



Executive Committee

Tue 9 Jun
2020
6.30 pm

Skype

REDDITCH BOROUGH COUNCIL

*making
a
difference*

www.redditchbc.gov.uk

If you have any queries on this Agenda please contact
Jess Bayley

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

GUIDANCE ON VIRTUAL MEETINGS

Due to the current Covid-19 pandemic Redditch Borough Council will be holding this meeting in accordance with the relevant legislative arrangements for remote meetings of a local authority. For more information please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police Crime Panels meetings) (England and Wales) Regulations 2020.

Please note that this is a public meeting conducted remotely by Skype conferencing between invited participants and live streamed for general access via the Council's YouTube channel.

You are able to access the livestream of the meeting from the Committee Pages of the website, alongside the agenda for the meeting.

If you have any questions regarding the agenda or attached papers please do not hesitate to contact the officer named above.

Notes:

As referred to above, the virtual Skype meeting will be streamed live and accessible to view. Although this is a public meeting, there are circumstances when the committee might have to move into closed session to consider exempt or confidential information. For agenda items that are exempt, the public are excluded and for any such items the live stream will be suspended and that part of the meeting will not be recorded.

Executive

Committee

Tuesday, 9th June, 2020

6.30 pm

Virtual Meeting - Skype - Virtual

Agenda

Membership:

Cllrs:	Matthew Dormer (Chair)	Julian Grubb
	David Thain (Vice- Chair)	Bill Hartnett
	Greg Chance	Mike Rouse
	Brandon Clayton	Craig Warhurst

1. Apologies

2. Declarations of Interest

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

3. Leader's Announcements

4. Minutes (Pages 1 - 8)

5. Parking Enforcement Task Group - Final Report (Pages 9 - 40)

This report is due to be considered by the Overview and Scrutiny Committee at a meeting scheduled to take place on Thursday, 4th June 2020. There is the possibility that the Overview and Scrutiny committee will amend the recommendations. Any changes agreed by the Overview and Scrutiny Committee will be reported to the Executive Committee in an extract from the minutes of the meeting, which will be included in a supplementary pack for the meeting.

6. Anti-Social Behaviour Policy (Pages 41 - 70)

7. Members' ICT and Bring Your Own Device Policies (Pages 71 - 94)

8. Discretionary Business Grant Policy (Pages 95 - 122)

This report is due to be pre-scrutinised at a meeting of the Overview and Scrutiny Committee that is due to take place on Thursday, 4th June 2020. Any recommendations made by the Committee on this subject will be recorded in an extract from the minutes of the meeting and circulated for consideration in a supplementary agenda pack.

9. Overview and Scrutiny Committee (Pages 123 - 132)

There were no recommendations arising from the meeting of the Overview and Scrutiny Committee that was held on 17th February 2020.

10. Minutes / Referrals - Overview and Scrutiny Committee, Executive Panels etc.

To receive and consider any outstanding minutes or referrals from the Overview and Scrutiny Committee, Executive Panels etc. since the last meeting of the Executive Committee, other than as detailed in the items above.

11. Advisory Panels - update report

Members are invited to provide verbal updates, if any, in respect of the following bodies:

- a) Climate Change Cross-Party Working Group – Chair, Councillor Brandon Clayton;
- b) Constitutional Review Working Panel – Chair, Councillor Matthew Dormer;
- c) Corporate Parenting Steering Group – Council Representative, Councillor Julian Grubb;
- d) Member Support Steering Group – Chair, Councillor Matthew Dormer; and
- e) Planning Advisory Panel – Chair, Councillor Matthew Dormer.



Executive Committee

Monday, 24 February 2020

MINUTES

Present:

Councillor Matthew Dormer (Chair), Councillor David Thain (Vice-Chair) and Councillors Greg Chance, Brandon Clayton, Julian Grubb, Bill Hartnett, Mike Rouse and Craig Warhurst

Also Present:

Councillors Salman Akbar, Juliet Brunner, John Fisher, Peter Fleming, Andrew Fry, Ann Isherwood, Anthony Lovell, Gemma Monaco, Nyear Nazir, Gareth Prosser, Mark Shurmer, Yvonne Smith and Jennifer Wheeler

Officers:

Kevin Dicks, Claire Felton, Sue Hanley, Jayne Pickering and Deb Poole

Senior Democratic Services Officer:

Jess Bayley

110. APOLOGIES

There were no apologies for absence, though Members noted that Councillor Bill Hartnett would be arriving slightly later.

111. DECLARATIONS OF INTEREST

There were no declarations of interest.

112. LEADER'S ANNOUNCEMENTS

A written record of the Leader's announcements was circulated at the meeting.

.....
Chair

Executive Committee

Monday, 24 February 2020

113. MINUTES

RESOLVED that

the minutes of the meeting of the Executive Committee held on Tuesday 11th February 2020 be approved as a true and correct record and signed by the Chair.

114. COUNCIL TAX RESOLUTIONS

The Executive Director of Finance and Resources presented the Council Tax Resolutions. Members were advised that following the Executive Committee meeting that had been held on 11th February 2020 all of the preceptors had provided information to the Council, including Feckenham Parish Council, Hereford and Worcester Fire Authority, Worcestershire County Council and the West Mercia Police and Crime Commissioner. The detail provided had informed the Council Tax Resolutions.

Members discussed the Council Tax Resolutions and noted that Council Tax was an important source of income for local government. However, Redditch Borough Council, though it was the collecting authority, would only retain a small portion of the funding from council Tax, the majority of which would be distributed amongst the other preceptors.

During consideration of this item concerns were raised about the funding available for local authorities and the challenges facing local government. Members noted that Council across the country were struggling financially and it was suggested that the Government needed to consider providing more funding to Councils moving forward.

RESOLVED to NOTE

that at a meeting held on 14th January 2020, the Executive Committee calculated the Council Tax Base 2020/21 as:

- a) for the whole Council area as 26,276.50 [Item T in the formula in Section 31B of the Local Government Act 1992, as amended (the “Act”)]; and**
- b) for dwellings in those parts of its area to which a Parish precept relates; this being Feckenham Parish as 367.50.**

Executive Committee

Monday, 24 February 2020

and RECOMMENDED that Council APPROVE:

- 1) the calculation for the Council Tax requirement for the Council's own purposes for 2020/21 (excluding Parish precepts) as £6,415,355;
- 2) that the following amounts be calculated for the year 2020/21 in accordance with sections 31 to 36 of the Act:
 - a) £44,214,467 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (2) of the Act (taking into account all precepts issued to it by Parish Councils) (*i.e. Gross expenditure*);
 - b) £37,789,112 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) of the Act. (*i.e. Gross income*);
 - c) £6,425,355 being the amount by which the aggregate of 3 (a) above exceeds the aggregate at 3 (b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act);
 - d) £244.53 being the amount at 3 (c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts);
 - e) £10,000 being the aggregate amount of all special items (Feckenham Parish precept) referred to in Section 34 (1) of the Act;
 - f) £244.15 being the amount at 3 (d) above less the result given by dividing the amount at 3 (e) above by Item T (1 (a) above), calculated by the Council, in accordance with Section 34 (2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates;
 - g) £271.36 being the amount given by adding to the amount at 3(f), the amount of the special item relating to the Parish of Feckenham 3(e), divided by the amount in 1(b) above;

Executive Committee

Monday, 24 February 2020

- h) the amounts below given by multiplying the amounts at 3(f) and 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band, divided by the number which in that proportion is applicable to dwellings listed in Band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands;

Valuation Band	Proportion of Band D tax paid	Parish of Feckenham £	All other parts of the Council's area £
A	6/9	180.91	162.77
B	7/9	211.05	189.89
C	8/9	241.21	217.02
D	1	271.36	244.15
E	11/9	331.67	298.41
F	13/9	391.96	352.66
G	15/9	452.27	406.92
H	18/9	542.72	488.30

- 3) it be noted that for the year 2020/21, Worcestershire County Council, Police and Crime Commissioner for West Mercia and Hereford and Worcester Fire Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwelling in the Council's area as indicated below:

	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Worcestershire County Council	874.03	1,019.71	1,165.38	1,311.05	1,602.39	1,893.74	2,185.08	2,622.10
Police and Crime Commissioner for West Mercia	150.13	175.16	200.18	225.20	275.24	325.29	375.33	450.40
Hereford and Worcester Fire Authority	57.33	66.88	76.44	85.99	105.10	124.21	143.32	171.98

Executive Committee

Monday, 24 February 2020

- 4) that having calculated the aggregate in each case of the amounts at 4(h) and 5 above, that Redditch Borough Council in accordance with Sections 30 and 36 of the Local Government Finance Act 1992 hereby sets the amounts shown below as the amounts of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings:

Valuation Band	Proportion of Band D tax paid	Parish of Feckenham £	All other parts of the Council's area £
A	6/9	1,262.40	1,244.26
B	7/9	1,472.80	1,451.64
C	8/9	1,683.21	1,659.02
D	1	1,893.60	1,866.39
E	11/9	2,314.40	2,281.14
F	13/9	2,735.20	2,695.90
G	15/9	3,156.00	3,110.65
H	18/9	3,787.20	3,732.78

- 5) that the Executive Director of Finance and Resources be authorised to make payments under Section 90(2) of the Local Government Finance Act 1988 from the Collection Fund by ten equal instalments between April 2020 to March 2021 as detailed below:

	Precept £	Surplus on Collection Fund £	Total to pay £
Worcestershire County Council	34,449,805.00	615,263.00	35,065,068.00
Police and Crime Commissioner for West Mercia	5,917,373.31	105,668.00	6,023,041.31
Hereford & Worcester Fire Authority	2,259,515.68	41,638.00	2,301,153.68

- 6) that the Executive Director of Finance and Resources be authorised to make transfers under Section 97 of the Local Government Finance Act 1988 from the Collection Fund to the General Fund the sum of £6,543,127 being the Council's own demand on the Collection Fund (£6,415,355.00) and Parish Precept (£10,000) and the distribution of the Surplus on the Collection Fund (£117,772);

Executive Committee

Monday, 24 February 2020

- 7) that the Executive Director Finance & Resources be authorised to make payments from the General Fund to Feckenham Parish Council the sums listed above (£10,000) by instalment after 1 April 2020 in respect of the precept levied on the Council;
- 8) that the above resolutions 3 to 5 be signed by the Chief Executive for use in legal proceedings in the Magistrates Court for the recovery of unpaid Council Taxes; and
- 9) Notices of the making of the said Council Taxes signed by the Chief Executive are given by advertisement in the local press under Section 38(2) of the Local Government Finance Act 1992.

115. CONSTITUTION REVIEW

The Head of Service for Transformation, Organisational Development and Digital Strategy presented a report outlining proposed amendments to the Officer Scheme of Delegations. Members were asked to consider delegating authority to Officers in respect of the following:

- To determine the Council's IT policies.
- To determine equalities, engagement and performance policies.
- To determine service restructures.

In all cases the delegated authority would enable the Council to update policies and procedures at the Council more quickly than at present. The proposed delegations would also enable the Council to adapt in a fast changing environment, including with respect to modern technology. The changes had been reviewed at a recent meeting of the Constitutional Review Working Party (CRWP) and the proposals detailed in the report reflected the conclusions reached by the group.

Members discussed the proposed delegations and in doing so noted that this followed previous reviews of the Officer Scheme of Delegations in recent years. As had been the case at the CRWP meeting there was general consensus that the proposed delegation for Officers to determine IT policies should be supported, as this was an internal operational matter. However, concerns were raised about proposals to delegate authority to Officers to determine equalities and engagement policies. Members noted that the Council in the past had frequently adopted progressive policies in respect of these areas prior to legislation being passed that required such action and Members would potentially want to

Executive Committee

Monday, 24 February 2020

continue to do so. In respect of service restructures concerns were raised that this could result in staff redundancies as well as impact on services provided to the local community.

RECOMMENDED that

- 1) **the proposed change to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine all the Council's policies and strategies relating to Equalities, Engagement and Performance be approved;**

and RESOLVED that

- 2) **the proposed changes to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine all the Council's IT policies be approved; and**
- 3) **the proposed changes to the Officer Scheme of Delegations for the Business Transformation and Organisational Development Department, in respect of delegating authority to Officers to determine restructures within agreed budgets be approved.**

116. OVERVIEW AND SCRUTINY COMMITTEE

The Chair noted that there were no recommendations arising from the latest meeting of the Overview and Scrutiny Committee, held on Monday 17th February 2020, requiring Members' consideration.

117. MINUTES / REFERRALS - OVERVIEW AND SCRUTINY COMMITTEE, EXECUTIVE PANELS ETC.

The Chair explained that there were no further recommendations requiring Members' consideration on this occasion.

118. ADVISORY PANELS - UPDATE REPORT

The following updates were provided in respect of Executive Advisory Panels and other bodies:

Executive Committee

Monday, 24 February 2020

- a) Climate Change Cross Party Working Group – Chair, Councillor Brandon Clayton

Councillor Clayton advised that there were no updates to provide on this occasion.

- b) Constitutional Review Working Party – Chair, Councillor Matthew Dormer

Councillor Dormer noted that the outcomes of the latest meeting of the CRWP had been discussed earlier in the meeting.

- c) Corporate Parenting Board – Redditch Borough Council Representative, Councillor Julian Grubb

Councillor Grubb explained that there were no updates to provide in respect of the work of the Board on this occasion.

- d) Member Support Steering Group – Chair, Councillor Matthew Dormer

Councillor Dormer thanked every Member who had attended a data protection training session that had been held on 18th February 2020. Positive feedback had been received from both Members and Officers about this training. Those Members who had not yet attended data protection training in the 2019/20 municipal year were urged to attend an additional training session that was scheduled to take place on the evening of Thursday 27th February 2020.

- e) Planning Advisory Panel – Chair, Councillor Matthew Dormer

Councillor Dormer explained that no meetings of the Planning Advisory Panel were due to take place.

The Meeting commenced at 6.31 pm
and closed at 6.46 pm

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE**

9th June 2020

PARKING ENFORCEMENT TASK GROUP – COVERING REPORT

Relevant Portfolio Holder	Councillor Julian Grubb, Portfolio Holder for Community Safety and Regulatory Services
Portfolio Holder Consulted	No
Relevant Head of Service	Guy Revans, Head of Environmental and Housing Property Services
Ward(s) Affected	No specific ward relevance.
Non-Key Decision	

1. SUMMARY OF PROPOSALS

This report provides an overview of the findings of the Parking Enforcement Task Group. More detailed information about the evidence basis for the group's recommendations can be found in the group's final report attached at Appendix 1.

2. RECOMMENDATIONS

The Committee is asked to RESOLVE that

- 1) at a meeting of Worcestershire Leaders' Board, the Leader should raise the need to introduce Traffic Regulation Orders (TROs) for all zigzag road markings outside schools in the county. As part of this process the Leader should request that Worcestershire County Council write to the Secretary of State for Transport to request that additional, ring-fenced funding be provided to Worcestershire County Council that can be invested in introducing these additional TROs;
- 2) Officers from Redditch Borough Council work with Worcestershire County Council, local schools and West Mercia Police to develop a strategy to tackle problem parking near schools;
- 3) all Worcestershire County Councillors representing a Redditch division should be provided with a copy of the group's final report to facilitate a discussion of this subject at a Redditch Highways Forum meeting;
- 4) training in respect of parking enforcement arrangements in the Borough should be provided in a single training session each municipal year as part of the member induction programme. New elected Members should be offered the opportunity to shadow a Civil Parking Enforcement Officer.

REDDITCH BOROUGH COUNCIL**EXECUTIVE
COMMITTEE**9th June 2020

The Committee is asked to **RECOMMEND**

- 5) that, subject to the successful implementation of Recommendation 1 above, Redditch Borough Council should fund an additional Civil Enforcement Officer post dedicated to enforcement action around schools, to work term-time only; and
- 6) to Worcestershire County Council, that the need for road markings to be replaced as soon as possible after resurfacing work has been undertaken should be discussed at a forthcoming Redditch Highways Forum meeting.

3. KEY ISSUES**Background**

- 3.1 In April 2019 the Audit Governance and Standards Committee discussed issues that had been raised by residents living in a number of wards in respect of parking in the Borough. Members agreed to refer this issue for the consideration of the Overview and Scrutiny Committee.
- 3.2 At a meeting of the Overview and Scrutiny Committee held on 6th June 2019 Councillor Mark Shurmer, Vice Chair of the Audit, Governance and Standards Committee and a member of the Overview and Scrutiny Committee, presented a scoping document which proposed a review of parking enforcement arrangements in the Borough. The Overview and Scrutiny Committee agreed to launch this review.
- 3.3 Councillor Mark Shurmer was appointed to Chair the review, with Councillors Salman Akbar, Joanne Beecham and Jenny Wheeler also being appointed to this group.
- 3.4 Over the course of five months the group gathered evidence from a variety of sources including Council officers, elected Members, external partner organisations and national publications. The recommendations detailed in the group's final report are based on the evidence that was gathered.
- 3.5 During the period November 2019 to January 2020 the group did not hold any meetings. This pause in the work of the group occurred during the general election campaign of December 2019 and due to other commitments at the start of the year. The group agreed their final recommendations in February 2020 and their report was completed the following month. However, due to the recent Covid-19 outbreak and lockdown it has not been possible until now to present the group's final report for the consideration of the Executive Committee.

**EXECUTIVE
COMMITTEE**

9th June 2020

- 3.6 The Overview and Scrutiny Committee will receive the group's report at a meeting on 4th June 2020. At the time of writing the Committee's response to the group's findings remained to be confirmed.

Financial Implications

- 3.7 All the financial implications arising from the group's recommendations are detailed in the final report.

Legal Implications

- 3.8 All the legal implications arising from the group's proposals are detailed in the final report.

Service / Operational Implications

- 3.9 The group has proposed recommendations that are designed to ensure that the parking enforcement service in Redditch meets the needs of local residents.

Customer / Equalities and Diversity Implications

- 3.10 The report focuses on the group's key findings in respect of parking enforcement in the Borough of Redditch. The recommendations detailed in the report are designed to address a problem that has been reported by many residents to local Members.

4. RISK MANAGEMENT

No specific risks have been identified.

5. APPENDICES

Appendix 1 – Parking Enforcement Task Group's final report and appendices.

AUTHOR OF REPORT

Name: Jess Bayley, Democratic Services Officer
Email: jess.bayley@bromsgroveandredditch.gov.uk
Tel.: (01527) 64252

This page is intentionally left blank



Overview & Scrutiny

Parking Enforcement Task Group's Final Report

March 2020

REDDITCH BOROUGH COUNCIL

*making
a
difference*

This page is intentionally left blank

CONTENTS

	Page Number
Chair's Foreword	2
Summary of Recommendations	3
Introduction/Background Information	5
Chapter 1: Parking Around Schools	11
Chapter 2: Highways	15
Chapter 3: Member Development	16
Conclusion	19
Appendix 1 - Terms of Reference	20
Appendix 2 - Witnesses	22
Appendix 3 - Timeline of Activities	23
Appendix 4 – Borough Councillors - Survey	24
Appendix 5 – Glossary	26

Membership of the Task Group

Councillors Mark Shurmer (Chair), Salman Akbar, Joanne Beecham and Jenny Wheeler.

Support Officer

Jess Bayley, Senior Democratic Services Officer (Redditch), Tel: (01527) 64252 Ext: 3268

Email: jess.bayley@bromsgroveandredditch.gov.uk

Completed

March 2020

Contact

Further copies of this report are available on request from:

Address: Overview and Scrutiny Team, Democratic Services, Redditch Town Hall, Walter Stranz Square, Redditch, B98 8AH

Email: scrutiny@redditchbc.gov.uk

FOREWORD

It gives me great pleasure to present the report of The Parking Enforcement Task Group to the Council.

Parking, and especially school parking, provide a large proportion of complaints dealt with by Councillors and our partners. This issue was originally raised at a meeting of the Audit, Governance and Standards Committee and it was suggested that this would be a suitable topic for a Task Group investigation.

All members of the group have remarked that the subject is far more complex than we first thought and that a lot has been learned throughout the process by all concerned.

The recommendations tabled within this report were all carefully considered and have been reached through input from the Police, Worcestershire County Council, Wychavon District Council and the staff at Redditch Borough Council. Members have also taken up the opportunity to accompany our Parking Enforcement Officers as they go about their duties.

I would like to thank all members of the group for their hard work in bringing forward this report and for the Officers involved for their help and guidance.



Councillor Mark Shurmer
Chair of the Parking Enforcement Task Group

SUMMARY OF RECOMMENDATIONS**CHAPTER 1: PARKING AROUND SCHOOLS****Recommendation 1**

We recommend that at a meeting of Worcestershire Leaders' Board the Leader should raise the need to introduce Traffic Regulation Orders (TROs) for all zigzag road markings outside schools in the county. As part of this process the Leader should request that Worcestershire County Council write to the Secretary of State for Transport to request that additional, ring-fenced funding be provided to Worcestershire County Council that can be invested in introducing these additional TROs.

Financial Implications: There are no financial implications for Redditch Borough Council. The proposed action could result in Worcestershire County Council receiving additional funding.

Legal implications: There are no legal implications.

Recommendation 2

We recommend that, subject to the successful implementation of Recommendation 1 above, Redditch Borough Council should fund an additional Civil Enforcement Officer post dedicated to enforcement action around schools, to work term-time only.

Financial Implications: The estimated cost to the Council of an additional Civil Parking Enforcement Officer working term-time only is approximately £23,000 per annum. Members have been advised that once TROs are in place on zigzags outside schools and, given the level of complaints about problem parking outside schools, income from enforcement action undertaken by this Officer may not be sufficient to cover the total cost of the additional post. With the officer being present in the location, drivers do not tend to park illegally. Hence there is an improvement in parking but limited income.

Legal implications: There are no legal implications.

Recommendation 3

We recommend that Officers from Redditch Borough Council work with Worcestershire County Council, local schools and West Mercia Police to develop a strategy to tackle problem parking near schools.

Financial Implications: There would be the cost of Officer time.

Legal implications: There are no legal implications

CHAPTER 2: HIGHWAYS**Recommendation 4**

We recommend that the need for road markings to be replaced as soon as possible after resurfacing work has been undertaken should be discussed at a forthcoming Redditch Highways Forum meeting. All Worcestershire County Councillors representing a Redditch division should be provided with a copy of the group's final report to facilitate a discussion of this subject.

Financial Implications: There will be the cost of printing copies of the group's final report for the consideration of all the County Councillors representing a Redditch division.

Legal implications: There are no legal implications

CHAPTER 3: MEMBER DEVELOPMENT**Recommendation 5**

We recommend that training in respect of parking enforcement arrangements in the Borough should be provided in a single training session each municipal year as part of the member induction programme. New elected Members should be offered the opportunity to shadow a Civil Parking Enforcement Officer.

Financial Implications: There would be the cost of organising the training as well as the arrangements for Members to shadow the Civil Enforcement Officers. In addition, Members can claim an attendance allowance for travelling to attend training, which is reimbursed at 45 pence per mile. As each Councillor lives in a different location in the Borough and not all make claims the exact costs are difficult to calculate.

Legal implications: There are no legal implications

INTRODUCTION/BACKGROUND INFORMATION**Introduction**

The subject of parking enforcement was raised by Members during a meeting of the Audit, Governance and Standards Committee held on 25th April 2019. During this meeting concerns were raised about problems with parking in the Borough, particularly in the town centre and around schools. The Committee requested that the Overview and Scrutiny Committee investigate this matter further.

At a meeting of the Overview and Scrutiny Committee held on 6th June 2019 Councillor Mark Shurmer, Vice Chair of the Audit, Governance and Standards Committee and a member of the Overview and Scrutiny Committee, presented a scoping document which set out proposals to review parking enforcement arrangements in the Borough, including the Council's contract to deliver a parking enforcement service on behalf of Worcestershire County Council (Appendix 1). Based on the information contained in the document Members agreed to launch the review.

Members were tasked with reviewing the following areas:

- To review the content of Redditch Borough Council's parking enforcement contract with Wychavon District Council.
- To consult with relevant Council Officers and partner organisations, including Worcestershire County Council and West Mercia Police, about parking enforcement issues in the Borough.
- To scrutinise the financial implications of the parking enforcement contract and of enforcement action in Redditch.
- To investigate action that could be taken to improve parking enforcement in the Borough.
- To review the action taken by the Council to communicate the Council's approach to parking enforcement and the powers available to the local authority in respect of dangerous and irresponsible parking.

Approach to Evidence Gathering

During the review Members gathered evidence from a range of sources. Information about parking enforcement in Redditch was obtained from the following:

- A presentation from the Head of Environmental and Housing Property Services and the Environmental Services Manager in respect of parking enforcement arrangements in the Borough.
- An interview with the Operations Manager from Wychavon District Council, with responsibility for managing the parking enforcement service on behalf of Redditch Borough Council.
- An interview with Inspector Mark Chappell of West Mercia Police regarding parking enforcement in the Borough.
- Reviewing relevant documentation relating to parking enforcement in Redditch, including information on the subject on the Council's website and a previous scrutiny report that recommended decriminalisation of civil parking enforcement.
- Consideration of written information submitted by Worcestershire County Council in response to questions about parking enforcement asked by the group.
- Reviewing the content of scrutiny reports in respect of parking enforcement and residential parking schemes undertaken by other Councils in the country. The group

considered scrutiny reports that had been published by Bromsgrove District Council in 2018, East Hertfordshire Council in 2014, Portsmouth City Council in 2019, Worcester City Council in 2012 and York City Council in 2019.

- Shadowing a Civil Enforcement Officer (CEO) during a shift at work in the Borough. Each Councillor shadowed a CEO on a different date in order to observe the service in action and to find out about the challenges impacting on the service. Members learned that CEOs often encounter resistance to their work and this can be aggressive in nature. The group wanted to be clear that they welcome the CEOs and feel that they should be supported in their work.
- Consulting with other Borough Councillors in respect of parking enforcement issues in their wards. A survey was developed to enable the group to consult with other Borough Councillors, which was circulated for Members' consideration both electronically and in a paper format (Appendix 4). A total of 18 Borough Councillors, representing both political parties on the Council and a range of wards across the Borough, submitted feedback to the group in completed surveys.

History of Parking Enforcement in Redditch and Contractual Arrangements

In September 2006 the former Environmental Overview and Scrutiny Committee established a Task and Finish Group to review the potential to introduce Civil (Decriminalised) Parking Enforcement in Redditch. At the time of this review there was one Traffic Warden operating on behalf of the police and a number of residents' parking schemes in the Borough. The Task and Finish Group concluded in 2007 by recommending that the Council should consult with the public about the potential to introduce Civil Parking Enforcement in the Borough.

Civil Parking Enforcement means that local authorities are responsible for enforcing on-street parking controls instead of the police for the majority of parking contraventions. In a two-tier authority area, the County Council is the responsible authority. Borough and District Councils can deliver this service on behalf of a County Council in accordance with a service agreement.

Worcestershire County Council discharged responsibility for civil parking enforcement to Redditch Borough Council in an agency agreement for on street enforcement of parking control in 2009. Redditch Borough Council adopted civil parking enforcement on 23rd March 2009. On this date the Council entered into a ten-year service level agreement (SLA) with Wychavon District Council to deliver the service on the authority's behalf. Under the terms of the SLA Wychavon District Council manage the Civil Enforcement Officers (CEOs) operating in the Borough, administration of the team, recovery of outstanding Penalty Charge Notices (PCNs), work on appeals, adjudication cases and warrant instructions in respect of PCNs and provide overall management of the parking enforcement service.

In 2019 the Council extended the SLA with Wychavon District Council for another three years. The end of this three-year period will coincide with the end of Bromsgrove District Council's SLA with Wychavon District Council for parking enforcement. At this stage Members have been advised that Officers are proposing to undertake a joint review of future parking enforcement needs across both the Borough and the District. Redditch Borough Council already works with Bromsgrove District Council in a shared service in respect of management arrangements for monitoring the SLA with Wychavon District Council. Members have been advised that this shared management arrangement has enabled the Council to reduce management costs for the service.

Worcestershire County Council is responsible for implementing parking restrictions while Redditch Borough Council is responsible for enforcement action. Worcestershire County Council is also responsible for ensuring that there are relevant Traffic Regulation Orders (TROs) in place to legally enable enforcement action to be taken. Any requests for additional restrictions, changes to restrictions or the background regarding the introduction of restrictions are determined by Worcestershire County Council's Highways Department.

If the Council should decide in future to cancel the agreement with Worcestershire County Council, under the terms of the contract Redditch Borough Council would need to give two years' notice of termination from the beginning of the new contractual year in March. The group are not proposing that the Council should terminate this contract.

Parking Contraventions and Enforcement Arrangements

The legal framework for enforcement authorities in England and Wales is set out in Part 6 of the Traffic Management Act 2004. Local Authorities with enforcement responsibilities must refer to a single list of parking contraventions when issuing PCNs. The list of parking contraventions is issued nationally by the Secretary of State for Transport to local Civil Enforcement Authorities to enforce. Local authorities can select which contraventions to apply in their local area of responsibility.

Redditch Borough Council enforces the following parking contraventions on the public highway where a TRO is in place:

Code	Contravention
01	Parked in a restricted street during prescribed hours.
02	Parked or loading / unloading in a restricted street while waiting and loading / unloading restrictions are in force.
16	Parked in a permit space without displaying a valid permit.
21	Parked in a suspended bay / space or part of a bay / space.
22	Re-parked in the same parking space or zone within one hour (or other specified time) after leaving.
23	Parked in a parking space or area not designated for that class of vehicle.
24	Not parked correctly within the markings of the bay or space.
25	Parked in a loading place during restricted hours without loading.
26	Vehicle parked more than 50cms from the edge of the carriageway and not within a designated parking space.
30	Parked for longer than permitted.
40	Parking in a designated disabled person's bay without clearly displaying a valid disabled person's badge.
45	Parked on a taxi rank.
47	Parked in a restricted bus stop / stand.
99	Parked on a pedestrian crossing and / or crossing area marked by a zigzag.

CEOs must be present to witness a parking contravention in order to issue a PCN. Unfortunately, this means that CEOs cannot issue PCNs in relation to parking contraventions reported by another person nor can they act retrospectively. Enforcement action can also only take place where a TRO is in place. CEOs are required to undertake an observational period before they can issue a PCN. In cases where a car is parked on double yellow lines the CEO must observe for a period of three minutes whether the vehicle is loading or unloading or simply parked on the double yellow lines before a PCN can be issued. This time is extended to ten minutes in cases

involving a van parked on double yellow lines. The CEO cannot take enforcement action if the driver is in the vehicle in the driver's seat.

The routes of CEOs are not set, and staff work a variety of shift patterns, Monday to Sunday. Busy periods are prioritised for enforcement work, though quieter areas are checked to ensure compliance with parking requirements. The route on any given day is partly governed by limited waiting bays and the need for the CEO to take initial observations and then to recheck those bays again once permitted waiting times are due to expire.

At the time of the review there were 1.8 full time equivalent (fte) CEOs operating in Redditch. Members were advised that the CEOs were not issued with targets in terms of the number of PCNs they issued to drivers. Instead, CEOs were expected to educate drivers and to only take enforcement action as a last resort where necessary.

PCNs are issued by the CEOs throughout the year, where a parking contravention is identified, and the correct enforcement procedures have been followed. The numbers issued varies from year to year in accordance with the number of contraventions that are identified. The number of PCNs issued over the five years up to 2018/19 are detailed below.

	2014-2015	2015-2016	2016 - 2017	2017 - 2018	2018 - 2019
Number of PCNs	2,132	933	1,488	1,809	1,664

The CEOs only undertake parking enforcement in relation to on street parking in the Borough. The Council does not currently charge residents and visitors to park in Council owned car parks and therefore no enforcement action is undertaken at those locations. The Council also does not provide a parking enforcement service to privately owned car parks. However, Members were advised that private car park owners may commission private parking enforcement companies to take enforcement action on their behalf. On street obstructions are still managed by the Police and the Council's CEOs cannot issue tickets in relation to these offences. On street parking obstructions include vehicles parking on the pavement in locations where there are no road markings in place and where a parked car causes obstruction on the pavement preventing a pushchair or wheelchair from passing. Members felt that this should be clarified in the report as it is important to note that not all parking enforcement action undertaken in the Borough involves the Council.

Appeals

Drivers who have been issued with a PCN can appeal against the decision. This might occur if the driver feels there were mitigating circumstances. Information about the appeal process is provided on both the PCN paperwork and on the Council's website for drivers' information. Appeals at the first stage are considered by Wychavon District Council on Redditch Borough Council's behalf. If this local appeal fails the driver can subsequently appeal to the Traffic Penalty Tribunal, which is an independent body. The Traffic Penalty Tribunal's decision in respect of an appeal is final.

The number of PCNs that have been appealed and / or cancelled in the five-year period between 2014/15 to 2018/19 are outlined in the table below:

	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019
No. of Appeals	607	266	339	409	444
No. Cancelled	139	74	126	162	143

The group was advised that there is a low cancellation rate for PCNs in Redditch compared to other districts in the county. However, Members were informed that there tended to be a higher rate of write offs in Redditch than in other parts of the county, in terms of writing off debts from unpaid PCNs. Write offs can occur for a number of reasons including in cases where the owner of a vehicle cannot be traced.

Financial Implications

The Council agreed to enter into a contract with Worcestershire County Council to deliver Civil Parking Enforcement for on street parking in the Borough on the understanding that the service would be cost neutral. Whilst there is a cost to the Council of contracting the service out to Wychavon District Council this cost can be offset by income from issuing PCNs. The table below sets out the costs of delivering the service compared to income over a five-year period from 2014/15 to 2018/19.

	2014 - 2015	2015 - 2016	2016 - 2017	2017 - 2018	2018 - 2019
Cost	£97,109.00	£34,319.03	£44,265.87	£62,768.84	£42,296.54
Income	£18,026.00	£23,471.53	£51,149.96	£52,930.84	£53,733.24
	£79,184.76*	£10,531.85*	£6,855.09	£9,868.25*	£11,346.85

(*The total figures in bold show the net cost to the Council of providing the service that year).

The Council's agreement with Worcestershire County Council to provide a civil parking enforcement service in the Borough states that Redditch Borough Council can cover the costs of undertaking enforcement. However, any excess income from issuing PCNs must be returned to Worcestershire County Council. The County Council does not reimburse Redditch Borough Council if, at the end of a financial year, income from the service did not cover the costs of delivering the service.

The group was advised that the same contractual arrangement is in place between Worcestershire County Council and other district Councils in the county. However, Redditch Borough Council is in a different position to the other district Councils inasmuch as the authority does not have Pay and Display car parks and therefore cannot split parking enforcement costs for this with off-street parking enforcement costs. Despite this Members are not proposing that the Council should reintroduce Pay and Display car parks in the Borough.

Members considered very carefully the financial costs involved in providing the parking enforcement service in the Borough. The group was advised that there was a need for a balanced approach in terms of parking enforcement which required the authority to not only consider potential income from enforcement but also the purpose of the service. On the one hand there is the potential for the Council to receive income from PCNs which will cover the costs of providing the service in cases where drivers are found to have committed a parking contravention. However, on the other hand the service can

be viewed as successful where people have been deterred from parking inappropriately in the Borough; but this results in a loss of income.

The group concluded that it would be appropriate for the Council to continue to provide the parking enforcement service on behalf of Worcestershire County Council as this would enable the authority to work in the local community's interests. Furthermore, Members concluded that based on the evidence provided they were satisfied that the authority was receiving a good service from Wychavon District Council. However, a number of areas were identified where the group agreed improvements could be made to the parking enforcement service and these areas are the focus of the group's final recommendations.

CHAPTER 1: PARKING AROUND SCHOOLS

Recommendation 1	We recommend that at a meeting of Worcestershire Leaders' Board the Leader should raise the need to introduce Traffic Regulation Orders (TROs) for all zigzag road markings outside schools in the county. As part of this process the Leader should request that Worcestershire County Council write to the Secretary of State for Transport to request that additional, ring-fenced funding be provided to Worcestershire County Council that can be invested in introducing these additional TROs.
Financial Implications	There are no financial implications for Redditch Borough Council. The proposed action could result in Worcestershire County Council receiving additional funding.
Legal Implications	There are no legal implications.

During the review the group was informed that parking problems are frequently reported in respect of schools, especially at school drop off and collection times. All the witnesses interviewed by the group acknowledged that parking near schools could be problematic and that some drivers committed parking contraventions at school opening and closing times. For example, Members were informed that:

"Parking concerns associated with school drop off/pick up is also a common complaint across the board."

Many of the Councillors who completed the group's survey in respect of parking issues in the Borough also reported that parking around schools was a problem. In a number of cases schools within a Councillor's ward were referenced, though a decision has been taken not to name particular schools in this report as this was an issue in the majority of wards across the Borough, rather than being confined to one or two schools. Examples of more general comments included the following statements:

"Schools are a big problem."

"The junction is plagued by inconsiderate drivers dropping off/collecting schoolchildren."

"It's a large issue at school drop off times every day, with illegal and inconsiderate parking being a regular complaint."

"Residents... have complained about careless parking during school times, residents are finding that parents are blocking drives, parking on the grass kerb (and) spoiling the grass."

The group therefore quickly concluded that parking near schools was a problem in Redditch. This has been recognised by the parking enforcement team operating in the Borough. Members were advised that the CEOs have undertaken enforcement action

around schools, on occasion in conjunction with West Mercia Police. However, Members were advised that the CEOs' ability to undertake enforcement action near schools was constrained by the fact that only one TRO is in place for the zigzag lines outside a single school in Redditch. As CEOs can only undertake enforcement action in respect of parking contraventions where a TRO is in place this curtails the ability of the Officers to deter parking on zigzag lines outside most schools.

As Worcestershire County Council is responsible for issuing TROs the group consulted with representatives of the County Council about the potential for TROs to be introduced for the zigzag lines outside all schools in the Borough. Members were advised that there was limited capacity within the resources available to enable Worcestershire County Council to introduce TROs for all zigzags outside schools in the Borough. In stating this Members were informed that "*...All sites would have to be surveyed to establish such things as the length of markings, their physical condition and their compliance with regulations before the TRO process could begin.*" Therefore, this would require significant work from County Officers. Furthermore, Members were advised that the same problem, in terms of limited TROs for zigzag lines outside schools, applied to schools across the whole of the county.

The group was informed that at a meeting of the Civil Parking Enforcement Working Group in October 2019 the issue with respect to the lack of TROs on zigzag lines outside schools had been discussed by partner organisations. During this meeting it had been suggested that in each district the top five schools where complaints in respect of parking had been received should be identified and nominated for the introduction of TROs for the zigzags located outside the schools. The group welcomed news that the top five schools in Redditch had been identified by the time that this review was completed, and that Worcestershire County Council had been notified of those schools.

The group concluded that it would be difficult for Worcestershire County Council to justify fast tracking the introduction of TROs for schools in Redditch ahead of schools in other parts of the county. Members also understood the capacity issues raised by Worcestershire County Council, which they recognised as impacting on many Councils at a time when local government finances are challenging. However, Members were very concerned to learn about the lack of TROs for the zigzag lines outside the majority of schools in the Borough. In particular, the group was concerned about the community safety implications of this situation, especially for school children.

In this context the group is proposing that the Leader of Redditch Borough Council should raise the subject of school safety and TROs outside schools at a forthcoming meeting of the Worcestershire Leaders' Board. Members agreed that this would be an appropriate subject for the Board to discuss as the limited availability of TROs outside schools has safety implications across the county, not just in Redditch. The group is also requesting that at this meeting of Worcestershire Leader's Board, The Leader should ask Worcestershire County Council to write to the Secretary of State for Transport, the Rt Hon Grant Shapps MP, to request additional ring-fenced funding to pay for the introduction of TROs outside schools in the county. Should this proposal receive other Leaders' support at the Worcestershire Leaders' Board meeting this would help the County Council to demonstrate collective agreement on the need to introduce TROs for zigzags outside schools in order to enhance the safety of children in Worcestershire.

Recommendation 2	We recommend that, subject to the successful implementation of Recommendation 1 above, Redditch Borough Council should fund an additional Civil Enforcement Officer post dedicated to enforcement action around schools, to work term-time only.
Financial Implications	The estimated cost to the Council of an additional Civil Parking Enforcement Officer working term-time only is approximately £23,000 per annum. Members have been advised that once TROs are in place on zigzags outside schools and, given the level of complaints about problem parking outside schools, income from enforcement action undertaken by this Officer may not be sufficient to cover the total cost of the additional post. With the officer being present in the location, drivers do not tend to park illegally. Hence there is an improvement in parking but limited income.
Legal Implications	There are no legal implications.

During the review Members were advised that the Council considered there to be an appropriate number of CEOs providing the parking enforcement service in Redditch. However, some Members and other expert witnesses suggested that by employing more CEOs the Council could improve the enforcement service in Redditch.

As detailed in this report parking contraventions near schools have been identified as a problem by both elected Members and the expert witnesses interviewed by the group. However, without the TROs for the zigzag lines outside schools, the potential for the CEOs to undertake enforcement action outside schools was limited. Members recognise that should the TROs be introduced, demand for enforcement by the CEOs outside schools, particularly during school opening and closing times, will increase. Members were also in agreement that drivers will only be deterred from committing parking contraventions near schools if enforcement action is seen to be taken. Therefore, the group is suggesting that an additional CEO should be employed dedicated to providing a parking enforcement service near schools.

The group has been advised that an additional CEO would cost the Council £23,000 per annum, if they were employed to work on a term-time only basis. The group is suggesting that the officer is recruited to work term-time only as this will be the time when demand for enforcement action to address parking contraventions committed near schools will be highest. Members were aware that the Council agreed to deliver the Civil Parking Enforcement service on behalf of Worcestershire County Council on the understanding that the service would be cost neutral. Whilst Members recognise that there is a cost to employing the additional CEO, income from enforcement action undertaken by this Officer may not be sufficient to cover the total cost of the additional post. With the officer being present in the location, drivers do not tend to park illegally. Hence there is an improvement in parking but limited income.

Recommendation 3	We recommend that Officers from Redditch Borough Council work with Worcestershire County Council, local schools and West Mercia Police to develop a strategy to tackle problem parking near schools.
Financial Implications	There would be the cost of Officer time.
Legal Implications	There are no legal implications.

The group noted that the CEOs are not able to resolve parking issues alone and cannot be in more than one place at any one time. If the Council employed significantly more CEOs across the Borough, they might be able to deter problem parking close to more schools. However, the employment of more CEOs would significantly increase the costs of providing the service and this would result in the service operating at a cost to the Council. Furthermore, a significant increase in the number of CEOs might be counterproductive inasmuch as it could impact on the reputation of the Council by presenting the service as punitive and focused on income generation rather than on educating the public about how to park safely and in accordance with the law.

Members recognise that many parents need to drop off and collect their children from school using their vehicles, rather than by walking or using public transport. In Redditch there is a three-tier system of education and parents may need to travel quickly between schools, if they have children of different ages, as school opening and closing times may be similar. Furthermore, Members have noted there will always be drivers who commit parking contraventions near schools. This could be for a range of reasons including people being late for work, a lack of awareness of parking contraventions and limited availability of parking spaces for parents and guardians to use near schools. However, Members feel that parents and guardians should be able to travel between schools and park without jeopardising the safety of their and other people's children.

In this context the group has concluded that an overarching strategy needs to be developed in respect of parking close to schools. Members have concluded that problems with parking near schools can only be tackled effectively if the Council works in partnership with other organisations that can influence the behaviour of drivers. This could include working with the police, schools and Worcestershire County Council to develop a joint strategy.

Members have been advised that this collaboration with partner organisations could be instigated in a variety of different ways by the Council. One option suggested to Members was that the Redditch Community Safety Tasking Group should take a lead on developing the strategy. An alternative option that has been suggested would be for the former School Safety Group, that worked to resolve parking issues at Ipsley RSA Academy a few years ago, to be reestablished to review arrangements at all schools in the Borough. Members did not have a specific view about which body should initiate this work on behalf of the Council as they felt this was an operational matter. Should this recommendation be approved by the Executive Committee, Members are proposing that Officers should determine how this strategy should be developed in collaboration with partner organisations.

CHAPTER 2: HIGHWAYS

Recommendation 4	We recommend that the need for road markings to be replaced as soon as possible after resurfacing work has been undertaken should be discussed at a forthcoming Redditch Highways Forum meeting. All Worcestershire County Councillors representing a Redditch division should be provided with a copy of the group's final report to facilitate a discussion of this subject.
Financial Implications	There will be the cost of printing copies of the group's final report for the consideration of all the County Councillors representing a Redditch division.
Legal Implications	There are no legal implications.

During the review Members shadowed one of the CEOs during shifts working in the Borough. Whilst shadowing the CEO Members observed that there were some roads where enforcement action legally could not be taken as the road markings on the highway had not been replaced since the road was resurfaced. This included instances where the CEO was aware that usually vehicles would not be permitted to park in a particular location because road marking such as double yellow lines would usually prevent a person from parking on that street. Members were concerned that this could endanger public safety and concluded that road markings should be replaced as soon as possible after resurfacing work has taken place.

In Worcestershire the County Council's Highways Department is responsible for maintaining the public highway, including repainting road surfaces and installing replacement signs. Redditch Borough Council works closely with Worcestershire County Council and reports any remedial works needed on the public highway. Officers at Redditch Borough Council, who were consulted about this recommendation, reported that they were in full agreement with the proposal.

The Highways Department at Worcestershire County Council works closely with County Councillors. There is a Highways Forum in Redditch, meetings of which are attended by Officers from the Highways Department and County Councillors, where issues impacting on the public highways are discussed. The group has concluded that their findings would be of interest to the County Councillors, particularly with respect to replacing road markings on roads in Redditch after resurfacing works have been carried out. Members therefore urge all County Councillors representing Redditch to read through the group's findings and to raise the matter at a forthcoming meeting of the Highways Forum.

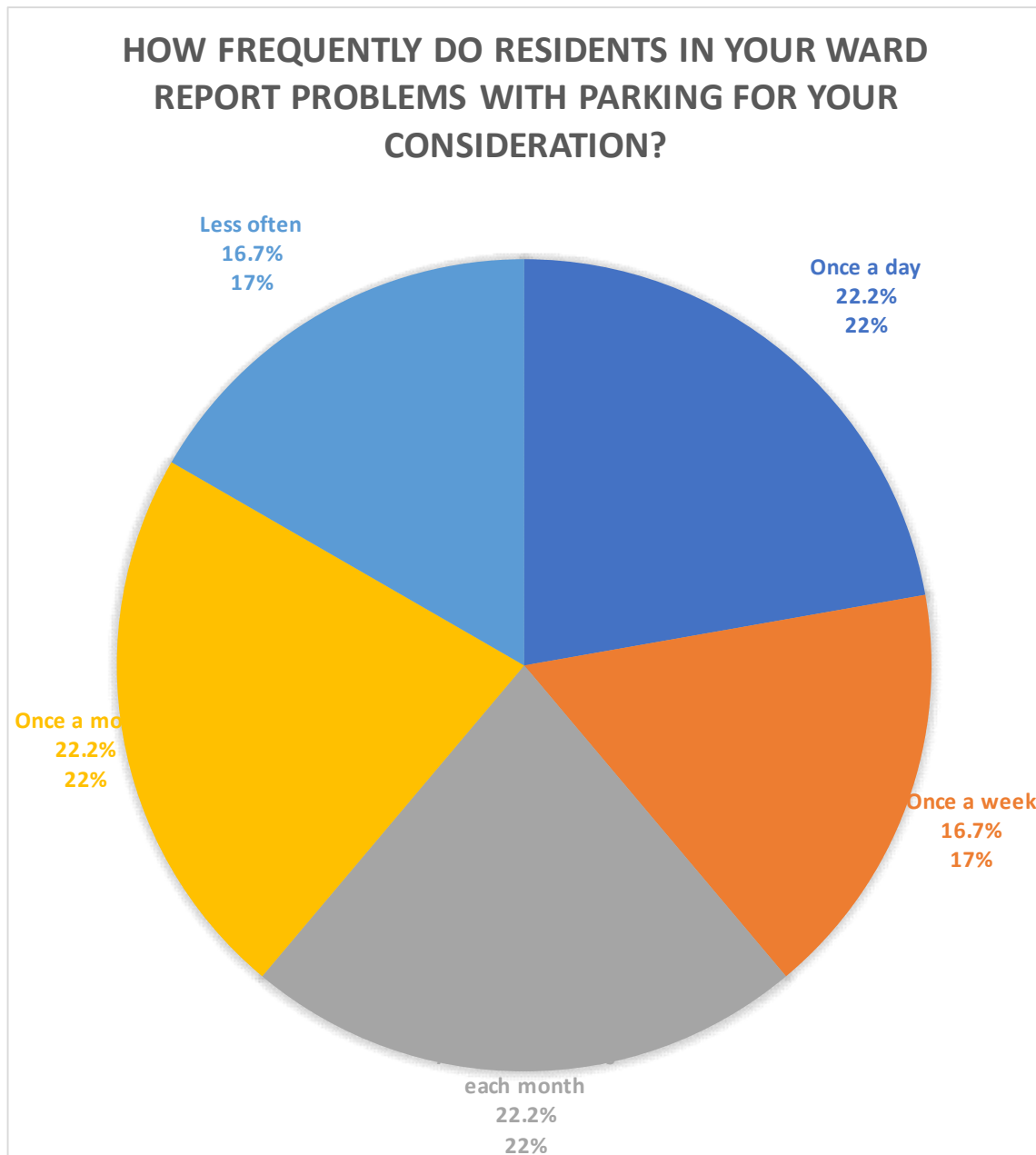
The group is proposing that all County Councillors representing Redditch should be provided with a paper copy of this report to enable them to assess parking enforcement issues and the need for road markings to be updated in a timely manner. There is a cost to printing paper copies of the report for the consideration of the eight County Councilors who represent Redditch. To minimize the printing costs the reports will be printed in black and white, as colour printing is more expensive.

CHAPTER 3: MEMBER DEVELOPMENT

Recommendation 5	We recommend that training in respect of parking enforcement arrangements in the Borough should be provided in a single training session each municipal year as part of the member induction programme. New elected Members should be offered the opportunity to shadow a Civil Parking Enforcement Officer.
Financial Implications	There would be the cost of organising the training as well as the arrangements for Members to shadow the Civil Enforcement Officers. In addition, Members can claim an attendance allowance for travelling to attend training, which is reimbursed at 45 pence per mile. As each Councillor lives in a different location in the Borough and not all make claims the exact costs are difficult to calculate.
Legal Implications	There are no legal implications.

At the start of the review the group agreed that it would be important to consult with other elected Borough Councillors about the parking issues impacting on residents and businesses in their wards. Members recognised that it was likely that there would be issues that other Councillors would want to report as this subject had been raised as a matter of concern by Members not serving on the Task Group at a meeting of the Audit, Governance and Standards Committee in April 2019. The group also felt Councillors, as the elected representatives of their wards, could act as the voice for their communities in respect of any parking problems that were raised for their attention by local residents.

Completed copies of the survey were returned for the group's consideration by 18 Councillors, representing 62 per cent of all Councilors at the authority. Members have been advised that this is a good response rate for scrutiny Task Groups in Redditch. Members concluded that there was a high response rate for this survey due to a significant level of interest in the subject amongst Members and their residents. Indeed, in response to one of the group's questions about the frequency with which problems with parking were reported for Members' consideration, 39 per cent of Councillors reported that they were contacted by residents about parking issues either every day or once a week, 22 per cent reported that they were contacted a couple of times a month about parking matters and 22 per cent were contacted once a month. Only 17 per cent of Councillors reported that they were contacted by residents about parking matters less than once a month.



Given the frequency with which Members reported that they were contacted by residents regarding parking matters the group concluded that it was important that Members were informed about the parking enforcement service in Redditch. As part of this Members need to be informed about the circumstances in which CEOs might not be able to undertake enforcement action, such as in relation to on street obstructions which the police would enforce or in cases where no TROs are in place.

In this context the group is proposing that a training session should be available for all Members to attend each year as part of the Member Induction Programme. There would be financial implications to this proposal arising from Officer time involved in organising and delivering the training, though Members would expect this training to be delivered in house as it relates to a Council service.

In addition, Members concluded that it would be helpful if new Members could be offered an opportunity to shadow a CEO early in their term of office. Concerns have been raised by Officers that there might not be capacity within the parking enforcement team to enable every Member to shadow a CEO. However, Members noted that in Redditch there is a system of elections by thirds, whereby a maximum of ten Councillors are elected in three out of every four years. Each year it is likely that some existing Members would be re-elected and some of the new Councillors might not be able to participate for personal reasons. Therefore, the group concluded that in any given year it was unlikely that more than five new Members would want to take up the opportunity to shadow a CEO. As all four members of the Task Group shadowed a CEO on different occasions in 2019 the group concluded that it would be reasonable to arrange for five new Members to shadow a CEO each year.

CONCLUSION

The Parking Enforcement Task Group have undertaken an extensive review of parking enforcement arrangements in the Borough over the past nine months.

Members discovered that the work of the parking enforcement team was shaped by legislation and that there were many instances in which CEOs could not take action to address parking contraventions. In particular, the group was concerned to learn about problems with parking around schools in the Borough and the implications that this has for the safety of school children. It is for this reason that many of the group's recommendations focus on action that could be taken to improve parking near schools.

The group's recommendations have been informed by the evidence that they gathered during the review. Members urge the Executive Committee to approve their recommendations.

APPENDIX 1**Scrutiny Proposal Form**

(This form should be completed by sponsoring Member(s), Officers and / or members of the public when proposing an item for Scrutiny).

Note: The matters detailed below have not yet received any detailed consideration. The Overview and Scrutiny Committee reserves the right to reject suggestions for scrutiny that fall outside the Borough Council's remit.

Proposer's name and designation	Councillor Mark Shurmer	Date of referral	13 May 2019
Proposed topic title	Review of Parking Enforcement Contract		
Link to local priorities including the strategic purposes	Keep my place safe and looking good. - Child protection issues around parking.		
Background to the issue	<p>Numerous complaints have been received by Members from residents from across the Borough over several years regarding dangerous and irresponsible parking. There is a need to ensure that support is provided to the Police in enforcement of parking problems, particularly at school sites in the morning and afternoons.</p> <p>This problem was raised during a meeting of the Audit, Governance and Standards Committee in April 2019. During the meeting members agreed that this subject would be suitable for further scrutiny and the intention of this scoping document is to raise the issue for the consideration of the Overview and Scrutiny committee.</p> <p>A range of partners have roles in respect of parking enforcement including Wychavon District Council, which delivers a parking enforcement service on behalf of Redditch Borough Council, West Mercia Police and Worcestershire County Council, as the local highways authority. A proper review of this subject would require consultation with partner organisations.</p>		
Key Objectives Please keep to SMART objectives (Specific, Measurable, Achievable, Relevant and Timely)	<ol style="list-style-type: none"> 1) To review the content of Redditch Borough Council's civil parking enforcement contract with Wychavon District Council. 2) To consult with relevant Council Officers and partner organisations about parking enforcement issues in the Borough. 		

	<p>3) To scrutinise the financial implications of the parking enforcement contract and of enforcement action to Redditch Borough Council.</p> <p>4) To investigate action that could be taken to improve parking enforcement in the Borough.</p> <p>5) To review the action taken by the Council to communicate the Council's approach to parking enforcement and the powers available to the local authority in respect of dangerous and irresponsible parking.</p>
How long do you think is needed to complete this exercise? (Where possible please estimate the number of weeks, months and meetings required)	This review should take 4 – 5 months.

Please return this form to: Jess Bayley, Jo Gresham or Amanda Scarce, Democratic Services Officers, Redditch Borough Council, Town Hall, Walter Stranz Square, Redditch, B98 8AH

Email: jess.bayley@bromsgroveandredditch.gov.uk / jo.gresham@bromsgroveandredditch.gov.uk / a.scarce@bromsgroveandredditch.gov.uk

APPENDIX 2**Acknowledgements**

Members would like to thank the following people for providing evidence during their review:

- Inspector Mark Chappell, West Mercia Police Force
- Stephen Forshaw, Contracts Supervisor, Wychavon District Council
- Kelly Griffin, Operations Manager, Wychavon District Council
- Kevin Hirons, Environmental Services Manager, Redditch Borough Council
- Guy Revans, Head of Environmental and Housing Property Services
- Gary Williams, Worcestershire County Council

The group would also like to thank the 18 Councillors who completed a copy of their survey. The information provided in these completed surveys helped to inform the group's final recommendations.

Finally Members would like to thank the CEO, Carys ?, who Members shadowed to learn more about the parking enforcement service.

APPENDIX 3
Timeline of Activities

Date	Task Group Activity
11/07/19	Initial meeting to discuss the scope of the review and evidence gathering.
25/07/20	Presentation from the Head of Environmental and Housing Property Services and the Environmental Services Manager in respect of parking enforcement arrangements in Redditch.
08/08/19	Consideration of the content of the report by the previous scrutiny group focusing on the introduction of civil parking enforcement in Redditch as well as information about the authority's parking enforcement arrangements published on the Council's website. Also, consideration of scrutiny reports by other Councils focusing on parking enforcement and parking zones.
09/09/19	Interview with Inspector Mark Chappell, West Mercia Police
02/10/20	Interview with the Operations Manager at Wychavon District Council. In addition, consideration of the Worcestershire local Transport Plan, Worcestershire Residents' Parking Policy and the Parking Policy in England briefing paper, published by the House of Commons Library in August 2018.
16/10/19	Councillor Jenny Wheeler shadowed a CEO during a shift in Redditch.
02/11/19 (am)	Councillor Salman Akbar shadowed a CEO during a shift in Redditch.
02/11/19 (pm)	Councillor Mark Shurmer shadowed a CEO during a shift in Redditch.
11/11/19	Councillor Joanne Beecham shadowed a CEO during a shift in Redditch.
06/02/20	Consideration of written evidence submitted in response to the group's questions by Worcestershire County Council as well as written feedback received from elected Members in completed surveys. Members also proposed a list of draft recommendations at this meeting.
25/02/20	Consideration of feedback from Council Officers in respect of the group's draft recommendations and agreement of final recommendations.

APPENDIX 4**Redditch Borough Councillors – Parking Survey****Parking Enforcement Task Group Questionnaire**

The Parking Enforcement Task Group was recently established to review parking enforcement arrangements in the town. The group is keen to hear from other Members about the issues with parking enforcement that residents may have raised, current parking enforcement arrangements and any suggestions about improvements that could be made to parking enforcement arrangements in the Borough.

- 1) To what extent is parking a problem in your ward? (Please name your ward)

- 2) How frequently do residents in your ward report problems with parking for your consideration?

- 3) What type of parking problems do residents report for your consideration as ward Councillor?

- 4) Where are parking issues occurring in your ward?

- 5) What parking enforcement measures currently in place in the Borough do you think work well?

- 6) What additional action do you think needs to be taken in respect of parking enforcement in the town and / or your ward?

- 7) Is there anything else that you would like to add for our consideration?

Thank you for taking the time to complete this questionnaire.
Please could you return this document to Jess Bayley by 10.00am on Wednesday 25th September 2019.

Paper copies of this questionnaire can be returned to:

Jess Bayley
Democratic Services,
Redditch Borough Council,
Redditch Town Hall,
Walter Stranz Square,
Redditch
B98 8AH.

An electronic version of this survey will also be circulated for Members' consideration.



APPENDIX 5: GLOSSARY

CEO – Civil Enforcement Officer

PCN – Penalty Charge Notice

SLA – Service Level Agreement

TRO – Traffic Regulation Order

REDDITCH BOROUGH COUNCIL**EXECUTIVE****9th June 2020****ANTI SOCIAL BEHAVIOUR POLICY**

Relevant Portfolio Holder	Cllr Julian Grubb
Portfolio Holder Consulted	Yes
Relevant Head of Service	Judith Willis, Head of Community & Housing Services
Ward(s) Affected	All
Ward Councillor(s) Consulted	No
Key Decision / Non-Key Decision	No

1. SUMMARY OF PROPOSALS

- 1.1 The purpose of this report is to recommend the approval and adoption of the Redditch Borough Council Anti-Social Behaviour (ASB) Policy set out in Appendix A.
- 1.2 Under the Crime and Disorder Act 1998, the council has a statutory duty to work with the police and other partner agencies to reduce crime, ASB and re-offending in its area. Section 17 of the Act also places a duty on the council to do all that it reasonably can to prevent crime, disorder and ASB. The council, as a landlord, also has a requirement to put place a policy that sets out how it will deal with behaviour that adversely affects its residents.
- 1.3 The draft ASB policy outlines how the council will tackle anti-social behaviour, through a framework of prevention, early intervention, support and enforcement. A number of changes are reflected in the policy revision; including an updated definition of ASB in line with legislative changes, clarification on what is considered ASB, enhanced case management procedures and risk assessment processes and updated details about the tools and remedies available to address ASB.
- 1.4 The draft ASB policy replaces all previous ASB policies and guidance.

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND that

- 2.1 **The draft ASB policy (as set out at Appendix A) is adopted.**
- 2.2 **The Head of Housing and Community Services be given delegated authority to update and amend the policy in line with any new legislation and guidance, as and when required.**

EXECUTIVE9th June 2020

3. KEY ISSUES**Financial Implications**

- 3.1 Failure to manage ASB effectively can lead to increased costs to the council due to void losses, damage to property, compensation claims via the Housing Ombudsman and court costs relating to compensation, enforcement and eviction.
- 3.2 However, tackling ASB, nuisance and ongoing disputes early and amicably could lead to reductions in costs to the council for repairs, damage, house moves and legal fees etc. There is also the option to seek to recover the costs of ASB damage and vandalism to council property directly from the perpetrator, once a case has been proven.
- 3.3 Initially, additional costs will be incurred by the council in implementing this policy where one or both parties are council tenants. This relate to the use of mediation should one or both parties are unable to pay for the service. Approximate costs are in the region of £140 to £150 per hour plus administration fees. These costs will reduce significantly once housing officers are trained to deliver a service in-house. There will also be a cost implication for mediation training for staff. Courses range from £200 a day to £2,000 for a 5 day course with accreditation, per person.
- 3.4 The costs from the above will be funded from the existing HRA budget.

Legal Implications

- 3.5 Under the Crime and Disorder Act 1998 (as amended), district councils have a duty to plan jointly with other named responsible authorities to prevent and reduce crime, ASB, the misuse of drugs and re-offending. The responsible authorities (including the Police, other Councils, National Probation Services, Clinical Commissioning Groups and the Fire and Rescue Service) form the Community Safety Partnership alongside other invited and cooperating bodies.
- 3.6 To comply with Section 17 of the legislation, the council must have a clear policy, across all service areas of enforcement. This is to enable us to take proportionate preventative, supportive, and/or robust action to tackle the problems ASB causes within and to communities.
- 3.7 Social landlords (including local authorities) have a range of powers at their disposal to deal with tenants who exhibit ASB. These powers, in particular those of local authorities, were extended and strengthened by the Housing Act 1996; the Anti-social Behaviour Act 2003; and the Housing Act 2004. The Anti-social Behaviour, Crime and Policing Act 2014, which gained Royal Assent on 13 March 2014, amended existing powers and extended landlords' powers to secure the eviction of anti-social tenants in certain circumstances.

REDDITCH BOROUGH COUNCIL**EXECUTIVE****9th June 2020**

Service / Operational Implications

- 3.8 The ASB policy directly supports the council's strategic purpose "Communities which are safe, well maintained & green" and is also linked to the purposes "Finding somewhere to live" and "Living independent, active, healthy lives". The policy also contributes to North Worcestershire Community Safety Partnership's priority to "Reduce Anti-Social Behaviour"
- 3.9 ASB and Community Safety is a corporate priority and introducing this policy will demonstrate how the council will deal with cases of ASB, making the process clearer for residents and staff.
- 3.10 The policy outlines the council's responsibilities in dealing with various of types of ASB, recognising that different council services can have an impact on poor behaviour, supporting victims and taking action on their behalf, as appropriate.
- 3.11 The policy reflects the definition of ASB contained within the ASB, Crime & Policing Act 2014 and sets out what the council considers to be anti-social behaviour, what powers and tools we have available to prevent ASB from occurring and what action we can take when it does. The policy also outlines instances where the council may not get involved and details the expectations placed on residents and their visitors to assist us in maintaining peaceful communities.
- 3.12 The policy is clear on the council's commitment to delivering a preventative and harm reduction centred approach to tackling ASB and provides a consistent and proportionate response to all behaviour we define as ASB

Customer / Equalities and Diversity Implications

- 3.13 The Equality Act 2010 provides people with a protected characteristic with protection from direct or indirect discrimination; harassment and victimisation. It is widely recognised that ASB can disproportionately impact on people with protected characteristics and can lead to or include hate crimes and incidents. The application of this policy utilises a two stage risk assessment matrix to consider the effect of incidents on a victim, taking into consideration their individual circumstances. This process will ensure that where necessary additional steps and/or reasonable adjustments can be made in line with the requirements of the Equality Act.
- 3.14 There is the potential for negative effects where action may need to be taken against vulnerable groups perpetrating ASB, such as those under the age of 18 and those with mental health problems. An Equality Act Assessment has been included in the policy to ensure that the potential risks of taking any such action are fully considered and documented before any decisions are taken.
- 3.15 Each case will be fully risk assessed and the proportionality of any corrective action will be measured and recorded to identify any mitigating circumstances or additional support needs. Following this risk assessment it may still be

EXECUTIVE

9th June 2020

considered that any potential negative impacts on the perpetrator are justified on the grounds of protecting the victim, the perpetrator themselves and/or the wider community.

- 3.16 Once the policy is agreed, communication on what the public can expect from the council, how we will deal with reports of ASB, how the services can be accessed and how quickly we will respond will be designed and publicised.

4. RISK MANAGEMENT

- 4.1 The council has a statutory duty to exercise its functions with due regard to the effect of those functions on crime, disorder, ASB and reoffending. The council must also do all it reasonably can to prevent crime, disorder, ASB and reoffending throughout the borough.
- 4.2 Failure to manage ASB within communities presents a high reputational risk to the Council. This is significantly mitigated by having a robust policy and agreed procedures in place.

5. APPENDICES

Appendix A – Draft Redditch Borough Council ASB Policy

6. BACKGROUND PAPERS

Anti Social Behaviour, Crime & Policing Act 2014 – Updated [Statutory Guidance](#) from the Home Office (Dec 2017)

AUTHOR OF REPORT

Name: Bev Houghton

Email: bev.houghton@bromsgrovenandredditch.gov.uk

Tel.: 01527 534187



Anti-Social Behaviour Policy

Document Version Control

Created By	Bev Houghton			
Date Approved				
Date Published				
Maintained By				
Review Date				
Version Number	Modified By	Modifications Made	Date Modified	Status
V. 0.1	Bev Houghton	Initial comments from HoS	10/01/2020	Draft
V. 0.2	Bev Houghton	New format / Appendices included	11/02/2020	Draft circulated to HoS and Housing Manager for comment
V. 0.3	Bev Houghton	Comments from Housing Tenancy & Advisory Services Manager incorporated	14/02/2020	Draft circulated to 4 th tier Mgrs. for comment
V. 0.4	Bev Houghton	Comments/Amends from 4 th Tier Managers	21/02/2020	Presented to CMT (25/02)
V. 0.5	Bev Houghton	Comments from CMT incorporated	02/03/2020	Presented to Portfolio Holders (10/03)

CONTENTS	PAGE
1. Introduction	3
2. Aims and Objectives	3
3. Responsibility	4
4. Legislation and Guidance	8
5. Related Policies and Procedures	9
6. Appendices	10

1. Introduction

Redditch Borough Council recognises that the problems created by Anti-Social Behaviour (ASB) need to be dealt with in a robust but proportionate manner. Our residents are entitled to live in a quiet and peaceful environment; so when it is appropriate for the Council to act we will aim to work quickly and efficiently to tackle incidents of ASB.

- 1.1 The Council's ASB policy applies to tenants and residents (regardless of tenure), their family members and other occupants and visitors.
- 1.2 ASB is defined in the Anti-Social Behaviour, Crime and Policing Act 2014 as:
 - Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person,
 - Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation or residential premises, or;
 - Conduct capable of causing (housing-related) nuisance or annoyance to any person

2. Aims and Objectives

The aim of this policy is to set out Redditch Borough Council's approach to responding and effectively dealing with various aspects of ASB. It sets out the obligations of relevant departments and the commitments the Council makes to tenants, residents and the wider community as it delivers its services.

- 2.1 This policy supports the Council's corporate priorities which are set out in the Redditch Borough Council Plan 2020 – 2024. The Council Plan identifies ASB and Community Safety as one of its priorities and provides a commitment to work with partners to reduce crime and disorder, target the causes of ASB across the Borough and to address the ASB issues affecting our communities.
- 2.2 The Council is committed to promoting equality of opportunity in its services and has procedures in place to ensure that all residents are treated fairly and without unlawful discrimination. The Equality Act 2010 provides a framework to ensure council services are not provided in a discriminatory manner, having due regard to eliminating discrimination, harassment and victimisation, advancing equality of opportunity and fostering good relations between people from all communities.
- 2.3 The Council believes that consideration of the impact of incidents on victims and neighbourhoods is crucial and therefore takes a victim-centred approach when dealing with ASB. How each case is handled will vary depending on the specific circumstances of the victim and the perpetrator and all service users will be treated with dignity and respect. Language barriers and certain forms of mental illness or disability may make it difficult for some people to express themselves or communicate clearly, so officers will consider use of advocates, translation services and/or make reasonable adjustments to meet the needs of each individual.
- 2.4 Under this policy, the Council will:
 - demonstrate that we have considered any vulnerability identified within the Equality Act when deciding to proceed with legal action.

- determine whether legal action is needed, due to the effect of the anti-social behaviour on either the health & well-being and quality of life of the victim[s] and/or the perpetrator[s].
- ensure that the proposed legal action is a proportionate response to the anti-social behaviour taking place.

3. Responsibility

3.1 Our role as a social landlord

As a landlord, we have a duty to respond to ASB affecting the properties we manage. Our landlord duties and powers are different from, and are in addition to, the duties and powers we have to deal with ASB in the wider community

3.2 Our role as a statutory member of the Community Safety Partnership

Under the Crime and Disorder Act 1998, the Council must work with the Police, Fire & Rescue Services, Public Health Bodies and other statutory agencies to reduce crime and disorder in Redditch. In this role, we play a key part in dealing with ASB of all kinds and to comply with the legislation, the Council across all of its relevant service areas must be able to take appropriate action to tackle the problems that ASB cause within and to local communities.

3.3 Our environmental protection role

The Council has a range of responsibilities to deal with “environmental” ASB, such as noise, litter, fly tipping and abandoned vehicles etc. These responsibilities arise primarily from the Environmental Protection Act 1990. The Council also has responsibility for a number of parks, open spaces and waterways that it manages and maintains for the enjoyment all of our residents and visitors to the Borough.

3.4 Whilst these are three distinct roles, there are very strong links between them all and close working arrangements have developed between the teams that deliver the various services involved.

3.5 Worcestershire Regulatory Services

Complaints regarding certain types of noise, artificial light, odour, insects, animals, smoke, fumes/gases and accumulations or deposits may constitute a statutory nuisance and are dealt with by Worcestershire Regulatory Services (WRS). The problem must be excessive or unreasonable rather than an annoyance and would not include issues such as children playing, babies crying, ordinary domestic living noise or road traffic noise as these circumstances are outside the scope of the law. Behaviours within the scope of WRS are not addressed as part of this policy but more information about these types of environmental nuisances and how to report them can be found [here](#).

3.6 Dealing with Anti-Social Behaviour

Anti-social behaviour (ASB) can be a destructive force within communities and the lives of a significant number of people can be negatively affected by the behaviour of an unreasonable minority. Everyone has a right to live in a safe environment that allows them the quiet enjoyment of their home and neighbourhood and equally, every resident has the responsibility not to interfere with their neighbour’s quiet enjoyment of life.

- 3.7 The term ASB is used to describe a wide range of issues from some crimes and serious nuisance to less severe but frequent and annoying behaviour. Some examples of ASB include:-

Noise: This includes but is not restricted to, extremely loud televisions and music, persistent, unnecessary or excessive noises such as banging on walls, shouting and yelling or excessively loud or frequent parties.

Intimidation, harassment and violence: Such as verbal or written abuse, threats of violence *that have also been reported to Police*, threatening or aggressive behaviour, harassment, assault, damage to property, keeping and failing to control an aggressive dog, using or allowing premises to be used for illegal or immoral activity such as selling, handling or storing or using illegal drugs, prostitution, handling stolen goods or domestic abuse.

Environmental ASB: Such as dumping rubbish and littering, vandalism, dog fouling, bonfires, graffiti, fly-posting, abandoned vehicles.

Behaviour motivated by hate directed at a person's Race or nationality, gender, sexual orientation, disability, faith/religion or age: The Council recognises that hate-motivated incidents and harassment are serious offences that are often under-reported. The Council will remove hate-motivated graffiti and carry out any emergency repairs required, as a matter of urgency after a hate crime or incident is reported. The Council will also support and encourage victims and witnesses to report these types of incidents to the Police and relevant support agencies at the earliest opportunity.

ASB affecting our landlord role in addition to the above: This includes but is not limited to failure by tenants to take reasonable steps to prevent others living in the property (including children or visitors) from behaving anti-socially.

- Failure by tenants to observe any tenancy conditions that are related to ASB
- Any act (whether or not committed by a tenant or leaseholder), which directly or indirectly adversely affects the Council's housing management function.
- The misuse of communal areas (including parking areas), the use of motor vehicles in an anti-social manner by tenants, others living in the property or visitors of the tenants. In cases such as these, the tenants will be referred to the Council's Tenancy Management Policy and procedures.

The above is not an exhaustive list of conduct falling within each aspect of ASB and should not be read as such.

- 3.8 When we may not be able to get involved

We are unable to control human relationships. ASB can be difficult to define and there are some types of behaviour that are not classed as ASB and will not be investigated by the Council's Housing Teams or other service areas.

Examples include, but are not limited to: Children playing in the street or communal areas or young people gathering socially, unless they are being threatening or deliberately intimidating, parking issues (such as not being able to park outside of your property), civil disputes between neighbours e.g. shared driveways, fences, complaints about normal household noise or a single minor incident.

3.9 Our Commitments

The Council's Anti-social Behaviour Policy is founded on the following five commitments.

- No one should have to tolerate ASB
- Reports of ASB will be treated seriously and dealt with professionally
- ASB will be dealt with firmly, fairly and proportionately
- We will work with our partners in order to deliver an effective, value for money ASB service across the community
- We will provide a high quality service that meets people's identified needs

3.10 No one should have to tolerate ASB

Our policy is to:

- Make people aware of what anti-social behaviour is.
- Publicise and promote our various services to combat ASB.
- Encourage people to report ASB.
- Seek to respond to each reported case of ASB as quickly as possible.
- Support victims of ASB throughout the case

3.11 Reports of ASB will be treated seriously and dealt with professionally

Our policy is to:

- Assess (and re-assess, when the Council considers it necessary) the seriousness of the ASB reported to us using a nationally recognised ASB risk assessment tool. See **Appendix 1**
- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (e.g. the Police, housing associations, other landlords etc.) and observing data protection laws, information-sharing agreements and any other relevant legislation.
- Ensure that criminal ASB reported to the Council is quickly passed on to the Police.
- Register and record each case we take on.
- Fully investigate the complaint, which may involve interviewing any alleged perpetrator(s) and may involve interviewing third party witnesses.
- Quickly involve different departments of the Council and other agencies as necessary.
- Formally close all cases in writing.
- Where we feel no action is appropriate, explain our reasons and provide advice on self-help or other alternative courses of action, whenever it is possible and appropriate to do this.
- Periodically seek information on how cases have been handled and look to improve our service based on feedback from customers and partners.

3.12 ASB will be dealt with firmly, fairly and proportionately

Our policy is to:

- Take any necessary early action to protect people and property.

- Investigate the circumstances and seek to understand all the facts of the matter reported to us.
- Seek always to resolve cases at the lowest level of intervention, taking formal action only when the ASB is serious or persistent or when it threatens people's safety or health.
- Use any of the tools and powers available to us under the law and Council policy, according to our best professional judgment.
- Take into account (and adjust our approach as necessary) when a victim or perpetrator is a vulnerable person by utilising Equality Act Assessment guidance when considering cases of ASB. See **Appendix 2**
- With the consent of the people involved and where both parties are willing to contribute financially, we may refer suitable cases to a mediation service.
- Not necessarily intervene where there is no statutory duty on the Council to act. For example, where the issue solely involves private sector housing or private businesses.
- Recommend that when dealing with a neighbour dispute, that mediation be attempted. This may be the only action taken by the Council, where there is no impact on the wider community.

3.13 We will work with partners in order to deliver an effective, value for money ASB service across the community

Our policy is to:

- Play a full part as a key member of the North Worcestershire Community Safety Partnership.
- Participate in relevant strategic forums and preventative initiatives.
- Participate in permanent or ad-hoc multi-agency working groups dealing with specific ASB issues.
- Work with housing associations, private landlords, letting agents and businesses, providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB, making use of their own resources.
- Consider whether reports or actions are considered inappropriate or unreasonable and ensure such reports do not take up a disproportionate amount of officer time, to ensure public money is not misspent.

3.14 We will provide a high quality service that meets people's identified needs

Our policy is to:

- Ensure that officers dealing with ASB are appropriately trained.
- Ensure that officers dealing with ASB understand and follow agreed policies and procedures.
- Focus the response to ASB on the needs of those most affected by adopting a victim-centred approach.
- Review this and other relevant policies to reflect any new legislation and lessons learnt.
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

- Ensure all steps are considered in line with the Equalities Act and that if there is a known vulnerability, or if one becomes known during the course of the investigation, that details are recorded and taken into account when deciding how to proceed or respond. See **Appendix 2**

3.15 Support for victims and witnesses

The Council is committed to providing a high level of service to victims and witnesses of ASB. Council officers from services such as Housing, Environmental Services and Planning are available during normal office hours to support tenants and other customers wishing to report an ASB issue. Depending on the type of issue being reported, these officers will normally be the first point of contact and will make an initial assessment of the severity of the problem. The lead officer may work alongside and draw on the expertise of other relevant officers of the Council and/or other agencies and may, if necessary, refer the case to an Anti-social Behaviour specialist.

Whether the victim is working with a council officer or an ASB specialist, an action plan will be completed which will detail what can be expected from the Council and what the investigating officer will need from the victim/witness in order to progress the case. Council officers can also work with other local agencies and community groups to help provide both practical and emotional support for victims of ASB.

4. **Legislation and Guidance**

- 4.1 There are a number of different tools and remedies available to Local Authorities and Housing providers to address ASB problems, ranging from written warnings and acceptable behaviour contracts to criminal prosecution and even eviction.

Using relevant legislation, such as the ASB Crime and Policing Act 2014, the Council will aim to take the lowest level of intervention appropriate to the circumstances. In exceptional circumstances, formal legal action can be taken immediately but only where the case is serious enough to warrant this type of urgent intervention. Any actions that are taken will be based on consideration of the facts, evidence gathered and officer's professional judgement.

A list of the types of interventions and powers available to tackle ASB can be found at **Appendix 3**

- 4.2 Alongside the ASB, Crime and Policing Act 2014, the following legislation will also be taken into consideration when implementing this policy:

- Data Protection Act 1998, 2003 and 2018 (GDPR)
- Crime and Disorder Act 1998
- Anti-social Behaviour Act 2003
- Police and Criminal Evidence Act 1984 (PACE)
- Mental Health Act 1983 (amended 2007)
- Environmental Protection Act 1990
- Criminal Justice and Police Act 2001
- Housing Act 1996
- The Noise Act 1996 as amended by the Anti-social Behaviour Act 2003 and the Clean Neighbourhoods and Environmental Act 2005

- Children's Act 2004
- Harassment Act 1997
- Human Rights Act 1998
- Homeless Reduction Act 2018
- Freedom of Information Act 2000
- Equality Act 2010
- Police Reform and Social Responsibility Act 2011

4.3 **Confidentiality and information sharing**

Where appropriate, the Council will share information with the Police and other key agencies under joint information sharing protocols, so that all agencies can carry out their function and duties in accordance with the Crime and Disorder Act 1998.

The Council works within the provisions of the General Data Protection Regulations (GDPR) / Data Protection Act 2018 which provide the framework for the sharing of information and the need for confidentiality and privacy. There is more information on how we use your information in our Privacy Policy, which is available on our website.

In certain circumstances, the Council will consider using professional witnesses and hearsay evidence where it is appropriate to do so. Specific actions, details of proposed action or any measures being taken with a third party will not be disclosed to the complainant by any investigating officer, unless there is a valid legal reason for the Council to do so.

4.4 **Discretion**

This policy commits the Council to dealing with ASB in Redditch in a way that will always be fair and, in all-important aspects, is consistent across cases of a similar kind. However, our services are constantly evolving to meet customer need and each case that is dealt with is likely to be unique in some respect. This means that occasionally our discretion may be used to vary our approach from that described in this document. We may do this in any individual case, with appropriate consultation, or we may make any changes to our approach apply to all future cases. In this instance, we will formally amend this policy and our procedures.

5. **Related Policies and Procedures**

5.1 **Links to other corporate documents**

This policy links to and should be read in conjunction with the following Redditch Borough Council corporate policies and strategies:

- Safeguarding Children and Vulnerable Adult Policy
- Tenancy Management Policy
- Introductory Tenancy Policy
- Lone Working Policy
- Housing Options Policy
- Redditch Housing Strategy
- Sustainable Tenancy Strategy
- Environmental Enforcement Strategy

- Community Safety Partnership Plan

5.2 There are many partner agencies that we work with to address anti-social behaviour such as:

- North Worcestershire Community Safety Partnership members - [NWCSP](#)
- West Mercia Police and Crime Commissioner
- Other Housing Associations
- Neighbouring Local Authorities
- Her Majesty's Prison Service
- Schools and Colleges
- Victim Support
- Other voluntary, community and business sector organisations

5.3 ASB Case Review (Community Trigger)

An ASB Case review (Community Trigger) gives victims and communities the right to request a review of their existing ASB case. If the review criteria are met, it will bring agencies together to take a joined-up, problem solving approach to finding solutions to the issues in the case.

In Redditch, the Case Review (Community Trigger) criteria will be met if:

- an individual has made 3 or more reports of ASB within a 6 month period and they consider no action has been taken, or
- a group of 3 or more individuals or organisations from the local community have separately reported incidents of ASB within the last 6 months and they consider that no action has been taken.

If an application qualifies for a review, each stage of the process is communicated with the applicant to let them know what is happening and what the next steps will be. More information about the North Worcestershire Community Safety Partnership's ASB Case Review process which covers Redditch Borough can be found [Here](#)

6. Appendices

6.1 ASB Risk Assessment & Re-assessment Tool

6.2 Equalities Act Guidance and Assessment Form

6.3 Tools and Remedies available to address ASB

ASB Risk Assessment Matrix

Name:	Address:
Incident No:	DOB:

History	1. Other than this occasion - how often do you have problems	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
	2. Do you think the current incident is linked to previous incidents? If so why? Details:	2 0	Yes No
	3. Do you think that incidents are happening more often and/or are getting worse?	2 0	Yes No
	4. Do the offenders know each other?	2 1 0	They know each other well They are 'known' to each other They do not know each other
	5. Does the perpetrator (or their associates) have a history of or reputation for harassment or intimidation?	6 4 2 0	Perpetrator or their associates are currently harassing the complainant Perpetrator or their associates have harassed the complainant in the past Perpetrator or their associates have not harassed the complainant but have a history or reputation for harassment or intimidation Perpetrator or their associates have no history or reputation for harassment or intimidation
	6. Have you informed any other agencies about what has happened? If yes, are you happy for us to discuss this problem with them? Details:	0 1	Yes No

Vulnerability	7. Which of the following do you think that this incident deliberately targeted? Specify	4 3 1 0	You Your family Your community None
	8. Do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3 0	Yes No
	9. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances) Details:	3 0	Yes No
	10. How affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected

Support	11. Has your or anyone's health been affected as a result of this any previous incidents? Details:	3 3 0	Physical health Mental health No
	12. Do you have a social worker, health visitor or any other type of professional support? Details:	0 1	No Yes
	13. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated Complainant is isolated from people who can offer support Complainant has a few people to draw on for support Complainant has a close network of people to draw on for support
	14. Apart from any effect on you, do you think anyone else has been affected by what has happened? Details:	1 3 0	You family Local community / other No
	TOTAL SCORE:		

CONSENT TO SHARE INFORMATION

I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.

If there are child protection concerns, information will be shared regardless of whether this form is signed.

SIGNATURE:

DATE:

PRINT NAME:

Version 1 28/06/16

Low		0	4	8	12	16	20	22	24	26	28	30	High
Medium													
34	HIGH	<p>This matrix is not designed to be an exact science and the protection or interventions put in place is determined as much by the assessor as the scores. The assessor should also consider allocating a higher score to Q8 if disability is a reason for targeted ASB.</p> <p>I have carried out the risk assessment and the result indicates a level of risk within the HIGH range, or having carried out the risk assessment and considered the circumstances the risk is not scored as high but I believe that the conduct in question is having an adverse impact on the victim, which includes the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Take any immediate steps required to reduce the risk of harm. Refer the case to ASB Manager (local equivalent) for a Complex Case Group referral using the Victim Referral Form.</i></p>											
		<p>I have carried out the risk assessment and the result falls within the MEDIUM range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Ensure that relevant multi agency support is in place and the appropriate and proportionate use of tools and powers is considered to resolve. Consider ASB Co-ordinator (local equivalent) advice. Consider Victim Support re: consideration of referral. Regularly monitor changes in risk factors.</i></p>											
		<p>I have carried out the risk assessment and the result falls within the LOW range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>In relation to numerous repeat calls and identified problematic locations develop a problem solving response. Consider ASB Co-ordinator (local equivalent) advice to ensure that multi agency support is in place and the appropriate and proportionate use of tools and powers is considered. Regularly monitor changes in risk factors. Isolated incidents should be dealt with in accordance with agency minimum standards.</i></p>											

ASB (& HATE INCIDENT) RISK RE- ASSESSMENT MATRIX

To be completed 8 weeks from original risk assessment

Name:	Address:
Incident No:	DOB:

History	1. At this present time i.e. in the last two weeks how often have you had problems?	5 3 2 1 0	Daily Most days Most weeks Most months Only occasionally
	2. Have there been any incidents since the last risk assessment? If yes, give details	2 0	Yes No
	3. Are the incidents reducing?	0 2	Yes No
	4. Do the offenders know each other?	2 1 0	They know each other well They are 'known' to each other They do not know each other
	5. If you have had recent incidents and if you know the perpetrator/s do they (or their associates) have a history of or reputation for harassment or intimidation?	6 4 0 0	Recent perpetrators are the same ones as before Recent perpetrators are different from before and I know they have a reputation for harassment and intimidation Recent perpetrators are different from before and I know they have no reputation for harassment and intimidation There have been no incidents or I do not know the recent perpetrators

Vulnerability	6. If there have been any recent incidents , do you feel any of the following are being deliberately targeted? Specify why:	4 3 1 0	You Your family Your community None
	7. If there have been any recent incidents , do you feel that this incident is associated with your faith, nationality, ethnicity, sexuality, gender or disability? Details:	3 0	Yes No

	8. In addition to what has happened, do you feel that there is anything that is increasing you or your household's personal risk (e.g. because of personal circumstances) Details:	3 0	Yes No
	9. At this present time how affected do you feel by what has happened? Details:	0 1 2 3 5	Not at all Affected a little Moderately affected Affected a lot Extremely affected

Support	10. Has your or anyone's health been affected as a result of this any previous incidents? Details:	3 3 0	Physical health Mental health No
	11. Do you have a social worker, health visitor or any other type of professional support? Details:	0 1	No Yes
	12. Do you have any friends and family to support you?	3 3 1 0	Complainant lives alone and is isolated Complainant is isolated from people who can offer support Complainant has a few people to draw on for support Complainant has a close network of people to draw on for support
	13. At this present time apart from any effect on you, do you think anyone else has been affected by what has happened? Details:	1 3 0	You family Local community / other No
	TOTAL SCORE:		

<p align="center"><u>CONSENT TO SHARE INFORMATION</u></p> <p>I consent to agencies obtaining and sharing information as part of the multi-agency work to help and secure my safety and that of my family.</p> <p>If there are child protection concerns, information will be shared regardless of whether this form is signed.</p>
SIGNATURE:
DATE:
PRINT NAME:

Version 1 28/06/16

		Low	0	4	8	12	16	20	22	24	26	28	30	High
		Medium												
34	HIGH	<p>This matrix is not designed to be an exact science and the protection or interventions put in place is determined as much by the assessor as the scores. The assessor should also consider allocating a higher score to Q8 if disability is a reason for targeted ASB.</p> <p>I have carried out the risk assessment and the result indicates a level of risk within the HIGH range, or having carried out the risk assessment and considered the circumstances the risk is not scored as high but I believe that the conduct in question is having an adverse impact on the victim, which includes the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Take any immediate steps required to reduce the risk of harm.</i> <i>Refer the case to ASB Manager (local equivalent) for continued discussion at the ASB Complex Case Group meeting.</i></p>												
24		<p>I have carried out the risk assessment and the result falls within the MEDIUM range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>Ensure that relevant multi agency support is in place and the appropriate and proportionate use of tools and powers is considered to resolve.</i> <i>Consider ASB Co-ordinator (local equivalent) advice.</i> <i>Consider Victim Support referral.</i> <i>Regularly monitor changes in risk factors.</i> <i>If previously adopted by the ASB Complex Case Group, consider discussion to close the case</i></p>												
16	LOW	<p>I have carried out the risk assessment and the result falls within the LOW range. I have considered the circumstances and believe that the impact of the conduct on the victim does not at this stage carry the risk of harm, deterioration of health, mental or emotional wellbeing or inability to carry out normal day to day routine through fear and intimidation</p> <p>Signed _____ Date _____</p> <p>Name _____ Role _____</p> <p>Action <i>In relation to numerous repeat calls and identified problematic locations develop a problem solving response.</i> <i>Consider ASB Co-ordinator (local equivalent) to ensure that multi agency support is in place and the appropriate and proportionate use of tools and powers is considered.</i> <i>Regularly monitor changes in risk factors.</i> <i>Isolated incidents should be dealt with in accordance with minimum standards.</i> <i>If previously adopted by the ASB Complex Case Group, consider discussion to close the case</i></p>												
4														
0														

Equality Act Assessment Guidance

Summary

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. It replaced previous anti-discrimination laws with a single Act, making the law easier to understand and strengthening protection in some situations. It sets out the different ways in which it's unlawful to treat someone.

Under the Act the Council has a duty not to discriminate against any person on the grounds of:-

- Age
- disability
- race
- religion or belief
- Gender (including gender reassignment)
- sexual orientation
- Pregnancy or maternity
- Marriage of civil partnership
- Sex

Discrimination can include treating a person unfavourably because of something arising from their disability, unless the Council can show that this treatment is justified.

Section 35 prescribes that we must not discriminate, and we must show proportionality when taking action against a person known to have a disability under the Act.

Section 149 outlines the Public Sector Duty, which ensures that we have policies and procedures that pay due regard to disability and prevent us from acting in a discriminatory manner.

Why complete an Equality Act Assessment (EAA)

The purpose of completing the Equality Act Assessment is to demonstrate that you have shown due regard to the customer's disability/protected characteristic and how you have adapted the service to meet their needs where possible.

Should the situation need to progress to legal action in the future you will have already demonstrated what you have done to try and resolve the matter in a different way and shown due regard to the customers disability.

As a Council we must demonstrate that we have taken the disability into account particularly if we are considering legal action against an individual.

When to complete an EAA

If you are aware that a resident has a protected characteristic or disability you should complete an EAA prior to considering any form of action. This is relevant to all operations across our business and when considering action for Antisocial Behaviour such as an NOSP, Injunction or possession action.

You may not be aware that the resident has a disability from the outset and this may come to light during engaging with the customer or after you have already commenced legal action. You should commence the assessment at the earliest point that you become aware.

You can do an EAA even if you are not considering legal action to demonstrate how you have done things differently and shown due regard to the customers disability.

Anti-Social Behaviour

As soon as you are aware of a disability you must complete an EAA to assess what action is appropriate. You may need to consider whether a lesser action could be considered rather than legal action.

Example: if you are considering serving a Notice of Seeking Possession or seeking an Injunction or a notice, is there a lesser action you could try first such as an Acceptable Behaviour Contract, mediation or working with support workers to try and remedy the behaviour. You should show due regard to the customers disability and consider all other avenues before legal action and demonstrate on the EAA what you have done to address this.

There will be occasions when it may be appropriate to proceed with legal action, particularly when the antisocial behaviour is impacting on a wider community. If you consider that this is the only route available you should discuss this with your line manager and review the EAA prior to seeking permission to commence legal action.

Reviewing the Equality Act Assessment

Once you have commenced an EAA you should regularly review and update it. It should be updated at any significant stages throughout managing an ASB case.

- When the case is opened complete the EAA
- When you engage with a resident or to demonstrate that they are not engaging.
- Prior to taking any formal action
- Prior to proceeding to apply to court
- Prior to court hearings
- On receipt of a medical report or information from any other agencies

Working with Other Agencies

If you are aware that the customer has support agencies in place you should try and work closely with them and demonstrate actions and outcomes as part of the EAA. You may also need to engage support agencies on behalf of the customer.

Authorisation for Legal Action

When completing a request to proceed with legal action if there is an EAA in place this should also be provided to the appropriate Manager to consider prior to approving. Managers should consider whether all steps have been taken to show due regard to the customer's disability and whether proceeding with legal action is proportionate.

During Legal Action

It may only come to light that a customer has a disability once we have already commenced legal action. This can often happen when an expert's report is submitted as part of the case. Once you have received a copy of the report you must demonstrate that you have read and considered all of the information and make adjustments to the action where possible.

Storage and Recording EAA's

You should retain copies of EAA's securely in case files. Also, record that you have completed an EAA on any case processing documentation where appropriate e.g. for referral to external support agencies, escalation to senior managers or when preparing a case file for Legal Services.

Equality Act Impact Assessment

Name of Resident(s)	
Address	
Tenancy	<u>Type of Tenancy</u> <u>If RBC, outline tenancy clauses relevant to breaches</u>
Policy and Procedure	<i>Outline the ASB Policy, Procedure or Tenancy Management Policy, Procedure specific to case and where breaches are</i>
Rent Arrears History	<i>(If an arrears case or linking arrears with ASB actions) (Include any recharges)</i>
ASB Case Details	<i>Provide an overview of the case. List correspondence, nuisance diary sheets, file notes, complaints made, any police or other information</i>
Details of known disability & Evidence.	<i>Outline known or suspected disability or protected characteristic; include Doctors reports, liaison with other agencies. Provide any evidence you have of the disability. This will be required for any court action.</i>
If ASB is the behaviour causing an impact on others	<i>Provide an outline of what the impact is e.g. on other residents, the community</i>
Other material relevant to the type of case	<i>Any other relevant information to the case, tenant history, support needs, safeguarding, signposting</i>

1	Is there a relevant "Protected Characteristic"?	<i>(Disability, age, race, religion or belief, sex, sexual orientation, gender reassignment, marriage/civil partnership status, pregnancy/maternity)</i>
2	Is there a disability/suspected disability, what is this?	<i>(Disability is defined as a physical or mental impairment that has a substantial and long term adverse effect on the person's ability to carry out normal day to day activities).</i>
3	What action is proposed?	<i>(E.g. service of Notice, Order, NOSP, issue of possession claim, enforcement of warrant, issue of Injunction application etc.)</i>
4	Is this action proposed because	<i>Describe the behaviour and how this links to the disability.</i>

	of behaviour arising from the disability?	
5	List alternative action which has been considered and/or attempted to address the problem.	<i>Show what you have done prior to considering legal action e.g. ABC, mediation, Community Protection Warning, action plans</i>
6	List any reasonable adjustments which have been made, or could be made to take account of the disability and state what action taken.	<i>(e.g. visually impaired tenant – letters sent in large font size; tenant with learning difficulties – social services assistance in understanding tenancy agreement)</i> <i>What have you done to try and resolve the behaviour e.g. contact other services, Drs, partner meetings and liaison with other agencies, alternative actions such as ABC's? Ensure that you document any failed visits and non-engagement by the resident.</i>
7	Is the proposed action a proportionate means of achieving a legitimate aim?	<i>Why do you feel the action is justified? E.g. to protect the health and safety of other residents, reduce impact on community</i> <i>Is the action appropriate e.g. does the resident have capacity, an injunction would not be appropriate if there is no capacity</i>
8	Decision marked for review at what stage	<i>This assessment should be reviewed at regular intervals e.g. Prior to serving NOSP, prior to the court hearing, if there is a change in circumstances or condition. List here all the dates it has been reviewed and for what reason.</i>

I have had due regard to the Aims and Objectives set out in the Public Sector Equality Duty in Section 149 of the Equality Act 2010, including the need in appropriate circumstances to treat persons with a disability more favourably than persons who do not have a disability. I have however concluded that notwithstanding this, it is appropriate that the action outlined should be taken.

Form completed by:

Name:

Job Title:

Date:

Tools and Remedies to address ASB

Most neighbour problems can be resolved by talking to each other in the first instance and we always encourage this approach. A friendly conversation with a neighbour to make them aware of a problem is often effective.

However, in some circumstances this may not be possible, or it may have been tried and the behaviour still continues. In these cases, the Council can look at other options available, placing an emphasis on early intervention and prevention. The options available will be assessed on a case by case basis and only used when reasonable and proportionate to the ASB problem at hand.

ASB by its nature is subjective and it can mean different things to different people, impacting on them in a variety of ways. Officers will risk assess reports to determine an appropriate response to the ASB being reported; based on type, frequency, severity of incidents and impact on the victim. We will pursue all available remedies by working with our partner agencies with a view to modifying the behaviour of offending individuals and achieving a lasting solution.

Working with our partner agencies, these are some of the tools and remedies available when dealing with cases of ASB. Support is provided throughout the process and referrals to other organisations can be made as and when it is appropriate.

Preventative/Early Intervention Tools

Where necessary, the Council will use early intervention methods to assist in preventing the escalation of problems; these could include **home visits, letters** and **early advice**.

Introductory Tenancies

Introductory Tenancies/Starter Tenancies allow Housing Managers to deal quickly with problems like ASB. We will explain to new tenants at sign-up and settling in visits, the terms of their tenancy relating to ASB/causing nuisance. We will clarify our expectations and any consequences, to ensure residents understand their responsibilities from the outset of their tenancies.

Warnings and Agreements

Verbal or written warnings can be issued to challenge unacceptable behaviour, and reinforce that ASB isn't tolerated in our communities. The Council will use warnings to remind residents of their obligations under their tenancy/lease or the rule of law and we will set out the specific clauses/conditions/legislation that has been breached. When issuing warnings we will clarify the issue, advise the individual we are monitoring their behaviour and warn them that further enforcement action will be taken if their behaviour continues.

Acceptable Behaviour Contract (ABC)

An ABC is a non-legally binding written agreement. We will use an ABC to engage an individual to get them to acknowledge their behaviour and the effect it has on others, with the aim of stopping the ASB. The agreement will be signed by the individual, the Council and the Police and it can be signed with any resident aged 18 and over. Failure to adhere to a signed contract could be used as evidence in any formal action that may be required in the future

Parenting Contract Agreement (PCA)

A PCA is a written agreement made with parents of children under the age of 18, which is used to address the behaviour of a child. The contract places the emphasis on the parent(s) to address the child's behaviour with the support from relevant agencies, to prevent the child from becoming involved in further ASB. Similar to the ABC, the Council and the Police can be involved in signing the agreement. We may involve other Youth Services too, to provide advice on interventions/activities to assist the young person with changing their behaviour.

Mediation / Restorative Justice

The Council can use external mediation organisations to help resolve disputes. The types of situation they can assist with include, but are not limited to, noise, youth nuisance, pets, shared spaces and lifestyle differences. We will pass residents' details to the Mediation Service, to discuss the benefits with the parties and assist them in resolving their dispute. The Mediation Service can also work with young people to resolve ASB in the wider community.

Diversionsary Activities for Young People

Young people are often profiled as causing ASB, sometimes, mistakenly or unintentionally, i.e. not understanding that loitering can be perceived as intimidating to others. The Council is committed to providing opportunities for young people, to help challenge some of these beliefs and behaviours and provide a platform for young people to engage and find new interests, including activities such as, youth clubs (in partnership with Youth Services Providers and the Police) or after school clubs in partnership with local schools and voluntary organisations.

We will utilise and promote the use of activities for young people and where appropriate, can link these activities with the use of Acceptable Behaviour Contracts and Parenting Contract Agreements, by including terms within the contract/agreement requiring a young person to engage in relevant activities.

Designing out ASB – Environmental Visual Audits

Where there are instances of ASB activity in an area or estate, we will carry out joint visits with residents and other relevant partners to identify improvements, repairs and additional security that may benefit an estate / area. We will aim to identify physical improvements to areas and neighbourhoods to help reduce ASB and tackle location specific issues, for example, mopeds in pedestrianised areas, people congregating in stairwells to smoke and drink etc. We will work with a range of agencies to ensure we deal with ASB in a holistic manner and our partners include the Police, local Residents, Housing Providers, Businesses and Community and Voluntary organisations.

Legal Remedies

We will use legal remedies where non-legal action is not appropriate, proportionate or fails to resolve ASB. The various legal options we may pursue are set out below.

Possession (Eviction) Proceedings

The Council will consider applying to the Court for possession where early intervention has been unsuccessful in resolving ASB and/or alternative remedies are not suitable. The County Court can issue a Suspended Court Orders on specific terms, Outright Possession Court Orders or a Warrant of eviction

Mandatory Grounds for Possession

The ASB Crime & Policing 2014 Act introduced an absolute ground for possession for secure/fixed term secure tenancies, where ASB or criminality has been proven by a conviction in another court. The purpose of this power is to speed up the possession process in cases where there has already been a criminal or ASB conviction. Landlords no longer have to prove that it is reasonable to grant possession but, instead courts must grant possession if the correct procedure has been followed and at least one of the specified conditions has been met.

Civil Injunction

An injunction can be used to stop/prevent individuals engaging in ASB, aiming to tackle problems before they escalate. Councils, Social Landlords and Police can all apply for an Injunction, which can be used when an individual's behaviour is likely to cause harassment, alarm or distress or is capable of causing nuisance or annoyance. It is issued by the County Court or to under 18s, in the Youth Court. The injunction sets a clear standard of behaviour and includes prohibitions and can also include positive requirements (e.g. to attend substance misuse meetings) to get the perpetrator to address the underlying causes of their ASB.

Breach of an injunction is not a criminal offence but is dealt with by a civil contempt of court, which is punishable by up to two years in prison and/or an unlimited fine. For those aged under 18, breach proceedings are dealt with in youth court and could result in a supervision order, curfew or an activity requirement.

Criminal Behaviour Order (CBO)

A CBO can be given to an individual on their conviction for any criminal offence in any criminal court. The order is aimed at tackling the most serious and persistent offenders where their behaviour has brought them before a criminal court (i.e. an anti-social individual commits a criminal offence and is prosecuted). The CBO must clearly define what the offender is not allowed to do as well as what they must do (prohibitions and requirements) and it must also be determined what is required within the CBO to tackle the underlying cause of the behaviour.

The penalty for a breach, upon summary conviction, could result in a sentence up to a maximum of 6 months in prison, or up to 5 years on indictment. For under 18s they would be called in front of a youth court, which could result in a 2 year detention and training order.

Community Protection Notice (CPN)

A CPN is intended to deal with on-going problems or nuisances caused by a person aged 16 or over or a business/organisation which negatively affects the community's quality of life. A CPN can be issued, following a formal warning, if there are reasonable grounds that conduct is having a negative effect on the quality of life of those in a locality, is persistent and unreasonable.

Council Officers, Police Officers, PCSOs and Social Landlords can all issue a CPN, which is written notice to the individual demanding they stop the behaviour that is detailed and a requirement to take reasonable steps to stop further incidents in the future.

The CPN can be used against a wider range of perpetrators and can be used to deal with noise nuisance and litter on private land. A breach is a criminal offence which could be prosecuted and a person found guilty of failing to comply with a CPN without reasonable excuse is liable to a fine of up to £2,500, with unlimited fines for a business or organisation.

Premises Closure Power

The Closure Powers allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder. A Closure Notice can be applied for if there is a nuisance to the public and the disorder is related to the premises in question. A Closure Notice is issued out of court and allows closure for up to 48 hours but cannot stop those who live there from accessing premises. A Closure Order can last for up to 6 months and restricts all access to the premises. This can be sought through the Courts once the Closure Notice has been issued.

A Closure Order can be applied for if there is disorderly, offensive or criminal behaviour taking place near the premises which is a serious nuisance to the public.

Breach of either is a criminal offence with penalties including:

Notice - Up to 3 months in prison

Order -Up to 6 months in prison; and

Both - An unlimited fine

Public Space Protection Order

The purpose of a PSPO is to stop individuals or groups committing ASB in a public space. The behaviour in question has to be having, or be likely to have, a detrimental effect on the quality of life of those in the locality. It will also be of a persistent nature and be unreasonable.

The restrictions and requirements in the order are set by the Council after consultation with the Police, PCC and other relevant bodies. A PSPO may include preventing certain behaviours or restricting access to certain areas of a public area. A breach is a criminal offence and is enforced by a fixed penalty notice of up to £100 or a further fine upon prosecution. More than one restriction can be added to the same PSPO, meaning that a single order can deal with a wide range of behaviours that prevent people enjoying the use of a public space.

Members ICT Policy

Date: June 9th 2020

Relevant Portfolio Holder	Cllr Mike Rouse
Portfolio Holder Consulted	Yes
Relevant Head of Service	Deb Poole – Head of Transformation, OD & Digital Services
Ward(s) Affected	N/A
Ward Councillor(s) Consulted	N/A
Key Decision / Non-Key Decision	

1. SUMMARY OF PROPOSALS

- 1.1 Members are asked to consider the Member ICT Policy that covers their ability to access electronic information. The proposed policy offers three options for the type of equipment available to provide this access, each has its own financial implications.

2. RECOMMENDATIONS

The Executive Committee is asked to RECOMMEND that

- 1) the proposed Member ICT Bring Your Own Device Policy be agreed and implemented; and**

to RESOLVE that

- 2) the proposed Member ICT Policy be agreed and implemented for all Members and that the options within it be made available to Members.**

3. KEY ISSUES

Equipment Options and Financial Implications

3.1 Option One

The Council will provide Members with a choice of a standard Laptop or a lighter, portable, touch screen MS Surface Pro device.

The cost for providing a standard Laptop would be £400. The cost of providing an MS Surface Pro device would be £680.

- 3.2 There are some options for additional equipment which can enhance the usability of these devices. In particular, docking stations which allow the device to be used like a desktop computer where an additional larger screen can be attached. These range in cost from £200 to £250 each.

Should all Members choose to have a standard Laptop the cost would be £11,600. If all Members chose to have an MS Surface Pro the cost would be £19,720. The docking station and monitor is in addition to this.

Members ICT Policy**Date: June 9th 2020**

3.3 Option Two

The option of Bring Your Own Device has no additional financial implications as this option, and the associated licenses for Members, are already available. There would be some potential savings if Councillors decided to use their own equipment, as the Council would not incur any costs to provide hardware.

Legal Implications

3.4 None.

Service / Operational Implications

3.5 The Member ICT Policy offers Members options to use different types of equipment to access electronic information. The majority of Members currently use Council provided iPads to do this. Whilst this has been sufficient for some Members, others have found it restrictive, particularly in recent times when remote working and video conferencing have become vital to the ongoing delivery of both Council services and decision making during the COVID-19 pandemic.

3.6 The attached Member ICT Policy outlines two options for Members to select from, depending on their individual ICT equipment needs. These options are:-

Option One

3.7 The council will provide either a standard Laptop or a lighter, more portable, touch screen, MS Surface Pro device. Both are based on Windows 10 and will provide access to all the advanced features of Skype for Business and Microsoft Office as well as providing better visibility for Modern.Gov and other applications used by Members, including the use of MS Teams and Office 365 in the future.

Option Two

3.8 That Members provide their own device and the council provides technically secure Blackberry Software to enable Councillors to access corporate email, corporate calendars and any necessary documents stored on the Councils network. The software would be installed on the Councillors own Android or Apple device which would not be owned by the council. The Blackberry Software will be replaced with Microsoft Office 365 at the earliest opportunity during 2020 and this will extend the list of devices that can be used beyond mobile phones to most privately owned laptops and tablets.

Members ICT Policy

Date: June 9th 2020

Customer / Equalities and Diversity Implications

3.9 None.

4. RISK MANAGEMENT

4.1 None.

5. APPENDICES

None

6. BACKGROUND PAPERS

None

7. KEY

None

AUTHOR OF REPORT

Name: Mark Hanwell
email: m.hanwell@bromsgroveandredditch.gov.uk
Tel.: 01527 881248

This page is intentionally left blank

Redditch Borough Council

Members ICT Policy

June 2020

Contents	Page
1 Policy Statement	2
2 Purpose	2
3 Scope	2
4 Definition	2
5 Provision for ICT Equipment	3
6 Policy Compliance	5
7 Policy Governance	5
8 Review and Revision	6
9 References	6

1 Policy Statement

Redditch Council Members require access to information that enables them to perform their duties as a councillor. Much of this information can be provided electronically via email, word processing and spreadsheet files. The Council's general presumption is for electronic provision of information / transaction of business.

2 Purpose

The purpose of this policy is to ensure that Redditch Borough Councillors can access Information and Communication Technology (ICT) facilities whilst maintaining compliance with Central Government's Public Service Network (PSN) and other related policies.

The Council holds large amounts of personal and restricted information. Information security is very important to help protect the interests and confidentiality of the Council and its customers. Information security cannot be achieved by technical means alone. Information security must also be enforced and applied by the people who use it and those who provide support for it.

3 Scope

This policy applies to any Councillor that requires access to Council information systems such as email or other documents, whether it is a temporary or permanent arrangement.

4 Definition

The Council understands that to reduce the risk of theft, fraud or inappropriate use of its information systems, anyone that is given access to Council information systems **must**:

- Be suitable for their roles.
- Fully understand their responsibilities for ensuring the security of the information.
- Only have access to the information they need.
- Request that this access be removed as soon as it is no longer required.
- Complete Data Protection training to ensure Members are clear on how information can be used when they are working on behalf of the council and when they are working on behalf of constituents, and how it should be stored.
- Ensure that no personal information that could be in breach of the data protection act, is stored on their laptop or other unencrypted device.

This policy must therefore be applied prior, during and after any user's access to information or information systems used to deliver Council business.

5 Provision for ICT equipment.

The Council recognises that individual Councillors have a requirement to access electronic information.

The governments zero tolerance approach to compliance with the PSN code of connection, has required the implementation of innovative methods of accessing ICT, whilst remaining within the budget and resource limitations of the Authority. Should the limits of the budget be reached, the Leader of the Council will revisit current ICT needs for the future.

The council will not automatically forward Council emails to personal email accounts such as Hotmail, Google mail etc. This is to ensure the authority complies with the Government's PSN code of connection.

Option One

The Authority will provide either a standard Laptop or a lighter, more portable, touch screen MS Surface Pro device. This will enable the Councillor to access corporate emails, corporate calendars, Modern.Gov, MS Office suite and necessary documents. Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for the Laptop or Surface Pro Device will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the corporate device, will be subject to automated scanning, monitoring and filtering to assist with ICT security and adherence to additional policies as described in section 9.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

The Councillor shall make reasonable arrangements for the safe-keeping of the Laptop or Surface Pro device.

The Council provides the Laptop or Surface Pro device together with ancillary equipment and materials required, for the Councillor's functions as a Councillor. Use of this equipment for any other reason, including personal use or use by anyone other than a Councillor is not permitted.

All ICT equipment provided by the authority remains the property of the Council and must be returned at the end of the election term.

Option Two (can be in addition to Option One)

That the Councillor provides their own device and the council provides technically secure Blackberry Software to enable the Councillor to access corporate email, corporate calendars and necessary documents stored on the network, to be accessed from an Android or Apple device not owned by the council.

Additional security may be added at a future date to keep in line with new PSN policy requirements.

Broadband services are to be provided by the Councillor and expenses for these claimed through the normal expenditure claim process at £100 per year (maximum 1 per household).

Support for the Blackberry Software, but not the device it is installed on, will be provided by the authority's ICT department by telephoning 01527 881766 Mon-Fri 8:30 to 17:00.

All internet usage and emails sent and received via the Blackberry Software, will be subject to automated scanning, monitoring and filtering to assist with ICT security and adherence to additional policies as described in section 9.

No scanning, monitoring and filtering of any activity outside of the Blackberry Software will take place.

It is the Councillor's responsibility to ensure their password for accessing any Corporate Information service is not shared with any other person and that connection to such services is ended by logging off the system, as soon as work is completed or the connection is left unattended. This is to prevent unauthorised access to information.

If it suspected that someone else may know their password, or any security problem has occurred, Councillors must report this to the helpdesk immediately so it can be rectified.

All ICT equipment (including software licenses) provided by the authority remains the property of the Council and must be returned at the end of the election term.

6 Policy Compliance

If any Member is found to have breached this policy, IT provision will be withdrawn. If a criminal offence is considered to have been committed further action may be taken to assist in the prosecution of the offender(s).

If you do not understand the implications of this policy or how it may apply to you, please seek advice from Members' Services or ICT.

7 Policy Governance

The following table identifies who within the council is Accountable, Responsible, Informed or Consulted with regards to this policy. The following definitions apply:

- **Responsible** – the person(s) responsible for developing and implementing the policy.
- **Accountable** – the person who has ultimate accountability and authority for the policy.
- **Consulted** – the person(s) or groups to be consulted prior to final policy implementation or amendment.
- **Informed** – the person(s) or groups to be informed after policy implementation or amendment.

Responsible	ICT Transformation Manager
Accountable	Head of Transformation, Organisational Development & Digital Services
Consulted	Corporate Management Team, Members' Services
Informed	All Councillors

8 Review and Revision

This policy will be reviewed as it is deemed appropriate, but no less frequently than every twelve months.

Policy review will be undertaken by the ICT Transformation Manager.

9 References

The following Redditch Borough Council policy documents are directly relevant to this policy.

- Central Government's PSN Policy
- Information Security Policy.
- Members' Code of Conduct and related Codes and Protocols.

Receipt and acceptance statement

I, Councillor _____ agree to comply with the policy items as stated within this document.

Signed _____ Date _____

PLEASE RETURN COMPLETED STATEMENT AS SOON AS POSSIBLE TO :

Democractic Services
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

This page is intentionally left blank

**Council Members
Policy
Document**

**RBC Bring Your
Own Device Policy**

Version 1.2

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
11/03/2019	Peter Bailey	1.0	Policy created
20/03/2019	Peter Bailey	1.1	Initial wording review, signature field
25/04/2019	Peter Bailey	1.2	Second wording review, signature field

Document Approvals

Sponsor Approval	Name	Date	Version Approved

Document Distribution

This document will be distributed via Democratic Services to all Council Members. For those without access to NetConsent the Policy can be signed and returned to the Information Management Team directly or via Democratic Services.

CONTENTS

1.	Policy Summary	4
2.	Introduction.....	4
3.	Who does the Policy apply to?.....	5
4.	The Council's Responsibilities	5
5.	Rights, Privileges and Responsibilities.....	5
6.	Which devices are covered?.....	7
7.	Which Services Are Available via Blackberry Applications?	7
8.	Who Manages this Facility?.....	7
9.	What Support will ICT provide?.....	8
10.	If a Security incident should occur	8
11.	ICT Services Security Incident Response	9
12.	Guidelines for Acceptable Behaviour	9
13.	Allowed Countries	9
14.	If You Leave the Council.....	9
15.	Council Release of Liability and Disclaimer Statement	9
16.	Policy Acceptance for Offline Distribution	11

1. Policy Summary

This policy covers any person wishing to use a device owned by someone other than the Council (e.g. personal devices) to access Council data – commonly known as Bring Your Own Device (BYOD). You must comply with the whole policy, but in summary:

- If you have accepted certain policies and your device meets certain criteria, you may access Council data from a personal device
- **The Council retains control of the council data**, and as part of this agreement you accept the installation of software that can erase Council data from your device and adds certain management facilities for Council use which include being able to record use of facilities
- **You must tell the ICT Helpdesk** if your device is lost, stolen, sold, infected with malware or the security of the device is otherwise compromised or no longer in your possession.
- **The Council does not offer support of the physical personal device** although installation instructions are maintained for your use. The Council will accept comments and issues around BYOD but does not commit to respond to them. Issues with connectivity will be investigated, but if they cannot be reproduced you will have to find solutions in conjunction with your personal providers.
- **Some types of data should not be stored or accessed on BYOD devices for example DWP data. It is your responsibility to be aware of any third-party agreements that you have agreed to.** If you are using as part of your role data from certain partners, you cannot use BYOD devices.

2. Introduction

The Council has a responsibility to safeguard the information that has been provided to it by people and various government and statutory organisations to carry out its business. In order to do this, we need to make sure that:

- the requirements of UK law on personal data management are being met.
- the requirements of the Public Service Network Code of Connection (CoCo) are met
- the Council's own Data Privacy and Information Security policies are being followed
- where third party data is being used, the requirements of the data owners are being followed.

The Council recognises that users may wish to use their own mobile devices to access Council data and use Council applications as part of flexible working

arrangements. This policy outlines the responsibilities of both the device owner and the Council.

3. Who does the Policy apply to?

This policy applies to all persons who connect or intend to connect a device not owned by the Council to use Council data.

4. The Council's Responsibilities

It is the Council's responsibility to provide the Blackberry software license. This can only be done once a cost code and confirmation of policy acceptance is provided via the relevant request form.

It is the Council's responsibility to filter and monitor resources that are available or accessed via the secure Blackberry applications. Activities outside of the Blackberry applications are not captured, stored or monitored by the Council.

It is not the Council's responsibility to reimburse the Council Member for the cost of mobile data, mobile repairs, peripherals, insurance or mobile maintenance of any kind.

As the data controller, the Council is responsible for ensuring that all processing of personal data which is under its control remains in compliance with UK law. Additionally, the Council receives data from partners which may be restricted by their security policies with which we have to comply.

The Council must also remain mindful of the personal usage of such devices and the privacy of the individual. Technical and organisational measures used to protect Council owned data must remain proportionate to the risks and consider your rights as an individual to privacy. Decisions on these matters will be made via the Council's internal governance routes.

5. Rights, Privileges and Responsibilities

The use of a personally-owned device in connection with Council business is a privilege granted to device owners. The Council reserves the right to revoke these privileges without notice.

You must read and understand this policy before configuring your device to access Council information.

You must also have completed the Council's training on Data Protection, Freedom of Information and Information Security and have read and accepted the ICT Information Security Policy within the last 12 months of being provided access to information from your personal device.

There are additional requirements for certain persons e.g. contractor staff who may need to sign additional agreements; please consult with the Information Team if you are in this group.

The Council remains the data controller for all Council data held on BYODs.

Disciplinary and / or **criminal action** may be taken **against you** if a breach of policy or law occurs.

As the device owner, you carry specific responsibilities, as listed below:

- You will not lend anyone your device to access Council information or use Council infrastructure.
- Should you decide to sell, recycle, give away or change your device, you will inform the ICT Helpdesk by phone on ext. 1766 or if calling from an external number on 01527 881766. **Do not allow the device to leave your possession until you have been informed council data has been wiped.**
- In accepting this policy, you must ensure that your device has, at minimum, a four-digit pin or a passcode to access your device.
- In order to access your Council e-mail and calendar, you will need to enter your network account password during setup.
- You must ensure that your device is compliant, and that security software is kept up-to-date. The system will check whether your device meets compliance criteria and if not, will automatically stop syncing and potentially be wiped of Council data.
- The Council data can be wiped from the device without notice if:
 - 1) you lose the device;
 - 2) the device is stolen;
 - 3) your council membership ends;
 - 4) ICT detects a data or policy breach or virus/malware infection;
 - 5) Your device becomes jailbroken or rooted (either intentionally or through the installation of software or an application that makes the modification to add additional functionality)
 - 6) The device has not connected to the Council infrastructure for 30 days
 - 7) OS out of date
 - 8) Deemed necessary by the Council.
- You are responsible for the safekeeping of your own personal data. We recommend that you secure and encrypt your phone appropriately using the facilities on the device, and that you have an up-to-date malware scanning solution installed (anti-virus).
- You must conform strictly to the Council's Information Security Policy.

All users are expected to use their device in an ethical manner. Using your device in ways not designed or intended by the manufacturer is not allowed. This includes, but is not limited to, "jailbreaking" your iPhone or "rooting" your android device even if this adds additional functionality.

6. Which devices are covered?

Current devices approved for Bring Your Own Device use are listed below along with the minimum system requirements:

- Android 6.0 (“Marshmallow”) or higher Smart Phones and Tablets
- iOS 11.0 or higher iPhones and iPad

Devices below these specifications will not comply with our policies and therefore will not be allowed to be used as BYOD.

It should be noted that as technology improves and newer versions of operating system are introduced by vendors or vulnerabilities are discovered in existing operating systems this list is subject to immediate change and access maybe revoked (in some instances this may be without notice).

7. Which Services Are Available via Blackberry Applications?

Currently, the only Services available and covered by this policy are:

- E-mail
- Calendar
- Contacts
- Tasks
- Network file access and editing
- Whitelisted Intranet Sites

Note that some file types cannot be securely opened, and hence you may find you cannot open certain attachments etc.

A minimum four-digit passcode will be required to access devices containing Council data; you will also initially need to set up the device using your Council username/email and password. You **MUST NOT** share these with any other person.

Council data is stored encrypted to protect it and is subject to restrictions on copying and where it can be saved.

8. Who Manages this Facility?

ICT will manage the BYOD facility, as described within this document, on behalf of the Council.

9. What Support will ICT provide?

The Council makes reasonable endeavours to ensure that your device is not adversely affected and that only Council data is erased, but this cannot be guaranteed, and the Council accepts no liability for issues resulting from use.

The Council does not offer support of the physical personal device although installation instructions are maintained for your use. Furthermore, the Council will not cover any damage to the device or any loss of personal data that may occur as a result of use of BYOD or as part of the removal of Council data.

It is recommended that device owners insure their device as part of their home contents insurance or via a specific mobile device insurance scheme and advise their insurer that the device will be used for work purposes at home and at work locations.

Upon installation of the mobile device management software, the device owner can connect to the Council infrastructure to access their Council accessible data. However, the device owner is personally liable for the device and carrier service costs. They will not be reimbursed by the Council for the acquisition of a mobile device, its use, maintenance or replacement or any carrier service charges incurred. The device owner must agree to all terms and conditions in this policy to be allowed access to Council services listed in this document.

10. If a Security incident should occur

A Security incident is defined in the ICT Information Security Policy and can be generally described as **any** event that could compromise information security. Some examples: your device is lost or stolen, someone else gains access to your password/passcode, your device becomes infected with malware.

If a security incident should occur, you are required to inform the Information Management Team and your Line Manager **immediately** with details.

The Council reserves the right to wipe Council data and applications.

You should ensure that you read and understand both the policy and your responsibilities to report a security incident. In all cases you should contact the Information Management Team directly or via the ICT Helpdesk.

The Council also needs to act where potential incidents are identified. Where 'near misses' occur, these should be reported to Information Management Team and a local decision taken as to whether the cause of the 'near miss' is one which could involve the enhancement of the policy or the process. If this

is the case, you should contact the Information Management Team directly or via the ICT Helpdesk.

Note that not immediately reporting security incidents is a breach of this policy.

11. ICT Services Security Incident Response

When a security incident is reported ICT Services are required to remove the Council data and application from the affected device.

12. Guidelines for Acceptable Behaviour

Device owners are expected to behave in accordance with the Council's policies whilst undertaking work for the Council. Further information can be provided by your manager or by contacting a HR advisor.

Be aware that any personal device used at work may be subject to discovery in litigation. This means that it could be used as evidence in a lawsuit. Your data and device could be examined by other parties in any legal action.

13. Allowed Countries

The General Data Protection Regulation only permits export of personal data to certain countries. Because of this, we can only permit BYOD applications with Council data to be accessed within the United Kingdom. Council data is encrypted using the password set by the Council Member in the Blackberry application and **MUST NOT** be entered outside the United Kingdom.

14. If You Leave the Council

Democratic Services are required to inform ICT when you are leaving the council, your access to the Council infrastructure and applications will cease and your device will be de-provisioned, access to Council data will cease and Council data wiped.

15. Council Release of Liability and Disclaimer Statement

The Council hereby acknowledges that the use of a personal device in connection with Council business carries specific risks for which you, as the device owner and user, assume full liability. These risks include, but are not limited to, the partial or complete loss of non-council data, errors, bugs, viruses, and/or other software or hardware failures, or programming errors which could render a device inoperable.

The Council hereby disclaims liability for the loss of any such non-council data and/or for service interruptions. The Council expressly reserves the right to wipe the Council application and data at any time as deemed necessary for purposes of protecting or maintaining Council infrastructure and services. The Council also disclaims liability for device owner injuries such as repetitive stress injuries developed; The Council provides ICT equipment that is suitable for long-term office use.

Device owners bring their devices to use at the Council as their own risk. Device owners are expected to act responsibly with regards to their own device, keeping it up to date and as secure as possible. It is their duty to be responsible for the upkeep and protection of their devices.

The Council is in no way responsible for:

- Personal devices that are broken while at work or during work-sponsored activities
- Personal devices that are lost or stolen at work or whilst undertaking work-related activities
- Maintenance or upkeep of any device (keeping it charged, installing updates or upgrades, fixing any software or hardware issues)
- The management or creation of users own 'cloud' based user accounts, which are required for purchasing software, or backing up data

The Council does not guarantee that Service will be compatible with your equipment or warrant that the Service will be available at all times, uninterrupted, error-free, or free of viruses or other harmful components, although it shall take reasonable steps to provide the best Service it can.

Furthermore, depending on the applicable data plan, the software may increase applicable rates. You are responsible for confirming any impact on rates as a result of the use of Council supplied applications as you will not be reimbursed by the Council.

The Council reserves the right, at its own discretion, to remove any Council supplied applications from your personal device as a result of an actual or deemed violation of the Council's BYOD Policy.

16. Policy Acceptance for Offline Distribution

Please sign and date below to acknowledge that you have read and understand the content above and agree to adhere to the RBC Council Members Policy. **You cannot use a BYOD if you do not read, understand and accept this policy.**

Signed:

Date:

Please return the signed policy document to :-

Democrat Services
Redditch Borough Council
Town Hall
Walter Stranz Square
Redditch
Worcestershire
B98 8AH

This page is intentionally left blank

EXECUTIVE COMMITTEE**9TH JUNE 2020****COVID-19 DISCRETIONARY BUSINESS SUPPORT GRANT SCHEME**

Relevant Portfolio Holder	Cllr David Thain
Portfolio Holder Consulted	Yes
Relevant Head of Service	Jayne Pickering, Executive Director Finance and Resources
Ward(s) Affected	All
Ward Councillor(s) Consulted	None Specific
Key Decision / Non-Key Decision	Non-Key Decision

1. SUMMARY OF PROPOSALS

This report considers the new local authority discretionary business support grants and the council's guidelines for making awards from its allocation.

2. RECOMMENDATIONS

Executive Committee is asked to RECOMMEND TO COUNCIL that

- a) The guidance for awards of discretionary grants detailed in appendix A is adopted.**
- b) The Executive Director for Finance and Resources is authorised to finalise the guidance and to make other decisions in relation to the payment of grants, following consultation with the Chief Executive and the Portfolio Holder for Corporate Management**

3. KEY ISSUES

- 3.1 The government announced a Local Authority Discretionary Grants Fund on 1 May 2020 and published guidance for local authorities on 13 May 2020. This guidance is attached at Appendix B. There has been a slight subsequent revision to this guidance and the proposed policy takes into account the most recent guidance.
- 3.2 This further scheme provides financial support to businesses impacted by the Covid-19 pandemic and is in addition to the two existing schemes administered by local authorities: the Small Business Grants Fund and the Retail, Hospitality and Leisure Grants Fund.
- 3.3 Local authorities have been provided with discretion as to which businesses to support under their scheme, however, government has stated their expectation that businesses in shared offices, small bed and breakfasts, charities in occupation on one small property, and market traders with fixed property costs are prioritised for grant.

REDDITCH BOROUGH COUNCIL**EXECUTIVE COMMITTEE****9TH JUNE 2020**

- 3.4 Grants provided under the discretionary scheme may be of £25,000, £10,000 or any amount below £10,000. Authorities are required to develop clear criteria for determination of grant and to publish details on their website.
- 3.5 It is anticipated that businesses will be required to make an application for support under the discretionary scheme and that payments will be made from early June 2020.
- 3.6 The Government has announced three mandatory criteria for support under the scheme;
- a) The business must have been trading on 11th March 2020; and
 - b) The business must not be eligible or have received support under the other Covid-19 support schemes.
 - c) The business must not be in administration, insolvent or have had an order to strike off made.
- 3.7 The Government has advised that payments under the scheme should be targeted at small and micro businesses.
- 3.8 The total expenditure under the discretionary scheme may not exceed the council's allocated funding of £724k
- 3.9 To ensure fairness in the allocation of payments the grants will first be awarded to the Government's priority groups, and then where sufficient funding remains awards will be made to the businesses in the council's priority groups. If funds remain available payments will be made to small or micro businesses that can demonstrate a significant loss in income as a result of the Covid-19 pandemic.
- 3.10 To ensure fairness in the awards of grant the scheme will be open for applications for a fixed period of x (*tbc*) days, awards will then be made to businesses in the priority one, priority two and priority three groups in that order. If funds are exhausted at any of the priority levels then no further grants will be paid.

REDDITCH BOROUGH COUNCIL**EXECUTIVE COMMITTEE****9TH JUNE 2020**

3.11 It is proposed that the Council's allocation is targeted as follows:

Type of Business	Estimate of eligible businesses	Grant amount per business (£)	Total Cost (£)
Priority One			
Shared Offices	30	5,000	150,000
Charities	17	10,000	170,000
Bed and Breakfasts	5	5,000	50,000
Market Traders	20	5,000	100,000
Priority Two			
Events and Exhibitions			
a. RV below £15,001	1	10,000	10,000
b. RV between £15,001 and £50,999	3	25,000	75,000
Travel and Leisure			
a. RV below £15,000	0	10,000	0
b. RV between £15,001 and £50,999	2	25,000	50,000
Priority Three			
Pubs, Gyms and Children's Centres	2	25,000	50,000
Retail, Leisure and Hospitality Supply Chain Businesses			
c. RV below £15,001	Unknown	10,000	
d. RV between £15,001 and £50,999	Unknown	25,000	

Financial Implications

3.12 The costs of the grants made under the Discretionary Grants Fund will be met in full by Government. Controls must be put in place to ensure that the award of grant does not exceed the funds allocated by Government.

Legal Implications

3.13 The Council has been funded by the Government under section 31 of the Local Government Act 2003. Section 1 of the Localism Act 2011 provides all local authorities with the vires to make these payments.

EXECUTIVE COMMITTEE**9TH JUNE 2020**

Service/Operational Implications

- 3.14 The operation of the scheme will place additional pressures on the Revenue Services Section – the scheme will be delivered within existing resources but a review of the impact of delivery of discretionary schemes on the effectiveness of the revenues services will be required and additional resources may be needed to remedy in decline in overall performance. It is anticipated that support from customer services advisors will be available to meet call demand.

Customer / Equalities and Diversity Implications

- 3.15 The scheme will be required to deliver support quickly to businesses within Redditch and must ensure that the maximum amount of funding is made available to businesses within the Redditch area.

4 **RISK MANAGEMENT.**

- 4.1 There is risk of reputational damage if the scheme does not maximise expenditure and ensure the full amount of support is provided to businesses within the Redditch District. Officers have looked to mitigate challenge having reviewed guidance and the impact Covid 19 has had on businesses in the District.

5. **APPENDICES**

Appendix A: Redditch Borough Council – Guidelines for Discretionary Grants Scheme.

Appendix B: Grant Funding Schemes: Local Authority Discretionary Grants Fund – guidance for local authorities.

6. **BACKGROUND PAPERS**

None

AUTHOR OF REPORT

Name: David Riley

E Mail: david.riley@bromsgroveandredditch.gov.uk

Tel: 01527- 64252

APPENDIX A

Discretionary Business Support Grant Fund Guidelines

Redditch Borough Council

Contents

[Introduction](#)

[How much funding is available for the scheme?](#)

[How will the scheme operate?](#)

[Who will be eligible for grants?](#)

[Priority One Groups](#)

[Priority Two Groups](#)

[Priority Three Groups](#)

[What grants will each business receive?](#)

Appendix A – Summary of Discretionary Scheme

Introduction

1. In response to the Coronavirus outbreak the Government announced that there would be support for small businesses and businesses within the retail, hospitality and leisure sectors that provide services to visiting members of the public.
2. The support took the form of two grant funding schemes the Small Business Grant Fund (SBGF) and the Retail, Hospitality and Leisure Grant Fund (RHLGF). The purpose of the grants is to support businesses to pay their fixed property costs.
3. On 2nd May 2020 the Government identified that a number of business were excluded for the schemes and announced that additional funding would be provided for local authorities to develop their own discretionary grant funding schemes. This document provides guidance on the operation of this discretionary fund within the Borough of Redditch.

How much funding is available for the discretionary scheme?

4. The Government has announced that an additional 5% uplift would be made to the £12.33 billion funding that was available for the SBGF and RHLGF. The uplift will be calculated based on the anticipated expenditure at 3rd May 2020. The amount will be available for Redditch Borough Council is £724,000
5. The costs of the discretionary scheme operated by Redditch Borough Council are not permitted to exceed the available funding.

How will the scheme operate?

6. The Government has determined that local authorities should prioritise support to:
 - a. Businesses in shared offices which do not have their own assessment in the non-domestic rating list.
 - b. Charities occupying small business properties with a rateable value of less than £15,000 who do not qualify for RHLGF and are excluded from claiming small business rate relief, or rural rate relief as a result of their entitlement to charitable rate relief.
 - c. Market Traders, who have fixed building costs, but who do not have their own business rates assessments
 - d. Small Bed and Breakfasts which are not subject to business rates.

For the operation of the discretionary scheme these businesses will be referred to as priority one businesses.

7. Local authorities are able to identify their own priority business which may receive funding from the discretionary scheme.

8. Redditch Council has identified that businesses within the events and exhibitions sector; and businesses with the travel and leisure sector that do not provide services to visiting members of the public have been severely affected by the Covid-19 pandemic and are not eligible for support under the existing grant schemes. It is anticipated that they will remain impacted by restrictions on social gatherings for some time and therefore businesses in these sectors will, alongside the Government's priority lists, be given preference for support. For the purposes of Redditch's discretionary scheme these businesses will be referred to as priority two businesses.
9. Pubs, Gyms and Children's activity centres remain closed as a result of the coronavirus restrictions. These businesses, where they have an RB of over £51,000 were ineligible for the retail, leisure and hospitality grant. Redditch Borough Council will consider support to these businesses and they will be referred to as priority three businesses.
10. Redditch Borough Council's scheme will open for applications from XXX and will close for applications on XXX, (*TBC once software in place*) the application period.
11. At the end of the application period all claims for grant will be assessed. Awards of relief will be made first to businesses in the priority one group, and then if sufficient funding remains the priority two group. When all claims from the first two groups have been determined businesses in the priority three group will be awarded grants. If any monies are available grants for other businesses will then be considered.
12. Where insufficient funds are available to provide support to all businesses within a priority group, or when all priority groups have been awarded and awards are considered for other businesses then grants will be made based on an assessment of:
 - a. The loss in income the business has suffered due to the Coronavirus outbreak;
 - b. The level of property related costs that the business has; and
 - c. The importance of that business to the Redditch Borough.

Who will be eligible for grants?

13. To qualify for a grant all applicants must meet criteria set by Government these criteria are
 - a. The business must have been trading on 11th March 2020
 - b. The business must not have received support from
 - i. The fisheries response fund;
 - ii. Domestic Seafood Supply Scheme
 - iii. The Zoos support fund
 - iv. The Dairy Hardship Fund
 - c. The business must not be eligible for support, or have received support from either
 - i. The Small Business Grant Fund
 - ii. The Retail, Leisure and Hospitality Grant Fund

- d. The business must be able to demonstrate that they have suffered a significant fall in income due to the Covid-19 pandemic.
 - e. The business must not be in administration, insolvent, or have had a striking off notice made.
14. For the purposes of Redditch Borough Council's scheme priority one, two and three businesses must be classified as small or micro businesses.
- a. Small Businesses must satisfy two or more of the following criteria
 - i. Turnover: Not more than £10.2 million
 - ii. Balance Sheet Total: Not more than £5.1 million
 - iii. Number of employees: a headcount of staff less than 50
 - b. Micro businesses must be able to satisfy two or more of the following criteria
 - i. Turnover: Not more than £632,000
 - ii. Balance Sheet Total: Not more than £316,000
 - iii. Number of employees: a headcount of staff less than 10

15. Priority One Groups

Priority one businesses are defined as

Serviced and Shared Offices

- a) A businesses or individuals in occupation of a part of a hereditament for which a separate entry is not shown within the local non-domestic rating list; and
- b) The business must demonstrate that they have fixed property costs – in form of rent or license payments - in relation to the part of the property which they occupy.

Charities

- a) Charities or trustees for a charity in occupation of a hereditament with a rateable value of less than £15,000 where
 - a. The Non-Domestic Rates liability is calculated under Section 43(4) of the Local Government Finance Act 1988
 - b. The charity occupies one hereditament in England, or one hereditament and others that would be disregarded under paragraph 7 or 8 of the Non-Domestic Rating (Reliefs, Thresholds and Amendment) (England) Order 2017 if those regulations applied.
 - c. The hereditament is not eligible for support under the retail, leisure and hospitality grant fund.

Bed and Breakfast accommodation

Business or individuals in occupation of a property used for the provision of bed and breakfast accommodation where this is provided to fewer than 7 people at any one time, and where the owner of the premises is resident within the property and provides both food and accommodation.

Markets and Market Traders

Businesses or individuals in occupation of a market stall, kiosk or pitch, situated within the Redditch Borough, which does not have a separate entry in the rating list and for which they have a fixed recurring license fee, rental payment or other associated property costs.

16. Priority Two Groups**Events and Exhibitions Sector**

Businesses or individuals in occupation of a hereditament:

- a. With a rateable value of less than £51,000; and
- b. Which are used wholly or mainly for the planning, management, or organisation of concerts, exhibitions or public events.

Travel and Leisure Businesses

Businesses or individuals in occupation of a hereditament:

- a. With a rateable value of less than £51,000 used wholly or mainly for;
 - i. the distance selling of travel, leisure and holiday packages; or
 - ii. for the organisation, management or delivery of travel excursions, leisure breaks and vacation services

17. Priority Three Groups**Pubs, Gyms and Children's Activity Centres**

Businesses or individuals eligible for expanded retail discount from 1st April 2020 and in occupation of a hereditament with a rateable value between £51,000 and £100,000 used wholly or mainly as a public house, gym or children's activity centre.

Retail, Leisure and Hospitality Supply Chain Businesses

Businesses or individuals in occupation of a hereditament:

- a. With a rateable value of less than £51,000; and
- b. Which is used wholly or mainly for the wholesale provision of goods to businesses within the retail, hospitality or leisure sector

What Grants will each business receive?

It is proposed that the council's £1,013,500 allocation is targeted as set out in the tabulation below

Type of Business	Grant amount per business (£)
Priority One	
Shared Offices	5,000
Charities	10,000
Bed and Breakfasts	5,000
Market Traders	5,000
Priority Two	
Events and Exhibitions	
Travel and Leisure	
a. RV below 15,001	10,000
b. RV between £15,001 and £50,099	25,000
Priority Three	
Pubs, Gyms and Children's activity Centres	25,000
Retail, Hospitality and Leisure Supply Chain	
a. RV below 15,001	10,000
b. RV between £15,001 and £50,099	25,000

Appendix A – Summary of Discretionary Scheme

	Priority Group One	Priority Group Two	Priority Group Three
Per Business Grant	£5,000 £10,000 for charities	£10,000 or £25,000	£10,000 £25,000
Eligibility Criteria	<p>To be eligible for the scheme business must have been:</p> <ul style="list-style-type: none"> i) Trading on 11th March 2020 ii) Not have received support from iii) Not be eligible or have received support from either iv) The business must be able to demonstrate a significant fall in income due to the Covid-19 pandemic <p>The business must be classified as a small or micro business</p>		
Businesses within classification	<p>Shared Offices</p> <p>Market Traders</p> <p>Bed and Breakfasts</p> <p>Charities ineligible for small business rates relief</p>	<p>Events and Exhibitions businesses occupying business premises with an RV of below £51,000</p> <p>Travel and Leisure occupying businesses premises with RV of below £51,000</p>	<p>Pubs, Gyms and Children's Activity Centres</p> <p>Retail, Leisure and Hospitality Supply Chain Businesses</p>
Exclusions	<p>Only one grant may be awarded per property.</p> <p>Grants may not be awarded to a billing authority, or precepting authority.</p> <p>Grants may not be awarded for car parks and parking spaces, or in respect of hereditaments used for personal use.</p>		
State Aid	<p>State aid applies grants of up to £10,000 can be paid as De Minimis aid €200,000 limit over 3 years (or under the Temporary Framework where De Minimis threshold exceeded).</p> <p>Payments up to and including £25,000 can be paid under the UK Covid 19 Temporary Framework for UK Authorities subject to:</p> <ul style="list-style-type: none"> a) €800,000 limit; and b) recipient confirming they were not an undertaking in difficulty (within the definition of Article 2(18) of the General Block Exemption Regulation) on 31 December 2019 		



Department for
Business, Energy
& Industrial Strategy

Grant Funding Schemes

Local Authority Discretionary Grants Fund –
guidance for local authorities



© Crown copyright 2020

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gov.uk.

Where we have identified any third-party copyright information you will need to obtain permission from the copyright holders concerned.

Any enquiries regarding this publication should be sent to us at:
enquiries@beis.gov.uk

Contents

About this guidance	4
Introduction	4
How will the grants be provided?	4
How much funding will be provided to businesses?	5
Who will benefit from these schemes?	6
Eligibility	7
Who will receive this funding?	8
Will these grant schemes be subject to tax?	8
Managing the risk of fraud	8
Post event assurance	8
Monitoring and reporting requirements	9
State aid	9
Annex A: Post-payment reporting	11
Annex B: State aid – Sample paragraphs that could be included in letters to grant recipients	12

About this guidance

1. This guidance is intended to support local authorities in administering the Local Authority Discretionary Grants Fund announced on 1 May 2020. This guidance applies to England only.
2. This guidance sets out the criteria which local government should consider as they manage the Local Authority Discretionary Grants Fund. This does not replace [existing guidance](#) for the Small Business Grant Fund (SBGF) or the Retail Hospitality and Leisure Grant Fund (RHLGF).
3. Local authority enquiries on this measure should be addressed to businessgrantfunds@beis.gov.uk. Businesses seeking information should refer to their local authority for further information on their discretionary scheme.

Introduction

4. In response to the Coronavirus, COVID-19, the government announced there would be support for small businesses, and businesses in the retail, hospitality and leisure sectors, delivered through the Small Business Grant Fund and the Retail, Leisure and Hospitality Grant Fund.
5. This additional fund is aimed at small businesses who were not eligible for the Small Business Grant Fund or the Retail, Leisure and Hospitality Fund.

How will the grants be provided?

6. Local authorities will be responsible for delivering grants to eligible businesses. Section 1 of the Localism Act 2011 provides all local authorities with the vires to make these payments.
7. The cost to local authorities of these grant payments will be met in one of two ways:
 - Where they have or plan to spend all of the grants fund allocation for the Small Business Grants Fund and Retail, Hospitality and Leisure Grants Fund, they will receive an additional payment of 5% of their funding allocation (using a grant under section 31 of the Local Government Act 2003).
 - Local authorities that, having taken all reasonable steps to provide grants to eligible businesses for the Small Business Grants Fund and/or the Retail, Hospitality and Leisure Grants Fund, still have unspent initial grants funds allocation, will fund the grants from this unspent residual. Local authorities with a projected underspend of more than 5% cannot allocate awards above their 5% threshold.
8. In either case, we will continue to monitor each local authority's spend performance for the Small Business, Retail, Hospitality and Leisure Grants Funds and the Local Authority Discretionary Grants Fund and ensure they have sufficient funding and the correct 5% cap for the Discretionary Grants Fund and will top up funding where necessary.

9. We will use the data return from local authorities of Monday 4th May 2020, which includes a projection of spend totals for the Small Business and Retail, Hospitality and Leisure Grants Funds, as the baseline for calculating either:
 - The 5% funding envelope that each local authority can utilise to meet the costs of this discretionary grants scheme, where they have residual funding available;
 - Or, the allocation of the additional amount of grant to be paid to those local authorities expecting to have no residual funding or not enough residual funding from the initial allocation of Small Business and Retail, Hospitality and Leisure Grants Funds.
10. This is a baseline to provide the fixed minimum 5% allocation for each local authority, to give certainty. We do not want to penalise local authorities that subsequently manage to achieve a higher number of business hereditaments supported and grants awarded; their 5% allocation will be adjusted upwards.
11. We are committed to meeting the delivery costs to local authorities for this scheme and will meet associated New Burdens costs.
12. Local authorities that will be responsible for making payments to businesses and which will receive funding from government are billing authorities in England.
13. This grant scheme widens access to support to businesses who are struggling to survive due to the Corona virus shutdown but are unable to access other grant funding. Local authorities should make payments as quickly as possible to support struggling businesses. We anticipate that the first payments made under the scheme will be received by businesses by early June.

How much funding will be provided to businesses?

14. Local authorities may disburse grants to the value of £25,000, £10,000 or any amount under £10,000. The value of the payment to be made to a business is at the discretion of the local authority.
15. Grants under the Local Authority Discretionary Grants Fund are capped at £25,000.
16. The next level payment under the Local Authority Discretionary Grants Fund is £10,000.
17. Local authorities have discretion to make payments of any amount under £10,000. It will be for local authorities to adapt this approach to local circumstances, such as providing support for micro-businesses with fixed costs or support for businesses that are crucial for their local economies. We expect that payments of under £10,000 may be appropriate in many cases.
18. In taking decisions on the appropriate level of grant, local authorities may want to take into account the level of fixed costs faced by the business in question, the number of employees, whether businesses have had to close completely and are unable to trade online and the consequent scale of impact of COVID-19 losses.
19. Bearing in mind the above, local authorities should set out clear criteria for determining the appropriate level of grant to give businesses clarity.

Who will benefit from these schemes?

20. These grants are primarily and predominantly aimed at:
- Small and micro businesses, as defined in Section 33 Part 2 of the Small Business, Enterprise and Employment Act 2015 and the Companies Act 2006.
 - Businesses with relatively high ongoing fixed property-related costs
 - Businesses which can demonstrate that they have suffered a significant fall in income due to the COVID-19 crisis
 - Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000.
21. To be a small business, under the Companies Act 2006, a business must satisfy two or more of the following requirements in a year—
- Turnover: Not more than £10.2 million
 - Balance sheet total: Not more than 5.1 million
 - Number of employees: a headcount of staff of less than 50
22. To be a micro business, under the Companies Act 2006, a business must satisfy two or more of the following requirements—
- Turnover: Not more than £632,000
 - Balance sheet total: Not more than £316,000
 - Number of employees: a headcount of staff of not more than 10
23. We want local authorities to exercise their local knowledge and discretion and we recognise that economic need will vary across the country, so we are setting some national criteria for the funds but allowing local authorities to determine which cases to support within those criteria.
24. We are asking local authorities to prioritise the following types of businesses for grants from within this funding pot:
- Small businesses in shared offices or other flexible workspaces. Examples could include units in industrial parks, science parks and incubators which do not have their own business rates assessment;
 - Regular market traders with fixed building costs, such as rent, who do not have their own business rates assessment;
 - Bed & Breakfasts which pay Council Tax instead of business rates; and
 - Charity properties in receipt of charitable business rates relief which would otherwise have been eligible for Small Business Rates Relief or Rural Rate Relief.

25. The list set out above is not intended to be exhaustive but is intended to guide local authorities as to the types of business that the government considers should be a priority for the scheme. Authorities should determine for themselves whether particular situations not listed are broadly similar in nature to those above and, if so, whether they should be eligible for grants from this discretionary fund.
26. Where limits to funding available for this scheme require local authorities to prioritise which types of businesses will receive funding, it will be at the local authorities discretion as to which types of business are most relevant to their local economy. There will be no penalty for local authorities because of their use of discretion to prioritise some business types.
27. Local authorities should set out the scope of their discretionary grant scheme on their website, providing clear guidance on which types of business are being prioritised, as well as the rationale for the level of grant to be provided (either £25,000, £10,000 or less than £10,000).
28. Local authorities may wish to consider collaborating as they design their discretionary schemes to ensure there is consistency where they are working across a functional economic area (e.g. a Mayoral Combined Authority or Local Enterprise Partnership area) and may want to engage with MCAs and LEPs to ensure alignment and reduce duplication with other local discretionary business grants that may have been established.

Eligibility

29. This grant funding is for businesses that are not eligible for other support schemes. Businesses which have received cash grants from any central government COVID-related scheme are ineligible for funding from the Discretionary Grants Fund. Such grant schemes include but are not limited to:
 - Self Employment Income Support Scheme
 - Small Business Grant Fund
 - Retail, Hospitality and Leisure Grant
 - The Fisheries Response Fund
 - Domestic Seafood Supply Scheme (DSSS).
 - The Zoos Support Fund
 - The Dairy Hardship Fund
30. Businesses who have applied for the Coronavirus Job Retention Scheme are eligible to apply for this scheme.
31. Only businesses which were trading on 11 March 2020 are eligible for this scheme.
32. Companies that are in administration, are insolvent or where a striking-off notice has been made are not eligible for funding under this scheme.

Who will receive this funding?

33. It is recognised that local authorities will need to run some form of application process as the potential beneficiaries are highly unlikely to be known directly by the local authorities.
34. This will allow local authorities to undertake proportionate pre-payment checks to confirm eligibility relative to their local scheme and to allow each local authority to determine how to use its discretion in relation to the appropriate level of grant. Prepayment checks must include confirming that by accepting payments recipients are in compliance with State aid rules.
35. Local authorities must use their discretion in identifying the right person to receive this funding, based on their application process.
36. The local authority must call or write to the business, stating that by accepting the grant payment, the business confirms that they are eligible for the grant scheme, including that any payments accepted will be in compliance with State aid requirements. Suggested wording for State aid declarations is included at Annex B.

Will these grant schemes be subject to tax?

37. Grant income received by a business is taxable therefore funding paid under the Local Authority Discretionary Grants Fund will be subject to tax.
38. Only businesses which make an overall profit once grant income is included will be subject to tax.

Managing the risk of fraud

39. The government will not accept deliberate manipulation and fraud - and any business caught falsifying their records to gain grant money will face prosecution and any funding issued will be subject to claw back, as may any grants paid in error.
40. The government Grants Management Function and Counter Fraud Function will make their digital assurance tool, Spotlight, available to local authorities, and will offer support in using the tool and interpreting results. Alongside other checks conducted by local authorities, the tool can help with pre-payment and post payment assurance. We also want local authorities to work with us and each other in identifying and sharing good practice, including protecting eligible businesses which may be targeted by fraudsters pretending to be central or local government or acting on their behalf.

Post event assurance

41. Post payment, the government Grants Management Function and Counter Fraud Function will support local authorities to carry out post-event assurance work to identify high risk payments.

Monitoring and reporting requirements

42. Local authorities will be required to report on their progress in developing and delivering the Local Authority Discretionary Grant Fund weekly to BEIS alongside the existing reporting on the Small Business Grants Fund and Retail, Hospitality and Leisure Grants Fund. Criteria for local authority schemes must be published and shared with BEIS.
43. Once the scheme is developed and payments are made, reports from June onward will cover:
 - Numbers of businesses provided £25,000 grants
 - Numbers of businesses provided £10,000 grants
 - Numbers of businesses provided less than £10,000 grants
 - Total funding paid out in relation to the discretionary grant scheme paying less than £10,000
 - Expected date of completion of all grant payments to businesses
 - Issues encountered in implementing the scheme to allow BEIS to support development of solutions with local authorities.
44. We will also contact a sample of LAs each month to:
 - Check they are awarding in line with the mandatory criteria;
 - Understand the ways in which they are using their discretion.
45. Annex A contains information on Post Payment Monitoring requirements.

State aid

46. The United Kingdom left the EU on 31 January 2020, nonetheless under the Withdrawal Agreement the State aid rules continue to apply during a transition period, subject to regulation by the EU Commission. The local authority must be satisfied that all State aid requirements have been fully met and complied with when making grant payments, including, where required, compliance with all relevant conditions of the EU State aid De-Minimis Regulation, the EU Commission Temporary Framework for State aid measures to support the economy in the current COVID-19 outbreak, the approved COVID-19 Temporary Framework for UK Authorities, and any relevant reporting requirements to the EU Commission.
47. Local authorities have a discretion to make payments to eligible recipients under either the De Minimis rules or the COVID-19 Temporary Framework for UK Authorities (provided all the relevant conditions are met).
48. Payments of up to and including £10,000 can be provided under the De Minimis rules, meaning applicants can receive up to €200,000 of aid within a three year period.
49. Payments of up to and including £25,000 (or where the De Minimis threshold has been reached) should be paid under the COVID-19 Temporary Framework for UK Authorities. Local authorities should note the conditions attached to the Temporary Framework, including the €800,000 threshold per undertaking (€120 000 per undertaking active in

the fishery and aquaculture sector or €100 000 per undertaking active in the primary production of agricultural products), and requirement for recipients to declare they were not an undertaking in difficulty on 31 December 2019. An 'undertaking in difficulty' is defined by GBER (2014) as an undertaking in which at least one of the following circumstances occurs:

- a) In the case of a limited liability company (other than an SME that has been in existence for less than three years), where more than half of its subscribed share capital has disappeared as a result of accumulated losses. This is the case when deduction of accumulated losses from reserves (and all other elements generally considered as part of the own funds of the company) leads to a negative cumulative amount that exceeds half of the subscribed share capital.
- b) In the case of a company where at least some members have unlimited liability for the debt of the company (other than an SME that has been in existence for less than three years), where more than half of its capital as shown in the company accounts has disappeared as a result of accumulated losses.
- c) Where the undertaking is subject to collective insolvency proceedings or fulfils the criteria under its domestic law for being placed in collective insolvency proceedings at the request of its creditors.
- d) Where the undertaking has received rescue aid and has not yet reimbursed the loan or terminated the guarantee, or has received restructuring aid and is still subject to a restructuring plan.
- e) In the case of an undertaking that is not an SME, where, for the past two years:
 - i) The undertaking's book debt to equity ratio has been greater than 7.5 and
 - ii) The undertaking's EBITDA interest coverage ratio has been below 1.0.

50. Annex B of this guidance contains two sample declarations which local authorities may wish to use with either payments under the De Minimis rules or under the COVID-19 Temporary Framework for UK Authorities. Where local authorities have further questions about De Minimis or other aspects of State aid law, they should seek advice from their legal department in the first instance.

Annex A: Post-payment reporting

Background

1. Local authorities will be required to report weekly to BEIS on the Local Authority Discretionary Grants Fund, alongside the existing reporting on the Small Business Grants Fund and Retail, Hospitality and Leisure Grants Fund
2. Reports will cover:
 - Numbers of businesses provided £25,000 grants
 - Numbers of businesses provided £10,000 grants
 - Numbers of businesses provided less than £10,000 grants
 - Total funding paid out in relation to the discretionary grant scheme paying less than £10,000
 - Expected date of completion of all grant payments to businesses
 - Issues encountered in implementing the scheme to allow BEIS to support development of solutions with local authorities
3. The return will be completed using the DELTA Reporting system.

Process

4. Local authorities are required to complete the weekly return for BEIS by 10am Monday (from early June), reporting on the previous Monday – Sunday period.
5. Each weekly report will only cover grants provided by local authorities to eligible business during the period of the previous week as per paragraph 4. The Cities and Local Growth Unit will consolidate the reports to create a cumulative total and monitor progress against the allocation of funding per local authority.

Definitions

Total number of grants provided under each level of the scheme (£25,000; £10,000; and less than £10,000)	Number of grants paid (in that week) to the eligible businesses identified by the local authorities.
Total funding paid out in relation to the discretionary grant scheme paying less than £10,000	This should reflect the amount of money paid in grants against the under £10k grant in the reporting week under this scheme.
Expected Date of Completing all payments to Eligible Businesses	Date at which the local authorities believes it will have provided all grants under the scheme.
Comments	Highlight in this box issues that local authorities are encountering while implementing the schemes.

Annex B: State aid – Sample paragraphs that could be included in letters to grant recipients

Template to send to beneficiaries of aid awarded based on the UK COVID-19 Temporary Framework¹

Dear [Name of Aid Recipient]

Confirmation of State Aid received under the COVID-19 Temporary Framework for UK Authorities scheme

Following the outbreak of the Coronavirus, the European Commission has approved schemes to aid businesses affected by the Coronavirus outbreak on the basis of their Temporary Framework, including the COVID-19 Temporary Framework scheme for the UK.

The maximum level of aid that a company may receive is €800 000 (€120 000 per undertaking active in the fishery and aquaculture sector or €100 000 per undertaking active in the primary production of agricultural products). This is across all UK schemes under the terms of the European Commission's Temporary Framework. The Euro equivalent of the Sterling aid amount is calculated using the Commission exchange rate² applicable on the date the aid is offered.

Any aid provided under this scheme will be relevant if you wish to apply, or have applied, for any other aid granted on the basis of the European Commission's Temporary Framework. You will need to declare this amount to any other aid awarding body who requests information from you on how much aid you have received. You must retain this letter for four years after the conclusion of the UK's transition from the EU and produce it on any request from the UK public authorities or the European Commission.

Aid may be granted to undertakings that were not in difficulty (within the meaning of Article 2(18) of the General Block Exemption Regulation³) on 31 December 2019, but that faced difficulties or entered in difficulty thereafter as a result of the COVID-19 outbreak⁴.

This aid is in addition any aid that you may have received under the De Minimis regulation allowing aid of up to €200,000 to any one organisation over a three fiscal year period (i.e. your current fiscal year and previous two fiscal years), and any other approved aid you have received under other State aid rules, such as aid granted under the General Block Exemption Regulation.

¹ Approval reference.

² https://ec.europa.eu/info/funding-tenders/how-eu-funding-works/information-contractors-and-beneficiaries/exchange-rate-infoeuro_en

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02014R0651-20170710>

⁴ If you are an undertaking in difficulty within the meaning of Article 2(18) of the General Block Exemption Regulation you may still be entitled to de minimis aid if you have received less than €200,000 in de minimis aid in the last three years. You should contact us if you consider that you may qualify for de minimis aid on this basis.

Confirmation of State aid received under x Scheme, and Undertaking in Difficulty status

Please sign the attached statement confirming your eligibility, in principle, for aid.

I confirm that I have received the following aid under measures approved within the European Commission's Temporary Framework between March 2020 and December 2020.

I confirm that my undertaking was not in difficulty (within the meaning of Article 2(18) of the General Block Exemption Regulation) on 31 December 2019.

Body providing the assistance/ aid	Value of assistance (in €)	Date of assistance

Declaration

Company	
Company Representative Name	
Signature	
Date	

Template to send to beneficiaries of aid awarded based on De Minimis Rules

Dear []

The value of the grant payment to be provided to [name of undertaking] by [name of local authority] is £ [] (Euros []).

This award shall comply with the EU law on State aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of de minimis aid within the current financial year or the previous two financial years). The de minimis Regulations 1407/2013 (as published in the Official Journal of the European Union L352 24.12.2013) can be found at:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

Amount of de minimis aid	Date of aid	Organisation providing aid	Nature of aid

I confirm that:

- 1) I am authorised to sign on behalf of _____[name of undertaking]; and
- 2) _____[name of undertaking] shall not exceed its De minimis threshold by accepting this grant payment.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

I confirm that I wish to accept the grant payment in relation to the above premises.

DATE:

This publication is available from: www.gov.uk/beis

If you need a version of this document in a more accessible format, please email enquiries@beis.gov.uk. Please tell us what format you need. It will help us if you say what assistive technology you use.

This page is intentionally left blank



Overview and Scrutiny Committee

Monday, 17th February, 2020

MINUTES

Present:

Councillor Joe Baker (Chair), and Councillors Salman Akbar, Tom Baker-Price, Michael Chalk, John Fisher, Peter Fleming, Andrew Fry, Mark Shurmer and Jennifer Wheeler

Also Present:

Councillor David Thain (Portfolio Holder for Corporate Management)

Officers:

Sue Hanley and Jayne Pickering

Senior Democratic Services Officer:

J Bayley

91. APOLOGIES AND NAMED SUBSTITUTES

Apologies for absence were received on behalf of Councillors Joanne Beecham and Debbie Chance. Officers confirmed that Councillors Tom Baker-Price and John Fisher were attending as their respective substitutes.

92. DECLARATIONS OF INTEREST AND OF PARTY WHIP

Councillors Tom Baker-Price and Andrew Fry declared other disclosable interests in Minute Item No. 95 in their capacity as Worcestershire County Councillors and members of the Hereford and Worcester Fire Authority as these organisations would receive funding from Council Tax once the Council Tax Resolutions had been agreed.

There were no declarations of any party whip.

.....
Chair

Overview and Scrutiny Committee

Monday, 17th February, 2020

93. MINUTES

RESOLVED that

the minutes of the meeting of the Overview and Scrutiny Committee meeting held on Thursday 9th January 2020 be approved as a true and correct record and signed by the Chair.

94. MEDIUM TERM FINANCIAL PLAN

The Executive Director of Finance and Resources presented the Medium Term Financial Plan (MTFP) 2020/21 to 2023/24 and in so doing highlighted the following matters for Members' consideration:

- The external auditors, Grant Thornton, had issued a Section 24 Notice to the Council in 2019. In this notice three recommendations had been made to the Council.
- The first of these recommendations focused on the budget for 2019/20 and the external auditors had urged the Council to deliver the savings set out in the MTFP earlier that year.
- The second recommendation had focused on the need for the Council to have a balanced budget in 2020/21.
- The third recommendation had urged the Council to have a sustainable budget for 2021/22 to 2023/24.
- The external auditors had raised concerns about the need for Members to make difficult decisions in order to balance the budget.
- The financial framework for the authority had been agreed in the autumn in 2019. This had outlined the Council's aim over the four year period to increase balances in the general fund to £1.5 million and balances in the Housing Revenue Account (HRA) to £1 million.
- A number of difficult decisions had been taken by Members during the municipal year including in respect of the Rubicon Business Centre, changing support for Voluntary and Community Sector (VCS) groups and the closure of the One Stop Shops.
- The MTFP showed a balanced budget for 2020/21 with £82,000 returned to balances. This would increase the Council's balances to over £1 million.
- However, there remained a total of £1.6 million to save over the following three years. To address this gap, further difficult decisions would need to be taken by Members.
- Officers had identified a number of potential savings during the year.

Overview and Scrutiny Committee

Monday, 17th February, 2020

- Savings had been achieved through negotiating a new insurance contract as part of a group with other local authorities.
- Further savings would be achieved as a result of a review of the Dial a Ride operating model, which would result in the reduction in the number of buses in operation from six to five and the introduction of a voluntary car scheme. The proposed changes to the Dial a Ride scheme would result in an increase in the efficiency of the service and it was anticipated that there would be a corresponding increase in income.
- The actuaries for the Worcestershire Pension Fund had reported that the investments that had been made for the fund had performed well over the previous three years resulting in a reduction in the level of pension contributions that would need to be made by the Council moving forward.
- The Council had received New Homes Bonus (NHB) funding for 2020/21 which had not been anticipated. However, the Government had been clear that no legacy payments would be provided to the Council for the NHB.
- There remained a lot of uncertainty for the future in terms of local government funding. The Council did not know what terms would be included in the Government's Fair Funding Review for district Councils.
- There was the potential that the Government would reset the business rates growth level and this would again result in a loss of income for the Council.
- The Council Tax Resolutions still remained to be finalised. Whilst the Council had heard back from some of the preceptors the authority was still waiting to hear from West Mercia Police on the date of the meeting.
- The Council was anticipating that there would be the minimum level of balances in the HRA for 2020/21.
- The HRA had been affected by the 1 per cent rent reductions over four years that had been required by the Government, though in 2020/21 the Council would be increasing rents by CPI plus 1 per cent.
- By 2023/24 the HRA would be in a stronger position as a result of accumulated rent rises over the four year period.

During consideration of this item the Chair invited the Portfolio Holder for Corporate Management, Councillor David Thain, to comment on the budget. Councillor Thain explained that difficult decisions had had to be taken but the budget was balanced for 2020/21. The external auditors had been kept informed about the budget and the decisions that had been taken by Members and they would continue to be notified about developments. Councillor Thain concluded by thanking Officers working in the financial

Overview and Scrutiny Committee

Monday, 17th February, 2020

services department as well as Heads of Service for their hard work in respect of achieving savings and balancing the budget.

Members subsequently discussed the report in detail and in so doing noted the following points:

- The reasons why the budget gap in 2023/24 was much higher than in previous years. Officers explained that this was partly a consequence of the Council losing NHB legacy payments in this year as well as a result of the impact of the pay awards.
- The impact that the loss of NHB funding would have on Councils across the country. Officers explained that nationally NHB had resulted in local Councils receiving more in funding than had originally been anticipated when the scheme was introduced and this was not considered to be sustainable.
- The reserves that had been set aside for the Council's pensions liabilities and for a Transformation Fund and the reasons that this funding had not been returned to balances. Officers explained that there were concerns amongst Treasurers across the county that the investments for the pensions fund might not always perform as well as they had in the past three years and it would be prudent to have a reserve that could be used if needed for this purpose. The Council Transformation Fund would provide the Council with greater flexibility.
- The choice not to include the negative grant in the budget projections and the reasons for this. The Committee was informed that there were risks to the Council in relation to predicting the Council's future funding settlement as the Government's plans for local government funding would be uncertain until the Fair Funding Review was finalised. However, there would need to be a transition period and some funding from Government for Councils if the negative grant was reintroduced.
- The increased income that was anticipated from the Council's investments moving forward. Officers agreed to provide further information to Members in respect of this matter.
- The potential for the Council to achieve further financial savings moving forward. Officers explained that there would need to be a mix of savings and an increase in income. For some services further savings would potentially impact on the quality of the service.
- The surplus that would be achieved in terms of income from Council Tax in the first year of the plan.
- The lower revenue that Redditch Borough Council received from Council Tax compared to other district Councils in

Overview and Scrutiny Committee

Monday, 17th February, 2020

Worcestershire where there were more Band D properties and above.

- The potential for the Council to encourage developers to build more Band D properties and above in the Borough.
- The possibility that NHB funding might be redesigned so that funding would be redistributed in future from Councils in areas where more Band D properties were built.
- The difficult decisions that would need to be made in the future and the potential services that might be affected by these decisions. Officers explained that some ideas had been included in the report, though no decisions had been taken.
- The proposed changes to the Dial a Ride scheme, the cost of the voluntary car scheme and the insurance implications for the Council. Officers agreed to provide further information in respect of this matter after the meeting.
- The number of customers using the Dial a Ride service. The Committee was informed that there were 560 registered users. By February 2020 there were 2,100 journeys a month and Officers were anticipating that as a result of the changes to the operating model there would be 2,400 journeys in future.
- The £100,000 funding in respect of a café at Morton Stanley Park that had been included in the capital programme. Officers explained that additional funding would be available to pay for this café from Section 106 money that had been allocated to infrastructure projects in the park. Leisure Officers had undertaken research into the project and as part of this process public consultation had taken place, the results from which had indicated that there would be interest in a café in the park.
- The potential for further income to be generated by the Council operating in a more commercial manner in the future.
- The need for the Council to share savings with Bromsgrove District Council in cases where savings were secured for shared services.
- The option for the Council to sell Council assets and which assets were likely to be sold. Officers explained that the Council would only sell assets that were declared surplus and there were no plans to sell assets such as the Palace Theatre.
- The potential for the Council to report the financial difficulties impacting on local government and the need for certainty to be provided by the Government. Officers explained that there had been a portal launched in January 2020 which provided Councils with an opportunity to report concerns to the Government and the Section 151 Officer had submitted comments on behalf of the Council.
- The movement of a capital reserve to the general fund for the HRA in order to balance the budget. The Committee was

Overview and Scrutiny Committee

Monday, 17th February, 2020

advised that this arrangement had been made on the proviso that the funding would be paid back within three years.

- The need for greater efficiencies to be made in respect of the HRA in future years. Officers explained that over the following 18 months the new Housing IT System would be introduced and service reviews would be taking place within the Housing Department, which would contribute efficiency savings.

At the end of a lengthy debate in respect of this item the Committee

RESOLVED that

the report be noted.

95. EXECUTIVE COMMITTEE MINUTES AND SCRUTINY OF THE EXECUTIVE COMMITTEE'S WORK PROGRAMME - SELECTING ITEMS FOR SCRUTINY

Members considered the minutes from the meeting of the Executive Committee held on Tuesday 11th February 2020. The Committee noted that the Budget Scrutiny Working Group had made recommendations to this meeting in respect of the Medium Term Financial Plan 2020/21 to 2023/24 which had been approved by the Executive Committee.

During consideration of this item Members also considered the content of the Executive Committee's Work Programme for the period 1st March to 30th June 2020.

RESOLVED that

- 1) **the minutes of the meeting of the Executive Committee held on 11th February 2020 be noted; and**
- 2) **the content of the Executive Committee's Work Programme for the period 1st March to 30th June 2020 be noted.**

96. OVERVIEW AND SCRUTINY WORK PROGRAMME

The content of the Overview and Scrutiny Committee's Work Programme was considered by Members. Concerns were raised about the number of items that were due to be considered at the meeting of the Committee that was scheduled to take place in March 2020. Whilst the Homes England Asset Transfer item would not be available to consider until June 2020 the other items were scheduled to be reported to Members.

Overview and Scrutiny Committee

Monday, 17th February, 2020

Members discussed the items that were on the work programme for consideration in March and noted that the Overview and Scrutiny Committee's annual report and the final reports of the Scrutiny Task Groups needed to be considered as soon as possible. However, Members noted that the Members' IT Policy and Bring Your Own Device (BYOD) Policy had already been considered by the Member Support Steering Group, prior to any report being made in respect of these matters to the Executive Committee. In this context Members agreed that the Overview and Scrutiny Committee did not need to pre-scrutinise the Members' IT Policy and BYOD Policy. However, the Committee noted that ICT support for elected Members could have financial implications for the Council, particularly if Members' iPads were replaced with more expensive IT equipment. Members suggested that wherever possible the Council should strive to ensure that financial expenditure on Members' IT equipment was kept to a minimum.

RESOLVED that

- 1) the Members' IT Policy and Bring Your Own Device Policy be removed from the Overview and Scrutiny Committee's Work Programme and no longer made subject to pre-decision scrutiny; and**
- 2) the content of the Overview and Scrutiny Committee's Work Programme be noted.**

97. TASK GROUP REVIEWS - DRAFT SCOPING DOCUMENTS

Officers confirmed that there were no draft scoping documents for consideration on this occasion.

98. TASK GROUPS, SHORT SHARP REVIEWS AND WORKING GROUPS - UPDATE REPORTS

- a) Budget Scrutiny Working Group – Chair, Councillor Jenny Wheeler

Councillor Wheeler advised that during the latest meeting of the group Members had pre-scrutinised the Medium Term Financial Plan 2020/21 to 2023/24. During this meeting Members had proposed two recommendations which had subsequently been agreed by the Executive committee. The first called for Officers to present the capital programme in a different way in future, which would involve grouping the items in accordance with the strategic purposes. Members were

Overview and Scrutiny Committee

Monday, 17th February, 2020

advised that this would be a more logical approach to presenting the capital programme than the present format.

The second recommendation had focused on the Section 24 Notice that had been issued by the external auditors, Grant Thornton, to the Council. At the latest Audit, Governance and Standards Committee meeting the external auditors had indicated that the Section 24 Notice might be lifted in the autumn, subject to the Council successfully submitting its accounts and receiving a positive Value for Money assessment. However, no formal letter would be issued by the external auditors regarding this matter. The Budget Scrutiny Working Group had concluded that the Council had a responsibility to notify the public that the Section 24 Notice no longer applied to the Council and this had formed the basis of their recommendation.

During consideration of this item Members noted that to date 100 per cent of the recommendations that had been proposed by the Budget Scrutiny Working Group during the year had been approved by the Executive Committee. On behalf of the Executive Committee the Portfolio Holder for Corporate Management thanked the group for their hard work and noted that the recommendations that had been made through the budget scrutiny process had been very helpful.

b) Performance Scrutiny Working Group – Chair, Councillor Andrew Fry

Councillor Fry advised Members that the group had met since the previous meeting of the Overview and Scrutiny Committee. During this meeting Members had discussed performance monitoring arrangements for the authority moving forward. An update had been provided by Councillor John Fisher about the evidence he had gathered when monitoring measures for the strategic purpose help me find somewhere to live in my locality and Councillor Yvonne Smith was due to provide an update in respect of her findings for the strategic purpose 'help me be financially independent at the following meeting.

The group had decided at their latest meeting that in future they should monitor the performance of Council services collectively, rather than each Member monitoring a different strategic purpose. This would start with a focus on housing Services at the following meeting of the group, due to take place in March 2020.

Overview and Scrutiny Committee

Monday, 17th February, 2020

- c) Parking Enforcement Task Group – Chair, Councillor Mark Shurmer

Councillor Shurmer confirmed that the group was aiming to complete their review in time to report back to the Overview and Scrutiny Committee meeting that was scheduled to take place on Thursday 19th March 2020.

99. EXTERNAL SCRUTINY BODIES - UPDATE REPORTS

The following updates were provided in respect of external scrutiny bodies:

- a) West Midlands Combined Authority Overview and Scrutiny Committee – Redditch Member, Councillor Michael Chalk

Councillor Chalk circulated an update from the latest meeting of the West Midlands Combined Authority (WMCA) Overview and Scrutiny Committee. He advised that a young woman, rather than young man as suggested in the written update, had attended the meeting.

During the meeting Members had discussed the HS2 project. The Committee had been advised that there would be opportunities available to Small and Medium Enterprises (SMEs). As there were many businesses in Redditch that could be classified as SMEs there could be opportunities available to companies based in the Borough as part of this project.

- b) Worcestershire Health Overview and Scrutiny Committee – Redditch Member, Councillor Michael Chalk

The Committee was informed that the following meeting of the Worcestershire Health Overview and Scrutiny Committee (HOSC) was scheduled to take place on Wednesday 19th February 2020. This meeting would provide Members with an opportunity to prepare for an interview with representatives of Worcestershire Acute Hospitals NHS Trust that was due to take place at a later date.

The Meeting commenced at 6.30 pm
and closed at 7.28 pm

This page is intentionally left blank