



Agenda

Council

Date:	Monday, 16 July 2018 at 7:00 pm
Venue:	Town Hall, St Annes, FY8 1LW
	<p>Mayor : Councillor Peter Collins Deputy Mayor : Councillor Jan Barker</p> <p>Leader : Councillor Sue Fazackerley MBE Deputy Leader : Councillor Karen Buckley</p> <p>Councillors Ben Aitken, Christine Akeroyd, Frank Andrews, Peter Anthony, Tim Ashton, Mark Bamforth, Keith Beckett ISO, Brenda Blackshaw, Julie Brickles, Maxine Chew, Alan Clayton, Delma Collins, Michael Cornah, David Donaldson, Trevor Fiddler, Tony Ford JP, Richard Fradley, Gail Goodman JP, Shirley Green, Peter Hardy, Neil Harvey, Paul Hayhurst, Karen Henshaw JP, Paul Hodgson, Angela Jacques, John Kirkham, Cheryl Little, Roger Lloyd, Kiran Mulholland, Edward Nash, Sally Nash, Graeme Neale, Jayne Nixon, Linda Nulty, Liz Oades, Sandra Pitman, Richard Redcliffe, Louis Rigby, Vince Settle, Elaine Silverwood, John Singleton JP, Roger Small, Heather Speak, Ray Thomas, Thomas Threlfall, Viv Willder.</p>

	PROCEDURAL ITEMS:	PAGE
1	Declarations of Interest: Declarations of interest, and the responsibility for declaring the same, are matters for elected members. Members are able to obtain advice, in writing, in advance of meetings. This should only be sought via the Council's Monitoring Officer. However, it should be noted that no advice on interests sought less than one working day prior to any meeting will be provided.	1
2	Confirmation of Minutes: To confirm the minutes, as previously circulated, of the Annual General Meeting held on 9 May 2018 as a correct record.	1
	ANNOUNCEMENTS:	
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4	Chief Executive's Communications	1
	REPRESENTATIONS:	
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	DECISION ITEMS:	
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Contact: Katharine McDonnell - Telephone: (01253) 658423 – Email: democracy@fylde.gov.uk

The code of conduct for members can be found in the council's constitution at

<http://fylde.cmis.uk.com/fylde/DocumentsandInformation/PublicDocumentsandInformation.aspx>

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REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	16 JULY 2018	5
QUESTIONS FROM MEMBERS OF THE COUNCIL			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

No questions have been received from Members of the Council before the requisite deadline, as outlined in Procedural Standing Orders for Council and Committees of Part 4 of the Council's Constitution, and before the statutory deadline for publication of the agenda.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be heard during the Council meeting on 16 July 2018 and a response will be given by the Leader of the Council.

REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	16 JULY 2018	6
QUESTIONS FROM MEMBERS OF THE PUBLIC			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

No questions have been received from members of the public before the requisite deadline, as outlined in Article 15 – Public Speaking at meetings of the Council and its Committees in Part 2 of the Council's Constitution, and before the statutory deadline for publication of the agenda.

If any questions are received before the constitutional deadline, as outlined above, they will be circulated prior to the meeting for members' information, under separate cover.

Any question(s) will be heard during the Council meeting on 16 July 2018 and a response will be given by the Leader of the Council.

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	16 JULY 2018	7
NOTICE OF MOTION - LANCASHIRE COMBINED FIRE AND RESCUE AUTHORITY			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Notice of motion is a procedure that allows members of the council to ask the council to discuss any matter for which the Council has a responsibility or which affects the Fylde area. Any member of the council can give written notice to the Director of Resources of a motion that they wish to move. The Director will publish the motion on the council's website and arrange for it to be placed on the agenda of the next available ordinary council meeting. The motion will be debated at council subject to it being moved and seconded.

RECOMMENDATION

To consider the Notice of Motion received on 19 June 2018.

SUMMARY OF PREVIOUS DECISIONS

There have been no previous decisions on this item.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

The Motion

1. The following Notice of Motion has been received:

“Lancashire Combined Fire and Rescue Authority remains committed to delivering the best possible service to our communities with the available resources. We continue to work productively and effectively with a range of stakeholders. We also acknowledge the new statutory duty to collaborate with other emergency services, while recognising many initiatives were already in place or development irrespective of this mandate.

The Authority remains confident that current governance arrangements present the best way to deliver a fire and rescue service for our communities. The Fire and Rescue Authority will provide the information required for the work proposed by the PCC, which they believe will evidence that they are already effectively progressing collaborative opportunities within existing structures.

Consequently, this Council is opposed to any proposals that transfer any current responsibilities of the Fire and Rescue Authority in Lancashire to the Police and Crime Commissioner.

Fylde Council, therefore, asks the Chief Executive to write to the Police and Crime Commissioner and the Home secretary explaining this view, sending copies to all Lancashire members of Parliament.”

The Notice of Motion has been duly proposed by Councillor Ben Aitken.

Standing Orders

2. Part 4 (Rules of Procedure), Standing Order 10 (Motions) of the council Constitution details the procedural requirements of handling a Notice of Motion.

IMPLICATIONS	
Finance	None arising directly from this report.
Legal	None arising directly from this report.
Community Safety	None arising directly from this report.
Human Rights and Equalities	None arising directly from this report.
Sustainability and Environmental Impact	None arising directly from this report.
Health & Safety and Risk Management	None arising directly from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	tracy.morrison@fylde.gov.uk Tel 01253 658521	19/6/18

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Notification from Leader of the Council	19/6/18	https://fylde.cmis.uk.com/fylde/DocumentsandInformation.aspx
Council Constitution	2018	https://fylde.cmis.uk.com/fylde/DocumentsandInformation.aspx

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	16 JULY 2018	8
FAIRHAVEN HLF PROJECT UNDERWRITING			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The Council has previously confirmed its support for a Heritage Lottery Fund bid in relation to a scheme for the restoration of Fairhaven Lake and Gardens and has considered a number of reports on the progress of the bid since 2013.

The Heritage Lottery Fund has a two round bidding process, the first round being the development phase of the scheme and the second round being the implementation phase. Officers have developed the scheme since its inception and are now at a point where a full Round 2 capital funding application to the Heritage Lottery Fund (HLF) is to be submitted in August 2018. The bid, through the 'Parks for People' grant funding programme, will be for a scheme with a cost of around £3million, approximately half of which would be provided from the HLF, with the remainder being formed by contributions from a range of other organisations, including Fylde Council.

The Heritage Lottery Fund have warned of significantly greater Round 2 competition for scheme approval due to increased budget pressures and therefore have requested any unsecured match funding to be underwritten at time of Round 2 submission. At the present time, and possibly also at the point at which the bid is submitted, not all of the external contributions will have been confirmed. At present some £343k is not yet confirmed.

Consequently the Council is now requested to approve the underwriting of the as yet unconfirmed funding for the Fairhaven Lake and Gardens lottery scheme in the maximum sum of £343k in order to ensure that the bid has the best possible chance of success.

The final bid document will be considered by the Tourism and Leisure Committee at the meeting of 26th July 2018, prior to its submission to HLF in August 2018.

RECOMMENDATION

1. To approve an addition to the Capital Programme for 2018/19, should it become necessary, in relation to the underwriting of the Fairhaven Lake and Gardens Heritage Lottery Fund bid in a maximum sum of £343k to be met from the Capital Investment Reserve.

SUMMARY OF PREVIOUS DECISIONS

Council – Monday 4th March 2013 (in respect of the approval to the capital growth item for the Fairhaven Lake and Promenade Gardens Heritage Lottery bid in the sum of £20,000):

After a full and detailed debate, it was RESOLVED:

1. That approval be given to the following:

(e) The updated Five Year Capital Programme including the changes proposed by Cabinet, as set out in Appendix G;

“Funding to support a first round Heritage Lottery Fund (Parks for People programme) bid to work up restoration proposals for Fairhaven Lake and Promenade Gardens historic buildings, landscapes and structures. The Heritage Lottery Fund has a two round bidding process, the first round is the Development Phase and the second round is project implementation. Each bidding round is competitive and it is expected that a further application will be made dependant on the extent of support from the Heritage Lottery Fund”.

Final MTFS Budget Council Meeting 2 March 2016, it was RESOLVED:

1. To approve and adopt the recommendations of the Finance and Democracy Committee as follows:

(a) The revised estimates for 2015/16 and the revenue budget for 2016/17 as set out in Appendix E, which includes a transfer to the Funding Volatility Reserve in the sum of £3.0m and a transfer to the Capital Investment Reserve in the sum of £32k, the purpose of the Funding Volatility Reserve being described within the report as being:

*“For release to support the revenue budget as and when necessary to cushion the impact of future funding reductions and to fund investment in activity to stimulate Economic Development in the Borough, **with the first call on this reserve being as match funding for the Fairhaven lottery bid should this be successful in the maximum sum of £400k**”.*

Note: At this stage of the project no further contribution is required by Fylde Council in addition to the £20,000 that was approved by Council in March 2013 (which has remained within the approved capital programme) and the Direct Revenue Financing from existing approved revenue budgets in the sum of £18,352. If the round two submission is successful the further £400,000 contribution would be required.

Tourism & Leisure Committee 22nd June 2017, After consideration IT WAS RESOLVED to recommend to Full Council:

1. To approve a fully-funded increase in the total scheme value within the Capital Programme for 2017/18 in the sum of £200,336 in respect of the Fairhaven Lake & Gardens Restoration Project, to be met in full as detailed in the report.

2. To authorise the proposed expenditure in respect of the scheme in the total sum of £220,366 as detailed within this report, subject to the approval by Council to the increase in the scheme value (as set out at 1 above). The funding will be used to recruit the two officers, lead consultant and quantity surveyor to develop and to submit a second round capital bid to the Heritage Lottery Fund as detailed in the report.

Council meeting 17th July 2017 – it was RESOLVED to approve a fully-funded increase in the total scheme value within the Capital Programme in respect of the Fairhaven Lake & Gardens Restoration Project for 2017/2018 in the sum of £200,336, to be met in full as detailed in the report.

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

BACKGROUND

1. The Council have been progressing a Round 2 capital funding application to the Heritage Lottery Fund (HLF) through the 'Parks for People' grant funding programme, with a total bid value of circa £3million; approximately £1.5million will come from the HLF with the remainder being contributed from a range of other organisations, including Fylde Council.
2. During the development phase the project team have identified and applied for match-funding from a range of external bodies in order to improve the overall project outcomes which will deliver more activities, reach wider audiences, reduce the percentage of HLF funding and maximise the future sustainability of a restored Fairhaven Lake and Gardens. These enhancements will give the project a far better chance of competing with other projects at Round 2, and will hopefully lead to a successful bid.

ROUND 1 COST POSITION

3. The Round 1 submission in August 2016 originally included an application to the HLF for £1,476,664 set against a total project cost of £2,516,989. The remaining £1,040,325 was to be obtained from a number of sources including contributions from the Council, private/statutory/charitable organisations and a number of future speculative funding applications from varying external funding bodies. The HLF grant equated to 58.67% of the overall project cost. The following table shows a full breakdown of the project income at Round 1:

Source of funding	Description	Secured?	Value
Local authority		Yes	£400,167
Other public sector			
Central government	Environment Agency - funding for inlet repairs and some landscaping/surfacing	Yes	£271,058
European Union			
Private donation - Individual			
Private donation - Trusts/Charities/Foundations	RSPB	No	£8,000
Private donation - corporate			
Commercial/business	United Utilities and café operator fit out of kitchens and serveries	No	£87,000
Own reserves			
Other fundraising	See schedule of fundraising		£100,000
Increased management and maintenance Costs (maximum five years)	Committed extra revenue funding from Fylde BC - 5 years at £20,000 per year	Yes	£100,000
Non-cash contributions			
Volunteer time			£74,100
HLF grant request			£1,476,664
Total			£2,516,989

Total delivery costs	£2,516,989
Total delivery income	£1,040,325
HLF delivery grant request	£1,476,664
HLF delivery grant %	58.67%

ROUND 2 COST POSITION

4. During the development phase of the project a number of further relevant match funding sources were identified which were previously not considered or did not exist at the time of the Round 1 bid submission. Officers have progressed bids to these funding bodies in order to strengthen the Round 2 submission as per point 2 above.
5. The current income position that will form the Round 2 bid submission is shown in the table below. This position shows a decrease in the HLF grant funding to match funding ratio from 59% to 49%, which will make the Fairhaven bid far more competitive against other bids at Round 2.

Source of funding	Description	Secured?	Value
Local authority	Capital Contribution	Yes	£400,167
Local Authority	Council funding for Stannah bank re-grading and footpath formation	Yes	£120,000
Local Authority	Parks and Technical Services Budget for in-house landscaping	Yes	£72,930
Central government	Environment Agency - funding for inlet repairs and some landscaping/surfacing	Yes	£328,636
European Union			
Private donation - Individual			
Private donation - Trusts/Charities/Foundations	RSPB	Yes	£8,000
Private donation - corporate			
Commercial/business	United Utilities	Yes	£60,000
Commercial/business	Café operator contribution to fit-out	Yes	£15,000
Own reserves			
Other fundraising	See schedule of fundraising	£15k secured	£357,897
Increased management and maintenance Costs (maximum five years)	Committed extra revenue funding from Fylde BC - 5 years at £20,000 per year	Yes	£100,000
Non-cash contributions			
Volunteer time			£74,100
HLF grant request			£1,476,664
Total			£3,013,394

Total delivery costs	£3,013,394
Total delivery income	£1,536,730
HLF delivery grant request	£1,476,664
HLF delivery grant %	49.00%

CURRENT POSITION - MATCH FUNDING AND UNDERWRITING

6. The match funding total (labelled as 'Other fundraising') as referred to in the table above totals £357,897, £15,000 of which has been secured already from the Lytham Schools Foundation and therefore does not require underwriting. The remaining unsecured match funding totals £342,897 which is shown in the following table:

Funding Source	Amount	Summary of Funding	Decision Due
Sport England Community Asset Fund	£131,791	Match funding for the Watersports Centre and Community Facility. A two-stage decision process. First stage submission by Fylde Council was issued late March 2018 and will now progress to stage 2 after confirmation via Sport England on 27 th June 2018.	Stage one confirmation received June 2018. Stage two decision due August /September 2018.
Coastal Community Fund	£130,000	Match funding for the lake desilting package. Two-stage funding process. Funding guidance was issued late February 2018 and a submission was made by Fylde Council on 30 th April 2018.	Stage one expected – July 2018. Stage two due October 2018.
Lawn Tennis Association	£51,106	Pre-application for tennis improvements match funding at Fairhaven in partnership with local Fylde clubs and Blackpool Council. This was lodged by Fylde Council at end May 2018 to go forward to LTA June Board. If successful the bid will be developed in partnership with the LTA and will go to full LTA funding Board towards the end of 2018.	Stage one expected early July 2018. Stage two due September /October 2018.
Lancashire Environmental Fund	£30,000	Not applied to yet due to the 6 month process restriction (grant must be expended within 6 months of application). The lead officers are confident of securing at least one LEF bid for the project and have been successful on many occasions for past projects working with friends groups.	2019
Sub Total	£342,897		

7. If the unsecured match funding total is not underwritten, the amount of secured funding to date would total £2,670,497 (including the proposed HLF grant) which would equate to 55% HLF to match funding ratio.
8. Although a scheme could be delivered for this amount, there would be a significant detrimental impact on the quality of the project and therefore the quality of the Round 2 submission. A number of strategic and specific consequences would result from the submission of a weakened bid application which are described in further detail below.

STRATEGIC

9. In the intervening period between achieving Round 1 development grant funding and the present position, the HLF have made significant changes to their funding allocations due to budget pressures resulting from a drop in lottery ticket sales, which in turn has led to a reduction in HLF grant awards.
10. The Parks for People programme (which the Fairhaven HLF project is funded through) is specific to public park restoration but is being discontinued as of December 2018 and therefore this project will be one of the last park projects to be considered for full capital funding.
11. The current funding programmes will be rationalised into a general heritage grants programme which will contain a much wider set of heritage projects for funding consideration – listed buildings, museums etc. and therefore public park projects will be in direct competition, thus making a successful bid even more difficult.

12. This significantly reduces the chances of a restoration project like Fairhaven (with limited local heritage) ever being considered for major capital funding in the future by the HLF.
13. Therefore this process should be considered as a last chance to secure circa £1.5m to act as the catalyst for the much needed restoration of Fairhaven – one of the Council's key strategic priorities.

SPECIFIC

14. Without the underwritten match funding amounts included within the Round 2 application, the specific consequences could amount to the following reductions in the scheme:
 - Rationalisation of current planned building works – potentially reducing down from 3 to 2 building refurbishments
 - Reducing overall architectural quality of the café restoration
 - Reducing the amount of dredging to the lake which will reduce the quality and range of water based activities
 - Scaled back tennis improvements (current overprovision and poor quality)
 - Removal of proposed boat storage yard and reduction of infrastructure improvements.
15. Officers consider that the potential reductions to the proposed scheme will lead to a diminished HLF bid being submitted which would significantly impact the project's chances of approval at the extremely competitive Round 2 submission stage.
16. Underwriting of the unsecured match funding would significantly increase the chances of bid success at the Round 2 phase as it underlines the strength of the Council's support for the project and addresses specific feedback made by the HLF Case Officer (that all unsecured match funding at time of Round 2 submission should be underwritten) along with the wider strategic context regarding overall HLF funding programmes. In addition to this it brings the total ratio of HLF funding to 49% in comparison to 55% with no underwriting.
17. A report will be presented at a special meeting of the Tourism and Leisure Committee on the 26th July 2018 asking for support for the second round bid to the HLF as detailed in this report. The request to Full Council to underwrite the £343K as detailed in this report will be dependent on the Tourism and Leisure Committee approving the full restoration project and the second round submission to the HLF in August 2018.

IMPLICATIONS	
Finance	The Council are recommended to approve an addition to the Capital Programme for 2018/19, should it become necessary, in relation to the underwriting of the Fairhaven Lake and Gardens Heritage Lottery Fund bid in a maximum sum of £343k to be met from the Capital Investment Reserve.
Legal	None arising from this report
Community Safety	Provision of modern recreational facilities is important in terms of providing diversionary activities
Human Rights and Equalities	None arising from this report
Sustainability and Environmental Impact	The new management and maintenance plan for the restored site will cover any potential changes to site management & maintenance and will ensure minimal environmental impact
Health & Safety and Risk Management	The tender requests detailed Health and Safety information which will be developed by the successful contractor prior to starting on site to safeguard the public and contractor personnel

LEAD AUTHOR	CONTACT DETAILS	DATE
Charlie Richards	charlie.richards@fylde.gov.uk 01253 658472	June 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Budget Council Minutes	4 March 2013	Budget Council Minutes
Budget Council Minutes	2 March 2016	Budget Council Minutes
Tourism & Leisure Committee Minutes	22 June 2017	Tourism & Leisure Committee Minutes
Full Council Minutes	17 July 2017	Full Council Minutes

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	COUNCIL	16 JULY 2018	9
CORPORATE PLAN 2016-2020 PROGRESS UPDATE			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

The report outlines the progress to date against Corporate Plan actions that were due to be delivered or progressed between April 2017 and March 2018.

RECOMMENDATIONS

1. That Council note the progress made against the Corporate Plan (included in Appendix 2) for the period April 2017 to March 2018 and the sign off of any completed actions.
2. That the Council approve the actions included in Appendix 3 to be added to the Corporate Plan 2016-20 that will support progress towards delivering agreed the objectives.

SUMMARY OF PREVIOUS DECISIONS

The Corporate Plan 2016-20 was approved by Full Council on February 8th 2016.

Corporate Plan Progress Report approved at Full Council on July 17th 2017

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

1. The Council has agreed a four year Corporate Plan that outlines the key actions, targets and outcomes the Authority will deliver between 2016 to 2020 (Appendix 1).
2. Appendix 2 provides details of the actions carried out in the second year of the current plan (2017/18) marking the progress made to date and identifying any completed actions which have been signed off and will

be removed from the latest version of the Corporate Plan 2016-2020. The plan is reviewed on an annual basis taking account of any changes that may need to be made as a consequence of policy, regulation or legislative change.

3. The Corporate Plan takes into consideration emerging legislation, policy and changes in resources and responsibilities and is informed by partners, elected members and external organisations, including the Local Government Association, the Department for Communities and Local Government, the Department for Work and Pensions and the various professional associations that provide support on policy, governance, waste, planning, parks and environmental health. The objective is to clearly articulate for all stakeholders the strategic issues the Council plans to address over the plan period.
4. The Corporate Plan forms part of the Council's budget and policy framework and is approved by Full Council. The plan is presented as a single sided 'poster' format known as a 'plan on a page' in response to feedback from stakeholders that the format is more user friendly and accessible to more stakeholders.
5. Each year as part of the performance management framework at Fylde the Corporate Plan is reviewed to check progress against actions and targets, to assess the ongoing viability of the long term outcomes and make any necessary amendments to the plan in response to recent changes i.e. policy, regulation, legislation etc.
6. The Corporate Plan outlines the key long term priorities and outcomes as well as short term specific actions for each financial year of the plan. The plan is part of the performance management framework that has been approved by the Council and the short term actions are derived from the Directorate Service Plans developed each year which are intended to deliver the outcomes agreed in the Corporate Plan.
7. As part of the annual service planning cycle, each directorate develops a dedicated service plan that is refreshed each year in consultation with employees delivering the services to agree improvement actions, which will contribute to council priorities. The improvement actions identified for 2018/19 in the Service Plans are captured in [the performance management system InPhase](#) with the high priority actions added to the Corporate Plan actions, these are included in Appendix 3.
8. Performance measures against the plan are captured and monitored through the performance management system and can be viewed online at <http://fyldeperformance.inphase.com> at any time.

IMPLICATIONS	
Finance	There are no direct financial implications as a result of this report, implications are considered as part of the service planning process.
Legal	There are no direct legal implications as a result of this report, implications are considered as part of the service planning process.
Community Safety	There are no direct community safety implications as a result of this report, implications are considered as part of the service planning process.
Human Rights and Equalities	There are no direct human rights or equalities implications as a result of this report, implications are considered as part of the service planning process.
Sustainability and Environmental Impact	There are no direct sustainability or environmental implications as a result of this report, implications are considered as part of the service planning process.
Health & Safety and Risk Management	There are no direct health & safety or risk management implications as a result of this report, implications are considered as part of the service planning process.

LEAD AUTHOR	CONTACT DETAILS	DATE
Allan Oldfield	allano@fylde.gov.uk 01253 658500	June 2018
Alex Scrivens	alexs@fylde.gov.uk 01253 658543	June 2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Corporate Plan 2016-20		http://www.fylde.gov.uk/assets/files/7077/TheCorporate-Plan-2016-2020.pdf
Performance Information		http://fyldeperformance.inphase.com

Attached documents

APPENDIX 1: Full Corporate Plan 2016-2020

APPENDIX 2: Progress Against Actions in 2017-18

APPENDIX 3: Service Plan High Priority Action Additions 2018-19



Corporate Plan 2016-2020



VALUE FOR MONEY

CLEAN & GREEN

A VIBRANT ECONOMY

A GREAT PLACE TO LIVE

A GREAT PLACE TO VISIT

PRIORITIES

Spending your money in the most efficient way to achieve excellent services we will:

- Increase income through new and existing means
- Deliver the accommodation project
- Continuously review services and assets to improve efficiency and effectiveness
- Manage and invest effectively in the council's finances
- Maximise marketing opportunities
- Create a digital council
- Champion the quality and reputation of Fylde

Delivering the services that customers expect of an excellent council we will:

- Continue to deliver high standards of cleanliness
- Mitigate the impact of the loss of the LCC waste subsidy
- Actively enforce waste and cleansing legislation
- Deliver high quality parks and open spaces
- Ensure beaches and bathing waters are clean and safe
- Build on the achievements of the In Bloom initiative
- Ensure the security of the coastal defences

Working with all partners we will:

- Improve the transport infrastructure and traffic flow
- Support Enterprise Zones
- Improve car parking
- Enhance and improve our town and village centres
- Attract new businesses and develop existing ones

Ensure Fylde continues to be one of the most desirable places to live we will:

- Achieve adoption of the Local Plan
- Deliver high standard housing that meets the need in all communities
- Implement enforcement action on unauthorised development
- Support and promote volunteers' efforts to improve their local community
- Deliver activities for all age groups
- Recognise the significance of our heritage assets
- Work with partners to improve health and wellbeing of all residents

Promoting Fylde as a great destination to visit, we will:

- Deliver and support quality events throughout the Fylde
- Maximise the natural assets of our coast and countryside by improving their facilities
- Offer an arts collection that is available to everyone
- Provide a positive first impression of Fylde
- Use technology effectively to make Fylde more accessible
- Encourage visitor feedback to improve our tourism offer

ACTIONS

- Produce and implement an investment strategy
- Explore and initiate new income streams
- Complete the accommodation project works
- Review the potential / function of all property assets in response to the need to be financially self-sustaining by 2020
- Improve online services to increase efficiency, reduce transaction costs and generate income
- Produce a new Council Website with streamline content and integrate digital by preference to enable 24/7 services

- Focus resources on the reduction of seasonal litter
- Strive to achieve Blue Flag status for the beaches
- Produce landscape masterplan for Lytham Park Cemetery





- Engage effectively with the Local Enterprise Partnership
- Progress the re-opening of the M55/ Moss Road link
- Investigate the potential of developing the digital high street
- Facilitate and support Town Centre Partnerships
- Channel business rates funding opportunities to economic development

- Implement the timetable for the Local Plan delivery
- Develop and implement a policy to protect our heritage
- Tackle social isolation and health inequalities with Public Health
- Support community groups throughout the borough to maximise success in the regional and national 'In Bloom' initiative







- Improve entrance signage and welcome points
- Improve information in and about tourist areas
- Develop and promote rural tourism
- Decide the most effective way to market Fylde as a holiday destination
- Maximise the natural assets of our coast and countryside by improving their facilities
- Work up the stage 1 development of the Fairhaven Lake Project Plan and submit stage 2 bid to Heritage Lottery Fund

APPENDIX 2: PROGRESS UPDATE 2017-18




PERFORMANCE STATUS KEY:

	Completed – over performing against target or milestone achieved
	On Track – the milestone is performing within tolerance of target.
	Cautionary Performance – moderately under performing. Whilst the milestone has slipped from target it maybe a minor blip overall or minor action will remedy it.
	Under Performance – the milestone is under performing against target.

APPENDIX 2: PROCESS TO DATE ON THE CORPORATE PLAN 2016-20

VALUE FOR MONEY		
CORPORATE PLAN ACTION	DATE DUE OR COMPLETED	STATUS
Produce and implement an investment strategy / commercial strategy	2018	
Update: A draft commercial strategy has been prepared and will be presented to members during the 2018/19 financial year.		
Explore and initiate new income streams	2020	
Update: During 2017/18 the Council introduced new income streams for estates management services, wedding services at the Town hall, and pre-planning advice. The Council will continue to explore new income streams.		
Complete the accommodation project works	2019	
Update: The internal project work was completed in March 2018. The remaining work is the car park and grounds scheduled for completion during 2018/19.		
Review the potential / function of all property assets in response to the need to be financially self-sustaining by 2020	2020	
Update: The Estates Team have made good progress on all asset reviews increasing income on a number of leases and marketing several others.		
Improve online services to increase efficiency, reduce transaction costs and generate income	2020	
Update: The council continues to review and improve the online offer in response to customer demand and reducing transaction costs. Business process re-engineering has streamlined back office functions and integrated systems to increase efficiency and reduce waste.		
Produce a new Council Website with streamlined content and integrate digital by preference to enable 24/7 services	2018	
Update: Work is ongoing to produce a new transactional website, rather than information loaded website. Integrated systems will create more payments options and provide self-service functionalities. Research on customer demand will be used to locate more popular services on the home page. The new		




website during 2018.



CLEAN & GREEN		
CORPORATE PLAN ACTION	DATE DUE OR COMPLETED	STATUS
Focus resources on the reduction of seasonal litter	2018	
Update: Initiatives have been put in place including larger litter bins in key locations, proposed beach bins and new arrangements between teams during busy periods, all measures will be in place by the end of 2018.		
Strive to achieve Blue Flag status for the beaches	2020	
Update: A Blue Flag Award application will be made for St. Annes Amenity Beach, with the requirements (signage, beach access, activities) funded from Section 106 monies ready for bathing water results achieve 'excellent' status.		
Produce landscape masterplan for Lytham Park Cemetery	2019	
An extension of the Cemetery to the North East along with plans to store drainage water on site, provide additional car parking and new roadways have all been agreed and will be part of the Landscape Masterplan.		





A VIBRANT ECONOMY		
CORPORATE PLAN ACTION	DATE DUE OR COMPLETED	STATUS
Engage effectively with the Local Enterprise Partnership	2018	

Update: The Economic Prosperity Board (EPB) provides a direct link to the Local Enterprise Partnership with Board level representation by senior officers and politicians.		
Progress the re-opening of the M55/ Moss Road link	2020	
Update: The project board meets regular to drive progress and maintain the impetus for delivery of the scheme. The design for the road is completed and a funding package in place to meet the cost of the new road (circa £25m) with most sources confirmed a date for the project start is being pursued.		
Investigate the potential of developing the digital high street	2019	
Update: The following actions have been agreed and are being developed: <ul style="list-style-type: none"> Public access WiFi at Fylde customer locations – currently available at the Town Hall, Depot / MOT /Parks site and Fairhaven Lake with plans to install at the Cemetery and Crematorium and public WiFi on Lytham Green. Continue to offer fylde.gov.uk web with mobile applications for enhanced service engagement, such as: QR codes; location based reporting etc. 		
Facilitate and support Town Centre Partnerships	2018	
Update: In 2018 new initiatives are being developed to engage on a more regular and meaningful basis with local businesses through STEP, Lytham Business Partnership and Kirkham business group.		
Channel business rates funding opportunities to economic development	2020	
Update: This initiative is reliant on announcements that local council's would retain all or a proportion of collected business rates a scheme is being piloted in parts of the country only when 'rolled out' can opportunities to retain rates for economic development be planned.		

A GREAT PLACE TO LIVE		
CORPORATE PLAN ACTION	DATE DUE OR COMPLETED	STATUS
Implement the timetable for the Local Plan delivery	2018	

Update: The Examination in Public is complete along with consultation on the Main Modifications with the responses sent to the Inspector and published on the website. Once the Inspector's Report is received it will be presented to Planning Committee with a final version to Full Council for adoption.		
Develop and implement a policy to protect heritage	2018	
Update: The Council's Heritage Strategy has been completed and approved by council, actions contained within the Strategy are being developed including local listing, the Heritage Forum and conservation area reviews.		
Tackle social isolation and health inequalities with Public Health	2020	
Update: Fylde Council, Lancashire County Council Public Health, Fylde and Wyre CCG along with Just Good Friends are working with vulnerable groups and individuals to access appropriate support and services to provide care in the community and improve health outcomes. New partnership initiatives are being developed to work closer with public health and volunteer services in the community.		
Support community groups in the borough to maximise success in the regional and national 'In Bloom' initiative	2018	
Update: The Parks Development team work with community groups across the Borough with recent 'Bloom' success encouraging additional groups to enter the competition. This year there was an increase in Neighbourhood Awards e.g. Allotments, Housing Associations and Community Initiatives.		

A GREAT PLACE TO VISIT		
CORPORATE PLAN ACTION	DATE DUE OR COMPLETED	STATUS
Improve entrance signage and welcome points	2019	
Update: A Fylde Coast Signage Strategy is being developed with a review of existing signage and interpretation, key destinations, sign classification, branding and design. A condition survey of coastal signs has been completed and partners will be brought in to develop the action plan.		
Improve information in and about tourist areas	2018	
Update: Bi-annual presentation to tourism businesses of upcoming events, new Discover Fylde website, weekend TIC and mobile TIC all in place.		

Develop and promote rural tourism	2018	
Update: The new www.discoverfylde.co.uk extensively promotes rural Fylde, a mini guide has been produced which covers rural tourism and funding for the Fylde Country show at Treales as well as Kirkfest in Kirkham.		
Decide the most effective way to market Fylde as a holiday destination	2018	
Update: Website www.discoverfylde.co.uk has new images, downloadable guides, branding and easy to use event listing. Social media channels promote tourism and the borough with significantly increased following and partnership with Marketing Lancashire, Discover Wyre, Visit Blackpool and the business sector identifying Fylde as a family destination with a rural / coastal diverse offer.		
Maximise the natural assets of our coast and countryside by improving their facilities	2018	
Update: New Coast and Conservation team in place to promote, protect and enhance Fylde's ecological assets. The team work with partners to deliver environmental improvement projects, a programme of outdoor event and national environmental education programme for schools as well as borough wide volunteering programme with Volunteer Rangers, Beach Wardens and Junior Rangers.		
Work up the stage 1 development of the Fairhaven Lake Project Plan and submit stage 2 bid to Heritage Lottery Fund	2018	
Update: Stage 2 of the HLF bid is on schedule to be submitted in August 2018 with a decision anticipated in December 2018 – the consultation and engagement projects that have contributed to the bid have been promoted and well attended throughout the year.		



APPENDIX 3: Service Plan High Priority Actions 2018/19

The actions below have been identified through the annual Service Planning process as high priority actions that would contribute to the long term priorities of the Corporate Plan, these will be added to the Corporate Plan actions to ensure progress is monitored and reported.

High Priority Actions from Service Plans 2017/18	Corporate Priority Link	Estimated Completion Date
Review use of key assets to achieve maximum value in particular: <ul style="list-style-type: none"> • Public Offices • Lytham Institute • Lytham Assembly Rooms 	Value for Money	March 2019
Develop a plan for the redevelopment of The Island site as a destination point.	Value for Money	March 2020
Contribute to the Fylde Coast Highways and Transport Masterplan.	Vibrant Economy	March 2019
Develop digital solutions to customer and employee demand for; new complaints system; remote and agile working options; paper based reduction initiatives; and customer engagement methods.	Value for Money	September 2019

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	16 JULY 2018	10

VACANCY - MEMBER DEVELOPMENT STEERING GROUP

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Members are asked to consider appointing a member to the Member Development Steering Group to fill a vacant position.

RECOMMENDATION

1. To nominate a member to the fill the vacancy on Member Development Steering Group to complete the membership of the group.

SUMMARY OF PREVIOUS DECISIONS

Council 16 April 2018 – Council confirmed the appointment of the Chairman, Vice - Chairman and six other members of the group.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

1. The Member Development Steering Group is an internal working group and its functions are leading, co-ordinating and monitoring the Council's actions in delivering the Member Development Strategy and taking the lead on general member welfare matters.
2. The membership of the group is cross party and the group is not required to be politically balanced.

3. Its main purpose is to ensure that elected members are fully engaged in the formulation, monitoring and evaluation of member learning and development programmes. It oversees all councillor training and development on behalf of the council.
4. The group has a membership of nine councillors. Following the Council meeting held on 16th April 2018 there remains one vacancy on the Group.
5. The current membership of the group comprises: Councillors Ed Nash (Chairman), Alan Clayton (Vice-Chairman), Delma Collins, Peter Hardy, Sally Nash, Jayne Nixon, Sandra Pitman and Ray Thomas.
6. Council is invited to appoint a ninth member to the group to fulfil the vacancy.

IMPLICATIONS	
Finance	None arising from the report.
Legal	None arising from the report.
Community Safety	None arising from the report.
Human Rights and Equalities	None arising from the report.
Sustainability and Environmental Impact	None arising from the report.
Health & Safety and Risk Management	None arising from the report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Sharon Wadsworth	democracy@fylde.gov.uk	28/6/18

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council	16/4/18	Council Minutes

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	16 JULY 2018	11
REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Under the Regulation of Investigatory Powers Act 2000, the council must have in place a system of authorising, recording and reviewing any surveillance that it carries out that is covered by the act. Its system must comply with the act, regulations and codes of practice. It must have its own RIPA policy.

It is good practice for the council to evaluate and review its RIPA policy annually. No changes are proposed to the policy this year.

RECOMMENDATION

Council is recommend to endorse the RIPA policy as updated.

SUMMARY OF PREVIOUS DECISIONS

The council is invited annually to note the use made by the council of surveillance powers and adopt or endorse the council's RIPA policy. The council last did so at its meeting on 17 July 2017.

The Audit and Standards Committee receives quarterly reports on the council's use of surveillance powers.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	
Promoting Fylde as a great destination to visit (A Great Place to Visit)	

REPORT

THE RIPA FRAMEWORK

1. The Regulation of Investigatory Powers Act 2000 (RIPA) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
2. Fylde Council is therefore included within RIPA framework with regard to the authorisation of both directed surveillance and of the use of covert human intelligence sources.

3. Directed surveillance includes the covert surveillance of an individual in circumstances where private information about that individual may be obtained. A covert human intelligence source ("CHIS") is a person who, pretending to be someone that they are not, builds up a relationship of trust with another person for the purpose of obtaining information as part of an investigation.
4. RIPA introduced a mandatory system of authorisation and review for surveillance activities. Only certain people can be designated to authorise surveillance. Authorisations must be approved by the Magistrates' Court. There must be a centrally-retrievable record of authorisations.
5. As well as the act, the RIPA framework includes statutory instruments and codes of practice issued by the Home Office. Each public authority that can use RIPA must have its own RIPA policy. The Office of the Surveillance Commissioners can inspect any public authority's RIPA compliance. The Commissioners' inspections can be rigorous and thoroughgoing.

CONSIDERATION OF RIPA POLICY

6. The RIPA policy was last amended last year to reflect suggestions made following a scheduled inspection by the then Office of the Surveillance Commissioners. There are no recommended changes this year, and the current policy is attached for members' information.

IMPLICATIONS	
Finance	There are no financial implications arising from this report
Legal	Authorisation of surveillance activity gives that surveillance "lawful authority" for the purposes of the European Convention on Human Rights.
Community Safety	CCTV cameras have the capability of being used for purposes falling within the ambit of RIPA. If they were so used, a RIPA authorisation would need to be obtained.
Human Rights and Equalities	See the comments under "Legal"
Sustainability and Environmental Impact	No implications
Health & Safety and Risk Management	Failure to comply with the statutory requirements would lead to an adverse report by the regulator.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	01253 658506	

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Employees' Guide: RIPA	July 2017	Town Hall, Lytham St Annes

Attached documents

Appendix 1 – 2017 RIPA Employees' Guide Policy



Employees' Guide

Regulation of Investigatory Powers Act 2000

Directed Surveillance and Use of Covert Human Intelligence Sources

				Ref. Number	FP 78
Authorised By	Allan Oldfield	Job title	Chief Executive	Issue Date	Dec 2014
Author	Ian Curtis			Revision No	Jul 2017
End users of hard copies of this document are responsible for ensuring their copy is up to date.					

Revised July 2017

1 Introduction

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 1.2 Fylde Council is therefore included within the RIPA framework with regard to the authorisation of both [Directed Surveillance](#) and of the use of [Covert Human Intelligence Sources](#).
- 1.3 The purpose of this guidance is to:
- explain the scope of RIPA and the circumstances where it applies
 - provide guidance on the authorisation procedures to be followed.
- 1.4 The Council has had regard to the Code of Practice produced by the Home Office in preparing this guidance. It is available on the Internet at www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice.
- 1.5 This policy is reviewed annually by the full council. Additionally, reports on the use of authorisations under RIPA are made to the council's Audit and Standards Committee on a quarterly basis.
- 1.6 In summary RIPA requires that when the Council undertakes [directed surveillance](#) or uses a [covert human intelligence source](#), these activities must satisfy certain conditions and be authorised by an officer with delegated powers and approved by a Justice of the Peace.
- 1.7 The table and paragraphs 1.8 to 1.10 below set out the officers of the council who have delegated powers under RIPA and the extent of their powers:

Job title	Extent of power
Chief Executive	All
Directors	In connection with directorate activities
Director of Resources	In connection with council tax and housing benefits

- 1.8 Personnel matters are for RIPA purposes regarded as being within the province of the Human Resources section and not that of individual directorates. [Covert](#) surveillance of any council employee for the purpose of preventing or detecting crime arising out of their employment by the council

can therefore only be authorised by the Chief Executive or the Director of Resources.

- 1.9 In certain circumstances, use of social media sites such as Facebook, or using the internet for research in other ways could need authorisation as [directed surveillance](#) or use of a [covert human intelligence source](#). The Office of Surveillance Commissioners has given guidance on when the use of social media and the internet might need authorisation on RIPA. You can read the guidance at [appendix 4](#).
- 1.10 There are special rules that apply where the Council intends to undertake [directed surveillance](#) or use a [covert human intelligence source](#) and the surveillance or use of the source is likely to result in [confidential material](#) being acquired. In those circumstances, the chief executive must authorise the use of the source. Nobody else can authorise the surveillance or use of the source unless the chief executive is absent. Even if the chief executive is absent, only the officer acting for the time being as Head of Paid Service can authorise: no other officer can do so.
- 1.11 The same special rules apply where the council intends to use a [covert human intelligence source](#) who is under 18 years old, or who is vulnerable. A person is vulnerable if he or she 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. Again, the chief executive must authorise the use of such a source. Nobody else can authorise the surveillance or use of the source unless the chief executive is absent. Even if the chief executive is absent, only the officer acting for the time being as Head of Paid Service can authorise: no other officer can do so.
- 1.12 The council will only use a person who is vulnerable as a covert human intelligence source in the most exceptional circumstances, and will not use any person who is under 16 years old.
- 1.13 Authorisation and approval under RIPA gives lawful authority to carry out [surveillance](#) and the use of a source. Obtaining authorisation and approval helps to protect the Council and its officers from complaints of interference with the rights protected by Article 8(1) of the European Convention on Human Rights which is now enshrined in English law through the Human Rights Act 1998. This is because any interference with the private life of citizens will be “in accordance with the law”. Provided activities undertaken are also “reasonable and proportionate”, they will not be in contravention of Human Rights legislation.
- 1.14 It should be noted that the Council cannot authorise [Intrusive Surveillance](#). Investigators should familiarise themselves with the provisions of chapters 5

and 6 of the [Code of Practice](#) on Covert Surveillance to ensure a good understanding of the limitation of powers within RIPA.

- 1.15 Deciding when authorisation is required involves making a judgment. [Paragraph 2](#) sets out some factors you will need to consider. If you are in any doubt, seek the advice of an Authorising Officer, if they are in doubt they will seek advice from the Head of Governance. While it is always safer to get authorisation, many kinds of investigation may not involve the use of the kinds of surveillance covered by RIPA.
- 1.16 The Head of Governance has responsibility for maintaining a centrally retrievable record of authorisations under RIPA and for overseeing:
 - 1.16.1 the integrity of the process in place within the authority to authorise and seek approval of directed surveillance;
 - 1.16.2 compliance with Part II of the 2000 Act, Part III of the 1997 Act and with the codes of practice;
 - 1.16.3 engagement with the Commissioners and inspectors when they conduct their inspections, and
 - 1.16.4 where necessary, overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.
- 1.17 Before any officer of the Council undertakes or commissions any [surveillance](#) of any individual or individuals they need to assess whether the activity comes within RIPA. In order to do this the following key questions need to be asked.

2 Directed Surveillance

2.1 What is meant by Surveillance?

"Surveillance" includes:

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

2.2 When is surveillance directed?

Surveillance is 'Directed' for the purposes of RIPA if it is [covert](#) and is undertaken:

- a) for the purposes of a [specific investigation](#) or a [specific operation](#);
- b) in such a manner as is likely to result in the obtaining [of private information](#) about a person (whether or not one is specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an [immediate response](#) to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of the [surveillance](#).

2.3 Is the surveillance covert?

Covert surveillance is that carried out in a manner **calculated** to ensure that subjects of it are unaware it is or may be taking place.

If activities are open and not hidden from the subjects of an investigation, the RIPA framework will normally not apply.

2.4 Is it for the purposes of a specific investigation or a specific operation?

For example, are Town Hall CCTV cameras which are readily visible to anyone walking around the building covered?

The answer is not if their usage is to monitor the general activities of what is happening in the car park. If that usage, however, changes, RIPA may apply.

For example, **if** the CCTV cameras are targeting a particular known individual, and are being used in monitoring his activities, that has turned into a specific operation. However, the operation will only require authorisation if the surveillance is covert.

2.5 Is it in such a manner that is **likely** to result in the obtaining of private information about a person?

"Private information" is any information relating to a person's private or family life.

An investigation that merely gathers intelligence about a person's use of public spaces and premises open to the public would not by itself usually be likely to result in the obtaining of private information.

For example, the fact that a person has visited a particular pub and spoke to another particular person on a particular occasion will not be private information about either of them. But recording information about what they talk about may be. Private information may also be obtained if several records about what the person did in a public place are analysed together to produce a pattern of behaviour.

If it is likely that observations will not result in the obtaining of private information about a person, then it is outside RIPA framework. However, the use of 'test purchasers' may involve the use of [covert human intelligence sources](#) (see later). If in doubt, speak to your Authorising Officer.

2.6 Otherwise than by way of an immediate response to event or circumstances where it is not reasonably practicable to get authorisation

The Home Office gives the example of an immediate response to something happening during the course of an observer's work, which is unforeseeable.

However, if as a result of an immediate response, a [specific investigation](#) subsequently takes place that brings it within RIPA framework.

3 Is the Surveillance Intrusive?

3.1 [Surveillance](#) becomes intrusive if it:

- a) is carried out in relation to anything taking place on any **residential premises** or in any **private vehicle**; and
- b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device; or
- c) Is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle but is carried out without that device being present on the premises or in the vehicle, where the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

3.2 Surveillance is also automatically deemed to be intrusive if it relates to certain kinds of premises which are, at the time of the surveillance, being

used for legal consultations. The premises are prisons, courts, police stations, legal practitioners' offices and high security hospitals.

The council cannot carry out intrusive surveillance.

4 Covert use of Human Intelligence Source (CHIS)

4.1 A person is a Covert Human Intelligence Source if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c),
- b) he covertly uses such a relationship to obtain information or provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

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

4.3 An example of a CHIS would be an officer or other person who pretends to form a friendship with a suspect, but who is really using that relationship to secretly obtain information from the suspect.

4.4 It would be unusual for the council to use a CHIS, but if you do so, you need to obtain authorisation

5 Authorisations, approvals, renewals and cancellations

5.1 The Process for Authorisation and Approval

5.1.1 Obtaining authorisation and approval is a two-stage process. The first stage is to obtain authorisation from an Authorising Officer. Details of Authorising Officers and their remits are in [paragraphs 1.7 to 1.10](#).

5.1.2 The second stage is to obtain approval from a Justice of the Peace. This involves applying to the magistrates' court. The council will follow the Home Office [guidance on applying for approval](#). Only qualified lawyers or officers

authorised by the council under [section 223 of the Local Government Act 1972](#) can make the application for approval and appear in court.

5.1.3 A Justice of the Peace, in considering giving approval to an authorisation, must consider whether the statutory tests have been met and whether the use of the surveillance technique is necessary and proportionate.

5.1.4 An authorisation or renewal is not effective until it has been approved by a Justice of the Peace. The investigating officer should not begin the authorised surveillance until it has been approved.

5.2 The Conditions for Authorisation

5.2.1 Directed Surveillance

5.2.1.1 For [directed surveillance](#) no officer shall grant an authorisation for the carrying out of directed surveillance unless he believes:

- a) that an authorisation is **necessary** for the purpose of preventing or detecting crime or of preventing disorder and
- b) the authorised [surveillance](#) is **proportionate** to what is sought to be achieved by carrying it out.

5.1.1.2 In order to ensure that authorising officers have sufficient information to make an informed decision it is important that detailed records are maintained. As such the [forms](#) listed in the Appendix are to be completed where relevant.

5.1.1.3 Authorisations should provide enough flexibility to avoid the need for amendments to accommodate minor changes in the times or methods of surveillance, while still facilitating effective monitoring of compliance with the authorisation.

5.1.2 Covert Use of Human Intelligence Sources

5.1.2.1 The same principles apply as for [Directed Surveillance](#). (see paragraph [5.1.1](#) above), but there are some additional requirements. The person authorising use of a CHIS must believe that management arrangements for the source satisfy requirements laid down in RIPA and relevant regulations. The requirements are set out in [Appendix 3](#).

5.1.2.2 The conduct so authorised is any conduct that:

- a) is comprised in any such activities involving the use of a [covert human](#)

[intelligence source](#), as are specified or described in the authorisation;

- b) relates to the person who is specified or described as the person to whose actions as a covert human intelligence source the authorisation relates; and
- c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

5.1.2.3 In order to ensure that authorising officers have sufficient information to make an informed decision it is important that detailed records are maintained. As such the [forms](#) listed in appendix 2 are to be completed where relevant.

5.1.2.4 It is also sensible to make any authorisation sufficiently wide enough to cover all the means required, while still facilitating effective monitoring of compliance with the authorisation.

5.2 Requirements of RIPA

5.2.1 All authorisations **must** be in **writing**. The Appendix to this guidance refers to standard [forms](#), which must be used. **Officers must direct their mind to the circumstances of the individual case with which they are dealing when completing the form.**

5.2.2 Although it is possible to combine two authorisations in one form the Council's practice is for separate forms to be completed to maintain the distinction between [Directed Surveillance](#) and the use of a [source](#).

5.2.3 Authorisations lapse, if not renewed, three months from the date of approval by the Magistrates Court for directed surveillance and twelve months from date of approval by the Magistrates Court for the conduct or use of a [covert human intelligence source](#). **Nevertheless, the authorising officer must ensure that each authorisation specifies an expiry date.**

5.2.4 The person who originally granted the authorisation can renew it in the same terms at any time before it ceases to have effect. If the person who originally granted the authorisation is unavailable, another [person entitled to grant a new authorisation](#) can renew it. Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation. Any renewal will not be effective unless approved by the Magistrates Court.

But, for the conduct of a [covert human intelligence source](#), an Authorised Officer should not renew unless a review has been carried out and that person has considered the results of the review when deciding whether to

renew or not. A review must cover what use has been made of the source, the tasks given to them and information obtained.

5.2.5 The benefits of obtaining an authorisation are described in [paragraph 7](#) below.

5.2.6 Factors to Consider

Any [person giving an authorisation](#) should first satisfy him/herself that the authorisation is **necessary** on particular grounds and that the surveillance is **proportionate** to what it seeks to achieve. This will include consideration of the guidance in paragraphs 3.3 to 3.6 of the [Covert Surveillance and Property Interference Code of Practice](#).

5.2.7 Particular consideration should be given to **collateral intrusion** on or interference with the privacy of persons other than the subject(s) of [surveillance](#). Such collateral intrusion or interference would be a matter of especial concern in cases where there are special sensitivities, for example in cases of premises used for any form of medical or professional counselling, advice or therapy.

5.2.8 An application for an authorisation should include **an assessment of the risk** of any collateral intrusion or interference. The authorising officer must take this into account when considering the proportionality of the surveillance.

5.2.9 Those carrying out the [covert surveillance](#) should inform the Authorising Officer if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. In some cases the original authorisation may not be sufficient and consideration should be given to whether a separate authorisation is required.

5.2.10 Any person giving an authorisation will also need to be aware of particular **sensitivities in the local community** where the surveillance is taking place or of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance. Where the Authorising Officer considers that conflicts might arise they should consult a senior police officer before granting the authorisation.

5.2.7 Home Surveillance

5.2.7.1 The fullest consideration should be given in cases where the subject of the surveillance might reasonably expect a high degree of privacy, for instance at his/her home, or where there are special sensitivities.

5.2.8 Spiritual Counselling

No operations should be undertaken in circumstances where investigators believe that surveillance would lead to them intrude on spiritual counselling between a Minister and a member of his/her faith. In this respect, spiritual counselling is defined as conversations with a Minister of Religion acting in his/her official capacity where the person being counselled is seeking or the Minister is imparting forgiveness, absolution of conscience or counselling concerning appropriate repentance. "Minister of Religion" does not necessarily imply a paid office.

5.2.9 Confidential Material

5.2.9.1 RIPA does not provide any special protection for [confidential material](#). Nevertheless, such material is particularly sensitive, and is subject to additional safeguards under this guidance.

5.2.9.2 In general, any application for an authorisation that is likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired. Special care should be taken where the target of the investigation is likely to be involved in handling confidential material. Such applications should only be considered in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

5.2.9.3 The following general principles apply to confidential material acquired under authorisations:

- Those handling material from such operations should be alert to anything that may fall within the definition of confidential material. Where there is doubt as to whether the material is confidential, advice should be sought from the Head of Governance before further dissemination takes place;
- Confidential material should not be retained or copied unless it is necessary for a specified purpose;
- [Confidential material](#) should be disseminated only where an appropriate officer (having sought advice from the Head of Governance) is satisfied that it is necessary for a specific purpose;
- The retention or dissemination of such information should be accompanied by a clear warning of its confidential nature. It should be safeguarded by taking reasonable steps to ensure that there is no possibility of it becoming available, or its content being known, to any person whose possession of it might prejudice any criminal or civil

proceedings related to the information.

- [Confidential material](#) should be destroyed as soon as it is no longer necessary to retain it for a specified purpose.

5.2.10 Combined authorisations

A single authorisation may combine two or more different authorisations under RIPA. Combined authorisations must not include [intrusive](#) surveillance activity.

5.2.11 Partnership working

The council's human resources service and fraud investigation services are outsourced to other councils. As the tasking authority, it is Fylde's responsibility to provide the authorisation. This means that where the outsourced human resources or fraud investigation service wishes to carry out [directed surveillance](#) or use a [CHIS](#), authorisation must be obtained from an appropriate [Authorising Officer](#) of Fylde Council. An authorisation sought or granted by an officer of the council providing the outsourced service would not be valid under RIPA and would not give lawful authority for the activity.

6 Handling and disclosure of product

- 6.1 [Authorising Officers](#) are reminded of the guidance relating to the retention and destruction of confidential material as described in paragraph [5.2.9.3](#) above.
- 6.2 Authorising Officers are responsible for ensuring that authorisations undergo timely reviews and are cancelled promptly after directed surveillance activity is no longer necessary. It is good practice for a cancellation application to describe the activity undertaken, any material acquired and how that material is to be managed.
- 6.3 Authorising Officers must ensure that the relevant details of each authorisation are sent to the [designated officer](#) for registration as described in [paragraph 8](#) below.
- 6.4 The authorised officer should retain applications for [directed surveillance](#) for 5 years. Where it is believed that the records could be relevant to pending or future criminal proceedings, they should be retained for a suitable further period, commensurate to any subsequent review.
- 6.5 [Authorising officers](#) must ensure compliance with the appropriate [data protection](#) requirements and the relevant codes of practice in the handling and storage of material. Where material is obtained by [surveillance](#), which is

wholly unrelated to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to believe it will be relevant to future civil or criminal proceedings, it should be destroyed immediately. Consideration of whether or not unrelated material should be destroyed is the responsibility of the Authorising Officer.

- 6.6 There is nothing in RIPA that prevents material obtained through the proper use of the authorisation procedures from being used in other investigations. However, you should always bear in mind that the purpose of your surveillance is governed by its authorisation. If the purpose changes, you will need to seek a new authorisation.

7 The Use of Covert Human Intelligence Sources

- 7.1 The [Authorising Officer](#) must consider the continuing safety and welfare of any employee to be used as a [CHIS](#), and the foreseeable consequences to others of the tasks they are asked to carry out. He should assess any risk to the employee **before** authorisation is given.
- 7.2 The Council's practice is **not** to use an employee acting as a source to infiltrate existing criminal activity, or to be a party to the commission of criminal offences, even where this is within the limits recognised by law.
- 7.3 The Authorising Officer must believe that the use of an employee as a source is proportionate to what it seeks to achieve. He should satisfy himself that the likely degree of intrusion into the privacy of those potentially affected is proportionate to what the use of the source seeks to achieve. Accurate and proper records should be kept about the source and tasks undertaken.
- 7.4 Particular care should be taken in circumstances where people would expect a high degree of privacy or where, as a consequence of the authorisation, [confidential material](#) is likely to be obtained.

8 Confidential material

RIPA does not provide any special protection for confidential material. Nevertheless, such material is particularly sensitive, and is subject to additional safeguards under the relevant Home Office [Code](#). In general, any application for an authorisation that is likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired.

9. Central Register of Authorisations

- 9.1 RIPA requires a central register of all authorisations to be maintained. The Head of Governance or his nominated representative maintains this register.

9.2 Whenever an authorisation is granted the [Authorising Officer](#) must arrange for the following details to be forwarded by e-mail to the Head of Governance or nominated representative. Receipt of the e-mail will be acknowledged.

- Whether it is for [Directed Surveillance](#) or [CHIS](#) ;
- Applicants name, job title and directorate;
- Applicant's address and Contact Number;
- Identity of 'Target';
- Authorising Officer and Job Title; (in line with delegation scheme)
- Date of Authorisation;
- Whether the special provisions for urgent authorisation were used and, if so, why;
- Whether the investigation or operation is likely to result in obtaining [confidential material](#); and
- The first date for review.

A copy of the authorisation should be sent either with the notification or to follow as soon as practicable afterwards.

9.3. The Head of Governance or person nominated to maintain the register of authorisations will:

- a) Review the authorisation and draw the authorising officer's attention to any issues or problems with it;
- b) Check that arrangements have been made to seek approval of the authorisation from the Magistrates Court and to forward details of the approval for inclusion on the central record when granted;
- c) Remind [authorising officers](#) of the expiry of authorisations;
- d) Check that surveillance does not continue beyond the authorised period;
- e) At the anniversary of each authorisation, remind authorising officers to consider the destruction of the results of [surveillance](#) operations;
- f) At the fifth anniversary of each authorisation, remind authorising officers to consider destruction of the forms of authorisation, renewal or cancellation.

9.4 It is each director's responsibility to securely retain all authorisations, renewals and cancellations within their directorate. These records are

confidential and should be retained for a period of five years from the ending of the authorisation. Once the investigation is closed (bearing in mind court proceedings may be lodged some time after the initial work) the records held by the directorate should be disposed of in an appropriate manner (e.g. shredded).

10 Benefits of Obtaining Authorisation under RIPA.

10.1 Authorisation of surveillance and human intelligence sources

RIPA states that

- and
- if authorisation confers entitlement to engage in a certain conduct
 - the conduct is in accordance with the authorisation, **then**
 - it shall be “lawful for all purposes”.

However, the corollary is not true – i.e. if you do **not** obtain RIPA authorisation it does not make any conduct unlawful (e.g. use [of intrusive surveillance](#) by local authorities). It just means you cannot take advantage of any of the special RIPA benefits.

10.2 RIPA states that a person shall not be subject to any civil liability in relation to any conduct of his which -

- a) is incidental to any conduct that is lawful by virtue of authorisation; and
- b) is not itself conduct for which an authorisation is capable of being granted under a relevant enactment and might reasonably be expected to have been sought in the case in question

11 Scrutiny and Tribunal

To effectively police RIPA, Commissioners regulate conduct carried out under thereunder. The Chief Surveillance Commissioner will keep under review, among others, the exercise and performance by the persons on whom are conferred or imposed, the powers and duties under the Act. This includes authorising [directed surveillance](#) and the use of [covert human intelligence sources](#).

APPENDIX 1.

Definitions from RIPA

- **“Confidential Material”** consists of:
 - a) matters subject to legal privilege;
 - b) confidential personal information; or
 - c) confidential journalistic material.
- **“Matters subject to legal privilege”** includes both oral and written communications between a professional legal adviser and his/her client or any person representing hi/her client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not matters subject to legal privilege (see Note A below)
- **“Confidential Personal Information”** is information held in confidence concerning an individual (whether living or dead) who can be identified from it, and relating:
 - a) to his/her physical or mental health; or
 - b) to spiritual counselling or other assistance given or to be given, and

which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office (see Note B below). It includes both oral and written information and also communications as a result of which personal information is acquired or created. Information is held in confidence if:

- c) it is held subject to an express or implied undertaking to hold it in confidence; or
- d) it is subject to a restriction on disclosure or an obligation of

secrecy contained in existing or future legislation.

- **“Confidential Journalistic Material”** includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

Note A. *Legally privileged communications will lose their protection if there is evidence, for example, that the professional legal adviser is intending to hold or use them for a criminal purpose; privilege is not lost if a professional legal adviser is properly advising a person who is suspected of having committed a criminal offence. The concept of legal privilege shall apply to the provision of professional legal advice by any agency or organisation.*

Note B. *Confidential personal information might, for example, include consultations between a health professional or a professional counsellor and a patient or client, or information from a patient’s medical records.*

APPENDIX 2.

1. RIPA 2000 PART II **APPLICATION** FOR AUTHORITY FOR DIRECTED SURVEILLANCE
2. RIPA 2000 PART II APPLICATION FOR **RENEWAL** OF DIRECTED SURVEILLANCE
3. RIPA 2000 PART II APPLICATION FOR **CANCELLATION** OF DIRECTED SURVEILLANCE
4. RIPA 2000 PART II **REVIEW** OF DIRECTED SURVEILLANCE
5. RIPA 2000 PART II APPLICATION FOR **CHANGE OF CIRCUMSTANCES** OF DIRECTED SURVEILLANCE

APPENDIX 3

Management arrangements for CHIS

[From RIPA, section 29(5)]

- a) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have day-to-day responsibility for dealing with the source on behalf of that authority, and for the source's security and welfare;
- (b) that there will at all times be another person holding an office, rank or position with the relevant investigating authority who will have general oversight of the use made of the source;
- (c) that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have responsibility for maintaining a record of the use made of the source;
- (d) that the records relating to the source that are maintained by the relevant investigating authority will always contain particulars of all such matters (if any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and
- (e) that records maintained by the relevant investigating authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.

The matters specified in paragraph (d) are the following (see The Regulation of Investigatory Powers (Source Records) Regulations 2000)

:

- (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) the identities of the persons who, in relation to the source, are discharging or have discharged the functions mentioned in section 29(5)(a) to (c) of the 2000 Act or in any order made by the Secretary of State under section 29(2)(c);
- (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.

Covert surveillance of Social Networking Sites (SNS)

[From paragraph 289, OSC Procedures and Guidance 2016]

289 The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

289.1 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of "open source" sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

289.2 Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site's content).

289.3 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation for directed surveillance where private information is likely to be obtained. The SRO should be satisfied that there is a process in place to ensure compliance with the legislation. Using photographs of other persons without their permission to support the false identity infringes other laws.

289.4 A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	16 JULY 2018	12
OUTSIDE BODIES			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

This report seeks the approval of the council to the appointment of the council's representative on the Lancashire Waste Partnership, as recommended by the Operational Management Committee.

RECOMMENDATIONS

1. To approve that the future representatives to the Lancashire Waste Partnership will be the Councillor appointed to the role of Chairman of the Operational Management Committee.

SUMMARY OF PREVIOUS DECISIONS

3 April 2017 Council confirmed the annual appointments to outside bodies.

22 May 2018 Operational Management Committee:

"The Committee RESOLVED to nominate the role of Chairman of the Operational Management Committee as the representative to the Lancashire Waste Partnership for approval at full Council on 16th July 2018."

CORPORATE PRIORITIES	
Spending your money in the most efficient way to achieve excellent services (Value for Money)	
Delivering the services that customers expect of an excellent council (Clean and Green)	
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

Outside body appointments

1. The Council makes a number of appointments to outside bodies in each municipal year, usually at the last ordinary meeting of the municipal year.
2. Where appointments change, or new outside bodies arise, outside of the normal cycle, nominations are still sought from the parent committee and ratified by the full council.

3. A vacancy has arisen on the Lancashire Waste Partnership outside body. At the Operational Management Committee meeting, held on 22nd May 2018, the committee nominated to change from a named councillor to the role of the Chairman of the Operational Management Committee to represent the council. Council is requested to approve the nomination.

IMPLICATIONS	
Finance	None arising from this report.
Legal	None arising from this report.
Community Safety	None arising from this report.
Human Rights and Equalities	None arising from this report.
Sustainability and Environmental Impact	None arising from this report.
Health & Safety and Risk Management	None arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Sharon Wadsworth	democracy@fylde.gov.uk Tel 01253 658546	28/6/2018

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Operational Management Committee	22/5/18	Minutes

DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	16 JULY 2018	13
CONTRACT PROCEDURE RULES			

PUBLIC ITEM

This item is for consideration in the public part of the meeting.

SUMMARY

Council is asked to approve a change to the council's Contract Procedure Rules which will expressly reference the council's obligations under the Public Services (Social Value) Act 2012 to consider at the pre-procurement stage of certain contracts how what is proposed to be procured may improve the economic, social and environmental well-being of their areas and how it may act with a view to securing that improvement in conducting the process of procurement. The requirements only apply to procurements for services which are valued at or above the EU threshold. The changes went before the Audit and Standards committee on 24th May 2018.

SUMMARY OF PREVIOUS DECISIONS

Audit & Standards Committee 24th May 2018

"Following consideration of this matter, it was RESOLVED to recommend to Council the adoption of the amendments to rule 1.1 of the Council's Contract Procedure Rules as set out in the report."

RECOMMENDATION

To approve the recommendation from Audit and Standards Committee to adopt the amendments to rule 1.1 of the council's Contract Procedure Rules as set out in the report.

CORPORATE PRIORITIES

Spending your money in the most efficient way to achieve excellent services (Value for Money)	✓
Delivering the services that customers expect of an excellent council (Clean and Green)	✓
Working with all partners (Vibrant Economy)	✓
To make sure Fylde continues to be one of the most desirable places to live (A Great Place to Live)	✓
Promoting Fylde as a great destination to visit (A Great Place to Visit)	✓

REPORT

- The [Public Services \(Social Value\) Act 2012](#) requires local authorities to consider at the pre-procurement stage of certain contracts how what is proposed to be procured may improve the economic, social and environmental well-being of their areas and how the contracting authority may act with a view to securing that improvement in conducting the process of procurement. Authorities must also consider whether to undertake any community consultation on their proposals.

2. The requirements apply to services contracts and frameworks whose value is above the EU threshold¹ and which are therefore covered by the Public Contracts Regulations 2015. The council seldom, if ever, lets services contracts of or above the threshold value.
3. The Corporate Governance Action Plan 2017 noted that the council had no express reference in its suite of contract rules and guidance to the need to consider social value in its procurement activities and recommended that a social value policy be introduced. After considering some social value policies introduced by other authorities, the Corporate Governance Group reconsidered the recommendation and felt that it would be more proportionate to include a reference to the requirements of the act in the council's Contract Procedure Rules and to incorporate further information in the 'Guide to Buying for the Council'.
4. The Contract Procedure Rules form part of the council's constitution. Any substantive amendment would normally be approved by the council, following a recommendation by the Audit and Standards committee. The 'Guide' is an internal practice note. Changes to the 'Guide' do require committee approval. The proposed change to the Rules relates to rule 1.1, and is set out below. The change also updates an outdated statutory reference in the same rule:

1.1 Subject to rule 1.2, every contract made by or on behalf of the Council shall comply with:

- (i) these Rules;
- (ii) the Council's Financial Regulations;
- (iii) all relevant statutory provisions, including in particular the Local Government Act 1988, Part II, the Public Contracts Regulations 2006~~2015~~, and the Local Government (Contracts) Act 1997 and the Public Services (Social Value) Act 2012;
- (iv) any relevant European Council Directive; and
- (v) any direction by the Council or the relevant committee.

5. Council is asked to adopt the change to the policy as set out above.

IMPLICATIONS	
Finance	This amendment, if approved, would not alter the process for determining the most appropriate and financially advantageous tender submission received for the provision of any particular service. Consequently there are no financial implications arising directly from this report.
Legal	The Public Services (Social Value) Act 2012 sets out certain requirements that only apply to above-threshold procurements of services.
Community Safety	The impact on community safety of an in-scope procurement could form part of the consideration of its social value.
Human Rights and Equalities	The impact on human rights and equalities of an in-scope procurement could form part of the consideration of its social value.
Sustainability and Environmental Impact	The sustainability and impact on the environment of an in-scope procurement could form part of the consideration of its social value.
Health & Safety and Risk Management	None arising from this report

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BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Audit & Standards Committee	24/5/18	Audit & Standards Committee Minutes

¹ Currently £181,302.