

Public Document Pack

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A meeting of **Cabinet** will be held in Committee Room 1 - East Pallant House on **Tuesday 3 November 2015 at 9.30 am**

MEMBERS: Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr B Finch, Mrs P Hardwick, Mrs G Keegan and Mrs S Taylor

AGENDA Part 1

- 1 **Minutes** (Pages 1 - 19)
To approve as a correct record the minutes of the Cabinet meeting held on Tuesday, 6 October 2015.
- 2 **Urgent Items**
Chairman to announce any urgent items which due to special circumstances are to be dealt with under agenda item 15(b).
- 3 **Declarations of Interests**
Members and officers are reminded to make any declarations of disclosable pecuniary, personal and/or prejudicial interests they may have in respect of matters on the agenda for this meeting.
- 4 **Public Question Time**
Questions submitted by members of the public in writing by noon on the previous working day (for a period up to 15 minutes).

RECOMMENDATIONS TO COUNCIL

- 5 **Determination of the Council Tax Reduction Scheme for 2016/17** (Pages 20 - 68)
Further to minute 32 of 7 July 2015, and following consultation, to recommend the Council to approve a Council Tax Reduction Scheme for 2016/17.

KEY DECISIONS

- 6 **Future Funding for the Community Warden Service** (Pages 69 - 82)
Further to minute 372 of 11 March 2013, to consider funding of the Community Warden Service for the next three years.
- 7 **West Sussex Families Strategic Plan 2020** (Pages 83 - 114)
To consider and approve adoption of the West Sussex Families Strategic Plan.
- 8 **Banking Services Contract** (Pages 115 - 117)
To approve the delegation of the award of the corporate banking services contract and merchant acquiring services contract upon completion of the tender evaluation

process to the Head of Finance and Governance following consultation with the Cabinet Member for Finance and Governance.

- 9 **Electric vehicles in the Council's fleet** (Pages 118 - 120)
To approve in principle the purchase of electric vans and cars for the Council's vehicle fleet in preference to other fuels unless there are significant business reasons why this is not appropriate.

OTHER DECISIONS

- 10 **Electric vehicle charging in the Council's car parks** (Pages 121 - 124)
To approve a bid to The Office for Low Emission Vehicles (OLEV) to enable the installation of electric vehicle charging points (EVCPs) in selected District Council owned car parks, and to make budget provision for match funding.
- 11 **New Ways of Working (Phase 2) - relocation of CAB and Relate from Theatre Lane, Chichester** (Pages 125 - 130)
Further to minute 640 of 9 September 2014, to approve the next phase of the New Ways of Working Project, including the relocation of the Citizens Advice Bureau and Relate, and make financial provision for building works to enable this.
- 12 **Regulation of Investigatory Powers Act (RIPA) Policy** (Pages 131 - 160)
To consider the recommendations of the Corporate Governance and Audit Committee to adopt an updated Regulation of Investigatory Powers Act (RIPA) Policy.
- 13 **Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document (DPD): Review of Evidence** (Pages 161 - 171)
To consider the recommendations from the Development Plan and Infrastructure Panel to agree that further work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document is delayed until a review of the background evidence has been completed and to amend the Local Development Scheme which sets out the timetable for the preparation of development plan documents.
- 14 **Exclusion of the Press and Public**
There are no restricted items for consideration. However, the document listed below includes information which is considered to be exempt under Paragraph 3 of Schedule 12A of the Local Government Act 1972 and **is attached for members of the Cabinet and senior officers only (salmon paper).**
11. **New Ways of Working (Phase 2) – Relocation of CAB and Relate from Theatre Lane, Chichester**
Appendix 1 – Financial information
- 15 **Consideration of any late items as follows:**
- Items added to the agenda papers and made available for public inspection
 - Items which the chairman has agreed should be taken as matters of urgency by reason of special circumstances to be reported at the meeting

NOTES

- The press and public may be excluded from the meeting during any item of business wherever it is likely that there would be disclosure of "exempt information" as defined in section 100A of and Schedule 12A to the Local Government Act 1972

2. The press and public may view the report appendices which are not included with their copy of the agenda on the Council's website at [Chichester District Council - Minutes, agendas and reports](#). unless they contain exempt information.
3. Subject to the provisions allowing the exclusion of the press and public, the photographing, filming or recording of this meeting from the public seating area is permitted. To assist with the management of the meeting, anyone wishing to do this is asked to inform the chairman of the meeting of their intentions before the meeting starts. The use of mobile devices for access to social media is permitted, but these should be switched to silent for the duration of the meeting. Those undertaking such activities must do so discreetly and not disrupt the meeting, for example by oral commentary, excessive noise, distracting movement or flash photography. Filming of children, vulnerable adults or members of the audience who object should be avoided. (Standing Order 11.3)
4. A key decision means an executive decision which is likely to:
 - result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or
 - be significant in terms of its effect on communities living or working in an area comprising one or more wards in the Council's area or
 - incur expenditure, generate income, or produce savings greater than £100,000.

Non-Cabinet member Councillors speaking at Cabinet

Standing Order 22.3 provides that members of the Council may, with the chairman's consent, speak at a Committee meeting of which they are not a member, or temporarily sit and speak at the Committee table on a particular item but shall then return to the public seating area.

The Leader of the Council intends to apply this Standing Order at Cabinet meetings by requesting that members should normally seek his consent in writing by email in advance of the meeting. They should do this by noon on the day before the meeting, outlining the substance of the matter that they wish to raise. The word "normally" is emphasised because there may be unforeseen circumstances where a member can assist the conduct of business by his or her contribution and where he would therefore retain his discretion to allow the contribution without notice.



Minutes of the meeting of the **Cabinet** held in Committee Room 2 - East Pallant House on Tuesday 6 October 2015 at 9.30 am

Members Present: Mr A Dignum (Chairman), Mrs E Lintill (Vice-Chairman), Mr R Barrow, Mr B Finch, Mrs P Hardwick and Mrs S Taylor

Members not present: Mrs G Keegan

In attendance by invitation:

Officers present all items: Mrs D Shepherd (Chief Executive), Mr P E Over (Executive Director), Mr J Ward (Head of Finance and Governance Services) and Mr P Coleman (Member Services Manager)

58 **Minutes**

RESOLVED

That the minutes of the meeting of the Cabinet held on 8 September 2015 be signed as a correct record.

59 **Urgent Items**

There were no urgent items for consideration at this meeting.

60 **Declarations of Interests**

No interests were declared at this meeting.

61 **Public Question Time**

No public questions had been submitted.

62 **Car Parking Charges and Chichester District Parking Forum**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes). In the absence of Mrs Keegan, Mrs Murphy (Parking Services Manager) introduced the report.

Mrs Murphy reminded the Cabinet that for some years the parking charges in the Council's car parks had been reviewed annually, in accordance with the objectives of the Parking Strategy. These included that the principle of 'user pays' will prevail. The level of charges should ensure that charges do not adversely impact the local

economy, have undesirable displacement consequences and that they encourage use of off-street spaces rather than on-street provision in order to reduce incidences of congestion and improve road safety. In reviewing charges, the charges levied by competing authorities had been taken into account.

Mrs Murphy described the charges proposed in Appendix 1, which were based on options that had been considered by the Parking Forum. She added that proposals 2 and 4, relating to season tickets, should be amended so that the '12 months for the price of 11' discounts should be available only to customers who purchased their tickets on-line, and that proposal 7 should be amended so that the charges in the other long stay car parks would be £3.40 for up to 4 hours and £4.30 for up to 5 hours. She also reported on the results of consultations with the parish councils where rural car parks were situated, and with users of the free car parks at Petworth and Fernhurst, a CCTV survey of use, and a meeting with Midhurst businesses, carried out since the Parking Forum had reached its conclusions.

Mr Barrow, Mrs Lintill and Mrs Hardwick all commented on the proposals. Mrs Lintill expressed opposition to the introduction of charging at Sylvia Beaufoy car park, Petworth. She pointed out that this car park was used by local residents who had nowhere else to park, and the introduction of charges could result in deflection on to congested narrow streets. The income from the Pound Street car park covered the costs of running both car parks in Petworth.

Mrs Hardwick explained that she had received a lot of representations against the introduction of charging at Fernhurst. The Crossfield development there had depended on the car park and there was no safe on-street alternative. There was no capacity issue at the car park, which was used mainly by visitors to the doctors' surgery, village shops and small businesses and the Fernhurst Centre, all of which could be adversely affected by charges. She believed that the income that charges would produce would not outweigh the disadvantages.

The Chairman explained that he wished to propose some further amendments to the charges set out in proposal 5 in Appendix 1 and to add proposals in relation to the seasonal car parks in coastal towns, in the light of the consultation and survey work and the representations received. He also wished to propose a subsequent two-year freeze on all hourly charges until 31 March 2018.

Mr Barrow reported that he had been asked by local residents for the introduction of an hour free car parking in some of the car parks in coastal towns. Mrs Murphy pointed out that free parking still had to be paid for, and these car parks did not cover their costs. Where there was an hour's free parking, many users failed to realise that they still had to display a ticket for the free hour, and hence received penalty charge notices, which led to customer dissatisfaction and increased pressure on the back office team in dealing with appeals. Furthermore, the keypads on the pay and display machines that were needed where there was provision for free parking needed more maintenance in a coastal climate, thus increasing operational costs. Mr Barrow indicated that he would inform residents that, for the reasons given, he would not support the introduction of a free period. The Chairman suggested that free parking should only be available where there was a case for it on traffic management grounds or in rural shopping areas.

The Chairman put forward his proposals for the retention of free parking at the Fernhurst and Sylvia Beaufoy, Petworth, car parks, the application of the tariff applicable in the charged car parks in Midhurst (except The Grange) and Petworth to East Street car park, Selsey and Northern Crescent car park, East Wittering, and the amendment of charges at the seasonal car parks in Selsey and The Witterings.

Mrs Murphy pointed out that the maximum time limit currently applicable to parking at Northern Crescent, East Wittering had been introduced, following a traffic management study, in order to increase turnover. The Chairman asked that this should be monitored and a maximum period re-introduced if necessary.

With the Chairman's consent, Mr Shaxson commented on the proposals affecting Midhurst. He referred to an article in the Midhurst and Petworth Observer about the delicate state of the local economy, including doubts about Waitrose moving to the town. He also asked about a proposal for two coach parking spaces outside the Methodist Church. He agreed that the Council's car parks should pay their way, but felt that the thriving car parks in the City of Chichester should subsidise those outside the City.

The Chairman replied that the proposed charges in Midhurst were much less than in the City of Chichester, and should hardly be a deterrent to use. Mr Over added confirmation that there was a proposal for coach parking in Midhurst, details of which had yet to be firmed up.

With the Chairman's consent, Mr Morley welcomed the proposal for coach parking. He felt that the proposal to reduce the free period in the North Street and Post Office car parks in Midhurst from 2 hours to 1 hour was not appropriate. He considered there to have been no full cost analysis and he felt that, if the pricing was right, costs could still be covered retaining the 2 hour free period and also achieve a desirable balance between on-street and off-street parking. He felt that, compared with Petworth, the longer free period in Midhurst reflected the existence of a free car park in Petworth.

Mrs Murphy commented that 78% of users parked for the free period. However, she felt that charging for the second hour would help cover costs and also improve turnover. Mr Over explained that the introductory extended free parking in Midhurst had reflected that Midhurst was about to undergo considerable disruption to its car parking provision during The Grange project. That was now complete, although the future use of the adjoining site had not been resolved. There were sound reasons relating to capacity and turnover of spaces for continuing a two hour free period at The Grange, but it was no longer necessary to do so at the other two car parks.

Mrs Murphy also drew attention to the recommendations relating to the terms of reference of the Parking Forum and to the Westgate Centre customer car park.

The Chairman proposed changes to the Council's membership of the Forum and Mr Barrow asked that a representative of businesses from the Manhood peninsula be added.

RESOLVED

- (1) That the charges set out within Appendix 1 to the report be approved, subject to amendments as listed below, and, subject to consultation responses, be implemented from 1 April 2016 and that the hourly charges then be frozen until 31 March 2018:

Proposal 1: Sunday charges in Chichester city – as proposed in Appendix 1

Proposal 2: Increase the price of an x-roving season ticket – as proposed in Appendix 1, save that the discount where 12 months are given for the price of 11 is applied only to tickets purchased online.

Proposal 3: Demand management of short stay spaces – as proposed in Appendix 1

Proposal 4: Increase the cost of Specific Season Tickets within the city– as proposed in Appendix 1, save that the discount where 12 months are given for the price of 11 is applied only to tickets purchased online.

Proposal 5: Pay and Display charges in Midhurst, Petworth and Fernhurst

(a) – as proposed in Appendix 1

(b) – Charges not to be introduced in Fernhurst car park

(c) – Charges not to be introduced in Sylvia Beaufoy car park, Petworth

(d) –The proposed new tariff to be introduced to North Street and Post Office car parks, Midhurst, Pound Street car park, Petworth, East Street car park, Selsey and Northern Crescent car park, East Wittering only

(e) – as proposed in Appendix 1

Proposal 6: Rural, Coastal and Bosham Season Tickets – as proposed in Appendix 1

Proposal 7: Demand Management in Long Stay car parks – as proposed in Appendix 1, save that the charges for ‘other long stay’ car parks be £3.40 for up to 4 hours and £4.30 for up to 5 hours.

New proposal: Seasonal charges at car parks in the Witterings and Selsey

Selsey East Beach and Marine April to October Monday to Sunday: increase over 1 hour charge from £1.10 to £1.50

Marine Drive, East Wittering and Bracklesham Lane, Bracklesham Bay April to October Monday to Sunday: amend charges to

Up to 2 hours £2

More than 2 hours up to 4 hours £4

More than 4 hours £5

November to March Monday to Sunday: amend charges to

Up to 2 hours 50p

More than 2 hours £1.50

- (2) That the Head of Commercial Services be authorised to give appropriate notice of any revised charges pursuant to the Off-street Parking Places (Consolidation) Order 2015 and the Road Traffic Act 1984.
- (3) That the Terms of Reference for the Chichester District Parking Forum be amended as follows:-

Broad Objective

To advise Chichester District Council and its Cabinet on all matters relating to parking throughout the district, including specifically the parking strategy for Chichester city and other towns and rural areas and the charges to be applied in the Council's off street car parks, and to comment on matters relating to on-street parking provision.

Membership

Cabinet Member whose portfolio includes parking and five other district councillors from Bosham, Chichester, Midhurst, Petworth and Selsey/The Witterings respectively

1 representative from Chichester City Council

1 representative from Chichester Chamber of Commerce

1 representative from Federation of Small Businesses

1 representative from Chichester Access Group

1 representative from Chichester BID

2 representatives from Residents Associations

1 representative from businesses in the north of the district

1 representative from businesses in the Manhood Peninsula

Representative from West Sussex County Council Parking Strategy

- (4) That the customer car park refunds at Westgate Leisure remain in place as indicated in section 7.3 of the report.

63 Hyde Review Task & Finish Group: Recommendations from the Overview & Scrutiny Committee

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor made an introductory statement to correct an alleged statement regarding Hyde, which had recently made by a councillor and reported in the local newspaper. Within the report, it had been stated that the Council could soon be looking for a new housing association. This was incorrect.

Hyde were the legal owners of their housing stock in the Chichester District following a housing stock transfer from Council ownership in 2001 and the Council was not empowered to force any change in ownership.

The Council was committed to working in partnership with Hyde to achieve the best possible outcomes for its residents. However, the Council would always investigate any concerns, particularly where the Hyde complaints process had been exhausted. This was evident within the recent investigation into service charges.

Since the Overview and Scrutiny hearing, the Head of Housing & Environment Services had been in communication with the Head of Housing at Hyde, who had started work on reviewing the service charges in the particular locations where problems had been identified. Mrs Taylor added that she had received a letter dated 1 October 2015 from Carol Carter, the Hyde Group Director of Housing, making several commitments to assist in moving this issue forward including meeting

residents at the schemes identified. Mrs Taylor expressed the hope that, with these commitments in place, the Council could continue to work with Hyde to provide high quality housing within the Chichester district.

Mrs Apel then introduced the recommendations of the Overview and Scrutiny Committee, explaining that, in March 2015, she had been contacted by tenants of Hyde properties in her ward, whose service charges had increased by 500-1000%. She had discovered from other members that similar increases affected tenants throughout the district and so she had arranged for a scrutiny investigation after the May election.

Mr Shaxson introduced the report of the Hyde Review Task and Finish Group (TFG). He said that the scrutiny affected 3,500 households in the district. Two meetings of the TFG had been held, and at the second meeting tenants and representatives of the Hyde Group had been interviewed.

He explained that, since the TFG had reported, the Hyde Group appeared to have taken note and were taking action. However, he felt that the Council should continue to pay close attention and seek timely action, given that the Group might be distracted by their many properties elsewhere. He referred to a more recent letter dated 1 October 2015 from Ms Carter, which stated: "The estimates of the charges for the financial year ahead are sent out in February and are calculated based on prior costs and any foreseen changes. In the period September to December we send a statement of actual costs for the preceding complete financial year." This meant that the service charges to tenants were not based on costs that were known for certain, and the actual costs of services for the 2015/16 financial year would not be known until September 2016.

Ms Carter's letter also listed action the group would be taking in response to the issues raised, including meetings with residents at schemes identified in the report, and he felt that it was important to agree timescales for these meetings and the other actions.

Mr Shaxson added that he had heard from a member of a Hyde Tenants Association elsewhere, which showed that Chichester tenants were not alone in experiencing problems.

Mrs Apel pointed out that, although Ms Carter's letter gave details of ways in which Hyde tenants could contact the Group, tenants had stated to the TFG that they had turned to councillors because they had not obtained a satisfactory response from Hyde.

Mrs Taylor stated that she supported the Committee's recommendations (1) and (2). She was pleased that the Hyde Group was taking action and she felt that it was important for the Council and Hyde to continue to work together. She suggested that recommendation (3) should not be approved, as it was beyond the Council's jurisdiction and outside the scope of the original investigation of service charges.

Mr Finch welcomed the joint commitment of the Council and Hyde to work together. He commented that Ms Carter's comparison (in her letter of 11 September at

Appendix 2) of the lack of obligation to consult on setting of service charges with the setting of council tax and utility charges was misleading, because council tax was democratically and publicly debated and utility charges were heavily regulated.

Mrs Lintill supported the recommendations and commented that Hyde should not focus exclusively on the schemes identified in the report, as tenants in other schemes had been similarly affected.

Mr Barrow drew attention to the increase in the management charge referred to in paragraph 6.7 of the TFG report. The Chief Executive pointed out that research had shown that this was comparable with industry standards and not unfair.

Mr Shaxson added that one of the main concerns had been that service charges had been levied for services that were not provided at the properties in question.

Mrs Taylor emphasised that she wanted the Council and Hyde to work together positively in future and the Chief Executive added that the Hyde group was a major partner of the Council. She would be meeting Ms Carter in November, and the Head of Housing and Environment Services would maintain regular dialogue with her counterparts at Hyde.

The Chairman suggested that recommendation (3) be withdrawn and replaced with a positive statement of intent.

RESOLVED

That the Head of Housing and Environment Services write a letter to the Hyde Group Chichester setting out the Council's concerns and recommending the following:

- (1) A full and urgent review is carried out of blocks/estates where tenants have complained that incorrect service charges have been applied, in particular those considered as part of this review namely Pilgrim Court (Chichester), Butts Meadow (Wisborough Green), Bishop Luffa Close (Chichester), Warrenside (South Harting) and Townfield (Kirdford). However these properties are illustrations of something that the group has reason to believe is widespread and we would wish all serviced properties in the Chichester district to be re-examined by January 2016.
- (2) A full report is made to the January 2016 meeting of the Overview and Scrutiny Committee covering:
 - (a) the methods used to calculate the service charge increases in these properties and the justification for the changes that have been implemented
 - (b) the progress made in resolving complaints and improving communication
 - (c) current performance against the organisation's key performance indicators
- (3) Regular communications be maintained between Hyde and Chichester District Council and that members of the Council be asked to keep in close

touch with tenants in their wards and communicate any issues to the Head of Housing and Environment Services.

64 **West Sussex Local Flood Risk Management workplan**

The Cabinet considered the report circulated with the agenda and a revised Appendix 1 circulated at the meeting (copy attached to the official minutes).

Mr Barrow introduced the report, explaining that it referred, in part, to the work plan generated by West Sussex County Council (WSSCC), which was the Lead Local Flood Authority in partnership with other risk management authorities.

Appendix 1 listed only those projects relevant to Chichester District. The document was constantly under review, and the revised version circulated at the meeting had been received only two working days previously.

The purpose of the work plan was to give an up-to-the-minute picture of the work being carried out by all the authorities in trying to reduce the risk of flooding to residents. It was not intended to be a detailed breakdown of each scheme because that level of information would only become available as individual schemes were progressed and as the required resources for each stage could be identified and committed.

One of the issues that constantly arose was that the responsibility for surface water management rested firmly with landowners or with operating authorities such as the highways, sewerage or main river managers. A great deal of work had been done by officers with each landowner where a problem had been identified and operating authorities were generally improving their response.

While there was always more to be done if funds were available, WSSCC had provided considerable sums of money in order to achieve some improvements.

Schemes involving Southern Water were absent from the report. However, the Water Company had recently become much more involved and had attended a senior level meeting. Mr Barrow said that, following that meeting, he would be chairing a new senior level group to monitor progress and agreed actions, particularly on the Manhood Peninsula. He expected a report of Southern Water's plans before the end of the year.

Council officers and those of other authorities had also attended meetings concerning the Lavant Valley.

The Council would continue to engage with Southern Water and others to achieve reductions in flood damage. The most notable successes of the Strategy had been achieved by constant negotiation, discussion and engagement with local communities either by parish councils or local Flood Action Groups who had been able to identify issues and seek sensible solutions with the authorities. This was especially true in Birdham, Bosham, Earnley, Fishbourne, Singleton and Westbourne.

The Manhood Peninsula Surface Water Management Plan in Appendix 2, had been commissioned by WSCC and originated from within the work plan. The report had been recently received and a non-technical summary was included with the report. The main document and its appendices was a large detailed document, which could be accessed via the website.

Works identified in the report were included in the strategy work plan where they would go through the process of prioritisation and be brought to the attention of those best placed to effect improvements.

While the Council had only limited responsibilities, he felt strongly that residents deserved to be protected from drainage and flooding issues. He wanted to take a lead in driving for further improvements, and was working with officers to identify some modest 'quick wins' that the Council might be able to fund to demonstrate its determination to seek improvements.

In answer to a question, Mr Lowsley (Senior Engineer) explained that the Council had no powers to prosecute riparian owners for failing to manage watercourses. Those powers rested with WSCC. However, WSCC trusted the Council's local knowledge and expertise to carry out research and negotiation. This was usually sufficient, and it had not yet been necessary to refer cases to WSCC for enforcement.

Mr Lowsley went on to answer members' questions about specific schemes. Mr Barrow agreed that the Loxwood Flood Risk Management scheme and the Emsworth Slipper Mill and Lumley Road Flood Risk Management scheme should be investigated further.

The Chairman suggested that Mr Barrow should work with Mrs Hardwick and the Head of Finance and Governance Services to consider inclusion of appropriate schemes in the Council's capital programme for 2016/17 onwards.

RESOLVED

- (1) That Cabinet supports the amended version of the prioritised West Sussex Local Flood Risk Management workplan, as circulated at the meeting.
- (2) That Cabinet supports the Surface Water Management Plan for the Manhood Peninsula.

65 Rural Designations

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Taylor introduced the report. She explained that Rural Designations were a means of mitigating adverse effects of national legislation, such as the Right to Buy, on rural areas. The Housing Act 1985, section 157(1), allowed restrictive covenants to be put in place so that a property sold under the Right to Buy could only be sold on to someone who had been living or working in the parish for 3 years.

Alternatively, the landlord might require the tenant purchasing the property to offer the home back to them if they sold within 10 years of purchase.

Currently all rural parishes (under 3,000 population) in the district were designated as rural for the purpose of the Right to Acquire (Housing Act 1996) and under the Leasehold Reform Act 1967, for the purpose of shared ownership restrictions, but they were not designated as rural for the purpose of the Right to Buy.

In November 2014 the Government had introduced a national threshold of 11 units under which affordable housing contributions on market sites could not be sought. Local planning authorities could choose to apply a lower threshold to rural areas described under the Housing Act 1985, which included National Parks, AONBs and designated rural areas. Following a High Court challenge, the Government policy on thresholds had now been withdrawn, but the Chichester Local Plan had been amended at examination stage to reflect the new Government policy and this had been subsequently adopted. Now planning applications had to be determined in accordance with adopted Policy 34.

Currently the lower threshold could be applied to the AONB but not to other rural parishes. By applying for Rural Designation of all rural parishes in the district with populations under 3,000 under the Housing Act 1985 the lower threshold could be applied to all rural areas. Rural Designation of all rural parishes might also help reduce the consequences of the Government's proposal to extend the Right to Buy to housing association tenants and help to retain rural affordable housing for local people.

Mrs Grange (Housing Enabling Manager) acknowledged that this was a complicated area of law. However, the main benefit of Rural Designation was to maximise affordable housing contributions from market housing development outside the AONB and National Park. It would be of particular benefit in the north east of the District where most housing development would be on small sites. She answered members' questions.

RESOLVED

That the Head of Housing and Environment Services submits an application on behalf of the Council to the Department of Communities and Local Government (DCLG) for all rural parishes in Chichester district with populations of under 3,000 to be designated as rural under section 157(1) of the Housing Act 1985.

66 South Downs National Park Preferred Options Local Plan consultation

The Cabinet considered the report circulated with the agenda and an update sheet (copy attached to the official minutes).

Mrs Taylor introduced the report. She reminded the Cabinet that the South Downs National Park covered parts of 12 districts, including 69% of Chichester district, which had the largest area within the National Park. The South Downs National Park Authority (SDNPA) had just published its Preferred Options Local Plan for a consultation period between 2 September and 28 October.

Although the SDNPA was the planning authority for its area, the Council was still the service provider for services such as housing, economic development and environment. The policies in the SDNP Local Plan could therefore affect Council service delivery, and have an effect on areas outside the National Park.

Unlike the Chichester Local Plan which was largely housing led, the SDNP Preferred Options Local Plan was landscape led. Therefore, the philosophical approach and ethos was different from that of the Council's Local Plan.

The Plan aimed to deliver, approximately 4,596 net additional homes across the whole Park area over the Plan period 2014 – 2032. This was around 255 homes a year. It was estimated that the number of homes provided for in the Chichester district area of the National Park would be around 75 – 80 dwellings a year, which was broadly in line with the figure of 70 homes per year that had been assumed in the Chichester Local Plan.

Officers had identified a number of concerns and have set out their comments in the attached Appendix. These were intended to represent the Council's response to the draft Plan. These had been discussed at the Development Plan and Infrastructure Panel (DPIP) meeting on 17 September, during which a number of questions and issues had been raised, the responses to which were set out in the attached report update sheet. In addition, the update sheet contained additional comments made by officers.

Following consultation the SDNPA proposed to undertake formal pre-submission consultation in the Summer of 2016 with a view to submitting the Plan for examination in Autumn 2016. It was anticipated that final adoption of the Plan will be in June 2017.

Mr Davidson (Principal Planning Officers) drew attention to some of the issues set out in the update sheet and answered members' questions.

Mrs Hardwick suggested that, in passing on comments to the SDNPA, an introductory statement should give an overview of the Council's response and highlight particular issues.

RESOLVED

That the comments set out in the appendix and update sheet to this report, with an introduction based on section 5 of the report and agreed with the Cabinet Member for Housing and Planning, be approved for submission as the Council's response to the South Downs National Park Preferred Options Local Plan.

67 Replacement Telephone System

Further to minute 701 of 6 January 2015, the Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mr Finch introduced the report. He explained that the Council's existing telephone system would not have guaranteed support beyond 2017, and its replacement was essential. The report proposed testing joint procurement and delivery of a telephone system with Arun District Council. Such a shared service solution would be an important direction of travel for the Council.

The Project Initiation Document appended to the report explored five options. Option 2 was the preferred option and could be achieved either with separate modules for Arun and Chichester or with a fully integrated solution and including or excluding a supplier call centre solution. The Cabinet was being asked to authorise market testing on this basis, with the details of costs and technical implementation being considered at a later meeting.

Mrs Lintill commented that the implications for business continuity would be a key consideration.

RESOLVED

- (1) That the preferred Option 2 detailed within the Project Initiation Document (Appendix to the report) be approved for the replacement of the Council's telephone system.
- (2) That officers be authorised to invite tenders on the basis of option 2 set out in the Project Initiation Document.
- (3) That the proposal to tender in partnership with Arun District Council be approved.
- (4) That a report be provided for a future meeting of Cabinet to consider tender evaluations and the option of a joint solution with Arun District Council.

68 Recording and broadcasting of Committee Meetings

Further to minute 53 of the last meeting, the Cabinet noted that at its meeting on 22 September, the Council had voted 23 in favour of publication of audio-recordings of meetings and 14 in favour of web-casting.

The Cabinet agreed that it should honour the Council's view. They noted that an audio-recording solution had been tested at the meeting and members felt this had been generally satisfactory, although it was important that users should be able to identify speakers and to quickly find the item or speaker they wished to listen to. The revenue cost of this solution was £3,900 pa.

RESOLVED

- (1) That a one year trial be undertaken of publication of audio recordings of proceedings at Council, Cabinet, Planning, Overview and Scrutiny and Corporate Governance and Audit committee meetings.
- (2) That the Head of Business Improvement Services be authorised to procure a service to do this and to award a contract with a supplier in accordance with contract standing orders.

69 **New Homes Bonus (Parish Allocations) Scheme - Awards**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes) together with a confidential appendix summarising the application by the Chidham and Hambrook Parish Council for a grant towards the provision of disabled access to the first floor of the Chidham and Hambrook Village Hall.

Mrs Lintill reminded the Cabinet that the approved Scheme had up to £400,000 available each year from 2014 to 2017 for eligible parish councils. By the deadline of 31 July 2015, the Council had received 47 applications for grant totalling approximately £310,000. At its meeting on 24 September the Grants and Concessions Panel had considered these applications and awarded or recommended grants totalling £271,755. The Panel had supported the application by the Chidham and Hambrook Parish Council, but the recommended grant was beyond the delegated powers of the Cabinet Member.

RESOLVED

That the recommendation of the Grants and Concessions Panel in relation to the one application received under the New Homes Bonus (Parish Allocations) Scheme that exceeds the Cabinet Member for Community Services' £25,000 delegation limit, that is to award £42,430 to Chidham and Hambrook Parish Council in order to provide disabled access to the first floor of the Chidham and Hambrook Village Hall, be approved.

70 **Council Tax review of locally defined discounts and premia**

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report. She drew attention to the table of locally defined discounts and premia in the Appendix, which showed the current regime approved by the Cabinet in previous years. The nil discount for second homes reflected the Council's view that there was no reason to treat these more favourably than first homes; the nil discount for prescribed class C and 50% empty homes premium encouraged owners to bring homes back into use; and the discount for prescribed class D encouraged owners to improve their properties.

The discounts and premia affected the revenues of the Council, the County Council, parish councils and the Sussex Police and Crime Commissioner. The implications for the principal councils were set out in the tables in section 7 of the report. Mrs Hardwick corrected the table in paragraph 7.2, where the West Sussex County Council's share should read 191.5K.

In answer to a question, Mrs Christie (Revenues and Performance Manager) explained that "major repair" for prescribed class D properties was not defined by legislation but was regarded by the Valuation Tribunal as referring to structural work to foundations and roofs, and not to such matters as re-plastering, re-wiring, and installation of kitchens and bathrooms.

The Chairman reminded the Cabinet that the financial implications of the current regime of discounts and premia had enabled the Council to continue to protect working age recipients of council tax benefit. However, the discounts and premia should be reviewed in the light of substantial changes to welfare benefits that were expected next year.

RESOLVED

- (1) That the council tax discounts and premia proposed in appendix 1 be applied for the 2016/17 financial year.
- (2) That a thorough review all of the locally defined discounts, in particular prescribed class D, be undertaken in preparation for the 2017/18 taxbase setting.

71 Annual Treasury Management Report

The Cabinet considered the report circulated with the agenda (copy attached to the official minutes).

Mrs Hardwick introduced the report. She reminded the Cabinet that the Council's treasury management strategy emphasised prudence as the primary criterion, in order to ensure that the Council's investments were protected. As a result the return on investment (shown in the table at paragraph 8.1) was below average when compared to other authorities. However, the authorities were not necessarily similar to Chichester, and might have a different investment profile and attitude to risk. The Council had slightly relaxed its guidelines on selection of counterparties.

Mrs Hardwick also drew attention to the capital spending reported in paragraphs 6.3 and 6.4, and to the use of a credit agreement for the acquisition of multi-function devices reported at paragraph 6.5.

Mr Jackson (Acting Group Accountant) explained that the Council's advisers, Arlingclose, had recently advised a reduction in investment duration limits, reported in paragraph 10.4. This especially affected investments in the 91-364 day periods, which was where the Council's performance was significantly below average compared with other authorities.

Mrs Hardwick referred to the fact that the Council had achieved good returns on investments in property, and suggested the establishment of a task and finish group to define the principles and policies for alternative investments.

RESOLVED

- (1) That the treasury management outturn performance and the Prudential Indicators achieved for 2014-15 as set out in this report and Appendices 1 and 2 be noted.
- (2) That the 1st Quarter Monitoring position statement for 2015-16 contained in Appendix 3 be noted.

- (3) That a task and finish group, chaired by the Cabinet Member for Finance and Governance, be established to define principles and policies for alternative investments of the Council's free reserves.

72 Exclusion of the Press and Public

RESOLVED

That the public, including the press, be excluded from the meeting for the following items on the grounds that it is likely that there would be a disclosure to the public of 'exempt information' of the description specified in Paragraphs 1 (information relating to an individual) or 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information)) of Part I of Schedule 12A to the Local Government Act 1972 and because, in all the circumstances of the case, the public interest in maintaining the exemption of that information outweighs the public interest in disclosing the information.

73 Authorised Testing Facility (ATF) at Westhampnett Depot for Heavy Goods Vehicle and Public Service Vehicle MOT tests

Further to minute 572 of 1 April 2014, the Cabinet considered the report circulated with the agenda, which sought approval of a Project Initiation Document (PID) for the provision of an authorised testing facility (ATF) at Westhampnett Depot and Council approval for additional funding from reserves to cover the additional costs of the re-designed scheme.

The report explained that the approved project for an ATF with two test lanes had been postponed whilst the gypsy and travellers transit site and other works at the depot had been carried out. The project had then been re-appraised. It had been concluded that CCS service delivery could be compromised by the approved two lane layout, and the scheme had been re-designed with a reduced footprint by extending the existing 20 metre building by 10 metres rather than creating a parallel two lane facility as originally envisaged. Should a vehicle become stalled in the single lane, a truck would be brought in to tow it out of the way.

Mr Barrow introduced the report, explaining that the introduction of an ATF would create long term income opportunities to the Council and provide an important service to local haulage companies and bus/coach operators.

A total investment of £515,000 would generate a new income stream producing an excellent return on investment and a short payback period, based on filling 12 slots daily operating a 37-hour week Monday - Friday.

It was anticipated that there would be considerable demand for this service, as the nearest centre for testing of HGVs and buses was in Lancing, which was expected to close. A local site serving local businesses would also make a contribution to reducing carbon emissions from commercial vehicles. By taking advantage of the facility, operators would have lower operating costs through reduced mileage to the test station and also reduce vehicle downtime.

The proposal involved extending the building from 20 to 30 metres to achieve simultaneous testing of two vehicles. This achieved the same vehicle throughput as a two test lane facility with the added benefit of a reduced footprint. The adjacent existing Class 4, 5 and 7 MOT test lane would remain.

The capital cost of the project, including construction, vehicle pit, and test equipment, was estimated to be £515,000, representing an increase of £155,000 above the £360,000 already approved by Council in April 2014. These additional costs related to the requirement to extend the building by 10 metres, ensure a clearance height of at least 5.5 metres and the construction of an extended pit from the standard 13 metres to 15 metres.

Mr Darton (Head of Contract Services) added that the Driving Standards Agency (DSA) was keen for the project to progress, as this would enable them to close their Lancing facility and also, in due course, the ATF at Guildford. He was confident that there would be sufficient volume of business to achieve the predicted return on investment even if operations were confined to the present Monday-Friday operating hours. However, he wished to seek planning permission for an extension of operating hours to 7am to 10 pm Monday-Friday and standard 8-hour shifts on Saturdays and Sundays to improve profitability and meet expected demand.

With the Chairman's consent, Mr Shaxson and Mr Macey enquired whether all costs, including wages, insurance, lighting and cleaning, had been taken into account. Mr Darton explained that wage costs were met by the testers' fees, which were paid to the DSA. The other costs had been taken into account.

Mrs Lintill and Mrs Hardwick enquired whether the Depot could take this intensification of use and whether another site in the Council's ownership might be available. Mr Darton explained that another site had been considered but it had proved unsuitable. He was satisfied that the operation could be accommodated at the Depot. Mrs Lintill and Mrs Hardwick expressed concern about the impact on the local community of the proposed extended hours of operation, given that the Depot was in an area close to where further residential development was expected. Mr Darton said that there was already a large number of commercial vehicle movements in the area, and Mr Barrow suggested that it would be a matter for the Planning Committee to determine what hours were acceptable. Mrs Hardwick suggested that application should be made for a more limited extension of operating hours. Once the ATF was in operation, the volume of demand could be assessed and an application could then be made to vary the planning condition if appropriate. After debate, the Cabinet took note that testing sessions could be in blocks of 3.5 and 4.5 hours, and agreed that a more limited extension of operating hours should be applied for.

RESOLVED

- (1) That the Project Initiation Document (PID), and Option 3 therein, set out in Appendix 1 to this report be approved.

- (2) That the Council is requested to release a further £155,000 (paragraph 7.1) from reserves to construct an Authorised Testing Facility (ATF) at Westhampnett Depot.
- (3) That the Head of Contract Services is authorised to award the contract following consultation with the Cabinet Member for Environment.
- (4) That the planning application referred to in paragraph 5.5 of the report should seek extended hours of operation covering 7.00 am to 6.30 pm Monday to Friday and 8.00 am to 3.00 pm on Saturdays only.

74 **Chichester Contract Services - Recruitment and Retention of Staff**

The Cabinet considered the report circulated with the agenda. The report proposed increases to the pay of refuse collection and road sweeper HGV drivers employed by Chichester Contract Services (CCS) in order to address difficulties in recruitment and retention.

Mr Barrow introduced the report, describing the problem in the recruitment and retention of suitably qualified and good calibre HGV drivers in the waste collection service. This arose because HGV drivers' salaries had fallen well behind local market rates, as shown in the benchmarking information contained in the report.

He explained that driving a Waste Collection vehicle was a skilled job, and nothing like that of a long distance lorry driver, requiring safely stopping and starting in narrow streets, and reversing into difficult places. In addition, the HGV drivers were responsible for the management of their crew and working with in-cab information and communication technology. Waste collection is one of the four most dangerous occupations in the UK.

Nine drivers had left in 2014/5, stating pay as the main reason for leaving, and while some have been recruited many had only stayed a short while. Agency drivers to cover unplanned shortfalls cost considerably more, and were not always available.

The recommendation was to increase drivers pay with an additional market supplement, amounting to an increase of 18.9%. At the same time, drivers of road sweep vehicles, which did not require the same level of skill, would be increased by a lesser amount. These increases would be paid as a 'market supplement' and not an increase in basic wage.

The recommendations would add £128,286 to the annual pay budget. Current year budget projections indicate that the overall cost can be met by departmental savings, with the Council's 5 year financial projections indicating that the cost can be accommodated without significant risk to the Council's overall position.

RECOMMENDED TO COUNCIL

That, in order to address HGV driver recruitment and retention difficulties, the CCS employee budget be increased as set out in paragraphs 5.1 and 7.1, with effect from

1 January 2016, to be funded from virement in 2015/16, and from base budget thereafter.

75 **Planning Services - Recruitment and Retention of Staff**

The Cabinet considered the report circulated with the agenda. The report proposed market supplements to the pay of professional planning staff to address difficulties in recruitment and retention.

Mrs Taylor introduced the report, explaining that the planning service was one of the Council's most visible services, not only in the processing of planning applications but in the implementation and enforcement of planning regulations to ensure that Chichester District continued to be an attractive and pleasant place to live.

With the end of the recession the work load of this service had increased substantially and over the last eighteen months it had been very difficult to recruit and retain planning officers. In the Development Management team alone there had been a turnover of staff of 60%. Recently the service had experienced a number of staff resignations, thus increasing the work load on already overstretched planning teams. This was now being reflected in the performance of the Planning service which hitherto had met all three performance targets. Some residents were expressing dissatisfaction at the length of time that some applications or enforcement matters were taking. The predominant reason for the resignations and difficulty in recruitment was pay.

The recruitment problems were also being experienced by the Council's SDNP team, resulting in lower performance. The contract with the SDNPA, which provided considerable income for the Council, was due to be renewed in 2017, and it was essential to show that a high quality service could be delivered.

Two benchmark studies had been carried out to compare the Council's remuneration rates for professional planning staff with those of other authorities. One was a comparison with the remuneration rates of 14 adjacent or near adjacent authorities and the second was carried out by South East Employers (SEE) which covered all authorities in the South East not including London. Compared to both, Chichester was found to be uncompetitive. It was important that remuneration in Chichester should be more than the average for the region in order to attract experienced and high quality staff. Therefore, it was proposed that supplements should be paid to the grades as set out in the Cabinet Report, as amended by a revised table circulated at the meeting.

The total cost of implementing the proposed revised pay levels, including on costs, would be £165,540 per annum.

Mr Frost (Head of Planning Services) gave further information about levels of staff turnover and its consequences in reduced performance.

With the Chairman's consent, Mr Shaxson stated that he believed the problems had been manifest for a lot longer than 18 months. He felt that it was an issue of supply and demand for professional planning staff, and that the Council should be

emphasising training. Pay was not the only cause, but job satisfaction and the high cost of housing could be contributory factors. An increase in pay would be effective only as long as other authorities and private sector employers did not follow suit. He suggested that a members' task and finish group be established to investigate the problem and propose solutions. Mrs Hardwick made similar comments.

The Chief Executive and Mr Frost both explained that the problems had developed very quickly over the last year as the region and the building industry emerged from the recession, and it was clear that pay levels were the principal cause of the increased turnover. The Chief Executive advised that a task and finish group should not be set up. The increase in pay had to be affordable, and the impact on other professional staff had to be taken into account, A review of the Council's pay structure was about to be undertaken.

Mr Radcliffe added that the Council did help to develop its own professional staff by supporting them to obtain professional qualifications in Planning. The Council was also working with Chichester College, which was establishing a town planning apprenticeship scheme. The Council also offered an assisted house purchase scheme to aid recruitment and retention, although this was expensive.

RECOMMENDED TO COUNCIL

That the revised pay levels set out in the table in paragraph 5.2 of the report as revised and circulated at the meeting take effect from 1 January 2016 based on market supplements for professional planning staff to be funded by virement in 2015/16 and from base budget in future years.

The meeting ended at 2.15 pm

CHAIRMAN

Date:

Agenda Item 5

Chichester District Council

CABINET

3 November 2015

Determination of the Council Tax Reduction Scheme for 2016/17

1. Contacts

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2. Recommendation

- 2.1. That the Council be recommended that the council tax reduction scheme for 2016/17 be approved.**

3. Background

- 3.1. The Welfare Reform Act and Local Government Finance Acts of 2012 abolished the national council tax benefit scheme and put in place a framework for local authorities to create their own local council tax reduction (CTR) schemes from 1 April 2013.
- 3.2. The Government legislated that people of pensionable age will continue to receive support based on national rules (prescribed regulations). The Council's scheme encompasses both pensioners (over which the Council has discretion only to *improve* the statutory provision) and working age claims (over which the Council has complete discretion as to how to draw up its scheme).
- 3.3. The Government has laid down the process by which a local council tax reduction scheme can be put in place and renewed each year. In accordance with that process, officers have consulted both WSCC and Sussex Police, published a draft scheme, consulted stakeholders and the community, and prepared the attached recommended scheme. This scheme must be approved by the Council before 31 January 2016 or the previous year's scheme will continue to have effect.
- 3.4. The cost of CTR is by way of deduction from the tax base, which has to be set by the December Cabinet. Although the legislation permits the CTR scheme to be approved in January it really needs to be considered and agreed before tax base can be set.

4. Outcomes to be achieved

- 4.1. Payment of council tax reduction in accordance with the scheme.

5. Proposal

- 5.1. The proposed council tax reduction scheme for 2016/17 is based on this year's scheme.
- 5.2. The way in which entitlement is calculated will remain in line with the preceding council tax benefit scheme and will, therefore, minimise the impact on claimants.
- 5.3. The actual amounts used to calculate the level of reduction (living allowance, non-dependent deductions and earnings disregards) will be amended in line with those for housing benefit decided by the Department for Work and Pensions. These figures are not usually available until after the Autumn Statement but we do know that living allowances for working age claimants in particular will not be increased.
- 5.4. The scheme also accords with previous years in disregarding certain war related pensions.

6. Alternatives that have been considered

- 6.1. No alternative schemes have been considered for 2016/17

7. Resource and legal implications

- 7.1. For 2016/17 the amount of funding for council tax reduction schemes from Department for Communities and Local Government (DCLG) will not be transparent. The Council must decide how much it wishes to spend in the context of the overall budget setting process.
- 7.2. The predicted spend on CTR when taxbase was set in December 2014 for 2015/16 was £7,078,508.15. Due to a reduction in the number and value of claims the revised 2015/16 cost is now estimated to be £6,702,618 (as at the end of September)
- 7.3. In 2016/17 welfare reforms announced in the Budget are expected to increase expenditure on CTR. It is not possible to accurately predict the outcome but a rough analysis has suggested that individual claimants with tax credit income may be entitled to an additional £200 per year. This will be offset by the decrease in entitlement of other claimants affected by the freezing of the living allowances. It is therefore not imperative to make significant financial savings in the 2016/17 scheme. DCLG's own forecasts are that expenditure on pensioners, at least, should fall and with an improving economic situation Members can expect this across the board.

8. Consultation

- 8.1. A consultation with stakeholders and the public on the draft scheme for 2016/17 was carried out from 24 August to 21 September 2015. The results of this are attached as Appendix 2

9. Community impact and corporate risks

- 9.1. The corporate risk to the authority is setting a council tax reduction scheme which is unaffordable. This risk is reduced by setting a scheme which is in line with the existing one so expenditure can be predicted.
- 9.2. As the full impact of the welfare reforms are not known at this stage there is a risk that the scheme will cost more than estimated. However it is anticipated that the savings achieved through the falling demand in 2015/16 will offset any growth generated by the welfare reform changes in 2016/17.
- 9.3. Similarly the community impact is reduced by keeping the calculation of entitlement in line with the current scheme. This was explored in more detail in the Equalities Impact Assessment seen by Members in 2012.

10. Other Implications

Crime & Disorder:	None
Climate Change:	None
Human Rights and Equality Impact:	None
Safeguarding:	None

11. Appendix

11.1 Appendix 1 – Council Tax Reduction Scheme (overview) 2016/17

11.2 Appendix 2 – CTR Consultation Feedback

12. Background Papers

- 12.1 The full detailed scheme, for which Council approval is sought, has been commissioned from ACS Ltd. It will be put onto the web site when it has been received.



CHICHESTER DISTRICT COUNCIL

Local Council Tax Reduction Scheme

April 2016 to March 2017

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Introduction

In April 2013 the national council tax benefit (CTB) scheme which helped people on low incomes pay their council tax was abolished. The Local Government Finance Act 2012 gave councils the freedom to develop their own council tax reduction (CTR) scheme for people of working age giving due consideration to the needs of their residents. This document provides an overview of the scheme developed by Chichester District Council (the Council), known as the Council Tax Reduction Scheme (CTR scheme). For each financial year the Council must consider whether to carry forward its scheme or to replace it with another scheme.

As was the case last year local CTR schemes will apply only to working age people and the Government will specify how pensioners are to be assessed. Pensioner claims will continue to be calculated in accordance with The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012 (as amended), referred to in these rules as the Prescribed Requirements Regulations.

The local CTR scheme also makes separate provision for tax payers to apply for a remittance of their liability, as opposed to a means tested assessment of their ability to pay. This is a carry forward of the previous “hardship” scheme, a power local authorities have always had.

It is proposed for the fourth year of our local CTR scheme (2016/17) that no major changes are made to the scheme that was first introduced on the 1st April 2013. This ensures that residents of the District continue to remain largely unaffected by the introduction of local schemes in comparison to the previous national council tax benefits scheme that was in operation until the 31st March 2013. This proposed scheme is applicable from the 1st April 2016 to 31st March 2017, although the Council may choose to extend it further.

This scheme will continue to protect working age and pension age claimants who are in receipt of war widows, war widowers or war disablement pensions. As in previous years the Council’s CTR scheme will disregard these incomes in full when calculating entitlement. Incentives to work will also remain in a number of ways: through a series of earned income disregards; the taper for removing support and extended payments for those entering work.

In order to keep CTR in line with other welfare benefits, the allowances and premiums in the scheme will be uprated by the same percentages as those in the housing benefit scheme. For this year the allowances and premiums in respect of working age claims are frozen.

The Council no longer accepts applications for second adult rebate from working age claimants but this will remain payable to pension age claimants. These claims will be calculated in accordance with the Prescribed Requirements Regulations.

As part of its wider welfare reforms the Government is currently introducing universal credit. This was intended to be rolled out nationally from October 2013 but so far has been restricted to limited pilot schemes in a few areas It will merge six different benefits some claimants currently receive. Universal credit was introduced within the District in October 2015 and is calculated for CTR claims in a similar way to savings credit for pensioner claims

The Equality Act 2010 imposes a general duty to advance equality of opportunity and eliminate discrimination. Chichester District Council is firmly committed to providing and promoting equality for its community and the scheme has been compiled having regard to all of the guidance issued by the Department for Communities and Local Government.

1.0 Reduction for different classes

1.1 CTR schemes must state the classes of person who are to be entitled to a reduction under the scheme and the reduction to which persons in each class are entitled. Chichester District Council will have five classes of person: three classes for people considered to be of pension age and two classes for those of working age.

1.2 Pensioners

The Prescribed Requirements Regulations define who is considered to be a pensioner and who is not. Claimants considered to be pensioners will fall into one of three pensioner classes as detailed below. The level of CTR to which they will be entitled is then calculated in accordance with the Prescribed Requirements Regulations.

- Class A: Pensioners whose income is less than the applicable amount.
- Class B: Pensioners whose income is greater than the applicable amount.
- Class C: Alternative maximum council tax reduction.

The Prescribed Requirements Regulations will be used to determine both the level of CTR that is awarded and how the CTR award is calculated for each of these classes, with the exception of the treatment of war pensions. The national CTB scheme allowed Councils to take local decisions regarding the extent to which war widows/widowers and war disablement pensions are taken into account when calculating entitlement. The Council will continue to completely disregard these pensions when calculating a claimant's income.

1.3 Working Age

Persons who are resident in Great Britain (or treated as resident), and have not yet reached state pension credit age, fall into one of two working age classes, which are described below. The Prescribed Requirements Regulations determine matters that must be included in CTR schemes for people of working age. However these Regulations do not specify the level of support for this group of people or how CTR awards must be calculated. Entitlement for these classes will be calculated with reference to the local CTR scheme rules. As with pensioner claims the local CTR scheme will continue to fully disregard war widows/widowers and war disablement pensions in the calculation of entitlement to CTR.

1.4 Working Age Class D

The claimant must

- Be a person who has not yet attained the qualifying age for state pension credit
- Be a person whose partner has not yet attained the qualifying age for state pension credit, except where the claimant is in receipt of income support, income based job seekers allowance or income based employment and support allowance
- Be liable to pay council tax in respect of a dwelling in which they are resident
- Be a person in receipt of income support; income based job seekers allowance; income related employment and support allowance or be a person whose income is below their living allowance as calculated in the means test that applies to those in Working Age Class E
- Not have capital in excess of £16,000
- Have made an application for CTR and provided the necessary information and evidence to support that application
- Not be a member of a prescribed group excluded from support, such as a person from abroad

1.5 Working Age Class E

The claimant must

- Be a person who has not yet attained the qualifying age for state pension credit
- Be a person whose partner has not yet attained the qualifying age for state pension credit
- Be liable to pay council tax in respect of a dwelling in which they are resident
- Be a person not in Working Age Class D and whose income is more than their applicable amount
- Not have capital in excess of £16,000
- Have made an application for CTR and provided the necessary

information and evidence to support that application

- Not be a member of a prescribed group exempted from support such as a person from abroad

2.0 Excluded Groups

2.1 Persons from abroad

Foreign nationals with limited immigration status and non-economically active European Economic Area individuals who are not exercising European Union treaty rights will continue to be excluded from CTR. The Prescribed Requirements Regulations define those persons excluded from CTR.

The exceptions to exclusions for persons from abroad will also remain and be prescribed by the Secretary of State. This will allow those who have recognised refugee status, humanitarian protection, discretionary leave or exceptional leave to remain granted outside the immigration rules and who are exempt from the existing habitual residency test to apply for CTR as long their status has not been revoked.

2.2 Students

Persons who are full time students will be excluded from entitlement to CTR, except for those entitled to Income Support or Employment Support Allowance (income related). Part time students and claimants who have a partner who is a student may apply. The CTR scheme details which students are excluded and how student income is assessed for those students who are entitled to support.

3.0 Who can claim council tax reduction

- 3.1** CTR may be claimed only where the claimant is resident in and liable to pay council tax for a property. Where there is more than one resident the liable person is the one with the greatest legal interest in the dwelling. For example if a resident home owner has a lodger the home owner is liable not the lodger.
- 3.2** When considering who is liable the Council will have regard to all the residents of a property. The liable person or persons will then be determined using the hierarchy of liability as set out below. Where more than one person is considered to be liable for council tax (other than a couple) CTR will be based on their proportion of the charge as determined by the Council (see figure 1 below).

Figure 1: Calculation of proportion of Council Tax liability

Claimant A shares a property with a friend. They rent the property from a non-resident private landlord and each pay half the rent.

Claimant A's CTR will be based on 50% of the Council Tax charge.

3.3 Hierarchy of council tax liability

The person liable to pay the bill is normally the person or persons who reside in the dwelling as their sole or main home and who fits the description nearest the top of the following list:-

- Residents who have a freehold interest in the property, i.e. owner occupiers
- Residents who have a leasehold interest in the property, i.e. leaseholders
- Residents who are statutory or secure tenants i.e. rent payers
- Residents who have a contractual licence to occupy the property i.e. occupants of tied cottages
- Residents with no legal interest in the property

- 3.4** Persons who are temporarily absent from the dwelling may, in some circumstances, continue to be eligible for CTR in accordance with The Prescribed Requirements Regulations.
- 3.5** Persons who are absent from Great Britain will not be eligible to claim CTR in accordance with The Prescribed Requirements Regulations.

4.0 How to apply for council tax reduction

- 4.1** It is intended that applications for CTR must be made in writing, online via the Council's website, or by telephone. In some cases a claimant will need to complete a further application form. An application made in writing must be made on an approved form, provided free of charge by the Council on request. This is in accordance with The Prescribed Requirements Regulations. The CTR Scheme Rules give further details.

5.0 The calculation of a reduction

- 5.1** CTR for pensioners will be calculated in accordance with The Prescribed Requirements Regulations. CTR for persons who fall into one of the two working age classes will be calculated as described below.

5.2 Working Age Class D

A maximum reduction of 100% of the charge will be awarded for claimants in Working Age Class D. The charge is the annual council tax calculated pro rata where a claimant is not liable for a full financial year (and to exclude any brought forward arrears) minus any other discount which may apply such as single residency discount.

The CTR reduction will be subject to a deduction for any non-dependants in the household. Non-dependants are other adults living with the claimant on a non-commercial basis e.g. adult sons or daughters, relatives or friends. .

The calculation for this class is detailed in the CTR Scheme Rules for those claimants falling into Class D: Persons who are not pensioners whose income is less than the applicable amount.

5.3 Working Age Class E

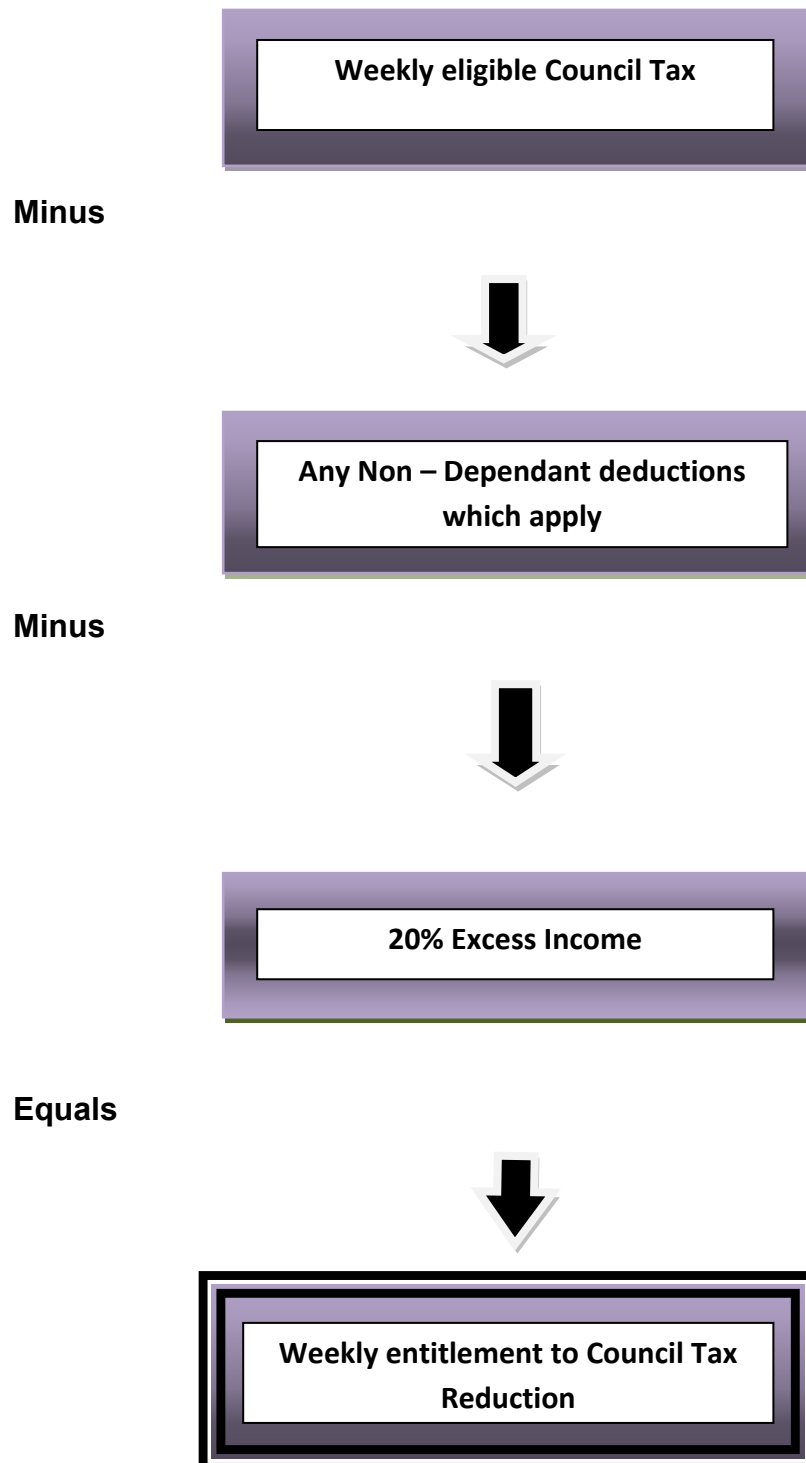
Claimants in Class E will be means tested for CTR. The amount of reduction will be calculated by comparing the claimant's income to their calculated applicable amount and applying a 20% taper to the income above the applicable amount, referred to as excess income.

The calculation for this class is detailed in the CTR Scheme rules for those

claimants falling into Class E: Persons who are not pensioners whose income is greater than the applicable amount.

The amount of CTR will be subject to non-dependant deductions and dependant on the level of excess income. The following diagram and explanations give more detail about how the amount of CTR is calculated for this class of claimant.

Figure 2: CTR Calculation for Working Age Class E



5.4 Weekly eligible council tax

CTR is calculated on a weekly basis therefore eligible council tax is calculated as follows

- Start with the annual council tax due on the home
- If the claimant is entitled to a disability reduction on their council tax bill, use the council tax figure after that reduction has been made
- If the claimant is entitled to a discount, use the council tax figure after that discount has been made
- Apportion the result if the claimant is a joint occupier (see figure 1)
- Convert it to a weekly figure by dividing by 365 (or 366 in a leap year) and multiplying by 7. For figures which do not relate to a whole year divide by the number of days covered by the charge and multiply by 7

5.5 The claimant's household

For CTR consideration needs to be given to the claimants family and household. Different categories of people affect the assessment of CTR in different ways..

The members of a claimant's household include :

- Family members
 - The claimant
 - Their partner(s)
 - Dependant children
 - Non dependants
- Other people in the dwelling may include
 - Boarders and sub tenants
 - Joint occupiers, whether joint owners or joint tenants
 - Certain carers

5.6 Non-dependant deductions

CTR is reduced for each non-dependant normally living in the claimant's household. Non-dependants are other adults living in the claimant's household on a non-commercial basis, typically adult sons, adult daughters, other relatives or friends.

Further details about when a non-dependant deduction applies, the amounts of non-dependant deductions and rules about when no deduction is made can be found in the CTR Scheme Rules.

If the amount of non-dependant deductions exceeds the eligible council tax the claimant will not qualify for CTR.

5.7 Excess income

Excess income is income which exceeds the calculated applicable amount.

If the claimant (and their partner's) income is less than their applicable amount they will be considered to be a person falling into Working Age Class D and therefore entitled to a maximum CTR reduction.

If a claimant's income is more than their applicable amount the difference between their income and applicable amount will be referred to as excess income. A taper of 20% will be applied to this excess income. It is deemed that a person can afford to pay 20% of their excess income towards the cost of their council tax; therefore;

- if 20% of the excess income figure is more than their eligible weekly council tax they will not be entitled to CTR
- if 20% of excess income is less than the eligible council tax (net of any non-dependant deduction) the CTR award will be the eligible council tax minus 20% of excess income

Applicable amount and income are explained in more detail in the following sections.

Figure 3: Example excess income calculation

Claimant A is a single person with an applicable amount of £71 per week and income of £104 per week.

Claimant A's excess income is £104 minus £71 which equals £33 per week.

Of this excess 20% is treated as an amount that a person can use to pay their council tax - 20% of £33 equals £6.60.

Claimant A's weekly eligible council tax is £14.20 per week. Therefore they would be entitled to CTR of £7.60 (£14.20 - £6.60).

5.8 Applicable amount

The applicable amount is the figure used in calculating CTR to reflect the basic living needs of the claimant and household (excluding non-dependants). This is made up of personal allowances and additional amounts (premiums) for special circumstances, such as disability, if applicable.

The CTR Scheme Rules detail how a claimant's applicable amount is calculated.

5.9 Income and capital

All sources of income and capital of the claimant and partner are included in the means test. However some types of income are disregarded wholly or in part.

Examples of the types of income and capital to be **included** are;-

- Earnings, pensions and tax credits
- Other state benefits such as universal credit, employment and support allowance and maternity allowance
- Savings and investments including property
- Trust funds and other awards for personal injury

The Council will decide what is treated as income and capital and for what period. Further details on how income and capital are calculated and any disregarded sums can be found in the CTR Scheme Rules.

Claimants who fall into Working Age Class E will have their income and capital calculated for CTR as described below.

5.10 Income

The income of a claimant and partner if applicable shall be calculated on a weekly basis by;-

- Calculating the amount which is likely to be the average weekly income

- Adding any weekly tariff income from capital (see below)
- Deducting any allowable child care costs
- Deducting any earned income disregards which may apply

5.11 Capital

A claimant's capital is first assessed under the rules described by the CTR Scheme Rules, and then taken into account as a weekly tariff income from capital.

- If capital exceeds £16,000 the claimant is not entitled to CTR
- The first £6,000 is completely ignored
- The remainder up to £16,000 is treated as generating a tariff income

Tariff income is assessed as follows

- From the total amount of assessed capital deduct £6,000
- Divide the remainder by 250
- If the result is not an exact multiple of £1, round the figure up to the next whole £1. This is the claimant's weekly tariff income

Figure 4: Example of a tariff income calculation

Claimant A has £7,500 in her savings account, £1,000 in her current account and shares valued at £500. This means that she has assessed capital of £9,000 of this £6,000 is deducted as the disregarded amount. This leaves £3,000 and tariff income is calculated as below;-

£3,000 divided by 250 = £12

This means that the claimant will be treated as having £12 per week as income from capital.

5.12 Minimum amount

A minimum amount of CTR will be applied for working age claims. The minimum amount applied will be £1.00 per week. For claimants determined to be entitled to CTR of less than £1.00 per week no CTR will be awarded.

6.0 When entitlement begins

- 6.1** As a general rule entitlement to CTR will begin on the date that the application is made or treated as made as determined by the Council. The Council may choose to treat a claim as being made earlier where a claimant can demonstrate that they have made enquiries earlier via a third party such as the Department for Work and Pensions. The Prescribed Requirements Regulations determine certain circumstances where a claim must be treated as made earlier.
- 6.2** The earliest date that entitlement to CTR can begin is 6 months before an application is received. If a person has delayed making an application and they can demonstrate that they had continuous good cause for doing so, for example serious illness prevented them from making a claim, they may make a request that their claim be backdated. The Council will decide whether a claim may be backdated. The following rules will apply
- Requests must be made in writing; this may be on the application form or later
 - CTR may not be backdated more than six months before the date of the written request.

Backdated claims will be decided with regard to the CTR scheme rules.

7.0 Extended payments

- 7.1** Extended payments of CTR are awarded to assist long term unemployed claimants or their partner when they find work. Extended payments can be awarded for a period of 4 weeks to any claimant who has been out of work for 26 weeks who starts work, with an expectation that the work will have a duration of 5 weeks or more.

A claimant is entitled to an extended payment if they meet the conditions set out in the CTR Scheme Rules (appendix 1).

8.0 Notification of decisions

- 8.1** In accordance with the Prescribed Requirements Regulations the claimant will be notified of the award of CTR by decision letter within 14 days or as soon as possible. This will advise the claimant how much CTR has been awarded as a reduction against their Council Tax liability. As a minimum the notice will contain the following:
- The amount of CTR that has been awarded

- What the claimant needs to do if they want a further explanation of the decision or if they think the decision is wrong
- Details of the requirement to report a change of circumstances

9.0 Payment of council tax reduction

9.1 CTR is awarded as a reduction to the claimant's council tax account. If there remains a residual liability it will be billed as council tax due. If a claimant has made payments of council tax and therefore the award of CTR results in a credit on the account it will be processed as if it was excess council tax paid.

10.0 Changes of circumstance

10.1 If at any time between the making of a claim and a decision being made on it, or during an award of CTR, there is a change of circumstances which would affect the calculation the claimant or their partner, or their representative, has a duty to notify the Council. The Prescribed Requirement Regulations (Schedule 8, Part 2, Regulation 9) defines a claimant's duty to notify a change in their circumstances. This applies to both pensioner and working age claims.

Claimants must notify any changes in their circumstances which may affect the award of CTR and can notify the Council in advance if details of a future change are known.

The matters to be notified include, but are not limited to;-

- changes in household composition
- changes in income
- changes in capital
- change of address

10.2 Notification may be; -

- in writing
- by telephone
- by email or webform

10.3 Changes in circumstance which alter the amount of CTR paid shall take effect from the Monday following the date of change, even if it happened in the past. Annual uprating of DWP benefits will be effective from the 1st April in the financial year in which they occur.

- 10.4** The Council will terminate CTR where entitlement ends, the claimant withdraws their claim, or if any of the following circumstances apply:
- There are doubts as to whether the conditions of entitlement to CTR are fulfilled and the claimant has failed to provide the relevant information requested by the Council
 - The Council is considering whether to change the decision and the claimant has failed to provide the relevant information requested by the Council
 - The Council considers that too much CTR is being paid and the claimant has failed to provide the relevant information requested by the Council
- 10.5** The date of termination will be decided by the Council, based on the information held. Generally a claim will end on the date of the change that resulted in the end of entitlement, or the date of withdrawal. Where a doubt arises over entitlement or where further information is requested the date of termination will be determined based on the information received. If no information is received the date of termination will be decided by the Council based on the information that it has available.
- 10.6** For changes in circumstances that result in an increase in the amount of CTR awarded, the increased amount will reduce the amount of council tax due. For changes in circumstances that reduce the amount of CTR that is awarded, the reduced amount will increase the amount of council tax that is due. In both cases a revised bill will be issued detailing the amount of council tax that is due; this will be accompanied by decision letters advising how the change has been calculated. The Council will follow its collection and recovery procedures when collecting any revised amounts due. However consideration will be given to those who are vulnerable and experiencing financial difficulty, particularly where it has been determined that there is an increase in Council Tax due.
- 10.7** For pensioner claims the effective date of change will be determined with reference to the Prescribed Requirements Regulations (Part 8).
- 10.8** Where a decision is made in respect of a change in circumstances which results in an increase in the amount of council tax that is due, the Council may in exceptional circumstances decide not to recover it. Such decisions will be made with reference to the Council's Discretionary Recovery Policy which can be found in Appendix 3. This policy applies to both working age and pension age claims.

11.0 Evidence & required information

11.1 In accordance with the Prescribed Requirements Regulations (Schedule 8, Part 2, Regulation 7) an application for CTR must be supported by such information or evidence as is reasonably required to enable entitlement to be determined. Examples are:

- proof of earnings such as wage slips or self-employed accounts
- bank statements and share certificates

In all cases evidence of the claimant (and any partner's) national insurance number must be provided.

11.2 Claims will be reviewed in accordance with the Council's policy.

11.3 If a claimant has a change in their circumstances during the course of the award they will be required to notify the Council and provide evidence of the change.

12.0 Appeals

12.1 A claimant may, at any time, put in writing a request to the Council to review his entitlement to CTR, or the amount of any reduction to CTR, outside of the provisions for appeals detailed below. A written explanation will be sent within 14 days or as soon as possible.

12.2 In accordance with the Prescribed Requirements Regulations (Schedule 7, Part 2) a claimant, or a person acting on their behalf, who is aggrieved by a decision made under the scheme may formally appeal against it. This appeal should be in writing to the Council and should state the grounds on which it is made.

12.3 The Council will consider the appeal and notify the claimant in writing of the outcome, the reasons for the decision and any steps that have been taken to deal with the grievance. If the appellant remains dissatisfied, or a response has not been given within a period of two months from the date of the written appeal, the claimant may appeal directly to the Valuation Tribunal for England.

12.4 Appeals against decisions made using the Council's Discretionary Recovery Policy will be considered with reference to the Council's Policy, which can be found in Appendix 3 of this document.

13.0 Fraud

- 13.1** If a claimant dishonestly makes a false statement or fails to disclose information he is under a legal duty to disclose with intention to make a gain, or cause a loss to another, he may be guilty of a criminal offence.
- 13.2** The Council reserves the right to investigate and prosecute potential offences committed by any claimant/recipient of its scheme. It may do so instead of, or as well as, seeking any civil action open to it.

14.0 Work incentives

- 14.1** The Council is keen to encourage people back into work so the CTR scheme will continue with the current taper of 20% and earned income disregards but will enhance existing work incentives by:-
- endeavouring to ensure that in-work applications are processed before the extended payment period has ended (subject to the necessary information being provided)
 - for those people who are considering taking up work we will provide a service to provisionally assess the amount of CTR they might expect to receive before taking the job

15.0 Changes to the scheme

- 15.1** The Local Government Finance Act 2012 stipulates that for each financial year each billing authority must consider whether to revise its scheme or replace it with another scheme. The authority must make any revision to its scheme, or any replacement scheme, no later than 31 January in the financial year preceding that for which the revision or replacement scheme is to have effect. The Secretary of State may amend this date.
- 15.2** If any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the Council thinks fit.

Appendices	
1	Local CTR scheme rules 2015 – 2016 under s13(1)9a)
2	Prescribed Requirements Regulations 2012
3	Discretionary recovery policy April 2014
4	Worked examples of CTR calculations
5.	The discretionary council tax reduction scheme under s13(1)(c)

Appendix 1

Chichester District Council's Council Tax Reduction Scheme Rules 1st April 2015 to 31st March 2016.

<http://www.chichester.gov.uk/CHttpHandler.ashx?id=25186&p=0>

Appendix 2

The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012

http://www.legislation.gov.uk/uksi/2012/2885/pdfs/uksi_20122885_en.pdf

Appendix 3 Discretionary Recovery Policy

In certain limited circumstances the scheme provides discretion for the Council to decide not to recover an increase in council tax resulting from a change in CTR. These decisions should remain unfettered by laid down policy and each case should be considered on its own merits.

However in order to promote fairness and a consistent approach this policy seeks to define the process of determining an application, who will be involved in the decision making process and any subsequent appeals process and what factors may be considered when decision making.

An amount of council tax can be considered for write off if the Council uses its discretion and decides not to recover it. The Council may use its discretion from the outset when the increased amount of council tax is decided, based on information that it has, or may use its discretion later at the request of the claimant or the claimant's representative. These types of write off are called discretionary write offs.

Increased council tax that arose as a consequence of fraud (that is where fraud has been sanctioned) will not be considered for write off.

The usual scenarios for considering an amount for a discretionary write off will be on financial or hardship grounds. However the medical condition of the claimant or family may be relevant and should also be recorded to assist the decision making process.

Discretion is not prescriptive and there are no rules or examples that can be given. Each case must be decided on its merits.

However the following situations may be relevant when considering write off.

- financial hardship
- terminal illness
- senility or learning disabilities
- severe medical conditions, as evidenced by receipt of disability benefits
- health and welfare
- the circumstances of the overpayment
- all other relevant factors

Financial hardship

In order to establish if the claimant is suffering financial hardship it is advisable to do an income and needs comparison and possibly interview the claimant.

Hardship is proven when the income, minus priority debts, gives a figure below the applicable amount. Priority debts include

- rent, council tax, utilities (the on-going amount plus any agreed arrangements to settle arrears).
- fines
- medical expenses. Although these are not priority debts as such, if it can be shown that the claimant has high prescription or travel costs to hospital, or special dietary needs which must be maintained for health reasons, all relating to long term illness, then they may be considered priority debts.

Other factors considered in this scenario might be (this list is not prescriptive)

- the health of the claimant and members of the household
- any savings the claimant has
- the level of disposable income in comparison to a person on a passported benefit such as IS/JSA(IB)/ESA(IB)
- whether they have tried to make an arrangement for minimum repayments
- whether they have any priority debts, see above
- whether a non-dependant can contribute to other household expenses
- writing off part of the overpayment rather than all of it
- whether the claimant has contacted their other creditors to reduce payments in order to repay this debt
- the cause of the increased council tax liability

The decision not to recover an amount of council tax is an exceptional step and needs the claimant's cooperation to prove hardship e.g. providing utility bills, rent statements etc. If the claimant is not prepared to provide such details the Council may decide to pursue recovery action.

If hardship can be proved the Council may consider a discretionary write off and the claimant will be notified of the decision.

In cases of possible hardship it may be prudent to advise the claimant to contact their local Citizens Advice Bureau (CAB) for financial advice.

The cause of the overpayment

If increased liability arose as a consequence of an official error by the Council consideration will be given to whether the amount should be recovered from the person to whom it was paid. This may be the only factor considered or it may be combined with other relevant factors such as financial hardship or health.

In identifying the cause of an adjustment to a persons council tax liability the appropriate consideration is "What is the substantial cause of the increased charge viewed in a common sense way?" The claimant or a third party can only 'cause' an adjustment if they intentionally or unintentionally misrepresent, or fail to disclose a material fact.

If there is more than one cause of an adjustment, these must be separated out. In such cases the two (or more causes), periods and amounts must be separately identified, and separate decisions made about whether the amount will be recovered.

An official error is a mistake, whether in the form of an act or omission, made by the Council, or someone on their behalf (such as a contractor or housing association that verifies claims on the Council's behalf).

Applications should

- Generally be in writing by letter or email from the claimant or representative
- Give reasons for the application
- Provide evidence of the personal circumstances that have led to the application
- Provide details of any special, exceptional or extenuating circumstances as to why the overpayment should not be recovered.
- May also be made by a senior officer of the Council where there is evidence that the claimant may not be able to make an application themselves due to ill health or vulnerability.

Decision making

- A Senior Benefits Officer will determine the facts of the case and will confirm whether the decision resulting in the billable amount is correct. They will also consider whether all appropriate discounts have been awarded.

Appeal process

- In the case of an appeal against a decision the case will be reconsidered by another senior officer to see whether any additional information has been provided that may change the decision.
- If the claimant still wishes to appeal he may do so by writing to the Valuation Tribunal directly

Appendix 4 Worked examples of CTR calculations

Example 1 Single claimant on a passported benefit (income support, income based jobs seekers allowance, income related employment and support allowance)

The claimant has no dependants: she lives alone.

The claimant is entitled to a passported benefit so falls into Working Age Class D.

The council tax charge on her home would be £20 per week apart from the fact that she qualifies for a 25% single occupancy discount, which reduces her council tax liability to £15 per week. (Yearly charge less discounts divided by 365 x 7)

Eligible Council Tax liability	£15 per week
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Weekly Council Tax Support	£15 per week
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Example 2 Couple not on a passported benefit with no capital

A couple have no dependants or non-dependants living with them. They are not on jobseekers allowance (income based), employment support allowance (income related) or guarantee credit. They have no capital.

Their joint weekly income exceeds their applicable amount by £20 so they fall into Working Age Class E. Their eligible Council Tax liability is £22.56 per week.

Eligible Council Tax liability	£22.56 per week
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Minus 20% of excess income (20% x £20)	£4.00 per week
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Weekly council tax reduction	£18.56 per week
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Example 3 Single claimant on income support with an adult son living with her

A lone parent is on Income Support. Her council tax liability is £19 per week. Her 26 year old son lives with her. He earns £420 per week gross for a 35 hour week.

Claimants on income support get maximum benefit (Working Age class D), which in this case involves a non-dependant deduction. The son is in remunerative work with gross income of at least £406.00 per week, so the highest level of deduction applies.

Eligible Council Tax Liability	£19.00 per week
Minus non-dependant deduction	£ 11.25 per week
Weekly council tax reduction	£ 7.75 per week

The son in the example above loses his job and starts receiving income support.

The calculation is as above, except that now there is no non-dependant deduction.

Eligible council tax liability	£19.00 per week
Weekly council tax reduction	£19.00 per week

Example 4 Couple with a child. One partner working.

A couple live with their 15 year old son.

One of the couple works full time and earns is £218.69 (net) per week. They also get £54 per week child tax credit, £20.80 per week child Benefit and £47 per week working tax credits Their total weekly income is £340.49 per week. They have no capital.

Their council tax liability is £28.48 per week. (yearly council tax charge less any discount divided by 365 multiplied by 7)

Weekly Income		Applicable Amount	
Wage income after deductions for Tax, National Insurance, Pension contributions	£218.69	Couple	£113.70
Working Tax Credit	£47.00	Family Premium	£17.45
Child Tax Credit	£54.00	Dependant Child under 16	£66.33
Child Benefit	£20.80	Total Applicable Amount	£197.48
Total Income	£340.49		
Less Disregarded Income			
Earnings Disregard	£27.10		
Child Benefit	£20.80		
Income for CTR purposes	£292.59		

Excess income = £292.59 – £197.48 = £95.11*

Where the claimant has no excess income the full weekly council tax charge will be paid by CTR. In this example, however, the claimants have an excess income of £97.02, therefore 20% of the excess income will be deducted from the weekly council tax liability to calculate weekly CTR entitlement.

Eligible Council Tax Liability £ 28.48 per week

Less 20% of excess income £ 19.02 (£95.11* x 20%)

Weekly council tax reduction £ 9.46

Chichester District Council

Council Tax Discretionary Reduction Scheme

November 2015

Background

Section 13A (1) (c) of the Local Government Finance Act 1992 as amended by the Local Government Finance Act 2012 provides billing authorities with the discretion to reduce Council Tax liabilities “to such extent as the authority thinks fit”. This is in addition to the *statutory* council tax reduction scheme provided for in s13(1)(a). This document outlines guidance to how this discretion will be exercised by Chichester District Council.

The purpose of the discretionary reduction scheme is to provide assistance to Council Tax payers to help reduce their Council Tax liability. All factors must be taken into account by the Decision Maker to enable them to reach a fair, reasonable and proportionate decision.

Each application received will be treated on its own merits and all applicants will receive equal and fair treatment.

The cost of any relief must be met by Chichester District Council and, therefore the Council Tax payers of the district.

There is no statutory right for any Council Tax payer to receive a discretionary reduction. Neither is there any statutory right for the award of a reduction to be backdated to a period earlier than the date the application is made.

There are no pre-determined criteria, for the award of a discretionary reduction, although a household's income and expenditure are important, other factors will be considered such as whether the applicant has taken steps to address the issues raised or whether they have recourse to other funds e.g. unclaimed benefits, insurance claims etc. Each application will be considered based upon the individual circumstances of the applicant. Where appropriate other avenues of recovery will be explored.

The Council will give particular (but not exclusive) consideration to applications where the applicant is experiencing specific, exceptional or unforeseen situations which then impacts on their ability to meet their Council Tax liability. For example evidence of ill health (which could be mental or physical) or evidence of vulnerability.

It should be noted that all information given to the Council will be treated in confidence and in accordance with the data protection Act 1988.

Any discretionary reduction awarded is applied as a reduction in Council Tax liability.

Who can apply for a discretionary reduction?

The discretionary reduction scheme is available to anyone with a liability to pay Council Tax to Chichester District Council.

This can include:

- A resident freeholder
- A resident leaseholder
- A resident statutory or secure tenant
- A resident licensee
- A resident
- The owner (where the dwelling has no residents)

When will a discretionary reduction be applied?

Any remaining Council Tax liability after all other applicable reductions have been applied may attract a discretionary reduction. Applicable reductions include:

- Council Tax reduction scheme
- Council Tax statutory exemptions
- Council Tax discounts
- Council Tax disabled band reductions

Which charges will not attract a discretionary reduction?

A discretionary reduction will not be awarded for costs added to a Council Tax account in addition to the annual liability i.e.

- Court costs
- Recovery costs applied to an account (for example the cost for a summons and costs charged by Enforcement Agents)
- Penalty charges levied on an account as a consequence of a tax payer either failing to disclose information or making a false statement

Classes of person or property who may be awarded a discretionary reduction

A class of case may be determined for a reduction in Council Tax, for example certain groups of people who have reached pension age, or people living in a certain areas. Applications may be made by taxpayers, groups of taxpayers, members, or any other person or group.

All applications for establishing a class of taxpayers who will receive a reduction are referred to the Head of Finance and Governance who will then decide if the application merits consideration by members. A class of taxpayers will only be determined by decision of Cabinet due to the impact on other taxpayers.

Application process

An individual applying for a reduction under this provision must-

- Be the person(s) liable for payment of the Council Tax (or their nominee)
- Submit a written application.
- Provide the Council with such information as it may require to make an informed decision. Typical information required will be a household income and expenditure statement, utility bills etc. The Council may ask for additional information and/or evidence if it is deemed necessary
- Inform the Council of any changes of circumstance relevant to their application or any subsequent reduction awarded

- Continue to make payments to their Council Tax account while the application is being considered.

Amount and period of class reduction

Reductions will be awarded from the date that the tax payer met the qualifying criteria.

The amount of reduction is at the discretion of the Council with the maximum award being 100% of the tax payer's liability. The period of award is also at the discretion of the Council.

Decision Making

The Revenues Manager will determine the facts of the case, and will confirm whether all applicable discounts, exemptions or Council Tax reduction have been awarded.

The Revenues and Benefits Manager will consider the case and decide whether the Council Tax should be reduced.

Decision notification

When a decision has been made, the applicant will be notified in writing of the outcome of their application. The decision will include a statement outlining the reasons for the decision, and what factors have been taken into account when making the decision.

Reconsideration of the discretionary reduction decision

If the applicant(s) disagree with a decision they may request that their application is reconsidered. Any request for reconsideration must be made within one calendar month of the original decision letter being issued. All applications for reconsideration must be made in writing or via email and must outline the reasons the applicant is disputing the decision.

The reconsideration application will then be considered by the Revenues and Benefits Manager who has unfettered discretion to affirm or rescind the original decision or part thereof. If the decision remains unchanged the case will be passed to the Head of Finance and Governance for consideration. This reconsidered decision will be final. The applicant will be notified in writing of the outcome of the reconsideration and the reasons for the decision.

Appeal against the Council's decision to the Valuation Tribunal

If, after receiving the reconsideration decision from the Council, an applicant still disputes the decision, they can appeal to a Valuation Tribunal.

The Valuation Tribunal for England is an independent body which adjudicates on disputes between taxpayers and the Council.

Appeals must be made directly to the Valuation Tribunal.

Decision Recording

A record will be kept of all decisions made.

Individuals who may be awarded a discretionary reduction

Applications for a discretionary reduction will be accepted from the person(s) liable for Council Tax for any number of reasons, for example hardship perceived or actual non delivery of local services, local problems such as roadworks or flooding, or even national issues.

Application process

An individual applying for a reduction must:

- Be the person(s) liable for payment of the Council Tax (or their nominee)
- Submit a written application.
- Provide the Council with such information as it may require to make an informed decision. Typical information required will be a household income and expenditure statement, utility bills etc. The Council may ask for additional information and/or evidence if it is deemed necessary
- Inform the Council of any changes of circumstance relevant to their application or any subsequent reduction awarded
- Continue to make payments to their Council Tax account while the application is being considered.

Applications may also be made by a senior officer of the authority where there is evidence that the liable party may not be able to make an application themselves due to ill health or vulnerability.

Qualifying criteria

The discretionary reduction scheme is available to those with a liability to pay Council Tax to Chichester District Council.

The Council will consider the applicant's circumstances which will include –

- Whether the inability to meet the Council Tax liability could be alleviated in another manner, such as the award of a statutory discount, alternative payment arrangements or by pursuing other avenues of financial assistance
- The personal circumstances of the applicant, their partner and other members of the household

- The income and expenditure of the applicant, their partner and household members
- All financial circumstances of the household, for instance, any savings or capital which could be used to finance the Council Tax liability
- Whether the applicant's expenditure includes avoidable expenses which, in some circumstances, may be considered luxuries or lifestyle choices, or that could be reduced to enable the applicant to pay their Council Tax
- For tax payers with a joint liability, the circumstances and financial standing of other liable parties and their households.

This list is not exhaustive and all other relevant factors and circumstances will be considered during the decision making process. That is, all decisions will be assessed on the particular merits of the application.

The general starting point for considering an award will be an income and expenditure calculation but this may not always be appropriate. In order to ensure that decisions are reasonable and proportionate, it may be more appropriate to consider the applicants personal circumstances first and consider why they have requested a discretionary reduction.

Decision Making

The Revenues Manager will determine the facts of the case, and will confirm whether all applicable discounts, exemptions or Council Tax reduction have been awarded, and, where appropriate, that other avenues of recovery action have been explored.

The Revenues and Benefits Manager will consider the case and decide whether the Council Tax should be reduced.

Decision notification

When a decision has been made, the applicant will be notified in writing of the outcome of their application. The decision will include a statement outlining the reasons for the decision, and what factors have been taken into account when making the decision.

Reconsideration of the discretionary reduction decision

If the applicant(s) disagree with a decision they may request that their application is reconsidered. Any request for reconsideration must be made within one calendar month of the original decision letter being issued. All applications for reconsideration must be made in writing or via email and must outline the reasons the applicant is disputing the decision.

The reconsideration application will then be considered by the Revenues and Benefits Manager who has unfettered discretion to affirm or rescind the original decision or part thereof. If the decision remains unchanged the case will be passed to the Head of Finance and Governance for consideration. This reconsidered decision will be final. The applicant will be notified in writing of the outcome of the reconsideration and the reasons for the decision.

Appeal against the Council's decision to the Valuation Tribunal

If, after receiving the reconsideration decision from the Council, an applicant still disputes a decision, they can appeal to a Valuation Tribunal.

The Valuation Tribunal for England is an independent body which adjudicates on disputes between taxpayers and the Council.

Appeals must be made directly to the Valuation Tribunal.

Decision Recording

A record will be kept of all decisions made.

Amount and period of reduction

The amount of reduction awarded is at the discretion of the Council with the maximum award being 100% of the tax payer's net liability after exemptions, discounts, reductions and support have been applied.

All the applicant's personal circumstances, not just financial, will be taken into account when considering the period of the reduction and the amount awarded. The decision maker will also consider the consequences of not making an award.

Start date of reduction

Awards under the discretionary reduction scheme will usually start from the date the Council receives the application form but, but after taking all circumstances into account, the award may be backdated to an earlier date if considered appropriate. For instance, if an applicant could not make a claim immediately due to physical or mental ill health or due to other circumstances beyond their control.

The decision maker will consider the applicants circumstances objectively and award the reduction from an earlier date than the application was received if appropriate.

When an application has been considered and a decision made, it may be applicable to signpost the applicant to free sources of independent money and debt advice.

Subsequent further applications

Applicants may make further applications for a discretionary reduction under this scheme if their circumstances change and their previous application was refused.

A reduction under this discretionary scheme does not necessarily mean that a further award will be made at a later date.

The Council may be less likely to make a second or further award if the applicant is unable to demonstrate that they have attempted to improve their circumstances. But in any event, all factors as outlined in the application will be taken into account.

Overpaid discretionary reductions

Where a reduction has been given and this is later found to be too high, this will generally be recovered from the applicant's Council Tax account, thus increasing the amount of Council Tax that is due and payable.

The reduction given may have been too high because of:

- Administrative error by the Council.
- As a result of false, inaccurate, incomplete or misleading information provided to the Council by the applicant or by another person on the applicant's behalf or at their request.

**CHICHESTER DISTRICT COUNCIL
COMMUNITIES TEAM**

**COUNCIL TAX REDUCTION SCHEME
SURVEY 2015**

**CONSULTATION ANALYSIS REPORT
OCTOBER 2015**

Executive Summary

The annual survey about proposed changes to the Council Tax Reduction (CTR) scheme was issued online from mid-August until early October 2015 (6 weeks). The survey received 54 responses, a decrease from the 75 responses received last year.

The majority of survey respondents (66%) said they pay Council Tax to CDC and do not receive CTR. Smaller numbers of responses were received from those who do claim CTR and the owners of second homes or empty properties in Chichester District. There were more male than female respondents and most responses came from those aged over 55.

Council Tax Reduction

Agreement with keeping the same level of CTR for customers for another year seems to have increased since 2014. Overall, agreement with this proposal has risen from 52.7% in 2014, to 62.9% this year. Agreement with uprating allowances in line with DWP figures has also increased a little this year. 60.3% of respondents in 2014 agreed with this proposal compared to 61.1% this year. Neutrality has fallen by 5.1% while disagreement has decreased slightly (6.8% in 2014, falling to 5.6% in 2015).

Open comments suggest some respondents recognise that there is a struggle to achieve a balance between protecting the most vulnerable and low-income households and ensuring the system is fair for everyone.

Introduction

From 1 April 2013 councils have been able to create their own local council tax reduction schemes (formerly council tax benefit) and set their own levels of discount on some empty properties and second homes. Following a public consultation in 2012, we introduced a council tax reduction (CTR) scheme in April 2013 and, at the same time, changed the level of discounts available on some empty properties and second homes. We made some further changes to the CTR scheme in 2014 but for 2015 it remained basically unchanged. Since April 2013, local authorities have also had the power to charge up to an additional 50% council tax on properties that have been empty and unfurnished for 2 years or more.

Successful public consultations have been conducted to inform production of the Council Tax Reduction (CTR) scheme for 2013/14, 2014/15 and 2015/16. To inform the production of the scheme for 2016/2017, the Corporate Information Team was asked to conduct a similar exercise in September 2015.

Chichester District Council (CDC) proposed to keep the same level of reduction for customers in 2016/17, meaning that the level of support received by those currently claiming CTR will not change.

Methodology

An electronic survey was deemed the best way to identify potential participants. This was accessible through the CDC website and advertised on the news section of the front page. The survey was available online from Thursday 20th August until Thursday 1 October – a period of 6 weeks. Paper copies were to be made available to those who requested them but no requests were received.

A total of 54 responses were received all via the online questionnaire. This is a decrease from the 75 responses in 2014, which may have been caused by the CTR Scheme remaining basically unchanged from the previous year.

This report presents and analyses the results of each survey question. Where percentages do not add up to 100%, this is because respondents could select more than one answer. Agreement and disagreement figures quoted include all those who indicated they 'agreed/strongly agreed' or 'disagreed/strongly disagreed' with a particular proposal. Where quotes are given, these are answers to questions where respondents could free-type their answers. Invalid comments that are not reported could include 'No', 'Nothing' etc. or could be a repeated comment from an earlier question e.g. 'as above'. Reports giving all responses to these questions are available on request from the Corporate Information Team.

Respondent Profile

The survey asked respondents about their current situation concerning Council Tax. The table below shows responses to this question:

Council Tax Circumstances	Number of respondents	% respondents
Do not pay Council Tax to CDC	6	11.3%
Pay Council Tax to CDC and receive CTR	7	13.2%
Pay Council Tax to CDC and do not receive CTR	35	66%
Landlord of property/properties in Chichester District	7	13.2%
Owner of a second home in Chichester District	2	3.8%
Owner of an empty property in Chichester District	6	11.3%

Two thirds of survey respondents (66%) said they pay Council Tax to CDC and do not receive CTR. 13.2% pay Council Tax to CDC and do receive CTR and a further 11.3% said they were owners of empty properties in Chichester District.

94.5% of survey respondents said they were responding as individuals. 3 responses (5.5%) were received from those representing organisations working in Chichester District:

- Coastal West Sussex Mind
- Chichester District Food Bank

One of those 3 respondents did not disclose the name of their organisation and no responses were received from local businesses, parish/town councils or residents associations.

Respondents were asked to provide their postcode, or that of their organisation, if they lived or were based in Chichester District. 43 postcodes were given. Most of these came from the PO19 and PO18 postcode areas; together, these accounted for 67.4% of the postcodes given. Small numbers of responses were also received from the GU28, GU29, PO10, PO20 and RH20 postcode areas. Compared to each postcode area's proportion of the total postcodes in the District, the PO19 and PO18 areas are overrepresented for this survey. All other areas are underrepresented.

51.9% of respondents were male, 38.5% were female and 9.6% preferred not to say. According to the 2011 Census, the District population is 47.8% male and 52.2% female. It appears that women are slightly underrepresented in this survey. However, this will have been skewed by the higher than usual proportion of respondents choosing not to give their gender (9.6%). Only 1.7% of respondents to the 2013 Council Tax survey used this option.

The table below shows the number and percentage of responses received from each age group:

Age Group	Number of respondents	% of respondents
Under 16	0	0%
16 – 24	2	3.8%
25 – 34	4	7.5%
35 – 44	3	5.7%

Age Group	Number of respondents	% of respondents
45 – 54	13	24.5%
55 – 64	13	24.5%
65+	14	26.4%
Prefer not to say	4	7.5%

Most respondents were over the age of 55, with no responses received from the youngest age group, but this is a similar trend seen in previous Council Tax surveys. Responses from those aged 25 – 44 made up a smaller proportion of respondents this year than last year.

The vast majority of respondents (88.7%) said their ethnic group was ‘White – English / Welsh / Scottish / Northern Irish / British’ – this is a slightly higher percentage than last year, when 86.5% of respondents put themselves in this ethnic group. The proportion of respondents who chose not to give their ethnic group dropped significantly from 9.5% in 2014 to 3.8% this year. According to the 2011 Census, 93% of the District’s population is ‘White – English / Welsh / Scottish / Northern Irish / British’. 2 responses (3.8%) were received from ‘White - Irish’, 1 from ‘Any other White background’ and 1 from ‘Any other Asian background’.

49% of respondents gave their religion as ‘Christian (including Church of England, Catholic, Protestant and all other Christian denominations)’. This is lower than the figure of 56.8% from the 2014 survey. This year, 20.4% of respondents preferred not to give their religion (18.9% in 2014) and 28.6% said they had ‘No religion’ (23% in 2014). 1 response was received from someone who said they were Buddhist.

Around three quarters (75.5%) of respondents said they had no long-term illness, health problem or disability. 17% said they had and 7.5% preferred not to say. The proportion of respondents with a long-term illness, health problem or disability was higher this year than it was for the 2014 survey (10.8%).

Finally, respondents were asked if there was anything else about themselves that we would need to know to better understand their answers. There were **3** valid responses to this question. **1** respondent is the immediate carer of his 83 year old wife, **1** had to move into a care home using their own money due to poor health and **1** is a disabled pensioner who said their pension is not enough to cover their expenditure.

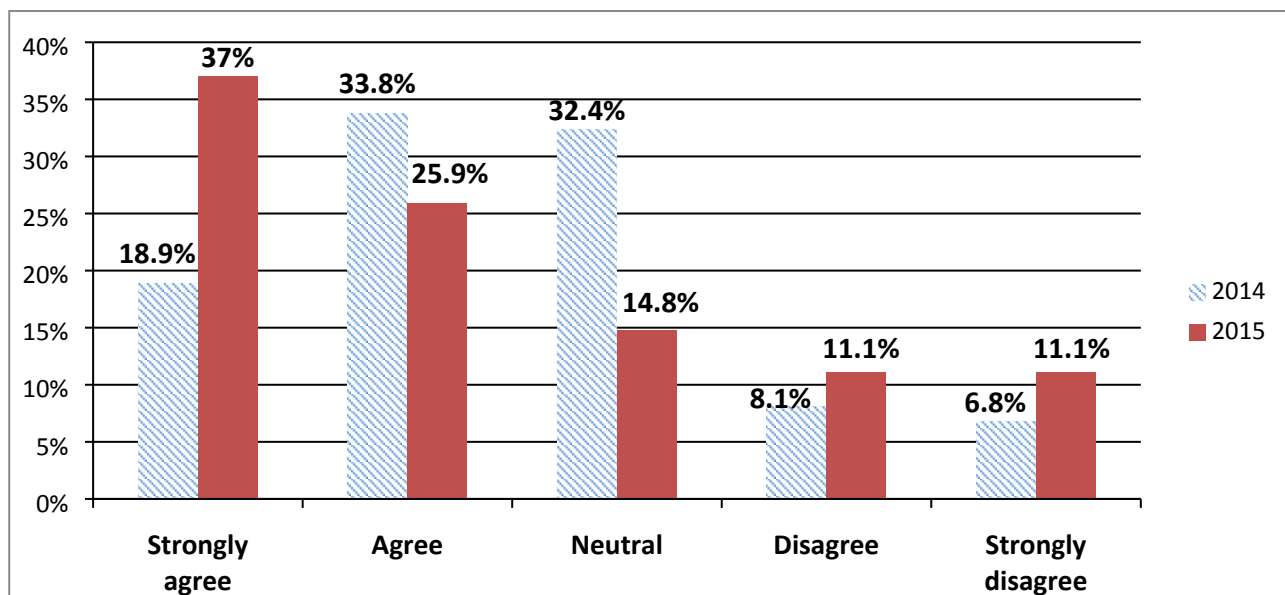
Due to the small numbers of respondents in some groups, not all the characteristics of a respondent will be used to analyse their responses to other questions. Where relevant, this report will include analysis by:

- Council Tax circumstances
- Gender
- Age group

Results – The Council Tax Reduction Scheme

The Council intends to keep the same level of Council Tax Reduction for its customers in 2016/17 as they receive this year. How far do you agree or disagree with this aim?

The graph below shows responses to this question, compared to responses to the same question in the 2014 survey that asked about the 2015/16 CTR scheme:



Agreement with keeping the same level of CTR for customers for another year has risen since 2014. Overall, 52.7% of respondents agreed or strongly agreed with this principle in 2014, compared to 62.9% this year. Neutrality decreased and disagreement increased slightly with this proposal in 2015.

Generally, agreement tended to be higher among older respondents (over 55). However, those aged 55-64 were also the most likely to disagree. Respondents who said they did not currently receive CTR were overall the most likely to agree with this principle (57.2%). Agreement was lower among those who own empty homes (50%), have second homes (50%) or are landlords (28.6%). Landlords were the most likely to be neutral to this proposal (28.6%) while the disagreement figures for landlords, owners of second homes and empty properties were all around 50%.

Those who disagreed with this principle were asked why and **14** respondents made comments in response to this. **5** respondents said that owners of empty properties should not have to pay council tax. **4** respondents said that council tax to be paid should reflect how much the council's services are used, so owners of a second home would pay less on that property. **3** respondents said that the CTR Scheme does not effectively support those on a low income and **2** respondents felt that local services would suffer if the CTR Scheme continued as it is.

The remaining comments showed some polarisation of views about Council Tax issues including empty homes:

'Why should you pay council tax on an empty property and you are not using any of its services. It took me 18 months to clear out my Father's house and we are now at the decorating stage yet I pay council tax! All wrong'

'Council tax reduction scheme does not support those on a low income. There is no discretionary pot, no overlap so if a person on a low income moves they are charged for two properties. There could be significant changes made to help support those on a low income.'

And the issue of CTR in general:

'Costs are rising and need to be capped to maintain other services'

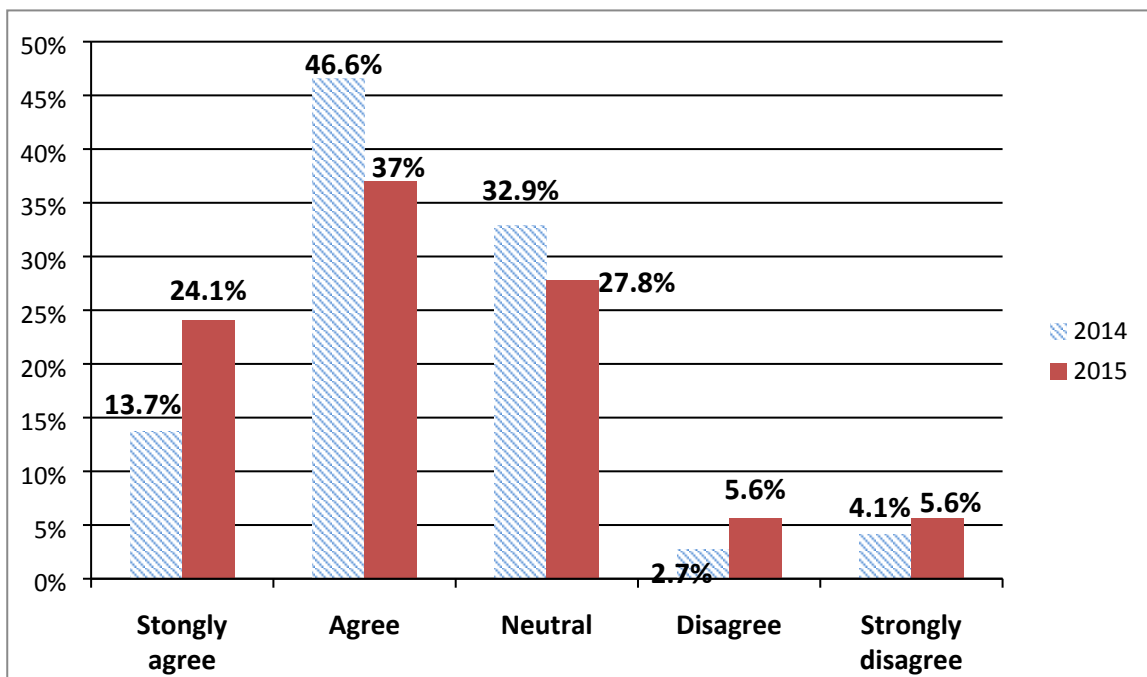
'Everyone should pay something as it covers services everyone uses, i.e. bin collections'

'Everyone should contribute to the services they use, even if it's just 50p a week'

'We are renting privately and I am only a carer and don't get paid that much'

How far do you agree or disagree that we should uprate allowances and deductions in line with the DWP¹ annual uprating figures when calculating Council Tax Reduction?

The graph below shows responses to this question, compared to responses to the same question in the 2014 survey:



Agreement with uprating allowances in line with DWP figures has risen a little this year. 6 in 10 respondents (60.3%) in 2014 agreed with this proposal compared to 61.1% this year. Neutrality has fallen while disagreement has increased (6.8% in 2014, rising to 11.2% in 2015). Disagreement was slightly higher (14.8%) among male respondents, while 42.8% of those over 65 agreed with this proposal. Agreement with this proposal was significantly lower (28.3%) among current claimants of CTR.

Those who disagreed with this proposal were asked why and there were just 2 valid comments in response to this; too few to categorise so they are quoted in full below:

'Other facilities need funding'

'Same reason as previously given, if they can't afford to live here then leave the district'

¹ Department for Work and Pensions
Corporate Information Team
October 2015

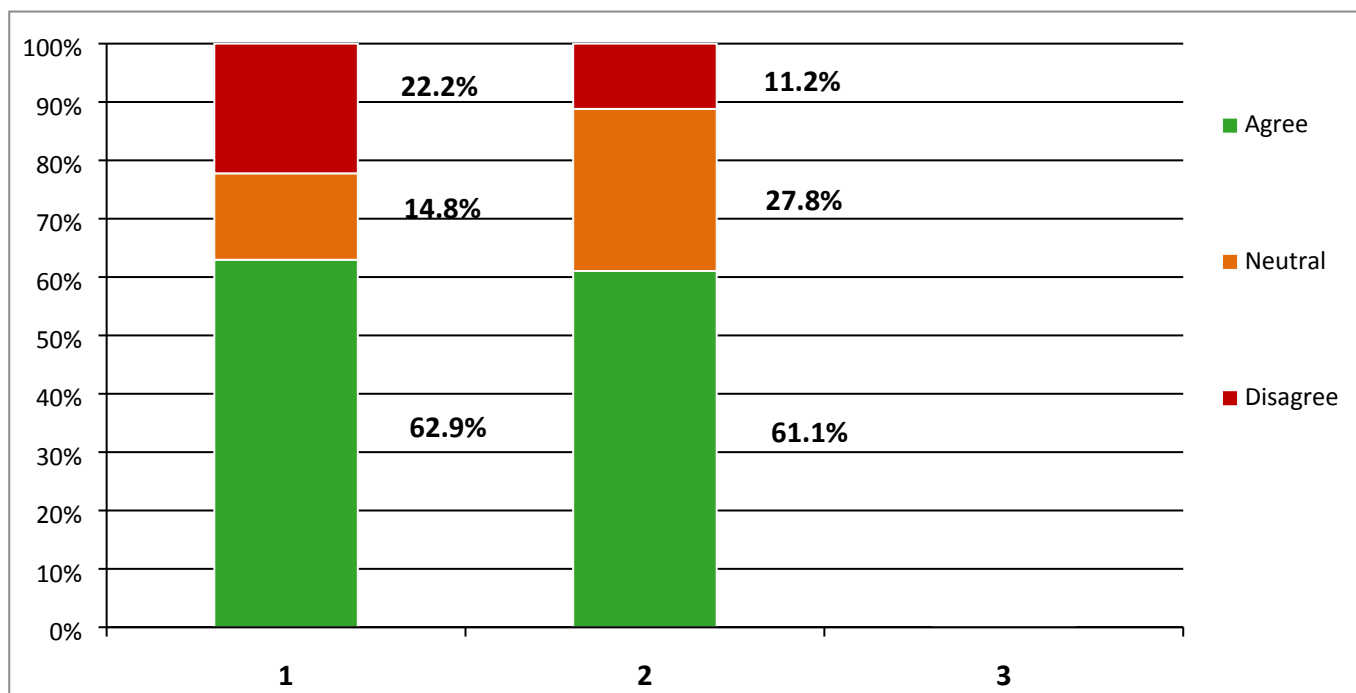
Is there anything we haven't considered or any further comments you would like to make about the Council Tax Reduction scheme for 2016/17?

□ There were **6** valid comments in response to this. **5** respondents said that the CTR Scheme should support those most in need (those on a low income, pensioners, people with disabilities etc.) and **1** respondent said that there should be a discount for those with second homes.

Conclusions

The graph and table below show each of the proposals from the CTR Draft Scheme and the level of agreement and disagreement with each, according to responses to this survey.

Column Number	Proposal
1	Keep the same level of CTR for customers in 2016/17 as they currently receive.
2	Uprate allowances and deductions in line with the Department for Work and Pensions annual uprating figures when calculating Council Tax Reduction.



Generally, agreement with the 2 proposals for CTR has risen since last year. Disagreement with both proposals has also increased, although neutrality has fallen significantly regarding the proposal to keep the same level of council tax for its customers. Neutrality also decreased regarding the proposal to uprate allowances and deductions in line with the DWP figures, but only slightly.

Empty properties that are undergoing structural alterations can already claim a Council Tax exemption for up to 12 months. However, completely exempting a property from an empty homes premium on the grounds that the owner is making reasonable efforts to sell but has not been able to would be far more complex.

Unlike the results from the 2014 survey, people's responses did not seem to relate to their own Council Tax circumstances; current CTR claimants were generally less likely to support both proposals and those who do not receive CTR were the most likely to agree with the proposal

to keep the same level of CTR for 2016/17. However, since the majority of respondents were council tax payers who do not receive CTR, their responses have most influence over the agreement/disagreement figures reported above.

There was a fairly low response from current claimants of CTR. This could be reflective of the technical nature of the proposals concerning CTR and/or the fact that the survey specifically stated that CDC aims to keep levels of CTR the same for claimants for another year.

To increase response rates, further consultation exercises could be made clearer and more accessible to potential respondents using Plain English and summaries of longer, more complex documents. However, it should be recognised that calculation of CTR is a complex process and the terms used in published information are sometimes subject to technical and legal requirements.

Chichester District Council

CABINET

3 November 2015

Future Funding for the Community Warden Service

1. Contacts

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2. Recommendation

- 2.1. That Cabinet agrees to continue to fund 50% of the Community Warden Service for 3 years (as set out in para 7 below) subject to external match funding being secured by partners.**
- 2.2. That Cabinet agrees to continue to fund 100% of the Senior Community Warden post for 3 years (as set out in para 7 below), subject to a review should more than one warden patrol fail to be funded.**

3. Background

- 3.1. The Chichester District Community Warden Service has been in operation since 2005 and currently consists of seven Community Wardens and one Senior Community Warden. They are based and operate in the wards of Chichester East, West, South (part); Selsey North and South; Tangmere and Oving; plus East and West Wittering. The service operates on a partnership basis funded by various local partners. Chichester District Council (CDC) hosts the Service and contributes 50% of the service costs and 100% of the supervisor costs. A Steering Group of all partners provides strategic direction and oversight.
- 3.2. During 2012/13 it was identified that the service had become underfunded and a fundamental review into the sustainability of the service was conducted. This review concluded that the service would become reliant on its reserves unless changes were made. Cabinet at their meeting 2 October 2012 resolved to fund each existing warden patrol to a maximum of 50% for 3 years subject to external match funding being secured in each area; where sufficient partner funding and commitment was not secured the local service was to be withdrawn; partners were responsible for generating the match funding and CDC agreed to fund 100% of the Senior Community Warden post for 3 years subject to review should more than one warden patrol fail to be funded.
- 3.3. During 2013/14 negotiations were held with funding partners and agreement was secured to uplift their contributions to ensure 50% of each community warden post was met for 2014-16.

4. Outcomes to be achieved

- 4.1 The Community Warden Service contributes to the corporate priority to “Support our communities”. They provide support to communities and individuals who are vulnerable and are integral to the Think Family project. They help people in their areas feel safe by supporting Sussex Police to reduce crime and anti-social behaviour in their areas. They regularly pass on community intelligence to Sussex Police in relation to a variety of issues which the public are unwilling to report directly. This comment from the public survey supports this outcome “the wardens have created a feeling of safety throughout the community”. They also deliver and support activities that help our communities to be healthy and active linking in with Wellbeing and Sport and Leisure Services.

5. Proposal

- 5.1. The Community Warden Service has been in operation ten years and is very much embedded into the communities in which it operates. The survey highlighted concerns about higher levels of crime and disorder and gaps in community cohesion if the Service didn't exist.
- 5.2. Cabinet is recommended to approve the CDC commitment to the Community Warden service, approve its 50% of the service funding at £123,641 per annum together with 100% of the Senior Warden funding at £40,622 per annum for 3 years. All expenditure is contained within the base revenue budget.

6. Alternatives that have been considered

- 6.1. There is an option to have no Community Service however, the fundamental funding review conducted in 2012/13 explored a range of options, identified savings which were achieved and staff redeployments have been implemented.

7. Resource and legal implications

- 7.1. The projected total annual cost for 2016/17 (excluding the Senior Warden salary paid by CDC) is £247,282. This is based on a cost per warden of £35,326 which, on a 50/50 basis, requires a partner contribution per community warden of £17,663. Therefore a total partner contribution of £123,641 is required. From the discussions held to date it is expected that this sum will be achieved with the majority of partners incorporating Community Warden funding into their precept or annual budgets. CDC's proportion of the community warden expenditure and the senior warden's salary is already included within the base revenue budget.
- 7.2. In addition there are some management overheads of the Service which are absorbed in existing management roles but this ensures that CDC benefits from the outcomes of the scheme.
- 7.3. A Memorandum of Understanding has been signed by partners to confirm their commitment and set out mutual expectations.

8. Consultation

- 8.1. On line Surveys were undertaken via Chichester District Councils website in September 2015 for both partners and the public to seek their views on the Community Warden Service and to find out how the Service is valued, if it's operating in the right places and gives value for money (see Appendices 1 and 2). There were 96 responses in total, 33 from partners and 63 from the public.
- 8.2 Partners felt the Community Warden Service was valuable (84%), in the right places (71%), demonstrated value for money (78%) and over 50% of partners rated it 9 out of 10. Over 70% of the public felt the Community Warden had been very effective in the way they had dealt with their issue and over 56% rated the Community Wardens 10 out of 10.
- 8.3 Over 65% of partners and 74% of the public felt the Community Wardens should be given enforcement powers. It is proposed that the Steering Group explore this more thoroughly and determine the cost, benefits and implications. A paper would be brought to Cabinet at a later date with all the options laid out.

9. Community impact and corporate risks

- 9.1. The corporate risk remains the partial or total withdrawal of funding by one or more partner(s) where no replacement funding can be found which makes one or more warden posts financially unviable. This risk is mitigated by partner agreements to fund for a specified period and to provide a significant notice of withdrawal of funding. The service also holds a reserve to cover salaries for the period of notice and redundancy costs.
- 9.2. Since their inception Community Wardens have dealt with over 36,000 incidents, 23% have related to crime and anti-social behaviour, 29% to environmental issues and 23% to public safety. This reflects the steady reduction in crime in the Community Warden areas and the community and environmental demands which are placed on the Community Warden Service currently. In 2014 Sussex Police saw a reduction in reports of environmental crime across Chichester District whereas the Community Wardens saw an increase of 6% for environmental incidents which suggests the public are reporting these issues to the Community Wardens rather than the Police.
- 9.3. Community Wardens provide a very visible presence in their areas which offers reassurance to those communities and access to support and advice when needed. Sussex Police are currently consulting on the role of the Police Community Support Officer (PCSO) and it is highly likely they will no longer provide a patrolling presence which could leave communities feeling exposed
- 9.4. If funding for the Community Warden Service is not secured the areas in which they currently operate could be further exposed to crime and anti-social behaviour, vulnerable individuals may not be identified and opportunities to refer for support missed. Demand on other CDC services could increase resulting in additional financial cost to CDC.

10. Other Implications

Crime & Disorder: The Community Warden Service has a positive reduction influence of crime and disorder through patrol and prevention education.

Climate Change: Positive impact through recycling schemes and monitoring fly tipping for dangerous waste.
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Human Rights and Equality Impact: Positive impact in supporting vulnerable people.

Safeguarding: Positive impact in identification and referral of issues.
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11. Appendices

11.1 Community Warden Public Survey Report 2015

11.2 Community Warden Partner Survey Report 2015

12. Background Papers

12.1 None

Community Wardens Customer Feedback Survey – August/September 2015

Introduction

The Corporate Information team carried out a consultation project to find out what the service users think of the Community Warden Service. Another survey was carried out at the same time and aimed to find out the views of the partner organisations; a separate report has been compiled for these results.

Methodology

The survey was issued online and advertised on the news section of the Chichester District Council website as well as in person by the wardens themselves. This report presents and analyses the results of each survey question. If percentages do not add up to 100%, this is because respondents could select more than one answer.

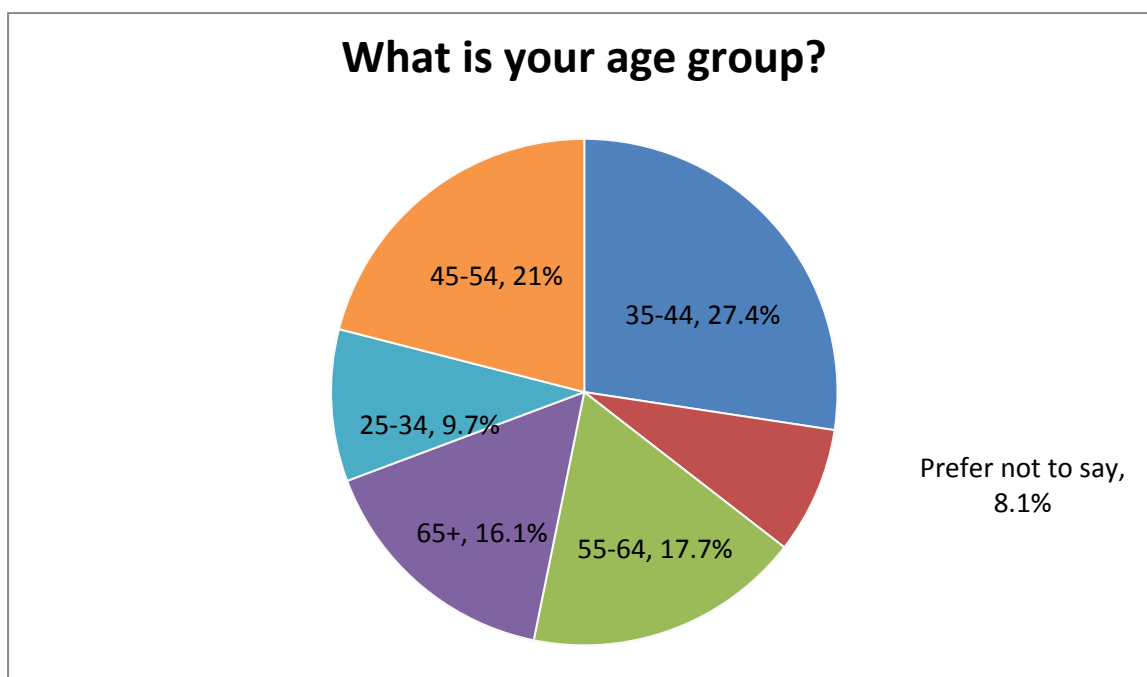
Agreement and disagreement figures quoted include all those who indicated that they 'agreed/strongly agreed' or 'disagreed/strongly disagreed' with a particular proposal. If quotes are given, these are answers to questions where respondents could free-type their answers. Invalid comments that are not reported could include 'No', 'Nothing' etc. or could be a repeated comment from an earlier question e.g. 'as above'.

Reports giving all responses to these questions are available on request from the Corporate Information Team.

Respondent Profile

There were a total of 63 responses to this survey, 72.6% were female, 24.2% were male and 3.2% did not disclose their gender.

The highest percentage of respondents (27.4%) were aged between 35 and 44, 21% were aged between 45 and 54, 17.7% were aged between 55 and 64, 16.1% were over 65, 9.7% were 25-34 and 8.1% did not disclose this information.



13.1% of respondents said they have a long-term illness, health problem or disability which limits their daily activities. 82% said they did not and 4.9% preferred not to say.

When asked if there was any additional information that might affect their opinions on the Community Wardens one respondent said their child has a disability and the wardens have helped to signpost them to other services.

General

100% of respondents said that they were aware of the Community Wardens service.

When asked what impact the wardens had made in their area over the last 10 years 84.7% (of the 59 respondents who answered this question) said that the wardens had had a positive impact, and the remaining 15.3% either said that they have never had any contact with the wardens or that they had no impact.

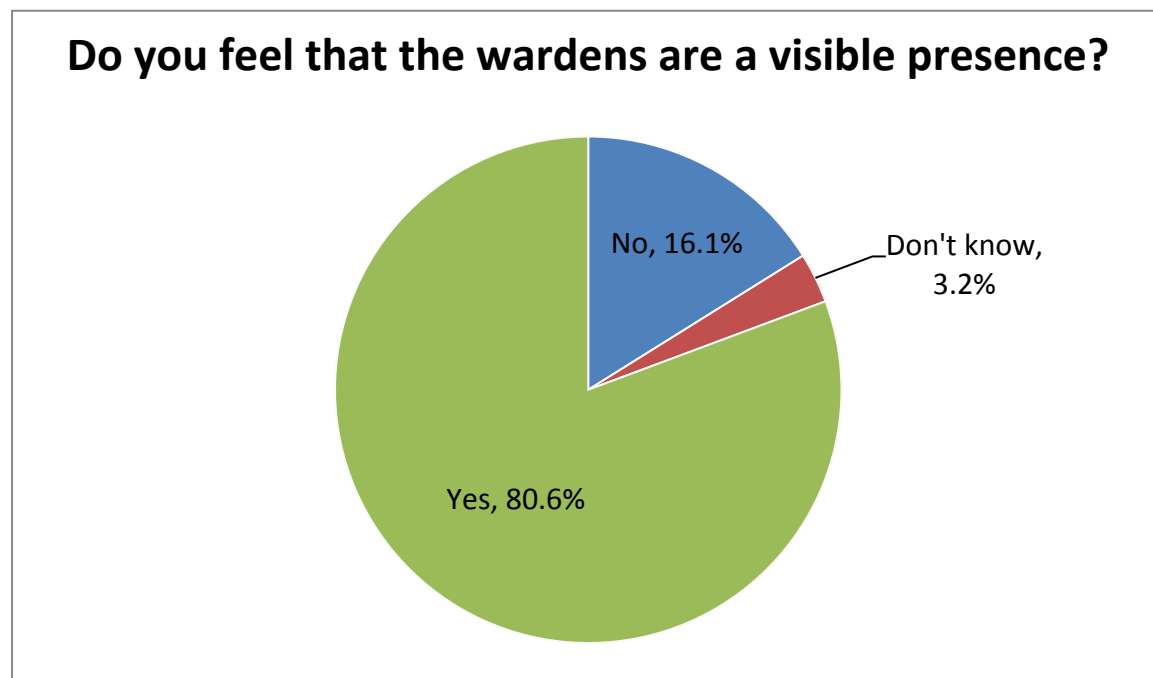
There were comments that the wardens are a good alternative to the police when reporting petty crimes, that they connect the community, reduce anti-social behaviour and their presence makes the area feel safer. Some quotes follow:

“They can resolve issues that do not warrant involving the police.”

“I have lived in Tangmere for 3 years, I think they have made a very positive impact. They are vital to the village, not just for ASB etc but also connecting the community together and helping those in need.”

“They have had an incredibly positive impact on the village over the past 10 years. Their contribution to our community cannot be underestimated.”

80.6% of respondents feel that the Community Wardens are a visible presence in their area. 16.1% disagreed and 3.2% said they didn't know.



Experience with Community Wardens

74.6% of respondents have contacted a community warden. When asked to give a brief description of the issue(s) or incident(s) raised with the wardens there were a few issues that were repeated among respondents:

- 51.1% reported issues regarding anti-social behaviour which includes drugs, property damage and theft
- 42.2% (of the 45 respondents who replied to this question) said they either had regular contact with the wardens or did not raise one specific issue
- 17.8% reported issues relating to litter, fly tipping and dog fouling
- 13.3% reported issues relating to the roads (e.g. cyclists, parking, potholes and anti-social driving)

When asked what made respondents choose to raise their issue with the community wardens rather than another local agency such as the police or housing association and a third (33.3%) said it was because they feel that the wardens are more connected to their area and have the local knowledge needed to respond to issues. 31.1% said that the community wardens are their first port of call instead of contacting the police about minor issues, in some cases respondents said that they

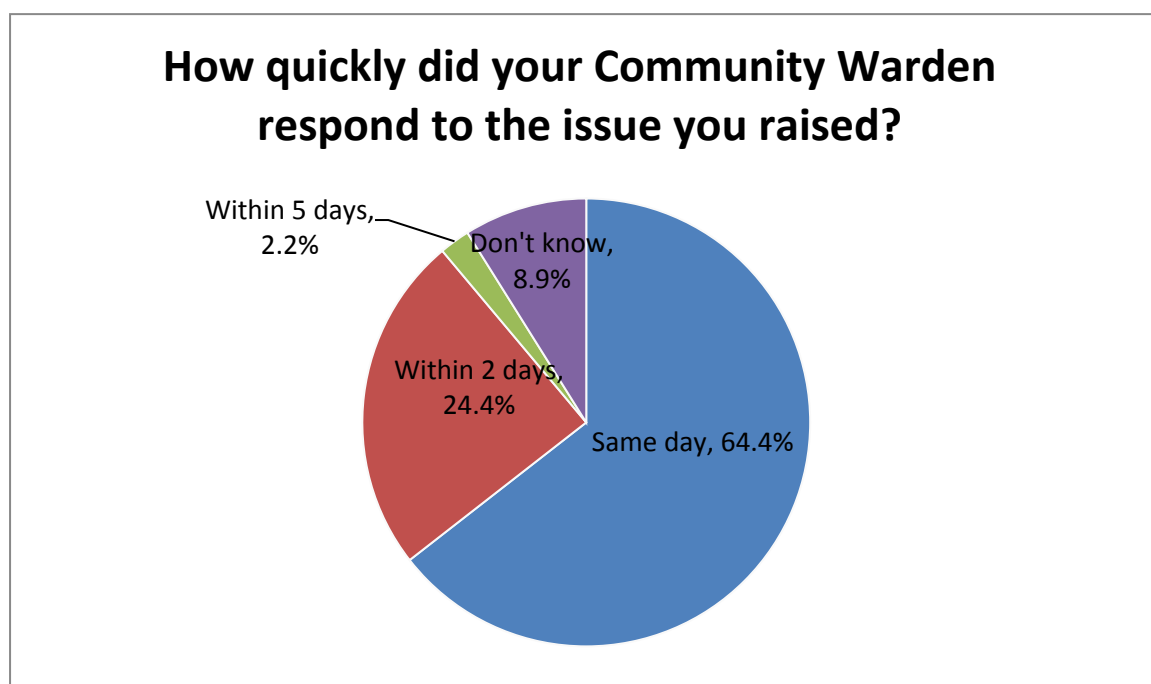
didn't know who else to contact. 28.9% said it was because the wardens are easily accessible and resolve the issue quickly and 4.4% said they heard about the Community Warden service in Initiatives magazine.

51.3% of issues were raised in 2015, 17.9% in 2014. 12.8% were raised over a number of years/occasions and a further 12.8% were raised in 2013 or before.

45.2% contacted their warden by phone, 26.2% by email and 28.6% in person. 5 respondents ticked other and said they had sent a text to the Community Wardens or contacted them via the police or Chichester District Council.

A quarter of respondents (25%) felt that it was easy to contact a warden and 68.2% found it very easy. 2.3% said it was neither difficult nor easy, 2.3% said they were unsure and a further 2.3% said they had difficulty contacting a Community Warden.

64.4% of respondents said that the community warden responded the same day, 24.4% had a response within 2 days, 2.2% within 5 days and 8.9% said they weren't sure.



When asked what method the warden used to respond to the issue 39.5% said, return phone call, 27.9% said home visit, 23.3% said email and 9.3% said there was no direct response but the issue was resolved.

68.9% of respondents said the wardens were very effective in dealing with their issue, 17.8% said effective, 4.4% said neither and 2.2% said not very effective. 6.7% were unsure.

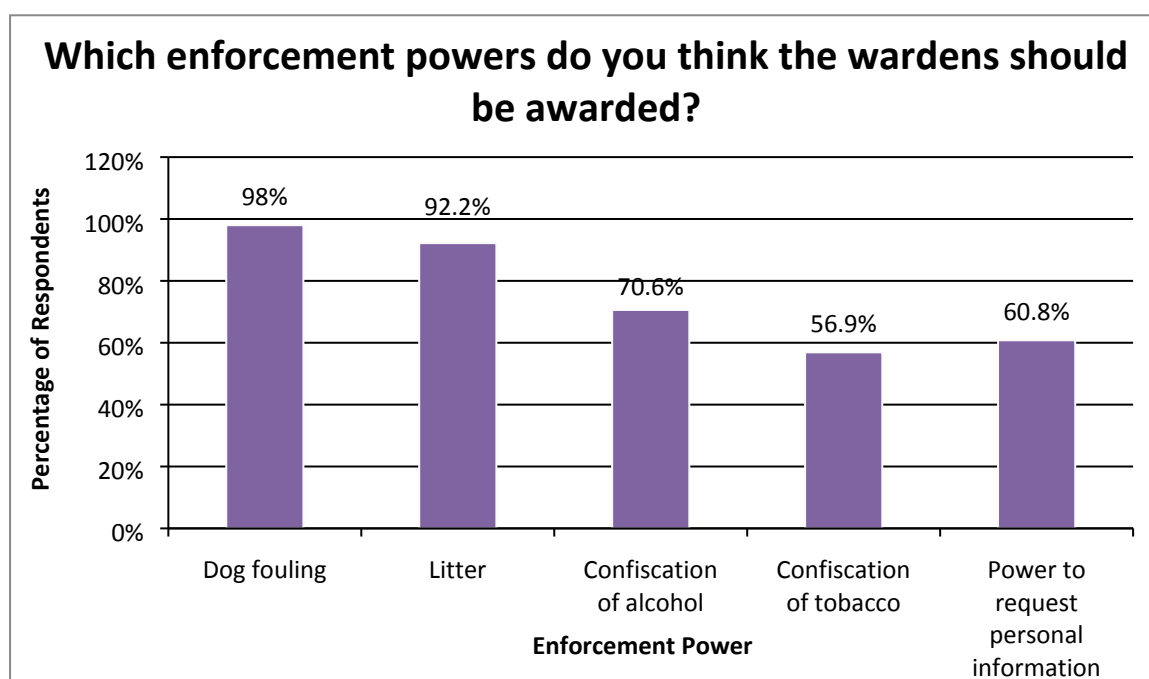
Do you find	Always	Most of	Not always	Never	No opinion
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the Community Wardens are...		the time			
Helpful	97.8% (45)	2.2% (1)	0% (0)	0% (0)	0% (0)
Friendly	93.2% (41)	6.8% (3)	0% (0)	0% (0)	0% (0)
Approachable	93.2% (41)	6.8% (3)	0% (0)	0% (0)	0% (0)
Courteous	97.7% (43)	2.3% (1)	0% (0)	0% (0)	0% (0)

Next Steps

77.4% of respondents feel that the Community Wardens should be awarded enforcement powers. 11.3% think they shouldn't and a further 11.3% were unsure.

Those who answered yes to the above were asked which enforcement powers they thought the wardens should be awarded. 98% said dog fouling, 92.2% said litter, 70.6% said confiscation of alcohol, 60.8% said the power to request personal information and 56.9% said confiscation of tobacco.



When asked what impact it would have if there was no warden service in their area 57.1% of respondents said that they don't like to call the police for minor issues/petty crimes and without the Community Wardens there would be an increase in crime/anti-social behaviour.

19.6% felt that the sense of community in their area would be lost, 14.3% said they didn't know or felt that there would be no impact. 8.9% said that without the wardens there would be no monitoring of ongoing issues, 5.4% said they would be unsure

who to call if there were no wardens available to help and 3.6% said that they would lose the signposting services that the wardens provide.

85.1% of respondents rated the effectiveness of the wardens a 7 or higher. When asked how much safer the wardens make their area 84.8% rated 7 or above. 84.5% of respondents rated the overall service a 7 or above. The table below details all the ratings.

	1	2	3	4	5	6	7	8	9	10
Effectiveness of Community Wardens	10%	3.3%	1.7%	0%	0%	0%	1.7%	16.7%	15%	51.7%
How much safer do the wardens make their area?	8.5%	5.1%	0%	0%	0%	1.7%	10.2%	13.6%	6.8%	54.2%
Overall rating of the warden service	10.3%	1.7%	1.7%	0%	0%	1.7%	5.2%	12.1%	10.3%	56.9%

38 respondents provided further comments about the warden service such as, the presence of the Community Wardens is reassuring (39.5% or 15), their work with young people is vital (23.7% or 9), they bring the community together (21% or 8), respondents would like to see the wardens in more areas (18.4% or 7), they are a good alternative to the police for minor issues or advice (7.9% or 3), they need a fixed office and more powers (5.3% or 2) and for people with mobility issues they can be difficult to contact (5.3% or 2).

Community Wardens Partner Feedback Survey – August/September 2015

Introduction

The Corporate Information team carried out a consultation project to find out what partner organisations think of the Community Warden Service. Another survey was carried out at the same time and aimed to find out the views of the service users; a separate report has been compiled for these results.

Methodology

The survey was issued online and the link made available to partner organisations via an email. This report presents and analyses the results of each survey question. If percentages do not add up to 100%, this is because respondents could select more than one answer.

Agreement and disagreement figures quoted include all those who indicated that they 'agreed/strongly agreed' or 'disagreed/strongly disagreed' with a particular proposal. If quotes are given, these are answers to questions where respondents could free-type their answers. Invalid comments that are not reported could include 'No', 'Nothing' etc. or could be a repeated comment from an earlier question e.g. 'as above'.

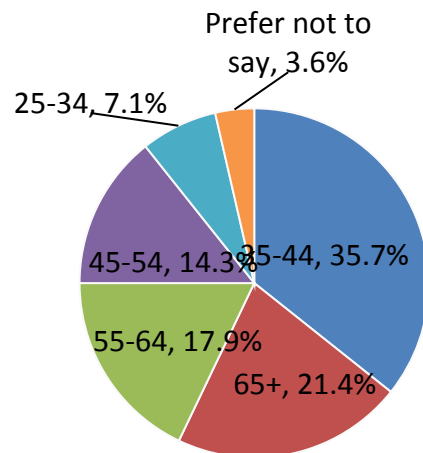
Reports giving all responses to these questions are available on request from the Corporate Information Team.

Respondent Profile

There were 32 responses to this survey, 63% were male and 37% were female.

The largest age group among respondents was 35-44 with 37.9% of respondents in this age range. 20.7% of respondents were over 65, 17.2% were aged between 55 and 64. 13.8% were 45-54, 6.9% were 25-34 and 3.4% preferred not to disclose their age.

What is your age group?

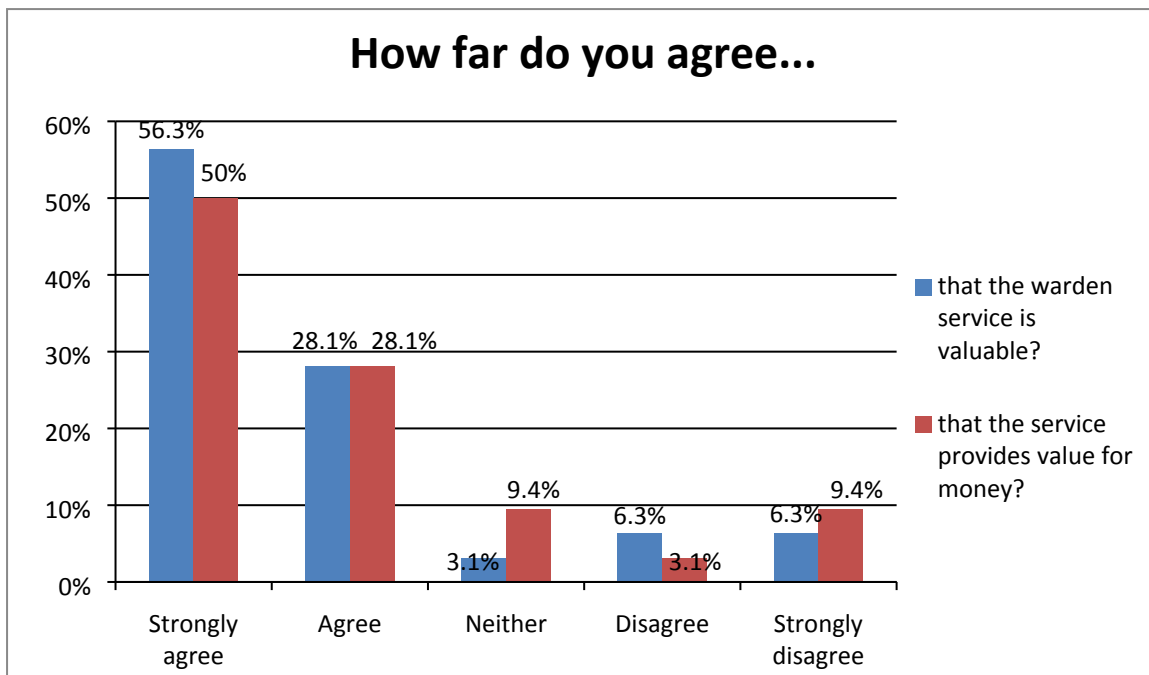


11.1% of respondents have a long-term illness, health problem or disability that limits their daily activities, 88.9% said they do not.

The Community Warden Service

84.4% of respondents either agree (28.1%) or strongly agree (56.3%) that the warden service is valuable. 3.1% said neither and 12.6% either disagreed (6.3%) or strongly disagreed (6.3%).

78.1% either agree (28.1%) or strongly agree (50%) that the warden service provides value for money. 9.4% said neither and 12.5% either disagreed (3.1%) or strongly disagreed (9.4%).



Respondents were asked whether they felt that the Community Wardens should be awarded enforcement powers. 65.6% of respondents felt that they should, 28.1% felt they shouldn't and 6.3% were unsure.

When asked what the impact would be if the warden service did not exist 55.6% of respondents said that losing the wardens, who act as an alternative to the police for minor issues, would lead to increased crime/anti-social behaviour. 44.4% said that social exclusion would increase and the cohesion of the community would break down. 18.5% said there would be no impact and 3.7% said they were unsure what the impact would be if the warden service did not exist.

71% of respondents feel that the Community Wardens are in the right areas, 12.9% said they are not and 16.1% said they were unsure.

Those who feel the wardens are not in the right areas were asked where they think they should be. 2 respondents suggested that the wardens should not be assigned to one area but move around the district to wherever the issues arise. One respondent said that the North of the district lacks a Community Warden presence and another respondent suggested that the wardens are currently in the right areas but there should be more wardens to cover additional areas.

Respondents were asked to rate the warden service in different areas on a scale of 1-10. 73.3% of respondents rated the effectiveness of the warden service a 7 or above. Over three quarters of respondents (76.7%) rated 7 or above regarding how much safer the wardens make their area. On a scale of 1-10 respondents rated how easy it is to contact a warden. Over three quarters (76.6%) rated this 7 or above. Respondents were finally asked to rate the overall service on a scale of 1-10 and 7 in 10 (70%) rated it 7 or higher.

The table below details all the ratings.

	1	2	3	4	5	6	7	8	9	10
Effectiveness of Community Warden Service	3.3%	6.7%	3.3%	0%	3.3%	10%	10%	20%	10%	33.3%
How much safer do the wardens make their area?	0%	10%	0%	3.3%	3.3%	6.7%	23.3%	16.7%	10%	26.7%
How easy is it to contact a warden?	0%	3.3%	0%	0%	6.7%	10%	20%	13.3%	10%	33.3%
Overall warden service	10%	3.3%	0%	0%	6.7%	10%	6.7%	13.3%	20%	30%

Further comments about the Community Warden service include: the need for the wardens to look more authoritative/be given more powers (28.6%), the wardens are helpful and effective (28.6%), there should be more wardens covering additional areas (21.4%), the wardens are important for community cohesion (21.4%), existing services could replace the wardens (14.3%). There were also a few individual comments e.g. the wardens need to be more involved in community events, and the wardens should have a static office/base.

Chichester District Council

CABINET

3 November 2015

West Sussex Families Strategic Plan 2020

1. Contacts

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2. Recommendation

- 2.1. That the adoption of the draft West Sussex Families Strategic Plan is agreed in principle.**
- 2.2. That the Head of Community Services be authorised, following consultation with the Portfolio Holder for Community Services, to formally adopt the plan, subject to changes as the plan is further consulted on and developed that do not have significant resource or other implications.**

3. Background

- 3.1. The West Sussex Families Strategic Plan (the Plan) (see Appendix) has a vision that “all children, young people and families in West Sussex will thrive and prosper”. West Sussex County Council (WSCC) recognises that no one organisation can achieve this vision alone. WSCC has therefore brought together partners in the Start of Life Partnership Board with the purpose of developing the Plan and overseeing its delivery.
- 3.2. The Plan sets out how the vision can be achieved by working together. Membership of the Partnership Board includes all West Sussex District and Borough Councils, the three West Sussex Clinical Commissioning Groups, Sussex Police, Fire and Rescue, third sector, private and independent sector service providers and the business community. The Start of Life Partnership will focus on preventing families reaching crisis point by intervening at the earliest opportunity to support families to help themselves.
- 3.3. The Plan builds on and integrates existing work and is intended to create a “strategic bridge that aligns activity and resource under one set of outcomes, one performance framework and one governance structure”. The Plan builds on The Early Help Action Plan 2014-17, adopted by Cabinet in February 2014, and the West Sussex Community Safety Agreement 2015-16 which the District Council has also previously approved. The Plan assumes shared organisational values and behaviours and partners are encouraged to be “bold and courageous, honest, value and trust in each other “and be “enabling and empowering”.

4. Outcomes to be achieved

4.1 The Plan has identified four outcomes that will enable children, young people and families to thrive and prosper. These are:

- Children and young people get the best start in life, they are physically and emotionally healthy
- Children and young people are safe and secure
- Families are resilient and able to access support when they need it
- Children and young people and families succeed in learning, work and life

4.2 To achieve these outcomes and ensure the correct data is in place, the Start of Life Partnership will bring together relevant managers across the Partnership area to align methods and share knowledge. They will be accountable for the delivery of the anticipated outcomes and establish an agreed set of performance indicators to enable all partners to monitor progress. These outcomes will support those included in District Council's Corporate Plan particularly around "supporting our Communities and vulnerable individuals" and "helping our Communities to be healthy and active". They will also implement a single "wellbeing measure" and develop a strategy that outlines how they will maximise participation and feedback from service users.

4.3. The District Council is already working towards the outcomes of the Plan through the Early Help and Think Family projects and the work of the Community Safety Partnership. Our Think Family keyworker has supported families to become more resilient, including getting back into employment, maintaining tenancies and young people re-engaging with education. Crime and anti-social behaviour has reduced in our Think Family Neighbourhood areas and communities are beginning to do more for themselves. The Start of Life Partnership Board has already established working groups and cross cutting themes. The intention is to create a learning County, that uses and shares knowledge to build individual and community resilience.

5. Proposal

5.1. It is therefore proposed that the District Council adopts the Plan in principle and commits to support the outcomes of the plan within the scope of existing resources, policies and ongoing work streams. The District Council will furthermore support the Start of Life Partnership Board with appropriate representation.

6. Alternatives that have been considered

6.1. The District Council could choose not to adopt the Plan. However, as it has already signed up to a number of supporting plans, to do so may be seen as a rejection of our commitment to those plans. The District Council could lose any influence over the cross cutting themes and lose opportunities to work collaboratively with partners and services. This could impact on our ability to deliver effective services, mean families not receiving the right support and increase demand on our reactive services and so add cost in the long term.

7. Resource and legal implications

- 7.1. The Plan refers to the potential for exploring the more effective use of resources e.g. by possibly pooling current budgets up to 2020 and redesigning processes so that services can be delivered more efficiently and opportunities available. This should minimise duplication of effort and identify local gaps in service provision. In turn this will enable the Plan to be delivered within existing resources but should this situation change a further report will be brought to Cabinet. Committing to the Plan should not result in greater demand on funding and resources but there would be an expectation to continue with our current level of commitment and consider the outcomes of the Plan, when reviewing our Corporate Plans, policies and procedures.

8. Consultation

- 8.1. WSCC consulted with service users both face to face and online to ensure that views of the parent, young person and child are reflected in the Plan and specifically those relating to early help, health and wellbeing, ready for school/work, housing and safeguarding.
- 8.2. Partner agencies, including the District Council, are being consulted via an online survey which runs from 7 October until 3 November. Feedback from Cabinet will be included in our response. There is an expectation that partners will be involved in further development and delivery of the Plan as it evolves. WSCC expects to have the Plan in operation by April 2016.

9. Community impact and corporate risks

- 9.1. The Plan aims to bring a number of existing plans together to support children, young people, families and communities in a coherent and collaborative way.
- 9.2. The corporate risk is associated with an increase in the level of expectation/demand above the commitment already established and resources available. However the Plan is in its early stages and as it evolves opportunities to pool resources, reduce demand and serve Chichester District families and communities more effectively will be investigated and implemented.

10. Other Implications

Crime & Disorder: The Plan implies a positive reduction in crime and anti-social behaviour.	Yes	
Climate Change:		No
Human Rights and Equality Impact: The Plan will have a positive impact in supporting our most vulnerable families and preventing families needing crisis support.	Yes	
Safeguarding: The Plan and Start of Life Partnership Board are accountable to the Local Children's Safeguarding Board and will have a positive impact on keeping children and families safe.	Yes	

11. Appendix

11.1. West Sussex Families Strategic Plan (Draft)

12. Background Papers

12.1 None

West Sussex Partnership Families Strategic Plan 2020

Foreword

(From West Sussex County Council, Lead Cabinet Member and chairs of West Sussex Safeguarding Children’s Board, Health and Wellbeing Board, Community Safety Board and Education and Skills Partnership Forum)

Welcome to the West Sussex Partnership Families Plan 2020. This plan is our statement of intent and ambition for how we will make a positive and significant difference to the lives of children, young people and families in West Sussex.

We started with a simple question: What is good about being a child, or young person growing up in West Sussex? From there we thought about the things we can do to make the biggest positive difference to those who need our help the most and sustain wellbeing for those who are doing well. We have done this through a partnership approach with families, young people, the wider children’s workforce and the sector leaders. Coproduction has underpinned this plan because addressing these issues is the responsibility of everyone who works with and cares about the children and young people of West Sussex.

We want to be very clear about what outcomes we’re aiming to achieve, the priorities we must address to do so, how we will work together and how we’ll measure our success. This Plan will help all of us to do that.

We strongly believe that everyone in West Sussex has a part to play, which is why the aspiration that ***all children, young people and families will thrive and prosper*** is at the heart of our Plan. If we all do what we can to ensure our children and young people are heard, involved and respected at home, at school, in their communities - wherever they are and whenever decisions affect them – it sends the right message about how important their welfare is to us and how important they are to our future.

Public value is at the heart of this Plan. We are facing some difficult times ahead in how we resource our ambitions. In line with our shared values we will be ambitious, bold, courageous and innovative in our thinking. We will value the diversity that the Partnership brings and trust each other. We will empower and enable the Partnership, including our communities, to make the difficult decisions with us. The challenges and solutions will be met as a Partnership.

So, our challenge to everyone reading this plan is to look at the four outcomes, 10 priorities¹, our wicked issues and look at how we propose to make further improvement and think about **your contribution** to making it happen. How will you play your part in changing a child or young person's life for the better and shaping the future of our county?

Our vision is that all children, young people and families in West Sussex will thrive and prosper.

Introduction

We want to make sure every child growing up in West Sussex has the best possible start in life. We know how important a child's experiences of growing up are, and how the home environment he or she lives in, and the family support he or she receives, have a huge influence on their outcomes in later life. We believe that by supporting children and their families in these valuable years we can promote positive, long-term impacts on their future health, wellbeing and achievements and encourage them to thrive and prosper in adulthood.

We know that in order to improve outcomes for children, young people and their families we will need to change the way we work with them, each other and our communities. No one organisation can achieve this alone and that is why we will need to work together, as a partnership to make this vision a reality. There are 185,100 children and young people under the age of 20 years making up 22.5% of the population of West Sussex². This Partnership includes the seven district and borough councils in West Sussex, the three Clinical Commissioning Groups, 371 schools, the Sussex Police, Fire and Rescue, third sector; private and independent sector providers, the business community and importantly our residents.

The accountability for this Plan sits with the Start of Life Partnership Board, with reporting lines into the West Sussex Safeguarding Children Board, Education and Skills Partnership Forum, Community Safety Board and the Health and Wellbeing Board and into partner agency governance boards.

As a partnership we focus on preventing situations in families reaching crisis point by intervening at the earliest opportunity. We also support families to help themselves, so that they are empowered to solve their own problems and have the strength to address the challenges they face. As one parent stated during our pre-consultation³:

¹ The priorities have arisen from our wicked issues and the areas identified in sector leaders summit held on 25th June 2015, the pre-consultation phase and Healthy Lifestyles survey and strategic needs analysis.

² For more detailed information about West Sussex see West Sussex Life. This is a report published every year, with the aim of providing a range of statistics and information about West Sussex <https://www.westsussex.gov.uk/about-the-council/information-and-data/reports/west-sussex-life/>

“Parents 4 Parents – people like us supporting people like us”

And another parent

“I set up a support group. It has over 160 members I run coffee mornings, nights out, play sessions and encourage organisations to come to the town to run training”

We need to further develop our role as facilitators, so that more of what we do enables families to make positive changes themselves that will ultimately make them stronger and more resilient.

Our **shared values** and behaviours will be embedded in all our services.

• **Ambitious, bold and courageous**

We are demanding of each other and ourselves, set high goals and are committed to thinking and behaving differently and innovatively to improve the quality of everything we do for children, young people and families in West Sussex.

• **Honesty**

We are honest, clear and straightforward in everything that we do.

• **Valuing and trusting each other**

We value difference and treat everyone with a fair and consistent approach.

• **Enabling and empowering**

We work alongside each other and our children, young people and families to build a thriving and prosperous West Sussex, where people feel they are supported to help themselves.

³ 1529 parents and young people were engaged in the pre-consultation phase for the West Sussex Partnership Families Plan in July 2015. Engagement was primarily via an on line survey, face-face with families access Children and Family Centres and young people’s focus groups.

The Families Plan builds on and integrates the strands of work that have been established within the Partnership to support children, young people and families to thrive and prosper. It therefore creates a strategic bridge that aligns activities and resources under one set of outcomes, one performance framework and one governance structure.

This plan builds on⁴:

- The Future West Sussex Plan
- The Early Help Action Plan 2014-2017
- Public Health Plan 2012-2017
- Health and Wellbeing Strategy (2015)
- Public Health in Schools Report (2015)
- Children looked after and care leavers strategy 2014-2017
- Health Inequalities Strategy 2012-2017
- A Policy Agreement for Education in West Sussex 2015
- West Sussex Community Safety Agreement 2015-16

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Outcomes

The partnership has identified four outcomes that we believe will enable our children, young people and families to thrive and prosper. These are:

- Children and young people get the best start in life, they are physically and emotionally healthy
- Children and young people are safe and secure
- Families are resilient and able to access support when they need it
- Children, young people and families succeed in learning, work and life

Our Focus

Most children, young people and families in West Sussex are thriving and succeeding, however, a significant number are not.

⁴ See Annex 1 for details

We are committed to focusing our energies and resources where we have not seen significant improvement in outcomes for the most vulnerable or marginalised children, young people, families and communities, or where a significant emergent issue has arisen. We call these our wicked issues. Our wicked issues are:

- 1132 (5.1%) young people aged 16-18 are not engaged in education employment or training (NEET) and 4,054 (15.4 %) have a destination listed as unknown (April 2015).
- 45% of Care Leavers are NEET & 13% destination unknown (April 2015).
- 57.6% of young people achieved 5 A*-C GCSEs (October 2014).
- 14% of Children looked after achieved 5 A*-C GCSEs (Oct 2014)
- 59% of children aged 4-5 achieved a good level of development and are ready for school (Oct 2014).
- 70% of 2 year olds eligible to access free childcare are registered with nurseries and children's centres (Oct 2014).
- An increase of hospital admissions as a result of self-harm for 10-25 year olds from 167 in 2013 to 616 in 2014.
- 648 are children in care with 419 (65%) aged 11-18 years old.
- We are working with 54 young people identified as being at medium or high risk of CSE in April 2015, but we believe this to be as much as ten-fold across the county, in line with other local authorities.

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Why are these indicators important?

We know that if our children and young people are to thrive and prosper, how well they do during their early years is critical. 41% of our children were not ready for school and as a consequence they are likely to experience greater challenges.

“There needs to be more help and opportunities for young families especially teenage mums and dads”⁵

We know that our most vulnerable young people do not successfully move into and stay in post 16 education or training and as a consequence they are less likely to be in work when they are an adult. With 42% of our children not achieving 5 A*-C GCSE's, their future prosperity is likely to be more limited. A less skilled workforce will also have an impact on the future economic growth of our county.

⁵ Quotes are taken from the pre-consultation survey

During the pre-consultation for the development of this Plan the over-riding concern for the 975 parents engaged through the Children and Family Centres was access to a range of employment opportunities (24%) with 40% of parents accessing the Findon Centre in Worthing registering this as their main concern.

“I feel more should be done to create to increase tourism and visitors to the area this would in turn increase job opportunities and local revenue”

In our online survey 60% of respondents felt that our education provision was good and 41% of childcare and nursery provision being good, whereas this fell to 11% (Education) and 12% (childcare and nursery provision) of responses from Children and Family Centres.

Through the online survey 28.9% of respondents said they felt they could get involved in their community, whereas only 6% identified this as part of the Children and Family centres consultation.

“We need community projects where everyone works together”

Our ambition is to ensure that there are good learning outcomes for all.

“A community-wide focus on improving learning and skills development”

Another ambition is to build a thriving and prosperous Young West Sussex enabling our young people to be successful and fully active members of our communities.

The teenage years are a time of great change. Inevitably this has an impact on the emotional health and wellbeing of young people. Whilst there is a shortage of good, up-to-date national data on young people’s emotional and mental health, we do know that half of all lifelong psychiatric disorders start by the age of 14 and three-quarters by the age of 24 . What is also known is that children’s mental health and wellbeing is an influencing factor in their cognitive development and in the longer term will impact on their ability to thrive in adulthood. A survey undertaken in West Sussex in 2014 identified that out of 3,500⁶ young people aged 14-15 years old surveyed, 28% reported they were regularly stressed and had low self -esteem. 72% percent of respondents would not seek advice or support from a member of staff at

⁶ See West Sussex Healthy Lifestyles Survey 2014 West Sussex County Council Public Health. 3500 young people were engaged from 19 secondary schools across West Sussex.

school if they were regularly depressed. 85% reported that bullying takes place at school, although only 39% of those being bullied reported it to someone at school. Only 15% of those being bullied said that reporting it to someone at school stopped it.

Attendance in school is good and improving in West Sussex, however, one in five respondents admitted to truancy during the past year. Truancy was shown to be connected to a range of factors, including the respect they felt they received from teachers, emotional wellbeing, bullying, family structure and experience with substance misuse. Three times as many respondents who had been bullied reported being regularly depressed than those who had not been bullied; twice as many were regularly stressed; nearly twice as many were regularly lonely and three times as many had low self-esteem. 43% percent of young people said that they did not think other people their age were kind and helpful. 72% felt as that teachers at school treated them with respect.

From the Healthy Lifestyles survey two in three girls and four in five boys did feel they could talk to their parents. Additionally, four in five respondents did feel they spent enough time with their parents. Relationships with parents were found to be closely linked to emotional wellbeing, with those not feeling they could talk to or spend enough time with their parents reporting lower wellbeing than others.

In our pre-consultation focus groups with young people we asked, "What would you like to see more of to improve wellbeing of young people?" Our young people answered:

- 1 : 1 support or counseling or support groups in schools
- Listening spaces
- Schools to be more understanding of young people's personal circumstances
- Student support, this is for all young people in school not just for those with behavioural needs or additional needs.

"Access to mental health services for young people without having to jump through hoops"

Our ambition is to ensure that our children, young people and families are thriving physically and emotionally.

We know that children and young people do most well when they live within families and communities. In the Healthy Lifestyles survey young people who lived with their birth parents were the least likely to have truanted in the past year (15%). Meanwhile, those living in 'other arrangements' (namely foster care, adoption, with other relatives or in any other arrangement) were nearly three times as likely to have truanted (43%). From the pre-consultation on line survey only 14% of respondents identified that it easy to access support when you needed it and 18% identified West Sussex as a safe place to be.

Our ambition is to provide holistic support at the earliest opportunity to prevent issues escalating.

“Young people need to know where to go for support and have someone they can speak to who they can trust and is reliable and will have time to listen to them”

“co-ordinated services, which are well advertised to all members of the community and accessible for all”

Our ambitions is also to safeguard our children and young people from harm.

“I love living in Littlehampton I feel that this area is a safe place to be for children with lots to do and that is always improving”.

After good job opportunities the second primary concern raised through our pre-consultation was “more affordable housing”. Only 3% of all respondents from the Children and Family Centres engaged in the pre-consultation survey and 14.2% from our online survey identified housing as reflecting what was ‘good’ about being a family in West Sussex. A key priority for the Partnership is supporting improved stability in housing with the ambition of reducing intentional homelessness, community resilience and placement stability, especially within families and kinship networks for our vulnerable children and young people

The priority areas arising out of the pre- consultation with sector leaders⁷, residents and young people mirror the common themes emerging across the key strategic plans for West Sussex. These are:

- Early Help
- Health and wellbeing
- Ready for school, ready for work
- Housing (quality and supply)
- Safeguarding

We want to be bold in how we realise our shared outcomes and fundamentally address our wicked issues. By mobilising the Partnership to deliver against one set of priority actions we will ensure that there is a holistic, integrated seamless offer to our children, young people and families. A clear offer that will be developed and delivered with communities, families, children and young people that we believe will enable us to improve outcomes and turn the curve enabling our children, young people and families to thrive and prosper, especially our most

⁷ Sector Leaders Summit held on June 25th 2015.

vulnerable children and young people. As corporate parents we will work across the partnership to ensure our children and young people in care and leaving care thrive and prosper, as every good parent would do. These priority actions will provide us with a clear county-wide commissioning strategy for our collective priorities.

DRAFT

Outcome 1: Children and young people get the best start in life, they are physically and emotionally health: Our focus will be on:

Priority 1. Conception- 2: improving the health and wellbeing of children and parents.

a) Developing a local offer

We know what or how we deliver services will need to be different in rural, urban and coastal areas. We will hold consultation meetings during 2016 with Children and Family Centres, nurseries, voluntary services, GP's and health services and local parents to identify what services can be delivered, where they are best delivered and who can deliver services.

b) Services will include health visiting, parenting and wellbeing programmes.

c) We will explore how we can provide better access to services, encourage parents to lead and deliver programmes with us, and look at how we use our buildings and workforce more effectively.

How will we know if we have made an impact?

We will measure our success by identifying how well children are developing at age 2 and the number of our children as being ready for school at 4-5 years old.

Priority 2. Emotional wellbeing and mental health services

a) We will develop a local offer – that meets the needs of local children, young people and at how services can be accessed easily.

So we will look at what services are needed and where they can be delivered – this might be, for example, in schools or GP surgeries.

b) We will develop a new approach to ensure that our most vulnerable children, young people and parents receive specialist support quickly.

Our focus will be to support

- New mothers, including our teenage parents.
- Young people at risk of child sexual exploitation, radicalization, female genital mutilation
- Children and young people who are bullied
- Children and young people who are subject to neglect and abuse

But we also will be looking at how we build resilience to prevent issues arising and to prevent young people making poor choices

We will pilot activity in different parts of the county to see what works. More details about the pilots will be published in local centres.

How will we know we have made a difference?

We will know we have made a difference if we see a reduction in the numbers of parents, children and young people requiring support from mental health services. We will also see a reduction in self-harm, alcohol and drug use, obesity and sexual exploitation

Priority 3. Integrating health pathways for children and young people with physical disabilities

We will make sure that our care pathways make sense to our children, young people and families as well as health and care professionals, this includes when our children move into adult services. We will look outside the care pathway and explore how the other services, parents and members of the community can support families. During 2016 we will work with children, young people and families as well as professionals to map out the pathways and local support offer

How will we know we have made a difference?

We will know we have made a differencebecause you will tell us

There will be more people attending their appointments

Outcome 2: Children and young people are safe and secure; Our focus will be on:

Priority 1. Everyone who works with children and young people has a responsibility for keeping them safe – whether they are teachers, GPs, nurses, midwives, health visitors, early years professionals, youth workers, police, Accident and Emergency staff, paediatricians, voluntary and community workers and social workers. As members of communities we all should be aware of how we can keep children, young people and family members safe. To achieve this we will:

- a) Have one single front door – a Multi - Agency Safeguarding Hub (MASH) – to access early help, social care or specialist services. Details of how to access the MASH will be publicized in schools, health services, libraries, police stations, children and family centres, community centres and on line
- b) Establishing a county and partnership wide workforce strategy, so that our children’s workforce and volunteers have the skills and tools to offer high quality support
- c) We want to ensure that if you need our services we will treat you as individuals with unique needs, and we will work to ensure that family stability is our main priority

Priority 2. For those children and young people who will benefit from coming into care we have a collective responsibility to ensure that they have an enjoyable childhood, belong to their communities, be healthy, be successful in school and be prepared for adulthood, especially when they are leaving care- just as we do with our own children.

We will drive forward a new approach that focuses on improving the experience of children and young people who come into our care. This includes improving educational achievement, emotional resilience and more of our care leavers going onto the good apprenticeships or into university. All our children will experience stable loving homes and be supported to stay put with their foster families or be successfully reunified with families and kin. We will look to extend the opportunities for communities to be more engaged in supporting our children in care and care leaves, especially the business community.

How will we know that we are making a difference?

- Through our targeted and specialist interventions will see more of our families functioning well and staying together
- Where children and families require social care support they will have timely assessments, receive the right and appropriate multiagency support
- Through better and earlier access to local services fewer children will need specialist services
- No 16 or 17 year olds will be in bed and breakfast accommodation
- Fewer families will be made intentionally homeless
- Fewer children and young people will be missing from home, missing education or will be at risk of sexual exploitation
- Our children who are in care or are preparing to leave care are succeeding in learning work and life and are enjoying their childhood or teenage years
- Our foster carers, parents, children and young people who we work alongside tell us they have benefited from the support given

Outcome 3: Families are resilient and able to access support when they feel they need it

Priority 1. We will work with children, young people and families and professionals to design a local offer so that families can access early help at the earliest opportunity. We will work within each district, with local services and community members to design what this local offer might look like, who will deliver it and how it will be delivered. This might mean that what we commissioning in one district is very different to another. We will review what our local resources are and make sure that the partnership uses resources effectively, reflecting the needs of our communities. To take this forward we will pilot the following model in two districts, with the intention to expand across West Sussex by 2017. Details of the pilots will be made available by January 2016.

- Multiagency services based in one stop shops or connected networks
- Supporting community members to become volunteers, ambassadors or navigators supporting each other to resolve challenges earlier and without the need to access targeted or specialist support
- A clearly defined local offer that clearly signposts the support available and where it can be accessed, including supporting parents to manage their children's behaviour, restorative solutions in the community, what you can access in school, GPs and in the community
- A local commissioning plan based on local needs developed with local people and professionals – that details what we will deliver and by which organisation. This will also give us the chance to use our resources more effectively.

Priority 2. We will also design and develop with the community a range of community led projects where the community is working together to improve their life experience and chances. This may include, for example, community food projects, improving play spaces or whatever the community identifies.

Priority 3. Working with communities and business we will make West Sussex a Think Family County as we believe it is through families that we thrive and prosper.

How will we know that we have made a difference?

- Our families will tell us they have been able to access support when they feel they need it.
- Fewer children will be excluded from school
- There will be fewer incidents of antisocial behaviour
- There will be fewer families not in work
- Our rates of domestic abuse incidents will decrease
- There will be fewer families evicted from their homes or families making themselves intentionally homeless
- We will have fewer families unable to manage their debt, or be in fuel or food poverty
- We will have an army of volunteers, and exciting community led projects

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Outcome 4: Children, young people and families succeed in learning, work and life

Priority 1: Good learning outcomes for all children and young people

We need to improve our achievement levels across the county if we are going to continue to be a thriving and prosperous county. Our children do not achieve as well as we would want them to. Therefore we are focusing our resources and energies into the following activities:

- a) We will ensure that support services, health, schools and parents are working together to ensure that our children can learn and be successful. We will achieve this by establishing a clear local offer – see above.
- b) We will review and remodel how we support our children in care and care leavers to succeed in education
- c) For children with a special educational need and/or disability the Partnership (schools, parents, health and specialist services) will work together to ensure that our children get the appropriate educational offer in West Sussex. This includes supporting schools to work more closely with parents and in some cases to support children and young people to manage and improve their behaviour and develop social skills
- d) We will establish local improvement boards to ensure our children are ready for school and that they achieve in primary, secondary and post 16 education and learning. Our school and college leaders will inspire success across all age phases. We will pilot a new model in Crawley during the 2015/16 academic year with a view to developing local improvement boards across West Sussex in time for September 2016.
- e) Our young people who are educated in Pupil Referral Units or alternative provision do not achieve good results. During the 2015/16 academic year we will pilot a new initiative with schools, local early help providers, specialist services and communities in Worthing to ensure that if a young person is excluded from school or needs to attend an alternative to school for a period of time:
 - They are able to access a curriculum that fosters ambition
 - There is outstanding leadership, teaching and learning that means they are able to fulfill their ambitions
 - There is a clear pathway plan that takes them into a post 16 education or training programme or employment with training
 - School based health and early help services are easily accessible to children, young people and families in primary and secondary

How will we know if we have made an impact?

- Our achievement rates will improve at early years, key stage 1, key stage 2, key stage 4, Key stage 5
- More of our young people will be participating in post 16 education, employment and training
- More of our young people will be attending university or be taking an advanced or higher level apprenticeship
- More of our young people will be in mainstream school and not in alternative provision
- More of our young people who have a special educational need will be educated in West Sussex and in mainstream schools
- We will sustain high attendance rates in schools.

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Priority 2: An ambitious Young West Sussex

The teenage years are a time of great change, therefore we are paying particular attention to supporting our young people in West Sussex. Our ambition is to build a thriving and prosperous Young West Sussex enabling our young people to be successful and fully active members of our communities.

a) We will support young people to make a positive contribution to West Sussex by providing opportunities to volunteer; to get involved in decision making at a local and county level; to deliver services to other young people or to other members of the community as volunteers or as part of their study programmes.

We will undertake an assessment of after school and holiday activity, and explore with young people and other community members what needs to be in place locally and how it can be delivered. We will establish district based working groups to plan what the local offer will look like. By February 2016 we will publish the current offer and then begin to build a new offer where young people and communities are more engaged in delivering activities.

b) Having resilient young people means that our young people will be able to make better decision and take healthy risks. We know that this will reduce the incidents of self-harm, drug or alcohol use, smoking and young people being a victim of bullying.

In 2016 we will map the journey of our young people to ensure that they can access services when they need them.

We will work with schools, families and young people to look at how we can build resilient young people by, for example, creating a West Sussex PSHE curriculum, providing mentors and peer mentors in and out of school, by establishing listening zones with trained listeners, by exploring how we use social media as a positive tool, by developing the communication skills of our young people, by implementing restorative and rights based initiatives, by supporting families to talk and work as a team.

c) In 2016 we will launch a raising participation and aspirations campaign with local business, schools and colleges. This will impact on careers guidance, job opportunities, work experience, enterprise. Our business community will be central making a difference as will be entrepreneurs or business leaders that live locally but maybe work elsewhere.

d) Pulling all this together in one Young People's strategy and written with young people, parents, residents and professionals will be critical to ensuring we have not missed anything or anyone. Listening to our young people from diverse communities and community groups including our young carers, our gay, lesbian, bisexual and transgender young people, our young people from faith communities, our young people in care or about to leave care, our young people from black and minority ethnic communities and our young people with special educational needs will be a focus of our work in 2016 and beyond

How will we know we have made a difference?

- Our young people will tell us
- More young people will be volunteering, engaged in after school or holiday activities
- We will see less bullying, less offending or antisocial behaviour
- We will see fewer young people unemployed or not participating in education or training at 16, 17, 18 or beyond.
- We will see fewer teenage parents
- We will see fewer young people self harming

Ambitious West Sussex Partnership

To ensure that the ambitions within this Plan are achieved senior leaders from the local authority and partner agencies will oversee the implementation of the priority actions. Our intention is to continually learn and grow our partnership and as such this Plan will continually evolve.

Leading outcome 1: Joint Commissioning Manager for West Sussex County Council and The Clinical Commissioning Groups

Leading outcome 2: The Director for Family Operations

Leading outcome 3: The Strategic Commissioning Manager for Early Help

Leading outcome 4 ambition 1: The Director Education

Leading outcome 4 ambition 2: Principal Officer for Young People's Services

A Partnership executive group has been established to demonstrate a significant impact within the lifecycle of this Plan and report progress against outcomes to the Start of Life Partnership Board and to provide professional challenge across the outcomes. The executive group will also oversee the development of the joint commissioning programme, aligning budgets across outcomes. A high-level delivery plan is being developed and published in December 2015 identifying the commissioning priorities for achieving improved outcomes by 2020.

We have established a number of working groups that will foster innovation and explore best practice as part of our informed and considered approach to identifying what will work and how resources can be effectively and efficiently allocated. Each working group will bring together young people and parents and representatives from across the Partnership.

We have also identified four cross cutting themes that we believe underpins the successful improvement in outcomes. These cross cutting themes are:

- **Establishing whole place collaborative commissioning model:**

Working together we will need to consider how our resources align to support a single approach to identifying and delivering high quality services against one set of commissioning priorities. Our focus will be on achieving outcomes based budgeting and resourcing

on a place based and thematic basis.

- **Creating a Learning County with a comprehensive skilled children’s workforce strategy.**

Direct work with children, young people and families will be of the highest quality and measurably improve outcomes. Effective and continuous learning will improve practice and service delivery. We will achieve this by ensuring our workforce is accountable for delivering against outcomes. We will continuously learn from the conversations with our communities, families and services, lessons from serious incidents and national and international research. This will inform our children and families workforce strategy, professional challenge and leadership ambition and inspire high quality work with families.

- **Implementing a knowledge, intelligence and data hub**, supporting the partnership to deliver against one set of outcomes and performance framework. (see below)

- **Building community resilience.** Celebrating our diversity and helping people to help themselves through community empowerment and co-production strategy.

We believe our vision can only be met with high performing universal services and an engaged community. We will work together to build resilient communities and effective children and family centres, education settings and a vibrant third sector. The views and experiences of children, young people and their families will be at the heart of service design and influence development and strategic thinking.

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Investing in our children, young people and families

Central to achieving our ambitions documented throughout this plan will be achieving public value and value for money. As the pressures on the public purse becomes greater our pledge within this Plan is to support our children, young people and families to thrive and prosper, but we will do this differently.

This means that we will begin the process of ensuring that what we deliver clearly responds to improving outcomes and meets needs holistically and seamlessly. How we deliver will be through integrated multiagency teams within shared resources including the resource held within our communities. Our approach to resource use not just looks at workforce and physical assets. Our approach also includes the efficient use of financial resources. Working with our communities we will explore how resources should be used. Working across the

partnership we will look at how we pool or align budgets to meet commissioning priorities. As a Partnership we will explore how we generate investment in West Sussex children, young people and families.

To begin this process each working group will identify:

- a) The combined funding/spend required against each outcome improvement plan - outcomes budgeting - and recommendations for moving towards joint commissioning
- b) The current resource allocation, and projected resource allocation up to 2020 – and subsequent gap analysis
- c) Consideration for how services can be delivered more efficiently and differently within the financial envelope available
- d) Opportunities for investment

Each working group will involve community members to help shape this approach. As we role through the delivery of the priorities in the Plan each district will explore how best the resources can be allocated against needs. We will publish this information so that our communities see where our spend is allocated and the decisions that were taken too.

In line with our shared values we need to be ambitious, bold and courageous. We need to be innovative in our thinking. We will value the diversity that the partnership brings and trust each other. We need to empower and enable the partnership including our communities to make the difficult decisions with us.

The challenges and solutions will be met as a Partnership.

How will we know that we've been successful?

In order to understand how far we have travelled and where we need to go, we need to know where we have come from.

The West Sussex Partnership Families Strategic Plan establishes a shared narrative that includes;

- a) Recent and relevant needs assessments and consultation analysis to explain the story so far and critical issues
- b) Feedback analysis from the consultation of the Families Plan and development of the delivery plan to identify where we want to go to and success measures
- c) Analysis of current or most recent performance against national indicators to understand how well we are doing.

Going forward we know that enabling the Partnership to successfully report against performance will be essential to demonstrate public value and a return on the investment of public services. Currently not every service or organisation ensures that performance is reported into one data intelligence hub. We also know that not all organisations or services use the national key performance indicators as their top - level indicator set. We also know that we do not have one common approach to measuring qualitative feedback on how well we are performing.

As we move to one common set of outcomes and performance we know that we will not have all the data in place or the systems and processes to enable this to happen. It is our intention to work towards this ambitious objective.

To make this ambition a reality we will:

- a) Bring together performance managers across the partnership to discuss how we can align methods and bring together intelligence. An intelligence-working group will be established to develop and then oversee the necessary processes and procedures of an intelligence hub.
- b) Use outcomes based accountability as our method of measuring, managing and reporting performance across the partnership.
- c) Establish a national key performance indicators dashboard that all partners can report into. Each outcome will hold up to five headline national key performance indicators with a sub set of proxy key performance indicators that provides granular detail on specific areas of performance against each outcome. This will ensure that we can collate data from across the partnership, report performance to all key boards and enable service leads to manage staff performance against outcomes.
- d) Implement a single wellbeing measure that will be used across all services and can capture as much detail on the wellbeing of our children, young people and families
- e) Develop one co-production strategy that clearly outlines how we will maximise participation and engagement including feedback from our services users and potential service users against outcomes.

Reporting.

We will make sure that our communities and our accountable bodies are aware of progress against outcomes. This will be achieved by:

- a) Regular improvement reports will be published about the quality of the services that we are providing thereby ensuring that families clearly understand the journey we are on, the progress we are making, and how they can full engage in that discussion.
- b) Providing reports on a quarterly basis. These reports will provide both county and district level data. Each outcome lead will be accountable for a commentary. These reports will be presented to the Start of Life Partnership Board.
- c) Publishing an annual report in plain English to our communities demonstrating the progress we have made or challenges we are having.

Governance

The Start of Life Partnership Board will provide professional challenge and leadership ambition to inspire high-quality work with children, young people, families and communities, particularly those who are vulnerable.

The Board will oversee performance and monitoring ensuring rigorous and timely action in response to service deficiencies or new demands.

As outcomes improve the needs of local communities should change and as a consequence our commissioning strategy will need to change. Through a central data hub, whole place commissioning and empowered communities we will be proactive and accurate in identifying and responding to changing needs of local communities. Senior officers will be responsible for leading the annual refresh where new commissioning priorities and proposed resource allocation can be identified and presented for consideration and agreement at the Start of Life Partnership Board.

Annex 1**West Sussex Families Plan****Policy Strands Research****Key Policy Themes:**

The following key themes emerge from across the relevant strategy/policy documents...

- **Early Help**
- **Health and wellbeing**
- **Ready for school, ready for work**
- **Housing (quality and supply)**
- **Safeguarding**
- **Financial independence**
- **Education/training opportunities**
- **Strengthen partnership working**

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Future West Sussex Plan 2015-19

Giving children the best start in life - Priorities

1. Improved physical and emotional wellbeing

Summary of priorities:

- **Smoking cessation** for pregnant women
- **Weight management** and physical activity services for children and parents. Early years workforce to be trained to identify weight management difficulties and refer appropriately.
- Services to help **children in emotional distress** with a focus on early intervention, prevention and recovery. Services will be co-designed with young people. Commitment to support within four weeks of referral.
- Bring **health visiting services** into remit of council in October 2015. Focus on delivering high quality support to new parents and families.

- Increase funding of **Child Disability Services** to meet additional demand for the service.
- Examine opportunities and challenges to improving the quality, supply and access to **housing**.

2. Families receive the support they need early

Summary of priorities:

- Develop further the **Local Offer** for families with SEND.
- **Family support points and family support networks** in each district and borough.
- Second phase of **Think Family** programme.
- Continue to commission **Family Nurse Partnership** services.

3. Children are safe and secure

Summary of priorities

- Maximise the use of **in-house foster places** and reduce the amount of time children spend in foster placements awaiting adoption.
- Continue to implement the **Signs of Safety** approach.
- Commission specialist services for children and young people at risk of experiencing **child sexual exploitation**.
- Deliver training to childcare professionals to support them in working with young people at risk of **self-harm** and provide mental health support to young people who attend hospital as a result of self-harming.

4. Young people are ready for school and ready for work

Summary of priorities:

- Increase take-up of **free nursery entitlement** by eligible two year olds and eligible three and four year olds.
- **School improvement** – work with schools to set targets for improvement in order to raise pupil achievement with a focus on Pupil Premium.
- Ensure good quality **transitions** between educational phases.

- **Good or outstanding schools.**
- Work with schools to help them **share best practice** and support each other.
- Continue to work to **improve young people's confidence and health and wellbeing** i.e. through Firebreak, DofE etc.

The Early Help Action Plan 2014-17

Priorities for action:

1. Smarter

- **Effective governance and accountability**

- Develop Think Family structure and accountabilities of WSLSCB so there is strong guidance, direction and scrutiny of Action Plan.
- Governance structure to include local geographically based delivery groups.

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- **Co-ordinated and integrated approach to commissioning services**

- Agencies across West Sussex to co-ordinate the commissioning of Early Help Services by; agreeing shared commissioning standards, embedding early help outcomes in relevant service specifications, putting the voice of families, children and young people at heart of commissioning approach.
- Maximise the opportunity to save money by forging new alliances with commissioners and service providers from all sectors.

- **Value partnership working**

- Work to align and design services that offer effective and 'visible' Early Help services and support across relevant organisations.

- **Workforce – Early Help skills development**

- Deliver programme of skills development and training across early help workforce in relation to early intervention practice.

2. Sooner

- **Evidence and needs**

- Improve knowledge and understanding of the data and information.

- **Early Help culture**

- Develop a culture of taking responsibility for helping early where we can.

3. Safer

- **Attachment**

- Strengthening the role of parents through development of strategic approach to parenting support across county.

- **Safeguarding**

- Build a 'safe culture' which means resilient agencies and professionals who are aware of their safeguarding and child protection responsibilities.

4. Stronger

- Agree a clear set of indicators with partners. Indicators will include system wide, organisational and local measures and will broadly fall into one of four categories – better start in life, ready for school, ready for work, keeping families together.

Public Health Plan 2012-17

Aims (directly related to Families Plan)

- To give every child the **best start in life** measured by an increase in children's readiness for school, in particular for those most disadvantaged children.
- To enable people to develop the **emotional resilience** to cope with stress and manage life-changing situations
- To enable our residents to have access to **decent, warm, safe homes**.
- To improve access to good jobs and **reduce long-term unemployment** across communities.
- To **increase the level of skills and qualifications** of children and young people and reduce inequalities in educational outcomes.
- To **reduce harm from alcohol** for individuals, families and communities.

Children Looked After and Care Leavers Strategy 2014-17

Strategic Aims

1. To provide **early help** and intervention to help families stay together

2. To enable children and young people to ***participate fully in decision making*** and service design
3. To ensure ***permanency*** is at the heart of all care plans with a clearly planned journey through care
4. To have a wide range of ***high quality placements*** available that are flexible and affordable.
5. Improve the ***health and wellbeing*** of Children Looked After
6. Ensure all Children Looked After have a good ***education***
7. Ensure all children Looked After and Care Leavers have ***access to cultural and leisure opportunities***

Health Inequalities Strategy 2012-2017

Areas for Action:

- a) Partnerships and tracking outcomes
- b) Reducing the gradient
- c) Local neighbourhood improvement areas
- d) Rural deprivation and isolation
- e) Vulnerable groups
- f) Policy and service design – analysis on the effects of equality

Tackling Child Poverty in West Sussex 2011-14 (West Sussex Annual Public Health Report 2011)

The strategy's 'commissioning challenges' are based on the 'building blocks' set out in the 2011 Coalition strategy 'A new approach to child poverty; tackling the causes of disadvantage and transforming families' lives'.

Commissioning Challenges:

- **A framework for action** – to ensure co-ordinated action across organisations to tackle the complex and inter-related problems associated with child poverty.
- **Improving family support and children's life chances** – review current services in a systematic way, identifying gaps and developing holistic local services within a shared framework. The focus needs to be on maternal health, early years especially 0-2 year olds, readiness for school, parenting support, mentoring and peer support.

- **Supporting families to achieve financial independence** – focus on improving educational achievement, individual employability, and an economy that offers a wide range of employment to meet the needs of the diverse community in West Sussex.
- **Improving neighbourhoods to transform lives** – focus on community cohesion, improving housing and the built environment, use of green spaces and other community assets, and reducing fear of crime.

Healthy and Well in West Sussex – West Sussex Public Health Plan 2012-2017

1. Fulfilling our health potential

Starting Well

- Improving support for all children in West Sussex to have the best start in life and to be ready to make the most of their school life.
- Strengthening the partnership work and integration of services to raise the quality of early years provision.
- Recognising that there are families in need of support in both rural and urban areas, in areas where deprivation and poverty exists in pockets, as well as in the most disadvantaged geographical areas.
- Offering a good standard of learning and development to all children in the county.

Keeping yourself health

- Implement comprehensive childhood obesity pathways.
- Reduce the number of young people and adults who are smoking, including maternal smokers during pregnancy.
- Implement a systematic approach to encouraging physical activity across the age groups in line with Start Active, Stay Active.

2. Living life to the full

Taking care of each other

- Work effectively with schools to ensure that young carers are not restricted in their educational attainment, social opportunities and overall health and wellbeing.

3. Influences on our health

Where we live (housing)

- Take forward the recommendations in the Child Poverty Strategy including those focusing on housing need.

What we do (employment)

- Help vulnerable adults to access and maintain employment.
- Improve opportunities for young people to access training, education and employment (through apprenticeships, internships and work experience).

How we learn (education)

- Promote a positive culture which encourages Looked After Children to have high expectations of themselves and to achieve their full potential.
- Drive up standards in schools, particularly for vulnerable groups.
- Ensure children make progress that is significantly better than the national average by the time they leave primary school.
- Improve the educational achievement of vulnerable groups (SEND and those growing up in disadvantaged areas).
- Improve access to and use of quality life-long adult and community learning.
- Target those adults who are currently unemployed, actively seeking work and to independent living skills.
- Increase employability and enterprise skills.

How we live (alcohol)

- Provide more help to encourage people to drink less and develop activities to control alcohol misuse.

Chichester District Council

CABINET

3 November 2015

Corporate Banking Services

1. Contacts

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2. Recommendation

- 2.1. That the Head of Finance and Governance be authorised, following consultation with the Cabinet Member for Finance and Governance, to award the corporate banking services contract and merchant acquiring services contract upon completion of the tender evaluation process.**

3. Background

- 3.1. The Council's current corporate banking services and merchant acquiring services contracts are due to expire on 31 March 2016. The merchant acquiring contract or card payment service enables the council to accept card payments from its customers at its various sites. Tenders were last sought in 2008 (effective from 1 April 2009) for a 5 year period with the option to extend the contract for a further 2 years. The option to extend the contract was exercised due to the impact and timing of procuring and implementing a new financial system by Accountancy Services near the same time as the end of the initial contract period.
- 3.2. To adhere to the Public Contract Regulations 2015 an open EU compliant tender was conducted for the procurement of the corporate banking services for a 5 year contract, with an option to renew annually up to a maximum of a further 2 years.
- 3.3. Tenders were also invited for the merchant acquiring services using the EU compliant 4 year framework agreement set up by ESPO for Banking Services.

4. Outcomes to be achieved

- 4.1. The council continues to have a secure, robust and efficient corporate banking service, including an online banking facility that offers flexibility and supports its own business continuity arrangements.

- 4.2. To be able to continue to accept payments from customers using their payment cards via a merchant acquiring service that is cost effective and robust.

5. Proposal

- 5.1. An open EU tender for the corporate banking services was undertaken on the Most Economically Advantageous Tender (MEAT) basis whereby we considered technical ability along with the service charges offered. The evaluation of the submissions received has not yet been fully completed as some clarifications are required.
- 5.2. Therefore, in order to achieve the required start date of the contract and because of the potential lead in time for a new banking contract, it is requested that Cabinet gives delegated authority to the Head of Finance and Governance to award the banking services contract, after consultation with the Cabinet Member for Finance and Governance upon completion of the evaluation process.
- 5.3. The ESPO framework used for the merchant acquiring service contract has one preferred supplier. The quote for the services required has yet to be fully assessed for value for money and checked against the service specification. Also the pricing for the card payment service cannot be finalised until after the corporate banking service contract has been concluded as it impacts the pricing offered under the framework.

6. Alternatives that have been considered

- 6.1. The current contracts for the corporate banking services and merchant acquiring service will end on 31 March 2016 and cannot be extended without contravening the public procurement regulations.
- 6.2. The ESPO Banking Services Framework was not used for the corporate banking services contract as the Council's current supplier was not on the approved list.

7. Resource and legal implications

- 7.1. Whilst the evaluation of the banking services contract was on the basis of 40% price and 60% quality, the new contract is not anticipated to exceed the existing approved budget.
- 7.2. There are substantial changes in the industry regarding the fee structures for the different types of cards used in any merchant acquiring service, but the services who use this method to accept payments are low value so were expected to achieve small savings against the current supplier's prices. This has yet to be assessed against the ESPO framework quote received.
- 7.3. The suppliers' contractual terms and conditions for the banking services contract will need to be reviewed by Legal Services.
- 7.4. The ESPO framework terms and conditions have already been reviewed by Legal Services and amendments have been submitted to the preferred supplier.

8. Consultation

- 8.1. Officers in Accountancy Services and Revenue and Benefit Service have been involved in the drafting of the service specification and the evaluation process as the main users of the banking service contract.

9. Community impact and corporate risks

- 9.1. A robust supplier for banking services is vital in the operation of the council, and potentially any change in banking supplier is a major project that will impact both IT in respect of interfaces between some systems and other services who use the merchant acquiring services.

10. Other Implications

Crime & Disorder:	None
Climate Change:	None
Human Rights and Equality Impact:	None
Safeguarding:	None

11. Background Papers

- 11.1. None.

Chichester District Council

CABINET

3 November 2015

Electric vehicles in the Council Fleet

1. Contacts

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2. Recommendation

- 2.1. **That the Council purchases electric vans and cars instead of conventionally fuelled vehicles unless there are significant business reasons why this is not appropriate.**

3. Background

- 3.1. In 2014 the Council commissioned a 'Plugged in Fleets Initiative' (PIFI) report from the Energy Savings Trust (EST) (See Background Paper 12.1). Using vehicle type and vehicle mileage data provided by the Council, EST assessed the business case for electric vehicles in the Council fleet on a vehicle by vehicle basis. The report concluded that there was a robust financial and operational case for electric vehicles in the Council fleet (see Appendix 11.1).

4. Outcomes to be achieved

- 4.1. CDC utilising electric vans is modelled to save money compared to conventionally fuelled vans. It demonstrates CDC's commitment to tackling local air quality issues and provides leadership in utilising new technologies to deliver services. These outcomes contribute to CDC's Corporate Plan objectives to 'Manage our Built and Natural Environments'; encourage sustainable living and to maintain clean, pleasant and safe public places.
- 4.2. Outcomes will be measured through vehicle mileage records and calculating the annual running costs for the vehicles compared to diesel vans. Total polluting emissions avoided by using electric fleet will also be calculated.

5. Proposal

- 5.1. Procuring electric vehicles is considered to be an invest-to-save opportunity (compared to purchasing conventionally fuelled vehicles).

- 5.2. Electric vans typically require recharging after 90 miles. As such, electric vans might not be an operationally good fit for vehicles that regularly exceed that distance. Likewise the additional capital cost of purchasing an electric van means that the asset must be worked hard for the lower running costs to be realised. Vehicles with low average daily mileage may not have a strong business case. The business case will be refined as part of the pre-procurement process and in any case seven vehicles are modelled to have a strong business case at this time. These are vans run by Contract Services and the Parking Services Team.
- 5.3. Electric vehicle charging points can be installed at low cost on existing buildings to facilitate an 80% electric vehicle battery recharge within three hours.
- 5.4. CDC will benefit through revenue savings and the use of the vehicles should enhance CDC's image as a progressive authority with strong fiscal management. The Plugged-in Fleets Initiative 100 Electric Vehicle Report (see Background papers) concluded that: 'Over the procurement pattern of 13,500 miles per annum (the CDC small van average) over 7 years (the average age of the CDC vans), the EVs are less expensive to run than the Transit Connect models that currently dominate the light van fleet. The standard Kangoo Z.E (electric vehicle) costs approximately £982 less to run per year over 7 years than a Transit Connect. The larger Kangoo Z.E (electric vehicle) costs £865 less per year to run.'
- 5.5. The vehicles are also calculated by The Plugged-in Fleets Initiative 100 Electric Vehicle Report (see Background papers) to have a lower carbon footprint and states: 'Another factor to consider is the emission and air quality benefits from operating electric vehicles can deliver. The tailpipe emissions of electric vehicles are zero compared to the 4.7 tonnes of carbon that each Transit Connect is likely to produce at 13,500 miles/annum. Even factoring in an equivalent CO_{2e} amount to take into account the emissions from generating the electricity at the current mix of power production, each Transit Connect replaced with an EV would lead to a total reduction of approximately 3 tonnes of CO₂ per year.'
- 5.6. The timetable will depend upon the vehicle replacement cycle which is not yet agreed but is likely within the next financial year for both Parking Services and Contract Services. All vehicle procurement at CDC is managed by Contract Services.

6. Alternatives that have been considered

- 6.1. The existing vans in the CDC fleet are diesel fuelled. In some cases the business case for like-for-like diesel vans is less favourable than for electric equivalents.

7. Resource and legal implications

- 7.1. The 25 year Asset Replacement Programme budget makes provision for new vehicles.
- 7.2. CDC Contract Services will carry out the procurement process.

- 7.3. This proposal has no additional staffing requirement above existing resource.
- 7.4. No IT implications are identified in association with this proposal.
- 7.5. The car battery recharging locations require access to an electricity supply between 7 – 22 kW per vehicle. Subject to the detail it is understood that there is adequate capacity in the existing EPH and Depot power supply to facilitate the installation of the necessary charge points.

8. Consultation

- 8.1. In working up this proposal the following persons have been consulted:
 - (a) A paper was presented to SLT in June 2015. It was agreed that, at the present time, for all vehicles with an average daily mileage of less than 70 miles the replacement vehicles should be electric.
 - (b) Car Parks services and Contract Services have shared and understood the PIFI business case for this proposal. Likewise they have had test vehicles (Nissan enV200 and a Citroen Berlingo electric) and agreed that the vehicles appear fit for purpose.

9. Community impact and corporate risks

- 9.1. The business case for electric vans compared to that for diesel vans is sensitive to a number of factors namely: purchase price of the vehicles, average daily vehicle mileage and the cost of electricity and diesel. Whilst we have confidence in the existing EST calculated business case the analysis carried out in January 2014 will be revisited and refined prior to committing to electric vehicles.
- 9.2. Given the limited range of electric vans then the proposed policy is subject to electric vans' capability fitting their intended use. As such it might be that electric vans initially form part of the CDC fleet.

10. Other Implications

	Yes	No
Crime & Disorder:		✓
Climate Change:	✓	
Human Rights and Equality Impact:		✓
Safeguarding:		✓

11. Appendices

- 11.1. None

12. Background Papers

- 12.1. Energy Saving Trust, Plugged-in Fleets Initiative 100 Electric Vehicle Report, Chichester District Council, January 2014 (PIFI/1314/056)

Chichester District Council

CABINET

3 November 2015

Electric vehicle charging in the Council's car parks

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2. Recommendation

- 2.1. That Cabinet approve a bid to The Office for Low Emission Vehicles (OLEV) to enable the installation of electric vehicle charging points (EVCPs) in selected District Council owned car parks.**
- 2.2. That Cabinet approve a 25% match fund budget for the bid to OLEV of £14,719 funded from surplus car parking charge income.**
- 2.3 That the Head of Commercial Services be authorised to give appropriate notice of any revised charges pursuant to the Off-street Parking Places (Consolidation) Order 2015 and the Road Traffic Act 1984.**

3. Background

- 3.1. CDC installed two electric vehicle charging points (EVCPs) in East Pallant car park in 2011. Since that time there have been in excess of 2500 charging events. Anecdotal evidence suggests that demand now frequently outstrips supply for these posts. Electric vehicle sales are rising steadily and the government aspires that by 2040 every new car and van in the UK will be an Ultra Low Emission Vehicle (ULEV). ULEVs now represent greater than 1% of all new car sales. The Office for Low Emission Vehicles intends to offer grant funding for the implementation of public facing EVCPs. It is important that the car parks service offers EVCPs in response to the needs associated with the increasing penetration of EVs into the UK vehicle fleet. This paper seeks the match funding finance required in order to facilitate a bid for an OLEV grant.

4. Outcomes to be achieved

- 4.1. To enable the installation of five new EVCPs (ten charging bays) in selected CDC car parks and the updating of the existing posts at EPH (two charging bays). Users of the service will be charged for parking, electricity and related transactional fees. The EVCPs will be of the 'fast' type that provide a full charge

in approximately three hours and there will be a time restriction on the bays so as to maximise turn-over.

- 4.2. This will support the growing demand for EVCPs associated with the increasing numbers of EVs on the UK's roads and is congruent with the Corporate Plan objectives to 'support sustainable living' and 'maintain clean pleasant and safe public places'.
- 4.3. To annually assess the usage statistics for the EVCPs and the revenue generated by charging for the service. The minimum success criteria are that the EVCPs are revenue neutral. The local nitrogen dioxide (NO₂) emissions avoided from diesel vehicles through the power provided at the posts will also be calculated.

5. Proposal

- 5.1. There are currently in excess of 35,000 electric vans and cars in the UK of which 6,000 are in the South East. Electric vehicle sales continue to grow and the government is supporting the market through a variety of schemes. CDC's car parks need to respond to the related need for such vehicles to be able to access points where they can recharge their batteries.
- 5.2. There are a variety of factors that will influence demand for public facing EVCPs and it is not yet clear how these factors will play out and so the scale of the future demand is difficult to estimate. As such, a modest number of EVCPs is proposed accompanied by a watching brief to assess demand and respond accordingly.
- 5.3. The implementation of EVCPs will support existing owners of EVs and encourage the purchase of EVs. There will be a small one-for-one loss of conventional parking spaces. However, this is considered so minimal as not to disadvantage drivers of conventionally fuelled vehicles.
- 5.4. OLEV indicate that their grant will be open for bids late in 2015. Subject to successfully being awarded grant monies, then it is expected that the EVCPs will be rolled out within a period of 12 months.
- 5.5. The next step is to submit a bid to OLEV when the bid window opens. Subsequently a procurement exercise will be undertaken prior to appointing a provider and implementing the EVCPs.

6. Alternatives that have been considered

- 6.1. A do nothing approach has been considered. This would not be responsive to the changing composition of the UK car and van fleet and the related increasing demand for EVCPs. A do nothing approach would disadvantage local EV market growth and not be supportive of existing EV drivers' needs or the Council's approved Corporate Plan objectives.
- 6.2. Installing a larger number of EVCPs has also been considered. However, with demand uncertain this would pose a higher risk of the project not being revenue neutral.

6.3. No other options are identified.

7. Resource and legal implications

- 7.1. The bulk of the capital budget for the project will be sought from the OLEV grant. Nevertheless, it is anticipated that the grant will require a 25% funding match of £14,719 from surplus car parking charge income for which this paper seeks approval.
- 7.2. It is proposed that users of the EVCP's will pay parking charges in the usual way. Users will also be charged for the electricity that they use and the related transactional fees. These monies will be billed through their account with the EVCP service provider and returned to the CDC revenue account.
- 7.3. EVCPs attract revenue costs for service, maintenance and data-management. For the total proposed six EVCPs these are estimated at £2100/year. The tariff charged to users through the EVCP can be adjusted to off-set this revenue loss though if all posts have zero usage then CDC remains exposed to this loss.
- 7.4. The Chichester District Parking Order will require amendment to reflect the changes.
- 7.5. Procurement will be undertaken once the award for the grant has been made and will be implemented by existing staff in the Environmental Protection, Car Parks Services and Building Services teams. No IT requirements are identified beyond existing resources.
- 7.6. The installation works to implement the EVCPs require the digging of trenches (to lay cables) across various car parks and in some locations the upgrade of related electricity supplies. These items are costed in to the monies sought here.
- 7.7. All EVCP installation costs (capital) have been uplifted by 20% as a contingency.

8. Consultation

- 8.1. The following consultations were carried out:
 - (a) A paper was taken to SLT on 8 June 2015. It was agreed that CDC should apply for the OLEV grant subject to consideration of demand and that the EVCPs should be cost neutral for parking income. Demand for the EVCPs is difficult to predict and as such so is revenue modelling. This has led to the suggested minimal number of EVCPs with a watching brief.
 - (b) The proposal was considered by the Parking Forum meeting on 10 September 2015. The Forum recommended a phased approach to the introduction of the EVCPs. As such the bid to OLEV will be made for Chichester City Centre car parks only with rural car parks considered at a later date.
 - (c) Further consultation will be undertaken as part of the amendment to the Parking Order.

9. Community impact and corporate risks

- 9.1. The project is considered to have a positive impact on the community, supporting users of EVs and encouraging others to buy low emission vehicles with ancillary benefits in relation to local air quality.
- 9.2. There remains the risk that the EVCPs will suffer from low usage and therefore CDC will suffer a loss of parking income. The maximum exposure is ~£2100/year (see 7.2) based on zero usage of all six posts (twelve bays). This revenue loss would be entirely off-set by ~954 charging events and their associated parking charge (ie ~79 charging events per proposed EVCP bay per year). The EVCPs will appear on the provider's website such that potential users are aware of their location so as to maximise their use. Usage of these bays will be closely monitored.
- 9.3. If it is decided at a future date that EVCPs should be installed in rural CDC car parks then it is possible that installation of such infrastructure would not be supported by government grant. The estimated capital cost of installing one EVCP in four rural car parks is approximately £35,000.

10. Other Implications

	Yes	No
Crime & Disorder:		✓
Climate Change:	✓	
Human Rights and Equality Impact:		✓
Safeguarding:		✓

11. Appendices

11.1 None

12. Background papers

12.1 None

Chichester District Council

CABINET

3 November 2015

New Ways of Working (Phase 2) – relocation of CAB and Relate from Theatre Lane, Chichester

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2. Recommendation

- 2.1. That the next phase of the New Ways of Working Project be approved, including the relocation of the Citizens Advice Bureau and Relate as set out in section 5**
- 2.2. That a budget of £61,000 of capital funding be approved for the required building works and alterations to the East Pallant House (EPH) and Market Road council offices**

3. Background

- 3.1. In 2013 the Council approved the New Ways of Working (NWOW) project which set out to modernise the way that the council works and make more efficient use of its office space. Since then the council has made significant progress with the project, freeing up enough space to rent out the new extension of East Pallant House (EPH) generating significant income and savings.
- 3.2. As well as the physical element of using buildings more efficiently, the project also focused on cultural change. It intends to modernise the way that council officers work, moving away from a fixed desk, fixed hour approach to a more dynamic flexible workforce maximising the use of technology improving productivity whilst meeting the needs of the services' business and improving the attractiveness of working for the Council.
- 3.3. Whilst significant progress has been made on the project to date, there is still further potential to make better use of our existing office space. The original Project Initiation Document (PID) included a target for the desk ratio to be 7 desks for 10 people once flexible working is adopted. This target has not yet been achieved and currently there are slightly over 8 desks per 10 members of staff.

- 3.4. As part of the project to date, the car parks staff were relocated from their offices in Market Avenue into EPH. The Market Road offices are now empty and are available to be used commercially.
- 3.5. The Citizens Advice Bureau (CAB) and Relate currently occupy council owned buildings in Theatre Lane; both organisations receive a concessionary rent from the council. The buildings that they occupy are listed and within the city walls with the potential for development into residential properties, subject to planning consent or for re-letting for office use.

4. Outcomes to be achieved

- 4.1. All of the original outcomes stated in the approved PID (see report to Cabinet on 5 February 2013) such as creating further efficiencies in the use of the council's offices apply.
- 4.2. However, in addition, this proposal creates the opportunity for the council to further its commercial objectives in terms of the use of its wider property portfolio and
- 4.3. In hosting the CAB, there is potential to provide a better customer experience. CDC and the CAB have shared customers that are regularly referred between the two organisations.

5. Proposal

- 5.1. It is proposed that Relate are relocated to the ground floor front office of the Market Road office once some alterations have been made to the building, creating a reception area, an accessible toilet and two counselling rooms at a cost of approximately £18,000. The market rent for this part property is almost the same as the current rent received for their existing property (see appendix). The rest of the Market Road office ground floor and first floor could be marketed and let as a separate tenancy or considered for alternative council use. If the funding is agreed the required works could be carried out over the next two months with Relate relocating in early 2016.
- 5.2. It is also proposed that the CAB is relocated into EPH using part of the Council's existing reception area as their reception and meeting room area. They would also locate their back office and telephony function in a shared open plan office environment within EPH. The cost of the works to build the meeting rooms and reception area would be approximately £20,000. It is proposed that CAB are charged the equivalent rent as they currently pay in their Theatre Lane office once the discretionary rent reduction is applied. They would then also be charged a service charge which will be an amount that is equal to the existing additional costs associated with their offices including business rates, utilities, cleaning and other shared office expenses. A breakdown of these costs are available in the appendix.
- 5.3. To create the space for CAB, several moves will need to take place throughout the rest of EPH to release the space. It would mean a relocation of the Finance Team to where Building Services are currently located (one of the few areas left within EPH where the occupancy of the office space is inefficient). The Senior

Leadership Team has agreed to share a single office with a meeting room attached which will free existing office space for Building Services to be relocated. The Customer Service Centre will move to the area currently occupied by Finance creating the required space for CAB in the reception area. The internal works and moving of the building services systems will cost in the region of £23,000.

- 5.4. CAB will not relocate until the scheduled heating and ventilation works for EPH and all of the other office alterations have been completed, which is likely to be in summer 2016. The tenancy agreement for both organisations should be for five years initially with a 6 months notice break clause and rent review after 2 years.

6. Alternatives that have been considered

- 6.1. Do nothing – it is possible to keep CAB and Relate in their existing accommodation, forgo the potential capital receipt for Theatre Lane and independently market the Market Avenue offices.
- 6.2. We do not have an obligation to provide accommodation for either organisation. However, there is a risk that the organisations may not be able to continue to keep a presence in Chichester due to financial constraints. This would cause a gap in service delivery within the district that may have an adverse effect on our communities and particularly those that are vulnerable. There is also a reputational risk to the council if it were to make either organisation homeless.
- 6.3. Relocating Relate into the main EPH offices was considered, but this was found to be inappropriate due to the discreet and confidential nature of their work.

7. Resource and legal implications

- 7.1. The total costs of the building and alterations would be £61,000. However, this could be offset by the potential capital receipt if the Theatre Lane properties were to be sold or future income if let (the Estates team will consider which future use will provide the optimum commercial return if the decision is taken to free up the buildings).
- 7.2. We would then also reduce the council's current annual costs of our EPH offices through the service charge contribution of CAB.
- 7.3. In the case of CAB, a shared office space working protocol would need to be developed to allow for issues relating to data protection and security.
- 7.4. The IT requirements are straight forward for both organisations. An early IT requirement schedule from the organisation that supports CAB IT has been received and the CDC IT department have been informed of these requirements.
- 7.5. Heads of Terms have been drawn up for both organisations.

8. Consultation

- (a) Consultation has taken place with both organisations affected and both are keen in principle on the proposals
- (b) The CDC Corporate Management Team have considered and recommended the approvals.
- (c) The service managers involved have been consulted.

9. Community impact and corporate risks

- 9.1. The impact on the community is likely to be neutral in the case of Relate and positive with CAB as co-locating with the council should provide a better customer experience with greater potential to solve customer issues between the two organisations in a single visit.
- 9.2. CAB will still require an independent presence and identity due to the nature of their work, the dedicated area within reception and the shared office working protocol should mitigate this potential risk.

10. Other Implications

	Yes	No
Crime & Disorder:		x
Climate Change: Reducing the council's footprint and accommodating another organisation will have a positive environmental impact reducing the carbon emission per head of people working within the building.	x	
Human Rights and Equality Impact:		x
Safeguarding:		x

11. Appendix

- 11.1. Appendix 1 – Financial information (exempt)

12. Background Papers

- 12.1. New Ways of Working Cabinet report 5 February 2013 - agreeing original PID and objectives (published on Council's website)
- 12.2. New Ways of Working Cabinet report 9 September 2014 - Phase one post project evaluation (published on Council's website)

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Chichester District Council

CABINET

3 November 2015

Regulation of Investigatory Powers Act (RIPA) Policy

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2. Recommendation

- 2.1 That Cabinet adopt the policy as recommended by Corporate Governance and Audit Committee.**
- 2.2 That Cabinet authorise the delegations in Appendix 1 of the Policy as recommended by Corporate Governance and Audit Committee.**
- 2.3 That Cabinet note the enhanced oversight process adopted by the Corporate Governance and Audit committee as outlined at paragraph 3.2 of this report.**

3. Background

- 3.1 The policy annexed to this report has been considered by the Corporate Governance and Audit Committee on 29 September 2015. They made several recommendations which in turn are reflected in recommendations 2.1 and 2.2 of this report.
- 3.2 To maintain strong oversight of surveillance by members, the Corporate Governance and Audit Committee agreed to require the Monitoring Officer to prepare an annual report on RIPA. This will cover the use of surveillance by this Council, provision of updating or induction RIPA/ surveillance training for staff and on surveillance legal and procedural changes.
- 3.3 The majority of this report matches that given to the Corporate Governance and Audit Committee and, after consideration and debate, the policy annexed to this report was approved without amendment by that committee to Cabinet.
- 3.4 The Council is an enforcement body and is required to adopt and maintain up to date procedures for relevant statutes. RIPA provides the legal framework for covert surveillance by the Council.
- 3.5 A significant legal change took place with the **Protection of Freedoms Act 2012**. This introduced many issues which were not reflected in this Council's policies, in particular the new requirement that any directed surveillance has to

be the subject of a Court hearing, and that covert surveillance is now only available for matters which carry a maximum sentence of six months imprisonment or more.

- 3.6 Earlier this year Her Majesty's Commissioner for Surveillance sent an inspector to consider local practices and policies. These inspections take place at each body having statutory powers of surveillance.
- 3.7 The purpose of the interview and its report is to ensure best practices are followed by the authority and to make recommendations for improvement on a confidential and constructive criticism basis.
- 3.8 A report was issued and submitted to the Council's Chief Executive. The Strategic Leadership Team instructed the legal department to take forward suggestions made by the Inspector in the area of ensuring the Council's RIPA policy is up to date.
- 3.9 The Council was guided by the Inspector to make various updates to the local policy and practices. He recommended that the policy of Fareham Borough Council would be a good starting point for this Council's policy. Colleagues at Fareham kindly assisted this process by providing their policy in a format which could then be adapted by this authority.
- 3.10 In addition to minor changes to reflect local structure and job title amendments, the legal team has also updated the template policy to include a new Home Office Covert Surveillance and Property Interference Code of Practice (December 2014), and the Office of Surveillance Commissioner's Procedures and Guidance (also December 2014) so that the policy attached to this report is as up to date as is possible.

4. Outcomes to be achieved

- 4.1 The adoption of this policy will ensure that a framework for all surveillance activities is clear and up to date and within all relevant best practice guidance.
- 4.2 The policy will also comply with the requirements of the Protection of Freedoms Act 2012.
- 4.3 Officers will have a resource to give guidance setting out how to proceed in any particular investigation scenario and to ensure that practices will be consistent between departments. This is particularly important since surveillance is carried out extremely rarely so staff will need to have practical clear guidance to support them in carrying out complex responsibilities in this area.
- 4.4 By using the guidance, the highest standards of operational practice for enforcement practices can therefore be followed, maintaining a high quality evidential basis of prosecutions or other enforcement action and reducing the chance of reputational damage for enforcement failings.
- 4.5 A clear statement of local practices and procedures, and the understanding it gives of our enforcement being to the highest standards will reassure the public

of the performance of this authority.

- 4.6 Delegations under the new policy will be in accordance with recommendations of best practice in the Office of Surveillance Commissioners 2014 guidance and ensure that a clearer chain of reporting exists for surveillance decision making.

5. Proposal

- 5.1 That the Council adopts the policy and procedures for use by all enforcement staff in the authority.
- 5.2 If Cabinet makes decisions in line with the recommendation they will then have been adopted formally and those delegations will be added to the Constitution.

6. Alternatives that have been considered

- 6.1 If the Council does not use suitable policies and procedures then any evidence gained might not be admissible. This would mean that prosecution is liable to failure. There are reputational risks which would arise in this position.
- 6.2 Other model policies were considered, but the version recommended by the Inspector for Surveillance was assessed by the Council legal team who confirmed the suitability of this policy.
- 6.3 Alternatively the Council could choose not to amend its policies but this would place it at risk of legal, financial and reputational risk where its current policies do not cover issues which are included in the new policy.

7. Resource and legal implications

- 7.1 The primary legal and financial risk follows that set out in paragraph 6.3 above, being the likely risk of evidence being inadmissible, practices being judicially reviewable and that operational activities are hampered by out of date practices which would be unacceptable to the Court. These issues may lead to costs orders against the Council as well as reducing its effectiveness as a prosecuting authority.

8. Consultation

- 8.1 The policy and procedure was considered by the Corporate Governance and Audit Committee who debated it at session on 29 September 2015.
- 8.2 The policy and procedure has been presented to the strategic leadership team who endorse the policy and procedure and in particular framed the new delegations to reflect the local strategic roles of the officers concerned.
- 8.3 The Inspector for Surveillance has been advised that the recommendation of her Inspector is being adopted through this report.
- 8.4 Legal section have discussed the policy with senior operational enforcement officers and carried out relevant updating training with benefit fraud team and

environmental enforcement team.

9. Community impact and corporate risks

9.1 Surveillance enables the Council to carry out investigative work legally and in accordance with its statutory powers. It enables the Council to achieve its corporate objectives in situations where partnership working or discussion are not available or have been unsuccessful. Having unsuitable policies and procedures for RIPA would lead to the Council being unable to carry out key parts of its work.

9.2 As the Council already has policies in place and these are an updating of those policies it is not considered that this has any new direct implications under paragraph 10 (below).

10. Other Implications

Are there any implications for the following?		
	Yes	No
Crime & Disorder:		x
Climate Change:		x
Human Rights and Equality Impact:		x
Safeguarding:		
Other (Please specify): eg Biodiversity		x

11. Appendices

Appendix 1 – Recommended policy and procedure

12. Background Papers

12.1 None

THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

CORPORATE POLICY AND PROCEDURES

Version ~~63~~
September ~~July~~ 2015

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1. INTRODUCTION

1.1 Summary

The Regulation of Investigatory Powers Act 2000 ('RIPA') brought into force the regulation of covert investigation by a number of bodies, including local authorities. RIPA regulates a number of investigative procedures, the most of recent of which is the access to communications data. This document is intended to provide officers with guidance on the use of covert surveillance, including use of social networking and auction websites, Covert Human Intelligence Sources ('CHIS') and the obtaining and disclosure of communications data under RIPA.

It should be noted that these powers can only be used by officers of the council for the purpose of **preventing or detecting crime or of preventing disorder**.

Officers must take into account the Codes of Practice issued by the Home Office under RIPA. (RIPA and the Codes of Practice may be found at <http://www.homeoffice.gov.uk/counter-terrorism/regulation-investigatory-powers/ripa-codes-of-practice/>)

The latest Code of Practice for Covert Surveillance also covers interference with property or with wireless telegraphy as governed by Part III of the Police Act 1997. It should be noted that Council officers are **not** permitted to undertake this type of activity.

1.2 Background

The Human Rights Act 1998 requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of citizens, their home and correspondence. The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council may interfere in the citizens' rights mentioned above, if such interference is:

- (a) in accordance with the law
- (b) necessary (as defined in this document); and
- (c) proportionate (as defined in this document)

RIPA provides a statutory mechanism for authorising certain types of surveillance. It seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.

If the correct procedures are not followed, evidence may be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. It is essential, therefore, that all involved with RIPA comply with this document and any further corporate guidance that may be issued, from time to time.

Each officer of the Council with responsibilities for the conduct of investigations, shall, before carrying out any investigation involving RIPA, undertake appropriate training to ensure that investigations and operations that he/she carries out will be conducted lawfully.

A **Senior Responsible Officer** will be appointed for the Council to ensure the integrity of the process within the Council and its compliance with RIPA; to have oversight of reporting of errors to the relevant oversight commissioner; responsibility for engagement with the Office of Surveillance Commissioners (OSC) when they conduct their inspections and where necessary, oversight of the implementation of any post-inspection action plan. The Senior Responsible Officer will also ensure that Members regularly review the Council's use of RIPA.

1.3 Review

RIPA and this document are important for the effective and efficient operation of the Council's actions with regard to surveillance. This document will, therefore be kept under yearly review by the Senior Responsible Officer and the outcomes of this review will be presented to the Senior Management Team.

Authorising Officers must bring any suggestions for continuous improvement of this document to the attention of the Senior Responsible Officer at the earliest possible opportunity.

1.4 Scope

RIPA covers the authorisation of directed surveillance, the authorisation of CHIS sources and the authorisation of obtaining communications data. Communications data includes information relating to the use of a postal service or telecommunications system but does not include the contents of the communication itself, contents of e-mails or interaction with websites. However, covert targeted monitoring of an individual's activities on a website such as facebook or ebay falls under the definition of directed surveillance.

An authorisation under RIPA will provide lawful authority for the investigating officer to carry out surveillance.

In terms of monitoring e-mails and internet usage, it is important to recognise the interplay and overlaps with the Council's e-mail and internet policies and guidance, the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000 and the Data Protection Act 1998. RIPA forms should be used where **relevant** and they will only be relevant where the **criteria** listed on the forms are fully met.

2. GENERAL

2.1 Definition of Surveillance

'Surveillance' includes:

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

Surveillance also includes the interception of postal and telephone communications where the sender or recipient consents to the reading of or listening to or recording of the communication. This is a form of directed surveillance.

2.2 Confidential Material

Particular care should be taken in cases where the subject of the investigation or operation might reasonably expect a high degree of privacy, or where confidential information is involved. Confidential information consists of matters subject to legal privilege, confidential personal information, confidential journalistic material and communications between an MP and a constituent.

Applications in which the surveillance is likely to result in the acquisition of confidential material will only be considered in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

The Authorising Officer shall give the fullest consideration to any cases where the subject of the surveillance might reasonably expect a high degree of privacy, for instance in his or her home.

Where a likely consequence of surveillance would result in the acquisition of confidential material, the investigating officer must seek authority from the Chief Executive, or, in her absence, another statutory officer.

The use or conduct of a covert human intelligence source to obtain matters subject to legal privilege must be subject to prior **approval by the Surveillance Commissioner**.

3. DIRECTED AND INTRUSIVE SURVEILLANCE

3.1 Directed Surveillance

Directed surveillance is surveillance which is covert, but not intrusive, and undertaken:

- (a) for the purposes of a specific investigation or specific operation;
- (b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- (c) 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 under RIPA to be sought for the carrying out of the surveillance.

3.2 Intrusive Surveillance

That surveillance becomes intrusive if the surveillance:

- (a) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle; or
- (b) is carried out without that device being present on the premises or in the vehicle, but is such that it 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, or
- (c) is carried out in places ordinarily used for legal consultation, at a time when they are being used for such consultations

Therefore directed surveillance turns into intrusive surveillance if it is carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a surveillance device OR when directed surveillance is carried out in places ordinarily used for legal consultation, at a time when they are being used for such consultations.

For intrusive surveillance relating to residential premises or private vehicles, if any device used is not on the premises or in the vehicle, it is only intrusive surveillance if it consistently produces information of the same quality as if it were.

Where surveillance is carried out by a device designed or adapted principally for the purpose of providing information about the location of a vehicle, the activity is directed surveillance.

Commercial premises and vehicles are therefore excluded from intrusive surveillance.

Currently, local authorities are not authorised to carry out intrusive surveillance.

4. IDENTIFYING DIRECTED SURVEILLANCE

Ask yourself the following questions, or follow the flowchart attached as [Appendix 2](#):

4.1 Is the surveillance covert?

Covert surveillance is any surveillance that 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.

If your activities are not hidden from the subjects of your investigation, you are not within the RIPA framework at all. In many cases, Officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about Council business openly (e.g. a market inspector walking through markets or visiting another residents home or business).

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

It should be noted that if the same outcome can be achieved by overt means then those means need to be fully explored in the first instance. Covert surveillance must only be undertaken when there is no less invasive way of achieving the outcome.

4.2 Is the surveillance for the purposes of a specific investigation or a specific operation?

Although, the provisions of the Act do not normally cover the use of overt CCTV surveillance systems or Automated Number Plate Recognition (ANPR) in car parks, since members of the public are aware that such systems are in use, there may be occasions when public authorities use overt CCTV systems and/or ANPR for the purposes of a specific investigation or operation. For example, if the CCTV cameras

are targeting a particular known offender. In such cases, authorisation for directed surveillance may be necessary.

4.3 Is the surveillance in such a manner that is likely to result in the obtaining of private information about a person?

Private information includes any information relating to a person's private or family life. The concept of private information should be broadly interpreted to include an individual's private or personal relationship with others. It includes an individual's business and family relationships. Family life itself should be treated as extending beyond the formal relationships created by marriage.

4.4 Is the surveillance otherwise than by way of an immediate response to events or circumstances where it is not reasonably practicable to get authorisation?

Directed surveillance does not include covert surveillance carried out by way of an immediate response to events or circumstances which, by their very nature, could not have been foreseen. For example, a police officer would not require an authorisation to conceal himself and observe a suspicious person that he came across in the course of a patrol.

However, if as a result of that immediate response, you undertake a specific investigation you will need authorisation.

5. INTERNET SITE MONITORING

Investigations using social networking sites on the internet such as Facebook, Netlog, Bebo and Myspace, or other open source sites such as Ebay, will fall into the definition of directed covert surveillance if:

- (a) The site is not being accessed by the Councils "corporate" registration but by using an individual account aimed at hiding the identity or presence of the investigator.
- (b) The site is being used to regularly monitor and record a person's activities, contents of postings or relationships.
- (c) The monitoring is likely to identify private information about the person and/or third parties.

If this is the case then a directed surveillance RIPA authorisation must be obtained which assesses the level of intrusion on the subject and the third parties they are interacting with, balanced against the seriousness of the investigation and potential benefit to the investigation of the activity being conducted.

If the nature of the activity involves establishing or maintaining any form of relationship with the subject, their colleagues or friends with a view to obtaining information, then this activity by a Council employee or someone acting on their behalf, requires authorisation to use a covert human intelligence source.

Use of a false identity for covert purposes is permissible if a RIPA authorisation is given. However, Council employees or someone acting on their behalf must not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without a) RIPA authorisation, b) the explicit consent of the person whose identity is to be used and c) giving consideration to the protection of the person whose identity is to be used. Again, use of overt access – telling

someone that the Council is intending to access their social media site – is to be preferred over covert surveillance. It would be expected that in most cases a general approval to access social media sites will be sought from groups where this activity is considered likely (for example benefit claim forms will refer to this practice).

6. COVERT HUMAN INTELLIGENCE SOURCES (CHIS)

6.1 Definition

A person is a source if:

- (a) they establish or maintain a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph (b) or (c);
- (b) they covertly use such a relationship to obtain information or to provide access to any information to another person; or
- (c) they covertly disclose information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

A source may include those referred to as agents, informants and officers working undercover.

A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose.

A relationship is used covertly, and information obtained is disclosed covertly, if and only if it is used or disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

The use of a source involves inducing, asking or assisting a person to engage in the conduct of a source, or to obtain information by means of the conduct of such a source.

This covers the use of professional witnesses to obtain information and evidence. For example, it will include professional witnesses retained by Housing to pose as tenants to obtain information and evidence against alleged nuisance perpetrators.

The use or conduct of a source to obtain knowledge of matters subject to legal privilege must be subject to the **prior approval of the Surveillance Commissioner**.

Carrying out test purchases will not require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product will require authorisation as a CHIS. Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require authorisation as directed surveillance.

The Code of Practice states that the provisions of RIPA are not intended to apply in circumstances where members of the public volunteer information to the police or other authorities, as part of their normal civic duties, or to contact numbers set up to receive information (such as Crimestoppers, Customs Confidential, the Anti Terrorist

Hotline, or the Security Service Public Telephone Number). Members of the public acting in this way would not generally be regarded as sources.

However, a member of the public may in reality be a CHIS if they provide information covertly obtained in the course of, or as a result of, a personal or other relationship. If this information is acted on, a duty of care would be owed if they were at risk of reprisals. The consideration is the manner in which the information has been obtained (i.e. as a result of a relationship established or maintained for a covert purpose), not whether the informant has been tasked to obtain information for the Council.

An authorisation under RIPA will provide lawful authority for the use of a source.

6.2 Security and Welfare

Only the Chief Executive Officer or, in her absence, another Statutory Officer is able to authorise the use of vulnerable individuals and juvenile sources.

The Authorising Officer shall have regard to the special safeguards and provisions that apply to vulnerable individuals and juvenile sources, more particularly set out in the latest Home Office Covert Human Intelligence Source Code of Practice.

The Authorising Officer shall ensure that arrangements are in place for the proper oversight and management of sources, including appointing the following individual officers for each source:

A "**Handler**" who will have day-to-day responsibility for:

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

The Handler will usually be of a rank or position below that of the Authorising Officer.

A "**Controller**" who will be responsible for the management and supervision of the "handler" and general oversight of the use of the CHIS.

Officers using a source shall consider the safety and welfare of that source (even after cancellation of the authorisation), and the foreseeable consequences to others of the tasks they are asked to carry out. The Authorising Officer shall carry out a risk assessment before authorising the source.

7. COMMUNICATIONS DATA

7.1 Definition

This covers any conduct in relation to a postal service or telecommunications system for obtaining communications data and the disclosure to any person of such data. For these purposes, communications data includes information relating to the use of a postal service or telecommunications system but does not include the contents of the communication itself, content of emails or interaction with websites.

Communications data includes subscribers details, names and addresses and telephone numbers of those contacted, billing addresses, account information, web addresses visited etc. Two types of data (Customer Data or Service Data) are available to local authorities and, when making an application for obtaining or disclosing such data, the applicant must specify exactly which type of information is required from within each of the subscriber data and service use data sources.

(a) Part C - Customer data – (Subscriber data, RIPA s21(4)(c))

Customer data is the most basic. It is data about users of communication services.

This data includes:

- Name of subscriber
- Addresses for billing, delivery, installation
- Contact telephone number(s)
- Abstract personal records provided by the subscriber (e.g. demographic information)
- Subscribers' account information – bill payment arrangements, including bank, credit/debit card details
- Other services the customer subscribes to.

(b) Part B - Service data – (Service Use data, RIPA s21(4)(b))

This relates to the use of the service provider's services by the customer, and includes:

- The periods during which the customer used the service(s)
- Information about the provision and use of forwarding and re-direction services by postal and telecommunications service providers
- 'Activity', including itemised records of telephone calls (numbers called), internet connections, dates and times/duration of calls, text messages sent
- Information about the connection, disconnection and reconnection of services
- Information about the provision of conference calling, call messaging, call waiting and call barring telecommunications services
- Records of postal items, such as records of registered, recorded or special delivery postal items, records of parcel consignment, delivery and collection
- 'Top-up' details for prepay mobile phones – credit/debit card, voucher/e-top up details

A third type of data (part A - traffic data) defined in RIPA s21 (6) is not accessible to local authorities. This is data that is or has been comprised in or attached to a communication for the purpose of transmitting the communication.

8. AUTHORISATION PROCEDURE

8.1 General

Authorisation is required for the use of directed surveillance, for the conduct and use of sources and for the conduct in relation to a postal service or telecommunication system and the disclosure to any person of such data, hereto referred to as the “RIPA powers”.

Any officer who undertakes investigations (applicant) on behalf of the Council shall seek provisional authorisation in writing from an Authorising Officer in relation to any directed surveillance or for the conduct and use of any CHIS.

The Council’s list of current officers who would undertake investigations and as such would be considered the case investigating officers are listed in [Appendix 1](#). It would be these officers who would attend the magistrate’s court for the purpose of presenting RIPA cases to Justices of the Peace (JP) as it will be these officers who are best placed to answer any questions or clarify any points the JPs have on the application. However, the Authorising Officer’s considerations should always be clearly and fully recorded on the application form, and in usual and complex cases consideration should be given to the Authorising Officer attending the court as well.

Each provisional authorisation then needs to receive judicial approval before being acted upon.

Any officer wishing to engage in conduct in relation to a postal service and telecommunication system for obtaining communications data and the disclosure to any person of such data must also seek authorisation, the procedure and procedure of which differs slightly and is outlined in paragraph 8.6.

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

The authorising officer should also ensure that they clearly set out what activity and equipment has been authorised in order that those conducting the surveillance are clear on what has been sanctioned (as per the R v Sutherland ruling).

8.2 Who can give Provisional Authorisations?

By law, the ‘Authorising Officer’ for local authority purposes is required to be a senior officer – at Chichester District Council these are given individual, express authority (see below). An Authorising Officer may grant a provisional authorisation but it does not take effect until it receives judicial approval (See paragraph 8.5). Please note that certain provisional authorisations, namely those relating to confidential information, vulnerable individuals and juvenile sources, can only be granted by the Chief Executive Officer, or, in her genuine absence, another statutory officer.

The Council’s Authorising Officer posts are listed in [Appendix 1](#). This appendix will be kept up to date by the Senior Responsible Officer as needs require. The Senior Responsible Officer has the delegated authority to add, delete or substitute posts.

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

Training will be given, or approved by the Senior Responsible Officer, before Authorising Officers are certified to sign any RIPA forms. The Human Resources

department shall monitor training and keep a record to ensure that skills of authorising officers is maintained at the required level.

8.3 Grounds for Authorisation – the ‘necessary & proportionate’ test

An Authorising Officer has a number of obligations within the provisions of the Act, which must be met before using any of the RIPA powers.

An Authorising Officer shall not grant a provisional authorisation for the use of the RIPA powers unless he believes:

- (a) that a provisional authorisation is necessary and
- (b) the provisionally authorised investigation is proportionate to what is sought to be achieved by carrying it out

For local authority investigations, provisional authorisation for surveillance and CHIS is deemed “**necessary**” in the circumstances of the particular case if it is for the purpose of the **prevention or detection of crime(s) punishable by 6 months imprisonment or more**, or relates to the sale of alcohol or tobacco to underage persons, and if that objective could not be achieved without the information sought.

Conduct is not deemed “**proportionate**” if the pursuance of the legitimate aim listed above will not justify the interference if the means used to achieve the aim are excessive in the circumstances. Any conduct must meet the objective in question and must not be arbitrary or unfair nor must the impact on any individuals or group be too severe.

The conduct must also be the least invasive method of achieving the end and the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation must be assessed and taken into account (see Collateral Intrusion below).

Consideration must be given to the seriousness of the offence under consideration and whether it could be punishable on summary conviction or on indictment, by a maximum term of at least six months imprisonment (surveillance and CHIS authorisations).

Careful consideration needs to be made by authorising officers of all of these points using the list below:

- (a) is the size and scope of the operation balanced by the gravity and extent of the perceived crime or offence?
- (b) is it clear how and why the methods to be adopted will cause the least possible intrusion on the subject and others?
- (c) is the activity an appropriate use of the legislation and the only reasonable way, having considered all alternatives, of obtaining the necessary result?
- (d) has evidence been provided of other methods considered and why they were not implemented?

Such consideration needs to be demonstrated on the authorisation form in the relevant parts. Authorising Officers must exercise their minds every time they are asked to sign a form. They must never sign or rubber stamp the form without thinking about their personal and the Council’s responsibilities. Any boxes not needed on the form/s must be clearly marked as being ‘not applicable’ or a line put through the same. Great care must also be taken to ensure accurate information is used and

inserted in the correct boxes. Reasons for any refusal of an application must also be kept on the form and retained for future audits.

So far as possible, Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved.

8.4 Collateral Intrusion

Before provisionally authorising investigative procedures, the Authorising Officer shall also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). The investigating officer shall take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

An application for a provisional authorisation shall include an assessment of the risk of any collateral intrusion. The Authorising Officer shall take this into account, when considering the proportionality of the use of the RIPA powers.

Where an operation unexpectedly interferes with the privacy of individuals who were not the subject of the investigation or covered by the authorisation in some other way, the investigating officer should inform the Authorising Officer.

8.5 Judicial Approval of Provisional Authorisations and Renewals

The judicial approval mechanism is in addition to the existing authorisation process under the relevant parts of RIPA as outlined in the Codes of Practice. The current local authority process of assessing necessity and proportionality, completing the RIPA authorisation / application form and seeking approval from an authorising officer will remain the same.

The Council is only able to grant a “provisional” authorisation or renewal to make use of any of the RIPA powers. All provisional authorisations and renewals must be approved by the Magistrates Court before the use of the RIPA power in the investigation commences.

The Council must apply to the local Magistrates Court for judicial approval of an authorisation or a renewal of an authorisation. The Council does not need to give notice of the application to the person(s) subject to the application or their legal representatives. If the Magistrates Court refuse to approve the application, they may also make an order quashing the provisional authorisation.

An additional procedure note on ‘**How to apply to the Magistrate’s Court for RIPA Approval**’ has been produced which lays out the local arrangements in place and format of the court application. All applications to the Magistrate’s Court will need to be made through the legal department.

The local authority will provide the JP with a copy of the original RIPA provisional authorisation or notice and the supporting documents setting out the case. This forms the basis of the application to the JP and **should contain all the information that is relied upon.**

The local authority will provide the JP with a partially completed judicial application form containing a brief summary of the circumstances of the case. This is

supplementary to and does not replace the need to supply the provisionally authorised RIPA authorisation or renewal as well.

The Magistrates will consider the provisionally authorised application or renewal, and will need to satisfy themselves that:

- a) At the time of provisional authorisation, there were reasonable grounds for believing that the tests of necessity and proportionality were satisfied in relation to the authorisation, and that those grounds still exist;
- b) That the person who granted provisional authorisation was an appropriately designated person;
- c) The provisional grant or renewal of any authorisation or notice was not in breach of any restrictions imposed under RIPA; and
- d) Any other conditions provided for by an order made by the Secretary of State were satisfied.

The applicant in liaison with legal services is responsible for tabling the application IN WRITING for judicial approval in the Magistrates Court before the use of the RIPA powers commence. The order section of the application form will be completed by the JP and will be the official record of the JP's decision. The local authority will need to obtain judicial approval for all initial RIPA authorisations / applications and renewals and the local authority will need to retain a copy of the judicial application order form after it has been signed by the JP. There is no need for the JP to consider either cancellations or internal reviews.

The hearing is a 'legal proceeding' and therefore the local authority officers need to be formally designated to appear and present evidence or provide information as required by the JP. A solicitor or barrister appointed by the Legal Practice Manager will fulfil this role.

8.6 Special Procedure for Communications Data

The Data Retention and Investigatory Powers Act 2014 (DRIPA) removes the authority of accredited Council Officers to directly approach telecommunication service providers to obtain data under RIPA.

Applications for the obtaining and disclosure of communications data can now only be made through the National Anti-Fraud Network (NAFN) via their secure website (www.nafn.gov.uk). Reference should be made to the process map at [Appendix 3](#) for guidance as to the process to be followed.

It is the responsibility of Chichester District Council to obtain both provisional authorisation and judicial approval of an application before NAFN are requested to obtain the required communications data. However, NAFN will carry out the Single Point of Contact "SPoC" role which includes:

- (a) where appropriate, assessing whether access to the communications data is reasonably practical for the postal or telecommunications operator;
- (b) advising applicants and authorising officers on the practicalities of accessing different types of communications data from different postal or telecommunications operators;
- (c) providing safeguards for authentication;

- (d) assessing the cost and resource implications to both the authorisation and postal or telecommunications operator.

Applications to obtain communications data should be made on the interim form at [Appendix 4](#) and submitted in the first instance to the Authorising Officer for feedback. This summary should be used as a record for the Central Monitoring records.

The formal application should then be entered on the NAFN website where it will be provisionally reviewed by a NAFN SPOC before forwarding to an Authorising Officer set up on within the website. If satisfied that the proposed investigation is both necessary and proportionate, the Authorising Officer will complete the relevant parts of the application form. The relevant documents will then be retrieved from the NAFN application for presentation for judicial approval. If accepted the NAFN application will be updated with the approval information and the SPoC who will then liaise with the postal / telecommunications company. Any communications data obtained will be provided through the NAFN website.

Communications data, and all copies, extracts and summaries of it must be handled and stored securely. The requirements of the Data Protection Act 1998 and the principles of the Criminal Procedure and Investigations Act 1996 must be strictly followed.

8.7 Urgency

Urgent authorisation authorisations are no longer available in relation to the use of the RIPA powers. Advice on obtaining early Court hearings, or out of hours court hearings, can be given by the Legal department.

8.8 Standard Forms

All authorisations must be in writing.

The local authority will provide the JP with a partially completed judicial application form that will also contain a brief summary of the circumstances of the case. This is supplementary to and does not replace the need to supply the provisionally authorised RIPA authorisation or renewal as well.

Standard forms for seeking use of the RIPA powers are provided at [Appendix 4](#). The authorisation shall be sought using the standard forms as amended from time to time.

9. ACTIVITIES BY OTHER PUBLIC AUTHORITIES

The investigating officer shall make enquiries of other public authorities e.g. the police whether they are carrying out similar activities if he considers that there is such a possibility in order to ensure that there is no conflict between the activities of this Council and those other public authorities.

10. JOINT INVESTIGATIONS

When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this document and the forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the

various requirements. They must be made aware explicitly what they are authorised to do.

When some other agency (e.g. police, Customs & Excise, Inland Revenue etc):

- (a) wish to use the Council's resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures and, before any officer agrees to allow the Council's resources to be used for the other agency's purposes, he must obtain the details and purpose of the surveillance and evidence of the RIPA authorisation and any required judicial approval for the purposes of protecting the Council and the use of its resources.
- (b) wish to use the Council's premises for their own RIPA action, the officer should, normally, co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. In such cases, the Council's own RIPA forms should not be used as the Council is only assisting and not being involved in the RIPA activity of the external agency.

In terms of (a), if the police or other agency wish to use the Council's resources for general surveillance, as opposed to specific RIPA authorisations, an appropriate letter requesting the proposed use, remit, duration, details of who will be undertaking the general surveillance and the purpose of it must be obtained from the police or other agency before any Council resources are made available for the proposed use.

11. DURATION, RENEWALS AND CANCELLATION OF AUTHORISATIONS

11.1 Duration

Authorisations must be reviewed in the time stated and cancelled once no longer needed. Authorisations last for:

- (a) 12 months from the date of the judicial approval for the conduct or use of a source
- (b) three months less a day from the date of the last judicial approval for directed surveillance
- (c) one month from the date of judicial approval for communications data, or earlier if cancelled under Section 23(8) of the Act.

However, whether the surveillance is carried out/conducted or not in the relevant period, does not mean that the authorisation is spent. Authorisations should not be allowed to expire; they should be reviewed, or cancelled if no longer required.

11.2 Reviews

The Authorising Officer shall undertake regular reviews of authorisations to assess the need for the surveillance to continue. At a minimum these should be carried out monthly from the start date. The results of a review should be recorded on the central record of authorisations. Where the surveillance provides access to confidential information or involves collateral intrusion the officer should conduct frequent reviews.

Standard review forms for directed surveillance and CHIS are attached at [Appendix 4](#).

11.3 Renewals

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

Authorisations can be renewed in writing shortly before the maximum period has expired. An authorisation cannot be renewed after it has expired. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred. The renewal will begin on the day when the authorisation would have expired provided the necessary judicial approval has been obtained.

A further requirement in relation to renewal of covert human intelligence sources, is that judicial approval will only be granted if the Magistrates are satisfied that a review has been carried out, which considers:

- the use made of the source in the period since authorisation was granted (or the last renewal); and
- the tasks given to the source during that period, and the information obtained from the conduct or use of the source;

and for the purposes of making an Order, the Magistrates have considered the results of that review.

The Authorising Officer who granted or last renewed the authorisation must cancel it if he is satisfied that the investigative procedure no longer meets the criteria upon which it was authorised.

Standard renewal forms for the authorisation of directed surveillance and CHIS are attached at [Appendix 4](#).

11.4 Cancellations

An Authorising Officer shall cancel a notice or authorisation as soon as it is no longer necessary, or the conduct is no longer proportionate to what is sought to be achieved. The duty to cancel a notice falls on the authorising officer who issued it.

In the case of a notice issued in respect of communications data, the relevant postal or telecommunications operator will be informed of the cancellation.

Standard cancellation forms for communications data, directed surveillance and CHIS are attached at [Appendix 4](#).

When completing the cancellation form care should be taken to record when the activity ceased, what value the surveillance had been to the investigation and what evidence “products” had been obtained.

12. RECORDS

The Council must keep a detailed record of all provisional and judicially approved authorisations, reviews, renewals, cancellations and rejections in departments and a

Central Register of all such forms will be maintained and contain the following information:

- (a) a central register reference number for each authorisation
- (b) a unique reference number for the authorisation (URN) - this is usually the investigation or operation case reference
- (c) the type of authorisation or notice
- (d) the date the provisional authorisation or notice was given;
- (e) name and rank/grade of the authorising officer;
- (f) whether the investigation or operation is likely to result in obtaining confidential information;
- (g) whether the provisional authorisation was granted by an individual directly involved in the investigation;
- (h) the date that judicial approval was received or refused;
- (i) if the authorisation or notice is renewed, when it was provisionally renewed and who authorised the renewal, including the name and rank/grade of the authorising officer, and the date that judicial approval was obtained;
- (j) the date the authorisation or notice was cancelled;
- (k) the outcomes of the use of the powers.

The title of the investigation or operation, including a brief description and names of subjects will only be recorded on the central register by way of a hyperlink to the application form. The content of the hyperlink is restricted and can only be accessed by those with the appropriate authority.

The record will be made available to the relevant Commissioner or an Inspector from the Office of Surveillance Commissioners (OSC) or Communications Commissioner's Office (IOCCO).

These records will be retained for a period of at least three years from the ending of the authorisation. A record will be kept of the dates on which the authorisation notice is started and cancelled.

12.1 Maintaining the Central Record of all Authorisations

The Legal Practice Manager, on behalf of the Senior Responsible Officer shall hold and monitor the centrally retrievable record of all provisional and judicially approved authorisations. This will be held in the legal secure filing system.

Applicants and Authorising Officers are responsible for filling out the Central register for each application whether approved or not within 1 week of the judicial approval review, cancellation or rejection. They should also ensure that a copy of all applications, magistrates approvals, reviews, renewals and cancellation forms are passed to the Legal Practice Manager to be placed into the Central Register.

Once an authorisation has been cancelled the applicant or authorising officer must update the Central Register for the outcome of the use of the RIPA powers in relation to their investigation.

12.2 Records maintained in the Department

The Authorising Officer shall maintain the following documentation, which need not form part of the centrally retrievable record:

- (a) the original signed application and a copy of the provisional authorisation or notice if applicable together with a copy of any order of judicial approval or

- refusal, as well as any supplementary documentation and notification given by the Authorising Officer;
- (b) a record of the period over which the surveillance has taken place;
 - (c) the frequency of reviews prescribed by the Authorising Officer;
 - (d) an original signed record of the result of each review of the authorisation or notice;
 - (e) the original signed renewal of an authorisation or notice, together with the supporting documentation submitted when the renewal was requested;
 - (f) the date and time when any instruction was given by the Authorising Officer.

Each form must have a URN and a Central Register number. The cross-referencing of each URN takes place within the form for audit purposes. Rejected forms will also have URNs.

12.3 Other Record of Covert Human Intelligence Sources

Proper records must be kept of the authorisation and use of a source. An Authorising Officer must not grant a provisional authorisation for the use or conduct of a source unless he believes that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the source.

The records shall contain the following information:

- (a) the identity of the source;
- (b) the identity, where known, used by the source;
- (c) any relevant investigating authority other than the Council;
- (d) the means by which the source is referred to within each relevant investigating authority;
- (e) any other significant information connected with the security and welfare of the source;
- (f) any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- (g) the date when, and the circumstances in which, the source was recruited;
- (h) the identities of the persons who, in relation to the source;
 - i. hold day-to-day responsibility for dealing with the source and for the source's security and welfare
 - ii. have a general oversight of the use made of the source (not to be the person identified in (h) (i))
 - iii. have responsibility for maintaining a record of the use made of the source
- (i) the periods during which those persons have discharged those responsibilities;
- (j) the tasks given to the source and the demands made of him in relation to his activities as a source;
- (k) all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- (l) the information obtained by the conduct or use of the source;
- (m) any dissemination of information obtained in that way; and

- (n) in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

12.4 Checks on the Integrity of the Process

The Legal Practice Manager will carry out a regular review of forms that are open for a long time or need a cancellation form completing, and will identify any links from forms to the Central Register that are missing.

The Senior Responsible Officer will carry out a periodic sample check of the quality of RIPA authorisations, renewals and cancellations that feed into the report prepared for the Audit and Governance Committee. The results of this review will be recorded on the Central Register and will be used to identify any guidance or individual or corporate training needed.

The Audit and Governance Committee will consider internal reports on the use of the 2000 Act to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose.

13. RETENTION AND DESTRUCTION

Material obtained from properly authorised surveillance or a source may be used in other investigations. Arrangements shall be in place for the handling, storage and destruction of material obtained through the use of covert surveillance, a source or the obtaining or disclosure of communications data. Authorising Officers must ensure compliance with the appropriate data protection requirements and any relevant Corporate Procedures relating to the handling and storage of material.

Where the product of surveillance could be relevant to pending or future proceedings, it should be retained in accordance with established disclosure requirements for a suitable period and subject to review.

14. CONSEQUENCES OF IGNORING RIPA

RIPA states that if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then **it shall be lawful for all purposes.**

Where there is interference with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under RIPA may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.

Officers shall seek an authorisation where the directed surveillance, the use of a source or the obtaining or disclosure of communications data is likely to interfere with a person's Article 8 rights to privacy by obtaining private information about that person, whether or not that person is the subject of the investigation or operation. Obtaining an authorisation will ensure that the action is carried out in accordance with law and subject to stringent safeguards against abuse.

15. SCRUTINY OF INVESTIGATORY BODIES

The Office of Surveillance Commissioners (OSC) and Interception of Communications Commissioner's Office (IOCCO) have been established under RIPA to facilitate independent scrutiny of the use of RIPA powers by the investigatory bodies that are subject to it. The Commissioners will inspect Councils to ensure compliance with RIPA and can audit/review the Council's policies and procedures, and individual authorisations. Further detail can be found at www.surveillancecommissioners.gov.uk.

The Investigatory Powers Tribunal has been established under RIPA to deal with complaints from members of the public about the use or conduct by public authorities of these powers. The Tribunal is separate from the OSC. The Council expects its officers to co-operate fully with these bodies and to bring forward any proposals for improvement that may follow on from an inspection report or a Tribunal hearing.

**IF IN DOUBT ADVICE MUST BE SOUGHT FROM
THE SENIOR RESPONSIBLE OFFICER**

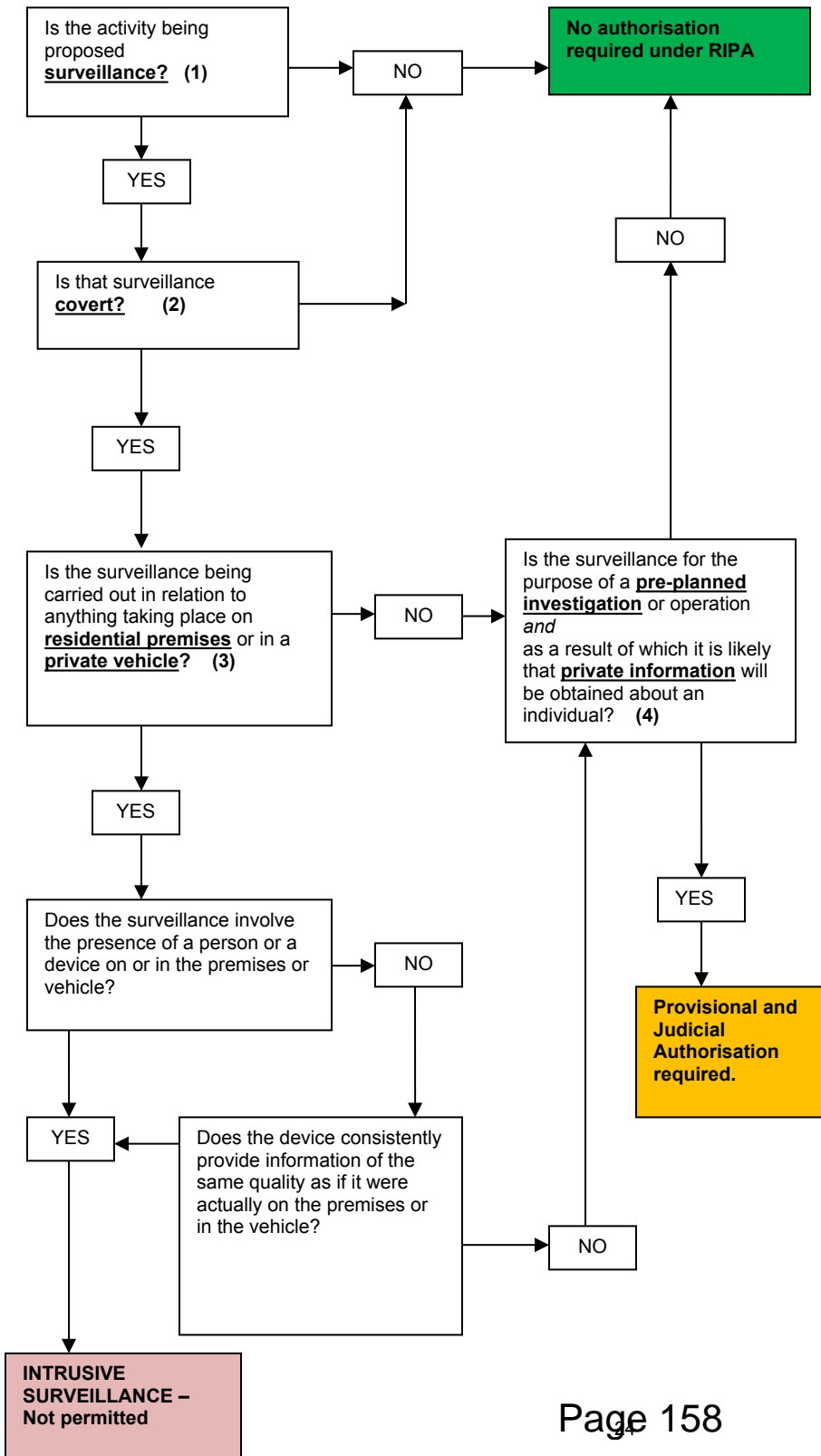
APPENDIX 1

Officer Appointments to Roles in the Policy

Last updated February 2015

Title	Appointed Officers	Role
Senior Responsible Officer	John Ward	<p>Ensure the integrity of the process within the Council and its compliance with RIPA, including carrying out a periodic sample check of the quality of RIPA authorisations, renewals and cancellations.</p> <p>Carry out an annual review of the corporate policy.</p> <p>Have oversight of the completion of annual returns to the relevant oversight commissioner.</p> <p>Engage with the oversight commissioners when they conduct their inspections and where necessary, oversee the implementation of any post-inspection action plan.</p> <p>Have oversight of reporting of errors to the relevant oversight commissioner</p> <p>Ensure that Members regularly review the Council's use of RIPA.</p>
Authorising Officer (Surveillance/ CHIS) Designated Person (Communications Data)	Diane Shepherd Steve Carvell Paul Over	<p>Review applications for considerations of: lawfulness, necessity, proportionality, collateral intrusion and approve or reject them.</p> <p>Act as applicant/handler as long as a different authorising officer approves the application.</p>
Higher level authoriser	Diane Shepherd	Approve applications involving confidential material (surveillance) or the use of vulnerable individuals and juvenile sources (CHIS)
Applicant (Surveillance, Communications Data) Handler (CHIS)	Ian Brightmore David Stewart Nicholas Bennett	<p>Complete application forms 1-4 (surveillance, CHIS)</p> <p>Complete NAFN Communications Data application</p> <p>Attend magistrates court to obtain judicial approval</p>

DIRECTED SURVEILLANCE FLOW CHART



(1) Surveillance includes: monitoring, observing, listening to persons, their movements, their conversations or their other activities or communications. It includes recording anything monitored, observed or listened to in the course of surveillance, and surveillance by or with the assistance of a surveillance device

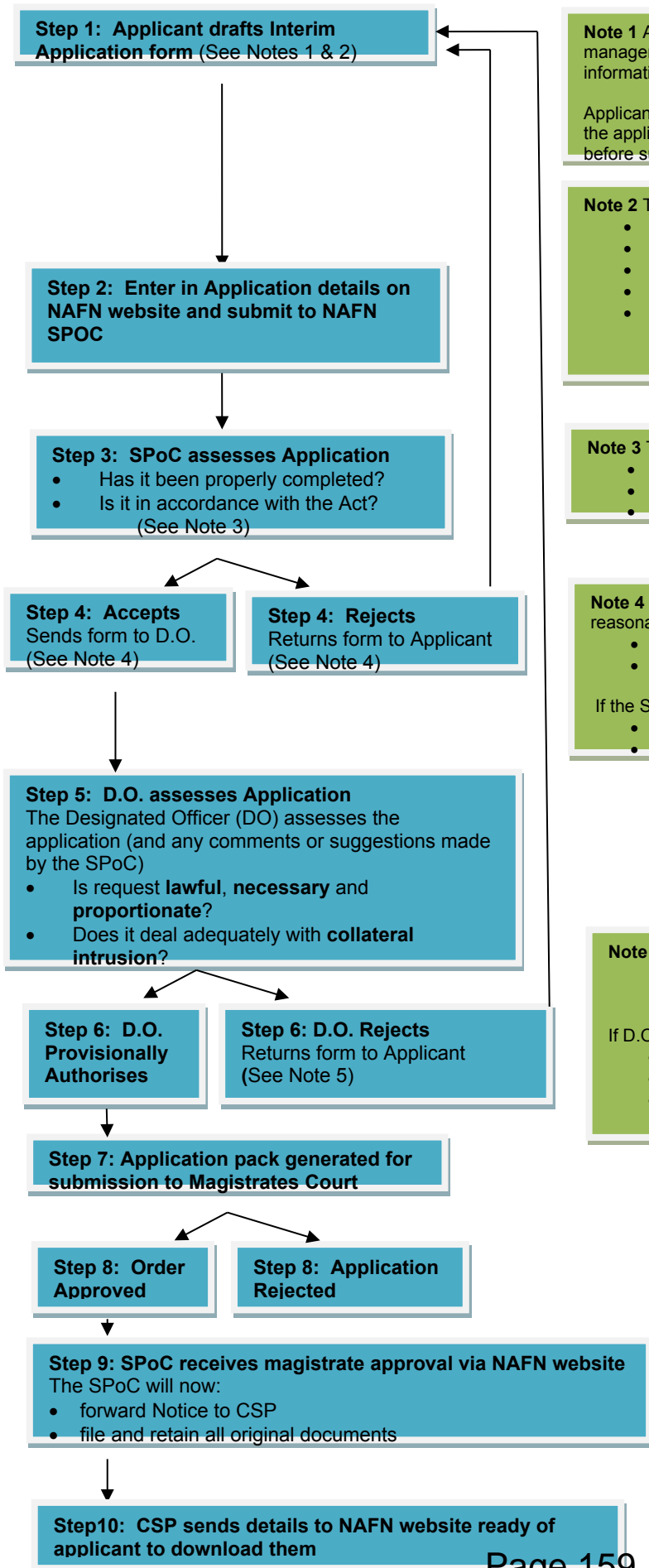
(2) Covert is defined as surveillance which is carried out in a manner calculated to ensure that the person(s) who are subject to it are unaware that it is or may be taking place

(3) Residential premises: occupied or used by a person, however temporarily, for residential purposes or otherwise as living accommodation including hotel rooms – but not communal areas – e.g. a hotel lounge.
Private vehicle: which is used primarily for the private purpose of the owner or a person having the right to use it – but not, e.g. a minicab.

(4) Pre-planned investigation: surveillance is not planned if it is conducted as an immediate response to events or circumstances the nature of which it would not be reasonably practicable for authority to be sought.
Private information: includes any information relating to a person's private or family life. This must be interpreted broadly to include an individual's relationship with others. It will include information about a person's associations, lifestyle, finances etc. It is immaterial whether the person about whom the information will be gathered is the subject of the investigation.

Note: Before provisionally authorising any directed surveillance investigation, the Authorising Officer (AO) must clearly indicate in the authorisation form itself that the AO does believe that the proposed investigation is both **necessary** for preventing or detecting crime or preventing disorder **and** that the investigation is **proportionate** to what it is sought to achieve. The AO must also show that any potential **collateral intrusion** has been taken into account and that reasonable steps are proposed to minimise such intrusion.

Flowchart of Application Process for Communications Data



Note 1 Applicant should discuss proposed application with line manager to try to find alternative options for obtaining the information required.

Applicant may also wish to discuss content, scope and aims of the application and type of application with the **NAFN** SPOC before submitting the application

Note 2 The application should include:

- The purpose for which the data is required
- The nature of the enquiry
- Details of the data required
- The timescale in which the data is needed
- A statement clearly setting out:
 - ❖ why request is **necessary**
 - ❖ why request is **proportionate**
 - ❖ steps to be taken to minimise **collateral intrusion**

Note 3 The SPOC will:

- ensure application is practical and lawful
- advice on most appropriate route
- assess cost and resource implications

Note 4 If the SPOC **accepts** that the application is justified and reasonably practicable, s/he:

- will submit the application to the DO for approval
- include any appropriate additional information/comments for consideration by DO

If the SPOC **rejects** the application, s/he will:

- return the application to the applicant
- specify in writing reason(s) for rejection

Note 5 If D.O. **authorises** the application, s/he will:

- Approve online
- document any discussions conducted in reaching the decision

If D.O. **rejects** the application, s/he will:

- return the application to the applicant
- specify in writing reason(s) for rejection
- save a copy of rejected application + reason(s) to the Council's Central Monitoring Records

KEY

Applicant: Officer making the application
D.O.: Designated Officer who provisionally authorises the Application
SPOC: Single Point of Contact between FBC and CSP
CSP: Communications Service Provider

RIPA Forms

The following links can be used to locate the template of the latest forms to use.

Directed Surveillance

- a. [Directed Surveillance Authorisation - RIPA 1](#)
- b. [Directed Surveillance Review - RIPA 2](#)
- c. [Directed Surveillance Renewal - RIPA 3](#)
- d. [Directed Surveillance Cancellation - RIPA 4](#)

Covert Human Intelligence (CHIS)

- a. [CHIS Application - CHIS 1](#)
- b. [CHIS Review - CHIS 2](#)
- c. [CHIS Renewal - CHIS 3](#)
- d. [CHIS Cancellation - CHIS 4](#)

Application for judicial approval to obtain or disclose communications data, to use covert human intelligence source or to conduct directed surveillance

[Judicial Approval Application Form](#)

[Accompanying Witness Statement](#)

Communications Data

[Template to prepare for application via NAFN](#)

Link to National Anti-Fraud Network site - <https://secure.nafn.gov.uk/>

Chichester District Council

CABINET

3 November 2015

**Gypsy, Traveller and Travelling Showpeople Site Allocation
Development Plan Document – Review of the Evidence**

1. Contacts

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Cabinet Member:

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2. Recommendation

- 2.1 **That further work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document is delayed until a review of the background evidence has been completed.**
- 2.2 **That the Local Development Scheme which sets out the timetable for the preparation of development plan documents be amended.**

3. Background

- 3.1. Changes to government guidance 'Planning Policy for Travellers' (PPTS) were published on 31 August, amending the planning definition of travellers (see Appendix 1) to limit it to those who have a nomadic habit of life, meaning that where someone has ceased travelling permanently they should be treated no differently from the settled population.
- 3.2. Previously, those who had ceased travelling permanently for reasons of health, education or old age were required to be treated like those who continue to travel.
- 3.3. Local Plan Policy 36 Planning for Gypsies, Travellers and Travelling Showpeople identifies the number of pitches and plots which are required in the Plan area by 2027 which is based on background evidence in the Gypsy and Traveller Accommodation Assessments (GTAA). The GTAA and Policy 36 in turn provide the background evidence for work on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document (DPD). Policy 36 also provides the basis for the 5 year supply of sites the Council needs to be able to identify.
- 3.4. Work has commenced on the Gypsy, Traveller and Travelling Showpeople Site Allocation Development Plan Document (DPD) which will identify sites to meet the identified need. It was intended to go out to public consultation in January

2016 with potential development sites. The Local Development Scheme sets out the timetable for progress of the DPD.

- 3.5. The recent changes to the PPTS will now require the GTAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of Gypsies, Travellers and Travelling Showpeople. Only if they fall within the new definition will their housing needs need to be assessed separately from the wider population.
- 3.6. In their initial release, DCLG stated that the Government will lay before Parliament a proposal to revoke “Gypsy and Traveller Accommodation Needs Assessments – Guidance” (2007), and subject to that the Government will publish new guidance on traveller accommodation needs assessments. However, there was no indication about when this guidance would be issued. Shortly after this, in another statement, it was suggested that there would be no guidance and that it would be up to each local authority to define Travellers. It is also unclear whether the changes will be applied retrospectively for studies completed before the new PPTS was released, or indeed to studies that have been completed but have not been the subject of a Local Plan Examination. It is also unclear at this stage how completed studies will be interpreted in any forthcoming Planning Appeals.
- 3.7. Therefore as things currently stand, the impact the changes may have on individual studies is unclear and what the full implications of the new PPTS will be on the overall assessment of need has thrown up more questions than answers. The consultant (ORS) who has previously advised the Council is currently seeking clarification from DCLG and agreement with other planning consultants they work with to try and get some clarification on a number of issues.
- 3.8. What is clear is that an Accommodation Needs Assessment completed using the new PPTS definition cannot simply assume that all ‘settled’ Gypsies, Travellers and Travelling Showpeople living on sites, yards and in bricks and mortar have ceased to travel permanently and can be excluded as components of need. The likelihood is that more in-depth fieldwork will be required with all Gypsies, Travellers and Travelling Showpeople living in a particular area in order to gain a better understanding of their individual and family circumstances.
- 3.9. It is also likely that a better understanding will be required of transit provision if the change in definition does force more households or family members to travel in order to keep their Traveller status.
- 3.10. Appendix 2 outlines the concerns of the consultants (ORS) who undertook the GTAA for the Council.
- 3.11. In addition to the changes in the planning definition of gypsies and travellers, there is also a question over the growth rates used in GTAAs. Growth rates are an important component but little detailed work has been done to assess their likely scale. Nonetheless, nationally, a net growth rate of 3% per annum has been commonly assumed and widely used in local assessments, even though there is actually no statistical evidence of households growing so quickly. The result has been to inflate both national and local requirements for additional pitches unrealistically.
- 3.12. The growth in the Gypsy and Traveller population may be as low as 1.25% per annum, a rate which is much less than the 3% per annum often assumed, but still at least four times greater than in the general population. Even using

extreme and unrealistic assumptions, it is hard to find evidence that net Gypsy and Traveller population and household growth rates are above 2% per annum nationally.

- 3.13. The GTAA for Coastal West Sussex used a growth rate of 3%, and this is reflected in Policy 36. A Technical Update Study in December 2014 used a 2% growth rate. This represented a reduction of 14 pitches over the Coastal West Sussex Area when compared to the original needs assessment. For the Chichester Local Plan area this meant a reduction of 7 pitches compared to the 2013 assessment. If a suggested 1.25% growth figure is applied it may reduce the figures even further. However it is currently necessary to use the existing figures on need in the local plan policy as this has been through examination. If work on the Gypsies, Travellers and Travelling Showpeople DPD is halted and the GTAA reviewed there will be an opportunity to include revised figures in the forthcoming review of the Local Plan.
- 3.14. In conclusion, due to changes in the PPTS definition, there is concern that the background evidence for the forthcoming DPD is now out of date and cannot be relied upon to provide an accurate indication of need. Were the Council to proceed with the Site Allocations Document at this point in time there is a strong risk that the plan would be found unsound or subject to legal challenge due to reliance on an evidence base that has been rendered out of date following the change in government policy.
- 3.15. If work on the Gypsy, Traveller and Travelling Showpeople Site Allocation DPD is significantly delayed, there is the potential risk of additional planning applications and appeals being submitted, all of which will need to be considered against Local Plan Policy 36 and the Five Year Supply of Sites. However, the change to the planning definition of traveller means that applicants will have to demonstrate that they continue to travel. If they cannot demonstrate this, applications should be treated as for any residential development outside the Settlement Boundaries in line with Local Plan Policy 2 'Development Strategy and Settlement Hierarchy'.

4. Outcomes to be achieved

- 4.1. Given the changes to government guidance, the GTAA will need to be reviewed in order to provide a robust background evidence for the DPD and achieve a sound plan. It is therefore proposed to delay progress on production of the DPD in order for the background evidence to be updated.
- 4.2. This will also require an amendment to the Local Development Scheme which sets out the timetable for work on Local Plan projects. This will be the subject of a separate report to the Development Plan and Infrastructure Panel, Cabinet and Council.

5. Alternatives that have been considered

- 5.1. There is the option to carry on with the production of the Gypsy, Traveller and Travelling Showpeople Site Allocation DPD. However a DPD needs to go through the formal Examination process. If there is a significant query over the validity of the background evidence there is a risk that the DPD would fail at Examination, or be subject to legal challenge.

6. Resource and legal implications

- 6.1. The Council will need to commission work to review the existing GTAA and this is as yet uncosted. The Council may need to deal with increased speculative planning applications and appeals for traveller sites due to the lack of an allocations plan.

7. Consultation

- 7.1. The Development Plan & Infrastructure Panel considered this report at its meeting on 15 October 2015 and made the recommendations listed at 2 to Cabinet.

8. Community impact and corporate risks

- 8.1. There is a lack of certainty about the overall need and location of sites for gypsies and travellers. This could have an adverse impact for both traveller and settled communities.
- 8.2. While it can be argued that the gypsy and traveller community is disadvantaged through the delay in the production of the Gypsy, Traveller and Travelling Showpeople DPD, there remains an opportunity to submit planning applications for the provision of sites. The impact on the traveller community is therefore neutral.

9. Other Implications

	Yes	No
Crime & Disorder		✓
Climate Change		✓
Human Rights and Equality Impact: The impact on the traveller community is neutral, see paragraph 8.2.	✓	✓
Safeguarding		✓

10. Appendices

Appendix 1 - Planning Definition of Traveller in Planning Policy for Traveller Sites

Appendix 2 - ORS Briefing on the implications of changes to Planning Policy for Traveller Sites (August 2015)

11. Background Papers

None

Planning Definition of Traveller in Planning Policy for Traveller Sites

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life
- b) The reasons for ceasing their nomadic habit of life
- c) Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

PPTS August 2015 – Potential Implications for GTAA's

Gypsy and Traveller Accommodation Assessments**ORS Briefing on the Implications of Changes to Planning Policy for Traveller Sites****August 2015**

Please note that these are the current views of ORS on the implications of the changes to PPTS and clarification has not yet been sought from DCLG on our interpretation of the potential changes to the definition of Gypsies, Travellers and Travelling Showpeople in relation to undertaking GTAA's.

Background

The recent changes to PPTS that were published on 31st August will now require a GTAA to determine whether households living on sites, encampments and in bricks and mortar fall within the new definition of a Gypsy, Traveller or Travelling Showperson. Only if they fall within the new definition will their housing needs need to be assessed separately from the wider population, as required by the Housing Act (2004).

There are a number of issues that will need to be considered when seeking to apply the new definition and this short briefing covers the views of ORS on these in relation to completing a GTAA.

Conflicting Definitions of a Traveller

It is our understanding there are now 3 definitions for a Gypsy, Traveller or Travelling Showperson. The PPTS (2015) definition, the Housing Act (2004) definition, and the Equality Act (2010) definition (which only applies only to Romany and Irish Travellers as an ethnic group).

In their response to the consultation on Planning and Travellers DCLG stated that *the Government will, when parliamentary time allows, seek to amend primary legislation to clarify the duties of local authorities to plan for the housing needs of their residents.* This should bring the Housing Act definition in line with the PPTS definition.

The key issue is that there will be Romany and Irish Travellers who no longer travel so will not fall under the Planning or Housing definition, but Council's may still need to meet their needs through the provision of *culturally suitable* housing under the requirements of the Equality Act.

We believe that this will now create a new category of Gypsy, Traveller or Travelling Showperson - *a Non-Travelling Romany or Irish Traveller* - that Council's will need to consider in terms of housing provision. The needs of households that fall within this category *will not necessarily* be assessed in a GTAA and will need to be assessed separately under the NPPF.

The 'Planning Definition' in PPTS:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.

In determining whether persons are "gypsies and travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) Whether they previously led a nomadic habit of life*

b) *The reasons for ceasing their nomadic habit of life*

c) *Whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.*

The 'Housing Definition' in the Housing Act 2004

Section 225: *Every local housing authority must, when undertaking a review of housing needs in their district under section 8 of the Housing Act 1985 (c. 68), carry out an assessment of the accommodation needs of gypsies and travellers residing in or resorting to their district...gypsies and travellers has the meaning given by regulations made by the appropriate national authority.*

The definition of Gypsies and Travellers as referred to at Section 225 of the Act is that set out for the purposes of planning by the Secretary of State for Communities and Local Government.

Therefore the definition of 'gypsies and travellers' for this purpose is specified in 'The Housing (Assessment of Accommodation Needs) (Meaning of Gypsies and Travellers) (England) Regulations 2006' (Statutory Instrument: 2006 No. 3190).

The following definition of "gypsies and travellers" should now be used:

(a) persons with a cultural tradition of nomadism or living in a caravan; and

(b) all other persons of a nomadic habit of life, whatever their race or origin, including:

(i) such persons who, on grounds only of their own or their family's or dependant's educational or health needs or old age, have ceased to travel temporarily or permanently; and

(ii) members of an organised group of travelling showpeople or circus people (whether or not travelling together as such).

The 'Equality Act' 2010 Definition

The courts have determined that Romany Gypsies and Irish Travellers are protected against race discrimination because they are included under the Protected Characteristics as an ethnic group. Culturally suitable housing should be provided for this group.

Definition of Travelling

One of the most questions that GTAA's will need to address in terms of applying the new definition is *what constitutes travelling?* This has been determined through case law that has tested the meaning of the term 'nomadic'.

R v South Hams District Council (1994) – defined Gypsies as "*persons who wander or travel for the purpose of making or seeking their livelihood (not persons who travel from place to place without any connection between their movements and their means of livelihood.)*" This includes 'born' Gypsies and Travellers as well as 'elective' Travellers such as New Age Travellers.

In Maidstone BC v Secretary of State for the Environment and Dunn (2006), it was held that a Romany Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, and who remained away from his permanent site for up to two

months of the year, at least partly in connection with this traditional Gypsy activity, was entitled to be accorded Gypsy status.

In *Greenwich LBC v Powell* (1989), Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life *only seasonally*.

The definition was widened further by the decision in *R v Shropshire CC ex p Bungay* (1990). The case concerned a Gypsy family that had not travelled for some 15 years in order to care for its elderly and infirm parents. An aggrieved resident living in the area of the family's recently approved Gypsy site sought judicial review of the local authority's decision to accept that the family had retained their Gypsy status even though they had not travelled for some considerable time. Dismissing the claim, the judge held that a person could remain a Gypsy even if he or she did not travel, provided that their nomadism was held in abeyance and not abandoned.

That point was revisited in the case of *Hearne v National Assembly for Wales* (1999), where a traditional Gypsy was held not to be a Gypsy for the purposes of planning law as he had stated that he intended to abandon his nomadic habit of life, lived in a permanent dwelling and was taking a course that led to permanent employment.

It is our understanding that the implication of these rulings in terms of applying the new definition is that it will include those who travel but also have a permanent site or place of residence, but that it will not include those who travel for purposes other than work – such as visiting horse fairs and visiting friends or relatives. It will in our view not cover those who commute to work daily from a permanent place of residence.

It will also be the case in our view that a household where some family members travel for nomadic purposes on a regular basis, but where other family members stay at home to look after children in education, or other dependents with health problems etc. the household unit would be defined as travelling under the new definition.

Households will also fall under the new definition if they can demonstrate that they have ceased to travel temporarily as a result of their own or their family's or dependants' educational or health needs or old age. In order to have ceased to travel temporarily these households will need to demonstrate that they have travelled in the past. In addition households may also have to demonstrate that they plan to travel again in the future. These issues are covered later in this briefing.

Changes to Fieldwork Requirements

In determining whether households fall within the new definition it is important that GTAA fieldwork is undertaken in a robust and inclusive manner, with efforts made to speak with households living on *all pitches and plots* in any given local authority area. Attempts to speak with every household is likely to increase the costs of site fieldwork but it is felt that robust and defensible evidence on household travelling characteristics can only be obtained by speaking with a member from each family directly. If this does not happen the determination of whether a household falls within the new definition is likely to be challenged.

Interviewers will need to follow an approach similar to what is being advocated by Welsh Government in their recent GTAA Guidance which requires interviewers to make a minimum of 3 attempts to complete a successful household interview before seeking information from a third party. The keeping of an Interview Log to record dates and times of unsuccessful visits, and reasons for a refusal to be interviewed is also recommended.

Qualifying Questions and Evidence to Support Travelling Status

A series of *qualifying questions* will need to be asked during the more intensive household interviews to determine whether each household will fall under the new definition. There will be a need to ask questions to determine for example:

- » The ethnicity of households;
- » Whether they travel for nomadic purposes as defined by case law;
- » If they do not travel, whether they have travelled for nomadic purposes in the past;
- » Whether they have ceased to travel permanently or temporarily;
- » The reasons why they have ceased to travel temporarily; and
- » Whether and when they plan to resume travelling for nomadic purposes.

The responses to these questions should enable the new planning/housing and ethnicity definitions of Gypsies, Travellers and Travelling Showpeople to be applied to each household in the first instance.

One of the most difficult issues to address will be to evidence households that claim to have *ceased travelling temporarily* as a result of their own or their family's or dependants' educational or health needs or old age. This will need to include evidence that households have travelled in the past.

Example of evidence to support the new definition and households that claim to have ceased to travel temporarily could include:

- » Details of previous travelling by the applicant or by family members for the purpose of work could include originals or copies of family photographs.
- » Evidence to support household members ceasing to travel temporarily could include letters or reports from GPs or consultants; and Letters from head teachers and/or Traveller Education Officers.
- » Evidence to support not being able to travel due to a lack of sites or transit provision could include details of attempts to find alternative sites, including, for example, letters to local estate agents and evidence of enquiries to local authorities.
- » Evidence to support a nomadic way of life for work purposes could include records of work undertaken such as quotes and invoices; receipts for stays on transit sites; and details of enforcement of unauthorised encampments; and details of schools attended and GP registrations whilst away travelling.

The practical implications of this in relation to the fieldwork element of a GTAA will be whether this evidence actually needs to be produced or whether households will simply need to be asked if they would be able to provide evidence if requested at a later date.

Applying the Definition

When the household survey is complete the outcomes from the qualifying questions will need to be used to determine the status of each household on each site. Decisions will need to be made whether it will be for a local authority, a third party undertaking the GTAA, or a combination of both, to make the final determination of whether households fall within the new definition.

It is highly likely that this will result in sites with a mixture of household statuses – even on smaller private family sites. We think that households will fall under one of 4 classifications that will determine whether their housing needs will need to be assessed in the GTAA.

- » Households that travel under the new definition – *Yes*
- » Households that have ceased to travel temporarily under the new definition - *Yes*
- » Households that do not travel under the new definition - *No*
- » Romany or Irish Travellers who do not travel under the new definition - *No*

In practical terms, a current GTAA may have a need for 100 pitches from new household formation over its local plan period. If 50% of these households do not meet the new definition of being a Traveller then it could be argued that the need from new household formation should fall from 100 to 50. However, this assumes that the children of current non-Travelling households will also not travel themselves in the future and will not have their needs from new household formation met. This is going to be very difficult to evidence in practice.

This also raises the question of who is responsible for assessing the needs of the 50 households who have been removed from the assessment of need in the GTAA. The Equalities Act requires that *Romany and Irish Travellers* are provided with *culturally sensitive* accommodation. It may therefore be that the GTAA will exclude 50 households on the grounds that they no longer meet the planning/housing definition of being Travellers, but the requirements of the Equalities Act mean that these households' ethnic status will still lead to the need to provide caravan pitches. These may be on park home sites rather than Gypsy and Traveller sites.

In practice it may be that the new definition has a very large impact on a small number of planning applications where households who no longer travel will not be deemed Travellers. However, for the existing population and sites it is unlikely the effect will be as dramatic as being envisaged. Given that the majority of Councils do not have 5 year land supplies for either housing or Gypsy and Traveller sites, it may simply be that planning applications are moved from being for Gypsy and Traveller sites to being for park home sites – using case law established by *Wenman v Secretary of State* Judgement and subsequent changes made to Paragraphs 49 and 159 in the NPPF in July 2015.

Paragraph 49

From today, those persons who fall within the definition of 'traveller' under the Planning Policy for Traveller Sites, cannot rely on the lack of a five year supply of deliverable housing sites under the National Planning Policy Framework to show that relevant policies for the supply of housing are not up to date. Such persons should have the lack of a five year supply of deliverable traveller sites considered in accordance with Planning Policy for Traveller Sites.

Paragraph 159

Planning Policy for Traveller Sites sets out how 'travellers' (as defined in Annex A of that document) accommodation needs should also be assessed. Those who do not fall under that definition should have their accommodation needs addressed under the provisions of the National Planning Policy Framework.

Conclusions

As a result of the changes to PPTS ORS have identified that there are a number of key points that local authorities need to be aware of in relation to their GTAA:

- » It is unclear at the present time whether the changes will be applied retrospectively to GTAA's that have already been published and have been through a Local Plan Examination – however they will need to be taken into consideration when dealing with new planning applications and appeals. This will impact on the identification of a 5 year supply of deliverable Traveller sites as the level of need will be unknown without applying the definition to all households.
- » In the majority of cases it may be necessary to undertake new site fieldwork to gather up-to-date and robust information from each household on their travelling characteristics in order for the new definition to be properly applied for the purpose of assessing household need.
- » The definition of a *Traveller* and what constitutes *Travelling* appear to be clearly set out in case law. What local authorities will need to consider how to robustly apply the outcomes of the qualifying questions when determining whether a household has ceased to travel temporarily?
- » It is difficult at this stage to consider the future needs (new household formation) of the children of current non-travelling households as it will be very hard to evidence whether or not they will travel themselves in the future.
- » In short this will not reduce the number of households seeking to live on sites in caravans. Local authorities will still need to consider how to address the housing needs of Romany and Irish Travellers who do not travel but fall under the requirements of the Equality Act. For the remainder of those households who do not fall under the new definition local authorities will still need to consider how they should have their accommodation needs addressed under the provisions of the National Planning Policy Framework. These will most likely need to be met on park home sites as opposed to Traveller sites.
- » It is also important to note that the definition will need to be applied in a consistent manner to households living in caravans on sites and encampments, and for those living in bricks and mortar, as there is nothing in the definition that states that a household needs to live in a caravan or other mobile structure.
- » There are also likely to be practical implications in the reporting of GTAA's as the assessment will now need to be on a pitch-by-pitch basis, and may involve the publication of sensitive and personal information that may lead to issues with data protection requirements.