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Council

Mon 24 Jul
2017
7.00 pm

Council Chamber
Town Hall
Redditch

REDDITCH BOROUGH COUNCIL

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**If you have any queries on this Agenda please contact
Jan Smyth and Jess Bayley**

**Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 (Extns. 3266 / 3268)
e.mail: jan.smyth@bromsgroveandredditch.gov.uk /
jess.bayley@bromsgroveandredditch.gov.uk**

Council

Agenda

Membership:

Cllrs:

Jennifer Wheeler (Mayor)	Andrew Fry
Nina Wood-Ford (Deputy Mayor)	Bill Hartnett
	Pattie Hill
Joe Baker	Gay Hopkins
Tom Baker-Price	Wanda King
Roger Bennett	Jane Potter
Natalie Brookes	Gareth Prosser
Juliet Brunner	Antonia Pulsford
David Bush	Mark Shurmer
Michael Chalk	Rachael Smith
Debbie Chance	Yvonne Smith
Greg Chance	Paul Swansborough
Anita Clayton	David Thain
Brandon Clayton	Pat Witherspoon
Matthew Dormer	
John Fisher	

1. Welcome

The Mayor will open the meeting and welcome all present.

2. Apologies

To receive any apologies for absence on behalf of Council members.

3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.

4. Minutes of the meeting of Council held on 19th June 2017 (Pages 1 - 4)

5. Announcements

To consider Announcements under Procedure Rule 10:

a)   Mayor's Announcements
b)   The Leader's Announcements
c)   Chief Executive's Announcements.

(Oral report)

6. Questions on Notice (Procedure Rule 9.2) (If any)

No questions have been submitted to date.

7. Motions on Notice (Procedure Rule 11) (Pages 5 - 6)

8. Executive Committee - minutes of the meeting held on 11th July 2017
(Pages 7 - 16)

To receive the minutes and consider the recommendations for the following items:

8 .1 Council Housing Allocations Policy 2017 (Minute No. 26)
(Pages 17 - 82)

8 .2 Anti-Fraud and Corruption Policy (Minute No. 27) (Pages 83 - 92)

8 .3 Shared Planning Policy and Conservation Service Business Case
(Minute No. 34) (Pages 93 - 116)

In addition to the attached covering report and Business Case, the Minutes of the Shared Services Board Meeting held on 6th July 2017 are also attached for background information.

NOTE: the confidential report, appendices and minutes attached for this recommendation have only been made available to Members and relevant Officers. Should Members wish to discuss the report and / or attachments in any detail, a decision will be required to exclude the public and press from the meeting on the grounds that exempt information is likely to be divulged, as defined in paragraph 4 of Schedule 12 (a) of Section 100 1 of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.)

(Paragraph 4: Subject to the "public interest" test, information relating to labour relations matters.)

9. Regulatory Committees

To formally receive the minutes of the following meetings of the Council's Regulatory Committees:

9 .1 Minutes of the Audit, Governance and Standards Committee meeting held on 27th April 2017 (Pages 117 - 126)

9 .2 Minutes of the Planning Committee meeting held on 14th June 2017
(Pages 127 - 130)

9 .3 Referral / Recommendation from the meeting of the Licensing Committee held on 17th July 2017 (subject to approval by the Licensing Committee)

10. Annual Review of the Constitution 2017 (Pages 131 - 218)

The Sections of the Constitution that have been updated are attached. Full copies of the Constitution containing these proposed updates can be accessed on the Council's Website, in the Members Group Rooms and the Democratic Services Office.

11. West Mercia Fire and Rescue Governance - Consultation (Pages 219 - 266)

12. Urgent Business - Record of Decisions

To note any decisions taken in accordance with the Council's Urgency Procedure Rules (Part 6, Paragraph 5 and/or Part 7, Paragraph 15 of the Constitution), as specified.

(None to date).

13. Urgent Business - general (if any)

To consider any additional items exceptionally agreed by the Mayor as Urgent Business in accordance with the powers vested in him by virtue of Section 100(B)(4)(b) of the Local Government Act 1972.

(This power should be exercised only in cases where there are genuinely special circumstances which require consideration of an item which has not previously been published on the Order of Business for the meeting.)

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REDDITCH BOROUGH COUNCIL

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Council

Monday, 19 June 2017

MINUTES

Present:

Councillor Jennifer Wheeler (Mayor), Councillor Nina Wood-Ford (Deputy Mayor) and Councillors Joe Baker, Tom Baker-Price, Roger Bennett, Natalie Brookes, Juliet Brunner, David Bush, Michael Chalk, Debbie Chance, Greg Chance, Anita Clayton, Brandon Clayton, Matthew Dormer, John Fisher, Andrew Fry, Bill Hartnett, Pattie Hill, Gay Hopkins, Wanda King, Jane Potter, Gareth Prosser, Mark Shurmer, Yvonne Smith, Paul Swansborough, David Thain and Pat Witherspoon

Also Present:

Mr M Hall and Mr P Roberts (Arts in Redditch)

Officers:

Kevin Dicks, Clare Flanagan, Sue Hanley and Jayne Pickering

Committee Services Officer:

Jess Bayley

14.   WELCOME

Prior to commencing the business of the meeting the Mayor invited all those present to join her in observing a minute silence in memory of those who had lost their lives in the recent terrorist incidents in London and Manchester as well as those who had been killed and injured in the fire at Grenfell Tower in London.

The Mayor subsequently invited Mr Philip Roberts, from the Arts in Redditch group, to discuss the contribution that participation in the arts could make to enhancing a person's mental wellbeing.

Council was advised that the Arts in Redditch group promoted opportunities and facilities that enabled people to participate in the arts. Research undertaken by various Voluntary and Community Sector organisations had found evidence that participation in the arts could have a positive impact on a person's mental health and wellbeing. In particular, participation in the arts provided the chance for a person to connect with other people from different

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backgrounds, to keep learning and to be active. In Redditch only five per cent of the population engaged in creative activities. However, the Arts in Redditch group was aiming to address this and had already organised artistic events which had benefited a range of people, including the biannual arts exhibitions in the Kingfisher Shopping Centre. Through discussing the arts Members could help to encourage residents to participate in creative activities which would make a positive contribution to people's mental wellbeing.

15.   **APOLOGIES FOR ABSENCE**

Apologies for absence were received on behalf of Councillors Antonia Pulsford and Rachael Smith.

16.   **DECLARATIONS OF INTEREST**

There were no declarations of interest.

17.   **MINUTES**

RESOLVED that

the minutes of the meeting of Annual Council held on Monday 22nd May 2017 be agreed as a correct record and signed by the Chair.

18.   **ANNOUNCEMENTS**

a)   Mayor's Announcements

The Mayor advised on the following events which she had attended since the last meeting of the Council:

- The Mayor had met with His Royal Highness The Duke of Kent during his visit to Redditch on 25th May 2017.
- A meeting of the Redditch Mental Health Action Group (MHAG).
- Civic services in Droitwich Spa and Worcester.
- An event at the bandstand on 10th June 2017, during which participants had enjoyed music from the 1930s, 1940s and 1950s.
- The Mayor had attended the flag flying ceremony for Armed Services Day in the morning on 19th June 2017.
- The Deputy Mayor was thanked for attending the Green Fair at the Arrow Valley Park on 18th June 2017.

b)   The Leader's Announcements

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The Leader advised that he had attended a number of civic events alongside the Mayor. In addition the Leader highlighted the following in his announcements:

- The Leader had written to the Mayor of London, Sadiq Khan, expressing sympathy and solidarity with the people of London, following the terrorist incidents on London Bridge and at borough Market. The flag had been lowered to half-mast as a mark of respect.
- The flag had also been lowered following the terrorist attack at Manchester Arena and the Leader had been involved in gatherings at St Stephen's Church and at the Mosque which had been arranged to enable residents to pay their respects.
- Sadly the flag had been lowered once again following the fire at Grenfell Tower in London which had resulted in a significant loss of life.
- A letter had been received from the Polish Embassy thanking the Borough for their efforts celebrating Polish Heritage Day.
- On behalf of the Council the Leader congratulated Councillor Joe Baker on his recent marriage to Mr Peter Willis.
- Finally the Leader urged Members to attend the Armed Services Day event in Redditch on Saturday 24th June.

c) Chief Executive's Announcements

The Chief Executive confirmed that he had no announcements to make for the meeting.

19. **QUESTIONS ON NOTICE (PROCEDURE RULE 9.2) (IF ANY)**

There were no Questions on Notice.

20. **MOTIONS ON NOTICE (PROCEDURE RULE 11) (IF ANY)**

There were no Motions on Notice.

21. **EXECUTIVE COMMITTEE - MINUTES OF THE MEETING HELD ON 6TH JUNE 2017**

Members considered the minutes of the Executive Committee meeting held on 6th June 2017.

During consideration of this item Members questioned whether information had been included in the Health and Safety policies in respect of lone working arrangements for Members and it was agreed that Officers should provide this information outside the meeting.

Agenda Item 4

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RESOLVED that

the minutes of the meeting of the Executive Committee held on 6th June 2017 be received and all recommendations adopted.

22. **REGULATORY COMMITTEES**

The Council received the minutes of meetings of the Licensing Committee and Planning Committee.

RESOLVED that

1) **the minutes of the meeting of the Licensing Committee held on 6th March 2017 be received and adopted; and**

2) **the minutes of the meeting of the Planning Committee held on 12th April 2017 be received and adopted.**

23. **URGENT BUSINESS - RECORD OF DECISIONS**

There were no urgent decisions to note.

24. **URGENT BUSINESS - GENERAL (IF ANY)**

There were no separate items of urgent business to consider at this meeting.

The Meeting commenced at 7.00 pm
and closed at 7.36 pm

Redditch Borough Council

24th July 2017

Motions on Notice

Support for Care Leavers making the transition to living independently

Proposed by Councillor Tom Baker-Price, seconded by Councillor Jan Potter

We note with deep concern the Children's Society's 'Wolf at the Door' report (2015) and the representations made by Kelly Pickard, the Children's Commissioner on the subject of Council Tax for care leavers.

This report highlights that care leavers are a particularly vulnerable group particularly when transitioning from care into adulthood. It further highlights the alarming number of care leaves falling into debt when moving into independent accommodation for the first time which in some cases has caused homelessness.

As this Council is committed to partnership working with Worcestershire County Council to ensure that young people who have left care are appropriately housed and supported in their transition to independent life we call upon the council to:

1. Reduce care leavers' net liability for council tax, under the national Scheme and after council tax support, to zero until the care leaver's 21st birthday.

2. Introduce a discretionary discount scheme to enable a reduction in the liability for council tax up to and including zero from a care leaver's 21st birthday up to their 25th birthday.

This Council is the council tax billing and housing authority for the Borough of Redditch. Noting the powers this council has under section 13 A of the local Government Financing Act (1992), this council mandates officers to present it with a report within 3 months that enables the council to introduce a scheme addressing these points.

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MINUTES

Executive

Committee

Tuesday, 11 July 2017

Present:

Councillor Bill Hartnett (Chair), Councillor Greg Chance (Vice-Chair) and Councillors Joe Baker (during Minute No.'s 20 to 34), Debbie Chance, Brandon Clayton, John Fisher, Mark Shurmer and Pat Witherspoon

Also Present:

Councillor Michael Chalk (observing)

Officers:

Ruth Bamford, Matthew Bough, Clare Flanagan, John Godwin, Sue Hanley, Jayne Pickering, Amanda Singleton, Liz Tompkin and Chris Wells

Democratic Services Officer:

Debbie Parker-Jones

18.   **APOLOGIES**

An apology for absence was received from Councillor Juliet Brunner.

19.   **DECLARATIONS OF INTEREST**

There were no declarations of interest.

20.   **LEADER'S ANNOUNCEMENTS**

Former Borough Councillor and Mayor Jack Cookson

Councillor Hartnett spoke of the sad death at the weekend of former Borough Councillor and Mayor Jack Cookson, following a short illness. The Leader paid tribute to Mr Cookson who was described as "a real character and man of the people" and who would be sadly missed by everyone who had known him. Councillors passed on their condolences to Mr Cookson's wife Sandra and sons John-Paul and Adam, whom Councillor Hartnett had unsuccessfully tried to contact since hearing the news. A minute's silence was held and

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the Town Hall flag was being lowered to half mast as a sign of respect to Mr Cookson.

Additional Papers

Two sets of Additional Papers had been circulated in advance of the meeting, which comprised:

- a minute extract from the meeting of the Overview and Scrutiny (O&S) Committee held on 4th July 2017 in relation to the Council Housing Allocations Policy 2017 (following a referral from a meeting of the Homelessness Short, Sharp Review group also held on 4th July) – which was to be considered at Agenda Item 9; and

- the confidential minutes of the meeting of the Shared Services Board held on 6th July 2017 in relation to the Shared Planning Policy and Conservation Service Business Case – which were to be considered at Agenda Item 17.

It was also noted that the 4th July O&S Committee had not put forward any alternative recommendations in relation to the Strategic Intervention Update report at Agenda Item 7, and had resolved to note this.

Work Programme

The following reports which were due to be considered, or possibly considered, at the meeting had been deferred to a later date:

- Service Delivery Options – HRA Gas Maintenance;
- Whistleblowing Policy;
- Financial Regulations and Contract Procedure Rules; and
- Reddicard Review.

The Planning Fees report had been removed from the Executive Work Programme as Officers were currently awaiting confirmation from the Government as to possible new legislation in this regard.

21. **MINUTES OF THE MEETING OF THE EXECUTIVE COMMITTEE HELD ON 6TH JUNE 2017**

   RESOLVED that

   the minutes of the meeting of the Executive Committee held on 6th June 2017 be agreed as a correct record and signed by the Chair.

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22.   SATURDAY MORNING OPENING ARRANGEMENTS

Members considered a report which sought approval for the Town Hall to cease opening on the first Saturday morning of each month, for cashiering and basic enquiries, following a reduction in the weekly Saturday morning opening hours in September 2016.

It was noted that since reducing the opening hours there had been a gradual reduction in customers coming into the Town Hall on the first Saturday of each month. The busiest Saturday of the year – 1st April 2017 – had also seen a 33% reduction in customer numbers compared with 2nd April 2016. Whilst complete closure on Saturday mornings would not result in any further saving to the Customer Services budget, the move would help to ensure that the Council could maintain appropriate staff resources during the week, when demand was substantially higher.

Although one Member expressed concern at the proposal, both Members and Officers confirmed that no adverse comments had been received from the public in this regard. Data which had been gathered by Officers also showed that there had been a decrease overall in cash and card payments and an increase in internet and automated payment line payments, with no barriers, other than personal preference, having been identified for people moving to alternative payment methods.

RESOLVED that

the Town Hall cease to open on Saturday mornings for cashiering and basic enquiries with effect from September 2017.

23.   WRITE OFFS APRIL 2016 TO MARCH 2017

The Committee received a report on the write off of unrecoverable debts for the 2016/17 financial year.

Members noted the bad debts provision detailed in the report. Whilst £597k of unrecoverable debt had been written off during 2016/17, compared with £452k in 2015/16, the value of write off remained well within existing bad debts provisions. The Challenges presented by the introduction of a new finance system had meant there was no write off of sundry debts during 2015/16. However, once it had been possible to review the accounts Officers had established where write off was appropriate, meaning there had been a higher value of sundry debts written off during 2016/17. Members noted that the value of Aged Debt in the Sundry Debts system as at 31st March 2017 was £562,025, compared with a total debt recovered of over £10.3m.

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In relation to the levels of bad debts provisions detailed in paragraph 3.1 of the report, Officers advised that the levels were set in conjunction with the Council's External Auditors and were based on established Aged Debt profiles. As such, it was not easy to compare the Council's write off data with other local authorities. Officers stated, however, that wherever possible they always looked to recover debts, with write offs being a last resort. Officers added that it would not be possible to claim back Housing Benefits Overpayments once Universal Credit had been rolled out, which would result in increased write offs in this area in the future.

RESOLVED that

the report be noted.

24. **STRATEGIC INTERVENTION UPDATE**

Members received a report which updated them on the Strategic Intervention work that had been undertaken within Cultural and Leisure Services in relation to the Council's 'Provide good things for me to see, do and visit' strategic purpose, and which set out proposals for the next steps with this. As detailed under Leader's Announcements, it was noted that the Overview and Scrutiny (O&S) Committee had, on 4th July, received a detailed presentation from Officers on this work and the report before Members. Following consideration of this O&S had opted to note the contents of the report and presentation, and had not forwarded any alternative recommendations for the Executive Committee's consideration.

Officers presented the report and highlighted the three options detailed for delivery of Leisure and Cultural Services across the Borough, namely:

- Continued In-House Management and Delivery;
- Creation of In-House Trust/Company (a 'Teckal'); or
- Outsourcing to the Market.

Whilst Officers had carried out a large amount of work over the preceding 18 months in identifying and delivering ways to reduce costs of the leisure provision, further work was needed prior to any final decisions being made by Members. Officers advised that one of the key gaps in information related to what the public wanted and needed facilities-wise, and what would work best for the local community. Further work was to be undertaken in relation to the Palace Theatre and the Council's Reddicard/concessions policy, with partnership working also needing to be looked into. It was proposed that a final options report be presented to the Executive

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Committee on 31st October 2017, which would also identify any funding shortfalls and options for meeting any financial gaps.

Members were pleased to note that all options detailed in the report would be fully explored prior to any final decisions being made, with the future viability of any options being of paramount importance. It was also noted that the funding which had previously been set aside by the Council to facilitate this work would cover any costs involved with this.

Following consideration of the update report it was

RESOLVED that Officers:

1) **undertake survey work with residents to understand why members of the community do not use the Council's facilities and identify services that would encourage more use;**

2) **undertake a feasibility study of the Palace Theatre to establish the cost benefit of altering the venue to provide more seating and improved access to the Box Office, this to include the benefits of retaining VAT on the cultural income;**

3) **undertake a review of the Council's Reddicard/concessions policy to ensure this best meets the needs of the vulnerable members of the community;**

4) **undertake soft market testing with external providers to understand future provision with reference to community activities and influence;**

5) **provide a detailed external feasibility study of the options available for both in-house company and external market appraisal; and**

6) **present an options report back to the Executive Committee on 31st October 2017 to include a comprehensive appraisal on each of the three options; maintain in-house provision, establish an in-house delivery model or outsource to an external company.**

25. **REDDITCH SPORTS AND PHYSICAL ACTIVITY STRATEGY 2017/2022**

The Committee were presented with the draft Sports and Physical Activity Strategy 2017/2022 ('the Strategy').

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Members noted that the Strategy was influenced by two of the Council's strategic purposes, namely: 'Provide good things for me to see, do and visit' and 'Help me to live my life independently'.

The Strategy would provide a high level strategic vision for the provision of sport and physical activity in Redditch over the next 5 years, and would be used as a tool by both the Council and external organisations to identify physical activity, health and wellbeing priorities for the town and decreasing health inequalities. This would, in turn: provide for a more cohesive approach in gaining desired outcomes for Redditch; promote partnership working; and help reduce duplication of work and the sharing of joint resources.

Members supported the Strategy and in doing so noted the various physical activities which were currently being carried out by other organisations within the town.

RESOLVED that

the Redditch Sports and Physical Activity Strategy 2017/2022 be approved.

26.   **COUNCIL HOUSING ALLOCATIONS POLICY 2017**

Members were asked to consider an updated version of the Council Housing Allocations Policy ('the Policy'), which had been updated to include legislative changes and new methods of working in relation to the allocation of social housing since the 2009 Policy was last updated in 2012. Members also considered the minute extract of the meeting of the Overview and Scrutiny Committee held on 4th July 2017, which included a recommendation from the Homelessness Short, Sharp Review group supporting adoption of the Policy.

Officers explained the changes to the Policy and advised that the trial introduction of the 'direct matching' of properties to applicants approach had resulted in a decrease of 80% in the number of first offers of properties which were refused. This success had come about as a result of collaborative working by the Locality and Housing Options Teams, which had led to a clearer understanding of housing needs and preferences.

Officers advised that the Policy was currently out to consultation, with the deadline for responses being 19th July. Two responses had been received to date, with details of all responses received to be presented to Members at Council on 24th July.

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RECOMMENDED that

subject to consultation responses, the revised Housing Allocations Policy 2017 be adopted.

27.   **ANTI-FRAUD AND CORRUPTION POLICY**

The Committee was presented with an updated Anti-Fraud and Corruption Policy ('the Policy').

Officers highlighted the importance of the Policy, which provided a robust framework to ensure processes were in place to identify and prevent fraud and corruption across the Council to protect public safety and public money. Officers confirmed that the Policy had not been updated for 4 years and that the Policy before Members would be biennial, covering the period 2017/2019, which would be confirmed in the Policy.

A Member queried what changes had been included in the updated Policy. Officers advised that they understood these to be mainly legislative changes, which they undertook to check and advise Members on outside of the meeting.

RECOMMENDED that

the Anti-Fraud and Corruption Policy be approved.

28.   **MINUTES OF THE MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE HELD ON 1ST JUNE 2017**

The Committee received the minutes of the meeting of the Overview and Scrutiny Committee held on 1st June 2017.

It was noted that there were no recommendations to consider.

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee held on 1st June 2017 be received and noted.

29.   **MINUTES / REFERRALS - TO RECEIVE AND CONSIDER ANY OUTSTANDING MINUTES OR REFERRALS FROM THE OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.**

Minute Extract of 4th July 2017 Overview and Scrutiny Committee

A minute extract and recommendation arising from the meeting of the Overview and Scrutiny Committee held on 4th July 2017

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(circulated as Additional Papers 1) were considered along with Agenda Item 9 – Council Housing Allocations Policy 2017 (Minute No.26 refers).

30.   CORPORATE PARENTING BOARD - VERBAL UPDATE FROM PORTFOLIO HOLDER FOR COMMUNITY SAFETY AND REGULATORY SERVICES (IF APPLICABLE)

Councillor Baker advised that the Corporate Parenting Board had noted that Redditch Borough Council was the only council which had retained its housing stock, and that registered social landlords needed to understand the housing requirements for young people.

RESOLVED that

the update be noted.

31.   ADVISORY PANELS - UPDATE REPORT

Members noted the report and that the meeting of the Member Support Steering Group which had been scheduled to take place the previous evening had been cancelled at short notice owing to lack of Member availability. Councillor Fisher advised that he would be liaising with the Democratic Services Team on a new date for the meeting as soon as possible.

RESOLVED that

the report/position be noted.

32.   EXCLUSION OF THE PUBLIC

RESOLVED that

under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matters on the grounds that they involve the likely disclosure of exempt information as defined in paragraph 4 of Part 1 of Schedule 12 (A) of the said Act, as amended:

(i)   Item 16 – Minutes of the meeting of the Shared Services Board held on 6th July 2017 (private meeting – relating to Item 17); and

(ii)   Item 17 – Shared Planning Policy and Conservation Service Business Case.

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33. **CONFIDENTIAL MINUTES / REFERRALS - MINUTES OF THE MEETING OF THE SHARED SERVICES BOARD HELD ON 6TH JULY 2017**

    The Committee received the confidential minutes of the meeting of the Shared Services Board held on 6th July 2017. These were considered under confidential Agenda Item 17; Shared Planning Policy and Conservation Service Business Case.

34. **SHARED PLANNING POLICY AND CONSERVATION SERVICE BUSINESS CASE**

    The Committee received a confidential report on the Business Case for a proposed shared Planning Policy Service, which included in-house conservation advice between Redditch Borough Council and Bromsgrove District Council. Members also considered the confidential minutes of the meeting of the Shared Services Board held on 6th July 2017, which included a minor proposed amendment to the recommendation detailed in the report.

    Officers provided an overview of the principles behind the Business Case and proposed structure, which followed implementation of the new Development Management Shared Service on 1st July. Officers went on to explain the staffing implications of the proposed structure and changes to the current conservation function within both Councils.

    Members supported the proposed Business Case and the recommendation amendment proposed by the Shared Services Board.

    RECOMMENDED that

    1) **the Shared Service Business Case for Planning Policy, including Conservation advice, attached at Appendix 1 to the report, be approved;**

    2) **the new Planning Policy Service be charged to both Councils on the percentage share as defined by the 2016/17 budget allocations:**

       a) **Bromsgrove 60%;**
       b) **Redditch 40%;**
          (with 2)a) and 2)b) to be reviewed in 12 months' time after the introduction of the shared service); and
       c) **the financial split for the Conservation element be 75% Bromsgrove District Council and 25% Redditch Borough Council, to reflect the greater number of listed building and conservation areas within the**

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administrative area of Bromsgrove District Council; and

3) **the Service be hosted by Bromsgrove District Council due to the larger geographical area, complexity of planning issues and the higher number of Listed Buildings and Conservation Areas.**

The Meeting commenced at 7.00 pm
and closed at 8.45 pm

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Chair

EXECUTIVE COMMITTEE   11th July 2017

COUNCIL HOUSING ALLOCATIONS POLICY 2017

Relevant Portfolio Holder	Councillor Mark Shurmer
Portfolio Holder Consulted	Yes
Relevant Head of Service	Liz Tompkin
Wards Affected	All
Ward Councillor Consulted	No

1. **SUMMARY OF PROPOSALS**

1.1 The Council's Allocations Policy was last updated in 2012 and there have been legislative changes to the allocation of social housing that have been incorporated in to this new revision of the Allocations Policy.

1.2 The Council have been undertaking a trial of new ways of allocating properties following a transformational approach and this new method has been incorporated into the revised policy.

1.3 This report seeks the approval from members to implement a revised allocations policy which incorporates the legislative changes and new methods of working.

2. **RECOMMENDATIONS**

The Committee is asked to RECOMMEND that

subject to Members' comments and consultation responses, the revised Housing Allocations Policy 2017 be adopted.

3. **KEY ISSUES**

Financial Implications

3.1 There are no direct financial costs to the revised Allocations Policy.

Legal Implications

3.2 Housing Act 1996 Part 6 (as amended by the Homelessness Act 2002 and the Localism Act 2011) governs the allocation of local authority housing stock in England.

3.3 Housing Authorities may only allocate accommodation to people who are defined as 'qualifying persons' (s.160ZA (6)(a)) with the exception for members of the Armed and Reserve Forces. Whatever classes of persons who do not qualify for social housing, it is important to consider exceptional circumstances where it may be necessary not to apply these criteria in the case of individual applicants.

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3.4   The Government introduced the Allocation of accommodation: guidance for local housing authorities in England 2012) and The Allocation of Housing (Qualification Criteria for armed forces) (England) Regulations 2012 and the Housing Act 1996 (Additional Preference for Armed Forces) (England) Regulations 2012 which sets out how local authorities should respond to the housing needs of ex-servicemen and Allocation of Housing (Qualification Criteria for Right to Move) (England) Regulations 2015) after the Allocations Policy was introduced.

3.5   This revision to the Housing Allocations Policy 2009, updated 2012 reflects and incorporates the changes provided by the Localism Act 2011 and other relevant legislation and regulation.

Service / Operational Implications

3.6   Officers have undertaken the revision of the Allocations Policy 2009, updated 2012 (Appendix 2), to update it in line with the new procedures for allocating accommodation and incorporate legislative changes which the policy must have.

3.7   The Housing Service has carried out trials relating to the allocation of accommodation, putting the customer at the heart, through Transformation and Systems Thinking. The current policy requires all properties to be advertised and customers 'bid' on a property with the allocation going to the applicant with the highest banding. The transformation trials have identified a new method of allocating of accommodation

3.8   This Allocations Policy provides a sophisticated approach to those with higher housing needs. Applicants have an interview with a Housing Options or Locality Officer so that these needs are fully understood. Applicants in higher housing needs will be placed into the Gold Band with the approval by a Senior Officer and then directly matched with a home in a locality that provides a sustainable long term solution to meeting those needs.

3.9   The changes to the Allocations Policy 2009, updated 2012 are:
- Relevant legislation updated (p3)
- Included Strategic Purposes (p4)
- Introduced new Purpose of the Allocations Policy section (p5)
- Introduced a new section Statement of Choice (p6), this explains how applicants will be prioritised for housing and when bidding will not be used.

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- Refined the eligibility and reasonable preference section (p7) and included the requirement of the armed forces regulations for access to housing register.
- Introduced in Applying to go on the Housing Register (p8) that all applicants to have an interview with a Housing Options Officer to discuss their housing needs and the available housing options, to come to a housing decision together before accessing the housing register.
- The current 'Priority' and 'Gold' bands to be amalgamated into a single 'Gold' band (p13).
- Introduced in the Allocations section (p16) that all applicants in the 'Gold' band to be directly matched to a suitable offer of accommodation, rather than going on to bid on properties.
- Included regulations on Armed Forces applicants and additional preferences(p15)
- The ability to identify properties for transfers only (p16).
- Applicants for whom the council has accepted a duty under homelessness legislation to be made a single offer of suitable accommodation instead of the current two offers (p21).
- In The Right to A review decision (p29) the option of a 2nd stage appeal has been removed as this is not provided for in legislation.
- Deleted section 20 Tolerated Trespass as no longer relevant
- Deleted section 28 Forces as no longer relevant and included in other sections.
- Deleted section 35 Monitoring included in section 10 Redditch Home Choice Banding

3.10   The trial introduction of direct matching has seen a decrease of 80% in the number of 1st offers refused. This is due to collaborative working by Locality and Housing Options Teams leading to a clearer understanding of housing needs and preferences

Customer / Equalities and Diversity Implications

3.11   A strong and proactive housing options approach will ensure that households are offered support to access the housing solution which best meets their needs (this might be private rented housing, low cost home ownership or help to stay put), in addition expectations about accessing social housing will be properly managed, and social housing will be focussed on those who need it most.

3.12   Better use of housing stock will result in more families being housed in appropriately sized accommodation and free up other access level accommodation for households who may otherwise becoming socially excluded.

REDDITCH BOROUGH COUNCIL

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3.13 Consultation will take place with applicants, residents and relevant stakeholders and responses will be considered prior to the final policy being approved.

3.14 In framing the Allocations Policy the council has had regard to its duties under the equalities legislation.

4. RISK MANAGEMENT

4.1 There are risks to not implementing the updated Allocations Policy 2017 which are in the table below:

Risk	Consequence	Mitigation
Not allocating social housing in accordance with the allocations policy	• Judicial review • Housing ombudsman complaint	• Introduction of the revised Allocations Policy 2017 that incorporates new working methods.
Increase in the number of reviews of suitability of offers.	• Increase in staff resources to deal with reviews • Delays in providing housing	• Better understanding of applicants needs following system thinking principals. • Allocation of stock provided through locality with a better understanding of the property and the customer.

5. APPENDICES

Appendix 1 – Draft Housing Allocations Policy 2017
Appendix 2 – Housing Allocations Policy 2009, updated 2012

6. BACKGROUND PAPERS

Housing Allocations Policy 2009, updated 2012
Housing Act 1996
Localism Act 2011
Allocation of accommodation: guidance for local housing authorities in England 2012

AUTHOR OF REPORT

Name: Matthew Bough
E Mail: matthew.bough@bromsgroveandredditch.gov.uk
Tel: 01527 64252 ext: 3120

REDDITCH BOROUGH COUNCIL
HOUSING ALLOCATIONS POLICY

DRAFT FOR CONSULATION
JUNE - JULY 17

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1.	INTRODUCTION

Redditch Borough Council is an area of high housing demand and need. Property prices and private sector rents are high in comparison to incomes, resulting in additional pressures on affordable housing. Allocations of Council owned property and nominations to Housing Associations will be made using the guidelines set out in this Policy.

This Allocations Policy complies with the requirements of the Housing Act 1996 (as amended) and takes into account the relevant code of guidance Allocation of Accommodation Code of Guidance 2012 which replaced the previous codes of guidance. All of these documents can be obtained through the DCLG website. The Policy also complies with the Localism Act 2011, Welfare Reform legislation and Equalities Act 2010 where applicable.

The Housing Act 1996 (as amended by the 2002 Homelessness Act) requires local authorities to make all allocations and nominations in accordance with an Allocations Policy. A summary of the Allocations Scheme and general principles is available through the Redditch Home Choice website www.redditchhomechoice.org.uk and at the Council's offices.

The Housing Act 1996, (as amended) requires local authorities to give Reasonable Preference in their allocations policies to people with high levels of assessed housing need. This includes homeless people, those who need to move on welfare or medical grounds, people living in unsatisfactory housing and those who would face hardship unless they moved to a particular locality within the local authority's area.

The Allocations Policy is also framed to ensure that it is compatible with the Council's equality duties including the duty to eliminate unlawful discrimination and to promote good relations between different racial groups, as well the duty to promote equality between disabled persons and other persons and between men and women.

This Policy has considered:

- The Council's statutory obligations and discretion as to who is eligible for housing allocation

- The Council's statutory obligation to provide Reasonable Preference to certain categories of applicants set down by law i.e. those who must be given a greater priority under the Allocations Policy.

- The Council's statutory discretion to grant "additional preference" and/or to determine priority between applicants with Reasonable Preference.

- The general and specific statutory discretions the Council can exercise when allocating housing.

2. PRIORITIES AND AIMS

The Council Plan focuses on delivering services which meet the needs of residents through six strategic purposes of which three directly relate to its approach to the allocation of affordable housing as follows:

- **Help me find somewhere to live in my locality**
- **Help me to live my life independently**
- **Help me to be financially independent**

Redditch Home Choice enables people with a housing need to look for a home in an area of preference within Redditch Borough. Households registered with Redditch Home Choice will be banded according to the suitability of their current accommodation to meet their needs, their current situation and their local connection.

Redditch Borough Council has set a number of objectives for its Allocations Policy in order to provide good quality, well managed social housing in Redditch. The policy is transparent and easy to understand, regular monitoring and reviewing will take place ensuring all targets are met and the best use is made of the available housing stock, and applicants are kept updated of all their Housing options.

- **Objective 1** Ensure that anyone in housing need has advice on access to affordable Housing, and that this advice is easily available to disadvantaged, vulnerable and ethnic groups.

- **Objective 2** Make Social Housing available to those who cannot afford to purchase property of their own, or to rent privately.

- **Objective 3** That there is equality of opportunity within the Allocations Policy and the allocations scheme is fair, consistent and accountable which reflects the values of the Council.

- **Objective 4** Incorporate the Council's Housing Strategy, Private Sector Renewal Strategy and Homelessness Strategy.

- **Objective 5** To build and sustain diverse and balanced communities and promote social inclusion.

- **Objective 6** To work with other agencies and housing providers to make the best use of affordable housing to meet current and future needs.

- **Objective 7** To ensure customers are given an opportunity to make an informed choice about where to live.

- **Objective 8** To create a safer & cleaner environment; reduce crime, disorder, substance misuse and anti-social behaviour, and to address the causes and fear of crime.

3.   THE PURPOSE OF THE ALLOCATIONS POLICY

This policy sets out in detail, those who can or cannot be accepted under the policy and how this assessment is made. It also sets out how applicants can apply for and access housing.

It describes how applicants qualify for the Redditch Home Choice scheme and how the Council identifies their housing need with regard to the legal definition of Reasonable Preference and other categories of housing need that the Council has recognised and how it prioritises housing applicants.

Whilst all applicants are assessed in accordance with the Policy, the allocation of Housing Association properties will be subject to the allocation policies of those individual Housing Associations, where they have one, who will assess applicants on the Housing Register according to their stated priorities. They may have different rules about the number of people who can live in a home of a particular size. This will be made clear when a property is advertised. For more information regarding the letting of properties please see the Redditch Home Choice website.

What are Allocations under this Scheme?

Allocations under the scheme include where an applicant is nominated or where an existing tenant transfers to be a tenant of the Council or a Housing Association.

The allocation may be an 'Introductory Tenancy' with the Council or 'Starter Tenancy' with a Housing Association which will be for a set period, usually 12 months. Provided the tenant successfully completes the probationary period the Council/Housing Association will grant a Secure/Assured Tenancy or a fixed term tenancy (please see individual Housing Association / Registered Provider's tenancy policies).

The Redditch Home Choice scheme may also be used to advertise intermediate market rent, shared ownership and private rented properties. Please contact the relevant landlord for their eligibility criteria and more details regarding allocation of these types of properties.

4.   EQUALITY AND DIVERSITY

The Council has clear policies and procedures which promote equal opportunity, diversity and respect for the needs of everyone in our community. This includes:
- Equal treatment of all regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate unlawful discrimination.
- Promoting equal opportunities.

- Promoting community cohesion, including good relations between people from different ethnic groups.
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all and working to engage all sections of the community.

5.	STATEMENT ON CHOICE

Redditch Council allocations policy provides a sophisticated approach to those with higher housing needs so that these needs are fully understood. Applicants in higher housing needs will be placed into the Gold Band with the approval of a Senior Officer and then directly matched with a home in a locality that provides a sustainable long term solution to meeting those needs.

Pressure on the Council's affordable housing stock means we have introduced qualification criteria covering who is and isn't eligible to join the waiting list. Whilst keen to encourage and facilitate mobility within housing, Redditch Borough Council recognises that provision of choice has to be balanced along with local needs and demand.

In determining priority for housing within the banding structure, a higher degree of preference will be awarded to applicants who have the greatest need and have a local connection to Redditch Borough.

Applicants, with the exception of Gold band, have the opportunity to view details of all properties that are advertised, but can only 'bid' for properties that they are eligible for. Those applicants in the Gold band will be directly matched to properties.

The Council has identified that in order to provide sustainable housing solutions there will be a number of exceptional situations where bidding may not be possible, for instance;

- Where the applicant does not meet the eligibility criteria for the scheme or the vacant property.
- Where a Local Lettings Plan has been agreed and the applicant does not meet the criteria.
- Where there is a legal agreement restricting who can be offered the property. Exceptional circumstances will be made clear when the applicant receives their banding award, or the property is advertised, unless the exceptional circumstance concerns the individual specifically (who has bid for the property) in which case it will be discussed with the applicant at the point of allocation.

Applicants who bid on and subsequently refuse properties for no reason or without what the Council considers a valid reason will have their priority reduced by changing their application effective banding date to the date of refusal.

6.   ELIGIBILITY AND REASONABLE PREFERENCE

Who is, and who is not, eligible to apply to register on Redditch Home Choice

Any United Kingdom resident aged 16 years or over may apply to the council for allocation of housing. However, housing will only be allocated to applicants who are registered on the council's housing register for social housing and to be registered an applicant must be:

- eligible for social housing in England (that is, not ineligible due to their immigration status); and
- a qualifying person for social housing in Redditch Borough.

Persons from abroad

A person from abroad (or two or more persons jointly if any of them is an ineligible person) is ineligible for an allocation of housing accommodation if he is subject to immigration control within the meaning of the Asylum and Immigration Act 1996, or is excluded from entitlement to housing benefit by s.115 of the Immigration and Asylum Act 1999 (c 33) (exclusion from benefits) unless he is of a class prescribed by regulations made by the Secretary of State. Persons who are subject to immigration control and eligible for housing assistance are;

- Refugee status
- Exceptional leave to remain
- Indefinite leave to remain
- Nationals of a country that has ratified the European Convention on Social and Medical Assistance (ECSMA) or the European Social Charter provided they are habitually resident in the CTA and are lawfully present in the UK

This does not apply to a person who is already a secure or introductory tenant, of the Council or housing association. If an applicant has any further questions regarding their status they should contact the Council or seek independent legal advice. Households who are living abroad and therefore not habitually resident will not be eligible to register.

Applicants who were considered as ineligible due to immigration status can re-apply at any time.

Anybody can make joint applications including married couples, civil partners, cohabiting couples, same sex couples. In such cases, it is usual for a joint tenancy to be granted in the event of an offer of accommodation being made. The eligibility of applicants to be on the Housing Register will also be checked at the point of allocation.

Age Eligibility Criteria - Young people aged 16 to 18

Young people aged 16 to 18 can apply to Redditch Home Choice and will be registered. For young people under the age of 18 years the Council or Housing

Association partner may grant permission to allow the occupation of a property by way of an "Equitable Tenancy" however the Council or Housing Association (Registered Provider) will not normally grant a tenancy to anyone under the age of 18 years unless they are also able to provide a guarantor to cover rent. Please refer to individual Housing Association and Registered Providers policies for more details.

Unacceptable behaviour

Where the applicant, or a member of their household, has been guilty of unacceptable behaviour serious enough to make him unsuitable to be a tenant of the authority, the Council may decide they will be ineligible for registration.

Unacceptable behaviour is defined as behaviour which would, if an applicant or member of their household was a secure tenant, entitle a landlord to outright possession under any of the Grounds 1 to 7, Schedule 2 of the Housing Act 1985.

Unacceptable behaviour can include but not limited to:

- Owing significant rent arrears and/or failing to comply with a current tenancy condition with a Council, Housing Association or private landlord to such an extent that a Court would grant a possession order.
- Conviction for using the property for an illegal or immoral purpose.
- Causing nuisance and annoyance to neighbours or visitors, for example anti-social behaviour.
- Being convicted for offences in or near the home and still posing a threat to neighbours or the community.
- Being violent towards a partner or members of the family.
- Being violent or abusive to Council Officers
- Allowing the condition of the property to deteriorate.
- Allowing any furniture or fixtures provided by the landlord to deteriorate due to ill treatment.
- Obtaining a tenancy by deception, for example by giving untrue information.
- Paying money to illegally obtain a tenancy.
- Having lost tied accommodation provided in connection with employment due to conduct making it inappropriate for the person to reside there.

In determining whether an applicant is ineligible due to unacceptable behaviour, the Council, will consider:

- Has the applicant or a member of the applicant's household been guilty of unacceptable behaviour?
- Was the unacceptable behaviour serious enough to have entitled the Landlord to obtain an order for possession?
- At the time of the application, is the applicant still unsuitable to be a tenant by reason of that behaviour, or the behaviour of a member of their household who wishes to reside with them?

Should the Council exclude the applicant from the housing register they have the

right to have this decision reviewed. An applicant may become ineligible at any time during the process should the Council become satisfied that they are ineligible due to unacceptable behaviour.

Applicants considered as being ineligible for any reason can make an application for accommodation in the future if their circumstances have changed for any reason. It is for the Council to consider behaviour, at the point of application to the housing register, and whether they are now eligible under the Policy.

Each application will be assessed on its merits and a decision regarding eligibility will be made accordingly. Anyone deemed ineligible for the register will be provided with a full written explanation for the decision and will have a right of review of the decision.

Please see the section on Reviews below.

Applicants who are not eligible to join the housing register

At the point of registration all applicants are asked for information about their housing history and legal status to establish eligibility to join the housing register under the relevant legislation and this allocations policy. Applicants are not assessed or placed into a Band until a decision has been made regarding their eligibility.

Armed Forces applicant

Members of the UK armed forces stationed abroad will be considered as living in the United Kingdom for the purposes of applying for social housing.

The Localism Act 2011 amends the Housing Act 1996 to give local housing authorities in England the power to decide what classes of persons are or are not qualifying persons under s.160ZA(7) of the Housing Act 1996, for an allocation of housing accommodation.

The Secretary of State has the power to prescribe in Regulations criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (s. 160ZA(8)(b)). These Regulations require that local housing authorities do not use local connection (within the meaning of s. 199 of the Housing Act 1996) as a criterion in deciding whether the following are not qualifying persons:

a) persons who are serving in the regular forces or have done so in the five years preceding their application for an allocation of housing accommodation.
b) bereaved spouses or civil partners of those serving in the regular forces where their spouse or partner's death is attributable (wholly or partly) to their service and the bereaved spouse or civil partner's entitlement to reside in Ministry of Defence accommodation then ceases.
c) seriously injured, ill or disabled reservists (or former reservists) whose injury, illness or disability is attributable wholly or partly to their service.

The Council recognises the contribution that armed forces personnel have made and will award a local connection to those applicants as described above.

Social housing tenants

The Secretary of State has the power to prescribe in Regulations criteria that may not be used by local housing authorities in deciding what classes of persons are not qualifying persons (s. 160ZA(8)(b)). These Regulations require that local housing authorities do not use local connection (within the meaning of s. 199 of the Housing Act 1996) as a criterion in deciding whether social housing tenants are a "relevant person".

A relevant person has a need to move because the relevant person—
   a) works in the district of the local housing authority, or
   b) has been offered work in the district of the local housing authority; and
   c) the authority is satisfied that the relevant person has a genuine intention of taking up the offer of work.
   d) This regulation does not apply if the need to move is associated with work or the offer of work which is—
   (a) short-term or marginal in nature,
   (b) ancillary to work in another district, or
   (c) voluntary work.

In this regulation "voluntary work" means work where no payment is received by the relevant person or the only payment due to be made to the relevant person by virtue of being so engaged is a payment in respect of any expenses reasonably incurred by the relevant person in the course of being so engaged.

Specifically a local connection criteria may not be applied to existing social housing tenants seeking to transfer from another local authority district in England who have a reasonable preference under s.166 (3)(e) because of a need to move to the local authority's district to avoid hardship where they need to move because the tenant works in the district, or need to move to take up an offer of work

In considering registering applications the Council will take into account the Right to Move Statutory Guidance March 2015 (or any relevant successor document).

7.   REASONABLE PREFERENCE CATEGORIES

Redditch Home Choice is required by law to assess the relative priority that housing applicants are awarded. This is particularly important as in the Borough, the demand for social housing is greater than the availability of homes.

The law, as it applies to local housing authorities, requires that Reasonable Preference for housing must be given to those in the categories set out in the Housing Act 1996 (as amended). The statutory Reasonable Preference categories cover:

- All homeless people as defined in Part VII of the Housing Act 1996
- People who are owed a duty under the Housing Act 1996 because they have a priority need but are intentionally homeless (under s190 (2)), because they are not in priority need and not homeless intentionally 193 (2) or because they are threatened with homelessness, in priority need and not intentionally homeless (195 (2) of the 1996 Act (or under s. 65 (2) or 68(2) of the Housing Act 1985) or who are occupying accommodation secured by any housing authority under s. (192 (3)).
- People occupying unsanitary, overcrowded or otherwise unsatisfactory housing;
- People who need to move on medical or welfare grounds (including grounds relating to a disability);
- People who need to move to a particular locality within the district to avoid hardship to themselves or others.

Specific details and examples of how Reasonable Preference and priorities are determined and applied are detailed in Section 10: Redditch Home Choice Banding.

Determining priority between applicants with Reasonable Preference

Redditch Home Choice allocations policy determines priority between applicants with Reasonable Preference by taking into account various factors including:

- Any local connection – as defined in s199 Housing Act 1996 (as amended) – that an applicant has with the Borough.
- The length of time the applicant has been waiting within their current band

8.	APPLYING TO GO ON THE HOUSING REGISTER

In most instances anyone who wishes to apply for affordable housing through Redditch Homes must first attend a housing options interview or an interview with their locality officer and complete a registration form. The housing options interview will enable the applicant to discuss their housing circumstances with the Council and explore their housing options such as the private rented sector.

Where an applicant needs assistance to complete an application form an advocate (for example, a family member, friend or support agency) can complete the registration form on behalf of an applicant who is requesting assistance.

If the applicant is not eligible to register they will be notified in writing giving the reason for the decision and informing them of their right to request a review.

The application must be accompanied by two proofs of residency, one of which

must be within four weeks of the application date, and also one form of identification. The same information is required for any member of the household, over the age of 18, who is to be included on the application.

The Council may ask for updated proof and identification to be provided at the point of housing allocation.

All applications once received will be assessed and placed in the appropriate band. This assessment will, in most instances, involve an interview to discuss housing options.

Where additional information is required to confirm that a higher band is appropriate, the application may be placed in a lower band until the circumstances of the applicant have been confirmed.

Once registered with the Redditch Home Choice scheme the applicant will be given a membership number.

Applicants to the scheme are entitled to request details from the Council about information that has been used to make a decision on their registration.

9.   OWNER OCCUPIERS

Owner Occupiers will be accepted onto the Housing Register and placed in the bronze band. Owner Occupiers will only receive additional consideration should they be deemed to have reasonable preference under section 167(2) Housing Act 1996 and they have demonstrated that they have no financial means of helping themselves. In such instances they would be placed in the appropriate band for their circumstances.

10.   REDDITCH HOME CHOICE BANDINGS

Allocations will be made in line with the Councils Allocations Policy based on housing need and time waiting.

The Council will ensure that reasonable preference is given to the following categories of people, as set out in S167 (2) of the 1996 Act:

a) People who are homeless (within the meaning of part 7 of the 1996 act); this includes people who are intentionally homeless, and those who are not in priority need;

b) People who are owed a duty by any housing authority under section 190 (2),

193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the (Housing Act 1985) or

c) who are occupying accommodation secured by any housing authority under section 192 (3);

d) People occupying unsanitary or overcrowding housing or otherwise living in unsatisfactory housing conditions;

e) People who need to move on medical or welfare grounds, including grounds relating to a disability; and

f) People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

In order to do this the Councils Choice Based Lettings scheme will distinguish between three broad levels of priority:

a) GOLD BAND.
b) SILVER BAND
c) BRONZE BAND.

The three core bandings have been decided by the categories below:

Gold: Applicants will be Directly Matched to a suitable property – (Bidding Blocked)

Statutory Homeless with a duty to re-house
Gold band is awarded by the Council where it has accepted a full duty under Part VII of the Housing Act 1996 (as amended by the Homelessness Act 2002) to provide accommodation for an applicant.

When the Council accepts a duty under homelessness legislation, the Council will directly match applicants to a property. Only **one** offer of suitable accommodation will be made. Should an applicant refuse an offer of suitable accommodation, the Council will have discharged its housing duty.

Applicants have the right to request a review of certain decisions made by the Council in respect of their homeless application. This includes the decision to bring to an end the full homeless duty by making a suitable offer of settled accommodation. The applicant has this right whether they refuse or accept the offer of accommodation. If the review finds in favour of the homeless applicant, the applicant will retain their Gold band (provided they are still homeless). However, if the reasonableness and suitability of the offer is upheld, the homeless duty will be ended and the applicant's banding will be reassessed. Homeless applicants are therefore advised to accept an offer and then request a review if they believe it to be unsuitable.

High Medical Need or Disability

Medical priority will only be granted where the current property has a direct adverse effect on the health of the applicant or a member of their family, and when it is unreasonable or uneconomical to adapt the current property. The Council will attempt to directly match applicants to a suitable property in the first instance.

Officers will gather sufficient information to understand the impact of the property on the health of the applicant or their family. The final decision for medical priority will be made by the Housing Services Manager or the Housing Options Manager in conjunction with the Councils medical advisors and Occupational Therapist if required. An example would be someone with severe mobility problems requiring ground floor accommodation.

If an offer of suitable accommodation be refused the Council will review the priority given to the applicant, which may result in the applicant having their banding reduced.

In certain circumstances the case may be referred to an external body e.g. Now Medical for assessment.

Living in exceptional circumstances

This will only be awarded in those instances where the applicant's living circumstances are considered by the Council to be exceptional given the prevailing housing conditions in the Borough and where no other banding criteria reflects or addresses the problem(s).

In reaching a decision to award this banding, account will be taken of the suitability of the current accommodation and the location of the accommodation in relation to the applicant's needs. The final decision for this access to this banding will be made by the Housing Services Manager or the Housing Options Manager

Examples are given below of potential situations where this banding <u>may</u> be granted – the list is not exhaustive and the decision lies with the Council.

- The applicant is adequately housed but needs to give or receive support on the grounds of disability or illness that is substantial and ongoing and it is not possible for the person giving care to use public transport or their own transport to provide assistance.
- The applicant needs to move on welfare grounds e.g. hardship.
- The applicant's household is overcrowded, coupled with medical issues that do not accrue medical priority e.g. ADHD, autism.
- The applicant needs to take up or continue employment, education and/or training that is not available elsewhere and they do not live within reasonable commuting distance

If an offer of suitable accommodation be refused the Council will review the priority given to the applicant, which may result in the applicant having their banding reduced.

Supported Accommodation 'Move on' scheme.

This status is awarded where an agreement between the Council and the Supported Housing provider, is in place for applicants to move on from supported accommodation in the Borough.

This status will only be awarded to applicants in supported accommodation or care-

leavers where the following criteria have been met:

- The applicant is ready to move to independent settled social housing on the recommendation of the support provider

- An ongoing support package has been assessed and where required, is in place.

Silver:

This band includes applicants with a single non urgent need. It also includes applicants assessed as having an urgent Medical or Social need but who have deliberately worsened their housing circumstances to improve their chances of obtaining social housing.

Allocations will be made to applicants who have expressed an interest in a property and in order of highest points, followed by the earliest application date. Should two applicants have the same number of points, and the same application date, the allocation will be made to the applicant who expressed an interest first.

Bronze:

This band will include all applicants who are deemed to be adequately housed and as such have no entitlement to reasonable preference e.g.
Owner occupiers.

Members of the Armed Forces

By Armed Forces, we mean the "regular forces" and the "reserve forces" as defined by s. 374 of the Armed Forces Act 2006(a). The "regular forces" means the Royal Navy, the Royal Marines, the regular Army or the Royal Air Force. The "reserve forces" means the Royal Fleet Reserve, the Royal Navy Reserve, the Marine Reserve, the Army Reserve, the Territorial Army, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

Members of the Armed Forces who have been served with a cessation to occupy accommodation will be given housing advice and the appropriate banding and, if required, considered under Homelessness legislation (Housing Act 1996, Part VII and other relevant legislation).

The Housing Act 1996 (Additional Preferences for Armed Forces) (England) Regulations 2012 require Local Authorities to give additional preference to a person with an urgent housing need and are in one of the reasonable preference categories.

The regulations are;
That local housing authorities must frame their allocation scheme to give additional preference to the following persons if they fall within one or more of the statutory reasonable preference categories and are in urgent housing need:
   a) serving members of the regular forces who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service

b) former members of the regular forces
c) bereaved spouses or civil partners of those serving in the regular forces where (i) the bereaved spouse or civil partner has recently ceased, or will cease to be entitled, to reside in Ministry of Defence accommodation following the death of their service spouse or civil partner, and (ii) the death was wholly or partly attributable to their service
d) existing or former members of the reserve forces who are suffering from a serious injury, illness, or disability which is wholly or partly attributable to their service

If an "Armed Forces" applicant is able to meet the local connection criteria (or is exempt from this), the Policy will award the applicant an additional six months in waiting time at the point that need has been assessed or date of registration (if need hasn't changed over time).

Allocations to bandings

As a starting point 60% of properties will be awarded to the Gold banding and 40% to Silver and Bronze. A proportion of allocations will be specifically utilised for transfers only, at the discretion of the Head of Housing and Housing Service Manager and allocated in accordance with the banding structure. The Head of Housing will at their discretion vary the percentage of properties given to each banding depending on the number of applicants in each band on the housing register.

The Head of Housing will review the percentage target on a quarterly basis to ensure that the best use is being made of the housing stock, and that government guidelines for using temporary accommodation for Homeless cases are being met.

11. ALLOCATIONS

Housing need will be used to determine the banding of each applicant.

A proportion of allocations will be through direct matching to those applicants on Gold band. Properties not directly matched will be advertised for either all applicants or just Transfers who will be able to bid and allocations will be made to the applicant who has expressed an interest in a property and who:

    a) Has the highest band and,
    b) Has the highest number of points and,
    c) Has the earliest application date

The Council determines priority for housing by a banding system and points within the banding based on the housing need of the applicant and the time waiting:

    The housing register is made up of:

- Homeless Cases
- Applicants
- Transfers

The scheme is designed to be easy to understand, to give priority to those in most housing need and to be open and accountable.

12.   POINTS EXPLANATION

Points Scheme Summary

- **Residency (12 months) or parents**   **30 Points**

- **Bedroom deficiency/per room**   **50 Points**

- **Children in flat points**   **15 Points**

- **Studio Flats**   **5 Points**

- **Property is Under Occupied / Per room**   **50 Points**

- **Leaving Special needs property**   **250 Points**

Residency Points

Applicants who have lived in Redditch for the past 12 months or who have parents currently living in Redditch. Residency points will be awarded to applicants leaving the armed forces who would have qualified for them prior to commencing their service. These are the only points that are applicable in the Gold Band.

Bedroom Deficiency

The policy states all members of the application household require a room except those living as couples. Applicants will be awarded 50 points for each bedroom that their current property is deficient of. The Policy states these points will be awarded to children regardless of age or sex; however this does not reflect the size of the property to be offered. These points are not applicable to individuals in the Gold Band and are not awarded to households that are considered to have deliberately worsened their circumstances by moving into smaller or unsuitable accommodation.

Children in Flats

These are awarded if there are any children under the age of 10 living in a flat. These points are not applicable to applicants in the Gold.

Studio Flats (Transfers only)

Applicants who have lived in a studio flat for at least twelve months will receive 5 points to help facilitate them moving on if applying for a transfer.

Under Occupancy Points:

Under Occupancy Points will be awarded to all applicants in Council or Housing Association stock provided that it can be demonstrated that prioritising the applicant for smaller housing would free up housing stock which is both suitable and accessible for other applicants solely on the Redditch Borough Council Waiting List.

Points awarded for under occupancy of rooms would be awarded in line with the existing Landlords occupancy policy. In cases where no occupancy policy exists, points will be awarded in line with the Redditch Borough Council occupancy policy.

In cases where an under-occupied property is required for a family in Urgent Housing Need then the Head of Housing has the authority to place the household that are under-occupying into the gold band to allow the property to be freed up for the family in Urgent Housing Need as quickly as possible.

Leaving Special Needs Property

Points will be awarded to applicants living in properties with the following:

- a) A vertical lift moving between Floors
- b) Properties where building adaptations have been made totalling over £1,000 and
- c) The property would be suitable for occupation by another individual or family with a Special Need

These points are not applicable to applicants in the Gold Band.

Property Size

The size of the property that an applicant may express an interest in is in line with the property size matrix (Appendix 1). The Council will only allocate accommodation to households where they have demonstrated that it is affordable to them (based on their income either through employment or benefit entitlement).

Applicants being housed under the Council's homelessness duty with one child under the age of 2 will only be considered for one bedroom accommodation.

Property Type

All accessible properties (i.e. housing which has been designed or adapted to meet the needs of disabled people) will be advertised through the Redditch Home Choice scheme. Priority for accessible accommodation will be given to those people those who have appropriate levels of need and this will be clearly stated in the adverts.

PROPERTY TYPE	SINGLE	COUPLE	S/C + 1 CHILD UNDER 2 (H/LESS ROUTE)	S/C + 1 CHILD UNDER 2	S/C + 1 CHILD OVER 2	S/C +2	S/C +3	S/C +4	S/C +5
STUDIO FLAT	X	X							
1 BED FLAT	X	X	X						
1 BED HOUSE	X	X	X						
2 BED FLAT				X	X	X			
2 BED HOUSE				X	X	X			
3 BED FLAT						X	X	X	
3 BED HOUSE						X	X	X	
4 BED HOUSE							X	X	X
5 BED HOUSE									X

N.B. Size eligibility subject to affordability

13. CHANGE OF CIRCUMSTANCES

Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their application. A fine of up to £5,000 may be imposed by the courts if the applicant is found guilty. An offence may be committed if an applicant knowingly gives false information, or knowingly withholds information which Housing Services has reasonably requested on the housing application form. An offence is also committed if the applicant allows a third party to provide false information on their behalf or at their instigation.

Changes of circumstances should be notified to the Housing Options Team as soon as possible, using the Change of Circumstances Form. The form should be fully completed and be used for the following:

- Any confirmed pregnancy
- Any member of the family or any other person on the application who has

left the accommodation
- Any changes of name
- Any additions to the family-(Proof of residence and ID will be
- required)
- Any change in income or savings
- Changes in status of accommodation (e.g. Notice to Quit)

If an applicant has changed address a new application form should be completed. Providing that there is no break in the timescale, the date of application will be taken from the first application that was accepted by the Council; however, the housing need points may be adjusted accordingly.

In cases where there is a change in an applicant's medical situation, the Council should be notified.

Where a register entry is amended following receipt of a completed change of circumstances form, the Council will notify the person concerned in writing. Before removing a person from the register, the Council will give him/her notice of this action. Where an applicant is removed from the housing register other than at his/her request, the Council will inform them in writing of its decision, the reason for it and the right to request a review.

If evidence is obtained that an applicant has gained a tenancy through providing false information or withholding relevant information, the Council will take possession proceedings against the tenant.

14.   REMOVAL/AMENDMENT TO ENTRY ON REGISTER

Redditch Borough Council reserves the right to remove an applicant from the Housing Register if there is evidence that the applicant or a person acting on the applicant's request, has given false information or withheld information relevant to their application.

The Council will remove a person's application if he/she requests it (provided they are not owed a duty as homeless) or is no longer deemed to be eligible. The Council may also remove a person from its register in other appropriate circumstances as it sees fit. This will include:

- Failure to renew application when requested by Redditch Borough Council.
- Any applicant seeking to obtain accommodation by making false or misleading statements, or by withholding information that has been reasonably requested, or by failing to inform the Council of any material change of circumstances, is liable to have their application cancelled. It is also an offence under section 171 of the Housing Act 1996 to take any such action. A person guilty of an offence under this section is liable on summary conviction to a fine.

15. HARASSMENT

Redditch Borough Council defines harassment/Anti-Social behaviour as:
'Any behaviour by an individual or a group which makes another person or group feels harassed, alarmed, threatened or distressed. It includes a variety of behaviour that can blight the quality of community life and is based on individual perception. Anti-social behaviour may constitute a nuisance and annoyance, harassment or criminal activity'.

The Council will follow its Anti-Social Behaviour procedure in responding to requests for assistance if experiencing threats of, or actual violence, intimidation, nuisance, harassment, racial harassment or other forms of antisocial behavior.

Wherever possible appropriate remedies will be taken to resolve the situation. Redditch Borough Council will always attempt to deal with the perpetrator, rather than move the victim. Staff in Housing Services will liaise with appropriate agencies and advise applicants, to achieve this. Officers must be satisfied that the applicant has not caused or contributed to the situation where a dispute has escalated. Evidence will usually be required from the applicant and/or independent agencies to support allegations of antisocial behavior.

If an applicant reports repeated experiences of threats, intimidation, nuisance, harassment or other forms of antisocial behavior during their housing history, Officers must consider whether the applicant has provoked this behavior, or whether they are unusually sensitive to or liable to misinterpret others' behavior. In these circumstances a move is unlikely to resolve the issues.

Housing Officers will liaise with the Community Safety Officer, Police, Probation, victim support and other agencies to ensure that housing policies and procedures support community safety. Redditch Borough Council prefers to resolve problems relating to threats, harassment, antisocial behavior and other forms of nuisance by co-operative and partnership working.

16. HOMELESSNESS

Once it has been established that all options to prevent your homelessness have been exhausted and the Council has accepted a full duty to you as homeless under the terms of the Housing Act 1996 (as amended) your application will be placed on the Housing register, in the gold band. You will be directly matched to a property and blocked from bidding. You will receive one offer of suitable accommodation. If you refuse this offer the Council will have discharged its duty towards you.

17.   YOUNG PERSONS AND RE-HOUSING

The term "young person" refers to a person who is aged between 16 to 18 years old.

Applicants under 18 years of age but over 16 years and single will be registered onto the Housing Register. The application will be deferred until the applicant reaches 18 years of age. The application will attract 'time waiting points' only.

If the circumstances change and the applicant becomes homeless, Redditch Borough Council will assess the applicant under homelessness legislation to consider whether the authority has a duty to secure accommodation for the applicant. If the Council accepts it has a duty towards the applicant it will consider them for housing in line with the Council's 'Homelessness Protocol for Young 16 and 17 years olds'.

If the applicant is under 16 years old the Council will liaise with Worcestershire County Council Social Services, on your behalf for help and assistance.

18.   SHARED OWNERSHIP

Qualification for Shared-ownership and any other affordable housing scheme will be in accordance with the guidelines of the Homes and Communities Agency.

You can buy a home through shared ownership if your household earns £80,000 a year or less and any of the following apply:
- you're a first-time buyer
- you used to own a home, but can't afford to buy one now
- you're an existing shared owner

19.   HOUSING ASSOCIATION PROPERTIES

There are various Housing Associations with properties within the Redditch area. A full list is on the Redditch Home Choice website:

http://www.redditchhomechoice.org.uk/Data/ASPPages/1/31.aspx

Allocations for Housing Association properties may be made from the Councils Housing Register.

Applicants must indicate their willingness to accept Housing Association Homes on

their application form. Housing Association properties will be allocated through the Choice Based Letting scheme; however, applicants may also need to satisfy the requirements of the policy of the individual Housing Association.

Applicants must indicate that they wish to be considered for a Housing Association property on their application form.

20.   CO-OPERATIVES HOMES SCHEME

Co-Operative Housing is a form of housing that requires the involvement of the tenants in the management of their own homes. You must first register on the Council's Housing Register in respect of your housing need and must also satisfy the Co-operative Homes requirement on their suitability for living in a co-operative environment*.*

Consideration will be given to any one in housing need, on a low income and capable of living independently in his or her own home or with support if required.

21.   MUTUAL EXCHANGE

A mutual exchange is where two or more Council or Social Registered Landlord tenants swap their homes. It does not involve any property becoming empty. As the housing register becomes longer a mutual exchange is often the quickest way of moving.

Secure tenants of Redditch Borough Council have the right to exchange their property with other secure tenants of any other Council or Housing Association.

Mutual Exchange is now administrated via the Homeswapper website at:
http://www.homeswapper.co.uk/

The Council agrees to mutual exchanges in line with the Councils Allocation Policy.

- The tenant must receive written consent from the landlord before any exchange takes place.
- Any exchanges carried out without written permission may be made to move back.

The Council may withhold consent on the following grounds

1. There is a valid possession order with a date for the tenant to leave the

property.
2. Possession proceedings have been started.
3. The property is not of a suitable size (one extra bedroom is allowed).
4. The property has been adapted or is specifically built for people with special needs.
5. The property is within a sheltered scheme and the incoming tenant does not require the facilities.

Rent arrears or other breach of tenancy conditions are not grounds for refusal, but any breach must be rectified in advance of any exchange.

22.   JOINT TENANCIES

Redditch Borough Council will consider offering existing tenants a joint tenancy to adult members of the household who have been living in the same home for a minimum of twelve months, prior to the application for a joint tenancy being made. Proof of residency and ID will be required (Appendix 2).

Redditch Borough Council will offer a joint tenancy to new tenants who have made a joint application unless:

- One prospective joint tenant is excluded from or is ineligible to join the Housing Register.

Where one of the joint tenants terminates the tenancy, the Housing Services Manager of Housing Options Manager may at their discretion, grant the remaining tenant a tenancy in their sole name. In making this decision, consideration will be given to property size and making the best use of the Councils housing stock.

23.   DECANTS

Decants relate to tenants requiring a temporary move to allow major refurbishment to their current property.

Tenants will be offered temporary moves, at the discretion of the Housing Services or Housing Options Manager.

Properties identified as being suitable for decants will be offered outside of the Choice Based Lettings scheme but where possible Officers will make use of vacant Temporary Accommodation.

24. SOCIAL HOUSING TENANTS WISHING TO MOVE TO ALTERNATIVE AREAS

Homeswapper is a scheme which allows social housing tenants to move to alternative areas for example if:

- You are taking up employment which is too far away to commute.
- You need to live closer to relatives to receive or give support.
- There are other special reasons

The Council pays each year for a subscription to all its tenants to register at no cost to them. The scheme can be accessed via the internet at the following address:

http://www.homeswapper.co.uk/

If you are unable to access the internet or require assistance due to disability please contact your Tenancy Officer or the Housing Options Team for help.

25. SHELTERED ACCOMMODATION

Sheltered schemes with Home Support Officers visiting are suitable for mature people over the age of 60, (in the case of couples one partner needs to be 60 years or over), with no children living at home. Certain schemes will accept applicants over the age of 50; however, priority will be given to applicants over 60.

When a ground floor flat becomes vacant priority will be given to those tenants already living in the scheme on the first floor or above who require ground floor accommodation.

Council tenants wishing to move into sheltered accommodation will be offered assistance to help them with their move.

26. VERY SHELTERED SCHEMES

The Council has access to two very sheltered schemes, St David's House, Batchley and Terry Spring Court, Smallwood.

The allocation of these properties will be made in accordance will the Very Sheltered Scheme allocations policy. To be eligible for this type of accommodation applicants will need to satisfy the following conditions:

- Be eligible for inclusion on the Housing Register.
- Be aged 60. (a younger person may in exceptional circumstances be accepted by the Extra Care Operational Director, Social Services and the Council).
- Need help with personal care, such as washing dressing or getting in and out of bed, either now or in the future.
- Have housing needs because your home is unsuitable. This may be because there is lack of basic amenities, or you may find it difficult to move around your home, or your home makes your medical condition worse. There may be other reasons that your current home may be unsuitable for you.

27.   SPECIAL NEEDS ACCOMMODATION

There are a number of properties which have adaptations and are suitable for applicants with special needs. All accessible properties will in the first instance be considered for direct matching to applicants in the Gold band. If there is no requirement for the property through direct matching, the property will be advertised through the Choice Based Lettings scheme. Priority for accessible accommodation will be given to those people those who have appropriate levels of need and this will be clearly stated in the adverts. Consideration of the suitability of the property will be agreed by the Housing Options Manager or Housing Services Manager.

Applicants currently living in homes which are adapted, and no longer need specialist accommodation will be placed in the Silver banding and receive 250 points, to facilitate a move to free up the accommodation.

28.   LOCAL LETTINGS PLAN / SENSTIVE LETS

The Council believes that some locations and/or property types are more suited to particular residents. Temporary local lettings plans will be agreed by the Housing Services Manager or Head of Housing in consultation with local ward members to resolve Housing Management issues or to allow for the allocation of difficult to let properties. Any properties subject to a local lettings plan will be clearly explained in the Choice Based Letting advert.

Where a local lettings plan is in place the allocation will be made following an interview process of applicants to ensure the suitability of the applicant to the

property.

In certain circumstances the Council will be required to sensitively let a specific property for ongoing management reasons. These allocations will also be made following an interview process to ensure the suitability of the applicant.

29. STAFF/ELECTED MEMBER APPLICATIONS

Staff members, Elected Members, or relatives of either, will have their application approved by the Housing Options Manager or the Head of Housing, in accordance with the Councils equal opportunity policy.

Any offers of accommodation to members of staff or Elected Members will be agreed by the Chief Executive. In the absence of the Chief Executive this decision will be delegated to the Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services In the absence of the Deputy Chief Executive & Executive Director for Leisure, Environment & Community Services this decision will be delegated to the Executive Director of Finance and Corporate Resources.

30. TIED OR SERVICE TENANTS

Tied or service tenants refer to local authority employees (a local schools employee) who occupy their home in order to do their job.

The applicant must be resident in their service tenancy in Redditch for at least six months.

On receiving notification of retirement the applicant will be given priority by placing into the gold banding.

Applicants not retiring but required to leave their service or tied tenancy will be placed onto the waiting list without priority and may approach the Council under homeless legislation.

31. FOSTER CHILDREN

Foster children are not automatically accepted on an application for housing as

fostering is often a short-term arrangement.   Social Services can provide advice where they believe the family requires larger accommodation and if evidence shows that a family will be fostering a child on a long-term basis consideration will be given to the housing need of that young person and they may be allowed on the application.

32.   DEBT TO THE COUNCIL OR HOUSING ASSOCIATIONS

Applicants can apply to go on the housing register if they owe monies to the Council or any Housing Association, however:

No offer of accommodation will be made until the total debt is clear. Debt can include:

- Rent arrears / Former Tenancy Arrears
- Over-allowed Housing Benefit
- Council Tax
- Court Costs
- Repair re-charge

In exceptional circumstances the Housing Services Manager or Head of Housing may agree to an allocation being made.

33.   PROVIDING INFORMATION TO APPLICANTS

Section 166 of the Housing Act 1996, as amended, requires a housing authority to ensure advice and information is available free to everyone in its district about the right to apply for housing accommodation. Section 166 requires housing authorities to inform an applicant he has the right to certain general information, such as:

- Information that will enable him to assess how his application is likely to be treated under the scheme, and in particular, whether he is likely to fall within the reasonable preference categories; and
- Information about whether accommodation appropriate to his needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

At the time an application for housing is made, the Council will provide full Housing Options information, which will enable the applicant to make an informed choice about the type of accommodation they are likely to be considered for and the likelihood of them being made an offer within a reasonable timescale.

Information regarding the allocations will be available on a weekly basis, and Information on numbers of properties, numbers of voids and allocation targets will be updated quarterly.

Assistance will be provided by the Housing Options Team or One Stop Shops to help with the completion of housing register application.

A guide to Applying for Housing will be completed and reviewed annually for those who request it.

34. THE RIGHT TO INFORMATION ABOUT DECISIONS AND THE RIGHT TO REVIEW A DECISION

Applicants will be notified in writing of decisions taken on their application.

The notification will give clear grounds for the decision, which are based firmly on the relevant facts of the case. The applicant also has the right, on request, to be informed of any decision about the facts of the applicant's case which has been, or is likely to be, taken into account in considering whether to make an allocation to him. Under section 167 of the 1996 Act, an applicant has the right to request a review on certain decisions. This right will be made clear in such decision letters.

A request for a review must be made within 21 days of the applicant being informed in writing of the Council's decision. The review will be carried out by a senior officer who was not involved in the original decision.

The applicant will be invited to submit any new information they would like the reviewing officer to consider.

The following decisions have a right to request a review:

- To treat an applicant as ineligible due to immigration status or persons from abroad who have failed the habitual residence test;
- Not to accept an applicant on to housing register or give an applicant any preference because of unacceptable behavior serious enough to make him unsuitable to be a tenant;
- Not to give an applicant any preference because of the financial resources available to him;
- Not to make an allocation to an applicant, when it has been considered he would not be capable of independent living;
- As to the suitability of accommodation offered to an applicant in discharge of the Council's duty under the provisions of Part VII of the Housing Act 1996 (Housing the Homeless);
- The outcome of a request for living n exceptional circumstances or medical priority.

A person will be notified in writing of the outcome of a review, with details of the reasons for the decision.

35. Equalities Statement

This policy is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.

- Working to eliminate *unlawful* discrimination

- ***Promoting equal opportunities****.*

- Promoting community cohesion, ***including good relations between people from different racial groups****.*

- Providing reasonable access to interpretation or support on request.

- Responding to the needs of all and working to engage all sections of the community.

This policy will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group.

Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

HOUSING ALLOCATIONS POLICY

March 2009
(updated 2012)

CONTENTS	PAGE

REDDITCH BOROUGH COUNCIL ALLOCATION POLICY

1. INTRODUCTION

1.1 Redditch Borough Council is an area of high housing demand and need. Property prices and private sector rents are high, resulting in additional pressures on affordable housing. Allocations of Council owned property and nominations to Housing Associations will be made using the guidelines set out in this Policy.

1.2 The Allocations Policy aims to give clear criteria setting out who is eligible to apply for social rented housing in the Borough and how applicants' priority is assessed. The Policy is based upon the Council's statutory duties contained in the Housing Act 1996 (as amended by the Homelessness Act 2002), the accompanying Code of Guidance issued by the Secretary of State issued in November 2002 and Allocation of Accommodation: Choice Based Lettings - Code of Guidance for Local Housing Authorities published on 27 August 2008.

2. OBJECTIVES

2.1 Redditch Borough Council has set a number of objectives for its Allocations Policy in order to provide good quality, well managed social housing in Redditch. The policy is transparent and easy to understand, regular monitoring and reviewing will take place ensuring all targets are met and the best use is made of the available housing stock, and applicants are kept updated of all their Housing options.

- **Objective 1** Ensure that anyone in housing need has advice on access to affordable Housing, and that this advice is easily available to disadvantaged, vulnerable and ethnic groups.

The Housing Act 1996 Section 166 and 179 requires Local Authorities to provide housing advice and information about homelessness and the prevention of homelessness to people in their area. Staff in the Housing Options Team, One Stop Shop's and Housing Strategy Section of Redditch Borough Council will provide advice and information about housing issues relating to the Borough free of charge. This advice and information may cover issues relating to owner occupation, shared ownership, private sector tenancies, Housing Association tenancies and exchanges, as well as advice relating to eligibility for and priority on the Councils Housing Register. Staff will also seek to reduce under occupation in affordable rented housing, by encouraging tenants in this situation

to transfer to smaller accommodation. Where specialist advice is necessary, for example if there are complex legal or financial problems, customers will be referred to specialist agencies which can help them. Where appropriate, referrals will be made to agencies providing support for vulnerable people.

- **Objective 2** Make Social Housing available to those who cannot afford to purchase property of their own, or to rent privately.

The Allocations Policy sets out the framework by which the Council will house customers from the Register. The principles that are set out in this policy are guidelines and not absolute rules. The composite housing need of the customer must be undertaken when making a judgment on the level of housing need, and when letting a property. To assess the composite need, all relevant needs will be considered. To ensure that the Council lets homes to those most in need it will:

- Continue to develop a greater understanding of housing needs throughout the Borough.
- Monitor the performance of its procedures.
- Take customer feedback into account.

- **Objective 3** That there is equality of opportunity within the Allocations Policy and the allocations scheme is fair, consistent and accountable which reflects the values of the Council.

The Council will seek to ensure that there is equality of opportunity and fair treatment for all persons. The Council wishes to ensure that all sections of the community have equal access to services and that all services are delivered in a way that takes into account the specific needs of disadvantaged groups. The Council is committed to policies and action to ensure that the people it serves are not discriminated against on the basis of disability, race, colour, ethnic origin, religion, age, sexuality or gender. The Council will not discriminate on grounds of age, colour, disability, ethnic origin, gender, HIV status, marital status, social or economic status, nationality or national origins, race, religious beliefs, responsibility for dependants, sexuality or trade union membership. The Council will promote equality of access and opportunity for citizens who suffer from unfair treatment on any of these grounds or through multiple forms of discrimination. The Council has zero tolerance toward any racist incidents. A racist incident is any incident, which is perceived by the victim or by any other person as racist.

The Council will strive to make the Allocations process as transparent as possible and to reduce bureaucracy, wherever this can be done, within the confines of our legislative duties under the Housing Act, the Data Protection Act and the Human Rights Act. An applicant has the rights in s167 (4A) of the, Housing Act 1996, as amended, which, so far as are relevant to this policy, are:

The right to request general information to enable him/her to assess how the application is likely to be treated under this policy, and whether housing accommodation appropriate to his/her needs is likely to be made available to

him/her, and if so how long it is likely to be before such accommodation becomes available for allocation to him/her:

- The right to request the Council to inform him/her of any decision about the facts of his/her case which are likely to be, or has been, taken into account in considering whether to allocate housing accommodation to him/her;

The right to request a review of such decision, or a decision as to eligibility or suitability, and to be informed of the review decision and the reasons for it

- **Objective 4** Incorporate the Council's Housing Strategy, Private Sector Renewal Strategy, Sheltered Housing Strategy and Homelessness Strategy.

The Council's Housing Strategy is the Council's overarching Strategy which the other strategies mentioned above feed into. It maps out how we want to achieve first class housing in the borough and work to provide more affordable housing for those who need it. In order to achieve this, the Strategy has four priorities:

1) Meeting affordable housing needs
2) Tackling homelessness and providing housing options
3) Council housing
4) Improving conditions in the private sector
   The Allocations Policy and its processes will link strongly with the Housing Strategy and the goals listed in its Action Plan.

- **Objective 5** To build and sustain diverse and balanced communities and promote social inclusion.

The Allocations Policy plays a key part in contributing to the aims identified in the Redditch Borough Council's Corporate Plan. The Allocations Policy will also emphasis the close links between creating and maintaining sustainable communities and the sustainable Community Strategy vision of 'Redditch to be successful and vibrant, with sustainable communities built on partnerships and shared responsibility. We want people to be proud that they live or work in Redditch'.

The Allocations Policy will work in parallel with the Homelessness Strategy and the Worcestershire Supporting People Strategy to ensure that appropriate support is given to customers so that they may continue to live independently. The Allocations Policy aims to ensure that, as a result of new lettings, communities are sustained. This will be achieved by ensuring that unsuitable customers are not housed or re-housed and extensive monitoring will be undertaken to ensure that this is achieved.

- **Objective 6** To work with other agencies and housing providers to make the best use of affordable housing to meet current and future needs.

Registered Social Landlords (RSL's) are providers of social rented housing in Redditch and represent an increasingly important resource in meeting the

borough's housing need. They are independent non-profit making organisations. There are over 20 different RSL's working in Redditch, providing a range of housing for a variety of client groups (general and special needs) through a variety of tenures (social rented or shared ownership). The Council is committed to working in partnership with registered social landlords who own or manage property in the borough and has nomination rights to a proportion of their accommodation, which becomes available for letting. Nominations to registered social landlords are made using the priorities as determined by the bandings. When considering a nomination from the local authority, RSL's are expected to accept the Council's prioritisation of housing need and re-housing standards.

- **Objective 7** To ensure customers are given an opportunity to make an informed choice about where to live.

At the time an application for housing is made, the Council will provide full Housing Options information, which will enable the applicant to make an informed choice about the type of accommodation they are likely to be considered for and the likelihood of them obtaining accommodation within a reasonable timescale. Information regarding the allocations will be available on a weekly basis, and Information on numbers of properties, numbers of voids and allocation targets will be updated quarterly.

- **Objective 8** To create a safer & cleaner environment; reduce crime, disorder, substance misuse and anti-social behaviour, and to address the causes and fear of crime.

3.   EQUALITY AND DIVERSITY

The Council has clear policies and procedures which promote equal opportunity, diversity and respect for the needs of everyone in our community. This includes:
- Equal treatment of all regardless of race, gender, age, disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.
- Working to eliminate unlawful discrimination.
- Promoting equal opportunities.
- Promoting community cohesion, including good relations between people from different ethnic groups.
- Providing reasonable access to interpretation or support on request.
- Responding to the needs of all and working to engage all sections of the community.

4. APPLICANTS FOR HOUSING

The Housing Act 1996 as amended by the Homelessness Act 2002 repeals Sections 161 to 165, which relate to housing registers. There is no longer a requirement for local housing authorities to keep a housing register. However, there is nothing to prevent a local housing authority maintaining a register, if it so wishes. It has therefore been decided that the Council will maintain a Housing Register and anyone who is over the age of sixteen, and who is eligible, may apply to go onto the register.

5. WHO IS EXCLUDED FROM JOINING THE REGISTER?

5.1 Section 166 (3) of the Housing Act 1996 as amended by the Homelessness Act 2002, states that local housing authorities need to consider all applications made in accordance with the authority's allocation scheme. However, an allocation of housing accommodation cannot be made to a person who is statutorily excluded or deemed to be ineligible as defined in Section 160A. Therefore, all persons who are eligible are entitled to join the housing register, with certain exceptions which include:

- Persons under 16 years of age;
- Persons subject to immigration control within the meaning of the Asylum and Immigration Act 1996 unless of a class prescribed by regulation;
- Persons from abroad, prescribed by regulations, who are not subject to immigration control, whose only right to reside in the UK, Channel Islands, Isle of Man or Irish Republic (Common Travel Area) derives from the Council Directives relating to employees and self-employed persons who have ceased their occupational activity, and persons whose right to reside in the UK is conditional on them not becoming an unreasonable burden on the social assistance system;
- All other persons from abroad who are not habitually resident in the Common Travel Area unless they come within one of the four exceptions which are as follows:-
  (i) Worker under Council Regulation 1612/68 or 1251/70;
  (ii) Qualified Accession State Worker;
  (iii) Persons with a right to reside under the Immigration (European Economic Area) Regulations 2000;
  (iv) Persons who left Montserrat after 1 November 1995 because of the effect of a volcanic eruption on that territory.
- Persons from abroad cannot be treated as habitually resident if he has no right to reside in one of those CTA countries.
- Persons not deemed to be eligible for an allocation of accommodation also include the following:

- A person who is in the UK illegally, or who has overstayed his/her leave.
- A8 nationals seeking work in the UK (other than those who are exempt from the Worker Registration Scheme.
- A visitor to this country including an overseas student, who has limited leave to remain or enter, granted on the basis he/she will have no recourse to public funds.
- A person who has a valid leave to enter or remain in the UK, which includes a condition that there shall be no recourse to public funds.
- A person who has a valid leave to enter or remain in the UK and who is not habitually resident in the Common Travel Area (CTA).
- A sponsored person who has been in this country less than five years and whose sponsor is still alive.
- A person who is a national of a non-EEA country that is a signatory to the European Convention on Social and Medical Assistance (ECSMA) and/or the Europe Social Charter (ESC) but has ratified neither.
- A person who is a national of a non-EEA country that has ratified the ECSMA and/or the ESC but is not lawfully present in the UK and/or is not habitually resident in the CTA.
- EEA Nationals who are not habitually resident in the Common Travel Area (and a person cannot be treated as habitually resident if they have no right to reside in the Common Travel Area). This group includes EEA nationals seeking work in the UK (other than A8 nationals who are subject to the Worker Registration Scheme) and students.
- EEA nationals whose sole right to reside in the UK derive from Council Directive 90/364/EEC. This will apply to EEA nationals who have the right to reside in the UK but conditional on them having sufficient resources so as to avoid becoming an unreasonable burden on the social assistance system.
- EEA nationals whose sole right to reside in the UK derive from Council Directive 90/365/EEC. This will apply to EEA nationals who have retired from employment or self-employment in an EEA state other than the UK, but this right is conditional on them having an adequate pension or other benefits so as to avoid being an unreasonable burden on the social assistance system.
- If you are applying jointly with someone who falls into any of the above categories.

5.2 Any applicant identified as falling under the Asylum and Immigration Act 1996 will be assessed in accordance with the Act. f an applicant wishes to appeal against the decision the Council may take independent advice to resolve the issue of eligibility.

5.3 The Head of Housing in consultation with the Council's Legal Department and Community Safety Department may determine that an applicant is to be treated as ineligible for an offer of housing accommodation and therefore will be excluded from the housing register if satisfied that:

(a) the applicant, or a member of their household has been guilty of unacceptable behavior serious enough to make him unsuitable to be a tenant of the authority; and

(b) in the circumstances at the time the application is considered, the applicant is unsuitable to be tenant of the authority by reason of that behavior.

5.4   The only behavior which may be regarded by Redditch Borough Council as unacceptable for this purpose is:

(a) behavior of the person concerned which would (if they were a secure tenant of the authority) entitle the authority to a possession order under Section 84 of the Housing Act 1985 on any ground mentioned in Part 1 of Schedule 2 of that Act (other than ground 8); or

(b) behavior of a member of his household which would (if they were a person residing with a secure tenant of the authority) entitles the authority to such a possession order.

Unacceptable behaviour includes behaviour such as: -

- Non payment of rent
- Breaking or not performing an obligation of a tenancy
- Conduct likely to cause a nuisance or annoyance to others
- Domestic violence
- Using a dwelling or allowing it to be used for immoral or illegal purposes
- Committing a serious arrestable offence in or in the vicinity of a dwelling
- Deliberate damage to home
- Knowingly or recklessly giving false statements in relation to a housing application
- Harassment
- Racial Harassment
- Where a person has a record of current or previous serious offending.

5.5   Applicants considered to be ineligible for an allocation and excluded from the register will be notified in writing, explaining the information considered and the reasons for the decision. The letter will also advise there is a right to review the decision.

6.	REASONABLE PREFERENCE CATEGORIES

Section 167(2) Housing Act 1996 requires local housing authorities to give reasonable preference to the following categories of applicant:

- People who are homeless (within the meaning of part 7 of the 1996 act); this includes people who are intentionally homeless, and those who are not in priority need;
- People who are owed a duty by any housing authority under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the (Housing Act 1985) or who are occupying accommodation secured by any housing authority under section 192 (3);
- People occupying unsanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions;
- People who need to move on medical or welfare grounds or grounds relating

to disability;

- People who need to move to a particular locality in the district of the local housing authority, where failure to meet that need would cause hardship to themselves or others.

7. APPLYING TO GO ON THE HOUSING REGISTER

7.1 Everyone who wishes to apply to go on the Housing register is required to complete an application form and may also be required to have an interview with a housing officer. This applies to new applicants seeking housing and existing tenants wishing to apply for a transfer.

7.2 The application must be accompanied by two proofs of residency, one of which must be within four weeks of the application date, and also one form of identification (see Appendix 2). The same information is required for any member of the household, over the age of 18, who is to be included on the application. The Council may ask for updated proof and identification to be provided at the point of housing allocation.

8. OWNER OCCUPIERS

Owner Occupiers will be accepted onto the Housing Register and placed in the bronze band. Owner Occupiers will only receive additional consideration should they be deemed to have reasonable preference under section 167(2) Housing Act 1996 and they have demonstrated that they have no financial means of helping themselves. In such instances they would be placed in the appropriate band for their circumstances

See Points – Owner Occupiers Page 14

9.   . REDDITCH HOME CHOICE / CHOICE BASED LETTINGS

9.1   Allocations will be made in line with the Councils 'Choice Based Lettings' policy based on housing need and time waiting.

9.2   The Council will ensure that reasonable preference is given to the following categories of people, as set out in S167 (2) of the 1996 Act:

a)   People who are homeless (within the meaning of part 7 of the 1996 act); this includes people who are intentionally homeless, and those who are not in priority need;

b)   People who are owed a duty by any housing authority under section 190 (2), 193 (2) or 195 (2) of the 1996 Act (or under section 65 (2) or 68 (2) of the (Housing Act 1985) or

c)   who are occupying accommodation secured by any housing authority under section 192 (3);

d)   People occupying unsanitary or overcrowding housing or otherwise living in unsatisfactory housing conditions;

e)   People who need to move on medical or welfare grounds, including grounds relating to a disability; and

f)   People who need to move to a particular locality in the district of the housing authority, where failure to meet that need would cause hardship (to themselves or to others).

9.3   In order to do this the Councils Choice Based Lettings scheme will distinguish between four broad levels of priority:

a)   People with no entitlement to reasonable preference – BRONZE BAND.

b)   People with entitlement to reasonable preference on single, non urgent basis – SILVER BAND.

c)   People entitled to additional preference (being persons with urgent housing needs) – GOLD BAND

d)   People entitled to reasonable preference on a cumulative basis – PRIORITY BAND.

9.4   The four core bandings have been decided by the categories below:

Priority Band:

Applicants will only be placed into the Priority Band following agreement by the Head of Housing. This will only be agreed in cases where individuals are entitled to reasonable preference on more than one of the grounds in Section 167(2) and the cumulative effect of their needs is such that the Head of Housing considers that they should be given preference.

This band will also be used for those cases which are particularly sensitive and warrant the Council giving reasonable preference to the applicant, in view of

their circumstances.

Priority within the Priority band will be determined by the date of the application. Allocations to the priority band will be made to applicants who have expressed an interest in a property, in date order from the time their application was registered.

If two applicants have the same registration date, the allocation will be made to the applicant who expressed an interest first.

Residency points are the only points that can be carried into the Priority band.

Gold:
This band will include all applicants who have been assessed as

a) Unintentionally homeless and in priority need

or

b) having a 'Medical priority' or 'Social priority' but are not considered to have deliberately worsened their housing circumstances by moving to unsuitable accommodation.

See 'Medical Need' and 'Social need'

Priority within the gold band will be determined by the date of the application. Allocations to the gold band will be made to applicants in date order from the time their application was registered.

If two applicants have the same registration date, the allocation will be made to the applicant considered to be most suitable for the property.

Medical cases will be agreed based on the suitability of the accommodation for each household and/or time waiting.

Residency points are the only points that can be carried into the Gold band.

Silver:
This band includes applicants with a single non urgent need (see 9.3b). It also includes applicants assessed as having and urgent Medical or Social need but who have deliberately worsened their housing circumstances to improve their chances of obtaining social housing. Allocations will be made to applicants who have expressed an interest in a property and in order of highest points, followed by the earliest application date. Should two applicants have the same number of points, and the same application date, the allocation will be made to the applicant who expressed an interest first.

Bronze:
This band will include all applicants who are deemed to be adequately housed

and as such have no entitlement to reasonable preference e.g.
Owner occupiers.

9.3 As a starting point 60% of properties will be awarded to the Priority and Gold banding and 40% to Silver and Bronze. The Head of Housing and Community Services will at their discretion vary the percentage of properties given to each banding depending on the number of applicants in each band on the housing register.

9.4 The Director of Housing, Leisure and Customer Services and Head of Housing and Community Services will formerly review the percentage target on a quarterly basis to ensure that the best use is being made of the housing stock, and that government guidelines for using temporary accommodation for Homeless cases are being met.

10. THE BANDING SCHEME

10.1 Housing need will be used to determine the banding of each applicant.

10.2 Allocations within the bandings will be made to the applicant who has expressed an interest in a property and who:
a) Has the highest band
b) Has the highest number of points
c) Has the earliest application date
d) Who satisfies the requirements of the Councils eligibility for housing

10.3 The Council determines priority for housing by a points system based on the housing need of the applicant and the time waiting:

The housing register is made up of:

- Homeless Cases
- Applicants
- Transfers

10.4 The scheme is designed to be easy to understand, to give priority to those in most housing need and to be open and accountable.

Scheme Summary	
• **Cases with Exceptional Circumstances**	Priority Band
• **Agreed Homeless Cases**	Gold Band
• **Social Priority-Discretionary**	Gold Band
• **Medical Priority-Discretionary**	Gold Band
• **Residency (12 months) or parents**	30 Points
• **Bedroom deficiency/per room**	50 Points
• **Children in flat points**	15 Points
• **Studio Flats**	5 Points
• **Property is Under Occupied / Per room**	50 Points
• **Leaving Special needs property**	250 Points

11.   POINTS EXPLANATION

Homeless Priority
All applicants which the Council has accepted a duty to house under
homelessness legislation will be placed in the gold band and allocations will be
made based on the earliest application date.

Social Priority
This will be assessed by the Housing Services Manager and the Housing
Options Manager. Social priority will only be granted in exceptional
circumstances. For example:

• To provide support to a family member where no alternative support is
available. Supporting documentation must be provided.

Medical Priority
Medical priority will only be granted where the current property has a direct
adverse affect on the health of the applicant or a member of their family, and
when it is unreasonable or uneconomical to adapt the current property.
Medical priority will be assessed by the Housing Services Manager and the

Housing Options Manager in conjunction with the Councils medical advisors and Occupational Therapist. Examples are:

- Severe mobility problems requiring ground floor accommodation
- Health problems which need specialist equipment.

Residency Points

Applicants who have lived in Redditch for the past 12 months or who have parents currently living in Redditch. Residency points will be awarded to applicants leaving the armed forces who would have qualified for them prior to commencing their service. These are the only points that are applicable to the Priority or Gold Band.

Bedroom Deficiency
50 points will be awarded to each member of the household, requiring their own room. These points will be awarded to children regardless of age or sex; however they do not reflect the size of the property to be offered. These points are not applicable to individuals in the Gold or Priority Band and are not awarded to households that are considered to have deliberately worsened their circumstances by moving into smaller or unsuitable accommodation

Children i**n Flats**
These are awarded if there are any children under the age of 10 living in a flat. These points are not applicable to applicants in the Gold or Priority Band.

Leaving Special Needs Property

Points will be awarded to applicants living in properties with the following:

a)   A vertical lift moving between Floors
b)   Properties where building adaptations have been made totalling over £1,000
and
c)   The property would be suitable for occupation by another individual or family with a Special Need

These points are not applicable to applicants in the Gold or Priority Band.

Studio Flats

Applicants who have lived in a studio flat for at least twelve months will receive 5 points to help facilitate them moving on if applying for a transfer.

Under Occupancy Points:

Under Occupancy Points will be awarded to all applicants regardless of tenure provided that it can be demonstrated that prioritising the applicant for smaller housing would free up housing stock which is both suitable and accessible for

other applicants solely on the Redditch Borough Council Waiting List.

Points awarded for under occupancy of rooms would be awarded in line with the existing Landlords occupancy policy. In cases where no occupancy policy exists, points will be awarded in line with the Redditch Borough Council occupancy policy.

In cases where an under-occupied property is required for a family in Urgent Housing Need then the Head of Housing and Community Services or the Director of Housing, Leisure and Customer Services has the authority to place the household that are under-occupied into the gold band to allow the property to be freed up for the family in Urgent Housing Need as quickly as possible.

Property Size

The size of the property that an applicant may express an interest in is in line with the property size matrix (Appendix 1). The Council will only allocate accommodation to households where they have demonstrated that it is affordable to them (based on their income either through employment or benefit entitlement).

Applicants with one child under the age of 2 will only be considered for one bedroom accommodation.

Property Type

All accessible properties (i.e. housing which has been designed or adapted to meet the needs of disabled people) will be advertised through the Redditch Home Choice scheme. Priority for accessible accommodation will be given to those people those who have appropriate levels of need and this will be clearly stated in the adverts.

12.	CHANGE OF CIRCUMSTANCES

12.1 Under Section 171 of the Housing Act 1996, it is a criminal offence for applicants to knowingly give false information or to withhold information relevant to their application. A fine of up to £5,000 may be imposed by the courts if the applicant is found guilty. An offence may be committed if an applicant knowingly gives false information, or knowingly withholds information which Housing Services has reasonably requested on the housing application form. An offence is also committed if the applicant allows a third party to provide false information on their behalf or at their instigation.

12.2 Changes of circumstances should be notified to the Housing Options Team as soon as possible, using the Change of Circumstances Form. The form should be fully completed and be used for the following:

Agenda Item 8.1

- Any confirmed pregnancy
- Any member of the family or any other person on the application who has left the accommodation
- Any changes of name
- Any additions to the family-(Proof of residence and ID will be
- required)
- Any change in income or savings
- Changes in status of accommodation (e.g. Notice to Quit)

12.3 If an applicant has changed address a new application form should be completed. Providing that there is no break in the timescale, the date of application will be taken from the first application that was accepted by the Council; however, the housing need points may be adjusted accordingly.

12.4 In cases where there is a change in an applicant's medical situation, the Council should be notified.

12.5 Where a register entry is amended following receipt of a completed change of circumstances form, the Council will notify the person concerned in writing. Before removing a person from the register, the Council will give him/her notice of this action. Where an applicant is removed from the housing register other than at his/her request, the Council will inform them in writing of its decision, the reason for it and the right to request a review.

12.6 If evidence is obtained that an applicant has gained a tenancy through providing false information or withholding relevant information, the Council will take possession proceedings against the tenant.

13. REMOVAL/AMENDMENT TO ENTRY ON REGISTER

13.1 Redditch Borough Council reserves the right to remove an applicant from the Housing Register if there is evidence that the applicant or a person acting on the applicant's request, has given false information or withheld information relevant to their application. The Council will remove a person's application if he/she requests it (provided they are not owed a duty as homeless) or is no longer deemed to be eligible. The Council may also remove a person from its register in other appropriate circumstances as it sees fit. This will include:

• Failure to renew application when requested by Redditch Borough Council.

- Any applicant seeking to obtain accommodation by making false or misleading statements, or by withholding information that has been reasonably requested, or by failing to inform the Council of any material change of circumstances, is liable to have their application cancelled. It is also an offence under section 171 of the Housing Act 1996 to take any such

action. A person guilty of an offence under this section is liable on summary conviction to a fine.

14. HARASSMENT

14.1 Redditch Borough Council defines harassment/Anti-Social behaviour as: 'Any behaviour by an individual or a group which makes another person or group feel harassed, alarmed, threatened or distressed. It includes a variety of behaviour that can blight the quality of community life and is based on individual perception. Anti-social behaviour may constitute a nuisance and annoyance, harassment or criminal activity'.

14.2 The Council will follow its Anti-Social Behaviour procedure in responding to requests for assistance if experiencing threats of, or actual violence, intimidation, nuisance, harassment, racial harassment or other forms of antisocial behavior.

14.3 Wherever possible appropriate remedies will be taken to resolve the situation. Redditch Borough Council will always attempt to deal with the perpetrator, rather than move the victim. Staff in Housing Services will liaise with appropriate agencies and advise applicants, to achieve this. Officers must be satisfied that the applicant has not caused or contributed to the situation where a dispute has escalated. Evidence will usually be required from the applicant and/or independent agencies to support allegations of antisocial behavior. If an applicant reports repeated experiences of threats, intimidation, nuisance, harassment or other forms of antisocial behavior during their housing history, Officers must consider whether the applicant has provoked this behavior, or whether they are unusually sensitive to or liable to misinterpret others' behavior. In these circumstances a move is unlikely to resolve the issues. Housing Officers will liaise with the Community Safety Officer, Police, Probation, victim support and other agencies to ensure that housing policies and procedures support community safety. Redditch Borough Council prefers to resolve problems relating to threats, harassment, antisocial behavior and other forms of nuisance by co-operative and partnership working.

15. HOMELESSNESS

15.1 Once it has been established that all options to prevent your homelessness have been exhausted and the Council has accepted a full duty to you as homeless under the terms of the Housing Act 1996 (as amended) your application will be placed on the Housing register, *in the gold band.*

16.   YOUNG PERSONS AND RE-HOUSING

16.1   The term "young person" refers to a person who is aged between 16 to 18 years old.

16.2   Applicants under 18 years of age but over 16 years and single will be registered onto the Housing Register. The application will be deferred until the applicant reaches 18 years of age. The application will attract 'time waiting points' only. If the circumstances change and the applicant becomes homeless, Redditch Borough Council will assess the applicant under homelessness legislation to consider whether the authority has a duty to secure accommodation for the applicant. If the Council accepts it has a duty towards the applicant it will consider them for housing in line with the Council's 'Homelessness Protocol for Young 16 and 17 years olds'.

16.3   If the applicant is under 16 years old the Council will liaise with Worcestershire County Council Social Services, on your behalf for help and assistance.

17.   SHARED-OWNERSHIP, HOMEBUY AND INTERIM-OWNERSHIP SCHEMES

17.1   Qualification for shared-ownership, 'Homebuy' and Interim-Ownership Schemes and any other affordable housing scheme will be in accordance with the guidelines of the Homes and Communities Agency.

To qualify:
1   Applicants must be 'first-time' buyers
2   Must have a Social Housing need, i.e.: would not be able to purchase a property without financial assistance
3   Be registered on the Councils housing register
   • Be eligible under the Allocations Policy of the RSL involved

18.   HOUSING ASSOCIATION PROPERTIES

18.1   There are various Housing Associations with properties within the Redditch area. A full list is on the Redditch Home Choice website:

http://www.redditchhomechoice.org.uk/Data/ASPPages/1/31.aspx
Housing

Allocations for Housing Association properties may be made from the Councils Housing Register.

Applicants must indicate their willingness to accept Housing Association Homes on their application form. Housing Association properties will be allocated through the Choice Based Letting scheme; however, applicants may also need to satisfy the requirements of the policy of the individual Housing Association.

18.2 Applicants must indicate that they wish to be considered for a Housing Association property on their application form.

19. CO-OPERATIVES HOMES SCHEME

19.1 Co-Operative Housing is a form of housing that requires the involvement of the tenants in the management of their own homes. You must first register on the Council's Housing Register in respect of your housing need and must also satisfy the Co-operative Homes requirement on their suitability for living in a co-operative environment*.*

Consideration will be given to any one in housing need, on a low income and capable of living independently in his or her own home or with support if required.

20 TOLERATED TRESPASS

The term "tolerated trespasser" is applied to a person who was a tenant but whose tenancy has come to an end following a Court Order for possession but who remains in occupation in circumstances tolerated by the former landlord.

The allocations policy will be operated in line with best practice and in accordance with any decision on Council policy in respect of Tolerated Trespassers.

21. MUTUAL EXCHANGE

20.1 A mutual exchange is where two or more Council or Social Registered Landlord tenants swap their homes. It does not involve any property becoming empty. As the housing register becomes longer a mutual exchange is often the quickest way of moving.

20.2 Secure tenants of Redditch Borough Council have the right to exchange their property with other secure tenants of any other Council or Housing Association.

20.3 Mutual Exchange is now administrated via the Homeswapper website at: http://www.homeswapper.co.uk/.

20.4 The Council agrees to mutual exchanges in line with the Councils Allocation Policy.

- The tenant must receive written consent from the landlord before any exchange takes place.
- Any exchanges carried out without written permission may be made to move back.

20.5 The Council may withhold consent on the following grounds

1. There is a valid possession order with a date for the tenant to leave the property.
2. Notice of seeking possession has been issued and is still in force or repossession proceedings have been started.
3. The property is not of a suitable size (one extra bedroom is allowed).
4. The property has been adapted or is specifically built for people with special needs.
5. The property is within a sheltered scheme and the incoming tenant does not require the facilities.

20.6 Rent arrears or other breach of tenancy conditions are not grounds for refusal, but any breach must be rectified in advance of any exchange.

22.	JOINT TENANCIES	23

21.1 Redditch Borough Council will consider offering existing tenants a joint tenancy to adult members of the household who have been living in the same home for a minimum of twelve months, prior to the application for a joint tenancy being made. Proof of residency and ID will be required (Appendix 2).

21.2. Redditch Borough Council will offer a joint tenancy to new tenants who have made a joint application unless:

- One prospective joint tenant is excluded from or is ineligible to join the Housing Register.

21.4 Where one of the joint tenants terminates the tenancy, the Housing Services Manager of Housing Options Manager may at their discretion, grant the remaining tenant a tenancy in their sole name. In making this decision, consideration will be given to property size and making the best use of the Councils housing stock.

23.	DECANTS	24

22.1 Decants relate to tenants requiring a temporary move to allow major refurbishment to their current property.

22.2 Tenants will be offered temporary moves, at the discretion of the Housing Services or Housing Options Manager.

22.3 Properties identified as being suitable for decants will be offered outside of the Choice Based Lettings scheme but where possible Officers will make use of vacant Temporary Accommodation.

23.	SOCIAL HOUSING TENANTS WISHING TO MOVE TO ALTERNATIVE AREAS

Homeswapper is a scheme which allows social housing tenants to move to alternative areas for example if:

- You are taking up employment which is too far away to commute.
- You need to live closer to relatives to receive or give support.
- There are other special reasons

The Council pays each year for a subscription to all its tenants to register at no cost to them. The scheme can be accessed via the internet at the following address:

http://www.homeswapper.co.uk/

If you are unable to access the internet or require assistance due to disability please contact your Tenancy Officer or the Housing Options Team for help.

24.   SHELTERED ACCOMMODATION

24.1   Sheltered schemes with community wardens visiting on a daily basis are suitable for mature people over the age of 60, (in the case of couples one partner needs to be 60 years or over), with no children living at home. Certain schemes will accept applicants over the age of 50; however, priority will be given to applicants over 60. Applicants requesting this type of housing will have an appointment arranged for the applicant to visit one of the Sheltered Schemes. This will give the Community Warden an opportunity to explain the support provided and gives customers an opportunity to experience the scheme before moving in.

24.2   When a ground floor flat becomes vacant priority will be given to those tenants already living in the scheme on the first floor or above who require ground floor accommodation.

24.3   Council tenants wishing to move into sheltered accommodation will be offered assistance to help them with their move.

25.   VERY SHELTERED SCHEMES

25.1   The Council has access to two very sheltered schemes, St David's House, Batchley and Terry Spring Court, Smallwood.

25.2   The allocation of these properties will be made in accordance will the Very Sheltered Scheme allocations policy. To be eligible for this type of accommodation applicants will need to satisfy the following conditions:

- Be eligible for inclusion on the Housing Register.
- Be aged 60. (a younger person may in exceptional circumstances be accepted by the Extra Care Operational Director, Social Services and the Council).
- Need help with personal care, such as washing dressing or getting in and out of bed, either now or in the future.
- Have housing needs because your home is unsuitable. This may be because there is lack of basic amenities, or you may find it difficult to move around your home, or your home makes your medical condition worse. There may be other reasons that your current home may be unsuitable for you.

26.　SPECIAL NEEDS ACCOMMODATION

26.1　There are a number of properties which have adaptations and are suitable for applicants with special needs. All accessible properties (i.e. housing which has been designed or adapted to meet the needs of disabled people) will be advertised through the Choice Based Lettings scheme. Priority for accessible accommodation will be given to those people those who have appropriate levels of need and this will be clearly stated in the adverts. Consideration of the suitability of the property will be agreed by the Housing Options Manager Housing Services Manager.

26.2　Applicants currently living in homes which are adapted, and no longer need specialist accommodation will be placed in the Silver banding and receive 250 points, to facilitate a move to free up the accommodation.

27.　LOCAL LETTINGS PLAN

27.1　The Council believes that some locations and/or property types are more suited to particular residents. Temporary local lettings plans will be agreed by the Head of Housing in consultation with local ward members to resolve Housing Management issues or to allow for the allocation of difficult to let properties. Any properties subject to a local lettings plan will be clearly explained in the Choice Based Letting advert.

28.　FORCES

28.1　Applications from serving members of Her Majesties Forces will be considered on an individual basis by the Head of Housing or the Housing Options Manager. Priority will be given to those considered to be in urgent housing need or with severe medical conditions. Applicants that would have qualified for residency points prior to joining the armed forces will be given these points to ensure that they are not disadvantaged by leaving the area whilst undertaking their professional duties.

29.	STAFF/ELECTED MEMBER APPLICATIONS

29.1 Staff members, Elected Members, or relatives of either, will have their application approved by the Housing Services Manager or the Head of Housing and Community Services, in accordance with the Councils equal opportunity policy.

29.2 Any offers of accommodation to members of staff or Elected Members will be agreed by the Director of Housing, Leisure and Customer Services prior to the offer being made.

30.	TIED OR SERVICE TENANTS

30.1 Tied or service tenants refer to local authority employees (a local schools employee) who occupy their home in order to do their job.

30.2 The applicant must be resident in their service tenancy in Redditch for at least six months.

30.3 On receiving notification of retirement the applicant will be given priority by placing into the gold banding.

30.4 Applicants not retiring but required to leave their service or tied tenancy will be placed onto the waiting list without priority and may approach the Council under homeless legislation.

31.	FOSTER CHILDREN

31.1 Foster children are not automatically accepted on an application for housing as fostering is often a short-term arrangement. Social Services can provide advice where they believe the family requires larger accommodation and if evidence shows that a family will be fostering a child on a long-term basis consideration will be given to the housing need of that young person and they may be allowed on the application.

32.   DEBT TO THE COUNCIL OR HOUSING ASSOCIATIONS

32.1   Applicants can apply to go on the housing register if they owe monies to the Council or any Housing Association, however:

32.2   No offer of accommodation will be made until the total debt is clear. Debt can include:
- Rent arrears / Former Tenancy Arrears
- Over-allowed Housing Benefit
- Council Tax
- Court Costs
- Repair re-charge
-

32.3   In exceptional circumstances the Head of Housing may agree to an allocation being made.

33.   PROVIDING INFORMATION TO APPLICANTS

33.1   Section 166 of the Housing Act 1996, as amended by the Homelessness Act 2002, requires a housing authority to ensure advice and information is available free to everyone in its district about the right to apply for housing accommodation. Section 166 requires housing authorities to inform an applicant he has the right to certain general information, such as:

- Information that will enable him to assess how his application is likely to be treated under the scheme, and in particular, whether he is likely to fall within the reasonable preference categories; and
- Information about whether accommodation appropriate to his needs is likely to be made available and, if so, how long it is likely to be before such accommodation becomes available.

33.2   At the time an application for housing is made, the Council will provide full Housing Option information, which will enable the applicant to make an informed choice about the type of accommodation they are likely to be considered for and the likelihood of them being made an offer within a reasonable timescale.

33.3   Information regarding the allocations will be available on a weekly basis, and Information on numbers of properties, numbers of voids and allocation targets will be updated quarterly.

33.4   Assistance will be provided by the Housing Options Team or One Stop Shops to help with the completion of housing register application.

33.5 A guide to Applying for Housing will be completed and reviewed annually for those who request it.

34. THE RIGHT TO INFORMATION ABOUT DECISIONS AND THE RIGHT TO REVIEW A DECISION

34.1 Applicants will be notified in writing of decisions taken on their application.

34.2 The notification will give clear grounds for the decision, which are based firmly on the relevant facts of the case. The applicant also has the right, on request, to be informed of any decision about the facts of the applicant's case which has been, or is likely to be, taken into account in considering whether to make an allocation to him. Under section 167 of the 1996 Act, an applicant has the right to request a review on certain decisions. This right will be made clear in such decision letters.

34.3 A request for a review must be made within 21 days of the applicant being informed in writing of the Council's decision. The review will be carried out by a senior officer who was not involved in the original decision.

34.4 The applicant will be invited to submit any new information they would like the reviewing officer to consider.

34.5 The following decisions have a right to request a review:

- To treat an applicant as ineligible due to immigration status or persons from abroad who have failed the habitual residence test;
- Not to accept an applicant on to housing register or give an applicant any preference because of unacceptable behavior serious enough to make him unsuitable to be a tenant;
- Not to give an applicant any preference because of the financial resources available to him;
- Not to make an allocation to an applicant, when it has been considered he would not be capable of independent living;
- As to the suitability of accommodation offered to an applicant in discharge of the Council's duty under the provisions of Part VII of the Housing Act 1996 (Housing the Homeless);
- The outcome of a request for social or medical priority.

34.6 A person will be notified in writing of the outcome of a review, with details of the reasons for the decision.

34.7 The applicant may request a second stage appeal held by elected members. This request is to be put in writing to the Head of Housing and Community Services within 21 days of the review decision being made.

35.   Monitoring

Allocations will usually be made in accordance to the following targets:

60% of properties will be awarded to Priority and Gold banding and 40% to Silver and Bronze Banding.

The Head of Housing may vary the percentage of properties given to each banding depending on the number of applicants in each band.
These targets will be formally reviewed by the Housing Options Manager and reported to the Head of Housing quarterly to ensure that the best use is being made of the housing stock and that government guidelines for using temporary accommodation for Homeless cases are being met.

36.   Equalities Statement

This policy is intended to operate within the Council's commitment to equalities and diversity including:

- Equal treatment regardless of race, gender, age disability, sexual orientation, religion or belief, with reasonable adjustments where necessary in line with the Disability Discrimination Act.

- Working to eliminate *unlawful* discrimination

- ***Promoting equal opportunities****.*

- Promoting community cohesion, ***including good relations between people from different racial groups****.*

- Providing reasonable access to interpretation or support on request.

- Responding to the needs of all and working to engage all sections of the community.

This policy will be assessed as part of a rolling programme of reviews to ensure that it does not have a detrimental or disproportionate effect on any group.

Any concerns that the policy is operating in a way that could be construed as discriminatory should be passed to the responsible Manager and will be dealt with as part of the official Complaints Procedure, in line with the Council's Equality Schemes.

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REDDITCH BOROUGH COUNCIL

EXECUTIVE COMMITTEE

11th July 2017

ANTI-FRAUD AND CORRUPTION POLICY

Relevant Portfolio Holder	Councillor John Fisher
Relevant Head of Service	Jayne Pickering, Executive Director Finance and Corporate Resources
Non-Key Decision	

1.   SUMMARY OF PROPOSALS

To present to Executive the updated Anti-Fraud and Corruption Policy for the Council.

2.   RECOMMENDATIONS

2.1   **The Executive Committee is asked to RECOMMEND that the Anti-Fraud and Corruption Policy be approved.**

3.   KEY ISSUE

3.1   Redditch Borough Council, like every Local Authority, has a duty to ensure that it safeguards the public money that they are responsible for. This policy provides a robust framework to ensure there are processes in place to identify and prevent fraud and corruption across the Council.

3.2   The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, members, contractors, volunteers and the public. It is committed to the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly and to the highest possible standard of openness and accountability so as to protect public safety and public money.

Legal Implications

3.3   This policy has been created with due regard to the CIPFA better Governance Forum's Red Book 2 'Managing the Risk of Fraud', the CIPFA 2014 Code of practice on managing the risk of fraud and corruption and the TEICCAFF Publication 'Protecting the English Public Purse'.

Service/Operational Implications

3.4   The identification and prevention of fraud and corruption will ensure that all services are provided within a secure and legal environment.

Customer / Equalities and Diversity Implications

3.5   Identification and prevention of fraud and corruption will ensure that customers have access to secure and effective services.

REDDITCH BOROUGH COUNCIL

EXECUTIVE COMMITTEE   **11th July 2017**

4.   **RISK MANAGEMENT**

4.1   Prevention of fraud and corruption provides mitigation against potential issues that may occur in financial and operational terms

5.   **APPENDICES**

      Appendix 1 – Corporate Anti-Fraud and Corruption Policy

AUTHORS OF REPORT

Name: Jayne Pickering – Executive Director Finance and Resources
Email: j.pickering@bromsgroveandredditch.gov.uk
Tel: (01527) 881400

Anti-Fraud and Corruption Policy

www.redditchbc.gov.uk

REDDITCH BOROUGH COUNCIL

1.0 INTRODUCTION

Redditch Borough Council, like every Local Authority, has a duty to ensure that it safeguards the public money that they are responsible for.

The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, members, contractors, volunteers and the public. It is committed to the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly and to the highest possible standard of openness and accountability so as to protect public safety and public money.

All suspicions or concerns of fraudulent or corrupt practise will be investigated. There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. Any investigations will not compromise the Council's commitment to Equal Opportunities or the requirements of the Human Rights Act or any other relevant statutory provision.

This policy has been created with due regard to the CIPFA better Governance Forum's Red Book 2 'Managing the Risk of Fraud', the CIPFA 2014 Code of practice on managing the risk of fraud and corruption and the TEICCAFF Publication 'Protecting the English Public Purse'.

2.0 OVERVIEW

This policy provides an overview of the measures designed to combat any attempted fraudulent or corrupt act. For ease of understanding it is separated into four areas as below:-

- Culture
- Responsibilities & Prevention
- Detection and Investigation
- Awareness & Monitoring

Fraud and corruption are defined as:-

Fraud

'Wrongful or criminal deception intended to result in financial or personal gain'

Corruption

"The offering, giving, soliciting or acceptance of an inducement or reward which may influence the action of any person"

Bribery
The Council also abides by the Bribery Act 2010 which covers, amongst other things, the offences of bribing another person, of allowing to be bribed and organisational responsibility. Such offences include:

RBC Anti-Fraud and Corruption Policy May 2017

- The offer, promise or giving of financial or other advantage to another person in return for the person improperly performing a relevant function or activity
- Requesting, agreeing to receive or accepting a financial or other advantage intending that, in consequence a relevant function or activity should be performed improperly.
- Commercial organisation responsibility for a person, associated with the organisation, bribing another person for the purpose of obtaining or retaining business for the organisation

In addition, this policy also covers "the failure to disclose an interest in order to gain financial or other pecuniary benefit."

3.0 CULTURE

The prevention/detection of fraud/corruption and the protection of public money are responsibilities of everyone, both internal and external to the organisation. The Council's elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will, wherever possible, be treated in confidence. The public also has a role to play in this process and should inform the Council if they feel that fraud/corruption may have occurred.

Concerns must be raised when members, employees or the public reasonably believe that one or more of the following has occurred, is in the process of occurring or is likely to occur:

- A criminal offence
- A failure to comply with a statutory or legal obligation
- Improper or unauthorised use of public or other official funds
- A miscarriage of justice
- Maladministration, misconduct or malpractice
- Endangering an individual's health and/or safety
- Damage to the environment
- Deliberate concealment of any of the above

The Council will ensure that any allegations received in any way, including by anonymous letter or telephone call, will be taken seriously and investigated in an appropriate manner. The Council has a whistle blowing policy that sets out the approach to these types of allegation in more detail.
The Council will deal firmly with those who defraud the Council or who are corrupt, or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees/members raising malicious allegations) may be dealt with as a disciplinary matter (employees) or through Group procedures (members).

When fraud or corruption has occurred due to a breakdown in the Council's systems or procedures, Directors / Heads of Service will ensure that appropriate improvements in systems of control are implemented in order to prevent a re-occurrence.

4.0 RESPONSIBILITIES & PREVENTION

4.1 Responsibilities of Elected Members
As elected representatives, all members of the Council have a duty to protect the Council and public money from any acts of fraud and corruption. This is done through existing practice,

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compliance with the National and Local Code of Conduct for Members, the Council's Constitution including Financial Regulations and Standing Orders and relevant legislation. Conduct and ethical matters are specifically brought to the attention of members during induction and include the declaration and registration of interests. Officers advise members of new legislative or procedural requirements.

4.2 Responsibilities of the Monitoring Officer *(Head of Legal, Equality & Democratic Services)*
The Monitoring Officer is responsible for ensuring that all decisions made by the Council are within the law. The Monitoring Officer's key role is to promote and maintain high standards of conduct throughout the Council by developing, enforcing and reporting appropriate governance arrangements including codes of conduct and other standards policies.

4.3 Responsibilities of the Section 151 Officer *(Director of Finance & Corporate Resources)*
The Director of Finance has been designated with the statutory responsibilities of the Finance Director as defined by s151 of the Local Government Act 1972. These responsibilities outline that every local authority in England & Wales should: "make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility or the administration of those affairs"
'Proper administration' encompasses all aspects of local authority financial management including:
- Compliance with the statutory requirements for accounting and internal audit;
- Managing the financial affairs of the Council
- The proper exercise of a wide range of delegated powers both formal and informal;
- The recognition of the fiduciary responsibility owed to local tax payers.

Under these statutory responsibilities the Section 151 Officer contributes to the anti-fraud and corruption framework of the Council.

4.4 Responsibilities of the Senior Management Team
Managers at all levels are responsible for the communication and implementation of this policy. They are also responsible for ensuring that their employees are aware of the Councils personnel policies and procedures, the Council's Financial Regulations and Standing Orders and that the requirements of each are being met. Managers are expected to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Special arrangements may be applied from time to time for example where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll or the Revenues & Benefits computer system. These procedures will be supported by relevant training.

The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at the recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency staff. The Council's formal recruitment procedure contains appropriate safeguards in the form of written references, the verification of qualifications held and employment history. Disclosure and Barring Service (DBS) checks are undertaken for employees working with or who may have contact with children or vulnerable adults.

4.5 Responsibilities of Employees
Each employee is governed in their work by the Council's Standing Orders and Financial Regulations, and other policies on conduct and IT usage. Included in the Council policies are guidelines on Gifts and Hospitality, and codes of conduct associated with professional and personal conduct and conflict of interest. These are issued to all employees when they join the

Council. In addition, employees are responsible for ensuring that they follow any instructions given to them, particularly in relation to the safekeeping of the assets of the Council. Employees are expected always to be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with management.

4.6 Role of Internal Audit *(Worcestershire Internal Audit Shared Service)*
Internal Audit plays a preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Internal Audit may be requested to investigate cases of suspected financial irregularity, fraud or corruption, in accordance with agreed procedures. Within the Financial Procedure Rules in the Constitution, representatives of Internal Audit are empowered to:

- enter at all reasonable times any Council premises or land
- have access to all records, documentation and correspondence relating to any financial and other transactions as considered necessary
- have access to records belonging to third parties such as contractors when required
- require and receive such explanations as are regarded necessary concerning any matter under examination
- require any employee of the Council to account for cash, stores or any other Council property under his/her control or possession

Internal Audit liaises with management to recommend changes in procedures to reduce risks and prevent losses to the Authority.

4.7 Role of the Fraud & Compliance Team
As of 01/02/2016, the responsibility for investigating Housing Benefit (and any other welfare benefits) lies with the Department for Work and Pensions (www.gov.uk/benefit-fraud)

The Fraud and Compliance Team within Redditch Borough Council is responsible for the investigation of any discounts that may have been awarded, including business rates, empty property relief, and any false applications/late reporting of changes within the Council Tax Reduction Scheme (CTRS). More information can be viewed at redditchbc.gov.uk/fraud or

4.8 Role of the External Auditors
Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by Grant Thornton through specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems and arrangements for preventing and detecting fraud and corruption. It is not the external auditors' function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice. The Council contributes to the bi-annual Audit Commission led National Fraud Initiative which is designed to cross match customers across authorities too highlight areas where there are potential fraudulent claims.

4.9 Role of the Public
This policy, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.

4.10 Conflicts of Interest
Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal

tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based upon impartial advice and avoid questions about improper disclosure of confidential information.

4.11 Official Guidance
In addition to Financial Regulations and Standing Orders, due regard will be had to external and inspectorate recommendations.

The Council is aware of the high degree of external scrutiny of its affairs by a variety of bodies such as Government Inspection bodies, the Local Government Ombudsman and HM Revenues and Customs. These bodies are important in highlighting any areas where improvements can be made.

5.0 DETECTION & INVESTIGATION
Internal Audit plays an important role in the detection of fraud and corruption. Included within the audit plans are reviews of system controls including financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

In addition to Internal Audit, there are numerous systems and management controls in place to deter fraud and corruption but it is often the vigilance of employees and members of the public that aids detection. In some cases frauds are discovered by chance or "tip-off" and the Council will ensure that such information is properly dealt with within its whistleblowing policies.

5.1 Disciplinary Action
The Council's Disciplinary Procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. Theft, fraud and corruption are serious offences which may constitute gross misconduct against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities, including Benefit fraud or falsely claiming a discount or exemption. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case.

Members will face appropriate action under this policy if they are found to have been involved in theft, fraud and corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a breach of the Code of Conduct for Members then it will be dealt with in accordance with the Arrangement agreed by the Council in accordance with the Localism Act 2011.

5.2 Prosecution
In terms of proceedings the Council will endeavour to take action in relevant cases to deter others from committing offences against the Authority.

5.3 Publicity
The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. Wherever possible, where the Council has suffered a financial loss action will be taken to pursue the recovery of the loss. All anti-fraud and corruption activities, including the update of this policy, will be publicised.

6.0 AWARENESS & MONITORING

The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for members and employees and will therefore take appropriate action to raise awareness levels.

The Internal Audit Service Manager will provide an annual report to senior management and members outlining investigations undertaken during the year.

This policy and associated procedures will be reviewed every 2 years and will be reported to senior management and the Audit & Governance Committees at each council.

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MINUTES

Present:

Councillor Jane Potter (Vice-Chair, in the Chair) and Councillors Tom Baker-Price, Natalie Brookes, Michael Chalk, Andrew Fry, Mark Shurmer, David Thain (during part of Minute No. 52 only) and Pat Witherspoon

Dave Jones – Independent Member for Audit and Governance (non-voting co-opted member of the Committee)

Alan Smith – Feckenham Parish Council Representative for Standards (non-voting co-opted member of the Committee)

Slade Arthur – Deputy Feckenham Parish Council Representative for Standards (non-voting co-opted member of the Committee)

Also Present:

Neil Preece and Richard Percival – Grant Thornton (External Auditors)

Officers:

Andy Bromage, Sue Hanley and Jayne Pickering

Democratic Services Officer:

Debbie Parker-Jones

39. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillor Rachael Smith.

Councillor Potter advised that Councillor Thain would unexpectedly be arriving late and that she would therefore chair the meeting in his absence.

....
Chair

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40.   DECLARATIONS OF INTEREST

There were no declarations of interest.

41.   MINUTES

The minutes of the meeting of the Audit, Governance and Standards Committee held on 2nd February 2017 were submitted.

RESOLVED that

the minutes of the meeting of the Audit, Governance and Standards Committee held on 2nd February 2017 be confirmed as a correct record and signed by the Chair.

42.   MONITORING OFFICER'S REPORT - STANDARDS REGIME

Members received a report from the Monitoring Officer (MO) outlining the current position in relation to standards regime matters.

In relation to the Member to Member complaint detailed in the report which the MO had arranged for a formal investigation to take place into, Officers advised that the complaint related to the use of social media. It had been necessary for the MO to request an investigation into this in order to establish the facts and to determine whether or not the Code of Conduct had been breached. The Investigating Officer had spoken with all of the relevant parties involved and was in the process of drafting a report of his findings. The report would hopefully be completed shortly, subject to some legal research by the MO, at which point the MO would decide what further action, if any, to take in this matter. A further update on this would be provided for Members at the next meeting.

It was noted that the social media training scheduled for March had been cancelled due to low Member response, and that given the nature of the above complaint future training in this area might be arranged. Members noted timing difficulties with certain training and requested that any training not take place until after the General Election on 8th June. A Member stated that he had a disclaimer on his political website and that Members needed to be absolutely clear as to what they could and couldn't do in relation to social media.

The Feckenham Parish Council Representative and Deputy Representative did not wish to raise any standards issues.

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RESOLVED that

the Monitoring Officer's report be noted.

43. **EXTERNAL AUDIT - CERTIFICATION WORK REPORT 2015/16**

Members were presented with the Grant Certification Letter ('the Letter') for 2015/16 from Grant Thornton, the Council's external auditors.

Mr Richard Percival, Engagement Lead at Grant Thornton, explained the background to the information contained in the Letter, including the Public Sector Audit Appointments transitional responsibilities for the HB (Housing Benefit) COUNT model, and the certification fees for work carried out for the Council. Grant Thornton had certified the Housing Benefit subsidy claim for the financial year 2015/16 relating to expenditure of £24.3m, details of which were appended to the Letter.

Mr Neil Preece, Audit Manager at Grant Thornton, proceeded to give an overview of the current claims position and work carried out so far. He explained the complexities and challenges involved with this work, particularly in relation to current testing requirements and any identified errors, which worked to strict new quality arrangements and processes determined by the Department for Work and Pensions.

Grant Thornton had met with Officers regarding the report before Members and had provided bespoke training for Officers in this area. Grant Thornton had also changed their working practices, with one lead person from Grant Thornton now working across both Redditch and Bromsgrove Councils, which it was felt worked better for both authorities. Grant Thornton were unable to say at this stage whether the overall position with claims certification would be better than in the previous year, and would not be able to do so until formal testing had commenced.

The external auditors proceeded to respond to Members' questions. It was noted that human error was a factor in the claims work and Mr Jones, Independent Member for Audit and Governance, queried whether Officers undertook any batch testing of claims. Officers confirmed that this was regularly undertaken by the Quality Officer and agreed to check whether there was an upward or downward trend with this.

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RESOLVED that

the Grant Certification Letter 2015/16 be noted.

44. **EXTERNAL AUDIT - AUDIT PLAN 2016/17**

Members were presented with Grant Thornton's Audit Plan 2016/17 ('the Plan').

The external auditors were required to perform their audit in line with the Local Audit and Accountability Act 2014 and in accordance with the Code of Practice issued by the National Audit Office. Their responsibilities under the Code were to give an opinion on the Council's financial statements and to satisfy themselves that the Council had made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

Mr Percival provided an overview of the Council's financial position, including the Housing Revenue Account, and the key challenges which the Council faced in this regard. He went on to highlight external financial reporting changes which impacted on the Council, and the significant risks (namely those risks which had a higher risk of material misstatement) identified in the Plan. The value for money element of the Plan and the significant risks which Grant Thornton had identified as a result of their initial risk assessment, and the work which they proposed to address those risks, were also noted. As previously identified, in year reporting to Members and the Council's financial sustainability remained the significant value for money risks.

Members noted that the interim audit work results looked fairly positive, which Mr Percival agreed was the case.

RESOLVED that

Grant Thornton's Audit Plan 2016/17 be noted and agreed.

45. **EXTERNAL AUDIT - AUDITING STANDARDS 2016/17**

Members were presented with the Auditing Standards report for 2016/17 from Grant Thornton, the Council's external auditors.

Mr Preece explained the purpose of the report, which aimed to ensure that there was effective two way communication between the Council's Audit, Governance and Standards Committee, who were "Those Charged with Governance", and the external auditor. In planning and performing their audit of the financial statements

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Grant Thornton needed to understand how the Committee, supported by the Council's management, met its responsibilities in the following areas: Fraud; Law and regulation; Going concern; Accounting for estimates; and Related Parties.

The Management responses detailed in the report were noted. Grant Thornton had no concerns with the responses, which in turn reduced the work which they had to undertake and which they could place reliance upon.

Mr Preece asked the Committee if there was anything in the report which caused them concern. Mr Jones stated that the management response to Question 6 on the Fraud Risk Assessment Table; that there were not any significantly high-risk posts identified from a fraud and corruption perspective, was felt to be quite a subjective statement, and queried how that compared with other authorities. Mr Percival commented that that was what he would expect to be said. If, however, there was a high level of transformation and a significant responsibility placed on one person within the authority then that would be a high-risk post, with high fraud risk in Grant Thornton's eyes relating to £1m upwards.

RESOLVED that

the report and management responses be noted.

46.   **EXTERNAL AUDIT - AUDIT FEE LETTER 2017/18**

Members were presented with the planned audit fee letter for 2017/18 from the Council's external auditors Grant Thornton, and were asked to approve the level of fee.

Mr Percival advised that under the terms of the current contract Grant Thornton were required to produce such a letter, which explained the fee set by Public Sector Audit Appointments Limited. It was noted that the level of fee remained the same as for 2016/17 and Mr Percival explained how the fee would be billed.

RESOLVED that

the audit fee for 2017/18 be agreed.

47.   **PROPOSED ACCOUNTING POLICIES 2016/17**

The Committee were presented with the proposed accounting policies ('the policies') which were to be used in completing the 2016/17 Statement of Accounts, and which were prepared in line

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with the Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Local Accounting.

Officers explained that there were no material changes in the policies, with these generally remaining the same as for 2015/16. The only changes for 2016/17 related to the format of the accounts and a new funding and expenditure note which would reconcile the movement on the General Fund balance to the Surplus or Deficit of Provision of Services, as set out in the covering report. Mr Percival added that these were the policies that Grant Thornton expected to see.

RESOLVED that

the proposed Accounting Policies be approved.

48.   **FINANCIAL SAVINGS MONITORING REPORT**

Members received a report which detailed the delivery of savings and additional income for the period April to December 2016.

Officers explained that for the period in question savings to budgets had been delivered. Further savings and additional income were also shown that had not been included in the original budget projections, with a further £125k projected to be saved by the end of the 2016/17 financial year. Officers were looking to improve the format of the report for 2017/18, which would link in to the Efficiency Plan.

Officers added that they were currently working on an earlier closedown of the accounts, in anticipation of the statutory deadline for this being brought forward for the 2017/18 accounts.

RESOLVED that

the financial position for savings for the period April to December 2016, as presented in the report, be noted.

49.   **INTERNAL AUDIT - PROGRESS REPORT**

The Committee considered the Internal Audit Progress Report, which presented Members with progress on internal audit work for 2016/17. The Head of the Internal Audit Shared Service (HIASS) presented the report and responded to Members' questions on this.

The HIASS brought to Members' attention the two Limited Assurance audits detailed in the report; which related to the

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Community Centres and Post Contract Appraisals, both of which included a number of high and medium priorities. The HIASS spoke on the additional contracts work which had been undertaken and on the appointment of a Senior Contracts Manager who was working on developing, as well as delivering, a robust plan to address the identified risks. Officers advised that a Contracts Working Group had also been established, which fell under the under the umbrella of the Legal Team, and which was looking at various contractual matters.

Mr Jones, Independent Member, stated that he was disappointed to see multiple follow up waste in the system, and that he was equally disappointed to see that a Contracts Manager had been employed by the Council. He added that the Committee needed confirmation that any action plans drawn up to address identified issues and risks were working in accordance with agreed timescales. Officers advised that the Contracts Manager was undertaking a whole host of work and that it had been felt that an expert in this field was needed to take this work forward.

In response to a Member's comments on the outcomes of the Community Centres audit, the HIASS agreed to provide clarification to Members outside of the meeting on the non-statutory compliance requirements referred to in the report. Also, as a number of audits remained outstanding the HIASS undertook to provide an update report at the next meeting of the Committee.

The increased number of internal audit days in delivering the Plan was noted, which followed the arrival of three new auditors in the first quarter, along with a further auditor at the end of quarter 2. This had reduced productivity as audits had taken longer to deliver, which had in turn led to an increase in the number of audit days. In response to a Members' question regarding any financial impact to the authority as a consequence of this, the HIAASS advised that this would be split amongst all partners.

The HIASS was pleased to report improvements in the Planned Follow Ups detailed in the report, with a number of these having now been satisfied and implemented by management. A small number showed that several follow ups had taken place. Internal Audit considered the management responses and accompanying action plans adequate to address any risks in regard to the areas highlighted, and there were no exceptions to report from an Internal Audit prospective. In light of issues previously raised by the Committee on what were deemed to be excessive follow ups, Officers stated that the Corporate Management Team would be discussing this as this was not acceptable. The s151 Officer would

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be looking at better ways of addressing and reporting on follow ups, with improvements intended for 2017/18. If actions could not be completed within agreed timescales then management would need to look to negotiate the timings based on the level of risk involved.

RESOLVED that

subject to the required action detailed in the preamble above, the report be noted.

50.   **INTERNAL AUDIT - FINAL AUDIT PLAN 2017/18**

Further to the referral of the draft Internal Audit Operational Plan for 2017/18 ('the Plan') at the previous meeting, Members received the final Plan for approval.

The Head of the Internal Audit Shared Service (HIASS) advised that all issues raised at the last meeting had been included in the current report.

The number of planned audit days for 2017/18 remained at 400; the same as for 2016/17. The Performance Indicators' for 2017/18 had also been split into Operational, Monitoring & Governance and Customer Satisfaction indicators in order to provide for greater focus with this.

RESOLVED that

the Internal Audit Operational Plan 2017/18 be approved.

51.   **COMMITTEE ACTION LIST AND WORK PROGRAMME**

Action List

Ref 1 – Statement of Accounts 2014/15: Inventories

Officers advised that Kevin Hirons could not be present at the meeting that evening owing to pre-booked leave. Members discussed the best course of action in this regard and it was agreed that a separate meeting be arranged outside of Committee to further progress this matter. The meeting attendees would comprise Jayne Pickering, Kevin Hirons (plus any other relevant service Officers), Dave Jones and the Chair and Vice-Chair of the Committee. A verbal update would then be given to Members at the next meeting in July.

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Action: Item to remain on Action List for update at July 2017 meeting.

Ref 2 – Debt Recovery Update – Quarters 1 and 2 2015/16: Write-offs / Measures Dashboard

It was agreed that Jayne Pickering and Dave Jones would meet to discuss this matter and that a verbal update on this would be provided at the next meeting.

Action: Item to remain on Action List for update at July 2017 meeting.

Ref 3 – Grant Thornton – Progress Report and Update: Brexit – Migrant Workers

The update on this as detailed in the report was noted and Members agreed that Human Resources should not look to record passport data.

Action: Item to be removed from Action List.

Ref 4 – Grant Thornton – Annual Audit Letter 2015/16

It was noted that both of the actions listed under this item had been completed.

Action: Item to be removed from Action List.

Ref 5 – Treasury Management Strategy Statement and Investment Strategy 2017/18 to 2019/20

It was noted that one action remained outstanding under this item, which was to be carried over to the next Treasury Management report to Committee in February 2018.

Action: Item to remain on Action List for update at February 2018 meeting.

Ref 6 – Compliance Team Update: Monies Recovered and Repayment Timescales

It was noted that this action was due for completion in September 2017.

Action: Item to remain on Action List for update at September 2017 meeting.

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Committee   **Thursday, 27 April 2017**

Ref 7 – Internal Audit – Progress Report: Planned Follow Ups

It was noted that this had been discussed earlier in the agenda (Minute No. 49 above refers).

Action: Item to be removed from Action List.

Work Programme

The Work Programme was noted.

RESOLVED that

the Committee's Action List and Work Programme be noted and the amendments and updated highlighted above be agreed.

52. **ANNUAL REVIEW OF THE OPERATION OF THE COMMITTEE AND THE COMMITTEE'S TERMS OF REFERENCE AND PROCEDURE RULES**

Members were asked to review the operation of the Audit, Governance and Standards Committee during the 2016/17 Municipal Year to date, and to Review the Committee's Terms of Reference and Procedure Rules.

Members stated that they were happy with how the Committee was progressing and that the relationships between the Committee and both Internal Audit and External Audit were very good.

Members also felt that they were learning a lot in what was often a very complex and highly specialised area.

No changes were proposed by Members in relation to the either the workings of the Committee and/or the Committee's Terms of Reference or Procedure Rules.

RESOLVED that

the position be noted.

The Meeting commenced at 7.00 pm
and closed at 8.21 pm

……………….…………………
Chair

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Planning
Committee

Wednesday, 14 June 2017

MINUTES

Present:

Councillor Andrew Fry (Chair), Councillor Yvonne Smith (Vice-Chair) and Councillors Roger Bennett, Michael Chalk, Matthew Dormer, Gareth Prosser, Jennifer Wheeler and Nina Wood-Ford

Officers:

Amar Hussain, Helena Plant and Charlotte Wood

Democratic Services Officer:

Jan Smyth

1. **APOLOGIES**

   An apology for absence was received on behalf of Councillor Wanda King. Councillor Natalie Brookes was confirmed as Councillor King's substitute for the meeting.

2. **DECLARATIONS OF INTEREST**

   Councillors Andy Fry (Chairman), Yvonne Smith, Roger Bennett, Mike Chalk, Matthew Dormer, Gareth Prosser, Jenny Wheeler and Nina Wood-Ford, declared Other Disclosable Interests in Agenda Item 5 (Planning Application 2017/00439/FUL – Land adjoining 20 Old Crest Avenue, Southcrest, Redditch B98 7EG) as detailed in Minute 5 below.

3. **CONFIRMATION OF MINUTES - 12TH APRIL 2017**

   RESOLVED that

   the minutes of the meeting of the Planning Committee held on 12th April 2017 be confirmed as a correct record and signed by the Chair.

4. **UPDATE REPORTS**

   The published Update Report for the Application to be considered was noted.

   ....
   Chair

Planning
Committee

5.   **PLANNING APPLICATION 2017/00439/FUL –
LAND ADJOINING 20 OLD CREST AVENUE, SOUTHCREST,
REDDITCH B98 7EG - MR B YENG**

<u>Proposed end terrace dwelling</u>

RESOLVED that

**having regard to the Development Plan and to all other material
considerations, Planning Permission be GRANTED, subject to:**

1)   **the Conditions set out on pages 8 and 9 of the main
agenda report but with Condition 5 substituted as
detailed below:**

<u>Substitute Condition 5</u>

5)   **Prior to the first delivery of materials to the site,
the fencing to the material storage area and the
site perimeter shall be installed on the site in
accordance with the Engineering Layout Plan
(drawing no. 1395.6a).**

**The development shall otherwise be carried out in
accordance with the Construction Management
Statement (L Brian King – revised 13.06.2017) and
the Engineering Layout Plan (drawing No.
1395.6a).   The details approved shall be adhered
to for the duration of all construction works at the
site.**

**Reason: Due to the constraints of the site and in the
interests of protecting neighbouring and visual amenity;
and**

2)   **the following Highway Informatives:**

1)   **before any work is commenced upon the
development hereby approved, representatives of
Worcestershire County Council, as the Highway
Authority, and the Applicant, shall carry out a joint
survey / inspection on the area to be used for
unloading / storage of materials. Following
completion of the development any highlighted
defects shall be rectified to the specification and
satisfaction of the Highway Authority within 1
month or other agreed timescale.**

Planning
Committee

Wednesday, 14 June 2017

> **2)** **The Applicant to obtain the necessary temporary licence to enable the use / storage of materials on the grass verge located opposite 20 Old Crest Avenue near the steps.**
>
> **3)** **No storage of materials on 3rd party land without permission.**

(Officers provided an update report on a proposed substitution of Condition 5 in the main report following receipt of a Construction Management Plan considered acceptable by the Highways Authority. Members also noted the Highways Authority's recommendation that a number of Informatives be included in the Decision Notice should the Committee be minded to approve the Application, as detailed in the published Update report, copies of which were provided to Committee Members and the public gallery prior to commencement of the meeting.)

(Prior to consideration of the Application, Councillors Andy Fry (Chair), Yvonne Smith (Vice-Chair), Roger Bennett, Mike Chalk, Matthew Dormer, Gareth Prosser, Jenny Wheeler and Nina Wood-Ford, declared a collective Other Disclosable Interest in this matter, in that they were acquainted with the Applicant. All Members considered and voted on the matter.)

The Meeting commenced at 7.00 pm
and closed at 7.34 pm

.………………………………………….
CHAIR

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Council

24th July 2017

Constitution Review

Relevant Portfolio Holder	Cllr Bill Hartnett
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non key

1. SUMMARY OF PROPOSALS

The Council reviews its constitution annually. This report outlines updates to the Council's constitution for the Council's consideration.

2. RECOMMENDATIONS

The Council is requested to RESOLVE

That the Council's constitution as presented be approved.

3. KEY ISSUES

Financial Implications

3.1 There are no financial implications arising from this report.

Legal Implications

3.2 The content of parts of the Council's constitution are set out in law. Whilst it is a "living" document and may be updated by the Council at any time during the year, the opportunity is taken each year to review its contents.

3.3 The Monitoring Officer has delegated authority to make minor changes to the form – not substance – of the constitution so that it reflects current arrangements. For example, references to the Worcestershire Regulatory Services Joint Committee have been changed to refer to the Regulatory Services Board.

Service / Operational Implications

3.4 There are no direct service or operational implications arising from this report.

3.5 There are no material changes to the constitution this year. Updates have been made as follows:

Council

- The Planning Code of Practice has been updated to clarify declarations of interest;

- The latest edition of the RBC Information Security Policy has been updated to include guidance on passwords and passphrases and business cloud storage.

- In the scheme of delegations, the delegations relating to the following items have been updated following previous agreement by Council:

    o Resources – delegation to the Head of Customer Access and Financial Support to consult on the draft Council Tax Support Scheme;
    o Housing – delegation to the Head of Housing Services to approve necessary delivery agents for commissioning the construction of new HRA stock from the Housing Growth Programme budget.

The updates are highlighted in italics in the attached appendices.

Customer / Equalities and Diversity Implications

3.6   There are no specific implications arising from this report.

4.   **RISK MANAGEMENT**

There are no specific high level risks arising from this report.

5.   **APPENDICES**

Appendix 1 – Planning Code of Good Practice (June 2017 update – the appendix to this part of the constitution has not changed and is therefore not attached to this report)

Appendix 2 – Planning Code of Good Practice (2013 version for comparative purposes)

Appendix 3 – RBC Information Security Policy (March 2017 update)

Appendix 4 - Scheme of Delegations for Housing (June 2017 update)

Appendix 5 – Scheme of Delegations for Resources (June 2017 update)

The full constitution is available on the Council's website with the agenda for this meeting of the Council. Paper copies have also been placed in Group rooms and are available for inspection from Democratic Services.

Agenda Item 10

Council

24th July 2017

6.   BACKGROUND PAPERS

None.

AUTHOR OF REPORT

Name: Jess Bayley email: jess.bayley@bromsgroveandredditch.gov.uk
Tel.:   01527 64252 Ext: 3268

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Appendix 1: Planning Code of Good Practice

Introduction

The aim of this Code of Good Practice is *to help Members maintain high standards of conduct* and to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest *and in accordance with national and local planning policies unless material considerations indicate otherwise.*

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members at all times when involving themselves in the planning process. This includes, where applicable when they attend as:

- an observer,
- participant or
- when taking part in the decision making meetings of the Council in exercising the functions of the Planning Authority, or
- when involved on less formal occasions, such as meetings with officers or the public, consultative meetings, as well as formal and informal site visits.

It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications and pre-application discussions.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from either the Monitoring Officer or the *Development Management Manager* or one of their staff, and preferably well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- Do apply the rules in the Members' Code of Conduct first, which must always be complied with. *Failure to comply with that Code could put you at risk of a complaint being made against you to the Monitoring Officer;*

- Do then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:

   - the Council at risk of a challenge on the legality or maladministration of the related decision; and

- yourself at risk of a complaint being made to *the Monitoring Officer and an Independent investigation having to be carried out.*

2. Development Proposals and Interests under the Members' Code

- Do disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with officers and other Members. You should disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. *If you become aware of an interest during the meeting you must declare it as soon as practicable.*

- *Remember your interest may relate to the effect of a proposal, which may be either beneficial or adverse, on you, your employer or employee, or a friend or relative.*

- Do then act accordingly:

*Where your interest is a **Disclosable Pecuniary Interest**:-*

- Don't participate, or give the appearance of trying to participate, in the making of any decision on the matter by the planning authority. *Under the Members' Code of Conduct you can no longer speak on a matter even if it is a public speaking item;*

- *Don't seek improperly to influence any such decision.*

- Don't try to represent ward views, or call-in an application - get another Member, if appropriate, from the same or a neighbouring ward to do so instead.

- Don't get involved in the processing of the application.

- Don't seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a member. This would include using your position to discuss that proposal with officers or members when other members of the public would not have the same opportunity to do so.

- Do be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a disclosable pecuniary interest to an appropriate officer, in person or in writing, the Members' Code of Conduct places greater limitations on you in representing that proposal than would apply to a member of the public. *In particular, you should have regard to paragraph 12 of the Code.*

- *Do notify the Monitoring Officer in writing within 28 days of any interest you declare if such interest is not already registered*

- Do note that:

· any application submitted by you will always be reported to the Committee as a main item and not dealt with by officers under delegated powers; and

· it is advisable that you employ an agent to act on your behalf on the proposal in dealing with officers and any public speaking at Committee.

Do ensure that when contacting an officer about your own proposals, or those of a person closely connected with you, you must make it clear that you are doing so in a private capacity and not in your capacity or role as a councillor

*Where your interest is **non-pecuniary** only (not a disclosable pecuniary interest):-*

- having declared it you may speak and vote (unless you consider yourself to be predetermined or biased).

Further advice about dealing with applications from members and officers is set out in appendix 1.

3. Fettering Discretion in the Planning Process

• Planning matters must be determined on their own individual merits against the formal planning policy background. These considerations will be set out in the officers' reports, supplemented, as appropriate, at the meeting. Accordingly, Members should not decide how they will vote on a particular matter before it is considered at the meeting, but must base their decision on the officers' reports, any additional information presented to the meeting and the debate.

• Predetermination: Section 25 of the Localism Act 2011 gives greater flexibility for a decision-maker to indicate, directly or indirectly, a view on a matter prior to a meeting and provides greater scope for Members to represent the views of residents and to vote on certain issues. However, the decision-maker must still be seen to have an open mind.

• Don't fetter your discretion and therefore your ability to participate in planning decision making at the Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority *and before hearing other relevant evidence*. Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

• Do be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. *This would apply, for example, to an Executive Member in relation to schemes within their area or responsibility*

(This is more than a matter of membership of both the proposing and planning determination committees; through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.).

• *Do be aware that whilst the Members' Code of Conduct provides a presumption that you may regard yourself as not having a disclosable pecuniary interest in matters which relate to organisations such as another local authority of which you are a member, or a body to which you have been appointed or nominated by the Council, you must exercise your discretion in deciding whether or not to participate in a case where:*

- you have been involved significantly with the preparation, submission, promotion, or opposition of a planning proposal; or

- you are a trustee or company director of the body submitting the proposal.

• Do consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where, for example, you are also a member of the parish council or both a Borough and county member), provided that:

- the proposal does not substantially affect the well being or financial standing of the consultee body;

- you make it clear to the consultee body that:

· your views are expressed on the limited information before you only;

· you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information;

· you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and

- you disclose the *non-pecuniary interest* regarding your membership or role *on the consultee body* when the Committee comes to consider the proposal.

• Don't speak and vote on a proposal where you appear to have fettered your discretion.

You should leave the meeting for the sake of appearances.

• *Do leave the meeting if there is a risk of an appearance to a member of the public of bias by you - do not remain or take part in the meeting.*

• Do explain, in either of the above cases, that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes.

4. Contact with Applicants, Developers and Objectors

• Do refer those who approach you for planning, procedural or technical advice to officers.

• Don't agree to any formal meeting with applicants or developers (*e.g. a meeting requested by applicants or developers to explain their proposals*) where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never hold that meeting without a planning officer being present. (The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee).

• *If you meet with objectors make sure that you advise the objectors at the beginning of the meeting that you are there to listen to their views but you cannot express a firm point of view otherwise you will prejudice your ability to take part in the decision making process.*

Inform the Development Management Manager about the meeting, if possible, before it takes place. It is good practice to take notes and to supply the Development Management Manager with a copy of the notes if an officer was not present.

• Do otherwise:

- follow the rules on lobbying;

- make notes; and

- report to the Development Management Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

In addition in respect of presentations by applicants/developers:

• *Do be aware that it is in order to attend presentations held in public but do not do so if it is not held in public and an officer is not present unless this cannot be avoided in the circumstances.*

• Do ask relevant questions for the purposes of clarifying your understanding of the proposals.

• Do remember that the presentation is not part of the formal process of debate and determination of any subsequent application. This will be carried out by the appropriate Committee of the planning authority.

• Do be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

5. Pre-Application Discussions

Members have an important role to play in pre-application discussions. The Localism Act 2011 has given Members more freedom to engage in pre-application discussions. Nevertheless, in order to avoid the perception that Members might have fettered their discretion, Members should adhere to the guidelines given above and as follows:

• Do ensure that officers are present with you in pre-application meetings. If you do speak to applicants make it clear that the discussion will not bind the Council to making a particular decision.

• Do avoid giving separate advice on the development plan or material considerations without officers in attendance. In any case, a written note should be made of all meetings.

• Do note that the Council has other mechanisms to involve you in pre-application discussions, such as developer presentations to the Committee (e.g. technical briefings) which have the advantage of being held in public for transparency.

6. Lobbying of Members

• Do explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, *doing so may lead to the perception that you are unable to act* and that therefore it may affect your ability to participate in the Committee's decision making. To express an intention to vote one way or another or to express such a firm point of view amounts to the same thing.

• Do remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

• Don't accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimal nature, its acceptance is declared as soon as possible and *remember to register it with the Monitoring Officer* **where its value is over £25** (in accordance with the Members' Code of Conduct for gifts and Hospitality).

• Do copy or pass on any lobbying correspondence you receive to the Development Management Manager at the earliest opportunity (*unless the correspondence has*

been circulated to all Members), so that it may be placed on file for consideration by other Members or the public.

• Do promptly refer to the Development Management Manager any offers made to you of planning gain or constraint of development, either through a proposed s.106 Planning Obligation or otherwise.

• Do inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate officers to follow the matter up.

• Do note that, unless you have a disclosable pecuniary interest, you will not normally be considered to have fettered your discretion or breached this Planning Code of Good Practice through:

- listening or receiving viewpoints from residents or other interested parties;

- making comments to residents, interested parties, other Members or appropriate officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind e.g. 'my initial view is …..'

- seeking information through appropriate channels; or

- being a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the meeting or item and make it clear that, having expressed the opinion or ward view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

7. Lobbying by Members

• Don't become a member of, or lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and *placed yourself in a position where you have perceived bias and have to withdraw. Involvement in such activity before you were elected as a Member could also be perceived by the public as relevant and you need to consider this possibility before taking part in a planning determination.*

• Do feel free to join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but do disclose a non-pecuniary interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal. *Simple membership of such organisations is less likely to give rise to a non-pecuniary interest than if you were actively involved in drafting or making representations.*

• Don't lobby fellow members regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken

• Don't lobby, discuss or decide how to vote on any application at any sort of political group meeting, or lobby any other Member to do so. Members' group meetings should never dictate how Members should vote on a planning issue.

8. Formal Site Visits

• Do try to attend site visits organised by the Council where possible.

• Don't request a site visit unless you feel it is strictly necessary because:

- particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

- there are significant policy or precedent implications and specific site factors need to be carefully addressed.

• *Do ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.*

• Do ensure that you treat the site visit only as an opportunity to seek information and to observe and familiarise yourself with the site.

• Do ask the officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

• Don't hear representations from any other party, with the exception of the Ward Member(s), who must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the officer present.

• Don't express opinions or views to anyone.

• Don't enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias *unless:*

- *you feel it is essential for you to visit the site other than through attending the official site visit,*

- *you notify the Development Control Manager of your visit afterwards (which will be recorded on the file) and*

- *you can ensure you will comply with these good practice rules on site visits.*

• Do take the opportunity to view a property or site from the roadside or public footpath.

9. Public Speaking at Meetings

• Don't allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

• Do ensure that you comply with the Council's procedures in respect of public speaking.

10. Officers

• Don't put pressure on officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the *Development Management Manager,* which may be incorporated into any committee report).

• Do involve yourself in pre-application discussions with the relevant officer but recognise that officers are part of a management structure and you should only discuss a proposal, outside of any arranged meeting, with a Corporate Head of Service or those officers who are authorised by their Corporate Head of Service to deal with the proposal at a Member level. (*Should you be in any doubt about who to contact to discuss a proposal with, outside of an arranged meeting, please contact the Development Management Manager who will be able to advise you).*

• Do recognise and respect that officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion differ from the views, opinions or decisions of the Committee or its Members.

Further advice about dealing with applications submitted by members and officers is set out in Appendix 1.

11. Call-in Process

• Do ensure that you comply with the rules for asking for an application to be considered by the Committee, your reasons are recorded and declared at the meeting if not already noted in the officer's report.

• Do not ask for an item to be referred to the Committee if you have a disclosable pecuniary interest in the matter or there is a risk of your being seen as biased.

12. Decision Making

• Do come to meetings with an open mind and demonstrate that you are open-minded.

• Do come to each meeting and participate only if you are familiar with the written report on each site.

• Do comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 i.e. make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

• Do come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. *If necessary, a motion for deferral can be made and voted upon. Such motion must be based on clear grounds which should be recorded at the meeting. Remember that planning law requires a determination to be based on planning considerations and not political, personal or Council interests or priorities.*

• Don't vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the officers' introduction to the matter.

• Do make sure that if you are proposing, seconding or supporting a motion contrary to officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision, *seeking the advice of the Development Management Manager in framing the wording in advance if you are unsure.* These reasons must be given immediately after proposing the motion and will be recorded by the officers. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

13. *Representations on Appeals*

Where you wish to make representations in connection with a planning appeal:

• Do make it clear to the Inspector in what capacity you are making the representations, i.e. as a ward member, as a member representing the views of other residents or in a personal capacity.

14. Training

• Don't participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

• Do endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and support you in carrying out your role properly and effectively.

• *Do participate in the annual review of a sample of planning decisions to ensure that Members` judgements have been based on proper planning considerations.*

15. Review

This Code of Good Practice will be reviewed by the Council periodically.

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APPENDIX 2: PLANNING CODES OF PRACTICE:

A.   PLANNING CODE OF GOOD PRACTICE

Background

The Planning Code of Good Practice has been prepared in response to the Local Government Association's Guidance Note on the preparation of Local Codes of Good Practice on Planning Matters in the light of the introduction of the new ethical framework and replaces the Council's former local code of conduct on planning matters.

This Code is as per the model adopted by the Association of Council Secretaries and Solicitors (ACSeS) and launched on the 14th February 2003. The drafting of the model code was subject to consultation and comment from a number of other local authorities through the machinery of the Association of Council Secretaries and Solicitors (ACSeS), the Standards Board for England, the Local Government Ombudsman, Audit Commission and from firms of solicitors or counsel acting on their behalf.

Introduction

The aim of this code of good practice: to ensure that, in the planning process, there are no grounds for suggesting that a decision made at Planning Committee has been biased, partial or not well founded in any way.

The key purpose of Planning: to control development in the public interest.

Your role as a Member of the Planning Authority: to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.

When the Code of Good Practice applies: this code applies to Members of Planning Committee at all times when involving themselves in the planning process. (This includes when taking part in Planning Committee meetings or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings and pre-application discussions). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

The successful operation of the planning system: relies on mutual trust and understanding of Member and Officer roles. It also relies on Members and Officers ensuring that they act in a way which is not only fair and impartial, but is clearly seen to be so.

If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer, Deputy Monitoring Officer or Democratic Services Officers, and preferably, well before any meeting takes place.

1. Relationship to the Members' Code of Conduct

- **Do** apply the rules in the Members' Code of Conduct first, as there must always be compliance with these.

- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning control. If you do not abide by this Code of Good Practice, you may put:

  - the Council at risk of proceedings on the legality or maladministration of the related decision; and

  - yourself at risk of either being named in a report made to the Standards Committee or Council or, a complaint being made to the Council's Standards Committee or, in case of serious breaches, a complaint being made to Standards for England (formerly the Standards Board for England).

2. Development Proposals and Interests under the Members' Code

- **Do** disclose the existence and nature of your interest at any relevant meeting, including informal meetings or discussions with Officers and other Members. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. *(Use the disclosure form provided for disclosing interests.)*

Where your interest is personal and prejudicial:-

- **Do** then act accordingly.

  - **Don't** participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Council as the Planning Authority.

  - **Don't** try to represent Ward views, get another Ward Member to do so instead.

  - **Don't** get involved in the processing of the application. [NOTE not even under Protocol for Pre-Application Discussions where interest is personal AND prejudicial]

  - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a Councillor. This would include, where you have a personal and prejudicial interest in a proposal, using your position to discuss that proposal with Officers or Members when other members of the public would not have the same opportunity to do so.

  - **Do** be aware that, whilst you are not prevented from seeking to explain and justify a proposal in which you have a personal and prejudicial interest, to an appropriate Officer, in person or in writing, the Members' Code places limitations on you in representing the proposal, that would not apply to a normal member of the public.

  - You may address the Planning Committee but only to make a presentation in the same manner that would apply to any member of the public. You must leave the room at the conclusion of your presentation and before the meeting considers the proposal.

  - You may not remain to observe the meeting's considerations from the public gallery, which the other speakers may do.

  - In order to be able to address the Planning Committee on a proposal in which you have a personal and prejudicial interest, you must notify Planning Services of your wish to address the Committee in accordance with the Council's public speaking rules.

  - Do employ an agent to act on your behalf on the proposal in dealing with Officers and any

public speaking at Planning Committee

- **Do** seek advice from the Monitoring Officer or Democratic Services Officers if you are unsure about whether or not you have an interest which needs to be declared, preferably in advance of the meeting at which the interest is likely to arise.

3. Fettering Discretion in the Planning Process.

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by making up your mind, or clearly appearing to have made up your mind (particularly in relation to an external interest or lobby group), on how you will vote on any planning matter prior to formal consideration of the matter at the meeting of the planning authority and of your hearing the Officer's presentation and evidence and arguments on both sides.

   Fettering your discretion in this way and then taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.

- **Do** be aware that you are likely to have fettered your discretion where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as having acted as a chief advocate for the proposal.

   (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)

- **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the Parish Council, for example, or both a Borough and County Councillor), provided:
   - the proposal does not substantially effect the well being or financial standing of the consultee body;
   - you make it clear to the consultee body that:
      · your views are expressed on the limited information before you only;
      · you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
      · you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee; and
   - you disclose the personal interest regarding your membership or role when the Committee comes to considers the proposal.

Where you have Fettered your Discretion:-

- **Don't** speak and vote on a proposal where you have fettered your discretion (for example, where you have committed yourself to a particular view on a planning issue prior to its consideration at Planning Committee). You do not have to withdraw, but you may prefer to do so for the sake of appearances.

- **Do** explain that you do not intend to speak and vote because you have or you could reasonably be perceived as having judged (or reserve the right to judge) the matter elsewhere, so that your intention not to speak and vote and the reason why may be recorded in the minutes. (*Use the Council's disclosure form for disclosing interests.)*

- **If** you take the opportunity to exercise your separate speaking rights as a Ward/Local Member (this is granted by the authority's standing orders or by the consent of the Chair and Committee) **even** where you have represented your views or those of local electors and fettered your discretion, but do not have a personal and prejudicial.

- **DO**:
  - advise the proper Officer or Chair that you wish to speak in this capacity before commencement of the item;
  - remove yourself from the member seating area for the duration of that item **and do not participate in the making of any decision on the matter**; and
  - ensure that your actions are recorded.

4. Contact with Applicants, Developers and Objectors

- **Do** refer those who approach you for planning, procedural or technical advice to Officers.

- **Don't** agree to any meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Control Manager to organise a formal meeting.

  The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.

- **Do** otherwise:
  - follow the rules on lobbying;
  - it would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Control Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

- **Do** comply with the Council's Protocol on Pre-Application Discussions.

  In addition in respect of presentations by applicants/developers:

- **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.

- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.

- **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate

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Committee of the planning authority.

- **Do** be aware that a presentation is a form of lobbying and you must not express any strong view or state how you or other Members might vote.

- **Don't** approach applicants, developers or agents with a view to securing changes to an application or achieving planning gain. Any such contact would normally be conducted by and through Officers and should always be reported to Planning Committee.

5. Lobbying of Councillors

"Lobbying", which can be defined as an approach to a Councillor by an applicant, developer, objector or other third party, is considered an important part of the democratic process. The Nolan Report recognised the two roles that Councillors perform in the planning process, namely, the representation of public opinion and the determination of applications.

However, lobbying can, unless care and common sense are exercised by all parties, lead to the impartiality of a Councillor being called into question and the need for an interest to be declared. When being lobbied, all Councillors should take care about expressing an opinion which may be taken as indicating that they have already made up their mind on the application (*"predetermination"*) before they have considered all representations and the planning content. Councillors should not lobby other Councillors to act for them, or act as an agent for other Councillors, or put pressure on Officers for a particular recommendation.

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it prejudices your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing (predetermination).

- **Do** give procedural advice, such as recommending that those who are lobbying you should write to the Development Control Manager so that their views can be included in the Officer's report to Planning Committee.

- **Do** remember that your overriding duty is to the whole community not just to the people in your ward and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.

- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible and remember to register of interests where its value is over £25 (in accordance with the Council's rules on gifts and hospitality).

- **Do** copy or pass on any lobbying correspondence you receive to the Development Control Manager at the earliest opportunity.

- **Do** advise the sender that it has been passed to Officers.

- **Do** promptly refer to the Development Control Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.

- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.

- **Do** note that, unless you have a personal and prejudicial interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through having:

  - Listened to or received viewpoints from residents or other interested parties;

  - Made comments to residents, interested parties, other Members or appropriate Officers, provided they do not consist of or amount to pre-judging the issue and you make clear you are keeping an open mind;

  - Sought information through appropriate channels; or

  - Been a vehicle for the expression of opinion or speaking at the meeting as a Ward Member, provided you explain your actions at the start of the Planning Committee meeting or item and make it clear that, having expressed the opinion of ward/local view, you have not committed yourself to vote in accordance with those views and will make up your own mind having heard all the facts and listened to the debate.

6. Lobbying by Councillors

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will have fettered your discretion and are likely to have a personal and prejudicial interest.

- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but disclose a personal interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.

- **Don't** excessively lobby fellow councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

- **Don't** decide or discuss how to vote on any application at any sort of political group meeting or at all, nor lobby any other Member to do so.

- Political Group Meetings should never dictate how Members should vote on a planning issue.

7. Site Visits

A formal site visit will often be helpful if the impact of the proposed development is difficult to visualise from plans and supporting information including photographs, or there is good reason why the comments of the applicant and objectors cannot be adequately expressed in writing.

- **Do** try to attend site visits organised by the Council where possible.

- **Don't** request a site visit unless you feel it is strictly necessary because:

  - particular site factors are significant in terms of the weight attached to them relative to other factors or the difficulty of their assessment in the absence of a site inspection; or

  - there are significant policy or precedent implications and specific site factors need to be carefully addressed.

- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.

- **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.

- **Don't** hear representations from any other party, with the exception of the Ward Member(s) whose address must focus only on site factors and site issues. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the Development Control Manager and direct them to or inform the Officer present.

- **Don't** express opinions or views to anyone.

- **Do** generally, view a site from the public perspective only.

- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias.

8. Public Speaking at Meetings

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.

- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

9. Officers

- **Don't** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Control Manager, which may be incorporated into any committee report).

- **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Head of Service or those Officers who are authorised by their Head of Service to deal with the proposal at a Member level.

- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

10. Decision Making

- **Do** read reports fully in preparation for Planning Committee Meetings.

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officers' delegated powers, that your reasons are recorded and repeated in the report to the Committee.

- **Do** come to meetings with an open mind and demonstrate that you are open-minded.

- **Do** comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.

- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply insufficient information before you, request that further information. If necessary, defer or refuse.

- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present from the outset of the item, including the Officers' introduction.

- **Do** have recorded the reasons for Committee's decision to defer any proposal.

- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the development plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

- **Do** treat proposals for development of Council-owned land in the same way as those submitted by other persons.

11. Training

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.

- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

END.

APPENDIX - MEMBERS' DISCLOSURE OF INTEREST

A Member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

MEMBER'S NAME:	
MEETING OF:	
DATE OF MEETING:	

❖ **I disclose for the information of the meeting that I have a personal interest in**

(1)

which will be the subject of consideration by the meeting.

THE NATURE OF THAT
INTEREST IS   *(2)*

AND (3)   [Delete if not applicable] *(4)*

❖ **The personal interest is a prejudicial interest and I shall withdraw from the chamber during deliberation of the item.**

OR (4)   [Delete if not applicable]

❖ **The interest is disclosed on grounds of planning good practice, as I have or have appeared to judge** [or reserve the right to judge] **the planning matter elsewhere, including whilst serving on another body, and I will not take part in the debate or vote. I [will] [will not]**[Delete as applicable] **be also withdrawing from the chamber.**

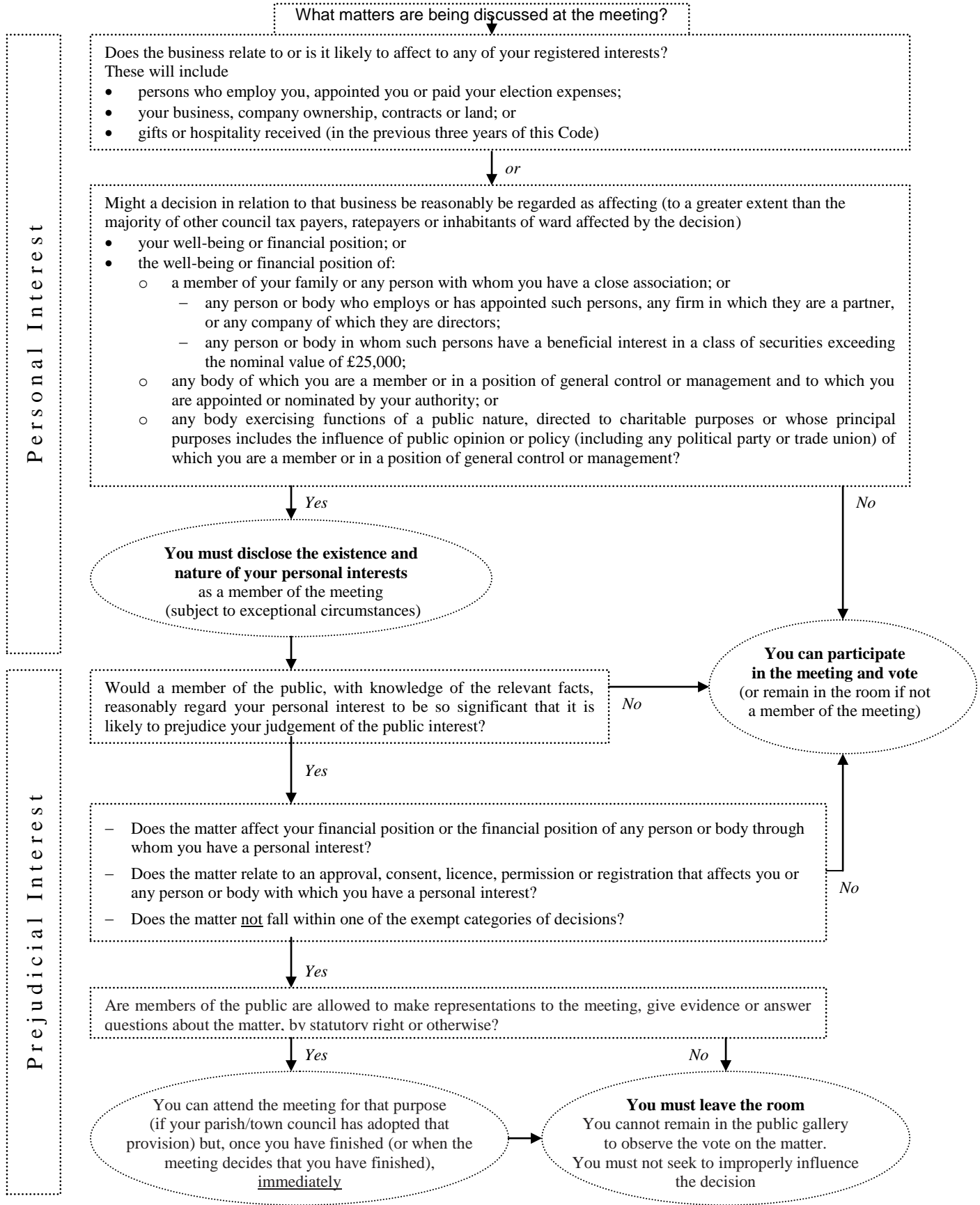 **SIGNED: ……………………………**   ***Dated …………………***

❖   To be read out by the Member when invited to by the agenda or at the commencement of consideration of that item. PLEASE COMPLETE THIS FORM AND PASS IT TO THE COMMITTEE OFFICER DURING THE MEETING.

(1)   State details of the item (agenda item, planning application number, etc.)

(2)   State what the general nature of the personal interest in the matter is. (You do not need to supply specific details unless you wish to).

(3)   State only if this is a prejudicial as well as a personal interest

 A Member with a prejudicial interest in any matter must also:
 - *withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting (or immediately after giving statements or evidence to where the Code and the Council's public participation rules permit it) unless s/he has obtained a dispensation from the Standards Committee;*
 - *not exercise executive functions in relation to that matter; and*
 - *not seek improperly to influence a decision about that matter.*

(4)   State where you have an interest which flows from fettering one's discretion as described in the Members' Planning Code of Good Practice.

What matters are being discussed at the meeting?

Personal Interest

Does the business relate to or is it likely to affect to any of your registered interests?
These will include
- persons who employ you, appointed you or paid your election expenses;
- your business, company ownership, contracts or land; or
- gifts or hospitality received (in the previous three years of this Code)

or

Might a decision in relation to that business be reasonably be regarded as affecting (to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of ward affected by the decision)
- your well-being or financial position; or
- the well-being or financial position of:
  - ○ a member of your family or any person with whom you have a close association; or
    - – any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
    - – any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
  - ○ any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority; or
  - ○ any body exercising functions of a public nature, directed to charitable purposes or whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member or in a position of general control or management?

Yes   *No*

You must disclose the existence and nature of your personal interests as a member of the meeting (subject to exceptional circumstances)

You can participate in the meeting and vote (or remain in the room if not a member of the meeting)

Prejudicial Interest

Would a member of the public, with knowledge of the relevant facts, reasonably regard your personal interest to be so significant that it is likely to prejudice your judgement of the public interest?   *No*

Yes

- – Does the matter affect your financial position or the financial position of any person or body through whom you have a personal interest?
- – Does the matter relate to an approval, consent, licence, permission or registration that affects you or any person or body with which you have a personal interest?
- – Does the matter not fall within one of the exempt categories of decisions?   *No*

Yes

Are members of the public are allowed to make representations to the meeting, give evidence or answer questions about the matter, by statutory right or otherwise?

Yes   *No*

You can attend the meeting for that purpose (if your parish/town council has adopted that provision) but, once you have finished (or when the meeting decides that you have finished), **immediately**

You must leave the room You cannot remain in the public gallery to observe the vote on the matter. You must not seek to improperly influence the decision

RBC APRIL 2011

B.   MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS

Contents:

1.   Criteria for Member involvement in pre-application discussions

2.   Protocol for Member engagement in pre-application discussions

3.   Officer checklist and summary information template

4.   Guidance to Members on conduct

5.   List of references

This document was considered by Executive Committee at their meeting on 1 July 2009 and then adopted by Full Council at its meeting on 10 August 2009, to be brought into use on 1 October 2009.

Agenda Item 10
PART 20

1. **CRITERIA FOR MEMBER INVOLVEMENT IN PRE-APPLICATION PLANNING DISCUSSIONS**

On sites where the following criteria apply, then there will be an offer made to relevant Members of Redditch Borough Council for involvement in pre-application discussions with Planning Officers in accordance with the protocol adopted by this Council, in accordance with the factors noted below:

1) All major applications, i.e. more than 10 dwelling or more than 1,000m^2 employment or retail use or any site more than 1ha.

2) Site allocated within Development Plan (current or emerging) for redevelopment; or;

3) Site with SPD relating to it; or;

4) Site where Members have requested involvement; or;

5) Site known to be controversial (to Head of Planning & Building Control or Development Control Manager); or;

6) As directed by Planning Advisory Panel (PAP); or;

7) As directed by Head of Planning & Building Control or Development Control Manager; or;

8) At the request of a Member when reasons given in writing to Development Control Manager or Head of Service.

The following Members will be notified of and invited to participate in discussions:

- Where any of the criteria above apply, the ward Members for the ward in which the site lies will be notified. If the site is in very close proximity to a ward boundary, ward Members for the adjacent ward shall also be notified and invited to participate in discussions. (The Head of Planning & Building Control or Development Control Manager will define 'very close proximity' on a case by case basis where necessary.)

In addition:

- Where criteria 2 or 3 apply, the Chair and Vice-Chair of Planning Committee and the Leader of the Council will also be notified.

- Where criteria 5 or 7 apply, senior Officers within the Planning team service will notify Members as it is considered appropriate.

- Where criteria 4, 6 or 8 apply, the Members' request should include any specific Members who they would like to be involved in discussions.

In general, where proposals fall below the thresholds noted above, Members will not be invited to participate in pre-application discussions.

2. <u>**MEMBER PROTOCOL FOR INVOLVEMENT IN PRE-APPLICATION DISCUSSIONS FOR PROPOSED DEVELOPMENTS IN THE BOROUGH**</u>

Either:
Officers receive pre-application enquiry and identify need for Member involvement (using criteria in Appendix Two)

Or:
Members are approached and pass on enquiry to Development Control Manager. If they specifically wish to be involved in discussions, or wish other Members to be involved, this should be raised with the DC Manager at this stage

Then:
1.   Development Control Manager allocates enquiry to an appropriate CASE OFFICER (CO)

2.   CO completes checklist (see Appendix 3) identifying all those who need to be involved in discussion, having regard to criteria at Appendix

3.   CO compiles short summary of development proposal details similar to example at Appendix 3

4.   CO circulates summary sheet to all those identified on checklist

5.   CO carries out site visit (it is recommended that Members to be involved in discussions also carry out a site visit. This can be co-ordinated by the case officer if appropriate)

6.   CO arranges meeting between all relevant parties (it is pointed out that meetings can not be arranged around members because of deadlines and the needs of applicants who are paying for the service).

7.   CO chairs and records meeting, as well as co-ordinating relevant correspondence, responses, consultations etc.

8.   Steps 6 & 7 are repeated as necessary until such time as the developer is advised that it seems appropriate for a planning application to be submitted

Agenda Item 10
PART 20

3. **FORM FOR OFFICER COMPLETION TO IDENTIFY THOSE TO BE INVOLVED IN DISCUSSIONS AND SET OUT ITEMS TO INCLUDE IN THE SUMMARY OF PROPOSED DEVELOPMENT TO BE CIRCULATED TO ALL THOSE INVOLVED**

a) *Checklist of those to be involved:*

Internal Officers:
- ☐ Development Plans team
- ☐ Environmental Health team
- ☐ Biodiversity Officer
- ☐ Economic Development team
- ☐ Asset Management team (land drainage)
- ☐ Property Services team
- ☐ Housing Officers
- ☐ Countryside & Landscape Team

Internal Members:
- ☐ Chair of Planning Committee
- ☐ Vice-Chair of Planning Committee
- ☐ Leader of the Council
- ☐ Ward Members for this ward
- ☐ Ward Members for adjacent ward(s)
- ☐ All Members

Other colleagues:
- ☐ County Highway Network Control
- ☐ County Highway works team
- ☐ County Education
- ☐ County Walking/Cycling Strategy team

External bodies:
- ☐ Environment Agency
- ☐ Severn Trent Water
- ☐ English Heritage

Others:
Please specify..

....

....

....

....

....

b)   *Summary of development proposal to include:*

➢ Site location

➢ Developer and agent, including indication of who is central point of contact

➢ Description of development proposal type and quantity (if known)

➢ Site plan, with outline proposals shown if known

➢ Written summary of reason for proposal, including any design/construction principles to be incorporated (e.g. green architecture, secured by design etc)

➢ Photographs and/or drawings of proposals

➢ Details of proposed access/parking arrangements

➢ Appropriate fee as per adopted fees and charges

4. **GUIDANCE TO MEMBERS ON CONDUCT**

The conduct of all those involved in pre-application discussions must also adhere to appropriate guidelines in order that the later stages of the process are not prejudiced. Members will not be able to partake in discussions unless they have received training. Training will cover the following matters but this is not intended to be an exhaustive list of issues.

Member participation and conduct

Always have an Officer present

1.1. In terms of Member involvement, guidance is required in terms of how they may participate in the process, and what they may make comments upon. It is generally acceptable that they be party to pre-application discussions, **providing** that they ensure that an appropriate Planning Officer accompanies them, and that notes of the meeting are retained on the correct file. It is advisable for the Case Officer involved to chair meetings and lead discussions, allowing all parties, including Members, to participate as appropriate to the discussion.

Only make relevant, appropriate comments

1.2. When attending such discussions, Members should be careful to comment only on procedural matters, and general principles of acceptable or unacceptable development types and styles. Members should be fully acquainted with the contents of the Local Development Framework, in order that comments relating to broad principles of development are in accordance with the aims and objectives of the plan. It is also helpful for Members to be aware of any specific local issues and/or concerns, in order that they can be fed into the process early on. These matters can then be taken into consideration by developers when designing development schemes, as well as all relevant policy issues raised by Members and/or Officers.

Avoid pre-disposition

1.3. Members should be careful to avoid comments relating to specific elements of a proposal, or to pass opinions on such things, especially if they are or could be Members of the Planning Committee that may subsequently determine a planning application for the proposed development.

Declare any prejudicial interests and do not participate

1.4. Members should be careful to declare at the outset of such discussions any interests that they may have, be it in relation to their capacity as ward member, or as a neighbour, or for other reasons.

These should be documented on the file for future reference. Members should also be aware and take care in relation to both pre-disposition and pre-determination so as not to prejudice their position for the future.

Treat all discussions as confidential

1.5. Members should also have regard to the fact that pre-application planning discussions are always confidential (in order to preserve commercial confidentiality) and that information relating to proposed developments does not reach the public arena until either a planning application is submitted or the developers choose to engage the community in a consultation exercise. Therefore such matters should not be discussed openly or in public, and Officers will always take care to ensure that such records are kept in appropriate secure conditions.

Seek support from Officers if required

1.6. If in any doubt at any time regarding planning matters, Members should always contact the Head of Planning & Building Control or the Development Control Manager to seek further advice and assistance. It is always recommended that Members enquire first, in order that constituents, developers or other parties are not misled at any stage in relation to the adopted processes and procedures adhered to by this Council. Members should also be aware that failure to comply with adopted procedures could leave them open to scrutiny if this becomes apparent later.

5. <u>LIST OF REFERENCES</u>

❖ Killian-Pretty Review and government response thereto
http://www.communities.gov.uk/publications/planningandbuilding/killianprettysummary

http://www.communities.gov.uk/documents/planningandbuilding/pdf/killianprettyresponse.pdf

❖ Constructive Talk – investing in pre-application discussions
http://www.pas.gov.uk/pas/aio/39020

❖ Positive engagement in planning decisions
http://www.acses.org.uk/public_file/filename/12/positive_engagement_v4__2_.pdf

❖ Councillor involvement in planning decisions
http://www.communities.gov.uk/documents/planningandbuilding/pdf/153569.pdf

❖ Borough of Redditch Statement of Community Involvement (SCI)
http://redditch.whub.org.uk/home/adopted_sci-2.pdf

❖ Open for business
http://www.pas.gov.uk/pas/aio/41620

❖ Making your mind up – improving planning decision making
http://www.pas.gov.uk/pas/aio/62452

❖ Probity in planning

❖ ACSeS Model Members Planning Code
http://www.acses.org.uk/public_file/filename/8/ACSeS_Members_Planning_Code_updatedraft_07_07.pdf

❖ Public involvement in development control process – a good practice guide
http://www.lga.gov.uk/lga/aio/114364

❖ Member Code of Conduct

❖ Constitution

❖ ATLAS Guidance Note: Implementing PPAs
http://www.atlasplanning.com/lib/liDownload/351/080404%20PPA%20Guidance%20Web%20Download.pdf?CFID=246636&CFTOKEN=99816479

❖ Fees leaflet:: Your planning services: how to make contact and what to expect

http://redditch.whub.org.uk/home/draft_charging_leaflet_landscape_version_ar_041208post_exec.doc

❖ Report to Executive Committee 19 November 2008 regarding fees and charges for planning functions

❖ Report to Executive Committee 1 July 2009 regarding Protocol for Member involvement in pre-application discussions

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APPENDIX 3

Policy Document

RBC Information Security Policy

Version 3.3

Document Control

Organisation	Redditch Borough Council
Owner	ICT Transformation Manager
Protective Marking	Not protected
Review date	One year from last approval

Revision History

Revision Date	Reviser	Version	Description of Revision
19/02/2013	Mark Hanwell	1.0	Policy created.
2/07/2014	C. Shepard	2.0	Changes to government classification system references
11/12/2015	N Brothwell	3.0	This policy created as a copy of the BDC Information Security Policy v3.0 This Policy also includes the former: • Computer, Telephone and Desk Use Policy • Email Policy • Human Resources Information Security Policy • Information Protection Policy • Internet Acceptable Usage Policy • IT Access Policy • IT Infrastructure Security Policy • Legal Responsibilities • Removable Media Policy • Software Policy • GCSx Policy • Remote Working Policy • Information Security Incident Policy
10/10/2016	N Brothwell	3.1	Access to staff email accounts can be authorised by 4th line managers (changed from HOS).
2/2/2017	M Hanwell	3.2	Password advice updated to include passphrases, and update to passphrase may be annual rather than every 42 days. Also minor update to removable media.
23/03/2017	M Hanwell	3.3	Changes to allow for the use of Drop box for business Cloud storage.

Document Approvals

Sponsor Approval	Name	Date	Version Approved
Head of ICT and Business Transformation	Deborah Poole	19/02/2013	1.0
Head of ICT and Business Transformation	Deborah Poole	12/02/2016	3.0

| Head of ICT and Business Transformation | Deborah Poole | 23/03/2017 | 3.3 |

Document Distribution

This document will be distributed via NetConsent to all Council employees, all temporary staff and all contractors. Councillors will also receive the policies, which they will adhere to when working on behalf of the council. Inform Democratic Services of every policy update.

Contents

1   What is this Policy For?

Throughout this policy, the term 'the Council' refers to Redditch Borough Council.

Information is a major asset. Information security is the protection of information against accidental or malicious disclosure, modification or destruction.

The purpose of this policy is to ensure that the Council protects all information assets within its custody, and that high standards of confidentiality, integrity and availability of information are maintained at all times.

There are seven areas where information security is maintained, and this document is organised into those areas, as follows:

Information Security – Infrastructure
Information Security – Desk, PC, Phone
Information Security - Software
Information Security – Access to Software
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Information Security - Asset Management
Information Security – Data Protection

Please refer to the Table of Contents for more details.

2   Who is this Policy for?

This policy applies to all the systems, people and business processes that make up the Council's information systems.

This includes all councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council who have access to information systems or information used for Council purposes.

3   Risks

This policy aims to mitigate the following risks:

- Information being disclosed or accessed prematurely, accidentally or unlawfully. Individuals or companies, without the correct authorisation and clearance, intentionally or accidentally gaining unauthorised access to business information.
- The non-reporting of information security incidents, inadequate destruction of data, the loss of direct control of user access to information systems and facilities.
- Disclosure of OFFICIAL (all council information is classified as OFFICIAL) or personal or sensitive information as a consequence of loss, theft or careless use.
- Contamination of the Council's networks or equipment through the introduction of viruses through the transfer of data from one form of IT equipment to another.
- Potential sanctions against the council or individuals imposed by the Information Commissioner's Office as a result of information loss or misuse.
- Potential legal action against the council or individuals as a result of information loss or misuse.
- Council reputational damage as a result of information loss or misuse.

Non-compliance with this policy could have a significant effect on the efficient operation of the Council and may result in financial loss and an inability to provide necessary services to our customers.

4   Information Security – Infrastructure

4.1   Building Security

Physical security must begin with the building itself and an assessment of perimeter vulnerability must be conducted. The building must have appropriate control mechanisms in place for the type of information and equipment that is stored there. These could include, but are not restricted to, the following:

- Alarms fitted and activated outside working hours.
- Window and door locks.
- Window bars on lower floor levels.
- Access control mechanisms fitted to all accessible doors (where codes are utilised they should be regularly changed and known only to those people authorised to access the area/building).
- CCTV cameras.
- Staffed reception area.
- Protection against damage - e.g. fire, flood, vandalism.

As an example, access to secure areas such as the data centre and IT equipment rooms must be adequately controlled and physical access to buildings should be restricted to authorised persons. Staff working in secure areas should challenge anyone not wearing a badge. Each department must ensure that doors and windows are properly secured.

Identification and access tools/passes (e.g. badges, keys, entry codes etc.) must only be held by officers authorised to access those areas and should not be loaned/provided to anyone else.

Visitors to secure areas are required to sign in and out with arrival and departure times and are required to wear an identification badge.   A Council ICT employee must monitor all visitors accessing secure IT areas at all times.

Keys to all secure areas housing IT equipment and lockable IT cabinets are held centrally by ICT, as appropriate. Keys are not stored near these secure areas or lockable cabinets.

In all cases where security processes are in place, instructions must be issued to address the event of a security breach. Where breaches do occur, or a member of staff leaves outside normal termination circumstances:

- All identification and access tools/passes (e.g. badges, keys etc.) should be recovered from the staff member
- Door/access codes should be changed immediately.
- Report incident to Information Management team with as much detail as is available, so it can be investigated.

4.2   Equipment Security

All general computer equipment must be located in suitable physical locations that:

- Limit the risks from environmental hazards – e.g. heat, fire, smoke, water, dust and vibration.
- Limit the risk of theft – e.g. if necessary items such as laptops should be physically attached to the desk.

- Allow workstations handling sensitive data to be positioned so as to eliminate the risk of the data being seen by unauthorised people.

Desktop PCs should not have data stored on the local hard drive, nor on the desktop. Data should be stored on the network file servers where appropriate. This ensures that information lost, stolen or damaged via unauthorised access can be restored with its integrity maintained.

All servers located outside of the data centre must be sited in a physically secure environment. Business critical systems should be protected by an uninterrupted power supply (UPS) to reduce the operating system and data corruption risk from power failures. The equipment must not be moved or modified by anyone without authorisation from ICT.

All equipment must have a unique asset number allocated to it. This asset number should be recorded in the departmental and the IS / IT inventories.

For portable computer devices please refer to the 5.13 Remote Working section of this policy.

4.3 Cabling Security

Cables that carry data or support key information services must be protected from interception or damage. Network cables should be protected by conduit and where possible avoid routes through public areas.

4.4 Security of Equipment Off-Premises

The use of equipment off-site must be formally approved by ICT. Equipment taken away from the Council premises is the responsibility of the user and should:

- Be logged in and out, where applicable.
- Not be left unattended.
- Be concealed whilst transported.
- Not be left open to theft or damage whether in the office, during transit or at home.
- Where possible, be disguised (e.g. laptops should be carried in less formal bags).
- Be encrypted.
- Be password protected.
- Be adequately insured.

Users should ensure, where necessary and required, that insurance cover is extended to cover equipment which is used off-site. Users should also ensure that they are aware of and follow the requirements of the insurance policy. Any losses or damage must be reported to the ICT department and the insurance section (if applicable).

Staff should be aware of their responsibilities in regard to data protection and be conversant with the Data Protection Act (please refer to Information Security – Data Protection).

4.5 Secure Disposal or Re-use of Equipment

Equipment that is to be reused or disposed of must have all of its data and software erased or destroyed. If the equipment is to be passed onto another organisation (for example, returned under a leasing agreement) the data removal must be achieved by using professional data removing software tools. Equipment must be returned to ICT for data removal.

Software media or services must be destroyed to avoid the possibility of inappropriate usage that could break the terms and conditions of the licences held.

4.6 Delivery and Receipt of Equipment into the Council

In order to confirm accuracy and condition of deliveries and to prevent subsequent loss or theft of stored equipment, the following guidelines must be applied:

- Equipment deliveries must be signed for by an authorised individual using an auditable formal process. This process should confirm that the delivered items correspond fully to the list on the delivery note. Actual assets received must be recorded.
- Loading areas and holding facilities should be adequately secured against unauthorised access and all access should be auditable.
- Subsequent removal of equipment should be via a formal, auditable process.

4.7 Regular Audit

The Council has a duty to audit information security arrangements regularly to provide an independent appraisal and recommend security improvements where necessary.

5 Information Security – Desk, PC, Phone

All of the information the Council handles is designated as OFFICIAL information. This designation is not shown on the information itself. The security of this information is of paramount importance. Information security cannot be achieved by technical means alone; information security must also be enforced and applied by people, and this section addresses security issues related to people.

There is also considerable scope for the misuse of computer resources for fraudulent or illegal purposes, for the pursuance of personal interests or for amusement/entertainment.

Computer and telephony resources include, but are not restricted to, the following:
- Departmental computers.
- PCs.
- Portable laptop computers.
- Printers.
- Network equipment.
- Telecommunications facilities.
- Cameras
- Removable media
- Email
- Internet
- Software

The misuse of the Council's computer and telephony resources is considered to be potential gross misconduct and may render the individual(s) concerned liable to disciplinary action including dismissal.

5.1 Computer Resources Misuse

No exhaustive list can be prepared defining all possible forms of misuse of computer resources; the individual circumstances of each case will need to be taken into account. However, some examples are outlined below:

- Use of computer resources for the purposes of fraud, theft or dishonesty.

- Storing/loading/executing of software that has not been authorised by ICT.
- Storing/loading/executing of software:
    - that has not been acquired through approved Council procurement procedures, or
    - for which the Council does not hold a valid program licence, or
    - that has not been the subject of formal virus checking procedures.
- Storing/processing/printing of data for a purpose which is not work-related.

5.2 Telephone

The Council acknowledges that employees may need to make telephone calls of a personal nature whilst at work. Reasonable steps should be taken by all employees to ensure that the provision of service is not compromised and there is no financial loss.

- Where possible, private calls should be made outside working hours.

- Private calls during these hours should be kept to a minimum, so as not to prevent business calls getting through.

- There may be times when unforeseen working commitments may require the rearranging of personal engagements. The Council recognises that such calls are necessary in order for employees to effectively perform their duties. However, the Council stresses that such calls are normally exceptional, and expect employees to recognise when such calls are required.

5.3 Clear Desk

The Council has a clear desk policy in place in order to ensure that all information is held securely at all times. Work should not be left on desks unattended and should be removed from view when unsupervised.

At the end of each day, every desk will be cleared of all documents that contain any Council information, or any information relating to clients or citizens.

The Council's OFFICIAL information (that is, all council information) must be stored in a facility (e.g. locked safe or cabinet) commensurate with this classification level.

Users of IT facilities are responsible for safeguarding data by ensuring that equipment is locked when unattended, and that portable equipment in their custody is not exposed to opportunistic theft.

5.4 Legislation

Users should understand the relevant legislation relating to information security and data protection, and should be aware of their responsibilities under this legislation. The following statutory legislation governs aspects of the Council's information security arrangements. This list is not exhaustive:

- The Freedom of Information Act 2000.
- The Data Protection Act 1998.
- The Computer Misuse Act 1990.

Individuals can be held personally and legally responsible for breaching the provisions of the above and other Acts.

5.5 Storing Data on the Network

All work-related council information should be stored on an appropriate network drive. No data should be stored on the hard drive of a PC or laptop, nor on the desktop.

5.6 Removable Media

It is the council's policy to prohibit the use of all removable media devices except those that are pre-authorised. Requests for access to, and use of, removable media devices such as USB memory sticks, external hard drives, CDs, DVDs and mobile phone storage, must be made to the ICT Helpdesk (ext 1766). You must be able to demonstrate why the use of removable media is the only way for you to carry out council business. The helpdesk will require written permission from your line manager to approve the usage.

Non-Council-owned removable media devices must not be used to store any council information, or used with any council equipment. This means that you must not use your own equipment, for example mobile phones, to store data, for example photographs.

In order to minimise physical risk, loss, theft or electronic corruption, all storage media must be stored in an appropriately secure and safe environment.

All data stored on removable media devices must be encrypted.

Users should be aware that the council will, where possible, audit and log the transfer of data files to and from all removable media devices and council-owned IT equipment – however, it is the responsibility of the user to ensure the removable storage device is encrypted before it is used. ICT can assist with this by a call being raised on the ICT Helpdesk (ext 1766).

5.7 Cloud Storage
The use of Cloud Storage to store any council information needs to be considered very carefully before its use is implemented. In every case, a Privacy Impact Assessment (PIA) should be completed for the subject matter before any document is stored there. Once a PIA has been completed then documents of a none personal nature can be stored using the 'DropBox for Business' cloud storage area. This does not include the DropBox cloud storage used at home or for other personal use as it does not offer the same level of auditing and security that is required by the Council. The use of any other cloud storage is not permitted. For help and advice on cloud storage please contact ICT before using it. There is a license cost for the use of DropBox for business and this will need to be funded by the department wishing to use it.

5.8 Incident Management

It is the duty of all users, including council members, to immediately report any actual or suspected breaches in information security to the ICT Helpdesk (ext 1766).

5.9 Disposing of IT Equipment

IT equipment that is no longer required, or that has become damaged, including software and telephones, must be returned to ICT for disposal.

5.10 Emails

All emails that are used to conduct or support official council business must be sent using a '@bromsgroveandredditch.gov.uk' or '@redditch.gcsx.gov.uk' email address.

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Emails held on council equipment are considered to be part of the corporate record and email also provides a record of staff activities. All emails that represent aspects of Council business or Council administrative arrangements are the property of the Council and not of any individual employee.

All official external emails must carry the following disclaimer:

"***

This e-mail may include confidential information and is solely for the use by the intended recipient(s). If you have received this e-mail in error please notify the sender immediately. You must not disclose, copy, distribute or retain any part of the email message or attachments.
No responsibility will be assumed by the organisation for any direct or consequential loss, financial or otherwise, damage or inconvenience, or any other obligation or liability incurred by readers relying on information contained in this e-mail or any virus contamination that may occur as a consequence of opening the email or any attachments. Views and opinions expressed by the author are not necessarily those of the organisation nor should they be treated where cited as an authoritative statement of the law and independent legal and other professional advice should be obtained as appropriate.
Any Freedom of Information requests should be sent directly to foi@redditchbc.gov.uk for Redditch Borough Council requests and to foi@bromsgrove.gov.uk for Bromsgrove District Council requests.

***."

Users should be aware that deletion of email from individual accounts does not necessarily result in permanent deletion from the Council's ICT systems.

It is the responsibility of the person sending the email to decide whether email is the most appropriate method for conveying time-critical or OFFICIAL information (that is, all council information).

If it is necessary to provide a file to another person within the council (that is, with a bromsgroveandredditch.gov.uk email address), then a reference to where the file exists should be sent rather than a copy of the file.

All users should be aware that email usage is monitored and recorded centrally. Monitoring of content will only be undertaken by staff specifically authorised for that purpose within the ICT department. Where a manager suspects that the email facilities are being abused by a user, they should contact their line manager or the ICT Transformation Manager.

Access to another employee's email is forbidden without the express permission of the relevant 4th line manager. If the relevant 4th line manager is not available, then authorisation should be sought from the Head of Service or Director.

Emails sent between '.bromsgroveandredditch.gov.uk' addresses are held within the same network and are deemed secure. Emails sent outside this closed network travel the public communications network and are liable to interception and loss. Therefore, personal or sensitive material must not be sent via email outside a closed network except via GCSx .

All staff are under a general requirement to maintain the confidentiality of information. There are also particular responsibilities under Data Protection legislation to maintain the confidentiality of personal data. It should also be noted that email and attachments may need to be disclosed under the Data Protection Act 1998 or the Freedom of Information Act 2000. Further information regarding this can be obtained from the Data Protection Officer.

Under no circumstances should users communicate material (either internally or externally), which is, for example, defamatory, obscene, or does not comply with the Council's Equal Opportunities Policy, or which could reasonably be anticipated to be considered inappropriate.

Computer viruses are easily transmitted via email and internet downloads. Full use must therefore be made of the Council's anti-virus software.

5.11 GCSx

GCSx stands for Government Connect Secure Extranet. It is a secure private Wide-Area Network (WAN) which enables secure interactions between connected Local Authorities and organisations that sit on the PSN government secure network infrastructure.

Some Council staff will need access to this network in order to carry out their business. This may include staff having access to the secure email facility. All staff requiring access to the GCSx network in any way must be aware of the commitments and security measures surrounding the use of this network, and must have a basic disclosure (DBS) before access is given. This policy must be adhered to by all Councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council using the GCSx facilities.

Each GCSx user must read, understand and accept this policy.

For the avoidance of doubt, the security rules relating to secure e-mail and information systems usage include the following. Please note that all council information is designated OFFICIAL.

1. I acknowledge that my use of the GCSx may be monitored and/or recorded for lawful purposes.

2. I agree to be responsible for any use by me of the GCSx using my unique user credentials (user ID and password, access token or other mechanism as provided) and e-mail address; and,

3. I will not use a colleague's credentials to access the GCSx and will equally ensure that my credentials are not shared and are protected against misuse; and,

4. I will protect such credentials at least to the same level of secrecy as the information they may be used to access, (in particular, I will not write down or share my password other than for the purposes of placing a secured copy in a secure location at my employer's premises); and,

5. I will not attempt to access any computer system that I have not been given explicit permission to access; and,

6. I will not attempt to access the GCSx other than from IT equipment and systems and locations which have been explicitly authorised to use for this purpose; and,

7. I will not transmit information via the GCSx that I know or suspect to be unacceptable within the context and purpose for which it is being communicated; and,

8. I will not make false claims or denials relating to my use of the GCSx (e.g. falsely denying that an e-mail had been sent or received); and,

9. I will protect any sensitive or not protectively marked material sent, received, stored or processed by me via the GCSx to the same level as I would paper copies of similar material; and,

10. I will appropriately label, using the HMG Security Policy Framework (SPF), information up to OFFICIAL sent via the GCSx; and,

11. I will not send sensitive or personal information over public networks such as the Internet; and,

12. I will always check that the recipients of e-mail messages are correct so that potentially sensitive information is not accidentally released into the public domain; and,

13. I will not auto-forward email from my GCSx account to any other non-GCSx email account; and,

14. I will not forward or disclose any sensitive or personal material received via the GCSx unless the recipient(s) can be trusted to handle the material securely according to its sensitivity and forwarding is via a suitably secure communication channel; and,

15. I will seek to prevent inadvertent disclosure of sensitive or OFFICIAL information by avoiding being overlooked by others when I am working, by taking care when printing information received via GCSx (e.g. by using printers in secure locations or collecting printouts immediately they are printed, checking that there is no interleaving of printouts, etc) and by carefully checking the distribution list for any material to be transmitted; and,

16. I will securely store or destroy any printed material; and,

17. I will not leave my computer unattended in such a state as to risk unauthorised disclosure of information sent or received via GCSx (this will be in accordance with the Information Security Policy - e.g. logging-off from the computer, activate a password-protected screensaver etc, so as to require a user logon for activation); and,

18. where ICT Services has implemented other measures to protect unauthorised viewing of information displayed on IT systems (such as an inactivity timeout that causes the screen to be blanked requiring a user logon for reactivation), then I will not attempt to disable such protection; and,

19. I will make myself familiar with the Council's security policies, procedures and any special instructions that relate to GCSx; and,

20. I will inform my manager immediately if I detect, suspect or witness an incident that may be a breach of security – refer to section 10 Information Security – Data Protection of this policy; and,

21. I will not attempt to bypass or subvert system security controls or to use them for any purpose other than that intended; and,

22. I will not remove equipment or information from council premises without appropriate approval; and,

23. I will take precautions to protect all computer media and portable computers when carrying them outside my organisation's premises (e.g. leaving a laptop unattended or on display in a car such that it would encourage an opportunist theft) in accordance with section 5.13 Remote Working in this policy; and,

24. I will not introduce viruses, Trojan horses or other malware into the system or GCSx; and,

25. I will not disable anti-virus protection provided at my computer; and,

26. I will comply with the Data Protection Act 1998 and any other legal, statutory or contractual obligations that the Council informs me are relevant.

Document Date:	
Name of User:	
Position:	
Department:	
User Access Request Approved by:	
User Access Request Approved by:	
Username Allocated	
Email Address Allocated:	
User Access Request Processed:	

5.12 Internet Service

The internet service is primarily provided to give Council employees and councillors access to information, research and electronic commerce.

The Council internet should be used in accordance with this policy to access anything in pursuance of your work.

At the discretion of your line manager, and provided it does not interfere with your work, the council permits personal use of the internet in your own time (for example during your lunch break).

The Council is not responsible for any personal transactions you enter in to. You must accept responsibility for, and keep the Council protected against any claims, damages or losses.

5.12.1 Internet Account Management, Security and Monitoring

The provision of Internet access is owned by the Council and all access is recorded, logged and interrogated for the purposes of:

- Monitoring total usage to ensure business use is not impacted by lack of capacity.
- The filtering system monitors and records all access for reports that are produced for line managers and auditors.

Except where it is strictly and necessarily required for your work, for example IT audit activity or other investigation, you must **not** use your Internet access to:

- Create, download, upload, display or access knowingly, sites that contain pornography or other "unsuitable" material that might be deemed illegal, obscene or offensive.

- Subscribe to, enter or use peer-to-peer networks or install software that allows sharing of music, video or image files.
- Subscribe to, enter or utilise real time chat facilities such as chat rooms, text messenger or pager programs.
- Subscribe to, enter or use online gaming or betting sites.
- Subscribe to or enter "money making" sites or enter or use "money making" programs.
- Run a private business.
- Download any software that does not comply with section 6 Information Security - Software in this policy.

The above list is neither exclusive nor exhaustive. Unsuitable material would include data, images, audio files or video files the transmission of which is illegal under British law, and, material that is against the rules, essence and spirit of this and other Council policies.

You must not attempt to by-pass or remove any of the security and monitoring facilities.

5.13 Remote Working
The Council provides users with the facilities and opportunities to work remotely as appropriate. The Council will ensure that all users who work remotely are aware of the acceptable use of portable computer devices and remote working opportunities.

Securing data when users work remotely or beyond the Council network is a pressing issue – particularly in relation to the Council's need as an organisation to protect data in line with the requirements of the Data Protection Act 1998.

All IT equipment (including portable computer devices) supplied to users is the property of the Council.   It must be returned upon the request of the Council. Access for ICT Services staff of the Council shall be given to allow essential maintenance security work or removal, upon request.

All IT equipment will be supplied and installed by Council ICT Service staff .   Hardware and software **must only** be provided by the Council.

Where users access Government Connect Secure Extranet (GCSx) type services, facilities or OFFICIAL information (all council information is classified as OFFICIAL), **under no circumstances** should non-Council-owned equipment be used.

It is the user's responsibility to ensure that the following points are adhered to at all times:

- Users must take due care and attention of portable computer devices when moving between home and another business site.

- Users will not install or update any software on to a Council-owned portable computer device.

- Users will not install any screen savers on to a Council-owned portable computer device.

- Users will not change the configuration of any Council-owned portable computer device.

- Users will not install any hardware to or inside any Council-owned portable computer device, unless authorised by the Council ICT department.

- Users will allow the installation and maintenance of Council-installed Anti Virus updates immediately.

- Users will inform the ICT Helpdesk (ext 1766) of any Council-owned portable computer device message relating to configuration changes.

- All faults must be reported to the ICT Helpdesk (ext 1766).

- Users must not remove or deface any asset registration number.

- User registration must be requested from the ICT Helpdesk (ext 1766). Users must state which applications they require access to.

- The IT equipment may not be used for personal use by staff. Only software supplied and approved by the Council can be used (e.g. Word, Excel, Adobe, etc.).

- No family members may use the IT equipment. The IT equipment is supplied for the staff members' sole use.

- The user must ensure that reasonable care is taken of the IT equipment supplied. Where any fault in the equipment has been caused by the user, in breach of the above paragraphs, the Council may recover the costs of repair.

- The user should seek advice from the Council before taking any Council supplied ICT equipment outside the United Kingdom. The equipment may not be covered by the Council's normal insurance against loss or theft and the equipment is liable to be confiscated by airport security personnel.

- The Council may at any time, and without notice, request a software and hardware audit, and may be required to remove any equipment at the time of the audit for further inspection. All users must co-operate fully with any such audit.

5.13.1 Remote and Mobile Working Arrangements

Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.

Equipment should not be left where it would attract the interests of the opportunist thief. In the home it should also be located out of sight of the casual visitor. For home working it is recommended that the office area of the house should be kept separate from the rest of the house. Equipment must be secured whenever it is not in use.

Users must ensure that access / authentication tokens and personal identification numbers are kept in a separate location to the portable computer device at all times. All removable media devices and paper documentation must also not be stored with the portable computer device.

Paper documents are vulnerable to theft if left accessible to unauthorised people. These should be securely locked away in suitable facilities (e.g. secure filing cabinets) when not in use. Documents should be collected from printers as soon as they are produced and not left where they can be casually read. Waste paper containing personal data or OFFICIAL information (that is, all council information) must be disposed of in 'confidential waste' bins.

5.13.2 Access Controls

It is essential that access to all OFFICIAL information (that is, all council information) is controlled. This can be done through physical controls, such as locking the home office or locking the

computer's keyboard. Alternatively, or in addition, this can be done logically such as by password controls or User Login controls.

Portable computer devices should be switched off, logged off, or the keyboard locked when left unattended, even if only for a few minutes.

All data on portable computer devices must, where possible, be encrypted. If this is not possible, then all OFFICIAL data (that is, all council information) held on the portable device must be encrypted.

Dual-factor authentication must be used when accessing the Council network and information systems (including Outlook Web Access) remotely via Council owned equipment.

Access to the Internet from Council-owned ICT equipment should only be allowed via onward connection to Council-provided Proxy Servers and not directly to the Internet.

5.13.3 Anti Virus Protection

ICT will deploy an up-to-date Anti Virus signature file to all users who work away from the Council premises. Users who work remotely must ensure that their portable computer devices are connected to the corporate network at least once every two weeks to enable the Anti Virus software to be updated.

5.13.4 User Awareness

The user shall ensure that appropriate security measures are taken to stop unauthorised access to OFFICIAL information (that is, all council information), either on the portable computer device or in printed format. Users are bound by the same requirements on confidentiality and Data Protection as the Council itself.

5.14 Software

All departments must inform ICT via the ICT Helpdesk (ext 1766) of any new product requirements or of any upgrades, service packs, patches or fixes required to existing systems. All new products must be purchased through ICT.

Every piece of software used by the Council is required to have a licence in the name of the Council. The ICT department maintains a register of all Council software and will keep a library of software licences.

Software is owned by the licencing company and the copying of such software is an offence under the Copyright, Designs and Patents Act 1988, unless authorised by the software manufacturer. It is the responsibility of users to ensure that all software on their computer equipment is licensed.

Software must only be installed by the ICT department once the registration requirements have been met. Software may not be used unless approved by the ICT Manager or their nominated representative.

The Council will ensure that personal firewalls are installed where appropriate. Users must not attempt to disable or reconfigure the personal firewall.

6   Information Security - Software

6.1   Software Acquisition

All software acquired by the Council must be purchased through the ICT department. Software acquisition channels are restricted to ensure that the Council has a complete record of all software that has been purchased for Council computers and can register, support, and upgrade such software accordingly. This includes software that may be downloaded and/or purchased from the Internet.

Under no circumstances should personal or unsolicited software (this includes screen savers, games and wallpapers etc.) be loaded onto a Council machine as there is a serious risk of introducing a virus.

6.2   Software Registration

The Council uses software in all aspects of its business to support the work carried out by its employees. In all instances every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.

Software must be registered in the name of the Council and the department in which it will be used. Due to personnel turnover, software will never be registered in the name of the individual user.

The ICT department maintains a register of all Council software and will keep a library of software licenses.

The Council holds licences for the use of a variety of software products on all Council information systems and computer equipment. This software is owned by the software company and the copying of such software is an offence under the Copyright, Designs and Patents Act 1988, unless authorised by the software manufacturer.

It is the responsibility of users to ensure that all the software on their computer equipment is licensed.

6.3   Software Installation

Software must only be installed by the ICT department once the registration requirements have been met. Once installed, the original media will be kept in a safe storage area maintained by ICT.

Software may not be used unless approved by the ICT Manager or their nominated representative.

Shareware, freeware and public domain software are bound by the same policies and procedures as all other software. No user may download or install any free or evaluation software onto the Council's systems without prior approval from ICT.

6.4   Personal Computer Equipment

Council computers are Council-owned assets and must be kept both software-legal and virus-free. Only software acquired through the procedures outlined above may be used on Council machines. Users are not permitted to bring software from home (or any other external source) and load it onto Council computers. Council-owned software cannot be taken home and loaded on a user's home computer.

6.5   Software Misuse

The Council will ensure that personal firewalls are installed where appropriate. Users must not attempt to disable or reconfigure the personal firewall software.

It is the responsibility of all Council staff to report any known software misuse to their line manager. Councillors should inform the ICT Manager of such instances.

According to the Copyright, Designs and Patents Act 1988, illegal reproduction of software is subject to civil damages and criminal penalties. Any Council user who makes, acquires, or uses unauthorised copies of software will be disciplined as appropriate under the circumstances. The Council does not condone the illegal duplication of software and will not tolerate it.

7   Information Security – Access to Software

7.1   Prior to Employment

The Council must ensure that potential users are recruited in line with the Council's recruitment and selection policy for the roles they are considered for and to reduce the risk of theft, fraud or misuse of information or information systems by those users.

7.1.1   User Screening – Potential Employees

Background verification checks must be carried out on all potential users, in accordance with all relevant laws, regulations and ethics. The level of such checks must be appropriate to the business requirements, the classification of the information to be accessed, and the risks involved.

The basic requirements for Council employment are:

- Minimum of two satisfactory references.
- Completeness and accuracy check of employee's application form.
- Confirmation of National Insurance number.
- Confirmation of claimed academic and professional qualifications.
- Identity check against a passport or equivalent document that contains a photograph.

Prospective members of staff who will (if employed) be using the Government Connect Secure Extranet (GCSx) facility must be cleared to Baseline Personnel Security Standard. For this, the following additional requirements must be met:

- Identity must be proven by showing:
  - A full 10 year passport.

Or two from the following list:
  - British driving licence.
  - P45 form.
  - Birth certificate.
  - Proof of residence – i.e. council tax or utility bill.
- Verification of full employment history for the past 3 years.
- Verification of nationality and immigration status.
- Verification of criminal record (unspent convictions only).

For some jobs a Disclosure and Barring Service (formerly called the Criminal Records Bureau) check on the prospective member of staff must be carried out to an appropriate level as demanded by law.

If the prospective employee would have access to systems processing payment card data, credit checks must be carried out to an appropriate level as required by the Payment Card Industry Data Security Standards (PCI-DSS).

All the above requirements for verification checks must be applied to technical support and temporary staff that have access to those systems or any copies of the contents of those systems (e.g. backup tapes, printouts, test data-sets).

7.1.2   Terms and Conditions of Employment

As part of their contractual obligation users must agree and sign the terms of their employment contract, which shall state their and the Council's responsibilities for information security. This must be drafted by the Council's lawyers and must form an integral part of the contract of employment.

Each user must sign a confidentiality statement that they understand the nature of the information they access, that they will not use the information for unauthorised purposes and that they will return or destroy any information or assets when their employment terminates.

7.1.3   Roles and Responsibilities – New Starters

Decisions on the appropriate level of access to information or information systems for a particular user are the responsibility of the information asset owner.

Line managers are responsible for ensuring that creation of new users, changes in role, and termination of users are notified to the ICT Helpdesk (ext 1766) in a timely manner, using an agreed process.

The information security responsibilities of users must be defined and documented and incorporated into induction processes and contracts of employment. As a minimum this will include a statement that every user is aware of, and understands, this policy.

7.2   During Employment

Each user must be allocated access rights and permissions to computer systems and data that:

- Are applicable to the tasks they are expected to perform.
- Have a unique login and password that is not shared with or disclosed to any other user.
- Have individual administrator accounts that will be logged and audited.

User access rights must be reviewed at regular intervals to ensure that the appropriate rights are still allocated. System administration accounts must only be provided to users that are required to perform system administration tasks.

The unnecessary allocation and use of system privileges significantly increases the vulnerability of systems.

- systems administrative accounts (super users on routers and LAN servers, SANs, etc) must only be used when necessary, and not for normal day-to-day operation;
- Where technically possible, users must initially log on with a personal user ID and only be granted privileged access by way of group assignment;

Administrator accounts should be used <u>only</u> when a standard user account does not have the rights or privileges to perform a task or function required by the corporate demands and should be an extension from within their personal standard account e.g. switch user on Orb from forename.surname to a.initials.

The Council must ensure that all users are aware of information security threats and concerns, their responsibilities and liabilities, and are equipped to support organisational security policy in the course of their work, and to reduce the risk of human error. It is also necessary that user changes in role or business environment are carried out in an orderly manner that ensures the continuing security of the information systems to which they have access.

7.2.1   Management Responsibilities

Line managers must notify the ICT Helpdesk (1766) in a timely manner of any changes in a user's role or business environment, to ensure that the user's access can be changed as appropriate. Processes must ensure that access to information systems is extended to include new user requirements and also that any access that is no longer needed is removed.

Any changes to user access must be made in a timely manner and be clearly communicated to the user.

Departmental managers must require users to understand and be aware of information security threats and their responsibilities in applying appropriate Council policies. This requirement must be documented.

7.2.2   Information Security Awareness, Education and Training

All users must receive appropriate information security awareness training and regular updates in related statute and organisational policies and procedures as relevant for their role.

It is the role of departmental managers to ensure that their staff are adequately trained and equipped to carry out their role efficiently and securely.

7.2.3   User Responsibilities

It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems by:

- Following the password policy statements outlined in **Error! Reference source not found.**.
- Ensuring that any PC they are using that is left unattended is locked or logged out.
- Leaving nothing on display that may contain access information such as login names and passwords.
- Informing ICT of any changes to their role and access requirements.

7.2.4   User Authentication for Third Parties

Where remote access to the Council network is required, an application must be made via the ICT Helpdesk (ext 1766).

7.2.5   Supplier's Remote Access to the Council Network

Partner agencies or 3rd party suppliers must not be given details of how to access the Council's network without permission from the ICT Helpdesk (ext 1766). Any changes to a supplier's

connections must be immediately sent to the ICT so that access can be updated or ceased. All permissions and access methods must be controlled by ICT.

Partners or 3rd party suppliers must contact the ICT Helpdesk (ext 1766) before connecting to the Council network and a log of activity must be maintained. Remote access software must be disabled when not in use.

7.2.6 Operating System Access Control

Access to operating systems is controlled by a secure login process. The access control defined in this section and the **Error! Reference source not found.** section of this policy must be applied. The login procedure must also be protected by:

- Not displaying any previous login information e.g. username.
- Limiting the number of unsuccessful attempts and locking the account if exceeded.
- The password characters being hidden by symbols.

All access to operating systems is via a unique login ID that will be audited and can be traced back to each individual user. The login ID must not give any indication of the level of access that it provides to the system (e.g. administration rights).

System administrators must have individual administrator accounts that will be logged and audited. The administrator account must not be used by individuals for normal day-to-day activities.

7.2.7 Application and Information Access

Access within software applications must be restricted using the security features built into the individual product. The departmental administrator of the software application is responsible for granting access to the information within the system. The access must:

- Be compliant with this policy.
- Be separated into clearly defined roles.
- Give the appropriate level of access required for the role of the user.
- Be unable to be overridden (with the admin settings removed or hidden from the user).
- Be free from alteration by rights inherited from the operating system that could allow unauthorised higher levels of access.
- Be logged and auditable.

7.3 At the End of Employment

7.3.1 Secure Termination of Employment

Termination of employment may be due to resignation, change of role, suspension or the end of a contract or project. The key requirement is that access to Council information assets is removed in a timely manner when no longer required by the user, and processes must be implemented to ensure this.

7.3.2 Termination Responsibilities

Line managers must notify the ICT Helpdesk (ext 1766) in a timely manner of the impending termination or suspension of employment so that access can be suspended.

ICT Helpdesk (ext 1766) must notify the appropriate system owners who must suspend access for that user at an appropriate time, taking into account the nature of the termination.

Responsibilities for notifying changes, performing employment termination or change of employment must be clearly defined and assigned.

7.3.3 Return of Assets

Processes must be implemented to ensure that users return all of the organisation's assets in their possession upon termination of their employment, contract or agreement. This must include any copies of information in any format.

7.3.4 Removal of Access Rights

If a user's access is considered a risk to the Council or its systems, you must implement emergency suspension of that user's access. Contact Human Resources to ensure the correct procedure is followed.

8 Information Security – Passwords and Passphrases

8.1 Choosing Passwords (or a Passphrase)

Passwords are the first line of defence for our ICT systems and together with the user ID help to establish that people are who they claim to be.

A poorly chosen or misused password is a security risk and may impact upon the confidentiality, integrity or availability of our computers and systems.

Passphrases are similar to passwords but are longer and made up of several words and with the addition of numbers and possibly other special characters.

For the remainder of this policy the terms password and passphrase are interchangeable.

8.1.1 Weak and strong passwords

A weak password is one which is easily discovered, or detected, by people who are not supposed to know it.

Examples of weak passwords include:

- *words picked out of a dictionary*
- *names of children and pets*
- *car registration numbers*
- *simple patterns of letters from a computer keyboard.*

A strong password is a password that is designed in such a way that it is unlikely to be detected by people who are not supposed to know it, and difficult to work out even with the help of a computer.

For this reason when creating or changing your logon account on the Corporate Network, a passphrase is required rather than a single word.

The basic rules of a passphrase are that it needs to be something personal to you, you can remember it without the need to write it down, contains a minimum of 15 characters – at least one of which must be a capital letter and another one a number.

A strong passphrase would be:
MyD4dsNameIsGary – here the passphrase uses a capital letter for the start of each new word and replaces the first letter A with a number 4.

Mydadsnameisgary1– Not as good as the one above but it passes the minimum rules of having minimum 15 characters, one capital letter and one number.

A weak passphrase would be:
Thecowjumpedoverthemoon1 – Whilst this is in accordance with the rules, it is a bare minimum. This is a common phrase and has just one capital letter and one number.

8.2   Protecting Passwords and Passphrases

It is of utmost importance that the password remain protected at all times. The following guidelines must be adhered to at all times:

- Never reveal your passwords to anyone.
- Never use the 'remember password' function.
- Never store your passwords in a computer system without encryption.
- Do not use any part of your username within the password.
- Do not use the same password to access different Council systems.
- Do not use the same password for systems inside and outside of work.
- Avoid writing passwords down. If you must write them down, ensure they are written in code, are not obviously passwords, and do not store them where they are open to theft. Do not store them in electronic documents on your computer.

8.3   Changing Passwords

Given the additional security a good passphrase brings, it needs only be changed once per year, or whenever the system prompts you to change it. Other, shorter passwords, need to be changed every 42 days or when the system prompts you to change it. All default passwords must be changed immediately. If you become aware, or suspect, that your password has become known to someone else, you must change it immediately and report your concern to the ICT helpdesk (ext 1766).

8.4   System Administration Standards

The password administration process for individual Council systems is available to designated individuals.

All Council IT systems will be configured to enforce the following:

- Authentication of individual users, not groups of users - i.e. no generic accounts.
- Protection with regards to the retrieval of passwords and security details.
- System access monitoring and logging - at a user level.
- Role management so that functions can be performed without sharing passwords.
- Password admin processes must be properly controlled, secure and auditable.

8.5 PIN Numbers

Users are sometimes given Personal Identification Numbers (PINs), for example to retrieve printouts from a printer.

Users must never reveal PINs to anyone else, and must follow the same security standards as for protecting passwords.

9   Information Security - Asset Management

9.1   Identifying Information Assets

The process of identifying important information assets should be sensible and pragmatic.

Important information assets will include, but are not limited to, the following:

- Filing cabinets and stores containing paper records.
- Computer databases.
- Data files and folders.
- Software licenses.
- Physical assets (computer equipment and accessories, PDAs, cell phones).
- Key services.
- Key people.
- Intangible assets such as reputation and brand.

The Council must draw up and maintain inventories of all important information assets that it relies upon. These should identify each asset and all associated data required for risk assessment, information and records management and disaster recovery. At minimum it must include the following:

- Type.
- Location.
- Designated owner.
- Security classification.
- Format.
- Backup.
- Licensing information.

9.2   Classifying Information

On creation, all information assets must be assessed and classified by the owner according to their content. At minimum all information assets must be classified and labelled in accordance with the HMG Security Policy Framework (SPF). The classification will determine how the document should be protected and who should be allowed access to it. Any system subsequently allowing access to this information should clearly indicate the classification. Information classified as OFFICIAL sent via GCSx must be labelled appropriately.

The classes are:
- OFFICIAL
- SECRET
- TOP SECRET

All council information is classified as OFFICIAL.

9.3 Personal Information

Personal information is any information about any living, identifiable individual. The Council is legally responsible for it. Its storage, protection and use are governed by the Data Protection Act 1998.

9.4 Assigning Asset Owners

All important information assets must have a nominated owner and should be accounted for. An owner must be a member of staff whose seniority is appropriate for the value of the asset they own. The owner's responsibility for the asset and the requirement for them to maintain it should be formalised and agreed.

9.5 Unclassified Information Assets

Items of information that have no security classification and are of limited or no practical value should not be assigned a formal owner or inventoried. Information should be destroyed if there is no legal or operational need to keep it and temporary owners should be assigned within each department to ensure that this is done.

9.6 Corporate Information Assets

For information assets whose use throughout the Council is widespread and whose origination is as a result of a group or strategic decision, a corporate owner must be designated and the responsibility clearly documented. This should be the person who has the most control over the information.

9.7 Acceptable Use of Information Assets

The Council must document, implement and circulate policies that outline acceptable usage for information assets, systems and services. These should apply to all Council councillors, committees, departments, partners, employees of the Council, contractual third parties and agents of the Council and use of the system must be conditional on acceptance of the appropriate policy. This requirement must be formally agreed and auditable.

9.8 Information Storage

All electronic information will be stored on centralised facilities to allow regular backups to take place. Files which are identified as a potential security risk should only be stored on secure network areas.

ICT services must ensure that guidelines are available for all council staff with regards to identifying redundant equipment and action required e.g. sending to ICT to assess whether it should be disposed of or reused.

Physical files of information should be organised, labelled and managed so that their contents and owners can be identified by other teams, not just the team who owns them.

Records management and retention guidance will be followed for both electronic and physical information. The Retention and Disposal Schedule records how long different types of information should be kept for, it is the responsibility of each team to keep their entries in the Schedule up to date (contact Information Management for more details), and to ensure they are adhered to.

Databases holding personal information will have a defined security and system management procedure for the records and documentation. This documentation will include a clear statement as to the use, or planned use of the personal information.

9.9 Disclosure of Information

Disclosing sensitive or personal information to any external organisation is prohibited, unless via the Government Connect Secure Extranet (GCSx) email. Emails that are sent outside this closed network travel over the public communications network and are liable to interception or loss. There is a risk that copies of the email are left within the public communications system.

Where information is disclosed or shared it should only be done so in accordance with a documented information-sharing protocol and/or data exchange agreement.

The disclosure of personal or sensitive information in any way other than via GCSx email is a disciplinary offence. If there is suspicion of a Councillor or employee treating OFFICIAL information (that is, council information) in a way that could be harmful to the Council or to the data subject, then it must be reported to the ICT Manager, and the person may be subject to disciplinary procedure.

Any sharing or transfer of Council information with other organisations must comply with all legal, regulatory and Council policy requirements. In particular this must be compliant with the Data Protection Act 2000, The Human Rights Act 2000 and the Common Law of Confidentiality.

10 Information Security – Data Protection

10.1 Relevant Legislation

The following statutory legislation governs aspects of the Council's information security arrangements. This list is not exhaustive:

Legislation	Areas Covered
The Freedom of Information Act 2000	Public access to Council information
The Human Rights Act 1998	Right to privacy and confidentiality
The Electronic Communications Act 2000	Cryptography, electronic signatures
The Regulation of Investigatory Powers Act 2000	Hidden surveillance of staff
The Data Protection Act 1998	Protection and use of personal information
The Copyright Designs and Patents Act 1988	Software piracy, music downloads, theft of Council data
The Computer Misuse Act 1990	Hacking and unauthorised access
The Environmental Information Regulations 2004	Public access to Council information related to the environment

Legislation	Areas Covered
The Re-use of Public Sector Information Regulations 2005	The Council's ability to sell certain data sets for commercial gain

Data protection and privacy must be ensured as required in relevant legislation, regulations, and, if applicable, contractual clauses. Key records must be protected from loss, destruction and falsification, in accordance with statutory, regulatory, contractual, and business requirements.

10.2 How will the Council Ensure Compliance?

In order to ensure it meets its obligations under the Data Protection Act, the Council ensures that:

- There is an individual with specific responsibility for data protection in the organisation.
- Everyone managing and handling personal information understands that they are contractually responsible for following good data protection practice.
- Everyone managing and handling personal information is appropriately trained to do so.
- Persons wishing to make enquiries about handling personal information, whether a member of staff or a member of the public, is aware of how to make such an enquiry.
- Queries about handling personal information are promptly and courteously dealt with.
- Methods of handling personal information are regularly assessed and evaluated.

The Council will, through appropriate management and the use of strict criteria and controls:

- Observe fully conditions regarding the fair collection and use of personal information.
- Meet its legal obligations to specify the purpose for which information is used.
- Collect and process appropriate information and only to the extent that it is needed to fulfil operational needs or to comply with any legal requirements.
- Ensure the quality of information used.
- Apply strict checks to determine the length of time information is held.
- Take appropriate technical and organisational security measures to safeguard personal information.
- Ensure that personal information is not transferred abroad without suitable safeguards.
- Ensure that the rights of data subjects can be fully exercised under the Data Protection Act.

10.3 What Roles and Responsibilities have been Assigned?

Proper definitions of roles and responsibilities are essential to assure compliance with this policy. In summary these are as follows:

10.3.1 Information Management Team

The Information Manager promotes this policy and provides detailed advice training and resources to departments to facilitate the correct processing of requests for access and other data protection related issues, and will also monitor departments to ensure compliance with statutory and regulatory obligations.

10.3.2 Senior Management

Senior management will provide support and approval for this Information Security Policy and any related initiatives across the Council. It will also ensure that adequate funding is made available.

10.3.3 Departmental Managers

Departmental managers are responsible for ensuring that the Information Security Policy is communicated and implemented within their area of responsibility, and for ensuring that any issues such as resourcing or funding are communicated back to their strategic directors in a timely manner.

10.3.4 Individual Employees

Individual employees will be responsible for understanding this Information Security Policy and ensuring that requests for access and other data protection related issues in their own department are handled in compliance with this policy.

10.4 Freedom of Information Act

The Freedom of Information Act came into force in January 2005. By granting a general right of access to records held by public authorities it encourages an attitude of openness and will enable the public to scrutinise their decisions and working practises. The key features of the Freedom of Information Act are:

- Every Council employee has a duty to provide advice and assistance to anyone requesting information.
- The public has a general right of access to all recorded information held by the Council and some independent contractors. Subject to exemptions set out in the Freedom of Information Act, a requester has the right to know whether a record exists and the right to a copy of that record supplied in a format of their choice.
- Every Council must adopt and maintain a Publication Scheme, listing what kinds of record it chooses to publish, how to obtain them and whether there is a charge involved.

The Information Commissioner's Office will oversee the implementation and compliance with the Freedom of Information Act and the Data Protection Act 1998.

10.5 What is a Security Incident?

Events and weaknesses need to be reported at the earliest possible stage as they need to be assessed by the Information Management team. It is vital for the Information Management team to gain as much information as possible from the business users to identify if an incident is occurring.

The definition of an information management security incident is an adverse event that has caused or has the potential to cause damage to an organisation's assets, reputation and / or personnel. Incident management is concerned with intrusion, compromise and misuse of information and information resources, and the continuity of critical information systems and processes.

An information security incident includes, but is not restricted to, the following:

- The loss or theft of data or information.
- The transfer of data or information to those who are not entitled to receive that information.
- Attempts (either failed or successful) to gain unauthorised access to data or information storage or a computer system.
- Changes to information or data or system hardware, firmware, or software characteristics without the Council's knowledge, instruction, or consent.
- Unwanted disruption or denial of service to a system.
- The unauthorised use of a system for the processing or storage of data by any person.

Examples of the most common information security incidents are listed below. This list is not exhaustive.

- Giving information to someone who should not have access to it - verbally, in writing or electronically.
- Infecting a computer with a virus or other malware.
- Sending a sensitive email to 'all staff'.
- Receiving solicited mail of an offensive nature.
- Receiving solicited mail which requires you to enter personal data.
- Changing data without authorisation.
- Receiving and forwarding chain letters – including virus warnings, scam warnings and other emails which encourage the recipient to forward onto others other than the ICT helpdesk (ext 1766).
- Unknown people asking for information which could gain them access to council data (e.g. a password or details of a third party).
- Use of unapproved or unlicensed software on Council equipment.
- Accessing a computer database using someone else's authorisation (e.g. someone else's user id and password).
- Writing down your password and leaving it on display / somewhere easy to find.
- Printing or copying confidential information and not storing it correctly or confidentially.
- Theft / loss of a hard copy file through negligence.
- Theft / loss of any Council computer equipment e.g. laptops, memory sticks and CDs through negligence.

This policy aims to ensure incidents are followed up correctly, and to identify areas for improvement to decrease the risk and impact of future incidents.

10.5.1 Procedure for Incident Handling

Events and weaknesses need to be reported at the earliest possible stage as they need to be assessed by the Information Management team. It is vital for the Information Management team to gain as much information as possible from the business users to identify if an incident is occurring.

1. Report incident to Information Management team with as much detail as is available.
2. Report incident to line manager. Emergency suspension of a user's access may be necessary if that access is considered a risk to the Council or its systems.
3. Information Management team will assess incident against the ICO data breach guidance, to decide whether to report the incident to the ICO.
4. Information Management team will assess incident and decide on actions to be taken.

The Information Management team will require you to supply further information, the nature of which will depend upon the nature of the incident. However, the following information should be supplied:

- Contact name and number of person reporting the incident.
- The type of data, information or equipment involved.
- Whether the loss of the data puts any person or other data at risk.
- Location of the incident.
- Inventory numbers of any equipment affected.
- Date and time the security incident occurred.
- Location of data or equipment affected.
- Type and circumstances of the incident.

The authority may need to collect evidence. This could include, for example, personal information, deleted files, and emails from any asset owned by the Council.

10.6 Individual Responsibilities

All Councillors must accept responsibility for maintaining information security standards within the Council.

All managers must accept responsibility for initiating, implementing and maintaining security standards within the Council.

All non-managerial users must accept responsibility for maintaining standards by conforming to those controls which are applicable to them.

ICT will be responsible for implementation of the controls marked for IT specialists.

Local managers must undertake yearly assessments of security risks within their own areas to ensure that the security breaches are kept to a minimum.

11 Key Messages

Access:
- Every user must be aware of, and understand, this policy.
- Background verification checks must be carried out on all users.
- Users who require use of the Government Connect Secure Extranet (GCSx) email facility **must** be cleared to Baseline Personnel Security Standard.
- All users must receive appropriate information security awareness training and regular updates in related statute and organisational policies and procedures as relevant for their role.
- Processes must be implemented to ensure that all access rights of users of Council information systems shall be removed in a timely manner upon termination or suspension of their employment, contract or agreement.

Information Protection:
- The Council must draw up and maintain inventories of all important information assets.
- All information assets, where appropriate, must be assessed and classified by the owner in accordance with the HMG Security Policy Framework (SPF).
- Information classed as OFFICIAL (that is, all council information) sent via the Government Connect Secure Extranet (GCSx) must be labelled appropriately using the SPF guidance.
- Access to information assets, systems and services must be conditional on acceptance of the appropriate policy.
- Users should not be allowed to access information until they understand and agree the legislated responsibilities for the information that they will be handling.
- Personal or sensitive information **must not** be disclosed to any other person or organisation via any insecure methods including paper based methods, fax and telephone.
- Disclosing personal or sensitive information to any external organisation is also **prohibited**, unless via the GCSx email.
- Where GCSx email is available to connect the sender and receiver of the email message, this **must be used** for all external email use and must be used for communicating personal or sensitive material.
- The disclosure of personal or sensitive information in any way other than via GCSx email is a disciplinary offence.

IT Access
- All users must use **strong** passwords.

- Passwords must be protected at all times and must be changed at least every 42 days.
- User access rights must be reviewed at regular intervals.
- It is a user's responsibility to prevent their user ID and password being used to gain unauthorised access to Council systems.
- Partner agencies or 3rd party suppliers must not be given details of how to access the Council's network without permission from the ICT Helpdesk (ext 1766).
- Partners or 3rd party suppliers must contact the ICT Helpdesk (ext 1766) before connecting to the Council network.

IT Infrastructure Security
- OFFICIAL information (that is, all council information), and equipment used to store and process this information, must be stored securely.
- Keys to all secure areas housing ICT equipment and lockable IT cabinets are held centrally by ICT, as appropriate. Keys are not stored near these secure areas or lockable cabinets.
- All general computer equipment must be located in suitable physical locations.
- Desktop PCs should not have data stored on the local hard drive.
- Non-electronic information must be assigned an owner and a classification.
- Staff should be aware of their responsibilities in regard to the Data Protection Act.
- Equipment that is to be reused or disposed of must have all of its data and software erased / destroyed.

Software
- All software acquired must be purchased through the ICT Department.
- Under no circumstances should personal or unsolicited software be loaded onto a Council machine.
- Every piece of software is required to have a licence and the Council will not condone the use of any software that does not have a licence.
- Unauthorised changes to software **must not** be made.
- Users are not permitted to bring software from home (or any other external source e.g. ipod, mobile phone, personal memory stick, email) and load it onto Council computers.
- Users **must not** attempt to disable or reconfigure the Personal Firewall software.
- Illegal reproduction of software is subject to civil damages and criminal penalties.

Remote Working

- It is the user's responsibility to use portable computer devices in an acceptable way. This includes not installing software, taking due care and attention when moving portable computer devices and not emailing personal or sensitive information to a non-Council email address.
- Users should be aware of the physical security dangers and risks associated with working within any remote office or mobile working location.
- It is the user's responsibility to ensure that access to all OFFICIAL information (that is, all council information) is controlled – e.g. through password controls.
- All council data held on portable computer devices must be encrypted.

Information Security Incident

- All staff should report any incidents or suspected incidents immediately by reporting them to the Information Management team
- We can maintain your anonymity when reporting an incident if you wish.

APPENDIX 4: CONSTITUTION – **PART 5** – **TABLE 5.05 - Housing**

HOUSING SERVICES			
1. Housing Management - General			

Subject:	Detail:	Delegated by:	Delegated to:
Day-to-day management of housing stock	Day-to-day management of the Council's housing stock, housing land and housing matters.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Housing Services
Day-to-day management of housing stock	In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are less than £100.	Executive Committee	Head of Housing Services / Tenancy Manager / Tenancy Officers).
Registration and Allocation of Tenancies > £100 arrears	In accordance with existing Council policies and practices, to deal with the registration and allocation of tenancies of Council accommodation where rent arrears are more than £100.	Executive Committee	Executive Director for Leisure, Environment & Community Services
Equipment and Adaptations	Day-to-day management of the Equipment and Adaptations Service.	Executive Committee	Head of Housing Services / Tenancy Manager
Communal Rooms	Lettings and day-to-day operation of the Communal Rooms in warden-controlled schemes.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Housing Services / Community Warden Team Leader(s)

RBC June 2017

Agenda Item 10
PART 5 - Table 5.05

SCHEME OF DELEGATION TO OFFICERS

Subject:	Detail:	Delegated by:	Delegated to:
Homelessness Cases	In accordance with the Council's stated policies and guidelines on homelessness, to deal with all such cases under the Housing Act 1985 (applications for accommodation, etc.).	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Housing Services / Housing Options Manager / Housing Options Officers
Notices of Possession Proceedings / Notices to Quit	In respect of dwelling houses let under secure tenancies: to serve Notices of Possession Proceedings or Notices to Quit and to refer cases to the Principal Solicitor to institute and complete proceedings for possession.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Housing Services / Tenancy Manager / Income, Recovery and Welfare Manager
Warrants of Possession	To sanction applications for Warrants of Possession in above cases.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Housing Services
Demotion of Tenancies	To sanction the demotion (= loss of security of tenure) of tenancies.	Executive Committee	Head of Housing Services

Agenda Item 10
PART 5 - Table 5.05

SCHEME OF DELEGATION TO OFFICERS

Subject:	Detail:	Delegated by:	Delegated to:
Council Housing Growth Programme	*To approve the necessary delivery agents for commissioning the construction of new HRA stock from the Council Housing Growth Programme budget.*	*Executive Committee*	*Head of Housing Services*
Squatters and Unauthorised Occupiers	In respect of squatters and unauthorised occupiers: To serve Notice Seeking Possession or Notice to Quit and refer to the Principal Solicitor to institute and complete proceedings for possession. To sanction applications for Warrants of Possession in above cases.	Executive Committee Executive Committee	Head of Housing Services / Tenancy Manager / Income, Recovery and Welfare Manager Executive Director for Leisure, Environment & Community Services / Head of Housing Services
Right to Succeed / Notice to Quit	Where, on the death of a secure tenant, a right to succeed does not arise or is not exercised, to serve Notice to Quit and refer to the Principal Solicitor to institute proceedings for possession.	Executive Committee	Head of Housing Services/ Tenancy Manager / Income, Recovery and Welfare Manager
Offer of Alternative accommodation / Family of Deceased Tenant	To make one offer of suitable alternative accommodation to occupants who are members of the family of a deceased tenant and who have been in occupation for one year or more prior to the death of the tenant, and who are under-occupying property where they have no right of succession upon the death of the tenant; and, if the offer is refused:	Executive Committee	Head of Housing Services

SCHEME OF DELEGATION TO OFFICERS

	To serve Notice to Quit	Executive Committee	Head of Housing Services
	To institute proceedings for possession	Executive Committee	Head of Legal, Equalities and Democratic Services
	To sanction applications for Warrants of Possession in above cases.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Housing Services
	To institute such proceedings and obtain such Warrants of Possession.	Executive Committee	Principal Solicitor
Norgrove House / occupants of Temporary accommodation	To institute proceedings against occupants of Norgrove House or guest bedrooms or housing stock dwellings let on licence as temporary accommodation and to institute possession proceedings; to obtain eviction warrants and arrange for the execution of the same, where such occupants refuse to vacate the accommodation when requested and obtain warrants for possession.	Executive Committee	Principal Solicitor
Leased Garages / Breach of Covenant	To instigate proceedings for possession in respect of leased garages where a breach of covenant causing serious nuisance occurs; To apply for Warrants of Possession in such cases.	Executive Committee	Principal Solicitor, in consultation with Head of Housing Services / Tenancy Manager
Housing Rents / other Housing-related Debts	To collect and recover current housing rents and other housing-related debts within the overall Debt Prevention Strategy.	Executive Committee	Income, Recovery and Welfare Manager

Agenda Item 10

SCHEME OF DELEGATION TO OFFICERS

Subject:	Detail:	Delegated by:	Delegated to:
Enforcement Action - Gas Maintenance Contracts	To take enforcement action in relation to the Gas Maintenance Contracts. To gain entry to properties where a tenant does not permit access to the Council's contractor to undertake safety inspections and routine servicing.	Executive Committee	Head of Housing Services, following consultation with Principal Solicitor
"Asylum Seekers - Providing Support"	To make decisions on negotiating the contract referred to in para's 5.4 - 5.6 of the "Asylum Seekers - Providing Support" report presented to the Housing Committee on 31 July 2000 and, subject to decision of the Executive Committee, to employ personnel or commissioning agencies or Services to implement the work on behalf of the Council, subject to costs being recovered.	Executive Committee	Executive Director for Leisure, Environment & Community Services
Multi-Agency Public Protection Arrangements	To accept cases referred to the Council by the Police and the Probation Service through the Multi-Agency Public Protection Arrangements.	Executive Committee	Head of Housing Services
Powers to Force Entry	To exercise the Council's powers to force entry to Council-owned properties in cases of emergency.	Executive Committee	Executive Director for Leisure, Environment & Community Services / HF&R / Head of Housing Services/ Tenancy Manager, in consultation with Principal Solicitor

SCHEME OF DELEGATION TO OFFICERS

Grants from British Gas Trading Limited	To accept grants from British Gas Trading Limited to assist in the upgrading of the heating systems of Council stock in accordance with Council approval of 11.12.06	Executive Committee	Executive Director for Leisure, Environment & Community Services
Grants Various – Approval / Refusal	To approve and refuse grant applications for house renovation grants, common parts grants, houses in multiple occupation, grants for providing facilities for persons with a disability and reinstatement grants, where mandatory.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services
Home Repairs Grants – Care & Repair clients	To authorise and to grant Home repairs assistance grants in cases where the applicants are clients of the Care and Repair Agency.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services
Home Assistance Grants	To approve and pay Home Assistance grants up to the budget provided, in accordance with approved scheme.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services
Grants - Cancellations	To cancel grants where the work has not been completed within 12 months of date of approval.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services
Grants - Extensions	To authorise grant extensions in extenuating circumstances where eligible work has not been completed within 12 months of grant approval being given.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services

SCHEME OF DELEGATION TO OFFICERS

Notices – Housing Act 1985	To issue notices under the Housing Act 1985 Sections 189, 190, 190 (1a and b) and (b), and 1A (a and b) and to carry out works arising from such notices.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services / Environmental Health Officers
Notices / Orders – Various other	To issue notices or orders applying management code and for the provision of amenities repairs, the abatement of overcrowding in Houses in Multiple occupation and the provision of means of escape in case of fire under the Housing Act 1985.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services / Environmental Health Officers
Repairs Notices / Deferred Action Notices - vacant or rented accommodation	To consider and decide on the most appropriate course of action in relation to Repairs Notices and Deferred Action Notices for vacant or rented accommodation.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services / Environmental Health Officers
"Minded to" Notices	To serve "minded to" notices under the Housing (Fitness Enforcement Proceedings) Order 1996.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services / Environmental Health Officers
Deferred Action Notices	To serve Deferred Action Notices under the Housing Grants, Construction and Regeneration Act 1996.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services / Environmental Health Officers

RBC June 2013

SCHEME OF DELEGATION TO OFFICERS

HMO – Enforcement Procedures	To serve works notices under the provisions of the Housing (Enforcement Procedures for Houses in Multiple Occupation) Order 1997.	Executive Committee	Executive Director for Leisure, Environment & Community Services / Head of Regulatory Services / Environmental Health Officers

APPENDIX 5: CONSTITUTION – **PART 5** – **TABLE 5.10 - Resources**

RESOURCES

1. Finance - Accounts, Financial Management & Advice

Subject:	Detail:	Delegated by:	Delegated to:
Grant of Housing / Council Tax Reduction	Granting of Housing Benefit and Local Council Tax Reduction Scheme in all cases including matters of individual discretion and back-dating, except that, where a claimant is dissatisfied with the Officer's decision, the matter be referred to: The Social Security and Child Support Tribunal for Housing Benefit (and Council Tax Reduction) Valuation Office Agency for Local Council Tax Reduction Scheme.	Executive Committee	Head of Customer Access and Financial Support
Reduction of Council Tax payable	To reduce the Council Tax payable on a case by case basis, as provided by Section 13A 1 (c) of the Local Government Finance Act 1992.	Council	Executive Director Finance and Resources and Revenue Services Manager
Debt Collection / Recovery	To collect and recover all debts, except housing rents.	Executive Committee	Head of Customer Access and Financial Support
Council Tax – Non – Domestic Rates - Refund of overpayments	To refund all overpayments of Council Tax and National Non-Domestic Rates including statutory interest.	Executive Committee	Executive Director of Finance and Resources
Council Tax Support Scheme	*To carry out statutory consultation on draft Council Tax Support Schemes in accordance with legislative guidelines.*	*Council*	*Head of Customer Access and Financial Support following consultation*

RBC Nov 2016

APPENDIX 5: CONSTITUTION – PART 5 – TABLE 5.10 - Resources

			with the Portfolio Holder
Discretionary Rate Relief	To grant applications under the Non-Domestic Rates – Discretionary Rate Relief Scheme recommended for approval by Executive Committee on 11th February 2004 where within budget with reference to Section 47 of the Local Government Finance Act 1988.	Executive Committee	Revenue Services Manager
Collection Fund	To administer the Collection Fund in accordance with Section 89(3) of the Local Government Finance Act 1988.	Executive Committee	Executive Director of Finance and Resources
Offences under Social Security Administration Act	To administer formal cautions for offences under the Social Security Administration Act 1992.	Executive Committee	Head of Customer Access and Financial Support or Principal Solicitor, as the cautioning Officer
Discretionary Housing Payments	To administer the scheme of Discretionary Housing Payments in accordance with the policy statement attached at Appendix 1 to the "Revised Discretionary Housing Payments" report presented to the Executive Committee on 23rd August 2011.	Executive Committee	Benefits Officers
Essential Living Allowance	To administer the Essential Living Allowance scheme in accordance with Council Policy (agreed 12th March 2013)	Executive Committee	Head of Customer Access and Financial Support and Head of Housing
Stock Exchange Transactions	To seal Stock Exchange Transactions.	Executive Committee	Executive Director of Finance and Resources
Investment of Balances	To invest balances, other and special funds.	Executive Committee	
Investments	To determine action to be taken in respect of the Council's funds invested by approved	Executive Committee	Executive Director of

APPENDIX 5: CONSTITUTION – PART 5 – TABLE 5.10 - Resources

	external Fund Managers.		Finance and Resources
Legal Processes-Rates, Council Tax , NNDR	In respect of rates, Council Tax, penalties and the National Non-Domestic Rate and representation in the Valuation Tribunal, Issue of all legal processes, including applications for committal.	Executive Committee	Executive Director of Finance and Resources
Empty Property Rates - Exemptions	To determine legal exemption under the empty property rate provisions in accordance with Section 44(A) of the Local Government Finance Act 1988 in respect of national non-domestic rates except in cases of dispute	Executive Committee	Head of Customer Access and Financial Support
Borrowing	To borrow money.	Executive Committee	Executive Director of Finance and Resources
Applications under LG Finance Act	To determine applications under Sections 43, 45, 49 and 64 of the Local Government Finance Act 1988.	Executive Committee	Head of Customer Access and Financial Support
Insolvency Procedures	To commence insolvency procedures, both against individuals and companies.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Debts - Write-off – Insolvency Cases	To write off any debt, irrespective of value, where insolvency proceedings have occurred and where the Council's claim has been formally acknowledged.	Executive Committee	Head of Customer Access and Financial Support/ Head of Housing
Debts - Write-off – Imprisonment Cases	To write off any debt, irrespective of value, where the Magistrates have remitted or committed an individual to prison at committal proceedings.	Executive Committee	Head of Customer Access and Financial Support / Head of

APPENDIX 5: CONSTITUTION – PART 5 – TABLE 5.10 - Resources

			Housing
West Mercia Police and Crime Panel	To agree the budget for administrative support to the West Mercia Police and Crime Panel, subject to no financial contribution being sought from the Council	Council	Executive Director of Finance and Resources
Sure Start - Accounting	To take on the accounting duties of the accountable body of the Sure Start Programme.	Executive Committee	S151 Officer or in his/her absence the Financial Services Manager/ Finance Team Head of Housing, with assistance from Sure Start Finance and Evaluation Officer
Debts – Write off – Admin Orders	To write off the balance of all outstanding debts in cases where an Administration Order has been made without prior Executive Committee approval (Bankruptcy and Liquidation).	Executive Committee	Head of Customer Access and Financial Support / Head of Housing
Debts – Write-off - Irrecoverables	To write off debts due to the Council in accordance with Council policy.	Executive Committee	S151 Officer in consultation with other relevant Directors
Deputy Money Laundering Officer	To appoint a Deputy Money Laundering Officer to act in absence of Executive Director of Finance and Resources	Council	Deputy S151 Officer

APPENDIX 5: CONSTITUTION – PART 5 – TABLE 5.10 - Resources

2. Property, Assets and Facilities Management - Estates & Valuation

Subject:	Detail:	Delegated by:	Delegated to:
Day-to-Day Management	Day-to-day management of Land and Property matters including implementing management measures for assets detailed in the Asset Management Plan.	Executive Committee	Head of Customer Access and Financial Support
Acceptance of Offers at Auction	The acceptance of an offer when a sale is effected by auction.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Leased / Tenanted Properties - Management	To manage and control all leased / tenanted properties excluding houses / flats let on residential secure tenancies under the Housing Act including those available for letting and to include those held by the Council in advance of requirements or surplus or appropriated properties.	Executive Committee	Head of Customer Access and Financial Support
Agreements - Various	Easements / wayleaves / rights of way / garden licences / grazing licences / cultivation licences and all similar agreements – to enter into such agreements on behalf of the Council for any Council-owned land or property.	Executive Committee	Head of Customer Access and Financial Support / Principal Solicitor
Agreements - Minor	To enter into miscellaneous agreements of a minor nature affecting any land and / or property not provided for elsewhere including street trading licences.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Disturbance / Home Loss Payments	To negotiate and settle all disturbance or home loss payments, within prior approved budgets, or where such payments are to be funded from a capital receipt.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor

APPENDIX 5: CONSTITUTION – PART 5 – TABLE 5.10 - Resources

Assignment / Sub-letting – Leased Properties	The assignment or sub-letting of leased properties, subject to appropriate satisfactory references.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Rent Review Notices	To serve Rent Review Notices and agree new rents where proposal is to review rent to market value.	Executive Committee	Head of Customer Access and Financial Support
Voluntary and Community Sector Rent Relief	To agree applications for up to 70% rent relief for voluntary and community sector organisations, following recommendation from the Grants Panel	Executive Committee	Executive Director, Finance and Resources
New Leases, Lettings and Rents	To approve new leases, lettings and rents, where the proposal is to rent at market value, and accept surrenders, where a re-grant to the same or different tenant is requested.	Executive Committee	Head of Customer Access and Financial Support
Breach of Terms – Obtaining Possession, etc.	To obtain possession of premises, terminate agreements, authorise distraint or to institute proceedings to forfeit business leases, licences and agreements if the rent, payment or other terms are being breached.	Executive Committee	Head of Customer Access and Financial Support
Notices under Landlord and Tenant Act	To serve notices under the Landlord and Tenant Act 1954 to renew or terminate business tenancies and to serve other notices on any tenant for the remedy of any breaches of other covenants under the terms of leases as appropriate.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Sub-letting-Business Tenants	To approve applications from business tenants to sub-let maisonettes and garages no longer required in connection with shop premises, subject to satisfactory references and details of the sub-lease being approved by the Head of Legal, Equalities and Democratic Services / Head of Customer Access and Financial Support to include that vacant possession be granted to Council on determination of the lease.	Executive Committee	Head of Customer Access and Financial Support with Head of Legal, Equalities and Democratic Services

RBC Nov 2016

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APPENDIX 5: CONSTITUTION – PART 5 – TABLE 5.10 - Resources

District Centres – Commercial Leases	To negotiate delays in exercising the redevelopment clause within a commercial lease for units in the Council's District Centres in appropriate cases.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor

RBC Nov 2016

APPENDIX 5: CONSTITUTION – PART 5 – TABLE 5.10 - Resources

Subject:	Detail:	Delegated by:	Delegated to:
Disposals of Surplus Assets	To deal fully with all disposals of surplus assets approved by the Executive Committee / Council, subject to reports being submitted to the Executive Committee on the receipts generated from major land or building sales, in accordance with the Asset Management Plan.	Executive Committee	Director of Finance & Resources / Head of Customer Access and Financial Support
'Minor Land' * Sales	*Defined as any land and/or building of less than half a hectare where the value is £49,999 or less, plus VAT / fees, but excluding land previously designated as a play area or sites to be developed for one or more dwellings, unless it has specifically been declared surplus by the Executive Committee in accordance with the Minor Land Disposal Policy.* To conduct and conclude negotiations for the sale of the freehold or leasehold interest of any land or property falling within the limits described above (or such limit that may be revised at any time by the Executive Committee, to reflect rising prices).	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Dedication of Council Land	To approve, and complete documentation in respect of, the dedication of Council land for the purposes of either footpaths, bridleways, cycle routes or roads, as requested in consultation with Worcestershire County Council.	Executive Committee	Property Services Manager / Principal Solicitor
Public Open Space	To accept, on behalf of the Council, land for Public Open Space, or land for other public purposes, in connection with the provisions of Section 106 of the Town & Country Planning Act 1990, or Section 111 of the Local Government Act 1972, following consultation with other appropriate Officers.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor

4. Right to Buy

Subject:	Detail:	Delegated by:	Delegated to:
Right to Buy	To administer the Right-to-Buy scheme and carry out valuations of dwellings under the Right to Buy Scheme and for repurchases, including the interest to be sold with any necessary rights of way over Council land, as appropriate.	Executive Committee	Head of Customer Access and Financial Support
Notices re Right to Buy	To serve notices in association with the Right to Buy Scheme.	Executive Committee	Head of Customer Access and Financial Support/ Principal Solicitor
Buy Back	To refuse (but not accept) requests to buy back properties sold under the Right to Buy Scheme, in accordance with Council policy.	Executive Committee	Head of Customer Access and Financial Support
Repayment of Discount	To refuse (but not to agree) to waive the Council's entitlement to repayment of discount.	Executive Committee	Head of Customer Access and Financial Support
Discount for Disposals	To determine the level of discount to be repaid for relevant disposals under the Housing Act 2004.	Executive Committee	Head of Customer Access and Financial Support

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Agenda Item 11

Council

24th July 2017

WEST MERCIA FIRE AND RESCUE GOVERNANCE - CONSULTATION

Relevant Portfolio Holder	Cllr Joe Baker, Portfolio Holder for Community Safety and Regulatory Services
Portfolio Holder Consulted	Yes
Relevant Head of Service	Claire Felton, Head of Legal, Equalities and Democratic Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	Non key

1.   SUMMARY OF PROPOSALS

This report outlines the current consultation process in respect of proposed changes to the governance arrangements for the Hereford and Worcester and Shropshire Fire and Rescue Services and invites Members to consider how the Council should respond to these proposals.

2.   RECOMMENDATIONS

The Council is requested to RESOLVE to agree a response to the proposed changes to the governance arrangements for the Hereford and Worcester and Shropshire Fire and Rescue Services, to be submitted during the consultation process.

3.   KEY ISSUES

Background

3.1   West Mercia's Police and Crime Commissioner (PCC), John Campion, is currently in the process of consulting on proposed changes to the governance arrangements for both the Shropshire and the Hereford and Worcester Fire and Rescue Services. These proposals, if approved, would result in the PCC taking over governance of both of these Fire and Rescue Services alongside his existing responsibilities in respect of West Mercia Police. The changes would also lead to the disbandment of the two local Fire and Rescue Authorities. However, Hereford and Worcester Fire and Rescue Service, Shropshire Fire and Rescue Service and West Mercia Police would remain independent organisations.

3.2   Prior to this consultation process an independent consultant, Beckford Consulting, was commissioned by the PCC to consider an initial business case for the governance arrangements for the Hereford and Worcester and Shropshire Fire and Rescue Services. A copy of the report produced by

Council

Beckford Consulting, together with further information about the current consultation process, can be viewed at Appendix 1 to this report.

3.3 Beckford Consulting considered three potential options for the governance of the Hereford and Worcester and Shropshire Fire and Rescue Services moving forward:

Option 1: To sustain the current trajectory, whereby existing governance arrangements remain in place. Based on the evidence they gathered Beckford Consulting did not recommend that this option should be adopted.

Option 2: A single employer model, whereby the two Fire and Rescue Services would be merged with the West Mercia Police to create a single organisation that would be subject to its own governance arrangements. Again, based on the evidence they gathered Beckford Consulting did not recommend that this option should be pursued.

Option 3: Joint governance arrangements, whereby the PCC would become the Police, Fire and Crime Commissioner (PFCC) for both of the Fire and Rescue Services and the West Mercia Police and the Fire and Rescue Authorities would cease to exist. Based on the evidence they gathered Beckford Consulting recommended that this option should be adopted.

3.4 Key features of the change to joint governance arrangements detailed in the consultation document include the following:

- The report suggests these changes would lead to greater collaboration between the Police and the two Fire and Rescue Services.
- The report outlines anticipated efficiency savings that could be achieved from a single governance arrangement and through sharing resources and facilities.
- No changes are proposed to frontline officers or services.
- In future there would be a directly elected Police, Fire and Crime Commissioner.

3.5 If the decision is taken to pursue these joint governance arrangements these new arrangements will come into effect from April 2018, subject to Parliamentary approval.

Financial Implications

3.6 There are no financial implications for the Council.

Legal Implications

3.7 There are no legal implications for the Council.

REDDITCH BOROUGH COUNCIL

Council

24th July 2017

Service / Operational Implications

3.8   The consultation in respect of the governance arrangements for the Fire and Rescue Services was launched in June 2017 and is due to close on 11th September 2017.

3.9   A copy of the questionnaire that should be completed when responding to the consultation can be accessed in the full consultation pack (please see Appendix 1). Members may wish to refer to this when considering how Council should respond to this consultation process.

Customer / Equalities and Diversity Implications

3.10   There are no specific customer, equalities or diversity implications for the Council arising from this report.

4.   RISK MANAGEMENT

There are no specific risks to the Council arising from this report.

5.   APPENDICES

Appendix 1 – West Mercia Fire and Rescue Governance – Full Consultation Pack (June 2017)

6.   BACKGROUND PAPERS

'Commissioner Consults on New Fire Governance Proposals', information about the consultation process on the Police and Crime Commissioner for West Mercia's website accessible at https://www.westmercia-pcc.gov.uk/commissioner-consults-on-new-fire-governance-proposals/

AUTHOR OF REPORT

Name: Jess Bayley email: jess.bayley@bromsgroveandredditch.gov.uk
Tel.:   01527 64252 Ext: 3268

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John Campion
Police and Crime Commissioner
West Mercia

West Mercia Fire and Rescue Governance

Consultation Pack

I believe that by changing governance arrangements for our local fire services we can deliver more effective, efficient services to our communities.

By assuming the role of our two Fire Authorities we can significantly improve local police and fire services, whilst saving the taxpayer £4m a year.

I am consulting our communities and partners on these proposals and want to hear from as many people as possible before the closing date on the 11th of September. This pack is designed to give you all the information you need to understand the plans, the reasons behind them and to take part in the consultation. It contains:

- The commitments I would hold myself to as Commissioner for local fire services
- The business case setting out recommendations and evidence for change
- A Q&A document, covering questions that may arise as part of this consultation
- A copy of the consultation document

These documents are also available on my website, www.westmercia-pcc.gov.uk. Alternative formats of the consultation are available via my office on request.

For me, these proposals are about delivering the best long term results for our communities and our emergency services. Our Fire Authorities have laid some good foundations, but it's clear to me that our communities are not getting the most effective, efficient services they could. That can only be achieved by making this change.

By ensuring our police and fire services are collaborating and integrated as much as possible we can deliver better emergency responses, improve prevention measures, and increase information sharing between the services. It allows us to deliver necessary efficiencies in a way that protects the frontline, fully respecting and retaining the professional skills and knowledge within each service and geographic area, which I think is a key priority for our communities.

Thank you for taking part in the consultation.

John Campion, West Mercia Police and Crime Commissioner

John Campion
Police and Crime Commissioner
West Mercia

West Mercia Fire and Rescue Governance

June 2017

Foreword

I stood to become West Mercia's Police and Crime Commissioner because I believed I could improve the service our communities get from their police force. It is for the same reason that I believe we need to pursue the opportunity to move to a joint Commissioner for Police and Fire; in the best future interests of our emergency services and communities.

Our police and fire and rescue services both provide a vital safety net to our communities, who need to know those services are there when they need them; whether that's preventing emergencies, or handling them when they do occur. Both services help protect the most vulnerable people amongst us every day. Whilst their front line skills, training and equipment may differ, both services rely on hard-working officers who put themselves in harm's way to keep us safe.

These officers in both services also need the right structures, cultures and support services behind them in order to do their work to the best of their abilities. There are clear areas of common interest, but while we have seen a degree of service collaboration up to now, these areas of overlap are almost entirely unexplored when it comes to service integration.

As Commissioner for both policing and fire I would be uniquely positioned to build on the existing good work of our Fire and Rescue Authorities, going beyond our current limitations to make that integration happen in the best interests of our communities.

Integration and collaboration does not mean 'takeover'. I fully respect the unique skills and professionalism involved in the frontline services in each organisation and want to not only retain them, but develop the skills and capabilities in each service as much as possible, for the good of individual staff, the wider organisations and communities as well. Integration cannot and would not come at the expense of quality of service delivered, which I want to continue to improve.

> " I stood to become West Mercia's Police and Crime Commissioner because I believed I could improve the service our communities get from their police force. "

Each organisation has good foundations from which to build, but faces further challenges ahead in how it works. The need to maximise potential around effectiveness and efficiency in our emergency services has never been greater, but it can be achieved.

Beyond my tenure as PCC, this change in governance would bring benefits long into the future. For policing, the transition from Police Authorities to PCCs has meant more public accountability and engagement, more transparency, improved partnership working, things getting done faster, clearer holding to account processes and a strong community voice into our emergency service.

These benefits can all be realised around our fire and rescue services too, if we move forward from our good foundations, and embrace a new way of delivering the very best for our communities.

From improved HMIC reports to new technology - I am delivering on my promises as Police and Crime Commissioner. In this document I am putting forward the additional pledges I would expect the public to hold me to as a joint Commissioner for fire and rescue services, as part of a single clear, consistent and integrated plan.

> Now is the opportunity to take collaboration to the next level and deliver for our communities.

John Campion
West Mercia Police and Crime Commissioner

A safer West Mercia

Communities expect their fire and rescue services to be there when they need them, with the right skills and equipment to respond quickly to unpredictable circumstances. For me this is a fundamental requirement which cannot be compromised. I will keep our communities safe by ensuring this is always the case and build on that foundation, by improving collaboration and focusing on preventing emergency incidents from happening in the first place.

As Commissioner for fire and rescue services I would:

- Protect, and where possible improve the level of service our communities receive

- Ensure the right response to incidents is available at the right time, including incidents where multiple agencies are required.

- Ensure the best possible use of public money

- Reduce emergency demand, with a focus on education and prevention

- Back our officers with the resources they need to do their jobs effectively and efficiently

- Ensure our services work more closely with partners to improve community resilience

- Hold Chief Officers to account to ensure an effective, efficient service for our communities

Visit to the new shared police and fire Operations Communications Centre, currently under construction at Hindlip

A reformed West Mercia

Our fire and rescue services are hard-working, professional organisations that deliver a good service to our communities. However, their full potential for effectiveness and efficiency is harder to achieve within current governance and operational models. Limited collaboration with each other and the police force has gone on up to now, but this must be strengthened, deepened and accelerated if all our services are to deliver the best results they are capable of.

I want to build on the good foundations set by our Fire and Rescue Authorities to deliver modern, innovative fire and rescue services that lead the way nationally; whether that is in terms of emergency responses, back-office support functions or value to the taxpayer. However well these areas are performing now, it is only through proper and meaningful integration with each other that we can fully unlock the potential benefits.

As Commissioner for fire and rescue services I would:

- Maximise the potential benefits of integration between our police and fire and rescue services to improve the effectiveness, efficiency and resilience of services

- Ensure services are financially sustainable over the short, medium and long term

- Establish a formal alliance between Shropshire and Hereford & Worcester Fire and Rescue Services, to retain local identities and services whilst realising the potential benefits of scale and service resilience

- Improve relevant sharing of data between police and fire and rescue services. This would improve everything from emergency responses through to future planning

- Ensure a collaborative approach to training between our police and fire and rescue services, integrating training wherever appropriate

- Integrate resources between police and fire and rescue services to provide better services in rural areas

- Ensure our front line officers are supported by a world class back-office function

- Ensure a geographic spread of skills and resources

A reassured West Mercia

It is vital that our communities not only are safe, but feel safe as well. This element of reassurance is as important in fire and rescue considerations, as it is for policing and crime.

Our emergency services have a crucial role to play in our communities, beyond responding when there's an emergency. They play a central role as a part of the communities they serve every day. I want to ensure that is the case where our fire and rescue services are concerned.

I want to build on their current education programmes to really involve and empower communities to play their pivotal roles in preventing emergencies in the first place; whether that is around road safety, water safety or simple fire precautions. Giving people the opportunities to learn, think and take positive action around these kind of issues can be hugely beneficial to our fire and rescue services, and can certainly help our communities rest a little easier at night.

I also want to provide reassurance as Commissioner, ensuring our communities can have faith in me, as well as the Chief Officers I would hold to account on their behalf. I would ensure proper transparency, giving communities and partners the opportunity to scrutinise my work.

I would build a visible presence, working with local authorities and other partners to engage with our communities and provide a strong voice on their behalf, making sure their priorities are understood and needs are being met.

As Commissioner for fire and rescue services I would:

- Maintain and build on effective education programmes to prevent emergencies and provide reassurance

- Provide a strong voice for our communities, to ensure their priorities are understood and acted upon

- Empower communities to take more action to stay safe and prevent emergencies

- Have a visible, accessible presence for both our communities and our fire services, ensuring public accountability and community reassurance

- Work with partners to ensure the best possible results

- Be open and transparent with my work and decisions, to allow proper scrutiny and ensure public confidence

- Invite our councils to nominate local fire representatives to work with me, to support and enhance my work as Commissioner

John Campion
Police and Crime Commissioner
West Mercia

To contact your Police and Crime Commissioner:

John Campion
Police and Crime Commissioner
OPCC, West Mercia Police
Hindlip Hall, Worcester
WR3 8SP

☎ **01905 331656**

@ **opcc@westmercia.pnn.police.uk**

🖥 **www.westmercia-pcc.gov.uk**

🐦 **@WestMerciaPCC**

📘 **West Mercia PCC**

📷 **WestMerciaPCC**

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Sustaining Resilience, Exploiting Information, Enhancing Service

Initial Business Case considering the governance of

Shropshire Fire and Rescue Service

and

Hereford and Worcester Fire and Rescue Service

by the

West Mercia Police and Crime Commissioner

BC BECKFORD CONSULTING

Contents

Researchers and Authors:

Dr. John Beckford, Keith Elford, Professor Peter Kawalek

1: Executive Summary

1.1: Beckford Consulting was commissioned by the Police and Crime Commissioner for West Mercia (PCCWM) to consider the initial business case for the governance, by PCCWM of Hereford and Worcester Fire and Rescue Service (HWFRS) and Shropshire Fire and Rescue Service (SFRS).

1.2: Consultation was undertaken with the PCC, Chairs of the two Fire Authorities and the Chief Officers of HWFRS, SFRS and West Mercia Police (WMP), their deputies and other nominated key officers and officials and consideration given to the substantial documentation provided by all three organisations. Workshops including the political and officer leadership of the affected organisations were held to provide the opportunity for collective engagement and debate about the ways forward.

1.3: The review work took into account the three principal options available to the organisations:

- Maintain the status quo;
- Joint governance;
- Single employer.

1.4: We consider that there is a business case for a change to joint governance of the three organisations. The business case can be summarised as follows.

1.4.1: Enhanced collaboration between police and fire services in West Mercia would create an opportunity to enhance Public Safety and Community Resilience across the three counties, within current resources, at a time when funding is more likely to be further squeezed than increased. The effect will be to strengthen the long-term resilience of police and fire services in a rural region where maintaining local services is challenging. It will create potential efficiency gains of £4m per year plus.

To achieve these outcomes, collaboration should include:

- Joint leadership and strategic planning, ensuring that collaborative activity is systematic, committed, and intentional;
- Shared enabling services, supporting and removing barriers to collaboration; allowing efficiency gains; tailored to the needs of the three services, distributed and integrated;
- Enhanced, front-line operational collaboration.

1.4.2: Features of operational collaboration would be likely to include (for example):

- A shared control room;
- Routine sharing of stations and other assets;
- Routine sharing of resources in the management of a variety of situations including RTCs and missing persons incidents,
- Intelligence sharing;
- An expansion of the PCSO/RDS scheme.

1.4.3: In our judgement, joint governance offers the best route to achieving these outcomes because, in contrast to maintaining the status quo, it simplifies decision-making. A single governance and decision-making forum creates a focus for ambition and drive, and makes it easier to create clarity of strategic direction. The appointment of a PFCC offers clear accountability to the public for the desired outcomes and makes it easier to remove barriers and bureaucracy:

- Whilst the current governance arrangements provide good ambition and solid foundations, maintaining the governance status quo (and its associated trajectory) would not deliver the available efficiency and economic gains and with continuing pressure on public finances it will become ever harder for the individual organisations to sustain resilient services;
- Attempting to bring the organisations together through a single entity, single employer model would offer only marginally greater benefits while introducing significant complexity, tension and organizational disruption with the potential to threaten public safety or community resilience and confidence in the services;

In contrast to the single employer model, joint governance achieves the required level of focus and purpose without the costly, complex, time-consuming, controversial and potentially distracting process that model would inevitably involve.

1.4.4: The joint governance model provides:

- Gains in Efficiency arising from joint governance will enable the three organisations to deliver and sustain their services at a lower Economic cost than is currently the case;
- Effectiveness and Resilience in ensuring Public Safety by all three organisations can be most readily enhanced across these three rural counties through shared governance and maximizing joint working and collaboration;
- Maintenance and promotion of established brand identities within the context of a FRS alliance;
- Greater synergies delivered through simpler, aligned decision making;
- Gains in Efficiency of processes and structures across the three organisations can be realized through a substantial increase in both the volume and nature of collaborative working, particularly in the areas of Prevention, Public Safety and Community Resilience. This can be further supported by consolidation of back office and enabling services provision. In each case a strong focus on enhancing value for money and rapid delivery of benefits will be important;
- Greater and accelerated collaboration;
- Geographically distributed, integrated and tailored shared services;

- New technology will offer potential for extending collaboration and many of the initiatives already in course of delivery will create potential for Police and Fire to function more flexibly and cohesively;
- Initial financial implications are potential savings in a full year of £4m. Implementation costs will be driven by the delivery strategy adopted by the PCC and the Chief Officers;
- Actions and decisions of the PFCC would be subject to public scrutiny by the local authorities' combined Police and Crime Panel.

It is important to note that any savings could be from across all three organisations. They would contribute to current savings requirements.

1.5: It is important to state that there is no criticism offered of the performance of the existing governance or organisations in their current form. We have not become aware of deficiencies in any dimension of their performance which would cause us to consider that there is a failure or risk of failure to overcome. The argument presented is rather that there is an opportunity for more to be achieved on the same resource base by working together under joint governance and a co-developed plan than by working separately.

1.6: An initial view of an implementation plan proposes that the organisations accelerate their rate of collaboration in the period leading up to a change in governance (subject to parliamentary approval) which would occur in April 2018. During this period critical projects currently in course (some of them joint) will be completed and working properly.

Thereafter, as governance changes take effect and deliver modest immediate savings, the PCCWM can work with WMP, HWFRS and SFRS to prepare a full implementation plan for delivery over the subsequent years which will need co-development with a transformation plan already in development by WMPCC, each influencing the content of the other.

2: **Acknowledgements**

We formally acknowledge the helpfulness and willingness of the political leaders of all three services, their Chief Officers, Deputies and other Officers and officials in preparing this work. Help and information were provided without hesitation or query enabling us to work rapidly and efficiently. Our thinking has been challenged and tested by these individuals and they contributed substantially to an open, transparent process.

We thank the staff of the PCCWM for their support and assistance throughout the process.

All parties have been friendly, open, supportive, prompt and efficient.

3: **Preferred Option (Brief)**

3.1: We consider that there is a business case to be made for the joint governance of West Mercia Police, Hereford and Worcester Fire and Rescue Service and Shropshire Fire and Rescue Service.

3.2: To deliver the option will require:

- Change of the PCC to PFCC for West Mercia;
- PCC becomes the Fire Authorities for HWFRS and SFRS;
- Maintenance of the Fire and Rescue Services as separate entities each under their own Chief Officer;
- Extension of the staffing and functions of the PCCWM to incorporate the statutory, reporting and administrative obligations and functions of the existing Fire Authorities;
- Adoption of an alliance command and leadership structure;
- Development of a shared/integrated Policing, Crime, Fire and Rescue Plan;
- Development of joint Police and Fire services for prevention and public safety activity;
- Exploitation of investment in information and related systems and technologies;
- Acceleration of collaborative working;
- Finalisation and realisation of the indicative costs and benefits identified herein.

3.3: We consider that this option has the potential to increase public safety through collaboration and efficient resource utilisation. It will thereby enhance community resilience while limiting the risk of organisational cultural barriers and resistance. We believe that joint governance can increase effectiveness by removing potential barriers to much higher levels of collaboration and reducing risk of resistance from some quarters. It offers the greatest potential for significant efficiency gains while the cost of implementation is expected to be low compared to the single employer model.

4: **Research and Engagement Process**

4.1: It was clear from the outset that if any change were to arise from the exploration of this business case then shared development of that change and engagement and collaboration by all parties throughout the process would best support its implementation.

We therefore undertook two processes in parallel:

- Collection and collation of organisational data concerned with structures, establishments, budgets, financial plans, information systems, core contracts and both ongoing and planned projects and changes;
- Semi-structured interviews with the PCC, the Chairs of the Fire Authorities, Chief Constable and Chief Fire Officers, their Deputies and Assistants and nominated officials. These particularly included understanding the process and impact of ongoing projects and the process and impact of existing collaboration activity (so that in neither case would financial benefits be double counted).

4.2: The purpose of these interviews was to provide maximum opportunity for the individuals concerned to express their views, ideas and concerns about the question under consideration. It served to allow them to be fully involved in the discussion about possible options, the rationale for those options and to raise any issues of particular concern.

4.3: Once completed, the outcome of this process was brought together with our interpretation of the strategic intentions of the three organisations, the organisational structures and financial data. The whole was then assessed by us against the three principal options.

4.4: Our initial findings were informally explored with the PCC and subsequently presented to a meeting of the leaders (political, officers and officials) of all three organisations. Essentially well received the leaders expressed concern that the business case should rest more heavily on the issue of sustainability, organisational resilience and the potential to improve the community outcomes of the three services and less on the potential for financial savings. It was considered that such savings could be achieved while there was debate about both timing and quantity.

4.5: A further round of discussions and interviews was undertaken as was a second 'all organisations' meeting to discuss the draft business case prior to its formal submission to the PCCWM.

5: **Options Considered**

5.1: **Options**

Consistent with the research proposal and with APACE[1] guidance provided we considered three options:

- Sustain Current Trajectory;
- Single Employer Model;
- Joint Governance.

5.1.1: These were all judged against the assessment requirements in relation to Effectiveness, Public Safety and Community Resilience, Efficiency and Economy and our considerations included political and cultural factors as well as the ease of implementation. We also considered the 'Treasury 5 case' analysis in reaching our recommendation.

5.1.2: It is important to reiterate that there is no criticism offered of the performance of the existing governance or organisations in their current form. We have not become aware of deficiencies in any dimension of their performance which would cause us to consider that there is a failure or risk of failure to overcome. The argument presented is rather that there is an opportunity for more to be achieved on the same resource base by working together under joint governance and a co-developed plan than by working separately.

5.2: **Sustain Current Trajectory**

5.2.1: Sustaining the current trajectory means proposing no change in the governance arrangements of the respective services. The three organisations would continue to pursue existing collaborative projects and to develop further such projects and activities in a manner consistent with their individual plans and strategies.

5.2.2: This is not a 'do nothing' strategy as while the three organisations would persist with their existing separate governance and command structures, there is collaborative and joint working in place or being established which will change the way they are. There is strong aspiration in respect of collaboration but we did not, from the information presented, identify specific, measurable financial or other benefits to be achieved nor expected delivery dates with the exception of the shared OCC at Hindlip. It is possible that these are reflected in project plans and budgets for individual areas.

5.2.3: Sustaining the current trajectory would not prevent enhancements to Public Safety and Community Resilience it would not necessarily enhance service outcomes beyond current plans and expectations. From an Effectiveness perspective it would neither enhance nor enable further and deeper collaboration and it would equally not stimulate either process Efficiency improvement or Economic gains.

5.2.4: The option would offer a number of apparent short term advantages. It would cause no disruption and incur no implementation costs nor would it be anticipated to have any employee relations impact. Plans currently on course to deliver savings would not be disrupted. Politically it would no doubt be viewed differently by different observers. The brands of the three organisations are well known and respected in their communities and these would be sustained under this option. Because the organisations do not need to integrate to collaborate, this option would avoid the, potentially disruptive, need to align differing organisational cultures, behaviours and disciplinary and employment structures. The approach would not inhibit interchangeability or sharing of appropriate resources but neither would it encourage or facilitate it.

5.2.5: A number of disadvantages would also arise. First of these is that the directness of accountability to the public would not be enhanced as it would be with a Police and Fire Crime Commissioner. Current collaboration, which is acknowledged by the organisations to be slow and limited in progress, would not be stimulated and it is thought unlikely that existing or envisaged services would be enhanced. There are a number of areas where potential collaboration opportunities are not currently being realised. These include each benefitting from the insight and expertise of the other in relation to service delivery around:

- Search;
- Rescue;
- Missing persons;
- Road traffic incidents;
- Prevention activity;
- Supporting the most vulnerable;
- Youth engagement;
- Community resilience.

5.2.6: Shared enabling and support services may realise significant performance and delivery cost gains. It is important that in working together the statutory responsibilities of each and particular expertise are brought together through a fully joined up understanding.

5.2.7: The success of the Fire and Rescue Services over many years in reducing incidents through the public safety and prevention campaigns means that the cost of sustaining the services and maintaining their effectiveness becomes harder to justify the scale of the organisation. There is a threat to their effectiveness, sustainability and resilience if opportunities for efficiency and economic gains are not actively pursued. Similarly, doing nothing would inhibit the realisation of potential from the collective investment in information and communications technologies. It will be essential to ensure first that the systems provided to Police and Fire are fit for the specialist purposes for which they are needed and second that they deliver increased value for money.

5.2.8: Although not a critical factor, it is worthy of note at this point that West Mercia Police already has an alliance with Warwickshire Police and it may be that

advantage can be gained through that for all parties. The existing alliance with Warwickshire Police will hamper neither this project nor the creation of shared services that would in the future support West Mercia Police and Fire Services. However, it is important to remember that the geographical and political boundaries around these services are not common with those of the fire and rescue services.

5.2.9: We cannot recommend this option.

5.3: Single Employer Model

5.3.1: Under the single employer model (SEM) the WMPCC would take over the governance of the Fire Authorities and, subsequently, West Mercia Police, HWFRS and SFRS would be merged into a single organisation. This would have a unified command structure with Police and Fire being divisions within that single organisation. A single Chief Officer, drawn from either a Police or Fire background would be appointed to lead the organisation.

5.3.2: The SEM would offer potential benefit to Public Safety and Effectiveness by enabling further collaboration and possibly better resource utilisation which could help to ensure the sustainability of police and fire services. It would remove institutional and legal barriers to maximising collaborative working and offer greatest potential for process efficiency and economic gains.

5.3.3: However, it is possible that staff and their representative bodies from all three organisations could be resistant to such a change and, as such, would be likely to delay and limit the realisation of, the benefits of such a change and might impart risk to public safety and service effectiveness. Effectiveness could be further inhibited through the need to overcome existing cultures and behaviours and build a single culture in a new organisation. The effort required to overcome such resistance to change might easily outweigh the advantages sought. We would anticipate that the overall economic cost of implementing this approach, both direct and visible and indirect and invisible would be greater than for the other two options.

5.3.4: The SEM would offer some potential advantages. The clear command and control structure would be simple and easy to understand (for employees and public alike), would be constitutionally very simple and would offer clear political and leadership accountability. The approach would potentially offer the greatest and fastest headline economic gains and maximisation of benefits. Seen by some as an 'inevitable destination' through flexibility in use of resources it would contribute to the resilience and sustainability of the services.

5.3.5: The disadvantages of the SEM approach seem to us to outweigh the advantages. The newly combined organisation would need to invest first of all in establishing a shared identity for both public and employees. It would require investment of substantial resources in establishing equality of work and pay, pensions and other employment benefits, and thereby impart risk to current

financial and business models. It would need to support this with full alignment of the financial models, equalisation of the precepts and balancing of liabilities. There would be a number of difficulties in the implementation process including cultural, behavioural and employee relations concerns, and potentially some lost work. These issues would certainly lead to negative impact on effectiveness in the short to medium term and inhibit the development of a new, single, shared identity for the organisation.

5.3.6: Compounding these aspects there are a number of other issues with which the SEM would have to contend including enforced ICT integration at pace. Failure of the business critical systems underpinning service delivery would risk unacceptable outcomes for public safety. Such failure potential becomes increased when systems are merged, renewed, updated or refreshed.

5.3.7: The WMP are currently delivering a number of significant projects (with Warwickshire Police) and have a transformation programme emerging. In parallel the HWFRS Control Room is co-locating in 2018 to share physical space with the WMP Control Room. This will be a useful test for both organisations.

5.3.8: There would be concern about the loss of the two FRS brands which are both respected and valued, and in particular that concern would be about the loss of local identity in the merged organisations. Similarly WMP have a well-established brand and a clear public understanding of their role. For all organisations this understanding might be threatened by full merger. This would at least appear to contradict the attempt to increase direct local accountability.

5.3.9: We cannot recommend this option.

5.4:   Joint Governance

5.4.1: Joint governance would mean, as a minimum, that the PCCWM becomes the PFCCWM and the role of the existing Fire Authorities would cease. The PFCCWM would provide political leadership to all three services as well as fulfilling the role of employer for Fire and Rescue Services across Herefordshire, Worcestershire, Shropshire and Telford and Wrekin. The existing alliance with Warwickshire Police need not be affected by this change. There can be little doubt that establishing a new mechanism of governance across the three services will present challenges of organisation and compliance, though these will be less demanding than would be the case for a single employer approach.

5.4.2: Under this political leadership, all existing duties, responsibilities and obligations of the existing Fire Authorities would be absorbed into the PCCWM. The identities of the existing three delivery organisations would be sustained but would be brought together in an 'alliance' command structure with a Chief Constable and two Chief Fire Officers. Given the existing police alliance with

Warwickshire it may be that some further elaboration of the structures and more extensive collaboration would be achieved

5.4.3: We would suggest that operational efficiency would be enhanced by bringing delivery of all three West Mercia services together through the Control Room at Hindlip whilst resilience would be maintained by ensuring that there are adequate control facilities in each part of the WMPCC area as well as those in Warwickshire

5.4.4: While the PFCC would be responsible for developing an appropriate Police and Crime Plan and a Fire and Rescue Plan, we would suggest that the overall activities can be thought of in four major blocks: Policing; Fire and Rescue; Public Safety and Prevention; and Enabling Services. Community Resilience is integral to each of these four blocks. The first three of these would accelerate and increase joint working and collaboration, particularly around the Public Safety and Prevention thread through which much benefit might be derived. Enabling Services covers all those back office and support services essential to the operation of the other three. Joint working should produce gains in both effectiveness and efficiency with some economic benefit but perhaps that will be absorbed in sustaining resilience. Enabling services on the other hand should produce efficiency, effectiveness and economic gains through better use of shared systems, common approaches and joint procurement where that is appropriate.

5.4.5: We believe that this approach offers the potential to deliver gains in Public Safety and Effectiveness comparable with those of the SEM whilst reducing the risks of resistance and disruption that might arise from that approach. Joint command removes many of the organisational barriers to increasing collaboration while, again, minimising the risk of resistance. It offers as much potential for gains in effectiveness, efficiency and economy while having a lower cost of implementation and a lower risk profile than the single employer model.

5.4.6: The advantages of this option include supporting the sustainability and resilience of all services across West Mercia through fuller, faster collaboration and joint working together with additional interchangeability and sharing of some resources. These should translate to further and faster development of better services to the public. There will be fewer barriers to progress than with the SEM and the common command structure will enable a 'best fit' principle to be applied to the major strands of activity, allowing the deployment of the most appropriate or the nearest resource depending on the particular circumstances. While it might be argued that similar benefits are possible under either the existing arrangements or joint governance, the history and experience of such arrangements both within West Mercia and more broadly, shows that these are unlikely to be realised.

5.4.7: Sustaining the three separate organisations will cause a little extra work at PFCCWM level but that will be compensated for by maintaining the local connection with the level of spending and precept and thus the local accountability of services. Whilst the two FRAs have provided solid foundations

from which to build, expanding the work of the PCC to include Fire and Rescue will improve public visibility, accessibility and accountability of Fire and Rescue governance.

5.4.8: This option will also enable the greatest benefit to be derived from the adoption of ICT developments especially around prediction, planning and flexible working with the organisations able to blend specialist knowledge, systems and equipment where necessary with generic knowledge, systems and equipment where that is most appropriate.

5.4.9: The disadvantage will initially be the absence of a 'single command' at Chief Officer level and it may be that the economic gains are slightly less than they might otherwise be. Whilst over time a single Chief Fire Officer and command team for an alliance of two fire and rescue services may be desirable, additional strategic capability will be needed through the early period. We believe that the principal driver in this large, very rural area needs to be on sustaining the resilience and effectiveness of the services. The alliance working will need to develop a clear financial model so that costs and benefits are shared appropriately. The cost of doing that should be outweighed by the benefits.

5.4.10: The development of a shared enabling services function must be handled carefully. It must be recognised from the outset that the Chief Officers, working with the PFCC must take responsibility for creating an enabling services function that meets all of their needs. Explicitly that means it needs to be the most effective in providing support not simply the cheapest.

5.4.11: We recommend this option.

6:   Joint Governance: 5 Case Analysis

6.1:   Background

6.1.1: West Mercia Police is governed by the Police and Crime Commissioner for West Mercia supported by a Deputy and a Chief Executive, Treasurer and other governance functions. West Mercia Police is led by a Chief Constable and Deputy and delivers its services through an alliance with Warwickshire Police which has a matching senior command structure. The senior alliance officers are Assistant Chief Constables, the officials are Directors. It should be noted that provision of fire and rescue services in Warwickshire is not a consideration of this business case. The alliance is included because of its implications for the change under consideration.
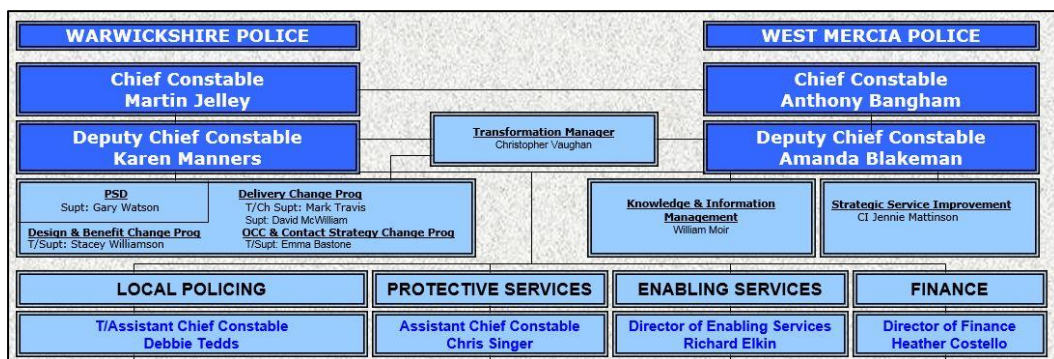

Figure 1

6.1.2: The police alliance extends to both Local and Protective Services policing which may have practical implications for collaboration between Police and Fire & Rescue Services in Herefordshire, Worcestershire in particular (having a shared boundary with Warwickshire Police) though less so for Shropshire.

The existence of the Police Alliance creates no substantive issue that we have identified

6.1.3: Of direct relevance to the change under consideration are three elements of the alliance structure. Warwickshire Police and West Mercia Police share a single Director of Finance and common Finance function and a single Director of Enabling Services (Procurement, Training, HR, ICT) and common support functions. This means that some of the benefits of shared services may have already been realised. In the event of a change in governance there will be a need to adapt those shared services to accommodate new approaches, behaviours and processes that might arise. There is also an alliance role of 'Transformation Manager' with responsibility for design and delivery of future policing. The existence of established integrated support functions may make the absorption of additional processing more straightforward (though it is recognised that there may be significant variation in some aspects). Similarly, it may be that the style of delivery and performance standards may need to be

reviewed. Along with WMP and Warwickshire Police, HWFRS outsources most of their property management functions to a contractor, PPL, in which it also plays a role in ownership and governance. WMP also outsources payroll operations.

6.1.4: The alliance has a number of significant projects in course and care will need to be taken not to disrupt them from, on time, to standard, delivery in this process of potential governance change. These projects include major ICT upgrades and a new control room in particular (shared with HWFRS).

6.1.5: West Mercia Police has an establishment of 2086 police officers, 2381 police staff and 403 specials. In the year to January 2017 WMP attended 142824 incidents of all types of which 81772 (57%) were related to Public Safety and Transport matters rather than reported crime. WMP Budget (2016/17) was £207.5m net with a savings target across the alliance for 2017/18 of £5m and a further £11m in 2018/19.

6.1.6: Hereford and Worcester Fire and Rescue Service is governed by Hereford and Worcester Fire Authority. The Authority is made up of 25 Councillors (6 from Herefordshire, 19 from Worcestershire) who conduct the political governance functions and are supported by 2 support staff plus legal services, monitoring and treasury. The Fire and Rescue Service retains its own finance, HR and other support functions. HWFRS is headed by a Chief Fire Officer supported by a Deputy CFO responsible for Service Support, Assistant CFO responsible for Service Delivery and a Director of Finance who is also Treasurer to the Fire Authority. There is an independent head of Legal Services who acts as Clerk and Monitoring Officer. With WMP it outsources most aspects of its property management to a contractor, Place Partnership Ltd (PPL), in which it also plays a role in ownership and governance.
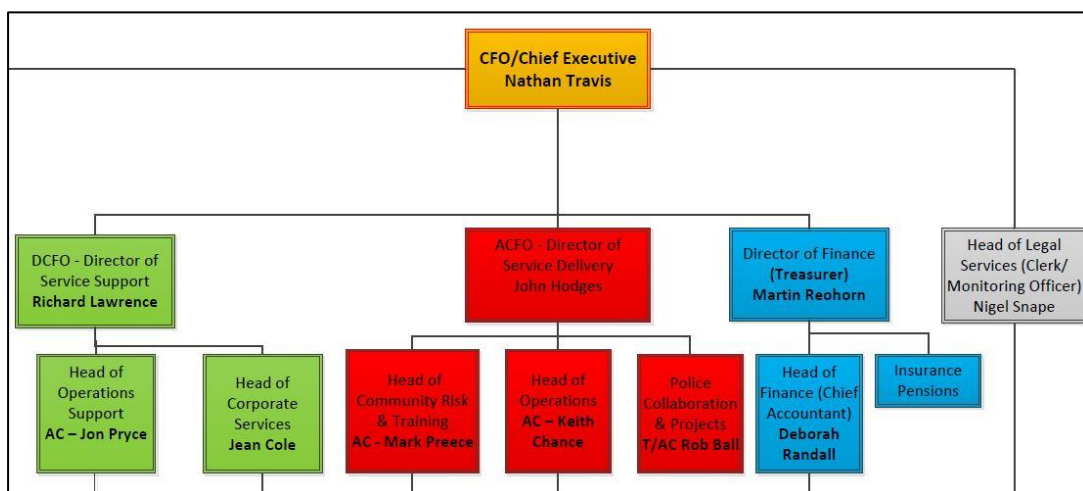

Figure 2

6.1.7: Around 80%[2] of the established, 757 person, HWFRS workforce are firefighters and of these 387 are retained firefighters, reflecting the rural nature of the location. HWFRS has 27 Fire Stations of which 8 have whole time crews available serving a population of around 750000. In 2015/16 HWFRS attended 6459 incidents (in relation to 9346 emergency calls) reflecting a 'continuing downward trend'[3] Of calls attended, 1920 were in relation to Fire, 3050 were false alarms for various reasons, 1489 were for special services including 648 road traffic collisions. HWFRS aims for a response time to life threatening incidents of 10 minutes.

6.1.8: HWFRS is undertaking a number of change and transformation projects. In addition to the development of the joint control room with WMP it is, like all emergency service organisations, working on the Emergency Services Network and Public Services Network projects, it has also transferred operation of its payroll to Warwickshire County Council. It has also commenced working on collaborative projects with Warwickshire Fire and Rescue Service and on a 'blue light hub' in Wyre District. A project to renew Evesham Fire Station is now completed and work continues on a similar project in Hereford.

6.1.9: HWFRS has a budget of around £32m (2016/17) and is aware that it needs to generate further savings of £1.6m by 2019/20

6.1.10: Shropshire Fire and Rescue Service is governed by Shropshire and Wrekin Fire Authority. The Authority is made up of 17 Councillors who conduct the political governance functions and are supported by a treasurer and part time support staff with most functions outsourced to the Local Authority. The Fire and Rescue Service retains its own finance, ICT, HR and other support functions. SRS is headed by a Chief Fire Officer supported by a Deputy CFO responsible for Service Delivery and Training, Assistant CFO responsible for Corporate Service (HR, ICT, Planning and Performance), Head of Finance and Head of Resources.
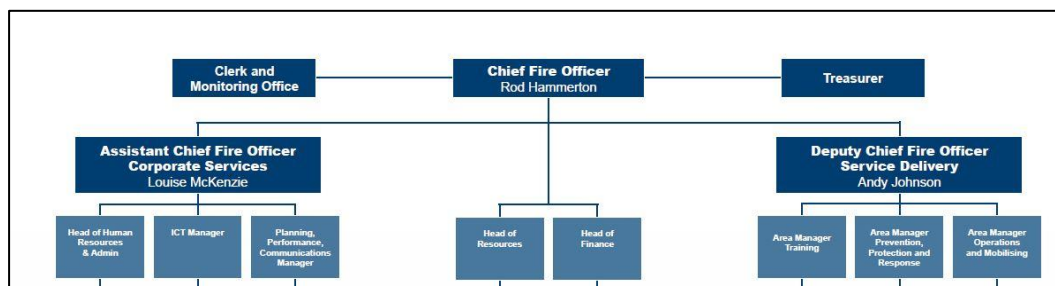

Figure 3

6.1.11: SFRS has an establishment of 640 of whom 79%[4] are firefighters (177 whole time and 332 retained. This proportion again reflects the very rural nature and widely distributed population of Shropshire. SFRS has 23 Fire Stations of which 3 are permanently staffed and serving a population of 473000 in England's

largest county. While SFRS[5] has a clear focus on prevention it attended 3956 incidents in 2015/16. Of these, 1234 were in relation to Fire, 1688 were false alarms for various reasons, 1034 were for various special services including 267 road traffic collisions. SFRS aims for a response time to life threatening incidents of 15 minutes.

6.1.12: SFRS has delivered service efficiency gains and reviewed its Telford site to improve its utility for SFRS and local resilience. A number of other operational improvements have been delivered in relation to people and systems in particular.

6.1.13: SFRS had a budget of £21.7m in the 2016/17 year and knows that continuing work will be required to deliver and maintain resilient services against future financial constraints.

6.2:   Strategic

There are three major strategic opportunities that can be addressed through the proposed joint governance arrangement.

6.2.1: The first is that the organisations can accelerate collaborative working in the delivery of front-line services, in particular of the Public Safety and Prevention activities and tie these down to both process outcomes and financial objectives. The counties of Herefordshire, Worcestershire and Shropshire are large with significant rural areas and low population density. Travel across the area can be slow with limited motorways and dual carriageways and effective provision of services will always demand locally based capability. As pressure continues on the cost of service provision in the future collaborative working between services will be the most cost-effective way to sustain service resilience and effectiveness.

6.2.2: As all three organisations continue to deliver the same levels of service on lower budgets there will come a point where the existing business and service delivery models have been refined and reduced to their limits. At that point the services will need to consider reductions in service and/or variation in service response times. Joint working and collaboration will encourage the redesign of services and challenge the organisations to develop transformative ways of working to deliver the same services on a lower cost base and obviate the need for service reductions.

6.2.3: As well as front line services enabling services can similarly be transformed. Currently, WMP has its enabling services largely shared with Warwickshire Police with property management outsourced to PPL. SFRS buys in a variety of services from the local authority in Shropshire while retaining some of its own capability. HWFRS buys in some services from Warwickshire County Council and PPL while again retaining some internal capability. The proposed change to joint governance of the three organisations generates the opportunity for a rapid and rigorous reappraisal and redesign of the provision of all enabling

services embracing organisation, structures, processes, information and behaviours. These should be redesigned around the needs of the three organisations taking account not just of short term efficiency and economic gains but, particularly, the most effective ways in which such services can and should be delivered to three highly distributed organisations operating multiple shift systems throughout the week. Procurement and scale efficiencies can result. There is an opportunity to offer services which are locally distributed while retaining the benefits of centralised provision of the information, systems and technologies which underpin their delivery. Police Officers and Fire Fighters are on duty 24 hours per day, 7 days per week, enabling services can be provided in a manner that supports this demand with additional flexibility and efficiency.

6.2.4: It will be important to remember in undertaking such work that it will undoubtedly be possible to deliver economies through greater working at scale, consistency and homogenisation of certain aspects of, for example, training and equipment. It will be equally important to recognise and support those areas where specialist technical expertise or dedicated and specialised equipment is essential to the provision of an effective service. It will be one of the tasks of the Chief Officers to ensure that these are recognised and sustained.

6.2.5: The third major strategic opportunity rests in the potential to exploit investment in an information-enabled future. Substantial investment is already being made by WMP, Warwickshire Police and HWFRS in the new Hindlip control room together with a range of supporting investments in new infrastructure, hardware and software. While SFRS[6] has and is making investment in ICT, the opportunity exists for it to join with the joint control room facility and for all services to align around the most appropriate software and technologies. This will be consistent with the development of the Emergency Services Network (ESN) and Public Services Network (PSN) infrastructures. New Information and Communication Technology (ICT) allows for new ways of working both in operations and in supporting and enabling services. Examples, in which both the statutory responsibilities and management of delivery will also need to be aligned, include:

- prediction of service demand;
- utilisation of 'big data';
- more flexible despatch and control;
- utilization of drones and other robotics;
- deployment of staff on areas of new demand such as dementia care, missing persons preventative services and support for the most vulnerable.

6.2.6: The public value benefits of both efficiency and effectiveness will increasingly require that ICT is understood to provide a common public safety platform. Shared costs can be reduced and collaboration can be further enhanced. Public value, over time, will inevitably require, indeed rely on, the effective sharing of

data across organisational boundaries and that need on its own is sufficient to necessitate new governance arrangements.

6.2.7: Joint governance and the data sharing enabled by changing ICT provision will also enable the identification of points of acute public need and the use of shared resources to respond to them. This will ensure the delivery of benefits of collaboration particularly in rural areas where delivery resources are sparse.

6.2.8: All that said, the focus of ongoing investment in ICT needs to be focused very clearly on the 'I' rather than on the C and T. The systems exist to deliver information to those who need it to support the decisions they are charged with taking and for which they will be accountable, there is an obligation to ensure that they are fully informed. The starting point for consideration in this area is to ask 'what do we need to know to make the decisions we need to make?' The role of the C&T is to provide that information. Information-focused processes need to be designed which deliver that information, are enabled by the technology and support devolved decision making to largely, distant officers operating with high autonomy.

6.2.9: All that which has been said above is consistent with the existing direction of travel both of the organisations under consideration but also across the public sector as a whole. At present collaboration is inhibited, in particular, by the multiple governance bodies (albeit unintentionally) and by the organisational barriers those arrangements render necessary. The proposed changes will support and enable significant acceleration in the substance and rate of transformation in the direction currently considered by Chief Officers and the design and delivery of a more coherent, integrated public service over a shortened timescale.

6.3: **Economic**

There are three principal areas in which public value can be directly improved through the proposed change.

6.3.1: The first and most readily available is through **reduced governance costs**. The combined direct governance costs of the SFRS and HWFRS Fire Authorities amount to around £577k in the 2016/17 financial year. It is estimated that these costs can be reduced by not less than £250k per annum from April 2018 through elimination of the existing member costs, around £136k and redesign or integration of the processes and structures of supporting services with those already borne by the PCCWM where a further benefit of at least £110k is anticipated. There will be some transitional costs to bear for the whole programme which will depend on the implementation strategy adopted.

6.3.2: It is proposed that the PCCWM would invite a small number of representatives from across the counties to offer and assist in sustaining local understanding after the change.

6.3.3: The second, and potentially most significant area of economic gain is in the **provision of enabling services** to the constituent organisations. We consider that through consolidation of activity, process redesign and the elimination of non-value adding activity a gain in the order of 25% of current combined costs is achievable. The benefits case for the change will need to take account of any committed cost reductions deliverable before the proposed governance change in April 2018 to avoid double counting benefits.

6.3.4: Across the four organisations affected here (including Warwickshire Police through the alliance), some 628 employees, 11% of the combined total, are employed in these areas which cover Chief Officers and their Deputies, Transformation, Alliance Working, Business Support and Estates, HR, Training, Transport, ICT, Strategic and Operational Planning, Legal, and Internal Audit. 482 of these are employed in existing West Mercia and Warwickshire Police Alliance related roles. There may be an impact on some of these roles from the proposed change in governance which will need to be recognised in alliance arrangements. Adopting lean and other quality management approaches, through consolidation of structures, integration, transformational process redesign and more effective use of information, this can be reduced by around 25% to about 474 (8.5% of the combined total) over three years. The estimated reduction in annual cost is estimated at a potential £4m across the three organisations on completion. There is no impact on front line staffing from this element.

6.3.5: The cost of designing and implementation should be largely absorbable within the current cost base of the organisation (by redeploying existing staff) although it is likely that some facilitative external consultancy support will be appropriate. The PFCC will need to determine the pace of delivery of the change through natural wastage, non-replacement of leavers and, if necessary, redundancy and that will to a large extent determine the cost of reducing the headcount. The style and pace of transition plans will have a significant impact on any transition costs arising.

6.3.6: The third area in which economic gain can be made is in enhanced **collaboration and optimisation** at front line especially around Public Safety, Preventative activities and Community Resilience. We have not attempted to quantify the potential at this stage. Existing collaboration plans (beyond the shared control room at Hindlip) embrace a range of matters such as PCSOs cross-trained as firefighters (23 across the two FRSs), joint fire investigations, incident planning and training, some procurement, PPL (property management), sharing of buildings and co-location. The financial benefits of these are reported to be captured in local budgets. Future plans include joint Harm Hubs and Community Risk Teams, co-locations of commanders, shared training facilities, relocation of HWFRS to WMP HQ and some aspects of driver training, vehicle repair.

6.3.7: We believe that there is much scope to extend collaboration, particularly in relation to Public Safety (where FRSs have been particularly successful) and

Preventative activities and Community Resilience. Through that we would expect to see potential realised for elimination of duplication of action, for increased efficiency in the use of all forms of resources and gains in achievements of desired outcomes. To achieve this will require retention of substantial management and leadership capability at senior levels in all organisations. That leadership will need to identify and quantify barriers to collaboration and work out means by which they can be overcome

6.4: Commercial

The commercial case for this approach is closely tied in to three other cases, the strategic, economic and financial but two additional elements stand out from those.

6.4.1: The first element is that the strong brand identities of the constituent organisations will be retained. This will help to ensure that public recognition and appreciation is sustained, will maintain the local, distributed control that serves so well in these rural counties while delivering the shared support and enabling systems that deliver business efficiency in processes and financial management.

6.4.2: The second element is that direct political accountability is achieved while the local input is sustained through the adoption of advisory support to the PCC to ensure understanding of those things which matter to individuals and local communities.

6.5: Financial

6.5.1: The financial case needs to acknowledge the good work that has already been done and is in course of delivery by all three constituent organisations. While major projects are in course of delivery, WMP is working on its future transformation plan. HWFRS has identified the need to save a further £1.6m pa by 2019/20 and SFRS knows that similar proportionate savings must be achieved. All are rightly concerned to protect and preserve their front line services in Policing, Fire, Prevention and Public Safety. One of the means through which that might be achieved is by bringing together the governance as proposed herein and exploiting that for the business efficiencies and savings that might be generated.

6.5.2: This will not be an easy, trivial or comfortable task. Much work has already been undertaken and process efficiencies and economic savings delivered. The next stage will require courage and insight to draw on the latent capability of information systems to reduce costs through smarter working, eliminate non-value adding activity, reduce process cycle times, improve response times, reduce duplication and delay and promote greater autonomy in the administrative functions. Part of this may be achieved through extensions to 'self-service' capabilities in enabling services, part through more radical approaches.

6.5.3: Work so far has largely delivered improvement to existing systems, processes, procedures. Taking the next steps will require considering whether some processes are needed at all, whether greater decision discretion can be allowed to individuals within the organisational system, whether some systems, processes, activities and ways of working have run their course and can simply be stopped. This will require courageous, strong leadership at all levels.

6.5.4: We believe that the benefits profile (based on the outline implementation plan in section 6.6) is as follows:

	2017/18	2018/19	2019/20	2020/2021
Governance	£0	£0.25k +	£0.25k +	£0.25k +
Organisational	£0	£0.5m	£2.0m	£4.0m
Cumulative	£0	£0.75m	£3.5m	£7.75m

The benefits stated and costs recognised are focused only on revenue matters. There are some capital programmes in course of delivery or in planning which are included in collaborative working, or are outside the scope of this work. Once a determination on the governance question has been made it is recommended that the WMPCC revisits the capital programme and identifies additional areas of potential gain.

6.6:   Management

6.6.1: Delivery of the proposed plan will depend upon the hard work, determination and ambition of the Political leadership and Chief Officers of the three organisations. All have already demonstrated significant capability in this regard and it would be short-sighted when setting out on this task to reduce that capability at all. The task of delivering the change will be demanding and will rely on the engagement of the established leaders with their loyal workforces. Pursuit of this proposal will provide unity of energy and direction which will simplify the roles of the Chief Officers in meeting the expectations and demands of political leadership.

6.6.2: Although it may seem a luxury, our plan considers that each force should retain its own Chief Officer who will lead the change in the organisation and engage positively with the leaders of the other two. The proposed initial structure is set out in figure 4.
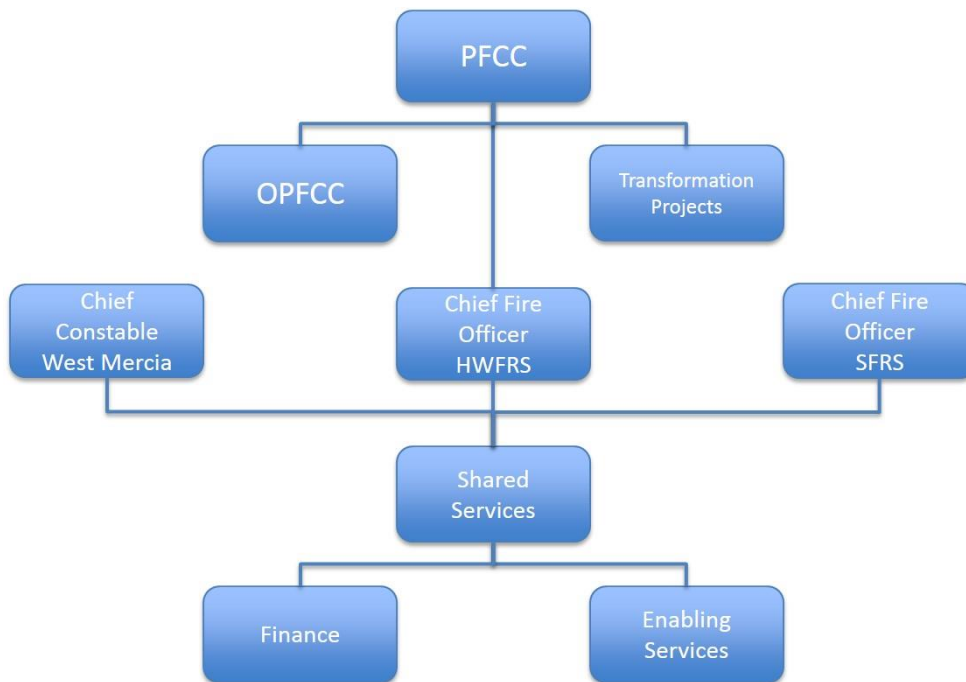
Figure 4

6.6.3: There will be key challenges for these leaders to deliver in the current year, particularly the shared control room at Hindlip and retaining leadership capacity will assist in not destabilising those challenges. For the future, the leaders will need to understand that transformation of their services is not an add-on to the daily duty, it is the daily duty. What they will be charged with delivering will be a different future and doing so will require them to exercise fully their skills in leadership, not managership or commandship. While there is no doubt that something would be achieved by giving instructions we believe that much more will be achieved by fully engaging every employee within the three services in the design and delivery of the change. They will need to build a share transformation team, to work out how that co-exists with the existing alliance activity and the collaboration and then work together to deliver a new way of working across process, people, information and technology.

6.7:   Implementation

6.7.1: In the year to April 2018 the focus will remain on accelerating compliance with the statutory obligation to collaboration between the services and the development of alliances which do not rely on assumptions about any possible change in governance for their achievement.

6.7.2: In the period before April 2018 the three services can focus on the acceleration of existing collaborative activities and coupling them to achievement of performance and financial targets. None of that is affected by governance discussions.

6.7.3: WMP and HWFRS will be completing delivery of the major projects currently in course and, again, the governance conversation must not be allowed to distract the attention of the relevant people.

6.7.4 In the period before April 2018 the three services could focus on acceleration of Police and Fire Collaboration. If the proposed governance change is confirmed then from April 2018 what would be the PFCC would replace the two FRAs, establish the advisory panel and bring into being formal strategic command of the three services. The PFCC with the Chief Officers could then consider the most appropriate means of providing joint command and control across West Mercia and develop integrated plans for transformation, for integrated enabling services and commence delivering those plans.

6.7.5: Thereafter, from April 2019, the PFCC would be expected to review the senior command and leadership teams, to begin to release any redundant posts and deliver the transformation plan.

7:   Collaboration

7.1:   Sustainable success in the proposed joint governance model will be realised through maximising effective collaboration across the three organisations to ensure a resilient, cost effective approach to public safety and prevention. This will also support the development and delivery of an integrated prevention agenda.

There is collaboration already in course between the three services which extends to:

- Prevention and protection;
- Cross-trained PCSOs, FRS Search and Rescue Dogs;
- Joint fire investigations and incident planning;
- Joint command and control (SFRS/HWFRS);
- Joint operational and management training;
- PPL (premises management);
- Some elements of procurement;
- Some sharing of buildings.

7.2:   Planned extensions to these existing collaborations include shared Harm Hub/Community Risk Teams, physical co-location of command teams, some shared training facilities and courses, some aspects of operational logistics around vehicle maintenance and driver training and the Public Services Network.

7.3:   Documentation reviewed in relation to these aspects showed strong aspiration but was less clear on potential public service benefits, economic benefits and realisation dates. Some of these are believed to be in budgets and project plans, however this mainly highlights the potential for a sharper focus on this area and for the delivery of quantified benefits on all matters.

7.4:   Meetings with Officers for all services and in the collective discussions provided the opportunity for consideration of additional areas for collaboration, the barriers that might exist and how they might be overcome. It was considered that a move to joint governance would enable joint strategic planning and enhance operational collaboration. Developing a shared enabling services model was also considered possible allowing efficiency gains while removing barriers. It was recognised that this would need to respect both the geography of the West Mercia area and be tailored to meet the needs of the services.

7.5:   A number of operational areas were also identified as having potential. These included reconsidering how to more frequently deploy RDS resources in appropriate circumstances. This might include working together more closely on youth engagement, mental health issues, and meeting the needs of vulnerable people, all of which could be supported by an ethos in the control room of 'doing the right thing' to meet the need, especially in rural settings.

7.6:   To achieve these ambitions will require connected thinking and action with a mutual understanding of the mechanisms for identifying and allocating all types

of resources. Of particular importance will be the sharing of information which will be particularly enabled through control room protocols.

References:

1: APACE Police and Fire Guidance Notes 13/2/2017

2 and 3: HWFRS Annual Report 2015/16

4 and 5: SFRS Annual Report 2015/16

John Campion
Police and Crime Commissioner
West Mercia

West Mercia Fire and Rescue Governance

Consultation Q&A

Will this mean I get a better or worse service when I need help from the police or fire crews?
In itself, a change in governance does not directly impact frontline services. It does not affect frontline firefighters or police officers and most things would stay exactly the same at first. One aim of bringing governance together is to make it easier for our police and fire services work together more to improve the service you get.

Will frontline officers be lost as a result of this?
No. If anything, this proposed change of governance would actually help protect frontline officers. Our police and fire services need to find efficiencies at the moment. Working together more would help them find those efficiencies in support functions, rather than on the frontline.

Will specialist equipment be lost from our police or fire services?
No. That would not be acceptable and is certainly not part of these proposals. Police and fire services would work more closely though on joint procurement and sharing best practice to improve resilience.

Would this mean a reduced presence or visibility from our police or fire services in local communities?
No. The PCC is already working to improve community visibility for police and would not compromise that for either service. In the future it could be that, for example, our police and fire services share more buildings, but they would still retain their community presence.

Would these changes mean a loss in local identity for our fire services?
No. Both fire services would still exist as individual organisations, as would West Mercia Police. The same local police and fire teams would be responding to incidents as we have now. Their names and branding etc. would not be affected and they would still serve the same communities they do now.

Will this mean that funding from one area, which currently goes to one service, could be used to prop up other services in different areas?
No – this could not happen. Each service would retain its own budget, income, expenditure and reserves. These would all be ring-fenced to each specific service and geographic area.

Would the fire services be merged together? Would they be merged with the police?
No, the services would work more closely together, but they would not be merged. This would help maximise the benefits of collaboration, without losing the identities, brands and public confidence of the organisations.

Would I still pay separate council tax contributions for police and fire services? Will they still have separate budgets?
Yes, because the organisations are not merging and still have their own ring-fenced finances. You would still pay an amount towards policing and a separate amount towards your fire service. From a public perspective, nothing significant would change in terms of how services are paid for via council tax or financed more broadly speaking.

What are the benefits here in terms of finances or efficiencies?
A change in governance would enable a saving of around £4m to the taxpayer. This would be from the efficiencies that can be achieved by our two fire services and our police force working more closely together and sharing more support functions.

Do our police and fire services need to save money? Would this change help with that or not?
Both our fire services and our police force have been well governed up to now, but they haven't worked together as well as they can. All three organisations do need to find further efficiency savings in the coming years. In percentage terms, our two local fire services are facing the largest savings targets of any nationwide. West Mercia Police is implementing savings of £9.5m this year, with a further £21.9m projected by the end of 2020/21.

These proposed changes in governance will not single-handedly solve these challenges. However, they would save an estimated total of £4m per year and help ensure that each organisation is squeezing as much efficiency from its back-office function as possible, and therefore offering some increased protection to frontline services.

Does the PCC have the experience to run fire services?
Much like the Chief Constable runs the Police force, there would still be a vastly experienced and professional Chief Fire Officer who would run their fire service as well.

These proposals are about governance – providing a strong voice for communities, holding those chief officers to account, ensuring the public get an effective, efficient service and making sure services respond to community needs. This is a role the PCC already fulfils for policing and crime and would be expanding to cover the fire services as well in the best interests of public safety.

What if there are major objections to these proposals, will they go ahead regardless?
If there are objections from top tier councils or there is not a local appetite for these changes they don't have to go ahead. The proposals would be independently reviewed and the final decision would rest with government.

Who is driving these proposals? The government or the Police and Crime Commissioner?
The Police and Crime Commissioner is the person driving this forward. The PCC commissioned the piece of work to look into the possibilities here and has ultimately decided

**John Campion
Police and Crime Commissioner
West Mercia**

there is a proposal which is worth exploring further in the best interests of public safety and services.

Is this just the Police and Crime Commissioner 'building an empire'?
This is purely and simply about what is best for our emergency services and our communities in the short, medium and long term. The recommendations for these changes have come from independent experts who have conducted an in-depth review of the current arrangements and what is possible going forward. If there was no prospect of improving effectiveness and efficiency then the PCC would not be pursuing these proposals.

How would this impact rural communities?
By getting the police and fire services to work together better we should be able to provide a better and more resilient service in our more remote areas.

What will happen to the Chief Officers who are currently in charge of the police and fire services?
These arrangements will not be affected by these proposals. Our police and fire services will continue to be run by experienced, professional officers who are experts in their fields.

If these changes make our emergency services more efficient, would that leave them vulnerable to the government reducing their budgets?
The PCC has lobbied the government for fairer funding for policing since his election and would continue that campaign if he was in charge of governing fire services as well. By being able to demonstrate to government that local police and fire services are as efficient as possible already, it would strengthen the case for fairer funding, with a particular focus on providing services in rural communities.

Is it less democratic to have a single person in charge of governance of our local fire services?
There are currently 40 local councillors who sit on the two fire authorities, who would be replaced by a single directly elected person if these proposals go ahead. Whilst these councillors are all elected, they are only elected to represent their wards. They are not elected to the fire authorities. Fire authority members are nominated by councils without consulting the public.

If these changes go ahead, in 2020 our communities would have the chance to directly elect a local Police, Fire and Crime Commissioner. Every voter would have an equal say. This proposal will increase the democratic accountability of our fire and rescue services.

Could we get better collaboration and integration between our police and fire services without this change in governance?
In theory it is possible, but the reality is that it has not happened. Collaboration between our police and fire services does go on, but it is limited and does not go far enough to maximise the possible benefits to our communities. A change in governance to have a single body

John Campion
Police and Crime Commissioner
West Mercia

overseeing all three organisations would help provide the catalyst to get this progress moving forward.

What are the alternatives to these proposals? Why aren't they possible?
There are a couple of alternatives.
1. Maintain the status quo of having a PCC and two fire authorities. This option would not realise any of the potential effectiveness and efficiency benefits of single governance.
2. Create a 'single employer', and have our police and fire services as part of one big organisation. This is not proposed as an option as it could blur the lines between policing and fire and could risk compromising the specific professional skills of each service.

Would our local councils still have a role to play in fire governance?
Yes, the Commissioner is proposing a system whereby each top-tier local authority would be asked to nominate fire representatives. These Councillors would help inform and support the PCC in his work.

How would this affect the police alliance between West Mercia Police and Warwickshire Police?
This would not have a direct impact on the policing alliance.

Are the ambulance services involved in this at all?
No, they aren't. They have indicated that they do not wish to be at this stage.

Communities have different relationships to their fire services than they do with their police. How would these changes impact on that?
This is acknowledged and these changes would not necessarily impact on that directly. The police will still be the police, fire services will still be fire services. This change in governance would not directly affect those community relationships, although with the Commissioner's responsibilities around community engagement, responding to community concerns and providing a strong voice for the public, if anything this change would hopefully improve relationships for both services and develop safer communities through effective, efficient collaborative working.

Who would hold the Commissioner to account if he were to take over governance of the fire services?
The electorate would still hold the Commissioner to account as at present. Currently the Commissioner is scrutinised by West Mercia's Police and Crime Panel. If these proposals go ahead, their role would also be expanded to become the Police, Fire and Crime Panel.

Will the PCC get paid any more for this?
The PCC's salary is fixed by Parliament. In time it could be that they review his pay, however this has not been discussed by any party at this point. This is not the driver for the proposed changes in governance, this is purely about the effectiveness and efficiency of our police and fire services.

John Campion
Police and Crime Commissioner
West Mercia

Who has made these recommendations? Can we trust that they know what they are talking about?

The PCC engaged independent business consultants to assess this issue. They included Doctors and Professors who are experts in their fields. The lead consultant has 30 years of experience working with businesses across the public, private and third sectors, reviewing their processes, organisational structures and operations in order to maximise their effectiveness and efficiency. The consultants gathered and analysed evidence, including from talking with senior police and fire officers, the local Fire Authorities and partner organisations, before presenting their conclusions.

**John Campion
Police and Crime Commissioner
West Mercia**

WEST MERCIA FIRE AND RESCUE GOVERNANCE

CONSULTATION

The Police and Crime Commissioner is proposing to take on governance of local fire services in Herefordshire, Shropshire, Telford & Wrekin and Worcestershire.

This would result in:

- Estimated £4 million annual savings through improved efficiencies.
- Closer collaboration between police and fire services.
- Improved resilience for ensuring public services.
- No changes to frontline officers or services
- A system of a directly elected Police, Fire and Crime Commissioner.

Q1 Do you support these proposals?

Yes ☐

No ☐

Q2. What are the main reasons for your answer to question 1? (Please tick all that apply).

Financial considerations ☐

Service resilience ☐

Levels of collaboration ☐

Replacing the existing Fire and Rescue ☐
Authorities

Other (Please Specify):

About You

Q3. In what capacity are you responding?

As an individual member of the community	☐	(**Please go to question 6**)
On behalf of a business	☐	**Please go to question 7**)
As an employee or volunteer of the police or fire service	☐	(**Please go to question 4**)
As a local councillor or on behalf of a local council	☐	(**Please go to question 5**)

Q4. Do you work for any of the following? (This can include in a voluntary capacity)

Hereford and Worcester Fire and Rescue Service ☐

Shropshire Fire and Rescue Service ☐

West Mercia Police ☐

Q5. Are you any of the following?

Town or Parish Councillor ☐   Unitary Councillor ☐

District / Borough / City Councillor ☐   County Councillor ☐

Providing an official response on behalf of the following Council [   ]

Q6. Please confirm your age

Under 18 ☐   40 - 64 ☐

18 – 25 ☐   65 and over ☐

26 – 39 ☐   Prefer not to say ☐

Q7 Please confirm which local policing area you live in (or are located in if you are responding on behalf of a business, organisation or a council)

Herefordshire ☐

Shropshire ☐

North Worcestershire: Bromsgrove, Redditch, Wyre Forest ☐

South Worcestershire: Malvern Hills, Worcester City, Wychavon ☐

Telford and Wrekin ☐

Other (Please specify) [   ]

THANK YOU FOR TAKING THE TIME TO TAKE PART IN THIS CONSULTATION.

Please post your completed questionnaire to:

John Campion, West Mercia Police and Crime Commissioner, Hindlip Hall, Worcester WR3 8SP

The closing date for the consultation is **Monday 11th September 2017**

Results will be published in due course on: www.westmerica-pcc.gov.uk

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