



# Agenda

## Council

Date:	Monday, 17 July 2017 at 7:00 pm
Venue:	Lowther Pavilion, West Beach, Lytham, FY8 5QQ
	<p>Mayor : Councillor John Singleton JP Deputy Mayor : Councillor Raymond Thomas</p> <p>Leader : Councillor Sue Fazackerley Deputy Leader : Councillor Karen Buckley</p> <p>Councillors Ben Aitken, Christine Akeroyd, Frank Andrews, Peter Anthony, Tim Ashton, Mark Bamforth, Jan Barker, Keith Beckett ISO, Brenda Blackshaw, Julie Brickles, Maxine Chew, Alan Clayton, Delma Collins, Peter Collins, Michael Cornah, David Donaldson, David Eaves, 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, Barbara Nash, Edward Nash, Graeme Neale, Linda Nulty, Liz Oades, Sandra Pitman, Albert Pounder, Richard Redcliffe, Louis Rigby, Vince Settle, Elaine Silverwood, Roger Small, Heather Speak, Thomas Threlfall, Viv Willder.</p>

	PROCEDURAL ITEMS:	PAGE
1	<b>Declarations of Interest:</b> 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	<b>Confirmation of Minutes:</b> To confirm the minutes, as previously circulated, of the Annual General Meeting held on <a href="#">10 May 2017</a> as a correct record.	1
	<b>ANNOUNCEMENTS:</b>	
3	<b>Mayor's Announcements</b>	1
4	<b>Chief Executive's Communications</b>	1
	<b>REPRESENTATIONS:</b>	
5	<b>Questions from Members of the Council</b>	3
6	<b>Questions from Members of the Public</b> For procedure to ask a question at a Council meeting see <a href="#">Public Speaking at Council Meetings</a> .	4

	<b>DECISION ITEMS:</b>	
<b>7</b>	<b>Notice of Motion – Community Policing in Lancashire</b>	<b>5 - 6</b>
<b>8</b>	<b>Committee Membership Nominations</b>	<b>7 - 8</b>
<b>9</b>	<b>Chief Officers Employment Committee</b>	<b>9 - 11</b>
<b>10</b>	<b>Appointments to Outside Bodies</b>	<b>12 - 13</b>
<b>11</b>	<b>Charity of Lawrence Henry Clegg for the Poor</b>	<b>14 - 16</b>
<b>12</b>	<b>Corporate Plan 2016-2020 Progress Update</b>	<b>17 - 29</b>
<b>13</b>	<b>Local Government Association Peer Challenge Review</b>	<b>30 - 47</b>
<b>14</b>	<b>Accommodation Project - Phase 6 Council Chamber Fit Out</b>	<b>To Follow</b>
<b>15</b>	<b>Healthy New Town Pilot Project – Phase 2 Funding</b>	<b>49 - 51</b>
<b>16</b>	<b>Constitutional Amendments</b>	<b>52 - 53</b>
<b>17</b>	<b>Community Housing Fund</b>	<b>54 - 56</b>
<b>18</b>	<b>Housing Services Private Sector Housing Assistance Policy – Housing Needs Grant</b>	<b>57 - 59</b>
<b>19</b>	<b>Fairhaven Heritage Lottery Project</b>	<b>60 - 65</b>
<b>20</b>	<b>The Fylde Sand Dunes Project Update</b>	<b>66 - 69</b>
<b>21</b>	<b>Area Conservation Ranger Post and Coastal Improvements -Section 106 Funding</b>	<b>70 - 74</b>
<b>22</b>	<b>Regulation of Investigatory Powers Act (RIPA) Policy</b>	<b>75 - 97</b>

Contact: Katharine McDonnell - Telephone: (01253) 658423 – Email: [democracy@fylde.gov.uk](mailto: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	17 JULY 2017	5
<b>QUESTIONS FROM MEMBERS OF THE COUNCIL</b>			

### PUBLIC ITEM

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

### SUMMARY

The following question has been received from a Member 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 further 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 17 July 2017 and a response will be given by the Leader of the Council.

### Councillor Kiran Mulholland asks;

"Would council consider allowing Honorable Alderman to have parking passes for council owned car parks. To be considered as an Alderman of the Borough a member should normally have served at least sixteen years as a councillor, which in my opinion is quite an achievement and allowing them to receive a parking pass would go some way to recognise the prolonged public service they have given to the borough. I believe the loss of income for such a scheme would be so minimal as to be almost insignificant. I hope that this matter can be passed to the relevant committee for further consideration".

## REPRESENTATIONS

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	17 JULY 2017	6
<b>QUESTIONS FROM MEMBERS OF THE PUBLIC</b>			

### 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 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 17 July 2017 and a response will be given by the Leader of the Council.

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	17 JULY 2017	7
<b>NOTICE OF MOTION – COMMUNITY POLICING IN LANCASHIRE</b>			

### 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 3 July 2017.

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

## The Motion

1. The following Notice of Motion has been received:

“That this Council calls on the Lancashire Police and Crime Commissioner to reassess his policing priorities to ensure that Fylde's community policing is returned to the levels previously expected, enjoyed and experienced by its residents.”

The Notice of Motion has been duly proposed by Councillor Liz Oades.

## Standing Orders

2. Part 4 (Rules of Procedure), Standing Order 12 (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	<a href="mailto:tracy.morrison@fylde.gov.uk">tracy.morrison@fylde.gov.uk</a> Tel 01253 658521	3 July 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Notification from Councillor Oades	3 July 2017	<a href="https://fylde.cmis.uk.com/fylde/DocumentsandInformation.aspx">https://fylde.cmis.uk.com/fylde/DocumentsandInformation.aspx</a>
Council Constitution		<a href="https://fylde.cmis.uk.com/fylde/DocumentsandInformation.aspx">https://fylde.cmis.uk.com/fylde/DocumentsandInformation.aspx</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	17 JULY 2017	8

### COMMITTEE MEMBERSHIP NOMINATIONS

#### PUBLIC ITEM

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

#### SUMMARY

The Conservative Group has asked that Councillor John Kirkham replace Councillor Delma Collins on the Environment, Health and Housing Committee and that Councillor Kirkham also replace Councillor Edward Nash on the Operational Management Committee. In addition, the Group has requested that Councillor Ray Thomas replace Councillor Albert Pounder on the Planning Committee.

As a result of Councillor Thomas being appointed to the Planning Committee, there will be a vacancy in the pool of planning substitutes. This will be considered separately by the Planning Committee in accordance with Rule 25 of the Rules of Procedure.

It is also considered convenient to deal with the outstanding vacancy for the non-aligned seat on the Operational Management Committee. This position was not filled when the appointment of committees was considered at the 3 April Council meeting.

#### RECOMMENDATIONS

1. To appoint Councillor John Kirkham as a member of the Environment, Health and Housing Committee in place of Councillor Delma Collins.
2. To appoint Councillor John Kirkham as a member of the Operational Management Committee in place of Councillor Edward Nash.
3. To appoint Councillor Ray Thomas as a member of the Planning Committee in place of Councillor Albert Pounder.
4. To consider the appointment of a non-aligned member to the vacancy on the Operational Management Committee.

#### SUMMARY OF PREVIOUS DECISIONS

The meeting of Council on 3 April 2017 allocated seats to the various committees in accordance with the rules of political balance.

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

## REPORT

- Under the rules of political balance, eight seats on the council's Environment, Health and Housing Committee, seven seats on Operational Management Committee and seven seats on the Planning Committee are allocated to the Conservative Group.
- At present, one seat on the Environment, Health and Housing Committee is allocated to Councillor Delma Collins. The group has asked that Councillor Collins be replaced by Councillor John Kirkham. Also, one seat on the Operational Management Committee is allocated to Councillor Edward Nash and the group has asked that Councillor Nash be replaced by Councillor Kirkham. In addition, one seat on the Planning Committee is allocated to Councillor Albert Pounder and the group has asked that Councillor Pounder be replaced by Councillor Ray Thomas.
- The Council is obliged to accept the nominations of the group and accordingly is asked to appoint Councillor Kirkham to the Environment, Health and Housing Committee in place of Councillor Delma Collins, appoint Councillor Kirkham to the Operational Management Committee in place of Councillor Nash and appoint Councillor Thomas to the Planning Committee in place of Councillor Pounder.
- It is also considered convenient to deal with the outstanding vacancy for the non-aligned seat on the Operational Management Committee. This position was not filled when the appointment of committees was considered at the 3 April Council meeting.

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 from directly this report

LEAD AUTHOR	CONTACT DETAILS	DATE
Lyndsey Lacey - Simone	01253 658504	10 <sup>th</sup> May 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Council minutes	3 April 2017	Town Hall and Website



## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	17 JULY 2017	9
<b>CHIEF OFFICERS EMPLOYMENT COMMITTEE</b>			

### PUBLIC ITEM

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

### SUMMARY

The Chief Officers' Employment committee presently comprises independent persons, as required by law, as well as councillors.

The national Joint Negotiating Committee Handbook on chief executives' terms and conditions requires that councils reconstitute the equivalent committee so that it comprises only independent persons and not councillors. The report recommends complying with that requirement set out by the JNC, and adopting the same practice in relation to chief officers.

### RECOMMENDATIONS

1. Change the composition of the Chief Officers' Employment Committee so that when considering the dismissal of the chief executive or chief officers in cases of disciplinary action, it comprises only the three independent persons appointed under section 28(7) of the Localism Act 2011.

### SUMMARY OF PREVIOUS DECISIONS

Council, 17 April 2017: Appointed committees for 2016-17 including the Chief Officers' Employment Committee, fixed the size and political balance of committees including the Chief Officers Employment Committee and appointed their present memberships.

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

## REPORT

### REMIT AND PRESENT COMPOSITION

1. The Chief Officers' Employment Committee has the following terms of reference:
  1. *The definition of those posts which are regarded as Chief Officer posts is listed in Part 7 of this Constitution.*
  2. *The appointment of:*
    - (i) *The Officer designated as the Head of the Authority's Paid Service;*
    - (ii) *A statutory Chief Officer within the meaning of Section 2(6) of the Local Government and Housing Act 1989; and*
    - (iii) *A non-statutory Chief Officer*
  3. *The dismissal of, or disciplinary action against, any Officer referred to in paragraph (i) to (iii) above or the consideration of any appeals, grievances or other matters in relation to any such officer where it should be expedient for the committee to deal with them.*

The terms of reference of the committee reflect the requirements of the Local Authorities (Standing Orders) (England) Regulations 2001, which require the functions listed in the terms of reference to be referred to the committee for advice and recommendations.

2. The regulations require that the committee includes at least two of the independent persons appointed under section 28(7) of the Localism Act 2011 (which deals with standards and codes of conduct). Fylde's committee presently comprises all three of its independent persons, together with six members of the council.
3. The committee does not have a regular schedule of meetings, and in fact has never met.

### RECOMMENDED CHANGE

4. Fylde council is a member of the Joint Negotiating Committee for Chief Executives of Local Authorities ("the JNC"). The JNC is the national negotiating body for the pay and conditions of service of Chief Executives in England and Wales. The Authorities' Side consists of elected members nominated by the Local Government Association. The Staff Side consists of chief executives nominated by the Association of Local Authority Chief Executives (ALACE). The members agree to abide by the outcome of the negotiations between the local authorities and the ALACE.
5. The JNC's National Salary Scales and Conditions of Service Handbook agreed last year included a change which member authorities are required to incorporate in their constitution. The change agreed is that the body fulfilling the role of Fylde's Chief Officers' Employment Committee should, when considering the dismissal of the chief executive in cases of disciplinary action, comprise only independent persons appointed under section 28(7) of the Localism Act 2011, and should not include any elected members.
6. The council is therefore recommended to accept the national model process agreed by the JNC and to stipulate that when considering the dismissal of the chief executive in cases of disciplinary action, the Chief Officers' Employment Committee will only comprise the three independent persons. For consistency, it the committee is also recommended to have the same composition when considering the same matter in relation to chief officers. The appointment of Chief Officers would continue to be made by elected members and would be ratified by Full Council.

IMPLICATIONS	
Finance	There are no financial implications arising directly from this report.
Legal	The JNC handbook does not have the force of law. The legislation requires that committees such as the Chief Officers' Employment Committee include at least two independent persons, but also allows authorities to appoint elected members to the committee.
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
Ian Curtis	01253 658506	22 May 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Joint Negotiating Committee for Chief Executives of Local Authorities National Salary Scales and Conditions of Service Handbook	13 October 2016	Town Hall, Lytham St Annes

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	17 JULY 2017	10
<b>APPOINTMENTS TO OUTSIDE BODIES</b>			

### PUBLIC ITEM

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

### SUMMARY

A request was received in June 2017 from the St Annes based charity Just Good Friends, to be included on the list of Outside Bodies for Fylde Council. The group are based in St Anne's but work across the borough and the Fylde coast providing support most days of the week to vulnerable people who are isolated or lonely. The group believe there would be significant benefit to their work and profile if there was at least one nominated elected member representative from Fylde Council linked to the charity. An invitation is also extended to all elected members to engage with the charity to learn more about what they do and establish additional connections across the borough to assist identifying lonely or isolated people that the charity can support.

The Environment, Health and Housing Committee considered the request at its meeting on 20 June 2017 and subsequently recommended the inclusion of the charity on the list of Outside Bodies for Fylde Council. The committee also recommended that Councillors Willder and Goodman be appointed as representatives.

### RECOMMENDATIONS

1. To approve the recommendation of the Environment, Health and Housing Committee that the charity Just Good Friends is added to the approved list of Outside Bodies for Fylde Council;
2. To approve the nomination of Councillor Viv Willder and Councillor Gail Goodman, by the Environment, Health and Housing Committee, to represent the Council on Just Good Friends; and
3. To note the invitation from Just Good Friends extended to all Councillors to visit the organisation and learn more about the charity, the work it does and support, where possible, referrals from the local community.

### SUMMARY OF PREVIOUS DECISIONS

20 June 2017 – recommendations from Environment, Health and Housing Committee to approve the inclusion of Just Good Friends on the list of approved Outside Bodies for Fylde Council; to nominate Councillors Willder and Goodman to represent the Council at Just Good Friends and to recommend extending the invite from Just Good Friends to all councillors to visit and learn more about the organisation.

### CORPORATE PRIORITIES

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

## REPORT

1. During a recent visit to one of the weekly events held by the charity Just Good Friends the Chief Executive was asked about the process for member involvement. A number of elected members have over the five years the charity has operated been involved in the work, attended sessions, made referrals and championed the various events. The Chairman of Just Good Friends, Bev Sykes believes that formal member representation would benefit the charity, its members and the council. Ms Sykes was unaware of the Outside Bodies list and after having it explained asked if it would be possible for Just Good Friends to be included and to have at least one elected member formally representing the charity but placed no limit on how many members they would like. The view was that informal member involvement has added value in the past because elected members know their locality and are very well connected, ideally placed for referrals and advocating Just Good Friends to other community leaders.
2. Just Good Friends have the strapline 'Combatting Loneliness and Isolation', they have an established membership of over 200 Fylde residents that regularly attend one or more of the regular Tuesday, Wednesday, Friday and Sunday events or the numerous other occasional events aimed at connecting lonely and isolated vulnerable people. The majority of the members are elderly but there is no age limit on isolation and loneliness and the charity is reliant on small regular contributions from members if they can afford, donations and fund raising.
3. The charity offers:
  - a. A meeting point, a place to go and to be with other people
  - b. Friendship and companionship for everyone
  - c. A full program of events, outings and activities
  - d. A feeling of belonging, of being valued and welcomed
  - e. An opportunity to become part of the community and not being an outsider looking in
  - f. An opportunity to use your experience of loneliness and isolation to help others
  - g. Access to impartial advice and counselling if required
4. Full details of the charity can be found [www.justgoodfriends.org.uk](http://www.justgoodfriends.org.uk) whilst the group is primarily based in St Anne's they work across the borough and the Fylde Coast with other groups established to tackle loneliness and isolation which have been identified as significant wellbeing issues in Fylde.
5. Members of the Environment, Health and Housing Committee supported the work of the charity and recommend to Full Council the inclusion of Just Good Friends on the official list of Outside Bodies and nominated Councillor Viv Willder and Councillor Gail Goodman to be engaged with the charity. The committee also fully supported the invitation from Just Good Friends to all elected members to attend an event and find out more about the work they do and help to connect with anyone in the community who would benefit from their support.

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
Tracy Morrison	tracy.morrison@fylde.gov.uk & Tel 01253 658521	4 July 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Environment, Health & Housing Committee	20/6/17	<a href="#">Environment, Health &amp; Housing meeting</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	17 JULY 2017	11
<b>CHARITY OF LAWRENCE HENRY CLEGG FOR THE POOR</b>			

### PUBLIC ITEM

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

### SUMMARY

The Charity of Lawrence Henry Clegg for the Poor is moribund, having no remaining trustees. Though the council has power to appoint new trustees, it would be more beneficial and a better use of the funds to wind up the charity and transfer its assets to another active charity that meets the criteria in the conditions of the Trust. The report proposes that trustees are appointed to the Clegg charity for the purposes of undertaking the administrative acts needed to close the charity.

### RECOMMENDATION

Appoint the Leader of the Council and a senior officer as trustees of the Lawrence Henry Clegg Charity for the Poor with the intention that the trustees will pass a resolution under section 282 of the Charities Act to release the endowment capital of the charity for expenditure, transfer the assets of the charity as direct donations to a charity or charities which have similar objects to those of the Lawrence Henry Clegg Charity for the Poor, and take any other administrative action necessary to close the charity.

### SUMMARY OF PREVIOUS DECISIONS

Council (Lytham St Annes Borough Council), 29 April 1963 and 26 July 1965: Appointed John Hewitson, Percy Nicoll and Frank Pickles as trustees.

Council, 21 May 1979: Appointed councillors Alice Middleton, Percy Nicoll and John Tavernor as trustees for a period of four years from 21 May 1979

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

## REPORT

### THE CHARITY

1. The Charity of Lawrence Henry Clegg for the Poor is a registered charity whose activities are to “*help poor and needy in the Fylde area of Lancashire*”<sup>1</sup>. It has a permanent endowment in the region of £30,000, and, when it was active, used income from that permanent endowment to make gifts of up to £75 each year to individuals. The last gifts appear to have been made in 2013.
2. The governing document of the charity gives responsibility for appointing new trustees to Fylde Borough Council, as successor to the former Borough of Lytham St Annes:

*“The body of trustees shall consist when complete of three competent persons appointed by the Council of the Borough of Lytham St Annes. Each appointment shall be made for the term of four years at a meeting convened and held according to the ordinary practice of the Council. The Chairman of the meeting shall cause the name of each person appointed to be notified forthwith to the Trustees or their clerk. The person appointed may but need not be a member of the Council.”*

3. Until 1986, the charity appears to have been administered at least in part by the council. The council made appointments of trustees in line with the governing document, trustee meetings were held in the Town Hall and the chief executive or equivalent acted as honorary secretary to the trustees.
4. After 1986, the trust appears to have been run independently of the council, save that the trustees included councillors or former councillors. New trustee appointments seem to have been made by the trustees themselves (despite the governing document), trustee meetings were held in the home of one of the trustees and one of the trustees acted as secretary.
5. Two of the last trustees of the charity have resigned and the remaining trustee subsequently passed away, so there are no trustees. The council now holds the books and papers of the charity. (The daughter of one of the trustees who resigned passed them to officers).

### AVAILABLE OPTIONS

6. The options available to the council are to appoint trustees to run the charity, or to close the charity and transfer its assets to another charity with compatible objectives.
7. If the council appointed trustees to run the charity, those individuals would be required to take upon themselves the significant administrative and compliance responsibilities required of trustees. The charity's Income and expenditure for the last five years for which records are available<sup>2</sup> is set out below:

Financial year end (FYE)	Income	Spending
31 Dec 2013	£3,193	£2,645
31 Dec 2012	£2,663	£2,645
31 Dec 2011	£2,641	£2,045
31 Dec 2010	£3,415	£1,510
31 Dec 2009	£1,513	£1,010

Members may feel that the commitments which would be required of new trustees would be disproportionate to the scale of the charity, and that the aims of the charity would be best served by closing it and transferring its assets to another compatible charity i.e. one that serves the ‘poor and needy in the Fylde area of Lancashire’. The council could find itself in the same position in future if the trustees resign or pass away.

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<sup>1</sup> Taken from the Charity Commission website listing for the charity.

<sup>2</sup> Taken from the Charity Commission website listing for the charity.

## CLOSING THE CHARITY

8. Officers have sought advice from the Charity Commission about closing the charity. The Commission has advised that the council would need to appoint two or more trustees to undertake the administrative actions necessary to close the charity and transfer its assets. The appointments would be limited to taking only those actions. The actions are the passing of a resolution under section 282 of the Charities Act 2011 and sending a copy to the Commission, transferring the charity's assets to another charity or charities and completing a declaration of the closure of the charity.
9. The trustees appointed to close the charity would be required to decide which other charity or charities the assets of the Lawrence Henry Clegg charity would be transferred to. The activities of any transferee charity would need to be similar to those of the Clegg charity. The trustees may carry out local consultation about appropriate transferee charities, but the legal responsibility for the decision would rest with the trustees.
10. Appointing the Leader of the Council and a senior council officer to be the trustees tasked with closing the charity would enable the administrative tasks required in closing the charity to be taken, while maintaining member oversight.

IMPLICATIONS	
Finance	There are no implications to the Council's finances arising from this report. The funds held by the charity are separate to those of the Council.
Legal	The closure of the charity would be in accordance with the Charity Act 2011 and guidance from the Charity Commission.
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
Ian Curtis	01253 658506	May 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Minute and account books of the Lawrence Henry Clegg Charity for the Poor	1966 onward	Town Hall, Lytham St Annes
Correspondence with the Charity Commission	July – August 2015	Town Hall, Lytham St Annes



## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	COUNCIL	17 JULY 2017	12
<b>CORPORATE PLAN 2016-2020 PROGRESS UPDATE</b>			

### 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 2016 and March 2017

### RECOMMENDATIONS

1. Council note the progress made against the Corporate Plan actions (included in Appendix 2) for the period April 2016 to March 2017.
2. That the Council approve the actions included as Appendix 3 to be added to the Corporate Plan 2016-20 in order to make progress towards delivering agreed the objectives.
3. To approve adding the equality objective *“to achieve a workforce composition that reflects the community of Fylde, in terms of gender, race, disability and sexual orientation”* to the existing Corporate Plan 2016-2020, through the corporate planning process.

### SUMMARY OF PREVIOUS DECISIONS

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

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

### REPORT

1. The Council has agreed a four year Corporate Plan which outlines the key actions, targets and outcomes that the Authority will deliver on behalf of the Fylde community, the current 2016 to 2020 Corporate Plan approved at Full Council on February 8<sup>th</sup> 2016 is included as Appendix 1.
2. Appendix 2 provides details of the actions carried out in the first year of the current plan (2016/17) marking the progress made to date. The format for the four year plan is to agree specific actions for the current

financial year that contribute towards achieving the four year objectives / outcomes. The plan is reviewed on an annual basis to take 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 four year period.
4. The Corporate Plan forms part of the Council's budget and policy framework and is approved by Full Council, the plan for 2016 to 2020 was approved on February 8<sup>th</sup> 2016. 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 the employees delivering the services to agree improvement actions, which will contribute to council priorities. There are 96 improvement actions identified for 2017/18 in the service plans captured in [the performance management system InPhase](#) with the high priority actions added to the 'plan on a page' included in Appendix 3 for approval by the council.
8. Performance against the plan is captured and monitored through the performance management framework and can be viewed online at <http://fyldeperformance.inphase.com> at any time. The council is asked to note progress against the 2016/17 actions (Appendix 2) and approve the high priority actions for 2017/18 (Appendix 3).
9. Fylde Council has a statutory responsibility under Equality Act 2010 known as the "Public Sector Equality Duty" to have "due regard" to the need to:
  - Eliminate discrimination, harassment, victimisation and other prohibited conduct
  - Advance equality of opportunity
  - Foster good relations between different (defined) groups

The Government has powers to require public bodies to undertake defined actions known as "Specific duties" implemented by Ministerial Orders. A recent Order relates to defining Equality Objective/s through the corporate planning process. Therefore, it is proposed to include the following on the Corporate Plan 2016-2020:

- Priority - "We aim to achieve a workforce composition that reflects the community of Fylde, in terms of gender, race, disability and sexual orientation".
- Action - "We aim to include in every policy and service delivery appropriate measures to ensure that all protected characteristics receive fair and equal opportunity".

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	<a href="mailto:allano@fylde.gov.uk">allano@fylde.gov.uk</a> 01253 658500	May 8 <sup>th</sup> 2017
Alex Scrivens	<a href="mailto:alexs@fylde.gov.uk">alexs@fylde.gov.uk</a> 01253 658543	May 8 <sup>th</sup> 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Corporate Plan 2016-20	February 2016	<a href="http://www.fylde.gov.uk/assets/files/7077/The-Corporate-Plan-2016-2020.pdf">http://www.fylde.gov.uk/assets/files/7077/The-Corporate-Plan-2016-2020.pdf</a>
Performance Information	N/A	<a href="http://fyldeperformance.inphase.com">http://fyldeperformance.inphase.com</a>

Attached documents

**APPENDIX 1:** The Corporate Plan 2016-2020

**APPENDIX 2:** Progress Against 2016/17 Actions

**APPENDIX 3:** The 2017/18 high Priority Actions



# 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

To make sure 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**

- Set a timetable with reporting milestones for the accommodation project
- Produce and implement an investment strategy
- Further reduce the requirement for paper/print through the use of technology
- Increase online service /information provision
- Explore and initiate new income streams





- Identify and target fly tipping hotspots to reduce their levels
- Promote initiatives to reduce dog fouling
- Improve signage across the borough to deter dog fouling and promote dogs on leads.
- Focus resources on the reduction of seasonal litter
- Maintain and increase Green Flag status for parks and open spaces
- Strive to achieve Blue Flag status for the beaches
- Work with partners to improve the quality of the bathing water
- Review the waste service to deliver savings through changes
- Deliver the coastal defence project at Fairhaven and Church Scar with the Environment Agency

- Assess the benefits of becoming a member of the Combined Authority
- Engage effectively with the Local Enterprise Partnership
- Progress the re-opening of the M55/ Moss Road link
- Support the Fylde Coast highways and transport masterplan projects (junction 2)
- Enforce car parking regulations and review car parking options
- Investigate the potential of developing the digital high street
- Engage positively in the Duty to Co-operate on planning initiatives
- Facilitate and support Town Centre Partnerships
- Channel business rates funding opportunities to economic development

- Implement the timetable for the Local Plan delivery
- Provide appropriate provision for Travellers
- Take enforcement action on illegal encampments
- Carry out resident surveys and act upon the findings
- Review and improve bus shelter provision
- Develop and implement a policy to protect our heritage
- Build on the success of the Residents' Car Parking Scheme
- Review public information systems for residents
- Tackle social isolation and health inequalities with Public Health






- Develop a policy on events including Club Days, festivals and concerts
- 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
- Carry out visitor surveys and act upon the results
- Review and develop social media and online information
- Maximise the natural assets of our coast and countryside by improving their facilities
- Revisit the strategy for the development of Fairhaven Lake







## PERFORMANCE KEY ICON STATUS

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






## APPENDIX 2: PROCESS AGAINST 2016/17 ACTIONS

VALUE FOR MONEY	
CORPORATE PLAN ACTION	STATUS
<b>Action: Set a timetable with reporting milestones for the accommodation project</b>	
Update: Completed	
<b>Action: Produce and implement an investment strategy</b>	
Update: Proposals are being drafted as part of a more commercial approach adopted by the council with consideration of options in consultation with best practice authorities and consultant support – this will be captured in actions for 2017/18	
<b>Action: Further reduce the requirement for paper/print through the use of technology</b>	
Update: Digital transformation and process re-engineering have delivered efficiency including paper reduction through electronic storage, transfer and creation of documents. This work will continue with the Transformation Strategy integrated as part of the approach to service delivery	
<b>Action: Increase online service /information provision</b>	
Online service provision and processing has increased through process re-engineering and digital transformation that is now integrated as part of the approach to service delivery and continuous improvement	
<b>Action: Explore and initiate new income streams</b>	
Update: A Self-Sufficient Working Group has been established to consider new incomes streams and measures to increase existing income, these are part of the commercial approach advocated by the LGA Peer Challenge Review - this will be captured in actions for 2017/18	







CLEAN & GREEN	
CORPORATE PLAN ACTION	STATUS
<b>Action: Identify and target fly tipping hotspots to reduce their levels</b>	
Update: A new waste management and enforcement team has been established in the Environmental Health service which has developed improved procedures for targeting, clearing and enforcement, the new team and approach is now part of the regular service delivery	
<b>Action: Promote initiatives to reduce dog fouling</b>	
Update: Work on Public Space Protection Orders (PSPOs) replacing bylaws has been finalised and a timetable for implementation and delivery in 2017 has been agreed by Operational Management Committee	
<b>Action: Improve signage across the borough to deter dog fouling and promote dogs on leads.</b>	
Update: Work on PSPOs replacing bylaws has been finalised and a timetable for implementation and delivery in 2017 has been agreed by Operational Management Committee including proposals and budget for improved signage	
<b>Action: Focus resources on the reduction of seasonal litter</b>	
Update: Options for the provision of larger litter bins along the promenade from Starr Gate to Lytham Windmill to increase provision and reduce emptying frequency are in the process of being completed for summer 2017.	
<b>Action: Maintain and increase Green Flag status for parks and open spaces</b>	
Existing Green Flags have been retained and measures taken to progress status of other locations, this function is integrated as part of the regular service from the parks and open spaces team	
<b>Action: Strive to achieve Blue Flag status for the beaches</b>	
Update: Work on the criteria to achieve Blue Flag that can be implemented as part of ongoing management practices will be done but criteria that require more significant investment will be the subject to budget growth requests.	












<b>Action: Work with partners to improve the quality of the bathing water</b>	
The council is part of a partnership with the Environment Agency, United Utilities, LCC and marine management agencies that works collectively on measures to address water bathing quality as part of the established approach	
<b>Action: Review the waste service to deliver savings through changes</b>	
Update: The review has been completed at regional and district level and the decision made to introduce a green waste subscription service	
<b>Action: Deliver the coastal defence project at Fairhaven and Church Scar with the Environment Agency</b>	
All work scheduled relating to the project in 2016/17 has been completed, the project team has been established and the works are being tendered during the summer for a start on site in the autumn.	

A VIBRANT ECONOMY	
CORPORATE PLAN ACTION	STATUS
<b>Action: Assess the benefits of becoming a member of the Combined Authority</b>	
Update: The benefits were assessed but events across Lancashire and with the national approach to a Combined Authority for shire districts have meant that a proposal for a Lancashire Combined Authority has never moved forward.	
<b>Action: Engage effectively with the Local Enterprise Partnership</b>	
The Fylde Coast Economic Development Partnership has been reviewed with a strong remit to support the Enterprise Zones at Blackpool Airport and Hillhouse, it is through this forum that the relationship with the LEP will be developed – this is an ongoing action	
<b>Action: Progress the re-opening of the M55/ Moss Road link</b>	
The council has pledged up to £1m towards the cost of an accelerated single contract to build the new link road. Regular meetings are facilitated by the council between all parties to secure the design of the link road and the letting of a contract for its construction.	



<b>Action: Support the Fylde Coast highways and transport masterplan projects (junction 2)</b>	
Update: The construction of the M55 link road is a key project in the masterplan (see above). The council is engaged with other initiatives in the masterplan.	
<b>Action: Enforce car parking regulations and review car parking options</b>	
Update: Parking enforcement was reviewed by the member working group which recommended to continue enforcement as currently delivered but review the contract when it is up for tender in 2018, an opportunity arose to adjust some arrangements within the existing contracts leading to an increase in enforcement at targeted times	
<b>Action: Investigate the potential of developing the digital high street</b>	
Update: Limited progress has been made as a result of the need to understand the digital high street concept and the need for other digital transformation initiatives needing to be in place first – this is incorporated as part of the wider digital transformation strategy	
<b>Action: Engage positively in the Duty to Co-operate on planning initiatives</b>	
Update: The Publication version of the Local Plan has been subject to the examination in public and the inspector was satisfied that the legal duty to co-operate had been met	
<b>Action: Facilitate and support Town Centre Partnerships</b>	
Update: Initial discussions and ideas have been investigated to date, the action will be longer term over the current four year Corporate Plan and is ongoing in 2017/18	
<b>Action: Channel business rates funding opportunities to economic development</b>	
Update: The final arrangements for business rates retention have yet to be confirmed but the council has joined the Lancashire pooling arrangements for 2017/18 with a view to secure increased retention of business rates growth – this action is ongoing in 2017/18	

A GREAT PLACE TO LIVE	
CORPORATE PLAN ACTION	STATUS
<b>Action: Implement the timetable for the Local Plan delivery</b>	
Update: The timetable has been followed, the recent examination in public provided some additional work that has been completed and the Local Plan will progress – completion will be in 2017	
<b>Action: Provide appropriate provision for Travellers</b>	
Update: The decision by the planning inspector for the Hardhorn site on appeal has resulted in the council meeting the required provision for travellers when added the sites already approved and supported	
<b>Action: Take enforcement action on illegal encampments</b>	
Update: Nine pitches on an illegal encampment have been cleared and officers are working with travellers to agree and discharge the conditions on other pitches. A number of unlawful encampments on public land have been moved on by way of legal proceedings in the minimum time allowed by law, an established procedure is in place to both prevent and react to illegal encampments.	
<b>Action: Carry out resident surveys and act upon the findings</b>	
Update: A corporate annual survey and service based surveys are carried out and the outcomes used to inform service improvements, address the source of complaints and monitor performance, these are part of the established service delivery	
<b>Action: Review and improve bus shelter provision</b>	
Update: The capital budget has been spent on replacing some existing shelters owned by the council along with providing some additional shelters, and Section 106 contributions has been used to install additional new shelters in key locations	
<b>Action: Develop and implement a policy to protect our heritage</b>	
Update: Initial discussions and ideas have been investigated to date the action will be longer term over the current four year Corporate Plan and is ongoing in 2017/18	

<b>Action: Build on the success of the Residents' Car Parking Scheme</b>	
Update: The car park working group reviewed the Resident's Permit Scheme and agreed an increase in time allowed on some long stay car parks from 2 hours to 4 hours from 1st November to 20th March, the scheme will be reviewed when 1,000 permits have been issued. Scheme permit holders can use the Public Offices Car Park 7 days allowing access the centre of St Anne's during peak daytime hours	
<b>Action: Review public information systems for residents</b>	
Update: As part of the communications review and the transformation strategy how the council engages with customers has been reviewed, actions from the strategy will be delivered over the life of the Corporate Plan i.e. a new improved website, seasonal TIC etc.	
<b>Action: Tackle social isolation and health inequalities with Public Health</b>	
Update: Initial discussions and ideas have been investigated with partners through the Fylde & Wyre Health and Wellbeing Partnership and the CCG with actions targeted at the most vulnerable groups and the most deprived communities of the borough, further work will be carried out over the term of the current four year Corporate Plan and is ongoing	

A GREAT PLACE TO VISIT	
CORPORATE PLAN ACTION	STATUS
<b>Action: Develop a policy on events including Club Days, festivals and concerts</b>	
Update: A <a href="#">policy</a> has been developed by a member working group and approved by the Tourism & Leisure Committee	
<b>Action: Improve entrance signage and welcome points</b>	
Update: Initial discussions and ideas have been investigated including sponsorship to support new entrance signage and links to In Bloom initiatives the actions will be agreed and confirmed in 2017/18	
<b>Action: Improve information in and about tourist areas</b>	
Update: A report is being considered by the council's Tourism and Leisure Committee on options to extend tourism information access.	

<b>Action: Develop and promote rural tourism</b>	
Update: Rural tourism is identified in the new events policy as an area for growth and will have dedicated material on the new Discover Fylde tourism website, the Tourism and Culture Manager has improved links with rural tourism providers – actions will continue throughout 2017/18	
<b>Action: Decide the most effective way to market Fylde as a holiday destination</b>	
Update: Initial discussions, ideas and market analysis and research have been investigated with local partners and neighbouring boroughs, this action will be longer term over the current four year Corporate Plan and is ongoing in 2017/18	
<b>Action: Carry out visitor surveys and act upon the results</b>	
Update: A corporate annual survey and additional ad hoc surveys are carried out and the outcomes used to identify areas where improvements can be made and monitor the visitor experience and changing expectations, this approach is part of the established service delivery	
<b>Action: Review and develop social media and online information</b>	
Update: The review has been carried out and a revised social media policy has been adopted and implemented that has led to a reduction in multiple sites for the same issues and greater use, presence and impact of dedicated managed sites	
<b>Action: Maximise the natural assets of our coast and countryside by improving their facilities</b>	
Update: The use of natural assets in tourism and service delivery has been incorporated in the policy work on events, the development of rural tourism and the work towards a more commercial approach at Fylde – this action will be progressed further in 2017/18	
<b>Action: Revisit the strategy for the development of Fairhaven Lake</b>	
Update: The bid for development funding from the Heritage Lottery was successful to produce a detailed plan for the development of Fairhaven Lake that will be submitted to the lottery fund to secure the remaining capital sum	

**APPENDIX 3: The 2017/18 Service Plan High Priority Actions**

The actions below will be added to the existing ongoing Corporate Plan Actions identified in Appendix 2 above.

High Priority Actions from Service Plans 2017/18	Corporate Priority Link	Estimated Completion Date
Complete the accommodation project	Value For Money	NOV 2017
Review the potential / function of all property assets in response to the need to be financially self-sustaining by 2020	Value For Money	SEPT 2017
Fairhaven Lake Project - Work up the stage 1 development plan and submit stage 2 bid to Heritage Lottery Fund	Great Place To Visit	AUG 2018
Support community groups throughout the borough to maximise success in the regional and national 'In Bloom' initiative	Great Place To Live	OCT 2017
Produce landscape masterplan for Lytham Park Cemetery	Clean & Green	DEC 2017
Improve online services to increase efficiency, reduce transaction costs and generate income	Value for Money	JUN 2018
New Council Website – provide a replacement site, streamline content and integrate digital by preference to enable 24/7 services	Value for Money	JUN 2018

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
LEADER OF THE COUNCIL	COUNCIL	17 JULY 2017	13
<b>LOCAL GOVERNMENT ASSOCIATION PEER CHALLENGE REVIEW</b>			

### PUBLIC ITEM

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

### SUMMARY

The report provides details of the work carried out by the Local Government Association as part of the Peer Challenge Review process in 2016 and includes the final report that includes feedback on strengths as well as areas for improvement and further development. In response to member enquiries when the draft report was published in September 2016, a follow up session was held for elected members only on November 2<sup>nd</sup> 2016 that highlighted issues for further investigation and action which are included in the report. Members are asked to note the work carried out by the LGA on behalf of the council and support the use of the relevant feedback to inform improvement actions.

### RECOMMENDATIONS

1. That the council note the report produced by the LGA Peer Challenge Review Team included at Appendix 1 and the constructive feedback provided to assist the council.
2. That the further actions agreed at the follow up session for elected members only on November 2<sup>nd</sup> 2016 and included in Appendix 2 are progressed and developed as part of the councils improvement agenda.
3. That the Leader writes to the LGA Peer Review Team to thank them for their work at Fylde and the advice and support they have provided over the last 12 months.

### SUMMARY OF PREVIOUS DECISIONS

None

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

## REPORT

1. An LGA Peer Challenge Review is improvement-focussed and tailored to meet individual councils' needs, it is not an inspection, it is best practice rather than compulsory and the advice is provided to assist and support. The review is designed to support, complement and add value to the council's own performance and improvement plans. The peer review team use their experience and knowledge of local government to reflect on the information presented to them through interviews and group work, evidence they found on site and documents they examine throughout the process. The team prepared for the Peer Challenge Review by examining a range of documents and information to ensure they were familiar with the council and the challenges it is facing. The team then spent three days on-site during which they:
  - Spoke to more than 80 people including a wide range of council staff together with a significant number of councillors and external partners/agencies and stakeholders.
  - Gathered information and views from meetings, a short tour of the borough, observing a Development Management Committee meeting and additional research and reading.
  - Collectively spent more than 120 hours to assess and determine the findings – the equivalent of one person spending more than 3 weeks at the authority.
2. The report included in Appendix 1 provides a summary of the findings from the Peer Challenge Review which is presented by fellow local government officers and members, not professional consultants or inspectors, as advice and support on what is going well, what could be done better and what should be considered in forward planning given the challenges facing local authorities. The reviews are used by local authorities as one of the evidenced based information sources that inform forward planning and proposed improvement initiatives.
3. By its nature, the peer challenge is a snapshot in time and it is recognised that some of the feedback will be about things the council is already addressing and progressing. It is recognised that some of the issues have progressed since the review and the publication of the report for example the Combined Authority and potential boundary review and therefore the feedback and proposed options in respect of these issues have been addressed. The report highlights the strengths and successes of the council as well as providing advice on areas for improvement or measures that can be taken to prepare for the next significant change in local government, which at the present time is the requirement to be self-sufficient by 2020.
4. The peer review team explored three issues:
  - The ability of the council to deliver its priorities within the resources available
  - The capacity, abilities and potential of the administrative and political leadership
  - An assessment of overall strengths and weaknesses of the council
5. There are a number of established standard questions that corporate peer challenge teams apply to explore the councils ability to prioritise, plan and deliver within its resources, which are:
  - Does the council understand its local context and has it established a clear set of priorities?
  - Does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
  - Does the council have effective political and managerial leadership and is there a constructive partnership between officers and members?
  - Are effective governance and decision-making arrangements in place to respond to key challenges and manage change and transformation?
  - Are organisational capacity and resources focused in the right areas in order to deliver the agreed priorities?
6. The LGA Peer Challenge Review report has already been used to inform operational improvement initiatives since it was published in September 2016, in particular the creation of the Self-Sufficient Working Group

which examines ideas for income generation and service efficiency, and an increased focus on developing a more commercial approach.

7. When the report was first published a number of elected members sought further clarification about the findings and representations were made to the Peer Review Team lead. In response the Lead Officer from the LGA, Neil Shaw and the Lead Chief Executive on the review team, Shelia Oxtoby returned on site to hold a follow up session that all members were invited to on November 2<sup>nd</sup> 2016. This provided the opportunity for the team to clarify the findings in the report addressing the issues that some members had raised but also the opportunity for further discussion with elected members about the key strategic issues the council needs to address.
8. The note included in Appendix 2 to the report provides details of the issues that were discussed by the members in attendance on November 2<sup>nd</sup> that should be explored further as part of the improvement agenda at Fylde. Only 14 members were able to attend the additional follow up session so it is important that the follow up actions agreed are presented to the council and proposed as part of the improvement agenda. The relevant feedback from the LGA Peer Challenge Review as well as the issues discussed at the follow up session will be used to inform targeted improvement initiatives and forward planning.
9. The LGA Peer Challenge Review and follow up support was provided as part of the membership of the LGA and designed to provide independent and impartial advice on improvement that is most suitable for Fylde given the capacity, resources, culture and appetite of the council set against the challenges common to local government. The council should seek to make the most of the opportunity provided by using the feedback and advice as one of the evidenced based sources that can inform future improvement.

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

LEAD AUTHOR	CONTACT DETAILS	DATE
Leader	<a href="mailto:listening@fylde.gov.uk">listening@fylde.gov.uk</a> 01253 658658	April 19 <sup>th</sup> 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection

Attached documents

**Appendix 1** – The LGA Peer Challenge Review Report for Fylde Council

**Appendix 2** – The LGA Peer Challenge Review Follow Up Session Note





Corporate Peer Challenge

**Fylde Borough Council**

25-27 May 2016

Feedback Report

## Executive Summary

Fylde is a borough which has created an excellent environment for its residents and has huge potential for the future. The council is lean and provides core services to a good standard. The quality of many of its services are good and many of them are delivered at an average cost below many other district councils nationally, demonstrating good value for money overall. Feedback from residents on council services continues to be high.

The borough has a wealth of natural and economic assets on which to build. This includes the quality of the natural environment, quality of life and a number of nationally renowned employers such as BaE Systems and Westinghouse. The council is also financially robust, with healthy reserves forecast over the remainder of this decade and as such is in a stronger financial position than many other district councils. This strong financial position has been hard won with the council transforming its financial management and consequently delivering greater financial resilience through tight financial control over the last eight years. Going forward this financial control needs to be carefully balanced with the opportunities which could be presented by the council taking measured risks in order to reap greater rewards for the borough in the future.

As the future role of local government continues to change, Fylde must decide what kind of council it wants to be and – more importantly – what kind of borough residents are likely to want in the future. The council should play a strong role in shaping the kind of borough you would like Fylde to be. There are opportunities to be ambitious and innovative for Fylde and missing economic opportunities for the borough can be a risk for the long-term sustainability of Fylde as a vibrant and dynamic area.

The nature of local government is changing. Local authorities in the future will need stronger leadership, greater innovation in delivering outcomes for residents and to manage the significant reduction in Government grant funding so that they can be more financially sustainable. The council could be more ambitious for Fylde. It is for the leadership of the council to decide what kind of place it wants the borough to be in the next 10-20 years. However, taking a more balanced approach – growing the local economy whilst retaining the core heritage and quality of life aspects of the borough – will be critical if Fylde is to be more vibrant and meet the needs of people of working age to a greater extent. Delivering this will require stronger leadership in the future.

Fylde is already a lean council although further savings will be needed as a future funding gap is forecast. The overall staffing, financial and management capacity of the council will be a challenge in a time of diminishing public sector resources. Fylde Borough Council will need to be a different organisation in a few years' time. One which has embraced different operating models to a greater extent, uses its influencing role more effectively and takes a more commercial approach with a greater sharing of risk and reward. The council has a number of sound building blocks in place to deliver this ambition.

However, the council will need to bring forward more specific plans to bridge the funding gap it will have from 2018/19 in readiness for next year's budget cycle and take opportunities to reshape services to make savings or generate greater income. We are also encouraging members to take a stronger political leadership role and we also believe

now is an appropriate time to invite the Boundary Commission to review the appropriate number of elected members for the authority in the future.

## **Summary of the peer challenge approach**

### **The peer team**

On behalf of the team, I would like to say how much we enjoyed spending time in Fylde to work with you on the recent corporate peer challenge. The team very much appreciated the welcome we received and the positive way with which people engaged in the process and the support provided in the lead up to, and during the course of, the challenge.

It is testimony to the council's desire for constructive external insight that Fylde commissioned the peer challenge. Peer challenges are managed and delivered by experienced elected member and officer peers. The peers who delivered the peer challenge were:

- Sheila Oxtoby, Chief Executive, North Norfolk District Council
- Cllr Glen Sanderson, Deputy Leader of the Conservative Group, Northumberland County Council
- Cllr Mike Haines, Leader of the Independent Group, Teignbridge District Council
- Karen Iveson, Chief Finance Officer, Selby District Council (and Asst Director, Strategic Resources, North Yorkshire County Council)
- Neil Shaw, Principal Adviser, Local Government Association

### **Scope and focus**

You asked the peer team to explore the following three issues:

- Reality check on the ability of the council to deliver its priorities within the resources available
- Examination of the capacity, abilities and potential of the administrative and political leadership
- Assessment of overall strengths and weaknesses

The peers used their experience and knowledge to reflect on the evidence presented to them by people they met, things they saw and material that they read. There are a series of guiding questions for all corporate peer challenges which we used to explore the first two areas of focus. These are:

- Does the council understand its local context and has it established a clear set of priorities?
- Does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
- Does the council have effective political and managerial leadership and is it a constructive partnership?

- Are effective governance and decision-making arrangements in place to respond to key challenges and manage change and transformation?
- Are organisational capacity and resources focused in the right areas in order to deliver the agreed priorities?

### **The peer challenge process**

It is important to stress that this was not an inspection. Peer challenges are improvement-focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement focus. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the council and the challenges it is facing. The team then spent three days on-site between 25-27 May 2016, during which they:

- Spoke to more than 80 people including a wide range of council staff together with a significant number of councillors and external partners/agencies and stakeholders.
- Gathered information and views from meetings, a short tour of parts of the borough, observing a Development Management Committee meeting and additional research and reading.
- Collectively spent more than 120 hours to determine their findings – the equivalent of one person spending more than 3 weeks at the authority.

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

## Detailed feedback

### Ability of the council to deliver its priorities within resources

#### Understanding of the local place and priority setting

1. Collectively, elected members have a passion for Fylde which is palpable. The Conservative Administration have provided a clear steer on priorities for the council and as part of this process in February 2016 the council adopted a new corporate plan with five priorities: Clean & Green, A Vibrant Economy, A Great Place to Live, A Great Place to Visit and Value for Money. This included publishing a clear summary of the priorities in the form of a 'plan on a page'.
2. Fylde is a charming borough, with towns and villages located in a high quality natural environment. People aspire to live in the borough, demonstrated for example, by the significant number of people of retirement age who move here. It does not suffer from the scale of public sector problems which many other areas of the UK do. For example, crime is relatively low overall, educational attainment is very good, the health of local people of working age is relatively good and employment levels are higher than the national average. However, this overall positive picture does mask smaller pockets of deprivation across the borough. Fylde is also facing the understandable health challenges associated with an ageing population.
3. Despite having clarity on its five current priorities, the council would benefit from further developing its longer-term strategic thinking. This includes defining what kind of place it would like to see Fylde being in the future. At the moment, the priorities largely reinforce the importance of preserving the quality of life for existing residents. There are opportunities to be bolder and more ambitious in terms of growing the local economy (and the associated housing which would accompany this to some extent). The priorities could more ambitiously express what kind of place Fylde could be in the future. Fundamentally, the council should be investing in the future of the borough to help bring about a vibrant local economy.

#### Leadership of place

4. The peer team have framed the leadership of place around the council's five agreed priorities. On the 'Clean & Green' priority it is clear that the council is delivering some strong outcomes. Now and in the past, the performance of a number of core environmental services has been good. Fylde has five parks with 'Green Flag' awards. There is a clear pride in keeping the physical environment and public realm clean and tidy and the council receives good public feedback on this. 48% of waste is being recycled annually and this is well above the average for other district councils in the North West. The council are demonstrating good value for money on many environmental services. For example, spending on waste management is amongst the best 20% of district councils nationally. The council has also worked

closely with the Environment Agency, including securing a £20m coastal defence project for the Fylde coast.

5. On the 'Vibrant Economy' priority there is more of a mixed picture of achievement. Education and skills play a critical role in a strong local economy. Educational attainment in the borough is well above the national average. Three of the boroughs secondary schools are rated either 'good' or 'outstanding' by Ofsted (and the other two have not yet been rated). The Office for National Statistics annual national survey of earnings shows average earnings in Fylde are in the top 20% of districts nationally. The performance of the council's core planning service - supporting economic (and housing) development - is good. Currently 100% of minor planning applications and 77% of major applications are determined within the statutory timescales. The Blackpool Airport Enterprise Zone provides good future opportunities for business growth.
6. However, from a planning perspective there is a lack of a consensus view on a vision for Fylde in the future. There are pressures to grow the local economy (and the associated housing developments). However, the council does not yet have an agreed Local Plan. This tension over growth/development has existed for a number of years and was identified by the Planning Advisory Service peer challenge in 2012. There is some evidence to point to a relative slow-down in the local economy in recent years, including a decline in the number of active businesses in the borough (from 3,425 in 2009 to 3,230 in 2014).
7. The council's 'Great Place to Live' priority encompasses a broad range of issues including health, community safety and housing. Health outcomes for young people and people of working age in Fylde are better than the national average. The council recognises that, particularly with an ageing population, its residents face a number of health challenges. The council is involved in the national Healthy Towns pilot as part of local partnership with the private and public sector and is encouraging social landlords like Prospect, to introduce telecare in their new housing developments as just one of the developments to support older people. There will be opportunities to have a stronger impact on public health issues, but at present it is challenging to get consistent input from the County Council on the issue and there is a need for clearer joined up plans on health/social care for older people in the borough in the future.
8. The County Council is undergoing significant change due to reducing financial resources. Some of this is having a direct impact on Fylde in 2016. There is a current proposal to close four of the borough's five public libraries and the remodelling of adult social care is likely to have a strong impact on Fylde due to the age profile of its residents. This is a good example of the need to ensure communities are resilient to changes in public services, either by reducing demand or explore alternative ways of delivering services jointly with other public sector partners and voluntary organisations. Here is an opportunity for the council to use its influence to shape such services in the future. Fylde has good outcomes on

community safety. Recorded crime overall in the borough is well below the national average. The fear of crime is above the average, which is likely connected to the older age profile of the population. The council has undertaken some joint working with neighbouring Wyre Council on CCTV. The council also makes good use of a wide range of voluntary groups to improve outcomes for residents, including; for example, the work around Britain in Bloom.

9. In terms of housing, although it is anticipated that the Local Plan will be adopted by March 2017, the revised preferred option for the Local Plan has proved controversial for some Fylde residents and members. 97% of respondents to the annual resident survey indicated Fylde is a good place to live. The current plans seek to approve 370 homes across the borough per year. The council currently has a cumulative shortfall of around 735 homes and this is creating development pressures. The peer team recognise the building of new homes is an emotive issue in Fylde for some residents and members. There are also likely to be opportunities for innovative commercial development in the borough in the future. It is for the leadership of the council to decide what kind of place it wants the borough to be in the next 10-20 years. However, taking a more balanced approach – growing the local economy whilst retaining the core heritage and quality of life aspects of the borough – will be critical if Fylde is to be more vibrant and meet the needs of people of working age to a greater extent.
10. Fylde places a strong emphasis on tourism expressed through their 'Great Place to Visit' priority. Fylde has a good track record for events and festivals which are a major plank of the council's work on promoting the tourist economy. The council's focus on maintaining its natural assets is valued by residents and visitors and supports the borough's tourism offer. The borough has a wealth of heritage buildings and visitor attractions and a differentiated tourism 'offer' to its neighbour Blackpool. The attractions and events are too numerous to list, but provide a strong tourism offer particularly for day visitors and visitors to the Royal Lytham & St Anne's Golf Course. Again, the council could take on a more influencing role to shape the offer in the future and using its assets to achieve a revenue return for re-investment in the borough.
11. The council has a long history of seeking more efficient ways of operating. This continuing emphasis is captured in the council's 'Value for Money' priority. The council has made good progress on securing value for money in many of its services. This is explored in more detail later in the report. Resident satisfaction with services is high, demonstrated by the very positive response to the annual resident survey, the relatively low level of complaints and the growing number of recorded compliments. The council has a shared service arrangement on revenues and benefits with Blackpool Council. This appears to be working well, performance is good and the shared service arrangement is providing better value for money. The council shares a small number of other services with other providers in order to improve the resilience of small services and provide better value for money. This



includes provision of HR/Payroll from Blackpool Council and CCTV from Wyre Council.

12. Looking to the future it will be important to recognise that local government is changing radically. This will mean the council will have to think more ambitiously and embrace a different kind of local government, explored in detail throughout this report.

### **Financial planning and viability**

13. The council has a revenue budget of £9.3m in 2016/17. Unusually for district councils, this year the council has increased its revenue budget by £699,000. This increase is being used to manage increased demand pressures across a range of services. The council have managed the past years' reduction in the revenue budget as the Government's revenue support grant has reduced significantly. The council has also made a significant recovery from a major financial crisis in 2008. Progress since then is testament to the council's tight financial control and desire to achieve better value for money from services where possible.
14. The council currently has £10.3m of reserves (a proportion of which are earmarked for contingencies and risks). The council has been growing the size of its reserves for a number of years as part of a financially prudent approach. This included increasing the reserves by around £600,000 last year. The council can therefore deliver the work laid out in its corporate plan related to its five priority areas within its existing financial resources. However, the council has projected it will have a gap in the revenue budget of around £2.1m by 2019/20. This is a significant financial challenge for an organisation with the size of its current revenue budget.
15. There are opportunities for business rate growth on the horizon but there are also opportunities to meet the financial challenge by reshaping services, generating additional income (which the council has begun to look at), using the proposed devolution of 100% of business rates to councils and growing the New Homes Bonus. However, detailed plans have not yet been developed and the council needs to grasp opportunities in areas where significant financial savings can be made with likely limited negative feedback from residents. For example, the decision to not proceed with a proposal to charge for green waste in recent months has left the council needing to progress more radical savings or income generation plans in the future. There is likely to be value in revisiting this decision as part of the council's medium term financial planning to bridge the savings gap.
16. Income generation is significantly underdeveloped and there are opportunities to help make a better contribution to the council's financial position. Although there are a number of smaller, operational, ideas to improve income generation the council needs a better overall grip on taking a more commercial approach in the future and learning from other councils. The council will need to be less risk averse overall. The 2008 financial crisis dictated a particular approach to financial management. The issues from 2008 have now been addressed and the council,



whilst maintaining a sound financial approach, will need to be less risk averse in the future.

17. The council have examined its asset base as part of planning its longer-term financial position. This has included reducing its main buildings from five down to two and moving many services back into the Town Hall and One Stop Shop. It is good to see the council grasping the nettle on better use of its assets as part of its on-going drive to be a leaner organisation but a more ambitious approach could see the council reap even greater rewards for re-investment in the borough. As outlined earlier, the council has made good progress on securing value for money in many of its services. The council is better than average on value for money compared to other district councils nationally in a range of areas, including; spend on benefits administration, culture/sport, environmental services, housing and public health. This, combined with good service performance across many services, is a real strength of the council.
18. Overall, there is a need to bring forward a plan over the next few months for closing the financial gap which will occur from 2018/19 and use revenue more effectively. It will be important that the council does not defer or delay savings and income generation plans for the next couple of years. There is a need to make more specific plans to feed into next year's budget cycle.

### **Capacity to deliver**

19. Fylde is a small council. It has reduced from around 700 direct employees in 1999 down to around 250 today. There is a real love for the council from frontline staff and middle managers, many of whom are also local residents. Despite reductions in budgets and staff, morale appears to be very good. Staff have a realistic understanding that the council needs to change in the future. Staff sickness absence is low (around 6.2 days per employee). The council also use a competency framework to shape employee behaviours in a positive way and grappling with the fact that local authorities will need to be a different kind of organisation in the future, with different skills and behaviours in its workforce.
20. The council have an established a Ambassadors programme. This could be an excellent opportunity to empower employees to seek innovative solutions to challenging problems. It would be good to see the Ambassadors selecting some challenging issues/services and seeing what creative solutions, including different operating models for services and income generation ideas, they might have.
21. Over a period of time the council has undertaken process reviews to examine ways to improve the efficiency of services, reduce duplication and delays. This appears to be having an impact at an operational level and continues the council's on-going work to seek ways of making services leaner. The approach also embeds the 'lean' thinking approach within staff as a way of getting more capacity out of staff and building more resilience.

22. Like many local authorities the council has a skills gap in key areas which will be important in the future. As summarised earlier, understanding how to take a more commercial approach, generate greater income and build community resilience will be key issues for a different kind of local authority in the future. Currently the council undertakes options appraisals to examine the future operating model(s) for services. However, there needs to be a more permanent and embedded approach to these skills in the future either by developing the skill base of key employees or making a decision to buy in this capacity, for example, through a commercial director/team like some authorities have done. Some smaller councils like Colchester have taken a more comprehensive approach to developing a more commercial approach and there is likely to be useful learning for Fylde in examining approaches like this.
23. One part of the future approach to both make effective use of council capacity and manage the budget reductions will be to reduce demand for services (where appropriate). There are already some examples of this, for example, through the work of Customer Services and some wider channel shift work to reduce the number of face-to-face interactions. It is unclear to what extent the council intends to take the opportunity to manage the demand for services on its own and work with other public sector agencies including Lancashire County Council and health agencies. This opportunity could have a significant impact on the council's financial position if services are reshaped, alongside work with service users to manage the transition.
24. On transformation and 'digital switch' of services the council has made significant progress in terms of enabling customers to access many services online. Work on this is on-going with further proposals to expand the digital approach. The council has also been keen to offer greater home working and remote working opportunities for staff and understands there is further progress to make. To some extent, the reduction in the number of council buildings has triggered this approach, but it is another example of the council seeking to make better use of its capacity.
25. Fylde has a well-established approach to performance management. It has a clear process for tracking the performance of services and this is systematically reported to members and officers.

## **Capacity, abilities and potential of the administrative/political leadership**

26. The council has a Conservative Administration. It also has a significant number of Independent members which are the Opposition. The Leader was appointed in May 2015 when the council changed its governance system. The Conservative Administration has provided a steer on priorities and this resulted in the adoption of a new Corporate Plan in February 2016. The five priorities are understood by both members and officers.

27. In May 2015 the council changed its governance system, reverting to a committee system following a local referendum in 2014. The new governance structure appears to be evolving. Members are clear how the system works. The council created four committees to replace the role of the previous Executive. In recent months the council has undertaken an internal review to examine how effectively the new system is working and the review has indicated a small number of minor improvements to improve the efficiency of the system. The council would benefit from reflecting on the practice and approach of other authorities who have moved to a new governance system as part of this process to seeking on-going improvement and keep open to any further changes which may streamline the speed of decision-making in the future.
28. However, there is clearly a view from members outside the Administration that the new governance system has not led to more open, transparent and inclusive decision-making as they perceive it. In the view of the peer team, further improvements to decision-making should be focused on improving working relationships between members and member behaviours and not on the governance structure itself. There is scope for members working much more effectively across political groups but a history of discord between the Conservative and Independent Groups is hampering this improvement taking place.
29. At times relationships between the Conservative and Independent groups are fractious. This is disappointing as members appear to have much more in common about delivering good outcomes for local people, than their differences. Members could achieve more for their residents by setting aside their differences when appropriate and avoid seeking to draw officers into this political environment. All this can take place whilst not detracting from the robust and constructive challenge that opposition members should make in a democratically accountable organisation. The political groups may wish to consider holding an all-party facilitated session to further work up the detail of the ambition for the borough beyond 2020 and the LGA would be happy to help.
30. Overall, the council has a relatively large number of members (at 51) for a borough with a population of 77,000 and an organisation with a budget of £9.3m. It is not the role of the peer team to make recommendations on the number of members a local authority should have. However, some other local authorities have looked to reduce their number of members, including Knowsley who in 2016 have reduced their number of members by around a third (from 63 to 45). The key issue for the council is that it has the most appropriate number of members to run a modern and effective local authority. It would seem that now is the time to engage the Boundary Commission to review the current arrangements and explore the issue objectively and in more detail.
31. The council has an experienced senior management team. The biggest leadership challenge for the council will be to decide whether it wishes to maintain its current strategic direction delivering incremental improvement or change gear to a more

ambitious approach aimed at delivering strong outcomes for local people within the financial envelope of a reducing public sector budget.

32. The council is actively involved in the current discussions and work to develop a Lancashire Combined Authority. The development of the Combined Authority is a work in progress and the council have voted in favour of the proposal recently. There is an anticipation that a 'devolution deal' for Lancashire will be agreed over the coming months as the detail of the proposal is shaped. Over the coming months it will be important for the council to get a better understanding of what the 'devolution deal' might offer for Fylde (in this phase of the deal or future phases).

## Overall strengths and weaknesses

33. In summary, the council has a number of headline strengths on which it can build, including:

- Providing core services to a good standard
- Good value for money overall
- High satisfaction rates from residents
- Financially sound council – building up reserves as a buffer
- Lean organisation – pared down workforce
- Move to digital a good work in progress
- Passionate staff and good morale
- Cultural shift is evident
- Work delivering some good projects

34. In summary, the council has a number of headline areas for future improvement, including:

- Deciding what kind of council you want to be in the future - could be more ambitious
- Need to be a different organisation in the future - different operating models, more influencing, more commercial approach
- Resolve the tension between the economic development ambition and desire by many to 'preserve' Fylde
- Member relationships are key to making the politics work, not the governance structure
- Degree of risk aversion pervades
- Limited scope for further staff reductions
- Exploring the benefits associated with reducing the number of elected members

Finally, we would like to thank colleagues and members at Fylde, especially Alex Scrivens for his support in the lead up to the peer challenge and during the challenge itself. The council supported the process well.

Further on-going support is available through the Local Government Association's Principal Advisers, Neil Shaw (email: [neil.shaw@local.gov.uk](mailto:neil.shaw@local.gov.uk), tel: 07876 688987) and Gill Taylor (email: [gill.taylor@local.gov.uk](mailto:gill.taylor@local.gov.uk), tel: 0778 9512173). Neil will liaise with the authority in the coming months to explore specific issues the council may wish to be supported on.

### **Report contact**

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## Corporate peer challenge follow up session



### Purpose

This paper captures the main issues and related next actions, which arose from the follow up session after the corporate Peer Challenge Review on 2 November 2016.

### Key issues under discussion

A wide ranging discussion was undertaken following a reminder of the key messages from the corporate peer challenge. There was general consensus that the key findings from the peer challenge were accurate. Fourteen members attended the follow up session and the key issues under discussion should be viewed in context. The following specific actions were agreed by the members in attendance to be explored further.

**Business rates** – enable all members to get a better understanding of the implications of changes to business rates and the impact on the council's future funding model. Members recognized that regular information has been provided on issues connected to the budget. However, a number of members are still clearly not aware of the changes to business rates which are very likely and what this will mean for the council's balance of funding between RSG, business rates and income. A briefing session for all members would probably be useful but this needs to be checked back with Group Leaders.

**A more commercial approach** – members picked up on the issue of taking a more commercial approach. This recognized some of the work already underway, but fundamentally, there was agreement that more needs to be done. Members recognized that the council's commercial skills were underdeveloped (like many other councils). There is likely to be a need to secure these skills from the market, rather than relying on these being developed within the organization (although there was discussion on the undoubted value in looking to do this as well). Any recruitment of an officer as a Commercial Manager (or similar) should be undertaken on a flexible basis i.e. a fixed term contract, with clear income targets set. Bringing forward a business case for this was supported by members.

**Enabling members to be more outward looking** – a small amount of discussion focused on members' perception that they are often unable to gain a good understanding of the wider metrics in Fylde, beyond data being reported directly by services. For example, members overall seemed to lack an understanding of the health of the Fylde economy e.g. level of unemployment, number of businesses. In other words, embedding key data in committee reports periodically would enable members to understand the wider picture e.g. health data in leisure service reports, economic data on reports on business etc.

**A more 'interventionist' council** – members discussed at length that the council often takes a 'passive' role in major areas. This is underpinned by members' own behavior e.g. a desire from many to preserve the borough or for the status quo. Members recognized that this often led to things happening to Fylde, rather than the council playing a role in making them happen or shaping events. For example, housing developers often approach

the council rather than members providing a clear and consistent steer on what they want (what kinds of development and seeking out developers likely to deliver it). The issue was not isolated to development. It was a wide ranging discussion which members agreed more often (but not all the time) that the council should be more 'interventionist' – providing a lead. Precisely what this means and how they would enact this needs greater unpicking and discussion with other members.

**Political leadership** – some discussion focused on relationships between members. The members in attendance agreed that relationships were often poor, although paradoxically most members found they could agree on specific operational/service issues more often than not with their fellow members. Members agreed they should seek to build better relationships between the Groups. They also acknowledged that some of this was personality driven (on all sides). Changes to the governance system have not delivered some members expectations about the nature of their individual (or Group's) role in the new system. All members need to recognize the political reality of a council with one party who has an overall majority. Before all members recognize the implications of this, there is likely to be little traction in improving relationships.

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	17 JULY 2017	14
<b>ACCOMMODATION PROJECT - PHASE 6 COUNCIL CHAMBER FIT OUT</b>			

### PUBLIC ITEM

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

Please note that the Accommodation Project - Phases 6 Council Chamber Fit Out report is TO FOLLOW



## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
OFFICE OF THE CHIEF EXECUTIVE	COUNCIL	17 JULY 2017	15
<b>HEALTHY NEW TOWN PILOT PROJECT – PHASE 2 FUNDING</b>			

### PUBLIC ITEM

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

### SUMMARY

The partnership group working on the Healthy New Town Pilot project at Whyndyke Garden Village has received further funding from NHS England for Phase 2 of the project. The funding awarded to the partnership is for £75,000 in the 2017/18 financial year. Fylde Council is the current accountable body for the grant on behalf of the partnership. The council is best placed to continue to act as the accountable body having performed the function for Phase 1 of the pilot.

### RECOMMENDATIONS

#### Full Council is recommended:

1. To approve that the council continue to act as the accountable body on behalf of the partnership for Phase 2 of the Healthy New Town Pilot project; and
2. To approve a fully-funded revenue budget increase for 2017/18 in the sum of £75,000 for the partnership to administer for Phase 2 of the pilot.

### SUMMARY OF PREVIOUS DECISIONS

#### Finance & Democracy Committee, June 20<sup>th</sup> 2016:

The Committee resolved:

1. to support the recommendation of the Environment, Health & Housing committee to approve a fully funded revenue budget increase in the sum of £149,817 in 2016/17 from NHS England to support the Healthy New Town pilot project;
2. to support the recommendation from the Environment, Health & Housing committee and approve that the Council act as the accountable body for the Healthy New Town initiative.

#### Environment, Health & Housing Committee, June 7<sup>th</sup> 2016:

The Committee resolved:

1. to consider the Healthy New Town initiative, as described in this report, and then to recommend to the Finance & Democracy Committee the approval of a fully funded revenue budget increase in the sum of £150,000 in 2016/17 in relation to the initiative, fully funded by a grant from NHS England in the same sum; and
2. to recommend to the Finance & Democracy Committee that the Council act as the accountable body for the Healthy New Town initiative.

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

## BACKGROUND

1. In February 2016 a Fylde coast partnership submitted a successful bid to NHS England for a Healthy New Town pilot. The partnership working through public health in Blackpool and Lancashire, the Fylde & Wyre Health & Wellbeing Partnership and local representatives from NHS England on the Fylde became one of 10 pilots across the country to develop innovative communities to achieve sustained healthier living, linked to the long term objective to reduce multiple later life illnesses amongst the population that is costing the NHS £27 billion per annum and is part of the preventative approach to creating a healthier population through a healthier environment.
2. The bid was originally published on the Environment, Health and Housing agenda on June 16<sup>th</sup> 2016 and can be accessed at:  
<https://fylde.cmis.uk.com/fylde/MeetingsCalendar/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/901/Committee/19/Default.aspx>
3. NHS England made £149,817 available for each pilot location in Phase 1 of the project (April 2016 to March 2017) to support the development of the vision, plans and objectives of the pilot site. The grant was made available provided the partnership could demonstrate that the funds would be used to deliver the stated outcomes in the bid.
4. A grant agreement was agreed with NHS England and included expenditure on a Project Manager post working for the partnership until March 31st 2017, a project support post and funds for community engagement events, workshops, seminars, plans, research, marketing, promotion, signage and innovation projects with Lancaster University.
5. The partnership requested that Fylde Council act as the accountable body for administration of the grant which includes processing payments, producing invoices and providing evidence that the funds have been spent in accordance with the terms of the agreement and this was approved on June 20<sup>th</sup> 2016 at the Finance & Democracy Committee.
6. A review of progress was carried out in March 2017 and it was agreed that [Whyndyke Garden Village](#) would continue to Phase 2 of the programme and that the partnership would receive funding of £75,000. The grant is fully funded by NHS England and any claims against the grant will only be made when expenditure has been committed in accordance with the agreement. Fylde council has acted as accountable body for Phase 1 of project and is the most appropriate partner to act as accountable body for Phase 2.
7. The council is asked to approve that Fylde acts as accountable body for Phase 2 of the pilot project and that £75,000 is added to the revenue budget for the partnership.

IMPLICATIONS	
Finance	A fully funded revenue budget increase in the sum of £75,000 for 2017/18 in relation to phase 2 of the HNT pilot project, fully funded by a grant from NHS England in the same sum.
Legal	A legal agreement to secure the grant will be signed with NHS England to ensure full compliance with the grant conditions and protect the council from any financial risk.
Community Safety	No implications arising from this report.
Human Rights and Equalities	No implications arising from this report.
Sustainability and Environmental Impact	No implications arising from this report.
Health & Safety and Risk Management	No implications arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Allan Oldfield	allano@fylde.gov.uk	June 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Whyndyke Garden Village website information	July 2017	<a href="http://www.whyndykegardenvillage.co.uk/">http://www.whyndykegardenvillage.co.uk/</a>
Environment, Health & Housing Committee	7 June 2016	<a href="#">EH&amp;H Minutes</a>
Finance & Democracy Committee	20 June 2016	<a href="#">F&amp;D Minutes</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
MONITORING OFFICER	COUNCIL	17 JULY 2017	16
<b>CONSTITUTION AMENDMENTS</b>			

### PUBLIC ITEM

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

### SUMMARY

The Audit and Standards Committee considered a request for amendments to be made to Part 4 of the Council's Constitution, Procedural Standing Orders for Council and Committees at its recent meeting. Its recommendations for consideration by Council are set out below.

### RECOMMENDATION

1. To amend Paragraph 13.7 to include an additional new paragraph which would read "All amendments should be submitted in writing and given to officers prior to the [Council] meeting. If this is not possible, a written copy will be accepted during the meeting so that officers can read it aloud, thus providing clarity to all members."
2. To amend the second sentence of paragraph 13.2, for clarity, to read "Unless it is a notice of motion under rule 12.1, the Mayor *will* require the proposal to be written down and handed to him before it is discussed, *consistent with paragraph 13.7(b) below.*"
3. To amend Paragraph 16 with the additional wording, "Any challenge to the previous Council Minutes must be submitted to the Monitoring Officer within five working days of the formal publication of the Minutes. Verbal challenges during the meeting will not be accepted". This wording would follow the current sentence "The only matter which may be discussed is the accuracy of the minutes."

### SUMMARY OF PREVIOUS DECISIONS

None

### CORPORATE PRIORITIES

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

## REPORT

1. The Audit and Standards Committee considered a request at its last meeting for amendments to the Constitution. The Committee made a number of recommendations for the Council to consider and these are set out below:
  - To amend Paragraph 13.7 to include an additional new paragraph which would read “All amendments should be submitted in writing and given to officers prior to the [Council] meeting. If this is not possible, a written copy will be accepted during the meeting so that officers can read it aloud, thus providing clarity to all members.”
  - To amend the second sentence of paragraph 13.2, for clarity, to read “Unless it is a notice of motion under rule 12.1, the Mayor *will* require the proposal to be written down and handed to him before it is discussed, *consistent with paragraph 13.7(b) below.*”
  - To amend Paragraph 16 with the additional wording, “Any challenge to the previous Council Minutes must be submitted to the Monitoring Officer within five working days of the formal publication of the Minutes. Verbal challenges during the meeting will not be accepted”. This wording would follow the current sentence “The only matter which may be discussed is the accuracy of the minutes.”

IMPLICATIONS	
Finance	No implications
Legal	No implications
Community Safety	None
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Tracy Morrison	<a href="mailto:Tracy.morrison@fylde.gov.uk">Tracy.morrison@fylde.gov.uk</a>	4 July 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Audit & Standards Committee Report & Minutes	15/6/17	<a href="#">Audit &amp; Standards Committee</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	17 JULY 2017	17
<b>COMMUNITY HOUSING FUND</b>			

### PUBLIC ITEM

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

### SUMMARY

The Community Housing Fund was announced in December 2016 by DCLG and will provide nationally £60million per year of revenue grant funding to enable community led housing (CLH) schemes. In year 1 Fylde BC have been awarded £440,381. There is uncertainty as to funding levels in future years and if local authorities will receive the funding direct again.

The first year of funding can be used to build capacity within local groups such as improving technical skills, setting up support hubs to offer advice, business planning and providing staff to review local housing needs. The funding does not have to generate quick delivery of units on the ground and there is flexibility for local authorities to develop an approach that fits within the current approaches that exist within their boroughs.

This report sets out proposals for how Fylde BC can develop an approach to community led development that will establish what exists within the borough already, encourage and support communities interested in community led options for affordable housing provision, to take forward their plans with the support of the fund.

This report was considered by Environment Health and Housing on the 20<sup>th</sup> June 2017.

### RECOMMENDATIONS

#### Council are recommended to:

1. Approve a fully-funded revenue budget increase in the sum of £440,381, funded by the Community Housing Fund grant in the same sum, as recommended by the Environment, Health and Housing Committee at the meeting of 20th June 2017; and
2. To note that Subject to 1 above, part of the funding in the sum of £100,000 will be used to provide support for the Church Road Methodist Church Project, (Committee 17<sup>th</sup> October 2016) which would in turn allow the S106 funds previously ear-marked for this project to be re-directed to support other affordable housing developments elsewhere in the Borough.

### SUMMARY OF PREVIOUS DECISIONS

Minutes of Council 17<sup>th</sup> October 2016

It was RESOLVED to:

1. Approve a fully funded addition to the Capital Programme in the sum of £550,00 –  
“Affordable Housing Scheme at Church Road Methodist Church” – for 2017/18 to be fully funded from part of the balance of S106 developer contributions for affordable housing currently held by the Council for this purpose (from Agreement Ref: 03/0157 – Queen Mary School Development: a total capital contribution of £550,000 to deliver 10 units for affordable rent at Church Road Methodist Church, St Anne’s to Great Places Housing Association); and

2. Authorise expenditure in the sum of £550,000 to Great Places Housing Association in relation to the scheme after regard and consideration of the compliance with the financial regulations covered within the body of the report.

Minutes of Environment, Health and Housing 20<sup>th</sup> June 2017

It was RESOVLED;

1. To note the contents of the report and the proposals to take forward the Community Housing Fund in Fylde, noting that the funds in Year 1 should be used to develop an approach that fits within the current situation within the borough and a need to raise awareness of the Community Led Housing;
2. To recommend to Council approval of a fully-funded revenue budget increase for the total sum of £440,381 funded by the Community Housing Fund grant in the same sum;
3. Subject to 2 above, approve the engagement of a shared Community Housing Fund Development Officer (with Lancaster City Council) initially for a 12-month period to identify and build capacity within local groups by mapping existing interest and developing supporting information for groups to enable the local authority to draw down subsequent years funding to deliver housing on the ground for local people; and
4. Subject to 2 above, approve that part of the funding in the sum of £100,000 be used to provide support for the Church Road Methodist Church Project, (Committee 17<sup>th</sup> October 2016) which would in turn allow the S106 funds previously ear-marked for this project to be re-directed to support other affordable housing developments elsewhere in the Borough.

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

## REPORT

### PURPOSE OF THE COMMUNITY HOUSING FUND

1. The Community Housing Fund was announced in December 2016 and will provide nationally £60million per year of revenue grant funding to enable community led housing (CLH) schemes. Community led is about local people playing a leading and lasting role in solving local housing problems, creating genuinely affordable homes and strong communities in ways that are difficult to achieve through mainstream affordable housing provision. The Community would decide on the tenure that they felt was most suitable to meet the housing needs within their community, for example: market housing, starter homes, affordable rent, shared ownership or discounted market sale.
2. The first year of funding will be used to ensure communities understand what Community led Housing is, to build capacity within local groups such as improving technical skills, setting up support hubs to offer advice, business planning and providing staff to review local housing needs. Funding for subsequent years must then be used to deliver housing on the ground for local people.
3. Local authorities must work closely with community led housing groups and other stakeholders – such as the Community Land Trusts network or the Homes and Communities Agency – throughout to ensure the right tools are in place to ensure efficient delivery of new homes in subsequent years.
4. In year 1 Fylde BC have been awarded £440,381. The fund provides revenue and capital funding as an alternative to, or to augment and bridge gaps in existing funding to increase genuinely community led housing in areas with high levels of second home ownership.
5. The first year's funding does not have to generate quick delivery of units on the ground. There is flexibility for local authorities to develop an approach that fits within the current approaches that exist within their

boroughs. Within Fylde the concept of community led housing approaches is limited and resources will be required to establish what exists on the ground and possible opportunities that are community led.

6. Subsequent year's grant allocation are likely to be managed by the Homes and Communities Agency. The guidance advises that to secure subsequent years funding Local Authorities will need to show that their delivery plans meet the spirit of the Building and Social Housing Foundation (BSHF) national definition agreed with DCLG – that community-led schemes will share the following common principles:
  - a. The community is integrally involved throughout the process in key decisions like what is provided, where, and for who. They don't necessarily have to initiate the conversation, or build homes themselves.
  - b. There is a presumption that the community group will take a long term formal role in the ownership, stewardship or management of the homes.
  - c. The benefits of the scheme to the local area and/or specified community group are clearly defined and legally protected in perpetuity.
7. Fylde BC have been working with Lancaster City Council to jointly create a post to take forward Community Led Housing opportunities within each authority. Both authorities have comparable issues in terms of how the housing market operates, similar potential schemes to enable cross boundary sharing of practice and potential for additional scheme funding with S106 reserves.
8. It is also proposed part of the funding, £100,000, will be used to replace funding from S106 funds that have been approved to support Church Road Methodist Church Project, (Committee 17<sup>th</sup> October 2016) and free up S106 funds to support affordable housing development elsewhere in the Borough. The project demonstrates to communities the benefits of being integrally involved throughout the process in key decisions - what is provided, where, and for who - and the benefits of the scheme to the local area and/or specified community, as detailed in the BSHF and DCLG definition of community led schemes.

IMPLICATIONS	
Finance	The report requests approval of a fully-funded revenue budget increase in the total sum of £440,381 to be funded by the Community Housing Fund grant in the same sum. If the revenue budget increase is approved part of the funding, in the sum of £100,000, will be used to provide support for the Church Road Methodist Church Project, allowing the S106 funds previously ear-marked for this project to be re-directed to support other affordable housing projects.
Legal	None
Community Safety	Community led initiatives for affordable housing provision
Human Rights and Equalities	None
Sustainability and Environmental Impact	None
Health & Safety and Risk Management	None

LEAD AUTHOR	CONTACT DETAILS	DATE
Kirstine Riding	Kirstine.riding@fylde.gov.uk & Tel 01253 658569	29/06/17

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Minutes of Council	17/10/2016	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Press Release - £60 million boost for communities affected by second homeownership	23/12/2017	<a href="https://www.gov.uk/government/news/60-million-boost-for-communities-affected-by-second-homeownership">https://www.gov.uk/government/news/60-million-boost-for-communities-affected-by-second-homeownership</a>



## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	17 JULY 2017	18
<b>HOUSING SERVICES PRIVATE SECTOR HOUSING ASSISTANCE POLICY – HOUSING NEEDS GRANT</b>			

### PUBLIC ITEM

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

### SUMMARY

The Private Sector Housing Assistance Policy outlines the Council's policy in relation to the provision of information, advice and action to assist home owners and tenants requiring disabled adaptations, energy efficiency advice and assistance, and other support relating to their home.

This report was considered by Environment Health and Housing on the 20<sup>th</sup> June 2017. The report set out the scope of services provided by Housing Services under the Private Sector Housing Assistance Policy and highlights the main changes in terms of funding and service development since the previous policy produced in 2009 and amended in 2012.

One recommendation was the approval of the creation of a new scheme within the 2017/18 approved Capital Programme to be termed 'Housing Needs Grant', which this report references.

### RECOMMENDATIONS

#### Council are recommended to

1. Approve the creation of a new scheme within the 2017/18 approved Capital Programme to be termed 'Housing Needs Grant' that will be funded from DFG grant repayments (those being in the event of the sale of a property for which a DFG was previously awarded) to be used to fund grants to qualifying persons in respect of affordable warmth measures, boiler servicing and repairs to vulnerable clients.

## SUMMARY OF PREVIOUS DECISIONS:

The previous housing policy which incorporated the grant assistance policy was produced in 2009 and amended 2012. Link to existing policy: <http://www.fylde.gov.uk/resident/housing/grants/privatesectorhousingpolicy/>

The new proposed policy can be found here: [Housing services private sector assistance policy.docx](#)

The Home Energy Conservation Act 1995 first further report was approved by a portfolio holder decision in June 2013. The second further report in 2015 was approved by the Policy Development Scrutiny Committee in March 2015.

The third report is pending Environment, Health and Housing committee approval on the 20<sup>th</sup> June 2017. A link to that document is here: [Item x- Decision item HECA report 2017.doc](#)

Fylde Council's affordable warmth "Green Energy Grant" was approved at Environment, Health and Housing committee on the 10<sup>th</sup> January 2017 and at the Finance and Democracy Committee on the 23<sup>rd</sup> January 2017.

### Minutes of Environment, Health and Housing 20<sup>th</sup> June 2017

It was RESOLVED;

1. To approve the flexible use of its Disabled Facilities Grant (DFG) budget during 2017-18 to facilitate the delivery of adaptations which will address Better Care Fund (BCF) priorities more effectively. This will include the removal of the 'test of resources' for adaptations under £6,000;
2. To approve the authorisation of a grant award of up to £10,000 in excess of the DFG mandatory maximum grant of £30,000, to carry out DFG eligible work as recommended by an Occupational Therapist;
3. To review the administration fee which the Council receives for management of DFG works in conjunction with finance officers;
4. To approve a targeted promotion of DFG's be undertaken through partner and third sector agencies to increase referrals;
5. To explore the potential employment on a case-by-case basis of an Occupational Therapist to process the numbers of referrals received by the Council through a targeted promotion of DFG's by our partner, third sector agencies and potentially from county council, and report back to this Committee in due course;
6. To approve the commissioning of additional technical resources on a flexible basis to assist in the increased workload placed on the Housing Services Team to deliver Disabled Facility Grants, to be funded from additional administration fees receivable by the Council;
7. To explore the options to undertake capital projects with the approval of Registered Providers to improve the housing on offer within the boroughs supported housing schemes, and report back to this Committee in due course;
8. To recommend to Council the creation of a new scheme within the 2017/18 approved Capital Programme to be termed 'Housing Needs Grant' that will be funded from DFG grant repayments (those being in the event of the sale of a property for which a DFG was previously awarded) to be used to fund grants to  
Minutes – Environment, Health and Housing Committee – 20 June 2017  
qualifying persons in respect of affordable warmth measures, boiler servicing and repairs to vulnerable clients; and
9. To approve a review of the proposed changes and to report back to the Environment, Health and Housing committee in due course.

## CORPORATE PRIORITIES

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

## REPORT

### Creation of a new scheme within the 2017/18 approved Capital Programme to be termed 'Housing Needs Grant'.

1. Grants above £5,000 currently require repayment to the Council if the occupant sells the property within 10 years of a DFG being undertaken at the property. This is only applicable to owner occupied properties and to a maximum amount of £10,000 as prescribed in legislation. Currently grant repayments are returned to the DFG budget and recycled. Whilst in previous years this has provided a useful additional source of income with the large increases in the DFG budget it is no longer necessary.
2. It is recommended that any returned funding from the 1st July 2017 is paid into a new scheme, Housing Needs Grant' which will allow the council greater flexibility with regards to the measures and assistance the Council can offer to vulnerable clients. Such measures could include provision of energy saving products such as loft insulation, emergency remedial work on defective properties actioned by the housing services enforcement work, heating installation, repairs and servicing for properties with vulnerable occupants. This fund could also pay for works which the Council undertake which do not ultimately result in a DFG being undertaken. An example of abortive work could include the Council instructing an architect to provide plans for a DFG however the application ultimately does not produce a DFG and therefore payment for the architect must be made from other Council resources. Another example is when a visit is conducted from the proposed private OT which does not lead to a DFG the cost of the visit could be met from this resource.
3. Grants from this repayment fund would follow the current eligibility criteria set out in our affordable warmth fund provided by LCC and would require the approval of the Housing Services Manager to proceed. Where emergency remedial work is undertaken on private rented properties to protect occupants the funds will be reimbursed by the owner of the property or a charge placed on the property.

IMPLICATIONS	
Finance	This report request the creation of a new scheme within the 2017/18 approved Capital Programme to be termed 'Housing Needs Grant' that will be funded from DFG grant repayments to be used to fund grants to qualifying persons in respect of affordable warmth measures, boiler servicing and repairs to vulnerable clients.
Legal	None directly from this report.
Community Safety	None directly from this report.
Human Rights and Equalities	None directly from this report.
Sustainability and Environmental Impact	Improvements in energy efficiency through the Affordable Warmth measures will have a beneficial impact on the environment and will contribute positively to sustainability. This will also contribute to lower CO2 emissions. This will assist the council meet its obligations under the Home Energy Conservation Act 1995.
Health & Safety and Risk Management	None directly from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Tom Birtwistle	Tom.birtwistle@fylde.gov.uk & Tel 01253 658691	4/7/2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Home Energy Conservation Act further report 2013	6/2013	Decision report produced 2013
Home Energy Conservation Act further report 2015	12/3/2015	Decision report produced 2015
Affordable Warmth scheme	10/1/2017	Decision report produced 2017

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	17 JULY 2017	19
<b>FAIRHAVEN HERITAGE LOTTERY PROJECT</b>			

### PUBLIC ITEM

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

#### SUMMARY

At the Budget Council meeting in March 2013, Council approved the addition to the approved Capital Programme of a sum of £20,000 to provide match funding for a successful Heritage Lottery Bid for Fairhaven Lake & Gardens should the bid be accepted at a later date, to be fully funded from the Councils Capital Investment Reserve.

In January 2017, the Council was successful in securing a development grant from the Heritage Lottery Fund of £165,500 for the restoration of Fairhaven Lake & Gardens. The grant has been awarded on the condition that match funding of £54,866 is provided by Fylde council, through internal and external financial contributions, providing a total capital budget of £220,366.

The approved Capital Programme for 2017/18 includes part funding of this scheme in the sum of £20,000 funded from the Capital Investment Reserve. The total capital budget for the development stage of the project will be £220,366 and the sources of funding are detailed within this report.

The successful application for a development grant from the Heritage Lottery now provides the opportunity to develop a detailed second round bid which is to be submitted in August 2018. If the second round bid to the Heritage Lottery Fund is successful, it will secure a further capital grant of around £1.5 million to provide for the full restoration of Fairhaven Lake & Gardens.

The report also describes the 'approved purposes' which need to be achieved from the grant funding specified by the Heritage Lottery.

The Heritage Lottery Bid for Fairhaven Lake & Gardens was considered by the Tourism & Leisure Committee at the meeting of 22<sup>nd</sup> June 2017.

#### RECOMMENDATIONS

##### The Council is recommended:

1. 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 2017/18 in the sum of £200,336, to be met in full as detailed in the report, as recommended by the Tourism and Leisure Committee at the meeting of 22<sup>nd</sup> June 2017.

## SUMMARY OF PREVIOUS DECISIONS

**Full Council – Monday 4<sup>th</sup> 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.

## CORPORATE PRIORITIES

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

## BACKGROUND

1. The Council have supported a grant application to the Heritage Lottery Fund (HLF) for the restoration of Fairhaven Lake & Gardens since 2011 and have committed capital funding to the project as detailed in this report. Two unsuccessful bids were made to the HLF in 2011 and 2014.
2. The Council submitted a third and final funding application to the HLF in August 2016 for a development grant to restore Fairhaven Lake & Gardens. The bid was prepared under the 'Parks for People' strand of the Heritage Lottery which is specific to the restoration of historic parks and gardens.
3. In January 2017 the Council was informed that the bid had been successful and a development grant of £165,500 has been awarded for the project, on the condition that match funding of £54,866 is provided by Fylde through internal or external financial contribution, providing a total capital budget of £220,366.

This is made up as follows:

Amount	Income Source
£20,000	Fylde Council contribution (approved March 2013 and funded from the Capital Investment Reserve)
£165,500	Heritage Lottery Fund
£7,514	Coastal Defence Project
£6,500	United Utilities Contribution
£2,500	RSPB Contribution
£18,352	Direct Revenue Financing from in-year corporate staff vacancy savings
<b>£220,366</b>	<b>Total</b>

4. The Council has retained the contribution of £20,000 in the 2017/18 capital programme to match fund the HLF development grant which is funded from the Capital Investment Reserve.
5. At the 'Permission to start' meeting with the HLF in January 2017, the HLF Monitoring Officer requested the Council to consider funding an extension of the 2 new project staff from the submission date of August 2018 until the second round grant award decision date in December 2018. The council's Management Team considered this request and agreed to meet these costs of £18,352 from in-year corporate staff vacancy savings rather than turn down the request and potentially jeopardise the project which is drawing significant external funding into the Borough.
6. A further condition of the award is that council officers will prepare the management & maintenance plan and organise and deliver a significant number and range of volunteer hours which will be classed as 'works in kind', that must contribute directly to the project.
7. On award of the development grant the HLF requested a meeting with Fylde officers on the 19 January 2017. The HLF requested several pieces of further detailed information before confirming official 'permission to start' including procurement details, project timetables, confirmation of match funding and how the project will be delivered in conjunction with the Coastal Defence Scheme. Official permission to start was granted on 20 March 2017, further to all the required information being provided.
8. The development grant from the HLF provides the opportunity to work up a detailed second round delivery bid, to be submitted to the HLF in August 2018. If the second round bid is successful, it will secure a capital grant of around £1.5 million from the HLF, plus match funding from Fylde council and other partners that will restore Fairhaven Lake & Gardens.
9. On the award of a development grant, the HLF specify a list of 'approved purposes' that must be achieved in order to prepare and submit a competent second round application. The approved purposes must be achieved and are conditional to claiming the grant.
10. The 'approved purposes' that must be achieved under the terms of the development grant are:
  - Recruitment of Project Officer – 37 hours per week temporary contract
  - Recruitment of Activity Development Officer – 22.5 hours per week temporary contract
  - Appointment of Lead Consultant (to lead a team of specialist consultants)
  - Appointment of independent Quantity Surveyor

- Carry out development work as is standard for a parks for people project and produce all documents required for the second round submission

11. The outputs that need to be delivered by the team for second round submission are:

- To prepare a Conservation Management Plan for the restoration of the park and detailed plans for architectural and designed elements to RIBA stage 3 appropriate for accompanying an HLF Stage 2 Capital Grant application
- To develop an Activity Plan taking forward and adding to proposals submitted at the Stage 1 range of community engagement activities
- Produce an Evaluation and Monitoring Plan
- Review and Produce a site Master Plan
- Develop a Funding Strategy and Business Plan
- Procurement and delivery of specialist surveys and investigations as listed in the specification
- Preparation of 10-year capital and revenue cost plan including cash flow and partnership funding
- To prepare 10 year management & maintenance plan – produced by Fylde Council
- Submit a competent Round 2 HLF application

## SCHEME DETAILS

12. The aim of the development grant is to work up a more detailed programme of works, which may change through the course of the development phase. However, the main components of the scheme at this stage are:

- Restoration and development of 3 heritage buildings – Lakeside Café, Pagoda building (RSPB) and the Boat Club / Boat Storage Building
- Lake Improvement Works and Hydrology
- Landscape Improvement including restoration of Japanese Garden
- Infrastructure Improvements including footpaths and furniture
- New Adventure Play Area
- New Interpretation and Signage
- Consultation and Activity Plan

## COST BREAKDOWN OF THE SCHEME

13. The following funding breakdown has been agreed with the Heritage Lottery Fund and lists the ‘approved purposes’ of the grant

Activity	Cost
Procure Lead Consultant including survey costs	£116,450
Procure independent Quantity Surveyor	£6,000
Recruit and employ project officer and activity development officer	£87,772
Contingency	£10,144
<b>Total</b>	<b>£220,366</b>

14. A landscape consultant will be commissioned who is experienced in working on HLF Parks for People projects, to act as the lead consultant to develop the project to a stage 2 submission in delivering the outputs listed above. If the round 2 submission is successful, the lead consultant will be retained to deliver the restoration master plan on site, on condition that the consultant performance has been acceptable. The lead consultant will lead a team of specialist consultants including building conservation architect, hydrologist, civil engineer and archaeologist. This commission includes a number of specialist surveys as part of the development process including:

- Topographical
  - Ground slab investigation (Café)
  - Trial pits and bore holes
  - Drain surveys - lake
  - Archaeological survey (Japanese Garden)
  - Hydrological monitoring
  - Eel survey and eel regulation application
15. An independent quantity surveyor will be commissioned to monitor costs, quantities and changes throughout the development stage of the project. The HLF have insisted on a separate commission for the quantity surveyor to ensure impartiality.
  16. Two project officers will be employed directly by Fylde Council on temporary contracts. The project officer post will be full time, based at Fairhaven Lake and report directly to the Head of Cultural Services. This officer will be responsible for the day to day planning of the restoration of Fairhaven Lake & Gardens from the Development phase through Delivery in accordance with the HLF grant process.
  17. The activity development officer will be employed part time, based at Fairhaven Lake and report directly to the project officer. This officer will work with consultants to produce a sustainable, exciting and relevant suite of programmes including the production of an Activity Plan, Access Plan and Interpretation Strategy. They will assist with a programme of public consultation, monitoring and evaluation, to determine the demand for proposed initiatives and the needs of park users.
  18. The lead consultant team, officers, community representative and the quantity surveyor will form the project team. The project team will report regularly to the Project Board, which will include the Lead Consultant, Head of Cultural Services, an Elected Member and the HLF monitoring officer.

#### **CURRENT POSITION & PROCUREMENT**

19. The project team need to be established and active by August 2017, to allow adequate time to prepare and submit a competent round 2 bid to the HLF in August 2018. Therefore, the recruitment of the two project officers commenced in May, with the aim to have both positions filled and in post by August 2017.
20. The preparation of the tender documents for the procurement of the Lead Consultant commenced in April 2017. The tender was advertised on the 26th May 2017 and is following the OJEU open tender procedure (Official Journal of the European Union), via the CHEST North West procurement portal. The Head of Governance is assisting with the procurement process.
21. Tenders will be received for the Lead consultancy role and all associated consultant works and surveys required to meet the approved purposes set by the HLF. Tenderers have been given a project value figure of £116,450 to deliver the development stage, and have been asked to provide a percentage fee based on the estimated capital works in the delivery stage. This part of the commission will only be awarded if the round 2 HLF grant application has been successful.
22. A detailed specification has been prepared to undertake both the development and delivery stages of the project, which provides consultants with comprehensive details of the procurement process, essential project requirements in both phases and tender evaluation criteria.
23. Tenders will be evaluated on a 60% quality and 40% cost basis. Again, due to the tight timescale, a verbal update will be provided at the committee meeting.
24. 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 a further £400,000 contribution would be required. It is intended that this would be funded from the Funding Volatility Reserve as detailed in the report to Budget Council of 2nd March 2016.



IMPLICATIONS	
Finance	The Council are recommended 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.
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
Mark Wilde	<a href="mailto:markw@fylde.gov.uk">markw@fylde.gov.uk</a> & Tel 01253 658475	May 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Budget Council Minutes	4 March 2013	<a href="#">Budget Council Minutes</a>
Budget Council Minutes	2 March 2016	<a href="#">Budget Council Minutes</a>
Tourism & Leisure Committee Minutes	22 June 2017	<a href="#">Tourism &amp; Leisure Committee Minutes</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	17 JULY 2017	20
<b>THE FYLDE SAND DUNES PROJECT UPDATE</b>			

### PUBLIC ITEM

#### SUMMARY

Fylde Council has successfully led a partnership with Blackpool Council and Lancashire Wildlife Trust in the management of the Fylde Sand Dunes since 2008, ensuring the protection and improvement of the dune habitat in its role as soft sea defence and nationally significant conservation area.

Environment Agency grant funding in the sum of £717,000 was secured in December 2016 by the partnership to continue the project and associated staff and operational costs for a further five years. The funding will be utilised to fund the project team as well as manage and improve over 80 hectares of dune estate which includes a designated Site of Special Scientific Interest, County Biological Heritage Sites and Local Nature Reserve. The project staff are currently employed by Lancashire Wildlife Trust.

Further to an operational and service review carried out by the partnership in January 2017, it has been agreed that Fylde Council are best to deliver the operational elements of the project directly, and therefore the project staff would be best employed directly by Fylde Council. Blackpool Council, Lancashire Wildlife Trust and Fylde Council will now co-lead on the wider strategy, policy and development of the project.

The Environment Agency grant of £717,000 will be split accordingly between Blackpool Council, Fylde Council and Lancashire Wildlife Trust. Fylde Council will receive an operational grant of £238,256 (split between the years 2017/18 to 2021/22).

The funding will be used to employ a fixed term Area Conservation Ranger and Conservation Operative, who will continue to deliver the actions and objectives defined in the grant condition from the Environment Agency and Fylde Sand Dunes Management Action Plan. This report provides details of the project background and process for delivery as well as a cost breakdown for the scheme.

The Fylde Sand Dunes Project was considered by the Tourism & Leisure Committee at the meeting of 22nd June 2017.

#### RECOMMENDATIONS

##### The Council is recommended to:

1. To approve a fully-funded revenue budget increase in the sum of £238,256 (split between the years 2017/18 to 2021/22) to be met from the Environmental Agency grant relating to the Fylde Sand Dunes Project, as recommended by the by the Tourism & Leisure Committee at the meeting of 22nd June 2017.

#### SUMMARY OF PREVIOUS DECISIONS

##### Cabinet - 17<sup>th</sup> February 2010

Fylde Sand Dunes Management Action Plan- Consultation and Clarification Report Recommended:

1. The adoption of the Fylde Dunes Management Action Plan

In reaching its decision, Cabinet considered the details set out in the report before it and at the meeting and **RESOLVED** to note and approve the recommendations made by the Policy Development Scrutiny Committee.

**Tourism & Leisure Committee 22 June 2017, after considering it was RESOLVED:**

1. To recommend to Full Council approval of a fully-funded revenue budget increase in the sum of £238,256 (split between the years 2017/18 to 2021/22) to be met from the Environmental Agency grant relating to the Fylde Sand Dunes Project; and
2. To authorise the proposed expenditure in respect of the project in the total sum of £238,256 as detailed within this report, subject to the subsequent approval by Council of the fully-funded revenue budget increase for the scheme as detailed at 1 above.

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

## BACKGROUND

1. The Fylde Coast has 18km of coastline stretching from Starr Gate to Savick Brook and consists of a mix of natural and built coastal defences which defend properties from coastal erosion and flooding. The section of dune north of St. Anne's pier is a long wide stretch, which provides some protection, however these dunes are highly vulnerable and if not managed correctly, the risk of coastal erosion and flooding would be increased. The dunes to the south of St. Anne's pier are afforded some protection by strategic headlands which support good beach levels and provide erosion protection to nearby properties and the Ribble Estuary.
2. The sand dunes are of national ecological importance, providing habitat for a wide range of protected species. The dune estate has a number of national legal designations, including Site of Special Scientific Interest, County Biological Heritage Site and Local Nature Reserve. They adjoin the internationally protected Ribble and Alt Estuary Special Protection Area. The dunes also provide valuable open space for tourism and recreation.
3. The North West England and North Wales Shoreline Management Plan 2 (SMP2) is part of the Flood and Coastal Erosion Risk Management planning framework. The SMP2 sets the long term policy for the management of the coast and is delivered through shoreline strategies and projects. The short term SMP2 policy (to 2030) for the dunes between Squires Gate and St. Annes Pier is for managed realignment to allow for the management of the dunes as a natural sea defence system and to sustain protected habitats. Longer term SMP2 policies are to 'hold the line' by managing the dunes as the primary coastal defence and maintaining secondary defences to an adequate standard.
4. In 2010, Cabinet adopted the Sand Dunes Management Plan with the following aims:
  - Improve the efficiency of the dunes and salt marsh as soft sea-defences
  - Enhance the conservation interest of the coastal habitats and surrounding habitats of the Ribble Estuary
  - Enhance public appreciation and enjoyment of the dunes
5. In 2012, Blackpool Council in partnership with Fylde Council and the Lancashire Wildlife Trust, secured £470,000 of funding from the Environment Agency for a 5 year period to deliver the aims of the Fylde Sand Dune Management Plan. A steering group was established, who continue to meet on a quarterly basis and includes representation from Fylde Council, Blackpool Council, The Environment Agency, Lancashire Wildlife Trust and Natural England. Since 2012, significant progress has been made since the project inception, including the widening of the dunes towards the sea and undertaking large scale dune stabilisation and restoration work. The project has also encouraged community involvement through environmental education initiatives, volunteering opportunities and an annual programme of events.

## PROJECT OUTLINE

6. In December 2016, a further £717,000 in grant funding was secured from the Environment Agency by the partnership, to enable the continuation of the Fylde Sand Dunes Project for a further 5 years. The aims and objectives for the next project phase will be outlined in an updated Fylde Sand Dunes Management Plan 2017 – 2022, and will include further dune accretion and stabilisation, habitat management, improvement of the visitor centre, installation of newly designed access, way-marking and signage as well as ambitious volunteering, events and education programmes.
7. The current management and delivery for the Fylde Sand Dunes Project was assessed in January 2017 with Blackpool Council and Lancashire Wildlife Trust. Under the current arrangement all the project staff are employed by Lancashire Wildlife Trust, including development officers and operational staff.
8. The project review proposed two key changes to the current arrangement:
  - a. That the project would benefit from increased managerial and operational input from Fylde Council
  - b. That physical project delivery would benefit if the two operational staff are employed directly by Fylde Council on a fixed term contract, to allow better integration into the Coast & Conservation team to give the opportunity to improve operational efficiency and health and safety
9. Blackpool Council, Fylde Council and Lancashire Wildlife Trust all agreed in a need for a review of the long standing agreements and arrangements, to allow for the two key changes above.
10. It was also agreed by the wider project steering group that the delivery of the project would be shared more evenly between Fylde Council and Lancashire Wildlife Trust.
11. It is proposed that the operational responsibilities of the project will formally transfer to Fylde Council, including the budget relating to the existing Area Conservation Ranger and Conservation Operative and associated operational budgets. Lancashire Wildlife Trust will continue to lead on the development aspects of the project through the existing Fylde Sand Dunes Project Officer and retain the development budget. Blackpool Council will continue to oversee the administration of the project, including the production of quarterly project and financial reports to fulfil the requirements of the grant provider.

## CURRENT POSITION

12. The Fylde Sand Dune Project is still being delivered under the original agreement. The next stage is for the Parks and Coastal Services team to appoint both an Area Conservation Ranger and Conservation Operative on a 5 year fixed term contract, to continue the next operational phase of the project and deliver the key actions within the 2017 – 2022 Fylde Sand Dunes Project Management Plan.
13. The project staff will be based at Snowdon Road Depot and will report to the Senior Coast and Conservation Officer, working as part of a restructured and wider Coast & Conservation Team. Job descriptions and person specifications for both posts have been produced and have been graded through job evaluation.

## PROJECT COST BREAKDOWN

FYLDE SAND DUNES PROJECT	
REVENUE	
Staffing and Operational Costs	Year 1 2017/18 - £44,439 Year 2 2018/19 - £46,065 Year 3 2019/20 - £47,825 Year 4 2020/21 - £49,754 Year 5 2021/22 - £50,173
<b>TOTAL REVENUE COSTS £238,256</b>	

## OBJECTIVES, OUTPUTS AND OUTCOMES

Corporate priority: Green and Clean

- Effective delivery of the Fylde Coastal Strategy.
- Ensure beaches and bathing waters are clean and safe.
- Ensure the security of the coastal defences.

Corporate priority: A Great Place to Live

- 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.

Corporate priority: A Great Place to Visit

- Maximise the natural assets of our coast and countryside by improving their facilities.
- Provide a positive first impression of Fylde.

IMPLICATIONS	
Finance	The Council is recommended to approve a fully-funded revenue budget increase in the sum of £238,256 (split between the years 2017/18 to 2021/22) to be met from the Environmental Agency grant relating to the Fylde Sand Dunes Project.
Legal	No implications arising from this report.
Community Safety	The project will ensure the long term protection and management of Fylde's sand dunes as a soft sea defence for coastal properties as well as enhance visitor experience.
Human Rights and Equalities	No implications arising from this report.
Sustainability and Environmental Impact	The project will ensure the long term sustainability of Fylde's sand dunes as a soft coastal defence and statutory designated ecological asset.
Health & Safety and Risk Management	No implications arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Lisa Foden	<a href="mailto:lisa.foden@fylde.gov.uk">lisa.foden@fylde.gov.uk</a> 01253 658546	June 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Cabinet	17 Feb 2010	<a href="#">Cabinet Minutes</a>
Tourism & Leisure Committee Minutes	22 June 2017	<a href="#">Tourism &amp; Leisure Committee Minutes</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
DEVELOPMENT SERVICES DIRECTORATE	COUNCIL	17 JULY 2017	21
<b>AREA CONSERVATION RANGER POST AND COASTAL IMPROVEMENTS - SECTION 106 FUNDING</b>			

### PUBLIC ITEM

#### SUMMARY

Further to the closure and demolition of the former Pontins holiday park site, Persimmon Homes acquired the land from Northern Trust and submitted a planning application 16/0062 in January 2016 to develop 353 residential properties. During the application assessment stage, the proposed development was ruled significant in terms of Regulation 61 of the Conservation of Habitats and Species Regulations 2010, as it was likely to have impact on the Ribble and Alt Estuary Special Protection Area (SPA), RAMSAR site and Site of Special Scientific Interest, located along Fylde's coastline.

Planning permission was issued on the 28<sup>th</sup> March, 2017 on the agreement that the developer would make a Section 106 payment to fund a series of agreed measures to mitigate the increased ecological and recreational pressures on the SPA zone. These measures were detailed within a mitigation report, produced by the Parks and Coastal Services Manager.

Two key measures were proposed. Firstly, the appointment of a new 5 year fixed-term Area Conservation Ranger post. Secondly, the delivery of coastal improvement schemes focussed on habitat management, visitor management and community engagement. The proposals were subject to consultation and were approved by Natural England, Environment Agency, Lancashire Wildlife Trust and Blackpool Council, forming part of the final Section 106 Agreement.

This report provides details of the project background and process for delivery as well as a cost breakdown for the scheme.

The Area Conservation Ranger post and Coastal Improvements scheme was considered by the Tourism & Leisure Committee at the meeting of 22nd June 2017.

#### RECOMMENDATIONS

##### The Council is recommended to:

1. To approve of a fully-funded revenue budget increase in the sum of £214,000 (split between the years 2017/18 to 2021/22) to be met in full from the Section 106 developer contribution relating to the former Pontins holiday park site in the same amount, as recommended by the Tourism & Leisure Committee at the meeting of 22nd June 2017; and
2. To approve a fully-funded increase to the Capital Programme scheme for vehicle replacement for 2017/18 in the sum of £11,000 to be met in full from the Section 106 developer contribution relating to the former Pontins holiday park site in the same amount in respect of the Area Conservation Ranger vehicle purchase costs, also as recommended by the Tourism & Leisure Committee at the meeting of 22nd June 2017.

## SUMMARY OF PREVIOUS DECISIONS

### Planning Committee 11 January 2017:

Planning Committee approved application 16/0062.

The Committee considered the report of Mark Evans (Head of Planning and Regeneration) which set out the various planning applications. A copy of the Late Observation Schedule was circulated at the meeting.

Following detailed consideration of each application, it was RESOLVED to decide the applications as stated in the schedule attached.

*Full Planning Permission : Delegated to Officers*

*The decision on the application be delegated to the Head of Planning and Regeneration and subject to:*

*15. Natural England support for an Appropriate Assessment in respect of the ecological matters and the proposed mitigation*

*16. the completion of a Section 106 agreement in order to secure necessary infrastructure works*

*17. a series of planning conditions*

### Tourism & Leisure Committee 22 June 2017, after considering it was RESOLVED

1. To recommend to Full Council approval of a fully-funded revenue budget increase in the sum of £214,000 (split between the years 2017/18 to 2021/22) to be met in full from the Section 106 developer contribution relating to the former Pontins holiday park site in the same amount;
2. To recommend to Full Council approval of a fully-funded increase to the Capital Programme scheme for vehicle replacement for 2017/18 in the sum of £11,000 to be met in full from the Section 106 developer contribution relating to the former Pontins holiday park site in the same amount in respect of the Area Conservation Ranger vehicle purchase costs; and
3. To authorise the proposed expenditure in respect of the scheme in the total sum of £225,000 as detailed within this report. The funding will be used to recruit a fixed term Area Conservation Ranger, vehicle purchase, on-going transport costs and environmental project costs to facilitate the delivery of a range of coastal improvements as detailed in the SPA Mitigation report.

## CORPORATE PRIORITIES

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

## BACKGROUND

1. Planning application no. 16/0062 was submitted by Persimmon Homes in January 2016 to develop 353 residential properties on the former Pontins Holiday Camp site. The Appropriate Assessment outlined that development was ruled significant in terms of Regulation 61 of the Conservation of Habitats and Species Regulations 2010, as it was likely to have impact on the Ribble and Alt Estuary Special Protection Area (SPA), RAMSAR site and Site of Special Scientific Interest, located along Fylde's coastline. Natural England advised that Fylde Council, under the provisions of the Habitats Regulations, should have regard for any potential impacts that the residential development would have.
2. Officer from the Planning Department and the Parks and Coastal Service produced a Habitat Regulations Assessment and a SPA Mitigation report to outline the potential recreational pressures and disturbance that would be caused by the residential development on the coastline environment. Officers also submitted

recommendations to mitigate and reduce the environmental impact, including the creation of an Area Conservation Ranger post, habitat management proposals, improved access and increased interpretation.

3. The mitigation proposals were subject to consultation and approved by Natural England, Environment Agency, Lancashire Wildlife Trust and Blackpool Council, and are now included in the final Section 106 Agreement. The Section 106 Agreement stipulates that the developer will pay Fylde Council £225,000 to fund an Area Conservation Ranger and associated transport costs to deliver a range of coastal improvements for 5 years.
4. A total Section 106 sum of £225,000 is to be paid to Fylde Council on commencement of the second residential development. Verbal confirmation has been given by the developer that building works on the second phase are due to start imminently.

#### PROJECT OUTLINE

5. A full time Area Conservation Ranger will be employed on a 5 year fixed term contract, within the Parks and Coastal Services team once the Section 106 monies are released. This is anticipated to be August 2017. The new Conservation Ranger will be based at Snowdon Road Depot and will report to the Senior Coast and Conservation Officer. This post will form part of the new Coast & Conservation Ranger team.
6. The Conservation Ranger will deliver a range of outputs to minimise environmental disturbance from the residential development as detailed in the agreed mitigation measures. The Ranger will operate during the first critical years of the Persimmon Homes residential development and will be responsible in educating and influencing responsible behaviour of residents and visitors. A job description and person specification for the post have been prepared which fully detail the purpose and full range of duties and responsibilities of the role.
7. The main responsibilities of the Area Conservation Ranger post are:
  - To support the Senior Coast and Conservation Officer in the protection and maintenance of Fylde Council's coastal and environmental assets.
  - To protect and improve the nature conservation interest of coastal and soft sea defence habitats through practical environmental improvement projects.
  - To encourage public appreciation of the coastal environment by contributing to a programme of outdoor events, environmental education and volunteer programmes such as Beach Wardens.
  - To integrate with the new residential community and encourage positive behaviour and usage of the dunes and beach areas.
  - To improve the marketing and promotion of the coastal assets
8. Coastal improvements will include:
  - Improved interpretation, signage and way marking
  - Improved access through defined entrances and walk ways
  - Dune stabilization works adjacent Clifton Drive North
  - Habitat Protection and Conservation
  - Improvements to the Visitor Centre
  - Delivery of environmental projects as listed in the Dunes Management Plan

#### PROJECT COST BREAKDOWN

SECTION 106 FUNDED AREA CONSERVATION RANGER AND COSTAL IMPROVEMENTS	
CAPITAL COSTS	
Purchase of Vehicle	Year 1 2017/18 - £11,000
<b>TOTAL CAPITAL COSTS £11,000</b>	
REVENUE COSTS	



Staffing and Operational Costs	Year 1 2017/18 - £26,740 Year 2 2018/19 - £27,775 Year 3 2019/ 20 - £28,841 Year 4 2020/ 21 - £30,129 Year 5 2021/22 - £30,515 <b>TOTAL: £ 144,000</b>
Vehicle Running Costs	Year 1 2017/18 - £6,000 Year 2 2018/19 - £6,000 Year 3 2019/ 20 - £6,000 Year 4 2020/ 21 - £6,000 Year 5 2021/22 - £6,000 <b>TOTAL: £ 30,000</b>
Environmental Projects	Year 1 2017/18 - £20,000 Year 2 2018/19 - £20,000
<b>TOTAL REVENUE COSTS £214,000</b>	

## 9. OBJECTIVES, OUTPUTS AND OUTCOMES

Corporate priority: Green and Clean

- Effective delivery of the Fylde Coastal Strategy.
- Ensure beaches and bathing waters are clean and safe.
- Ensure the security of the coastal defences.

Corporate priority: A Great Place to Live

- 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.

Corporate priority: A Great Place to Visit

- Maximise the natural assets of our coast and countryside by improving their facilities.
- Provide a positive first impression of Fylde.

IMPLICATIONS	
Finance	The Council are recommended to approve: <ul style="list-style-type: none"> <li>- a fully-funded revenue budget increase in the sum of £214,000 (split between the years 2017/18 to 2021/22); and</li> <li>- a fully-funded increase to the Capital Programme scheme for vehicle replacement for 2017/18 in the sum of £11,000,</li> </ul> Both to be met in full from the Section 106 developer contribution relating to the former Pontins holiday park site in the same amounts.
Legal	No implications arising from this report.
Community Safety	The project will ensure the long term protection and management of Fylde's sand dunes as a soft sea defence and mitigate the environmental impact of the new residential development.
Human Rights and Equalities	No implications arising from this report.
Sustainability and Environmental Impact	This project will ensure medium and long term protection, improvement and promotion of Fylde's coastline environment.
Health & Safety and Risk Management	No implications arising from this report.

LEAD AUTHOR	CONTACT DETAILS	DATE
Lisa Foden	E: lisa.foden@fylde.gov.uk/ T: 01253 658468	June 2017

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
Planning Committee Report	11 January 2017	<a href="#">S:\Committee Documents\Reports Archive\Planning\2016-17\2017-01-11</a>
Tourism & Leisure Committee Minutes	22 June 2017	<a href="#">Tourism &amp; Leisure Committee Minutes</a>

## DECISION ITEM

REPORT OF	MEETING	DATE	ITEM NO
RESOURCES DIRECTORATE	COUNCIL	17 JULY 2017	22
<b>REGULATION OF INVESTIGATORY POWERS ACT (RIPA) POLICY</b>			

### 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.

A recent inspection by the Office of the Surveillance Commissioners has indicated a small number of areas where the policy could usefully be updated. This report sets out amendments to the policy to satisfy those recommendations and invites the council to approve the policy with those amendments.

### 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 6 February 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 ( <b>Value for Money</b> )	√
Delivering the services that customers expect of an excellent council ( <b>Clean and Green</b> )	
Working with all partners ( <b>Vibrant Economy</b> )	
To make sure Fylde continues to be one of the most desirable places to live ( <b>A Great Place to Live</b> )	
Promoting Fylde as a great destination to visit ( <b>A Great Place to Visit</b> )	

### 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 council has recently had a scheduled inspection. Because Fylde is a very infrequent user of directed surveillance or CHIS, the inspection was a desktop one, with no inspector visiting the site.
7. Though the inspector found the council's RIPA policy to be '*a sound and useful document*', he did make suggestions for improvement. These included updating appendix 4 (which deals with the use of social networking sites for directed surveillance) to reflect the latest OSC guidance, and making some specific references in the guidance to some operational matters that had been previously highlighted.
8. The guidance has been updated to reflect those recommendations, and is attached, with the additional material highlighted for reference.

IMPLICATIONS	
Finance	No implications
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 Surveillance Commissioners.

LEAD AUTHOR	CONTACT DETAILS	DATE
Ian Curtis	01253 658506	28 June 2107

BACKGROUND PAPERS		
Name of document	Date	Where available for inspection
<a href="#">Employee's Guide: Regulation of investigatory Powers Act 2000, 2015 revision</a>	January 2015	<a href="http://www.fylde.gov.uk">www.fylde.gov.uk</a>
Report of OSC Inspection	24 May 2017	Town Hall, Lytham St Annes

Attached documents

Appendix 1 – 2017 Draft update of RIPA Employees' Guide Policy



## Employees' Guide

### Regulation of Investigatory Powers Act 2000

### Directed Surveillance and Use of Covert Human Intelligence Sources

				<b>Ref. Number</b>	FP 78
<b>Authorised By</b>	Allan Oldfield	<b>Job title</b>	Chief Executive	<b>Issue Date</b>	Dec 2014
<b>Author</b>	Ian Curtis			<b>Revision No</b>	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](http://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

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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

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

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.



**APPENDIX 4****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).