

Public Document Pack

COUNCIL

A meeting of Council will be held at Council Chamber, Fenland Hall, County Road, March on WEDNESDAY, 18 SEPTEMBER 2019 at 4.00 PM and I request you to attend accordingly for transaction of the following business:

- 1 To receive apologies for absence.
- 2 Previous Minutes (Pages 3 - 16)

To confirm and sign the minutes of 18 July 2019.
- 3 Civic Engagements Update. (Pages 17 - 18)

For information only.
- 4 To receive any announcements from the Chairman of the Council and/or the Head of Paid Service.
- 5 To receive members' declaration of any interests under the Local Code of Conduct or any interest under the Code of Conduct on Planning Matters in respect of any item to be discussed at the meeting.
- 6 To receive questions from, and provide answers to, councillors in relation to matters which, in the opinion of the Chairman, accord with the provisions of Procedure Rules 8.4 and 8.6.
- 7 To receive reports from and ask questions of Cabinet members with portfolio holder responsibilities, in accordance with Procedure Rules 8.1 and 8.2. (Pages 19 - 124)
- 8 Revised Conduct Procedure Rules, Guidance & Templates. (Pages 125 - 162)

For Council to receive recommendations from the Conduct Committee in relation to an amended Member Conduct Procedure, associated templates and constitutional amendments following consultation with all District, Town and Parish Councillors.

- 9 Regulation of Investigatory Powers Act (RIPA) - Policy Update (Pages 163 - 206)

To request that Council approve a recommendation by Corporate Governance Committee to agree the revised Regulation of Investigatory Powers Act (RIPA) policy which reflects the updated codes of practice.
- 10 Motion submitted by Councillor Chris Boden regarding Sky/Chinese Lanterns. (Pages 207 - 210)
- 11 Combined Authority Executive Committee Nominations. (Pages 211 -

212)

To request the Council to make appointments to three Executive Committees within the Cambridgeshire and Peterborough Combined Authority for the municipal year 2019/2020.

Fenland Hall
March



Chief Executive

Monday, 9 September 2019

NOTE The Council may, by resolution, as exemplified below, exclude the public from a meeting during the consideration of any item of business whenever it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that, if members of the public were present, there would be disclosure to them of exempt information as defined in Section 100 I of the Local Government Act, 1972

"Resolved that under Section 100(A)(4) of the Local Government Act, 1972 the public be excluded from the meeting for Item No./Minute No. on the grounds that the item involves the disclosure of exempt information as defined in Paragraph of Part I of Schedule 12A of the Act"

COUNCIL



THURSDAY, 18 JULY 2019 - 4.00 PM

PRESENT: Councillor Mrs K Mayor (Chairman), Councillor A Miscandlon (Vice-Chairman), Councillor I Benney, Councillor Mrs S Bligh, Councillor C Boden, Councillor G Booth, Councillor A Bristow, Councillor J Clark, Councillor S Clark, Councillor D Connor, Councillor M Cornwell, Councillor S Count, Councillor Mrs M Davis, Councillor D Divine, Councillor Mrs J French, Councillor K French, Councillor A Hay, Councillor Miss S Hoy, Councillor M Humphrey, Councillor Mrs D Laws, Councillor A Lynn, Councillor D Mason, Councillor C Marks, Councillor A Maul, Councillor N Meekins, Councillor M Purser, Councillor W Rackley, Councillor C Seaton, Councillor R Skoulding, Councillor W Sutton, Councillor M Tanfield, Councillor S Tierney, Councillor D Topgood, Councillor S Wallwork, Councillor Wicks, Councillor Wilkes and Councillor F Yeulett

APOLOGIES: Councillor P Murphy and Councillor D Patrick

Councillor Mrs Mayor opened the meeting with the following statement:

“Before commencing with the formal agenda for this afternoon’s meeting I would like to take this opportunity to pay a tribute to Ernie Thompson, former Chief Executive of Fenland District Council, who sadly passed away on 1st July.

Ernie devoted 41 years to local government service – 19 of them at Fenland District Council. Ernie began his career at Liverpool City Council in 1952. His first role locally was at Wisbech Borough Council, where he was working as Deputy Town Clerk when it merged with Chatteris Urban District, March Urban District, Whittlesey Urban District, North Witchford Rural District and Wisbech Rural District to form Fenland District Council in 1974.

Following the merger he was appointed District Secretary of Fenland District Council and became the authority’s second Chief Executive in 1983 succeeding Eric Lewis. Ernie retired after ten years in the top job in February 1993.

He was a true inspiration to many people not least because of his passion and commitment to local government and commanded great respect from all who worked with him. His family is in the thoughts of all who knew him at the council at this very sad time.

I would now like to call on Councillor Mike Cornwell to make a personal tribute”.

Councillor Cornwell thanked Councillor Mrs Mayor and made his personal tribute, during which he stated that Ernie was a traditional, old school local government officer who provided the people of Wisbech and then the people of Fenland with excellent public services whilst operating in an open, honest, straightforward and very genuine manner.

All members stood to observe a minute’s silence in honour of Ernie Thompson.

Councillor Mrs Mayor welcomed Councillor Wilkes to his first full council meeting.

C18/19 PREVIOUS MINUTES

Councillor Mrs Mayor drew members’ attention to the new set of minutes that had been tabled.

She said that the only change from the minutes sent with the agenda pack is that they include the amendments to the motions in addition to the original motions.

Councillor Booth requested the following amendments to the minutes:

- C10/19 should read 'Members considered *the* Committee Structure'
- C14/19 (point 8) Councillor Mrs Mayor had said the previous point Councillor Sutton raised regarding political literature was not part of the discussion. However, Councillor Sutton had actually argued that it was related to the very core of the motion being discussed.
- C15/19 (Item 1 on page 17) failed to capture that Councillor Booth said it is our role as a point of collection authority that we had a role to play in trying to influence schools and other organisations.
- C16/9 (Item 9) incorrectly states that Councillor Booth had pursued the review (of the play area) 18 months ago, and should have said that was when he became aware of the issue.

Councillor Humphrey requested a further amendment:

- C16/9 (Item 3) Councillor Humphrey had requested a review of all play equipment in the area, and not just council-owned play equipment.

Proposed by Councillor Mrs Mayor, seconded by Councillor Boden, the new set of minutes of 23 May 2019 were agreed and signed subject to the amendments above.

C19/19 CIVIC ENGAGEMENT UPDATES.

Councillor Mrs Mayor drew members' attention to the civic activities undertaken by herself and the Vice Chairman in the weeks preceding full council.

C20/19 TO RECEIVE ANY ANNOUNCEMENTS FROM THE CHAIRMAN OF THE COUNCIL AND/OR THE HEAD OF PAID SERVICE.

Councillor Mrs Mayor informed members that she will be holding the Chairman's Civic Reception on Friday 6th September at Eastrea Community Hall. Invitations will be sent out to all members in due course.

Councillor Mrs Mayor reminded members that she will be hosting the Annual Charity Coffee morning on Thursday 26th September. All proceeds from the event will be donated to the Chairman's charity, Macmillan Cancer Relief. All members are very welcome to attend and donations for raffle prizes to raise money for this worthwhile cause will be gratefully received.

Paul Medd, Chief Executive, made the following announcement:

"I am delighted to announce that Fenland District Council has received national recognition in the prestigious 'MJ' awards under two categories.

First we were a finalist within the 'Delivering Better Outcomes' category, within which 69 submissions from other councils were received. Our submission focussed on the fantastic partnership work of the Diverse Communities Forum. It explained how over 30 partners across many sectors are effectively working together to deliver a variety of projects to improve the quality of life for local people. To support this they have successfully bid for over £1.4 million in Government funding. This work is being hailed as best practice and is being shared across the country.

In addition, Lottie West from our Policy and Communications team was highly commended within

the 'Rising Star' category. This recognises the talent and potential of young people in local government. Lottie is a real asset to the organisation and her dedication deserves to be recognised. With a background in the private sector, she joined the Council in 2014 as a graduate trainee. Since then she has developed a tremendous knowledge base and has quickly progressed within the Council. She is reliable, quick-thinking, highly motivated and is passionate about making local services the best they can be. Alongside her varied day-to-day role, Lottie also plays a key part in corporate projects that have improved service delivery and transformed working practices. She is ideally placed to support the continued development of a Council for the future”.

Councillor Mrs Mayor then presented Lottie West with her commendation.

C21/19 **TO RECEIVE QUESTIONS FROM, AND PROVIDE ANSWERS TO, COUNCILLORS IN RELATION TO MATTERS WHICH, IN THE OPINION OF THE CHAIRMAN, ACCORD WITH THE PROVISIONS OF PROCEDURE RULES 8.4 AND 8.6.**

Councillor Mrs Mayor stated that no questions had been received submitted under Procedure Rule 8.6 and asked if there were any questions under Procedure Rule 8.4 from Councillor Tanfield as Leader of the Opposition.

Councillor Tanfield asked the Leader if he could explain the background to the delay and problems with the funding in delivery of the Kings Delph Railway Crossing. Councillor Boden explained the County Council had responsibility some three or four years ago to build a bridge across the crossing. There was a public consultation about the various routes and one particular route was selected. The County Council, rather than seeking to get a contract from a contractor to design and build the bridge, decided to have a separate contract where one contractor would be chosen to design and quote for the bridge. They then had the option either to accept that quote or go ahead with that design and the contractor to build it, or take the design elsewhere for quotes from other contractors to get the bridge built. Unfortunately it has taken considerable time for the contractor to complete the design for sign off by the County Council and a press release has been sent out today explaining much of this background. The County Council has decided to decline to use the contractor to build the bridge. They intend to seek alternative contractors to bid based on the design now delivered. In the meantime the legal position changed and legal responsibility for the scheme has been passed to the Combined Authority. They, however, have contracted the County Council to deliver what they have already started. The original projected cost has increased and the promise of further monies has been obtained from the Combined Authority to ensure continuance of the project. Councillor Boden expressed his disappointment at the delays by the contractor and the process of getting to this point. These delays will not be without cost to the contractor. However, we are now in a position where the County Council can recommend a way forward and, in conjunction with the Combined Authority, there will be some active movement taking place on the project in the very near future. Councillor Boden also pointed out that he has been in touch with our MP together with the leaders of both the County Council and Combined Authority and all are absolutely and unequivocally committed to the delivery of this project, and they all want to see the project delivered as quickly as is reasonably possible given the cost consideration. Councillor Boden added that he is happy to provide even more detail if required. Councillor Tanfield thanked Councillor Boden.

Councillor Tanfield mentioned the newspaper report that Mayor James Palmer brought out about Kings Dyke and his concern over the County Council and their delivery. She asked if the time is right to contact the Mayor of the Combined Authority, together, with Cambridgeshire City Council, and other Cambridgeshire-district councils to revisit the future administration of local government provisions within the County. Councillor Boden stated that considerable discussion has been taking place across the county regarding the system of local government currently. Many believe that four tiers of local government within the county is at least one too many and a commission has been established under the leadership of the Mayor of the Combined Authority to move this agenda forward. Councillor Boden stated his opinion, when asked by Councillor Tanfield, that it

should not merely be a question of which of the four tiers should be abolished. He said there are arguments for needing to localise local government as much as possible but similarly there are large areas of concern where decisions should not be devolved to areas which are too small to be able to support those decisions properly.

Councillor Tanfield said that the Leader of the Council used to have a Leader's Fund of an amount up to £500 to help local community groups. She asked if this is still available and are there forms to complete. Councillor Boden thanked Councillor Tanfield for the helpful question. He responded that there is a residual fund of about £12,000 available from a reserve, although it is not his intention to replenish that in the future. Application forms are available, but the criteria used to determine successful applications are strict.

C22/19 **TO RECEIVE REPORTS FROM AND ASK QUESTIONS OF CABINET MEMBERS WITH PORTFOLIO HOLDER RESPONSIBILITIES, IN ACCORDANCE WITH PROCEDURE RULES 8.1 AND 8.2.**

Members asked questions of Portfolio Holders in accordance with Procedure Rules 8.1 and 8.2 as follows:

- Councillor Yeulett said that the recent Overview & Scrutiny Committee meeting was curtailed due to the non-attendance of the Portfolio Holders. Council Tax is Councillor Mrs French's portfolio holder responsibility. We have not heard why she did not attend this meeting. Councillor Boden has made an apology for his failure to attend due to a Combined Authority meeting. The dates of full Council meetings were changed at the behest of other authorities at the last meeting. Do we have to alter all the dates of our committee meetings to suit the diaries of county councillors and over-committed members of this administration? Councillor Boden stated he felt the last comment to be inaccurate in that he was undertaking a responsibility as Leader of this Council and the meeting was nothing to do with County Council. Nevertheless, Councillor Yeulett accurately pointed out that it is essential to have proper coordination of dates between the different tiers of authority. Councillor Boden gave assurance to full Council in May, and again today, that next year the procedure will be done in a far more timely fashion to ensure there is less chance of there being meeting clashes between the different authorities. In respect of the Overview and Scrutiny Meeting, Councillor Boden has accepted responsibility and issued an apology to all members of the committee and officers present, together with a personal apology to the Chairman for the inconvenience. He stated it was his failure to communicate properly with others which caused the error and the necessity to curtail the meeting. He has learned from that, and a new system has been put in place, with the support of officers, to ensure the same sort of problem will not happen again in the future. Councillor Yeulett thanked Councillor Boden.
- Councillor Yeulett said there is a footpath between Creek Road and Station Road leading towards New Park which is well used by the public. There is a streetlight, FDC1, located part way down the path which follows the boundary off St John's Cemetery. The lamp has been removed so there is now no light. He asked that the Portfolio Holder investigate and have the light reinstated. Councillor Mrs French thanked Councillor Yeulett and confirmed she will investigate and report back.
- Councillor Booth asked Councillor Clark for an update on the progression of having KPI's put in place at the Freedom Leisure facilities. Councillor Clark thanked Councillor Booth for the question, saying she will look into this and get back to him.
- Councillor Booth asked for members to be given more information about the local household waste recycling centres so councillors could promote their use. He had not been aware there were so many local bring sites across the district and promotion may help increase recycling rates. Councillor Tierney advised that more information could certainly be made available and

he recommended Councillor Booth email the Portfolio Holder concerned who would be happy to follow this up.

- Councillor Booth would like to see information regarding environmental patrols and enforcement in the villages as the Portfolio Holder report only mentions the market towns. 25% of the population live in rural areas and we need to ensure the report is fit for purpose by containing information about what we do in the villages.
- Councillor Booth was interested to read on page 41 of the report states a pipeline development of 1054 affordable homes. When Clarion came to the Overview & Scrutiny meeting earlier this year, they had a pipeline figure of about 450 homes. He wondered what the discrepancy was. Councillor Hoy said she will obtain further information on exactly what those figures are and will get back to Councillor Booth, adding that there are other affordable home providers other than Clarion. Councillor Boden added that there is a difference between social housing and affordable housing. Not all affordable housing is social housing and given the delivery targets that we need to meet in Fenland, it may well be that a percentage of affordable housing which will need to be provided by social housing will reduce in future years.
- Councillor Mrs Bligh stated she was very pleased to hear about the 'Essentials by Sue' scheme, having been the first member to bring the subject of 'period poverty' to full Council in September 2018. Although a great start, it is not quite what was envisaged as she was hoping to find funding externally, working with firms such as Proctor and Gamble, to have packs supplied to schools to help the girls who suffer in silence. She was disappointed that she had not been kept informed of the work in this area and asked if Councillor Wallwork would work with her in this area to pursue an answer closer to Councillor Bligh's vision. Councillor Wallwork responded that she would be delighted to work with Councillor Bligh in this area to support young people and make the work sustainable. Councillor Bligh thanked Councillor Wallwork.
- Councillor Bligh asked the Leader, in the absence of Councillor Murphy, now that Wisbech St Mary has become the 17th Street Pride group of FDC, which is something she is very proud of. However, she is not proud of the amount of dog fouling which the litter pickers come across. She asked if the Leader would support her in implementing a stencil containing the FDC logo, to be issued to each Street Pride group to use as they see fit. Similar stencils are being used by East Lindsey District Council. Councillor Boden thanked Councillor Bligh for her suggestion; he has sympathy for the efforts of all groups in this regard and unfortunately dog fouling is not unique to Wisbech St Mary but anything that can be done would be welcome and he would support the idea subject to what Councillor Murphy may say regarding the idea given his vast knowledge in this area.
- Councillor Meekins raised the subject of the environment to Councillor Tierney. He said that when the Boathouse opened, some of the key features were its green credentials such as grey water harvesting and use of a roof-mounted turbine to generate electricity. He asked Councillor Tierney to confirm if the grey water is still being collected and used. Also, Councillor Meekins stated he cannot remember the last time he saw the turbine in operation. He asked if it is still in working order, if yes why is it not being used, and if not, should it not be repaired or removed. Councillor Tierney stated it would be useful for Cabinet members to be given questions in advance as meaningful answers could then be given on the day. He stated that he would come back to Councillor Meekins with the answer to this. Councillor Meekins thanked Councillor Tierney.
- Councillor Sutton advised Councillor Mrs Laws, that last month 11 appeal decisions were made, five were upheld. He asked if this was a blip or trend. Councillor Mrs Laws advised she thought this to be a blip, of which she is concerned, but it is something she is looking into.
- Councillor Sutton stated that a very successful Golden Age Fair had been held last week. He

paid tribute to Councillor Wallwork, saying that she had fitted in very well to her new role and he appreciates her efforts. He asked Councillor Wallwork if she could assure him going forward that should any savings need to be made; this is one area that would escape. Councillor Wallwork responded that this is not something that has been discussed therefore is not a rising issue that she would have to fight. She said it was inspirational to see the founders and their passion; some of the officers, and the information they gave, are absolutely outstanding and this is exactly why she wanted this role. Councillor Sutton thanked Councillor Wallwork. Councillor Boden felt that as that was a budget question, it would be appropriate for him to also respond. He had briefly attended the Golden Age Fair at Wisbech St Mary but was very impressed by what he saw, the commitment and the number of different agencies to make contact with people of more advanced years and their families. It is a difficult group to engage with, and these fairs achieve so much for very little cost through the outreach work of volunteers and FDC officers. He does not know what the budget position will be next year but it is not on the horizon to reduce the amount of spend on Golden Age Fairs for subsequent years. Councillor Sutton thanked Councillor Boden for his reassuring statement, saying that there is no other scheme that provides the benefits to residents that this does.

- Councillor Booth asked Councillor Wallwork if she could share the details of the Street Drinking action plan being developed. There is much publicity about this issue in Wisbech and he would urge action within definitive timescales. Councillor Wallwork confirmed that a robust plan is in development and although it cannot be shared at this moment, it will be shared once all the details have been agreed.
- Councillor Booth asked if anyone attended the recent event at Parliament where the A47 Alliance went to lobby for investment and has anything come out of that yet? Councillor Seaton confirmed he attended the meeting along with local businesses, our MP and Mayor of the Combined Authority. There was a very positive discussion with the Roads Minister and much goodwill, but it needs putting into action. Councillor Seaton advised he is very committed to the Alliance, saying we need to be part of it as weighting has so far been heavily in favour of Norfolk and we are trying to change that.
- Councillor Booth addressed the Leader regarding the Kings Dyke issue. When the project was put forward, Fenland District Council paid £800,000 to the A14 upgrade project on the basis that we would get the crossing. At that time he raised reservations and asked for commitment and guarantees; as this keeps stalling do we still have the commitment that the project will be delivered? Councillor Boden confirmed that we did make a significant contribution to the A14 and there was the promise of a significant amount of capital funding from the County Council to the Kings Dyke project. That is still the current position, the capital funding is still in place and available and the Leader of the County Council has continued to express his support for the need for a Kings Dyke bridge.
- Councillor Booth addressed Councillor Tierney regarding some of the metrics in the portfolio holders report and the effort it takes for officers to gather. Citing page 81 of the report as an example, which states the percentage of satisfied customers who use our conference facilities; responses were received from just 5 people expressing 100% of satisfaction. He asked if we could look to remove these metrics where there is a very low response so concentration can be given to grittier issues. Councillor Tierney responded that this was a fair point, and he would welcome any assistance moving forward to ensure that all information is fit for purpose and has value. He intends to look at consultations and questionnaires across the board to ensure this. Councillor Boden said he agreed that the portfolio holder reports need to be less formulaic, briefer and more to the point. This is something he intends to discuss with officers and see if some changes can be made perhaps in time for the next full Council meeting.
- Apologising for the lack of notice, Councillor Sutton addressed the Leader concerning the emergency works on Wisbech High Street. He asked if the costs for this work are underwritten

by the Combined Authority or Fenland District Council. Councillor Boden thanked Councillor Sutton, unfortunately given the short notice he was cautious of giving an answer that may have to be retracted or corrected later. However, these are urgent emergency works as a result of structural problems with what remains of the buildings on that site, undertaken to ensure public safety. Regarding recovery of costs, he will ensure a statement is made definitively to all members. Councillor Sutton thanked Councillor Boden for the explanation.

C23/19 **OVERVIEW AND SCRUTINY ANNUAL REPORT 2018/19.**

Councillor Miscandlon presented the Overview & Scrutiny Committee Annual Report for 2018/19 which provides a focus on the work undertaken by the committee during the past twelve months as well as providing a forward look to 2019/20. He stated that all members of the panel remain committed to ensuring it adds value whilst holding the Executive to account. He pointed out that the panel, both past and present, took an active and enthusiastic role in the overview and scrutiny process.

Councillor Miscandlon drew members' attention to a few key successes:

- Engagement with a number of external partner agencies to highlight and challenge performance in issues directly affecting residents of Fenland. This work has included scrutinising the Crime Disorder and Reduction Partnership (SFP) in addition to the Police, Clarion Housing and Health and Wellbeing partnership colleagues.
- A review of the Economic Development function including working with key local business stakeholders, neighbouring authorities and elected representatives from other organisations. The review has resulted in a number of comprehensive recommendations which have all subsequently been endorsed by Cabinet.

Councillor Miscandlon thanked all members and officers who have contributed to the success of the panel both past and present. He would recommend that Council acknowledge the broad scope of the work undertaken by the committee.

Councillor Yeulett welcomed the report, particularly the review of the Economic Development Service. He found it very comprehensive and asked if members could be kept informed going forward.

Councillor Booth commented that it needs to be recognised that it was under the Chairmanship of Councillor Boden that many of these items were first looked at.

Proposed by Councillor Booth and seconded by Councillor Skoulding, and AGREED to adopt the report.

C24/19 **CORPORATE GOVERNANCE COMMITTEE ANNUAL REPORT 2018/19.**

Councillor John Clark presented the Corporate Governance Committee Annual Report 2018/19. The committee is tasked with two key functions:

- Providing independent assurance of the adequacy of the risk management framework and the control environment, and
- Independently scrutinising the authority's financial and non-financial performance and overseeing the financial reporting process.

Councillor Clark thanked all members of the committee for their comments and input into the

report, and also the help given to the committee by officers.

Councillor Booth stated his support for the report, advising the committee will be undertaking a lot more work going forward, given recent briefings on commercial investments, and the transformation programme.

Councillor Boden said that looking through the report, he saw value from the internal audit function we have, which is partly shared with Kings Lynn & West Norfolk Borough Council. He found that function to be exercised in a scrupulous, independent and thorough manner, and he would like this put on record.

Proposed by Councillor Topgood, seconded by Councillor Booth and AGREED to adopt the report.

C25/19 MOTION SUBMITTED BY COUNCILLOR MIKE CORNWELL REGARDING CIVIL PARKING ENFORCEMENT.

Councillor Cornwell presented his motion regarding civil parking enforcement and stated that:

“Whilst canvassing in the recent elections I was approached by a number of residents concerned and annoyed about such issues as motorists ignoring parking restrictions, blocking footpaths by inconsiderate parking, parking dangerously near school entrances, blocking private entrances and parking very close to road junctions. Everyone understands that our police service has other more important priorities to attend to and this is why all our Norfolk neighbouring authorities and some in other neighbouring councils have introduced Civil Parking Enforcement, indeed it is often enforced successfully in conjunction with other street based services.

The effect of what I referred to in my election manifesto as “wild west parking in Fenland” affects almost every Fenland resident through individual safety, public safety, business continuity and sustainability, the environment and quality of life.

Madam Chairman, I strongly believe that Fenland must deliver services that its public wants and which improve their quality of life and I therefore propose that this Council shows its support for the exploration of the powers contained in Part 6 of the Traffic Management Act 2004 and associated Acts and Regulations regarding Civil Parking Enforcement throughout the district.”

Councillor Sutton seconded the motion and Councillor Mrs Mayor opened up the motion for debate.

Councillor Mrs French proposed an amendment to the motion (which had been tabled for members prior to the meeting) and stated:

“Many Fenland residents are justifiably concerned and annoyed about such issues as motorists ignoring parking restrictions, blocking footpaths by inconsiderate parking, parking dangerously near school entrances, blocking private entrances and parking very close to road junctions.

Fenland District Council must deliver services that its public wants and which improve their quality of life. This Council therefore welcomes the fact that several Cabinet members met with council officers last month to begin the process in Fenland of exploring the powers contained in Part 6 of the Traffic Management Act 2004 and associated Acts and Regulations regarding Civil Parking Enforcement throughout the District, and that officers on July 4th produced a draft briefing note relating to coordination of both off-street and on-street parking provision in Fenland, which includes the potential adoption in Fenland of Civil Parking Enforcement. This Council also notes with

approval that the draft briefing note explicitly excludes the introduction by Fenland District Council of paid car parking in the district's car parks".

Councillor Topgood seconded the amendment to the original motion and Councillor Mrs Mayor opened up the motion for debate.

- Councillor Tierney stated his support for the amendment, saying it is one of the issues that all members know is absolutely vital to the people of Fenland as they raise it all the time. It has been way too long where councillors have done nothing and now is the time to do something about it. Also, he was pleased to see the specific exclusion of pay parking added to the amended motion.
- Councillor Booth added that the amended motion was not much different to the original motion other than the main point of pay parking. He said that we need to be careful of making too many decisions before a review of council services under the council management programme. Members need to appreciate that the government grant we get, calculates that we should be getting an income from pay parking. We are only one of a few authorities who provide free parking to our credit but we must keep our options open for the future. He is happy to support the amendment as the main issue is civil parking enforcement but we need to make sure we look at this in the villages and not just the towns, particularly where it affects schools.
- Councillor Benney advised that the Conservative Group would not bring in pay parking in the next four years of their term unless it was a central government decision.
- Councillor Yeulett said poor parking is endemic in the district and will fully support the motion.
- Councillor Meekins added his support for the amendment. He went out with the police last week around Wisbech and the standard of parking was poor. Currently PCSOs can issue enforcement tickets and, although they do so much more, we need people who, as well as issuing tickets, provide a presence, act as a deterrent against poor parking and also help with traffic flow.
- Councillor Tanfield added she has been an advocate for sorting out parking since she was a Cabinet member. If the system works properly, fewer tickets will be issued leading to less money coming in; however someone still needs to pay the parking enforcers. She is surprised therefore that we are not looking at pay parking at all; we have no idea what the people in Fenland want or do not want because we have not asked the question. She stated that she had no problem supporting the amendment apart from the fact that to take away any option is to take away any financial value. We cannot make rules and then not have the substantial financial backing behind those rules.
- Councillor Hoy stated that all members agree that nobody likes inconsiderate parking; however there is disagreement over the pay parking issue and she is pleased that the Conservative Group will not be bringing in pay parking charges over the next four years. She thanked Councillor Tanfield for making her group's position clear on that issue.
- Councillor Count stated that the subject of pay parking has been in the media many times over the years and he is pleased that it has been ruled out at this stage. He added that he knows what his residents want because he is in regular contact with them and they tell him they are concerned about parking and they will say no to pay parking.
- Councillor Maul added that he favours the amendment; there is an issue with parking across the whole of Fenland. In response to Councillor Hoy's statement, he would like to affirm that he is against pay parking.

Councillor Mrs Mayor invited Councillor Cornwell to give his right to reply.

Councillor Cornwell said that there was very little difference between the motion and the amendment. However the subject has now been brought into the open for members to discuss their views and the motion has achieved that. His version clearly says that the Council should show support for the "exploration of the powers" and that is precisely what is going on. The argument only comes down to pay parking; his motion makes no reference to it but the amendment does.

A recorded vote was taken on the amendment to the motion, which was unanimously agreed.

Councillor Mrs Mayor opened the substantive motion for further debate.

- Councillor Count said that Councillor Cornwell in his summing up said the only difference between his motion and the amended motion was that we were against paid parking. He asked if Councillor Cornwell would now like to put forward a second amendment where he puts paid parking on the table.
- Councillor Tierney referred to Councillor Tanfield's earlier statement where she said she was surprised we were putting something onto the amendment and did not think we should rule anything out. He is happy that pay parking has been ruled out because the public want to know what we think, and it is clear what we think. If we are sure something is wrong, which in the case of pay parking we are, we should say so and the public will thank us for it. The Conservative Group are absolutely sure we will not be introducing pay charging in the next four years.
- Councillor Booth pointed out that the Councillor Cornwell did suggest civic parking enforcement was often enforced with other street based services and this was removed from the amended motion but he would like that this still be considered as part of the proposals going forward. It is probably cheaper to deliver a service if combined with other activities.
- Councillor Mrs French pointed out that we are one of 21 councils throughout the country who do not enforce parking. We are keen to look at the whole issue of parking, including pavement parking and blue badge abuse.
- Councillor Sutton wanted to state that he has never supported pay parking but perhaps it is something that should be looked at and not ruled out. Our car parks are full but the shops are empty, therefore something is wrong. Are people coming from further afield to use our free car parks in Whittlesey but going shopping in Peterborough for example?
- Councillor Hay pointed out that she understands we can introduce parking restrictions and time limits without introducing charges, and presumably that will form something that we are looking at as a council.
- Councillor Boden agreed with Councillor Sutton, our car parks are being utilised by individuals who are not the shoppers who need the spaces to get access to the shops. We do need to differentiate in the car parks, those which should be for short term parking for shops and other local services, and those for workers who could perhaps park a little further away.
- Councillor Cornwell stated that March, as the busiest town in Fenland, already has time-limited parking and that is in the car parks that are operated by supermarkets, which are controlled and it does not cause a problem. Therefore he assumes it is one of the options that will be taken into account, although he stated again that pay parking was not part of his original motion.

Councillor Mrs Mayor asked for a vote to be taken on the substantive motion.

The motion was passed unanimously.

C26/19 MOTION SUBMITTED BY COUNCILLOR BODEN REGARDING COUNCIL TAX.

Councillor Boden presented his motion regarding council tax and stated that:

“At its Full Council meeting on 21st February 2019, Fenland District Council approved its budget for 2019/20 showing a 0% Council Tax increase for 2019/20, but with increases shown of 1.98% p.a. through to 2023/24 as reflected in the current Medium Term Financial Strategy (MTFS).

In five out of the last eight years FDC has approved budgets with no Council Tax increase. This is a record of which the Council can be proud, given the financial constraints which FDC, as well as all other councils, has had to work within.

It is the ambition of this administration to maintain 0% increases in Council Tax throughout the MTFS period for the benefit of residents. However, it is recognised that the Council continues to face significant financial challenges and uncertainties that may not allow this ambition to be met.

Members of the Council need to act responsibly each year when setting the precept to balance the ambition of achieving a 0% Council Tax rise with the legal need to balance the budget. Nevertheless, raising Council Tax in any of the next four years will be our last resort, as we believe that we have a duty to minimise the financial effects of Council Tax on all of Fenland's households.

This Council resolves to:

1. Re-position the MTFS to show 0% Council Tax increases through to 2023/24

2. Note the revised future projected deficits from 2020/21 onwards as per the attached.

Councillor Boden further added that the purpose of this motion is to make it quite clear to residents and all members what the intent and ambition is of this administration. During the period of austerity more than 50% of the funding this council received from central government has disappeared; it would be unthinkable to envisage the results if the same amount of funding had been withdrawn from the budgets of the emergency services and armed forces. The Council has done very well facing the funding challenges during this period of austerity and shown great resilience by being able to maintain frontline services. This is due to the hard work of members of this council, its staff and officers. Further savings need to be made over the next four years so there is a significant challenge ahead. Despite this we have this ambition to not necessarily increase our share of council tax. It is a pledge, not a promise, but a statement of ambition to do our best to ensure that over the next four years, we do not impose any greater burden on hard working families in this district by increasing the level of council tax. Councillor Boden added that he would hope all members would agree with this motion and that we all look at our ways of working to try to ensure that our services are provided as cost effectively as possible to reduce or, if possible, eliminate the need to increase council tax.

Councillor Mrs French and Councillor Mrs Mayor opened up the motion for debate.

- Councillor Booth thanked Councillor Boden for clarifying the point that this is a best intention. However, he expressed surprise that it was put forward as a motion because as Leader he was sure he could have made a statement to that effect. He welcomes what Councillor Boden said about intent but wondered if we should be more ambitious bearing in mind the council tax that our residents pay compared to our neighbours, we know is considerably higher. He added that he is surprised also that we have not taken this opportunity to look at council expenditure. If we tell officers we are not going to increase the cost of running the council further, as you would do in the commercial field, it would see a lot of the actual savings be delivered through managing of our budget more carefully.
- Councillor Sutton felt that this motion was not ambitious enough. He agreed that our residents pay more council tax and cited Black Bear Lane as an example. Residents in the Norfolk end of the lane pay far less than the residents who live at the end that comes within the jurisdiction of Fenland. It can be argued that on average we are lowest because of the amount of different properties we have, but residents do not care about averages, they only care about what they pay. This council cannot justify our residents paying almost double the amount of council tax of their neighbours in the same street who pay their council tax to the neighbouring authority.
- Councillor Tierney stated he has argued the case for lower council tax for years and is pleased that others are saying the same. We may not achieve it, and we may have to increase it because we do not know what will happen in the future, but the key difference is that rises do

not now need to be presumed.

- Councillor Count said this is an aspiration and there is nothing wrong with being ambitious and trying to achieve something, rather than to give up before you start. He raised the additional point made by Councillor Booth as to why Councillor Boden did not just issue a statement. When this council passes a budget, and a medium term strategy alongside it, the only way that it is appropriate to change a full council decision is to bring it back to full council. It is such a huge issue that it does warrant a full debate by council and therefore he fully supports this motion.

Councillor Mrs Mayor invited Councillor Boden to give his right to reply.

Councillor Boden agreed that Councillor Count was correct in that it is necessary to bring before this council the proposal that the medium term financial strategy be re-based so that in future it works on the assumption of a 0% council tax increase rather than the 1.98% annual council tax increase, which had been presumed at previous meetings of full council. It has also come forward as a motion in order to give all members the opportunity to speak. However, he took issue with Councillor Booth in saying that our residents pay more council tax, he stated the government statistics are very clear on this in that the amount which is paid is less in Fenland than any other district council in Cambridgeshire.

Councillor Mrs Mayor asked for a vote to be taken on the motion.

The motion was passed.

(Councillor Sutton and Councillor Yeulett abstained from voting).

C27/19 TREASURY MANAGEMENT ANNUAL REVIEW 2018/19.

Councillor Boden presented the Treasury Management Annual Review 2018/19.

Councillor Boden added that treasury management is a significant part of insuring that we maintain the security of our assets and also that we manage to get a significant financial return out of them.

Proposed by Councillor Boden, seconded by Councillor Hoy it was AGREED that the report be noted.

C28/19 MEMBERSHIP OF COMMITTEES, PANELS AND OUTSIDE BODIES.

Members considered the Membership of Committees, Panels and Outside Bodies Report presented by Councillor Boden.

Councillor Cornwell stated that on page 169 of the agenda pack in the column 'Political Apportionment' for Corporate Governance Committee, line 4 is not needed. Councillor Mrs Mayor confirmed the suggestion was noted.

Councillor Hay pointed out that her name was missing from the list of nominated representatives for Nightlayer IDB. Councillor Boden confirmed that this would be updated and confirmed the report will be updated adjusted.

Proposed by Councillor Boden, seconded by Councillor Wilkes it was AGREED:

- **To reduce the number of Members on Planning Committee from 15 to 12 in order to achieve a more management and appropriate number of Members on that Committee.**

- **To add substitute members to the following committees:**
 - **Overview and Scrutiny Committee (6 substitute members),**
 - **Licensing Committee (6 substitute members),**
 - **Corporate Governance Committees (5 substitute members),**
 - **Staff Committee (4 substitute members) and**
 - **Appointments panel (3 substitute members).**
- **To adopt the schedule of political allocations set out in the appendices.**
- **For Council to delegate to the Monitoring Officer to make the appropriate changes to the constitution in support of the report.**

C29/19 COMBINED AUTHORITY EXECUTIVE COMMITTEE APPOINTMENTS.

Members considered the Combined Authority Executive Committee Appointments report presented by Councillor Boden.

Proposed by Councillor Boden, seconded by Councillor Mrs French and AGREED:

- **To the appointments and nominations to the Cambridgeshire and Peterborough Combined Authority Executive Committees for the municipal year 2019/20.**
- **That the proposed representative for the Transport Committee is Cllr Chris Seaton with Cllr Chris Boden as the substitute representative.**
- **That the proposed representative for the Housing and Communities Committee is Cllr Mrs Dee Laws with Cllr Sam Hoy as the substitute representative.**
- **That the Chief Executive be authorised to make any amendments to the appointments to the Combined Authority Executive Committees including the Transport Committee and Housing and Communities Committee in consultation with the relevant Political Group Leaders, if the political balance is amended by the Authority between now and the next Council meeting and at any time throughout the municipal year.**

C30/19 APPOINTMENT OF INDEPENDENT PERSON.

Members considered the Appointment of Independent Person report presented by Councillor Topgood.

Proposed by Councillor Topgood, seconded by Councillor Mrs Laws and AGREED to appoint Stuart Webster as the Council's Independent Person as recommended by the Conduct Committee.

6.06 pm

Chairman

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Fenland District Council Fenland Hall County Road March Cambridgeshire PE15 8NQ
 Tel 01354 622281 Fax 01354 606917 DX 30955 March Minicom 01354 622215
www.fenland.gov.uk

Civic Engagements

From July 18, 2019 to September 17, 2019

| | |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Tuesday 23 July | 501 st Combat Support Wing Change of Command Ceremony –RAF Alconbury Attended by Vice Chairman |
| Sunday 28 July | Rushden Town Council Civic Service Attended by Vice Chairman |
| Wednesday 31 July | Huntingdon Town Council FC Mayors Cup Attended by Chairman |
| Sunday 1 September | RAF Sutton Bridge Memorial Service Attended by Chairman |
| Tuesday 3 September | Peterborough Fly the Flag Event for Merchant Navy Day Attended by Chairman |
| Friday 6 September | Fenland District Council Civic Reception Attended by Chairman and Vice Chairman |
| Saturday 7 September | Rushden Town Council Proms in the Park Attended by Vice Chairman |
| Sunday 8 September | Hunstanton Town Council Civic Service Attended by Chairman Ramsey Town Council Civic Service Attended by Vice Chairman |
| Friday 13 September | Rushden Town Council - Rushden Feast Attended by Vice Chairman |
| Saturday 14 September | Huntingdon Town Council –Cheese and Wine Party Attended by Chairman |



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| | |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | |
| Sunday 15 September | Stamford Town Council Battle of Britain Service and Parade Attended by Chairman Thetford Town Council Battle of Britain Service and Parade Attended by Vice Chairman |



Cabinet and Corporate Management Team

Portfolio Holder Briefing Report

September 2019
(For performance in June & July 2019)

Cabinet Members



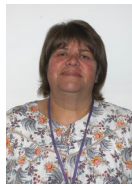
**Councillor
Chris Boden**

Leader of the Council
& Portfolio Holder for
Finance



**Councillor
Ian Benney**

Portfolio Holder for
Economic Growth



**Councillor
Sam Clark**

Portfolio Holder for
Social Housing &
Leisure



**Councillor
Susan Wallwork**

Portfolio Holder for
Communities



**Councillor
Mrs Jan French**

Deputy Leader of the
Council



**Councillor
Miss Sam Hoy**

Portfolio Holder for
Housing



**Councillor
Mrs Dee Laws**

Portfolio Holder for
Planning



**Councillor
Peter Murphy**

Portfolio Holder for
Environment



**Councillor
Chris Seaton**

Portfolio Holder for
Social Mobility &
Heritage



**Councillor Steve
Tierney**

Portfolio Holder for
Transformation &
Communication

BUSINESS PLAN AREA: Communities**Business Plan Priority: Support vulnerable members of our community****Business Plan Action: Support residents to maximise their income by accessing the benefits they are entitled to. Process applications for Housing Benefit and Council Tax Support efficiently and accurately through our shared service (Anglia Revenues Partnership; ARP)****Business Plan Action: Support residents in managing the effects of welfare reform changes by working with partners, including Jobcentre Plus and the Rural Citizens Advice Cambridgeshire, and helping them access Universal Credits online****Portfolio Holder: Cllr Mrs Jan French**

| Description | Target 19/20 | Achieved (in-month only) | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------------------------|--------------|--------------------------|----------------------|-----|
| Performance Measure | | | | |
| LPI ARP1 Days taken to process Council Tax support – new claims and changes | 8 days | 7.93 | 8.67 | |
| Target ARP2 Days taken to process Housing Benefit – new claims and changes | 8 days | 6.20 | 7.24 | |

This month we have exceeded our targets.

The time taken to assess Council Tax Support and Housing Benefit, new claims and changes has decreased this month. The current year to date figures remain very good with both targets well within acceptable tolerance levels.

The Council continues to analyse outstanding work and allocate work tasks on a daily basis to ensure that claims and changes are managed effectively.

The Partnership has recently advertised nine Council Tax Billing Officer vacancies with a closing date of 12th August.

Fenland has managed to spend 31% of Discretionary Housing Payment funds allocated by the DWP to assist tenants in the local area.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Support vulnerable members of our community

Business Plan Action: Prevent Homelessness, meet housing needs, improve housing conditions and keep homes accessible through our housing duties

Portfolio Holder: Cllr Miss Sam Hoy

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-----------------------------------------------------------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI CEL1 Total number of private rented homes where positive action has been taken to address safety and cohesion issues | 200 | 48 | 96 | |

Since April 2019 the Council has undertaken 31 positive interventions in response to new requests for service for Houses in Multiple Occupation (HMOs) across the district.

The Council has also investigated 65 complaints from tenants occupying privately rented accommodation in the same period. Council Officers intervened to remove Category 1 hazards (serious faults) and Category 2 hazards (less serious faults) from properties to make them safe for the residents.

The geographical spread is as follows:

| Location | HMOs inspected | Private rented homes inspected |
|------------|----------------|--------------------------------|
| Wisbech | 29 | 29 |
| March | 2 | 11 |
| Chatteris | 0 | 4 |
| Whittlesey | 0 | 9 |
| Villages | 0 | 12 |

Private Sector Housing Enforcement – Controlling Migration fund project

Performance

Case Study

Adhoc visit to a listed building containing 2 first floor flats above a commercial premise in Wisbech. Entry on ground floor level to communal area in poor condition; entrance door insecure, poor lighting, light switch inoperative, evidence of water ingress, no guarding to staircase. Inspection of flat B which is a bed sit, occupied by a single male with learning difficulties. Internal defects include poor siting of electric cooker, absence of work surface, no smoke detection throughout, severe damp & mould to bathroom with inadequate extraction, water ingress to uninsulated flat roof, critical windows & inefficient heating system, with the dwelling attracting a poor Energy Performance Rating (24- F).

Defects were communicated to landlord by letter and email requesting a schedule of works, together with confirmation of a scheduled appointment to meet the officer on

site. No response received from landlord. Further scheduled appointment made for landlord to meet officer; which was attended by landlord. Whilst there was evidence that some work had been carried out, it was of an inadequate standard. Landlord was obstructive and offered no evidence as to how & when the remedial works would be completed. Improvement Notices are being prepared for service.

Tenant welfare - tenant disclosed information during the inspection raising safeguarding concerns. Officer discussed the matters at length with the tenant and his mother and offered ongoing referrals for support to improve outcomes. Areas of concerns included lack of benefit support resulting in possible homelessness, vulnerability and exploitation. Referrals were made to relevant agencies. As a result the tenant was able to complete a PIP application, which increased his entitlement to welfare benefits which has entitled him to a backdated payment dating back to May 2015 totalling £6,240.

The table below identifies the officers' interventions in the last month which reflects their current performance.

| Measure | Cumulative since March 2019 |
|---------------------------------------|------------------------------------|
| Total Number of Properties Inspected | 2066 |
| Interventions Taken (see table below) | 826 |
| Information Packs Issued | 313 |
| Smoke Detectors brought into use | 281 |
| Hazards Removed | 484 |

Breakdown of interventions since March 2019

| Interventions | Cumulative |
|-------------------------------------------------------|-------------------|
| Smoke Detector defect letters (Private Rented Sector) | 150 |
| Smoke Detector advisory letters (Owner Occupied) | 147 |
| Formal Inspection Appointment Letters | 134 |
| Notice requesting Information | 9 |
| Informal Letter requesting remedial repair | 325 |
| HMO declaration notices | 53 |
| Enforcement Notices issued | 10 |

The actions undertaken by the council help to ensure that residents can live safely in their private rented homes and landlords are aware of their responsibilities.

The Portfolio Holder is working with the team in looking at taking a tougher line on enforcement using our existing powers. A meeting was held with Peterborough City Council to gain some shared learning and a new process is being introduced imminently.

Mandatory HMO Licensing:

Since October 2018 a new extended Licensing Scheme has come into national law. This relates to any property occupied by five or more people, forming two or more

separate households. In response the Council has been engaging with landlords through 2 events and developed an on line application process. To date 38 applications have been received which is lower than what is felt is out there in the district.

The Council has out a press release stating HMO landlords obligations, further to this, at the request of the Portfolio Holder, we are writing to all Landlords and agents offering them to come forward immediately as if they do not and their property is found fines will be issued. This would be a Civil Penalty Notice and could lead to a fine of up to £30,000.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI Number of households prevented from becoming homeless | 200 | 55 | 108 | |

Breakdown:

Mediation = 7

Debt Advice = 6

Resolve rent arrears = 9

Private rented with deposit support = 19

Private rented without deposit support = 30

Housing Register Offer = 20

Supported Accommodation = 17

The total preventions in 2017/18 was 115, the total for 18/19 was 315.

| Description | Achieved | Cumulative for 2019/20 | % |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|------------------------|-----|
| Total number of Households approaching to the Housing Options Team | | 702 | N/A |
| Total number household receiving advice only for example not homeless but advice needed | | 207 | N/A |
| Total number of Personal Housing Plans created i.e. there is a risk of homelessness and an action plan has been created to hopefully prevent the homelessness taking affect. | | 79 | N/A |
| Number of formal Homeless decisions made. This is where the personal housing plan has not resolved the problem leading to the need for a formal decision to be taken under the legislation. In 17/18 we made 159 decisions and experience in Wales and Southwark indicate this should be much lower under the new Act. | | 3 | N/A |

| | | | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|----|--------------------------------|
| Successful outcomes in Prevention stage (household had their issue resolved within 56 days) | April = 18 May = 12 June = 23 July = 3 | 56 | 56 out of 61 = 91.80% |
| Successful outcomes in Relief stage (cases that came to us too late for prevention stage i.e. households were awaiting court action to end their tenancy or they lost their last settled accommodation, which meant the Council had to provide some alternative form of accommodation whilst the household and the Council work on a personal housing plan. During the 56 day "relief period" they had their housing issue resolved). | April = 14 May = 9 June = 16 July = 13 | 52 | 52 out of 89 = 58.43% |
| <p>Statistic for Wales Prevention 62% Relief 42%</p> <p>Cumulative Prevention April – July 91.80% (56 out of 61)</p> <p>Cumulative Relief April-July 58.43% (52 out 89)</p> | | | |

Trailblazer Project Update

The Council leads on an early homelessness prevention project known as the Homeless Trailblazer. The project covers all of Cambridgeshire councils and Peterborough. The purpose of the project is to engage with individuals and organisations at an early stage to solve their homelessness situation. The team of 5 work closely with all Housing Options and Advice teams and statutory and voluntary organisations, landlords and agents, families and social care. Since April, a total of 232 referrals have been received by the team, 68 relating to Fenland cases, the highest rate of referrals across Cambridgeshire & Peterborough. This has resulted in 2 advice cases, 8 cases prevented, 16 referred to Housing Options, 2 not responded to contact made and 40 cases are open.

The initial funding was for two years from HMCLG the third (and current year) has been funded following underspend from the initial bid and donations from each council (except East Cambs DC), Cambridgeshire County Council and Cambridgeshire Office of the Police and Crime Commissioner.

As well as the current day to day prevention being undertaken, the team are also working on a range of protocols between statutory agencies and housing to reach agreement for joint working and collaboration around early homelessness prevention. Examples include housing and criminal justice, housing, mental health and substance misuse and housing and hospital discharge.

Rough Sleeping Update

The council bid under the Controlling Migration Fund for two Migrant Outreach Workers to provide a service within Wisbech. The council commissioned Change Grow Live (CGL) who previously successfully delivered outreach services for the council. To date, since the start of the project on 24 June, the team have action plans for 18 rough sleepers. In addition, 2 are in March being assisted by Housing Options totalling 20.

The team have facilitated 2 voluntary repatriations to their country of origin. The team are working in collaboration with a range of local partners. CGL as an organisation also have the contract for drug and alcohol services for Fenland (also based in Wisbech) and have outreach workers with whom they are linked in with. There is also a strong working partnership with the council's Housing Options Team who have assisted with deposits and advice around rehousing options and with Private Sector Housing around suitable properties.

Hub

The outreach workers are also closely aligned with Ferry Project who operate a new Hub. The council submitted a bid of £131,000 for a day Hub to the Ministry of Housing, Communities & local Government's (MHCLG) Rough Sleeper Initiative fund. The purpose of the Hub is to be a central point for rough sleepers and those at risk of rough sleeping to receive support and assistance with accommodation options, sign posting and hand holding to treatment services to alleviate rough sleeping. Clients can also access free counselling, washing facilities, food and a change of clothing as well as support for getting work ready and assistance with finding work.

The Hub opened on 24 June and the following has been achieved:

Clients supported at the Hub

44 people have attended and engaged with the services from the Hub.

Homeless clients into alternative accommodation

13 night shelter, **11** hostel, **1** sourced own accommodation, **3** Friday Bridge Camp, **2** voluntary repatriations (working with CLG outreach team).

Total 30

(Note: the remaining 14 - some have accommodation, but have issues with it, some are using the day centre for other reasons and have accommodation (the washing machine for example) and some need accommodation, but are happy with encampment living as a lifestyle choice.)

Number of people into work/training

5 people have achieved paid work

All clients registered via the Hub have an automatic referral to the Building Better Opportunities (BBO) service which supports them to get back into work by offering them courses, voluntary work, job café's that can help with CV writing and job

searching.

9 have registered for the induction sessions to join the course.

Counselling service

11 people have benefitted from the counselling service. The opportunity to receive counselling is held open to all clients who may not feel like they need the service at point of entry but may benefit at later date.

Monthly meetings are being held to ensure Government outcomes are being met and that the service is working well.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|------------------------------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI Number of homes adapted to assist vulnerable disabled residents to remain in their home | 130 | 39 | 61 | |

Through this scheme the Council provides adaptation works for elderly and disabled home owners and tenants to remain safe, secure and protected in their own homes. This work is financed through the Better Care Scheme the health and social care budget- with funds being allocated annually to the Council.

Since the last performance report the Council has assisted 61 households with adaptation works.

The geographical spread is as follows:

| | |
|----------------|----|
| Wisbech | 14 |
| March | 21 |
| Chatteris | 7 |
| Whittlesey | 2 |
| Other villages | 17 |

Other villages broken down:

| | |
|---------|---|
| Eastrea | 2 |
| Elm | 3 |
| Manea | 2 |
| WSM | 1 |

| | |
|--------------|---|
| Parson Drove | 2 |
| Coldham | 1 |
| Murrow | 3 |
| Thorney Toll | 1 |
| Gorefield | 2 |

What do our customers say?

| Description | Baseline | Target 19/20 | No of customers who responded | No of customers satisfied | % 19/20 | RAG |
|----------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------|-------------------------------|---------------------------|---------|-----|
| Disabled Facilities Grants: % of residents who felt that the work undertaken to adapt their property made their life easier (1 year on survey) | 97% | 90% | 6 | 6 | 100 | |

6 surveys have now been completed for 19/20 with all customers satisfied, culminating in satisfaction score of 100 %

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|------------------------------------------------------------------------|--------------|-------------|----------------------|-----|
| Performance Measure | | | | |
| MPI Number of households receiving the Handyperson service (Annual) | 180 | 31 in Q1 | 31 | |

The Handyperson service is a county wide service operated by Age UK. All district councils and county councils contribute towards this. Improvements carried out in Q1 include fitting grab rails, bannister rails, steps and key safes. There were also 38 onward referrals to other support organisations following assessments with customers.

Two customers benefited from key safes being installed to enable them to be discharged from hospital. Care staff are able to support them in their own home with having a safe access to unlock the door. This has prevented costly bed blocking and enabled the customers to be back at home safely.

The target of 180 is expected to be met by the end of the financial year.

Homelessness Review & Homelessness Strategy Action Plan Update

Feedback from Ministry Housing Communities Local Government (MHCLG) on Housing Options Service

The Council was inspected by MHCLG on 26 June. This is a routine inspection that is undertaken nationally. The purpose of the visit is to check on the performance of the Housing Options Service and ensure that it meets government guidelines and is operating effectively.

Feedback included:

- Caseloads against the number of officers were consistently high when compared to other districts. Currently caseloads are high with 50 cases per officer, MHCLG recommended number is 35.
- Service design for customers is good, there is a wide range of options to access our service, but MHCLG would like to see more face to face interface with customers. In response the council has advised that this is part of the service and is undertaken when required, e.g. sensitive cases, joint meetings with partners such as social care, home visits, mediation with parents etc.
- It is a positive approach to maintain funding for the Cambridgeshire & Peterborough Trailblazer project.
- The Council is resolving cases to higher overall success rates than average nationally. This demonstrates that we have grasped the opportunities and principles of the Homelessness Reduction Act and delivered effectively against them.
- Front line staff were encouraged to be flexible and imaginative in their negotiations to achieve best outcomes for customers.
- Our landlord Rent Solution service appears to be working well. A total of 106 in district private rented placements in one year represents a strong performance which underlines the strength of the relationships we have established locally with the private rented sector and our ability to manage customer expectations.
- Our website is easy to navigate and contains a range of useful information for customers and stakeholders with information for vulnerable groups present.
- Our allocations scheme was updated in February 2018 to take account of the new act. This is being reviewed again later this year.
- Homelessness Strategy and Roughsleeper Action Plan - MHCLG are keen to see a review of this and this is something that is programmed to be done anyway by the Council this year. The action plan is detailed and comprehensive and good coverage of both Homelessness Reduction Act prevention work and rough sleeping.

In terms of service development the Council is looking at how new types of supported accommodation for rough sleepers can be enabled to be set up in the district.

At the request of the Portfolio Holder, a meeting was held between the Housing Options Team and the Private Sector Housing Team to ensure they are working closely together and ideas are being shared. The meeting was a success and ideas from the meeting will be put in to practice.

Empty Homes Update

A priority that has been given to the team is to look at bringing a number of the empty homes in the District back in to use. An empty homes strategy has been formulated and a meeting has been arranged with another Local Authority to get some shared learning. The 151 Officer is working with ARP in obtaining the true numbers of empty homes that are eligible to be chased and in particular, those being empty for more than 6 months which are then eligible for the New Homes Bonus.

Portfolio Holder:

Cllr Chris Seaton

Syrian Refugees Update

2 refugee families will be welcomed into Fenland in the Autumn. The families have been assessed by all relevant agencies and in partnership with Whittlesey Town Council accommodation has been found. Work is now underway to ensure the properties are furnished and the support services are in place to help integrate the families into the Fenland community. The service is being run on behalf of Fenland District Council by Peterborough City Council who have a service up and running with access to all relevant support groups. The funding comes from the national budget set aside for Foreign Aid.

BUSINESS PLAN AREA:

Communities

Business Plan Priority:

Support vulnerable members of our community

Business Plan Action:

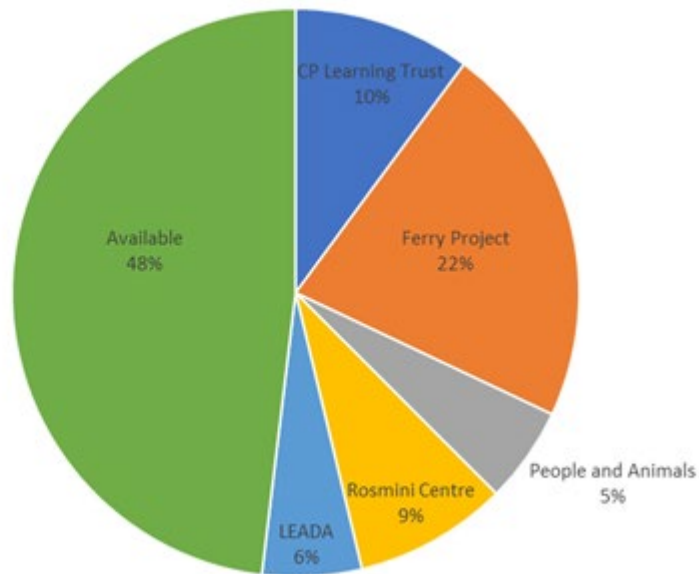
Work with partners to build capacity and resilience so that residents can support themselves and the community

Portfolio Holder:

Cllr Susan Wallwork

Community Locally Led Development (CLLD)

Contracted: £454,208.86
Remaining grant:£419,269.72



The above information is for the local projects delivering as part of the Q1 monitoring however numbers are due for revision at the end of August, to incorporate the Q2 figures, and anticipate these to increase in both outputs and grants claimed by the local projects.

The amount of CLLD grant money available is £419,269, with a minimum grant of £10,000 / project. All projects need to provide 50% match funding, out of which at least 10% needs to be cash, whilst the rest can be in kind volunteer time.

Based on the Q1 information, all projects are delivering CLLD activities in the form of group or 1-1 sessions, working on building confidence, identifying individual needs, providing volunteering and work experience to their participants. The Ferry Project in particular is focusing on providing formal training courses and work experience placements to their target group.

Links to where groups / individuals can find info on how to apply – the initial information for interested potential applicants is available at <https://wisbechclld.wordpress.com/applying-for-funding/>

Additionally, any organisation interested can contact Samantha Smith, CLLD Project Animator, at samantha.smith@cambsacre.org.uk 01353 865020, or Kieran Carr, CLLD Programme Manager, at Kieran.carr@cambsacre.org.uk, 01353 865047.

In respect of press releases all projects have been asked to produce press releases concerning their successful projects which the Accountable Body would re-publish and distribute with details of how other projects can apply. This is in order to raise awareness of the fund.

The next meeting will be on Wednesday 25th September 2019.

Portfolio Holder:

Cllr Susan Wallwork

Think Communities Update (including I ♥ Wisbech)

This project has been looking to build a collective partnership across the Public and Community and Voluntary Sector in Wisbech to collaborate on building capacity through understanding issues and developing programmes of action with the community to get them addressed.

A community conversation took place over the winter last year with around 5,000 participants

I ♥ Wisbech engagement/feedback sessions took place on:

- Saturday 22nd June 1.30pm-3.30pm at the Oasis Centre (PE13 3NP)
- Wednesday 26th June 10am-12 noon at the Queen Mary Centre (PE13 2PE)
- Thursday 27th June 5pm-7pm at the Rosmini Centre (PE13 2PH)

Purpose of sessions:

- To feedback results from the I ♥ Wisbech engagement exercise that took place over the Autumn and Winter 2018/19.
- To explore what needs to happen next with community members who wanted to get more involved and I ♥ Wisbech partners in the room at the same time
- To connect people with each other and with resources to help make their ideas happen

The community conversation captured names of 300 residents who said they might like to be involved in some shape or form. The interests of the residents concerned were broken into the following themed interest areas:

- A Safe and clean town
- Making the most of our heritage and tourism
- More investment in better facilities and amenities
- Things to do for young people and children
- Helping those in crisis
- Connecting people, bringing them together and what's on in Wisbech

Priority Area Leaders (PALs) as detailed below have been chosen to take these themes forward. A Priority Area Leader will receive segmented data tailored to the themed area which will include contact details of residents. PALS should make contact with these residents to see how they want to be involved and make them aware of other opportunities already available to them to get involved (where applicable).

A Safe and Clean Town – Fenland District Council

Heritage and Tourism – Blackfields Creative and Wisbech Town Council

Investment – Russell Beal (Anglian Water)

Young People and Children – a collective of Clarion Housing and Cambs County Council

Helping those in Crisis – To Be Advised

Connecting People – Ferry Project

This work will be undertaken to conclude by the end of the calendar year.

Portfolio Holder:

Cllr Chris Seaton, Cllr Susan Wallwork, Cllr Ian Benney, and Cllr Sam Hoy

Support communities and businesses to access the information they need surrounding Brexit

Better Business for All (BBfA)

The BBfA partnership has continued to support businesses with regulatory concerns related to Brexit and in particular their readiness for business continuity by the end of October. The environmental health service has been in regular contact with local producers and exporters in order to understand local concerns.

In order to support local businesses with further information an event is planned to take place in September where advisors from the Health & Safety Executive, The Small Business Commissioner, Department for International Trade and a number of others, to bring localised business support around EU Exit issues businesses face going forward and to demonstrate how to cope with the compliance necessary for a smooth transition.

Bookings can be made here: <https://www.eventbrite.co.uk/e/brexit-basics-deal-or-no-deal-tickets-63761364959>

This will be the start of a new programme of support we are sourcing funding for and we plan to have follow up events around our region.

The Economic Growth Team continues to share the latest updates from HM Government regarding Brexit advice to businesses in Fenland, with the Fenland District Council website www.fenland.gov.uk/brexit providing information to both residents and businesses.

Businesses have been notified of a planned [A Brexit Basics – Deal or No Deal](#) event planned for Friday 6th September 2019, at St Ives, Cambridgeshire

The event is an opportunity for Cambridgeshire and Peterborough Businesses to find out more about post Brexit regulations and support available to meet any challenges they may face.

With representatives from our local growth hub, Health and Safety Executive, Small Business Commissioner, Regulatory Standards for trading, food and many more, to ease the strain of planning for the future.

Work also continues to ensure that employers are aware of and can advise EU nationals that they employ of the need to apply for 'settled status' in the UK.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Support vulnerable members of our community

Business Plan Action: *Explore the creation and development of Youth Advisory Boards in Fenland, and to work with local schools in the development of the national Democracy Ambassador scheme, consulting with young people on matters that affect them*

Portfolio Holder: Cllr Chris Seaton

Increasing awareness of democracy with young people

Over the last few months officers from FDC have been working with 20Twenty Productions to set up Youth Advisory Groups (YAG) in each of the 4 towns in Fenland in order to support a Youth Advisory Board (YAB) for the District. Officers have enabled the development of this initiative in facilitating meetings, including a meeting with an established Youth Advisory Board from South Norfolk, as well as advice to help shape the bid submitted to the Department of Education Social Mobility Fund.

20Twenty Productions have now secured £50,000 from this fund to set up a Youth Advisory Board in Fenland and East Cambridgeshire. Cambridgeshire County Council have also provided a further £20,000 to be split between Fenland and East Cambridgeshire which has increased the commissioning budget from each area from £10,000 to £20,000.

The Youth Advisory Board in Fenland will therefore have £20,000 to commission projects to tackle the top three issues in Fenland identified through the Youth Advisory Boards consultation over the next two months. A smartphone application has been created to assist the consultation process in the four main secondary schools in Fenland.

Future plans

Once consultation is complete the Youth Advisory Board will have an initial meeting in November 2019 in the Council Chamber at Fenland Hall to discuss the three top issues and how this can be tackled with the appropriate professionals and organisations including Cambridgeshire County Council, Fenland District Council, Cambridgeshire Constabulary and other public or voluntary sector organisations.

The Youth Advisory Groups will then have from November 2019 to January 2020 to formulate projects and present to the Youth Advisory Board where money will be awarded to tackle issues over the coming year. Members from The Youth Advisory Board will carry out inspections with the groups through the project life span to ensure the money is being spent appropriately.

Whilst the Youth Advisory Groups and the Board will encourage social action the vision of the project is to teach the Young People about democracy and democratic

processes. Throughout the year there will be opportunities to vote, campaign and hold public consultation surrounding their projects. Young people will be recruited to Youth Advisory Groups in each secondary school and then a proportion of these young people will be voted into the Youth Advisory Board ensuring a good mix of age, ethnicity and split between town and village areas.

The Youth Advisory Boards will be available to be utilised for consultation and will be a ready-made young audience for future key policies and plans of Fenland District Council.

BUSINESS PLAN AREA: **Communities**

Business Plan Priority: **Support vulnerable members of our community**

Business Plan Action: **Encourage a range of partners to support the delivery of the Golden Age programme to support older people**

Portfolio Holder: **Cllr Susan Wallwork**

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|----------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI Number of people who attend the Golden Age events | 200 | 87 | 87 | |

The last Golden Age Fair was held on Thursday 11th of July at Wisbech St Mary Sports and Community Centre. The Golden Age Team were supported by 28 partners with 87 visitors on the day including some of the original Golden Age Team; Councillors Ken Mayor, Trevor Quince and Bernard Keane along with Mrs Madge Cotterell, wife of the late long standing Councillor, Mac Cotterell. It was fascinating to learn how the Golden Age concept first started and the vision of those involved.

Cambridgeshire Fire and Rescue Service saw 27 people, exchanging 4 electric blankets. There was also one urgent referral for a Home Fire Safety visit for an elderly couple with mental and physical disabilities who had moved in to a property that had no fire preventative equipment including smoke alarms. Wisbech Fire crew attended the property the same afternoon installing smoke alarms and giving vital safety advice.

Cambridgeshire Libraries saw 28 people who they have successfully encouraged to go to the library to see the range of services and activities they have on offer.

The Bobby Scheme met over 20 people and booked security visits.

Wisbech Lions Club saw 40-50 and were able to introduce people to the Lions and explain to them their philosophy.

Cam Sight met 15 people and gave out leaflets for new groups and also potentially recruited a new volunteer

Breathe Easy Wisbech had 7 people who showed an interest in attending future Breathe Easy groups

Cambridgeshire Police saw 26 people and made contact with the new local councillor and had useful conversations about local issues.

Freedom Leisure saw 40 people and were able to promote their programmes and initiatives

Wisbech St Mary Parish Council met 20 people and thought it was a good vehicle for promoting awareness and discussion about the village

Fenland Ferret gave detailed advice to 2 people about the benefit system and signposted to relevant organisations.

Careline and Care & Repair service met with 12 people, having detailed conversations with and also one referral for a Buddy Button.

Healthwatch spoke to 42 people about their experiences with Cambridgeshire Health and Social Care services.

Living Sport saw 25 – 30 people, carrying out several functional fitness MOTs and helped a number of people try indoor kurling.

What do our customers say?

| Description | Baseline | Target 19/20 | No of customers who responded | No of customers satisfied | % 19/20 | RAG |
|---------------------------------------------------------------------|----------|--------------|-------------------------------|---------------------------|---------|-----|
| LPI Customer satisfaction with Golden Age events (After each event) | 100% | 90% | 2 | 100 | 100 | |

The visitor feedback we had on the day indicated that everyone was happy with the event, feeling that the partners who attended were relevant to their needs and that they would recommend the Golden Age Fairs to a friend. We are expecting to receive further feedback from the surveys placed in the Golden Age bags which are distributed to every visitor.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Support vulnerable members of our community

Business Plan Action: *Work with partners and the community to deliver the Wisbech 2020 Action Plan across the themes of Education and Skills, Health, Wellbeing and Cohesion, Infrastructure and the Built Environment, and Local Economy*

Portfolio Holder: Cllr Chris Boden

Wisbech 2020 Update

Over the past few months, the Wisbech 2020 Vision project has progressed in its own right as well as converging with other projects focussing on the town.

A new progress tracker has been introduced which will help to track progress of the actions included within the four themes of the project:

- Education and Skills
- Health, Wellbeing and Cohesion
- Infrastructure and the built environment
- Local Economy

Leads have been identified for each for each of the actions and progress is discussed at the relevant themed Steering Group meeting.

The aims, objectives and progress of other projects being delivered in the town are continually being reviewed to highlight any overlap and identify where joint working towards a specific goal can be progressed. These projects include:

- **I Love Wisbech** (delivered through the LGA 'Prevention At Scale' programme). A large number of public sector and community sector organisations have joined forces to talk to people that live and work in Wisbech to identify projects and interventions which will have positive and long lasting impacts in the town.
- **Growing Fenland.** Funded by the Combined Authority, this programme has identified interventions for each of our four market towns as well as overarching strategic interventions which will improve the quality of life in the Fenland area.
- **Think Communities.** A programme led by Cambridgeshire County Council that is piloting a reworking of their approach to building community resilience and capacity with increased partner and stakeholder engagement.
- **Pride of Place.** Wisbech is one of only two pilot towns receiving focus from Business in the Community to develop a strong business led response to building trust between business and society.

The actions from the various Wisbech focussed programmes will continue to be considered with any overlapping or complimentary projects being identified and joined-up delivery mechanisms being promoted.

A Wisbech 2020 Vision Summit/Celebration Event is planned for December 2019 where the public will be encouraged to attend to celebrate successes, learn about future plans and share their views.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Promote Health & Wellbeing for all

Business Plan Action: Support our local community by delivering the Council's Leisure Strategy, in partnership with Freedom Leisure

Portfolio Holder: Cllr Sam Clark

| Description | Achieved |
|-------------------------------------------|--------------|
| Performance Measure | |
| MPI Membership base in leisure centres | 6,103 |

Freedom operates a scheme of reporting membership data and sales on a daily basis and moves targets accordingly. A growth of 172 over the previous reporting period is evidence of success with the introduction of new fitness equipment (spin bikes) probably responsible, at least in part, for better retention rates and attracting newer members.

The new Hudson gym, opening October, and new equipment (CV and resistance) across all sites along with significant changes to the swim programme structure will also contribute to further member growth. Expansion of the product on offer will continue to offer challenges, however, and the recruitment of new, qualified coaches to cater for the increased number of classes remains an issue

Leisure Contract Update

Freedom have been managing the 4 Leisure centre sites for 9 months. The transfer involved revised management approaches and on-going support for almost 180 staff. Of these, over 100 had permanent contracts. To date, only 5 of these have left the organisation (4 to other employment and one to a move away). Transferred staff have welcomed Freedom's supportive style – particularly evident in a recent major incident at the Manor (sadly, a fatality) and praise for the professionalism and response for the

staff on duty was quickly forthcoming along with excellent support for those involved.

A new website has been built, new phone app introduced, maintenance regime established and it would be fair to say that the Council is very happy with the contract to date. Contract manager meets regularly with the Area manager to discuss progress and performance. Customers appear happy and Freedom is keen to measure and report performance on a regular basis. In the past quarter the following have taken place:

| Audit Type | Chatteris | GC | Hudson | Manor |
|-------------------|------------------|-----------|---------------|--------------|
| Area Manager | 79.6% | 87.8% | 80.9% | 85.4% |
| RLSS | N/A | 86% | 83% | 94% |
| Mystery Visits | 78% | 86% | 86.9% | 89.2% |

The Area Manager audit is undertaken by another area manager from the Freedom team. This involves auditing each facility against a Freedom standard quality assurance framework.

The RLSS assessment is conducted independently by Royal Life Saving Society against a standardised assessment protocol. The Manor scored the highest across all Freedom facilities.

Mystery Visit (E-Focus) is carried out by a 3rd party by phone and in person. All scores can be seen as above average and should improve as Freedom standards are embedded across the sites.

Hudson Leisure Centre Redevelopment Project Update

Despite additional asbestos removal work (above the main corridor and undertaken at night) all has proceeded to plan, no closures have been required, limited disruption has occurred and the new gym is now due to be handed over 3 weeks ahead of schedule in early October. Local traders have been used where possible and staff have responded well to the significant changes going on around them. It is expected that the project will complete in December with additional car park improvements following in the new year.

Gym Equipment Replacement Update

The equipment in the leisure centres is now 6 years old. Whilst it remains in good condition, having been regularly serviced, new, more integrated and customer friendly, equipment is now available on the market. Apps, phones integration, wearables and monitoring software are key considerations moving forward and Freedom will be re-equipping all sites in 2019-20 (Hudson LC leading the way). Tenders

have been received, and a supplier duly selected with install due in October.

What do our customers say?

| Description | No of customers who responded |
|---------------------------------------------------------------------------|-------------------------------|
| LPI CEL5 % of those asked who are satisfied with FDC's Leisure Centres | 1,008 |

Freedom monitors customer satisfaction through Net Promoter Score (NPS). Latest results indicate:

The Freedom "family" average score is 34

Manor LC scores **39** (366 responses) – previous report 40

Chatteris LC scores **44** (181 responses) – previous report 40

George Campbell scores **27** (294 responses) – same as previous report

Hudson LC scores **27** (167 responses) – same as previous report

The scores are derived from responses from over 1,000 customers. Neither of the two lower scores raise undue concern at this stage (Hudson awaiting the uplift from the on-going development, and George Campbell experiencing shower-related problems (which are now sorted)). Both will see improvement over the next quarter.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Promote health and wellbeing for all

Business Plan Action: *Work collaboratively with others to deliver the Council's Health & Wellbeing Strategy to tackle local health priorities, including mental wellbeing, and reducing inequalities both within Fenland and between Fenland and the rest of Cambridgeshire*

Portfolio Holder: Cllr Susan Wallwork

Health & Wellbeing Strategy / Working in Partnership

County Partnership Structures

The Living Well Partnership meeting scheduled for 29th July 2019 was cancelled.

Local action:

While these partnership structures in Health are being considered, The Council's Health and Well Being Strategy 2018 -21 is still active.

https://www.fenland.gov.uk/media/12208/Health-and-Wellbeing-Strategy/pdf/Health_Wellbeing_Strategy_v2.pdf

The strategy evidences that a district council's services have a significant impact on health & wellbeing.

In terms of key projects to help support the delivery of the strategy, examples include:

- Operation Pheasant – the multi-agency partnership working together to tackle issues in the Private Rented Sector
- I heart Wisbech the community conversation that has taken place to capture views in the town and also find residents who want to get more involved in community initiatives.
- The Controlling Migration Fund projects that the Council has worked with the Diverse Communities Forum to develop 20 funded initiatives with inward investment of circa £2 million

Future focus to support the strategy include:

- Cambridgeshire Health and Wellbeing Strategy
- Local Plan Review and how the review can help the objectives of the strategy
- The Growing Fenland 4 Market Town plans
- Increase in residents using Freedom Leisure Centres
- Development of a Culture Strategy
- Tackling rough sleeping
- Tobacco Control Alliance (see below)

Key Project Update – Smoking Cessation

The Council is a partner in the joint Cambridgeshire & Peterborough Tobacco Alliance Group, so far the group has had its initial meeting and are currently working towards developing a draft strategy.

The framework surrounding the tobacco control strategy is:

- Prevention First
- Supporting smokers to quit
- Eliminating variations in smoking rates
- Effective enforcement

As a follow on from this group we are putting together a plan on looking at smoking in commercial vehicles (taxis) and vehicles being used for school journeys by parents who are smoking in them.

The next partnership meeting is scheduled for October, whereby we will be discussing and agreeing the draft control strategy.

Portfolio Holder: Cllr Steve Tierney

Energy Conservation / Fuel Poverty

The Council have published its 2019 Home Energy Act Report which can be found at www.fenland.gov.uk/energy. As a Council we are required to report on our plans for improving domestic home energy efficiency. The Government's Clean Growth Strategy includes a target for all domestic properties to attain at least a Band C Energy Performance Certificate (EPC) by 2035 where practical, cost-effective and affordable.

Fenland District Council's HECA report sets out the current state of play regarding the energy efficiency of properties in Fenland and where the Council should focus resources in order to realise national efficiency and carbon reduction targets, such as that in the Clean Growth Strategy. Through the HECA the Council has informed government of the work that will take place in 2019/20 at district level but also of the challenges faced locally with a view to inform further national policy making.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Promote health and wellbeing for all

Business Plan Action: Create healthier communities through activities developed by Active Fenland and community partners

Portfolio Holder: Cllr Sam Clark

Active Fenland Update



BUSINESS PLAN AREA: Communities

Business Plan Priority: Promote health and wellbeing for all

Business Plan Action: *Facilitate housing development that will deliver healthy environments and promote wellbeing*

Portfolio Holder: Cllr Miss Sam Hoy and Cllr Sam Clark

Major Housing Permissions

A number of 'major' planning applications have been approved in the period:

1. 76 dwellings in Wisbech St Mary – although due to viability concerns the development was not able to achieve policy compliance in respect of affordable housing and off site sport & recreation contributions, policy compliant on site open space and play facilities are to be provided as well as an NHS contribution.
2. 15 dwellings in Park Road, Manea – whilst no affordable housing is being provided for viability reasons, a policy compliant level of open space is being provide on site

Other options for delivering Affordable Housing are being explored.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Work with partners to promote Fenland through culture and heritage

Business Plan Action: *Work with local stakeholders to develop a Culture Strategy for Fenland; strengthening links between the wider Fenland communities, as well as promoting the area to people outside the district*

Portfolio Holder: Cllr Chris Seaton

Culture Strategy Update

The Arts Council have confirmed funding to support the Council with the development of a culture strategy.

Procurement for external support is underway, with work expecting to start in the autumn.

BUSINESS PLAN AREA: Communities

Business Plan Priority: Work with partners to promote Fenland through culture and heritage

Business Plan Action: Support voluntary and community groups to hold public events safely

Portfolio Holder: Cllr Sam Clark & Cllr Peter Murphy

Safety Advisory Group

Since April the Safety Advisor Group (SAG) have given advice to 11 community groups, which have been local events running year after year. As part of working with these groups we have offer the groups the opportunity to come along to a Safety Advisor Group meeting and discuss their event directly with the SAG.

So far we have held 3 SAG meetings and had 5 community groups attend these for help and advice and how they can ensure they offer a safe event for the public.

From these meetings, we offered the event organiser the opportunity to allow us to conduct a site visit during the setting up of their event. So far we have carried out 2 of these and both have been of value to the SAG members and the event organiser. Again it is a further opportunity for the event organiser to demonstrate that all of their procedures and practices are being adhered to as per the Event Management Plan that is supplied and circulated to all SAG members.

The SAG looks at ways in which it can help and support community groups, this can even be by signposting the organiser to the correct person and/or department within the local authority or community that may be able to help them.

As a working group the county SAG has put together an Event Management template with various pointers and links that can be used by community groups to assist them in putting together their documentation.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action: Work with partners, the community and volunteers to divert at least 50% of Cambridgeshire's household waste from landfill

Portfolio Holder: Cllr Peter Murphy and Cllr Steve Tierney

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-----------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI CEL8 % of collected household waste – blue bin recycling | 28% | 29% | 28% | |

Collected Household Waste Blue Bin Recycling to July

| | April | May | June | July | Overall |
|---------------------------------|--------------|--------------|--------------|--------------|--------------|
| Dry Recycling (Blue Bin) | 726 | 693 | 688 | 760 | 2,900 |
| Residual Waste (Green Bin) | 1,897 | 1,913 | 1,820 | 1,883 | 7,514 |
| Dry Recycling % of waste | 28.3% | 27.0% | 27.4% | 28.7% | 27.8% |

The overall tonnage of dry recycling presented by customers is a decrease on the same period last year, although the amount of contamination within the blue bin has increased.

The educational, and linked volunteer activities, across the area form the basis of the Council's approach to improving the amount of waste customers recycle through their blue bins.

Supervisors regularly visit rounds ahead of the recycling collections to inspect recycling and deliver educational materials where required. Customers actively recycling all the materials possible receive a thank you tag on their bin and all customers receive information on recycling. Second visits are scheduled to measure improvements.

So far this year more than **8,500 visits** have taken place and resulted in improved numbers of customers correctly presenting their recycling materials.

This work by supervisors supports the day to day work of the recycling crews who make a visual check of recycling bins at collection and have **rejected 4,097 blue bins** with obvious contamination so far this year; 0.8% of those put out for collection.

Even with the crews' and supervisors' actions to reduce the levels of unwanted materials the company sorting the dry recycling materials, Amey, report that 311 tonnes so far this year were materials not acceptable in the bin. This is an increase on the same period last year.

A range of actions are in place to tackle the incorrect materials in the blue bins, including information to all customers, bespoke blue bin stickers, local work by Getting It Sorted volunteers and a continued focus from the waste team through their positive campaign.

Overall Fenland Recycling

| April 2019 – June 2019 | FDC Collected Waste | HWRCs in Fenland | Total |
|--------------------------|---------------------|------------------|------------|
| Recycling and Composting | 6,311 | 4,045 | 10,356 |
| Residual Waste* | 7,514 | 1,178 | 8,692 |
| Recycling % of waste | 46% | 77% | 54% |

(*collected household waste; not including fly-tipping, street cleansing waste and commercial waste)

The overall recycling rate for domestic waste collected at the kerbside and delivered by customers through the 3 household waste sites in Fenland, and the 28 local recycling bring sites, is **54%** and contributes to the overall recycling rate for Cambridgeshire.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-----------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI % missed bins collected the next working day | 92% | 92% | 91% | |

Missed Collections July (Blue and Green Bins)

| | July 19 | Overall 19/20 |
|-----------------------------|------------|---------------|
| Missed Collections Reported | 149 | 719 |
| Collected next working day | 133 | 652 |
| Percentage | 89% | 91% |

The total number of missed brown bin collections reported so far this year is 246 of which 225 were collected the same or next working day.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action:

Maximise the value of materials collected for recycling, including through Recycling Champions

Portfolio Holder:

Cllr Peter Murphy and Cllr Steve Tierney

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-----------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI Income generated through recycling materials | £285,000 | £54,791 | £106,623 | |

This materials recycling contract is about to commence the 6th of a maximum of 10 years in September 2019.

A negotiated settlement to some performance issues within the contract has resulted in an updated contractual agreement moving forwards for the 6 Cambridgeshire and Peterborough authorities involved in this jointly procured contract.

Recycling Improvement Plan Update

Levels of Incorrect Materials

The levels of incorrect materials in blue bins; primarily residual waste, textiles, food waste and nappies, remains an issue. This has the potential to cost large amounts in contractual disposal costs and result in the loss of recycling credits.

As a result of this, actions this summer are aimed at reducing this recycling contamination below 7% to remove the risk of these additional contract costs.

Every property in Fenland has received a recycling leaflet designed by the volunteers based on the types of questions that they are being asked at roadshows and events.

These leaflets will also be supported by information stickers on all bins. The stickers are planned to be distributed across collection rounds from July to October this year. This will be done on a round by round basis on their collection day.



Positive Message Campaign Work

The work involves assessing the quality of blue bins prior to collection. So far this year, the blue bins at 8,512 properties have been assessed on 2 consecutive collections in the following way -

- All properties receive a leaflet through their letter box to remind customers of what can and cannot be recycled in the blue bin.
- If the quality of the recycling in the bin appears to be good, and contains all 5 key materials, a thank you hanger is placed on the bin.

If the quality is poor, a reminder sticker is placed on the bin which explains what should and should not be placed in the bin.

Recycling Crew Checks

Also, to ensure that the quality of the recycling is preserved the frontline refuse and recycling teams perform a visual check of the top of all blue bins upon collection and the report an average of 1,024 bins each month where they observe incorrect materials.

These customers receive a sticker on their bin and form the focus of more dedicated educational communications.

Recycling Results

The good news is that residents are producing less waste overall so far this year, which is what we want to see. Hopefully this will continue over the course of the year.

So far this year, 2,900 tonnes of recycling have come from collections made in Fenland. This is a reduction on the same period the previous year when 2,988 tonnes were collected. Whilst customers are recycling less, this is against a background of less waste overall.

What we can see from the tonnage results so far is that whilst customers are creating less waste, the level of incorrect materials remains a target for communication activities.



BUSINESS PLAN AREA:

Environment

Business Plan Priority:

Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action:

Deliver an effective, self-funding garden waste collection service

Portfolio Holder:

Cllr Peter Murphy and Cllr Steve Tierney

Garden Waste Service Update

Subscription levels, at more than 20,000, mean that the garden waste service is again this year a self-funding service where the customers who choose to subscribe are funding the service at no cost to other tax payers.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action: Deliver clean streets and public spaces, as set out in the national code of practice

Portfolio Holder: Cllr Peter Murphy

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI CEL6 Rapid or Village Response requests actioned same or next day | 90% | 95% | 95% | |

Cleansing Rapid and Village Response July 2019

| Area | Requests | Requests Met | Performance |
|---------------|-----------|--------------|-------------|
| Chatteris | 5 | 5 | 100% |
| March | 13 | 13 | 100% |
| Villages | 18 | 17 | 94% |
| Whittlesey | 10 | 10 | 100% |
| Wisbech | 41 | 38 | 93% |
| Totals | 87 | 83 | 95% |

The cleansing team have performed well this month with 95% of requests this month and 95% of requests this year (419 from 398) being responded to on the same or next working day.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI CEL7 % of inspected streets meeting our cleansing standards (including graffiti and flyposting) | 93% | 100% | 99% | |

Cleansing Inspections for July

| Area | Inspections carried out | Standards met | Performance |
|---------------|-------------------------|---------------|-------------|
| Chatteris | 32 | 32 | 100% |
| March | 30 | 30 | 100% |
| Whittlesey | 30 | 30 | 100% |
| Wisbech | 20 | 20 | 100% |
| Totals | 112 | 112 | 100% |

The regular inspection of the quality of cleansing in Fenland is performed by Street Scene officers on a routine basis using national scoring methodology which assesses litter, street sweeping and graffiti.

What do our customers say?

| Description | Baseline | Target 19/20 | No of customers who responded | No of customers satisfied | % 19/20 | RAG |
|------------------------------------------------------------|----------|--------------|-------------------------------|---------------------------|---------|-----|
| MPI ES10 Community satisfaction with cleansing services | 90% | 85% | 37 | 32 | 86% | |

300 surveys sent to Customers with 37 completed, a response rate of 12%.

86% of customers responding rated the cleanliness of public spaces and streets as satisfactory or above.

Some of the comments received:

'March and the near surroundings seem to be very well kept'

'I would like to give thanks to the staff member who dedicates himself completely to his job. Nothing is too much trouble for him.'

'Street Cleaning and bin emptying good.'

'This is helped by Street Pride and the Chatteris in Bloom Team'

BUSINESS PLAN AREA: Environment

Business Plan Priority: Deliver a high performing refuse, recycling and street cleansing service

Business Plan Action: Work with key stakeholders to deliver an effective waste partnership and to update the Cambridgeshire and Peterborough Waste Strategy

Portfolio Holder: Cllr Peter Murphy and Cllr Steve Tierney

Cambridgeshire & Peterborough Waste Partnership (RECAP) & Waste Strategy Update

The government's waste and resources strategy first round of consultation has recently been published. The key points are:

- There will be legislation for extended producer responsibilities with regard to packaging and a deposit return scheme for drinks packaging to commence in 2023.
- Along with legislation for weekly separate domestic food waste collections

expected for 2023.

- Government will further consult on bin standardisation, separate recycling collections, minimum service standards for recycling and waste collections, a review of the recycling credit system and the national garden waste collection provision.
- Government will also legislate for segregated dry recycling and food waste collection for certain types of businesses.

The Cambridgeshire and Peterborough waste partnership, Recap, is working with Defra through £100,000 of funded support to establish the impacts of such changes on the broad range of communities in the area.

BUSINESS PLAN AREA: **Environment**

Business Plan Priority: **Work with partners and the community on projects to improve the environment and streetscene**

Business Plan Action: **Support improvements to Fenland's streetscene and heritage**

Portfolio Holder: **Cllr Chris Seaton**

Wisbech High Street Project

The Gap – 24 High Street

Planning consent was granted for the demolition of the building at the rear of 24 High Street in July and council approval was given to progress with this and the associated costs. Due to the presence of nesting birds and requirements for a bat survey, demolition work cannot commence until early September (pending results of the ecological survey). A demolition contractor has been appointed and party wall matters are underway.

Following the revised costs of "The Gap" officers were asked to undertake a feasibility study and costed options for a permanent structure. A full report detailing the options of a permanent structure comprising residential and retail units and the long term costs in comparison to "The Gap" has been prepared and will be presented to cabinet once the contribution from our legal advisors has been finalised. We expect this to be in September 2019.

11-12 High Street

Our solicitors continue to liaise with the developers legal team with regard to the details of the build lease for 11-12 High Street. However, progress continues to be made as a planning application has been submitted by their agent (F/YR19/0509/F) and a timetable for the site works has been issued.

During site investigation works undertaken by the developers contractor in July, some

structural issues were brought to our attention and following advice from CNC Building Control, a scheme of urgent localised demolition works were required. This was to ensure the safety and welfare of contractors working on the site as well as the public. A demolition team was mobilised immediately and the necessary road closures and traffic diversions were put in place. Once underway, it emerged that the work required was more extensive than initially believed and took a total of 10 days. The on-site team worked extended hours and weekends to ensure the work was undertaken quickly causing as little disruption to businesses as possible.



Urgent Works, 11-12 High Street, July 2019

13-17 High Street

We are awaiting the signed contract from the applicant. This application related to the conversion of a disused first floor into residential accommodation, new shopfronts and general repairs to the building (F/YR18/0268/VOC).

Other Properties

We are still awaiting the application from an agent appointed by the owner of two listed buildings for shopfront and roof repairs. An application is expected once all quotations have been gathered. Pre-application discussions with Conservation officers have been encouraging. There has also been new interest from one of the largest High Street stores who are now collecting quotations for work to the building façade and windows.

The project continues to encourage other owners and tenants to apply for a grant. Although this continues to be a challenge as there are many still not engaging in discussions and some still considering the long term future of their buildings and leases.

Activity Plan

The project continues to develop and deliver popular training events and activities.

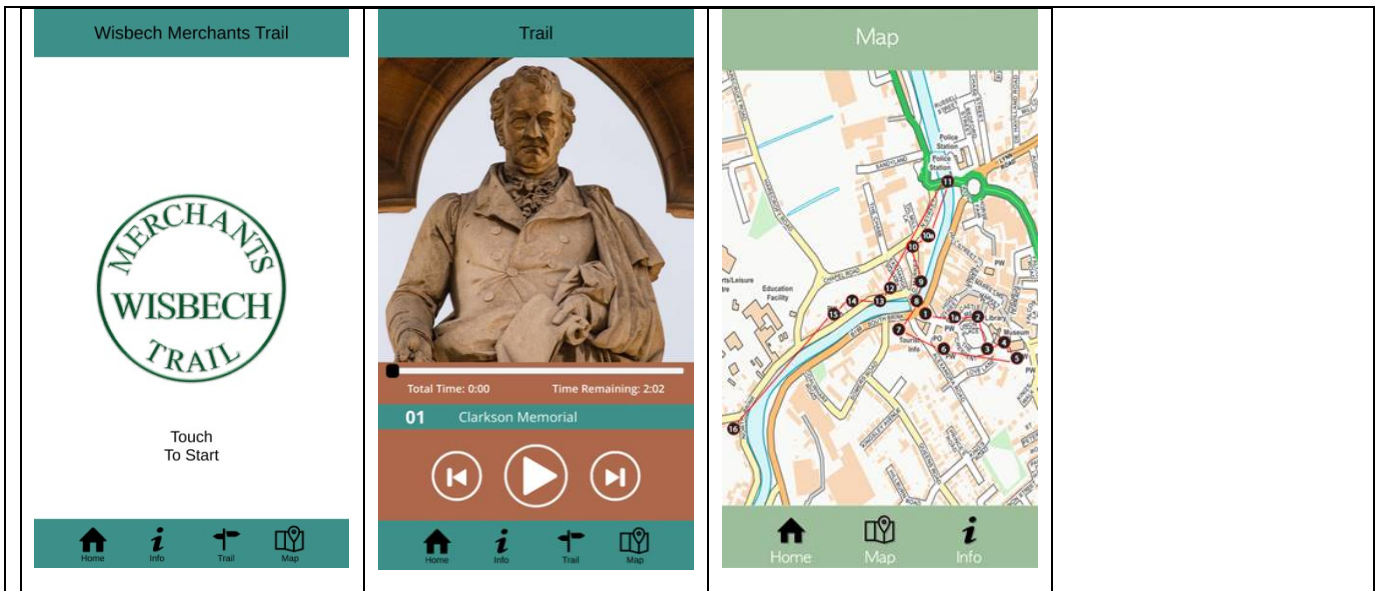
Following the popularity of the Archaeological Building Recording workshops, we delivered another two events in June and July. These FREE events allowed those who signed up an opportunity to learn how archaeologists approach recording historic buildings, starting with Wisbech High Street and then Castle Lodge.



Building Recording Workshop, July 2019

The College of West Anglia continues to plan an exciting programme of training events for students to be delivered over the next 2 years, starting during the next academic year. This is the largest activity to be funded by the Wisbech High Street Project with a budget in excess of £40k. It will allow students on their construction courses the opportunity to learn about traditional repairs including stonework and plastering. Using the disused chapel at Mount Pleasant Road Cemetery, students will be able to work on a listed building genuinely in need of some repair and maintenance.

The updated Wisbech Merchants Trail was launched at an event in early August. Booklets of the trail are now available and a mobile app can be downloaded from the Apple and Google Play stores. The response and feedback on both formats has been really positive and more copies of the booklet are being printed to meet demand.



Screen captures from the Merchants Trail App

A talk on the history and development of C18th and C19th wallpaper was delivered by Dr Phillippa Mapes at Wisbech Museum on Saturday 13th July. This was the latest in a series of talks organised by the project on the history of interiors. Feedback from all those who attended was really positive and those who live in older buildings found it particularly interesting. More talks are planned for later this year.



Talk on History of Interiors : Wallpaper

High Street Bid to Government Update

In July the Ministry of Housing, Communities & Local Government confirmed that FDC's first round submission for March for the Future High Street Fund (FHSF) programme had been successful.

The next phase of assessment will involve the development of a full business case for capital investment required by the Future High Street Fund in your proposal and work is already underway to meet the early Business Case deadline on 15 November and the final Business Case deadline of 15 January 2020.

The purpose of the Future High Streets Fund is to support and fund local areas' plans to make their high streets and town centres fit for the future, helping local high streets to evolve and adapt to these changes. The Government recognises the challenges and is keen to support local stakeholders to encourage vibrant town centres where people live, shop, use services, and spend their leisure time.

In addition to the Future High Street Fund a further submission has been made to the Heritage Action Zone project which will focus on heritage assets.

Portfolio Holder:

Cllr Mrs Jan French

Manage the operation and maintain FDC-owned and managed public car parks and bus stations

During the months of July, August and September the following works were undertaken, or have been scheduled for FDC Car Parks

Undertaken

1. Two new replacement bollards installed within Chapel Road Car Park, Wisbech following a forced vehicle entry into the park.

Scheduled

2. Car Park patching works to various car parks within the District.

The Church Terrace Car Park refurbishment works scheme is scheduled to be undertaken in three phases. The first phase which will carry out drainage, kerb and footpath improvements commenced on 19th August and will be ongoing for a period of 3-4 weeks. Street lighting improvement and upgrade works will follow in September with surfacing and lining scheduled for October.

Portfolio Holder:

Cllr Peter Murphy

Manage and maintain highway-related assets and infrastructure (street furniture, street name plates, bus and cycle shelters, bollards, gateway signs, finger arm signs, etc)

During the months of July, August and September the following street furniture repair or replacement works were undertaken, or have been scheduled:

Undertaken

1. Eight replacement street name plates have been ordered for various District wide locations
2. Repair works undertaken to the FDC bus shelter on High Street, Chatteris
3. Installation of two replacement FDC bus shelters at Mount Pleasant Road and Norwich Road, Wisbech

Scheduled

FDC finger arm sign post replacements at various District wide locations.

Portfolio Holder:

Cllr Jan French

Manage and maintain district, parish (who have opted in) and Clarion Housing Association street lights

All street light inventory data capture checks have now been completed for all FDC managed and maintained street lights. This includes those street lighting assets managed by FDC on behalf of Clarion Housing Association and six Parish Councils.

The new data has been shared with FDC's street light maintenance service provider and will be used by the Council's Engineering Team to inform the Capital street light replacement and upgrade works contract in 2019/20.

The new inventory data is also being used to source a new street light energy agreement and meter administration service following Cambridgeshire County Councils decision to cease providing street light energy to District and Parish Councils within Cambridgeshire. A significant amount of work has already been undertaken to ensure a smooth and timely transition to an alternative provider. The Councils new energy agreement is scheduled to be in place in September 2019.

Following the end of the Parish Councils 12 month street light energy grant period (ending 31st July 2019) Parish Councils that have taken back responsibility for their own street light management and maintenance will be required to have alternative energy arrangements in place from 1st August 2019.

Parish Councils that have already contracted with FDC for management, maintenance and energy provision services will be recharged for energy use from 1st August 2019.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners and the community on projects to improve the environment and streetscene

Business Plan Action: *Use education, guidance and Council powers to fairly enforce environmental standards and tackle issues such as flytipping, dog fouling and littering*

Portfolio Holder: Cllr Peter Murphy

Tidy Fenland Campaign

Green Dog Walkers

Friday 5th July saw the campaign launch successfully in Furrowfields Chatteris. The pre advertised event was very well attended with representatives from Fenland Council, Chatteris Town Council and Community groups. A total of 18 dog walkers and 21 dogs signed up to pledge their support to the campaign. All received a welcome pack as well as a dog tag for their pet's collar and a free roll of dog poo bags.

A press release was later issued which prompted a further 2 residents to enquire and subsequently sign up.

Part of the launch was to install a new dog bag dispenser in Furrowfields this is to encourage those who may not have brought a bag with them to use one provided, so no excuses in leaving their pets mess behind. We have been trialling how many bags to fill it with and how often. Currently the reaction to it is very positive but we will continue to monitor if it has a tangible difference.

Since the Council purchased the license to be part of the campaign there has been further interest from March, Wisbech, Manea, Tydd St Giles, Wisbech St Mary and Parsons Drove. All town and Parish Councils have been consulted and with their support we will aim to deliver the campaign to them. Starting with March and Wisbech in September.

Fly Tipping and Waste accumulation prevention

On the 19th June Officers attended a multi-agency action day planned which carried out a series of visits to licenced premises in Wisbech. Officers were on hand to check trade waste compliance and issues relating to cigarette and alcohol related litter. 2 businesses were found to be operating illegally by having no trade waste. A Formal Section 34 Notice (producer for waste documents) was issued and re visits are booked to follow this up. 1 resulted in a Fixed Penalty Notice of £300 being issued.

Further offences were also recorded by colleagues and partner agencies which included premises having its licenced reviewed and 2 dwellings being prohibited for lack of fire safety.

DVLA compliant

A recent audit carried out by the DVLA has shown that Street Scene Officers have been compliant in all aspects of their online registered keeper searches as part of their investigation into environmental crimes. This is for abandoned vehicles, littering and fly tipping offences. This allows continued access to the WEE system and shows

professionalism in the investigation processes in line with GDPR and the DVLA's strict compliance rules.

Flytipping Prosecution Success

In August the hearing of a fly tipping prosecution case took place at Peterborough Magistrate's Court. I am pleased to be able to inform colleagues the case was successful.

The prosecution followed a lengthy investigation into five separate large incidents of fly tipping in Long Drove, Whittlesey. The offences took place in late 2016 and 2017. On 19 August 2019 Peterborough Magistrate's Court heard how Asif Hasham, Sole Director of Cozy Properties, was found responsible for fly tipping waste originating from a number of his rental properties. The waste included household items such as furniture, clothing and general rubbish. As well as materials used for growing cannabis. Streetscene Officers undertook detailed investigations into the company's activities and called Mr Hasham for formal interviews, one of which he eventually attended. Mr Hasham was unable to provide evidence of correct disposal of waste for 9 properties managed by Cozy Properties or for waste found belonging to his personal address and the former address of his wife.

On 19 August the District Judge presiding the case found Mr Hasham and Cozy Properties guilty of all 5 offences. Mr Hasham had been unable to provide any mitigation for the actions, or evidence of waste disposal arrangements or indeed any other link for all the tenants and properties involved.

At sentencing on the 4th September Mr Hasham was personally fined £1,500 in respect of each charge (£7,500 in total). With Cozy Properties ordered to pay the council's full costs (£15,446.23), and £1,000 compensation for the clean-up costs.

These costs awarded reflect the number of hours committed by Streetscene officers to identify the person responsible, to hold him to account and also the time preparing the information for colleagues in legal services to present.

We will now communicate this outcome publically to send a strong message to potential fly tippers that we are proactively investigating fly tipping and we will not tolerate this behaviour in our District.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI Streetscene Officer hours spent on active town patrol | 3,500 | 678 | 1631 | |

| | | | | |
|----------------------------------------------|--|-----|--|--|
| Kingdom Officer hours spent on active patrol | | 153 | | |
|----------------------------------------------|--|-----|--|--|

Street Scene - When out and about, are responding to customer enquiries as well as finding and resolving issues. Broken down officers time across the district has been June – July:

| Town | Wisbech | Whittlesey | March | Chatteris | Rural |
|-------|---------|------------|-------|-----------|-------|
| Hours | 249 | 103 | 153 | 137 | 36 |

During these patrols the Street Scene actions have been:

- 52 Reports of abandoned vehicles. All were removed by persons unknown after receiving notices apart from 3 which were removed by our contractor.
- 40 nuisance vehicle enquiries were actioned and responded to.
- 99 dog related enquiries. (higher due to the additional work raising awareness of the Green Dog walkers)
- 63 matters relating to our open spaces, mainly regarding our grounds maintenance contract.
- Marked 37 graves.
- 102 General street scene actions, including requests for service and general enquiries.
- 72 matters relating to cleansing and refuse across the district. Including additional requests for service, domestic waste issues and customer queries.
- 30 site visits for other service areas.
- 34 trade waste matters resolved
- 14 report to Highways regarding issues on their land.
- 11 reports to Clarion regarding issues on their land.
- 22 Fly posters have been removed. (excess from fair and wrestling events)

The team has responded to 100% of their service requests within the agreed timescale.

Kingdom – Officers have delegated powers to enforce on behalf of the Council Littering and Public Space Protection Orders. Kingdom patrol hours are broken down into locations for June - July:

| Town | Wisbech | Whittlesey | March | Chatteris |
|-------|---------|------------|-------|-----------|
| Hours | 87 | 19 | 41 | 6 |

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|----------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI Memorial inspections | 5,000 | 0 | 750 | |

| | | | | |
|-----------|--|--|--|--|
| completed | | | | |
|-----------|--|--|--|--|

For June and July there were no inspections carried out due to testing of the new mobile app which will make inspections much quicker to complete.

The inspection programme has been re-profiled so more inspections will be undertaken in the autumn, ensuring the target is achieved.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners and the community on projects to improve the environment and streetscene

Business Plan Action: Work with a private enforcement partner to tackle littering and associated anti-social behaviour

Portfolio Holder: Cllr Peter Murphy

Environmental Enforcement Update

Street Scene enforcement. Actions in June and July

| Location | Enforcement Action |
|----------|-------------------------------------------------------------------------------------------------------------------------------|
| March | 13 Parking FPNs issued 3 Mooring Charge Notices 2 Littering FPNs 1 Dog Fouling FPN 2 S.108 Notices (EPA offences) |
| Wisbech | 2 Littering FPNs 2 S.34 Trade Waste Notices 3 S.108 Notices (EPA offences) |
| Total | 28 |

Kingdom enforcement. Fixed Penalty Notices served in June and July:

| Location | Fixed Penalty Notices served |
|------------|-----------------------------------------------------|
| March | 20 for littering |
| Wisbech | 51 for littering 3 spitting 1 Dog off a lead. |
| Whittlesey | 10 for littering |
| Chatteris | 2 for littering |
| Total | 87 |

Fines paid

The payment rate for the period 1 February to 30 June is 61% and from February to 30 July is 62%. Fixed penalties served in June and July are still within their payment period. The service operates on a cost neutral basis when payment rates of 64% are received. This does not include any payment received through the court following successful prosecutions.

Prosecutions

During this time frame there have been no court prosecutions for these offences.

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners and the community on projects to improve the environment and street scene

Business Plan Action: Ensure well maintained open spaces by working in partnership with Tivoli and supporting community groups (such as Street Pride, In Bloom and 'Friends Of')

Portfolio Holder: Cllr Peter Murphy

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|---------------------------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI CEL10 Number of Street Pride and Friends Of community environmental events supported | 204 | 40 | 82 | |

In June, 17 events were held by community groups to improve the environment.

All of these were regular work parties such as monthly Street Pride litter picks.

In July, 23 events were held. 2 events to highlight here include:

- Members of staff from Hughes Electrical in Wisbech borrowed equipment to run their own litter pick within the town.
- March Street Pride / In Bloom held their first of what is to be a monthly weeding and general maintenance work party. This new event will enable the group to keep on top of maintenance to floral displays throughout the year.

Street Pride, In Bloom & Friends of Projects Update

Benwick, Chatteris, Wisbech and Waterlees were all judged in July for Anglia in Bloom. During the month the In Bloom, Street Pride and Friends groups who were all involved were busy finalising last minute touches and maintenance to existing projects. The groups now eagerly await the results in September.

On 5th July, Chatteris Green Dog Walkers was successfully launched. The community led initiative involves dog owners pledging to clean up after their dog and encouraging others to be responsible dog owners too. At the event held at Furrowfields Recreation Ground, 24 dogs registered to the scheme.

On 24th July, a community action day was held at New Bridge Lane Travellers Site. The Street Pride Co-ordinator worked in partnership with the Community Support Team to support the residents to clear up fly tipping and improve the frontage of the site by painting over graffiti and planting up four half barrels in an attempt to stop future incidents of fly-tipping. The planters' area includes a fitting memorial to a well-regarded resident who sadly passed away recently.

Grounds Maintenance Contract Update

Despite the variable seasonal weather, Tivoli has registered a consistent performance throughout 2019. Restructuring of rounds, streamlining of teams and continual local supervision of work standards has resulted in less complaints being received and the majority of these being rectified quickly to the customer's satisfaction. The recent departure of the contract manager (the second to depart this year) is unfortunate but the systems he has introduced will assist the incumbent in carrying the good performance forward.

Because the main cutting rounds have been managed efficiently and some tasks no longer required, some excess capacity has been created which has enabled an additional hedge trim to be brought in for July/Aug (previously only in Oct/Nov). Further remedial tasks – fence repairs, tree works, play area faults – have also been addressed more promptly as a result.

West End Park Skate Facility

Work is due to start on site in early September, with an 8-12 week build period. This will be weather dependent due to the concrete nature of the new park. The start date has ensured that the current skate park has been available for the majority of the summer holidays.

Whitemill Coldham / Glassmoor and Ransonmoor updates

Four successful bids were received to the recent bidding round of the Glassmoor Local Environment Fund.

The projects included floral planters, solar panels for a community building, replacement LED Christmas lights & energy advice sessions meaning that Whittlesey and the surrounding community will benefit from £25,000 of funding support.

The Whitemill committee are due to meet on the 22nd August to judge five bids received to this fund. This round has seen an increase in the number of bids received which is very positive highlighting that the recent open evening was a worthwhile promotional activity.

Applications received are around energy advice sessions, solar panels, accessibility improvements to Rings End Nature Reserve, solar powered mobile vehicle activated signs for speedwatch and trip to Amey's Waste Management Park Education Centre so residents can learn about recycling. Should all five bids be approved at the full amount, the community will benefit from just over £31,000 of funding support.

BUSINESS PLAN AREA: Environment

Business Plan Priority: **Work with partners and the community on projects to improve the environment and street scene**

Business Plan Action: **Work with Town Councils and the community to provide local markets, market town events, and Four Seasons events**

Portfolio Holder: **Cllr Peter Murphy**

Four Seasons Events

The Council continues to support local communities wishing to stage events. June has been a particularly busy month both with the Council's support of Chatteris Festival which is the largest community event supported through the Four Seasons programme and this year took place over 4 days. The event included a parade, a huge variety of food stalls, entertainment and amusements for over 3,000 visitors. The Council teas support with various aspects including safety advice and management to waste collection, closing roads and land use.

We have also supported organisers of Wisbech Rose Fair, Parson Drove Car Show, Wisbech Rock Festival, Whittlesey Music in the Square, March Summer Bands, March Steam and Vintage Show and Wisbech Bandstand Concerts to name a few.

What do our customers say?

| Description | Baseline | Target 19/20 | No of customers who responded | No of customers satisfied | % 19/20 | RAG |
|--------------------------------------------------------------------|----------|--------------|-------------------------------|---------------------------|---------|-----|
| LPI CEL12 % of those asked who are satisfied with FDC's events. | 100% | 90% | 130 | 126 | 97% | |

Feedback from visitors to Chatteris has been largely positive highlights include:

"We liked that there was lots for children to do"

"I particularly like the variety of food."

"Good selection of stalls"

"We liked the parade"

BUSINESS PLAN AREA: Environment

Business Plan Priority: Work with partners to keep people safe in their neighbourhoods by reducing crime and anti-social behaviour and promoting social cohesion

Business Plan Action: Work with partner organisations to reduce crime, hate crime and anti-social behaviour through the Community Safety Partnership

Portfolio Holder: Cllr Susan Wallwork

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|---------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI Number of incidents recorded by CCTV | 1,200 | 178 | 399 | |

During June and July 2019 the Council was able to respond and detect 178 incidents of crime and disorder, including anti-social behaviour, making use of the Council's CCTV service across our four market towns in Fenland. This is a considerable decrease as compared to June and July 2019 in which 422 incidents were reported.

A breakdown of incidents by town for June and July:

| | |
|------------|-----|
| Chatteris | 3 |
| March | 18 |
| Whittlesey | 1 |
| Wisbech | 156 |

| |
|--|
| |
|--|

| Description | Target 19/20 | Achieved (June and July) | Cumulative for 19/20 | RAG |
|---------------------------------------------------------|--------------|--------------------------|----------------------|-----|
| Performance Measure | | | | |
| MPI Number of incidents resulting in positive action | 80 | 20 | 38 | |

During June & July 2019 the Council was able to achieve 20 positive enforcement outcomes from incidents responded to or detected by the use of CCTV. This is a decrease as compared to June and July 2018 in which 51 positive outcomes were achieved.

These included arrests for violence, theft and drink driving.

Positive outcomes achieved for June and July:

| | |
|--------------------|----|
| Arrests (CCTV led) | 12 |
| Assisted arrests | 8 |

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|------------------------------------------------------------------------------------------------------|--------------|--------------------------------------------------------------------------------------|--------------------------------|-----|
| Performance Measure | | | | |
| MPI Number of FDC ASB cases where positive engagements are delivered in line with identified risk | 90% | 98% 31/33 Absence of correct contact details for 2 cases in June/July. | 99% 53/55 | |

During the month of June and July there were 33 new ASB cases submitted into community safety. Case investigation and support has been provided to victims appropriate to their individual circumstances and risk.

Community Safety continues to work with internal teams and external partners to provide swift resolutions and longer term resolutions to address on-going local concerns.

June ASB reports for each area are as follows:

- Chatteris – 3
- March – 3
- Whittlesey – 1
- Wisbech – 10

July ASB reports for each area are as follows:

- Chatteris – 2
- March – 3
- Whittlesey – 3
- Wisbech – 8

Ely House, Lynn Road, Wisbech

Ely House is a residential dwelling in Wisbech of significant historical interest. It has been unoccupied for some time and has become the focus of anti-social behaviour. The behaviour included shouting and screaming at all hours of the day and night; fires being set; rubbish deposited in neighbouring gardens; drug and alcohol abuse and frequent attendance by emergency services to deal with disorder or crime. Besides the high demands placed upon public services, more importantly the problems were causing a nuisance to nearby residents and the community.

Community Safety coordinated the response and using powers of the ASB, Police & Crime Act 2014 made an application to the courts for a Closure Order to issued. The Order was granted by the Magistrates Court on the 1st August and is applicable for 3 months.

Having been granted, it means no persons other than those authorised can enter the premises and should they do so they commit a criminal offence. The successful application involved internal and external team work involving the Fire Service, Police Service, and FDC teams including Planning, Housing and Environmental Health.

Community Safety is maintaining contact with the nearby residents who provided evidence to support the application and the local police team in order to monitor the situation and to identify any breach of the Order.

Community Safety Partnership Update

On the 18th July Fenland Community Safety Partnership held their 3rd meeting of the calendar year at The Boathouse, Wisbech. Following the elections in May the partnership needed to elect a new Chair and Vice-Chair, Cllr Susan Wallwork was elected as Chair and Inspector Ian Lombardo was elected as Vice-Chair.

There were two guest speakers at the meeting, Christopher Bryden the Active Communities Manager of Freedom Leisure who now operate the sports centres across Fenland and Chris Suckling from Cambridgeshire County Council who provided an

update on 'I Love Wisbech - the safer town findings'.

Christopher Bryden explained his role is to work with different groups and organisations to encourage them to become more physically active. He explained that as part of the tendering process for the Fenland Contract, an active communities plan was put together for a 2 year period to look at developing projects around certain areas, which will link into the CSP objectives. Freedom Leisure currently runs a project called 'The Friday Night Project' which is run across many of their operating locations which experience problems with anti-social behaviour as well. Its aim is to run diversionary projects, targeting people who are most at risk or currently involved in anti-social behaviour for ages 11- 19 and link it in with the diverse communities and the community cohesion action plans.

Christopher spoke about one such initiative and showed how he has started to map areas of antisocial behaviour in and around the towns of Fenland and where the project could have an impact. He explained it is a 2 year plan and he is looking to introduce the first Fenland scheme in early part of 2020. The location for this project has yet to be confirmed but they will not duplicate work already underway.

Chris Suckling spoke to the Partnership about the 'I Love Wisbech' project and explained the body of work has been ongoing since March 2018. Please see update elsewhere in this report.

Essentials By Sue

Essentials by Sue, is a project being launched to protect the dignity and comfort of young people in Fenland. Many of us take sanitary items, toiletries and underwear for granted. However there are some that are struggling to get regular access to these everyday basics. Our fear is that a lack of these items not only causes discomfort, lead to embarrassment and also being bullied by their peers. This can perpetuate a cycle of low self-esteem and in the worst cases, police have seen young people resorting to crime in order to try and get hold of these 'essentials'.

The project was first introduced by the police Crime Reduction Officer Sue Loaker in East Cambs and is now being launched in Fenland. The project is being delivered by the Fenland Community Safety Partnership, coordinated by an Officer at FDC. Donations boxes and information posters and leaflets are now in place at the 6 initial points, including FDC Customer Service hubs and police stations. The scheme is also on track to be supported through leisure centres and at community engagement events this autumn.

Further donation boxes will be placed in Secondary Academies and Colleges in September. Once donations start to come in over the summer, Rosie Cooke will distribute personal hygiene donations to participating Colleges and Academies who then discreetly give these out to the young people who need them most.

The project team will be attending assemblies this autumn to introduce the scheme to the students and staff alike and further promotion is taking place at engagement events and via media releases to maintain engagement with the Fenland community who are supporting us.

For information about Essentials by Sue please contact community safety project officer Rosie Cooke rcooke@fenland.gov.uk

Shared CCTV Service Update

The CCTV shared service project between FDC and Peterborough City Council (PCC) is underway and working towards the aim of merging FDC CCTV services with PCC.

- The shared management structure has been completed with Fenland District Council's previous Community Safety Manager fulfilling this new role across both organisations.
- The technical works for FDC to move to PCC area control room has been commissioned and work is underway to prepare for the control room merger.
- The existing Peterborough CCTV Control room is to be relocated within another Peterborough City Council (PCC) premises over the next few months. This is due to the current location based at the Northminster multi-storey car park being closed. The new premises will see the existing PCC CCTV service relocate and then the next step will be to then merge the FDC CCTV services within this new location. This is at no extra cost to FDC.
- The staffing process to deliver the shared control room is underway and ongoing.
- The Fenland CCTV service has recently placed a camera replacement order, as agreed through the capital program, with the CCTV contractors Quadrant Security Group. This will see the Councils existing analogue and beyond end of life cameras being replaced with new digital cameras that will enable full integration with PCC. The works will take place during the next quarter as part of the shared service project.

Street Drinking Update

Following a review of the feedback obtained from the partnership workshop in the summer the action plan developed from this will be divided into two key themes. Enforcement being one and Prevention and Education another.

In addition a review of best practice in the West Midlands has been undertaken. The approach used successfully in this instance is in essence, very much what our action plan suggests should be the approach in Fenland.

The next stage is for partner agencies to determine the tactical responses required to deliver the action plan and how each of the partners involved can positively contribute.

In addition to this multi-agency approach to address street drinking and associated community issues the council is working closely with a range of partners to tackle rough sleeping in Fenland. We are aware that there is a cohort of people with drug, alcohol and support needs within the town that are also homeless. Some of these are also street drinkers.

Through government funding, the council has commissioned two outreach workers to find accommodation solutions for rough sleepers and single homeless people. We have also facilitated a day hub in Wisbech that offers advice and support to a range of vulnerable people to help them recover and receive the correct support for their needs. Early signs from these initiatives have been very encouraging, included positive outcomes away from the streets and into accommodation for some very vulnerable individuals.

Further discussions are planned for early autumn between partners to develop and implement the practical mechanisms of the new action plan.

Work with the Town Council, partners and the community to reduce anti-social behaviour within Furrowfield Car Park, Chatteris, by improving lighting, signage and speed reducing features

Further investigative work has been completed by Environmental Health Officers in June and August 2019.

Compared to similar investigations conducted in 2018 there has been a reduction in noise and it would appear the anti-social use of motor vehicles has reduced.

However, gatherings still occur in the car park late at night into the early hours and the noise level from people talking, shouting and laughing is sufficient to disturb someone sleeping.

It is intended to complete another community door knock to seek feedback from the nearby residents. This is addition to seeking call for service data from police partners. Followed by a partners meeting to discuss the results and community feedback and agree a response.

In addition the Car Park lighting is also being improved to reduce dark spots and improve CCTV visibility. The LED lighting upgrade works have been ordered and implementation is scheduled to commence early November.

BUSINESS PLAN AREA:

Environment

Business Plan Priority:

Work with partners to keep people safe in their neighbourhoods by reducing crime and anti-social behaviour and promoting social cohesion

Business Plan Action:

Support the Fenland Diverse Communities Forum to deliver the Fenland-wide Community Cohesion Action Plan and projects resourced by the Controlling Migration Fund (CMF)

Portfolio Holder:

Cllr Chris Seaton

Fenland Diverse Communities Forum

Hate Crime Reporting

The Diverse Communities Forum has been supporting encouraging hate crimes to be reported. Key focus for the DCF have been:

- **Raising awareness to report online.** You can report online using the facility on this website. Go to the ['Reporting online' page](#) (open in new window). The app to enable you to do this is loaded onto the computers in the Councils One Stop Shops.
- **Self reporting form.** You can complete a self-reporting form and send this to your local police force. The forms, including an Easy Read version, can be found on the [Self Reporting Form Page](#) on www.report-it.org.ukm
- **Third party reporting centres.** Local agencies such as the Rosmini Centre, Citizens Advice Bureau, Community Voluntary Services etc. can also report the incident on your behalf and provide you with advice and support.
- [Stop Hate UK](#) provide confidential and independent Hate Crime reporting services in various areas in the UK including a 24 hour helpline.

The idea is that in some cases police involvement may put people off reporting incidents of hate crime, a problem the government is bringing in changes to solve. In addition to using the preferred online reporting method through True Vision it is intended to reduce the anxiety of reporting Hate Crime if this can be done at non-police locations.

Hate crime figures

The table below shows reported hate crime / incidents in Fenland provided by the police between January to June 2019.

| Period | Total | Whittlesey | March | Chatteris | Wisbech |
|----------|-------|------------|-------|-----------|---------|
| Jan 19 | 2 | 0 | 0 | 1 | 1 |
| Feb 19 | 5 | 0 | 1 | 0 | 4 |
| Mar 19 | 9 | 0 | 3 | 2 | 4 |
| April 19 | 7 | 3 | 1 | 0 | 3 |
| May 19 | 7 | 1 | 1 | 1 | 4 |
| Jun 19 | 6 | 1 | 3 | 0 | 2 |

Total recorded hate crime during this period: 36

These are those that have actually been recorded as hate crime and may increase if certain crimes are reclassified as a hate crime.

Portfolio Holder:

Cllr Sam Clark

Cohesion & Travellers

Gypsy Traveller Accommodation Needs

The Housing & Planning Act 2016 at section 124 sets out that the Council has a duty to consider the needs of people residing in or resorting to their district with respect to the provision of:

- Sites on which caravans can be stationed.

All Gypsies and Travellers living in caravans fall within this section and therefore Local Authorities are required to consider their accommodation needs of Gypsies and Travellers who wish to reside in caravans as opposed to brick and mortar housing

The Ministry of Housing Communities & Local Government requires Local Authorities to undertake a bi-annual Gypsy Traveller caravan count in order to understand the provision/ lack of provision in each district. Planning Agents often state that there is an unmet need nationally, regionally and in many districts. If accepted this demonstrates a further need for provision within district areas and is often a focus in Gypsy Site planning appeals/ hearings.

However, due to the transient nature of the population the caravan counts that are completed represent a snap shot of an area on the day.

To collate this information we produce a Gypsy & Traveller Accommodation Needs Assessment and update the need position annually.

In Fenland the last six caravan count figures show a variation between 239 and 321 with planning permission (excluding socially rented) and between 51 and 123 of those on sites without planning consent. This highlights a difference between the winter when many people do not travel and in the summer when they do. Those caravans on sites without planning consent are "tolerated"; as they have been on the land for sufficient time to gain a certificate of lawful use and if they applied would be exempt from planning enforcement action. The Council has in the past sought to regularise these, but as those living in the caravans would have to pay fees to do this and state they cannot afford this it has been felt prudent and cost effective to recognise this status by tolerating the sites/ caravans. This approach is quite common practice elsewhere too.

The Gypsy Traveller Accommodation Needs Assessment (GTANA) identifies a need for an additional 139 pitches between 2013- 2031 taking into account the number of children growing up in the area and will need a place of their own.

These figures are broken down:

The assessed need in GTANA 2013 for new Gypsies and Traveller pitches 2013 to 2031

| Period | Total Number of Pitches Required | Pitches Available Through Turnover | Net Number of New Pitches Required |
|---------------------------|-----------------------------------------|-------------------------------------------|-------------------------------------------|
| 2013 to 2016 (3 years) | 24 | 21 | 3 |
| 2016 to 2021 (5 years) | 45 | 35 | 10 |
| 2021 to 2026 (5 years) | 30 | 30 | 0 (rounded up) |
| Total 2013 to 2031 | 139 | 121 | 18 |

Some people may not wish to live in a caravan site, but instead choose to move into a house. The GTANA accommodation assessment is reviewed annually and currently shows a need for 10 additional pitches between 2016- 2021. Five planning consents have been granted during this period and therefore the current need is for 5 additional pitches up to and including 2021.

Portfolio Holder:

Cllr Chris Seaton

Controlling Migration Fund (CMF) Update

Controlling Migration Fund Parallel Lives Roma Project

FDC in discussion with the Ministry Housing, Communities & Local Government Association agreed that the Council would submit a bid to the Controlling Migration Fund to undertake a Roma project across the region. The rationale for this being as one officer of the Council advises the Ministry and the East of England Local Government Association (EELGA), on Gypsy Roma Traveller issues, they wanted his involvement developing a project to identify Roma in the East of England, understand any barriers to them accessing services and deliver cultural competency training. This work to be undertaken by a EELGA project team and the FDC officer is on the project management team.

Progress includes:

- Delivering safeguarding workshops. These sessions have been developed to identify and explore the safeguarding issues associated with the Roma community and how these can be understood and successfully managed.
- The Roma Support Group are using local case studies to identify the issues affecting professionals working with Roma people to ensure the workshops are specific and relevant. The case studies provide important insights into some of the key issues affecting many Roma people in the East of England, and the challenges, which these issues pose to local service providers and the wider community. These include exploitation, poverty, and lack of Roma-awareness amongst professionals, language barriers and inadequate documentation (particularly of concern in relation to settled status and Brexit).

Initial Feedback from the workshops includes:

“Absolutely excellent workshop. Going away with a greater understanding and respect for the Roma community. Cultural understanding is key to work successfully with these communities.” (23rd May 2019)

“I will reflect on the information and knowledge I've gained today before making decisions.” (18th June 2019)

One of the major learning points of the project so far has been the desire of professionals across the region to work together and share best practice. The project team has learnt that engagement with the Roma community varies in different counties, amongst different professional. Often where there is good engagement with Roma Communities, this is linked to one dynamic person either at a school or as part of a charity that has instigated contact and earned trust with the community. As the project has progressed, it has been evident that encouraging networking and sharing contacts is an important sustainability tool to ensure once the project ends that professionals have support networks to encourage continual Roma engagement.

IPROS Mori have looked at the work that has been undertaken and are working with EELGA to produce a good practice guide into not only the work undertaken, to be shared nationally, but the approach taken to do this.

Controlling Migration Project – Grow, Cook Play

New “Grow, Cook, Play” courses have been held at the Oasis Children's Centre and at Orchards School. This aims to combine the gardening and cooking elements of our original courses with the outdoor play of the winter course we trialled. We have also carried out ‘taster sessions’ at a Homestart group who meet at Wisbech South Children's centre.

They offer a pathway for families finishing their Homestart course to move onto one of their courses. This gives them the opportunity to continue to have a regular social activity for them and their children. Homestart staff are keen to make this connection between their courses as they want to ensure a lasting impact for their participants. They also support them to use the garden space at the centre as part of their programme. This partnership continues to grow.

The Orchards school course has proven to be very popular, with many parents signing

up to join. They also have families whose children do not attend the school joining, which also aids the social aspect for participants, beyond the school community.

They continue to have a seasonal focus on activities. This helps instigate discussions and comparisons in the group about traditions and celebrations of these events in our different families and our cultural influence on this.

Over all courses we have collated data through their Community Star quiz. This aims to gauge the current feelings towards various aspects of the participant's community and allow comparison from these feelings at the start and end of a course.

The area in which people felt like they had least opportunity was 'making a difference in their community'. The most significant changes indicated from the secondary assessments was in the categories of 'Getting to know people' and 'making greener choices'. This can clearly be linked to the opportunities presented through participation in the courses as they offer a relaxed social environment and activities have an environmental focus such as nature play/crafts and gardening and wildlife.

The project is now exceeding target in terms of numbers, but partners (Access , Homestart , Orchards School, Peckover School, Groundworks, Oasis) have met recently to review the plan for the final stage of our funding and the project to ensure that a legacy is left and the parts that are sustainable can be given the focus they need to truly become long lasting.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Attract new businesses, jobs and opportunities, whilst supporting our existing businesses in Fenland

Business Plan Action: Working with our partners, local businesses, and the Combined Authority to attract inward investment and establish new business opportunities

Portfolio Holder: Cllr Ian Benney

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|------------------------------------------------------------------------------------|------------------------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI BE5 Number of inward investment and new business enquiries handled per year | 12 Month 4 target 4 | 5 | 8 | |

Officers have received five new inward investment and new business enquiries:

- 2 enquiries from new businesses looking to start-up in Fenland, the Economic Growth Officer is liaising with the business to provide advice on grant eligibility & support available and suitable land availability.
- 1 enquiry from a potential new inward investment enquiry, looking to open new businesses in the area, the business has already identified the potential site and was seeking some advice on feasibility and planning before submitting a pre - application. The Economic Growth Officer is liaising with the business and planning colleagues to respond effectively.
- 2 enquiries have been received through the Department of International Trade (DIT) with potential inward investment enquiries, both enquiries were looking for suitable land; the Economic Growth Officer is working with commercial agents to identify suitable land sites to put forward as suggestions through DIT.

Officers are providing ongoing support to three other inward investment/new business enquiries which are currently not reflected in the figures in table MPI BE5 above. These enquiries are all new business in the area looking for start-up/planning information. Support is also being provided to 3 other enquiries ongoing projects (reported in previous support) that are larger scale and commercially confidential at this time, although they are potentially significant and exciting prospects, the details of which will be reported in the coming months, subject to positive progress being made.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-------------|--------------|----------|----------------------|-----|
|-------------|--------------|----------|----------------------|-----|

| Performance Measure | | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|---|---|--|
| MPI BE6 Number of inward investment related jobs created or safeguarded | 48 <i>Month 4 target</i> 16 | 2 | 5 | |
| <p>A number of live enquiries and developments continue to be managed through Economic growth channels and these look likely to generate significant new inward investment jobs at all skill/education levels in the coming months.</p> <p>The Economic Growth Officer has been supporting a local business to identify a small amount of funding to grow the business and increase its workforce by 2. This month saw the funding secured (explained in MPI BE8) and the creation of two jobs created within the business, 1 of which was a local apprenticeship.</p> <p>NOTE The red RAG rating relates to the monthly straight-line profiling which is used and reflects the sensitivity of small numbers in the calculation of percentage performance.</p> <p>If current and ongoing inward investment enquires are landed, there is scope to significantly increase the numbers of jobs created or safeguarded and the year-end target will be met and likely exceeded.</p> | | | | |

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI BE7 Number of businesses referred to Economic Development from Business Ambassadors network | 12 <i>Month 4 target</i> 4 | 5 | 6 | |
| <p>The Economic Growth Team received four referrals through the internal business ambassador programme:</p> <ul style="list-style-type: none"> - 1 request was to provide support to an individual looking to start a new business in Fenland. The business is looking for support with potential grants and general business advice. Also the business was interested in working with the local markets to develop its business; the Economic Growth Officer passed this information onto the Markets team to respond directly to the business. - 2 requests were to provide support to an individual's looking to start new ventures within Fenland. The business were looking for support with planning advice, officers liaised with planning colleagues over appropriate responses. - 1 request came from transport colleagues looking for support and introductions into a few Wisbech Businesses, looking to support bus route changes to benefit said businesses and local residents. | | | | |

Growing Fenland Update

The aim of the Growing Fenland project is to produce economic masterplans for each of our four Fenland towns as part of the Cambridgeshire and Peterborough Combined Authority's countywide Masterplan for Growth initiative.

Leading economic analysts Metro Dynamics have been working with Town Teams in Chatteris, March, Whittlesey and Wisbech to create plans which will enhance the economic prospects of each town and maximise their potential as vibrant places to live, work and relax.

Interim reports will be revised following the conclusion of the public consultation which ended on the July 26, in order to prepare final reports.

In addition to the four masterplans, the Growing Fenland project will also produce a Fenland-wide strategy to address some of the wider issues that are common across all four towns.

Final reports will be considered in the autumn by each Town Council, FDC's Cabinet before being submitted to the Combined Authority for approval and implementation.

BUSINESS PLAN AREA:

Economy

Business Plan Priority:

Attract new businesses, jobs and opportunities, whilst supporting our existing businesses in Fenland

Business Plan Action:

Provide responsive business support to encourage business growth, improve job diversity, skills, and increased grant applications to support jobs and economic growth

Portfolio Holder:

Cllr Ian Benney and Cllr Chris Seaton

Workforce Development, Employment, Skills and Apprenticeships

Officers have been supporting the [Cambridgeshire Adult Learning and Skills](#) service (ALS) to deliver courses in Wisbech for unemployed people. The courses provide a learning opportunity and scope for progression to some of the hardest to reach learners in the community.

A further two courses were held during July which offered Business Admin Level 1 and Hospitality with Food Safety Level 2.

Listed below are the new courses that have been developed for the Autumn Term,

delivering across Wisbech and March.

- Functional Skills IT – March
- ITQ – Wisbech
- Beginners IT – March and Wisbech
- IT for Life and work – March and Wisbech
- Award in Retail – March

Officers are promoting the ERDF (EU Funded) [Skills Training Programme](#) to Fenland businesses to encourage engagement. The Skills Support for the Workforce (SSW) is a programme developed to upskill employees within small and medium-sized businesses in Cambridgeshire & Rutland.

SSW is co-financed by the Education and Skills Funding Agency and the European Social Fund. This means you can access a wide range of training at no cost to eligible businesses.

Businesses can benefit from:

- A training needs analysis, identifying the skills needed to support business growth;
- Flexible training, with full qualifications or mix and match individual units to suit business needs;
- On-the-job vocational training to meet individual and business needs including taught learning, workplace assessment, distance learning and online learning
- Learning pathways for employees enabling them to progress within the business onto higher level qualifications or apprenticeships;

Recognised accredited qualifications and training courses to enhance employees' skills.

Internally, the Council offers a range of NVQ apprenticeship qualifications out to our workforce already, and are currently developing a wider apprenticeship offer to enable a minimum of 9 apprentice posts being offered by the Council. We already have:

1 x HR Apprentice;
1 x Business Administration Apprentice (Business Centres);
3 x Management Apprenticeship;
1 x Accountancy Apprenticeship (Finance).

In addition to this, we are actively seeking apprenticeship opportunities in a number of teams, such as Project Management, Member Services (GDPR), Planning and ICT.

Partnership Engagement & Funding Activity

The Cambridgeshire & Peterborough Combined Authority have announced the

release of the [Growth Fund Programme](#) as part of their Growth Prospectus 2019-21.

Officers continue to liaise closely with colleagues at the CPCA to ensure that the Fenland businesses are informed of the grant call to encourage applications, especially to those that have expressed interest previously.



Officers are supporting the Federation for Small Businesses (FSB) and other partners who are seeking to develop a Fenland Expo event for businesses. The event will enable businesses to promote themselves to other Fenland businesses, providing networking opportunities, together with several short workshops focussing on:

- Social Media
- Procurement
- Apprenticeships (Levy)

It is anticipated that the event will happen early in 2020. Officer will provide updates when appropriate.

Officers have been in discussion with The Cambridgeshire Chamber of Commerce, who is planning to resurrect the Fenland Chamber of Commerce which unfortunately disbanded as a result of declining membership over the last few years.

With a new Chair installed, the Chamber has already received commitment from a several businesses across Fenland. The inaugural meeting is scheduled for 23 September.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------|----------------------------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI BE8 Number of grant referrals introduced by FDC | 24 <i>Month 4 target</i> 8 | 1 | 6 | |

Officers across the Council regularly liaise with businesses looking for a variety of different grant funding options for their business. Suitable grant options where possible are provided to the businesses and officers maintain contact with the businesses to

follow the outcome.

In previous months the Economic Growth Officer has advised an existing individual business that was looking to expand operations which in turn would generate enough increased work to create two new positions within the business.

The business submitted a small grant application to CPCA Growth fund for 20% of the overall budget costs to achieve its growth plan. The business was successful with its applications achieving £3,068.00 of the overall £15,340 project costs.

Following the recent restructure of the Economic Growth & Assets Team, it is anticipated that once the Business Account Manager post is recruited the number of business engagements and referrals will increase significantly.

NOTE

The red RAG rating relates to the monthly straight-line profiling which is used and reflects the sensitivity of small numbers in the calculation of percentage performance.

Officers expect that the Economic Development Team will receive at least 1 internal referral per month and by the end of the year anticipate that the target will be met.

Work Experience Placements & Work Opportunities Programme

The Council has an established work experience programme working with local schools to provide a work experience placement programme across a range of Council teams.

This is a rolling annual programme, and usually takes place between May and July each year. We had 5 work experience placements agreed for this academic year, and we anticipate a further 4 from Cromwell Community College

In addition to the above we have started offering work placements for A' level and college students. We have had these in the finance and ICT teams.

The Council can also provide longer-term placements, working with other agencies. We also offer work experience and longer term work placements to enable young people to develop valuable work skills.

Work with partners to deliver a programme of supported skills development across the district

We have been working with the Skills Service and local education providers to help provide opportunities for young people and to help build their 'fit for work skills, such

as interview skills workshops, careers presentations and employability skills.

We are currently working with the Combined Authority to ascertain how we can work in partnership to support the wider skills development agenda.

Explore and expand opportunities for the Council to work in partnership with local education providers to promote employment opportunities for the local community, and raise the aspirations for people to improve their employment / life prospects

In addition to the actions above, we have also been working with the County Council to attend a recent Employability Event to promote employment opportunities with the Council and offer longer term work placements to help individuals gain valuable work experience.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Attract new businesses, jobs and opportunities whilst supporting our existing businesses in Fenland

Business Plan Action: Promote and develop our business premises at South Fens, The Boathouse and our light industrial estates to encourage investment, job creation and skills diversification

Portfolio Holder: Cllr Ian Benney

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI BE1 % occupancy of the business premises estate | 90% | 87% | N/A | |

The current position for the industrial estates is:

Prospect Way, Chatteris - Fully Let but also note:

- o Lease renewal discussions are underway with four tenants. One tenant is unlikely to renew and will leave within the next 6 to 12 months.

Longhill Road, March - Fully Let

New Drove, Wisbech - Fully Let

Venture Court Wisbech

- o Venture House offices remain vacant and are being marketed via Rightmove. There have been no enquiries since the premises were vacated in June and Officers are monitoring the situation and considering alternative opportunities for the premises.
- o Unfortunately the vacancy of Venture House represents 5% of the overall industrial estate floors pace.

Bolness Road, Wisbech

- o One unit is being marketed.
- o A double unit has been let from 1st August 2019 to an existing tenant who is expanding due to new business orders. Another existing tenant is renewing his tenancy of a single unit from 1st August 2019.
- o The proposed re-letting of an upcoming vacant unit has been cancelled as the tenant has now decided to stay.

South Fens Business Centre

- o A new tenant took occupation on 1st August. This was a seamless transfer with

an outgoing tenant leaving the day before.

- A planned occupation for 1st August 2019 has been put on hold and is likely to occur 2nd September.
- Two viewings have taken place in August and heads of terms have been agreed for a tenancy with a planned occupation on 2nd September

Boathouse Business Centre

- The relocation of the Wisbech One Stop Shop to the former Café completed successfully and the customer service centre opened on 10 July 2019.
- Options for future use of lesser-utilised space at the centre is also being considered, in order to maximise lettable space and create additional income.
- The centre is now 100% occupied although one tenant will be moving out in September.

Meeting & conference facilities

Summary

Current floor space occupied 7,524m² out of a total available 8,654 m².

| | |
|----------------------------|------|
| South Fens Business Centre | 57% |
| South Fens Enterprise Park | 100% |
| Boathouse Business Centre | 100% |
| Light Industrial Units | 89% |

Overall Business Premises Estate occupancy = 87%

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|---------------------------------------------------------------------------|-----------------------------------|----------|----------------------|-----|
| Performance Measure | | | | |
| MPI BE4 Number of jobs created or safeguarded in FDC Business Premises | 48 <i>Month 4 target</i> 16 | 8 | 13 | |

In June eight jobs were created by the completion of a lease of a light industrial unit in Chatteris to a company relocating into Fenland district from Huntingdonshire.

NOTE

The red RAG rating relates to the monthly straight-line profiling which is used and reflects the sensitivity of small numbers in the calculation of percentage performance.

The annual target is a best estimate of the likely job creation or safeguarding activity which occurs in FDC-owned Business Premises. It is difficult to accurately predict the likely number of new jobs, but by the end of the year Officers anticipate that the target will be met.

What our customers say

| Description | Baseline | Target 19/20 | No of customers who responded | No of customers satisfied | % 19/20 | RAG |
|-------------|----------|--------------|-------------------------------|---------------------------|---------|-----|
|-------------|----------|--------------|-------------------------------|---------------------------|---------|-----|

| | | | | | | |
|------------------------------------------------------|------|-----|---|---|-----|--|
| | | | | | | |
| MPI BE3 % of satisfied conference customers | 100% | 95% | 5 | 5 | 100 | |

We invite feedback from our conference customers after every event, however the response rate was poor and too low to gain any constructive feedback from. We now operate different methods to capture feedback so that we can gather as much information as possible:

- Verbally from conference leads (where possible)
- Electronically from conference arrangers
- Forms in the meeting / conference rooms

New feedback in June was positive and included the following comments:

- "Overall professional interactions plus facilities."
- "Easy to use and book"
- "Very well managed"

BUSINESS PLAN AREA:

Economy

Business Plan Priority:

Attract new businesses and jobs and support existing businesses in Fenland

Business Plan Action:

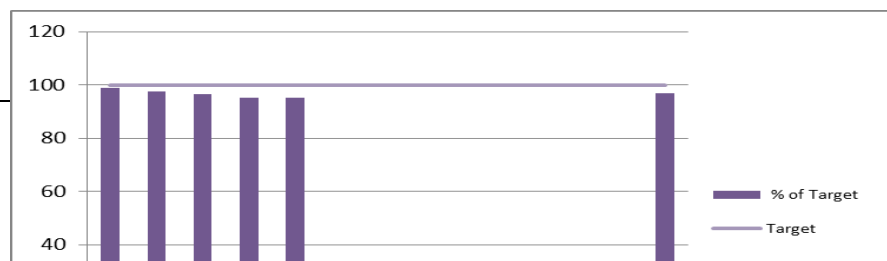
Run a proactive and effective Marine Service to meet statutory obligations and promote business opportunities for the River Nene environment

Portfolio Holder:

Cllr Ian Benney

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-----------------------------------------------------------------------------------------|--------------------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI MS1 Number of berth holders / occupancy of berths at Wisbech Yacht Harbour | 95% (of 85 berths) | 95% | 97% | |

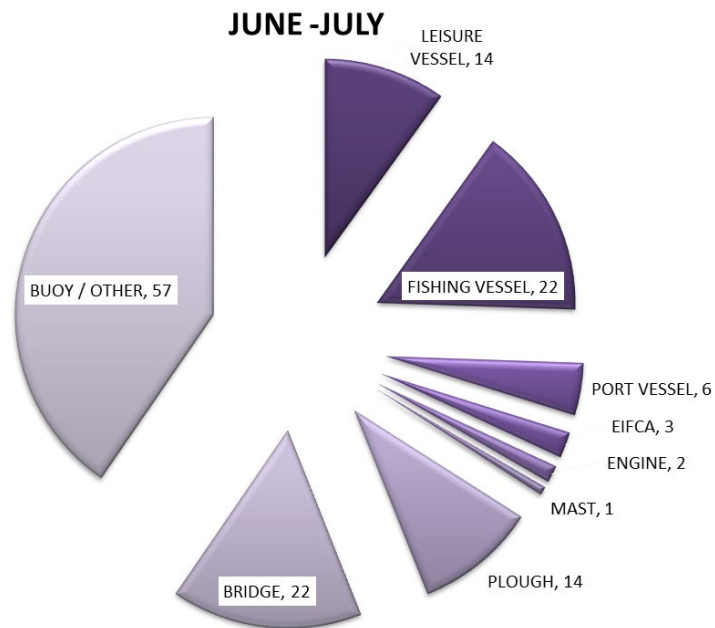
32 visiting boats called at Wisbech throughout June - July, this included a party of 11 narrow boats. Full time berth numbers remained on target with 6 vessels leaving and 5 new full time berth holders joining the Yacht Harbour, the yearly target remained above target throughout the year.



| |
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| |
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| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-----------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI MS2 Number of boat lift operations at Wisbech Port | 170 | 45 | 94 | |

The boatyard had a busy period throughout Jun-Jul, mainly as a result of being at full capacity with two big projects taking up most of the boatyard. And better weather bringing people out. The Kings Lynn Fishing Fleet had a second fleet of vessels to the yard whilst fishing activity in the wash is quiet The below graph gives a Jun - Jul breakdown of the boatyard activity.



| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-----------------------------------|--------------|-----------|----------------------------------------------------------------------|-----|
| Performance Measure | | | | |
| MPI MS4 Gross Tonnage to Ports | 435,000 | 29,734 GT | 100,891 GT against a projection of 139,672 GT | |

Port Sutton Bridge

Imports to Sutton bridge are down on target for Jun-Jul with a total of 20,891 GT of cargo of Steel, Salt, and Soya-Meal. The total number of vessels to call at Sutton Bridge was 10. The cumulative is currently 32.

Port of Wisbech

Imports to Port of Wisbech were above target for Jun-Jul with imports at 28,913 GT of cargo handled by the port that consisted of Timber & Bricks. The total number of vessels to call at Wisbech was 19. The cumulative for cargo is 45.

Cross Keys Marina, Sutton Bridge – Commercial & Leisure Moorings

A final version of the Management Agreement has been produced with some very small variations required. It is now likely that the agreement will be signed off in September.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and enable housing growth, economic growth and regeneration across Fenland

Business Plan Action: Enable appropriate growth, development and infrastructure through the delivery of a proactive and effective Planning Service

Portfolio Holder: Cllr Mrs Dee Laws

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI EC2 % of major planning applications determined in 13 weeks (or within extension of time) | 75% | 100% | 100% | |

June

5 applications were determined in the month and all 5 were decided within target timescales.

Against the Government's 24 month rolling tracker, 99% of applications were decided in time against designations thresholds of 60%.

With regard to planning appeal outcomes and again with regard to the Government 24 month rolling tracker 2.7% of appeals were allowed against a maximum allowance of 10%.

July

2 applications were determined in the month and both were decided within target timescales.

Against the Government's 24 month rolling tracker, 99% of applications were decided in time against designations thresholds of 60%.

With regard to planning appeal outcomes and again with regard to the Government 24 month rolling tracker 2.7% of appeals were allowed against a maximum allowance of 10%.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|-------------------------------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI EC3 (% of minor planning applications determined in 8 weeks or within extension of time) | 80% | 96% | 96% | |

June

27 applications were determined within the month and all but 1 was decided within target timescales.

Against the Government's 24 month rolling tracker, 99% of applications were decided in time against designations thresholds of 70%.

With regard to planning appeal outcomes and again with regard to the Government 24 month rolling tracker 1.70% of appeals were allowed against a maximum allowance of 10%.

July

35 applications were determined within the month and all but 2 were decided within target timescales.

Against the Government's 24 month rolling tracker, 96% of applications were decided in time against designations thresholds of 70%.

With regard to planning appeal outcomes and again with regard to the Government 24 month rolling tracker 1.7% of appeals were allowed against a maximum allowance of 10%.

| Description | Target 19/20 | Achieved | Cumulative for | RAG |
|-------------|--------------|----------|----------------|-----|
|-------------|--------------|----------|----------------|-----|

| | | | 19/20 | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|-----|------------|--|
| Performance Measure | | | | |
| LPI EC4 (% of other planning applications determined in 8 weeks or within extension of time) | 90% | 98% | 98% | |
| <p>June - 28 applications out of 29 were determined within target timescales.</p> <p>July- 37 out of 38 applications were determined within target timescales.</p> | | | | |

| Local Plan Review |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Flood risk and development viability assessments reports have been commissioned and these will form important parts of the evidence base to the new Local Plan. The draft Issues and Options report is being prepared and will be brought to Cabinet in September prior to public consultation.</p> <p>A sustainability appraisal scoping report is being prepared. The document will set out the sustainability objectives proposed to be used to appraise the economic, social and environmental effects of the emerging Local Plan policies. It will be subject to public consultation alongside the Issues & Options document.</p> |

| PAS Review Action Plan Update |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Actions in progress:</p> <ul style="list-style-type: none"> Once the Council's investment strategy is place, work will be undertaken to see how best the planning service could support this important work- stream. The review of the Economic development service is now complete and in September ideas will be developed and implemented that will help facilitate a closer working relationship to the benefit of economic development generally and the respective customers of each service. Informal discussion with Planning Committee regarding revisions to scheme of delegation prior to presentation to Cabinet / Council prior to December. GDPR data cleansing software purchased and installation and implementation pending. Project management for planners' course identified and member of staff to attend. |

Planning Committee Training

Planning Committee members in July received training on the spatial strategy and associated settlement hierarchy and growth policies given in the existing adopted local plan.

In August Committee members received external planning training which was also made available to wider FDC council members and Town & Parish Councils.

The training was well received and it is hoped a future event will be arranged for those unable to attend the first session.

Town & Parish Council Training / Engagement Events

A Town and Parish Council training event is being planned for late Autumn. The agenda will include how to register for automatic notification of applications, decisions and appeals as well as how to submit comments on planning applications.

Affordable Homes

The Council is forecasting 90 new affordable homes to be completed this financial year.

79 are programmed to be affordable rent and 11 are a form of affordable home ownership tenure e.g shared ownership. 60 of the homes will be affordable rented new extra care scheme for older people in Whittlesey who have some form of care package. The Council is working with Longhurst who are a housing association (called a registered provider) to build the scheme. A marketing plan is underway with great support and assistance from Cllr Laws and the Chairman of the Queen street patient representative group Mr Bernard Gray-Esson. The focus is on raising awareness of what the accommodation can offer for the benefit of the Whittlesey community.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and enable housing growth, economic growth and regeneration across Fenland

Business Plan Action: *Identify sites and interventions the Council should make to deliver development*

Portfolio Holder: **Cllr Mrs Dee Laws**

Broad Concept Plans Update

A Partner Engagement event was hosted by Fenland District Council on the 1 July 2019, at The Boathouse in Wisbech. Amongst those in attendance were representatives from local Registered Providers (Housing Associations), Homes England and the Cambridgeshire & Peterborough Combined Authority.

The event was an opportunity to explore the barriers for development of Broad Concept Plan areas within Fenland and look at areas such as land ownership, land valuation, development viability, potential procurement methods, diversification of affordable housing, potential delivery models and market demand.

The roundtable event provided an opportunity for all attendees to provide their opinions and expertise in order to incorporate agreed actions into tangible outcomes.

| | |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| BUSINESS PLAN AREA: | Economy |
| Business Plan Priority: | Promote and enable housing growth, economic growth and regeneration across Fenland |
| Business Plan Action: | <i>Work with partners to further develop and help deliver a viable holistic regeneration and growth proposition of Wisbech Garden Town</i> |
| Portfolio Holder: | Cllr Chris Boden |

Wisbech Garden Town Update

The Garden Town feasibility work has been focusing on the 2 potential show stoppers of flood protection and highway connectivity. Royal Haskoning of Peterborough has now completed carrying out detailed flood modelling (based on successful Dutch projects) work to help find a solution that is acceptable to the EA and Government. CCC has completed the connectivity work to help assess the A47 capacity.

Outcomes from these studies indicate that flooding and connectivity issues can be overcome, subject to agreement with the EA over flood mitigation solution which is currently being finalised. A further long term flood alleviation option is being considered for a Nene barrier. The outcome of this various flood work was reported to Members at the Cabinet meeting of June 2019.

From the flood work the proposals are working towards creating a Climate Resilient Town of the Future as a pilot for the UK.

Inner Circle Consulting was appointed by CPCA to prepare in conjunction with FDC the GT bid to Government, which was submitted by the deadline of 9th November 2018. Letters of support from local stakeholders are included to compliment the bid. There is no indication as to when a decision is expected. We still await the outcome of this bid from MHCLG.

Proposals for the next tranche of feasibility work are being prepared ready for tendering in late summer 2019. Cabinet approved progressing to the next stage at its meeting in June and the CPCA Board will consider authorising the next tranche of work and funding at its Board meeting in July.

In parallel with this work the CPCA has appointed separate consultants to progress both the A47 economic corridor improvements and the Wisbech to March rail link.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and enable housing growth, economic growth and regeneration across Fenland

Business Plan Action: *Use the Council's surplus property assets to provide new development opportunities to support and deliver sustainable economic and residential growth*

Portfolio Holder: Cllr Ian Benney

FDC's Strategic Landholdings & Surplus Asset Disposal Programme

Following Cabinet approval to the disposal of 15 sites in June, officers have been preparing and progressing sites in accordance with the planned programme. An initial tranche of sites are going to be offered for sale by auction in October, with other sites requiring further investigation and preparation following for sale later in the year.

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and enable housing growth, economic growth and regeneration across Fenland

Business Plan Action: *Identify and bid for external funding that aligns with and supports our housing, economic and growth objectives*

Portfolio Holder: Cllr Ian Benney and Cllr Chris Seaton

CPCA Skills & Industrial Strategy Update

The [Local Industrial Strategy](#) was launched by the CPCA on 19 July 2019.

The LIS has detailed the key areas of action needed to support the Combined Authority's devolution deal commitment to doubling the size of the Cambridgeshire and Peterborough economy.

The goals of the Local Industrial Strategy are:

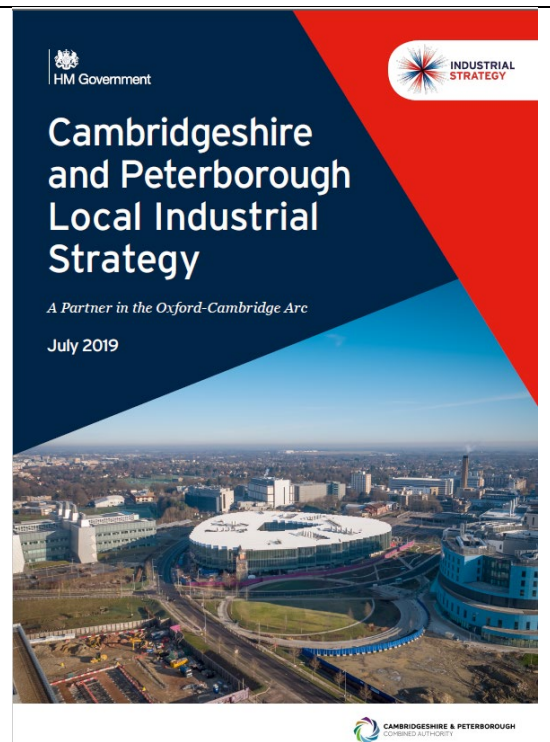
- To scale growth further to benefit the whole area, building on Cambridge's World class assets to create inclusive growth across the entire Cambridgeshire & Peterborough economy;

- To deliver a shared growth ambition across the OxCam Arc to become part of a global economy.

As part of the LIS, FDC Officers are engaged with the CPCA and other Local Authority colleagues to shape the interventions which will enable the LIS to achieve its objectives. The interventions include:

- Growth Coaching for business - helping to accelerate the growth of businesses with the most potential;
- Inward Investment – helping to target specific sectors and attracting higher value, higher skilled employers;
- STAR Hub – a digital talent portal providing brokerage between schools, colleges, higher education providers, parents, learners and employers;
- Growth Funding – providing access to loans and grants for relocation, R&D, investment and expansion of businesses.

At their July meeting, the Cambridgeshire and Peterborough Skills Committee considered the future contract for the Careers and Enterprise company for Cambridgeshire. The Committee recommended continuing this contract until August 2020 which would enable support for the Fenland and East Cambs Opportunity area to continue. This recommendation was supported by the Combined Authority Board. This means the Combined Authority would retain the Opportunity Area (OA) of Fenland and East Cambs Coordinator post, which is fully funded up until August 2020.



BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and lobby for infrastructure improvements across Fenland

Business Plan Action: Promote sustainable transport (infrastructure and community) initiatives within Fenland, including road, rail, and concessionary travel to improve links to employment and access to services for the community

Portfolio Holder: Cllr Chris Seaton

Rail Development Strategy

Hereward Community Rail Partnership (CRP)

In June 2019 the Hereward CRP had a promotional stand at Leicester Station. Around 550 Line guide leaflets were distributed. There were some good discussions with members of the public about the opportunity of east – west travel from Leicester. This event also enabled Officers to raise awareness of the fact that the CrossCountry services to Stansted Airport are hourly and that they stop in our area, particularly at March.

Fenland Stations – Manea, March and Whittlesea Station Masterplans

In June 2019, FDC Cabinet approved the establishment of 3 new Project Boards (one for each station) for overseeing the delivery of each station masterplan. Each board will also have responsibility for overseeing the CPCA Funding for the delivery of masterplanning schemes. Initial Project Board meetings were held in July 2019 and future meetings are expected to be held bi-monthly.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|----------------------|-----|
| Performance Measure | | | | |
| Number of journeys made by bus and rail users (please note that figures for railway and car scheme use are reported annually) | 14,308 journeys | 1,304 | 5,308 | |

Concessionary Travel Update

The level of use of the concessionary travel scheme is on target for 2019/20. FACT currently has around 1,062 members in Fenland District (June 2019). This membership figure is lower than the quarter to end of March 2019. A new approach to membership is now being implemented for 2019/20 in line with the ongoing changes to the organisation. Membership figures are expected to be lower with the new

requirements.

Fenland Association for Community Transport (FACT)

FACT is currently the only provider of dial a ride services in Fenland. Members are already aware of the ongoing review and changes required at FACT following the completion of the independent review by PKF-Littlejohn LLP in 2018. The review, its findings and delivery of an action plan are being overseen by Cambs CC Audit and Accounts Committee. The links below provide access to the Audit and Accounts Committee meeting papers. Full details of all discussions are provided from this weblink including the May and July 2019 meetings where the latest updates in respect of the Action Plan were considered.

[May 2019 Meeting](#)

[July 2019 Meeting](#)

Concessionary Travel Back ground and Context

Since April 2008, FDC has provided a Concessionary Travel Scheme for community transport services. This means that any Fenland resident who has a Cambridgeshire bus pass and is a member of the local Community Transport organisation, can travel free of charge on the Dial a Ride Service.

- **What is Dial a Ride?**

Dial-a-Ride (DAR) services provide door to door transport for those people who do not have access to a car, where there is no public transport, or where they cannot access public transport. These services in Fenland are operated by Fenland Association for Community Transport (FACT). To use these services customers must be members of FACT. Membership is subject to meeting the eligibility criteria for Dial a Ride services.

- **FACT Membership**

To use FACT services you have to be a member. DAR is not available to the general public. To become a FACT member you pay a 12 month subscription fee of £10 and you must meet one or more of the following criteria:

- Must live within the Fenland area;
- There is no or limited public transport available (i.e. it does not run at suitable times).
- Difficulty using public transport due to disability (automatic eligibility)
- Difficulty using public transport due to other reasons (assessed eligibility)

BUSINESS PLAN AREA: Economy

Business Plan Priority: Promote and lobby for infrastructure improvements across Fenland

Business Plan Action: *Engage with the Combined Authority and Cambridgeshire County Council on the feasibility and delivery of major infrastructure projects across Fenland, including road (Wisbech and March Access Studies, A47 Economic Corridor and A605 and King's Dyke improvements) and rail (Rail Strategy, improvements to railway stations and the March to Wisbech rail link)*

Portfolio Holder: Cllr Chris Seaton

Support strategic transportation objectives

A47

A47 dualling Studies

There is no specific update this month. In October 2018 the Cambridgeshire and Peterborough Combined Authority (CPCA) Board approved a further £1million for additional work in respect of A47 Dualling to meet the requirements for including the scheme in the next Roads Investment Strategy. Further details of this proposal and the full paper were discussed at the [October 2018 CPCA Board meeting](#).

A47 – Guyhirn Roundabout

Following the appointment of a new contractor for the A47 Roads Investment Strategy 1 (RIS1) schemes, Highways England are in the process of recommencing work on the Guyhirn Roundabout scheme. Update meetings to include Members are expected in September 2019.

This is a Highways England Scheme that is part of the Roads Investment Strategy 1. More detail about this scheme and the latest updates about the Guyhirn scheme can be found on the [Highways England website](#).

Wisbech Access Strategy

In November 2018, a paper was taken to the CPCA Business Board and the CPCA Board. Approval was given for the Wisbech Access Strategy phase 1. This unlocks £10.5million funding for the following schemes:

- Weasenham Lane/Ramnoth Road roundabout scheme
- A47 Broad End Road Roundabout
- A47 Elm High Road roundabout improvements
- New Bridge Lane/Cromwell Road signalisation
- Southern Access Road scheme

The schemes are being taken forward by the County Council in partnership with FDC,

CPCA and Wisbech Town Council. The schemes are expected to be complete by the end of March 2021. The schemes are now completing the preliminary design phase. Public exhibitions were held during July 2019 to inform the public of progress. All the details of the engagement and the exhibition boards are on the [County Council website](#).

The schemes aim to unlock the housing and employment growth set out in the Fenland Local Plan. Specifically the housing at East Wisbech and the employment land at South Wisbech.

The CPCA Wisbech Access Strategy Board paper referred to above can be found on the [CPCA website](#).

March to Wisbech Railway Line

There is no specific update this month. In November 2018 a paper was discussed at the CPCA Board meeting. Funding of £1,500,000 was approved and consultants have been appointed for the next stage of study work. Further information will be available when the study work reaches key milestones. For further information regarding the [CPCA Wisbech Rail Board paper](#).

A605 Kings Dyke Crossing

Following recent announcements about increases in cost, for the delivery of the project, a series of meetings have been held to address concerns. Cambridgeshire County Council is also looking for a new supplier to construct the scheme. Please see links below to some of the latest update information about the above project.

A public meeting/exhibition was held in Whittlesey on 12 August 2019. The [Leader of the County Council made a video](#) prior to the meeting.

CCC Economy and Environment Committee meeting was held in Whittlesey on [15th August 2019](#).

Following initial announcements from the CPCA and the County Council, some press releases were issued as follows:

[FDC press release – 19 June 2019](#)

[FDC Press Release – 14 June 2019](#)

Previous to the above, a paper was taken to the [CPCA Board Meeting in October 2018](#) requesting £16.4million funding for the A605 Kings Dyke Level Crossing project to completion in 2020. The CPCA Board approved the additional funding.

The County Council website with all the study information and technical details relating to the [Kings Dyke Crossing](#).

March Area Transport Study

During July and August 2019 some pre-engagement work was taken forward enabling the public to submit their views and comments on transport issues in March. [March](#)

[Area Transport Study.](#)

Previous the above, during February and March 2019 technical workshops were held with key specialists to consider proposals and options. The findings from these workshops will help to develop future transport schemes for March.

This project is concerned with £1 million feasibility study work to develop a series of schemes to address transport issues in March and to enable growth as set out in the Fenland Local Plan. The funding is CPCA money. A Cllr Steering Group has been established with representatives from Cambridgeshire County Council, Fenland District Council and March Town Council to oversee the project. A full public consultation to seek everyone's views on any schemes developed will take place later in 2019.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Governance, Financial Control and Risk Management

Business Plan Action: *Maintain robust and effective financial standards, robust internal controls and effective management. Evidence this in our Annual Audit Letter, Risk Management Strategy, Budget, and Medium Term Financial Strategy*

Portfolio Holder: Cllr Chris Boden

Audit Progress Reports

Delivery of the Audit Plan for Quarter 1 has so far seen good progress being made. All outstanding audits identified from 2018/19 have been completed. Three audits have been completed from the 19/20 plan and a further 7 audits were in progress at the end of the quarter.

Unfortunately one member of the audit team resigned in July, which will leave a significant resource gap to deliver the audit plan. In the short term we are purchasing some audit resource from Borough Council of Kings Lynn and West Norfolk (BCKLWN) and long term are currently developing proposals with BCKLWN to adopt a shared audit team resource.

This will potentially mean a reduction in the number of audits delivered this year, but higher risk audits will be given priority. We are also working with our ARP shared audit group to deliver some joint audits, that will provide FDC additional assurance with no resource implications.

Annual Governance Statement

The timeline for the publication of the Annual Governance statement will reflect the revised external audit timeline agreed with the Corporate Governance Committee.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Transformation & Efficiency

Business Plan Action: *Engage with the Combined Authority's Public Service Reform agenda*

Portfolio Holder: Cllr Chris Boden

Combined Authority Update

The Combined Authority is calling for new members to take their seat at Cambridgeshire & Peterborough's top business table and spearhead putting the region's first ever **Local Industrial Strategy** (LIS) into everyday action. For more information click [here](#).

The search has started to find the best higher education partner to develop the new curriculum and deliver learning at the new **University of Peterborough**. For more information click [here](#).

Small and medium sized enterprises (SMEs) in Greater Cambridge & Greater Peterborough are urged to take advantage of a £3.7 million **skills training fund** to upskill their workforce. For more information, click [here](#).

Mayor of Cambridgeshire and Peterborough James Palmer is calling on Government to allow the Combined Authority to have sign-off rights in the awarding of any **new rail franchises** covering the area. For more information click [here](#).

A series of consultation events have been announced across Cambridgeshire and Peterborough for members of the public to have their say on the future of the **area's transport network** to 2050. For more information click [here](#).

Meeting Agendas & Reports

Please click on the links below to access the meeting papers for the following CPCA Committees:

[Overview & Scrutiny Committee – 24th June 2019](#)

[Combined Authority Board – 26th June 2019](#)

[Overview & Scrutiny Committee – 29th July 2019](#)

[Combined Authority Board – 31st July 2019](#)

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Transformation & Efficiency

Business Plan Action: *Pursue transformation and commercialisation opportunities, including co-location of services, to support effective ways of working and deliver additional income or cost savings*

Portfolio Holder: Cllr Steve Tierney

Council for the Future (CFF)

The draft scoping document was presented at an All member Seminar and July and work on pulling together the detail is nearing completion. We are working to the timetable as outlined in the scoping document and a full pack for circulation to Members is scheduled for November.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Consultation and Engagement

Business Plan Action: *Appropriately consult with residents about Council services and proposals, as outlined in our Consultation Strategy. Use feedback to improve service delivery*

Portfolio Holder: Cllr Steve Tierney

Consultations Update

Current Consultations:

- Gambling Act Policy Consultation – deadline, 6 September 2019
- Cumulative Impact Assessment Policy Consultation – 13, September 2019

3Cs Update

| 3Cs category | Measure | Dates Current year (Apr- Jun 19) | Dates Last year (Apr – Jun 18) | % Change + / - |
|-----------------------------------|-------------------------------------------|----------------------------------|--------------------------------|----------------|
| Compliments | Total number received (over given period) | 71 | 28 | +153% |
| Comments | Total number received (over given period) | 1 | 6 | -83% |
| Correspondence | Total number received (over given period) | 32 | 38 | -16% |
| Complaints | Total number received (over given period) | 81 | 140 | -42% |
| Total contact (over given period) | | 185 | 212 | -13% |

Please note – this report is now run cumulatively from April 19/20 rather than in isolated quarters. This is in response to feedback that quarterly variances could look drastic but be small overall when looking at the year as a whole.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Excellent Customer Service

Business Plan Action: *Maintain the Council's CSE accreditation to ensure we continue the most effective service to our communities, including through our Fenland @ your service shops and Community Hubs*

Portfolio Holder: Cllr Jan French

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|---------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI ARP3 % of Council Tax collected | 96.92% | | 38.66% | |
| LPI ARP5 Net Council Tax receipts payable to the Collection Fund | £56,185,753 | | 21,766,494 | |

COUNCIL TAX

As the tax base grows the net debit increases, which should result in additional revenues being paid into the collection fund providing additional resources into the Council's budget. This is why the collection fund target has been exceeded. In year collection is slightly below target, summons for the first court of the year were issued 2 weeks later than compared to last year. This is likely to be the reason for this.

During July the following recovery documents have been issued;

Reminders 1,378 with a value of £176,412.05

Final Notices 698 with a value of £531,688.01

Summons 354 with a value of £266,545.30

Currently there are 2167 (last month 2182) processes outstanding for Fenland. There are currently 14,869 processes outstanding across the partnership (previous month 14,022) of which 4172 are older than 6 weeks (713 Fenland processes). This includes items in pending (118) plus new properties where we are awaiting information from 3rd parties before it can be processed.

The 5 generic posts who started training in benefits at the end of April continue to progress. The 7 in council tax joined the team on 29 July and are now processing work or on the phones.

The recovery team have started work on moving towards working across the whole partnership as one team. The areas of work have been identified and the first steps are being taken with the processes to harmonise them across all sites and databases. This is being seen as a positive across the team.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|------------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| LPI ARP4 % of NNDR collected | 97.88% | | 37.78% | |
| LPI ARP6 Net business rates receipts payable to the Collection Fund | £24,663,273 | | 9,483,729 | |

BUSINESS RATES

Collection continues to be on track for Business Rates

During July 2019 the following recovery documents have been issued;

Reminders 82 with a value of 205,411.50

Final Notices 37 with a value of 337,863.13

Summons 9 with a value of 36,808.26

There are currently 242 (260 last month) processes outstanding for Fenland (2780 ARP total previous 3241). The team has worked incredibly hard catching up on outstanding processes and there are three 'race days' which are planned on 1st, 8th and 15th August which should help boost progress during August.

We are currently progressing through a skills audit to ensure the team has the training required to meet the service needs. This is in conjunction with further developments on workflows which should see us using drip feed method of work distribution.

We are working our way through the old work to improve indexing, and given further training to the indexing team, so this should further improve accuracy going forward.

Portfolio Holder:

Cllr Steve Tierney

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|--------------------------------------------------------------------|---------------------------------|----------|----------------------|-----|
| Performance Measure | | | | |
| Target CS1 % of contact centre calls answered within 20 seconds | 27.5% Year to Date Target | 53.37% | 53.76% | |
| Target CS2 % of contact centre calls handled | 57.5% Year to Date Target | 87.37% | 87.41% | |

The ongoing trend in relation to positive performance in the contact centre continues, despite the fact that the Wisbech Customer Services centre reopened in its new premises at the Boathouse in July. The revised working patterns of the advisers recruited at the end of the 2018 calendar year has had a positive impact as well as a renewed focus on performance and customer service standards.

| |
|--|
| |
|--|

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|---------------------------------------------------------------------|--------------|----------|----------------------|-----|
| Performance Measure | | | | |
| Target CS3 % customer queries resolved at first point of contact | 85% | 95.1% | 95.1% | |

The Customer Services Team continues to excel at resolving customers queries at the initial point of contact where ever possible. The team works collaboratively with services across the Council and our partners to ensure the information we hold in relation to all services is comprehensive and we are able to action requests for services accordingly.

The implementation of Service Champions within the team in order to provide increased resilience and additional escalation points for complex queries to ensure performance regarding query resolution at the first point of contact is working really well and both customer services staff and colleagues across all services within the Council have reflected on the positive impact this initiative is bringing.

Achieve CSE re-accreditation for the whole Council

The Council maintained CSE accreditation in 2019 with an even stronger “pass” than in the previous year in respect of “Compliance Plus” scores.

When visiting, the CSE assessor was highly complementary of the Council's emphasis on delivering excellent customer focused services. The assessment report included these points on the Council's particular strengths:

- The Council is proud of its people focus and uses this to embrace a 'one team' approach to making a difference to customers; and various access channels exist to allow customers options when dealing with the Council
- The Council is actively consulting with local communities, businesses, stakeholders and partners on the 'Growing Fenland' initiative, which enables all parties to help shape the priorities for the development of the four main towns.
- Empowerment of staff allows them to go 'above-and-beyond' when dealing with customers, and deliver high quality services; and the Council actively utilises staff insight to improve services.
- Partnering arrangements remain strong with a wide range of partners working with the Council resulting in clear benefits for customers and communities. The Council are the fulcrum of a wide range of local initiatives covering health, crime, education and social inequality.

As a learning organisation the Council is always keen to identify opportunities for continual improvement, and the area we would like to focus on for development will be around consideration how the needs and preferences of residents accessing our services can be met by improving services and access channels.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: **Excellent Customer Service**

Business Plan Action: **Help residents to access our services digitally and self-serve (as outlined in our Channel Shift Strategy) to allow us to provide more support for vulnerable customers and complex queries**

Portfolio Holder: **Cllr Steve Tierney**

E-Recruitment Tool Update

We have been undertaking some exploratory work in terms of the potential scope for an e-recruitment solution. We will be meeting with potential suppliers in the Autumn to progress this.

| Description | Target 19/20 | Achieved | Cumulative for 19/20 | RAG |
|------------------------------------------------|--------------|------------------|----------------------|-----|
| Performance Measure | | | | |
| LPI PC1 Number of visits to the FDC website | 620,000 | 59,405 (June) | 181,664 | |

News Survey

The number of news stories added to the FDC website and distributed as press releases to local media in June = 10

Main articles included;

- Wisbech One Stop Shop Move
- Fly tipping prosecutions
- March Skate Park
- Growing Fenland interim report consultation
- Taxi tariff proposals

The number of news stories added to the FDC website and distributed as press releases

to local media in July = 19

Main articles included;

- Future High Street Fund
- I Heart Wisbech Events
- Station Shelter Consultations
- Active Fenland Fit & Fed
- Merchants Trail
- Ely House Closure Notice
- Cllr Boden welcomes Kings Dyke event

Social Media Update

Monthly update on FDC social media sites:

The number of social media updates added to the FDC Facebook and twitter accounts in **June**:

Facebook = 74

Twitter = 115

We currently have 2,321 likes on Facebook and 8,316 followers on twitter.

| FDC Twitter | Tweets | Tweet Impressions | Profile visits | Mentions | New followers | Total no of Followers |
|-------------|--------|-------------------|----------------|----------|---------------|-----------------------|
| | 115 | 110K | 1,640 | 114 | 17 | 8,333 |

| FDC Facebook | Posts | Reach | Post Engagements | Page Likes | Total Page Likes |
|--------------|-------|--------|------------------|------------|------------------|
| | 74 | 23,064 | 5,740 | 50 | 2,321 |

The number of social media updates added to the FDC Facebook and twitter accounts in **July**:

Facebook = 70

Twitter = 125

We currently have 2,321 likes on Facebook and 8,364 followers on twitter.

| FDC Twitter | Tweets | Tweet Impressions | Profile visits | Mentions | New followers | Total no of Followers |
|-------------|--------|-------------------|----------------|----------|---------------|-----------------------|
| | 125 | 97.8K | 1,534 | 138 | 31 | 8,364 |

| FDC Facebook | Posts | Reach | Post Engagements | Page Likes | Total Page Likes |
|--------------|-------|--------|------------------|------------|------------------|
| | 70 | 31,332 | 8,148 | 63 | 2,384 |

We continue to post 'snippets' of information about council services, performance and 'did you know' facts on our social media sites.

Fenland District Council - Annual Report 2018/19

The Fenland District Council Annual Report was approved at Cabinet on 27 June 2019.

The Annual Report of the Council 2018/19 describes the performance of the Council over the last year, linking to the priorities detailed in our Business Plan. These are designed to deliver outcomes that improve the quality of life for Fenland residents and are listed under the key headings of Communities, Environment, Economy and Quality Organisation.

[Fenland District Council Annual Report 2018/19](#)



BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Equalities

Business Plan Action: *Meet our Public Sector Equality duty by delivering the requirements of the 2010 Equality Act and 1998 Human Rights Act through our core service delivery. Publish an Annual Equality Report to demonstrate how we do this*

Portfolio Holder: Cllr Steve Tierney

Meet Equality Act Requirements

The Council's Business Plan confirms the Council's commitment to Equalities and states that it will meet its Public Sector Equality Duty by delivering the requirements of the Equality Act 2010 and the Human Rights Act 1998. It will also publish an Annual Equality Report to demonstrate how we do this.

The work of the Council , aims to foster good community relationships and a complementary union between the Council's stated values and the district's evolving diversity profile. To enable this and ensure that we are compliant with both the ethos and legaslative responsibilities of the Equality Act the Council conducts equality analysis via an Equality Impact Assessment process.

Our organisational commitment to good governance allows us to ensure that robust equality impact assessments, internally called Customer Impact Assessments to align to the Customer Service Excellence rolling inspection programme, are undertaken for all services polices, practices and functions. These help us to ensure that any potential impact on the protected characteristics, both negative and positive, are highlighted and any mitigating factors addressed. This helps our functions deliver responsive services to all, effectively ensuring that the needs of Fenland's communities are met.

Through ensuring the publication of Customer Impact Assessments is a natural part of the decision- making process this enables the council to:

- Engage and create opportunities for dialogue and effective engagement with all communities across Fenland;
- Understand the potential negative impacts of decisions and reflect on how these can be mitigated.

Across the organisation each service has an Equality Champion, who act as a flexible resource to undertake this work.

These champions also provide a level of general equalities support to their respective teams. This helps to embed our overall ethos that it is everybody's

responsibility.

The champions are supported and mentored by a Council officer who leads on equality issues. They receive ongoing training in this role and have quarterly meetings to learn and share good practice. In the last month a meeting was held. The meeting discussed the annual review process, to ensure that all work undertaken is still appropriate, and a few examples were discussed.

The champions will now start to update all existing assessments and ensure that they are still relevant and appropriate.

The Annual Equality Report is also being drafted for later in the year.

BUSINESS PLAN AREA: **Quality Organisation**

Business Plan Priority: **Asset Management and Commercialisation**

Business Plan Action: ***Ensure our asset base is suitable, sustainable, fully utilised and maximises income opportunities and financial efficiencies***

Portfolio Holder: **Cllr Chris Boden and Cllr Ian Benney**

Corporate Asset Management Plan Update

Officers are exploring the utilisation of an Asset Management database which, when implemented, would provide up to date and instantly accessible access to asset records, such as lease and deed information, copies of reports and surveys and data related to the management of FDC's physical property assets, include diarised reminders for lease renewals and statutory compliance checks.

The implementation of such a system would significantly reduce the amount of administration time required to locate and review such documents, although in order to implement a system there will be a period of data collection and input. However once established, the system would vastly improve how the assets are managed and assist with streamlining processes.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Asset Management and Commercialisation

Business Plan Action: *Ensure the adopted Capital Programme is developed and delivered in line with our Corporate Asset Management Plan to maintain the integrity and safety of our assets*

Portfolio Holder: Cllr Chris Boden and Cllr Ian Benney

Capital Programme Update

The Capital Delivery Group has been established, which comprises of Officers responsible for the planning, administration and management of the Capital Programme. The group was established in accordance with good asset management practice and its work is to monitor the delivery of Capital projects, providing a much more accurate assessment of the delivery and spend profile of those projects.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Asset Management and Commercialisation

Business Plan Action: *Work jointly with public, private and third sector partners to improve access to our services and those provided from co-located facilities*

Portfolio Holder: Cllr Ian Benney and Cllr Steve Tierney

Corporate Accommodation Review

Customer Services Centres – Fenland Hall & The Boathouse, Wisbech

Economic Growth & Assets are continuing negotiations with the landlord to agree the extent of the repairs and maintenance required to Exchange Tower before the lease end date. The reinstatement works may be carried out by the landlord for expediency and to ensure that the extent and quality of the works they require are carried out to their satisfaction. The Council will be required to reimburse the cost of these works. The CCTV mast remains on the roof subject to on-going discussions, although importantly, this does not require removal prior to the vacation of the premises.

Customer Service Centre opened in the former café at The Boathouse on the 10 July. Since the opening there has been some additional works undertaken to replace the front entrance doors to make them fully accessible, and directional signage has been

erected externally. The facilities have been well received by customers and the Customer Service Centre is a fantastic addition to the other facilities at The Boathouse.

| | |
|--------------------------------|--------------------------------------------------------------------------------|
| BUSINESS PLAN AREA: | Quality Organisation |
| Business Plan Priority: | Asset Management and Commercialisation |
| Business Plan Action: | <i>Develop and deliver a sustainable commercial investment strategy</i> |
| Portfolio Holder: | Cllr Chris Boden and Cllr Ian Benney |

Commercial Investment Strategy

The draft strategy was presented at an All member Seminar in July and a full paper will be presented to Cabinet and Council in September.

BUSINESS PLAN AREA: Quality Organisation

| | |
|--------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Business Plan Priority: | Workforce Development |
| Business Plan Action: | <i>Ensure that our workforce are effective and that we equip them with the right skills to deliver the Council priorities</i> |
| Portfolio Holder: | Cllr Chris Boden |

Learning & Development

The Council retains a very buoyant learning and development programme for its workforce; and has a very robust and responsive learning and development framework in place to ensure that staff's learning needs are met.

We have provided a wide range of learning and development interventions for our workforce over the past year, such as Managing Conflict Training, 121 coaching, Mental Health Awareness and Mental First Aid Training, PACE training, Mediation training, Pre-retirement training, Prevent Training, Coaching skills, Licensing, Leadership and Safeguarding Children, 121 coaching, management development, investigation skills, health and safety, managing sickness, apprenticeships, funded training, resilience training and so on.

In addition to this we have provided a buoyant e-learning programme covering topics like:

- Safeguarding
- Effective Management skills
Project Management
- Effective Financial Management
- GDPR
- Equalities
- Health and Safety, and
- Induction
- Building Personal Resilience

We are currently delivering the Corporate Programme of Positive Mindset and Service training for the whole organisation, for which the roll out will continue for the next 12 – 18 months.

We have also delivered this Positive Mindset training for our ARP partner Council's, (for which we are generating an income) which has been very positively received.

Apprenticeship Programme Update

The Council offers a range of NVQ apprenticeship qualifications out to our workforce already, and are currently developing a wider apprenticeship offer to enable a minimum of 9 apprentice posts being offered by the Council. We already have:

- 1 x HR Apprentice;
- 1 x Business Administration Apprentice (Business Centres);
- 3 x Management Apprenticeship;
- 1 x Accountancy Apprenticeship (Finance).

In addition to this, we are actively seeking apprenticeship opportunities in a number of teams, such as Project Management, Member Services (GDPR), Planning and ICT.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Workforce Development

Business Plan Action: *Support and empower staff to make effective decisions within a pleasant working environment*

Portfolio Holder: Cllr Chris Boden

Health Champion Programme

The Council has a team of qualified health champions in place, and we are part of a Work Healthy Cambridgeshire. This is a Health Improvement Programme run by Cambridgeshire County Council specifically for Cambridgeshire businesses and/or organisations.

The programme aims to support employers across the county to improve the health and wellbeing of their employees, increase productivity and reduce sickness absence.

Our Health Champions have developed a programme to promote health and wellbeing of employees inside and outside the workplace.

Mental Health Training

We have an in-house Mental Health First Aid Instructor who is currently rolling out Mental Health First Aid (MHFA) Training and Champion across the Council. The most recent corporate courses were delivered in March. At present we have over 40 trained MHFA

We are currently exploring further opportunities for income generation with partners to deliver this training.

We also have a comprehensive suite of training to support this area, such as Personal Resilience and Mental Health Awareness and Stress Awareness.

In addition to this we provide 121 coaching and support to employees where required.

People Management Strategy Review Update

The Council's People and Development Strategy is aligned to the Council's Business Plan and focus on outputs for 2019 - 2022. It has been developed in recognition of the need for our people to continue to work effectively with a range of stakeholders and partners. It continues to be reviewed and improved on an annual basis. It is a live document that will be refreshed and updated as the Council evolves and faces new and emerging challenges.

This strategy informs and responds to the Workforce Development Plans (WfDP) created by our Service Managers as part of the Service Planning process to support the delivery of the Council's Business Plan.

We review our WfDPs each year as part of the annual service planning cycle to take account of the changing needs of the organisation and the community it serves.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Enforcement

Business Plan Action: *Use a fair and proportionate approach to improve living, working and environmental standards*

Portfolio Holder: Cllr Mrs Dee Laws

Planning Enforcement Update

June

34 service requests were received in the month and a total of 8 cases were closed following investigation. The investigations had the following outcomes:

- No Breach Found = 4
- Voluntary resolution of the breach by owner / occupier = 2
- Retrospective planning permission granted = 2

July

32 service requests were received in the month and a total of 23 cases were closed following investigation. The investigations had the following outcomes:

- No breach found = 13
- Voluntary resolution of the breach by owner / occupier = 5
- Retrospective planning permission granted = 3
- Not expedient to take any action / not in public interest = 2

Portfolio Holder: Cllr Miss Sam Hoy

Business Support and Compliance

Food Safety

During June and July 34 businesses were visited following the Council's Food Safety service plan.

During these visits if the business served food directly to the customer (as opposed to producing food for sale) they are provided a score under the food hygiene rating scheme.

These 34 businesses were rated as follows:

| Number of businesses | Rating received |
|-----------------------------|------------------------|
| 23 | 5 |
| 8 | 4 |
| 2 | 3 |
| 1 | 2 |

A rating of 3 and above is good. Businesses who score below a 3 may receive further visits and support which sometimes requires formal action to secure improvements; this is dependent on the level of risk presented to the consumer.

Health and Safety

In June the Council's Health and Safety service plan was approved. The plan sets out the Council's responsibility for regulating health and safety legislation in a wide range of premises in the commercial sectors across Fenland. These duties are carried out by the Environmental Health Team alongside their other statutory functions.

The Council is required to follow various codes and guidance in delivering this role which includes a risk based approach to inspection, the appointment of qualified, trained and competent staff and the provision of on-line and off-line information to business customers.

The service plan also sets out the proactive work which will be undertaken annually to support the health, safety and wellbeing of employees across these sectors. For the years 2019-21 the areas of focus are; continue to support the growing business area of skin piercing and nail bars and to work in partnership with the Fenland tobacco alliance to reduce the level of smoking within Fenland businesses.

Environmental Health – Requests for Service

During June and July the service received more than 400 requests for service and more than 95% of these were responded to within 5 days.

Requests for service include reports of noise, flies or smells, drainage problems, accidents at work, accumulations of waste or untidy premises, licensing compliance matters such as late music events or animal licencing issues.

June and July have been particularly busy this year with the level of requests being 15% higher than in 2018.

Portfolio Holder:

Cllr Sam Clark

Licensing

Consultation

The Licensing Committee met in July 2019, items on the agenda and discussed were the current Gambling Policy and the Cumulative Impact Zone policy.

The Committee agreed to undertake periods of consultation for both of these policies.

The Gambling Policy is open for consultation until Fri 6th September:

<https://www.fenland.gov.uk/gamblingconsultation>

and the Community Impact Zone Policy until Fri 13th September:

<https://www.fenland.gov.uk/CIAconsultation>

Following this consultation both of these policies will be taken back to the Licensing Committee for discussion and consideration of the consultation responses at the next meeting on 2nd October 2019.

Hearings Held since July 2019 and outcome reached:

Heron Foods, Wisbech – New Licence granted

Nene supermarket, Wisbech – Licence variation granted

Harans, Wisbech – Review application TBC

New Licensed Driver – Licence granted

Review current licensed Driver - TBC

Portfolio Holder: Cllr Miss Sam Hoy and Cllr Sam Clark

What do our customers say?

| Description | Baseline | Target 19/20 | No of customers questioned | No of customers satisfied | % 19/20 | RAG |
|------------------------------------------------------------------------|----------|--------------|----------------------------|---------------------------|---------|-----|
| LPI CEL11 Local businesses supported and treated fairly (quarterly) | 100% | 90% | 15 | 15 | 100 | |

The inspection programme for food safety, licensing compliance and health and safety commenced for the year 2019-20 in April.

Example of feedback comments for June and July

“Never had any issues - food officers always been very fair and helpful”

“Pleasant inspector, felt Dianne would have given advice if she had been asked”

The programme’s target is to visit premises and to contact at least 20% of those promises that are inspected to request feedback. This information is used to tailor the approach to business visits and to ensure the best information is available to support businesses to be compliant successful.

BUSINESS PLAN AREA: Quality Organisation

Business Plan Priority: Health & Safety

Business Plan Action: *Maintain effective Health & Safety policies and systems to comply with relevant legislation and local requirements*

Portfolio Holder: Cllr Chris Boden

Health & Safety Update

The Council sets out its roles and responsibilities for the management of health and safety through its policies and codes of practice. This is also supported by training of staff through corporate training or service specific training. Along with conducting and documenting risk assessments to identify hazards, risks and control measures.

Recently the Council's Health and Safety Policy has been reviewed and updated. This is the key policy as it sits above all other Council health and safety documents.

In addition, the Alcohol and Drugs at Work Policy has been reviewed and updated and now includes support available for staff and the alcohol and drug testing criteria for staff.

Other new codes of practice introduced are 'Slips, Trips and Falls' and Electrical Safety.

Codes of practice currently being reviewed/updated are: Contractor Management and Manual Handling.

Corporate training currently being provided is for Fire Wardens, these are staff nominated to be trained in fire safety, the use of various types of extinguishers and the fire evacuation / sweep process.

Working at Height training has also been delivered to staff who undertake working at height in their job role. This includes working on top of vehicles in the workshop or using a ladder/step ladder to carryout tasks.

Conducting audits of services/teams is an ongoing part of the assessment of health and safety compliance. Recently, the Marine Services and Business and Economy services have been audited. Where improvements have been identified these are included as recommendations with timescales for implementation.

Portfolio Holder:

Cllr Steve Tierney

Emergency Planning Update

Under the Civil Contingencies Act the Council is a Category One Responder and this sets out the responsibilities for Local Resilience Forums and individual agencies.

The Cambridgeshire and Peterborough Local Resilience Forum (CPLRF) coordinates the joint multi-agency across the county, and Fenland District Council is an active member of the forum which involves ongoing assessing of risks, preparing CPLRF emergency plans, joint training and other specific joint task and finish group activities.

The Council is also responsible for having its own emergency plans in place to respond to incidents occurring within the district. As part of this requirement, ongoing work to review the FDC Emergency Management Plan and Emergency Rest Plan is underway.

Training of staff for various emergency planning roles is also a key requirement, and work is in progress to develop a 'Community Recovery' training package which will be rolled to FDC staff during the latter part of 2019.

Currently within the CPLRF and at FDC, Brexit planning is ongoing and as we move nearer to 31st October the planning for this possible no-deal situation will become

more important with corresponding allocation of resources devoted towards it.

BUSINESS PLAN AREA: **Quality Organisation**

Business Plan Priority: **Health & Safety**

Business Plan Action: ***Ensure the safety and wellbeing of the Council's workforce, partners and wider community***

Portfolio Holder: **Cllr Chris Boden**

Workforce Wellbeing Strategy & Health Surveillance Programme Update

The Council has a proactive health surveillance programme for staff/teams identified through a risk based approach. This programme involves joint working with an external Occupational Health Advisor who conducts the examinations.

The examination consists of: audiometry, lung function, vision, skin, hand/arm vibration and health promotion. These are conducted on a two yearly basis, unless there is a specific requirement to repeat the assessment sooner than this period for a person. Teams involved in this health surveillance programme include: Refuse and Cleansing (drivers), Street Scene, Marine Services, Transport Workshop and other staff who drive Council logo vehicles.

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| Agenda Item No: | 8 |  |
| Committee: | Council | |
| Date: | 18 September 2019 | |
| Report Title: | Revised Conduct Procedure Rules, Guidance & Templates | |

1. Purpose / Summary

For Council to receive recommendations from the Conduct Committee in relation to an amended Member Conduct Procedure, associated templates and constitutional amendments following consultation with all District, Town and Parish Councillors.

2. Key issues

Councils must operate a Member Code of Conduct and have a complaints procedure by which to assess any complaints received regarding Members and their conduct against the Code.

The Conduct Committee including the Independent Person, with support from the Monitoring Officer and Deputy Monitoring Officer, have reviewed the Council's Member Conduct Procedure to ensure it represents an effective and efficient way of processing Member Conduct complaints for both Members and complainants.

A number of changes have been proposed to the Member Conduct Procedure and these have been subject to consultation with all District, Town and Parish Councillors and Independent Persons. The consultation period ran from 5th July 2019 to 5th August 2019 and 4 responses were received which are contained within the papers.

On 30th January 2019, the Committee on Standards in Public Life published the outcome of its Review on Local Government Ethical Standards

The proposed revisions to the Conduct Procedure Rules (and associated constitutional amendments) have been developed to ensure that Fenland District Council's arrangements are consistent with the recommendations set out in the report.

Requests for dispensations may now be considered and granted by the Monitoring Officer, in consultation with the Chairman of Conduct Committee and Independent Person in line with section 31 of the Localism Act 2011 to ensure these matters can be dealt with efficiently and effectively and without the need to convene a meeting of the Conduct Committee. The Conduct Committee will be kept informed of any dispensations granted.

3. Recommendations

It is recommended that Council consider and agree the proposed revisions to the Conduct Procedure Rules and associated Constitutional amendments required to bring them into effect and delegate to the Monitoring Officer to make the changes to the constitution.

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| Wards Affected | All |
| Forward Plan Reference | N/A |
| Portfolio Holder(s) | Councillor David Topgood, Chairman of Conduct Committee |

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| Report Originator(s) | Carol Pilson, Monitoring Officer, Amy Brown, Deputy Monitoring Officer |
| Contact Officer(s) | Carol Pilson, Monitoring Officer Amy Brown, Deputy Monitoring Officer |
| Background Paper(s) | Standards in Public Life Review Consultation responses - Appendix 1. |

Appendix 1 - Conduct Procedure Consultation Responses

| Date | Name | Comments |
|---------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 22/7/19 | Cllr Ray Jack | <p>However there is one part under sanctions (below) that I have difficulty with,</p> <p>Recommend to the Council that it excludes the Subject from the Council's office or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub- Committee meetings.</p> <p>Which is more or less the same as shown earlier, why 2 versions of more or less the same thing?</p> <p>Recommend to the Subjects Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the council.</p> <p style="color: red;">These sanctions are set out within the Localism Act 2011 and we therefore must include them. By means of explanation, the first sanction is intended to provide a means of limiting the subject of a complaint from being able to access the Council's offices/premises where it is considered necessary as a result of the facts of the complaint. For instance if the complaint relates to a failure of the subject to treat officers of the Council with respect during visits to the premises. It does not however seek to restrict their attendance at and/or participation in meetings of the Council and its Committees. The second of the sanctions however does exactly that i.e. recommends that the Group Leader considers the subject's removal from all Committees/Sub-Committees of the Council which they may have been assigned to. This does not necessarily mean however that they will have restricted access to the Council's offices/premises. These are standard sanctions and can operate separately or in conjunction with each other to achieve the different outcomes described.</p> |
| 24/7/19 | Cllr Phil Wing | All looks fairly clear and straightforward to me...certainly no objection to the format. |
| 24/7/19 | Cllr Sam Hoy | I am happy with the new procedure |
| 25/7/19 | Cllr David Mason | As you are probably aware I initially sat on the FDC Conduct Committee as a Parish Representative and then in 2015 when elected as a District Councillor I served as a full member of the Committee until I assumed Portfolio Holder duties in February 2018. |

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|----------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | | <p>I have to congratulate FDC on producing a comprehensive set of guidance notes but must confess that I found it the most frustrating committee to sit on. An enormous amount of time was absorbed in pre-meetings and hearings from what at times seemed complaints brought by individuals with personal issues against the accused Councillor.</p> <p>Where the committee satisfied themselves that the accused was in fact guilty of breaching the Code of Conduct, in most cases they applied the minimum reprimand, i.e. either referral for further training or in the case of an experienced Councillor publication of his or her sins in the local press.</p> <p>In summary, I believe the Committee is essential to serve the public interest but I would like to see more complaints referred to yourself, the Chairman and Independent Person initially to avoid wasting valuable time of Councillors. In the event of a "guilty verdict" at a subsequent hearing then more stringent measures could be taken against the accused in the way of sanctions.</p> <p>I hope this assists in your deliberations and I wish the Conduct Committee good luck for the future.</p> <p>The views expressed by Councillor Mason are acknowledged. The revised process is designed to provide greater powers during the Initial Assessment stage to make decisions as to the outcome of the complaint, the requirement and scope of any investigation and following receipt of the investigation report whether or not a hearing is required. This will significantly streamline the process and remove the need for the involvement of anyone other than the Chairman/Vice-Chairman during the early stages and as Councillor Mason describes.</p> |
| 30.07.19 | Independent Person | <p>At an induction meeting with the newly appointed Independent Person, the following views were expressed:</p> <ul style="list-style-type: none"> • That the procedure should provide specific reference to the need for the complainant and subject to be kept regularly informed of progress; and • That the Complaint Form is less stringent in its requirement for the complainant to specify which of the General Obligations have been breached as this may be difficult for a lay person and could act as a deterrent. <p>It is standard for the Monitoring Officer to provide updates to the complainant and the subject during the different stages of the process however, it is agreed that the procedure and guidance could be updated to confirm that this will be the case thereby making a firm commitment to continue existing good practice. The inclusion of the requirement to state the general obligations arose at the request of the Conduct Committee. Again, this reflects the practice of the Monitoring Officer contacting a complainant to clarify what specific breaches they are alleging to have occurred. This has not proven</p> |

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| | | <p>to be a deterrent to date and in any circumstance where a complainant is unclear as to what is required guidance will be provided however, the Monitoring Officer must remain impartial throughout the process and ensure that they are not put in a position where they are being required to assess the evidence and substitute their views with that of the complainant. The Guidance and Complaint Form could however be updated to make clear that complainants may contact the Monitoring Officer if they are at all unclear as to what is expected of them so that the usual guidance can then be provided.</p> |
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RULE 9: PROCEDURE FOR RESPONDING TO CONDUCT COMPLAINTS AND HEARING PANEL PROCEDURE RULES

1. INTRODUCTION

- 1.1. Fenland District Council (“the Authority”) is responsible for receiving and determining conduct complaints for both District Councillors, and the Town and Parish Councillors within the District.
- 1.2. All members are required to conduct themselves in accordance with a locally agreed Code of Conduct. Fenland District Council’s Code can be found at Part 5 of Fenland District Council’s Constitution [\[insert link\]](#) and in all other cases on the websites of the relevant Town or Parish Councils.
- 1.3. Where it is considered that a Member has breached the Code of Conduct, this Procedure shall apply.
- 1.4. Where a particular number of working days has been specified for compliance with any given stage of this process, this is intended as an indication of best practice but may be varied with the consent of the Monitoring Officer where exceptional circumstances exist for example to take into account periods of unavailability resulting from illness or leave.
- 1.5. Any function of the Monitoring Officer in this procedure may be delegated to the Deputy Monitoring Officer at any time.
- 1.6. In this Procedure and the Conduct Committee Hearing Procedure, the following definitions shall apply:
 - 1.6.3. **Chairman:** in this procedure references to the Chairman are references to the Chairman of the Conduct Committee and should also be taken to include references to the Vice Chairman of the Conduct Committee. The Vice Chairman will act in the Chairman’s place where he/she is unavailable for any reason to include where a conflict of interest exists.
 - 1.6.4. **Code of Conduct:** means the Code of Conduct for Members adopted by Fenland District Council to promote high standards of behaviour amongst the elected and co-opted members of the Council whenever they are acting in their capacity as a member of the Authority or giving the impression of acting as a representative of the Authority.
 - 1.6.5. **Conduct Committee:** Means the committee with authority to hear conduct complaints referred by the Monitoring Officer whose terms of reference are set out at [\[xxxx of the Constitution - insert link\]](#).
 - 1.6.6. **Independent Person:** The Independent Person is a lay person who has been appointed by a majority of all the Councillors on the District Council. The Independent Person is invited to attend all meetings of the Conduct Committee. Their views are sought and taken into consideration: (a) before the Monitoring Officer decides whether to investigate a complaint (b) before the Monitoring Officer decides whether to refer an investigated Complaint for hearing or for Summary Resolution (c) before the Conduct Committee takes any decision on whether the Councillor’s conduct constitutes a failure to comply with the respective Code of Conduct.

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- 1.6.7. **Subject(s):** means the Councillor(s) who is/are the subject of the complaint(s).

2. PROCEDURE FOR DEALING WITH CONDUCT COMPLAINTS

2.1. Reporting Concerns & Confidentiality

- 2.1.3. All complaints should be submitted in the prescribed form which can either be accessed on-line [\[insert link\]](#) or emailed/posted upon request to the Monitoring Officer. Completed forms should also be returned to the Monitoring Officer at Fenland Hall, County Road, March, Cambridgeshire, PE15 8NQ, or by email to monitoringofficer@fenland.gov.uk.
- 2.1.4. Complaints will be acknowledged in writing within 5 working days of receipt and where necessary the Monitoring Officer will clarify any points of uncertainty as soon as possible and before any further action is taken.
- 2.1.5. In order to ensure that a fair process can be followed and subject to paragraph 2.1.7 details of the complaint together with the name of the complainant will be shared with the Subject concerned as soon as practicable after receipt (or where clarification is sought, as soon as possible after that). At that stage the Subject will be given 7 working days to provide an initial response to the concerns which the Monitoring Officer will take into account in determining what if any further action to take under this procedure.
- 2.1.6. The Monitoring Officer can obtain any other preliminary information as may be of assistance such as minutes of meetings, policy or procedural documents and published media. This can be done at any stage in the process if it is felt it will aid decision making.
- 2.1.7. Anonymous complaints will not be acted on unless there is a clear public interest to do so however, complainants can request that their identities remain confidential in exceptional circumstances. Requests for confidentiality will be considered by the Monitoring Officer and the complainant will be informed in writing of the outcome before the complaint proceeds any further.
- 2.1.8. The Monitoring Officer will keep the Complainant, the Subject and the Clerk (if appropriate) informed of the progress of the Complaint, unless the Monitoring Officer considers that this may prejudice any investigation.
- 2.1.9. The existence and content of all complaints will remain strictly confidential and shall not be published, discussed or otherwise disclosed until a conclusion has been reached and unless it is a requirement of this or the hearing process (for example at an investigative interview or hearing) or the Subject waives this requirement by making the disclosure themselves.
- 2.1.10. Complainants can withdraw their complaint at any time during the process by informing the Monitoring Officer in writing. The Monitoring Officer does however reserve the right to pursue the issues giving rise to the complaint where it is considered to be in the interests of good governance to do so.

2.2. Initial Consideration of the Complaint

- 2.2.3. The Monitoring Officer will consider the complaint and determine, in consultation with the Chairman and Independent Person which of the following actions to take:
- No further action required;

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- Further action through information resolution;
- Referral to the Police in any circumstance where there is evidence of potential criminal conduct;
- Referral for investigation in accordance with paragraph 2.3 of this Procedure;
- Summary Resolution in accordance with paragraph 2.5 of this Procedure - This should only be used if this is also agreed unanimously by the Chairman and Independent Person

2.2.4. It is likely that no action will be taken in the following (non-exhaustive) circumstances:

- Where there is insufficient information upon which to base a decision;
- A significant amount of time (typically more than 6 months) has elapsed since the events which are the subject of the complaint;
- The issue complained of in relation to the particular Subject(s) have already been considered under this Procedure;
- The complaint appears to be politically motivated, trivial, vexatious, tit for tat, repetitious or otherwise a general misuse of this Procedure;
- The conduct occurred at a time when the Subject was not or could not have been considered to be acting in their official capacity (as defined by the Code of Conduct);
- The complaint concerns someone who is no longer a Councillor; and
- The complaint is essentially against the Council as a whole and should not be directed at an individual.

2.2.5. Where it is appropriate to take some action and depending on the nature of the concerns raised it may be possible to resolve complaints informally and without the need for formal determination and/or sanction. The view of both the complainant and the Subject will be sought and will most likely be appropriate in circumstances where the concerns raised are not in dispute and/or are not of a serious nature.

2.2.6. Where following informal action the complainant's concerns are not resolved, they may submit a request in writing for reconsideration by the Monitoring Officer. Where the Subject or Fenland District Council makes a reasonable offer of informal resolution but the person complaining is not willing to accept that offer, the Monitoring Officer will take account of this in deciding what if any further action to take. Where appropriate, the Monitoring Officer may again consider the options under paragraph 2.2.3 of this procedure.

2.2.7. Where a Police or other regulatory investigation is necessary, no further action will be taken by the Monitoring Officer until that procedure has been concluded and/or it is appropriate to do so. The Monitoring Officer has the power to make such a referral and must do so in all circumstances in which a criminal and/or regulatory offence may have occurred.

2.2.8. In all circumstances the Monitoring Officer will give a summary of the reasons for the decision in the form of a Decision Notice.

2.3. *Referral for Investigation*

2.3.3. The Monitoring Officer, in consultation with the Chairman and Independent Person, will take a decision as to whether a formal investigation is required and will take into account the following (non-exhaustive factors):

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- Whether there is enough evidence to make a decision without the need for investigation;
 - Whether the allegations amount to a potential breach of the Code;
 - The seriousness of the allegations;
 - Whether it is in the public interest to investigate.
- 2.3.4. Where a formal investigation is required, the Monitoring Officer, in consultation with the Chairman and Independent Person will determine the level and scope of the investigation.
- 2.3.5. The Investigating Officer may be an officer of Fenland District Council, another Council or an appropriate experienced external investigator.
- 2.3.6. The Monitoring Officer will inform the complainant and the subject(s) of the complaint of the proposed timescales of the investigation which will most likely involve interviewing them and other witnesses as well as reviewing any relevant paperwork. Unless exceptional circumstances exist every effort should be made to ensure that the investigation is completed within 3 months of the referral.
- 2.3.7. In the event of a material change of circumstances the Monitoring Officer in consultation with the Chairman and Independent Person may terminate the investigation before it has concluded. Examples of when this may be appropriate are as follows:
- The Member has resigned (or not been re-elected) from the relevant Council, Town or Parish Council,
 - The Member is seriously ill, or
 - The Member has died.
- 2.3.8. If the Subject fails to respond to correspondence from the Investigating Officer the complaint will be progressed and concluded in the absence of their input. If the complainant fails to respond, the complaint will be treated as withdrawn subject to paragraph 2.1.10 above. All parties are encouraged to respond promptly to any correspondence in relation to the complaint and within any deadline set.
- 2.3.9. The Investigating Officer will prepare a draft report on the outcome of the investigation and will provide the complainant and Subject with a copy for review and comment within an agreed period.
- 2.3.10. The Investigating Officer will submit a final version of the report to the Monitoring Officer as soon as reasonably practicable once the deadline for providing comments in accordance with paragraph 2.3.9 has elapsed. The Investigating Officer will be expected to give their view of the evidence and whether or not a breach of the Code of Conduct has occurred.
- 2.3.11. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, they may ask the Investigating Officer to reconsider their report.

2.4. Consideration of the Investigation Report

- 2.4.3. The Monitoring Officer will review the Investigating Officer's report in consultation with the Chairman and Independent Person and will reach a

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determination as to what if any further action is required within 7 working days of receiving the Report.

2.4.4. Where the Investigating Officer concludes that there is no evidence of a breach of the Code and the Monitoring Officer, Chairman and Independent Person are in agreement, the final report will be sent to the Complainant, the Subject and the Clerk (if appropriate) with confirmation that no further action will be taken.

2.4.5. Where the Investigating Officer concludes that there is evidence of a breach of the Code and the Monitoring Officer, Chairman and Independent Person are in agreement, they will then either seek a summary resolution or refer the matter for hearing by the Conduct Committee.

2.5. **Summary Resolution**

2.5.3. The Monitoring Officer may consider that a complaint can be reasonably resolved without the need for a hearing. In that event they will consult with the Chairman, Independent Person ~~the Chairman of the Conduct Committee~~ and the complainant with a view to agreeing a fair outcome. Such outcomes include the Subject offering an apology, removing posts from social media, attending training and/or mediation.

2.5.4. If the Subject accepts and complies with the suggested resolution no further action will be taken.

2.5.5. Where the Subject refuses to accept the suggested resolution, the matter will be referred to the Hearing Panel of the Conduct Committee for a hearing.

2.6. **Referral to the Hearing Panel**

2.6.3. If the Monitoring Officer considers that a summary resolution is not appropriate, or it is impossible to achieve, the matter will be referred to the Conduct Committee for a hearing to decide whether the Subject has failed to comply with the Code of Conduct and, if so, what if any action to take.

3. HEARING PANEL PROCEDURE RULES

3.1. **Attendance and Right to be Accompanied**

3.1.3. The Subject will be requested to attend the hearing and may choose to be accompanied and/or represented by a fellow Councillor, friend, colleague or legal representative ("the Representative"). The hearing will be arranged taking into account the availability of the Subject and their Representative(s) unless this is likely to cause unreasonable delay to the conclusion of the complaint.

3.1.4. The Complainant will be notified of the date of the hearing however, unless the Investigating Officer wishes to call them as a witness, there will be no requirement for them to attend.

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- 3.1.5. An Independent Person must be present at the hearing and unless this will cause unreasonable delay to the conclusion of the complaint, this will normally be the same person that the Monitoring Officer has consulted throughout the process.
- 3.1.6. Where the subject of the complaint fails to attend the hearing the Hearing Panel may, having regard to any written representations:
- resolve to proceed with the hearing; or
 - adjourn the hearing to another date.

3.2. **The Hearing**

3.2.3. Order of Business

- 3.2.3.1. Subject to paragraph 3.2.3.8 below, the order of business will be as follows:
- 3.2.3.2. Elect a Chairman (if either the Chairman or Vice-Chairman of the Conduct are not present);
- 3.2.3.3. Apologies for absence;
- 3.2.3.4. Declarations of Interest;
- 3.2.3.5. In the absence of the Subject, consideration as to whether to adjourn or to proceed with the hearing in accordance with paragraph 3.2.3.9 below;
- 3.2.3.6. Introduction by the Chairman of the persons present and participating in the hearing to include members of the Panel, the Independent Person, the Monitoring Officer, the Investigating Officer, the complainant, the subject of the complaint and any legal representatives;
- 3.2.3.7. To receive representations from the Monitoring Officer and/or the Subject as to whether any part of the hearing should take place in private and/or whether any documents (or parts thereof) should be withheld from the public/press in accordance with Schedule 12A of the Local Government Act 1972;
- 3.2.3.8. The Chairman may exercise their discretion and amend the order of the business where it is considered expedient to do so in order to ensure that a fair hearing takes place.
- 3.2.3.9. The Hearing Panel may resolve to adjourn the hearing at any time.

3.2.4. Presentation of the Complaint

- 3.2.4.1. The Investigating Officer presents their report including any documentary evidence or other material and calls their witnesses. No new points should be introduced at this stage in the process;
- 3.2.4.2. The Subject or their Representative may question the Investigating Officer and any witnesses called by them;
- 3.2.4.3. The Hearing Panel may question the Investigating Officer and any witnesses called by them.

3.2.5. Presentation by the Subject of the Complaint

- 3.2.5.1. The Subject of the complaint or their Representative presents their case and calls witnesses.
- 3.2.5.2. The Investigating Officer may question the Subject and any witnesses called by them. The Subject will normally be expected to answer questions on their own behalf rather than via the Representative.

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3.2.5.3. The Panel may question the Subject and any witnesses called by them.

3.2.6. Summing Up

3.2.6.1. The investigating Officer sums up the complaint.

3.2.6.2. The Subject or their Representative sums up their response.

3.2.7. Views/Submissions of the Independent Person

3.2.7.1. The Chairman will invite the Independent Person to express their view on whether or not they consider that on the facts presented there has been a breach of the Code of Conduct.

3.2.8. Deliberations of the Hearing Panel

3.2.8.1. The Hearing Panel will adjourn the hearing and deliberate in private (assisted on matters of law by the Monitoring Officer where required) to consider whether or not the Subject has failed to comply with the Code of Conduct.

3.2.8.2. The Independent Person may retire with the Hearing Panel and contribute to the discussion but will not be a decision maker.

3.2.8.3. The Hearing Panel may at any time reconvene the hearing in order to seek additional evidence from the Investigating Officer, the Subject and/or their witnesses.

3.2.8.4. If the Hearing Panel require additional information which cannot be obtained by the persons present at the hearing they may resolve to adjourn and issue directions specifying what they require from whom. Any information requested must not have the effect of introducing new points.

3.2.8.5. Where the hearing is adjourned in accordance with paragraph 3.2.8.4 above:

3.2.8.6. any additional information provided will be copied to the Investigating Officer, the complainant and the Subject within 5 working days of the reconvened hearing; and

3.2.8.7. at that hearing, there will then be an opportunity for each of the parties to make verbal or written representations in relation to the additional information. Where appropriate the Hearing Panel will also provide an opportunity for the parties to ask questions of each other and sum up their position in relation to the additional information before again retiring to deliberate.

3.3. **The Decision**

3.3.3. The Hearing Panel will reconvene the hearing at the conclusion of their deliberations and the Chairman will announce whether or not on the facts found, it is considered that there has been a breach of the Code of Conduct.

3.3.4. Where the Hearing Panel finds that there has been a breach of the Code of Conduct the Chairman will invite the Investigator, the Subject, the Independent Person, and the Monitoring Officer to make any representations as to whether or not any sanctions should be applied and if so, what form they should take.

3.3.5. When deciding whether to apply one or more sanctions, the Hearing Panel will ensure it is reasonable and proportionate to do so. The Hearing Panel will consider the following questions along with any other relevant

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circumstances or factors specific to the local environment to include (but not exhaustively):

- What was the subject of the complaint's intention and did they know they were failing to follow the Code of Conduct;
- Did the subject of the complaint receive advice from officers before the incident and was that advice acted on in good faith;
- Has there been a breach of trust;
- Has there been financial impropriety e.g. improper expense claims or procedural irregularities;
- What was the result/impact of failing to comply with the Code of Conduct;
- How serious was the incident;
- Does the Subject accept that they were at fault;
- Did the Subject apologise to the complainant or other relevant persons;
- Has the subject of the complaint previously been reprimanded or warned for similar misconduct within the last 12 months;
- Has the Subject previously breached the Code of Conduct within the last 12 months;
- Is there likely to be a repetition of the incident.

3.3.6. Having heard the representations of the Independent Person, the Subject and the Monitoring Officer, the Hearing Panel will adjourn and deliberate in private to reach a decision as to the sanctions to be applied. The Hearing Panel may be accompanied by the Monitoring Officer and the Independent Person who again may contribute to the discussion but will not take part in the decision.

3.3.7. The Hearing Panel will make its decision on the balance of probabilities based on the evidence before it at the hearing.

3.3.8. Where there is more than one complaint, the Hearing Panel will set out the reasons for their decision in relation to each aspect but may impose a separate or collective sanction or recommendation.

3.3.9. If evidence presented to the Hearing Panel highlights other potential breaches of the Code of Conduct then the Chairman will outline the concerns identified and recommend that the matter is referred to the Monitoring Officer as a new complaint.

3.4. ***Announcement of the Decision***

3.4.3. The Hearing Panel will reconvene the hearing and the Chairman will announce:

3.4.4. the decision as to whether or not the Subject has failed to comply with the Code of Conduct and the principal reasons for the decision;

3.4.5. the sanctions (if any) to be applied;

3.4.6. the recommendations (if any) to be made to the relevant authority or Monitoring Officer;

3.4.7. that there is no right of appeal against the Hearing Panel's decision.

3.5. ***Public Record***

3.5.3. The Monitoring Officer will arrange for the Decision Notice to be published with the Minutes on the Council's website.

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3.6. *Range of Possible Sanctions*

3.6.3. Where the Hearing Panel determines that the Subject has failed to comply with the Code of Conduct, any one or more of the following sanctions may be applied:

- Report its findings to Full Council for information;
- Issue a formal Letter of reprimand;
- Recommend to the Subject's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Subject be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Recommend to Council to remove the Subject from all outside appointments to which they have been appointed or nominated by the authority;
- Recommend to Council that it withdraws facilities provided to the Subject by the Authority such as a computer, website and/or email and internet access;
- Recommend to the Council that it excludes the Subject from the Council's office or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- Offer additional training for the Subject.
- Publication of formal notification of breach in a newspaper circulating in the area.

3.6.4. The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances however, this Hearing Procedure should be read in conjunction with the legislation as it exists at the time its decisions are taken and where additional sanctions are prescribed by law, they will be available to the Hearing Panel as if they formed part of this Procedure. The Monitoring Officer will then make the necessary arrangements to amend the Hearing Procedure at the next scheduled meeting of Full Council.

4. APPEALS

4.1. There are no direct rights of appeal against the decisions of the Monitoring Officer or the Conduct Committee. If the complaint has not been resolved to the satisfaction of the complainant they are entitled to raise the issue with the Local Government Ombudsman.

Appendix 3
**CONSTITUTIONAL AMENDMENTS REQUIRED TO BRING REVISED CODE &
PROCEDURE INTO EFFECT**

ARTICLES

ARTICLE 9 – CONDUCT COMMITTEE & HEARING PANEL

1. CONDUCT COMMITTEE

1.1. The Council will establish a Conduct Committee the membership of which shall as far as practicable be politically proportionate.

1.2. Membership

1.2.1. The Conduct Committee shall comprise of 5 elected Councillors all of whom will be required to undertake relevant training

1.2.2. The Committee will appoint, at its first meeting following the annual meeting of the Council, its Chairman and Vice-Chairman for the forthcoming year.

1.2.3. The Conduct Committee shall be entitled to co-opt up to two representatives from Town or Parish Councils from within the District who may sit with the Committee and consider matters before it. They shall have the right to speak and engage with the debate of the committee however they do not have a right to vote.

1.2.4. The Council's designated Independent Person shall sit alongside the Conduct Committee and any Hearing Panel to offer advice in a non-voting capacity. Members must take account the views of the Independent Person in reaching decisions.

1.2.5. The Conduct Committee will be considered to be quorate where 3 or more members are present and Rule 24.3 of the Council's Standing Orders will not apply to Rule 7 in this context.

1.3. Role and Functions

1.3.1. The Conduct Committee will have the following roles and functions in respect of the District Council and its Members and Town and Parish councils and their Members:

- promoting and maintaining high standards of conduct by Members;
- assisting Members and co-opted Members to observe their authority's Codes of Conduct;
- advising the Council on the adoption or revision of a Code of Conduct;
- monitoring the operation of the Codes;
- advising, training or arranging to train members and co-opted members on matters relating to the Code;
- To make recommendations to the Council on the appointment of its Independent Person(s); and

Appendix 3

- To have oversight of Parish and Town Council's Codes of Conduct and Registers of Interests and authority to hear complaints relating to town or parish councillors.
- 1.3.2. The Monitoring Officer, in consultation with the Chairman of the Conduct Committee and the Independent Person, may issue dispensations to any member in respect of statutory and non-statutory disclosable interests. The Conduct Committee will receive a report on such cases at the next available meeting.
- 1.3.3. The Chairman of the Conduct Committee will be able to attend meetings of the full Council to present reports, answer questions and respond to motions on the work of the Committee in accordance with the appropriate provisions of the Rules of Procedure.

2. HEARING PANEL

- 2.1. Whenever necessary the Chairman or Vice-Chairman of the Conduct Committee shall appoint a Sub-Committee in consultation with the Monitoring Officer for the purpose of considering and determining conduct complaints ("Hearing Panel").

2.2. Membership

- 2.2.1. The Hearing Panel shall comprise three members of the Conduct Committee, including either the Chairman or Vice-Chairman all of whom must be present for the meeting to be quorate.
- 2.2.2. The membership of the panel shall, as far as practicable, be politically proportionate.
- 2.2.3. The Council's designated Independent Person or Deputy shall sit alongside the Hearing Panel to offer advice in a non-voting capacity.
- 2.2.4. Where the complaint relates to a Town or Parish Councillor the co-opted representatives will also be invited to sit alongside the Hearing Panel to offer advice in a non-voting capacity.

2.3. Role and Functions

- 2.3.1. The Hearing Panel will have the following roles and functions in respect of members of the District, Town and Parish councils and shall perform these in accordance with Rule 9 of the Constitution:
- Hearing and determining complaints referred by the Monitoring Officer;
 - Issuing appropriate sanctions when it has determined that the subject of a complaint has been found to have breached the Code of Conduct.

Appendix 3

PART 3, TABLE 2 RESPONSIBILITY FOR COUNCIL FUNCTIONS

| Decision Making | Functions | Delegation of Functions |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| Conduct Committee | <p>The promotion and maintenance of high standards and conduct within the Council,</p> <p>To advise the Council on the adoption or revision of its Code of Conduct for Members.</p> <p>To determine any complaints of a breach of The Members' Code of Conduct via the Sub-Committee Hearing Panel.</p> | As defined in Tables 4 and 5 of this Part of the Constitution. |

PART 3 - MONITORING OFFICER

Paragraph 47B to be amended to read as follows:

To consider and grant requests for Dispensations from section 31 of the Localism Act 2011 in accordance with paragraph 1.3.2 of Article 9.

MEMBER CONDUCT: COMPLAINT FORM

1. BACKGROUND INFORMATION

Please provide us with your name and contact details:

| | |
|-----------------------------------|--|
| Title: | |
| First Name: | |
| Last Name: | |
| Address: | |
| Contact Number | |
| Email Address | |
| Preferred form of contact: | |

Your address and contact details will not usually be released unless necessary or to deal with your complaint. However, the following people will be aware that you have made this complaint:

- the Member(s) you are complaining about;
- the Monitoring Officer of the authority;
- the parish clerk (if applicable);
- The Independent Person; and
- The Chairman/Vice-Chairman of the Conduct Committee

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it.

If you have serious concerns about your name and a summary, or details of your complaint being released, please complete Section 3 of this form however, please be aware that the Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

2. Your Complaint

The **Conduct Procedure Rules** set out in the Council's Constitution together with Fenland District Council's **Guidance: Submitting a Conduct Complaint** set out the process the Monitoring Officer will follow in order to respond to your complaint. These are available on the Council's website at [\[insert link\]](#) or on request to the Monitoring Officer.

Please provide us with the name of the Member(s) you believe have breached the Code of Conduct and the name of their authority:

| TITLE | FIRST NAME | LAST NAME | AUTHORITY |
|-------|------------|-----------|-----------|
| | | | |
| | | | |
| | | | |
| | | | |

Please explain in this section (or on separate sheets) what the Member has done which you believe falls below the standards expected of them.

It is important that you provide all the information you wish to have taken into account when a decision is made about whether to take any action on your complaint. For example:

- If you are complaining about one or more Members you should clearly explain what each individual person has done;
- You should consider whether the Member was acting or you perceived they were acting in their official capacity as a Councillor or as a normal member of the public. This process only applies to Members acting in their official capacity.
- You must set out which of the General Obligations contained in the Member's Code of Conduct have been breached;
- You should be specific wherever possible about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.
- You should provide confirmation of the outcome you are seeking.

Appendix 4

Please provide us with the details of your complaint. Continue on a separate sheet if necessary:

You must use this box to specify which of the General Obligations set out in the Code of Conduct you consider have been breached:

Appendix 4

You must use this box to set out why you consider the General Obligations identified above have been breached identifying any other documents/information which may be relevant in support of your concerns:

3. CONFIDENTIALITY

The existence and content of all complaints will remain strictly confidential and shall not be published, discussed or otherwise disclosed until a conclusion has been reached and unless it is a requirement of this or the hearing process (for example at an investigative interview or hearing) or the Subject waives this requirement by making the disclosure themselves.

You are requested to respect the overall confidentiality of the process and should not therefore disclose the details of your complaint to anyone other than your close friends and family members (on the understanding that they will also keep the details confidential) and/or anyone who may be able to provide information to the Monitoring Officer and/or Investigator in support of your concerns. The Monitoring Officer, Chairman, Vice Chairman, Independent Person, Town/Parish Clerk and Investigating Officer are also subject to the same requirements.

Please be aware however that In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are therefore unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that you will suffer significantly by physical or mental detriment. If you consider that this may be the case then please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The request will be considered alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint. However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to (for example if we are obliged to refer the matter to the Police for investigation).

4. ADDITIONAL HELP

We can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing. We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible. Please return this form to the Monitoring Officer: *[insert address, and email address and phone number]*.

5. DECLARATION

I confirm that the contents of this Form are true to the best of my knowledge and belief and that I have read and understood the Guidance: Submitting a Complaint.

| | |
|----------------|-------|
| Signed: | |
| Dated: | |

INITIAL ASSESSMENT DECISION NOTICE

BACKGROUND

SUBJECT MEMBER: *[Insert]*

1. COMPLAINT

- 1.1. On *[date]* the Monitoring Officer received a formal complaint from *[insert]* (“the Complainant”), alleging that *[insert]* (“the Subject Member”) had breached the Fenland District Council Code of Conduct.
- 1.2. The Complaint relates to *[summary of complaint]*.
- 1.3. The Subject Member was invited to comment on the complaint with a view to establishing whether or not the concerns could be informally resolved. The Complainant has confirmed that they do not consider their concerns to be capable of informal resolution and an initial assessment of the complaint has therefore been completed by the Independent Person in consultation with the Monitoring Officer.

2. EVIDENCE CONSIDERED

- 2.1. The following documents and information were considered for the purposes of initial assessment of this complaint:-
 - 2.1.1. Complaint sent by *[insert]* on *[date]*;
 - 2.1.2. Response from the Subject Member *[and associated attachments]* sent by *[insert]* on *[date]*;
 - 2.1.3. Confirmation by the Complainant that the complainant could not be informally resolved sent by *[insert]* on *[date]*; and
 - 2.1.4. The Council’s Members’ Code of Conduct and Procedure Rules.

3. JURISDICTION

- 3.1. For a complaint to be considered in connection with the Member’s Code of Conduct, the following test must be satisfied:
 - 3.1.1. the complaint was made against a person who, at the time the alleged action took place, was a member of *[Fenland District Council/relevant Town/Parish Council]*; and
 - 3.1.2. the Subject Member had signed up to the Members’ Code of Conduct in force at the time the alleged action took place; and

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3.1.3. the Subject Member was conducting the business of their authority or acting, claiming to act or giving the impression of acting as a representative of the authority.

3.2. The Independent Person [or Deputy Independent Person] has concluded that *[all three limbs of this test are satisfied in this matter OR state which limbs are fulfilled and where they are unfulfilled the overall impact on the management of the complaint]*.

4. INITIAL ASSESSMENT

4.1. The Complaint

4.1.1. The Independent Person [or Deputy Independent Person] with advice from the Monitoring Officer as appropriate have considered whether the actions of the Subject Member described in paragraph 1.2 above constitute a breach of the following provisions of the Members' Code of Conduct:

4.1.1.1. *[set out specific breaches and relevant paragraphs of the Code of Conduct for each element of the Complaint]*.

4.1.2. The Complaint and Subject Member's response can be summarised as follows:

4.1.2.1. The First Complainant alleges that the Subject Member *[insert detail]*.

4.1.2.2. The Subject Member has responded to confirm that *[insert detail]*.

4.1.3. The Independent Person having considered all of the available evidence with the pertinent factors having been identified as follows:

4.1.4. As to the question of whether *[summarise key considerations for each allegation]*.

4.1.5. In conclusion the Independent Person's view is that:

4.1.5.1. In respect of the allegation of the Subject Member having failed to *[identify alleged breach of Code and conclusion for each accusation]*.

4.1.6. As a consequence of the above, the Independent Person advised that in their opinion there was *[no apparent breach of the Code of Conduct and therefore no further action should be taken or that the Code may have been breached in respect of the following allegations - list]*.

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- 4.1.7. The Monitoring Officer [or Deputy Monitoring Officer] concurs and therefore *[no further action will be taken or the allegations will be referred for investigation/to the Conduct Committee for determination. Where referral is made for investigation specify the scope and expectations with regard to who will conduct it i.e. internal/external investigation].*

Approved By: **Councillor Topgood/Councillor Wallwork**
[Insert] Independent Person [or Deputy Independent Person]
[Insert] Monitoring Officer [or Deputy Monitoring Officer]

Dated: **[Insert]**

CONDUCT COMMITTEE HEARING PANEL: DECISION NOTICE

INTRODUCTION

Subject Members:

Complainant:

Chairman:

Panel Members:

Independent Person:

Monitoring Officer:

Investigating Officer:

Clerk:

Date:

SUMMARY OF THE ALLEGATION

On *[date]*, a complaint was received by the Monitoring Officer about the conduct of Councillor *[insert]* in relation to *[insert description]*.

Following the initial consideration of the complaint by the Monitoring Officer and Independent Person on *[date]*, it was determined that *[an investigation should be commissioned to consider all of the issues raised/the matter could proceed straight for consideration by the Hearing Panel]*.

[The investigation was carried out externally by [Insert] and concluded that there had been a breach of the code. A hearing was therefore arranged and the Hearing Panel tasked with determining whether or not there has been a breach of the Code and, if so, what sanction is required].

RELEVANT SECTIONS OF THE CODE OF CONDUCT

Appendix 6

The investigation report indicated a breach of the following general obligations of the Code of Conduct:

- *[Rule 3.1 - Failure to treat others with respect;*
- *Rule 3.2(a) - Conduct in breach of UK Equalities legislation;*
- *Rule 3.2(b) - Conduct which amounts to bullying of any person;*
- *Rule 3.2(c) - Intimidation or attempted intimidation of any person who is or is likely to be [a complainant, a witness, involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including the Subject Member) has failed to comply with the Code of Conduct;*
- *Rule 3.2(d) - Conduct which compromises or is likely to compromise the impartiality of those who work for or on behalf of Fenland District Council;*
- *Rule 3.2(e) - Conduct which could reasonably be regarded as bringing the Subject Member's office or Fenland District Council into disrepute;*
- *Rule 4.1 - Disclosure of information given to the Subject Member in confidence by anyone or information acquired by the Subject Member which they believe, or ought reasonably to be aware, is of a confidential nature and no lawful exemptions apply;*
- *Rule 4.2 - Preventing access to information by any person who is entitled to it by law;*
- *Rule 5.1 - Use or attempted use by the Subject of their position as a member improperly to confer on, or secure for themselves or any person an advantage or disadvantage;*
- *Rule 6.1 - Failing to act in accordance with Fenland District Council's reasonable requirements when using or authorising the use by others of its resources;*
- *Rule 6.1 - Failing to ensure that Fenland District Council's resources are not used improperly for political purposes;*
- *Rule 6.2 - Failing to have regard to Fenland District Council's Code of Publicity.]*

PRELIMINARY MATTERS DETERMINED BY THE HEARING PANEL

[Set out the detail of any preliminary issues considered and the conclusion reached together with any reasons given].

SUMMARY OF EVIDENCE CONSIDERED AND REPRESENTATIONS MADE

Presentation of the Complaint

The Investigating Officer ("IO") summarised the content of his investigation report and in particular drew the Panel's attention to *[insert detail]*.

The witness *[insert]* informed the Panel that *[insert detail]*.

Presentation of the Response

Councillor *[insert]* gave evidence as to the facts and in particular *[insert detail]*.

The witness *[insert]* informed the Panel that *[insert detail]*.

Points Covered During Questioning

The following matters were discussed during questioning *[insert]*.

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Summing Up by IO

The IO summed up to confirm that *[insert]*.

Summing Up by Subject Member

Cllr *[insert]* contended that *[insert detail]*.

The Views of the Independent Person

The Independent Person (IP) expressed their view that *[insert]*.

Advice Given by the Monitoring Officer

The Monitoring Officer, following a request for advice confirmed that *[insert]*.

DECISION AND FINDINGS

The Panel confirmed that it had listened carefully to the Investigating Officer, Councillor *[insert]*, *[their representatives and witness]* and the views of the Council's Independent Person.

The Panel confirmed that it had decided *[unanimously/by majority]* that *[it agreed/disagreed]* with the conclusions of the investigation report. In particular that *[insert detail]*.

REPRESENTATIONS AS TO SANCTIONS

Investigating Officer

The Investigating Officer shared their opinion that *[insert]*.

Subject Member

Councillor *[insert]* contended that *[insert]*.

Independent Person

The Independent Person offered their view that *[insert]*.

Monitoring Officer

The Monitoring Officer advised that *[insert detail]*.

SANCTIONS & POST-HEARING ACTIONS

The Panel confirmed again that it had considered the representations of all concerned regarding the form of sanction that should be imposed.

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The Panel's decision was to *[insert detail]*.

GUIDANCE: MAKING A CONDUCT COMPLAINT

INTRODUCTION

Complaints that a Fenland District, Town or Parish Councillor may have breached the **Code of Conduct**, are dealt with by the Monitoring Officer in consultation with the Council's Independent Person.

The **Code of Conduct** can be found on Fenland District Council's website at Part 5 of the Constitution [[insert link](#)].

Please note that the Monitoring Officer can only deal with complaints about the behaviour of a Councillor covered by the **Code of Conduct** and not when they are 'off-duty' or acting in their private/personal capacity. Where the Monitoring Officer does not consider this to be the case they will be obliged to confirm that they are unable to progress your complaint.

MAKING A COMPLAINT

If you wish to make a complaint, please contact the Monitoring Officer either by email at monitoringofficer@fenland.gov.uk or by post at Fenland District Council, Fenland Hall, County Road, March, PE15 8NQ.

You will be asked to complete a **Conduct Complaint Form** in order for your complaint to be processed and this is available from the Council's website [[insert link](#)] or on request from the Monitoring Officer.

The Conduct Complaint Form contains different sections which are designed to assist in ensuring that all relevant information is included. You must provide as much information as possible about how you think the General Obligations of the **Code of Conduct** have been breached together with any supporting evidence such as extracts from social media and the names and contact details of anyone else who may have witnessed the behaviour you are complaining about.

Examples of possible breaches of the General Obligations include (but are not limited to):

- behaviour which is disrespectful or could amount to bullying or discrimination.
- behaviour which compromises the impartiality of people who work for or on behalf of Fenland District Council or which has or is capable of damaging the reputation of the Council or Councillor.
- Disclosure of information which is confidential. Use of position to improperly obtain an advantage or disadvantage for themselves or someone else.

If you do not include enough information the Monitoring Officer will contact you to ask for more. If you do not provide it or there is simply not enough information on which to make an initial assessment the Monitoring Officer will be obliged to confirm that they are unable to progress your complaint.

You are required in the **Conduct Complaint Form** to provide the Monitoring Officer with your name and contact address and/or email address so that your complaint can be acknowledged and you can be kept informed as it progresses.

The Monitoring Officer will not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

If you are concerned about your name being shared with the Councillor who is the subject of your

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complaint you can request that it remains confidential and your reasons for that within the **Conduct Complaint Form**. In that instance, the Monitoring Officer will not disclose your name and address without prior consent. However, the Monitoring Officer has to balance your request against the need to ensure that a fair process is followed which in some instances will require an understanding of who has made the complaint.

If the Monitoring Officer does not consider your reasons justify anonymity or for your name to remain confidential, you will be informed and given the opportunity to withdraw if you do not wish to proceed without it.

All complaints will be treated as confidential unless and until the Monitoring Officer publishes a Decision Notice following the initial assessment of your complaint or, if it is not resolved at that stage, where a meeting of the Hearing Panel is required. You should not therefore disclose the details of your complaint to anyone other than your close friends and family members (on the understanding that they will also keep the details confidential) and/or anyone who may be able to provide information to the Monitoring Officer and/or Investigator in support of your concerns. Equally the Monitoring Officer, Chairman, Independent Person and Investigating Officer will also keep the details of your complaint confidential from members of the public during the initial assessment and investigation. Details of your complaint will therefore only be published once a conclusion has been reached or unless the subject of your complaint waives this requirement.

Initial Assessment

The Monitoring Officer will acknowledge your complaint in writing within 5 working days of receiving it. Where an email address has been provided the Monitoring Officer will use this unless you have specifically requested correspondence by post.

Unless exceptional circumstances exist, the Monitoring Officer will always inform the Councillor that a complaint has been received by providing them with a copy of the **Conduct Complaint Form** (with any personal details excluded if a request for confidentiality/anonymity has been agreed). They will then be provided with a period of 7 working days (or more depending on the complexity of the complaint and the amount of information to consider) to provide their comments. The Monitoring Officer will also notify the Chairman of the Conduct Committee (“the Chairman”) (or Vice Chairman if the complaint relates to the Chairman or the Chairman is otherwise unavailable for any other reason) that a complaint has been received and the nature of it.

Once the Monitoring Officer has received the Councillor’s comments they will share them with you and ask you to consider whether you are satisfied with the response and/or if the complaint is capable of an ‘informal resolution’. This means that your complaint will be concluded outside the formal process and might be appropriate where for example the Councillor apologises or agrees to remove an offending post or comment from social media.

If you confirm that your complaint is not capable of being resolved informally then the Monitoring Officer will complete an initial assessment of your complaint in consultation with the Chairman and the Independent Person (“the Initial Assessment”).

As part of the Initial Assessment the Monitoring Officer, Chairman and Independent Person will take into account the following factors in deciding what if any further action is required in relation to your complaint:

- Whether there is insufficient information upon which to base a decision;
- Whether a significant amount of time (typically more than 6 months) has elapsed since the events which are the subject of the complaint;
- Whether the issue complained of in relation to the particular Subject(s) have already been considered under this Procedure;
- Whether the complaint appears to be politically motivated, trivial, vexatious, tit for tat, repetitious or otherwise a general misuse of this Procedure;

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- Whether the conduct occurred at a time when the Subject was not or could not have been considered to be acting in their official capacity;
- Whether the complaint concerns someone who is no longer a Councillor; and
- Whether the complaint is essentially against the Council as a whole and should not be directed at an individual.

Where it is considered that there may have been a breach of the Code the Chairman and Independent Person will decide, in consultation with the Monitoring Officer whether or not an investigation is required and if so, will put in place arrangements to appoint an investigator (who may or may not be an employee of Fenland District Council) and agree which of your concerns will be investigated. Where no further investigation is required, your complaint will be referred for consideration by the Hearing Panel.

The Monitoring Officer will write to you to let you know what the Pre-Sift decided and, where your complaint has been dismissed, the reasons for that.

Possible Outcomes

If the Initial Assessment identifies that a breach of the **Code of Conduct** may have occurred your complaint may be further investigated and/or referred to the Conduct Committee for determination.

If the Initial Assessment identifies that the issues set out in the **Conduct Complaint Form** are vexatious, trivial or tit-for-tat or that it would be otherwise inappropriate to progress your complaint then no further action will be taken.

Investigation

Once an Investigator has been identified they may contact you and any witnesses to discuss your complaint and to obtain any additional information they might need. They will also contact the Councillor and any witnesses they might have.

The investigation will be completed as soon as reasonably possible and the Investigator will then prepare a draft Report which will be shared with you and the Councillor for any final comments. Once these have been considered the final report will be sent to the Monitoring Officer and the Investigator will confirm whether or not in their view there has been a breach of the **Code of Conduct**.

Possible Outcomes

Where the Investigator concludes that there has not been a breach of the **Code of Conduct** and the Chairman of the Conduct Committee, Independent Person are in agreement, no further action will be taken.

Whether the Investigator concludes that there has been a breach of the **Code of Conduct** and it is not possible to reach a summary resolution, the Monitoring Officer, in consultation with the Chairman and Independent Person will arrange a Conduct Hearing where a final decision will be taken.

Conduct Hearing

The Monitoring Officer will put in place arrangements for a meeting of the Hearing Panel as soon as possible. This can take up to a month depending on the availability of everyone who is required to attend and the time required to prepare and publish the Agenda pack.

The Monitoring Officer will let you know the date of the hearing once it has been agreed. They may well have asked you if there are any dates that you would not be available and these will be taken into account when making the arrangements if the Investigator has indicated that they would like you to be

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there. Otherwise there is no requirement for you to attend unless you would like to in which case you can observe the hearing but you will not usually be invited to speak.

The Hearing Panel will be made up of 3 Councillors of the Conduct Committee (“the Hearing Panel”) and the Monitoring Officer will let you know who they are. You should let the Monitoring Officer know as soon as possible if you think there might be a conflict of interest for instance if you are a close friend, family member or business colleague of one of the Councillors listed.

The Council must make sure that the Agenda pack is available online or for inspection at its offices for at least 5 working days before the meeting takes place. The Agenda pack will contain a copy of your **Conduct Complaint Form** which unless agreed will contain your name and that of any witnesses (but not yours or their address/contact details) together with the Councillor’s response, the view of the Pre-Sift and where applicable, the Investigator’s Report.

Meetings of the Hearing Panel usually take place in public and the Agenda and Minutes will be published on the Council’s website. There are some exceptions to this but they are limited so it is important that the Monitoring Officer is aware of any concerns you might have about your name and the details of your complaint being published as soon as possible. If it has already been agreed that your name will remain confidential then it will not be published however if you think you could still be identified from the details of the complaint you should again discuss this with the Monitoring Officer. You can find examples of previous Minutes and Decisions on the Council’s website [*insert link*].

The Hearing Panel will follow the procedure set out in the **Conduct Procedure Rules** which are available to view on the Council’s website [*insert link*]. A summary of the hearing procedure will also be included in the Agenda pack.

The sanctions available to the Hearing Panel are as follows:

- Report its findings to Full Council for information;
- Issue a formal Letter of reprimand;
- Recommend to the Subject’s Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Subject be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Recommend to Council to remove the Subject from all outside appointments to which they have been appointed or nominated by the authority;
- Recommend to Council that it withdraws facilities provided to the Subject by the Authority such as a computer, website and/or email and internet access;
- Recommend to the Council that it excludes the Subject from the Council’s office or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- Offer additional training for the Subject.
- Publication of formal notification of breach in a newspaper circulating in the area.

NB: A Motion of Censure, if agreed, is in basic terms an expression of strong disapproval or harsh criticism.

Possible Outcomes

If the Hearing Panel decides that there has been a breach of the **Code of Conduct** they will then consider and confirm what if any sanctions should be applied.

If the Hearing Panel decides that there has not been a breach of the **Code of Conduct** the hearing

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will conclude and no further action will be taken.

CONCLUSION

If you decide to make a complaint then unless it is capable of informal resolution, you should expect that it could take up to 6 months to conclude however everyone involved in the process will make every effort to ensure that your concerns are addressed at the very earliest opportunity.

Conduct complaints are a matter of public interest and the Council is therefore required to publish information relating to the complaint and where relevant the decision of the Conduct Committee and Hearing Panel. It is generally also considered that the full circumstances of the complaint (including the identity of the person complaining) should be made available to the Councillor in order to ensure the overall fairness of the process. For example it may be that knowing your identity will add some context that will enable the Councillor to provide an explanation that you are able to accept or which will assist them in defending their actions.

If you have any questions or concerns at any stage in the process you can contact the Monitoring Officer who will go through the options with you. The Monitoring Officer will make sure that you are kept up-to-date at the conclusion of each stage of the process and you must keep the Monitoring Officer informed if you have any concerns or additional information.

There is no right of appeal against a decision taken by the Monitoring Officer, Pre-Sift, Conduct Committee or Hearing Panel however if you have any concerns at the conclusion of the process you can raise these with the Local Government Ombudsman at <https://www.lgo.org.uk/make-a-complaint>.

MEMBER GUIDANCE: HEARING PANEL PROCESS

INTRODUCTION

This Guidance has been prepared to provide an overview of the Hearing Procedure Rules for members of the Hearing Panel of the Conduct Committee.

The Guidance should be read in conjunction with the **Terms of Reference for the Hearing Panel, the Members' Code of Conduct and the Hearing Procedure Rules**.

OVERVIEW OF HEARING PROCEDURE

| PRELIMINARY MATTERS | |
|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | The Chairman of the Panel will introduce the members of the Panel, the Independent Person, the Subject, the Investigating Officer, the complainant if present and any officers. |
| 2 | Declarations of Interest will be taken. |
| 3 | The Chairman will explain that the hearing will normally be held in public unless the Panel exercises its discretion to exclude the public from all or part of the hearing in accordance with Schedule 12A the Local Government Act 1972. The Monitoring Officer will confirm whether there has been a request for the hearing, or any part of it to be held in private. The Panel will determine that request. |
| 4 | The Chairman will explain the reason for the meeting and outline the procedure to be followed. |
| 5 | The Chairman may choose to vary this procedure if they are of the opinion that such a variation is necessary in the interests of fairness. |
| 6 | The Chairman will confirm that all those involved understand the procedure to be followed and ask if there are any preliminary issues which anyone wishes to raise before the Hearing begins. |
| 7 | If any procedural issues are raised, the Panel will hear representations on them and determine them before beginning the hearing. |
| 8 | If the Subject is not present at the start of the hearing, the Panel will consider any reasons given by them for their non-attendance. If the Panel is satisfied that there is good reason for their non-attendance, it may adjourn to another date. Where no reason has been given and the Panel is satisfied that the Subject has been properly notified of the hearing, it will proceed in his/her absence. |

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| HEARING | |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9 | The Investigator will be invited to summarise his/her report and findings and make any representations about any pre-hearing submission of the Subject. The Investigator may call any witnesses, including the complainant. |
| 10 | The Subject will be invited to make representations in support of the facts concerned. The Subject may call any witnesses in support of the facts. Character witnesses will not be permitted. |
| 11 | The Panel has the discretion to question any of the parties as they see fit. The Independent Person or the Monitoring Officer may question any of the parties at the discretion of the Chairman. |
| 12 | The Subject and the Investigator will be given the opportunity to make closing statements if they wish to do so. |
| 13 | The Chairman will invite the Independent Person to share their opinion as to whether or not they consider there has been a breach of the Code of Conduct. |
| 14 | |
| THE DECISION | |
| 15 | The Chairman will then announce to all present at the Hearing the Panel's decision as to whether or not the Subject has failed to comply with the Code of Conduct, whilst setting out the facts upon which the conclusions have been reached. |
| 16 | If the Panel decides that the Subject has not failed to follow the Code of Conduct, the hearing will be concluded. |
| 17 | If the Panel decides that the Councillor has failed to comply with the Code of Conduct, it will consider any verbal or written representations from the Investigator, the Subject, the Independent Person and the Monitoring Officer, as to: <p>(a) whether or not the Panel should impose a sanction; and</p> <p>(b) what form of sanction(s) is/are appropriate.</p> |
| 18 | The Panel, the Independent Person and the Monitoring Officer will retire to consider the sanctions in private. The Monitoring Officer may be requested to give legal advice or clarify any of the evidence as required. Neither the Monitoring Officer or the Independent Person will participate in the decision. |
| 19 | The Panel will announce its decision in public at the conclusion of the hearing and will issue a full written decision including reasons within 10 working days of the hearing. The Monitoring Officer will make arrangements for the Decision Notice to be published on the Councils website. |

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SANCTIONS


When deciding whether to apply one or more sanctions, the Hearing Panel will consider the following questions along with any other relevant circumstances or factors specific to the local environment to include (but not exhaustively):

- What was the subject of the complaint's intention and did they know they were failing to follow the Code of Conduct;
- Did the subject of the complaint receive advice from officers before the incident and was that advice acted on in good faith;
- Has there been a breach of trust;
- Has there been financial impropriety e.g. improper expense claims or procedural irregularities;
- What was the result/impact of failing to comply with the Code of Conduct;
- How serious was the incident;
- Does the Subject accept that they were at fault;
- Did the Subject apologise to the complainant or other relevant persons;
- Has the subject of the complaint previously been reprimanded or warned for similar misconduct within the last 12 months;
- Has the Subject previously breached the Code of Conduct within the last 12 months;
- Is there likely to be a repetition of the incident.

The following sanctions may be imposed:

- Report its findings to Full Council for information;
- Issue a formal Letter of reprimand;
- Recommend to the Subject's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that they be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Subject be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- Recommend to Council to remove the Subject from all outside appointments to which they have been appointed or nominated by the authority;
- Recommend to Council that it withdraws facilities provided to the Subject by the Authority such as a computer, website and/or email and internet access;
- Recommend to the Council that it excludes the Subject from the Council's office or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- Offer additional training for the Subject.
- Publication of formal notification of breach in a newspaper circulating in the area.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' allowances however, this Hearing Procedure should be read in conjunction with the legislation as it exists at the time its decisions are taken and where additional sanctions are prescribed by law, they will be available to the Hearing Panel as if they formed part of this Procedure. The Monitoring Officer will then make the necessary arrangements to amend the Hearing Procedure at the next scheduled meeting of Full Council.

| | | |
|-----------------|----------------------------------------------------------------------|------------------------------------------------------------------------------------|
| Agenda Item No: | 9 |  |
| Committee: | Council | |
| Date: | 18 September 2019 | |
| Report Title: | Regulation of Investigatory Powers Act (RIPA) – Policy Update | |

1 Purpose / Summary

- To request that Council approve a recommendation by Corporate Governance Committee to agree the revised Regulation of Investigatory Powers Act (RIPA) policy which reflects the updated codes of practice.

2 Key issues

- RIPA allows Councils to carry out certain types of surveillance (when investigating suspected benefit fraud, or fly tipping cases for example). Evidence from these surveillance activities may be used by the Council in court proceedings. The Act details how surveillance must be controlled and undertaken.
- In preparing this policy the Council has followed the RIPA Codes of Practice (August 2018), Office of Surveillance Commissioners (OSC) Procedures and Guidance 2016 (still current).
- As of 1 Sept 2017 oversight of RIPA is provided by the Investigatory Powers Commissioner's Office (IPCO). They are the independent inspection office whose remit includes providing comprehensive oversight of the use of the powers to which the RIPA code applies, and adherence to the practices and processes described in it.
- The revised Codes of Practice have resulted in comprehensive changes, which have been reflected in the revised policy for members consideration

3 Recommendations

- That Council approve the recommendation of Corporate Governance Committee that the revised RIPA policy, attached to this report, is approved.

| | |
|-------------------------------|--------------------------------------------------------------|
| Wards Affected | All |
| Forward Plan Reference | N/A |
| Portfolio Holder(s) | Cllr John Clark – Chairman of Corporate Governance Committee |

| | |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Report Originator(s) | Anna Goodall – Head of Governance and Customer Services agoodall@fenland.gov.uk 01354 622357 |
| Contact Officer(s) | Peter Catchpole – Corporate Director and Section 151 Officer Carol Pilson – Corporate Director & Monitoring Officer Anna Goodall – Head of Governance and Customer Services |
| Background Paper(s) | Corporate Governance – RIPA Policy Update – July 2019. |

Regulation of Investigatory Powers Act 2000 (RIPA)

Policy and Guidance

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PART A Introduction & RIPA General

1. Introduction

- 1.1 The performance of certain investigatory functions of Local Authorities may require the surveillance of individuals or the use of undercover officers and informants. Such actions may intrude on the privacy of individuals and can result in private information being obtained and as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) governs these activities and provides a means of ensuring that they are carried out in accordance with law and subject to safeguards against abuse.

All surveillance activity can pose a risk to the Council from challenges under the Human Rights Act (HRA) or other processes. Therefore, it must be stressed that all staff involved in the process must take their responsibilities seriously which will assist with the integrity of the Council's processes, procedures and oversight responsibilities.

In preparing this policy the Council has followed the RIPA Codes of Practice (August 2018), Office of Surveillance Commissioners (OSC) Procedures and Guidance 2016 (still current).

If having read this document you are unclear about any aspect of the process, seek the advice from

- Carol Pilson Corporate Director Monitoring Officer – Senior Responsible Officer (SRO),
- Anna Goodall Head of Service – RIPA Coordinator,
- Sam Anthony Head of Service – RIPA Authoriser.
- Peter Catchpole Corporate Director S151 Officer – RIPA Authoriser
- Gary Garford, Corporate Director – RIPA Authoriser

2. Scope of Policy

- 2.1 The purpose of this Policy is to ensure there is a consistent approach to the undertaking and authorisation of surveillance activity that is carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS). This will ensure that the Council complies with the Regulation of Investigatory Powers Act 2000 (RIPA).
- 2.2 This document provides guidance on the authorisation processes and the roles of the respective staff involved.
- 2.3 The policy also provides guidance on surveillance which is necessary to be undertaken by the authority but cannot be authorised under the RIPA legislation. This type of surveillance will have to be compliant with the Human Rights Act. (See Section 21).

- 2.4 The policy also identifies the cross over with other policies and legislation, particularly with the Data Protection Act and the Criminal Procedures Act.
- 2.5 All RIPA covert activity will have to be authorised and conducted in accordance with this policy, the RIPA legislation and Codes of Practice. Therefore, all officers involved in the process will have regard to this document and the statutory RIPA Codes of Practice issued under section 71 RIPA (current version issued in August 2018) for both Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). The Codes of Practice are available from:

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

3. Background to RIPA and Lawful Criteria

- 3.1 On 2nd October 2000 the Human Rights Act 1998 (HRA) came into force making it potentially unlawful for a Local Authority to breach any article of the European Convention on Human Rights (ECHR).
- 3.2 Article 8 of the European Convention on Human Rights states that: -
- 1) Everyone has the right of respect for his private and family life, his home and his correspondence.
 - 2) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.
- 3.3 The right under Article 8 is a qualified right and Public Authorities can interfere with this right for the reasons given in 3.2 (2) above if it is necessary and proportionate to do so.
- 3.4 Those who undertake Directed Surveillance or CHIS activity on behalf of a Local Authority may breach an individual's Human Rights, unless such surveillance is **lawful**, consistent with Article 8 of the ECHR and is both **necessary** (see Part D section 43) and **proportionate** (see Part D section 44) to the matter being investigated.
- 3.5 RIPA provides the legal framework for lawful interference to ensure that any activity undertaken, together with the information obtained, is HRA compatible.
- 3.6 However, under RIPA, Local Authorities can now only authorise Directed Surveillance for the purpose of preventing or detecting conduct which constitutes a criminal offence which is punishable (whether on summary conviction or indictment) by a maximum term of at least six months imprisonment; (serious crime criteria) or involves the sale of alcohol or tobacco to children. (See Part B Section 15)
- 3.7 The **lawful criteria for CHIS** authorisation is **prevention and detection of crime and prevention of disorder** and the offence does not have to have a sentence of 6 months imprisonment.
- 3.8 Furthermore, the Council's authorisation can only take effect once an Order approving the authorisation has been granted by a Justice of the Peace (JP).

3.9 RIPA ensures that any surveillance which is undertaken following a correct authorisation and approval from a Justice of the Peace is lawful. Therefore, it protects the authority from legal challenge. It also renders evidence obtained lawful for all purposes.

4. Consequences of Not Following RIPA

4.1 Although not obtaining authorisation does not make the authorisation unlawful per se, it does have significant consequences: -

- Evidence that is gathered may be inadmissible in court;
- The subjects of surveillance can bring their own claim on Human Rights grounds i.e. we have infringed their rights under Article 8;
- If a challenge under Article 8 is successful, the Council be subject to reputational damage and could face a claim for financial compensation;
- The Government has also introduced a system of tribunal to deal with complaints. Any person who believes that their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPTC) (See Complaints Part G section 67)
- It is likely that the activity could be construed as an error and therefore have to be investigated and a report submitted by the Senior Responsible Officer to the Investigatory Powers Commissioner's Office (IPCO). (See Part G Section 66 Errors)

5. Independent Oversight

5.1 RIPA was overseen by the Office of Surveillance Commissioners (OSC). However, from 1 Sept 2017 oversight is now provided by the Investigatory Powers Commissioner's Office (IPCO). They are the independent inspection office whose remit includes providing comprehensive oversight of the use of the powers to which the RIPA code applies, and adherence to the practices and processes described in it. They also provide guidance to be followed which is separate to the codes.

5.2 They have unfettered access to all locations, documentation and information systems as is necessary to carry out their full functions and duties and they will periodically inspect the records and procedures of the Council to ensure the appropriate authorisations have been given, reviewed, cancelled, and recorded properly.

5.3 It is the duty of any person who uses these powers to comply with any request made by a Commissioner to disclose or provide any information they require for the purpose of enabling them to carry out their functions. Therefore, it is important that the Council can show it complies with this Policy and with the provisions of RIPA.

PART B Surveillance, Types and Criteria

6. Introduction

6.1 It is important to understand the definition of surveillance; what activities are classed as surveillance and the different types of surveillance covered by RIPA and the HRA. Surveillance can be both overt and covert and depending on their nature, are either allowed to be authorised under RIPA or not. There are also different degrees of authorisation depending on the circumstances.

7. Surveillance Definition

7.1 Surveillance is:

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

8. Overt Surveillance

8.1 Overt surveillance is where the subject of surveillance is aware that it is taking place. Either by way of signage such as in the use of CCTV or because the person subject of the surveillance has been informed of the activity. Overt surveillance is outside the scope of RIPA and therefore does not require authorisation. However, it still must take account of privacy under the Human Rights Act and be necessary and proportionate. Any personal data obtained will also be subject of the Data Protection Act.

9. Covert Surveillance

9.1 Covert Surveillance is defined as “surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place” and is covered by RIPA. Covert surveillance is categorised as either **intrusive** or **directed**.

9.2 There are three categories of covert surveillance regulated by RIPA: -

- 1) **Intrusive surveillance** (Local Authorities are not permitted to carry out intrusive surveillance).
- 2) **Directed Surveillance;**
- 3) **Covert Human Intelligence Sources (CHIS);**

10. Intrusive Surveillance

- 10.1 Fenland District Council has no authority in law to carry out Intrusive Surveillance. It is only the Police and other law enforcement agencies that can lawfully carry out intrusive surveillance.
- 10.2 Intrusive surveillance is defined in section 26(3) of the 2000 Act as covert surveillance that:
- Is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
 - Involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- 10.3 Where surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by means of a device, without that device being present on the premises, or in the vehicle, it is not intrusive unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. Thus, an observation post outside premises, which provides a limited view and no sound of what is happening inside the premises, would not be considered as intrusive surveillance.
- 10.4 A risk assessment of the capability of equipment being used for surveillance on residential premises and private vehicles, such as high-powered zoom lenses, should be carried out to ensure that its use does not meet the criteria of Intrusive Surveillance.

11. Directed Surveillance Definition

- 11.1 The Council can lawfully carry out Directed Surveillance. Surveillance is Directed Surveillance if the following are all true:
- It is covert, but not intrusive surveillance;
 - It is conducted for the purposes of a specific investigation or operation;
 - It is likely to result in the obtaining of private information (see private information below) about a person (whether or not one specifically identified for the purposes of the investigation or operation);
 - It is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought.

12. Private information

- 12.1 By its very nature, surveillance may involve invading an individual's right to privacy. The level of privacy which individuals can expect depends upon the nature of the

environment they are in at the time. For example, within an individual's own home or private vehicle, an individual can expect the highest level of privacy. The level of expectation of privacy may reduce if the individual transfers out into public areas.

- 12.2 The Code of Practice provides guidance on what is private information. They state private information includes any information relating to a person's private or family life. As a result, private information is capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationships.
- 12.3 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities in public may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy even though acting in public and where a record is being made by a Public Authority of that person's activities for future consideration or analysis. Surveillance of publicly accessible areas of the internet should be treated in a similar way, recognising that there may be an expectation of privacy over information which is on the internet, particularly where accessing information on social media websites.
- 12.4 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a Directed Surveillance authorisation may be considered appropriate.
- 12.5 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a Directed Surveillance authorisation is appropriate.
- 12.6 Information which is non-private may include publicly available information such as, books, newspapers, journals, TV and radio broadcasts, newswires, websites, mapping imagery, academic articles, conference proceedings, business reports, and more. Such information may also include commercially available data where a fee may be charged, and any data which is available on request or made available at a meeting to a member of the public.
- 12.7 There is also an assessment to be made regarding the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance (see Part D section 45).

13. Confidential or Privileged Material

- 13.1 Particular consideration should be given in cases where the subject of the investigation or operation might reasonably assume a high degree of confidentiality. This includes where the material contains information that is legally privileged,

confidential journalistic material or where material identifies a journalist's source, where material contains confidential personal information or communications between a Member of Parliament and another person on constituency business. Directed Surveillance likely or intended to result in the acquisition of knowledge of confidential or privileged material must be authorised by the Chief Executive.

13.2 Advice should be sought from Legal Services if there is a likelihood of obtaining this type of material.

14. Lawful Grounds

14.1 As mentioned earlier the Lawful Grounds for Directed Surveillance is a higher threshold for Local Authorities and cannot be granted unless it is to be carried out for the purpose of preventing or detecting a criminal offence(s) and it meets the serious crime test i.e. that the criminal offence(s) which is sought to be prevented or detected is

- 1) Punishable, whether on summary conviction or on indictment, by a maximum term **of at least 6 months of imprisonment**, or,
- 2) Would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 (see 1.4 above). This is the only ground available to the Council and hence the only justification.

14.2 Preventing or detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences

15. Test Purchases

15.1 Test purchase activity does not in general require authorisation as a CHIS under RIPA as vendor-purchaser activity does not normally constitute a relationship as the contact is likely to be so limited. However, if a number of visits are undertaken at the same establishment to encourage familiarity, a relationship may be established and authorisation as a CHIS should be considered. If the test purchaser is wearing recording equipment and is not authorised as a CHIS, or an adult is observing, consideration should be given to granting a Directed Surveillance authorisation.

15.2 When conducting covert test purchase operations at more than one establishment, it is not necessary to construct an authorisation for each premise to be visited but the intelligence must be sufficient to prevent "fishing trips". Premises may be combined within a single authorisation provided that each is identified at the outset. Necessity, proportionality, and collateral intrusion must be carefully addressed in relation to each of the premises. It is unlikely that authorisations will be considered proportionate without demonstration that overt methods have been considered or attempted and failed. (Sec 245 OSC Procedures & Guidance 2016)

16. Urgent cases

- 16.1 As from 1 November 2012 there is no provision to authorise urgent oral authorisations under RIPA for urgent cases as all authorisations have to be approved by a J.P. If surveillance was required to be carried out in an urgent situation or as an immediate response, this would still have to be justified as necessary and proportionate under HRA. This type of surveillance is surveillance outside of RIPA.

17. Surveillance for Preventing Disorder

- 17.1 Authorisation for the purpose of preventing disorder can only be granted if it involves a criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment. Surveillance for disorder not meeting these criteria would need to be carried out as surveillance outside of RIPA. (See below)

18. CCTV

- 18.1 CCTV is now known as a Surveillance Camera Systems Section 29(6) Protection of Freedoms Act 2012. ∴ "Surveillance camera systems" is taken to include:

(a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems;

(b) any other systems for recording or viewing visual images for surveillance purposes;

This includes

- CCTV;
 - Body Worn Video (BWV)
 - Automatic Number Plate Recognition;
 - Deployable mobile overt mobile camera systems.
 - Any other system for recording or viewing visual images for surveillance purposes;
 - Any systems for storing, receiving, transmitting, processing or checking images or information obtained by those systems; and
 - Any other systems associated with, or otherwise connected with those systems.
- 18.2 The use of the conventional town centre CCTV systems operated by the Council do not normally fall under the RIPA regulations. However, it does fall under the Data Protection Act 2018, the Surveillance Camera Code 2013, Information Commissioner's Office (ICO) 'In the picture: a data protection code of practice for surveillance cameras and personal information' and the Councils CCTV policy.

However, should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance it is likely that the activity will fall under Directed Surveillance and therefore require an authorisation.

- 18.3 Operators of the Councils CCTV system need to be aware of the RIPA issues associated with using CCTV and that continued, prolonged systematic surveillance of an individual may require an authorisation.
- 18.4 On the occasions when the CCTV cameras are to be used in a Directed Surveillance situation either by enforcement officers from relevant departments within the Council or outside Law Enforcement Agencies such as the Police, the Fenland District Council CCTV policy should be followed where relevant as well as the RIPA Codes of Practice.
- 18.5 The CCTV staff are to have a copy of the authorisation form in a redacted format, or a copy of the authorisation page. If it is an urgent oral authority from the Police, a copy of the applicant's notes are to be retained or at least some other document in writing which confirms the authorisation and exactly what has been authorised. It is important that the staff check the authority and only carry out what is authorised. A copy of the application or notes is also to be forwarded to the central register for filing. This will assist the Council to evaluate the authorisations and assist with oversight.
- 18.6 The Surveillance Camera Code of Practice 2013 defines a 'surveillance camera system' as:
- any other systems for recording or viewing visual images for surveillance purposes;
 - any systems for storing, receiving, transmitting, processing or checking the images or information obtained.
- 18.7 This definition will include body worn video (BWV) and overt cameras deployed to detect waste offences such as fly-tipping. This definition has far reaching implications as the use of any cameras that meet the requirement will have to be used in a manner that complies with the codes of practice mentioned above and the Data Protection Act.

19. Automatic Number Plate Recognition (ANPR)

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

20 Internet and Social Media Investigations

- 20.1 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources available to the public, whether by payment or otherwise to use as intelligence and evidence.
- 20.2 The use of online open source internet and social media research techniques has become a productive method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues and debt recovery. However, the use of the internet and social media is constantly evolving and with it the risks associated with these types of enquiries, particularly regarding breaches of privacy under Article 8 Human Rights Act (HRA) and other operational risks.
- 20.3 The internet is another method of carrying out surveillance (See definition section 20) and a computer is a surveillance device. Repeat viewing of individual 'open source' sites for the purpose of intelligence gathering and data collation may constitute Directed Surveillance. Activities of monitoring through, for example, a Facebook profile for a period of time and a record of the information is kept for later analysis or evidential purposes is likely to require a RIPA authorisation. Where covert contact is made with another person on the internet a CHIS authority may be required.
- 20.4 Where this is the case, the application process and the contents of this policy is to be followed.
- 20.5 Where the activity falls within the criteria of surveillance or CHIS outside of RIPA, again this will require authorising on a non RIPA form which will be authorised internally.
- 20.6 There is a detailed separate corporate policy that covers online open source research which should be read and followed in conjunction with this policy.

21. Surveillance Outside of RIPA

- 21.1 As already explained, for Directed Surveillance the criminal offence must carry a **6-month prison sentence** (Directed Surveillance crime threshold) or relate to the sale of alcohol or tobacco to children. This means that there are scenarios within an investigation that do not meet this threshold, however it is necessary to undertake surveillance. This will fall outside of RIPA. Examples include:
- Surveillance for anti-social behaviour disorder which do not attract a maximum custodial sentence of at least six months imprisonment.
 - Planning enforcement prior to the serving of a notice or to establish whether a notice has been breached.
 - Most licensing breaches.
 - Safeguarding vulnerable people.
 - Civil matters.
- 21.2 In the above scenarios they are likely to be a targeted surveillance which are likely to breach someone's article 8 rights to privacy. Therefore, the activity should be

conducted in way which is HRA compliant, which will include necessary and proportionate.

22 Disciplinary Investigations

- 22.1 Non RIPA surveillance also includes staff surveillance in serious disciplinary investigations. Guidance dictates that this type of surveillance must be compliant with the Monitoring at Work Guidance issued by the Information Commissioner. This is to ensure that it complies with the HRA.
- 22.2 Should the investigation also involve a criminal offence which meet the RIPA criteria such as fraud, the option to carry out the surveillance under RIPA should be considered. However, it must be a genuine criminal investigation with a view to prosecuting the offender.
- 22.3 Should it be necessary to undertake disciplinary surveillance advice should be sought from the Legal Services Team.
- 22.4 The RIPA codes also provide guidance that authorisation under RIPA is not required for the following types of activity:
- General observations as per section 3.33 in the codes of practice that do not involve the systematic surveillance of an individual or a group of people and should an incident be witnessed the officer will overtly respond to the situation.
 - Use of overt CCTV and Automatic Number Plate Recognition systems.
 - Surveillance where no private information is likely to be obtained.
 - Surveillance undertaken as an immediate response to a situation.
 - Covert surveillance not relating to criminal offence which carries a maximum sentence of 6 months imprisonment or relate to the sale of alcohol or tobacco to children (surveillance outside of RIPA).
 - The use of a recording device by a CHIS in respect of whom an appropriate use or conduct authorisation has been granted permitting them to record any information in their presence.
 - The covert recording of noise where the recording is of decibels only or constitutes non-verbal noise (such as music, machinery or an alarm), or the recording of verbal content is made at a level which does not exceed that which can be heard from the street outside or adjoining property with the naked ear. In the latter circumstance, the perpetrator would normally be regarded as having forfeited any claim to privacy. In either circumstance this is outside of RIPA.
- 22.5 As part of the process of formally recording and monitoring non RIPA surveillance, a non RIPA surveillance application form should be completed and authorised by an

Authorising Officer. (It has always been recommended that it should still be an AO. This will also improve their authorisation skills.) A copy of the non RIPA surveillance application form can be obtained from the RIPA Coordinator or Authorising Officer

- 22.6 The SRO will therefore maintain an oversight of non RIPA surveillance to ensure that such use is compliant with Human Rights legislation. The RIPA Co Ordinator will maintain a central record of non RIPA surveillance.

23. Joint Agency Surveillance

- 23.1 In cases where one agency is acting on behalf of another, it is usually for the tasking agency to obtain or provide the authorisation. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the Police. If it is a joint operation involving both agencies, the lead agency should seek authorisation.
- 23.2 Council staff involved with joint agency surveillance are to ensure that all parties taking part are authorised on the authorisation form to carry out the activity. When staff are operating on another organisation's authorisation they are to ensure they see what activity they are authorised to carry out and make a written record. They should also provide a copy of the authorisation to the RIPA Co Ordinator. This will assist with oversight of the use of Council staff carrying out these types of operations. Line Managers should be made aware if their staff are involved in this type of surveillance.

24. Use of Third-Party Surveillance

- 24.1 In some circumstances it may be appropriate or necessary for Fenland District Council to work with third parties who are not themselves a Public Authority (such as an individual, company or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of the Council, then they are acting as our agent and any activities that the third party conducts which meet the RIPA definitions of Directed Surveillance should be authorised. This is because the agent will be subject to RIPA in the same way as any employee of the Council would be. The Authorising Officer should ensure that the agents are qualified or have the necessary skills to achieve the objectives. They should also ensure that they understand their obligations under RIPA. If advice is required, please contact the Senior Responsible Officer, RIPA Co-ordinator or Authorising Officer.
- 24.2 Similarly, a surveillance authorisation should also be considered where the Council is aware that a third party (that is not a Public Authority) is independently conducting surveillance and the Council intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation.

25. Surveillance Equipment

- 25.1 The Council will maintain a central register of all surveillance equipment such as cameras and noise monitoring devices. This will require a description, Serial Number, an explanation of its capabilities.
- 25.2 The register will be held and maintained by the RIPA Co-Ordinator. This equipment is available for all departments use.
- 25.3 All equipment capable of being used for Directed Surveillance such as cameras etc. should be fit for purpose for which they are intended.
- 25.4 When completing an Authorisation, the applicant must provide the Authorising Officer with details of any equipment to be used and its technical capabilities. The Authorising Officer will have to take this into account when considering the intrusion issues, proportionality and whether the equipment is fit for the required purpose. The Authorising Officer must make it clear on the Authorisation exactly what equipment if any they are authorising and in what circumstances.

PART C. Covert Human Intelligence Sources (CHIS)

26. Introduction

- 26.1 RIPA covers the activities of Covert Human Intelligence Sources (CHIS) which relates not only to sources commonly known as informants (members of the public providing the Council with information), but also the activities of undercover officers. It matters not whether they are employees of the Council, agents or members of the public engaged by the Council to establish or maintain a covert relationship with someone to obtain information.
- 26.2 Not all human source activity will meet the definition of a CHIS. For example, a source may be a public volunteer or someone who discloses information out of professional or statutory duty or has been tasked to obtain information other than by way of a covert relationship. However, Officers must be aware that such information may have been obtained in the course of an ongoing relationship with a family member, friend or business associate. The Council has a duty of care to all members of the public who provide information to us and appropriate measures must be taken to protect that source. How the information was obtained should be established to determine the best course of action. The source and information should also be managed correctly in line with the Criminal Procedures and Investigations Act (CPIA) and the disclosure provisions.
- 26.3 Recognising when a source becomes a CHIS is therefore important as this type of activity may need authorisation. Should a CHIS authority be required, all of the staff involved in the process should make themselves fully aware of the contents of this Policy and the CHIS codes of Practice.
- 26.4 A CHIS, their conduct, and the use to which they are put is defined within Section 26(7) and (8) of RIPA. Chapter 2 of the relevant Code provides examples of where this regime may apply.
- 26.5 Legal advice should always be sought where consideration is given to the use of CHIS.

27. Definition of CHIS

- 27.1 Individuals act as a covert human intelligence sources (CHIS) if they:
- i) establish or maintain a covert relationship with another person to obtain information.
 - ii) covertly give access to information to another person, or
 - iii) disclose information covertly which they have obtained using the relationship or they have obtained because the relationship exists.
- 27.2 A relationship is established, maintained or used for a covert purpose if and only if it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. This does not mean the relationship with the Council Officer and the person providing the information, as this is not covert. It relates to how the information was either obtained or will be obtained. Was it or will it be obtained from a third party without them knowing it was being passed on to the Council? This would amount to a covert relationship.
- 27.3 It is possible, that a person will become engaged in the conduct of a CHIS without a public authority inducing, asking or assisting the person to engage in that conduct. An authorisation should be considered, for example, where a public authority is aware that a third party is independently maintaining a relationship (i.e. “self-tasking”) in order to obtain evidence of criminal activity, and the public authority intends to make use of that material for its own investigative purposes. (Section 2.26 Codes of CHIS Codes of Practice)

28. Vulnerable and Juvenile CHIS

- 28.1 Special consideration must be given to the use of a Vulnerable Individual as a CHIS. A ‘Vulnerable Individual’ is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description, or a Juvenile as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive (or, in his absence, the Corporate Director – Monitoring Officer).
- 28.2 Special safeguards also apply to the use or conduct of Juvenile Sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under 16 years of age be authorised to give information against his parents or any person who has parental responsibility for him.
- 28.3 If the use of a Vulnerable Individual or a Juvenile is being considered as a CHIS you must consult Legal Services before authorisation is sought as authorisations should not be granted in respect of a Juvenile CHIS unless the special provisions contained within the Regulation of Investigatory Powers (Juveniles) Order 2000; SI No. 2793 are satisfied.

29. Lawful Criteria

- 29.1 The lawful criteria for CHIS authorisation is **prevention and detection of crime and prevention of disorder**. The serious crime criteria of the offence carrying a 6-month sentence etc. does not apply to CHIS.
- 29.2 Authorisations for Juvenile Sources must be authorised by the Chief Executive of the Council (or, in their absence, the Corporate Director – Monitoring Officer).

30. Conduct and Use of a Source

- 30.1 The way the Council use a CHIS for covert activities is known as ‘the use and conduct’ of a source.
- 30.2 The use of a CHIS involves any action on behalf of a Public Authority to induce, ask or assist a person to engage in the conduct of a CHIS, or to obtain information by means of the conduct of a CHIS.
- 30.3 The conduct of a CHIS is establishing or maintaining a personal or other relationship with another person for the covert purpose of:
- a. Using such a relationship to obtain information, or to provide access to information to another person, or
 - b. Disclosing information obtained by the use of such a relationship or as a consequence of such a relationship or
 - c. Is incidental to anything falling within a and b above.
- 30.4 In other words, an authorisation for conduct will authorise steps taken by the CHIS on behalf, or at the request, of a Public Authority.
- 30.5 The use of a source is what the Authority does in connection with the source, such as tasking (see section 33), and the conduct is what a source does to fulfil whatever tasks are given to them or which is incidental to it. The Use and Conduct require separate consideration before authorisation. However, they are normally authorised within the same authorisation.
- 30.6 The same authorisation form is utilised for both use and conduct. A Handler and Controller must also be designated, as part of the authorisation process (see Part E and section 42), and the application can only be authorised if necessary and proportionate. Detailed records of the use, conduct and tasking of the source also have to be maintained (see section 37).
- 30.7 Care should be taken to ensure that the CHIS is clear on what is or is not authorised at any given time, and that all the CHIS's activities are properly risk assessed. Care should also be taken to ensure that relevant applications, reviews, renewals and cancellations are correctly performed. (Section 210 CHIS Codes of Practice)
- 30.8 Careful consideration must be given to any particular sensitivities in the local community where the CHIS is being used and of similar activities being undertaken by other public authorities which could have an impact on the deployment of the CHIS. Consideration should also be given to any adverse impact on community

confidence or safety that may result from the use or conduct of a CHIS or use of information obtained from that CHIS. (Section 3.18 CHIS Codes of Practice)

31. Handler and Controller

31.1 Covert Human Intelligence Sources may only be authorised if the following arrangements are in place:

- That there will at all times be an officer (the **Handler**) within the Council who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security. The Handler is likely to be the investigating officer.
- That there will at all times be another officer within the Council who will have general oversight of the use made of the source; (**Controller**) i.e. the line manager.
- That there will at all times be an officer within the Council who has responsibility for maintaining a record of the use made of the source. See CHIS record keeping (see Section 37)

31.2 The **Handler** will have day to day responsibility for:

- Dealing with the source on behalf of the Local Authority concerned;
- Risk assessments
- Directing the day to day activities of the source;
- Recording the information supplied by the source; and
- Monitoring the source's security and welfare.
- Informing the Controller of concerns about the personal circumstances of the CHIS that might effect the validity of the risk assessment or conduct of the CHIS

31.3 The **Controller** will be responsible for:

- The management and supervision of the "Handler" and
- General oversight of the use of the CHIS;
- maintaining an audit of case work sufficient to ensure that the use or conduct of the CHIS remains within the parameters of the extant authorisation.

32. Undercover Officers

32.1 Oversight and management arrangements for **undercover operatives**, while following the principles of the Act, will differ, in order to reflect the specific role of

such individuals as members of the Council. The role of the handler will be undertaken by a person referred to as a '**cover officer**'. (Section 6.9 CHIS Codes of Practice).

33. Tasking

- 33.1 Tasking is the assignment given to the source by the Handler or Controller such as by asking them to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the relevant Local Authority. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.
- 33.2 In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose. For example, a member of the public is asked to maintain a record of all vehicles arriving and leaving a specific location or to record the details of visitors to a neighbouring house. A relationship has not been established or maintained in order to gather the information and a CHIS authorisation is therefore not available. Other authorisations under the Act, for example, Directed Surveillance, may need to be considered where there is a possible interference with the Article 8 rights of an individual.
- 33.3 Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task.

34. Risk Assessments

- 34.1 The Council has a responsibility for the safety and welfare of the source and for the consequences to others of any tasks given to the source. It is a requirement of the codes that a risk assessment is carried out. This should be submitted with the authorisation request. The risk assessment should provide details of how the CHIS is going to be handled. It should also take into account the safety and welfare of the CHIS in relation to the activity and should consider the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS after the cancellation of the authorisation should also be considered at the outset.

35. Use of Equipment by a CHIS

- 35.1 If a CHIS is required to wear or carrying a surveillance device such as a covert camera it does not need a separate intrusive or Directed Surveillance authorisation, provided the device will only be used in the presence of the CHIS. It should be authorised as part of the conduct of the CHIS.
- 35.2 CHIS, whether or not wearing or carrying a surveillance device, in residential premises or a private vehicle, does not require additional authorisation to record any activity taking place inside those premises or that vehicle which takes place in their presence. This also applies to the recording of telephone conversations. This should have been identified at the planning stage.

36. CHIS Management

- 36.1 The operation will require managing by the Handler and Controller which will include ensuring that the activities of the source and the operation remain focused and there is no status drift. It is important that the intrusion is assessed to ensure the operation remains proportionate. The security and welfare of the source will also be monitored. The Authorising Officer should maintain general oversight of these functions.
- 36.2 During CHIS activity, there may be occasions when unforeseen actions or undertakings occur. Such incidences should be recorded as soon as practicable after the event and if the existing authorisation is insufficient, it should either be dealt with by way of a review and re-authorised (for minor amendments only) or it should be cancelled, and a new authorisation obtained before any further action is carried out. Similarly, where it is intended to task a CHIS in a new significantly different way than previously identified, the proposed tasking should be referred to the Authorising Officer, who should consider whether a separate authorisation is required. This should be done in advance of any tasking and details of such referrals must be recorded.

37. CHIS Record Keeping

37.1 Centrally Retrievable Record of Authorisations

- 37.2 A centrally retrievable record of all authorisations is held by Fenland District Council. This record contains the relevant information to comply with the Codes of Practice. These records are updated whenever an authorisation is granted, renewed or cancelled and are available to the Investigatory Powers Commissioner (IPCO) upon request.

- 37.3 The records are retained for 5 years from the ending of the authorisation.

37.4 Individual Source Records of Authorisation and Use of CHIS

- 37.5 Detailed records must be kept of the authorisation and the use made of a CHIS. An authorising officer must not grant an authorisation for the use or conduct of a CHIS unless they believe 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 CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000; SI No: 2725 details the particulars that must be included in these records.

- 37.6 The particulars to be contained within the records are;
- a. The identity of the source;
 - b. The identity, where known, used by the source;

- c. Any relevant investigating authority other than the authority maintaining the records;
- 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. Identity of the Handler and Controller (and details of any changes)
- 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 each relevant investigating authority by the conduct or use of the source;
- m. Any dissemination by that authority 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.

37.7 The person maintaining these records is the RIPA Co-ordinator

37.8 Public authorities are also encouraged to maintain auditable records for individuals providing intelligence who do not meet the definition of a CHIS. This will assist authorities to monitor the status of a human source and identify whether that person should be duly authorised as a CHIS. This should be updated regularly to explain why authorisation is not considered necessary. Such decisions should rest with those designated as Authorising Officers within Public Authorities. (Section 7.5 CHIS Codes of Practice).

37.9. Further Documentation

37.10 In addition to the above, when appropriate records or copies of the following, as are retained by Fenland District Council for 5 years:

- A copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- The reason why the person renewing an authorisation considered it necessary to do so;
- Any authorisation which was granted or renewed orally (in an urgent case) and the reason why the case was considered urgent;
- Any risk assessment made in relation to the CHIS;
- The circumstances in which tasks were given to the CHIS;
- The value of the CHIS to the investigating authority;
- A record of the results of any reviews of the authorisation;
- The reasons, if any, for not renewing an authorisation;
- The reasons for cancelling an authorisation; and
- The date and time when any instruction was given by the authorising officer that the conduct or use of a CHIS must cease.
- A copy of the decision by a Judicial Commissioner on the renewal of an authorisation beyond 12 months (where applicable).

37.11 The records kept by the Council should be maintained in such a way as to preserve the confidentiality, or prevent disclosure of the identity of the CHIS, and the information provided by that CHIS. (Sec 7.7 CHIS Codes of Practice)

37.12 The forms are available in the Appendices: Current link to the Home office Forms is <https://www.gov.uk/government/collections/ripa-forms--2>

- [Application for the conduct or use of Covert Human Intelligence Source \(CHIS\)](#)
- [Review of a Covert Human Intelligence Source \(CHIS\) operation](#)

- [Application for renewal of a Covert Human Intelligence Source \(CHIS\) operation](#)
- [Cancellation of an authorisation for a Covert Human Intelligence Source \(CHIS\) operation](#)

References in these forms to the 'Code' are to the [Covert Human Intelligence Sources Code of Practice](#), which should be consulted for further guidance.

PART D. RIPA Roles and Responsibilities

38. The Senior Responsible Officer (SRO)

38.1 The nominated Senior Responsible Officer is Carol Pilson Corporate Director – Monitoring Officer. The SRO with responsibilities for:

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

39. RIPA Co-Ordinator

39.1 The RIPA Co-Ordinator Anna Goodall – Head of Service Governance and Customer Services is responsible for storing all the original authorisations, reviews, renewals and cancellation forms and the signed approval or refusal documentation from the JP. This will include any authorisations that have not been authorised by the Authorising Officer or refused by a JP.

39.2 The RIPA Co-ordinator will: -

- Keep the copies of the forms for a period of at least 5 years
- Keep the Central Register (a requirement of the Codes of Practice) of all of the authorisations, renewals and cancellations; and Issue the unique reference number.
- Keep a database for identifying and monitoring expiry dates and renewal dates.
- Along with, Directors, Service Managers, Authorising Officers, and the Investigating Officers must ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with the Councils Information Management policies, departmental retention schedules and the Data Protection Act 2008. (DPA)
- Provide administrative support and guidance on the processes involved.
- Monitor the authorisations, renewals and cancellations with a view to ensuring consistency throughout the Council;
- Monitor each department's compliance and act on any cases of non-compliance;
- Ensure adequate training is provided including guidance and awareness of RIPA and the provisions of this Policy; and Review the contents of this Policy.

40. Managers Responsibility and Management of the Activity

- 40.1 Line Managers within each area of the Council are responsible for ensuring that in all cases where surveillance is required, due consideration is given to the need for covert surveillance before an application is made for authorisation. That includes the consideration of using overt action, routine enquiries or inspections which are less intrusive.
- 40.2 If authorised it is important that all those involved in undertaking Directed Surveillance activities, including Line managers, are fully aware of the extent and limits of the authorisation. There should be an ongoing assessment for the need for the activity to continue including ongoing assessments of the intrusion. All material obtained, including evidence, should be stored in line with relevant legislation and procedures to safeguard its integrity and reduce a risk of challenge. (See use of material as evidence (Section 61)
- 40.3 Line Managers should also ensure that the relevant reviews (see section 53), renewals (see section 54) and cancellations (see section 55) are completed by the applicant in accordant with the codes and the dates set throughout the process.

41. Investigating Officers/Applicant

- 41.1 The applicant is normally an investigating officer who completes the application section of the RIPA form. Investigating Officers should think about the need to undertake Directed Surveillance or the use of a CHIS before they seek authorisation and discuss it with their Line manager. Investigating Officers need to consider whether they can obtain the information or achieve their objective by using techniques other than covert surveillance.
- 41.2 The applicant or some other person must carry out a feasibility study as this should be seen by the Authorising Officer. The person seeking the authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any real delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have changed. The form should then be submitted to the Authorising Officer for authorisation.
- 41.3 The applicant is likely to attend court to seek the approval of a JP. and if approved and involved in the covert activity they must only carry out what is authorised and approved. They, or some other person will also be responsible for the submission of any reviews (see section 53) renewals (see section 54) and cancellations (see section 55).

42. Authorising Officers

- 42.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for Local Authorities the Authorising Officer shall be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation.
- 42.2 Appendix A lists the Authorising Officers within the Council who can grant authorisations all of which are Director or Head of Service level Officers.
- 42.3 The role of the Authorising Officers is to consider whether to authorise, review, or renew an authorisation. They must also officially cancel the RIPA covert activity. Authorising Officers must have been trained to an appropriate level so as to have an understanding of the requirements in the Codes of Practice and that must be satisfied before an authorisation can be granted.
- 42.4 Authorising Officers should not be responsible for authorising investigations or operations in which they are directly involved. Where an Authorising Officer authorises such an investigation or operation, the central record of authorisations should highlight this, and it should be brought to the attention of a Commissioner or Inspector during their next inspection.
- 42.5 Authorisations must be given in writing by the Authorising Officer by completing the relevant section on the authorisation form. When completing an authorisation, the case should be presented in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the authorisation.

- 42.6 Authorising Officers must explain why they believe the activity is both necessary (see section 43) and proportionate (see section 44), having regard to the collateral intrusion. They must also consider any similar activity which may be taking place, or sensitivities in the area.
- 42.7 They also need to explain exactly what they are authorising, against who, in what circumstances, where etc. and that the level of the surveillance is appropriate to achieve the objectives. It is important that this is made clear on the authorisation as the surveillance operatives are only allowed to carry out what is authorised. This will assist with avoiding errors.
- 42.8 If any equipment such as covert cameras are to be used, the Authorising Officer should know the capability of the equipment before authorising its use. This will have an impact on collateral intrusion, necessity and proportionality. They should not rubber-stamp a request. It is important that they consider all the facts to justify their decision. They may be required to justify their actions in a court of law or some other tribunal.
- 42.9 The Authorising Officer may be required to attend court to explain what has been authorised and why.
- 42.10 Authorised Officers must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA and the current Procedures and Guidance issued by the Commissioner. This document also details the latest operational guidance to be followed. It is recommended that Authorising Officers hold their own copy of this document. This can be obtained from The RIPA Coordinator.

43 Necessity

- 43.1 Obtaining an authorisation under RIPA will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place.
- 43.2 The Act first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds which for Local Authority Directed Surveillance is the prevention and detection of crime and that the crime attracts a custodial sentence of a maximum of 6 months or more, or for the purpose of preventing or detecting specified criminal offences relating to the underage sale of alcohol and tobacco.
- 43.3 The lawful criteria for CHIS is prevention and detection of crime and prevention of disorder and the offence does not have to have a sentence of 6 months imprisonment.
- 43.4 The applicant and Authorising Officers must also be able to demonstrate why it is necessary to carry out the covert activity to achieve the objectives and that there were no other means of obtaining the same information in a less intrusive method. This is a part of the authorisation form.

44. Proportionality

- 44.1 If the activities are deemed necessary, the Authorising Officer must also believe that they are proportionate to what is sought to be achieved by carrying them out. This

involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

- 44.2 The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render the proposed actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.
- 44.3 When explaining proportionality, the Authorising Officer should explain why the methods and tactics to be adopted during the surveillance is not disproportionate.
- 44.4 The codes provide guidance relating to proportionality which should be considered by both applicants and Authorising Officers:
- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
 - Considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
 - Evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

45. Collateral Intrusion

45.1 Before authorising applications for Directed Surveillance, the Authorising Officer should also take into account the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance.

45.2 Staff should take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to anticipated collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.

45.3 All applications must therefore include an assessment of the risk of collateral intrusion and detail the measures taken to limit this to enable the Authorising Officer fully to consider the proportionality of the proposed actions. This is detailed in a section within the authorisation form (Contained within the following link) <https://www.gov.uk/government/collections/ripa-forms--2>

- 45.4 In order to give proper consideration to collateral intrusion, an Authorising Officer should be given full information regarding the potential scope of the anticipated surveillance, including the likelihood that any equipment deployed may cause intrusion on persons or property other than the subject(s) of the application. If an automated system such as an online search engine is used to obtain the information, the Authorising Officer should be made aware of its potential extent and limitations. Material which is not necessary or proportionate to the aims of the operation or investigation should be discarded or securely retained separately where it may be required for future evidential purposes. It may also need retaining under CPIA. The Authorising Officer should ensure appropriate safeguards for the handling, retention or destruction of such material, as well as compliance with Data Protection Act requirements.
- 45.5 Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy of such individuals should not be considered as collateral intrusion but rather as intended intrusion.
- 45.6 In the event that authorised surveillance unexpectedly and unintentionally interferes with the privacy of any individual other than the intended subject, the authorising officer should be informed by submitting a review form. Consideration should be given in any such case to the need for any separate or additional authorisation.
- 45.7 Where a Public Authority intends to access a social media or other online account to which they have been given access with the consent of the owner, the authority will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a Directed Surveillance authorisation should be considered, particularly (though not exclusively) where it is intended to monitor the account going forward.

PART E. The Application and Authorisation Process

46. Relevant Forms

- 46.1 For both Directed Surveillance and CHIS authorisations there are 4 forms within the process. They are:
- Authorisation
 - Review
 - Renewal
 - Cancellation
- 46.2 All the forms can be obtained from the Government Website at <https://www.gov.uk/government/collections/ripa-forms--2>

47. Duration of Authorisations

- 47.1 Authorisations must be given for the maximum duration from the Date approved by the JP/Magistrate but reviewed on a regular basis and formally cancelled when no longer needed. They do not expire, they must be cancelled when the surveillance is no longer proportionate or necessary. Therefore, a Directed Surveillance authorisation will cease to have effect after three months from the date of approval by the Magistrate unless renewed or cancelled. Durations detailed below:

Directed Surveillance 3 Months

Renewal 3 Months

Covert Human Intelligence Source 12 Months

Renewal 12 months

Juvenile Sources 4 Months

Renewal 4 Months

- 47.2 It is the responsibility of the Investigating Officer to make sure that the authorisation is still valid when they undertake surveillance.

48. Applications/Authorisation

- 48.1 The applicant or some other person must carry out a feasibility study and intrusion assessment as this may be required by the Authorising Officer. The person seeking the authorisation should then complete the application form having regard to the guidance given in this Policy and the statutory Codes of Practice. There should not be any real delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have changed. The form should then be submitted to the Authorising Officer for authorisation.
- 48.2 When completing an application for authorisation, the applicant must ensure that the case for the authorisation is presented in the application in a fair and balanced way. In particular, all reasonable efforts should be made to take into account information which weakens the case for the warrant or authorisation. This is a requirement of the codes.
- 48.3 All the relevant sections must be completed with sufficient information to ensure that applications are sufficiently detailed for the Authorising Officer to consider Necessity, Proportionality having taken into account the Collateral Intrusion issues **Cutting and pasting or using template entries should not take place as this would leave the process open to challenge.**
- 48.4 If it is intended to undertake both Directed Surveillance and the use of a CHIS on the same surveillance subject, the respective authorisation should be completed and the respective procedures followed. Both activities should be considered separately on their own merits.

- 48.5 All applications will be submitted to the Authorising Officer via the Line Manager of the appropriate enforcement team in order that they are aware of the application and activities being undertaken by the staff. The Line Manager will perform an initial quality check of the application. However, they should not be involved in the sanctioning of the authorisation. The form should then be submitted to the Authorising Officer.
- 48.6 Applications whether authorised or refused will be issued with a unique number (obtained from the RIPA Co-Ordinator) by the line manager. The number will be taken from the next available number in the central record of authorisations which is held by the RIPA Coordinator.
- 48.7 If not authorised, feedback will be provided to the applicant and the application will be forwarded to the RIPA Co-Ordinator for recording and filing. If having received the feedback, the applicant feels it is appropriate to re submit the application, they can do so and it will then be considered again.

48.8 Following authorisation, the applicant will then complete the relevant section of the judicial application/order form (Contained within the following link) <https://www.gov.uk/government/collections/ripa-forms--2>

Although this form requires the applicant to provide a brief summary of the circumstances of the case, this is supplementary to and does not replace the need to supply a copy and the original RIPA authorisation as well.

49. Arranging the Court Hearing

- 49.1 It will be necessary within office hours to contact the administration at the Magistrates' Court to arrange a hearing. The hearing will be in private and heard by a single JP. The application to the JP will be on oath.
- 49.2 Officers who may present the application at these proceedings will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or information as required by the JP. If in doubt as to whether you are able to present the application seek advice from the Legal Services Team.

50. Attending the Hearing

- 50.1 The applicant in addition to the Authorising Officer will attend the hearing. Upon attending the hearing, the officer must present to the JP the partially completed judicial application/order form, the original and a copy of the RIPA application/authorisation form, together with any supporting documents setting out the case. The original RIPA authorisation should be shown to the JP but will be retained by the Council so that it is available for inspection by IPCO, and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT).

50.2 The JP will read and consider the RIPA authorisation and the judicial application/order form (contained within the following link) <https://www.gov.uk/government/collections/ripa-forms--2>

They may have questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the application form. **However, the forms and supporting papers must by themselves make the case. It is not sufficient for the Council to provide oral evidence where this is not reflected or supported in the papers provided.**

- 50.3 The JP will consider whether they are satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. In addition, they must be satisfied that the person who granted the authorisation was an appropriate Designated Person within the Council to authorise the activity and the authorisation was made in accordance with any applicable legal restrictions, for example, the crime threshold for Directed Surveillance.

51. Decision of the Justice of the Peace (JP)

- 51.1 The JP has a number of options which are:
- 51.2 **Approve or renew an authorisation.** If approved by the JP, the date of the approval becomes the commencement date for the duration of the three months and the officers are now allowed to undertake the activity.
- 51.3 **Refuse to approve or renew an authorisation.** The RIPA authorisation will not take effect and the Council may **not** use the technique in that case.
- 51.4 Where an application has been refused, the applicant may wish to consider the reasons for that refusal. If more information was required by the JP to determine whether the authorisation has met the tests, and this is the reason for refusal, the officer should consider whether they can reapply. For example, if there was information to support the application which was available to the Council, but not included in the papers provided at the hearing.
- 51.5 For, a technical error (as defined by the JP), the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.
- 51.6 **Refuse to approve or renew and quash the authorisation.** This applies where the JP refuses to approve or renew the authorisation and decides to quash the original authorisation. However, the court must not exercise its power to quash the authorisation unless the applicant has had at least 2 business days from the date of the refusal in which to make representations. If this is the case, the officer will inform the Legal who will consider whether to make any representations.
- 51.7 The JP will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the Council's RIPA application and authorisation form and the judicial application/order form. The officer will retain the original authorisation and a copy of the judicial application/order form.
- 51.8 The Council may only appeal a JP decision on a point of law by judicial review. If such a concern arises, the Legal Services Team will decide what action if any should be taken.
- 51.9 There is a Home Office chart showing the above procedure at Appendix **B**

52. Post Court Procedure

- 52.1 It will be necessary to work out the cancellation date from the date of approval and ensure that the applicant and the Authorising Officer is aware. The original application and the copy of the judicial application/order form should be forwarded to the RIPA Co-Ordinator. A copy will be retained by the applicant and if necessary by the Authorising Officer. The central register will be updated with the relevant information to comply with the Codes of Practice and the original documents filed and stored securely.
- 52.2 Where dates are set within the process such as reviews, they must be adhered to. This will help with demonstrating that the process has been managed correctly in line with the Codes of Practice and reduce the risk of errors.

53. Reviews

- 53.1 When an application has been authorised and approved by a JP, regular reviews must be undertaken by the Authorising Officer to assess the need for the surveillance to continue.
- 53.2 In each case the Authorising Officer should determine how often a review should take place at the outset. This should be as frequently as is considered necessary and practicable. Particular attention is drawn to the need to review authorisations frequently where the surveillance provides a high level of intrusion into private life or significant collateral intrusion, or confidential information. They will record when they are to take place on the application form. This decision will be based on the circumstances of each application. However, reviews will be conducted on a monthly or less basis to ensure that the activity is managed. It will be important for the Authorising Officer to be aware of when reviews are required to ensure that the applicants submit the review form on time.
- 53.3 Applicants should submit a review form by the review date set by the Authorising Officer. They should also use a review form for changes in circumstances to the original application which would include a change to the level of intrusion so that the need to continue the activity can be re-assessed. However, if the circumstances or the objectives have changed considerably, or the techniques to be used are now different, a new application form should be submitted, and it will be necessary to follow the process again and be approved by a JP. The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.
- 53.4 Line managers of applicants should also make themselves aware of when the reviews are required to ensure that the relevant forms are completed on time.
- 53.5 The reviews are dealt with internally by submitting the review form to the Authorising Officer. There is no requirement for a review form to be submitted to a JP.
- 53.6 The results of a review should be recorded on the central record of authorisations.

54. Renewal

- 54.1 A renewal form is to be completed by the applicant when the original authorisation period is about to expire but Directed Surveillance or the use of a CHIS is still required.
- 54.2 Should it be necessary to renew an authorisation for Directed Surveillance or CHIS, this must be approved by a JP.
- 54.3 Applications for renewals should not be made until shortly before the original authorisation period is due to expire. However, they must take account of factors which may delay the renewal process (e.g. intervening weekends or the availability of the relevant Authorising Officer and a JP to consider the application).
- 54.4 The applicant should complete all the sections within the renewal form and submit the form to the Authorising Officer for consideration.
- 54.5 Authorising Officers should examine the circumstances with regard to Necessity, Proportionality and the Collateral Intrusions issues before making a decision to renew the activity. A CHIS application should not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The Authorising Officer must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.
- 54.6 If the Authorising Officer refuses to renew the application, the cancellation process should be completed. If the Authorising Officer authorises the renewal of the activity, the same process is to be followed as mentioned earlier for the initial application whereby approval must be sought from a JP.
- 54.7 A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

55. Cancellation

55.1 The cancellation form (contained in the following link) <https://www.gov.uk/government/collections/ripa-forms--2>

is to be submitted by the applicant or another investigator in their absence. The Authorising Officer who granted or last renewed the authorisation must cancel it if they are satisfied that the Directed Surveillance no longer meets the criteria upon which it was authorised. Where the Authorising Officer is no longer available, this duty will fall on the person who has taken over the role of Authorising Officer or the person who is acting as Authorising Officer.

- 55.2 As soon as the decision is taken that Directed Surveillance should be discontinued, the applicant or other investigating officer involved in the investigation should inform the Authorising Officer. The Authorising Officer will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given should also be recorded in the central record of authorisations.
- 55.3 The Investigating Officer submitting the cancellation should complete in detail the relevant sections of the form and include the period of surveillance and detail if any images were obtained, particularly any images containing innocent third parties. The

Authorising Officer should then take this into account and issues instructions regarding the management and disposal of the images etc. See sections 58 to 65 Safeguarding and the Use of Surveillance Material below.

- 55.4 The cancellation process should also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what was authorised. This check will form part of the oversight function. Where issues are identified including errors (see Part G) they will be brought to the attention of the Line Manager and the Senior Responsible Officer (SRO). This will assist with future audits and oversight and comply with the Codes of Practice.
- 55.5 When cancelling a CHIS authorisation, an assessment of the welfare and safety of the source should also be assessed and any issues identified.
- 55.6 All cancellations must be submitted to the RIPA Co-Ordinator for inclusion in the central Record and storing securely with the other associated forms.
- 55.7 Do not wait until the 3 month period is up to cancel. Cancel it at the earliest opportunity when no longer necessary and proportionate. Line Managers should be aware of when the activity needs cancelling and ensure that staff comply with the procedure.**

Part F Central Record and Safeguarding the Material

56. Introduction

- 56.1 Authorising Officers, applicants and Line Managers of relevant enforcement departments may keep whatever records they see fit to administer and manage the RIPA application process. This includes the legal obligations under the Criminal Procedures and Investigations Act. However, this will not replace the requirements under the Codes of Practice, which includes the fact that the Council must hold a centrally held and retrievable record.

57. Central Record

- 57.1 The centrally retrievable record of all authorisations will be held and maintained by the Anna Goodall - RIPA Co-Ordinator. It will be regularly updated whenever an authorisation is applied for, refused, granted, renewed or cancelled. The record will be made available to the relevant Commissioner or an Inspector from IPCO, upon request.
- 57.2 All original authorisations and copies of Judicial applications/order forms whether authorised or refused, together with review, renewal and cancellation documents, must be sent within 48 hours to Anna Goodall – RIPA Co-Ordinator who will be responsible for maintaining the central record of authorisations. They will ensure that all records are held securely with no unauthorised access. If in paper format, they must be forwarded in a sealed envelope marked confidential.

57.3 The documents contained in the centrally held register should be retained for at least three years from the ending of the authorisation or for the period stipulated by the Council's document retention policy, whichever is greater. The centrally held register contains the following information:

- If refused, (the application was not authorised by the AO) a brief explanation of the reason why. The refused application should be retained as part of the central record of authorisation;
- If granted, the type of authorisation and the date the authorisation was given;
- Details of attendances at the magistrates' court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- Name and rank/grade of the authorising officer;
- The unique reference number (URN) of the investigation or operation;
- The title of the investigation or operation, including a brief description and names of subjects, if known;
- Frequency and the result of each review of the authorisation;
- If the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer and the date renewed by the JP;
- Whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
- The date the authorisation was cancelled;
- Authorisations by an Authorising Officer where they are directly involved in the investigation or operation. If this has taken place it must be brought to the attention of a Commissioner or Inspector during their next RIPA inspection.

57.4 As well as the central record the RIPA Co-Ordinator will also retain:

- The original of each application, review, renewal and cancellation, copy of the judicial application/order form, together with any supplementary documentation of the approval given by the Authorising Officer;
- The frequency and result of reviews prescribed by the Authorising Officer;
- The date and time when any instruction to cease surveillance was given;
- The date and time when any other instruction was given by the Authorising Officer;
- A record of the period over which the surveillance has taken place. This should have been included within the cancellation form.

57.5 These documents will also be retained for three years from the ending of the authorisation.

58. Safeguarding and the Use of Surveillance Material

58.1 This section provides guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained through Directed Surveillance or CHIS activity. This material may include private, confidential or legal privilege information. It will also show the link to other relevant legislation.

58.2 The Council should ensure that their actions when handling information obtained by means of covert surveillance or CHIS activity comply with relevant legal frameworks and the Codes of Practice, so that any interference with privacy is justified in accordance with Article 8(2) of the European Convention on Human Rights. Compliance with these legal frameworks, including Data Protection requirements, will ensure that the handling of private information obtained continues to be lawful, justified and strictly controlled, and is subject to robust and effective safeguards. The material will also be subject to the Criminal Procedures Investigations Act (CPIA)

59. Authorised Purpose

59.1 Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. For the purposes of the RIPA codes, something is necessary for the authorised purposes if the material:

- Is, or is likely to become, necessary for any of the statutory purposes set out in the RIPA Act in relation to covert surveillance or CHIS activity;
- Is necessary for facilitating the carrying out of the functions of public authorities under RIPA;
- Is necessary for facilitating the carrying out of any functions of the Commissioner or the Investigatory Powers Tribunal;
- Is necessary for the purposes of legal proceedings; or
- Is necessary for the performance of the functions of any person by or under any enactment.

60. Handling and Retention of Material

60.1 As mentioned above, all material associated and obtained with an application will be subject of the provisions of the Data Protection Act (DPA) 2018 and CPIA Codes of Practice. All officers involved within this process should make themselves aware of the provisions within this legislation and how it impacts on the whole RIPA process. Material obtained, together with relevant associated paperwork should be held

securely. Extra care needs to be taken if the application and material relates to a CHIS.

- 60.2 Material required to be retained under CPIA should be retained until a decision is taken whether to institute proceedings against a person for an offence or if proceedings have been instituted, at least until the accused is acquitted or convicted or the prosecutor decides not to proceed with the case.
- 60.3 Where the accused is convicted, all material which may be relevant must be retained at least until the convicted person is released from custody, or six months from the date of conviction, in all other cases.
- 60.4 If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction.
- 60.5 If an appeal against conviction is in progress when released, or at the end of the period of six months, all material which may be relevant must be retained until the appeal is determined.
- 60.6 If retention is beyond these periods it must be justified under DPA. Each relevant service within the Council may have its own provisions under their Data Retention Policy which will also need to be consulted to ensure that the data is retained lawfully and for as long as is necessary.

61. Use of Material as Evidence

- 61.1 Material obtained through Directed Surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the Criminal Procedure and Investigations Act 1996 (CPIA), the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1996 and the Human Rights Act 1998.
- 61.2 Ensuring the continuity and integrity of evidence is critical to every prosecution. Accordingly, considerations as to evidential integrity are an important part of the disclosure regime under the CPIA and these considerations will apply to any material acquired through covert surveillance that is used in evidence. When information obtained under a covert surveillance authorisation is used evidentially, the Council will be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.
- 61.3 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements. In a criminal case the codes issued under CPIA will apply. They require that the investigator record and retain all relevant material obtained in an investigation and later disclose relevant material to the Prosecuting Solicitor. They in turn will decide what is disclosed to the Defence Solicitors.
- 61.4 There is nothing in RIPA which prevents material obtained under Directed Surveillance authorisations from being used to further other investigations

62. Dissemination of Information

- 62.1 It may be necessary to disseminate material acquired through the RIPA covert activity within Fenland District Council or shared outside with other Councils or agencies, including the Police. The number of persons to whom any of the information is disclosed, and the extent of disclosure, should be limited to the minimum necessary. It must also be in connection with an authorised purpose as set out in sec 59 above. It will be necessary to consider exactly what and how much information should be disclosed. Only so much of the material may be disclosed as the recipient needs; for example, if a summary of the material will suffice, no more than that should be disclosed.
- 62.2 The obligations apply not just to Fenland District Council as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from Fenland District Council before disclosing the material further. It is important that the Officer In Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
- 62.3 A record will be maintained justifying any dissemination of material. If in doubt, seek advice.

63. Storage

- 63.1 Material obtained through covert surveillance and CHIS authorisations, and all copies, extracts and summaries of it, must be handled and stored securely, so as to minimise the risk of loss. It must be held so as to be inaccessible to persons who are not required to see the material (where applicable). This requirement to store such material securely applies to all those who are responsible for the handling of the material. It will be necessary to ensure that both physical and IT security and an appropriate security clearance regime is in place to safeguard the material.

64. Copying

- 64.1 Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.
- 64.2 In the course of an investigation, Fenland District Council must not act on or further disseminate legally privileged items unless it has first informed the Investigatory Powers Commissioner that the items have been obtained.

65. Destruction

- 65.1 Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, should be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the

authorised purpose(s) set out above. If such information is retained, it should be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

Part G. Errors and Complaints

66. Errors

66.1 Errors can have very significant consequences on an affected individual's rights. Proper application of the surveillance and CHIS provisions in the RIPA codes and this Policy should reduce the scope for making errors.

66.2. There are two types of errors within the codes of practice which are:

- Relevant error and
- Serious error.

66.3 Relevant Error

66.4 An error must be reported if it is a "**relevant error**". A relevant error is any error by a Public Authority in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This would include compliance by public authorities with Part II of the 2000 Act (RIPA). This would include with the content of the Codes of Practice.

66.5 Examples of relevant errors occurring would include circumstances where:

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

66.6 All relevant errors made by Public Authorities must be reported to the Investigatory Powers Commissioner by the Council as soon as reasonably practicable and a full report no later than ten working days. The report should include information on the cause of the error; the amount of surveillance conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

66.7 Serious Errors

66.8 The Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the

error. The Commissioner may not decide that an error is a serious error unless they consider that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the Human Rights Act 1998) is not sufficient by itself for an error to be a serious error.

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

67. Complaints

- 67.1 Any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the Borough Solicitor who will investigate the complaint. A complaint can also be made to the official body which is the Investigatory Powers Tribunal (IPT). They have jurisdiction to investigate and determine complaints against any Public Authority's use of RIPA powers, including those covered by this Policy.

- 67.2 Complaints should be addressed to:

The Investigatory Powers Tribunal

PO Box 33220

London

SW1H 9ZQ

MOTION

MOTION SUBMITTED BY COUNCILLOR CHRIS BODEN REGARDING SKY/CHINESE LANTERNS

Sky lanterns, also known as Chinese lanterns, when not used responsibly are dangerous fire hazards which can have devastating consequences for people, buildings and animals. Similarly helium balloons used for balloon releases can also have a negative impact on animal welfare as the balloons and their strings can entangle animals, and create a choking hazard when animals consider the balloon as food. Additionally, once these items come back down to land, they end up as litter.

This Council proposes that:-

1. The release of sky/Chinese lanterns and helium balloons will continue to be prohibited from any land owned and occupied by Fenland District Council.
2. The release of sky/Chinese lanterns and helium balloons will continue to be prohibited at events licensed, sponsored or supported by Fenland District Council.
3. The Council will discourage organisations/clubs/schools/its tenants within the Fenland District Council area from releasing sky/Chinese lanterns and helium balloons and to look for environmentally safe alternatives.
4. Calls on the UK Government to implement a nationwide ban on the release of sky lanterns and helium balloons across England.

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ALTERED MOTION
(Alterations in red)


MOTION SUBMITTED BY COUNCILLOR CHRIS BODEN REGARDING
SKY/CHINESE LANTERNS

Sky lanterns, also known as Chinese lanterns, when not used responsibly are dangerous fire hazards which can have devastating consequences for people, buildings and animals. Similarly helium balloons used for balloon releases can also have a negative impact on animal welfare as the balloons and their strings can entangle animals, and create a choking hazard when animals consider the balloon as food. Additionally, once these items come back down to land, they end up as litter.

This Council proposes that:-

1. The **intentional** release of sky/Chinese lanterns and helium balloons will continue to be prohibited from any land owned and occupied by Fenland District Council.
2. The **intentional** release of sky/Chinese lanterns and helium balloons will continue to be prohibited at events licensed, sponsored or supported by Fenland District Council.
3. The Council will discourage organisations/clubs/schools/its tenants within the Fenland District Council area from releasing sky/Chinese lanterns and helium balloons and to look for environmentally safe alternatives.
4. Calls on the UK Government to implement a nationwide ban on the release of sky lanterns and helium balloons across England.

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|-----------------|-----------------------------------------------------------|------------------------------------------------------------------------------------|
| Agenda Item No: | 11 |  |
| Committee: | Council | |
| Date: | 18 September 2019 | |
| Report Title: | Combined Authority Executive Committee Nominations | |

1. PURPOSE/SUMMARY

- 1.1. To request the Council to make appointments to three Executive Committees within the Cambridgeshire and Peterborough Combined Authority for the municipal year 2019/2020.

2. KEY ISSUES

- 2.1. The appointments and nominations to the Cambridgeshire and Peterborough Combined Authority Board, O&S and Audit Committees were agreed by Annual Council for the municipal year 2019-20.
- 2.2. At the July Council meeting Members agreed the representation on two additional Executive Committees within the Cambridgeshire and Peterborough Combined Authority; namely the Transport Committee and the Housing and Communities Committee.
- 2.3. Further to the July Council meeting the Cambridgeshire and Peterborough Combined Authority is proposing changes to the Executive Committee arrangements, these changes will be considered by the Cambridgeshire and Peterborough Combined Authority Board at their meeting on 25 September.
- 2.4. It is proposed that the membership of the committees will be expanded so that each constituent Council Leader (or an alternative nominee) has a seat on each of the committees, each committee will also require a substitute Member nomination.
- 2.5. These proposals are to reflect the fact that if agreed by the Combined Authority Board the Executive Committees will have decision making powers where as they are currently non-decision making committees.
- 2.6. In addition to the Transport Committee and Housing and Communities Committee a Skills Committee is also proposed.
- 2.7. The Council is therefore asked to nominate Member representatives to the Combined Authority Transport Committee one nominated representative and one nominated substitute representative, to the Housing and Communities Committee one nominated representative and one nominated substitute representative in addition to the Skills Committee one nominated representative and one nominated substitute representative.
- 2.8. All nominations will then go to the Combined Authority Board meeting on 30

3. RECOMMENDATION

- 3.1. To agree the nominated representatives and nominated substitute representatives to the Cambridgeshire and Peterborough Combined Authority Executive Committees for the municipal year 2019/20.
- 3.2. The nominated representative for the Transport Committee is Cllr Chris Seaton with Cllr Chris Boden as the substitute representative
- 3.3. The nominated representative for the Housing and Communities Committee is Cllr Dee Laws with Cllr Sam Hoy as the substitute representative.
- 3.4. The nominated representative for the Skills Committee is Cllr Chris Seaton with Cllr David Mason as the substitute representative
- 3.5. That the Chief Executive be authorised to make any amendments to the appointments to the Combined Authority Executive Committees including the Transport Committee, Housing and Communities Committee and Skills Committee in consultation with the relevant Political Group Leaders, at any time throughout the municipal year.

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|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Wards Affected | All |
| Forward Pan Reference | N/A |
| Portfolio Holder(s) | Councillor Chris Boden, Leader of the Council |
| Report Originator(s) | Carol Pilson - Corporate Director and Monitoring Officer cpilson@fenland.gov.uk 01354 622360 Anna Goodall - Head of Governance and Legal Services agoodall@fenland.gov.uk 01354 622357 |
| Contact Officer(s) | Paul Medd- Chief Executive Carol Pilson - Corporate Director and Monitoring Officer Anna Goodall - Head of Governance and Legal Services |
| Background papers | Cambridgeshire and Peterborough Combined Authority Order 2017 |