relating to proportionality which should be considered by both applicants and AOs:
- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
 - Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
 - Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.
- 20.5 When completing an application for authorisation, the case should be presented in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the authorisation.

21. COLLATERAL INTRUSION

- 21.1 Before authorising applications for directed surveillance, the AO should also take into account the risk of collateral intrusion - obtaining private information about persons who are not subjects of the surveillance.
- 21.2 Officers should take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to the aims of the operation. The same proportionality tests apply to anticipated collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.
- 21.3 All applications must include an assessment of the risk of collateral intrusion and details of any measures taken to limit this (within the relevant section of the form), to enable the AO to fully consider the proportionality of the proposed actions.
- 21.4 In order to give proper consideration to collateral intrusion, an AO should be given full information regarding the potential scope of the anticipated surveillance, including the likelihood that any equipment or software deployed may cause intrusion on persons or property other than the subject(s) of the application. If an automated system such as an online search engine is used to obtain the information, the AO should be made aware of its potential extent and limitations. Material which is not necessary or proportionate to the aims of the operation or investigation should be discarded or securely retained separately where it may be required for future evidential purposes. The AO should ensure appropriate safeguards for the handling, retention or destruction of such material, as well as compliance with Data Protection Act requirements.
- 21.5 Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy of such individuals should not be considered as collateral intrusion but rather as intended intrusion.
- 21.6 Where the Council intends to access a social media or other online account to which they have been given access with the consent of the owner, the authority will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a Directed Surveillance authorisation should be considered, particularly (though not exclusively) where it is intended to monitor the account going forward.

22. THE APPLICATION AND AUTHORISATION PROCESS

- 22.1 All forms relating to RIPA can be found at <https://www.gov.uk/government/collections/ripa-forms--2>
- 22.2 DURATION OF AUTHORISATIONS
- 22.3 Authorisations must be given for the maximum duration from the date approved by the JP/Magistrate but reviewed on a regular basis and formally cancelled when no longer needed. Authorisations should not be allowed to simply expire – they must be cancelled when the surveillance is no longer proportionate or necessary. Therefore, a directed surveillance authorisation will cease to have effect after three months from the date of approval by the Magistrate unless renewed or cancelled. Durations detailed below:

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- Directed Surveillance 3 Months
- Renewal 3 Months
- Covert Human Intelligence Source 12 Months
- Renewal 12 months
- Juvenile Sources 4 Months
- Renewal 4 Months

22.4 It is the responsibility of the IO to make sure that the authorisation is still valid when they undertake surveillance.

22.5 APPLICATIONS/AUTHORISATION

22.6 The applicant must carry out a feasibility study and intrusion assessment as this may be required by the AO. The person seeking the authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any real delay between the feasibility study and the completion of the application form to ensure that the details within the application remain accurate. The form should then be submitted to the AO for authorisation.

22.7 When completing an application, the applicant must ensure that the case for the authorisation is presented in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the warrant or authorisation.

22.8 For directed surveillance, the offence must be a criminal offence that attracts a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

22.9 All the relevant sections must be completed with enough information to ensure that applications are sufficiently detailed for the AO to consider necessity and proportionality, having taken into account the collateral intrusion issues. AOs should refuse to authorise applications that are not to the required standard and should refer them back to the originating Officers. Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.

22.10 If it is intended to undertake both directed surveillance and the use of a CHIS on the same surveillance subject, the respective application form and procedures should be followed, and both activities should be considered separately on their own merits.

22.11 All applications will be submitted to the AO via the Line Manager of the appropriate enforcement team in order that they are aware of the application and activities being undertaken by their staff. The Line Manager will perform an initial quality check of the application. However, they should not be involved in the sanctioning of the authorisation.

22.12 Applications, whether authorised or refused, will be issued with a unique number (obtained from the RIPA Coordinator) by the AO, taken from the next available number in the central record of authorisations which is held by the RIPA Coordinator.

22.13 If not authorised, feedback will be provided to the applicant and the application will be forwarded to the RIPA Coordinator for recording and filing.

22.14 If authorised, the applicant will then complete the relevant section of the judicial application/order form. Although this form requires the applicant to provide a

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brief summary of the circumstances of the case, this is supplementary and does not replace the need to supply the original RIPA authorisation form to the Court.

22.15 ARRANGING THE COURT HEARING

22.16 Within office hours a hearing must be arranged at the Magistrates' Court with Her Majesty's Courts and Tribunals Service (HMCTS). The hearing will be in private and heard by a single JP. The application to the JP will be on oath.

22.17 Officers who may present the application at these proceedings will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or information as required by the JP. The legal department can advise who is duly authorised and able to present.

22.18 ATTENDING THE HEARING

22.19 The applicant and the AO should attend the Hearing to answer any questions directed at them. Upon attending the hearing, the presenting Officer must provide to the JP the partially completed judicial application/order form, a copy of the RIPA application/authorisation form, and the original form, together with any supporting documents setting out the case.

22.20 The original RIPA authorisation should be shown to the JP but will be retained by the Council so that it is available for inspection by IPCO, and in the event of any legal challenge or investigations by the IPT.

22.21 The JP will read and consider the RIPA authorisation and the judicial application/order form. They may ask questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the application form. The forms and supporting papers must by themselves make the Council's case. It is not sufficient for the Council to provide oral evidence where this is not reflected or supported in the papers provided.

22.22 The JP will consider whether they are satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. In addition, they must be satisfied that the person who granted the authorisation or gave the notice was an appropriate Designated Person within the Council and the authorisation was made in accordance with any applicable legal restrictions, for example that the crime threshold for directed surveillance has been met.

22.23 DECISION OF THE JP

22.24 The JP has a number of options:

22.25 Approve or renew an authorisation. If approved by the JP, the date of the approval becomes the commencement date and the three months duration will commence on this date, the Officers are now allowed to undertake the activity.

22.26 Refuse to approve or renew an authorisation. The RIPA authorisation will not take effect and the Council may **not** use the technique in that case.

22.27 Where an application has been refused, the applicant may wish to consider the reasons for that refusal. If more information was required by the JP to determine whether the authorisation has met the tests, and this is the reason for refusal, the Officer should consider whether they can reapply. For example, if there was

information to support the application which was available to the Council, but not included in the papers provided at the hearing.

- 22.28 For, a technical error (as defined by the JP), the form may be remedied without going through the internal authorisation process again. The Officer may then wish to reapply for judicial approval once those steps have been taken.
- 22.29 Refuse to approve or renew and quash the authorisation. This applies where the JP refuses to approve or renew the authorisation and decides to quash the original authorisation. However, the court must not exercise its power to quash the authorisation unless the applicant has had at least two business days from the date of the refusal in which to make representations. If this is the case the Officer will inform the Legal Department who will consider whether to make any representations.
- 22.30 The JP will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the Council's RIPA application and authorisation form and the judicial application/order form. The Officer will retain the original authorisation and a copy of the judicial application/order form.
- 22.31 The Council may only appeal a JP decision on a point of law by judicial review. If such a concern arises, the Legal Department will decide what action if any should be taken.
- 22.32 POST COURT PROCEDURE
- 22.33 It will be necessary to work out the cancellation date from the date of approval and ensure that the applicant and the AO are aware. The original application and the copy of the judicial application/order form should be forwarded to the RIPA Coordinator. A copy will be retained by the applicant and if necessary by the AO. The Central Register of Authorisations will be updated with the relevant information to comply with the Codes of Practice and the original documents filed and stored securely.
- 22.34 Where dates are set within the process such as reviews, they must be adhered to. This will help with demonstrating that the process has been managed correctly in line with the Codes of Practice.
- 22.35 MANAGEMENT OF THE ACTIVITY
- 22.36 All RIPA activity will need to be managed by all the persons involved in the process. It is important that all those involved in undertaking directed surveillance activities are fully aware of the extent and limits of the authorisation. There should be an ongoing assessment of the need for the continued activity, including ongoing assessments of the intrusion. All material obtained including evidence should be stored in line with relevant legislation and procedures to safeguard its integrity and reduce a risk of challenge. (See use of material as evidence)
- 22.37 REVIEWS
- 22.38 When an application has been authorised and approved by a JP, regular reviews must be undertaken by the AO to assess the need for the surveillance to continue.
- 22.39 In each case the AO should determine at the outset how often a review should take place. This should be as frequently as is considered necessary and

practicable. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides a high level of intrusion into private life or significant collateral intrusion, or may obtain confidential information. Review periods will be recorded on the application form and the decision will be based on the circumstances of each application. However, reviews should be conducted at least monthly to ensure that the activity is managed. It will be important for the AO to be aware of when reviews are required following an authorisation, to ensure timely submission of the review form.

- 22.40 Applicants are responsible for submitting a review form by the date set by the AO. They should also use a review form for any changes in circumstances to the original application which would comprise a change to the level of intrusion so that the requirement to continue the activity can be reassessed. The applicant does not have to wait until the review date if it is being submitted for a change in circumstances. If the circumstances or the objectives have changed considerably, or the techniques to be used are now different, a new RIPA application form should be submitted and the process followed to obtain approval by a JP.
- 22.41 Line managers should also make themselves aware of the required review periods to ensure that the relevant forms are completed on time.
- 22.42 The reviews are dealt with internally by submitting the review form to the AO. There is no requirement for a review form to be submitted to a JP.
- 22.43 The results of a review should be recorded on the Central Record of Authorisations.
- 22.44 RENEWAL
- 22.45 A renewal form is to be completed by the applicant when the original authorisation period is about to expire but directed surveillance or the use of a CHIS is still required.
- 22.46 Renewals must be approved by a JP.
- 22.47 Applications for renewals should not be made until shortly before the original authorisation period is due to expire but the applicant must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant AO and a JP to consider the application).
- 22.48 The applicant should complete all the sections within the renewal form and submit the form to the AO for consideration.
- 22.49 AOs should examine the circumstances with regard to necessity, proportionality and the collateral intrusion issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The AO must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.
- 22.50 If the AO refuses to renew the application, the cancellation process should be completed. If the AO authorises the renewal of the activity, the same process is to be followed as for the initial application whereby approval must be sought from a JP.
- 22.51 A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

22.52 CANCELLATION

- 22.53 The cancellation form is to be submitted by the applicant or another investigator in their absence. The AO who granted or last renewed the authorisation must cancel it if they are satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the AO is no longer available, this duty will fall on the person who has taken over the role of AO or the person who is acting as AO.
- 22.54 As soon as the decision is taken that directed surveillance should be discontinued, the applicant or other IO involved in the investigation should inform the AO. The AO will formally instruct the IO to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the Central Record of Authorisations.
- 22.55 The IO submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and also detail if any images were obtained, particularly any images containing third parties. The AO should then take this into account and issue instructions regarding the management and disposal of the images. See section below; Safeguarding and the Use of Surveillance Material.
- 22.56 The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant acted within the authorisation. This check will form part of the oversight function. Where issues are identified, they will be brought to the attention of the Line Manager and the SRO.
- 22.57 When cancelling a CHIS authorisation an assessment of the welfare and safety of the source should be assessed, and any issues identified and reported as above.

23. SURVEILLANCE OUTSIDE OF RIPA

- 23.1 As previously detailed, amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 mean that Councils can now only grant an authorisation under RIPA where the Council is investigating criminal offences which attract a maximum custodial sentence of at least six months or criminal offences relating to the underage sale of alcohol or tobacco.
- 23.2 As a result of the changes in legislation, it is envisaged that surveillance may be required which falls outside of RIPA (for example in the case of anti-social behaviour disorders which do not attract a maximum custodial sentence of at least six months imprisonment).
- 23.3 As stated, conducting surveillance outside of RIPA is not fundamentally unlawful, however in order for the Council to defend claims that they have breached an individual's right to privacy under the HRA the Council needs to demonstrate that their actions were justified in the circumstances of the case. It is therefore the Council's policy that, in order to undertake surveillance that falls outside of RIPA, Officers will follow the same initial process as when they are making an application for authorisation under RIPA. The IO must complete a Non-RIPA application form that is authorised by an AO and the application will be lodged with and monitored by the RIPA Coordinator. The AO will need to be satisfied that the actions are necessary and proportionate and give due consideration to any collateral intrusion. The Non-RIPA authorisation form is available from the RIPA Coordinator. The procedure for review and renewal of the surveillance

application will be the same, however there is no requirement/ability to obtain authorisation from a JP.

23.4 Non-RIPA surveillance also includes staff surveillance in serious disciplinary investigations. Any surveillance of staff must be formally recorded on the Non-RIPA surveillance application form and authorised by the AO in consultation with the RIPA Coordinator. The review of staff usage of the internet and e-mail would also not fall under RIPA. This surveillance outside of RIPA must however be compliant with any Council Policies with regard to monitoring at work and business practices legislation and should also consider ICO guidance in relation to surveillance of staff. Surveillance of staff should only be carried out in exceptional circumstances.

23.5 The RIPA codes also provide guidance that authorisation under RIPA is not required for the following types of activity:

- General observations that do not involve the systematic surveillance of an individual or a group of people and should an incident be witnessed the Officer will overtly respond to the situation.
- Use of overt CCTV and Automatic Number Plate Recognition systems.
- Surveillance where no private information is likely to be obtained.
- Surveillance undertaken as an immediate response to a situation.
- Covert surveillance not relating to criminal offence which carries a maximum sentence of 6 months imprisonment and does not relate to the sale of alcohol or tobacco to children (surveillance outside of RIPA).
- The use of a recording device by a CHIS in respect of whom an appropriate use or conduct authorisation has been granted permitting them to record any information in their presence.
- The covert recording of noise where the recording is of decibels only or constitutes non-verbal noise (such as music, machinery or an alarm), or the recording of verbal content is made at a level which does not exceed that which can be heard from the street outside or adjoining property with the naked ear. In the latter circumstance, the perpetrator would normally be regarded as having forfeited any claim to privacy. In either circumstance this is outside of RIPA.

24. SAFEGUARDING AND THE USE OF SURVEILLANCE MATERIAL

24.1 This section provides guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained through directed surveillance or CHIS activity. This material may include private, confidential or legally privileged information.

24.2 AUTHORISED PURPOSE

24.3 Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes (for CHIS activity, this is 5 years and for surveillance activity, this is 3 years). For the purposes of the Code this is defined as follows:-

- It is, or is likely to become, necessary for any of the statutory purposes set out in the RIPA in relation to covert surveillance or CHIS activity;

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- It is necessary for facilitating the carrying out of the functions of public authorities under RIPA;
- It is necessary for facilitating the carrying out of any functions of the Commissioner or the Investigatory Powers Tribunal;
- It is necessary for the purposes of legal proceedings; or
- It is necessary for the performance of the functions of any person by or under any enactment.

24.1 USE OF MATERIAL AS EVIDENCE

24.2 Material obtained through directed surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the Criminal Procedure and Investigations Act 1996 (CPIA), the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1984 and the Human Rights Act 1998.

24.3 Ensuring the continuity and integrity of evidence is critical to every prosecution. Accordingly, considerations as to evidential integrity are an important part of the disclosure regime under the CPIA and these considerations will apply to any material acquired through covert surveillance that is used in evidence. When information obtained under a covert surveillance authorisation is used evidentially, the Council must be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.

24.4 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements. In a criminal case the codes issued under CPIA will apply. They require that the investigator record and retain all relevant material obtained in an investigation and later disclose relevant material to the prosecuting solicitor. They in turn will decide what is disclosed to the defence solicitor.

24.5 There is nothing in RIPA which prevents material obtained under directed or intrusive surveillance authorisations from being used to further other investigations.

24.6 HANDLING AND RETENTION OF MATERIAL

24.7 All material associated and obtained with an application will be subject to the provisions of all data protection legislation and regulations and CPIA Codes of Practice and to any Council Policies with regard to data retention and security. All Officers involved within this process should make themselves aware of the provisions within this legislation and how it impacts on the RIPA process. Material obtained together with relevant associated paperwork should be held securely. Extra care needs to be taken if the application and material relates to a CHIS.

24.8 Material required to be retained under CPIA should be retained until a decision is taken whether to institute proceedings against a person for an offence or if proceedings have been instituted, at least until the accused is acquitted or convicted or the prosecutor decides not to proceed with the case.

24.9 Where the accused is convicted, all material which may be relevant must be retained at least until the convicted person is released from custody, or six months from the date of conviction, in all other cases.

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- 24.10 If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction.
- 24.11 If an appeal against conviction is in progress when the convicted person is released, or at the end of the period of six months, all material which may be relevant must be retained until the appeal is determined.
- 24.12 Retention beyond these periods must be justified under data protection legislation and regulations. AOs, through the Council's Data Controller, must ensure compliance with the appropriate Data Protection requirements and any relevant internal arrangements produced by the Council relating to the handling and storage of material.
- 24.13 DISSEMINATION OF INFORMATION
- 24.14 It may be necessary to disseminate material acquired through the RIPA covert activity within the Council or with other Councils or agencies, including the Police. The number of persons to whom any of the information is disclosed, and the extent of disclosure, should be limited to the minimum necessary. It must also be in connection with an authorised purpose as set out above. It will be necessary to consider exactly what and how much information should be disclosed. Only so much of the material may be disclosed as the recipient needs; for example, if a summary of the material will suffice, no more than that should be disclosed.
- 24.15 The obligations apply not just to the Council as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from the Council before disclosing the material further. It is important that the Officer in Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
- 24.16 A record will be maintained justifying any dissemination of material. If in doubt, seek legal advice.
- 24.17 STORAGE
- 24.18 Material obtained through covert surveillance, and all copies, extracts and summaries of it, must be handled and stored securely, so as to minimise the risk of loss. It must be held so as to be inaccessible to persons who are not required to see the material (where applicable). This requirement applies to all those who are responsible for the handling of the material. It will be necessary to ensure that an appropriate security clearance regime is in place to safeguard the material whether held electronically or physically.
- 24.19 COPYING
- 24.20 Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.
- 24.21 In the course of an investigation, the Council must not act on or further disseminate legally privileged items unless it has first informed the IPC that the items have been obtained.

24.22 DESTRUCTION

24.23 Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out above. If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

25. ERRORS

25.1 Proper application of the surveillance provisions in the RIPA codes and this Policy should reduce the scope for making errors.

25.2 RELEVANT ERROR

25.3 An error must be reported if it is a “**relevant error**”. A relevant error is any error by the Council in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of RIPA.

25.4 Examples of relevant errors occurring would include circumstances where:

- Surveillance activity has taken place without lawful authorisation.
- There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Surveillance Codes of Practice relating to the safeguards of the material.

25.5 Errors can have very significant consequences on an affected individual's rights. All relevant errors made by the Council must be reported to the Investigatory Powers Commissioner as soon as reasonably practicable, and a full report no later than ten working days after the error is discovered. The report should include information on the cause of the error; the amount of surveillance conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

25.6 SERIOUS ERRORS

25.7 The Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a **serious error** and that it is in the public interest for the person concerned to be informed of the error. The Commissioner may not decide that an error is a serious error unless they consider that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's convention rights (within the meaning of the HRA) is not sufficient by itself for an error to be a serious error.

25.8 It is important that all staff involved in the RIPA process report any issues, so they can be assessed as to whether it constitutes an error which requires reporting.

26. COMPLAINTS

- 26.1 The Investigatory Powers Tribunal (IPT) has jurisdiction to investigate and determine complaints against the Council's use of investigatory powers, including those covered by this code. Any complaints about the use of powers as described in this code should be directed to the IPT.
- 26.2 Complaints should be addressed to:
The Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

Version Control:	
Document Name:	Investigatory Powers Act 2016 Acquisition of Communications Data Policy
Version:	1
Responsible Officer:	Emma Cathcart, Counter Fraud Unit
Approved by:	Cabinet
Date First Approved:	
Next Review Date	
Retention Period:	N/A

Revision History

Revision date	Version	Description
April 2019	1	Change in legislation / introduction of IPA 2016

Consultees

Internal	External
Audit Committee	
Legal Department	
Corporate Management	

Distribution

Name	
Enforcement Officers	

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1. INTRODUCTION

- 1.1. The Investigatory Powers Act 2016 (IPA) governs how law enforcement agencies use the investigatory powers available to them, in relation to the lawful acquisition of Communications Data (CD). The IPA provides unprecedented transparency and substantial privacy protection, strengthening safeguards and introducing oversight arrangements. It also introduces a powerful new Investigatory Powers Commission (IPC) to oversee how these powers are used.
- 1.2. The powers provided by the Regulation of Investigatory Powers Act 2000 (RIPA) allowed the Council to obtain CD from Communications Service Providers (CSPs) in connection with criminal investigations.
- 1.3. The IPA extends the range of data Councils are able to request from providers but ensures independent authorisation for the acquisition through the new Office for Communications Data Authorisations (OCDA). However, it continues only to be a justifiable interference with an individual's human rights if such conduct is authorised, is both necessary and proportionate, and is in accordance with the law.
- 1.4. All applications for CD must be made via an Accredited Officer known as a Single Point of Contact (SPoC) who has passed a Home Office approved course. All Councils must use the National Anti-Fraud Network (NAFN) as their SPoC. Therefore, all applications to access CD will be made through NAFN via their online application service.
- 1.5. The introduction of OCDA means the acquisition of CD by Council officers no longer requires judicial approval.
- 1.6. These powers should not be confused with any Policy and practices with regard to monitoring under the lawful business practices legislation. This latter legislation relates to the monitoring of the Council's own communication and computer systems.

2. SCOPE OF POLICY

- 2.1. This Policy sets out the Council's procedures and approach for obtaining and handling CD for the purposes of preventing or detecting crime or of preventing disorder; the only lawful reasons for Council staff to use IPA legislation to access CD.
- 2.2. This Policy should be read in conjunction with the Communications Data Code of Practice (COP), currently in draft. This also creates a system of safeguards, consistent with the requirements of Article 8 (rights to privacy) of the Human Rights Act 1998. The Codes of Practice are admissible in evidence in criminal and civil proceedings.
- 2.3. The draft Code can be obtained using the link detailed below and is available to all Council staff involved in the acquisition of CD.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/757851/Communications_Data_Code_of_Practice.pdf
- 2.4. Both this Policy and the COP will be followed at all times and under no circumstances should access to CD be sought outside of this guidance.
- 2.5. The Council will review and amend this Policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the objectives of the Council.

3. ROLES OF STAFF INVOLVED IN THE PROCESS

- 3.1. The process for the acquisition of CD under the IPA requires the following personnel:

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- Applicant
- Designated Person (DP)
- Single Point of Contact (SPoC)
- OCDA Authorising Individual

4. APPLICANT

- 4.1. The Applicant is a person involved in conducting an investigation or operation who makes an application in writing for the acquisition of CD. The Applicant completes an application form, setting out for consideration the necessity and proportionality of a specific requirement for acquiring CD. Prior to the completion of the relevant paperwork, it may be advisable for the Applicant to consult with the SPoC at NAFN.

5. DESIGNATED PERSON

- 5.1. The DP is a person of Service Manager level or equivalent within the Council who confirms to NAFN that they are aware that an application has been made. They do not have any authorising function but are responsible for the integrity of the process in place and the overall quality of that process.

6. SINGLE POINT OF CONTACT

- 6.1. The SPoC is either an accredited individual (passed the Home Office course) or a group of accredited individuals such as the National Anti-Fraud Network, who are trained to facilitate lawful acquisition of CD. All accredited officers are issued a Personal Identification Number (PIN). Details of all accredited individuals are available to Communication Service Providers (CSPs) for authentication purposes.
- 6.2. An accredited SPoC promotes efficiency and good practice in ensuring only practical and lawful requirements for CD are undertaken. The SPoC provides objective judgement and advice to the Applicant and provides a "guardian and gatekeeper" function, ensuring that public authorities act in an informed and lawful manner.
- 6.3. As already explained, this Council can only use the services of NAFN as the Council's SPoC. Therefore, all applications to access CD will be made through NAFN.
- 6.4. The SPoC will be in a position to:
- Engage proactively with Applicants to develop strategies to obtain CD and use it effectively in support of operations or investigations;
 - Assess whether the acquisition of specific CD from a CSP is reasonably practical or whether the specific data required is inextricably linked to other data;
 - Advise Applicants on the most appropriate method for the acquisition of data where the data sought engages a number of CSPs;
 - Advise Applicants on the type of data that can be obtained to meet their purposes.
 - Provide assurance to DPs that Authorisations and Notices are lawful under the IPA and free from errors;
 - Provide assurance to OCDA that an application has been verified and checked.

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- Assess whether CD disclosed by a CSP in response to a Notice fulfils the requirement of the Notice;
- Assess whether CD obtained by means of an Authorisation fulfils the requirement of the Authorisation;
- Assess any cost and resource implications to both the Council and the CSP of data requirements.

7. OCDA AUTHORISING INDIVIDUAL

7.1. The OCDA officer receives the application from the NAFN SPoC and checks the application meets the necessary criteria before authorising or rejecting and issuing a Decision Document. NAFN will retain the original of all the documents. These will be retained within the on-line portal. Copies of the documents must be retained by the Applicant, DP or within the relevant department for inspection by the IPC and for audit, filing and disclosure purposes under the Criminal Procedures Investigation Act 1996. (OCDA will only hold the applications and Decision Documents for a limited period of time due to the degree of sensitivity and risk arising from the accumulation of these documents in a central database.)

8. WHAT IS COMMUNICATIONS DATA

8.1. CD does not include the content of any communication. It is not lawfully possible for Council employees under any circumstances to obtain the content of communications.

8.2. The term 'CD' embraces the 'who', 'when' and 'where' of a communication but not the content - not what was said or written. It includes the manner in which, and by what method, a person or machine communicates with another person or machine. It excludes what they say or what data they pass on within a communication including text, audio and video

8.3. CD can include the address to which a letter is sent, the time and duration of a communication, the telephone number or email address of the originator and recipient, and the location of the device from which the communication was made. It covers electronic communications including internet access, internet telephony, instant messaging and the use of applications. It also includes postal services.

8.4. CD is generated, held or obtained in the provision, delivery and maintenance of communications services – i.e. postal services or telecommunications services.

8.5. Where the provision of a communication service engages a number of providers, the SPoC will determine the most appropriate plan for acquiring the data.

8.6. When enquiries regarding CD are being considered within an investigation, it may be advisable that Applicants seek advice and guidance from the SPoC at NAFN. The RIPA Coordinator /DP within the Counter Fraud Unit can provide contact details.

9. COMMUNICATIONS DATA DEFINITIONS

9.1. The IPA introduces new terminology for CD – Entity Data and Events Data

9.2. Entity Data describes the 'who' involved in the communication – the subscriber and the links between different entities or communicators. Entities could be individuals, groups and objects (such as mobile phones or other communications devices).

9.3. Examples of entity data requests include:

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- Subscriber checks, such as who is the subscriber of phone number 01234 567 890?
- Who is the account holder of e-mail account example@example.co.uk?
- Who is entitled to post to web space www.example.co.uk?
- Subscribers' or account holders' account information, including names and addresses for installation, and billing including payment method(s), details of payments e.g. for pre-paid mobiles.
- Information about the connection, disconnection and reconnection of services to which the subscriber or account holder is allocated or has subscribed (or may have subscribed) including conference calling, call messaging, call waiting and call barring telecommunications services.
- Information about apparatus or devices used by, or made available to, the subscriber or account holder, including the manufacturer, model, serial numbers and apparatus codes.
- Information about selection of preferential numbers or discount calls.

9.4. Event Data identifies or describes events in relation to a telecommunications system which consists of one or more entities engaging in an activity at a specific point or points in time – the 'what, when and where'. For obtaining Event Data there is a Serious Crime Threshold (see 19.1)

9.5. Examples of events data include, but are not limited to:

- Information tracing the origin or destination of a communication that is, or has been, in transmission (including incoming call records);
- Information identifying the location of apparatus when a communication is, has been or may be made or received (such as the location of a mobile phone);
- Information identifying the sender or recipient (including copy recipients) of a communication from data comprised in or attached to the communication;
- Routing information identifying apparatus through which a communication is or has been transmitted (for example, file transfer logs and e-mail headers – to the extent that content of a communication, such as the subject line of an e-mail, is not disclosed);
- Itemised telephone call records (numbers called)¹²;
- Itemised internet connection records;
- Itemised timing and duration of service usage (calls and/or connections);
- Information about amounts of data downloaded and/or uploaded;
- Information about the use made of services which the user is allocated or has subscribed to (or may have subscribed to) including conference calling, call messaging, call waiting and call barring telecommunications services.

10. POSTAL DEFINITIONS

10.1. A postal service is a service which involves one or more of the collection, sorting, conveyance, distribution and delivery of postal items and where its main purpose is to

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make available or facilitate the transmission of postal items containing communications. CD in relation to a postal service is defined at section 262(3) of the IPA and comprises three elements:

- Postal data which is or has been comprised in or attached to a communication for the purpose of the service by which it is transmitted;
- Data relating to use made by a person of a postal service;
- Information held or obtained by a postal operator about persons to whom the postal operator provides or has provided a communications service and which relates to the provision of the service.

10.2. Postal data is defined in section 262(4) of the IPA and includes specified categories of data written on the outside of a postal item. All information on the outside of a postal item concerning its postal routing, for example the address of the recipient, the sender and the post-mark, is postal data.

10.3. In the postal context anything included inside a postal, item, which is in transmission, will be content. Any message written on the outside of a postal item which is in transmission may be content and fall within the scope for the interception of communications. For example, a message written by the sender for the recipient will be content but a message written by a postal worker concerning the delivery of the postal item will not. All information on the outside of a postal item concerning its routing, for example the address of the recipient, the sender and the postmark, is postal data and will not be content.

11. WEB BROWSING AND COMMUNICATIONS DATA

11.1. Web browser software provides one way for users to access web content. When using a browser to access the web, a user may enter a web address. These are also referred to as uniform resource locators (URLs). In order to access a webpage over the internet, key parts of a URL are normally converted from a web address format to a numeric IP address which assists in identifying the host. Some elements of a URL are necessary to route a communication to the intended recipient and are therefore CD.

11.2. The URL may also contain the port, which is an extended part of the Internet Provider (IP) address and the user information – including usernames and authorisations. When required to route a communication, the port and user information will be CD.

12. RELEVANT COMMUNICATIONS DATA

12.1. A data retention notice under the IPA may only require the retention of relevant CD. This is defined at section 87 of the IPAt and is a subset of CD.

It is data which may be used to identify or assist in identifying any of the following:

- The sender or recipient of a communication;
- The time or duration of a communication;
- The type, method or pattern, or fact of a communication;
- The telecommunication system to or through which a communication is transmitted;
- The location of any such system.

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13. INTERNET CONNECTION RECORDS

- 13.1. An internet connection record (ICR) is a record of an event held by a telecommunications operator about the service to which a customer has connected on the internet. An ICR is CD.
- 13.2. An ICR will only identify the service that a customer has been using. For example many social networking apps on a device maintain persistent connections to a service. Even in this case the relevant ICR will signpost the service accessed by the device, enabling the authority to make further enquiries of the social networking provider identified.
- 13.3. Further detail on the definitions described above and the types of CD that can be accessed is available in the COP.
- 13.4. The SPoC will provide advice and assistance with regard to the types of data which can be lawfully obtained and how that data may assist an investigation. Where an applicant is unsure of the category of data they are seeking (entity or events data) or what additional types of CD may be retained by a telecommunications operator or postal operator for their own business use, the applicant should discuss this with their Single Point of Contact (SPoC).

14. PREPAID MOBILE PHONES

- 14.1. Unregistered prepaid mobile phones are common amongst criminals as it allows them to avoid detection more easily. It is possible that a subscriber check will identify a number as belonging to one of these devices. This does not necessarily prevent an investigating officer obtaining useful information. The Applicant can ask for further information about the subscriber under section 21(4)(c), including top-up details, method of payment, the bank account used or customer notes etc.
- 14.2. So as to allow for the widening of the data capture, the Applicant should outline in their original application that further information will be required if the phone turns out to be prepaid, this information could be requested in two stages. Firstly, asking for the subscriber details and then, if this turns out to be an unregistered prepaid phone, asking for the further information.
- 14.3. The information that is received can then be developed to try to obtain further information about the user of the phone. Solution Providers such as EasyPay, EPay etc. are the third parties involved in the transaction of credit placed on a mobile phone. If a Solution Provider is provided with the mobile telephone number, the transaction date and the transaction number, they are often able to provide the method of payment and the location of the top-up. Solution Providers are not CSPs and therefore they cannot be issued with a Notice under the IPA; instead the data can be applied for under the Data Protection Act via the SPoC.

15. WHO CAN COMMUNICATIONS DATA BE OBTAINED FROM?

- 15.1. CD can be obtained from a Communications Service Provider (CSP). A CSP is an operator who provides a postal service such as Royal Mail or telecommunications service, such as the usual telephone service providers. However, there may be less obvious companies which may be classed as a CSP. The SPoC at NAFN will determine which CSP they will contact to obtain the data on behalf of the Applicant. However, any intelligence obtained which establishes which CSP may provide the data should be included within the application or by notifying the SPoC.

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16. LAWFUL REASONS TO ACCESS COMMUNICATIONS DATA

- 16.1. As mentioned earlier the Council's only lawful reasons to access CD is for the purpose of preventing or detecting crime or of preventing disorder.
- 16.2. Detecting crime includes establishing by whom, for what purpose, by what means and generally in what circumstances any crime was committed, the gathering of evidence for use in any legal proceedings and the apprehension of the person (or persons) by whom any crime was committed.
- 16.3. The Council can only lawfully process and consider applications to access CD on behalf of the Council. Under no circumstances will applications be accepted for outside authorities/agencies. However, it may be necessary during joint investigations to obtain CD; in these circumstances the Council can only apply for data which it would usually be allowed to access. It should be clear in the investigation Policy log that it is a joint investigation as it may have to be justified to a Court or Tribunal.
- 16.4. Staff must not apply on behalf of any third parties who do not have lawful authority to obtain CD. Should an organisation make such an approach this must be reported to the Senior Responsible Officer (SRO) who has the responsibility for the Council's working practices in relation to obtaining CD.
- 16.5. Where the Council is contracted to undertake work on behalf of a third party, CD may be obtained if the Council is the investigating and prosecuting body.

17. USING OTHER POWERS

- 17.1. The IPA is the primary legislation for the acquisition of CD and should always be the first option considered due to the rigorous and independent assessment and authorisation process.

18. INTERNAL INVESTIGATIONS

- 18.1. The Codes state 'where an investigation relates to an allegation of criminal conduct by a member of a public authority, that public authority (or another public authority appointed to investigate the complaint) may use their powers under Chapter II to obtain CD for the purpose of preventing and detecting the alleged or suspected crime where the investigating officer intends the matter to be subject of a prosecution within a criminal court. Should it be determined there are insufficient grounds to continue the investigation or insufficient evidence to initiate a prosecution within a criminal court, it will, with immediate effect, no longer be appropriate to obtain CD under the Act'.
- 18.2. If CD is sought in connection with officers of the Council committing crimes against the Council, it is important that the enquiry is a genuine criminal investigation with a view to proceeding criminally as opposed to just a disciplinary matter. Advice may be required from the Council's Legal section if this arises.

19. SERIOUS CRIME THRESHOLD

- 19.1. With effect from 1st November 2018 the IPA introduced a new Serious Crime Threshold to applications for CD. This means the Council may only acquire Events Data where the crime can be defined as a serious crime. Where the crime cannot be defined as serious, only Entity Data may be obtained.
- 19.2. The following definitions of serious crime apply:

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- An offence that is capable of attracting a prison sentence of 12 months or more;
- An offence by a person who is not an individual (i.e. a corporate body);
- An offence falling within the definition of serious crime in section 263(1) of the IPA (i.e. where the conduct involves the use of violence, results in substantial financial gain or is by a large number of persons in pursuit of a common purpose);
- An offence which involves, as an integral part of it, the sending of a communication;
- An offence which involves, as an integral part of it a breach of a person's privacy.

20. NECESSITY AND PROPORTIONALITY

- 20.1. The COP states the acquisition of CD under the IPA will be a justifiable interference with an individual's human rights under Article 8 Right to Privacy, only if the conduct being authorised or required to take place is both necessary and proportionate and in accordance with law.
- 20.2. Below is guidance to assist Applicants with factors that impact on necessity and proportionality.

21. NECESSITY

- 21.1. In order to justify the application is necessary, the Applicant needs as a minimum to consider three main points:
1. The event under investigation, such as a crime or disorder offence;
 2. The person, such as a suspect, witness or missing person and how they are linked to the event;
 3. The Communication Data, such as a telephone number or IP address, and how this data is related to the person and the event.
- 21.2. In essence, necessity should be a short explanation of **1) the event, 2) the person and 3) the CD and how these three link together**. The application must establish a link between the three aspects to be able to demonstrate the acquisition of CD is necessary for the statutory purpose specified.
- 21.3. Necessity does not entail explaining 'what will be achieved by acquiring the data' or 'why specific time periods have been requested', these points are relevant to proportionality and should be covered in the relevant section to stop repetition.

22. PROPORTIONALITY

- 22.1. Applicants should include an outline of how obtaining the data will benefit the investigation or operation. If more than one item of data is being sought, the relevance of the additional data should be explained.
- 22.2. This outline should include an explanation of how the level of intrusion is justified when taking into consideration the benefit the data will give to the investigation. This justification should include confirmation that relevant less intrusive investigations have already been undertaken where possible. For example, the subscriber details of a phone number may be obtained from online enquiries or other publicly available sources.

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- 22.3. The relevance of any time periods requested must be explained, outlining how these periods are proportionate to the event under investigation. The two basic questions are:
- What are you looking for in the data to be acquired and;
 - If the data contains what you are looking for, what will be your next course of action?
- 22.4. Particular consideration should be given to any periods of days or shorter periods of time which might achieve the objective. They should specify the shortest period in which the objective for which the data is sought can be achieved. To do otherwise will impact on the proportionality of the Authorisation or Notice and impose unnecessary burden upon a CSP.
- 22.5. An explanation as to how CD once acquired will be used, and how it will benefit the investigation or operation will enable the Applicant to set out the basis of proportionality.
- 22.6. An explanation of the proportionality of the application should include a consideration of the rights (particularly to privacy and, in relevant cases, freedom of expression) of the individual and a balancing of these rights against the benefit to the investigation.
- 22.7. An examination of the proportionality of the application should also involve consideration of possible unintended consequences and, when relevant this should be noted. Unintended consequences of an application are outcomes that are not intended by the application.

23. COLLATERAL INTRUSION

- 23.1 Consideration of collateral intrusion forms part of the proportionality considerations and becomes increasingly relevant when applying for Events Data. Applications should include details of what collateral intrusion may occur and how the time periods requested impact on the collateral intrusion.
- 23.2 The question to be asked is 'Will the data set to be acquired result in collateral intrusion to persons outside the line of enquiry the data is being obtained for?' For example, itemised billing on the subject's family home will be likely to contain calls made by the family members.
- 23.3 Applicants should not write about a potential or hypothetical 'error' and if the Applicant cannot identify any meaningful collateral intrusion, that factor should be recorded in the application i.e. 'none identified'.
- 23.4 It is accepted that for a straight forward subscriber check there will be no meaningful collateral intrusion.

24. THE TWO WAYS OF OBTAINING COMMUNICATIONS DATA

- 24.1. The legislation provides two different methods of acquiring CD (see below). The SPoC at NAFN will be responsible for deciding the process for obtaining the data required and passing responses from the service provider to the Council.
- 24.2. The two methods are:

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- **Authorisation of conduct, or**
- **Authorisation to give a Notice**

24.3. An authorisation of conduct to acquire CD may be appropriate where, for example:

- there is an agreement in place between a public authority and a telecommunications operator or postal operator to facilitate the secure and swift disclosure of CD. Many telecommunications operators and postal operators have auditable acquisition systems in place to ensure accurate and timely acquisition of CD, while maintaining security and an audit trail;
- where the data can be acquired directly from a telecommunication system and the activity does not constitute interception or equipment interference; or
- a public authority considers there is a requirement to identify a person to whom a service is provided but the specific telecommunications operator or postal operator has yet to be conclusively determined as the holder of the CD.

An authorisation to give a notice may be appropriate where a telecommunications operator or postal operator is known to be capable of disclosing (and, where necessary, obtaining) the CD

25. THE APPLICATION PROCESS

25.1. From April 2019 the IPA removes the requirement to obtain judicial approval. Applications will only require Independent Authorisation.

25.2. Prior to an Applicant applying for CD, they should contact a SPoC at NAFN who will be in a position to advise them regarding the obtaining and use of CD within their investigation. This will reduce the risk of the Applicant applying for data which they are not able to obtain. It will also assist the Applicant to determine their objectives and apply for the most suitable data for those circumstances.

25.3. The Council will use the automated application process provided by NAFN. This automated service contains the relevant documentation for the Applicant to complete the relevant forms.

25.4. To use the system, Applicants and the DP have to individually register on the NAFN website - www.nafn.gov.uk. A number of departments within the Council have contributed towards the NAFN annual membership fee; therefore an Applicant needs to confirm with their Line Manager that they are allowed to register. Should you have any queries, please contact the Counter Fraud Unit.

25.5. With regard to shared services, the Council on whose behalf the request is being made must be a member of NAFN and the request made via login details for that Council. Applicants and DPs cannot make use of one Council's membership to obtain any information on behalf of another. Login details will be necessary for each Council that an individual is employed by or works on behalf of.

25.6. The online application form, once completed by the Applicant will be forwarded electronically to a SPoC at NAFN who will then perform their responsibilities and if required they will contact the Applicant regarding the contents of the application form. The SPoC at NAFN will obtain confirmation from the nominated DP that they are aware of the application before proceeding.

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- 25.7. The SPoC confirms that the Council is permitted to use the recorded statutory purpose and determines the conduct to satisfy the Council's need (the type of data that is required). If event data is required the SPoC checks the Applicant has recorded a description of the offence(s) and a justification for the seriousness of the offence(s)
- 25.8. The SPoC can return the application to the Council for a re-work if it does not meet the necessary criteria.
- 25.9. Once approved the SPoC refers the application to OCDA for authorisation. OCDA then return the application to NAFN for the SPoC to obtain the authorised data from the CSP.
- 25.10. If the OCDA officer rejects the application it can be returned to the applicant for a re-work.

26. TIME SCALES

- 26.1. A new Operational Prioritisation has been introduced to enable NAFN to convey to OCDA the operational urgency for the acquisition of data and ensure it is appropriately triaged and handled to meet these demands.
- 26.2. Operational Prioritisation is categorised in Priority Levels 1-4 and for each Priority rating there is an expected Service response time.
- 26.3. The Council will generally be submitting requests that are Priority Level 4 – Routine- for which the response should be within 4 working days or 60 working hours.

27. APPLICATION FORM

- 27.1. The Applicant will complete an application form setting out for consideration the necessity and proportionality of a specific requirement for CD.
An application to acquire CD must:
- describe the CD required, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s);
 - specify the purpose for which the data is required, by reference to a statutory purpose under the Act;
 - include a unique reference number;
 - include the name and the office, rank or position held by the person making the application;
 - describe whether the CD relates to a victim, a witness, a complainant, a suspect, next of kin, vulnerable person or other person relevant to the investigation or operation;
 - identify and explain the time scale within which the data is required;
 - explain why the acquisition of that data is considered necessary and proportionate to what is sought to be achieved by acquiring it;
 - present the case for the authorisation in a fair and balanced way. In particular, all reasonable efforts should be made to take account of information which supports or weakens the case for the authorisation;

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- consider and, where appropriate, describe any meaningful collateral intrusion – the extent to which the rights of any individual not under investigation may be infringed and why that intrusion is justified in the circumstances;
- consider and, where appropriate, describe any possible unintended consequences of the application; and
- where data is being sought from a telecommunications operator or postal operator, specify whether the telecommunications operator or postal operator may inform the subject(s) of the fact that an application has been made for their data
- include the operation name (if applicable) to which the application relates;

28. URGENT ORAL AUTHORISATION

28.1. There is no provision within the legislation for the Council to orally provide authority to obtain CD. All requests will be made in writing on the NAFN portal and require authorisation from a DP.

29. ERRORS

- 29.1. There is a requirement to record or in some instances report to IPCO errors that occur when accessing CD. The thorough checking of operating procedures, including the careful preparation and checking of applications, Notices and Authorisations, should reduce the scope for making errors. Attention to detail will be required by all persons involved in the process.
- 29.2. Reporting and recording of errors will draw attention to those aspects of the process of acquisition and disclosure of CD that require further improvement to eliminate errors and the risk of undue interference with any individual's rights. Therefore, the SPoC or other persons involved in the process should bring to the immediate attention of the SRO either a recordable error or a reportable error and the necessary action can then be taken in line with the COP.
- 29.3. Where material is disclosed by a CSP in error, which has no connection or relevance to any investigation or operation undertaken by the public authority receiving it, that material and any copy of it should be destroyed as soon as the report to the Commissioner has been made.
- 29.4. An error can only occur after:
- The granting of an Authorisation and the acquisition of data has been initiated, or
 - Notice has been given and the Notice has been served on a CSP in writing, electronically or orally.
- 29.5. It is important to apply the procedures correctly to reduce the risk of an error occurring. Where any error occurs, a record will be kept.
- 29.6. There are two types of errors:
- Reportable
 - Recordable

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30. REPORTABLE ERROR

- 30.1. Where CD is acquired or disclosed wrongly a report must be made to the IPCO. Such errors can have very significant consequences on an affected individual's rights with details of their private communications being disclosed to a public authority and, in extreme circumstances, being wrongly detained or wrongly accused of a crime as a result of that error.
- 30.2. Examples can include:
- An Authorisation or Notice made for a purpose, or for a type of data which the relevant public authority cannot call upon or seek, under the Act;
 - Human error, such as incorrect transposition of information from an application to an Authorisation or Notice;
 - Disclosure of the wrong data by a CSP when complying with a Notice;
 - Acquisition of the wrong data by a public authority when engaging in conduct specified in an Authorisation;
- 30.3. Any reportable error must be reported to the SRO as soon as it is identified and then a report will be made to the IPCO within five working days. The report must contain the unique reference number of the Notice and details of the error, plus an explanation how the error occurred and indicate whether any unintended collateral intrusion has taken place. It will also provide an indication of the steps that will take place to prevent a reoccurrence. The 'reporting an error by accredited SPoC form' (CD5) should be used for this purpose.
- 30.4. If the report relates to an error made by a CSP, the Authority must still report it. The CSP should also be notified to enable them to investigate the cause.

31. RECORDABLE ERROR

- 31.1. In cases where an error has occurred but is identified by the public authority or the CSP without data being acquired or disclosed wrongly, a record will be maintained by the Council and NAFN of such occurrences. These records must be available for inspection by the IPCO.
- 31.2. The staff involved in the process of acquiring CD must report errors once they have been identified. It will not be acceptable for the error to be ignored.
- 31.3. Examples can include:
- A Notice given, which is impossible for a CSP to comply with and an attempt to impose the requirement has been undertaken by the public authority;
 - Failure to review information already held, for example unnecessarily seeking the acquisition or disclosure of data already acquired or obtained for the same investigation or operation, or data for which the requirement to acquire or obtain it is known to be no longer valid.

32. EXCESS DATA

- 32.1. Where authorised conduct results in the acquisition of excess data, the excess data acquired or disclosed should only be retained by the public authority where appropriate to do so – for example in relation to a criminal investigation.
- 32.2. Where a public authority is bound by the Criminal Procedure and Investigations Act 1996 and the IPA Codes of Practice, there will be a requirement to record and retain

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data which is relevant to a criminal investigation, even if that data was disclosed or acquired beyond the scope of a valid authorisation.

- 32.3. If having reviewed the excess data, it is intended to make use of the excess data in the course of the investigation or operation, an applicant must set out the reason(s) for needing to use that material in an addendum to the application upon which the authorisation or notice was originally granted or given. The SRO (or a person of equivalent grade or authority) will review the data and consider whether it is necessary and proportionate for the excess data to be used in the investigation.
- 32.4. As with all CD, the requirements of relevant data protection legislation and data retention policies should be adhered to in relation to excess data.

33. RECORD KEEPING AND SECURITY OF DATA

- 33.1. All the records and any data obtained must be kept secure and confidential.
- 33.2. The Council must retain copies of all Applications, as a printed copy of the online application submitted via NAFN, and any other associated documentation where copies have been provided by the NAFN SPoC. This will be coordinated by the RIPA Coordinating Officer/DP who also holds copies of applications for surveillance as per the Council's overarching RIPA Policy.
- 33.3. The copy application records must be available for inspection by the IPCO. The IPCO will also be able to obtain copies direct from NAFN.
- 33.4. The SRO will have access to all of these forms as and when required.
- 33.5. The Council must also keep a record of the following:
- Number of applications submitted to the NAFN SPoC;
 - Number of applications submitted to the NAFN SPoC which were referred back to the Applicant for amendment or declined by the SPoC;
 - The reason for any amendments being required or application being declined by the SPoC;
 - The reason for any referrals back or rejections;
 - Whether any part of the application relates to a person who is member of a profession that handles privileged or otherwise confidential information (such as a Medical Doctor, Lawyer, Journalist, MP or Minister of Religion (and if so, which profession));

34. CRIMINAL PROCEDURES AND INVESTIGATIONS ACT 1996 (CPIA)

- 34.1. The Criminal Procedure and Investigations Act 1996 (CPIA) requires that material which is obtained in the course of an investigation and which may be relevant to the investigation must be recorded, retained and revealed to the prosecutor. Therefore, all material relating to the accessing of CD falls under these provisions. If the Applicant is not the Disclosure Officer in the case, they must make the Disclosure Officer aware of all of the material relating to the application and acquisition of the CD.
- 34.2. All material which may be relevant to the investigation must be retained until a decision is taken whether to institute proceedings against a person for an offence and if prosecuted, at least until the accused is acquitted or convicted, or the prosecutor decides not to proceed with the case and in line with the Council's Data Retention Policies.

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34.3. Where the accused is convicted, the data which is relevant must be retained at least for six months from the date of conviction, and where the court imposes a custodial sentence, until the convicted person is released from custody.

34.4. If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction and in line with the Council's Data Retention Policies.

35. DATA PROTECTION ACT 2018 (DPA) AND THE GENERAL DATA PROTECTION REGULATIONS (GDPR)

35.1. CD acquired or obtained under the provisions of the IPA, and all copies, extracts and summaries of it must be handled and stored securely in line with the requirements of data protection legislation and regulations.

35.2. There is no provision in the IPA preventing CSPs from informing individuals about the disclosure of their CD in response to a Subject Access Request. However, a CSP may exercise certain exemptions to the right of subject access. If a CSP receives a Subject Access Request they must carefully consider whether in the particular case, disclosure of the fact of the Notice would be likely to prejudice the prevention or detection of crime.

35.3. Should a request for advice be made from a CSP to the SPoC regarding a disclosure, the SPoC will consult with the Data Protection Officer for the Council and the Applicant if necessary before a decision is made. Each case should be examined on its own merits.

35.4. Equally, these rules will apply should a Subject Access Request be made from an individual where material under this legislation is held by the Council.

35.5. A record will be made of the steps taken in determining whether disclosure of the material would prejudice the apprehension or detection of offenders. This might be useful in the event of the data controller having to respond to enquiries made subsequently by the Information Commissioner and the courts etc.

36. OVERSIGHT

36.1. The IPA provides for an Investigatory Powers Commissioner (IPC) whose remit includes providing comprehensive oversight of the use of the powers contained within the IPA and adherence to the practices and processes in the Code of Practice. They carry out inspections, and for the purposes of Council applications, carry out inspections of NAFN. Should they have any concerns regarding an application they would contact the relevant staff involved at the Council. It is possible that they could also inspect the Council.

36.2. It is important to note that should the Commissioner establish that an individual has been adversely affected by any wilful or reckless failure by any person within a relevant public authority exercising or complying with the powers and duties under the IPA in relation to the acquisition or disclosure of CD, he shall, subject to safeguarding national security, inform the affected individual of the existence of the Tribunal and its role. The Commissioner should disclose sufficient information to the affected individual to enable him or her to effectively engage the Tribunal.

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37. COMPLAINTS

37.1. The Information Commissioner is responsible for the oversight of the security, integrity and destruction of data retained in accordance with the Act. Any concerns about compliance with data protection and related legislation should be passed to the ICO at the following address:

37.2. Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
0303 123 1113
www.ico.org.uk

The Investigatory Powers Tribunal (IPT) has jurisdiction to consider and determine complaints regarding public authority use of investigatory powers, including those covered by the IPA.

The IPT is an independent body made up of members of the judiciary and senior members of the legal profession. Following receipt of a complaint the IPT can undertake its own enquiries and complaints and can demand access to all information necessary. Information regarding the IPT and how to make a complaint can be found at www.ipt-uk.com, or by writing to:

The Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

38. STRATEGY AND POLICY REVIEW

38.1. The Counter Fraud Unit will review and amend this Policy as necessary to ensure that it continues to remain compliant and meets legislative requirements and the vision of the Council.

Responsible Department: Counter Fraud Unit

Date: April 2019

Review frequency as required by legislative changes / every year.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Council Plan Performance Tracker and COVID-19 Recovery Plan Tracker 2020/21 (Quarter 1)
Report of:	Chair of Overview and Scrutiny Committee
Corporate Lead:	Chief Executive
Lead Members:	Lead Member Commercial Transformation
Number of Appendices:	Seven

Executive Summary:

A new Council Plan (2020-24) was approved by Council on 28 January 2020. The approved plan included four existing priorities i.e. finance and resources, economic growth, housing and communities and customer first plus the approval of two new priorities i.e. garden communities and sustainable environment. Supporting the priorities is a set of objectives and actions. Progress in delivering the objectives and actions are reported through a Council Plan Performance Tracker. The tracker is a combined document which also includes a set of key performance indicators. At Overview and Scrutiny Committee on 13 October 2020, consideration was given to the first quarter's performance management information for 2020/21. The observations made by the Committee can be found in Appendix 1. The tracker document can be found at Appendix 2.

Since the approval of the new Council Plan, the Council's response to the COVID-19 pandemic has meant that resources have been prioritised and deployed to support staff, residents, businesses and communities whilst maintaining core service delivery. COVID-19 continues to present the Council with significant challenges and a corporate COVID-19 recovery plan has been established to address those challenges. The plan has been designed around the six priorities of the Council plan. Despite COVID-19 the strategic priorities of the Council remain the same. Similar to the Council plan, the recovery plan has a number of objectives and actions. The recovery plan was approved by Executive Committee on 5 August 2020. A recovery plan tracker has been created to monitor progress in delivering those objectives and actions. The tracker document can be found at Appendix 3.

Given the synergies of the two tracker documents, they are reported together. For example, given that resources have been deployed in response to the pandemic, this will inevitably mean that some of the actions within the Council plan will not have progressed as intended. It could also mean that those actions remain undeliverable as prioritisation is given to actions within the recovery plan.

Key financial information is also reported so Members have a rounded view of overall performance information. Attached is the revenue budget summary statement (Appendix 4), estimated COVID-19 financial impact (Appendix 5), capital monitoring statement (Appendix 6) and the reserves position summary (Appendix 7).

This performance information is reported to the Overview and Scrutiny Committee on a quarterly basis and the outcome is then reported to the Executive Committee by the Chair of the Overview and Scrutiny Committee.

Recommendation:

To scrutinise the performance management information and, where appropriate, require action or response from the Executive Committee.

Reasons for Recommendation:

The Overview and Scrutiny Committee Terms of Reference require it to review and scrutinise the decisions and performance of the Council and its Committees.

Resource Implications:

None directly associated with this report other than to note that a number of actions during quarter one were impacted by the Council's response to COVID-19.

Legal Implications:

None directly associated with this report.

Risk Management Implications:

If delivery of the Council's priorities is not effectively monitored, then the Council cannot identify where it is performing strongly or where improvement in performance is necessary. The impact of COVID-19 has been commented upon in relation to a number of Council plan actions. A separate corporate recovery plan has been developed to assist in risk identification and risk management in relation to COVID-19 and the Council's responsibilities in relation to recovery.

Performance Management Follow-up:

Performance management information is reported to Overview and Scrutiny Committee on a quarterly basis. The outcome of each quarterly review is then reported to Executive Committee.

Environmental Implications:

None directly associated with this report.

1.0 INTRODUCTION/BACKGROUND

- 1.1 A new Council Plan (2020-24) was approved by Council on 28 January 2020. The approved plan included four existing priorities i.e. finance and resources, economic growth, housing and communities and customer first plus the approval of two new priorities i.e. garden communities and sustainable environment. Supporting the priorities is a set of objectives and actions. Progress in delivering the objectives and actions are reported through a Council Plan Performance Tracker. The tracker is a combined document which also includes a set of key performance indicators.
- 1.2 This performance information is reported to Overview and Scrutiny Committee on a quarterly basis. The outcome of this scrutiny review is then reported to the Executive Committee by the Chair of the Overview and Scrutiny Committee. The observations and questions raised on the Council plan tracker and recovery tracker (see below) can be found in Appendix 1. The Council plan performance tracker can be found at Appendix 2.

- 1.3** Since the approval of the new Council Plan, the Council's response to the COVID-19 pandemic has meant that resources have been prioritised and deployed to support staff, residents, businesses and communities whilst maintaining core service delivery. COVID-19 continues to present the Council with significant challenges and a corporate COVID-19 recovery plan has been established to address those challenges. The plan has been designed around the six priorities of the Council plan as despite COVID-19 the strategic priorities of the Council remain the same. Similar to the Council plan, the recovery plan has a number of objectives and actions. The recovery plan was approved by Executive Committee on 5 August 2020. A recovery plan tracker has been created to monitor progress in delivering those objectives and actions and this can be found at Appendix 3.
- 1.4** Given the synergies of the two tracker documents, they are reported together. For example, given that resources have been deployed in response to the pandemic, this will inevitably mean that some of the actions within the Council plan will not have progressed as intended. It could also mean that those actions remain undeliverable as prioritisation is given to actions within the recovery plan.
- 1.5** Key financial information is also reported so Members have a rounded view of overall performance information. Attached is the revenue budget summary statement (Appendix 4), estimated COVID-19 financial impact (Appendix 5), capital monitoring statement (Appendix 6) and the reserves position summary (Appendix 7).

2.0 COUNCIL PLAN PERFORMANCE TRACKER

2.1 The Council Plan (2020-24) has six priorities which contribute to the overall Council Plan vision "*Tewkesbury Borough, a place where a good quality of life is open to all*". The priorities are:

- Finance and resources.
- Economic growth.
- Housing and communities.
- Customer first.
- Garden communities.
- Sustainable environment.

Each of the six priorities is supported by a number of objectives and actions which will focus activity on delivery of the priorities. The tracker has been developed and contains a set of key performance measures to monitor delivery of each Council Plan action. The actions are reviewed and where appropriate refreshed on an annual basis.

2.2 For monitoring the progress of the Council Plan actions, the following symbols are used:

☺ – action progressing well.

☹ – the action has some issues or delay by there is no significant slippage in the delivery of the action.

☹ – significant risk to not achieving the action or there has been significant slippage in the timetable or performance is below target.

Grey – project has not yet commenced.

✓ – action complete or annual target achieved.

For monitoring of key performance indicators, the following symbols are used:

↑ - PI is showing improved performance on previous year.

↔ - PI is on par with previous year performance.

↓ - PI is showing performance is not as good as previous year.

2.3 This report presents the first quarter of the new Council Plan (2020-2024). Key successful activities specific to the Council plan, to bring to Members' attention since the last performance report include:

- The Council now has a £50million commercial property portfolio following the addition of a small industrial park in the West Midlands.
- Tewkesbury High Street has been officially designated as a Heritage Action Zone and a contract has been signed between the Council and Historic England.
- Four Parish Councils will receive neighbourhood funding from Community Infrastructure Levy receipts following developments within their parish areas.
- Garden waste income continues to perform strongly with the budgeted income figure of £945,000 achieved.
- The Supplementary Planning Document (SPD) for West Cheltenham Cyber Park – known as the Golden Valley development SPD was adopted at Council on 28 July 2020.
- Climate change and carbon reduction action plan was approved by Council in July 2020 to reduce waste and emissions across the Council's own estate, assets and activities.
- A virtual public share event took place in relation to the Ashchurch bridge project which will now lead to the submission of the planning application towards the end of quarter two.

It would be remiss not to mention the organisational effort to respond to the COVID-19 pandemic. This is evident through the various commentaries within the tracker and why some actions have yet to be initiated or have not progressed as well as intended. This is exemplified within the table below.

2.4 Even in 'normal' times, due to the complex nature of the actions being delivered, inevitably some may not progress as smoothly or quickly as envisaged. This has obviously been amplified by the response to COVID-19. Actions with either a 😞 or 😊 are highlighted below:

Action	Status and reason for status
<p>Develop a business case to ensure our trade waste service operates more commercially.</p> <p>(Page No. 3 of the Council Plan performance tracker)</p>	<p>😞 The target date has been amended from September 2020 to February 2021. The target date has been amended seven times. A high-level project plan is to be presented to Overview & Scrutiny Committee on 13 October to give assurance the new target date can be achieved.</p>

<p>In-source the management of our homeless property portfolio.</p> <p>(Page No. 3 of the Council Plan performance tracker).</p>	<p>☹️ The ability to manage the properties during the COVID-19 pandemic would have been impacted by demands on Property Services and having to work remotely. The current contract has been extended to 31 March 2021.</p>
<p>Deliver employment land through allocating land in the Joint Core Strategy (JCS) and Tewkesbury Borough Plan (TBP).</p> <p>(Page No. 5 of the Council Plan performance tracker).</p>	<p>☹️ The target date for the JCS draft consultation has been amended from Winter 2020 to Summer 2021. This is to ensure the regulation 18 consultation provides a clear planning strategy supported by robust evidence which includes a Gloucestershire wide economic needs assessment. The target date has been amended twice previously.</p>
<p>Work with partners to undertake the required reviews of the JCS.</p> <p>(Page No. 11 of the Council Plan performance tracker).</p>	<p>☹️ The target date for the JCS draft consultation has been amended from Winter 2020 to Summer 2021. This is to ensure the regulation 18 consultation provides a clear planning strategy supported by robust evidence which includes a Gloucestershire wide economic needs assessment. The target date has been amended twice previously.</p>
<p>Develop a work programme with landlords to ensure residents have a supply of rented properties to meet their needs.</p> <p>(Page No. 12 of the Council Plan performance tracker).</p>	<p>☹️ Due to Covid-19 restrictions work with private landlords was limited during lockdown which impacted on building relationships due to not having face to face contact. The team have continued to engage with landlords and agents through surveys. Target date has been amended from November 2020 to January 2021. The target date has been amended five times previously.</p>
<p>Carry out housing needs assessments to deliver affordable housing in rural areas.</p> <p>(Page No. 13 of the Council Plan performance tracker).</p>	<p>☹️ The first round of surveys was due for completion in Spring 2020. Due to the impact of Covid-19 this was delayed. A new revised target date has been established which included the overall completion of the need's assessments throughout the borough. The date has been amended from March 2020 (first phase) to March 2023 (overall completion). Target date has been amended once previously.</p>

<p>Ensure adequate land is allocated within the JCS and Tewkesbury Borough Plan to meet housing need.</p> <p>(Page No. 13 of the Council Plan performance tracker).</p>	<p>☹️ The target date for the JCS draft consultation has been amended from Winter 2020 to Summer 2021. This is to ensure the regulation 18 consultation provides a clear planning strategy supported by robust evidence. The target date has been amended twice previously.</p>
<p>Deliver the Council's Communication Strategy.</p> <p>(Page No. 23 of the Council Plan performance tracker).</p>	<p>☺️ Whilst elements of the Communications Strategy action plan have been delivered, communications resources has been significantly involved in responding to Covid-19. As a result, new reactive actions were implemented.</p>

2.5 Some actions of the Council plan have been affected or put on hold in order for staff resources to focus on responding to new central government measures and guidance as a result of COVID-19. The greyed actions within the Council Plan affected as a result are as follows:

<p>Introducing and complying with CIPFA's new Financial Management Code</p> <p>(Page No. 1 of the Council Plan performance tracker).</p>	<p>Project is on hold until the next financial year or until resources becomes available.</p>
<p>Update the Council's asset management plan.</p> <p>(Page No. 2 of the Council Plan performance tracker).</p>	<p>Project is on hold until the next financial year.</p>
<p>Approve a new planned maintenance programme.</p> <p>(Page No. 2 of the Council Plan performance tracker).</p>	<p>Project is on hold until the next financial year.</p>
<p>Work with the Local Enterprise Partnership (LEP) and other partners to deliver the Local Industrial Strategy (LIS).</p> <p>(Page No. 5 of the Council Plan performance tracker).</p>	<p>LEP are awaiting guidance from Business, Energy and Industrial Strategy (BEIS) on the next steps and timescales. Until this has been received no further updates can be provided.</p>
<p>Bring forward plans for the redevelopment of Spring Gardens.</p> <p>(Page No. 8 of the Council Plan performance tracker).</p>	<p>Whilst work is being carried out and a draft report is expected in Q2 by the consultants. Internal officer capacity has been redeployed to other requirements.</p>
<p>Celebrate with partners the significance of 2021 for Tewkesbury.</p> <p>(Page No. 9 of the Council Plan performance tracker).</p>	<p>Celebratory plans are currently on hold, subject to COVID-19 restrictions.</p>

<p>Deliver the planning service improvement plan.</p> <p>(Page No. 23 of the Council Plan performance tracker).</p>	<p>Priorities of the planning service improvement plan have been put on hold and resources focused on adapting systems and implementing new temporary processes.</p>
<p>Establish a new business transformation team to support service improvements.</p> <p>(Page No. 24 of the Council Plan performance tracker).</p>	<p>It was anticipated to have a new team up and running in April key Members were re-deployed to supporting other services in the response to COVID-19. This action is now reported through the recovery performance tracker and was achieved in September 2020.</p>
<p>Review and update our plans in relation to environmental sustainability and carbon management, taking account of the latest evidence and national policy.</p> <p>(Page No. 32 of the Council Plan performance tracker).</p>	<p>A detailed review has not yet commenced due to pressures arising within the service due to COVID-19.</p>

3.0 COUNCIL PLAN KEY PERFORMANCE INDICATORS (KPIs)

3.1 The set of Key Performance Indicators (KPIs) are a combination of contextual indicators and target related indicators. The set of KPIs must remain flexible to ensure they meet our needs. The data reported is the position at end of June 2020. Four new KPI's (KPI 15- KPI 18) have been added, as requested by Overview and Scrutiny Committee, relating to Planning enforcement and the timescales of handling enforcement cases. Crime related indicators have been removed, again this was at the request of the Committee.

3.2 Of the **21** indicators with targets, their status as at the end of quarter one for 2020/ 21 is:

☺ (on target)	☹ (below target but confident annual target will be achieved)	☹ (below target and target unlikely to be achieved)	Data not available
9	0	9	3

In terms of the direction of travel i.e. performance compared to last year, for all indicators the status is:

↑ (better performance than last year)	↓ (not as good as last year)	↔ (on par with previous year performance)	Data not available
11	7	0	3

3.3

KPI's where the direction of travel is down and/ or KPI is either a ☹️ or 😊 are highlighted below:

KPI No.	KPI description	Reason for ☹️ or 😊
12	Percentage of 'major' applications determined within 13 weeks or alternative period agreed with the applicant. (Page No. 19 of the Council Plan performance tracker)	☹️ The figure for Q1 did not meet the target for 2020/21 of 85%. Six major decision were issued of which five were issued within the target timescale. Whilst lower than the local target the Q1 figure is still higher than the national target of 60%.
14	Percentage of 'other' applications determined within 8 weeks or alternative period agreed with the applicant. (Page No. 20 of the Council Plan performance tracker)	☹️ 102 of 115 decisions were made within agreed timescales. This equates to performance of 88.70%, just below the local target of 90% but considerably above the national target of 70%.
16	Enforcement - Investigate category B cases within 5 working days (development causing, or likely to cause, irreparable harm or damage). (Page No. 21 of the Council Plan performance tracker)	☹️ Six Category B cases received and five were investigated within the 5 working days resulting in 83.33% performance, this is slightly lower than the 90% local target.
17	Investigate category C cases within 10 working days (risk of material harm to the environment or undue harm to residential amenity). (Page No. 21 of the Council Plan performance tracker)	↓☹️ 28 category C cases were received, 50% of these were handled within the target timeframe. Movement restrictions due to Covid-19 impacted the ability of officers being able to undertake the necessary site visits. This had an impact on meeting the target of 80% and also seen a lower performance compared to the outturn last year of 66.10%
18	Investigate category D cases within 15 working days (breaches causing limited material disturbance to local residents or to the environment). (Page No. 21 of the Council Plan performance tracker)	↓☹️ During Q1 8 category C cases were received, 50% of these were handled within the target timeframe. Movement restrictions due to Covid-19 impacted the ability of officers being able to undertake the necessary site visits. This had an impact on meeting the target of 70% and also seen a lower performance compared to the outturn last year of 76.92%

25	Average number of days to process change in circumstances. (Page No. 27 of the Council Plan performance tracker)	↓ Whilst performance for Q1, 3 days, is on par with the target for 2020/21 and the national average of 3 days. It is slightly lower than the outturn for last year of 2 days.
26	Percentage of council tax collected. (Page No. 27 of the Council Plan performance tracker)	↓ 😞 During Q1 the council tax collection performance has been significantly affected by the Covid-19 pandemic and the decision not to take any formal recovery action for unpaid council tax. Resulting in 29.5% collected.
32	Number of reported enviro crimes. (Page No. 35 of the Council Plan performance tracker).	↓ 😞 419 enviro crimes were reported in Q1. If enviro crimes maintain at this level the target of 1000 will not be met and will also not meet last year's outturn of 1,271. There has been an increase in the number of fly tipping and noise complaints during Q1.
33	Percentage of waste recycled or composted. (Page No. 35 of the Council Plan performance tracker).	↓ 😞 Performance for Q1 was 49.22%. This was below last year's outturn of 51.47% and the target of 52%. This has been due to an increase in all waste streams as households were to stay home during lockdown, an increase of recyclable material in the residual waste and garden waste collections being suspended for a month.
34	Residual household waste collected per property in Kgs. (Page No. 36 of performance tracker)	↓ 😞 The residual household waste collection increased in kgs during Q1 to 119kg, as a result of the lockdown. If levels maintain at this, the target of 430kg will not be met and will be more than last year's outturn of 414kg.

New KPI's or areas where key indicators are performing particularly well, include:

- KPI 13: 93.55% of 'minor' planning applications were determined within 8 weeks or agreed alternative timescale. This is an improvement from last quarter and is above the local target of 80%.
- KPI 24: It is taking an average of 8 days to process new benefit claims, this remains below the national average of 17 days.
- KPI 28: There has been a dramatic reduction to the average number of sick days per full time equivalent when compared against last year's Q1 figure from 3.7days to 2.09 days.
- KPI 29: 806 registered food premises within the borough. Of these only 24 are below a food hygiene rating of 3.

- KPI 30: 91% of Freedom of information requests received during Q1 were answered within the 20-working day timescale, this is above the 80% target.
- KPI 31: 33 formal complaints were received of which only one was answered outside of the timescale resulting in 97% answered in time; this is an improvement compared to the outturn of 2019/20 of 86%.

4.0 COVID-19 CORPORATE RECOVERY TRACKER

4.1 For monitoring the progress of the corporate recovery plan actions and for consistency, the same symbols as the Council plan tracker are used:

😊 – action progressing well.

😐 – the action has some issues or delay by there is no significant slippage in the delivery of the action.

😞 – significant risk to not achieving the action or there has been significant slippage in the timetable or performance is below target.

Grey – project has not yet commenced.

4.2 Key activities to bring to Members' attention include:

- Health and safety signage and social distance measures were installed within the High Streets.
- 40 staff can be present in the office each day, as a result of social distancing measures being put in place within the office. This will be monitored, and changes will be made to the operation as and when guidance changes.
- Weekly meetings take place with Places Leisure to monitor the Tewkesbury Leisure Centre recovery plan.
- Business survey work and the tourism review are underway, this will feed into the Economic Development and Tourism Strategy and will also reflect the changing needs of businesses as a result of COVID-19.
- Environmental Health have monitored and provided advice to businesses throughout the pandemic. 3044 businesses were checked for compliance to remain closed during lockdown in Q1. As a result, three Fixed Penalty Notices were issued, and 20 businesses was issued warnings.
- The Growth Hub provided 20 online webinar workshops and one to one sessions, supporting 56 businesses. Along with, developing 47 COVID-19 specific growth plans with local businesses providing support and advice of funding opportunities.
- Business Transformation team is set up and running with a number of projects such as a new digital platform, bulky waste, website review and revenues e-billing.
- The procurement on the Mixed Recycling Facility (MRF) has commenced with a healthy response from the market. A confidential report is programmed for Executive Committee in November.

5.0 FINANCIAL SUMMARY - REVENUE POSITION

5.1 The financial budget summary for Q1 shows a (£444,218) deficit against the profiled budget. The deficit stated is prior to any government support grant being applied.

This position is very much in line with expectations of financial performance during the coronavirus lockdown. The Council is very much aware of the additional costs and reduced income caused by coronavirus in the first quarter, but this report now brings into focus the core operational activities of the Council during the period and highlights some of the savings made which reduces the overall deficit to the Council.

The largest area of saving in the first quarter is within employees and sees a saving of £229,034 against budget. This is very significant against a single quarter budget and highlights the number of staff vacancies that the Council has needed to manage during the period of responding to coronavirus as well as trying to provide a normal level of activity in core services.

5.2 Below is a summary of the expenditure position for the Council, split out between the main expenditure types.

Services expenditure	Total Budget	Budget	Actual	Variance
	£	£	£	£
Employees	10,673,188	2,293,542	2,064,508	229,034
Premises	614,421	301,848	293,552	8,296
Transport	86,630	17,294	8,848	8,446
Supplies & Services	1,991,814	406,815	399,686	7,129
Payments to Third Parties	5,870,076	291,649	317,107	(25,458)
Transfer Payments	12,449,021	0	(22,000)	22,000
COVID-19 Costs	0	0	284,925	(284,925)
Income	(19,968,839)	(2,378,455)	(1,972,563)	(405,892)
	11,716,311	932,693	1,374,062	(441,369)
Corporate Codes				
Interest Received	(501,300)	(125,325)	(179,172)	53,847
Interest Costs	513,000	128,250	182,742	(54,492)
Investment Properties	(2,713,904)	(860,854)	(858,650)	(2,204)
Corporate Savings Targets	(57,500)	0	0	0
RSG and other grant funding	(36,936)	0	0	0
New Homes Bonus	(3,762,756)	(818,350)	(818,350)	0
Business rates	(2,585,070)	0	0	0
	2,571,845	(743,586)	(299,367)	(444,218)

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

Covid-19 support received from government	Allocation
Funding to support spending pressures	£1,119,175

5.3 Expenditure on providing services

The budget position in relation to service expenditure shows an overall budget deficit of (£441,369).

Employee Costs – surplus of £229,034

These savings are being generated through staff vacancies, across all services. Corporate Services are generating £59,000 of savings, Development Services £58,000 and One Legal £38,000. An impact of COVID-19 was to delay recruitment from the end of March, which may have left a greater number of posts open than normal, however recruitment processes are operating again with three Development Services posts filled in July and successful recruitment to some of the vacant One Legal posts.

Payments to Third Parties – deficit of (£25,458)

Most of this deficit against budget falls within Community Services.

There has been an ongoing issue regarding the reprocessing of paper and the amount of residual waste from glass at the MRF depot operated by Suez. This has resulted in an increased cost to the Council. We are working with the contractor to ensure that the financial impact is controlled but it is recognised that we are going to see higher costs for the year than budgeted.

Ubico is in a cost neutral position at the end of the first quarter. Savings have arisen against the budgeted cost of pensions as a result of the revaluation of the Gloucestershire Local Government Pension Scheme. These savings are being offset by additional expenditure on the corporate core of Ubico, an issue first raised in the quarter three report last year, and an expected increase in vehicle repair costs against budget.

COVID-19 Costs – deficit of (£284,925)

The Council has separately identified where we have incurred costs as a direct response to the COVID-19 pandemic (this does not include commitments made in the first quarter which have yet to be paid). The aim of identifying these costs is to demonstrate to central government the impact on our revenue position and that without additional financial support these costs would have a significant impact on the reserves held by the Council. The areas that have been identified are:

- 1) The Council has a contractual requirement with Places Leisure to provide revenue support to cover the costs of operating the leisure centre as a result of the change in law which brought about operating restrictions. The contract requires that on a month by month basis the Council will pay the difference between unavoidable costs and revenue, so that a break-even position is maintained for the operator. Within the first quarter this has resulted in a cost to the council of £127,000. This is an ongoing support agreement until the leisure centre is able to return to normal operating capacity. It is anticipated that the Council will be required to cover the funding shortfall until April 2021 at which point it is hoped to move to a cost neutral position.
- 2) The Council has purchased 115 laptops to ensure that staff have been able to work from home. As there was a plan to move some staff onto laptops during the year, £40,000 of cost have been paid for from capital reserves. The remaining purchase cost and the additional agency resource required to help build laptops for staff resulted in an additional £60,000 cost.

- 3) Ubico have been recording the additional costs they have incurred as they respond to the COVID-19 pandemic as they have continued to provide services, whilst ensuring that staff are protected. They incurred additional costs of agency workers, seconded staff and hire of vehicles to deliver additional rounds as the service could not be delivered safely as per normal operating conditions. The purchase of personal protective equipment was a priority to ensure teams could work together on rounds. At the end of Q1 Ubico had reported an additional £35,000 of expenditure.
- 4) Across all areas of the Council there has been a significant increase in demand on services particularly supporting vulnerable people in the borough whether that is residents who were shielding, those finding themselves homeless and those that are facing unemployment and requiring financial support. There was also a significant effort required to support businesses particularly delivering central government's business grants schemes. The council has had additional costs from providing staff with unsociable hours payments and paying overtime claims in the region of £25,000.

Income – deficit of (£405,892)

The deficit on income has currently been attributed to the COVID-19 pandemic, and has resulted in:

- 1) £153,000 down on the forecast for planning income in Q1, covering planning fees, land charges and preplanning application fees. It is not clear what impact that COVID-19 has had on the level of planning applications expected in 2020/21. Development services are reviewing forecasts for the year, particularly in regard to large applications which are expected and generate significant fees.
- 2) £148,000 of lost income from car parks as all charges were suspended during the lockdown period.
- 3) £24,000 of lost income from rental income as some businesses were closed during the lockdown period.
- 4) £41,000 lost income on trade waste during the first quarter of the year as a significant number of our customers businesses were closed and their accounts were suspended during the lockdown period.
- 5) £31,000 budget deficit on licencing particularly around lost renewals on vehicle and taxi licences and also premises licences.
- 6) £14,000 fall in revenue on garden waste renewals, although this is attributed to people deciding not to renew at the end of March when the service was suspended for a short period. It is expected that the revenue income will recover as the service is resumed. As Ubico collected all backlog of materials from customers the Council has not provided a refund for the suspended service.
- 7) £12,000 budget deficit on the recovery of housing benefit overpayments and as the Courts have been closed there has been no revenue from Council Tax Summons.
- 8) £14,000 budget deficit on One Legal fees, as third party clients focus has been on response to the pandemic rather than day to day business requiring legal support.

There is a revised budget being produced during Q2 which will review all income streams and the impact that lockdown and subsequent easing has had on them. This will provide a projection to the year end of the income the Council believes it will be able to recover.

- 5.4** Attached at Appendix 4 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.

5.5 Corporate codes

The corporate codes include the other sources of financing which are needed to balance the budget.

Our commercial investment portfolio is currently showing as being on budget. We have negotiated two income deferral schemes where clients are managing cash flows by deferring the payment of the rental income due to a later date. However, we still account for the income in the period that it is due.

Treasury Management is showing a significant increase in interest received, due to the large amount of cash that the government has provided to support Councils liquidity and also whilst we hold balances of grants due to businesses. These monies are invested before they are required to be spent and the large increase in balances available for investment has led to increased interest income despite the fall in market rates.

Interest costs on borrowing are over budget at the end of the first quarter as a result of the decision to undertake liquidity borrowing of £15 million in late March. This decision was taken prior to the announcement of government business grants and the deferral of business rates payments to the government and was made to ensure we could meet our creditor requirements during the early days of the pandemic. The additional borrowing undertaken has now been repaid but the Council will keep under review its liquidity and will look to take out further borrowing if it is deemed necessary.

At the end of Q1 we are showing a cost neutral position on business rates. There is no doubt that COVID-19 has impacted on businesses and we would expect a number of businesses to cease trading in the coming months which will impact on future years estimates of retained business income rather than an impact in the current year. The government has also provided over £10 million in business rates relief to the retail, hospitality and leisure sectors meaning that the Council is insulated from business failings in these sectors this year.

5.6 Government Support

The government has allocated £1,119,175 of un-ringfenced additional funding in 2020/21 to support the Council's spending pressures. This has not been directly allocated to individual service areas but will be kept as additional general funding to support the overall budget of the Council.

The government is also providing revenue contributions to cover lost income, which will also help improve the revenue position. The announcement was that the government will reimburse authorities for 75% of income losses relating to sales, fees and charges occurring in 2020-21 as a result of COVID-19. Authorities will be responsible for losses up to a 5% threshold. Whilst we are working through the implications of this announcement, it should cover some of the budget deficits identified on income above.

The Council is producing a revised budget, taking into account government support provided, and will monitor the budget impact over the remainder of the year and report back to Members through the quarterly monitoring reports.

5.7 COVID-19 Business Grants

COVID-19 Business Grants Scheme	Allocation	Spent	Balance remaining
COVID-19 Business Grants	17,670,000	16,960,000	710,00
Discretionary Business Grants	883,000	882,980	20
	18,553,000	17,842,980	710,020

As part of the government's response to the COVID-19 pandemic, a number of grants were made available for business to claim. The government asked local government bodies to administer the distribution of grants.

Tewkesbury Borough Council has been allocated a total of £18,553,000 to distribute to businesses, of which we have now paid a total of £17,842,980. Whilst the Council aims to distribute as much of the allocated funds to businesses as possible within the parameters of the scheme defined by government, it is likely that there will be a balance remaining at the closure of the scheme. Confirmation has recently been received from the government informing us that all schemes are to close on the 28 August and any balances need to be returned to central government. On their closing, the Council will need to move into the next phase of the schemes which will involve the post payment assurance checks required by government. Whilst Tewkesbury put in place many checks pre-payment there still remains a significant workload to meet all of the requirements. Government have paid a new burdens grant of £130,000 to the Council to cover the costs of the administration of the business grants schemes.

5.8 Updated Coronavirus impact forecast

The previous paragraphs in this section have dealt with the actual position of the Council in the first quarter of the year, but it is important to recognise the ongoing full year cost of coronavirus. To support this, a statement of estimated additional cost and lost income as a result of the pandemic is attached at Appendix 5. Its format is the same as an earlier statement presented to Executive Committee in June. It is important to note that it is not, at this stage, a full budget forecast merely a focus on the areas that will be distorted by the impact of coronavirus.

The forecast presented in June highlighted a likely full year cost of £2.8 million including £0.5 million allocated towards recovery. Since that point the forecast has increased to £3.1 million in early July as more cost pressure was highlighted but has since fallen back to a latest estimate of £3.047 million as some income streams are recovering faster than anticipated. It is hoped that as the year progresses some of the expenditure forecasts can be reduced and the income streams continue to see increased speed of recovery.

As previously highlighted, the government have to date provided £1.119 million of financial support to us plus an additional £130,000 of new burdens support to the business grants scheme. This currently leaves a balance to be met by the Council of £1.797 million. The income support scheme, once final scheme details have been announced, will then provide additional benefit and reduce the burden on the Council.

As yet, there is still no confirmation of any further support to help deal with the impact of taxation losses in future years other than the ability to now spread the deficits over three years. In addition, the Spending Review has only just begun with the outputs not likely to be known until the Autumn. It is therefore unclear what level of deficit the Council is likely to face in future years although work has begun on the MTFS to try to forecast this.

6.0 CAPITAL BUDGET POSITION

6.1 Appendix 6 shows the capital budget position as at Q1. This is currently showing an underspend against the profiled budget of £4,615.

6.2 The capital programme for the year has an approved budget of £16.7 million to secure commercial investment properties. The acquisition of one property has been completed in quarter one and the deposit on a second acquisition has been paid, with the expected completion of the sale to occur in October 2020. The purchases have passed the Council's due diligence processes and are in line with the budget allocated.

6.3 The capital replacement programme assumed that we would purchase a number of laptops in the current year, to replace older equipment. The impact of COVID-19 has meant laptops were purchased for all staff to enable them to work from home. We have allocated some of those laptop purchases against the available capital budget.

7.0 RESERVES POSITION

7.1 Appendix 7 provides a summary of the current usage of available reserves.

7.2 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.

7.3 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.

8.0 OTHER OPTIONS CONSIDERED

8.1 None.

9.0 CONSULTATION

9.1 None.

10.0 RELEVANT COUNCIL POLICIES/STRATEGIES

10.1 Council Plan 2020-24.
Covid-19 Corporate Recovery Plan 2020.

11.0 RELEVANT GOVERNMENT POLICIES

11.1 None directly.

12.0 RESOURCE IMPLICATIONS (Human/Property)

12.1 None directly.

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

13.1 Linked to individual Council Plan and COVID-19 Corporate Recovery Plan actions.

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

14.1 Linked to individual Council Plan and COVID-19 Corporate Recovery Plan actions.

15.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

15.1 Council Plan 2020-24 approved by Council 28 January 2020.

Covid-19 Corporate Recovery Plan 2020 approved by Executive Committee 8 August 2020.

Background Papers: None

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Appendices:

1- Overview and Scrutiny Committee review.

2 – Council Plan Performance Tracker Qtr 1 2020/21.

3 – Covid-19 Corporate Recovery Plan performance tracker 2020/21.

4 - Revenue Budget.

5- Estimated Covid-19 financial impact.

6 - Capital Budget.

7- Reserves.

Questions raised by Overview and Scrutiny Committee at meeting held on 13 October 2020	
Council Plan	
Questions raised by Overview and Scrutiny	Response from officers
Performance tracker- priority: Finance and Resources	
P81 - Objective 3 - Action c) Review property portfolio to ensure ongoing benefits to our communities - a Member questioned whether the pandemic had created any problems for the Council's business tenants in terms of being able to meet their financial liabilities and whether there had been any indication of future problems.	The Head of Finance and Asset Management indicated that so far, the Council's commercial portfolio was holding up well and none of the tenants had reported any problems. A partial deferment of rent had been agreed with one tenant, but this had now ended, and full rent was being paid. Everything seemed to be going well for the businesses with some experiencing a business boom; one business specialising in homebrew, gin and other alcohol products had seen a significant increase in demand.
Performance Tracker – Priority: Housing and Communities	
P92 – Objective 1 – Action d) Carry out housing needs assessments to deliver affordable housing in rural areas - a Member asked what the significance was of moving the date three years, from March 2020 to March 2023, as opposed to a one or two year slippage. He queried whether the work involved was so significant that a three-year delay could be justified.	The Head of Community Services explained that a realistic view had been taken as there was quite a lot of work to be done across the Borough and particularly in the smaller Parishes. The Gloucestershire Rural Partnership was used to assist with this work and therefore he was assuming that the estimated timescale had been provided by that organisation. However, he indicated that he would clarify this and advise the Member accordingly outside of the meeting. The Chair asked that the information be provided to Democratic Services so that all Members of the Committee could receive it.
P92 – Objective 2 – Action a) Ensure adequate land is allocated within the JCS and Tewkesbury Borough Plan to meet housing need - a Member referred to the Government White Paper on Planning reforms which could result in a total change to the current system. He reminded Members that currently the JCS was looking to allocate and cover the needs of Cheltenham and Gloucester. However, the	The Head of Development Services indicated that, as the Member had pointed out, the JCS review and the inter-relationship with the White Paper was fundamental to the Council. As Members were also aware, the JCS was a key planning document for the Council as it would shape the growth of the Borough in terms of spatial housing and employment distribution. She explained that currently there was a slight delay to the timetable for

White Paper basically abolished the duty to co-operate and as a result of the Council having more land it would get a higher allocation. He questioned if the proposals started to progress through Parliament, whether it would be possible to delay the JCS without any further implications on the Council. Alternatively, he asked whether there was any way to change the allocations to be included as part of Tewkesbury's quota rather than that of Cheltenham and Gloucester as Tewkesbury would still need to find land for increased amounts of housing.

the JCS as there were a number of technical studies that needed to be undertaken to ensure there was a robust evidence base and it was also necessary to review some of the existing evidence in view of COVID-19 particularly relating to employment and how to progress an economic strategy. Work on the JCS would not be stopped because of the White Paper as the evidence work still needed to be undertaken; whatever the eventual outcome on the reforms, this work was still necessary to inform the Council going forward. The Head of Development Services stressed that, even if the duty to co-operate was abolished as proposed by the Government, it did not mean that the Council could stop working with its neighbours as this was actively encouraged to assess the spatial distribution of housing and employment. The message was still very much that Councils must work together and look at wider geographical areas and cross-boundary. Obviously it was necessary to await the outcome of the consultation on the White Paper so Officers would be twin tracking the work undertaken so the Council would be in a position to move forward under the new system, whatever that maybe, should that prove to be appropriate dependant on timescales. However, for the time being it was felt that the work being undertaken would be beneficial under both systems with reviews being undertaken at certain key milestones to assess the best way to move forward. The response given prompted the Member to request that the Council, as part of the review, did not agree to meet the housing allocations of other Authorities as the White Paper proposed reducing the numbers where authorities had no land to build on and increased the housing numbers for areas like Tewkesbury that had land available for development. He agreed that the evidence-based work needed to be done but was keen to ensure the Council controlled the allocation of housing and particularly to which authorities it was being allocated whilst the White Paper progressed. He was of the view that, if this was not possible, the review should be delayed. The Head of Development Services indicated that the Council's response to the White Paper, along with many other authorities, strongly objected to the proposed algorithm to be

	<p>used to determine housing numbers as it resulted in a disproportionate amount of housing being allocated to rural authorities like Tewkesbury and it was hoped in the light of the strong representations being made across the country that the Government would revise the algorithm accordingly. In terms of when the distribution of housing was assessed as part of the JCS review, the Head of Development Services indicated that this was not something that needed to be done now it would be part of the process once the housing numbers that the Council needed to deliver were known. The Chief Executive stressed that this was only a consultation document and the Government was already indicating that changes may be made particularly in relation to the algorithm and whilst the duty to co-operate may be abolished he was of the view that something would be put in its place as all of the messages currently coming from Government were that authorities should work in partnership in relation to planning and other services.</p>
<p>P94 - Objective 2 – Action c) Annually monitor the delivery of homes within the Borough - a Member referred to the commentary which indicated that the Council was in the process of updating its five-year housing land supply calculation and it was the intention to publish this document on the Council’s website by the end of October. She questioned whether Members would be informed when the document was ready to be published and if the content would be self-explanatory.</p>	<p>The Head of Development Services indicated that she was unaware of what the Council’s previous policy was on this but she stated that, as soon as the document was published, she would ensure all Members received an email advising of publication with a link to the document on the Council’s website. In terms of ensuring that the information in the document was clear, she indicated that she hoped that this would be the case but would review it prior to publication to be absolutely sure.</p>
<p>Performance Tracker – Priority: Customer first</p>	
<p>P107 – KPI 26 – Percentage of Council tax collected - a Member referred to the fact that Council Tax collection performance had been significantly affected by COVID-19 and, as a consequence, a reduced figure of only 29.5% had been collected during the first quarter. He maintained that it would have been useful if the percentage figure that was normally collected had been included for comparison purposes and he requested to be provided with this figure.</p>	<p>The Head of Corporate Services indicated that the collection rate was 0.5% below the target which was in line with what was normally collected.</p>

<p>P.107 – KPI 28 – Average No. of sick days per full-time equivalent - a Member stated that, whilst obviously it was good news that there had been a dramatic reduction in the number of sick days compared with last year, he wondered what the reasons for this were.</p>	<p>In terms of the reduction in sickness, the Head of Corporate Services stated that whilst there had been a reduction in long term sickness the reduction in short term sickness had been quite significant which it was felt could be partly attributed to working from home. With many officers not working in the office they were less susceptible to minor ailments such as colds and stomach bugs. Also it could be that officers who were feeling unwell felt that they could continue to work within the comfort of their own home which may not have been the case if they had to come into the Council Offices. Clearly this would need to be closely monitored as, if they were really unwell, they should be refraining from work and concentrating on recovery and wellbeing which was very important to the management team. He indicated that HR had done a lot of work around health and wellbeing during the pandemic and that could also have contributed to the reduction in sick days. The HR Manager indicated that this was a pattern being seen across other organisations as well where sickness levels had dropped. Whilst this was good news for the Council, work had been ongoing to ensure that staff kept well, and the levels of sickness could be maintained once the pandemic was over. She advised Members of the work that HR had been undertaking which included training on effective remote working, managing difficult telephone calls, mental health training and wellbeing sessions covering issues such as sleep and managing finances. In addition, the Council was paying people to have flu jabs by reimbursing the cost and the sickness process was being proactively managed to ensure good practice was being followed. A Member commented that these figures provided a good argument for some level of home working to continue once the pandemic was over.</p>
<p>Performance Tracker – Priority: Sustainable environment</p>	
<p>P.115- KPI 33 – Percentage of Waste Recycled or composted and P116 – KPI 34 – Residual Household Waste collected per property in KGs – a Member drew attention to the fact that the percentage of recycled waste had gone down and the residual waste had increased. He maintained that the residents of Tewkesbury Borough were normally very</p>	<p>The Head of Community Services explained that the Borough residents were normally very good at recycling but during lockdown there was a massive increase in waste and, by the nature of people storing more waste, they had simply disposed of it in the nearest receptacle without thought as to whether that was the appropriate disposal method. There was also an increase in contamination of</p>

diligent when it came to recycling yet it appeared that during the first part of the pandemic they wasted more and recycled less. He enquired whether there was any known reason for this to have occurred.

recycled waste as Members may recall that initially during lockdown there was a tendency for people to start clearing out garages, lofts etc. and this led to some rather unusual items appearing in the recycling receptacles which people may have thought could be recycled but obviously could not; going forward extra education campaigns would be put in place. In addition, there was a lot of stockpiling of food when the pandemic first started which then ended up in the food waste bin or the normal bin. Another factor to be considered was the closure of the household recycling centres. Taking all this together, the Head of Community Services did not think it was surprising that the overall result was an increase in waste and an increase in contamination of recycled waste. The other side of this matter was the reduction in the recycling market which resulted in the need for quality recycling in areas such as paper and this had resulted in loads being rejected which then counted towards the Council's waste figure and not its recycling figure. A Member enquired whether it was possible to process waste more efficiently to ensure that it was not contaminated rather than having it refused at the Materials Recycling Facility (MRF). The Head of Community Services indicated that a number of checks were carried out to identify contamination both at the point at which the recycled waste was collected and when it was stored prior to transit to the MRF; any obvious contamination was removed provided it was practical and safe to do so. Nevertheless, when 20 tonnes of waste was being transported it was inevitable that things would slip through the net on occasions. The crews were very good at putting stickers on bins and not collecting recycled material that was obviously contaminated and, as he had previously indicated, education campaigns were taking place but with everyone producing more waste, and the market for recycled goods currently in decline, there was little more that could be done.

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Council Plan tracker actions/ KPI progress key:		KPI direction of travel key:	
☺	Action progressing well/ PI on or above target	↑	PI is showing improved performance on previous year
☹	Action has some issues/ delay but not significant slippage/ PI below target but likely to achieve end of year target	↔	PI is on par with previous year performance
☹	Significant risk to not achieving the action or there has been significant slippage in the timetable, or performance is below target/ PI significantly below target and unlikely to achieve target	↓	PI is showing performance is not as good as previous year
	Project has not yet commenced/ date not available or required to report		
✓	Tracker action is complete or annual target achieved		

PRIORITY: FINANCE AND RESOURCES

Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 1. To ensure the council remains financially secure in the long term.				
a) Introducing and complying with CIPFA's new Financial Management Code.	Target date: to be confirmed.	Head of Finance & Asset Management Lead Member for Finance and Asset Management		Project on hold until the next financial year or until resource becomes available to support it. The majority of the code's requirements are already standard practice within the council.
b) To maximise the return and balance the risk of our treasury investments.	Target date: March 2021	Head of Finance & Asset Management Lead Member for Finance and Asset Management	☺	£5m invested in pooled funds at the start of the calendar year. Income returns hold up well but capital values have fallen through coronavirus impact. Returns from general investments have fallen as interest rates have been cut with Q1 outturn forecasting a small deficit on interest budgets.

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PRIORITY: FINANCE AND RESOURCES				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 2. Maintain a low council tax.				
a) Produce a Medium-Term Financial Strategy, which ensures that council tax remains low for our residents.	Target date: January 2021	Head of Finance & Asset Management Lead Member for Finance and Asset Management	☺	Initial draft of the Medium-Term Financial Strategy (MTFS) is underway. This action will be monitored through the corporate Covid-19 recovery plan performance tracker. (Finance and resources- rebuild- action a).
Objective 3. Maintain our assets to maximise financial returns.				
a) Update the council's asset management plan.	Target date: to be confirmed.	Head of Finance & Asset Management Lead Member for Finance and Asset Management		No resource available to undertake the task in the current year. The current Asset Management Plan (AMP) will be rolled over for a further year and the need for an updated version will be addressed in the new financial year.
b) Approve a new planned maintenance programme.	Target date: to be confirmed.	Head of Finance & Asset Management Lead Member for Finance and Asset Management		No resource available to undertake the task in the current year.
c) Review our property portfolio to ensure ongoing benefits to our communities.	Target date: March 2021	Head of Finance & Asset Management Lead Member for Finance and Asset Management	☺	Further addition of a small industrial park in the West Midlands made to the commercial portfolio in Q1 which will provide additional financial benefit back to our local services. The council now has a £50m commercial property portfolio providing a significant net return for the council.

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PRIORITY: FINANCE AND RESOURCES				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 4. Deliver the council's commercial strategy.				
a) Develop a business case to ensure our trade waste service operates more commercially.	Target date: April 2017 July 2017 August 2017 April 2018 April 2019 December 2019 September 2020 New target date: February 2021 (New revised date reported to O&S committee in October 2020)	Head of Community Services Lead Member for Clean and Green Environment		A high level project plan is to be presented to O&S committee on 13 October to give assurance the new target date for consideration of a business case can be achieved.
b) In-source the management of our homeless property portfolio.	Target date: April 2021	Head of Community Services Lead Member for Housing		Due to Covid-19 restrictions Property Services have extended the contract to manage the properties with Stonham to 31 March 2021. The ability to manage these properties would have been severely impacted by demands on Property Services and having to work remotely.

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PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Objective 1. Deliver our strategic plans and economic development plans.				
a) Deliver the final year of the Economic Development and Tourism Strategy	Target date: June 2021	Head of Development Services Lead Member for Economic Development/ Promotion	😊	<p>Year four of the strategy commenced in June 2020.</p> <p>Work achieved includes:</p> <ul style="list-style-type: none"> • Growth Hub approach the second full year of operation (see below) • Successful Heritage Action Zone application and award of funding • Continued delivery of inward investment programme with Local Enterprise Partnership (LEP). • Business support, including business grants awarded <p>The strategy and actions will need to be revisited to establish how the council and its partners can support the business community in their longer term Covid-19 recovery. This will be monitored through the Covid-19 recovery performance tracker. (Economic Growth-refocus- action a).</p>
b) Deliver growth hub services in the Public Services Centre.	Target date: April 2021	Head of Development Services Lead Member for Economic Development/ Promotion	😊	<p>The hub was launched in November 2018 and continues to support the business community. Since opening, 1965 businesses have visited the hub.</p> <p>The team were also redeployed into a business cell during quarter one to provide assistance with Covid-19 Business Grants announced by Government.</p> <p>In quarter one, delivery of 20 online business workshops and 1-2-1 events including social media, marketing, branding and growth reviews. This quarter focussed on Covid-19 response and the Hub supporting the business community, providing advice and signposting to the government support packages and grants available. A large area of work also focused on re-aligning the</p>

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				<p>service from face-to-face support to a virtual offer including developing a range of webinars.</p> <p>Also reported in the Covid-19 Corporate Recovery Plan performance tracker. (Economic Growth- Recover- action a).</p>
c) Work with the Local Enterprise Partnership (LEP) and other partners to deliver the Local Industrial Strategy (LIS).	<p>Target date: December 2019 June 2020 Date to be confirmed (as reported to O&S July 2020)</p>	<p>Head of Development Services</p> <p>Lead Member for Economic Development/ Promotion</p>		<p>The draft Local Industrial Strategy (LIS) had successfully passed through the Local Industrial Strategy analysts' panel and was ready to be submitted to central government for approval. As a result of Covid-19, submission has been postponed with further guidance awaited from the Department for Business, Energy and Industrial Strategy (BEIS) on the next steps and timescales. Further work will now be looked at to potentially to include a Covid-19 recovery plan/ addendum as part of the final LIS.</p> <p>No further update – for the same reasons as set out above during Q4 2019/20. The LEP are not able to provide a revised date. It is therefore suggested that updates for this item is not be required within the Performance Tracker until further clarity can be provided by the LEP.</p>
PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Objective 2. Deliver employment land and infrastructure to facilitate economic growth.				
a) Deliver employment land through allocating land in the Joint Core Strategy (JCS) and Tewkesbury Borough Plan (TBP).	<p>Autumn 2019 Spring 2020 Target date: Winter 2020 Summer 2021 (Draft JCS Consultation) (New revised date reported to O&S committee)</p>	<p>Head of Development Services</p> <p>Lead Member for the Built Environment</p>	<p>☹️</p>	<p>Following adoption of the JCS, which includes 112ha of employment land, planning and economic development officers are working to promote employment land in the borough. The take up of employment land will be monitored in the Authority Monitoring Report (AMR) which government planning guidance requires the council to publish.</p> <p>The JCS review is underway and started with an initial Issues and Options consultation which was completed in January 2018 which asked key questions about what the review should entail.</p> <p>This is extensive process that involves gathering a significant amount of new evidence as well as a complete review of existing policies and potential new policy areas. This will include further</p>

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	in October 2020)			<p>evidence gathering on employment needs – as part of this a Gloucestershire-wide economic needs assessment has been commissioned and is nearing completion. This will inform the amount and type of employment land required.</p> <p>To ensure the Regulation 18 consultation provides a clear planning strategy which is supported by robust evidence, it has been agreed to delay the Regulation 18 consultation to the summer of 2021. The overall programme however to have the plan submitted by 2022 is still achievable.</p>
	<p>Winter 2018 Summer 2019 Autumn 2019 December 2019</p> <p>Target date: Adoption: Spring 2021</p> <p>(revised date reported to O&S committee on 10 March 2020)</p>		☺	<p>The Tewkesbury Borough Plan has identified further employment sites which have been informed by the Employment Land Review. Potential employment sites have been assessed to see if they would make sustainable allocations for inclusion in the plan. This has been supported by a number of evidence base documents to support evidence of deliverability. As such, over 40ha of new employment has been identified in the plan. The Borough Plan has now been submitted to the Government for independent examination.</p>
PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Objective 2. Deliver employment land and infrastructure to facilitate economic growth.				
b) Work with partners to secure transport infrastructure improvements around the	Target date: March 2021 (Junction 10)	Director of Garden Communities Lead Member for the Built Environment	☺	<p><u>All-ways Junction 10</u> As part of the budget announcement, Gloucestershire County Council have been awarded £219m to deliver an all-ways J10. This project consists of an all-ways motorway junction, link road to the West Cheltenham development site and a park and ride interchange. The council, working with Cheltenham Borough Council is supporting Gloucestershire County Council on work towards meeting the</p>

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borough, including the all-ways junction 10, junction 9 and the A46 improvements.				<p>funding contract conditions and preparations for delivery of the project.</p> <p>Also reported in the Covid-19 Corporate Recovery Plan performance tracker. (Garden communities- Rebuild- action a).</p>
	<p>Target date: October 2021 (business case for Gov't funding approved- J9 and A46)</p>		<p>☺</p>	<p><u>J9 and A46 Offline Solution</u></p> <p>The council continues to be actively engaged in both the A46 Partnership and Midlands Connect to promote the development opportunities at the Garden Town. A first stage bid for major investment to support the delivery of an off-line J9/A46 solution has now been submitted to the Dept for Transport and work continues on finalising the alignment options and preparation of the next stage business case. Gloucestershire County Council continue with the project with a submission date to the Department of Transport of September 2021.</p> <p>Also reported in the Covid-19 Corporate Recovery Plan performance tracker. (Garden communities- Rebuild- action a).</p>
c) Support the delivery of the County's Local Transport Plan.	<p>Target date: March 2021 (Ongoing project)</p>	<p>Head of Development Services</p> <p>Lead Member for the Built Environment</p>	<p>☺</p>	<p>Officers have been working with Gloucestershire County Council on the development of the revised Local Transport Plan. This is currently due for adoption by Gloucestershire County Council in early 2021.</p> <p>The JCS Review will have a significant impact on transport and travel within the area. To support the development of the JCS there will be an associated JCS Transport Strategy to identify infrastructure requirements needed to deliver growth. Gloucestershire County Council, as the highways authority, are a key partner in the Transport Strategy and joint working is taking place to progress it. Infrastructure identified to deliver JCS review growth will feed into future reviews of the Local Transport Plan.</p>

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PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Objective 3. Deliver borough regeneration schemes.				
a) Work with partners to deliver the Heritage Action Zone (HAZ).	Target date: March 2021	Head of Development Services Lead Member for Economic Development/Promotion	☺	A contract has now been signed between Tewkesbury Borough Council and Historic England and the Tewkesbury High Street Heritage Action Zone (HSHAZ) has been activated. The project has been delayed due to Covid-19 and as a result the programme design will need to be amended to reflect the impact of Covid-19 restrictions by 1 December 2020. Background work is now being implemented and the Tewkesbury HSHAZ will be launched in full at an appropriate time following the recruitment of Programme Manager.
b) Bring forward plans for the redevelopment of Spring Gardens.	Target date: June 2019, July 2019, March 2020, October 2020 Revised target date: To be confirmed.	Head of Development Services and Head of Finance and Asset Lead Member for Economic Development/Promotion		Soft market testing report was completed by Mace, the project consultants, in first quarter. The draft phase 1a report is expected in Q2. All internal officer capacity has been redeployed to other requirements.
Objective 4. Promote the borough as an attractive place to live and visit.				
a) Work with Cotswold Tourism to promote the area.	Target date: March 2021	Head of Development Services Lead Member for Economic	☺	Working with Cotswold Tourism over the last quarter, the following has occurred: <ul style="list-style-type: none"> • Social media posts • Website promotion • Promotional campaigns

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		Development/ Promotion		<ul style="list-style-type: none"> Interactive workshops, supporting businesses affected by Covid-19 <p>This work will be ongoing throughout the year.</p> <p>This action will also be monitored through the Corporate Covid-19 Recovery performance tracker (economic growth- refocus- action c), to understand when and how to safely encourage visitors back to the borough.</p>
b) Promote, through the Heritage Action Zone (HAZ), the heritage offer of Tewkesbury through the cultural consortium.	Target date: March 2021 (ongoing project)	Head of Development Services Lead Member for Economic Development/ Promotion	😊	<p>Background work is now being implemented and the Tewkesbury HSHAZ will be launched in full at an appropriate time following the recruitment of Programme Manager.</p> <p>A community engagement plan will also be developed as part of the programme, by March 2021.</p>
c) Celebrate with partners the significance of 2021 for Tewkesbury.	Target date: December 2021	Head of Development Services Lead Member for Economic Development/ Promotion		<p>Officers sit on the steering group for Tewkesbury Together 2021.</p> <p>Plans are currently on hold, subject to Covid-19 restrictions.</p>

Key performance indicators for priority: **ECONOMIC GROWTH**

KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
1	Employment rate 16-64 year olds.	81.8%		82.4%						82.4% relates to 47,700 people within the borough. This is above the national rate of	Lead Member for Economic Development

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										76.0% (Source ONS April 2019 – March 2020 current figures)	/ Promotion Head of Development Services
2	Claimant unemployment rate.	1.8%		4.2%						June 2020 figure of 4.2% relates to 2,280 people within the borough. This figure is below the county rate of 4.7% (Source: ONS).	Lead Member for Economic Development / Promotion Head of Development Services
3	Number of business births.	425 (2018 figure)								These are the current ONS figures for Business Births and Death Rates.	Lead Member for Economic Development / Promotion
4	Number of business deaths	395 (2018 figure)								Business births have increased with 425 new businesses in 2018. The number of business deaths has reduced on last year and remain below the county, regional and national average.	Head of Development Services
5	Number of visitors to Tewkesbury Tourist Information Centre (TIC)	22,551	4,000 (2019-20 target-28,000)	0						Both TIC was closed during this period, due to Covid-19. The reopening of the TICs is currently under review.	Lead Member for Economic Development / Promotion Head of Development Services
6	Number of visitors to	Data for Q4 not	1,000 (2019-20)	0						Discussions are ongoing	

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	Winchcombe Tourist Information Centre (TIC)	available (Q1-Q3= 8,960)	target-7,500)							regarding moving back to refurbished Winchcombe Heritage Centre, rather than the temporary location of Winchcombe Library.	
7	Number of visitors entering the Growth Hub	1346	1000	0						Tewkesbury Growth Hub was closed to visitors during Q1 due to Covid-19 pandemic. As per government guidance, these restrictions were put in place regarding visitors to the hub to ensure client and staff safety. The reopening of the Growth Hub facility is currently being explored.	Lead Member for Economic Development / Promotion Head of Development Services
PRIORITY: HOUSING AND COMMUNITIES											
Actions		Target date	Reporting Officer/Group		Progress to date	Comment					
Objective 1. Deliver the housing needs of our communities											
a) Work with partners to undertake the required review of the JCS.		Autumn 2019 Spring 2020 Target date: Winter 2020 Summer 2021 (Draft JCS Consultation) (New revised date reported to	Head of Development Services Lead Member for the Built Environment			The JCS Review and the initial issues and options consultation was completed on 11 January 2019. Responses to the consultation are now being considered in order to progress the review to Draft Plan stage. The review will consider future growth requirements in the area, including addressing the shortfalls identified in the adopted JCS. Key pieces of evidence for the review are being commissioned, including a retail assessment, a study on the potential for strategic sites and an assessment of economic need requirements. Two dedicated JCS staff have also now been appointed to progress the					

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	O&S committee in October 2020)			plan towards a draft for consultation. To ensure the Regulation 18 consultation provides a clear planning strategy which is supported by robust evidence, it has been agreed to delay the Regulation 18 consultation to the summer of 2021. The overall programme however to have the Pan submitted by 2022 is still achievable.
b) Finalise and adopt the Tewkesbury Borough Plan.	Winter 2018 Summer 2019 Autumn 2019 December 2019 Target date: Adoption: Spring 2021 (revised date reported to O&S committee on 10 March 2020)	Head of Development Services Lead Member for the Built Environment	😊	The Tewkesbury Borough Plan has been submitted to the Government to undertake its independent examination. This will take place later in 2020, however the timetabling is to be set by the Planning Inspectorate and the Covid- 19 restrictions are likely to delay this process.
PRIORITY: HOUSING AND COMMUNITIES				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Objective 1. Deliver the housing needs of our communities				
c) Develop a work programme with landlords to ensure residents have a supply of rented properties to meet their needs.	March 2019, June 2019, September 2019, December 2019, November 2020. New revised target date:	Head of Community Services Lead Member for Housing	☹️	Work with private landlords was limited in Q1 due to Covid-19 restrictions. Lettings of properties were greatly reduced, and we have been unable to meet with landlords and tenants face to face to build relationships. We have continued to engage with landlords/agents through surveys to assess potential eviction action.

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	January 2021 (new target date reported to O&S Committee in October 2020)			
d) Carry out housing needs assessments to deliver affordable housing in rural areas.	Target date: March 2020 New revised target date: March 2023 (overall completion) (new target date reported to O&S Committee in October 2020)	Head of Community Services Lead Member for Housing		In order to capture all rural areas across the borough, surveys will be carried out in phases. The latest round of surveys will be posted to households throughout September 2020. They were due to be completed in spring 2020 but were delayed due to Covid-19 restrictions. These surveys will cover Forthampton, Chaceley, Tirley, Hasfield, Ashleworth and Deerhurst and include a focus on Community Led Housing (CLH), where people and communities play a leading role in addressing their own housing needs. Homes England are assisting with funds to support the delivery of CLH and we will use this survey as a means to inform our next steps in this area. Individual reports will then be created containing the responses to the surveys and circulated to each parish area a survey took place. This is aimed to be carried out in November 2020. The next phase of surveys are scheduled-for spring 2021.
PRIORITY: HOUSING AND COMMUNITIES				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Objective 2. Ensure development plans provide for the five year land supply requirement.				
a) Ensure adequate land is allocated within the JCS and Tewkesbury Borough Plan to meet housing need.	Autumn 2019 Spring 2020 Target date: Winter 2020 Summer 2021 (Draft JCS)	Head of Development Services Lead Member for the Built		The JCS Review and the initial issues and options consultation was completed on 11 January 2019. Responses to the consultation are now being considered in order to progress the review to Draft Plan stage. The review will consider future growth requirements in the area, including addressing the shortfalls identified in the adopted JCS as well as planning for the long term. A key piece of ongoing work is an

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	<p>Consultation) (new revised date reported to O&S committee in October 2020)</p>	Environment		<p>assessment of the potential options for strategic growth in the area.</p> <p>To ensure the Regulation 18 consultation provides a clear planning strategy which is supported by robust evidence, it has been agreed to delay the Regulation 18 consultation to the summer of 2021. The overall programme however to have the Pan submitted by 2022 is still achievable.</p>
	<p>Winter 2018 Summer 2019 Autumn 2019 December 2019</p> <p>Target date: Adoption: Spring 2021</p> <p>(revised date reported to O&S committee in March 2020)</p>		☺	<p>The Tewkesbury Borough Plan has been submitted to the Government to undertake its independent examination. This will take place later in 2020, however the timetabling is to be set by the Planning Inspectorate and the Covid-19 restrictions are likely to delay this process.</p>
b) Work with developers and stakeholders to deliver sustainable sites to meet housing needs.	Target date: March 2021	<p>Head of Development Services</p> <p>Lead Member for the Built Environment</p>	☺	<p>The JCS was adopted on 11 December 2017. The JCS sets out the overall housing requirement for the borough and sets the spatial strategy for meeting development needs.</p> <p>In undertaking strategic duties with the planning authority, officers are working to deliver housing needs.</p> <p>The JCS review will further consider development needs and the identification of additional sites to meet growth requirements going forward. This will involve further work with developers and stakeholders to progress sustainable site options.</p>

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c) Annually monitor the delivery of homes within the borough.	Target date: October 2020	Head of Development Services Lead Member for the Built Environment	☺	The annual monitoring of housing delivered during 2019/20 has been delayed this year due to restrictions on site visits during the Covid-19 lockdown. However, officers completed all site visits during July and August. This data is now being entered into the council's database and analysed to provide the Authorities Monitoring Report and update the five-year housing land supply calculation and will aim to publish the document on the council's website by the end of October 2020.
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PRIORITY: HOUSING AND COMMUNITIES

Actions	Target date	Reporting Officer/Group	Progress to date	Comment
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Objective 3. Support infrastructure and facilities delivery to enable sustainable communities.

a) Work with partners, infrastructure providers and developers, to progress the delivery of key sites.	Target date: March 2021	Head of Development Services Lead Member for the Built Environment	☺	<p><u>Innsworth</u> – Reserved matters applications are being submitted. Phase 1 for 253 dwellings has been approved and construction of dwellings on site has now started. Phase 2 for 175 dwellings has been received and is awaiting decision.</p> <p><u>Twigworth</u> – Reserved matters application for 79 dwellings (phase 1a – of the outline approval for 725 dwellings). Further reserved matters application received for 74 dwellings on separate parcel within the allocation. Outline application for a further 32 dwellings received on a separate parcel within the allocation. Reserved matters application received and approved for the infrastructure on this site – vehicular access off the A38.</p> <p><u>South Churchdown</u> – reserved matters application granted for 465 dwellings as a first phase of development within this allocation.</p> <p><u>Brockworth</u>- Reserved matters applications approved for 600 dwellings: Phase 1 (135 dwellings) and Phase 2&5 (240 dwellings) and Phase 3 (225 dwellings). Delivery of houses has now begun on</p>
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				<p>two phases of this site.</p> <p><u>North West Cheltenham</u> – Outline application has been submitted. Officers continuing to work with the developers on transport issues in order to progress the planning application.</p> <p><u>West Cheltenham</u> - Related to above, officers are working on transport matters as well as other master planning/development issues. The Gold Valley (West Cheltenham) SPD has now been adopted to guide the development.</p> <p><u>Ashchurch</u> – a phase one framework masterplan is being produced which will may lead to the preparation of an SPD in parallel to the production of the JCS – which will formally allocate the site. The Fiddington site received planning consent on appeal.</p>
119	<p>b) Through the development process, work with communities to deliver the Community Infrastructure Levy (CIL) and Section 106.</p>	<p>Target date: March 2021</p>	<p>Head of Development Services</p> <p>Lead Member for the Built Environment</p>	<p>☺</p> <p>The S106 Panel has met to allocate S106 funds to Lakeside FC, from the development at Badgeworth, and Tewkesbury RFC and Tewkesbury CC from the development at Mitton.</p> <p>Officers have also been communicating with parishes to allocate S106 from the relevant s106 agreements across a number of parishes within the borough.</p> <p>Four parish councils will receive neighbourhood funding from CIL receipts following development in their parish, as required by legislation, on 28 October 2020. The parish councils are; Gotherington- £3,538.33, Bishops Cleeve- £27,287.39, Wheatpieces- £5,710.80 and Twyning- £5,434.00.</p> <p>To help parishes prepare for the spending and reporting requirements that accompany this funding, parishes who have had funding or will be receiving funding in the next two years have been invited to a workshop on 14 October 2020 which will be supported by the production of a borough council guide for parishes and support and a toolkit for identifying infrastructure that a parish needs from Gloucestershire Rural Community Council (GRCC) who will also be presenting at the workshop.</p>

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Key performance indicators for priority: HOUSING AND COMMUNITIES											
KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
8	Total number of homeless applications presented	704		135						<p>This includes 65 Triage cases as an indication of total service demand.</p> <p>This quarter is notably less busy than the previous quarter, this could be an effect of lockdown/ban on evictions.</p> <p>This demand is predominantly made up of triage or advice only cases, indicating the ongoing demand for housing advice generally.</p>	Lead member for Housing Head of Community Services
Key performance indicators for priority: HOUSING AND COMMUNITIES											
KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
9	Total number of homeless applications with main duty accepted	48		7						<p>Following the changes in legislation a statutory homeless duty is accepted to all applicants likely to be homeless within 56 days.</p> <ul style="list-style-type: none"> There are three distinct duties. Q1 figures are as follows: Prevention duty which lasts 56 days: 32 	Lead member for Housing Head of Community Services

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										<ul style="list-style-type: none"> Relief duty for homeless households which lasts 56 days: 34) Full or Main statutory homeless duty, this is similar to the old duty: 7 <p>Advice/Triage: 65</p>	
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Key performance indicators for priority: HOUSING AND COMMUNITIES

KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
10	Total number of active applications on the housing register	1775 1 bed single = 674 1 bed couple = 184 2 bed = 555 3 bed = 259 4 bed = 83 5 bed = 17 6 bed = 3		1801 1 bed single= 699 1 bed couple= 192 2 bed= 538 3 bed= 260 4 bed= 90 5 bed= 19 6 bed= 2 7 bed= 1						The breakdown of bands is: Emergency – 49 Gold – 72 Silver – 554 Bronze – 1126 Total – 1801	Lead member for Housing Head of Community Services

Key performance indicators for priority: HOUSING AND COMMUNITIES

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KPI no.	KPI description	Outturn 2019-2020	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
11	Total number of homeless prevention, relief and legacy prevention cases	311		70						Essentially, this is the total number of homeless applications presents (Q1-135 applications) minus the number of triage cases (Q1- 65 cases). This equates to the total number of homeless prevention, relief and legacy prevention cases opened- Q1 70.	Lead member for Housing Head of Community Services
12	Percentage of 'major' applications determined within 13 weeks or alternative period agreed with the applicant.	81%	85%	83.33%				↑	☹️	6 major decisions were issued during Q1, 5 decisions were issued within the target timescales. For Q1, 83.33% of major decisions were within target timescales, slightly below the target of 85% but considerably above the national target of 60%.	Lead Member Built Environment/ Head of Development Services

Key performance indicators for priority: HOUSING AND COMMUNITIES

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KPI no.	KPI description	Outturn 2019-2020	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
13	Percentage of 'minor' applications determined within 8 weeks or alternative period agreed with the applicant.	75.27%	80%	93.55%				↑	😊	93.55% of minor decisions (29 of the 31 decisions issued) were within agreed timescales. This is an improved performance compared to the outturn for 2019/20 and it is also above the local target of 80%. A greater acceptance of extension of time requests is a contribution to this improvement in performance.	Lead Member Built Environment/ Head of Development Services
14	Percentage of 'other' applications determined within 8 weeks or alternative period agreed with the applicant.	87%	90%	88.70%				↑	😞	For Q1, 88.70% of other applications were within agreed timescales (102 out of 115 decisions issued). This is just below the local target of 90%. While performance is slightly below the local 90% target, it is considerably above the national target of 70%.	Lead Member Built Environment/ Head of Development Services
15	Enforcement - Investigate category A cases within 24 hours (without prompt action, material risk of	66.67%	90%	100%				↑	😊	One Category A case was received in Q1 and investigated within the 24-hour target.	Lead Member Built Environment/ Head of Development Services

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	further harm which could be reduced by early intervention).										
Key performance indicators for priority: HOUSING AND COMMUNITIES											
KPI no.	KPI description	Outturn 2019-2020	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
16	Investigate category B cases within 5 working days (development causing, or likely to cause, irreparable harm or damage).	57.14%	90%	83.33%				↑	☹️	During Q1 6 Category B cases were received and 5 investigated within the target timeframe.	Lead Member Built Environment/ Head of Development Services
17	Investigate category C cases within 10 working days (risk of material harm to the environment or undue harm to residential amenity).	66.10%	80%	50%				↓	☹️	28 Category C cases were received during Q1. Whilst half were investigated within time, movement restrictions due to Covid-19 impacted on the ability of officers to undertake site visits.	Lead Member Built Environment/ Head of Development Services
18	Investigate category D cases within 15 working days (breaches causing limited	76.92%	70%	50%				↓	☹️	During Q1 8 category D cases were reported. Initial investigations for half of the cases were reviewed within time. The majority of cases relate to residential properties and again the	Lead Member Built Environment/ Head of Development Services

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	material disturbance to local residents or to the environment).									Covid-19 emergency measures restricted officers working practices.	
PRIORITY: CUSTOMER FIRST											
Actions		Target date	Reporting Line	Progress to date	Comment						
Objective 1. Maintain our culture of continuous service improvement.											
125	a) Continue to improve the proactive homelessness prevention programme.	Target date: March 2021	Head of Community Services Lead Member for Housing	☺	<p>The work around further improvement to the housing advice/homelessness prevention service has been greatly impacted by the Covid-19 crisis.</p> <p>Next steps such as increasing numbers of home visits and an outreach model to meet customers in their area have not been possible. In preparation for beginning this in the future, risk assessments will be conducted for different activities the council aim to trial.</p> <p>The team have established themselves working remotely however so are well-placed to be able to work from other venues as this becomes an option for them.</p> <p>This action is linked to the Covid-19 Corporate Recovery Plan, Customer First – recover- action a- ‘Explore options for alternative ways for customer engagement e.g. housing applicants.’</p>						
	b) Continue to build on the success of our garden waste club.	Target date: April 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	<p>Garden waste collections were temporarily suspended for a short period in April. The service continues to show strong performance. The budget of £945,000 has been achieved. The reduction in charge by 50% started at the beginning of September which will see further income received. A club letter is due to go out in October which will include various offers from local businesses.</p>						

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PRIORITY: CUSTOMER FIRST				
Actions	Target date	Reporting Line	Progress to date	Comment
Objective 1. Maintain our culture of continuous service improvement.				
c) Deliver the planning service improvement plan.	Target date: March 2021 (ongoing project)	Head of Development Lead Member Built Environment		Due to the COVID-19 emergency, priorities of the planning service improvement plan have been put on hold and resources focused on adapting systems and implementing new temporary processes to enable service continuity. For example, the publication of planning applications and remote planning committee. The Development Management Team are also experiencing a number of vacancies which is also having an impact.
d) Deliver the council's Communication Strategy	Target date: March 2021	Head of Corporate Services Lead Member for Customer Focus	☺	A new communications strategy (2020-2024) was approved by Executive Committee on 8 January 2020. This was supported with a year one action plan. Delivery of the action plan will be subject to review by the O&S committee on 12 January 2021. In responding to Covid-19, this has involved significant communication's resource. Whilst elements of the action plan have yet to be delivered other new actions were implemented e.g. Covid-19 microsite, increased member bulletins, additional staff comms, increased social media, representation at county comms cell. This action is linked to the Covid-19 Corporate Recovery Plan. (Customer First – rebuild- action d)
e) Establish a new business transformation team to support service improvements.	Target date: April 2020.	Head of Corporate Services Lead Member for Commercial Transformation		It was anticipated to have the new team up and running by April 2020. Key members of the team were re-deployed to supporting ICT and Communications in the council's response to Covid-19. See recovery tracker for further details and successful implementation of this action. (Recovery tracker- Customer first- rebuild- action a)

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PRIORITY: CUSTOMER FIRST				
Actions	Target date	Reporting Line	Progress to date	Comment
Objective 2. Develop online services to achieve 'digital by preference, access for all'.				
a) Develop and implement a corporate digital platform.	Target date: March 2021	Head of Corporate Services Lead Member for Commercial Transformation	☺	The key milestone is to ensure the on-line functionality available to customers e.g. 'report it', complaints etc is available on the new platform by the end of the financial year – this is the end date of the current contract. The digital officers within the business transformation team have received training on the new platform and are now commencing the deployment.
b) Implement an online offering for the licensing service.	Target date: April 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	Work commenced on implementing the packages purchased via Uniform at the end of August. This applies to Licensing Act 2003 premises and personal licences and taxi and private hire licenses only and anticipated to go live within 2 months. A full review of licensing service has commenced including fee income.
c) A full review of the bulky waste service including the online bookings.	Target date: March 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	A project team was established in early 2020 to deliver this project. Whilst temporarily suspended as members of the team were deployed to the Covid-19 response the project is now back up and running. A presentation was given to Transform Working Group on 17 September 2020 who were fully supportive of the project and the progress to date. The project includes revised charges, alternative service provider, recycling provision and the ability to book online.
d) Explore the opportunity for an online offering for our cemeteries function.	Target date: 31 March 2022	Head of Finance and Asset Lead Member for Finance and Asset		Work will commence once the Business Transformation Team have delivered its initial priorities. Anticipated work will commence early 2021/22. It was always the intention this would be within a second phase and is not impacted by Covid-19.

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				Management							
Key performance indicators for priority: CUSTOMER FIRST											
KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
19	Total enquiries logged by the Area Information Centre (AIC).	686		0						The AIC's have been closed since 11 March due to Covid-19. Opening of these offices is yet to be decided.	Lead Member Customer Focus/ Head of Corporate Services
20	Total number of people assisted within the borough by Citizens Advice Bureau (CAB).	1,644		415						<p>879 issues raised during the quarter. With 84% of the issued raised being represented by the following:</p> <p>Benefits–Tax credits 22% Uni Credit 14%</p> <p>Debt 22% Employment 14% Relationships 6% Housing 6%</p> <p>Of the 415 clients seen, the heaviest demand was Churchdown St John's with 10.7%.</p> <p>The following six wards represent 42% of all clients seen: Tewkesbury South,</p>	Lead Member Economic Development / Promotion / Head of Development Services

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Key performance indicators for priority: CUSTOMER FIRST											
KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
										Northway, Brockworth West, Churchdown St Johns, Brockworth East.	
21	Financial gain to clients resulting from CAB advice	£1,832,984		£337,852						This quarter clients/ residents in Tewkesbury have benefitted from £337,852 of financial gains of which £94,750 represented debts written-off. There have also been increasing impact of Covid-19 on the service.	Lead Member Economic Development/ Promotion / Head of Development Services
22	Community groups assisted with funding advice	124		71						The council has been awarding emergency community grants to support the Voluntary and Community Sector. Over £50k has been awarded. In this quarter, the new Community Funding Officer was appointed.	Lead Member Economic Development /Promotion / Head of Development Services
23	Benefits caseload: a) Housing Benefit b) Council Tax Reduction	2,687 4,318		2,617 4,747						The housing benefit caseload continues to fall due to the migration of claimants to Universal Credit, however still not to the extent estimated previously. We receive an average of 15 new claims a month. Delays in managed migration means that we will continue to deal with some claim types until	Lead Member Finance and Asset Management / Head of Corporate Services

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										September 2024. There has been a significant increase in the working age Council Tax Reduction caseload due to the impact of the Covid-19 pandemic.	
24	Average number of days to process new benefit claims	6	14 (2019-20 target 15)	8				↑	😊	Performance on new housing benefit claims continues to be well above the national average of 17 days.	Lead Member Finance and Asset Management / Head of Corporate Services
Key performance indicators for priority: CUSTOMER FIRST											
KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
25	Average number of days to process change in	2	3 (2019-20 target 4)	3				↓	😊	Performance on change in circumstances continues to be on par with the national average	Lead Member Finance and Asset

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	circumstances									of 3 days.	Management / Head of Corporate Services
26	Percentage of council tax collected	98.1%	98.3%	29.5%				↓	☹️	Council tax collection performance in Q1 has been significantly affected by the Covid-19 pandemic and the decision not to take any formal recovery action for unpaid council tax. As at the end of Q1 the council were .5% below target.	Lead Member Finance and Asset Management / Head of Corporate Services
27	Percentage of NNDR collected	99.2%	98.5%	31.1%				↑	😊	Business rates collection is .1% above target.	Lead Member Finance and Asset Management / Head of Corporate Services
28	Average number of sick days per full time equivalent	12.62	8.0	2.09				↑	😊	<p>The total number of sick days taken during Q1 was 359.4 (19/20 = 637.8).</p> <p>The total comprised of:</p> <p>Short term = 90.9 (19/20 = 230.8)</p> <p>Long term = 268.5 (19/20 = 407)</p> <p>The average number of sick days per full time equivalent has fallen to 2.09 from 3.7 in Q1 19/20.</p> <p>The dramatic reduction in reported sickness</p>	Lead Member Organisational Development/ Head of Corporate Services

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										absence means we are tentatively on course to reach the 8 days average sickness days per full time equivalent which is the target. It is clearly associated with the coronavirus lockdown, similar reductions in sickness absence are reported across other councils too. The HR and OD team are working on a number of initiatives to ensure we continue to keep sickness at a low level and to try to avoid sickness levels rising with the lifting of restrictions.	
Key performance indicators for priority: CUSTOMER FIRST											
KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
29	Food establishment hygiene ratings.	3.6%	5% With a food hygiene rating Under three	3.47%				↑	😊	There are 806 registered food premises, an overall increase of 61 on the previous year. We have seen a significant increase in new premises registering in the first quarter and this is continuing and 99 remain unrated. Of these, 24 are below a food hygiene rating of 3. This remains below the target of no more than 5% of food business having a food hygiene rating of less than 3.	Lead Member Clean and Green Environment/ Head of Community Services

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30	Percentage of Freedom of information (FOI) requests answered on time.	90%	80%	91%				↑	😊	97 FOIs was received in Q1. 88 of these were answered within the 20 working days deadline.	Lead Member Customer Focus/ Head of Corporate Services
31	Percentage of formal complaints answered on time.	86%	90%	97%				↑	😊	33 formal complaints were received in Q1. 32 were answered within the 20 working days deadline.	Lead Member Customer Focus/ Head of Corporate Services

PRIORITY: GARDEN COMMUNITIES				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 1. Delivery of Tewkesbury Garden Town				
a) Formally establish the Garden Town planning status.	Target date: Submission for examination 2022	Lead Member Built Environment Director of Garden Communities	😊	The Garden Town will form part of the Joint Core Strategy Review which is scheduled for submission for examination in 2022.
b) Establish a governance structure and ways of working with key stakeholders.	Target date: March 2021	Lead Member Built Environment Director of Garden Communities	😊	Governance structure options under review/ evolving as the programme develops. Shadow structure emerging and will be operational by the end of the year.
c) Prepare a masterplan that sets out the key principles, quality development and infrastructure	Target date: March 2021 (evolution of masterplan)	Lead Member Built Environment Director of Garden Communities	😊	Concept masterplan evolving to reflect recent changes to the various land holdings. Masterplan framework for phase 1 is now complete and a bid to Government for capacity funding to support wider

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requirements.				master planning for phases 2,3 and 4 is in preparation. Linked to Covid-19 Corporate Recovery Plan performance tracker. (Garden communities- Rebuild- action b).
d) Deliver the first phase of the 'bridge project', in line with the funding requirements.	Target date: Contract award March 2021 Completion March 2022	Lead Member Built Environment Director of Garden Communities	☺	Following a Public Share event, held virtually, a planning application for the main bridge structure (phase 1) is scheduled for submission in September 2020. If planning is successful, a construction partner will be commissioned in Spring 2021, with the aim of project completion in March 2022.
PRIORITY: GARDEN COMMUNITIES				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 2. Delivery of Cyber Central Garden Community.				
34 Produce a Supplementary Planning Document (SPD) for West Cheltenham Cyber Park in collaboration with Cheltenham Borough Council.	Target date: Summer 2020	Lead Member Built Environment Director of Garden Communities	✓	The SPD, now known as the Golden Valley Development SPD, was adopted by Tewkesbury Borough Council on 28 July 2020.
b) Prepare a land assembly programme to aid in the delivery of	Target date: March 2021	Lead Member Built Environment Director of Garden	☺	Work underway in collaboration with Cheltenham Borough Council and Homes England to identify key land holdings for potential acquisition.

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the Garden Village		Communities		Linked to Covid-19 Corporate Recovery Plan- Garden Communities, refocus- action a.
PRIORITY: SUSTAINABLE ENVIRONMENT				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 1. Deliver the climate emergency action plan				
135 a) Review and update our plans in relation to environmental sustainability and carbon management, taking account of the latest evidence and national policy.	Target date: April 2021	Head of Community Services Lead Member for Clean and Green Environment		A detailed review has not yet commenced due to pressures arising within the service due to covid-19. However, discussions are underway with partners and contracted organisations to implement a proactive service under Green Homes Grant Advice Service across Gloucestershire and South Gloucestershire. This national Green homes Grant scheme is due to commence on 1 October 2020 and includes a range of measures for those in fuel poverty and private individuals.
b) Seek to reduce waste and emissions across our own estate, assets and activities, and use natural resources more efficiently.	Target date: July 2021	Head of Finance and Asset Management Lead Member for Finance and Asset Management	☺	Climate change and Carbon reduction action plan was approved by Council in July 2020. Asset Management are supporting the appointed consultants with requirements in the first 12-month action plan. Work to date has included data gathering to establish baselines and a process for monitoring going forward and arranging site inspections of a number of council owned buildings.
c) Work with Gloucestershire County Council and other partners to help local residents and businesses take action to reduce their	Target date: March 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	Discussions are underway reviewing and implementing cycle pathways and other measures with Gloucester County Council to increase the options of walking and cycling.

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own carbon footprint, and to make better use of resources.				
PRIORITY: SUSTAINABLE ENVIRONMENT				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 2. Promote a healthy and flourishing environment in the borough.				
136 a) Establish planning policies to ensure the delivery of healthy and sustainable communities.	Target date: March 2021 (ongoing as action is across a number of plans)	Head of Development Services Lead Member for Built Environment	☺	The adopted JCS already contains strategic policies around sustainability and health. The emerging Tewkesbury Borough Plan is proposing further detailed policies around environmental quality, green infrastructure and biodiversity and sustainable transport to help to deliver healthy and sustainable communities. The Borough Plan has been submitted for examination which is expected to take place later in 2020 which adoption expected in Spring 2021. The JCS review will reconsider existing strategic policies around health and sustainability as well as whether any additional policy guidance would be appropriate.
b) Improve bio-diversity across the borough and educate communities on its benefits.	Target date: March 2023	Head of Development Services Lead Member for Community	☺	An external funding application 'Nature, Networks and People' has been submitted to the European Regional Development Fund to improve biodiversity in specific areas across the district. The Nature Networks for People project will deliver enhanced and better-connected green / blue infrastructure for wildlife and people. The project will achieve biodiversity improvement through construction and creation of wildflower meadows, planting, watercourse improvement, wetlands, trees and hedgerows.
c) Work with volunteers	Target date:	Head of	☺	Through the Community Help Hub, officers have been

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across the borough, and help communities to maintain our "place".	March 2021	Development Services Lead Member for Community		working closely with the Voluntary and Community Sector to provide support to residents in need through the Covid-19 pandemic. In addition, those who have put themselves forward to volunteer have been contacted again regarding future volunteering in Gloucestershire.
PRIORITY: SUSTAINABLE ENVIRONMENT				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Objective 3. Promote responsible recycling across the borough.				
137 a) Take a robust approach towards fly-tipping and other enviro-crimes.	Target date: March 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	As a result of lockdown, during this period there was a reduction in littering, abandoned vehicle and dog fouling complaints. However, flytipping remained high and domestic noise nuisance complaints increased by 33%. Restrictions due to covid-19 meant that priority was given to clearance of flytips rather than fines being issued.
b) Working with Gloucestershire Waste and Resources Partnership to encourage recycling and reduce plastic waste.	Target date: June 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	The communications group across the Gloucestershire are identifying areas where recycling can be increased and reducing waste send for disposal. The basis of this work is the waste compositional analysis, which identifies recyclable material in the refuse bin can be targeted through active communication campaigns to send this for sustainable waste management solutions rather than energy from waste.
PRIORITY: SUSTAINABLE ENVIRONMENT				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment

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Objective 4. Preserve and enhance the natural assets and built heritage of our borough.				
a) Work with the local nature partnership on the natural capital asset mapping.	Target date: March 2021 (ongoing project)	Head of Development Services Lead Member for Built Environment	☺	Work is ongoing in supporting the work of the Local Nature Partnership by establishing the natural capital asset mapping. Natural Capital assets are those elements of nature that directly or indirectly produce value to people. Mapping these assets will help inform future decision making on investment and land use to protect, enhance and utilise this natural capital. A 'soft launch' to demo the mapping tool is expected to take place in September/October 2020.
b) Publish the heritage strategy to set out the actions to protect our built environment.	Target date: March 2021	Head of Development Services Lead Member for Built Environment	☺	A final draft Heritage Strategy has been developed in consultation with Historic England. The next step will be for officers to determine the appropriate route for approval. This is on track to meet the target date of March 2021

Key performance indicators for priority: SUSTAINABLE ENVIRONMENT

KPI no.	KPI description	Outturn 2019-20	Target 2020-21	Outturn Q1 2020-21	Outturn Q2 2020-21	Outturn Q3 2020-21	Outturn Q4 2020-21	Direction of travel	Traffic light icon	Comment	Portfolio Lead / Head of service
32	Number of reported enviro crimes	1,271	1000	419				↓	☹	Enviro crime figures for Q1 (figures in brackets comparable for 2019/20) <ul style="list-style-type: none"> fly tips- 241 (240) littering-3 (7) dog fouling- 9 (10) abandoned vehicles- 34 (69) noise- 132 (102) Overall, there has been a small reduction in overall complaints but an increase in noise and fly tipping complaints.	Lead Member Clean and Green Environment/ Head of Community Services
33	Percentage of waste recycled or composted.	51.47%	52%	49.22%				↓	☹	Recycling and residual waste collections have been significantly impacted by the Covid-19 pandemic during Q1.	Lead Member Clean and Green Environment/

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139										<p>All waste streams collected from households increased significantly as householders were told to remain at home and not go to work or school. To add to this, the collections were severely impacted by many Ubico staff being off work with Covid-19 symptoms in the same week which led to the suspension of the garden waste service. Although the garden waste service resumed after a month of non-collections and picked up the side waste left out, the tonnage that would have been collected was possibly in the residual bin, or disposed of in another way which has reduced the recycling %. There has been an increase in the amount of contamination in the blue bins. Both the increase in residual waste and increase in contamination, fly tipping and other enviro problems has been seen across the country. The significance of the lockdown response required to deal with a global pandemic has significantly impacted the performance of recycling collected and waste sent for disposal.</p>	Head of Community Services
34	Residual household waste collected per property in kgs.	414KG	430kg	119kg				↓	☹	<p>In line with the comments above as the impact of Covid-19 has had a detrimental effect on the waste sent for disposal which in turn impacts the % of waste collected sent for recycling or composting.</p>	Lead Member Clean and Green Environment/ Head of Community Services

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Appendix 3- Covid-19 Corporate Recovery Plan Performance Tracker- 2020-21

Corporate Covid-19 Recovery Plan tracker actions/ KPI progress key:	
😊	Action progressing well/ on or above target
😐	Action has some issues/delay but not significant slippage/ below target but likely to achieve end of year target
😞	Significant risk to not achieving the action or there has been significant slippage in the timetable, or performance is below target/ significantly below target and unlikely to achieve target
	Project has not yet commenced/ date not available or required to report
✓	Tracker action is complete or annual target achieved

PRIORITY: FINANCE AND RESOURCES				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Refocus				
a) Continue to work with partners to ensure adequate measures are in place on our high streets to enable social distancing.	Target date: August 2020	Head of Finance & Asset Management Lead Member for Finance and Asset Management	✓	All required and agreed health and safety signage and systems now installed on our High Streets.
b) Monitor the financial impacts of Covid-19.	Target date: March 2021	Head of Finance & Asset Management Lead Member for Finance and Asset Management	😊	Monthly monitoring and reporting, including detailed financial returns to MHCLG, is in place and will likely continue for the rest of the financial year.
c) Produce a new six-monthly internal audit plan and review the whole suite of internal audit recommendations	Target date: October 2020	Head of Corporate Services Lead Member for Corporate Governance	😊	A new six monthly internal audit plan was approved by Audit and Governance Committee on 24 September. This was based on one full time equivalent officer delivering the plan rather than two, as one officer remains deployed on

Appendix 3- Covid-19 Corporate Recovery Plan Performance Tracker- 2020-21

to determine if recommendations remain relevant and timescales for implementation remain feasible.				business grants. The suite of audit recommendations have been reviewed with proposed new implementations dates. These are currently with the Head of Corporate Services for consideration before being discussed with responsible officers.
PRIORITY: FINANCE AND RESOURCES				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Recover				
11 12 a) Agree and monitor the Tewkesbury Leisure Centre recovery plan in partnership with Places Leisure.	Target date: September 2021	Head of Finance & Asset Management Lead Member for Finance and Asset Management	☺	Weekly meetings take place with Places Leisure. Partnerships also established with Wyre Forest, across the South West Councils and with other Places Leisure contractors. Positive feedback from leisure centre members about using the facilities in first few weeks. Early indications suggest positive user numbers in the period.
b) Ensure adequate measures are in place and government guidance is adhered to for those staff that need to return to the Public Services Centre offices, whilst exploring the future demand for space in light of new ways of working.	Target date: March 2021	Head of Finance & Asset Management Lead Member for Finance and Asset Management	☺	The offices have been laid out in line with government guidance for safe operation and to ensure social distancing. The layout allows for 40 staff to be present in the offices each day. The position will be continually monitored, and changes made to the operation as and when guidance changes.

Appendix 3- Covid-19 Corporate Recovery Plan Performance Tracker- 2020-21

c) Produce a revised 2020/2021 budget.	Target date: No longer required	Head of Finance & Asset Management Lead Member for Finance and Asset Management		Following consideration of all issues relevant to producing a revised budget, it was agreed that the council's needs would be better served by maintaining the original budget.
PRIORITY: FINANCE AND RESOURCES				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Rebuild				
143 a) Revise the Medium-Term Financial Strategy (MTFS) in light of additional financial pressures arising from Covid-19.	Target date: January 2021	Head of Finance & Asset Management Lead Member for Finance and Asset Management	☺	The first draft of the new MTFS is underway. Transform working group will be consulted on the draft before it is released to the wider membership and progresses through the committee cycle. The production of a MTFS action can also be found within the Council Plan performance tracker. (Finance and resources- objective 2- action a).
b) Maximise the use of business intelligence within the council to ensure the accuracy of the rating list and help businesses build resilience.	Target date: 31 March 2021	Head of Corporate Services Lead Member for Finance and Asset Management	☺	Following the approval of a growth bid (pre Covid-19) a job description and person specification is being drafted for a Business Intelligence Officer. The post will be evaluated and a recruitment exercise undertaken during Autumn 2020.
c) Work with businesses and residents and seek to rebuild council tax and business rate collection rates.	Target date: March 2021	Head of Corporate Services Lead Member for Finance and Asset Management	☺	'Soft' reminders were sent out in June and normal reminders in July for Council Tax. The monthly recovery timetable has been reintroduced for September onwards, but whilst the magistrates' courts remain closed to liability order hearings it is not possible to take formal recovery

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				<p>action in respect of non-payment of council tax.</p> <p>We issued 'soft' reminders for business rates in June and we will be reintroducing the usual monthly recovery timetable for September. Prior to issuing reminders the team will be contacting businesses to identify specific reasons for non-payment and offering signposting to further business support if required.</p>
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PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Refocus				
a) Review the Economic Development and Tourism Strategy to identify any actions required to respond to Covid-19.	Target date: June 2021	Head of Development Services Lead Member for Economic Development/ Promotion	☺	<p>Also identified in the council plan performance tracker.</p> <p>The priorities within the Strategy will need to reflect the changing needs of businesses resulting from Covid-19.</p> <p>Business survey work and a tourism review are under way. This work will feed into the Strategy.</p> <p>Delivery of the final year the Economic Development and Tourism Strategy action can be found within the Council Plan performance tracker. (Economic Growth- objective 1- action a).</p>
b) Undertake an economic impact assessment and analysis to understand the needs of local	Target date: May 2021	Head of Development Services Lead Member for Economic	☺	<p>This economic assessment will inform the new Economic Development and Tourism Strategy.</p> <p>Subject to funding, this assessment will be commissioned by the end of the year, once the long-term impact on the</p>

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businesses.		Development/ Promotion		business community is clearer.
PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Refocus				
c) Work with our partners at Cotswold Tourism to understand when and how to safely encourage visitors back to the borough.	Target date: March 2021	Head of Development Services Lead Member for Economic Development/ Promotion	☺	Also identified in the council plan performance tracker. The council has been working with Cotswold Tourism on promotional messages and marketing, including: <ul style="list-style-type: none"> • Social Media • Website • Campaign work • Interactive workshops In addition, meetings are being held with stakeholders across Gloucestershire to decide how best to promote the county.
d) Work closely with partners, businesses and groups to enable the safe and successful reopening of high streets and retail centres.	Target date: March 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	Environmental Health have been monitoring and providing advice and guidance to businesses since the commencement of lockdown and throughout the opening of high streets and retail centres, the hospitality sector etc. This will be ongoing. Further work was undertaken in partnership with Gloucestershire County Council and the High Street Recovery Group to determine what additional measures would be required. In the first quarter 3044 businesses were checked for compliance with the requirement to remain closed and 3

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				Fixed Penalty Notices were issued and 20 businesses were warned. A further 559 businesses were given direct advice relating to Covid-19 and assisted with risk assessments and 1150 businesses were directly provided with information relating to food business operation, legionella risks from lockdown. 40 new business registered.
PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Recover				
146 a) Work with our partners to engage with businesses to create tailored business support solutions through Tewkesbury Growth Hub, as a single point of contact to support business recovery- helping businesses to recover, innovate and thrive.	Target date: July 2021	Head of Development Services Lead Member for Economic Development/ Promotion		Delivering tailored covid-19 business support interactions and online events through Tewkesbury Growth Hub. 20 online webinar workshops and 1-2-1 sessions were delivered in Quarter 1, supporting 56 businesses. Events included support with online marketing, video development, social media, goal setting and Covid-19 support plan development. 47 Covid-19 specific Growth Plans were developed with local businesses in Quarter 1 – providing support and advice of funding opportunities, support packages and resilience. The team also proactively contacted over 1,000 businesses to offer advice and support and promote the Government grant opportunities available. This action is also linked to with the Council Plan performance tracker. (Economic Growth- objective 1- action b).

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PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Recover				
b) Deliver sector specific advice and events, helping support local supply chains.	Target date: July 2021	Head of Development Services Lead Member for Economic Development/ Promotion	☺	As part of a Growth Hub Network and GFirst LEP project - specialist advisors are to be employed across priority and growth areas, which will help provide support to local supply chains. Specialist advice includes the following areas: <ul style="list-style-type: none"> • Digital transformation • Low carbon / renewable energy sector • Change Management and transition, including Covid 19 recovery • Advanced manufacturing <p>The support can be accessed through each growth hub and a recruitment process for the specialist advisors has commenced.</p> <p>Working with the Growth Hub Network - Sector specific campaigns and events to be developed and delivered. Starting with Destination Growth – Rebuilding the Tourism sector in the county.</p>
c) Work with partners to support employment and skills initiatives targeted at those affected by unemployment.	Target date: July 2021	Head of Development Services Lead Member for Economic Development/	☺	Initial discussions have been held with DWP regarding offering a Youth Hub service within the Growth Hub to provide advice and information for young people, particularly focussing on young people impacted by Covid-19. Initial discussions with Growth Hub Network and GFirst

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		Promotion		LEP, exploring the potential of a Youth Enterprise Hub and the employment of an Apprentice in each hub location, linking in with the Kickstart Campaign. Promotion of the Kickstart Campaign to local businesses.
PRIORITY: ECONOMIC GROWTH				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Rebuild				
a) Launch grant and support packages focused on innovation and growth, linking grants and Growth Hub advice.	Target date: December 2020	Head of Development Services Lead Member for Economic Development/ Promotion	☺	Commence a review of the Council's Small Business Grant Scheme to develop the scheme to best support businesses in line with the impacts of Covid-19 and promote innovation and growth. Promotion of the Government's Small and Medium-sized Enterprises (SME) Recovery and Kick-starting Tourism Package Grant Schemes, (to be administered through the Gloucestershire Growth Hub Network). Encouraging businesses to sign up for updates ahead of the schemes opening at the end of September.
b) Support the revitalisation of the High Streets and retail centres across the borough, including delivery of the Tewkesbury Heritage Action Zone programme, to help drive economic	Target date: March 2024	Head of Development Services Lead Member for Economic Development/ Promotion	☺	Delivery of Reopening High Street Safely Fund project work. Grant Action Plan in development with key themes focussing on: 1. Communications and public information activity to ensure that reopening of local economies can be managed successfully and safely 2. Business-facing awareness raising activities to ensure that reopening of local economies can be managed successfully and safely

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recovery.				<p>3. Temporary public realm changes to ensure that reopening of local economies can be managed successfully and safely</p> <p>E-newsletter updates and survey work have been undertaken with retail centre businesses in the borough.</p> <p>A team of town centre Ambassadors were created to support the re-opening of the high streets in each of the retail centres, for the first week businesses were able to open.</p>
c) Work with partners to identify funding opportunities and support key infrastructure projects.	Target date: December 2022	Head of Development Services Lead Member for Economic Development/ Promotion	☺	Successful funding allocation from Reopening High Street Safely Fund to support Tewkesbury, Bishop's Cleeve and Winchcombe centres.
d) Promote Tewkesbury Borough as an excellent location for business and investment.	Target date: July 2021	Head of Development Services Lead Member for Economic Development/ Promotion	☺	<p>Working with the Countywide Inward Investment Project Team to promote investment opportunities within the borough and fielding enquiries.</p> <p>Revitalisation of Business Tewkesbury Website and social media – to promote the area as an excellent location for business and investment.</p>

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PRIORITY: HOUSING AND COMMUNITIES				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Refocus				
a) Refocus the council's Place Approach to reflect the issues within our communities arising from Covid-19.	Target date: January 2021	Head of Development Services Lead Member for Community	☺	The place approach will be simplified to reflect some of the key priorities arising through the community from Covid-19. Principles around how we can work best with our communities will be developed for approval. A Locality Partnership workshop will also be held in October to help key partners in the district identify priorities for the borough.
b) Assess the additional demand on those using the housing service, taking into consideration the county wide rough sleeper initiative.	Target date: Initial assessment October 2020	Head of Community Services Lead Member for Housing	☺	We continue to work closely with Gloucestershire County Council colleagues and the wider rough sleeper pathway. Procedures around placements of roofless households changed mid-August. This assessment will be an ongoing process and the first stage of assessing demand will be to compare the numbers placed / applications made before and after this change. While the numbers of rough sleepers identified have remained low in Tewkesbury Borough, there is a level of 'hidden homelessness' of households in insecure accommodation.
c) Work with landlords and tenants to assess the potential demand once restrictions are lifted.	Target date: First stage October 2020 To be repeated ending December 2020	Head of Community Services Lead Member for Housing	☺	To gain an understanding of 'pent up' homelessness contact was made with all households on the housing register and separate posts made through social media outlets to target tenants. We also sent requests for information from Registered Providers. An initial report will be produced by the end of September. This exercise will be repeated to also include Private Rented Sector as the ban on court action for evictions was extended to 20 September

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				2020.
PRIORITY: HOUSING AND COMMUNITIES				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Recover				
a) Support our communities to become more resilient and harness community spirit.	Target date: December 2021	Head of Development Services Lead Member for Community	☺	Initial work and support is being provided to several community groups, who were set up to support their community through the pandemic, but now wish to continue providing community support. Support provided includes governance, future direction and volunteering. Emergency community grants continue to be awarded. 66 have been successful, so far.
b) Respond to localised outbreaks of Covid-19 quickly and effectively and in conjunction with the Gloucestershire County Council's Local Outbreak Management Plan.	Target date: August 2021	Head of Community Services Lead Member for Clean and Green Environment	☺	It is anticipated that this work will be required for the next 12 months at least. Joint working between all districts and Public Health has established prevention is key to reduce the risk of local outbreaks. Covid Compliance Officers have been recruited from Public Health funding across all districts. Response and tactical plans are being developed and implemented. Close monitoring of local incidences is undertaken. Some incidences have been reported locally via business and these have been coordinated with Public Health and National Track and Trace to contain the spread of infection.

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PRIORITY: HOUSING AND COMMUNITIES				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Rebuild				
a) Recognise and harness our relationship with Voluntary and Community Sector (VCS) to support the building of resilient communities.	Target date: December 2021	Head of Development Services Lead Member for Community	😊	<p>The council has been distributing emergency community grants. The criteria has been adapted to take into the changing needs of the VCS over the course of the pandemic.</p> <p>Supporting the VCS has been identified as a key issue within the County Community Resilience Recovery Plan.</p> <p>The council's new community funding officer has been appointed. Through this role, the VCS will be supported to find external funding to support their communities.</p> <p>Covid-19 encouraged many new volunteers to offer their services in their local community. A volunteer survey has been carried out in conjunction with the VCS Alliance, with the aim of these new volunteers continuing to volunteer in their community.</p>

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b) Build on the Local Housing Needs Assessment and start developing the Tewkesbury Borough Housing Strategy for 2021 onwards.	Target date: 6 April 2021	Head of Community Services Lead Member for Housing		A delivery plan for the strategy is at a very early stage including the determination of key milestone dates. Consideration of the strategy itself is within the work programme of the O&S committee. The strategy will also require approval by Council.
c) Consider future working arrangements within new communities to ensure there are adequate local businesses and self-employment hubs.	Target date: December 2020	Head of Development Services Lead Member for Community	😊	Registered Providers (Housing Associations) will be contacted through their development teams to explore options regarding community work space delivery in existing settings or new developments. Local community groups will be contacted to explore what is needed in their area and any groups able to support projects.
PRIORITY: CUSTOMER FIRST				
Actions	Target date	Reporting Officer/Group	Progress to date	Comment
Refocus				
a) Review the effectiveness and efficiency of the Environmental Health Service, including an assessment of additional demand and available resources.	Target date: December 2020	Head of Community Services Lead Member for Clean and Green Environment	😊	A full review is underway and has been partially implemented. The service is now delivering all functions on an area basis since May 2020 with three lead officers following successful recruitment. All are working successfully remotely. The service has been severely impacted due to the additional responsibilities under covid-19 and will continue to be so for the next 12 months. There is a backlog of business as usual work required to be

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				completed by April 2021. Areas for further consider include the delivery of the private sector housing function and licensing inspections. Additional resources need to be secured to meet the demands on the service.
b) Develop a new customer care strategy.	Target date: January 2021	Head of Corporate Services Lead Member for Customer Focus		Work to develop a new strategy will commence in quarter 3. The target date is the date set in the work programme of the O&S committee to consider the strategy.
PRIORITY: CUSTOMER FIRST				
Actions	Target date	Reporting Line	Progress to date	Comment
Recover				
a) Explore options for alternative ways for customer engagement e.g. housing applicants.	Target date: March 2021	Head of Community Services Lead Member for Housing	😊	<p>We have started to use Facebook for interaction with Homeseeker Plus (housing register) applicants. Applicants are able to contact us through this channel and we are able to release notifications or surveys to a wide customer group.</p> <p>We have also installed a text message function into the Homeseeker Plus system to help communicate quickly with those who are not able to get online.</p> <p>There are plans to engage with customers in sites away from the offices with appointments or drop-in sessions in community settings however this has been delayed due to Covid restrictions.</p> <p>This action is also linked to with the Council Plan performance tracker. (Customer first- objective 1- action a).</p>

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<p>b) Support the safe re-opening of buildings that provide a council service.</p>	<p>Target date: (dependent upon government guidance)</p>	<p>Head of Corporate Services/Head of Development Lead Member for Customer Focus</p>		<p>Tourist Information Centres – remain closed. Re-opening Tewkesbury TIC is currently being risk assessed. Winchcombe TIC is reliant on Winchcombe Library (where it is hosted) re-opening fully. Advice and Information Centres (AIC) - all four AIC remain closed. Customer Services Team Leader remains in contact with the centres e.g. parish councils of any customer related issues. Public Services Centre – remains closed to the public.</p>
<p>c) Set up the new Business Transformation Team and shape the year one priorities.</p>	<p>Target date: September 2020</p>	<p>Head of Corporate Services Lead Member for Commercial Transformation</p>	<p>✓</p>	<p>The team is set up and running with a number of projects identified. These are implementation of the new digital platform, website review, bulky waste and revenues e-billing. Updates on the work of team are reported to the Transform Working Group. This action is linked within the Council Plan performance tracker. (Customer first- objective 1- action e).</p>
PRIORITY: CUSTOMER FIRST				
Actions	Target date	Reporting Line	Progress to date	Comment
Rebuild				
<p>a) Review the corporate website and Covid-19 microsite.</p>	<p>Target date: March 2021</p>	<p>Head of Corporate Services Lead Member for Customer Focus</p>	<p>😊</p>	<p>The transformation team are currently reviewing options for the website, particularly around whether to retain the current platform or move to a new one. Options will be presented to the internal project programme board by the end of October.</p>

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b) Re-instigate and deliver the council tax and business rates e-billing project.	Target date: February 2021	Head of Corporate Services Lead Member for Finance and Asset Management		The digital arm of the transformation team are confident e-billing can be delivered on the new platform. The project is one of the priority areas for the team and a programme manager has been assigned to lead the project.
c) For the benefit of customers, exploit the opportunities provided through agile working.	Target date: December 2020	Head of Corporate Services Lead Member for Organisational Development	😊	A new draft agile working policy has been written. Consultation has been undertaken amongst Operational Managers. The policy is due to be considered by Management Team on the 14 September 2020. Following any necessary changes consultation will take place with union representatives before the policy is launched.
d) Review communications strategy in light of new ways of working and remote meetings technologies.	Target date: January 2021	Head of Corporate Services Lead Member for Customer Focus		The communications strategy will be formally reviewed in quarter 3. It is an item within the committee's work programme for consideration in January 2021. In lieu of a formal review, communication both internally and externally have been at the forefront of the council's response and recovery and adapted accordingly eg Covid-19 microsite, staff briefings now monthly, borough news, increased social media etc. This action is linked within the Council Plan performance tracker. (Customer first- objective 1- action d).
PRIORITY: GARDEN COMMUNITIES				
Actions	Target date	Reporting Line	Progress to date	Comment

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Refocus				
a) Work with partners at Cheltenham to speed up delivery of the garden village site.	Target date: March 2021	Director of Garden Communities Lead Member for Built Environment	☺	Working closely with Cheltenham Borough Council and Homes England regarding the J10 Housing Infrastructure Fund (HIF) delivery as well as land assembly opportunities and the possible relocation of the Hayden Sewerage treatment works. This action is linked within the Council Plan performance tracker. (Garden Communities- objective 2- action b).
b) Explore opportunities to enhance new digital jobs and training with the Local Enterprise Partnership (LEP) and partners at Cyber Central.	Target date: March 2021	Director of Garden Communities Lead Member for Built Environment	☺	Continue to work with LEP and Cheltenham Borough Council as the Cyber Central project develops. Current activity includes the formation of a Cyber Leadership Board and a Cyber Festival planned for next year, both to be led by the LEP currently.
PRIORITY: GARDEN COMMUNITIES				
Actions	Target date	Reporting Line	Progress to date	Comment
Recover				
a) Seek further government funding with our partners to support sustained delivery of the garden community programmes.	Target date: December 2020	Director of Garden Communities Lead Member for Built Environment	☺	A bid for further capacity funding to support the development of the early stages of the Garden Town programme is under preparation and due to be submitted to Ministry of Housing, Communities and Local Government (MHCLG) in September. A decision is expected in December.

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b) Actively seek capital funding with our partners to support the programme.	Target date: March 2021	Director of Garden Communities Lead Member for Built Environment	☺	Discussions continue on many aspects of the programme to identify potential external funding opportunities/income streams, including direct grant aid, land purchase options, utility services provision, as well as private equity/investment avenues.
PRIORITY: GARDEN COMMUNITIES				
Actions	Target date	Reporting Line	Progress to date	Comment
Rebuild				
a) Work with partners to seek resolutions to infrastructure requirements around Junction 9 and Junction 10.	Target date: March 2021 (Junction 10)	Director of Garden Communities Lead Member for Built Environment	☺	<u>All-ways Junction 10</u> As part of the budget announcement, Gloucestershire County Council (GCC) have been awarded £219m to deliver an all-ways J10. This project consists of an all-ways motorway junction, link road to the West Cheltenham development site and a park and ride interchange. The Council, working with Cheltenham Borough Council is supporting GCC on work towards meeting the funding contract conditions and preparations for delivery of the project. This action can also be found within the Council Plan performance tracker. (Economic Growth- objective 2- action b).
	Target date:		☺	<u>J9 and A46 Offline Solution</u> The Council continues to be actively engaged in both the

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	October 2021 (J9 and A46)			<p>A46 Partnership and Midlands Connect to promote the development opportunities at the Garden Town. A first stage bid for major investment to support the delivery of an off-line J9/A46 solution has now been submitted to the Dept for Transport and work continues to finalise the alignment options and prepare the next stage business case, due for submission to the Department of Transport by September 2021.</p> <p>This action can also be found within the Council Plan performance tracker. (Economic Growth- objective 2- action b).</p>
PRIORITY: GARDEN COMMUNITIES				
Actions	Target date	Reporting Line	Progress to date	Comment
Rebuild				
b) Work with partners to maximise sustainable development and low carbon technologies as part of the Garden Communities programme.	Target date: March 2021	Director of Garden Communities Lead Member for Built Environment	😊	<p>To meet the principles of the garden community developments sustainability is a core requirement. West Cheltenham Supplementary Planning Document (SPD) is now adopted (Tewkesbury Borough Council adoption 28 July 2020), which promotes a number of sustainability objectives and work continues on the evolution of the Tewkesbury Garden Town masterplan to better define the principles of development and how key features of sustainability and low carbon can be fully integrated and actively promoted, from the outset.</p> <p>This action is linked within the Council Plan performance tracker. (Garden Communities- objective 1- action c).</p>

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PRIORITY: SUSTAINABLE ENVIRONMENT				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Refocus				
1609 a) Exploit the opportunities provided through agile working to enhance or accelerate carbon reduction and climate change initiatives.	Target date: March 2022	Head of Corporate Services Lead Member for Organisational Development	☺	With the majority of staff working from home then this will naturally contribute to reducing cost and the carbon footprint of PSC activity e.g. reduced paper consumption, reduced travel, heating and lighting etc. The impact will need to be determined through the capture of baseline data and monitoring procedures – a recommendation from the audit. Looking forward, the advantages currently presented through agile working need to be sustained and become the ‘new norm’.
b) Work with our businesses and communities to support cleaner and greener living and working.	Target date: March 2021	Head of Development Services Lead Member for Community	☺	Virtual workshops and one-to-one sessions are currently being offered to businesses through the Tewkesbury Growth Hub. A workshop on ‘how to build an eco/green business’ is due to take place on 21 October 2020 and a one-to-one session on 22 October 2020.
PRIORITY: SUSTAINABLE ENVIRONMENT				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Recover				
a) Increase awareness in the effects of recycling contamination.	Target date: March 2021.	Head of Community Services Lead Member for Clean and Green	☺	Ubico crews are delivering to all properties a revised information sticker for blue bins as it has been recognised the current bins have been in place for up to 10 years and the information will be wearing off the older bins. This will ensure that at the point of use, the bins will show information on what can and cannot be

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		Environment		recycled. A similar advert has been in the Summer 2020 Borough News as a cut out and keep leaflet.
b) Work with our communities to minimise waste to minimise the impact on our environment.	Target date: October 2021	Head of Community Services Lead Member for Clean and Green Environment	😊	A new waste communications strategy is being created through the newly reformed Gloucestershire Resource and Waste Partnership (GRWP). This will help the GRWP work closer with communities and encourage waste minimisation and diversion from disposal routes. A communications fund has been set up to pay for the activities which will be identified in the communication strategy action plan. This work will build on the waste compositional analysis which has identified recyclable waste streams still in the residual bin.
PRIORITY: SUSTAINABLE ENVIRONMENT				
Actions	Target date	Responsible Officer/Group	Progress to date	Comment
Rebuild				
a) Support the deployment of the carbon reduction action plan.	Target date: July 2021	Head of Finance and Asset Management Lead Member for Finance and Asset Management.	😊	Climate change and carbon reduction action plan agreed at Council on 8 July 2020. Data provided to external support in order to establish baselines and a process for ongoing monitoring. Resources will need to be identified for the ongoing requirement. Initial survey work of council owned buildings has been undertaken by Severn Wye Agency and supported by the Asset Management team.
b) Work on the Mixed Recycling Facility (MRF) contracted services procurement.	Target date: April 2021	Head of Community Services Lead Member for Clean and Green	😊	The procurement has commenced with a healthy response from the market. A confidential report is programmed for the Executive committee in November for this item.

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		Environment		
c) Build on our communities' connections with green space, walking and cycling to encourage healthy, sustainable living and appreciation of biodiversity.	Target date: March 2022	Head of Development Services Lead Member for Community	😊	Through the Community Funding Officer, the council is providing funding advice for community projects, including environmental and health initiatives. Through the development process there are health and community policies to encourage new communities to access facilities and green space that encourage healthy, active lifestyles.

Appendix 4 - Quarter 1 budget report

Chief Executive

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	260,900	65,169	51,644	13,525	1
Premises	0	0	0	0	
Transport	0	0	0	0	
Supplies & Services	8,160	348	(240)	588	
Payments to Third Parties	0	0	0	0	
COVID-19 Costs					
Income	0	0	0	0	
TOTAL	269,060	65,517	51,404	14,113	

1) The saving on Employee costs is as a result of the Chief Executive taking flexible retirement.

Community Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	1,329,424	328,287	300,515	27,772	2
Premises	0	0	53	(53)	
Transport	900	225	0	225	
Supplies & Services	151,319	36,835	27,941	8,894	
Payments to Third Parties	5,136,738	187,839	218,202	(30,363)	3
COVID-19 Costs	0	0	45,715	(45,715)	4
Income	(2,279,847)	(1,441,188)	(1,393,419)	(47,769)	5
TOTAL	4,338,534	(888,002)	(800,993)	(87,009)	

2) Employee costs savings are being generated in both Environmental Health and the Waste Services Contract team due to vacant posts

3) Additional costs are continued to be incurred on the MRF contract due to changes in material demand and prices based on quality of recycle and increased residual material coming through the plant.

4) Ubico have recharged additional costs of equipment and staff that it incurred as a direct result of the pandemic of £35k to the end of June. There is also an additional £6k of cost relating to placing homeless people in accommodation, as a result of central government directive.

5) Q1 has seen a significant loss in Garden Waste income (£14k), Trade Waste (£41k) and Licencing (£13k). As lock down has been eased the council has seen demand in all these services increase and so it is hoped that the income projection over the remaining financial year stabilises.

Corporate Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	2,068,927	506,697	448,168	58,528	6
Premises	0	0	0	0	
Transport	0	0	198	(198)	
Supplies & Services	557,089	68,517	87,517	(19,000)	7
Payments to Third Parties	83,800	11,758	6,882	4,876	
Transfer Payments - Benefits Service	12,449,021	0	(22,000)	22,000	8
COVID-19 Costs	0	0	75,800	(75,800)	9
Income	(12,969,223)	(140,368)	(103,727)	(36,641)	10
TOTAL	2,189,614	446,604	492,838	(46,235)	

6) There a various savings across posts with corporate services, including a vacant Revenues Officer and Communications Officer. The recruitment process has started for both posts. There is also small saving within the youth training budget. Due to current circumstances it is difficult for services to support an apprentice.

7) The overspend within supplies and services is as a result of a contract extension with Epaton to provide the offsite disaster recovery and business continuity component of our backup solution. This work is critical to reduce the cyber risk ransomware poses to the council and to allow the organisation to continue functioning in the event the building is lost e.g. fire, flood etc.

8) Currently the recovery of housing benefit subsidy is better than budget with low level of overpayments being reported at the end of Q1

9) Over 115 laptops over been purchased to enable staff to work from home. In addition, a contractor was employed to help deploy the new equipment and assist IT with other projects.

10) Less has been recovered from Housing Benefit overpayments than expected. COVID has meant more new applications to process and therefore less time to review changes and chase debt. Also, courts have been closed resulting in no Council Tax Summons.

Democratic Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	273,305	66,760	55,909	10,851	11
Premises	0	0	0	0	
Transport	11,500	2,021	56	1,965	
Supplies & Services	456,419	102,931	99,343	3,588	
Payments to Third Parties	37,600	(3,537)	(3,527)	(10)	
COVID-19 Costs	0	0	0	0	
Income	(2,000)	0	(30)	30	
TOTAL	776,824	168,174	151,750	16,424	

11) There is a staff saving due to a vacant post within establishment which offsets additional cost of elections.

Deputy Chief Executive

	Full Year Budget	Budget	Actual	Savings / (Deficit)
	£	£	£	£
Employees	124,939	31,548	30,685	863
Premises	0	0	0	0
Transport	200	51	0	51
Supplies & Services	2,400	365	0	365
Payments to Third Parties	20,000	0	0	0
COVID-19 Costs	0	0	0	0
Income	0	0	0	0
TOTAL	147,539	31,964	30,685	1,279

Development Services

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	2,079,092	520,318	462,084	58,234	12
Premises	45,356	8,907	9,433	(526)	
Transport	0	0	21	(21)	
Supplies & Services	219,705	130,070	113,883	16,187	13
Payments to Third Parties	276,045	29,934	30,774	(840)	
COVID-19 Costs	0	0	2,838	(2,838)	
Income	(1,572,605)	(413,755)	(261,033)	(152,722)	14
TOTAL	1,047,593	275,474	358,002	(82,528)	

12) There is currently at £58k saving on employee costs. The financial year started with four vacant posts in Planning, one in Planning Policy and two in Community Development. Four of these vacant posts have since been recruited to and there are plans resource the remaining vacancies.

13 & 14) There is a budget deficit across all income streams within Development. The Planning Manager is currently reviewing the applications likely to be submitted during the year which will give us a better indication of total income. In May 2020 we predicted that planning income could have a potential deficit of £380k this financial year. The reduction of income has however resulted in a small saving on supplies and services. For example, no stock purchased at the TIC's.

Finance and Asset Management

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	2,584,888	645,342	619,576	25,766	15
Premises	569,065	292,941	284,065	8,875	
Transport	55,870	13,977	7,195	6,782	
Supplies & Services	501,036	65,976	62,854	3,122	
Payments to Third Parties	298,933	58,568	57,747	821	
Precept	6,500	6,500	6,876	(376)	
COVID-19 Costs	0	0	160,572	(160,572)	16
Income	(1,387,516)	(347,026)	(192,244)	(154,782)	17
TOTAL	2,628,776	736,278	1,006,640	(270,363)	

15) There are currently 2 vacant posts within the Property services team which is the main element of the savings of £25k being recorded for Finance and Asset Management

16) £127k is the cost of supporting the operators of the leisure centre to meet there unavoidable costs incurred during lockdown when the centre has been closed.

17) We have lost £148k of revenues from car parking, as charging was suspended during the lockdown period. In support of 2 businesses in the leisure sector, that were also closed during lockdown, we have reduced rents due by £24k

One Legal

	Full Year Budget	Budget	Actual	Savings / (Deficit)	
	£	£	£	£	
Employees	1,951,713	129,421	95,926	33,495	18
Premises	0	0	0	0	
Transport	18,160	1,020	1,378	(357)	
Supplies & Services	95,686	1,773	8,388	(6,615)	
Payments to Third Parties	10,460	588	153	434	
COVID-19 Costs	0	0	0	0	
Income	(1,757,648)	(36,118)	(22,109)	(14,009)	19
TOTAL	318,371	96,685	83,736	12,948	

18) There is currently at £33k saving on employee costs. The financial year started with vacant posts in commercial, litigation and business development and the planning sections, with agency staff being utilised where possible to meet the work requirements. There was several rounds of recruitment in Q1 of the financial year which is expected to see several of the posts filled.

19) COVID-19 has impacted on the amount of third party work that One Legal has been able to do in Q1 of the financial year. This combined with the limited resources available to undertake additional work has meant that One Legal is not currently achieving the income target at the end of June.

Covid-19 estimated financial impact 20/21

Service Area	Increased expenditure / lost income	Note	Impact	Central	Low	High
ICT	Additional staff	To support remote working requirements	5 months	38,000	19,000	57,000
	Licences	To support remote working requirements	12 months	8,000	4,000	12,000
	Hardware	120 new laptop packs	Total cost	60,000	60,000	60,000
HR	General casual staff backfill and overtime	Non service specific for estimations	1.5 fte	36,000	18,000	54,000
Revenues & Benefits	In year Housing Benefit	5% increased claims and 1% drop in subsidy recovery rate		131,624	69,378	209,237
	Recovery of previous years Benefit Overpayments	Reduced payments, more write offs, increase in provisions	30%	54,925	27,462	82,387
	Agency processing staff	To support upsurge in LCTS claims and revenues enquiries	3 months	24,000	12,000	36,000
	Recovery Of Summons/Court costs	Reduction in numbers of court cases heard	40%	40,000	20,000	60,000
Development Management	Street name and numbering income	Estimate based on first 3 months income profile and expectation of lockdown/recovery	50%	12,500	6,250	18,750
	Building Regulations income	Estimate based on first 3 months income profile and expectation of lockdown/recovery	13%	26,000	14,000	40,000
Community	New grants scheme	£50k grants scheme approved; further £50k from GCC	Total cost	50,000	50,000	50,000
Planning	Land charges income	Estimate based on first 3 months income profile and expectation of lockdown/recovery	30%	38,100	19,050	57,150
	Planning income	Estimate based on first 3 months income profile and expectation of lockdown/recovery	13%	127,497	68,652	196,150
	Pre planning advice income	Estimate based on first 3 months income profile and expectation of lockdown/recovery	13%	6,500	3,500	10,000
	PPA income	Estimate based on first 3 months income profile and expectation of lockdown/recovery	13%	14,300	7,700	22,000
Tourism	Hat shop net position on variable charges plus income	Assumed full closure for first 6 months followed by partial re-opening	70%	24,319	22,159	26,170
Waste	Bulky waste income - operational from 11th May	6 weeks income lost	12%	6,624	3,312	15,456
	Garden waste income - operational from 4th May	5 weeks income lost	15%	141,777	70,888	203,213
	Trade waste income	Continued operation but loss of businesses	20%	61,600	30,800	92,400
	Ubico additional spend	Increases agency staff; PPE expenditure	Ongoing	175,000	87,500	262,500
Housing	Homeless and rough sleeper expenditure	Countywide agreement to house rough sleepers in hotel accomodation	Estimated cost	127,400	63,700	191,100
Environmental Health	Licensing Act 2003 Fees	Estimate based on first 3 months income profile and expectation of lockdown/recovery	30%	19,170	9,585	28,755
	Private Hire/Hackney Car	Estimate based on first 3 months income profile and expectation of lockdown/recovery	30%	28,575	14,288	42,863
	Increased public health activities	Estaimte for whole year based on expenditure to date		27,200	13,600	40,800
Finance	Interest received	Reduction in average portfolio size from cash flow; reduction in base rate	0.40%	54,000	72,600	217,800
	Interest paid - £15m for cash flow	Additional short term borrowing taken to safeguard cash flow position	2%	75,000	75,000	75,000
Assets	Cemeteries (Cleeve) income - increase	Small increase in number of burials/internments	10%	-5,700	-2,850	-8,550
	Cemeteries (Tewkes) income - increase	Small increase in number of burials/internments	10%	-6,100	-3,050	-9,150

Service Area	Increased expenditure / lost income	Note	Impact	Central	Low	High
	Car parks income	Assumption - no charging until mid June, then 50% usage until Sept, then normal	55%	306,350	153,175	459,525
	Car parks PCN income	As above	55%	19,250	9,625	28,875
	Car parks permits	As above	30%	13,500	13,500	20,250
	Pool cars	Reduced requirement	6 months	-9,867	-3,700	-11,100
	Mileage savings	Reduced requirement	6 months	-3,735	-934	-2,801
	Homeless properties contract - 6 month extension	Planned savings not generated as in-sourcing put on hold	6 months	9,130	4,565	13,695
	Leisure centre	Contract sum to be amended to reflect change event	50%	626,000	350,000	626,000
	Commercial property	Agreements to defer income		98,752	98,752	98,752
	Non commercial property rents	Various impacts		91,445	45,723	137,168
Recovery phase	Potential support required	To support Economic Development, Tourism, Community, Homelessness etc within Borough		500,000	250,000	750,000
Gross cost of CV-19				3,047,136	1,777,230	4,263,394
	Additional government grant			-1,119,175	-1,119,175	-1,119,175
	New burdens funding - business grants scheme			-130,000	-130,000	-130,000
Net cost of CV-19				1,797,961	528,055	3,014,219

Central case - based on emerging recovery patterns and know areas of expenditure

Low case - 50% of central case

High case - 150% of central case

Appendix 6 - Analysis of capital budget 2020/21

	Q1 Budget Position £	Q1 Actual Position £	(Over) / Under spend £	% Slippage	Comments
Council Land & Buildings	0	0	0	0	No expenditure expected in Q1
Equipment	40,000	40,000	0	0	Payments in Q1 are in line with expectations.
Capital Investment Fund	10,415,000	10,414,261	739	0	Payments in Q1 are in line with expectations.
Community Grants	0	0	0	0	No expenditure expected in Q1
Housing & Business Grants	140,000	136,124	3,876	3	Payments in Q1 are in line with expectations.
	10,595,000	10,590,385	4,615	0	

Appendix 7 - Revenue reserves for 2020/21

Reserve	Balance 31st March 2020	Spent in Reserve Quarter 1	Reserve Remaining	Note
Service Reserves				
Asset Management Reserve	1,148,664	1,293	1,147,371	
Borough Growth Reserve	1,270,166		1,270,166	
Borough Regeneration Reserve	89,059	22,100	66,959	
Business Rates Reserve	500,000		500,000	
Business Support Reserve	125,317		125,317	
Business Transformation Reserve	618,019	19,890	598,129	
Community Support Reserve	99,317		99,317	
Development Management Reserve	180,150		180,150	
Development Policy Reserve	264,935	1,168	263,767	
Elections Reserve	40,848		40,848	
Flood Support and Protection Reserve	9,646		9,646	
Health & Leisure development reserve	1,889		1,889	
Housing & Homeless Reserve	608,594	17,013	591,581	
Insurance Reserve	50,000		50,000	
IT Reserve	110,195	899	109,297	
Open Space & watercourse Reserve	876,182	22	876,160	
Organisational Development Reserve	115,156	56,462	58,694	1
Risk Management Reserve	10,000		10,000	
Waste & Recycling development Reserve	1,209,955		1,209,955	
	7,328,093	118,846	7,209,247	

Notes

1 Payment of final essential user lump sum to staff as per savings plan

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Financial Update – Quarter Two Performance Report
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:	Four

Executive Summary:

The budget for 2020/21 was approved by Council in February 2020 with the reserves being approved at Executive Committee in July 2020. This report is the second quarterly monitoring report of the Council's financial performance for the year.

The report highlights a projected year end deficit of £329,720 on the revenue budget and details the expenditure to date against both the capital programme and the approved reserves.

Recommendation:

Executive Committee is asked to consider the financial performance information for the second quarter of 2020/21.

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 inform Members 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 £800,000 General Fund balance. In the current year, the Council is also benefitting from a significant Business Rate Collection Fund Surplus which it is able to utilise to meet the forecast deficit.

The COVID-19 pandemic is having a significant impact on the Council's financial position, which has been recognised by the government. Support packages have been put in place to provide Councils with additional funding and emergency support in the short term, with further support being proposed. The level of funding and terms of the support available will have a significant impact on the ability of the Council to recover from the financial impact of the pandemic.

Legal Implications:

None associated with the report.

Risk Management Implications:

A financial deficit will result in the utilisation of the limited financial reserves held by 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 a deficit whilst maintaining delivery of services.

As a result of the COVID-19 pandemic, the Council is producing a projected position for the 2020/21 financial year. The aim is to facilitate the management of the budget deficit position over the short and medium term. This will enable Members to make informed decisions based on the most up-to-date information on whether action is required. The projected position will have regard to the COVID-19 Corporate Recovery Plan approved by the Executive Committee at the 5 August 2020 meeting.

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 2021.

Environmental Implications:

None arising from this report.

1.0 INTRODUCTION/BACKGROUND

1.1 This report provides the expected year end position statement for the financial year 2020/21. Finance have worked alongside budget holders to calculate reasonable projections, taking into consideration the impact of COVID-19. These projections are based on current knowledge and information, therefore could potentially change between now and March 2021. 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 inform Members of any action to be taken if required.

2.0 REVENUE BUDGET POSITION

2.1 The financial budget summary at Q2 shows a (329,720) deficit against the full year budget. The deficit stated includes government support grant expected during the year.

This position is in line with expectations of financial performance during the coronavirus lockdown. The Council is very much aware of the additional costs and reduced income caused by coronavirus in the first two quarters. This report now brings into focus the core operational activities of the Council during the period and highlights some of the savings made which reduces the overall deficit to the Council.

Below is a summary of the expenditure position for the Council, split out between the main expenditure types.

Services expenditure	Budget	Full Year Projection	Full Year Variance
	£	£	£
Employees	10,629,414	9,987,013	642,401
Premises	614,421	586,968	27,453
Transport	86,630	19,118	67,512
Supplies & Services	170 991,814	1,970,903	20,911

Payments to Third Parties	5,913,850	6,010,498	(96,648)
Transfer Payments	12,449,021	12,449,021	0
COVID-19 Costs	0	1,543,054	(1,543,054)
Projects Funded Externally	0	950,766	(950,766)
Income	(19,968,839)	(18,651,731)	(1,317,108)
	11,716,311	14,865,611	(3,149,300)

Corporate Codes

Interest Received	(501,300)	(481,470)	(19,830)
Interest Costs	513,000	537,132	(24,132)
Investment Properties	(2,713,904)	(2,714,098)	194
Corporate Savings Targets	(57,500)	70,170	(127,670)
Reserve Funding	0	(950,766)	950,766
RSG and other grant funding	(36,936)	(1,841,596)	1,804,660
New Homes Bonus	(3,762,756)	(3,762,756)	0
Business rates	(2,585,070)	(2,820,662)	235,592
Council Tax Surplus	(82,200)	(82,200)	0
Parish Precepts	2,145,238	2,145,238	(0)
Use of reserves, MRP	1,905,347	1,905,347	0
	-5,176,081	(7,995,661)	2,819,580

Net budget to be funded from CT	6,540,230.00	6,869,950	(329,720)
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Note: With regards to savings and deficits, items in brackets are overspends/deficit

2.2 Expenditure on providing services

The budget position in relation to service expenditure shows an overall budget deficit of (£3,149,300).

Employee Costs – surplus of £642,401

These savings are being generated through staff vacancies, across all services. Corporate Services are predicting £72,000 of savings, Development Services £98,000 and One Legal £367,000. An impact of COVID-19 was to delay recruitment from the end of March, which may have left a greater number of posts open than normal, however recruitment processes are operating again with all remaining vacant posts in Development and Corporate out for recruitment.

Payments to Third Parties – deficit of (£96,648)

Most of this deficit against budget falls within Community Services.

There has been an ongoing issue regarding the reprocessing of paper and the amount of residual waste from glass at the Materials Recycling Facility depot operated by Suez. Additional costs have been agreed to be paid through the contract to the end of the year in relation to the quality of our paper recycling. There is also an emerging issue where the contractor is rejecting any loads which contain contaminated material. This has been occurring since the beginning of October and on the basis of rejecting two loads per week this could cost the Council an additional £100,000 during the second half of the financial year.

Whilst there has been overspends reported on the Ubico contract of nearly £100,000, including corporate costs and vehicle repair costs, these have been offset by a gain as a result of the revaluation of the Gloucestershire Local Government Pension Scheme.

COVID-19 Costs – deficit of (£1,543,054)

The Council has separately identified where we have incurred costs as a direct response to the COVID-19 pandemic. The aim of identifying these costs is to demonstrate to central government the impact on our revenue position and that without additional financial support these costs would have a significant impact on the reserves held by the Council. The areas that have been identified are:

- 1) The Council has a contractual requirement with Places Leisure to provide revenue support to cover the costs of operating the leisure centre as a result of the change in law which brought about operating restrictions. The contract requires that on a month by month basis the Council will pay the difference between unavoidable costs and revenue, so that a break-even position is maintained for the operator. At Q2 the cost to the Council is £281,000. This is an ongoing support agreement until the leisure centre is able to return to normal operating capacity. It is anticipated that the Council will be required to cover the funding shortfall until April 2021 at which point it is hoped to move to a cost neutral position. The full expected contribution is expected to be £473,000.
- 2) The Council has purchased 115 laptops to ensure that staff have been able to work from home. As there was a plan to move some staff onto laptops during the year, £40,000 of costs have been paid for from capital reserves. The remaining purchase cost, and the additional agency resource required to help build laptops for staff, resulted in an additional £60,000 cost.
- 3) Ubico have been recording the additional costs they have incurred as they respond to the COVID-19 pandemic as they have continued to provide services, whilst ensuring that staff are protected. They incurred additional costs of agency workers, seconded staff and hire of vehicles to deliver additional rounds as the service could not be delivered safely as per normal operating conditions. The purchase of personal protective equipment was a priority to ensure teams could work together on rounds. Ubico are predicting an additional £100,000 of expenditure.
- 4) Across all areas of the Council there has been a significant increase in demand on services particularly supporting vulnerable people in the borough whether that is residents who were shielding, those finding themselves homeless and those that are facing unemployment and requiring financial support. There was also a significant effort required to support businesses particularly delivering central governments business grants schemes. The Council has had additional costs from providing staff with unsociable hours payments and paying overtime claims in the region of £42,000 at Q2. Overtime claims are expected to continue in some services as more central government schemes relating to COVID-19 are introduced. For example, self-isolation payments and audit assurance of the initial business grants. In some instances we have needed to use agency to backfill core services or help with the COVID response. The total in year cost is estimated to be £280,000.

Income – deficit of (£1,317,108)

The deficit on income has currently been attributed to the COVID-19 pandemic, and has resulted in:

- 1) Planning income is expected to be under budget by £276,000, including planning fees, land charges and street name and numbering. It is not clear what impact COVID-19 has had on the level of planning applications expected in 2020/21. The Ministry of Defence has decided not to submit a budgeted application worth £230,000. Development services are reviewing forecasts for the year, particularly in regard to large applications which are expected and generate significant fees.
- 2) £248,000 of lost income from car parks as all charges were suspended during the lock down period. Fees are unlikely to pick up as we enter the winter months.

- 3) £69,000 of lost income from rental income as some businesses were closed during the lock down period.
- 4) £42,000 lost income on trade waste during the first half of the year, as a significant number of our customers businesses were closed and their accounts were suspended during the lockdown period. The full service has now resumed but this could change if businesses are forced to close again.
- 5) £33,000 budget deficit on licencing particularly around lost renewals on vehicle and taxi licences and also premises licences.
- 6) £47,000 budget deficit on the recovery of housing benefit overpayments and as the Courts have been closed there has been no revenue from Council Tax Summons. This amounts to a £100,000 loss.
- 7) A potential £214,000 budget deficit on One Legal fees, as third party clients focus has been on response to the pandemic rather than day to day business requiring legal support. One Legal anticipated significant growth during the financial year but the pandemic has not made this possible.

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.

2.3 Corporate codes

The corporate codes include the other sources of financing which are needed to balance the budget.

Our commercial investment portfolio is currently showing as being on budget. We have negotiated two income deferral schemes where clients are managing cash flows by deferring the payment of the rental income due to a later date. However, we still account for the income in the period that it is due.

Treasury Management is showing a reduction of expected interest received, this is due to fall in interest rates. The uncertainty caused by the pandemic has made investing money increasingly challenging. We have received large amounts of government grants that we have been able to invest in the short term but the returns are not substantial.

Interest costs on borrowing are also forecasted to be over budget at the end of the financial year. One reason being the decision to undertake liquidity borrowing of £15million in late March. This decision was taken prior to the announcement of government business grants and the deferral of business rates payments to the government and was made to ensure we could meet our creditor requirements during the early days of the pandemic. The additional borrowing undertaken has now been repaid. Borrowing was also required for the purchase of our new investment property in Tipton. This coincided with others wanting to increase their own liquidity, and therefore increased borrowing prices. The Council will keep under review its liquidity and will look to take out further borrowing if it is deemed necessary.

At the end of Q2 we are showing a small gain on business rates, based on current information. There is no doubt that COVID-19 has impacted on businesses, and we will continue to monitor business rates on a monthly basis. A large part of this is business intelligence and knowing if businesses are likely to cease trading. This would impact on future years estimates of retained business income rather than an impact in the current year. The government has also provided over £10million in business rates relief to the retail, hospitality and leisure sectors, meaning that the Council is insulated from business failings in these sectors this year. We are yet to hear whether this support will continue to next financial year.

2.4 Government Support

The government has allocated £1,247,602 of un-ringfenced additional funding in 2020/21 to support the Council's spending pressures. This has not been directly allocated to individual service areas but will be kept as additional general funding to support the overall budget of the Council.

The government is also providing revenue contributions to cover lost income, which will help improve the revenue position. The announcement was that the government will reimburse authorities for 75% of income losses relating to sales, fees and charges occurring in 2020-21, as a result of COVID-19. Authorities will be responsible for losses up to a 5% threshold. The first claim was submitted in September with estimated compensation of £176,000. The full impact on income streams is still unknown, particularly with the uncertainty over the winter months. The estimate for compensation for the year is currently £550,000, which will cover some of the budget deficits identified on income above.

The Council is taking into account government support provided and will monitor the budget impact over the remainder of the year. It will report back to Members through the quarterly monitoring reports.

2.5 COVID-19 Business Grants

COVID-19 Business Grants Scheme	Allocation	Spent	Balance remaining
COVID-19 Business Grants	17,660,000	17,065,000	595,000
Discretionary Business Grants	883,000	882,980	20
COVID-19 Community Grants	100,000	67,586	32,414
	18,643,000	18,015,566	627,434

As part of the government's response to the COVID-19 pandemic, a number of grants were made available for business to claim. The government asked local government bodies to administer the distribution of grants.

Tewkesbury Borough Council has been allocated a total of £18,543,000 to distribute to businesses, of which we have now paid a total of £17,947,980. The scheme was closed on 28 August 2020. There was a significant amount of effort from the grants team and communications to distribute the full amount and to make businesses aware. Whilst the aim was to distribute as much of the allocated funds as possible, within the parameters of the scheme defined by government, there was a balance remaining at the closure of the scheme. The balances need to be returned to central government.

The Council is now into the next phase of the schemes which will involve the post payment assurance checks required by government. Whilst Tewkesbury put in place many checks pre-payment, there still remains a significant workload to meet all of the requirements. Government has paid a new burdens grant of £130,000 to the Council to cover the costs of the administration of the business grants schemes.

From 12 October the Council is also administering the Test and Trace Support payments. Tewkesbury has been given £32,000 from central government in order to grant £500 to low income individuals who are asked to self-isolate.

Further schemes are likely to be announced if Tewkesbury Borough is moved into a higher COVID Tier level. The Council will continue to inform and update Members on the COVID response, including the financial implications, on a quarterly basis.

2.6 Full year forecast

The full year forecast, for all aspects of the Council's activities during 2020/21, shows an estimated deficit of £329,720. A number of assumptions have been made in calculating this forecast and are clearly subject to change, particularly if the Council is placed in higher COVID restriction tiers or another national lockdown occurs. In addition, other events such as the exit from the European Union and severe weather events could further change the forecast.

However, based on the Q2 forecast, the Council stands in a good position with only a relatively modest deficit forecast. The Council will benefit from a significant Business Rates collection fund surplus in the current year, not shown in the above figures, which can be used to meet this deficit. Balances remaining from this collection fund surplus will be allocated to reserves to meet the significant financial costs of balancing future year budgets.

3.0 CAPITAL BUDGET POSITION

3.1 Appendix B shows the capital budget position as at Q2. This is currently showing an underspend against the profiled budget of £69,094.

3.2 The capital programme for the year has an approved budget of £16.7million to secure commercial investment properties. The acquisition of one property has been completed in quarter one and the deposit on a second acquisition has been paid, with the expected completion to occur in December 2020. The purchases have passed the Council's due diligence processes and are in line with the budget allocated.

3.3 The capital replacement programme assumed that we would purchase a number of laptops in the current year, to replace older equipment. The impact of COVID-19 has meant laptops were purchased for all staff to enable them to work from home. We have allocated some of those laptop purchases against the available capital budget.

4.0 RESERVES POSITION

4.1 Appendix C 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 Q2 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 MID YEAR TREASURY MANAGEMENT REPORT

5.1 At the half year point of the financial year, treasury investment activities have resulted in an average return of 1.85% on its investments which, at the end of September, totalled £29,270,000. This performance and level of return has generated interest of £342,689 in the first half of the year against the budget estimate of £250,650 resulting in a surplus of £92,039. This is considered to be an excellent return given the impact of the pandemic, although it is thought likely that performance will deteriorate in the second half of the year as the market continues to struggle and the returns from pooled investments decrease.

5.2 The Council's investment performance has been boosted by its investment in a number of pooled funds. The funds, which hold investments in equity, multi-asset and property classes, total nearly £9m of the Council's investments and continue to return income of 4.37%. However, the pandemic has affected the capital value of these pools and they are currently reflecting 10.33% of unrealised capital losses.

5.3 Borrowing costs in the first half of the year stand at £302,389 which is £45,889 in excess of the budget. This additional cost is mainly in relation to the additional borrowing taken out at the beginning of the pandemic to ensure liquidity of the authority. The position is improving as the authority is able to extend its internal borrowing given the balances held and thus avoid planned borrowing cost in the second half of the year.

5.4 Overall, the Council's treasury management activities in the first half of the year have been efficiently managed given the extreme circumstances and have resulted in a surplus of £46,150 on budget. Full details of the Mid Year Treasury Management position are contained in Appendix D.

6.0 CONSULTATION

6.1 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.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Budget monitoring is on the approved annual revenue and capital budget for 2020/21 which has been prepared in line with the Medium Term Financial Strategy.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 None.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None.

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

10.1 None.

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

11.1 None.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 None.

Background Papers: None.

Contact Officer: Head of Finance and Asset Management Tel: 01684 272005

Appendices: A – Revenue position by service.
B – Capital position.
C – Earmarked reserves update.
D – Mid year treasury management report.

Appendix A - Quarter 2 budget report

Chief Executive

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	260,900	206,665	54,235	1
Premises	0	0	0	
Transport	0	0	0	
Supplies & Services	8,160	3,860	4,300	
Payments to Third Parties	0	0	0	
COVID-19 Costs	0	0	0	
Income	0	0	0	
TOTAL	269,060	210,525	58,535	

1) The saving on Employee costs is as a result of the Chief Executive taking flexible retirement.

Community Services

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	1,329,424	1,388,273	(58,849) *	2
Premises	0	1,603	(1,603)	
Transport	900	0	900	
Supplies & Services	151,319	143,768	7,551	
Payments to Third Parties	5,136,738	5,267,239	(130,501)	3
COVID-19 Costs	0	389,127	(389,127)	4
Ringfenced Projects and Funding	0	(180,192)	180,192	5
Income	(2,279,847)	(2,222,652)	(57,195) *	6
TOTAL	4,338,534	4,787,166	(448,632)	

2) Employee costs are showing as overspent which is due to the pressures on the Environmental Health team during the COVID pandemic and the full time use of an interim Environment Health Manager to ensure continuation of services to the end of the financial year.

3) Payments to third parties are overspend due to the continuing issues with the MRF provider. Additional costs have been agreed to be paid through the contract to the end of the year in relation to the quality of our paper recycling. There is also an emerging issue where the contractor is rejecting any loads which contain contaminated material. This has been occurring since the beginning of October and on the basis of rejecting 2 loads per week this could cost the council an additional £100k during the second half of the financial year. Whilst there has been overspends reported on the Ubico contract of nearly £100k, these have been offset by one off gain where by pension contributions have not been required to be paid in the year. The pension saving had not been included in the 2020/21 budget when approved by members.

4) COVID 19 costs show the impact of additional work that is being required as a result of the pandemic, not related to normal service provision. These include the cost of implementing the national policy of placing all homeless people in accommodation, additional costs that Ubico incurred to comply with health and safety rules on social distancing, whilst delivering refuse services and also additional resources are required to deal with back log in work in environmental health, when resources were redeployed during lockdown.

5) Ringfenced projects and funding represents grants that have been received in the year but not yet spent. A large grant was received for homeless prevention initiatives. This is not a recurring budget item and if unspent at year end will be placed in a reserve. Whilst shown as a gain above, it is removed as part of corporate costs and therefore does not impact on the charge to Council Tax payers

6) The fall in income is mostly in relation to Trade Waste and Licencing. Due to the pandemic there was business closures, which meant that they did not need trade waste services or to renew licences. It is hoped that through the Central Government Fees and Charges scheme that we can recover around 70% of the lost income.

* Not included in the figures above is any risk or reward in relation to BREXIT, if the UK was to leave the EU without a trade agreement it would result in a requirement for exporting businesses to apply for licences. Whilst this would be chargeable to businesses, it would also require additional resources to manage the demand. Due to the ongoing negotiations over trade with the EU no financial impact has been calculated

Corporate Services

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	2,025,153	1,953,027	72,126	7
Premises	0	0	0	
Transport	0	0	0	
Supplies & Services	557,089	624,169	(67,080)	8
Payments to Third Parties	127,574	84,488	43,086	9
Transfer Payments - Benefits Service	12,449,021	12,449,021	0	
COVID-19 Costs	0	186,492	(186,492)	10
Income	(12,969,223)	(12,875,901)	(93,322)	11
TOTAL	2,189,614	2,421,296	(231,682)	

7) The majority of the savings relates to vacant posts within Revenues & Benefits. The overtime and backfill for this team is currently coded against COVID. This is expected to be £29k by March 2021. The digital team are currently making a saving of £16k, this is expected to be £36k by Year End. This saving will partly fund the Digital Platform, which is showing as an overspend in supplies and services. There is also a £10k saving on training as a result of COVID restrictions. Human Resources think this may change before year end with more teams opting to train online.

8) The IT department have purchased additional equipment this financial year that was not budgeted for. The estimated total overspend in IT equipment is £55k. The largest item being Epaton, who provide the offsite disaster recovery and business continuity component of our backup solution. This work is critical to reduce the cyber risk ransomware poses to the council and to allow the organisation to continue functioning in the event the building is lost e.g. fire, flood etc. There are savings in licenses and a reserve that will be used to offset this.

The expected postage savings of Council tax bills is dependent on the implementation of the E-billing project being in place by January 2021.

9) The COVID situation has resulted in fewer departments having the resources to support an apprentice. Therefore, there is currently only one apprentice being funded from the youth training budget. The saving at March is likely to be at least £22k. Courts summons have stopped since the start of COVID and are unlikely to resume. This will give a budget saving of £12k.

10) The COVID costs that relate to Corporate are £78k on laptops, £68k on staff overtime or agency and £9k on licenses

11) Less has been recovered from Housing Benefit overpayments than expected. COVID has meant more new applications to process and therefore less time to review changes and chase debt. Also, courts have been closed resulting in no Council Tax Summons.

Democratic Services

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	273,305	231,105	42,200	12
Premises	0	0	0	
Transport	11,500	4,056	7,444	
Supplies & Services	456,419	439,238	17,181	13
Payments to Third Parties	37,600	32,898	4,702	
COVID-19 Costs	0	1,991	(1,991)	
Income	(2,000)	(13,285)	11,285	14
TOTAL	776,824	696,003	80,821	

12) Savings identified from the vacant post held in establishment which is used to offset additional work that the team has to deliver during elections. In the current financial year there have been no elections that have had to be managed, the Police and Crime Commissioner election has been delayed for 12 months to May 2021. This saving may reduce during the second half of the year as the team are covering a member of staff on maternity leave and so may be claiming overtime.

13) Supplies and services are underspent due to having no civic functions during the year

14) Income is above budget due to a one off grant income on electoral registration

Deputy Chief Executive

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	124,939	92,175	32,764	15
Premises	0	0	0	
Transport	200	100	100	
Supplies & Services	2,400	1,200	1,200	
Payments to Third Parties	20,000	20,000	0	
COVID-19 Costs	0	0	0	
Income	0	0	0	
TOTAL	147,539	113,475	34,064	

14) The saving on employee costs is as a result of the Deputy Chief Executive leaving to take up new employment. The role is not going to be filled in the short term, pending a review by the Chief Executive of the senior management team.

Development Services

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	2,079,092	1,980,952	98,140	16
Premises	45,356	44,289	1,067	
Transport	0	826	(826)	
Supplies & Services	219,705	165,509	54,196	17
Payments to Third Parties	276,045	269,534	6,511	
COVID-19 Costs	0	56,381	(56,381)	18
Projects Funded Externally	0	1,130,958	(1,130,958)	19
Income	(1,572,605)	(1,296,472)	(276,133)	20
TOTAL	1,047,593	2,351,977	(1,304,384)	

16) There are significant salary savings within Development resulting from vacant posts. Recruitment is still ongoing for these posts. Although, some agency staff have been employed, this has been minimised in order to prioritise the filling of vacant posts. Agency staff is expensive and could jeopardise to ability to employ permanent staff later in the financial year. The projected year end savings is currently £98k. However, there is an expected deficit expected within the PPA income budget, this includes agency staff. Therefore, these salary savings will offset the overall income budget deficit.

17) Savings made on goods for resale at the tourist information centres and growth hub expenditure. Both have been closed due to COVID. The year end saving is expected to be £54k.

18) The Council have committed to match the Gloucestershire County Council £50k contribution toward COVID Community Grants.

19) This expenditure relates to the Ashchurch Bridge Project and Garden Towns. There is external funding for these projects. This shown in corporate codes funding.

20) There is a budget deficit across all income streams within Development. Planning income is expected to be under budget by £276k, including planning fees, PPAs, land charges and street name & numbering. The Planning Manager is currently reviewing the applications likely to be submitted during the year which will give us a better indication of total income. The second largest income shortfall is at the TIC's. The reduction of income has however resulted in a small saving on supplies and services. For example, no stock purchased.

Finance and Asset Management

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	2,584,888	2,550,119	34,769	21
Premises	569,065	541,075	27,990	22
Transport	55,870	5,806	50,064	23
Supplies & Services	501,036	507,431	(6,395)	
Payments to Third Parties	298,933	317,340	(18,407)	24
Precept	6,500	6,500	0	
COVID-19 Costs	0	909,063	(909,063)	25
Income	(1,387,516)	(894,897)	(492,619)	26
TOTAL	2,628,776	3,942,437	(1,313,661)	

21) There are currently 2 vacant posts within the Property services team which is the main element of the savings of £25k being recorded for Finance and Asset Management

22) The saving on utility bills for the Council offices as a result of the majority of staff working from home, electricity being the major part with approx £20k expected to be saved by the end of this financial year.

23) The saving in the transport costs is a result of halving our fleet of cars due to home working arrangements and the majority of meetings and events happening online. We currently have 3 fleet cars.

24) There is an adverse variance in payments to 3rd parties. This is mostly in relation to our car parks and the fact that we are now paying the Ringo charge instead of the app users bearing the cost. It costs us £0.08 every time someone makes a payment for parking using the Ringo app.

25) £474k is the estimated cost of supporting the operators of the leisure centre as a result of the change of law during the pandemic. £430k is the balance of funding that has been set aside, but not yet allocated, for recovery

26) Predicted annual loss of £248k of revenues from car parking, as charging was suspended during the lockdown period. The expected revenue of £160k from the Leisure Centre will also be lost this year due to COVID related closures and restrictions. In support of 2 businesses in the leisure sector that were also closed during lockdown, we have reduced rents due by £24k

One Legal

	Full Year Budget £	Projected Outturn £	Savings / (Deficit) £	
Employees	1,951,713	1,584,697	367,016	27
Premises	0	0	0	
Transport	18,160	8,330	9,830	
Supplies & Services	95,686	85,728	9,958	
Payments to Third Parties	10,460	12,500	(2,040)	
COVID-19 Costs	0	0	0	
Income	(1,757,648)	(1,348,524)	(409,124)	27
TOTAL	318,371	342,731	(24,360)	

27) COVID-19 has impacted on the amount of third party work that One Legal has been able to do in Q1 & Q2 of the financial year. Clients have been focused on the response to the pandemic, rather than projects requiring legal support. For this reason, Legal have not expanded establishment as planned, and as result the savings in salaries can be used to offset the shortfall in income.

Appendix B - Analysis of capital budget 2020/21

	Q2 Budget Position £	Q2 Actual Position £	(Over) / Under spend £	% Slippage	Comments
Council Land & Buildings	0	0	0	0	No expenditure expected in Q2
Equipment	65,000	66,000	(1,000)	(2)	Payments in Q2 are in line with expectations.
Capital Investment Fund	10,565,000	10,566,809	(1,809)	(0)	Payments in Q2 are in line with expectations.
Community Grants	0	0	0	0	No expenditure expected in Q2
Housing & Business Grants	240,000	168,097	71,903	30	Not as many applications for DFG's as projected at the beginning of the year. For comparison, we spent £315,951 in the first 6 months of 2019/20
	10,870,000	10,800,906	69,094	1	

Appendix C - Revenue reserves for 2020/21

Reserve	Balance 31st March 2020	Spent in Reserve Quarter 2	Reserve Remaining	Note
Service Reserves				
Asset Management Reserve	1,148,664	1,293	1,147,371	
Borough Growth Reserve	1,270,166		1,270,166	
Borough Regeneration Reserve	89,059	22,100	66,959	
Business Rates Reserve	500,000		500,000	
Business Support Reserve	125,317	2,970	122,348	
Business Transformation Reserve	618,019	55,291	562,728	1
Community Support Reserve	99,317		99,317	
Development Management Reserve	180,150	5,000	175,150	
Development Policy Reserve	264,935	2,222	262,713	
Elections Reserve	40,848		40,848	
Flood Support and Protection Reserve	9,646		9,646	
Health & Leisure development reserve	1,889		1,889	
Housing & Homeless Reserve	608,594	175,647	432,947	2
Insurance Reserve	50,000		50,000	
IT Reserve	110,195	10,376	99,819	
Open Space & watercourse Reserve	876,182	18,187	857,995	
Organisational Development Reserve	115,156	57,162	57,994	3
Risk Management Reserve	10,000		10,000	
Waste & Recycling development Reserve	1,209,955	3,628	1,206,327	
	7,328,093	353,874	6,974,219	

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Notes

- 1 Funding of Digitisation team
- 2 Lead authority funding passed over to Forest of Dean DC
- 3 Payment of final essential user lump sum to staff as per savings plan

Treasury Management Semi Annual Outturn Report 2020/21

Introduction

In February 2012 the Authority adopted the Chartered Institute of Public Finance and Accountancy's *Treasury Management in the Public Services: Code of Practice* (the CIPFA Code) which requires the Authority to approve treasury management semi-annual and annual reports. This quarterly report provides an additional update.

The Authority's treasury management strategy for 2020/21 was approved at a meeting on 28th January, 2020. The Authority has borrowed and invested substantial sums of money and is therefore exposed to financial risks including the loss of invested funds and the revenue effect of changing interest rates. The successful identification, monitoring and control of risk remains central to the Authority's treasury management strategy.

The 2017 Prudential Code includes a requirement for local authorities to provide a Capital Strategy, a summary document approved by full Council covering capital expenditure and financing, treasury management and non-treasury investments. The Authority's Capital Strategy, complying with CIPFA's requirement, was approved by full Council on 28th January, 2020.

External Context

Economic background: The spread of the coronavirus pandemic dominated during the period as countries around the world tried to manage the delicate balancing act of containing transmission of the virus while easing lockdown measures and getting their populations and economies working again. After a relatively quiet few months of Brexit news it was back in the headlines towards the end of the period as agreement between the UK and EU on a trade deal was looking difficult and the government came under fire, both at home and abroad, as it tried to pass the Internal Market Bill which could override the agreed Brexit deal, potentially breaking international law.

The Bank of England (BoE) maintained Bank Rate at 0.1% and its Quantitative Easing programme at £745 billion. The potential use of negative interest rates was not ruled in or out by BoE policymakers, but then a comment in the September Monetary Policy Committee meeting minutes that the central bank was having a harder look at its potential impact than was previously suggested took financial markets by surprise.

Government initiatives continued to support the economy, with the furlough (Coronavirus Job Retention) scheme keeping almost 10 million workers in jobs, grants and loans to businesses and 100 million discounted meals being claimed during the 'Eat Out to Help Out' (EOHO) offer.

GDP growth contracted by a massive 19.8% (revised from first estimate -20.4%) in Q2 2020 (Apr-Jun) according to the Office for National Statistics, pushing the annual growth rate down to -21.5% (first estimate -21.7%). Construction output fell by 35% over the quarter, services output by almost 20% and production by 16%. Recent monthly estimates of GDP have shown growth recovering, with the latest rise of almost 7% in July, but even with the two previous monthly gains this still only makes up half of the lost output.

The headline rate of UK Consumer Price Inflation (CPI) fell to 0.2% year/year in August,

further below the Bank of England's 2% target, with the largest downward contribution coming from restaurants and hotels influenced by the EHO scheme. The Office for National Statistics' preferred measure of CPIH which includes owner-occupied housing was 0.5% y/y.

In the three months to July, labour market data showed the unemployment rate increased from 3.9% to 4.1% while wages fell 1% for total pay in nominal terms (0.2% regular pay) and was down 1.8% in real terms (-0.7% regular pay). Despite only a modest rise in unemployment over the period, the rate is expected to pick up sharply in the coming months as the furlough scheme ends in October. On the back of this, the BoE has forecast unemployment could hit a peak of between 8% and 9%.

The US economy contracted at an annualised rate of 31.7% in Q2 2020 (Apr-Jun). The Federal Reserve maintained the Fed Funds rate at between 0% and 0.25% but announced a change to its inflation targeting regime. The move is to a more flexible form of average targeting which will allow the central bank to maintain interest rates at low levels for an extended period to support the economy even when inflation is 'moderately' above the 2% average target, particularly given it has been below target for most of the last decade.

The European Central Bank maintained its base rate at 0% and deposit rate at -0.5%.

Financial markets: Equity markets continued their recovery, with the Dow Jones climbing to not far off its pre-crisis peak, albeit that performance being driven by a handful of technology stocks including Apple and Microsoft, with the former up 75% in 2020. The FTSE 100 and 250 have made up around half of their losses at the height of the pandemic in March. Central bank and government stimulus packages continue to support asset prices, but volatility remains.

Ultra-low interest rates and the flight to quality continued, keeping gilts yields low but volatile over the period with the yield on some short-dated UK government bonds remaining negative. The 5-year UK benchmark gilt yield started and ended the June–September period at -0.06% (with much volatility in between). The 10-year gilt yield also bounced around, starting at 0.21% and ending at 0.23% over the same period, while the 20-year rose from 0.56% to 0.74%. 1-month, 3-month and 12-month bid rates averaged 0.02%, 0.06% and 0.23% respectively over the period.

At the end of September, the yield on 2-year US treasuries was around 0.13% while that on 10-year treasuries was 0.69%. German bund yields remain negative across most maturities.

Credit review: Credit default swap spreads eased over most of the period but then started to tick up again through September. In the UK, the spreads between ringfenced and non-ringfenced entities remains, except for retail bank Santander UK whose CDS spread remained elevated and the highest of those we monitor at 85bps while Standard Chartered was the lowest at 41bps. The ringfenced banks are currently trading between 45 and 50bps.

After a busy second quarter of the calendar year, the subsequent period has been relatively quiet for credit changes for the names on our counterparty list. Fitch assigned a AA- deposit rating to Netherlands lender Rabobank with a negative outlook and prior to that, while not related to our counterparty list but quite significant, revised the outlook on the US economy to Negative from Stable while also affirming its AAA rating.

There continues to remain much uncertainty around the extent of the losses banks and building societies will suffer due to the impact from the coronavirus pandemic and for the UK institutions on our list there is the added complication of the end of the Brexit transition period

on 31st December and what a trade deal may or may not look like. The institutions on Arlingclose's counterparty list and recommended duration remain under constant review, but at the end of the period no changes had been made to the names on the list or the recommended maximum duration of 35 days.

Local Context

On 31st March 2020, the Authority had net borrowing of £767k arising from its revenue and capital income and expenditure. The underlying need to borrow for capital purposes is measured by the Capital Financing Requirement (CFR), while usable reserves and working capital are the underlying resources available for investment. These factors are summarised in Table 1 below.

Table 1: Balance Sheet Summary

	31.3.20 Actual £m
General Fund CFR	36.149
Less other debt liabilities	0.0
Total CFR	36.149
External borrowing	45.0
Internal borrowing	-8.851
Less: Usable reserves	-18.503
Less: Working capital	-16.886
Net Investments/Borrowing	-0.760

Lower official interest rates have lowered the cost of short-term, temporary loans and investment returns from cash assets that can be used in lieu of borrowing. The Authority pursued its strategy of keeping borrowing and investments below their underlying levels, sometimes known as internal borrowing, in order to reduce risk.

The treasury management position on 30th September 2020 and the change over the six months is shown in Table 2 below.

Table 2: Treasury Management Summary

	31.3.20 Balance £m	Movement £m	30.9.20 Balance £m	30.9.20 Rate %
Long-term borrowing	18.83	2.83	21.66	2.00
Short-term borrowing	26.00	-7.00	19.00	0.38
Total borrowing	44.83	-4.17	40.66	1.25
Long-term investments	10.88	0.10	10.98	3.52
Short-term investments	26.00	-10.00	16.00	0.88
Cash and cash equivalents	7.19	-4.90	2.29	0.16
Total investments	44.07	-14.80	29.27	1.87
Net borrowing	0.76	10.63	11.39	

Borrowing Update

On 9th October 2019 the PWLB raised the cost of certainty rate borrowing to 1.8% above UK gilt yields making it relatively expensive. Market alternatives are available, however the financial strength of individual authorities will be scrutinised by investors and commercial lenders.

The Chancellor's March 2020 Budget statement included significant changes to Public Works Loan Board (PWLB) policy and launched a wide-ranging consultation on the PWLB's future direction. Announcements included a reduction in the margin on new Housing Revenue Account (HRA) loans to 0.80% above equivalent gilt yields. £1.15bn of additional "infrastructure rate" funding at gilt yields plus 0.60% has been made available to support specific local authority infrastructure projects for England, Scotland and Wales for which there is a bidding process.

The consultation titled "Future Lending Terms" allows stakeholders to contribute to developing a system whereby PWLB loans can be made available at improved margins to support qualifying projects. It contains proposals to allow authorities that are not involved in "debt for yield" activity to borrow at lower rates as well as stopping local authorities using PWLB loans to buy commercial assets primarily for yield. The consultation also broaches the possibility of slowing, or stopping, individual authorities from borrowing large sums in specific circumstances.

The consultation closed on 31st July 2020 with the announcement and implementation of the revised lending terms expected in the latter part of this calendar year or early next year.

Municipal Bonds Agency (MBA): The MBA revised its standard loan terms and framework agreement. Guarantees for the debt of other borrowers are now proportional and limited and a requirement to make contribution loans in the event of a default by a borrower has been introduced. The agency has issued 5-year floating rate and 40-year fixed rate bonds in 2020, in both instances Lancashire County Council is the sole borrower and guarantor.

If the Authority intends future borrowing through the MBA, it will first ensure that it has thoroughly scrutinised the legal terms and conditions of the arrangement and is satisfied with them.

Borrowing Strategy during the period

At 30th September 2020 the Authority held £40.67m of loans, a decrease of £4.17m since 31st March 2020, as part of its strategy for funding previous and current years' capital programmes. Outstanding loans on 30th September are summarised in Table 3 below.

Table 3: Borrowing Position

	31.3.20 Balance £m	Net Movement £m	30.9.20 Balance £m
Public Works Loan Board	18.84	2.83	21.67
Banks (LOBO)	0.00	0.00	0.00
Banks (fixed-term)	0.00	0.00	0.00
Local authorities (long-term)	0.00	0.00	0.00
Local authorities (short-term)	26.00	-7.00	19.00
Total borrowing	44.84	-4.17	40.67

The Authority's chief objective when borrowing has been to strike an appropriately low risk balance between securing low interest costs and achieving cost certainty over the period for which funds are required, with flexibility to renegotiate loans should the Authority's long-term plans change being a secondary objective.

The Authority has an increasing CFR due to the capital programme and an estimated borrowing requirement as determined by the Liability Benchmark which also takes into account usable reserves and working capital. Having considered the appropriate duration and structure of the Authority's borrowing need based on realistic projections, the Authority decided to take some advantage of the fall in external borrowing rates and borrowed £3.0m of medium-term repayment loans (EIP) whilst allowing £7.0m of short term fixed rate loans to mature without replacement. This new loan structure provides some longer-term certainty and stability to the debt portfolio and creates a more rounded debt portfolio.

Long-dated Loans borrowed	Amount £m	Rate %	Period (Years)
PWLB Maturity Loan 1	11.00	2.35	40
PWLB Maturity Loan 2	3.00	2.47	40
PWLB EIP Loan 1	5.00	1.05	15
PWLB EIP Loan 2	3.00	1.80	15
Total borrowing	22.00	2.00	

The Authority's borrowing decisions are not predicated on any one outcome for interest rates and a balanced portfolio of short- and long-term borrowing was maintained.

PWLB funding margins have lurched quite substantially and there remains a strong argument for diversifying funding sources, particularly if rates can be achieved on alternatives which are below gilt yields plus 0.80%, i.e. the PWLB HRA borrowing rate. The Authority will evaluate and pursue these lower cost solutions and opportunities with its advisor Arlingclose.

Treasury Investment Activity

On 1st April, 2020 the Authority received central government funding to support small and medium businesses during the coronavirus pandemic through grant schemes. £17.176m was received, temporarily invested in short-dated, liquid instruments such as call accounts and Money Market Funds. £17.065m was disbursed by the end of September.

The Authority holds significant invested funds, representing income received in advance of expenditure plus balances and reserves held. During the year, the Authority's investment balances ranged between £42.33 and £30.28 million due to timing differences between income and expenditure. The investment position is shown in table 4.

Table 4: Treasury Investment Position

	31.3.20 Balance £m	Net Movement £m	30.9.20 Balance £m	30.9.20 Income Return %
Banks & building societies (unsecured)	6.19	-1.90	4.29	0.12
Covered bonds (secured)	0.00	0.00	0.00	0.00
Government (incl. local authorities)	20.00	-6.00	14.00	1.00
Corporate bonds and loans	3.00	0.00	3.00	1.70
Money Market Funds	7.00	-7.00	0.00	0.00
Pooled Funds	7.88	0.10	7.98	4.37
Total investments	44.07	-14.80	29.27	1.85

Both the CIPFA Code and government guidance require the Authority to invest its funds prudently, and to have regard to the security and liquidity of its treasury investments before seeking the optimum rate of return, or yield. The Authority's objective when investing money is to strike an appropriate balance between risk and return, minimising the risk of incurring losses from defaults and the risk of receiving unsuitably low investment income.

Continued downward pressure on short-dated cash rate brought net returns on sterling low volatility net asset value money market funds (LVNAV MMFs) close to zero even after some managers have temporarily lowered their fees. At this stage net negative returns are not the central case of most MMF managers over the short-term, and fee waivers should maintain positive net yields, but the possibility cannot be ruled out.

On 25th September the overnight, 1- and 2-week deposit rates on Debt Management Account Deposit Facility (DMADF) deposits dropped below zero percent to -0.03%, the rate was 0% for 3-week deposits and 0.01% for longer maturities.

The return on Money Market Funds net of fees also fell over the six months and for many funds net returns range between 0% and 0.1%. In many instances, the fund management companies have temporarily lowered or waived fees to maintain a positive net return.

Given the continuing risk and low returns from short-term unsecured bank investments, the Authority has maintained its investments with more secure and/or higher yielding asset classes as shown in table 4 above. Almost £8.0m that is available for longer-term investment remains invested in pooled property, equity, and multi-asset funds gaining higher income returns, whilst just under half the portfolio is invested with a number of the Council's counterparts reducing the Council's exposure to investment risk. The Council's Treasury Officer has worked tirelessly throughout the Covid-19 crisis managing the cash flow to ensure that high levels of liquidity have been maintained and the Council has been able to meet any unexpected financial requirements during this time.

The progression of risk and return metrics are shown in the extracts from Arlingclose's quarterly investment benchmarking in Table 5 below.

Table 5: Investment Benchmarking – Treasury investments managed in-house

	Credit Score	Credit Rating	Bail-in Exposure	Weighted Average Maturity (days)	Rate of Return %
31.03.2020	4.206772	AA-	30.56%	85.53	1.44%
30.09.2020	4.331304	AA-	10.76%	109.59	1.85%
Similar LAs	4.152204	AA-	64.99%	51.01	1.31%
All LAs	4.159261	AA-	64.36%	18.42	0.90%

Externally Managed Pooled Funds: £8.99m of the Authority's investments is held in externally managed strategic pooled equity, multi-asset and property funds where short-term security and liquidity are lesser considerations, and the objectives instead are regular revenue income and long-term price stability. These funds generated an average total return of -5.95%, comprising a 4.37% income return which is used to support services in year, and -10.33% of capital unrealised capital loss.

In a relatively short period since the onset of the COVID-19 pandemic in March and the ensuing enforced lockdown in many jurisdictions, the global economic fallout has been sharp and large. Market reaction was extreme with large falls in equities, corporate bond markets and, to some extent, real estate echoing lockdown-induced paralysis and the uncharted challenges for governments, business and individuals.

The Authority is invested in bond, equity, multi-asset and property funds. The falls in the capital values of the underlying assets, in particular bonds and equities were reflected in the 31st March 2020 fund valuations with every fund registering negative capital returns over a 12-month period. Since March there has been improvement in market sentiment which is reflected in an increase in capital values of the multi-asset income funds and all of the equity income funds in the Authority's portfolio. The capital value of the property fund is below that at 31st March. Market values at 31st March and 30th September 2020 are as shown in Table 4, above.

Similar to many other property funds, dealing (i.e. buying or selling units) in the CCLA Local Authorities Property Fund was suspended by the fund in March 2020. The relative infrequency of property transactions in March as the pandemic intensified meant that it was not possible for valuers to be confident that their valuations correctly reflected prevailing conditions. To avoid material risk of disadvantage to buyers, sellers and holders of units in the property fund, the management company was obliged to suspend transactions until the required level of certainty is re-established. The dealing suspension was lifted in September 2020. There has also been a change to redemption terms for the CCLA Local Authorities Property Fund; from September 2020 investors are required to give at least 90 calendar days' notice for redemptions.

Because the Authority's externally managed funds have no defined maturity date, but are available for withdrawal after a notice period, their performance and continued suitability in meeting the Authority's investment objectives are regularly reviewed. Strategic fund investments are made in the knowledge that capital values will move both up and down on months, quarters and even years; but with the confidence that over a three- to five-year period total returns will exceed cash interest rates.

In 2020/21 the Authority expects to receive significantly lower income from its cash and short-dated money market investments and from its externally managed funds than it did in 2019/20 and earlier years. Dividends and income paid will ultimately depend on many factors including but not limited to the duration of COVID-19 and the extent of its economic impact, the fund's sectoral asset allocation, securities held/bought/sold and, in the case of equities, the enforced or voluntary dividend cuts or deferral.

Non-Treasury Investments

The definition of investments in CIPFA's revised Treasury Management Code now covers all the financial assets of the Authority as well as other non-financial assets which the Authority holds primarily for financial return. This is replicated in the Investment Guidance issued by the Ministry of Housing, Communities and Local Government (MHCLG), in which the definition of investments is further broadened to also include all such assets held partially for financial return.

The Authority also held £47m of such investments in directly owned property as shown in the table below:

Property	Purchase date	Purchase Price	Sector
Challenge House, Tewkesbury	Dec-16	£8,730,000	Office
Challenge House, Tewkesbury	Dec-16	£5,820,000	Industrial
Retail units, Clevedon	Jul-06	£2,199,250	Retail
The Chase, Hertford	Nov-17	£3,700,000	Office
SPL House, Ellesmere Port	Nov-17	£3,490,000	Industrial
Wickes, Trowbridge	Dec-17	£5,542,000	Retail
Edmund House, Leamington	Aug-18	£3,610,000	Office
M&S, Walton on the Naze	Oct-18	£4,335,000	Retail
Vaughan Park, Tipton	May-20	£9,365,000	Industrial
Total		£46,791,000	

These investments are expected to generate £2.713m of investment income for the Authority after taking account of direct costs, representing a rate of return of 5.50%.

Treasury Performance

The Authority measures the financial performance of its treasury management activities both in terms of its impact on the revenue budget and its relationship to benchmark interest rates, as shown in table 6 below.

Table 6: Performance

	Actual £	Budget £	Over/ Under £	Actual %	Benchmark %	Over/ under
Treasury Investments	342,689	250,650	92,039	1.85	-0.14	1.99
Borrowing	302,389	256,500	-45,889	1.62	N/A	N/A
GRAND TOTAL	40,300	-5,850	46,150	N/A	N/A	N/A

Estimates for income 2020/21

The corporate world is still adjusting to the economic shock, with probably more to come, and it is still too early to tell which companies will withstand the economic damage in the short- to medium-term or which will choose to conserve cash in very difficult economic conditions simply to survive.

Investment income in the Authority's 2020/21 was set against a very different economic backdrop. Bank Rate, which was 0.75% in January/February 2020, now stands at 0.1%. Interest earned from short-dated money market investments will be significantly lower. In relation to income from the Authority's externally managed strategic funds, dividends and income distributions will ultimately depend on many factors including but not limited to the duration of COVID-19 and the extent of its economic impact, the fund's sectoral asset allocation, securities held/bought/sold and, in the case of equities, the enforced or voluntary dividend cuts or deferral.

The Authority has reviewed its expectations for investment income in 2020/21 and has made downward adjustments as follows:

- Bond funds and property funds: 20% lower
- Multi-asset income funds: 25% lower
- Equity income funds: 50% lower

and will monitor and report on actual income received during the year.

Compliance

The Chief Finance Officer reports that all treasury management activities undertaken during the quarter complied fully with the CIPFA Code of Practice and the Authority's approved Treasury Management Strategy. Compliance with specific investment limits is demonstrated in table 8 below.

Compliance with the authorised limit and operational boundary for external debt is demonstrated in table 7 below.

Table 7: Debt Limits

	Maximum	30.9.20 Actual	2020/21 Operational Boundary	2020/21 Authorised Limit	Complied? Yes/No
Borrowing	£46.83m	£40.66	£55.0m	£60.0m	Yes
Total debt	£46.83m	£40.66	£55.0m	£60.0m	Yes

Since the operational boundary is a management tool for in-year monitoring it is not significant if the operational boundary is breached on occasions due to variations in cash flow, and this is not counted as a compliance failure.

Table 8: Investment Limits

	Maximum	30.9.20 Actual	2020/21 Limit	Complied? Yes/No
Any single organisation, except the UK Government	£2.0m	£2.0m	£2.0m	Yes
Any group of organisations under the same ownership	£2.0m	£2.0m	£2.0m	Yes
Any group of pooled funds under the same management	£3.93m	£3.93	£6.0m	Yes
Negotiable instruments held in a broker's nominee account	£0.0m	£0.0m	£4.0m	Yes
Limit per non-UK country	£2.0m	£2.0m	£3.0m	Yes
Registered providers and registered social landlords	£3.0m	£3.0m	£6.0m	Yes
Unsecured investments with building societies	£0.0m	£0.0m	£2.0m	Yes
Loans to unrated corporates	£0.0m	£0.0m	£1.0m	Yes
Money Market Funds	£8.0m or approximately 30% of portfolio	0.0	50% of total portfolio balance	Yes

Treasury Management Indicators

The Authority measures and manages its exposures to treasury management risks using the following indicators.

Security: The Authority has adopted a voluntary measure of its exposure to credit risk by monitoring the value-weighted average credit rating of its investment portfolio. This is calculated by applying a score to each investment (AAA=1, AA+=2, etc.) and taking the arithmetic average, weighted by the size of each investment. Unrated investments are assigned a score based on their perceived risk.

	30.9.20 Actual	2020/21 Target	Complied?
Portfolio average credit rating	AA-	A	Yes

Maturity Structure of Borrowing: This indicator is set to control the Authority's exposure to refinancing risk. The upper and lower limits on the maturity structure of all borrowing were:

	30.9.20 Actual	Upper Limit	Lower Limit	Complied?
Under 12 months	47.0%	100%	0%	Yes
12 months and within 24 months	0.0%	100%	0%	Yes
24 months and within 5 years	0.0%	100%	0%	Yes
5 years and within 10 years	0.0%	100%	0%	Yes
10 years and	53.0%	100%	0%	Yes

Time periods start on the first day of each financial year. The maturity date of borrowing is the earliest date on which the lender can demand repayment

Principal Sums Invested for Periods Longer than a year: The purpose of this indicator is to control the Authority's exposure to the risk of incurring losses by seeking early repayment of its investments. The limits on the long-term principal sum invested to final maturities beyond the period end were:

	2020/21	2021/22	2022/23
Actual principal invested beyond year end	£3.0m	£0.0m	£0.0m
Limit on principal invested beyond year end	£6.0m	£5.0m	£4.0m
Complied?	Yes	Yes	Yes

Other

IFRS 16: The implementation of the new IFRS 16 Leases accounting standard has been delayed until 2021/22.

Arlingclose's Outlook for the remainder of 2020/21

	Dec-20	Mar-21	Jun-21	Sep-21	Dec-21	Mar-22	Jun-22	Sep-22	Dec-22	Mar-23	Jun-23	Sep-23	Dec-23
Official Bank Rate													
Upside risk	0.00	0.00	0.00	0.15	0.15	0.15	0.15	0.30	0.30	0.30	0.30	0.30	0.30
Arlingclose Central Case	0.10												
Downside risk	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50	0.50

The medium-term global economic outlook is weak. While the strict initial lockdown restrictions have eased, coronavirus has not been suppressed and second waves have prompted more restrictive measures on a regional and national basis. This ebb and flow of restrictions on normal activity will continue for the foreseeable future, at least until an effective vaccine is produced and importantly, distributed.

The global central bank and government responses have been significant and are in many cases on-going, maintaining more stable financial, economic and social conditions than otherwise. This has supported a sizeable economic recovery in Q3.

However, the scale of the economic shock to demand, on-going social distancing measures, regional lock downs and reduced fiscal support will mean that the subsequent pace of recovery is limited. Early signs of this are already evident in UK monthly GDP and PMI data, even before the latest restrictions.

This situation will result in central banks maintaining low interest rates for the medium term. In the UK, Brexit is a further complication. Bank Rate is therefore likely to remain at low levels for a very long time, with a distinct possibility of being cut to zero. Money markets have priced in a chance of negative Bank Rate.

Longer-term yields will also remain depressed, anchored by low central bank policy rates, expectations for potentially even lower rates and insipid inflation expectations. There is a chance yields may follow a slightly different path in the medium term, depending on investor perceptions of growth and inflation, or if the UK leaves the EU without a deal.

Arlingclose expects Bank Rate to remain at the current 0.10% level and additional monetary loosening in the future most likely through further financial asset purchases (QE). While Arlingclose's central case for Bank Rate is no change from the current level of 0.1%, further cuts to Bank Rate to zero or even into negative territory cannot be completely ruled out.

Gilt yields are expected to remain very low in the medium term. Shorter-term gilt yields are currently negative and will remain around zero or below until either the Bank of England expressly rules out negative Bank Rate or growth/inflation prospects improve.

Downside risks remain in the near term, as the government dials down its fiscal support measures, reacts to the risk of a further escalation in infection rates and the Brexit transition period comes to an end.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Corporate Peer Challenge – Final Report and Action Plan
Report of:	Chief Executive
Corporate Lead:	Chief Executive
Lead Members:	Leader of the Council
Number of Appendices:	Two

Executive Summary:

As part of its approach to sector led improvement, the Local Government Association (LGA) offers a fully funded corporate peer challenge to Councils every four to five years. Tewkesbury Borough Council accepted the LGA offer and, looking to build on the previous and very successful peer challenge in November 2014, welcomed an LGA led team on site during week commencing 2 March 2020.

As with all peer challenges, this included a review of five core components. This is essentially a high level, external ‘health-check’ centred upon understanding of local context and priority setting, financial planning and viability, political and managerial leadership, governance and decision making and organisational capacity. In addition, the scope of the challenge was localised, to ask the challenge team to also focus on: are we set up organisationally to successfully deliver our growth plans and ambitions?, are we confident in the delivery of the Garden Communities projects? and in more general terms, the ability and capacity to deliver the new council plan?

During the four-day challenge, the team spoke to more than 120 people including a range of Council staff, Councillors, external partners and stakeholders and gathered information and views from more than 40 meetings. The final report from the LGA is attached at Appendix 1. The overall opinion is very positive about how the Council performs across the subject areas.

As with all challenges, areas for improvement are identified. Five key recommendations were made by the team and these are summarised within page two of the final report. An internal action plan comprising these recommendations with associated action points and other less implicit recommendations can be found in Appendix 2. It is proposed the delivery of the action plan is monitored by the council’s Overview and Scrutiny Committee.

The production of the report was delayed as a result of the LGA’s response to COVID-19.

Recommendation:

To RECOMMEND TO COUNCIL:

- 1) That the peer review action plan be **APPROVED**.
- 2) That monitoring of the action plan be undertaken by the Overview and Scrutiny Committee on a six-monthly basis.

Reasons for Recommendation:

The implementation of the recommendations will help the Council's overall performance. There is also an expectation that the final report from a peer challenge is communicated publicly.

Resource Implications:

None directly arising from this report.

Legal Implications:

None directly associated with this report.

Risk Management Implications:

If the Council does not implement the recommendations made by the peer challenge team then this will be a lost opportunity for improvement.

If the Council does not implement the recommendations made by the peer challenge team then there is a potential reputational risk of not accepting critical feedback.

Performance Management Follow-up:

The action plan will be monitored on a six-monthly basis by the Overview and Scrutiny Committee.

Environmental Implications:

None directly associated with this report.

1.0 INTRODUCTION/BACKGROUND

- 1.1** As part of its approach to sector led improvement, the Local Government Association (LGA) offers a fully funded corporate peer challenge to Councils every four to five years. Tewkesbury Borough Council accepted the LGA offer and, looking to build on the previous and very successful peer challenge in November 2014, welcomed an LGA led team on site during week commencing 2 March 2020.
- 1.2** The challenge week provided an excellent learning opportunity. The challenge was centred around the LGA's five core components as well as localised questions around the Council's growth and priorities. During the four day challenge, the team spoke to more than 120 people including a range of Council staff together with Councillors and external partners and stakeholders and gathered information and views from more than 40 meetings. The final report from the LGA is attached at Appendix 1.

2.0 SCOPE AND FOCUS OF THE PEER CHALLENGE

2.1 The scope of all peer challenges, irrespective of Council, is centred around the LGA's five core components:

1. Understanding of the local place and priority setting: does the Council understand its local context and place and use that to inform a clear vision and set of priorities?
2. Leadership of Place: does the Council provide effective leadership of place through its elected Members, Officers and constructive relationships and partnerships with external stakeholders?
3. Organisational leadership and governance: are there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
4. Financial planning and viability: does the Council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
5. Capacity to deliver: is organisational capacity aligned with priorities and does the council influence, enable and leverage external capacity to focus on agreed outcomes?

In addition to these questions, the Council asked the challenge team to consider the following questions:

- Are we set up organisationally to successfully deliver our growth plans and ambitions?
- In more general terms, do we have the ability and capacity to deliver the new Council Plan, particularly around our new priorities?

3.0 PEER CHALLENGE OUTCOME

3.1 The review team was very positive about the Council and this positive message flows through the report. The report gives much that the Council can be proud of. A summary of this feedback can be found in the executive summary of the report (paragraph 1). As with all challenges, areas for improvement are identified. Five key recommendations were made by the team and these are summarised within page two of the final report. An internal action plan comprising these recommendations with associated action points and other less implicit recommendations can be found in Appendix 2. It is proposed the delivery of the action plan is monitored by the Council's Overview and Scrutiny Committee.

4.0 COMMUNICATION OF FINAL REPORT

4.1 The final report will be published on the Council's website and will be promoted by the Communication's Team. This will include a press release and all stakeholders who participated during the challenge will receive a link to the report. The report has already been circulated through the Member Update and through the staff newsletter 'News4U'. Further communications will follow as the action plan develops.

5.0 OTHER OPTIONS CONSIDERED

5.1 None.

6.0 CONSULTATION

6.1 The undertaking of a peer review was approved by Executive Committee. A significant number of Officers, Members and partners were consulted during the peer review week. Heads of Service have been consulted with regard to the development of the action plan.

7.0 RELEVANT COUNCIL POLICIES/STRATEGIES

7.1 Council Plan 2020-2024.

8.0 RELEVANT GOVERNMENT POLICIES

8.1 None.

9.0 RESOURCE IMPLICATIONS (Human/Property)

9.1 None directly arising from this report.

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

10.1 None directly arising from this report.

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

11.1 None directly arising from this report.

12.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

12.1 Executive Committee – 27 November 2019 (endorsement of peer challenge).

Background Papers: None.

Contact Officer: Head of Corporate Services

Tel: 01684 272002 email: Graeme.simpson@teWKesbury.gov.uk

Appendices: 1 – LGA Peer Challenge Final Report.

2 – Action Plan – Implementation of Recommendations.

Corporate Peer Challenge **Tewkesbury Borough Council**

03 - 06 March 2020

Feedback Report

1. Executive Summary

This review was conducted prior to the COVID-19 pandemic and the world is now a different place in many ways. Nevertheless, this report reflects the views of the Peer team at a specific point in time and the recommendations made in this report will be for the council to consider within the new global, national and regional context.

The Peer Team would like to acknowledge the level of support provided to them both before and during the onsite visit by members of the Corporate Services Team as well as the positive way in which the whole council engaged in the process.

Tewkesbury Borough Council (TBC) is a well-run organisation, with well-respected management team, officers and members. The council shows a good understanding of place and has a strong presence within it. Officers and members have a passion for their borough which is recognised and valued by partners, with whom they have strong working relationships. The council takes a leading role in developing and maintaining these relationships for the benefit of its residents and communities.

TBC benefits from the highly effective personal leadership of its Chief Executive (CEO) is unanimously well regarded and respected both within the council and amongst partners and stakeholders. The supportive leadership style he models is valued by staff at all levels. We heard of numerous hard won projects and relationships that are of significant benefit to the council and can be directly attributed to the CEO, for which he is to be commended. However, the council needs to continue to take steps to ensure effective succession planning.

Staff are dedicated, forward looking and open to change – they represent an asset to the organisation and should continue to be nurtured and engaged in taking TBC forward. The ‘can do’ attitude of staff is an enviable strength, but with the strategic and operational demands increasing as the new council plan comes online, along with the emerging work to support the Garden Town plans, there is a risk this willingness to help could lead to staff being over committed and this strength becoming a weakness.

The council could take a more proactive approach to external communication - when they have taken the lead in the past, such as press briefings on key initiatives, they do it well and this is welcomed by stakeholders, but there is a need to recognise the strategic value of effective comms and look to build specialist/dedicated capacity in this area.

In relation to Garden Town Delivery, clearly defined next steps are now needed to define the programme within the external context, to ensure the output is co-owned and co-produced with the full range of stakeholders. Effective multi-agency governance is now required and the council needs to consider how to structure and resource this.

There is an experienced and technically strong finance team and members and officers are confident that the financial position is being well managed. The council recognises their significant dependence on New Homes Bonus (NHB) funding the base revenue position and there is some visibility of the risk this represents given the likely changes coming down from government. Greater organisational awareness of this risk, its potential impact and viable mitigation options is needed. This should be prioritised in order to ensure that any alternative or additional efficiency programmes that need to be initiated to offset this income risk have time to deliver savings in advance of any change in funding approach by government.

TBC has proactively embraced the commercialisation agenda and has a well-performing portfolio which makes a valuable contribution to the Medium-term Financial Strategy (MTFS). More detailed scenario planning to map the impact of potential changes to the commercial investment regulatory framework would be beneficial. This is to ensure the council is comfortable with the level of risk being managed, rather than presupposing a change is required.

2. Key recommendations

These recommendations were made at a point in time, reflecting the thoughts of the team at that time, and based on the evidence gathered. As part of the LGA's ongoing role supporting our members in the region, we have seen that TBC, like many others, has responded well to COVID-19 and that the post-emergency landscape for the council will be very different. Nonetheless, these recommendations provide the thoughts of the LGA team at the time of the visit and, it is hoped, provide valuable reflections back to the council on the pre-pandemic situation that might help inform future considerations and prioritisation.

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations. The following are the peer team's key recommendations to the council and are caveated in that they were made in a pre-COVID-19 world and the council will need to consider the relevance of these recommendations accordingly:

1. Build upon your effective and well-embedded budget planning arrangements into the future by ensuring that you:
 - Take appropriate steps to minimise reliance on NHB as a means of sustaining the base revenue requirements of the organisation.
 - Prepare for possible changes to commercial investment regulatory framework through detailed scenario planning.
2. Create the necessary senior leadership resilience, focus on prioritisation and overall resource requirements within the organisation going forward so that so that the council is on as sound a footing as possible to continue to meet the challenges facing the sector. As part of this:
 - Clarify roles and responsibilities of Corporate Leadership Team (CLT) and Management Team in order, ensuring that opportunities for senior officers to contribute and influence are well understood;
 - Build on partnership and shared service delivery strengths to cement your 'place leadership' role and from this explore further opportunities as to how these arrangements will help build capacity
 - Build on existing corporate project evaluation mechanisms to develop a clear process for prioritisation and changing resource requirements
3. Consider ways and approaches to promote the 'Tewkesbury Brand' more effectively as part of your successful leadership of place approach.
4. Agree how you can proactively move the Garden Town delivery programme to the next phase by establishing/ developing stakeholder governance and engagement structures and processes.
5. Building upon your existing sound governance arrangements review both:
 - the timings of key meetings so that all members can contribute effectively

- the length/ style of member reports so they more effectively inform and enable better decision making.

3. Summary of the Peer Challenge approach

3.1 The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed by you. The peers who delivered the peer challenge at TBC were:

- Stephen Walford – Chief Executive, Mid Devon District Council (Lead Peer)
- Councillor Linda Haysey - Leader East Herts District Council
- Councillor Allan Knox – Leader, Liberal Democrat Group, Ribble Valley District Council
- Jo Yelland – Strategic Director – Exeter City Council
- Mark Green – Director of Finance and Business Improvement, Maidstone Borough Council
- Emily McGuinness – LGA Peer Challenge Manager

3.2 Scope and focus

The peer team considered the following five questions which form the core components looked at by all Corporate Peer Challenges cover. These are the areas we believe are critical to councils' performance and improvement:

1. Understanding of the local place and priority setting: does the council understand its local context and place and use that to inform a clear vision and set of priorities?
2. Leadership of Place: does the council provide effective leadership of place through its elected members, officers and constructive relationships and partnerships with external stakeholders?
3. Organisational leadership and governance: are there effective political and managerial leadership supported by good governance and decision-making arrangements that respond to key challenges and enable change and transformation to be implemented?
4. Financial planning and viability: does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
5. Capacity to deliver: is organisational capacity aligned with priorities and does the council influence, enable and leverage external capacity to focus on agreed outcomes?

In addition to these questions, you asked the peer team to consider the following questions:

- Are we set up organisationally to successfully deliver our growth plans and ambitions?
- In more general terms, do we have the ability and capacity to deliver the new Council Plan, particularly around our new priorities?

3.3 The peer challenge process

It is important to stress that this was not an inspection. Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value

to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent 4 days onsite at TBC during which they:

- Spoke to more than 120 people including a range of council staff together with councillors and external partners and stakeholders.
- Gathered information and views from more than 40 meetings and additional research and reading.
- Collectively spent more than 220 hours to determine their findings – the equivalent of one person spending more than 5 weeks in the council.

This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team at the end of their on-site visit (3-6 March 2020). In presenting feedback to you, they have done so as fellow local government officers and members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. We appreciate that some of the feedback may be about things you are already addressing and progressing

4. Feedback

4.1 Understanding of the local place and priority setting

The TBC Plan, adopted in January 2020 and running until 2024, provides a sound blueprint for the future delivery of services within the borough as well as reaffirming a longstanding commitment to driving an ambitious growth agenda.

The council is rightly seen as a 'market leader' in identifying and more importantly, leading the delivery of local growth – something which is evidenced by the two Garden Community initiatives planned for the borough. This proactive approach is welcomed across the piece and the strong working relationships with partners from all sectors is testament to this. The council clearly has a strong sense of place, and its role within it – especially when it comes to leading successful growth plans.

The Council plan is a sound basis upon which to build and shape how the council supports its communities and stakeholders going forward, but there is more that could be done to ensure greater ownership of the plan and its priorities both within the council and externally with partners. The plan sets out the council priorities of:

- Finance and Resources
- Economic Growth
- Housing
- Customer First.
- Garden Communities
- Sustainable Environment

The partners and staff we met with were clear about the council's commitment to making Tewkesbury the place of choice for business and the accompanying aims of delivering employment land and housing, together with the right infrastructure and skills. There is less

clarity around the other new priority areas – understandably given their relatively recent adoption.

There is a lack of clarity around how data is used to determine priority areas and if the council wishes to see parity across the four priority areas in terms of successful delivery, a clearer narrative would be helpful, explaining the rationale behind each priority area. Similarly, whilst it is encouraging to note the council makes effective use of benchmarking data such as CIPFA and LGInform in some areas of performance management, there is more that could be done to underpin more robust service planning in terms of gathering, analysing and using customer insight to inform prioritisation discussions and decisions.

The need for a more consistent approach to using customer insight is perhaps most relevant when considering the Customer First Council Plan Priority and improvements in this area will help inform the emerging Digitalisation and Transformation Programmes, ensuring that the needs of customers are clearly understood and services reshaped or redesigned accordingly.

The council clearly understands and is well embedded in the local business community and became one of the first district councils to work with the Local Enterprise Partnership to establish a Growth Hub on the site of the council offices. This is an excellent initiative and within the first year of operation over 1000 local businesses have interacted with the Hub with some impressive examples of supporting new business that have gone on to grow their business within the borough. Stakeholders from the business community hold the council in high regard, and they have a well-earned reputation of delivering results.

The co-location of other key public sector partners such as Gloucestershire Police, Department for Work and Pensions, Citizens Advice Bureau and Children's Services in the Public Services Centre demonstrates the council's commitment to not only making the best use of its assets, but also seeking to provide the most 'joined up' end-to-end service for some of their most vulnerable customers and residents.

The council's plans to meaningfully respond to the Climate Change Emergency declared by members needs further detail and articulation. There are active campaign groups within the community, and indeed amongst elected members and how the council will meet climate-related targets alongside ambitious growth plans will be a considerable challenge, helped by the imminent appointment of a County-wide Climate Change co-ordinator.

4.2 Leadership of Place

Being identified as the 'Fastest growing district outside of London' in an ONS report in 2019 is a strapline that TBC is rightly proud of, and this has been achieved through a proactive approach to leadership of place, led from the front by the CEO but supported across the council. Officers and members have a visible and commendable passion for the district which is appreciated by partners and translates well within the partnership arena.

The council clearly has a good understanding of place and a strong presence within it - particularly in relation to growth. The adopted Joint Core Strategy, working in partnership with Gloucester City and Cheltenham Borough Councils is an impressive and challenging framework for sustainable growth which seeks to deliver:

- 35,000 homes by 2031 – half will be built within Tewkesbury Borough
- 50% increase in housing to 2031
- 200 hectares of employment land – 75% of which will be in Tewkesbury Borough
- 40,000 new jobs.

Such stretching targets cannot be delivered in isolation, and the council have forged highly effective working relationships with key local, sub-regional, regional and national partners, resulting in tangible outcomes such as delivering 25% extra homes over a 3 year period.

The council is well placed to exploit the opportunities presented by City Region proposals, where they will be fulfilling the Senior Responsible Officer role, along with the Midlands Connecting Corridor plans. Their positioning in these key regional programmes is testament to the personal, and therefore, organisational credibility of the CEO. In order to de-risk any strategic reliance on any one individual, some thought could be given to succession planning in this area. Ensuring sufficient and sustainable senior leadership capacity in these areas will be crucial to continuing success.

Small and medium businesses value the communication and advice channels that exist with TBC with the Growth Hub cited as excellent innovation. Building on the knowledge and expertise developed through the Growth Hub, the council may wish to consider slightly redefining its support for local business growth – moving more towards an enabling role rather than delivery. This will help manage resource requirements whilst wishing to maintain a strong economic development focus.

The council is able to work well across geographical and sector boundaries and this enables them to exert a level of influence disproportionate to the size of the organisation. Opportunities exist to broaden and strengthen these partnership arrangements - we heard from key partners that approaches to enhance partnership working would be well received and that the council would be 'pushing on an open door'. Capitalising on the credibility of leading officers and members will help build capacity to deliver mutually beneficial ambitions within the borough, for example through more integrated working with Parish Councils.

Work to deliver the Town Centre Strategy, and in particular issues around parking, demonstrated that the working relationship between the County Council and the District Council is not always aligned – this relationship is crucial to the delivery of major projects e.g. Garden Communities and it is important that effective communication is maintained.

Nearly half of members were newly elected in May 2019, and bring with them a wealth of new skills, knowledge and experiences. Whilst members have the opportunity to engage in key policy areas through Scrutiny and the cross-party Cabinet, there is huge potential for all members to further develop their leadership roles. We mention elsewhere in this report the need for TBC to seek greater customer insight to inform key future decisions about service delivery and design, and elected members can play a useful role in this as conduits between their communities and the council. The Garden Communities projects will need careful community liaison and elected members are perfectly placed to support this and should be proactively engaged at the earliest opportunity.

External communication from TBC can be reactive and this will not serve the council well as high profile projects such as the Garden Communities move to the delivery phase. When press briefings have been held in the past, they have been well received as have website updates, press releases etc. The council has a small communications team – with only one dedicated officer who also edits the twice-yearly magazine posted to every household and leads on internal communications. A more proactive approach to external comms and branding of place would be valued by residents and businesses alike.

Given the pace of change at TBC - particularly large projects such as the Garden Town Communities and The Joint Core Strategy, there is a need for a more proactive external communication in the near future. Addressing this will require additional, specialist capacity

and expertise, but will prove invaluable as the council seeks community engagement in, and support of major growth plans.

In times of crisis, most notably significant flooding events, TBC is able to show visible and effective leadership of place, and the same is true in terms leading on the growth agenda. In order to fulfil the ambitions of the Council Plan, similar levels of leadership and energy will need to be shown in other priority areas such as Garden Communities and Sustainable Environment.

4.3 Organisational leadership and governance

TBC benefits from the highly effective personal leadership of its CEO who is unanimously well-regarded and respected both within the council and amongst partners and stakeholders. The supportive leadership style he models is valued by staff at all levels. We heard of numerous hard-won projects and relationships that are of significant benefit to the council and can be directly attributed to the CEO, for which he is to be commended. The Council, in appointing a Deputy CEO, is already taking steps to ensure these impressive gains are not risked in the future by being too dependent on any one individual. The council could be more cognisant of this risk moving forward, especially as many high-profile projects will depend on a consistent approach from the council in the medium to longer term, and ensure that clarity exists around succession planning at a senior level.

The current senior management structure works well at the CLT level, which consists of the CEO, Deputy CEO and Monitoring Officer and we heard that other officers, including the s151 are involved when considered appropriate. This provides a good forum to establish Leadership level thinking and a collective position on important issues.

However, there is some confusion amongst both the next tier of management and the wider organisation about the roles, responsibilities and functions of the CLT and how it interacts with the Management Team – a much larger forum consisting of all Heads of Service along with CLT. Whilst the view from CLT is that the majority of key decisions are taken collectively at Management Team level, some greater clarity on the respective roles of each group would enhance transparency and confirm confidence that all key officers (especially those responsible for finance and planning) are appropriately involved in decision making.

Staff hold the authority in high regard as an employer – citing the benefits of the successful apprenticeship scheme, the numerous opportunities for personal and professional development and excellent working relationships amongst other examples. This investment in staff translates into an impressively enthusiastic and committed workforce. Transformation Plans, including the Workforce Development Strategy are at an early stage, as is the Digital Strategy, and whilst staff can see the rationale for needing to adapt the organisation to meet new and emerging challenges, those leading the process will need to ensure staff are fully engaged in shaping thinking at the earliest opportunity, creating a sense of ownership. There are enviable levels of good will amongst staff and it is vital these are maintained if organisational change and development are to be meaningful and sustainable.

Middle (Operational) Managers, as a cohort, are well engaged and have considerable development potential – and are keen to develop within and for the benefit of the council. However, they are under a lot of pressure and are at risk of becoming the “squeezed middle.” They can suffer from a lack of clear direction around prioritising competing demands, for example. All the staff we spoke to appreciate and support the council’s commitment to growth, but some also felt that there can sometimes be a conflict between the ‘nice to have’ ambitions and the ‘need to maintain’ core services. The mutually beneficial relationship between income generation and the ability to continue to deliver services valued

by the community is well understood, but a better articulated rationale for project prioritisation is needed.

Elected members from all parties are positive about governance and decision-making processes, citing a particularly good approach to consensus building and collaborative decision making – the inclusion of an opposition member on the Executive Committee is testament to this. Through the Democratic Services Team, members are well supported and have an innovative member development programme that meets the needs of councillors now as well as looking at succession planning. There is an impressive Member Induction Process which was well regarded by all members and seen as setting the tone for positive member/officer relations and good working relationships.

Overview and Scrutiny has improved following changes made over the past 2-3 years; members and officers have more clarity on the role and purpose of the function and there seems to be appropriate levels of challenge in many cases. Opportunities exist to strengthen the role of Scrutiny in pre-decision and policy development work, thus creating greater capacity and eventually ownership of ultimate decisions – this will be particularly important should the council adopt the recommendations of this report and look to prioritise projects and activities in the future.

There is more that could be done to meet the needs of those members newly elected to the Council in May 2019, many of whom have work and/or family commitments which mean they find the current timing of meetings difficult to manage. Greater use of technology could promote virtual engagement outside of formal meetings and thus make better use of the skills and expertise of all members. Similarly, some new members of the council find formal committee reports inaccessible and reviewing how key information is presented to them, and the communities they serve, would be beneficial and further enhance engagement.

4.4 Financial planning and viability

The council benefits from an experienced and technically strong finance team supporting them as they address a potentially significant budget shortfall, resulting in members and officers being confident that the financial position is being well managed. However, the base revenue position continues to rely on NHB to a concerning degree. There is a likelihood that New Homes Bonus will either be significantly reduced/restructured or not be available beyond the short term. This poses a strategic risk to the future financial stability of the council. More detailed scenario planning involving members and officers would give greater visibility on various 'what if' scenarios and their impact. This will help the council manage this risk and inform wider prioritisation conversations within the council. Low Council Tax is an inherent handicap from a financial viability viewpoint, but to some extent this is now irretrievable (due to 'capping' restrictions) and other more innovative options will need to be played into the scenario planning work.

The Transform Work Group have proved a useful and successful forum for discussing savings ideas to date, although targets remain challenging e.g. £400K waste and recycling, £265K commercialisation, £500k other efficiencies. Continued, and perhaps widened, use of this group would support greater organisational input into defining future plans and in doing so, ensure the financial landscape is understood by all members and officers.

Even though the council is currently reporting a favourable variance from the 19/20 budget, latest revenue projections from Pixel are more pessimistic than those in the MTF5 and the council should assure itself that it is adequately sighted on the risk judgements being made.

Reserves have increased over past few years from a very low level and this is further evidence of sound financial planning and management. The successful approach to building levels of reserves should be documented in a formal, member approved Reserves Strategy to enhance financial monitoring and oversight.

The council has amassed a significant commercial portfolio from a small legacy investment and is now a major contributor to the revenue budget generating a net return of around £2.8m per annum. The council plans for further investment, continuing to use their 'risk versus return' decision making process. Due to a lack of investment opportunity within the borough, the council has made large investments across the country which could potentially expose them to greater risk, especially should the economic forecast shift in the future. More needs to be done to ensure there is greater organisational awareness and understanding of the risks of potential changes to the Commercial Investment Regulatory Framework to protect the interests of the council.

The Garden Town Programme represents major investment in and by the borough council, but successful delivery is dependent on Homes England funding of around £8.1 million and this is a risk to the council. Enhanced planning around alternative options – and likely impact – should these funds not materialise in part or in full would enhance financial and risk management.

4.5 Garden Town

TBC has taken a bold grasp of the opportunity to seek Garden Town Status for delivery of major projects in Ashchurch in Tewkesbury and in partnership with Cheltenham Borough Council on the Cyber Park development. These Garden Communities provide the opportunity for the council to deliver on its aims to deliver sustainable, well designed and vibrant communities.

These projects are complex and require effective stakeholder management from the outset. Tewkesbury Borough Council has made good progress to date in establishing an effective member reference group. The focus now needs to shift to the next phase and defining the projects in the wider community and sub-region. To be successful, the projects will need to demonstrate they are rooted in the community and that going forward, plans are co-owned and co-designed. In order to achieve this more effective multi-governance structures will need to be developed – the existing work has had limited exposure to other key players and this needs to be addressed before undertaking further work.

The Council needs now needs to consider how to structure and resource the various governance and delivery requirements such as:

- stakeholder panels,
- Parish Council engagement
- community groups
- strategic delivery partners,
- infrastructure groups,
- landowner forums.

Outside the capacity-funded programme team, it is unclear if wider organisational capacity requirements are fully appreciated, and therefore adequately addressed. These major projects will require specialist communication and engagement support alongside the likely impact on support services such as Legal and Finance teams. When taken alongside wider organisational capacity concerns, and the need to prioritise both current and planned work,

the council would benefit from taking time to map in more detail the likely resource implications of the Garden Towns across their projected delivery timescales.

4.6 Capacity to deliver

The council benefits from a hardworking and committed workforce which is ready to respond to the challenges ahead and to deliver the priorities of the new council plan. Staff are dedicated, forward looking and open to change – they represent an asset to the organisation and should continue to be nurtured and engaged in taking TBC forward.

The ‘can do’ attitude of staff is an enviable strength, but with the strategic and operational demands increasing as the new council plan comes online, along with the emerging work to support the Garden Town plans, there is a risk this willingness to help could lead to staff being over committed and this strength becoming a weakness.

There is a strong organisational focus on developing and retaining staff which has created a dedicated and loyal workforce. The Apprenticeship Scheme is particularly well-regarded and is a commendable reflection of the supportive workplace culture that is evident at TBC – the team heard some heart-warming stories from members of staff about the support and guidance they had received from all levels of the organisation as they developed in a series of roles. Staff recognise and value this investment in them, as reflected in the very positive 2018 staff survey responses, and this will stand the authority in good stead as it embraces future challenges.

There is a lack of clarity around priority work areas and projects, which impacts on organisational capacity to deliver. We heard numerous staff state that ‘everything is a priority’ and this, combined with a genuine desire to support the organisation, runs the risk of overloading staff and an inevitable drop in capacity. The extent, and process by which actions are prioritised is unclear and understanding is varied across the organisation. Some dedicated time spent prioritising the aims and ambitions of the Council Plan alongside available resources would go a long way to ensuring a committed, talented and capable workforce are deployed to maximum benefit and effect.

In the Corporate Project Management framework and process, the council already has a potentially effective means through which to manage change and demand. This process could be used to assess all projects and activities against the Corporate Priorities but there is a need for more organisational rigour and discipline to ensure a consistent approach across the whole organisation - it is vital that there is a focus on identifying and tracking benefits realisation, prioritising and even saying ‘no’ where resources do not permit.

There are recruitment concerns in key professional areas such as planning and legal services. Recent recruitment drives have had disappointing results, and although issues in these fields is not uncommon in the sector, when looking at the future significant growth plans for the borough, some more innovative thinking may be required to build capacity in these areas. The council benefits from the shared knowledge and capacity generated by the shared legal partnership although the partnership is now having to turn away work due to a lack of capacity. A review of pay banding may be one option to ensure the council is adequately and appropriately resourced to deliver ambitious growth plans.

The council has embraced alternative means of service delivery such as the local authority owned teckal company, Ubico Ltd, which operates the council’s waste, recycling, street cleansing and grounds maintenance contract and the One Legal shared services partnership. Given the positive relationships that exist across the sector and region, there is potential for the council to explore more commissioning opportunities, building on

organisational knowledge and expertise in this area to ensure the council is always an effective client.

There are a suite of updated policies and strategies (Workforce development, ICT, Digital and Transformation) that will provide important cornerstones for organisational Transformation Plans, as will the creation of the new Corporate Business Transformation Team. Members of this team are positive about the potential of their role in helping the council deliver efficiency savings through greater digitalisation. In order for the programme to be truly transformational, the team may benefit from spending time establishing clear baseline metrics and targets so that statements such as 'meeting our customer needs' can be better quantified and measured e.g. what are the needs of customers, to what extent are we currently meeting them and where are the gaps? A comprehensive and regular resident's survey could be an effective way of achieving this, and if the questions recommended via LGInform are used, the council will have ready access to comparative data in order to monitor performance. The work the council carried out in November 2019 through a snapshot survey and use of the Citizens Panel should prove useful foundations for this.

The Transformation Programme is well embedded in the organisation and has successfully delivered innovation and financial savings since its inception in 2014, however, taking into account the points made above about priority-setting and better management of staff resources, skills and knowledge, greater clarity around what success will look like – beyond digital enhancements – will give the programme greater longevity and sustainability. It will also ensure that the programme can be robustly managed, with benefits-realisation being key to delivering the efficiencies required to meet future budget requirements, or to free up resources to redeploy into other priority areas of work.

5. Next steps

5.1 Immediate next steps

We appreciate the senior managerial and political leadership will want to reflect on these findings and suggestions in order to determine how the organisation wishes to take things forward.

As part of the peer challenge process, there is an offer of further activity to support this. The LGA is well placed to provide additional support, advice and guidance on several areas for development and improvement and we would be happy to discuss this. Paul Clarke Principal Adviser is the main contact between your authority and the Local Government Association (LGA). His contact details are: paul.clarke@local.gov.uk

In the meantime we are keen to continue the relationship we have formed with the Council throughout the peer challenge. We will endeavour to provide signposting to examples of practice and further information and guidance about the issues we have raised in this report to help inform ongoing consideration.

5.2 Follow up visit

The LGA Corporate Peer Challenge process includes a follow up visit. The purpose of the visit is to help the council assess the impact of the peer challenge and demonstrate the progress it has made against the areas of improvement and development identified by the peer team. It is a lighter-touch version of the original visit and does not necessarily involve all members of the

original peer team. The timing of the visit is determined by the council. Our expectation is that it will occur within the next 2 years.

5.3. Next Corporate Peer Challenge

The current LGA sector-led improvement support offer includes an expectation that all councils will have a Corporate Peer Challenge or Finance Peer Review every 4 to 5 years. It is therefore anticipated that the council will commission their next Peer Challenge before 2024.

Recommendation number KR = key recommendation	Details of recommendation	Action to be taken	Responsible Officer	Implementation Date
		The council is dependent on the funding being secured in order to deliver the bridge. Given the MTFS deficit, it is not possible to add to this to in order to self fund the bridge. All resources will be focussed on ensuring the funding is available and drawn down. It is expected that a first draw could take place by December 2020.		March 2022
KR2. (page 2, recommendation 2)	<p>Create the necessary senior leadership resilience, focus on prioritisation and overall resource requirements within the organisation going forward so that so that the council is on as sound a footing as possible to continue to meet the challenges facing the sector. As part of this: -</p> <ul style="list-style-type: none"> - Clarify roles and responsibilities of Corporate Leadership Team (CLT) and Management Team in order, ensuring that opportunities for senior officers to contribute and influence are well understood; - Build on partnership and shared service delivery strengths to cement your 'place leadership' role and from this explore further opportunities as to how these arrangements will help build capacity (see also page 10) - Build on existing corporate project evaluation mechanisms to develop a clear process for prioritisation and changing resource requirements ('prioritise the 	<p>This recommendation was pre-covid and therefore the financial and resource challenge is more significant than at the time of the LGA report and even then there was a large degree of uncertainty in relation to Local Government finances. Actions currently being undertaken around prioritisation and resources with regards to the current challenge (if and when the council is the other side of Covid then further prioritisation, resource and senior leadership resilience will need to be looked at) include:</p> <ul style="list-style-type: none"> - Heads of Service prioritising their work streams to identify what could be deferred including project related work. - Update on capacity list to identify any potential spare capacity 	Corporate Management Team	March 2021

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Recommendation number KR = key recommendation	Details of recommendation	Action to be taken	Responsible Officer	Implementation Date
		<p>vant work.</p> <p>The TGT are currently recruiting a Place Manage which will focus on developing the “place” aspect of the Garden Town. Along with discussions with finance regarding for funding for wider Garden Town support.</p>		Spring 2021
<p>KR5. (page 2, recommendation 5) (page 8, para 3)</p>	<p>Building upon your existing sound governance arrangements review both: -</p> <ul style="list-style-type: none"> - the timings of key meetings so that all members can contribute effectively - the length/ style of member reports so they more effectively inform and enable better decision making. <p>(incl. greater use of technology to promote virtual engagement.)</p>	<p>The Council determines the Schedule of Meetings, including the time those meetings commence. Individual Committees are always free to review and revise start times and any changes are made in consultation with the Chair and Lead Member as appropriate. Similarly, Working Groups, Ad-Hoc meetings, seminars etc. are set in consultation with the appropriate Lead Member and take place at a variety of times in the morning, afternoon and evening to cater for all Members.</p>	Head of Democratic Services	Current practice, no change is anticipated.

Recommendation number KR = key recommendation	Details of recommendation	Action to be taken	Responsible Officer	Implementation Date
		<p>A review of the report format is in the Democratic Services Work Programme but due to other commitments it is not anticipated that this will be complete until the end of next year.</p> <p>All the Council's meetings are currently held virtually and the use of new technology has been embraced by Members.</p>		<p>March 2022.</p> <p>Current Practice.</p>
<p>KR6. (page 6, para 3)</p>	<p>Building on the knowledge and expertise developed through the Growth Hub, the council may wish to consider slightly redefining its support for local business growth – moving more towards an enabling role rather than delivery. This will help manage resource requirements whilst wishing to maintain a strong economic development focus.</p>	<p>Consideration will be given to the recommendation. This needs to be balanced with the contractual obligation the council has with the Local Enterprise Partnership regards to the running of the Growth Hub. This will be looked at as part of the development of the new Economic Development and Tourism Strategy.</p>	<p>Head of Development</p>	<p>Jun 2021</p>
<p>KR7. (page 8, para 2)</p>	<p>Opportunities exist to strengthen the role of Scrutiny in pre-decision and policy development work</p>	<p>The Overview and Scrutiny Committee receives the Executive Committee Forward Plan at each of its meetings and has been particularly keen to ensure the document is well populated. The Committee also considers its own Work Programme at each meeting and conducts an annual review of policies to ascertain whether they</p>	<p>Head of Corporate Services/Head of Democratic Services</p>	<p>March 2021</p>

Recommendation number KR = key recommendation	Details of recommendation	Action to be taken	Responsible Officer	Implementation Date
		<p>require review and what, if any, the Committee's role is in that review. Progress on projects are reviewed as part of the performance tracker and any requiring further scrutiny are highlighted by Members for further work to be undertaken. The Council and the Executive Committee also refer matters directly to the Overview and Scrutiny Committee for further work to be undertaken. A session with the committee will be held to obtain their views on how to maximise the value of O&S.</p>		
<p>KR8. (page 10, para 6)</p>	<p>Look at innovative recruitment initiatives, particularly around Planning and One Legal services</p>	<p>We are in the process of procuring and installing a new system for recruitment which will make our 'front-face' much more attractive and modern to prospective applicants. This should be in place by Spring 2021. Also more broadly we are building a 'total rewards' offer to sell the considerable benefits of working for our Council.</p> <p>We will be joining new national initiatives to recruit those who previously were employed in Legal, Planning, and ICT, but have taken time out (to look after children for</p>	<p>Head of Corporate Services/Head of Development/ Borough Solicitor</p>	<p>Spring 2021</p> <p>November 2020</p>

Corporate Peer Challenge 2020- recommendation action plan

Recommendation number KR = key recommendation	Details of recommendation	Action to be taken	Responsible Officer	Implementation Date
KR9. (page 11, para 1)	Consider the undertaking of a comprehensive and regular resident’s survey.	example). By the end of the financial year the Corporate Services Team will consider the options and engage Member’s appropriately. This could include: <ul style="list-style-type: none"> - the undertaking internally of a snapshot survey (using Borough News and online) - commissioning externally a statistically weighted snapshot survey - an ongoing survey through the website and hardcopy forms. 	Head of Corporate Services	March 2021

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Tewkesbury Together 2021
Report of:	Head of Development Services
Corporate Lead:	Deputy Chief Executive
Lead Member:	Lead Member for Economic Development/Promotion
Number of Appendices:	None

<p>Executive Summary:</p> <p>Tewkesbury Together 2021 is a celebration to mark 900 years since the consecration of Tewkesbury Abbey, alongside 550 years since the Battle of Tewkesbury. This report outlines the aims for Tewkesbury Together, plus a proposal for potential funding from the Council.</p>
<p>Recommendation:</p> <ol style="list-style-type: none"> 1. To allocate £25,000 from Reserves to support Tewkesbury Together 2021. 2. To delegate authorisation of the spend to the Head of Development Services and the Head of Finance and Asset Management, in consultation with the Lead Member for Finance and Asset Management and the Lead Member for Economic Development/Promotion.
<p>Reasons for Recommendation:</p> <ul style="list-style-type: none"> • To enable celebrations to mark 900 years of the consecration of Tewkesbury Abbey and 550 years since the Battle of Tewkesbury. • To provide a lasting cultural legacy.

<p>Resource Implications:</p> <p>The Council is currently facing significant financial challenges and will need to offer an appropriate amount of money to support 2021. Officers consider £25,000 to be an appropriate figure in the current circumstances.</p>
<p>Legal Implications:</p> <p>None at this stage.</p>
<p>Risk Management Implications:</p> <p>None at this stage.</p>

Performance Management Follow-up:

Tewkesbury Together 2021 will be reported through the usual channels, including the Council's Performance Tracker.

Environmental Implications:

None at this stage.

1.0 INTRODUCTION/BACKGROUND

- 1.1** Tewkesbury Together 2021 is a celebration to mark 900 years since the consecration of Tewkesbury Abbey, alongside 550 years since the Battle of Tewkesbury. Tewkesbury Together plans to embrace Tewkesbury's heritage with a year of historical, cultural and family celebrations. Tewkesbury Together was conceived to inspire all generations, and the whole community of Tewkesbury to become more engaged in its heritage, developing the town's unique historical significance and helping it to attract increased social and economic benefits before, during and after 2021.
- 1.2** The Council has been supportive of 2021, recognising the value to the local community, as well as the opportunity to positively impact on the local economy and attract visitors to the area. A Steering Group was established over three years ago, of which the Council is a member. Other members of the group include representatives of Tewkesbury Town Council, the Library service, Tewkesbury Abbey, Battlefield Society, Roses Theatre, local volunteers amongst others.

2.0 TEWKESBURY TOGETHER 2021

- 2.1** Tewkesbury Together aims to provide a major celebration, with a year of events and occasions to mark this significant date. A series of initiatives and events are currently in development, but at the core will be involvement across the community, as well as the positive impact on tourism and the local economy. For the year itself, the group is planning twelve months of celebration and commemorations. They plan to produce and support a wide-ranging array of events in the town next year, including new events and tying into existing events. The Steering Group has outlined that the events produced will all be designed to engage, identify, explain and share different aspects of Tewkesbury's history across the community, as well as encourage visitors and positive promotion.
- 2.2** However, with the uncertainty of COVID-19, it has also been difficult for the Steering Group to plan effectively. The ability of the Group to plan will also be impacted by the funding available. As the year goes on, and restrictions may be removed, this will enable plans to be made with an extra degree of certainty. The 2021 celebrations will take on extra significance following the COVID-19 restrictions that have been in place during 2020.
- 2.3** To enable the events to be delivered, funding will be required. At this point, a figure of £25,000 would assist 2021 Tewkesbury Together in developing its plans and demonstrate support from the Council. It would also enable potential match-funding via external funders, ensuring that financial support from Tewkesbury Borough Council provides the greatest possible value.

2.4 Therefore, it is requested that a sum of £25,000 is allocated towards the 2021 celebrations. It is recommended that the Steering Group submit a proposal for the funds, which is then delegated to the relevant Heads of Service and Lead Members for approval.

3.0 OTHER OPTIONS CONSIDERED

3.1 None at this stage.

4.0 CONSULTATION

4.1 Council Officers sit on Tewkesbury Together 2021 Steering Group, therefore Officers are fully engaged on the plans for 2021.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Council Plan.
Community and Economic Development Service Plan.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 As outlined within the report.

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

8.1 Tewkesbury Together 2021 will have a significant cultural impact on Tewkesbury and the surrounding area. It will also act as a big community celebration and draw to tourists. This will have a subsequent impact on the local economy.

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

9.1 None.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Community and Economic Development Manager
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Appendices: None.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Infrastructure Funding Statement (IFS) Approval for Publication
Report of:	CIL Manager for the JCS Authorities
Corporate Lead:	Head of Development Services
Lead Member:	Lead Member for Built Environment
Number of Appendices:	Three

<p>Executive Summary:</p> <p>The purpose of this report is to update Executive Committee on the preparation of the Infrastructure Funding Statement (IFS) for 2020 including the required Infrastructure List.</p>
<p>Recommendation:</p> <p>That it be RECOMMENDED TO COUNCIL:</p> <ol style="list-style-type: none"> 1. That the publication of the Infrastructure Funding Statement (IFS) for 2020 be APPROVED. 2. That it be NOTED that the Annual Community Infrastructure Levy (CIL) Rates Summary Statement will be published alongside the IFS.
<p>Reasons for Recommendation:</p> <ol style="list-style-type: none"> 1. All “contribution receiving authorities” are now required, under the Community Infrastructure Levy Regulations 2010 (as amended) to produce an IFS at least annually [Regulation 121A]. 2. The deadline for producing the first IFS and publishing it on the Council’s website is 31 December 2020. Detailed requirements are set out in Schedule 2 to the Regulations and the Ministry of Housing, Communities and Local Government (MHCLG) requires that it is sent details of the website address where the IFS can be found.

<p>Resource Implications:</p> <p>None – work undertaken within existing capacity.</p>
<p>Legal Implications:</p> <p>The production of an IFS, including a regulation 121A Infrastructure List, is a statutory obligation as a result of amendments to the Community Infrastructure Levy Regulations 2010 (the Regulations) by the Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019. As is the publication of the Annual CIL Rates Summary Statement.</p>

Those amendments also revoked, as of 1 September 2019, Regulation 123 of the Regulations thereby removing the restrictions there had been previously, both on the pooling of monies from s106 obligations and also the spending of both CIL and s106 monies on the same infrastructure.

The regulation 123 infrastructure list previously published alongside the adoption of CIL by the Council remains the Council's infrastructure list until replaced by the regulation 121A Infrastructure List within the IFS.

Risk Management Implications:

1. Failure to publish the required statements would be a breach of Regulations.
2. Though the Infrastructure List will not dictate how funds must be spent, it will set out the Council's intentions and its publication as part of the IFS will provide clarity and transparency for communities and developers on the infrastructure that is expected to be delivered.
3. Not having a clear prioritisation of infrastructure projects may risk that CIL receipts are not targeted towards the most critical infrastructure needed to deliver development.

Performance Management Follow-up:

1. Statutory obligation to produce an annual IFS requires detailed accounts of income and expenditure for both CIL and S106 to be maintained to ensure that the flow of income-purpose-expenditure is transparent.
2. As part of the IFS, the Infrastructure List must be updated annually through the maintenance of the JCS Infrastructure Delivery Plan (IDP) Project Tracker in collaboration/consultation with Infrastructure Providers.

Environmental Implications:

None directly, though the effective use of CIL receipts has the potential to have a positive impact on all three dimensions of sustainable development through the provision of infrastructure necessary to facilitate growth including environmental infrastructure.

1.0 INTRODUCTION/BACKGROUND

- 1.1 Regulation 121A requires Charging Authorities to produce an IFS which, in accordance with Schedule 2, provides details of not only CIL but also S106 income and expenditure and an Infrastructure List.
- 1.2 The CIL Report, on the previous financial year ("the reported year") must include the answers to specific questions on billed and received income, committed and spent expenditure.
- 1.3 The S106 report, again on the same 'reported year', must include answers to specific questions on not only balances, income, allocation and expenditure of financial contributions but also non-financial contributions that have been secured, such as affordable housing.
- 1.4 The 'Infrastructure List' is "a statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL" (other than CIL which relates to the neighbourhood portion).

- 1.5** The Council must also produce an Annual CIL Rates Summary Statement applying the Royal Institute of Chartered Surveyors (RICS) CIL index, published in November each year, to the existing Charging Schedule to produce a Charging Schedule for the following calendar year. Regulation 121C (1) requires it to be published no earlier than 2 December and no later than 31 December.

2.0 REPORT DETAILS

2.1 Infrastructure Funding Statement - CIL Report

- 2.1.1** Tewkesbury Borough Council and JCS partners in Cheltenham and Gloucester began charging CIL on applications received after 1 January 2019, however the first payment was made on 7 October 2019, within the reporting year

- 2.1.2** CIL Receipts for the reporting year were £37,165.55 and from this we deduct:
£1,858.28 paid towards administrative expenses.

£8,190.00 'Neighbourhood Fund' which was distributed to Parish Councils; and this leaves a balance of -

£27,117.28 'Infrastructure Fund', for infrastructure required to deliver planned development, held by the Borough Council.

The CIL report also provides details of the £427,453.55 in Demand Notices issued during the reporting year which, in line with the Council's adopted Instalments Policy, will be received over the next two years.

2.2 Infrastructure Funding Statement - S106 Report

- 2.2.1** At the start of April 2019 there was a balance of £5,808,354.99. During this year we received £4,122,767.88 and spent £1,049,767.65. At the end of March 2020 there was a closing balance of £9,509,293.15.

The S106 report also provides details of the £1,453,447.58 off-site financial contributions secured and the 310 affordable homes secured on site.

2.3 Infrastructure Funding Statement - Infrastructure List

- 2.3.1** In the adopted JCS IDP a number of projects were identified as critical. This was updated in 2017 and 2020 and it is those projects that have been selected for inclusion in the Infrastructure List.

- 2.3.2** The Borough Council and JCS partners will review this list, as a minimum, on an annual basis, alongside the preparation of their Infrastructure Funding Statement(s).

2.4 The Annual CIL Rates Summary Statement

- 2.4.1** The Annual CIL Rates Summary Statement (Appendix 2) is based on the RICS CIL Index, published on 26 October ready for 1 November.

3.0 NEXT STEPS

- 3.1** The recommendation will be considered by Council on 8 December.

- 3.2** Publication of both reports on the Borough Council's website and notification to the Ministry for Housing, Communities and Local Government (MHCLG) in December 2020.

4.0 OTHER OPTIONS CONSIDERED

4.1 None as the publication of the IFS and CIL rates summary statement are a statutory requirement.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Joint Core Strategy 2011 to 2031 (December 2017).

5.2 Joint Core Strategy 2011 to 2031 Infrastructure Delivery Plan (2014) and Addendum (2017).

6.0 RELEVANT GOVERNMENT POLICIES

6.1 The Community Infrastructure Levy Regulations 2010 (as amended).

6.2 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 As above.

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

8.1 None directly, though the effective use of CIL receipts has the potential to have a positive impact on all three dimensions of sustainable development through the provision of infrastructure necessary to facilitate growth including environmental infrastructure.

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

9.1 None directly.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 October 2018 - Adoption of CIL Charging Schedule and supporting policies.

Background Papers: None.

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Appendices:

1. DRAFT Tewkesbury Borough Council Infrastructure Funding Statement 2020.
2. DRAFT Tewkesbury Borough Council Annual CIL Rates Summary Statement 2020.
3. An introduction to Infrastructure Funding Statements.

Infrastructure Funding Statement for Tewkesbury Borough Council

2019/2020

*Tewkesbury Borough Council
December 2020*

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Community Infrastructure Levy (CIL) Report

Tewkesbury Borough Council

December 2020

Introduction

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require Contribution Receiving Authorities to publish:

“Annual infrastructure funding statements ... no later than 31st December in each calendar year”.

Regulation 121A(1)

The annual ‘infrastructure funding statement’ (IFS) must include:

“ a report about CIL, in relation to the previous financial year ("the reported year"), which includes the matters specified in paragraph 1 of Schedule 2 ("CIL report")”.

Regulation 121A(1)(b)

Questions and Answers

Schedule 2 sets out a series of questions that must be answered in the annual infrastructure funding statement. The structure of this report is based around answering each of those questions.

Question 1. The total value of CIL set out in all demand notices issued in the reported year?

Regulation 121A(1)(a)

Answer £427,453.55

Question 2. The total amount of CIL receipts for the reported year?

Regulation 121A(1)(b)

Answer £37,165.55

Question 3. The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year but which have not been allocated?

Regulation 121A(1)(c)

Answer £0 (commenced charging on 1st January 2019 no receipts until 20th December 2019)

Question 4. The total amount of CIL receipts, collected by the authority, or by another person on its behalf, before the reported year and which have been allocated in the reported year?

Regulation 121A(1)(d)

Answer £0

Question 5. The total amount of CIL expenditure for the reported year?

Regulation 121A(1)(e)

Answer Regulation 59A Neighbourhood £0
Regulation 61 Administration £1,858.28
Regulation 59(1) Infrastructure £0

Question 6. The total amount of CIL receipts, whenever collected, which were allocated but not spent during the reported year?

Regulation 121A(1)(f)

Answer £0

Question 7. In relation to CIL expenditure for the reported year, summary details of—

Regulation 121A(1)(g)

Question 7(i) The items of infrastructure on which CIL (including land payments) has been spent, and the amount of CIL spent on each item?

Answer None (apart from administrative costs under Regulation 61 income up to 31st March 2020 has been rolled forward in to the 2020/21 financial year)

Question 7(ii) The amount of CIL spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)?

Answer £0

Question 7(iii) The amount of CIL spent on administrative expenses pursuant to regulation 61, and that amount expressed as a percentage of CIL collected in that year in accordance with that regulation?

Answer Regulation 61 Administration £1,858.28 (5%)

Question 8. In relation to CIL receipts, whenever collected, which were allocated but not spent during the reported year, summary details of the items of infrastructure on which CIL (including land payments) has been allocated, and the amount of CIL allocated to each item?

Regulation 121A(1)(h)

Answer £0

Question 9. The amount of CIL passed to –

Regulation 121A(1)(i)

Question 9(i) Any parish council under regulation 59A or 59B?

Answer £0

Question 9(ii) Any person under regulation 59(4)?

Answer £0

Question 10. Summary details of the receipt and expenditure of CIL to which regulation 59E or 59F applied during the reported year including -

Regulation 121A(1)(j)

Question 10(i) The total CIL receipts that regulations 59E and 59F applied to?

Answer £0

Question 10(ii) The items of infrastructure to which the CIL receipts to which regulations 59E and 59F applied have been allocated or spent, and the amount of expenditure allocated or spent on each item?

Answer Description: None

Amount: £0

Question 11. Summary details of any notices served in accordance with regulation 59E, including -

Regulation 121A(1)(k)

Question 11(i) The total value of CIL receipts requested from each parish council?

Answer £0

Question 11(ii) Any funds not yet recovered from each parish council at the end of the reported year?

Answer £0

Question 12. The total amount of—

Regulation 121A(1)(l)

Question 12(i) CIL receipts for the reported year retained at the end of the reported year other than those to which regulation 59E or 59F applied?

Answer £35,307.27

Question 12(ii) CIL receipts from previous years retained at the end of the reported year other than those to which regulation 59E or 59F applied?

Answer £0

Question 12(iii) CIL receipts for the reported year to which regulation 59E or 59F applied retained at the end of the reported year?

Answer £0

Question 12(iv) CIL receipts from previous years to which regulation 59E or 59F applied retained at the end of the reported year?

Answer £0

Regulation 121A(2)

For the purposes of paragraph 1—

- (a)** CIL collected by an authority includes land payments made in respect of CIL charged by that authority;
- (b)** CIL collected by way of a land payment has not been spent if at the end of the reported year—
 - (i)** development (within the meaning in TCPA 1990) consistent with a relevant purpose has not commenced on the acquired land; or
 - (ii)** the acquired land (in whole or in part) has been used or disposed of for a purpose other than a relevant purpose; and the amount deemed to be CIL by virtue of regulation 73(9) has not been spent;
- (c)** CIL collected by an authority includes infrastructure payments made in respect of CIL charged by that authority;
- (d)** CIL collected by way of an infrastructure payment has not been spent if at the end of the reported year the infrastructure to be provided has not been provided;
- (e)** the value of acquired land is the value stated in the agreement made with the charging authority in respect of that land in accordance with regulation 73(6)(d);
- (f)** the value of a part of acquired land must be determined by applying the formula in regulation 73(10) as if references to N in that provision were references to the area of the part of the acquired land whose value is being determined;
- (g)** the value of an infrastructure payment is the CIL cash amount stated in the agreement made with the charging authority in respect of the infrastructure in accordance with regulation 73A(7)(e).

Section 106 (S106) Report

Tewkesbury Borough Council

December 2020

Introduction

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require Contribution Receiving Authorities to publish:

“Annual infrastructure funding statements ... no later than 31st December in each calendar year”.

Regulation 121A(1)

The annual ‘infrastructure funding statement’ (IFS) must include:

“A report about planning obligations, in relation to the reported year, which includes the matters specified in paragraph 3 of Schedule 2 and may include the matters specified in paragraph 4 of that Schedule ("section 106 report")”

Regulation 121A(1)(c)

Questions and Answers

Schedule 2 sets out a series of questions that must be answered in the annual infrastructure funding statement. The structure of this report is based around answering each of those questions.

Question 1. The total amount of money to be provided under any planning obligations which were entered into during the reported year?

Regulation 121A(3)(a)

Answer

Planning Reference	Location	Date	Amount
17/00520/OUT	Land at Fiddington Ashchurch	14 June 2019	£30,000.00
15/00841/FUL	Land to the Rear of Church Row Gretton	18 April 2019	£58,618.96
17/01203/FUL	Land to the South of the A46 and north of Tirl Brook Tewkesbury	11 March 2020	£1,200,000
18/00361/FUL	Land adjoining Sunnyside Ash Lane Down Hatherley	16 May 2019	£164,828.62
		TOTAL	£1,453,447.58

Question 2. The total amount of money under any planning obligations which was received during the reported year?

Regulation 121A(3)(b)

Answer £4,122,767.88

Question 3. The total amount of money under any planning obligations which was received before the reported year which has not been allocated by the authority?

Regulation 121A(3)(c)

Answer £6,487,075.39

Question 4. Summary details of any non-monetary contributions to be provided under planning obligations which were entered into during the reported year, including details of—

Regulation 121A(3)(d)

Question 4(i) In relation to affordable housing, the total number of units which will be provided?

Answer

Planning Reference	Location	Date	Number (Dw)
17/00520/OUT	Land at Fiddington Ashchurch	14 June 2019	298
16/01172/FUL	Land South West of Wainlode Lane	19 July 2019	12
TOTAL			310

Question 4(ii) In relation to educational facilities, the number of school places for pupils which will be provided, and the category of school at which they will be provided?

Answer As a two –tier authority area Gloucestershire County Council will be publishing an Infrastructure Funding Statement and will include details of planning obligations it has secured by way of S106, as well as S278 in its areas of competence.

Question 5. The total amount of money (received under any planning obligations) which was allocated but not spent during the reported year for funding infrastructure?

Regulation 121A(3)(e)

Answer £0.00

Question 6. The total amount of money (received under any planning obligations) which was spent by the authority (including transferring it to another person to spend)?

Regulation 121A(3)(f)

Answer £1,049,767.65

Question 7. In relation to money (received under planning obligations) which was allocated by the authority but not spent during the reported year, summary details of the items of infrastructure on which the money has been allocated, and the amount of money allocated to each item?

Regulation 121A(3)(g)

Answer

ALLOCATED BUT NOT SPENT

Title	Description	Allocation	Reference	Received
				£0.00
				£0.00

Question 8. In relation to money (received under planning obligations) which was spent by the authority during the reported year (including transferring it to another person to spend), summary details of—

Regulation 121A(3)(h)

Question 8(i) The items of infrastructure on which that money (received under planning obligations) was spent, and the amount spent on each item?

Answer

SPENT

Source	Purpose	Parish/Supplier	Amount	For
01/01124/OUT	Green Infrastructure	Hartell N B Construction	£2,091.28	Dog Bins/Signs
01/10875/1124/OUT	Burial Facilities	Brockworth Parish Council	£480.00	Brockworth burial ground
01/10875/1124/OUT	Leisure Facilities	Hucclecote Parish Council	£2,649.73	Hucclecote Playground Works
04/2868/1421/OUT	Community Facilities	St Philip & St James Church Centre	£2,918.90	Works at St James Church Centre
04/2868/1421/OUT	Community Facilities	Badgeworth Parish Council	-£7,850.00	Village Hall - Cold Pool Lane
04/2868/1421/OUT	Leisure Facilities	Badgeworth Parish Council / Andy Crawford Kitchen Bedrooms / RJH Electrical Solutions / West Mercia Energy	£192,432.00	Maintenance of Cold Pool Lane Pavilion
04/2868/1421/OUT	Public Open Space	Finance and Asset Management	£192,418.67	POS - Cold Pool Lane
05/00883/OUT	Community Facilities	Hartell N B Construction / Wybone Ltd	£900.00	Longford Village Hall
05/00883/OUT	Green Infrastructure	Hartell N B Construction / Wybone Ltd	£1,141.83	Dog Bins/Signs
06/00193/FUL	Community Facilities	Brockworth Parish Council	£1,789.29	Court Road Community Centre

07/00448/OUT	Community Facilities	Bishops Cleeve Parish Council / DJ Willems t/a Onecall Construction Services	£62,174.09	Community Barn Project - Bishops Cleeve
08/01221/OUT	Leisure Facilities	Henley School / Finance and Asset Management	£13,984.53	Henley Bank High School Swimming Pool
10/00091/OUT	Green Infrastructure	Wybone Ltd	£894.16	Dog Bins/Signs
10/00091/OUT	Leisure Facilities	Bentham Bowling Property	£25,063.00	Improvements to Bowls Club
10/00576/APP	Green Infrastructure	DJ Willems t/a Onecall Construction Services	£20.49	Dog Bins/Signs
10/01005/OUT	Green Infrastructure	Hartell N B Construction / Wybone Ltd	£2,458.02	Dog Bins/Signs
10/01216/OUT	Green Infrastructure	DJ Willems t/a Onecall Construction Services / Wybone Ltd	£15,428.89	Recycling/Waste Bins
11/00357/APP	Green Infrastructure	DJ Willems t/a Onecall Construction Services	£20.49	Dog Bins/Signs
11/00622/FUL	Leisure Facilities	Northway Parish Council	£3,215.16	Northway Footpath at pitches
12/00464/OUT	Green Infrastructure	Winchcombe Town Council	£1,389.68	Dog Bins/Signs
12/01078/FUL	Green Infrastructure	Wybone Limited	£1,206.41	Dog Bins/Signs
12/01256/OUT	Community Facilities	Brockworth Link Community Project	£27,000.00	Brockworth Link - Salary Support
12/01257/APP	Green Infrastructure	DJ Willems t/a Onecall Construction Services	£6.85	Dog Bins/Signs
13/000978/FUL	Community Facilities	Twynning Parish Council	£22,704.32	Twynning Play Area
13/000978/FUL	Green Infrastructure	Hartell N B Construction	£165.00	Dog Bins/Signs
13/000978/FUL	Leisure Facilities	Twynning Parish Council	£32,288.59	Development of field - Twynning
13/00114/FUL	Leisure Facilities	Alderton Parish Council	£895.00	Pitch improvement - Alderton
13/00163/APP	Green Infrastructure	DJ Willems t/a Onecall Construction Services / Hartell N B Construction	£1,379.31	Dog Bins/Signs

13/00311/APP	Green Infrastructure	DJ Willems t/a Onecall Construction Services	£96.90	Dog Bins/Signs
13/00794/FUL	Community Facilities	Witcombe & Bentham Village Hall	£5,863.03	Bentham Village Hall equipment
13/00794/FUL	Green Infrastructure	Witcombe & Bentham Village Hall	£0.01	Recycling/Waste Bins
13/01205/FUL	Community Facilities	Twynning Parish Council / Travis Perkins Trading Co Ltd	£6,758.30	Twynning Village Hall
13/01205/FUL	Green Infrastructure	Wybone Limited	£1,569.72	Recycling/Waste Bins
13/01205/FUL	Leisure Facilities	Twynning Parish Council / Travis Perkins Trading Co Ltd	£26,371.41	Resurfacing Tennis Courts - Twynning
14/00074/OUT	Community Facilities	Stoke Orchard & Tredington Parish	£4,445.53	Stoke Orchard Community Centre
14/00211/OUT	Green Infrastructure	DJ Willems t/a Onecall Construction Services	£539.87	Dog Bins/Signs
14/00211/OUT	Leisure Facilities	DJ Willems t/a Onecall Construction Services / Fenland Leisure Products Ltd	£19,769.06	Mitton Play Area
14/00432/FUL	Green Infrastructure	Gotherington Parish Council	£253.85	Dog Bins/Signs
14/00432/FUL	Leisure Facilities	Gotherington Parish Council	£7,748.93	Sports Facilities - Freeman Field Gotherington
14/00583/OUT	Green Infrastructure	Highnam Parish Council	£417.38	Dog Bins/Signs
14/00583/OUT	Green Infrastructure	Highnam Parish Council	£4,366.77	Recycling/Waste Bins
14/00583/OUT	Health	NHS Gloucestershire CCG	£47,755.28	Highnam Surgery Extension
14/00583/OUT	Leisure Facilities	Highnam Parish Council	£1,301.95	Highnam Parish Plan works
14/00838/FUL	Green Infrastructure	Shurdington Parish Council	£29,058.13	Recycling/Waste Bins
15/00131/OUT	Community Facilities	Maisemore Village Hall	£8,041.44	Maisemore Village Hall
15/00394/OUT	Community Facilities	Toddington Village Hall	£200.44	Toddington Village Hall improvement
15/00394/OUT	Green Infrastructure	Toddington Village Hall	£2,581.40	Recycling/Waste Bins

15/00394/OUT	Leisure Facilities	Toddington Village Hall	£41,716.27	Toddington Sports Facilities
15/00841/FUL	Green Infrastructure	Gotherington Parish Council	£1,804.70	Recycling/Waste Bins
15/00965/OUT	Green Infrastructure	DJ Willems t/a Onecall Construction Services	£320.00	Dog Bins/Signs
15/01177/FUL	Leisure Facilities	Bishops Cleeve Parish Council / Cleeve School Enterprises	£27,005.95	Cleeve Sports Centre improvements
15/01177/FUL	Monitoring	Bishops Cleeve Parish Council / Pick Everard	£3,600.00	Due Diligence - Cleeve Community Centre
16/00965/OUT	Green Infrastructure	Hartell N B Construction	£305.00	Dog Bins/Signs
17/00347/FUL	Green Infrastructure	DJ Willems t/a Onecall Construction Services	£1,738.28	Dog Bins/Signs
17/00347/FUL	Community Facilities	Wheatpieces Parish Council	£92,576.63	Walton Cardiff Community Centre
17/01041/FUL	Community Facilities	Toddington Village Hall	£17,734.00	Annexe - Toddington Village Hall
17/01041/FUL	Community Facilities	Toddington Village Hall	-£900.00	Community Project - Toddington
Various small developments	Public Open Space	Finance and Asset Management	£97,461.73	Various Open Space within Borough
		TOTAL	£1,049,767.65	

Question 8(ii) The amount of money (received under planning obligations) spent on repaying money borrowed, including any interest, with details of the items of infrastructure which that money was used to provide (wholly or in part)?

Answer £0

Question 8(iii) The amount of money (received under planning obligations) spent in respect of monitoring (including reporting under regulation 121A) in relation to the delivery of planning obligations

Answer £0

Question 9. The total amount of money (received under any planning obligations) during any year which was retained at the end of the reported year, and where any of the retained money has been allocated for the purposes of longer term maintenance ("commuted sums"), also identify separately the total amount of commuted sums held?

Answer Rolled Forward TOTAL £9,509,293.15
 Of which Commuted Sums TOTAL £876,182.13

There are also matters which may be included in the section 106 report for each reported year —

Regulation 121A(4)

- (a) Summary details of any funding or provision of infrastructure which is to be provided through a highway agreement under section 278 of the Highways Act 1980 which was entered into during the reported year?
- (b) Summary details of any funding or provision of infrastructure under a highway agreement which was provided during the reported year?

Answer As a two –tier authority area Gloucestershire County Council will be publishing an Infrastructure Funding Statement and will include details of planning obligations secured in its areas of competence as Local Highways and Passenger Transport Authority.

Regulation 121A(5)

For the purposes of paragraph 3 -

- (a) where the amount of money to be provided under any planning obligations is not known, an authority must provide an estimate;
- (b) a non-monetary contribution includes any land or item of infrastructure provided pursuant to a planning obligation;
- (c) where the amount of money spent in respect of monitoring in relation to delivery of planning obligations is not known, an authority must provide an estimate."

Joint Core Strategy (JCS) Authorities of Tewkesbury Borough Council, Gloucester City Council and Cheltenham Borough Council Community Infrastructure Levy (CIL)

Infrastructure List

December 2020

Introduction

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require Contribution Receiving Authorities to publish:

“Annual infrastructure funding statements ... no later than 31st December in each calendar year”.

Regulation 121A(1)

The annual ‘infrastructure funding statement’ (IFS) must include:

“A statement of the infrastructure projects or types of infrastructure which the charging authority intends will be, or may be, wholly or partly funded by CIL (other than CIL to which regulation 59E or 59F applies) ("the infrastructure list")”

Regulation 121A(1)(a)

The removal of the Regulation 123 'pooling restriction', by the 2019 Amendment Regulation, is intended to make it easier to deliver major infrastructure projectsⁱ. It allows local authorities to combine CIL and 106 revenues towards the same infrastructure project or item.

The inclusion of a project within the Infrastructure List does not represent a commitment that the Councils will necessarily spend CIL monies on that item and for clarity, there is no priority implied by the order in which infrastructure projects/types appear in the List.

Projects have been selected from those identified as ‘critical’ to the delivery of the Cheltenham, Gloucester and Tewkesbury Joint Core Strategy (JCS) 2011 to 2031 and the adopted and emerging District Level Plans, in the JCS Infrastructure Delivery Plan (IDP) 2014, as updated in the 2017 Addendum and the most up to date information from an annual review to present progress as of July 2020 in the JCS IDP Project Tracker. This has included cross-referencing with projects that partners have included in the Gloucestershire Economic Growth Capital Investment Pipeline (CIP). The projects are required for the delivery of the quantum of development planned up until 2031 in the JCS.

As set out at CIL Regulation 122, planning obligations such as a section 106 agreements, will continue to be sought alongside the CIL to secure infrastructure which is “necessary to make the

development acceptable in planning terms, “is directly related to the development and is “fairly and reasonably related in scale and kind to the development”.

The JCS Councils will review this list at least annually as part of the preparation of their Infrastructure Funding Statement(s).

Scheme	Description	Purpose	Stage	Cost Est.	Secured	Sought \$106/\$278	Sought CIL
A40(T) Innsworth Gateway Project Roundabout	New signalised junction on A40 between Longford and Elmbridge Court roundabouts	To facilitate development in SA1 Innsworth & Twigworth	Planning	£3,000,000	£1,500,000	Tbc	£1,500,000
A4019/ B4634 Old Gloucester Rd	Revised A4019 traffic signals at site access junction identified in the draft LTP3	To facilitate development in SA2 South Churchdown	Feasibility	Unknown	£0	Tbc	Tbc
New junction on A38	New priority junction on A38 giving priority to new highway link accessing to new junction on A40 (scheme 17)	To facilitate development in SA1 Innsworth & Twigworth	Feasibility	£3,000,000	£0	Tbc	£3,000,000
A38-A40 highway link	New 50 mph highway link, joining upgraded junctions on A40 and A38 through development site	To facilitate development in SA1 Innsworth & Twigworth	Feasibility	£7,500,000	£0	Tbc	£7,500,000
A38 Tewkesbury Road	A38 Tewkesbury Road to be downgraded between A40/A38 Longford signalised crossroads and new A38/Twigworth junction to 20mph and encourage as a sustainable travel corridor. Access from A38 north is restricted to one lane entry to crossroads, A40 west to A38 north - right hand turn banned with alternative route via A40 / A38 Link Road.	Reducing forecast congestion - Demand reduction to ensure efficient operation of the highway network and encourage more sustainable modes of travel	Feasibility	£1,000,000	£0	Tbc	£1,000,000
A38 Tewkesbury Road	Upgrade A38 Tewkesbury Rd / Down Hatherley Lane	Reducing forecast congestion - Capacity increase to ensure	Feasibility	£1,000,000	£0	Tbc	£1,000,000

	junction, to include a dedicated right turn from A38 south.	the efficient operation of the highway network					
A417 Brockworth Bypass	Signalising the westbound and eastbound 'Off-slips'.	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0	Tbc	£1,000,000
A38 / A4173 St. Barnabas roundabout	Remove roundabout and signalising junction (with removal of Reservoir Rd approach arm) Part-funded by Gfirst LEP	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£7,500,000	£1,000,000	Tbc	£6,500,000
A430/A417 Castlemeads	Upgrade signals to MOVA or SCOOT operation to optimise signal timings	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0	Tbc	£1,000,000
A38 Coombe Hill	Optimise signals	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0	Tbc	£1,000,000
New junction west of M5 J10	New 50 mph dual carriageway two-lane link road, providing free-flow access from A4019 / M5J10 to West of Cheltenham site only.	To facilitate development in SA7 West Cheltenham	Feasibility	£22,500,000	£0	Tbc	£22,500,000
West of M5 J10	Major/Minor Priority Junction on new 50 mph dual carriageway two-lane link road, with Minor junction arm for West of Cheltenham residential site access only.	To facilitate development in SA7 West Cheltenham and Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£0	Tbc	£3,000,000
West of M5 J10	Change to highway priorities west of M5J10, with a new Major/Minor Priority	Reducing forecast congestion – Flow management to ensure the efficient operation of the	Feasibility	£7,500,000	£0	Tbc	£7,500,000

	Junction, with A4019 (West) as Minor junction arm.	highway network					
A4019 / A4013 Kingsditch	A4019 / A4013 Kingsditch (Centrum Park) Roundabout – replacing existing roundabout with traffic signals,	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£0	Tbc	£3,000,000
West of B4634 Old Gloucester Road	New A4019 traffic signals site access junction, west of B4634 Old Gloucester Rd	To facilitate development in Cheltenham Borough Plan HD8 Old Gloucester Road	Feasibility	£3,000,000	£0	tbc	£3,000,000
A4019 / B4634 Gallagher Retail Park	Revised A4019 traffic signals site access junction at B4634 Old Gloucester Rd / Gallagher Retail Park	To facilitate development in JCS SA4 North West Cheltenham	Feasibility	£3,000,000	£0	Tbc	£3,000,000
A4019 Tewkesbury Road	Upgrade signals to SCOOT operation to optimise signal timings with bus priority along A4019 corridor junctions including: B4634 Old Gloucester Rd/A4019 Junction Hayden Road/A4019/Manor Road Junction A4019 / Elm Street Junction B4633 Gloucester Rd / A4019 /Townsend Street	Reducing forecast congestion - Demand reduction to ensure efficient operation of the highway network and encourage more sustainable modes of travel	Feasibility	£7,500,000	£0	Tbc	£7,500,000
Withybridge Lane	Close access onto A4019	Reducing forecast congestion – Flow management to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0	Tbc	£1,000,000
A435 / Hyde Lane / Southam Lane Signalised Junction	Signalised Junction - Upgraded to provide additional straight-ahead lanes on all junction approaches	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0	Tbc	£1,000,000
A435/ Stoke Road and	Capacity Improvements by	Reducing forecast congestion -	Feasibility	£1,000,000	£0	Tbc	£1,000,000

A435 / Finlay Way Roundabouts	approach arm widening	Capacity increase to ensure the efficient operation of the highway network					
A435/GE Aviation Roundabout	Capacity Improvements by increasing the number of circulatory lanes to 2, and the A435 south bound exit to two lanes	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£0	Tbc	£3,000,000
A435 / Racecourse Roundabout	Capacity Improvements by approach arm widening	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£1,000,000	£0	Tbc	£1,000,000
Leckhampton Lane	Upgrade A46 / Leckhampton Lane priority junction, to include a dedicated right turn from A46 south into Leckhampton Lane.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£0	Tbc	£3,000,000
A46 / Moorend Park Road	A46 Shurdington Road northbound approach to Moorend Park Road – additional highway space for right turning traffic by providing a longer stacking lane.	Reducing forecast congestion - Capacity increase to ensure the efficient operation of the highway network	Feasibility	£3,000,000	£0	Tbc	£3,000,000
London Road / Denmark Road Junction improvement	Project within the Countywide revenue highway project delivery priorities (2015-2031).	To facilitate development in Gloucester City Plan including SA03: Former Prospect House, 67-69 London Road, SA04: Former Wessex House, Great Western Road and SA08: King's Quarter	Feasibility	£0	£0	Tbc	Tbc
				£88,500,000	£2,500,000	£0	£86,000,000

The Gloucestershire Economic Growth Capital Investment Pipeline (CIP)) is shared across GFirst LEP, Gloucestershire County Council and the 6 District Councils in Gloucestershire, to maintain a viable pipeline of capital projects that have the potential to support significant economic growth, and are seeking public funding, where ever it may come from.

[GECIP Interactive Map](#)

ⁱ The government response to the CIL consultation recorded support for this change from 35 local authorities "because of the additional flexibility to fund and deliver infrastructure" these changes provide.

Tewkesbury Borough Council's 'Annual CIL Rate Summary Statement'

December 2020

Introduction

The Community Infrastructure Levy (CIL) Regulations 2010 (as amended) require CIL Charging Authorities to:

"Each calendar year, no earlier than 2nd December and no later than 31st December ... publish a statement ("Annual CIL Rate Summary") in relation to the next calendar year".

Regulation 121C(1)

This 'Annual CIL Rate Summary' Statement sets out how 'indexation' will affect CIL charges within Tewkesbury Borough from 1st January 2021 to 31st December 2021.

Indexation

Indexation allows the rates we charge to be adjusted to take account of inflation.

Whilst the most common index is the Retail Prices Index (RPI), published by the Office for National Statistics, the CIL Regulations require us to use an index published by the Royal Institute of Chartered Surveyors (RICS).

The CIL Regulations require RICS to publish the CIL Index for 1st November each year, starting in 2019 and updated annually thereafter and for all Charging Authorities to apply this index.

Calculating CIL

CIL is calculated by multiplying the net increase in gross internal area (GIA)¹ by the relevant CIL rate (£/m²). The CIL rates must be index linked from the year that CIL was introduced to the year that a planning permission is granted.

Background

Prior to changes in the CIL Regulations in 2019 we were required to use the national 'All-In Tender Price Index', published by RICS' Build Cost Information Service (BCIS). Changes to the CIL Regulations that came into force on the 1st September 2019 now require us, from the Calendar year 2020, to use a new RICS 'CIL Index'.

Along with the other JCS Authorities Gloucester City Council began charging CIL on planning permissions granted after the 1st January 2019. As required at the time the Authorities applied the 'All-In Tender Price Index' published on the 1st November 2018 for the first calendar year of charging.

The index is now applied annually on the 1st January each year based on the RICS 'CIL Index' published on the 1st November in the previous year.

New Charges

From the 1st January 2021 to the 31st December 2021 rates have been adjusted in line with the RICS CIL Index published for the 1st November 2020 (26th October 2020).

The table below shows:

- The original charges in Year 1 (2019) when we began charging and the index was 322;
- the increased charges in Year 2 (2020) as the index rose by 3.73% to 334; and
- the reduced charges that will apply in Year 3 (2021) as the index has fallen by 0.3% to 333.

Charging Schedule

Development Category	All-in TPI 01/11/18	Year 1 (2019)	CIL Index 01/11/19	Year 2 (2020)	CIL Index 01/11/20	Year 3 (2021)
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¹ The definition of gross internal area is not specified in the regulations; however, the generally accepted method of calculation is the RICS Code of Measuring Practice (6th edition, 2015)

Tewkesbury Borough Council						
10 dwellings and under including extensions and annexes greater than 100 m ²	322	£104 per m ²	334	£107.88 per m ²	333	£107.56 per m ²
Between 11 and 449 dwellings	322	£200 per m ²	334	£207.46 per m ²	333	£206.83 per m ²
450 dwellings and over	322	£35 per m ²	334	£36.31 per m ²	333	£36.20 per m ²
JCS Strategic Allocations A5 and B1	322	£35 per m ²	334	£36.31 per m ²	333	£36.20 per m ²

Publication

Regulation 121C(3) requires us to “publish each annual CIL rate summary” on our “website”. This statement will therefore be published on-line, alongside Tewkesbury Borough Council’s Infrastructure Funding Statement (IFS) no later than the 31st December 2020.

Contingency

If the RICS CIL Index is discontinued, we will revert to using the BCIS Index and, in the event that both are discontinued, we will use the Retail Price Index.

Further information and all CIL forms are available on the Planning Portal website at:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

If you have any questions regarding CIL please contact us at:

Tewkesbury – cil@tewkesbury.gov.uk

Appendix 3

Infrastructure Funding Statements – Developer Contributions and Infrastructure

New planning guidance was published by the Government on the 1st September 2019. Whilst the guidance supported amendments to the Community Infrastructure Levy (CIL) Regulations 2010 it contained requirements regarding other forms of developer contributions as well as CIL.

One of the key changes made was the revocation of Regulation 123, which provided that a development could not be required to pay a planning contribution in relation to infrastructure where CIL had been identified as responsible for funding its delivery. This regulation required the publication of a list (usually described as the Regulation 123 List) which set out what may be funded from CIL.

As a result of this amendment authorities can now choose to use funding from different sources of developer contributions towards the same infrastructure and at the same time a restriction on the number of S106 agreements that can contribute to an infrastructure scheme has also been removed. But to ensure transparency a new requirement has been inserted into the CIL Regulations requiring charging authorities to publish an “Infrastructure Funding Statement”.

The infrastructure funding statements are required to set out the infrastructure projects or types of infrastructure that the authority intends to fund, either wholly or partly, using CIL or other planning obligations, such as financial contributions from Section 106 Agreements or Unilateral Agreements.

The Infrastructure Funding Statement must include:

- An Infrastructure List;
- A Community Infrastructure Levy (CIL) Report; and
- A Section 106 (S106) Planning Obligations Report.

The regulations also require us to publish:

- An Annual CIL Rate Summary Report alongside the Infrastructure Funding Statement, by the 31st December each year.

The ‘Infrastructure List’ differs from the Regulation 123 List as it will not dictate how funds must be spent and in turn collected. Importantly, it is possible for an infrastructure funding statement to identify that an item of infrastructure may be funded by both CIL and by planning obligations.

The ‘Community Infrastructure Levy (CIL) Report’ and the ‘Section 106 Report’ must answer specific questions on income and expenditure during the ‘reported year’ which is the last financial year which ended in the preceding March each year.

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Replacement Pay and Display Parking Machines
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:	None

Executive Summary:

This report outlines a request for a capital budget of £117,000 to replace the ageing parking pay and display parking machines within the car parks. The Borough Council manages 10 car parks across Tewkesbury and Winchcombe towns which currently have an ageing stock of pay and display machines that have not been replaced for more than 13 years. Replacing these machines will give an opportunity to offer card payment for users and remote access for officers via a back-office portal to receive live data of car park usage and any machine faults, providing a better user experience with live data of car park usage and machine faults. The capital investment will reduce the ongoing maintenance cost of the machines.

Recommendation:

That it be RECOMMENDED TO COUNCIL:

- 1) That capital funding of £117,000 be allocated from the Capital Receipts Reserve for the replacement of car park pay and display machines across all authority owned and charged car parks.**
- 2) That authority be delegated to the Head of Finance and Asset Management to procure suitable parking pay and display machines that offer cash and card payment options with a remote back office function.**

Reasons for Recommendation:

The current parking machines are ageing and require daily management to ensure they remain operational, along with ever increasing maintenance costs and parts becoming obsolete. These machines are unable to take card payments in this ever-increasing cashless society and there is a national indication that 60% of users wish to use cards to make payments.

The remote back office live data from the new machines will provide valuable data for the operational and strategic management of our car parks.

The new machines will also reduce the staff resource required to manage the car parks allowing the property team to reallocate resources to other areas of the business.

Resource Implications:

The new machines will require an initial capital investment of up to £117,000 and will incur additional card transaction charges. However, savings will be made on the cash collection and handling costs currently incurred. This sum is to be allocated from the capital reserve that stands at £1,140,540.84 as of 31 March 2020.

The number of machines can be rationalised as we currently have a minimum of two machines in the majority of car parks in case of any breakdowns. The new machines will provide daily operational reports allowing response times for repairs to be quick reducing any loss of income.

Legal Implications:

The authority will undertake a procurement exercise in line with its Contract Rules and the Public Contracts Regulations 2015. With regard to the introduction of new technology, the authority will also undertake a Data Protection/Privacy Impact Assessment to ensure compliance with Data Protection legislation.

Risk Management Implications:

The proposal in this report will mitigate the significant risk of machine failure which could lead to a loss of income. The new machines will also improve the impression of our car parks and Towns for visitors therefore mitigating some of the reputational risk associated with the appearance of our car parks.

Performance Management Follow-up:

The Asset Management team will carry out a procurement exercise and work with the selected contractor to implement the machines in time for the new financial year.

Environmental Implications:

The primary power supply for the new machines is solar and they will only be connected to the electricity supply as a secondary source of power if we have limited sunlight and heavy usage. The new machines have an option to be paperless.

1.0 INTRODUCTION/BACKGROUND

1.1 The authority currently operates 10 off-street car parks within Tewkesbury Borough for Pay and Display and two further off-street car parks which provide free car parking and do not have parking enforcement. Eight of the off-street car parks are located in the town of Tewkesbury and two are in Winchcombe

1.2 The off-street car parks operate with the following pay and display machines:

- 16 x Metric Accent.
- one Autoslot.
- one Parkeon.

All these machines are in excess of 13 years old and currently have no back office management provision and only allow cash payment. The age of the machines, and lack of functionality, create a poor first impression for visitors to the Borough.

- 1.3** In addition to the parking machines, the authority currently offers a cashless parking system via Ringo which allows users to pay by phone, app or paypoint. 40% of users currently use this product as it offers added benefits like text alerts that your session is ending and the ability to top up your stay whilst you are not at your car.
- 1.4** The current enforcement contractor NSL manages the off-street parking along with the first line car park maintenance reporting and first line management and maintenance of the car park machines.
- 1.5** The enforcement is currently managed under section 76 of the Traffic Management Act 2004 parking regulations. All machines must meet this regulation and the Tewkesbury Borough Council Parking Order 2015 and any subsequent versions.
- 1.6** The current revenue cost of the management of the machines includes maintenance, cash collection and general servicing costs i.e. tickets, is approximately £16,500 per annum - £6,800 for quarterly service visits, £9,000 for cash collection and processing and £700 for parts and tickets for the machines.

2.0 REPLACEMENT PAY AND DISPLAY MACHINES

- 2.1** The proposal is to replace the ageing stock of 18 pay and display machines across all the car parks. The proposed new machines will include the following functions:
- Contactless payment and cash options.
 - Live data of machine faults and usage.
 - Remote access to alter the tariffs and displays.
 - Full audit details of who have accessed the machines to service the units and empty the cash.
 - Solar operated with electric connection as a back up.
 - Fully programmable to issue double pay and display tickets and can be operated as a ticketless option.

Officers will look to providers to demonstrate value added functionality of the machines such as the ability to read discount cards for local discretionary schemes.

- 2.2** There are a number of machine providers that offer an end to end product which includes the provision of the physical machine, ongoing maintenance, processing and management of the card payments.
- 2.3** With the machines having remote access and back office connectivity, the number of machines that are required can be rationalised reducing the capital expenditure and ongoing maintenance costs. Therefore, the current provision of 18 machines could be reduced to as little as 12 with the smaller car parks only having 1 machine due to the quick response to faults and the payment option of Ringo.

2.4 The capital cost per machine ranges from £5,000 to £6,500 per unit installed with annual maintenance and software costs ranging from £4,000 per annum to £9,500 per annum. The average electronic transaction fee is 15p per transaction.

Savings will be generated directly through a reduction in cash processing fees and the internal resources required to maintain and manage the machines. Data will be available via remote access negating the need to visit the machines on a monthly basis.

Any savings made to the proposed capital expenditure, either through machine rationalisation or reduced procurement costs, will be returned to capital balances. The 2021/22 revenue budget will be amended to reflect the change in ongoing cost base.

2.5 Should the Council agree to this capital request, it is envisaged that the new machines could be installed and operational in time for the start of the new financial year.

3.0 OTHER OPTIONS CONSIDERED

3.1 Two other options have been considered:

- not to replace the machines – the machines are at the end of their useful life resulting in frequent issues and a scarcity of replacement parts. The cost of maintenance is continually increasing, and the machines are unable to process card payments.
- Remove the machines entirely and rely on the cashless parking systems - only 40% of users currently take this option and a large number of individuals still wish to use a physical machine for payment.

4.0 CONSULTATION

4.1 The Parking Strategy Review Working Group and stakeholders in Winchcombe and Tewkesbury have been consulted all of which are very supportive of additional payment methods being introduced in the car parks. The recommendations in this report were originally going to be put forward in a new Parking Strategy but the impact of Coronavirus has delayed this. The need for replacement machinery however remains and therefore Members agreed to support the replacement proposals as a separate report to the strategy.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 Car Parking Strategy.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 None.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Replacement of machines as detailed within the report.

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

8.1 The machines are powered by solar and reduce the number of maintenance visits required to the machines reducing the overall carbon footprint.

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

9.1 A procurement exercise will be completed in line with the 2015 procurement rules which will demonstrate best value.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

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Appendices: None.

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