

**ASHFIELD DISTRICT COUNCIL**



Council Offices,  
Urban Road,  
Kirkby in Ashfield  
Nottingham  
NG17 8DA

## Agenda

### Cabinet

Date: **Monday, 21st January, 2019**

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Time: **10.00 am**

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Venue: **Council Chamber, Council Offices, Urban Road,  
Kirkby-in-Ashfield**

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# **CABINET**

## **Membership**

**Chairman:**

Councillor Jason Zadrozny

**Councillors:**

Christian Chapman  
Robert Sears-Piccavey  
Helen-Ann Smith

Tom Hollis  
John Wilmott

## **FILMING/AUDIO RECORDING NOTICE**

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## **SUMMONS**

You are hereby requested to attend a meeting of the Cabinet to be held at the time/place and on the date mentioned above for the purpose of transacting the business set out below.



**R. Mitchell**  
**Chief Executive**

## AGENDA

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1. To receive apologies for absence, if any.
2. Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.
3. To receive and approve as a correct record the minutes of the meeting of the Cabinet held on 26 November 2018 5 - 14
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**Key Decision**

Portfolio Holder: Deputy Leader of the Council (Outward Focus),  
Councillor Helen-Ann Smith

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**Non-Key Decision**

Portfolio Holder: Deputy Leader of the Council (Outward Focus),  
Councillor Helen-Ann Smith

- 11. Housing Company** 109 - 132

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Portfolio Holder: Cabinet Member (Outward), Councillor John Wilmott

- 12. Housing Project, Davies Avenue, Sutton-in-Ashfield** 133 - 140

**Key Decision**

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- 13. Housing Rent Setting** 141 - 146

**Key Decision**

Portfolio Holder: Cabinet Member (Outward), Councillor John Wilmott

- 14. Digital and Service Transformation Programme** 147 - 158

**Key Decision**

Portfolio Holder: Cabinet Member (Joint Focus), Councillor Christian  
Chapman

Portfolio Holder: Cabinet Member (Outward Focus), Councillor John  
Wilmott

## CABINET

**Meeting held in the Council Chamber, Council Offices, Urban Road, Kirkby-in-Ashfield,**

**on Monday, 26th November, 2018 at 10.00 am**

**Present:** Councillor Jason Zadrozny in the Chair;

Councillors Christian Chapman, Tom Hollis,  
Robert Sears-Piccavey, John Wilmott and Helen-  
Ann Smith.

**Officers Present:** Craig Bonar, Carol Cooper-Smith, Ruth Dennis,  
Martin Elliott, Theresa Hodgkinson,  
Peter Hudson, Robert Mitchell and Nicky Moss.

**In Attendance:** Martin Rigley (Chairman Ashfield Place Board)

**CA.45 To receive apologies for absence, if any.**

There were no apologies for absence.

**CA.46 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests.**

There were no declarations of interest.

**CA.47 To receive and approve as a correct record the minutes of the meeting of the Cabinet held on 1 October 2018**

The Minutes of the meeting held on 1 October 2018 were approved as a correct record and signed by the Chairman.

**CA.48 Place Enhancement**

The Interim Director of Place and Communities submitted a report to provide a progress report on the delivery of the key projects, programmes and initiatives within the Place Leadership agenda, as set out in the Corporate Plan (2016-2019). The Corporate Plan objectives had identified an aspiration for “Place Enhancement”, making Ashfield a location and destination of choice for business and visitors and a desirable place to live for all residents. The Assistant Director, Place and Wellbeing and the Chairman of the Ashfield Place Board, Martin Rigley attended the meeting to present the report.

One of the key projects in the Place Enhancement Programme was to develop a Place Plan to capture and develop Ashfield’s unique character for those that

lived, worked and visited the area. In order to enable this a wide a wide range of stakeholders and partners had been involved in identifying what made the area distinctive and to enable a better understanding the 'Ashfield Story'. In order to further develop on these ideas, the Ashfield Place Board had been established to develop and deliver the Place Plan, part of which was the task to develop and define the Ashfield "Brand". The "Discover Ashfield" brand had subsequently been developed to resonate with different audiences within Ashfield and to help invigorate the area, raise its profile, boost growth and increase the sense of pride in the community. The officer's report included examples of the "Discover Ashfield" logo as well the other visuals that had been developed, alongside examples of how they could be used.

The officer's report included details of the Discover Ashfield Board's next steps in implementing key actions from the Place Plan which included Discover Ashfield launch activities and events, refreshing the Town Centre Masterplans, launching the Ashfield Ambassador programme and exploring the feasibility of a Business Improvement District in Ashfield.

The Leader thanked Martin Rigley, Chairman of the Ashfield Place Board for all the work he had done in moving the project forward and for being an outstanding ambassador for Ashfield.

## **RESOLVED**

- a) that the officer's report be noted.
- b) that the further development of the Ashfield Place Leadership programme, as detailed in the officer's report be approved.

## **REASONS FOR DECISION**

To continue the work to contribute to the Council's Corporate Plan commitments to:

- Enhance the identity and brand for Ashfield; so it is cherished by those who live or work here, desirable to those who visit, and attractive to those who bring jobs and investment.
- Raise the profile of Ashfield as a place where people want to visit and spend their time enjoying themselves.

## **ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

The option of not doing anything was not recommended for a number of reasons. The insight work carried out to date in conjunction with public, private and voluntary sector stakeholders has allowed the Council to increase understanding of the District by creating the 'Ashfield Story' and future requirements. The 'Ashfield Story' will be central to the successful delivery of the Place Leadership Programme objectives set out within the Corporate Plan (2016-2019).

## **CA.49 HS2 Consultation Response**

The Interim Director – Place and Communities submitted a report seeking approval for the submission of the Council’s response to HS2’s Phase 2b Consultation on High Speed Rail (Crewe to Manchester and West Midlands to Leeds) Working Draft Environmental Statement relating to HS2 community areas LA07: Hucknall to Selston and Pinxton to Newton and Huthwaite LA08. The full draft consultation response was attached as an appendix to the officer’s report.

The report noted that HS2 had the potential to offer significant positive benefits for Ashfield in improved transport connectivity, as well as in regards to providing new development and employment opportunities. The Leader advised that while the potential benefits for Ashfield were significant it was essential that there were mitigating actions incorporated within the plans in order to reduce negative impacts including the impact of noise and vibration on local communities, the proximity of the line to Annesley Hall and on local landscapes and wildlife habitats caused by HS2. The Leader also advised that the previously planned closure of Junction 27 of the M1, during the construction phase of the scheme would now not happen which was very welcome news as the junction provided essential connectivity for businesses both in its immediate vicinity and in the wider Ashfield District. In addition to the Council’s response, the Chief Executive noted that local residents were being encouraged to take part in the HS2 Phase 2b Consultation.

### **RESOLVED**

- a) that the consultation response as set out in the appendix of the officer’s report be approved for submission to HS2, and brought into effect from 26 November 2018.
- b) that authority be delegated to the Chief Executive, in consultation with the Leader and Portfolio Holder, to approve any minor drafting amendments to the consultation response.

### **REASON FOR DECISION**

To enable the Council to inform HS2 of the Council’s concerns, to encourage opportunities to expand the economic benefits of the new infrastructure and highlight the key changes required to the proposals to mitigate the impact on the District.

### **ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

The alternative option was not to submit comments to HS2. This was not recommended as it would have been a lost opportunity to put forward for consideration the Council’s views on the impact of HS2 on the District’s communities, environment and economy.

## **CA.50 Ashfield Spring Clean**

The Assistant Director - Neighbourhoods and Environment submitted a report to advise Cabinet on the successes, the cost of delivery and the impact made, along with lessons learned from the first Big Ashfield Spring Clean campaign, which had been a district wide clean-up campaign delivered over a three-week period between 19 May and 9 June 2018. The report also made recommendations for potential delivery methods for future Big Ashfield Spring Clean campaigns.

The Big Ashfield Spring Clean 2018 had been considered by the Overview and Scrutiny Committee at its meeting on 7 November, 2018 (Minute No. OS15 2018/19). The recommendations made by Overview and Scrutiny Committee were included in the officer's report. It was noted that several of the recommendations made by the Overview and Scrutiny Committee had been incorporated into the proposals for the Big Ashfield Spring Clean 2019 including the greater use of "flying skips" and ensuring that static skips were manned at all times to prevent the dumping of hazardous waste. The Leader noted the success of the project and welcomed the development of the scheme for 2019.

### **RESOLVED**

- a) that the full evaluation of the 2018 Big Ashfield Spring Clean, as detailed in the officer's report be noted.
- b) the plans for the 2019 Big Ashfield Spring Clean, as set out in the officer's report be approved.
- c) that authority be delegated to the Director of Place and Communities and Assistant Director Neighbourhoods and Environment, in conjunction with the Deputy Leader of the Council, Outward Focus, to lead on the project.

### **REASONS FOR DECISION**

To use the evaluation and lessons learned from the Big Ashfield Spring Clean to inform the most effective way forward for 2019 and future years.

### **ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

1. Repeat the Big Ashfield Spring Clean campaign in its current format – This option was not recommended as it would not take into account the learning points from the Big Ashfield Spring Clean 2018.
2. Community led spring clean campaign with free bulky waste collections – This option was not recommended as while there is a recognition that there are pockets of active volunteers and groups in Ashfield there is no consistent approach Districtwide.



## **CA.51 Scrutiny Consideration of Play Strategy for Rural Areas / Green Space Projects**

The Service Manager - Scrutiny and Democratic Services submitted a report to provide a summary of the considerations and recommendations made by the Overview and Scrutiny Committee at the meeting of 7 November following the call-in meeting that had been held on the topic on 17 October.

At the meeting held on 7 November members of the Overview and Scrutiny Committee had discussed:

- the further information that had been provided with regards to the status of the Car Parking Strategy 2016 – 21, the Public Open Space Strategy 2016 – 26 and the Ashfield District Council Play Strategy. The Committee were also advised at that the improvements made under the emerging play strategy would be carried out on a schedule determined by location but any required maintenance to any play area would be carried out as required as the extra funding identified in the emerging play strategy was for new play areas;
- Section 106 contributions received for public open space and grant funding secured since 2014/15;
- Selston Parish Council Play strategy;
- Wharf Road improvements;
- their concerns regarding the parking at Brand Lane and discussed how any Section 106 monies would be spent to relieve parking and traffic issues in the Brand Lane vicinity created as a consequence of housing development in the area.

The meeting had concluded by noting the further information provided by officers and by the Deputy Leader of the Council (Outward Focus) in relation to future funding, play area development and enhancement in the district but asked that future improvements to play areas be carried out on the basis of need rather than location. (Minute No. OS14, 2018/19).

Members noted the considerations and the recommendations made by the Overview and Scrutiny Committee. The Leader emphasised that the planned phased investment that was outlined in the emerging play strategy was extra investment in play areas in addition to previously planned and essential works that would be carried out on play areas right across the district.

### **RESOLVED**

- a) that the recommendations from the Overview and Scrutiny Committee be noted.
- b) that the Deputy Leader (Outward Focus) attends a future meeting of the Overview and Scrutiny Committee to explain Cabinet's response to the committee's recommendations and to provide a progress report on the investments being made to play areas
- c) that it be noted that Cabinet had looked at the Section 106 agreement for Brand Land, but that it be noted that the agreement could not be amended without the consent of the developer.

## **REASON FOR DECISIONS**

To consider the recommendations made by the Overview and Scrutiny Committee following the call-in regarding the Play Strategy for Rural Areas / Green Space Project and the topic being referred back to the Overview and Scrutiny Committee for further consideration.

## **ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

The option of approving the recommendation made by the Overview and Scrutiny Committee “that the proposed schedule of work for investing in play areas, as detailed in the emerging Play Strategy be informed by specific needs for investment, and that these needs be recorded, rather than investment being determined solely on a schedule and list of areas” was rejected in order to ensure that play areas in rural areas received the same levels of extra funding as play areas in other areas of the district.

### **CA.52 Budget Monitoring (position to end of September 2018)**

The Corporate Finance Manager submitted a report that set out the detail of income and expenditure forecasts for 2018/19 compared to the latest approved budgets for the General Fund, Housing Revenue Account and the Capital Programme. This forecast outturn position reported was based on activity to the end of September 2018.

## **RESOLVED**

- a) that the forecast variances against revised budgets for the General Fund (underspend of £66,000), Housing Revenue Account (underspend of £3.126m) and Capital Programme (slippage of £9.059m), be noted.
- b) that a one-off transfer of £20,000 from the forecast underspend on Legal and Governance services be used to contribute, along with a number of the Nottinghamshire districts, towards legal and financial assessment costs associated with the LGR/Unitary work.
- c) that £29,000 of the forecast underspend be used to fund a second Ashfield Big Spring Clean early in 2019.
- d) that the new capital schemes included in the officer’s report be recommended to Council for approval.

## **REASON FOR DECISIONS**

To report to those charged with Governance the financial position to September 2018 and comply with the Council’s Financial Regulations.

## **ALTERNATIVE OPTIONS AND REASONS FOR REJECTION**

There were no alternative options identified.

### **CA.53 Fees & Charges/Income Update**

The Corporate Finance Manager submitted a report seeking approval for the implementation of the reviewed fees and charges for 2019/20. It was noted that a review of fees and charges was carried out annually as part of the Council's budget process. The proposed levels of fees and charges for 2019/20 had been set taking the following factors into account.

- Market conditions;
- Increases in costs incurred by the Council in delivering the service;
- Charges levied by the private sector where applicable;
- Restrictions due to any contractual arrangement.

It was noted that the level of some fees and charges were set by the Government and as such these had not been included in the review.

#### **RESOLVED**

- a) that the revised Fees & Charges for 2019/20, as detailed in the officer's report be approved, with all applicable increases taking effect as soon as practically possible after 1 April 2019.
- b) note that where reviews are ongoing and the proposed 2019/20 fees and charges are not yet available that these will be included in the Council's 2019/20 Budget Setting Report.

#### **REASON FOR DECISIONS**

Additional income generated will contribute towards the Council's saving targets and continue to support the financing of a range of services. An annual review of fees and charges is also part of sound financial management practice and a requirement of the Council's Financial Regulations.

#### **ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

The option not to review fees and charges was not recommended as this would have necessitated the identification of further savings to assist in closing the funding gap. Not reviewing fees and charges would also lead to the further subsidisation of some services where full cost recovery is a requirement.

### **CA.54 Mid-Year Treasury Review**

The Corporate Finance Manager submitted a report to advise Cabinet on the mid-year position in respect of the treasury activity and performance against the prudential indicators. The mid-year report had been prepared in compliance with CIPFA's Code of Practice on Treasury Management and provided information including.

- An economic update for the 2018/19 financial year as at 30 September 2018;
- The Council's capital position (prudential indicators);

- The Council's investment portfolio for 2018/19.

## **RESOLVED**

- a) that the change from existing Constant Net Asset Value (CNAV) Money Market Funds to Low Volatility Net Asset Value (LVNAV) Money Market Funds be noted.
- b) that the mid-year position in respect of the treasury activity and performance against the prudential indicators be noted.

## **REASON FOR DECISIONS**

To inform Cabinet of the current Treasury Management performance position and to meet the requirements of the Council's Financial Regulations (C.30).

## **ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

There were no alternative options considered as it is a requirement to report on Treasury Management performance during the year in accordance with Financial Regulations.

### **CA.55 Universal Credit Support Staff**

The Service Manager - Housing Management and Tenancy Services, submitted a report seeking approval for a Welfare Reform Officer to be added to the establishment for a fixed term of two years in order to assist with the wider roll out of Universal Credit and to assist tenants in paying their rent.

The report noted that many of the Council's tenants were already experiencing financial difficulties as a result of the Government's welfare reform programme, where Universal Credit was replacing and combining a number of existing benefits, including Housing Benefit, into one single payment made directly to the claimant. It was noted that Universal Credit had been phased in within the Ashfield area, with the full roll out of Universal Credit across Ashfield scheduled to be completed by November 2018.

The report highlighted concerns, based on the evidence of the roll out of Universal Credit in other areas, about tenants' capacity to manage the direct payments of housing costs, as families and particularly vulnerable tenants, may be un-used to receiving multiple benefits directly in one combined monthly payment and spreading that money across the month. It was noted that as a consequence of these changes there was a significant risk that tenants could potentially use the housing element of the Universal Credit payment to cover other bills and debts instead of prioritising rent payments, and as a consequence of this put approximately £13 million of rental income to the Council at risk. It was noted that 81 of 102 tenants in Ashfield currently in receipt of Universal Credit were currently in rent arrears. In order to mitigate this risk, it was proposed that a Welfare Reform Officer to be added to the establishment for a fixed term of two years to assist tenants, and particularly those vulnerable tenants, with budgeting and support in paying their rent on time in order for them to avoid getting into rents arrears, and as a

consequence protecting the Council's Housing Revenue Account income stream.

## **RESOLVED**

that a Welfare Reform Officer, to assist with the wider roll out of Universal Credit and assist tenants in paying their rent, be added to the Council's establishment for a fixed term of two years.

## **REASON FOR DECISION**

To increase the range and capacity of advice and support offered by the Council to tenants in order to both reduce the risks of rent arrears and also assist in the sustainment of tenancies.

## **ALTERNATIVE OPTIONS CONSIDERED AND REASONS FOR REJECTION**

1. Not to recruit - This option was not recommended due to the number of tenants who will be directly affected by the introduction of Universal Credit and the need to protect the Housing Revenue Account income stream which faces significant risk due to the direct payment of housing costs to tenants rather than the Council itself.
2. Outsourcing the provision of advice - This option was not recommended due the potential delays it may cause, the need to have a data sharing agreement and for the potential for advice contrary to Housing's 'rent first' policy when using Housing Revenue Account money to provide monetary advice.

The meeting closed at 11.21 am

Chairman.

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>APPROVAL FOR THE ADOPTION OF SUPPLEMENTARY PLANNING DOCUMENT – GUIDE FOR CONVERTING SHOPS TO RESIDENTIAL</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL, COUNCILLOR JASON ZADROZNY</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## **Purpose of Report**

To adopt the Guide for Converting Shops to Residential; Supplementary Planning Documents.

## **Recommendations**

That Cabinet:

1. Notes the representations made to the draft SPD and the Council's response in the 'Consultation Statement' as required by the Town & Country Planning (Local Planning) (England) Regulations 2012.
2. Adopts the Guide for Converting Shops to Residential; Supplementary Planning Document.

## **Reasons for Recommendations**

This report seeks to address the issue of long term vacant retail premises in Ashfield and provides a mechanism for proprietors to apply for change of use to residential. It allows for the repurposing of vacant premises and facilitates conversion to more productive use, enabling and supporting vibrant communities.

The Supplementary Planning Document provides additional information to the "saved" policies on design in the Ashfield Local Plan Review 2002, in particular Policy ST1 – Development, which states that development must not adversely affect the character, quality, amenity and safety of the environment.

The guidance also supports the Government's clear direction to ensure that buildings and places are designed to a high quality.

### **Alternative Options Considered**

Not to approve the SPD. Not recommended.

### **Detailed Information**

Supplementary Planning Documents (SPDs) are local development documents brought forward under the Planning and Compulsory Purchase Act 2004 and in accordance with the Town & Country Planning (Local Planning) (England) Regulations 2012. They are a material consideration in planning decisions, but unlike Development Plan Documents (DPDs), they do not require independent examination before they are adopted.

SPDs provide local planning authorities with the opportunity to add guidance in specific policy areas. The SPD must relate to and set out further details of saved policies in the Ashfield Local Plan Review (ALPR) 2002 and must be consistent with national planning policy.

The SPD provides informal guidance that supports saved Policy ST1: Development of the ALPR, which states:

“development must not adversely affect the character, quality, amenity and safety of the environment”

The SPD also supports the Government's clear direction to ensure that buildings and places are designed to a high quality. The National Planning Policy Framework (NPPF) sets out in paragraph 130 that:

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”*

In this context, the SPD sets out where the conversion of a shop to a home is acceptable in policy terms, and the Council's approach to ensuring high quality design is achieved. It will help applicants understand where this change of use may be appropriate and where it will not. It will also highlight the issues that the Planning and Building Control teams look for when considering applications.

The SPD was open to public consultation between 5<sup>th</sup> October and 19<sup>th</sup> November 2018. The responses and the Council's action following the responses are set out in the Consultation Statement. These responses demonstrate broad agreement with this policy.

No requirement for a Strategic Environmental Assessment has been identified in relation to the SPD.

Following approval of this Cabinet Report, a letter will be sent to all proprietors of vacant retail premises to advise them of this new policy and inviting them to discuss their intentions with us.

### **Implications**

**Corporate Plan:** The adoption of the SPDs will facilitate the saved policies on design in the Ashfield Local Plan Review 2002. The Local Plan will assist in delivering the environmental, economic and



community objectives of the Corporate Plan and enable effective “place shaping” by guiding and facilitating development that accords with the strategy.

**Legal:** SPDs are local development documents under the Planning and Compulsory Purchase Act 2004 and the Town & Country Planning (Local Planning)(England) Regulations 2012 and will form part of the planning framework for the District. They are a material consideration in any planning decision.

**Communications:** this policy will be widely publicised to enable uptake by proprietors of vacant retail premises.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	No direct implications.
General Fund – Capital Programme	No direct implications.
Housing Revenue Account – Revenue Budget	No direct implications.
Housing Revenue Account – Capital Programme	No direct implications.

**Risk:**

Risk	Mitigation
No known risks.	N/A

**Human Resources:** There are no direct HR implications contained within this report.

**Equalities:** The Equality Act 2010 introduced a public sector equality duty and the Local Plan will have a direct impact on equality issues. Consequently, an Equality Impact Assessment of the Supplementary Planning Document has been undertaken which does not identify any issues.

**Other Implications:** No other implications.

**Reason(s) for Urgency**

Not applicable.

**Reason(s) for Exemption**

The report is not exempt.

**Background Papers**

- Guide for Converting Shops to Residential Supplementary Planning Document.

- Consultation Statement.

A copy of the SPD and Consultation Statement are available in the Members Room and on the Council's website.

**Report Author and Contact Officer**

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# GUIDE FOR CONVERTING SHOPS TO RESIDENTIAL SUPPLEMENTARY PLANNING DOCUMENT



JANUARY 2019

# **Guide for Converting Shops to Residential Supplementary Planning Document (SPD)**

## **Contents**

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- 1.2 Status of the guide

### **2.0 What permissions and consents are required?**

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b. Conservation Areas, Listed Buildings and Locally Listed Buildings
- 2.2 Building Regulations
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### **3.0 Would a conversion always be appropriate?**

### **4.0 What detailed design issues should be considered?**

- 4.1 Consider retaining original shop front features
- 4.2 Materials
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### **5.0 Check List of Basic Conversion Principles**

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## 1.0 Introduction

The Council recognises the important role that town centres and retail areas can play in the life of the district. Healthy and vibrant shops and businesses are vital to Ashfield’s economy and also help to support related social and cultural activities.

The Council’s planning policies are designed to support and promote the role of town centres and local shopping centres, by taking a positive approach to their growth, management and adaptation. The emphasis in these areas is on providing an appropriate mix of retail, commercial and leisure uses which provide a good choice of shops and services for shoppers and visitors. The map below shows the location of these areas within the district.



Residential uses are an important element of a diverse and vibrant centre, providing increased activity and customers to an area. However, the location of such uses must be appropriately sited and designed to not impact on the street scene or create conflict between users. The Council considers that retail should form the principle uses within all the District's town centres. Regard should be had to the Ashfield District Retail and Leisure Study (August 2016) or any subsequent update.

Where a retail property has been vacant for a significant period of time, no less than 12 months, there may be an opportunity for conversion to residential. However, a change of use should not adversely affect the local community, and local residents should still have a reasonable range of services within walking distance.

High quality design is important as the conversion will not only impact on the quality of the street scene but could also affect the value of the property.

## 1.1 Purpose of the guide

This guide is intended to provide practical advice for developers who are considering converting a shop (generally A1 to A5 Use Classes<sup>1</sup>) to a house or flat. It will help applicants understand where this change of use may be appropriate and where it will not. It will also give general and detailed design advice to help you achieve a quality conversion, and highlight the issues that the Planning and Building Control teams look for when considering the application.

## 1.2 Status of the guide

This document provides informal guidance that supports saved Policy ST1 – Development of the Ashfield Local Plan Review, 2002, which states that development must not adversely affect the character, quality, amenity and safety of the environment.

The guidance also supports the Governments clear direction to ensure that buildings and places are designed to a high quality. The NPPF sets out in para.130 that:

*“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions, taking into account any local design standards or style guides in plans or supplementary planning documents”*

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<sup>1</sup> Town and Country Planning (Use Classes) Order 1987 as amended.

## 2.0 What permissions and consents are required?

### 2.1a Planning - Prior Approval

Subject to certain criteria, the conversion of a retail unit to residential is permitted development and therefore planning permission may not be required. However, there is a requirement to submit an application for Prior Approval, which only takes into account certain matters, such as design.

It is therefore important for all applicants to contact the Councils Duty Planner to see if their proposals meet the Permitted Development criteria. This service provides advice on the process of making an application and offers the applicant the opportunity to discuss their proposals before submitting. The Planning team's contact details can be found in section 5, or alternatively details are available on the [Council's web site](#).

### 2.1b Planning - Conservation Areas, Listed Buildings and Locally Listed Buildings

If the shop is in a Conservation Area, is a Listed Building or is a Locally Listed Building, an application can be made for the conversion under the normal planning process. However, there are additional controls in these circumstances and the Council will wish to ensure any alterations do not harm the character and appearance of the Conservation Area, or the special interest and significance of a Listed Building or Locally Listed Building, and will require alterations to be sympathetic to the original building and be of a high design standard. The Planning Team can advise whether a shop is in a Conservation Area or is a Listed Building or is Locally Listed and give advice on appropriate conversions along with the Council's Conservation Officer. See section 5 for contact details, or alternatively details are available on the [Council's web site](#).

## 2.2 Building Regulations

When the use of a building changes from non-residential to residential, Building Regulations Consent will always be required. The regulations are quite complex and it is prudent to seek advice in advance. The Council offers free pre-application advice service for Building Regulations and anyone thinking of changing the use of their building is encouraged to take advantage of this service.

Some issues to consider are the need to upgrade the fire resistance of the building, the requirement to have safe means of escape from all areas (plus an appropriate fire alarm system), providing sound insulation between separate living areas and upgrading the building so that it provides good standards of thermal insulation.



For further advice on the process please contact the Council's Building Control team. Contact details are in section 5, or alternatively details are available on the [Council's web site](#).

## 2.3 Enforcement

For both Planning and Building Regulations it is important that an application is made for any necessary permissions, as not doing so may result in enforcement action being by the Council. Any works carried out to a listed building without Consent is a criminal act and could result in prosecution.

### 3.0 Would a conversion always be appropriate?

Ashfield's town centres and local centres are economically and socially important to the district. In the town centres of Hucknall, Kirkby in Ashfield and Sutton in Ashfield, the Council will look to protect retail uses, and conversions of ground floor shops to residential accommodation will not normally be permitted. Outside town centres there may however, be opportunities to convert shops to homes providing the basic principles listed on page 13 are met.

Conversions may be appropriate dependant on the following criteria:-

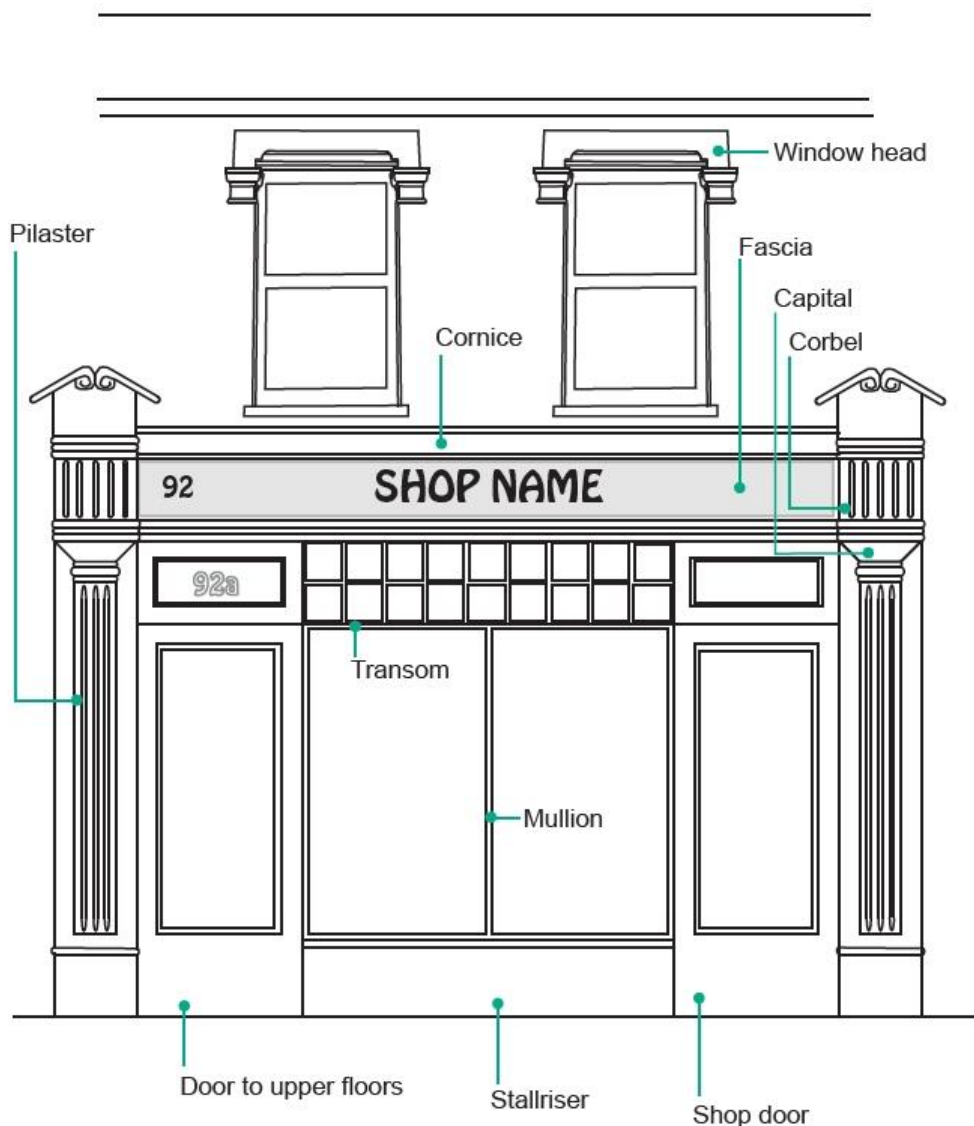
- **Character:** The level of retail activity (including concentration and clustering) and the general nature of an area would be considered, and conversions that harm the character of the area will not be permitted.
- **Community:** The conversion would need to leave a reasonable range of shops within walking distance for local residents.
- **Amenity:** The quality of the living environment will be considered. Issues such as the level of activity both during the day and evening; noise; traffic congestion; proximity to a bus stop; and width of footway in relation to residential privacy will be used to determine whether ground floor living accommodation would be appropriate.

## 4.0 What detailed design issues should be considered?

Once a conversion is considered acceptable in principle, the Planning team will then look at the design of the conversion. Elevation drawing will be required as part of any application, together with details of the materials to be used in the conversion.

Shops by their nature are usually in highly visible locations often on main routes, particularly corner shops. It is therefore essential that the design of the conversion is of the highest quality to ensure it makes a positive contribution to the street.

There are some key design principles that will lead to a visually successful conversion. The following diagram shows the location of the main features of a traditional shop front.



(Image taken from Waltham Forest Guide for Converting Shops to Homes)

## 4.1 Consider retaining the original shop front features

Where an original shop front that retains most, if not all, its original features exist, the Council may encourage its retention, in particular where it makes an important contribution to the character of the area. In these instances and where privacy is an issue, the lower section of the shop window could be covered by blinds, internal shutters, louvres or frosted/ etched glass.

In some cases only the cornice, fascia, corbels and pilasters of traditional shop fronts should be retained, particularly where the ground floor projects out from the upper floors. This will bring a natural divide between the old and the new, and reference the building's heritage.



Original features retained, including:

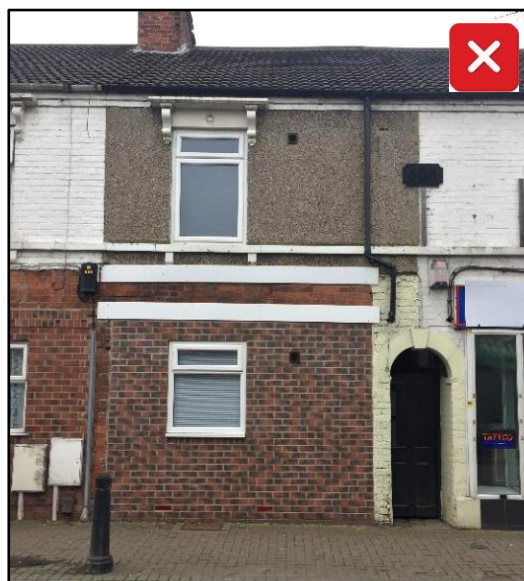
- Cornice
- Fascia
- Corbels
- Pilasters
- Stallriser.

Original windows are retained and frosted glass is used to provide privacy.

(Photograph taken from Waltham Forest Guide for Converting Shops to Homes)

## 4.2 Materials

The choice of materials is of vital importance to any design. Where the conversion forms part of an existing building, particular care should be taken to ensure that the materials chosen match or compliment the existing ones. Where materials cannot be matched, it may be necessary to re-treat the whole building frontage, for example through rendering, however this will only be considered favourable if this is typical of the area.



- Poor match of brick.
- Poor match of mortar.
- No consideration of how to treat fascia – UPVC cladding.
- No direct front access.
- Poor window alignment and proportions.
- Poor consideration of rainwater goods/services.

### 4.3 Relate ground floor features with the upper storeys

In order to achieve a balance in the building façade, it is important to relate the ground floor features with those above. The following images show how this can be achieved.



Existing arrangement



Preferred arrangement. Lower floor windows are aligned with the upper floor and window heads are replicated.



Existing arrangement



Preferred arrangement. Lower floor windows are aligned with the upper floor and window heads are replicated.



#### 4.4 Treatment of corner shops

Corner shops are by their nature in prominent locations. It is therefore essential that the conversion is of the highest quality.

Corner buildings also provide a good opportunity to bring natural surveillance to the street and therefore should have ground floor windows on both elevations where possible.



Existing arrangement

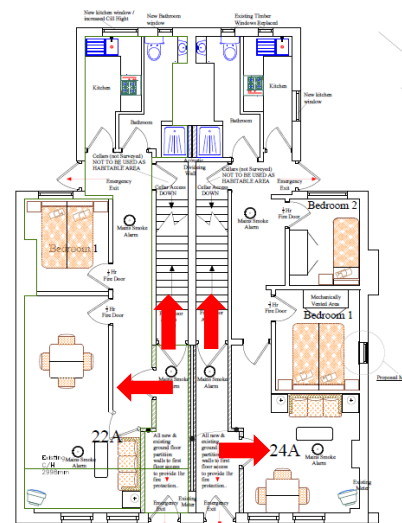


Preferred arrangement. Lower floor windows are aligned with the upper floor and window heads are replicated.

## 4.5 Access

To encourage street activity and give greater security for residents, doors should be provided at the front of the property (or side of the building in the case of corner shops) rather than from the rear.

Where there is more than one residential unit a decision may need to be made on whether to install one or two doors. Private entry for each unit is preferable however some facades are too narrow and will look out of balance with more than one door. Where this is the case, a single shared external door should be provided with internal private doors to each flat.



This conversion follows the basic principles, with 4 apartments accessed by 2 front doors.

Doors should open out to ensure easy exit in the case of fire. Thresholds should be level and doors should have a clear open width of no less than 900mm to enable easy access for wheelchair users and those pushing a pram or trolley.

## 4.6 Space standards

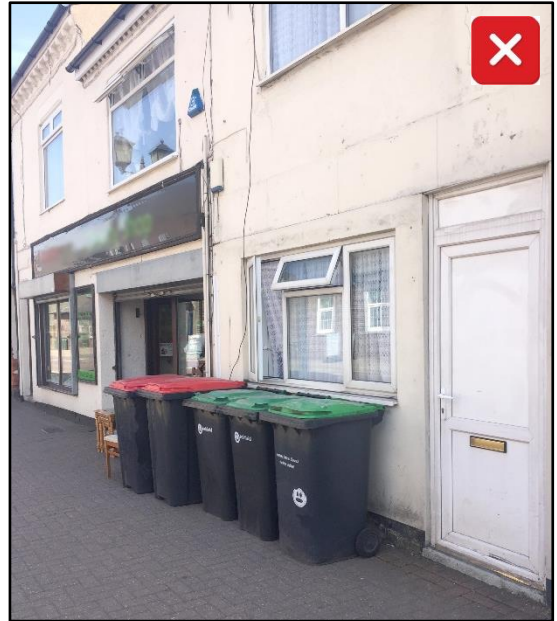
The Council will be keen to ensure your conversion provides adequate internal and external space for residents. Minimum standards have been set out in the Council's [Residential Design Guide Supplementary Planning Document \(SPD\), November 2014](#). Regard to the SPD, or any subsequent update, should be taken into account at an early stage of the design process.

## 4.7 Refuse and recycling storage

It is important to consider how new residents will store their rubbish. Poorly sited or designed recycling and refuse storage has the potential for considerable adverse impact on the visual appearance and general amenity of an area, for both residents and the passing public.

Bins standing permanently on the street can obstruct the footpath. This can be particularly problematic for wheelchair users and people with pushchairs.

Unpleasant odours emanating from bins and storage areas can blight the amenity of adjoining occupiers.



In some instances, forecourts can be converted to front gardens (see section 4.8 below) and designed to accommodate bins. However, where this is not feasible, consideration should be given to a store inset into the facade, or internal storage where appropriate.

The Council may refuse permission for conversions that have inappropriate refuse and recycling storage.

## 4.8 Privacy, parking and the treatment of forecourts

Privacy of residents should be considered when drawing up proposals for a conversion. Where the shop has a forecourt, the area should be separated from the pavement by a low wall or other appropriate boundary treatment and landscaped to create a front garden. This will bring greater privacy for the resident and enhance street quality.

The uses of rooms next to the pavement also have an impact. For example bedrooms and bathrooms require greater privacy than a lounge or kitchen, and so should not be positioned at the pavement edge of the building.

Some forecourts are used for parking. This can often spoil the appearance of the street and cause conflict between cars and pedestrians. Where this applies to a proposal, parking may not be appropriate.



## 4.9 Paraphernalia

Paraphernalia such as meter boxes, gases pipes, satellite dishes etc. can have an adverse effect on both the individual property and the street scene as a whole. Paraphernalia must not proliferate the front elevation and should be well considered at an early stage in the design and conversion process.

The colour of additional paraphernalia can be important. For example, white apparatus may blend in with a white background but may be more obvious against darker backgrounds, such as brick or stone.



Poorly sited and designed meter boxes can spoil the appearance of the street and the property its self.

## 5.0 Check List of Basic Conversion Principles



1. Retain as much of an original, tradition shopfront as possible, remembering the general rule of “cornices, corbels and pilasters should be retained”.
2. Ground floor windows and doors should normally be aligned with upper windows, using centre lines and window edges.
3. The shape and style of upper floor windows should be followed. This will include window heads which can be used above windows and doors. Window heads are particularly important as they are often dominant features of the façade.
4. Window reveals (how deep the window is sunken into the façade) should be the same at ground floor as they are at upper floors.
5. The door should be recessed at least as much as the window reveals.
6. Ground floor materials (such as brickwork) should be ‘matched’ to upper floors. Many brick suppliers provide a ‘matching’ service that can help with this. The builder should also be instructed to follow the brick arrangement (usually referred to as bonding pattern) and mortaring style of upper floors. Rendering will not be considered favourably unless this is typical of the area.
7. Limit the number of doors on the front elevation, a single door is usually the ideal.
8. Refuse and recycling storage should be integral to the design. Where there is a forecourt, this may be converted to a front garden and designed to accommodate bins. Where this is not possible, consideration should be given to a store inset into the façade, or internal storage where appropriate.
9. Resident privacy and parking should be considered at an early stage. Where a shop has a forecourt, the area should be separated from the pavement by a low wall or other appropriate boundary treatment and landscaped. Bedrooms and bathrooms should not be positioned at the pavement edge of a building as these rooms require greater privacy.
10. Paraphernalia such as meter boxes, gases pipes, satelite dishes etc. do not proliferate the font elevation and have been well considered.

## 6.0 Contacts for further advice

### 6.1 Planning (Development Management Team)

For pre-application advice and advice on the process on making an application.

Tel: 01623 457388

Email: [dutyplanner@ashfield.gov.uk](mailto:dutyplanner@ashfield.gov.uk)

Postal Address: Ashfield District Council,  
Urban Road,  
Kirkby In Ashfield,  
Nottinghamshire,  
NG17 8DA.

### 6.2 Conservation (Forward Planning Team)

For advice on whether your shop is a Listed Building, Locally Listed or in a Conservation Area.

Tel: 01623 457383

Email: [planning.admin@ashfield.gov.uk](mailto:planning.admin@ashfield.gov.uk)

Postal Address: Forward Planning Team,  
Ashfield District Council,  
Urban Road,  
Kirkby In Ashfield,  
Nottinghamshire,  
NG17 8DA.

### 6.3 Building Control

For advice on how to make a Building Regulations application.

Tel: 01623 457389

Email: [bcadmin@ashfield.gov.uk](mailto:bcadmin@ashfield.gov.uk)

Postal Address: Building Control Section,  
Ashfield District Council,  
Urban Road,  
Kirkby In Ashfield,  
Nottinghamshire,  
NG17 8DA.

ASHFIELD DISTRICT COUNCIL  
URBAN ROAD  
KIRKBY IN ASHFIELD  
NG17 8DA

01623 450000

[WWW.ASHFIELD.GOV.UK](http://WWW.ASHFIELD.GOV.UK)

## **CONSULTATION STATEMENT**

### **Guide for Converting Shops to Residential Supplementary Planning Document**

**Town and Country Planning (Local Planning) (England) Regulations 2012**

**Regulation 12, 13, 14 and 35 – Consultation Statement  
Regarding Supplementary Planning Document**

**January 2019**

#### **Introduction**

The purpose of the Supplementary Planning Document (SPD) is to set out, where the conversion of a shop to a home is acceptable in policy terms, and the Council's approach to ensuring high quality design is achieved. It will help applicants understand where this change of use may be appropriate and where it will not. It will also highlight the issues that the Planning and Building Control teams look for when considering applications. It is a District wide policy document, consistent with the National Planning Policy Framework 2018.

Upon adoption, the SPD will be taken into account as a material consideration in the decision making process.

This statement represents the 'Consultation Statement' for the SPD as required by the Town & Country Planning (Local Planning) (England) Regulations 2012.

This statement sets out details of the consultation that has taken place. It sets out the details of how, when and with whom the consultation with interested parties and organisations took place and how this has informed the SPD.

#### **Consultation Regulations**

The SPD is produced in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. The relevant regulations relating to the consultation process are explained below.

- *Regulation 12 (a)* requires the Council to produce a consultation statement before adoption of the SPD, this must set out who has been consulted, a summary of the issues raised, and how these issues were incorporated in to the SPD.

- *Regulation 12 (b)* requires the Council to publish the documents for a minimum of 4 week consultation, specify the date when responses should be received, and identify the address to which responses should be sent.
- *Regulation 13* stipulates that any person may make representations about the SPD and that the representations must be made by the end of the consultation date referred to in regulation 12. (This consultation statement sets out this requirement)
- *Regulation 14* relates to the adoption of the SPD. Upon adoption, the Council must make the SPD and adoption statement available under regulation 35. The Council should also send a copy of the adoption statement to any person who has asked to be notified of the adoption of the SPD.
- *Regulation 35* - Regulation 12 states that when seeking representations on an SPD, documents must be made available in accordance with regulation 35. This requires the Council to make documents available by taking the following steps:
  - Make the document available at the principal office and at other such places within the area that the Council considers appropriate, during normal office hours, and
  - Publish the document on the Council's website.

### **The Statement of Community Involvement**

The Statement of Community Involvement (SCI) was originally adopted in 2006 and was then updated in 2010, July 2013 and August 2015. The procedures for consultation follow the guidelines in the SCI.

## **Pre-production Consultation**

Pre-production consultation in connection with the SPD involved discussions with interested parties from within Ashfield District Council and external organisations who were considered to have a specific interest, including:

### **Ashfield District Council:**

- Forward Planning Officer
- Development Management Officer
- Regeneration Officer
- Conservation and Design Officer
- Place and Projects Officer
- Town Centre Manager
- Interim Building Control Manager

### **External Organisations:**

- East Midland Chambers
- Federation of Small Businesses
- D2N2 Local Enterprise Partnership Coordinator
- Mansfield and Ashfield 2020
- Historic England
- Kirkby and District Conservation Society
- Sutton Heritage Society
- Hucknall Tourism and Regeneration
- Sutton Town Centre Group
- Hucknall Business Voice

Internal consultations took the form of a meeting on the 31<sup>st</sup> July 2018 with the various council officers, as listed above. Other organisations were consulted by way of a consultation letter, sent on the 17<sup>th</sup> August 2018 which set out the purpose of the SPD and the proposed topics to be covered. Comments and suggestions were invited on the format and contents of the SPD.

In addition to the above, the Council's Planning Officers examined a number of similar SPDs from other local authorities around the country which were generally accepted to be best practice publications.

## **Summary of Issues Raised and the Council's Response**

The majority of participants accepted the need for design guidance when converting a retail property to residential use.

The following Table lists the bodies involved in the pre-production stage and the main issues raised during the consultation period. It also provides the Council's response to each issue presented and an outline of the way in which this was reflected in the draft SPD, if appropriate.

<b>Respondents Name</b>	<b>Comment</b>	<b>Council response</b>
Conservation and Design Officer, Ashfield District Council (ADC)	Suggests putting a 'Basic Principles Check List' at the end of the document to act as a quick reference for applicants.  A section on retaining original shopfronts features should be included.	Agree to include a Check List in the SPD.  Agree to include a section on the retention of original shopfront features.
Regeneration Officer, ADC	No comments received.	N/A
Development Management Officer, ADC	Provided text setting out the requirements of Planning - Prior Approval.	Agree that the requirements of Prior Approval will be included in the SPD.
Place and Projects Officer, ADC	Highlighted the need to include good quality images in the SPD to show key design principles.	Agree to include good quality images to show key design principles.
Town Centre Manager, ADC	No comments received.	N/A
Interim Building Control Manager, ADC	Provided text setting out the requirements of Building Regulations.	Agree that the requirements of Building Regulations will be included in the SPD.
East Midland Chambers	No comments received.	N/A
Federation of Small Businesses	Welcome the proposals to help bring derelict and/or under-used properties back into use, provided such measures are focused on long term, holistic socio-economic stability and growth, rather than short term revenue generating expediency.  Flanking policies regarding parking, planning, economic development, tourism and physical/digital infrastructure should be complimentary and mutually reinforcing to ensure that new occupiers are attracted to an area.	The Council welcomes the comments made.  The Council recognises the important role that town centres and retail areas can play in the district. The Council's planning policies are designed to support and promote the role of town centres and local shopping centres, by taking a positive approach to their growth, management and adaptation.
D2N2 Local Enterprise Partnership Coordinator	No comments received.	N/A
Mansfield and Ashfield 2020	General support for the SPD. Considers the SPD to be an important document for getting	The Council welcomes the comments made.



	the 'look/vernacular' right for Ashfield.	
Historic England	<p>Recommended that the document explores ways in which original shopfront features could be retained and incorporated into a conversion scheme.</p> <p>Recommend that Locally Listed Buildings are considered as part of the SPD in addition to Listed Buildings and Conservation Areas, where relevant.</p> <p>The SPD could also consider including reference to possible tools to assist conversion schemes e.g. Local Development Orders setting out additional permitted development rights e.g. advocating Living Over the Shop through preferential business rates at ground floor level.</p>	<p>The Council welcomes the comments made and agree to include a section on the retention of original shopfront features.</p> <p>Agree that Locally Listed Buildings will be referred to in the SPD, alongside Listed Buildings and Conservation Areas.</p> <p>It is not considered appropriate to refer to Local Development Orders in the SPD. This matter can be addressed as a separate issue if the Council considers it appropriate to do so in a particular area.</p>
Kirkby and District Conservation Society	No comments received.	N/A
Sutton Heritage Society	No comments received.	N/A
Hucknall Tourism and Regeneration	No comments received.	N/A
Sutton Town Centre Group	No comments received.	N/A
Hucknall Business Voice	No comments received.	N/A

## **Draft SPD and SEA Consultation**

On the 5<sup>th</sup> October 2018 the Council published a draft Guide for Converting Shops to Residential SPD and draft Strategic Environmental Assessment Screening Determination (SEA) for consultation. The consultation ended on 19<sup>th</sup> Nov. 2018.

The draft SPD and SEA was available to view on the Council's website:

[www.ashfield.gov.uk](http://www.ashfield.gov.uk)

Paper copies of the document were also made available to view during the consultation period at the following locations:

- Main District Council Offices at Urban Road, Kirkby-in-Ashfield on Mondays to Fridays 8.30am to 5.00pm (4.30 Fridays).
- District Council Offices at Watnall Road, Hucknall, and Brook Street, Sutton in Ashfield, during normal opening hours.
- Kirkby in Ashfield, Sutton in Ashfield, Selston and Hucknall libraries, during normal opening hours.

Press Coverage: A statutory public notice was placed in the following newspapers:

- Ashfield Chad (October 2018)
- Hucknall Dispatch (October 2018)
- Eastwood and Kimberly Advertiser (October 2018)

A press release regarding the consultation was also released (October 2018) to:

- Ashfield Chad
- Hucknall Dispatch
- Nottingham Evening Post
- Radio Mansfield
- Radio Nottingham
- Notts TV
- ADC social media pages.

A letter/email was sent to the pre-consultation respondents and other interested parties. A full list of all parties who were contacted directly can be seen in Annex I.

## **Representations on the Draft SPD**

A total of 8 representations were received following the formal consultation exercise. The respondents were made up as follows:

- Forward Planning Officer, ADC
- Environment Agency
- Historic England
- Natural England
- Severn Trent
- Conservation and Design Officer, ADC
- Housing Development Officer, ADC
- Sutton Heritage Society

## Summary of Issues Raised on the Draft SPD and the Council's Response

The following Table lists the bodies who made representations on the draft SPD and the main issues raised during the formal consultation period. It also provides the Council's response to each issue presented and an outline of the way in which this is reflected in the final SPD, if appropriate.

<b>Respondents Name</b>	<b>Comment on SPD</b>	<b>Council's Response</b>
Forward Planning Officer, ADC	<p>Section 1, para 1 – remove 'the' from 'vital to the Ashfield's economy'</p> <p>Section 2.1, para 2 – change to 'If the shop is in a Conservation Area, is a Listed Building or is a Locally Listed Building'.</p> <p>Section 2.2, para 1 – change to 'When the use of a building changes from non-residential to residential, Building Regulations Consent will always be required'.</p> <p>Page numbers - incorrect.</p> <p>Section 4.2 – para 1 – change 'match' to 'matched'</p> <p>Section 6 – Incorrect postcodes.</p>	The Council welcomes the comments made and will make the necessary corrections in the final SPD prior to adoption.
Environment Agency	Confirmed that they agreed with the conclusions of the SEA, i.e. the SPD is unlikely to have significant environmental impacts.	The Council welcomes the comments made.
Historic England	Welcomes the commitment to the SPD as a supplement to the policies of the existing Local Plan and has no concerns with the draft document.	The Council welcomes the comments made.
Natural England	No comments to make.	N/A
Severn Trent	No comments to make.	N/A
Conservation and Design Officer, ADC	Typographical error in section 2.1 – change to 'Locally Listed Buildings'.	The Council welcomes the comments made and will make the necessary corrections in the final SPD prior to adoption.
Housing Development Officer, ADC	Very helpful to those interested in conversions and the inclusion of design principles	The Council welcomes the comments made.

	will give people a good start. The advice on retaining the shop front features and relating the upper and lower floors are important too as there are plenty of ugly conversions up and down the country.	
Sutton Heritage Society	<p>Period features should be kept, and special consideration given to conservation areas.</p> <p>We would like to see Listed and locally listed buildings protected</p>	<p>The Council welcomes the comments made, but does not consider that any alterations are necessary to the SPD as a consequence of the comments made.</p> <p>The SPD sets out in paragraph 4.1 the importance of retaining original shop features.</p> <p>Paragraph 2.1b sets out that additional controls will apply to Conservation Areas, Listed Buildings and Locally Listed Buildings to ensure any alterations do not harm the character and appearance of these areas.</p>

### Summary of Issues Raised on the Draft SEA and the Council's Response

The following Table lists the consultation responses to the draft SEA from the three statutory consultation bodies required by the SEA Regulations 2014. It also provides the Council's response.

Respondents Name	Comment on SEA	Council response
Historic England	On the basis of the information supplied and in the context of the criteria set out in Schedule 1 of the Environmental Assessment Regulations [Annex II of 'SEA' Directive], Historic England is of the view that the preparation of a Strategic Environmental Assessment is not likely to be required.	The Council welcomes the comments made.
Natural England	No comments to make.	N/A
Environment Agency	Confirmed that they agreed with the conclusions of the SEA, i.e. the SPD is unlikely to have significant environmental impacts.	The Council welcomes the comments made.

## **ANNEX I**

### **List of Respondents at Formal Consultation Stage**

#### **Consultee Name**

Environment Agency  
Historic England  
Natural England  
Coal Authority  
Network Rail  
Highways England  
Amber Valley Borough Council  
Broxtowe Borough Council  
Erewash District Council  
Gedling Borough Council  
Newark and Sherwood District Council  
Bolsover District Council  
Mansfield District Council  
Nottingham City Council  
Rushcliffe Borough Council  
Nottinghamshire County Council  
Derbyshire County Council  
Selston Parish Council  
Annesley & Felley Parish Council  
Ault Hucknall Parish Council  
Bestwood St Albans Parish Council  
Blackwell Parish Council  
Brinsley Parish Council  
Greasley Parish Council  
Ironville Parish Council  
Linby Parish Council  
Newstead Parish Council  
Nuthall Parish Council  
Papplewick Parish Council  
Pleasley Parish Council  
Pinxton Parish Council  
Ravenshead Parish Council  
Somercotes Parish Council  
South Normanton Parish Council  
Tibshelf Parish Council  
Nottinghamshire Police and Crime Commissioner  
Derbyshire Police and Crime Commissioner  
Western Power Distribution  
Vodafone and O2  
EE  
Three  
Area Team - Derbyshire and Nottinghamshire,  
NHS England

NHS Mansfield and Ashfield Clinical  
Commissioning Group  
Community Health Partnerships  
Nottingham North & East Clinical Commissioning  
Group  
Nottingham North & East Clinical Commissioning  
Group  
NHS Property Services Ltd  
Severn Trent Water Ltd  
National Grid Gas Plc  
National Grid  
National Grid  
Homes and Communities Agency  
Civil Aviation Authority  
Office of Rail Regulation  
D2N2 Local Enterprise Partnership Coordinator  
Lowland Derbyshire and Nottinghamshire LNP  
Kirkby District & Conservation Society  
Sutton Heritage Society  
Hucknall Tourism & Regeneration  
Hucknall Business Voice  
Sutton Town Centre Group  
East Midlands Chamber  
Federation of Small Businesses  
Mansfield and Ashfield 2020

# Agenda Item 5



<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21<sup>ST</sup> JANUARY 2019</b>
<b>Heading:</b>	<b>CORPORATE SCORECARD PERFORMANCE</b>		
<b>Portfolio Holder:</b>	<b>COUNCILLOR JASON ZADROZNY – LEADER OF THE COUNCIL</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>NO</b>		

## **Purpose of Report**

This report presents to Cabinet recommendations which acknowledge the forthcoming need to review and refresh the corporate performance scorecard. The existing Corporate Scorecard was established under the previous Labour Administration and set for review in 2019 following the District Elections in May.

## **Recommendation(s)**

**For Cabinet to approve a review of the current Corporate Scorecard, in order to ensure alignment with the Council's future ambitions and corporate priorities.**

## **Reasons for Recommendation(s)**

To ensure that the performance management framework is focussed and aligned to delivery of relevant, current and future ambitions and priorities of the Council.

## **Alternative Options Considered**

*(with reasons why not adopted)*

None

## **Detailed Information**

In March 2016 Cabinet agreed the use of a balanced scorecard methodology to enhance the organisation's performance framework and ability to understand how successfully the Corporate

Priorities are being delivered, the approach providing a more rounded view on performance with a greater emphasis on customer satisfaction and quality.

The current Corporate Scorecard is aligned to priorities and key actions agreed pre 2018/19 by the previous administration.

The new administration has identified specific priorities for action in 2018/19 which are being performance managed alongside of the previously agreed Corporate Scorecard.

Post District Elections in 2019, the Corporate Plan and Corporate Scorecard will be reviewed and refreshed to ensure they are updated and reflect the Council's future ambitions and Corporate Priorities for the next three years (2019-2022).

In the meantime, performance outturn for the current Corporate Scorecard will be continue to be monitored and managed at CLT and Scrutiny. The new Administration has reinforced commitment to key priorities such as fly tipping, littering, dog fouling and anti-social behaviour.

### **Implications**

#### **Corporate Plan:**

The report relates to delivery of the current and future Corporate Plan Priorities. The Corporate Scorecard will be reviewed and refreshed to align with a future Corporate Plan and associated corporate priorities as a means of identifying their successful delivery.

#### **Legal:**

No direct legal implications

#### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Financial performance is included within a detailed corporate scorecard reported to CLT and Scrutiny. Financial Pl's form a key element of the balanced scorecard approach, and will be reviewed to reflect future priorities in alignment with review of the Corporate Plan in 2019. Financial performance is reported to Council as part of other reports.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

#### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Poor performance would potentially result in inability to deliver the corporate priorities as specified in the corporate plan	Regular monitoring of performance and robust performance management through the authority's performance framework

#### **Human Resources:**



High levels of performance can have a positive impact upon employee engagement and retention which in turn can enhance performance further.

**Equalities:**

No direct equalities implications

**Other Implications:**

*(if applicable)*

**Reason(s) for Urgency**

*(if applicable)*

**Reason(s) for Exemption**

*(if applicable)*

**Background Papers**

Detailed Corporate Scorecard – Quarter 2 Performance 2018/19

**Report Author and Contact Officer**

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01623 457328  
j.froggatt@ashfield-dc.gov.uk

**Rob Mitchell**  
**CHIEF EXECUTIVE**

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 January 2019</b>
<b>Heading:</b>	<b>FRIENDSHIP RESOLUTION – HUCKNALL AND WADSWORTH, OHIO</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL, COUNCILLOR JASON ZADROZNY</b>		
<b>Ward/s:</b>	<b>ALL HUCKNALL WARDS</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## Purpose of Report

The purpose of this report is to;

- Introduce the proposed Friendship Resolution between Wadsworth and Hucknall;
- Highlight Ashfield District Council's strong history of international friendship resolutions;
- Note the history of Wadsworth, Ohio and the common ground it shares with Hucknall;
- Note the aims of the Friendship Resolution and how it can benefit Ashfield District Council

## Recommendations

Cabinet is requested to;

1. Note the information contained in this report;
2. Consider the proposed Friendship Resolution with Wadsworth, Ohio and if so minded, approve it.

## Reasons for Recommendation(s)

A formal friendship resolution has been proposed between the townships of Wadsworth, Ohio and Hucknall by representatives from Wadsworth.

## Alternative Options Considered

- While it is not in keeping with Ashfield District Council tradition, Cabinet could consider declining the proposal of a friendship resolution between Hucknall and Wadsworth.

- Cabinet could consider any amendments to the proposed friendship resolution.

## **Detailed Information**

### **Introduction**

A friendship resolution has been proposed between the Township of Wadsworth, Ohio, United States, and the Township of Hucknall. The proposed Friendship Resolution aims to establish a collaborative relationship between Hucknall and Wadsworth, where both townships can work cooperatively towards mutual future objectives.

Representatives from Wadsworth have previously visited Hucknall to help forge cooperation between the two communities, and build on existing common ground. These visits, along with the prevailing shared development objectives of Wadsworth and Hucknall, led to a desire for the establishment of a formal friendship resolution.

Ashfield District Council has a strong history of negotiating, maintaining and enjoying numerous friendship resolutions internationally, and has previously worked collaboratively with, among others;

- Giumri, District of Shirak, Armenia;
- Argostoli, Kefalonia, Greece;
- Missolonghi, Greece;
- Łódź, Poland.

### **Ronchin and Kirkby in Ashfield Twinning and Friendship Agreement**

Kirkby in Ashfield has been formally twinned with Ronchin, France since 9 June, 2001. The twinning arrangement was negotiated by the Kirkby in Ashfield District Twinning Association, and further endorsed by Ashfield District Council with an additional friendship agreement.

The aims of the Kirkby in Ashfield District Twinning Association were to maximise the involvement of all sections of the community and promote the link between Kirkby in Ashfield and Ashfield District with its twin town.

The objectives were to ensure a better knowledge of the twinning link amongst the people of the District with the view to the stimulation of links between two communities through cultural, educational, sporting and commercial activities. In addition, advice, encouragement and support could be given to local organisations and individuals wishing to undertake visits with the twin town.

Following the twinning arrangement in 2001, the Council and fellow Twinning Association representatives have enjoyed many visits to Ronchin and have received and welcomed parties to Kirkby in Ashfield for various events including:

- Party of Ronchin school children came to Kirkby in Ashfield and visited the Mill Adventure Base at Kings Mill Reservoir, Kirkby College and Sherwood Forest (June 2002);
- Group of Twinning Association Members, accompanied by Newstead Brass Band, visited Ronchin and played at the Town Hall, the School of Music and at various concerts (April 2003);

- 'Pedal Escapade' event whereby Kirkby in Ashfield hosted a party of 30 disabled cyclists from the Ronchin area to enable them to take part in a sponsored cycle ride using 4-seater pedal cycles. The idea was conceived by French representatives to commemorate the 'European Year of the Disabled' and to strengthen the link between the two towns by encouraging participation in this type of event (April 2004);
- Party of 25 musicians from the Ronchin Swing Band visited Kirkby in Ashfield to play a series of concerts including at Nottingham Castle (June 2005);
- 20 Ronchin pupils plus teachers made an exchange visit to Ashfield School (June 2007);
- a party of members and local musicians went to Ronchin and Halle as part of a European Twin Band Tour (November 2008);
- Celebrations took place in Kirkby in Ashfield to mark the 10-year anniversary of the town being twinned with Ronchin (June 2011);
- The Ronchin Choirs (both adult and teenage) continue to visit Kirkby in Ashfield on a yearly basis in connection with the Ashfield Vocal Ensemble Choir.

Although the proposed collaboration between Wadsworth and Hucknall is not a formal twinning, the success of the ongoing arrangement between Ronchin and Kirkby in Ashfield provides a clear testament to the benefits of international friendship agreements.

### **Friendship Resolution**

Wadsworth is a city in Medina County, Ohio, United States, that features numerous commonalities with Hucknall;

- Similar heritages;
  - Coal mining;
  - Aviation;
  - Manufacturing.
- Common employment bases in;
  - Aviation;
  - Automotive;
  - Technology.
- Common objectives to;
  - Retain and preserve local history;
  - Strengthen economic development;
  - Develop social links and cultural ties;
  - Improve community parks and town centres.

The proposed Friendship Resolution between Hucknall and Wadsworth is built on these commonalities, with an overarching objective to strengthen the existing relationship and forge new friendship ties between the two communities.

By accepting the proposed Friendship Resolution with Wadsworth, Ashfield District Council will continue to demonstrate its ongoing commitment to collaborative working and furthering community engagement.

## **Implications**

### **Corporate Plan:**

The Friendship Agreement whilst not directly linked to the Corporate Plan is aligned with many of the Corporate Plan priorities.

### **Legal:**

Legal services will provide guidance and assistance in relation to the formal acceptance of the friendship agreements.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	The agreement does not result in any financial contributions or costs to the Council
General Fund – Capital Programme	Nil
Housing Revenue Account – Revenue Budget	Nil
Housing Revenue Account – Capital Programme	Nil

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
There is a risk that in the future the agreement could generate costs to the Authority in terms of officer time or finance	If costs begin to be incurred the Council would need to consider its willingness to meet the costs against the need to provide for its core functions.

### **Human Resources:**

There are no human resource issues arising

### **Equalities:**

Not applicable

### **Other Implications:**

Not applicable

### **Reason(s) for Urgency**

None.

### **Reason(s) for Exemption**

None.

## **Background Papers**

Friendship Resolution documents attached as Appendix A and Appendix B.

## **Report Author and Contact Officer**

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## **Appendix A**

FRIENDSHIP RESOLUTION BETWEEN THE TOWNSHIP OF WADSWORTH, OHIO, USA AND THE TOWNSHIP OF HUCKNALL, ASHFIELD DISTRICT, UK

WHEREAS, Adrienne Krauss, Executive Director Main Street Wadsworth and Roger Havens, Head Teacher, Franklin Elementary School Wadsworth visited Hucknall in June and July 2018 respectively in order to forge friendship ties with Hucknall.

WHEREAS, friendships have developed between Friends of Titchfield Park and Friends of Wadsworth Trails. Both organizations are dedicated to sharing ideas in order to improve our community parks.

WHEREAS, downtown market development ideas are being exchanged between Wadsworth and Hucknall.

WHEREAS, both communities share a common employment base with respect to aviation, automotive, technology and other similar regional industries.

WHEREAS, the exchange between the respective historical societies is bonded with very similar heritages, related to coal mining, aviation, war veterans and manufacturing.

NOW THEREFORE, BE IT RESOLVED that the Council authorizes Mayor Robin Laubaugh to execute, on behalf of the township of Wadsworth, a friendship resolution between the township of Wadsworth and the township of Hucknall, which resolution shall be in substantial conformity with the attached document.

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## Appendix B

### FRIENDSHIP RESOLUTION

#### BETWEEN

THE TOWNSHIP OF WADSWORTH, OHIO, USA  
AND  
THE TOWNSHIP OF HUCKNALL, ASHFIELD DISTRICT, UK

We, as local leaders of the Townships of Wadsworth, Ohio, USA and Hucknall, Ashfield District, UK, democratically elected by our fellow citizens, state our attachment to the special existing relationship between Wadsworth and Hucknall.

Both towns have historical ties to coal mining and industry. Today, both communities are transforming into commuter towns but have a common goal to retain their local history and heritage. Both towns have future objectives to strengthen economic development, educational excellence and further social links and cultural ties. Based upon this common backdrop, a unique friendship has been forged between these two communities.

Therefore, we now officially establish a friendship resolution between our two townships, to allow for the development of educational, cultural, social, political and economic opportunities, and with this written understanding, we combine our efforts to ensure the continued development and success of the Wadsworth and Hucknall relationships.

Therefore, we, Robin Laubaugh, Mayor of Wadsworth and Jason Zadrozny, Leader of the Ashfield District Council, Representing Hucknall, sign this friendship agreement in Wadsworth, Ohio and Hucknall, Ashfield District on January    day of    , 2019 and on day of    , 2019 respectively.

On Behalf of Wadsworth, Ohio, USA

On Behalf of Hucknall, Ashfield District, UK

Robin Laubaugh  
Mayor of Wadsworth

Cllr. Jason Zadrozny  
Leader of the Ashfield District Council

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) UPDATE</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL, COUNCILLOR JASON ZADROZNY</b>		
<b>Ward/s:</b>	<b>NOT APPLICABLE</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## Purpose of Report

The report is to update Cabinet on the use of the Regulation of Investigatory Powers Act (RIPA) policy in the past 12 months and to note that some minor amendments are needed to the policy at this time.

## Recommendation(s)

### **Cabinet is asked to:**

- 1. Note that minor updates have been made to the policy to take account of new job titles for Directors and Services Managers and to make minor corrections;**
- 2. Approve the amended Policy as attached to the report;**
- 3. Note that the Council has been authorised to carry out one covert surveillance operation pursuant to the RIPA powers in the past 12 months.**

## Reasons for Recommendation(s)

The current Code of Practice and Council Policy requires that Members are updated on RIPA authorisations on an annual basis. This report complies with that requirement.

The Policy should also be reviewed regularly to ensure it remains up to date and fit for purpose. The policy has been reviewed and minor amendments are required at this time to ensure job titles are up to date.

## **Alternative Options Considered**

*(with reasons why not adopted)*

The alternative is not to report to Members and not to make the minor policy changes. This alternative course of action could put the Authority at risk of challenge for breach of Policy and leave the Policy containing out of date information.

## **Detailed Information**

### **Regulation of Investigatory Powers Act 2000 – Annual Update**

#### **The Policy:**

The RIPA policy was significantly amended in 2013 following the inspection by the Office of the Surveillance Commissioners [“OSC”]. The RIPA policy was further amended in February 2017 and reviewed without the need to make amendments in January 2018.

Minor amendments are proposed to the current policy as set out in Appendix 1 to ensure the Policy is up to date and fit for purpose. The changes are to job titles and minor corrections and are not substantial.

#### **Update on the Use of RIPA:**

If the Council is required to carry out covert surveillance in the course of its enforcement work, it must comply with the Regulation of Investigatory Powers Act 2000 and related Codes of Practice.

The Council has a Policy in place which sets out a process for ensuring covert surveillance activity is carried out in accordance with the law. In accordance with the Policy and the Code of Practice, the Cabinet must receive an annual report.

In the past 12 months **one** covert surveillance operation has been authorised. The authorisation was granted on 20 December 2018 for a covert operation to prevent and detect crimes committed in public places in a residential area. Potential offences relate to drugs misuse, handling of stolen goods, underage drinking and public order offences. The authorisation will cease to have effect after a three month period unless renewed.

Members are asked to note the update and approve the amended policy attached to the report.

## **Implications**

#### **Corporate Plan:**

Ensure effective community leadership, through good governance, transparency, accountability and appropriate behaviours.

#### **Legal:**

All legal issues are outlined in the report and detailed in the policy.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
No risks associated with the recommendations in this report	The policy is in place to ensure the Council complies with the law.

**Human Resources:**

It is recommended that all officers whose duties are linked to surveillance in any way are provided with adequate training (repeated/refreshed periodically) to ensure they fully understand the RIPA policy and how it applies to their work. Training is carried out on a rolling programme.

**Equalities:**

Implications are considered in the body of the policy, in particular in relation to Article 8 of the Human Rights Act.

**Other Implications:**

None identified.

**Background Papers**

None.

**Report Author and Contact Officer**

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**ASHFIELD DISTRICT COUNCIL**

**REGULATION OF INVESTIGATORY  
POWERS ACT 2000 (RIPA)**

**POLICY AND GUIDANCE**

## **CONTENTS**

1. Policy
2. Guidance
3. Appendix A – List of Authorising Officers
4. Appendix B – Flowchart
5. Appendix C – Links to Home Office - Forms
6. Appendix D – Links to Home Office - Codes of Practice
7. Appendix E – Links to Home Office – Guidance for Application at the Magistrates’ Court.

Approved: Cabinet [insert date]

Cabinet Minute Reference: [insert]

**ASHFIELD DISTRICT COUNCIL**  
**POLICY ON REGULATION OF INVESTIGATORY**  
**POWERS ACT 2000 (RIPA)**

Ashfield District Council only carries out covert surveillance where such action is justified and endeavours to keep such surveillance to a minimum. It recognises its obligation to comply with RIPA when such an investigation is for one of the purposes set out in that Act and has produced this Guidance document to assist officers undertaking this type of work (“Authorising” and “Investigating Officers”).

**Applications for authority**

A Chief Officer authorised by the Council (an “Authorising officer”) will consider all applications for authorisation in accordance with RIPA – See **Appendix A** for a list of Authorising Officers.

Any incomplete or inadequate application forms will be returned to the applicant for amendment.

The Authorising Officer shall in particular ensure that:-

- There is a satisfactory reason for carrying out the surveillance
- The serious crime threshold is met
- The covert nature of the investigation is necessary
- Proper consideration has been given to collateral intrusion
- The proposed length and extent of the surveillance is proportionate to the information being sought
- Authorisation from the Head of Paid Service (Chief Executive) is sought where confidential legal/journalistic/medical/spiritual welfare issues are involved
- The authorisations are reviewed and cancelled
- Records of all authorisations are sent to the Service Manager – Legal Services for entry on the Central Register

Once authorisation has been obtained from the Authorising Officer, the Authorising Officer or his/her nominee (e.g. investigating officer) will attend the Magistrates’ Court in order to obtain judicial approval for the authorisation. See flowchart at **Appendix B**.

## **Training**

Each Authorising Officer shall be responsible for ensuring that relevant members of staff within their Directorate are aware of the Act's requirements.

The Shared Legal Service will provide advice and regular updates as well as specific training upon request.

## **Central register and records**

The Service Manager - Legal Services shall retain the Central Register of all authorisations issued by Ashfield District Council.

The Director of Legal and Governance (Monitoring Officer), in conjunction with the Service Manager - Legal Services, will monitor the content of the application forms and authorisations to ensure that they comply with the Act.

## **Senior Responsible Officer ("SRO")**

The SRO is a role required by the Office of the Surveillance Commissioner ("OSC") with oversight of the Council's use of RIPA powers. The SRO is the Director of Legal and Governance (Monitoring Officer) and will only act as an Authorising Officer for the Council in exceptional circumstances to avoid any conflicts with the SRO role.

## **RIPA Coordinating Officer**

The RIPA Co-ordinating Officer has the responsibility for the day-to-day RIPA management and administrative processes observed in obtaining an authorisation and advice thereon and this role is performed by the Service Manager - Legal Services.

## **REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - GUIDANCE**

### **DIRECTED SURVEILLANCE & COVERT HUMAN INTELLIGENCE SOURCE**

#### **1. Purpose**

The purpose of this guidance is to explain

- the scope of RIPA – Part II;
- the circumstances where it applies; and
- the authorisation procedures to be followed

#### **2. Introduction**

2.1 This Act, which came into force in 2000, is intended to regulate the use of investigatory powers exercised by various bodies including local authorities, and ensure that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and approved by the judiciary before they are carried out.

2.2 The investigatory powers, which are relevant to a local authority, are directed covert surveillance in respect of specific operations involving criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or are related to the underage sale of alcohol and tobacco and the use of covert human intelligence sources (CHIS). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are also Codes of Practice in relation to the use of these powers and the Home Office web site link for these is at **Appendix C and D**.

2.3 Consideration must be given, prior to authorisation as to whether or not the acquisition of private information is necessary and proportionate, i.e. whether a potential breach of a human right is justified in the interests of the community as a whole, or whether the information could be obtained in other ways.

#### **3. Scrutiny and Tribunal**

##### **3.1 External**

3.1.1 The Council must obtain an order from a Justice of the Peace approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity is carried out. The Council can only appeal a decision of the Justice of the Peace on a point of law by judicial review.

3.1.2 The Office of Surveillance Commissioners (OSC) was set up to monitor compliance with RIPA. The OSC has “a duty to keep under review the exercise and performance by the relevant persons of the powers and duties under Part II of RIPA”, and the Surveillance Commissioner will from time to time inspect the Council’s records and procedures for this purpose.

3.1.3 In order to ensure that investigating authorities are using the powers properly, the Act also establishes a Tribunal to hear complaints from persons aggrieved by conduct, e.g. directed surveillance. Applications will be heard on a judicial review basis. Such claims must be brought no later than one year after the taking place of the conduct to which it relates, unless it is just and equitable to extend this period.

3.1.4 The Tribunal can order:

1. Quashing or cancellation of any warrant or authorisation;
2. Destruction of any records or information obtained by using a warrant or authorisation;
3. Destruction of records or information held by a public authority in relation to any person.

3.1.5 The Council has a duty to disclose to the tribunal all documents they require if any Council officer has:

- Engaged in any conduct as a result of such authorisation;
- Any authorisation under RIPA.

## 3.2 **Internal Scrutiny**

3.2.1 The Council will ensure that the Senior Responsible Officer is responsible for:

- The integrity of the process in place within the public authority to authorise directed surveillance;
- Compliance with part II of the 2000 Act, Part III of the 1997 Act and with the accompanying Codes of Practice;
- Engagement with the Commissioners and Inspectors when they conduct their inspections; and
- Where necessary, overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner.

3.2.2 The Cabinet will receive updates on the use of the Act at least once a year and set/review the Council’s policy and guidance documents where necessary. They will also consider internal reports on use of the Act where necessary to ensure that it is being used consistently with the Council’s policy and that the policy

remains fit for purpose. They should not, however, be involved in making decisions on specific authorisations.

### **3.3 Unauthorised Activities**

- 3.3.1 If an Officer is concerned that surveillance/CHIS activity is taking place and there is no authorisation under RIPA, he/she should notify the Director of Legal and Governance (Monitoring Officer) immediately.
- 3.3.2 If any activity is deemed to be unauthorised, it will be reported to the OSC.

## **4. Benefits of RIPA authorisations**

- 4.1 The Act states that if authorisation confers entitlement to engage in a certain conduct and the conduct is in accordance with the authorisation, then it will be lawful for all purposes. Consequently, RIPA provides a statutory framework under which covert surveillance activity can be authorised and conducted compatibly with Article 8 of the Human Rights Act 1998 – a person's right to respect for their private and family life, home and correspondence.
- 4.2 Material obtained through properly authorised covert surveillance is admissible evidence in criminal proceedings.

## **5. Definitions**

- 5.1 'Covert' is defined as surveillance carried out in such a manner that is calculated to ensure that the person subject to it is unaware that it is or may be taking place. (s.26 (9)(a)).
- 5.2 'Covert human intelligence source' (CHIS) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining/providing access to/disclosing, information obtained through that relationship or as a consequence of the relationship. (s.26 (8)).
- 5.3 'Directed surveillance' is defined as covert but not intrusive and undertaken:
- for a specific investigation or operation;
  - in such a way that is likely to result in the obtaining of private information about any person;
  - other than by way of an immediate response (s.26 (2)).
- 5.4 'Private information' includes information relating to a person's private or family life but has a wide meaning, not excluding business or professional activities.

5.5 'Intrusive' surveillance is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or using a surveillance device. **Ashfield District Council may not authorise such surveillance.**

5.6 'Authorising Officer' in the case of local authorities these are specified as Assistant Chief Officers (and more senior officers), Assistant Heads of Service, Service Managers or equivalent, responsible for the management of an investigation (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010/521)). Ashfield District Council has appointed the Chief Executive and Directors as "Authorising Officers". Please refer to **Appendix A** for a list of Authorising Officers for Ashfield District Council.

## **6. When does RIPA apply?**

6.1 Where the directed covert surveillance of an individual or group of individuals, or the use of a CHIS, **is necessary for the purpose of preventing or detecting crime or of preventing disorder.**

6.2 The Council can only authorise **Directed Surveillance** to prevent and detect conduct which constitutes one or more criminal offences. The criminal offences must be punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months imprisonment or be an offence under:

- a) S.146 of the Licensing Act 2003 (sale of alcohol to children);
- b) S.147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
- c) S.147A of the Licensing Act 2003 (persistently selling alcohol to children);
- d) S.7 of the Children and Young Persons Act 1933 (sale of tobacco, etc, to persons under eighteen).

## **6.3 CCTV**

The normal use of CCTV is not usually covert because members of the public are informed by signs that such equipment is in operation. However, authorisation should be sought where it is intended to use CCTV covertly and in a pre-planned manner as part of a specific investigation or operation to target a specific individual or group of individuals. Equally a request, say by the police, to track particular individuals via CCTV recordings may require authorisation (from the police).



The Council's CCTV is managed by Newark and Sherwood District Council pursuant to a Service Level Agreement.

#### 6.4 Online Covert Activity

Reviewing open source sites does not require authorisation unless the review is carried out with some regularity, usually when creating a profile, in which case directed surveillance authorisation will be required. If it becomes necessary to breach the privacy controls and become, for example, a "friend" on a Facebook site, with the investigating officer utilising a false account concealing his/her identity as a Council Officer for the purposes of gleaning intelligence, this is a covert operation intended to obtain private information and should be authorised, at a minimum, as directed surveillance. If the investigator engages in any form of relationship with the account operator then the investigator becomes a CHIS requiring authorisation as such and management by a Controller and Handler with a record being kept and a risk assessment created.

Where the serious crime threshold is not met in relation to an investigation, surveillance of social media sites could amount to a breach of an individual's Article 8 rights for which there is no protection offered by RIPA. Officers using social media sites as part of an investigation should seek advice from the Shared Legal Team as to when an authorisation for directed surveillance or CHIS would be required.

### 7. Covert Human Intelligence Source

7.1 Put simply, this means the use of members of the public, undercover officers or professional witnesses to obtain information and evidence.

7.2 The RIPA definition (section 26) is anyone who:

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

Any reference to the conduct of a CHIS includes the conduct of a source which falls within a) to c) or is incidental to it.

References to the use of a CHIS are references to inducing, asking or assisting a person to engage in such conduct.

7.3 Section 26(9) of RIPA goes on to define:

- a) a purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if, and only if, the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose; and
- b) a relationship is used covertly, and information obtained as mentioned in s 26(8) (c) above and is disclosed covertly, if, and only if it is used or as the case may be, disclosed in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the use or disclosure in question.

7.4 With any authorised use of a CHIS, the Council must ensure that arrangements are in place for the proper oversight and management of the CHIS, this includes appointing individual officers as Handlers and Controllers in relation to the CHIS (s.29(5)(a) and (b)).

7.5 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship for a covert purpose which is ultimately authorised in the 2000 Act, not whether or not the CHIS is asked to do so by the Council. When an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a neighbourhood or family relationship, it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances before acting on any information from such an informant.

7.6 Detailed advice regarding applications for use of a CHIS are set out at paragraph 8.1.5 below. In the event that the use of CHIS is considered, the Service Manager - Legal Services must be consulted before any steps are taken to engage the CHIS.

### 7.7 **Juvenile Sources**

Special safeguards apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under the age of 16 years be authorised to give information against his parents or any person who has parental responsibility for him. The duration of a juvenile CHIS is **one** month. The Regulation of Investigatory Powers (Juveniles) Order 2000 SI No. 2793 contains special provisions which must be adhered to in

respect of juvenile sources. Any authorisation of a juvenile CHIS must be made by the Head of Paid Service (Chief Executive) or an Officer authorised on his behalf.

## 7.8 **Vulnerable Individuals**

A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description should only be authorised to act as a source in the most exceptional circumstances. Any authorisation of a juvenile CHIS must be made by the Head of Paid Service (Chief Executive) or an Officer authorised on his behalf.

## 8. **Authorisations (see flowchart at Appendix B)**

### 8.1 **Applications for directed surveillance**

8.1.1 All application forms must be completed fully with all the required details to enable the Authorising Officer to make an informed decision.

An authorisation provides for one period of Directed Surveillance lasting three months. If a proposed operation is expected to be completed in a shorter timeframe, the authorisation will still last for three months but an appropriately early review should be carried out and, if the operation is no longer necessary or proportionate the authorisation should be cancelled.

Officers should ensure they are using the most up-to-date forms for RIPA Authorisations. Application forms are available on the Home Office website:

<https://www.gov.uk/government/collections/ripa-forms--2>

No authorisation shall be granted unless the Authorising Officer is satisfied that the investigation is:

- **Necessary** for the purpose of preventing or detecting crime. It must be a criminal offence punishable whether summarily or on indictment by a maximum sentence of at least 6 months imprisonment or related to the underage sale of alcohol or tobacco (see para 6);
- **Proportionate to the ultimate objective.** This has 3 elements, namely:
  - a) that the method of surveillance proposed is not excessive to the seriousness of the matter under investigation;
  - b) the method used must be the least invasive of the target's privacy; and

- c) the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 8.1.2).
- **Collateral Intrusion** is intrusion on, or interference with, the privacy of persons other than the subject of the investigation;
- **No other form of investigation would be appropriate.**

**Necessity:** Covert surveillance cannot be said to be necessary if the desired information can reasonably be obtained by overt means. It must also be necessary for the purpose of preventing or detecting conduct which constitutes one or more criminal offences as set out in paragraph 6 above.

**Proportionality:** The method of surveillance proposed must not be excessive in relation to the seriousness of the matter under investigation. It must be the method which is the least invasive of the target's privacy.

**Collateral intrusion,** which affects the privacy rights of innocent members of the public, must be minimised and use of the product of the surveillance carefully controlled so as to respect those rights.

The grant of authorisation should indicate that consideration has been given to the above points. Advice should be obtained from the Shared Legal Service where necessary.

- 8.1.2 The Authorising Officer must also take into account the risk of '**collateral intrusion**'. The application must include an **assessment** of any risk of collateral intrusion for this purpose.

Steps must be taken to avoid unnecessary collateral intrusion and minimise any necessary intrusion.

Those carrying out the investigation must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as these become apparent.

Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved.

The Authorising Officer should also fully understand the capabilities and sensitivity levels of any equipment being used to carry out directed surveillance so as to properly assess the risk of collateral intrusion in surveillance techniques.

### 8.1.3 **Special consideration in respect of confidential information**

Particular attention is drawn to areas where the subject of surveillance may reasonably expect a high degree of privacy, e.g. where confidential information is involved.

Confidential information consists of matters subject to legal privilege, communication between Members of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material. (ss 98-100 Police Act 1997).

#### Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser giving of legal advice in connection with, or in contemplation of, legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of the Director of Legal and Governance (Monitoring Officer) or the Service Manager - Legal Services should be sought in respect of any issues in this area.

#### Confidential personal information

This is oral or written information held in (express or implied) confidence, relating to the physical or mental health or spiritual counselling concerning an individual (alive or dead) who can be identified from it. Specific examples provided in the codes of practice are consultations between a health professional and a patient, discussions between a minister of religion and an individual relating to the latter's **spiritual welfare** or matters of **medical or journalistic confidentiality**.

#### Confidential journalistic material

This is material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

It should be noted that matters considered to be confidential under RIPA may not necessarily be properly regarded as confidential under section 41 Freedom of Information Act 2000.

In such cases, where it is likely that knowledge of confidential information will be acquired, the use of covert surveillance is subject to a higher level of authorisation and therefore may only be authorised by the Head of Paid Services (Chief Executive) or an officer authorised by him for this purpose. Authorisation can only be granted where there are exceptional and compelling circumstances that make the authorisation necessary.

#### 8.1.4 **Notifications to Inspector/Commissioner**

The following situations must be brought to the Inspector/Commissioner's attention at the next inspection:

- Where an officer has had to authorise surveillance in respect of an investigation in which he/she is directly involved;
- Where a lawyer is the subject of an investigation or operation;
- Where confidential personal information or confidential journalistic information has been acquired and retained.

#### 8.1.5 **Applications for CHIS**

Applications for CHIS are made in the same way as for directed surveillance except that the serious crime threshold of investigating criminal offences with a sentence of at least 6 months in imprisonment does not apply. The authorisation must specify the activities of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

The Authorising Officer must be satisfied that the use of a CHIS has been risk assessed and is proportionate to what is sought to be achieved by that use and it must be necessary for the prevention and/or detection of crime.

A record must be kept of the matters mentioned in s29(5) and the Source Records Regulations (SI 2000/2725). The Justice of the Peace must be satisfied that the provisions of section 29(5) have been complied with.

Section 29(5) requires:

- “ (a) *that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have day-to-day responsibility for dealing with the source on behalf of that authority, and for the source's security and welfare;*
- (b) *that there will at all times be another person holding an office, rank or position with the relevant investigating authority who will have general oversight of the use made of the source;*
- (c) *that there will at all times be a person holding an office, rank or position with the relevant investigating authority who will have responsibility for maintaining a record of the use made of the source;*
- (d) *that the records relating to the source that are maintained by the relevant investigating authority will always contain particulars of all such matters (if*

*any) as may be specified for the purposes of this paragraph in regulations made by the Secretary of State; and*

- (e) *that records maintained by the relevant investigating authority that disclose the identity of the source will not be available to persons except to the extent that there is a need for access to them to be made available to those persons.”*

All application forms must be fully completed with the required details with a risk assessment to enable the authorising officer to make an informed decision.

#### 8.1.6 **Judicial Approval of Authorisations**

Once the Authorising Officer has authorised the Directed Surveillance or CHIS, the Authorising Officer (or his/her nominee) who completed the application form should contact the Magistrates’ Court to arrange a hearing for the authorisation to be approved by a Justice of the Peace.

The Authorising Officer (or his/her nominee) will provide the Justice of the Peace with a copy of the original authorisation and the supporting documents setting out the case. This forms the basis of the application to the Justice of the Peace and should contain all information that is relied upon.

In addition the Authorising Officer (or his/her nominee) will provide the Justice of the Peace with a partially completed judicial application/order form.

The hearing will be in private and the Authorising Officer (or his/her nominee) will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation.

The Justice of the Peace will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be the case. They will also consider whether the authorisation was given by the appropriate designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

The Justice of the Peace can:

- a) **Approve the grant of the authorization**, which means the authorisation will then take effect;
- b) **Refuse to approve the grant of the authorisation**, which means the authorisation will not take effect but the Council could look at the reasons for refusal, make any amendments and reapply for judicial approval.

- c) **Refuse to approve the grant of the authorisation and quash the original authorisation.** The court cannot exercise its power to quash the authorisation unless the applicant has at least 2 business days from the date of the refusal in which to make representations.

Guidance for applications to the Magistrates' Court can be found via the link at **Appendix E.**

#### 8.1.7 **Working in partnership with the Police**

Authorisation can be granted in situations where the police rather than the Council require the surveillance to take action, as long as the behaviour complained of, meets all criteria to grant and in addition is also of concern to the Council. Authorisation cannot be granted for surveillance requested by the police for a purely police issue.

The Police may authorise RIPA without Magistrates' Court approval; if an urgent situation arises and RIPA authorisation would be required urgently the Council should contact the Police.

### 9. **Duration and Cancellation**

- An authorisation for **directed surveillance** shall cease to have effect (if not renewed) **3 months** from the date the Justice of the Peace approves the grant
- If renewed the authorisation shall cease to have effect 3 months from the expiry date of the original authorisation.
- An authorisation for **CHIS** shall cease to have effect (unless renewed) **12 months** from the date the Justice of the Peace approves the grant or renewal.

**This does not mean that the authorisation should necessarily be permitted to last for the whole period so that it lapses at the end of this time. The Authorising Officer, in accordance with s.45 of the Act, must cancel each authorisation as soon as that officer decides that the surveillance should be discontinued.**

Authorisations continue to exist even if they have ceased to have effect. Authorisations, therefore, must be cancelled if the directed surveillance as a whole no longer meets the criteria upon which it was authorised.



The date the authorisation was cancelled should be centrally recorded and documentation of any instruction to cease surveillance should be retained and kept with the cancellation form.

The cancellation form should detail what surveillance took place, if there was any collateral intrusion, what evidence was obtained and how it is to be managed, any risks to a CHIS. Details relating to the retention of records is set out in paragraph 13 below.

## **10. Reviews**

The Authorising Officer should review all authorisations at intervals determined by him/herself. This should be as often as necessary and practicable. The reviews should be recorded.

If the directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at review to include the identity of these individuals. A review would be appropriate specifically for this purpose.

Particular attention should be paid to the possibility of obtaining confidential information.

## **11. Renewals**

Any Authorised Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect.

The renewal must then be approved by the Justice of the Peace, before the expiry of the original authorisation, in the same way the original authorisation was approved.

The process outlined in paragraph 8.1.6 should be followed for renewals.

A CHIS authorisation must be thoroughly reviewed at regular intervals before it is renewed.

## **12. Central Register of Authorisations**

12.1 All authorities must maintain the following documents:

- Copy of the application and a copy of the authorisation and Order made by the Magistrates' Court together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer;
- A record of the result of each review of the authorisation;
- A copy of any renewal of an authorisation and Order made by the Magistrates' Court and supporting documentation submitted when the renewal was requested;
- The date and time when any instruction to cease surveillance was given;
- The date and time when any other instruction was given by the Authorising Officer.

12.2 To comply with 12.1, the Service Manager - Legal Services holds the central register of all authorisations issued by officers of Ashfield District Council. The original copy of every authorisation, renewal and cancellation issued should be lodged immediately with the Service Manager - Legal Services in an envelope marked 'Private and Confidential'. Any original authorisations and renewals taken to the Magistrates' Court should be retained by the Council, the Court must only keep copies of the authorisations or renewals.

12.3 The Council must also maintain a centrally retrievable record of the following information:

- type of authorisation
- date the authorisation was given
- date the approval Order was given by the Magistrates' Court
- name and rank/grade of the Authorising Officer
- unique reference number of the investigation/operation
- title (including brief description and names of the subjects) of the investigation/operation

- details of renewal
- dates of any approval Order for renewal given by the Justice of the Peace
- whether the investigation/operation is likely to result in obtaining confidential information
- date of cancellation
- whether the authorisation was granted by an individual directly involved in the investigation
- Magistrates' Court Information

These records will be retained for at least 3 years and will be available for inspection by the Office of Surveillance Commissioners.

13. **Retention of records**

The Council must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed surveillance or CHIS.

Authorising Officers, through their relevant Data Controller, must ensure compliance with the appropriate data protection requirements under the Data Protection Act 2018 and any relevant codes of practice relating to the handling and storage of material.

14. **Complaints procedure**

- 14.1 The Council will maintain the standards set out in this guidance and the Codes of Practice (**See Appendix C and D**). The Chief Surveillance Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.
- 14.2 Contravention of the Data Protection Act 2018 may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the Council at Council Offices, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA, or telephone 01623 450000, or e-mail to [customerservices@ashfield.gov.uk](mailto:customerservices@ashfield.gov.uk)
- 14.3 The 2000 Act establishes an independent Tribunal. The Tribunal has full powers to investigate and decide any case within its jurisdiction. Details of the relevant complaints procedure can be obtained from the following address:

Investigatory Powers Tribunal

PO Box 33220

London

SW1H 9ZQ

0207 035 3711

Email: [info@ipt-uk.com](mailto:info@ipt-uk.com)

## Appendix A – Authorising Officers

	<b>Name</b>	<b>Job Title</b>	<b>Contact No.</b>
1.	Robert Mitchell	Chief Executive (Head of Paid Service)	01623 450000 Ext: 4250
2.	Craig Bonar	Director of Revenues and Business Transformation	01623 450000 Ext: 4203
3.	Paul Parkinson	Director of Housing and Assets	01623 450000 Ext: 2891
4.	Carol Cooper-Smith	Interim Director of Place and Communities	01623 450000 Ext: 4374

For authorisations relating to Juveniles (para 7.7), Vulnerable CHIS (para 7.8) or Journalistic/Confidential Material (Para 8.1.3):

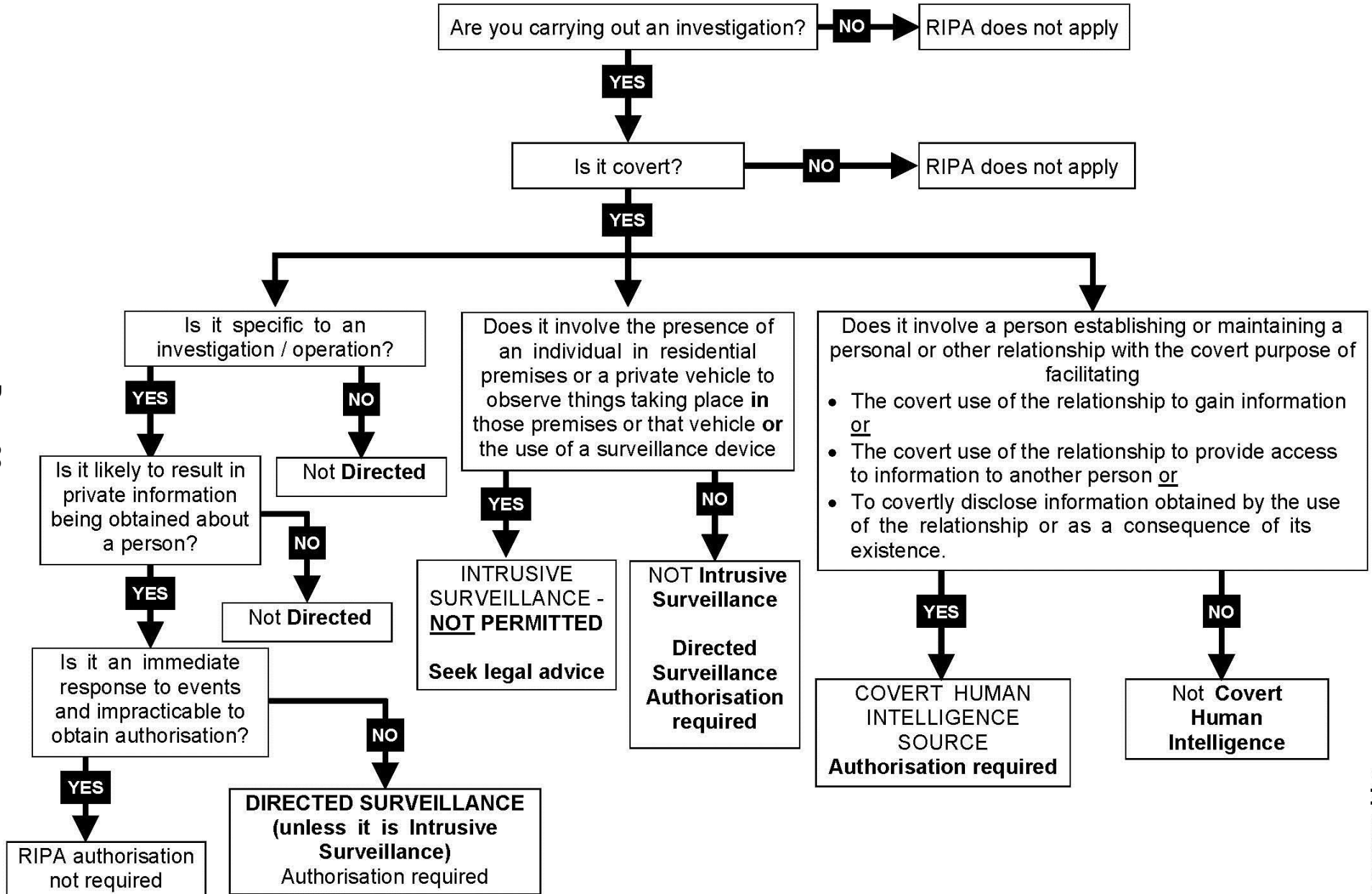
	Rob Mitchell	Chief Executive (Head of Paid Service)	01623 450000 Ext: 4250
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In exceptional circumstances:

	Ruth Dennis	Director of Legal and Governance (Monitoring Officer) & RIPA Senior Responsible Officer	01623 450000 Ext: 4009
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# DIRECTED SURVEILLANCE

## Regulation of Investigatory Powers Act 2000 - Do you need Authorisation?



# APPENDIX C

## Forms

See Home Office website:

<https://www.gov.uk/government/collections/ripa-forms--2>

# **APPENDIX D**

## **Codes of Practice**

**See Home Office website:**

**<https://www.gov.uk/government/collections/ripa-codes>**



# APPENDIX E

## **Guidance for Applications at the Magistrates' Court**

See Home Office website:

<https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>LEISURE TRANSFORMATION PROGRAMME - REPLACEMENT LEISURE CENTRE FOR KIRKBY IN ASHFIELD</b>		
<b>Portfolio Holder:</b>	<b>DEPUTY LEADER (INWARD FOCUS), COUNCILLOR TOM HOLLIS</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## **Purpose of Report**

To update Cabinet on the Leisure Transformation Programme and to seek authorisation to proceed with the next steps towards delivering a new flagship leisure destination at the current Festival Hall site, in Kirkby-in-Ashfield.

## **Recommendations**

Cabinet is asked:

- 1) To agree the current Festival Hall site, Kirkby-in-Ashfield as the preferred site for a new flagship leisure destination.
- 2) To note and approve the indicative financial business model for the design and construction of the new leisure centre at the existing Festival Hall site and note a further report will be brought back to Cabinet and subsequently Council for funding approval post tendering.
- 3) To delegate authority to the Interim Director of Place and Communities, in consultation with the Portfolio Holder to:
  - a) select a suitable Framework agreement to appoint the professional team for the project;
  - b) commission the professional team to undertake design and development work to progress the project through to the end of RIBA Stage 4;
  - c) Approve the procurement of the leisure centre through the use of a competitive procedure with negotiation, for a Design and Build contract.

## **Reasons for Recommendations**

Approval of the recommendations will enable the project to continue to be developed to the next stage. The report includes indicative capital and revenue implications. In the longer term the project seeks to deliver revenue savings through an “invest to save” approach resulting in a reduction in revenue costs when the Council retenders the leisure operator contract.

## **Alternative Options Considered**

**Do nothing:** not recommended for a number of reasons. The Leisure Facilities Review has allowed the Council to understand the appropriateness of its current leisure stock and future requirements. The provision of an effective facility infrastructure will be central to the successful delivery of the health and wellbeing objectives within the Corporate Plan and to achieving savings through the leisure contract.

## **Detailed Information**

### **The Council's Vision**

The Council vision is for local people to have access to modern leisure facilities to help lead healthier lifestyles. A clear approach to providing facilities has been identified, including investment and rationalising the use of the Council's assets alongside coordinated provision from other sources.

To help sustain leisure provision into the future, the Council's Vision is *'to secure a districtwide network of quality, affordable, accessible and sustainable Leisure Centres and services for the benefit of all residents of Ashfield'*.

In order to achieve the Council's vision Key Projects have been identified within the Corporate Plan: firstly, to carry out a Leisure Facilities Review (July 2016) and secondly, to explore the feasibility for a replacement for the Festival Hall Leisure Centre (informed by the Leisure Review).

### **Leisure Review**

The Council recognises the need to invest in its sport and leisure infrastructure to meet the objectives of reducing inactivity and improving the health and wellbeing of its residents; as well as ensuring the most cost effective provision. In order to address Corporate Plan priorities, an extensive Leisure Facilities Review was undertaken and Cabinet endorsed the findings on 14<sup>th</sup> July 2016.

The transformation programme for leisure centre provision has a clear approach to providing future facilities, including investment and rationalising the use of Council assets, alongside coordinated provision from other sources.

Cabinet on 13<sup>th</sup> October 2016 agreed to proceed with further feasibility works for the two preferred sites identified (the Festival Hall site and the NHS site on Portland Street), to encompass floor plans for:-

- a. Dry only leisure centre
- b. Wet and dry leisure centre.

### **Progress on previous actions agreed at Cabinet on 22 June 2017 and 19<sup>th</sup> February 2018**

**Progress the next stage of the feasibility into the preferred option to replace**

**the existing Leisure Centre with a new flagship Leisure destination in Kirkby in Ashfield on the preferred key town centre site, or if land acquisition of the preferred site cannot be achieved, progress the feasibility into the redevelopment of the current Festival Hall site.**

Cabinet had previously approved additional feasibility work to be commissioned for both sites, including negotiations with NHS England regarding the purchase of the Portland Street site.

Following Cabinet approval to move to RIBA stage 3 (February 2018) the opportunity arose to revisit a town centre site that had been included in the initial feasibility work. Two adjacent sites, one at Pond Street and the other at Ellis St, were simultaneously advertised for sale. Officers entered into negotiations with the vendors' agent. Both sides agreed to proceed to Heads of Terms, provided that Ashfield could undertake surveys prior to proceeding.

The results of the survey showed that extensive additional building work would be required given the nature of the site, i.e. a variable depth to bedrock from 1m to 6m across the site would require piling, adding an additional £1m+ to the build costs. At this point, the Pond/Ellis Street sites are no longer being considered and are discounted due to the additional cost required.

The current Festival Hall site is proposed to be progressed for a number of reasons. Firstly, the land is in the Council's ownership and the overarching financial business case has been modelled and will be further informed by the next stage of works to develop specific cost proposals for the site. The overriding principle remains that the overall borrowing costs incurred by the capital project must be met by the future reduction in revenue costs associated with a new management contract over the lifetime of the project. The current site achieves this principle, where purchasing one of the other sites does not.

Secondly, the proposal will see the new leisure Centre built elsewhere on the current site, this will ensure that the current Leisure Centre will remain open to its customers throughout the build programme.

**To commence the retendering of the Leisure Management contract by producing a 'shadow bid' followed by soft market testing.**

Previous work carried out in 2016 supported the position to competitively tender for a new Leisure management contract commencing 1<sup>st</sup> April 2021. Soft market testing in the form of a shadow bid has now been undertaken. This has allowed the Council to fully understand the revenue implications in managing the District's leisure centre sites in the future.

Work is currently underway supported by the Council's procurement partner, Nottingham City Council to achieve a Leisure management contract commencing 1st April 2021. It is estimated that the cost of the tendering will be up to £50k to support the Council through this process. These one-off costs will be funded from the Economic Place and Development Reserve.

In order to inform the contract, stock condition surveys were undertaken at the Council owned leisure facilities in the District.

A cost envelope has been identified for the project which will ensure that over a 40 year asset life the new facility **will at least be 'cost neutral'**. This cost envelope is based on assumptions around expected build costs, funding contributions from the LEP and Sport England and estimated savings from a renegotiation of the Leisure management contract. Details of these are indicative at this stage and are also commercially sensitive. Once the tendering has taken place and costs and contributions have been finally determined a report will be brought to Cabinet and subsequently Council to approve the verified funding for the project.

## **Explore external funding opportunities**

Potential match funding has been identified through the LEP (Local Enterprise Partnership) and Sport England's Strategic Facilities Fund. A business case was submitted to the LEP in January 2018 which is now being reviewed. Discussions with Sport England have been positive, the next stage will lead to being invited to submit an Expression of Interest.

## **Festival Hall site**

The Festival Hall user group and findings from the consultation have provided valuable insight into the future requirements from a new facility. The group will provide an ongoing contribution throughout the project. The group wanted to see a better performance gym, more opportunities for sport and to retain the 'social' aspect of the current Festival Hall.

There was a clear mandate from the consultation to provide something different in the future, whilst building on the current social and health facilities, a new facility needs to attract a broader user base from the very young to members of the older generation.

The facility mix options have been developed through strategic and local context work, consultation, and supply and demand assessment.

The option proposed presents an opportunity to increase participation and improve health outcomes for the District. Importantly the options developed have been informed from the Council's leisure transformation strategy with long term suitability in mind.

## **Facility Mix**

The proposed facility mix presents an improved combined model of provision and supports growth in events, conferences, fun, play, sports development, direct and indirect employment, business and health and wellbeing. Importantly the options provide something for everyone with activities from the very young to older people:

**Sports Hall:** To provide both social (events) and many sporting activities not currently provided, including basketball, volleyball, netball and indoor hockey.

**Health and Fitness:** To include, warm up/stretch, free weights and functional fitness area for enhanced performance and functional training alongside a range of gym equipment.

**Two multi activity studios:** The space will be flexible to allow for a range of activities and community programmes, including, dance, art, exercise and conference.

**Group cycling studio:** Has been and remains one of the most popular forms of exercise.

**Wellbeing toning and Rehabilitation Suite:** An older persons and rehabilitation facility linked to a specific wellbeing area, to provide opportunities for service integration with health partners to improve health and wellbeing.

**Indoor adventure climbing wall:** Clip and climb to compliment the core leisure facilities and provide an attractive proposition for the young people and families visiting.

**Café/reception area:** Enhanced facilities, there will be a significant increase on dwell time, therefore the café area is proposed which will be used as a party venue and for after school coaching.

**Water space:** The new administration asked for the water space to be revisited as a priority. Therefore, further analysis of pool water has been undertaken as part of the feasibility work. The findings have suggested providing 'flexibility' and 'family fun' space, allowing for the development of new activities, particularly aimed at families and entry level learn to swim programmes are likely to provide the most likely opportunity for increased use.

The supply and demand analysis highlighted that there was a deficit of 96m<sup>2</sup> of water space across Ashfield, increasing to up to 190m<sup>2</sup> in the future. Therefore based on the business planning it is proposed to build a 25m Pool with flexible floor and separate Leisure Water as this is operationally the most viable option.

A key driver for this type of water space is based around inactivity, with a greater emphasis on groups who are typically much less active such as women, disabled people and those from disadvantaged backgrounds.

The consensus from the Amateur Swimming Association is a preference towards pools with a mid-focus leisure offering, providing separate flexible lane swimming and leisure space which can cater for all.

This option meets wider needs of the local community than the other options explored. It will satisfy most users and help to drive an increase in participation and will provide potential to increase usage and improve the health and wellbeing of residents.

The Council's operator, Everyone Active believe that there is a demand for more casual swimming water across Ashfield and this can be provided at the new Leisure Centre with residents staying in the area rather than travelling to the Lammas. This would also help to reduce capacity issues at the Lammas where some sessions are overcrowded and will allow flexibility of the current programmes to allow for innovation and/or demands for specific groups.

Furthermore, analysis highlighted that the current Learn to Swim programme is near capacity at the Lammas; therefore, providing some lessons at Kirkby will help to release capacity for the Lammas site. Due to the proposed configuration of the pool at Kirkby, they may have limitations in the amount of time available to provide swimming lessons due to programming clashes and the need to provide casual swimming time for health and fitness members; therefore, there will be potential for the two facilities to complement each other in their programming.

There is currently a strong swim school at the Lammas and Everyone Active could consider focussing on lessons at the Lammas in the programming to provide a 'hub' for Ashfield's swimming lesson programme. As a result, the pool at Kirkby would be able to provide casual swimming access for residents to help saturate any demand overspill from the Lammas.

The analysis also highlighted the lack of leisure water space for families and a lack of shallow water to build confidence in the current provision. This option would provide fun and safe Leisure Water that will help meet the needs of children and families which is currently not available in the District.

It should be noted that the facilities mix could be subject to change during the procurement process due to potential costs escalations and revenue impacts caused by external factors. Minor changes that do not affect the overall cost envelope or negatively affect the objectives will be incorporated.

## **Economic and health impacts**

The building of new leisure facilities can have a considerable positive impact on a local community, in relation to jobs, skills, health and wellbeing and economic growth. The benefits accruing from investing in a new facility in Kirkby support the financial case and needs assessment.

The existing leisure centre has high management costs due to the limited facilities and low attendances compared with the other main towns in the District - contributing to increased health costs from inactivity (Hucknall - 16 visits per head of population, Sutton - 15, Kirkby - 4). By providing an improved range and better quality facilities, wider usage will be encouraged. It is estimated that there will be approximately 412,000 annual visits to the centre and increasing the visit per head of population to from 4 to 14.

It is widely accepted in economic literature that sports participation has a number of wider benefits that can be captured and recorded. It has been calculated that the increased participation could yield significant “wellbeing” benefits of £16.16m. Sport England research indicates that physical activity improves the health of participants and that there are financial savings in lifetime healthcare costs. Using the Sport England calculations it can be projected that this project will save substantial healthcare costs that would otherwise have to be met, most probably by the NHS of £25.099m.

The business plan forecasts that the new wet and dry facility will generate circa 37.4 Full Time Equivalent (FTE) jobs, an increase from the current 12 FTE.

## **Provisional Project timeline**

The indicative timeframes, (including slippage in the timeline) for the stages of work are set out below:

- Design RIBA Stage 1/2/3 - Concept/ Developed design: March 2019 - August 2019
- Design RIBA Stage 4 - Technical design: September 2019 - October 2019
- Planning: September 2019 - December 2019
- Procurement and appointment of contractor, Stage 1/ Stage 2: August 2019 - January 2020
- Construction: February 2020 - July 2021
- Fit out and testing: July 2021 - September 2021
- Opening: September 2021

## **Procurement**

Following discussion with the Council’s procurement partner Nottingham City Council and the leisure consultants supporting the project, it is proposed to use a Framework agreement to procure the services of the professional team. The estimated fees for the project are approximately 10-15% of the contract value which is a standard fee percentage for this type of project and covers fees for architects, engineers, project manager and cost consultants. There are a number of Frameworks available for local authorities to use. Selection of a Framework will be based on securing an experienced team to ensure that cost and quality are closely controlled.

The procurement route recommended for the project is a competitive procedure with negotiation resulting in the award of a design & build contract. This type of contract was effective at delivering the Lammas Leisure Centre to time and budget.

This procurement route is a flexible procedure, allowing the council to refine the scope of the requirements by negotiating with bidders during the course of the tender process. Engaging the



contractor earlier in the design process can help achieve efficiencies and reduce costs and the contract can be awarded on the basis of delivering to a maximum fixed budget.

### **Implications**

#### **Corporate Plan:**

Health and Wellbeing - Secure a district-wide network of quality, affordable, accessible and sustainable Leisure Centres and services for the benefit of all residents of Ashfield.

#### **Legal:**

The Legal Section will provide advice and assistance in respect of all aspects of the development project and retendering of the Leisure Management Contract.

Contract Procedure Rules (Rule 3) enables the Council to use Framework Agreements subject to their compliance with EU requirements provided the framework offers value for money and/or savings in the costs of procurement. Contract Procedures Rules must be complied with as part of the Leisure Management Contract retendering process.

#### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	It is expected that the overall project will be at least 'cost neutral' to the Council over the asset life.  The costs of contract tendering of up to £50k will be met from the Economic Place and Development Reserve.
General Fund – Capital Programme	Details of the Capital costs of this project will be brought back to Cabinet/Council for approval once the tendering exercise has been completed and final costs and contributions have been determined.
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

#### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Increased costs, failure to secure match funding, planning permission, time delays.	A project risk register is maintained for both the build of the new facility and the retendering of leisure management contract to mitigate identified risks.

#### **Human Resources:**

No issues identified.

#### **Equalities:**

No issues identified.

**Other Implications:**

None identified.

**Reason(s) for Urgency**

Not applicable.

**Reason(s) for Exemption**

Part of the report is not for publication by virtue of paragraph 3 of Part 1 of Schedule 12A of Local Government Act 1972, and in respect of which the Proper Officer considers that the public interest in maintaining the exception outweighs the public interest in disclosing the information.

The exempted element of the report contains financial information which, if in the public domain, could adversely affect the Council's ability to competitively procure the leisure centre design and build contracts on the most favourable terms to the Council.

**Background Papers**

Cabinet – 24 January 2009, Leisure Centres Review.

Cabinet – 10 April 2014, Leisure Management Contract.

Cabinet - 24 March 2016, Targeted Activities Programme.

Cabinet – 14 July 2016, Leisure Review Transformation Programme.

Cabinet – 13 October 2016, Leisure Review Transformation Programme.

Cabinet – 22 June 2017, Leisure Transformation Programme – Replacement Leisure Centre in Kirkby in Ashfield.

Cabinet – 19 February 2018, Leisure Transformation Programme – Replacement Leisure Centre in Kirkby in Ashfield.

Cabinet – 9 July 2018, Leisure Transformation Programme – Selston Leisure Centre.

**Report Author and Contact Officer**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>DOGS ON PUBLIC SPACES</b>		
<b>Portfolio Holder:</b>	<b>LEADER OF THE COUNCIL, COUNCILLOR JASON ZADROZNY</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## **Purpose of Report**

To report to Cabinet the results of the investigations following the motion on dogs on public spaces.

## **Recommendations**

1. That following investigations into the potential for a ban on all dogs from Council owned football and sports pitches Cabinet discontinues the proposal due to the limitations and costs of implementing such a restriction.
2. That Cabinet endorses the continuation of existing methods to help prevent and enforce against dog fouling within the District including the work seeking to establish free dog waste bags in conjunction with a private sector provider.

## **Reasons for Recommendations**

A motion was raised by the Conservative Group in Full Council on 26<sup>th</sup> July 2018 and re-presented on 11<sup>th</sup> October Full Council under Procedure Rule 23. This motion was “for the Council to consider banning all dogs from Council owned football and sports pitches and to explore options for the introduction of a PSPO.”

A further question was raised at the 29 November Full Council by the Butlers Hill Project Community Group in Hucknall: “The proposed banning of dogs from Ashfield sports pitches and parks is a move which will punish responsible dog owners who clean up after their pets. Will the portfolio holder responsible confirm that these proposals will not go any further?”

This Cabinet report therefore reports on the outcome of officers’ investigations, clarifies the current regulations and powers and recommends that no further additional action is taken.

## **Alternative Options Considered**

Accept the motion as proposed at the July Full Council and move forward with a new PSPO to potentially restrict dogs from all sports pitches, as requested. **Not recommended** because it is not feasible to do so. All pitches would need to be enclosed to prevent animal access and it is not financially viable to do so. See below under detailed information.

## **Detailed Information**

As stated above, this issue was the subject of a Motion at the July Full Council, re-presented at the October Full Council; and also a public question at the November Council. The issue has arisen because of public complaints about dog fouling on football pitches, which teams have to clean up before they can play. It was proposed, that this be dealt with by means of a new Public Spaces Protection Order (PSPO).

The Public Spaces Protection Order (PSPO) under the Anti-Social Behaviour, Crime and Policing Act 2014 is a piece of legislation to enable the Council to introduce measures to curb anti-social behaviour specific to locations to help deal with the problems faced in local communities. Before a PSPO can be introduced, evidence must be gathered to substantiate the need and public consultation must be undertaken.

Cabinet will be aware that PSPOs have been in place for some time already. Most recently at Full Council on 26 July 2018, a PSPO was extended for a 3-year period from 1 October 2018, to include (amongst other things) a number of measures regarding dogs, for example:

- Actions against owners who permit dog fouling;
- Actions against owners who do not carry a receptacle for cleaning up their dogs' faeces;
- Dogs on leads by direction;
- Specified maximum number of dogs: 6;
- Dogs excluded from specific areas, for example enclosed play areas, enclosed sports facilities on parks (eg courts and bowling greens);
- Dogs on leads in specific areas, eg public highway and verges, churchyards and cemeteries.

These measures have been subject to detailed evidence gathering and have been subject to wide consultation with the community and stakeholders.

They provide sufficient means to deal with dog fouling on both open spaces and pitches.

As well as a robust application of existing measures; from January 2019, the Council's CPOs will be undertaking targeted patrols in known hot spot areas for littering and dog fouling and will enforce by means of Fixed Penalty Notices where necessary. The CPO Unit is now fully staffed and providing a visible presence in the District.

The Council, in partnership with a private sector provider, will aim to provide free dog bag units in each park for residents to make use of. These bags will be sited in convenient locations for dog walkers. Locations for these are currently being established for implementation by the end of the financial year.

These approaches will be monitored over the coming months and officers will report back to Portfolio Holders.

## **Implications**

### **Corporate Plan:**

Place agenda: making Ashfield a clean and safe environment for visitors, residents and businesses. It is a key corporate priority to keep our streets and parks clean and safe for residents to enjoy.

Reducing ASB: dog fouling is of major concern to residents.

Perception that Ashfield is a good place to live: as above.

### **Legal:**

There are no legal implications as a result of the proposed recommendations. Existing PSPO provisions are set out in the body of the report.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Public perception that this remains a problem	High visibility patrols by CPOs and ongoing publicity

### **Human Resources:**

No implications.

### **Equalities:**

*No implications.*

### **Other Implications:**

#### **Reason(s) for Urgency**

*Not applicable*

#### **Reason(s) for Exemption**

*Not applicable*

#### **Background Papers**

*None*

#### **Report Author and Contact Officer**

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>RE-SITING OF TOWN CLOCK, KIRKBY IN ASHFIELD</b>		
<b>Portfolio Holder:</b>	<b>DEPUTY LEADER OF THE COUNCIL (OUTWARD FOCUS), COUNCILLOR HELEN-ANN SMITH</b>		
<b>Ward/s:</b>	<b>SUMMIT</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## **Purpose of Report**

To consider a proposal to re-site the Kirkby town clock outside the Nags Head pub.

## **Recommendations**

- 1. To progress the refurbishment and re-siting of the town clock in the vicinity of the Nags Head pub in Kirkby;**
- 2. To allocate Section 106 funding to support the implementation of the project.**
- 3. To authorise the Interim Director of Place and Communities, in conjunction with the Estates Manager and Director of Legal and Governance, to enter into negotiations with landowners to reach agreement for the siting of the clock and to consequently enter into a suitable legal agreement.**

## **Reasons for Recommendations**

The administration has been approached by the local community and members of the public to request that the clock be re-sited outside the Nags Head pub in Kirkby. The clock had stood outside the pub since 1960, until its removal in 2014.

## **Alternative Options Considered**

Not to re-site the clock - there is support from the local community to re-site the clock.

## Detailed Information

### Background

The clock was removed in November 2014, as part of the works to create Kirkby Plaza and modernise the pedestrianised area of the town centre, as well as reducing ongoing maintenance costs. The clock was in need of comprehensive refurbishment. The clock is currently in storage and requires cleaning, painting, fitting of new movements and cover glasses, internal LED lighting and automatic BST/GMT changes.

### **Associated Costs**

The overall cost is estimated to be £19,322 which can be funded from unallocated Section 106 Kirkby town centre regeneration contributions from developers. Outline costs for refurbishment and re-siting of the clock are as follows:

Refurbishment and installation of the clock: £10,702  
Installation of concrete plinth and ducting and making good: £3,200  
Connecting to electric supply: £2,900  
Contingency @ 15%: £2,520

The running costs (electricity) are estimated to be approximately £200 per year and annual maintenance costs are expected to be £210 per year.

The exact location for the re-siting of the clock will need to be determined and permission secured if the land is in private ownership. A formal legal agreement will be needed with land owners and this may take some time to negotiate and secure.

### Implications

#### **Corporate Plan:**

Place and Communities priority.

#### **Legal:**

Legal advice and assistance will be provided as part of the process of negotiating and entering into a suitable formal legal agreement with any private land owners for the siting of the clock.

#### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Total annual costs of £410. 10 annual maintenance visit
General Fund – Capital Programme	£19,322 - Section 106 Kirkby town centre regeneration
Housing Revenue Account – Revenue Budget	N/A
Housing Revenue Account – Capital Programme	N/A

**Risk:**

Risk	Mitigation
None identified to date - a risk assessment will be prepared if the project is approved.	Agreement to use third party land if required

**Human Resources:**

No issues identified.

**Equalities:**

No issues identified.

**Other Implications:**

Not applicable

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

**Background Papers**

None

**Report Author and Contact Officer**

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Place Team Leader

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>ESTABLISHMENT OF HOUSING COMPANY</b>		
<b>Portfolio Holder:</b>	<b>CABINET MEMBER (OUTWARD FOCUS), COUNCILLOR JOHN WILLMOTT</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## Purpose of Report

To commence the establishment and incorporation of a limited company for the purposes of market housing delivery and rental within Ashfield District and surrounding area in line with the objectives listed within the draft business case at Appendix A. The company is set up purely on the basis to be a commercial entity and return capital and revenue funding to the Council. Equally it has no involvement with social or affordable letting or build and in these respects it is a wholly different entity to the Council's previous Arm's Length Management Organisation (Ashfield Homes Limited).

## Recommendations

**Cabinet is recommended:**

- 1. To delegate the necessary authority to the Director of Housing and Assets and Director of Legal and Governance to take the necessary steps to incorporate a company limited by shares for the purposes of housing delivery within Ashfield and surrounding area.**
- 2. To delegate authority to the Leader of the Council in conjunction with the Chief Executive to name the limited company.**
- 3. To delegate authority to the Director of Legal and Governance to produce the Memorandum and Articles for the Housing Company and the Shareholder Agreement in conjunction with the relevant Portfolio Holder.**
- 4. To indemnify any officer or Member appointed as Directors of the Company and to approve that the Company obtains suitable insurance cover for its Directors.**

## **Reasons for Recommendations**

Further work is required to finalise the company structure and its constitution before the Company is established. The company shall not be named until such time as registration/incorporation is imminent.

## **Alternative Options Considered**

The Council does not need to form a Housing Company at this juncture, nor possibly at all if once a programme of development is established the Council neither wishes to form a joint venture company or manage properties for market rent.

The decision to progress with the formation of the company at this point in time is to capitalise on investigative work already undertaken in this area and the relative low cost of incorporating a shell company for future use. It also means the company is already set up should the need for urgent company intervention, action or opportunity is required e.g. the rescue of a stalled building development and/or a commercial opportunity to buy a medium to large rental portfolio within the district.

## **Detailed Information**

The Council through the Nottinghamshire Predevelopment Fund in 2016/17 undertook a study of its land holdings. It estimated that across 30 sites a total of 263 units (both General Fund and Housing Revenue Account) could be built on land owned by the Council. The number of units has subsequently increased with the acquisition of further land in the Huthwaite area by the General Fund in 2017.

Alongside this the Council has a corporate aspiration to provide much needed housing within the area as well as lead by example in terms of quality of housing build and landlord services, whilst equally wishing to contribute to the regeneration of the district.

In the face of reduced Central Government funding to Local Government and the need to both provide and maintain much needed services, many Local Authorities have set up Housing Companies as a way of fulfilling local housing objectives as well as provide both capital and revenue receipts into the Council. The District Council's Network suggested that during the first part of 2018 Local Housing Companies were being set up by Local Authorities at the rate of one a week. Nearby Local Authorities who have already set up Housing Companies include Mansfield, Bassetlaw and the District of Bolsover.

A working group was established within the Council to explore the concept of housing development and landlord functions within the General Fund, with advice and comment sought from other Authorities and developers involved in such schemes. This, together with two significant pieces of land being identified within the district as being likely contenders for market build by the Council, has led to a point where sufficient knowledge was ascertained to establish a housing company, should the Council wish to do so, and the appropriate outline business case was written accordingly.

It is understood the Council does not need to undertake this action at this point in time since, firstly the production of any new residential properties will be some years away, and secondly the Council could theoretically build houses for sale without the need to establish a limited company to do so

(though it should be noted this is untested as it is understood all LA residential housing developments to date have taken place under the banner of some form of Housing Company).

The Council would however need such a company if it wished to enter into a joint venture with a developer to share risk/rewards of developments and/or should it wish to let properties itself (outside of the Housing Revenue Account) as either a commercial activity and/or as a risk mitigation in the event that the houses which were built for sale were not purchased within a reasonable timeframe. It should also be noted that such mitigation would be essential at this point in time due to post Brexit uncertainty and the potential effect on the housing market.

The attached business case (Appendix A) provides the detail and background required to give Members sufficient detail in forming an opinion on the proposed venture and whether to approve the recommendations but in summary Members should note that the vision, mission and objectives are as follows;

### **Vision**

*(The company name)* Limited will be a recognised developer and supplier of quality homes for rent and sale within North Nottinghamshire, through sustainable schemes and exemplar landlord services.

### **Mission**

To deliver a range of flexible housing solutions, which supports the Council's housing and regeneration ambitions in a profitable and customer focussed way; utilising existing resources and assets where possible, maximising local corporate responsibility opportunities and being recognised as a beacon developer and landlord in the process.

### **Strategic Objectives**

- As a Council to build 300 units of mixed tenure (market and social) units by 2025.
- Utilise existing land holdings within Ashfield to develop homes for market rent and sale in a balance that delivers sustainable communities and maximises the return for the Council and its residents in terms of revenue, capital, existing capacity and added social value.
- Assists the Council in its aspiration to offer a range of housing options to existing and future residents and set the standard for housing services within the District and surrounding area.
- Act as a catalyst for the improvement of the District through taking a pragmatic approach to new and existing developments, areas requiring regeneration and/or quality uplift.
- Increase the overall supply of new housing within the district.
- Seek opportunities within a broader operating area to potentially offer a commercial return for the Council.

It should also be noted that the Limited Company will require a Board of Directors to oversee its activities. Advice taken from legal entities and other similar companies is that this Board would not have elected Members on it (since their overview and assurance of accountability will be achieved through the Cabinet/Council process). Officers employed by the Council will make up the majority of the Board with Independent Non-Executive Directors brought in as various expertise is required. Board Directors will also need to be suitably indemnified for their responsibilities and liabilities.

For the absolute avoidance of doubt the Housing Company will not undertake any form of affordable or submarket sales or letting which will be wholly the domain of the Housing Revenue Account. There is however an ability for the company and the Housing Revenue Account to work side by side on individual housing developments in order to improve tenure mix and/or enhance the viability of sites.

## **Implications**

### **Corporate Plan:**

Influence housing provision to ensure that there is sufficient housing available in the district of the right size, type and quality, ensuring an adequate supply of affordable housing

Review existing Council land and sites for mixed tenure development

Progress the regeneration of the properties and land in the Warwick Close area of Kirkby

Ensure that new housing is sustainable and fuel efficient

Ensure that when new housing is built that the right infrastructure is in place to create great places to live

Become a more enterprising, productive and commercial organisation, exploring and delivering income generation and business development opportunities

### **Legal:**

External specialist legal advice has been obtained from Trowers and Hamblins LLP in respect of the legal issues associated with establishing a local development company.

### **Statutory powers to set up a Company**

The Council has two statutory powers which it can use in order to set up the Company. These are 'the general power of competence' contained within section 1 Localism Act 2011 (the 2011 Act) and the power to trade contained within section 95 Local Government Act 2003 (the 2003 Act).

Local Authorities have the power to do anything that an individual may do in accordance with section 1 of the 2011 Act. This is referred to as the general power of competence, and a local authority may use this power for its own purpose, a commercial purpose or/and for the benefit of others. This power is however subject to a number of limitations, including pre-commencement limitations. Section 2 of the 2011 Act limits the general power of competence where it 'overlaps' with a power which predates it. This means that where the Council relies on the general power of competence and there is a power which pre-dates it and is subject to restrictions, then the general power of competence will be subject to these restrictions. An example of this is section 95 of the 2003 Act, which gives the Council the power to trade, but is subject to restrictions contained within regulation 2 Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009 (the 2009 Order). Section 4(2) of the 2011 Act states that where a local authority wants to do anything for a commercial purpose, they must only use the general power through a company. The external lawyers suggest that the Council could use the power under section 1 of the 2011 Act to set up the Company for the purposes of providing, developing or acquiring housing for rent or sale and that it is prudent to prepare a business case in accordance with the 2009 Order to ensure the Council has given due regard to its duties.

### **Form of Company and Object**

The Council has discretion as to the appropriate form of vehicle for the Company it wishes to set up. The external lawyers have proposed the most appropriate model is a Company Limited by Shares as this is the most tried and tested model and is less likely to fall foul of State Aid law.

Trowers and Hamblins have recommended that the Company is established with a broad commercial object to enable the most flexibility but that the broad objects are curtailed as necessary by a



Shareholder Agreement. This agreement will regulate the relationship between the Company and the Council.

Fiduciary Duties and Funding

The Council also has fiduciary duties which can be summarised as acting as a trustee of tax and public sector income on behalf of its rates and tax payers. In the future, if the Council considers making any investments and loans to the Company it must, on each occasion, act efficiently and undertake funding (and related) decisions after proper consideration of the risks and rewards of it doing so. There are powers which would enable the Council to provide funding to the Company and these would be considered at the point the Council is minded to take such a decision.

Land Disposal

In the future the Council may also consider disposing of land to the Company for development purposes. The powers and restrictions should be considered for each specific site at the point the Council is minded to take such a decision.

Indemnities

Local Authorities are permitted to offer an indemnity to its officers and Members under s265 Public Health Act 1875, sections 39 and 44 Local Government (Miscellaneous Provisions) Act 1976 and Local Authorities (Indemnities for Members and Officers) Order 2004.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	GF cost is estimated to be circa £3k at the point of incorporation. To be funded from the Economic Place and Development Reserve.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

Risk	Mitigation
Outline business case insufficient	Legal assurance sought from Trower and Hamblins who have extensive experience in Housing Company establishment
Post Brexit mitigation	Housing company will allow for sale or rental option depending on market conditions at the time of completion
Company name taken/disputed	Adequate checks of Companies House and Web domains will be undertaken and secured before the company is publicly named
There is a potential risk that a hostile party may seek to challenge, delay or frustrate the formation or operation of a local delivery company by raising an	The Council's purpose is primarily one of delivering market rented and market sale accommodation, and/or to make a profit for distribution to the Council rather than a "traditional" affordable/Council housing offer which would ordinarily be delivered through the

<p>argument that the Council has deliberately mis-applied the powers they are relying upon to form the local delivery company. They may argue that as a local housing authority the Council should have relied upon its powers under the Housing Act 1985 (as opposed to the 2011 Act).</p>	<p>Housing Revenue Account, as such it would be easier for the Council to repel a challenge on the basis that the general power of competence was being exercised for a proper purpose and not as a means of undermining Government imposed financial restrictions (e.g. the Housing Revenue Account regime) and/or seeking to avoid the imposition of the RTB. The risk is further mitigated by the Council being clear that the LHC's purpose is to operate as a commercial business to deliver homes for a range of rents/markets and not for general needs allocation (which would ordinarily be led through the Council's Housing Revenue Account).</p>

**Human Resources:**

Board Directors will require the appropriate indemnity insurance against personal liability. Impact of the additional work and responsibilities undertaken by employees who are also Board Directors will need to be considered.

**Equalities:**

None

**Other Implications:**

None

**Reason(s) for Urgency**

None

**Reason(s) for Exemption**

None

**Background Papers**

Outline Business Case attached - Appendix A (Exempt by virtue of paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972).

**Report Author and Contact Officer**

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>HOUSING PROJECT, DAVIES AVENUE, SUTTON-IN-ASHFIELD</b>		
<b>Portfolio Holder:</b>	<b>CABINET MEMBER (OUTWARD FOCUS), COUNCILLOR JOHN WILMOTT</b>		
<b>Ward/s:</b>	<b>CARSIC WARD</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

### Purpose of Report

To obtain authorisation to dispose of vacant Housing Revenue Account held land to a Registered Provider of Social Housing (EMH Group) for the purposes of building approximately 26 affordable homes and to enter into an agreement to purchase the development once completed.

### Recommendation(s)

**Subject to the authority of Council to seek Secretary of State consent as set out in recommendation 2, Cabinet is asked:**

- 1. To approve the disposal of the vacant Housing Revenue Account held land at Davies Avenue to EMH Group using powers granted under Section 32 of the Housing Act 1985, for the purposes of building approximately 26 affordable homes to meet housing need;**
- 2. To recommend that Council authorises an application to the Secretary of State for Housing, Communities and Local Government for consent under S32 of the 1985 Act to dispose of the land incorporating a pre-emption clause in the sale contract (as required under schedule A8 of Section 32 of the Housing Act 1985) which will grant the Council the right of first refusal when the land and buildings are subsequently sold;**
- 3. To recommend that Council authorises the use of Housing Revenue Account reserves to fund the purchase of approximately 26 new affordable homes up to a total value of £2.87m in the event that the Council decides to exercise the right of first refusal;**
- 4. To grant delegated authority to the Director of Housing and Assets, in conjunction with the Director of Legal and Governance and Chief Finance Officer, to negotiate and formalise final scheme costs, specification, pre-emption clause details, delivery and exercising the pre-emption.**

## **Reasons for Recommendation(s)**

To enable a project that will increase Ashfield District Council's housing stock and provide additional good quality affordable homes that will meet housing need in the district.

To bring back in to use, in an extremely positive and beneficial way, an area of derelict land which currently attracts fly tipping and other anti-social behaviour that is of detriment and concern to local residents.

## **Alternative Options Considered**

The alternative is to do nothing i.e. maintain the land as vacant and not allocate any Housing Revenue Account reserves to house building. This is not considered reasonable given Ashfield as of December 2018 has 4,446 applicants on the housing waiting list. The cost of the build can also be accommodated within Housing Revenue Account balances, and the opportunity provides the potential to regenerate part of the district.

## **Detailed Information**

The Council has previously set out its intention to build and enable affordable housing on Council-owned land. One of the most suitable sites is located on Davies Avenue, Sutton in Ashfield. It is a 0.6ha site which could provide approximately 26 homes, depending on the types of properties that are required (exact numbers may change within a margin once a full assessment of the land has been undertaken).

It has been considered as a potential site since the closure of the Sutton Town Social Club in 2011, and was the subject of a Cabinet report in September 2013. The report included the following recommendations, which were all approved:

- 1) Appropriate the site into the Housing Revenue Account from the General Fund, under Part II of the Housing Act 1985 to allow for a potential future social housing development.
- 2) Purchase the area owned by Rippon Homes for £10,000 (restricted for social housing use only), funded from the Housing Revenue Account, to protect access to the site.
- 3) Allow the tenants to surrender the ground lease.
- 4) Demolish the social club, funded by the Housing Revenue Account.
- 5) Explore the future potential of the site as a social housing scheme.

Due to the Council's other social housing developments, and the cost of development, it has until now not been possible to find a viable affordable housing scheme on Davies Avenue. The Council could tender for a development partner to deliver an affordable housing scheme, but would have to employ consultants to draw up tender specifications, navigate the procurement process, manage the contract and apply for its own Affordable Housing Grant via Homes England. This would significantly add to the contract sum and affect viability by extending the term by which the new homes would pay back through rent receipts.

However, in recent months officers have been discussing a potential partnership with the EMH Group. Formerly known as East Midlands Housing Association, EMH Group is a Registered Provider that has some 20,000 homes across 30 local authority areas in the East Midlands, Lincolnshire and Northamptonshire. They have a very strong presence in Ashfield and have a great deal of experience in working in partnership to deliver new affordable housing schemes as well as acquiring the affordable housing allocation on major sites. They also have their own specification

which meets the required standards but can be amended to suit Ashfield's supply chain and maintenance arrangements. EMH Group are also the only Association within the East Midlands region to be a Strategic Partner of Homes England and as such have secured £30.5m in grant to increase housing in the region. This funding can be directly applied to schemes such as the one proposed at Davies Avenue thus ensuring the viability of the project.

In order to apply this funding EMH Group would need to have an interest in the land – such as outright ownership or a long-term lease. The proposal is that the Council would dispose of the Davies Avenue site to EMH at market value so that they would build a scheme to our requirements (property types, space standards and specification). Once complete, the Council could then buy back the site - complete with all of the affordable homes secured via a pre-emption agreement before the transfer of the land.

A draft scheme has been drawn up using the information that the Council holds on the need and demand for affordable homes in the area and, subject to planning approval, it is anticipated that the site could hold approximately 26 homes. Potentially the mix could be:

- 2 x 3 bedroom fully adapted bungalows
- 8 x 3 bed terrace houses
- 12 x 2 bed terrace houses
- 4 x 2 bedroom apartments

In addition to reflecting the need in the area, the proposed scheme also provides a sustainable mixture of household types. The inclusion of the 3 bedroom bungalows also provides much needed housing for families who have one or more members with a disability. This type of property is in great demand so their inclusion will reduce waiting times, mean that fewer substantial alterations are required under the Disabled Facilities Grant scheme, and allow more families to receive assistance. Equally the Authority can set out a Local Lettings Policy to determine who the properties are let to e.g. the ground floor apartments could be exclusively for over 55's.

Another benefit to the Council would be the additional revenue from Council Tax and potentially additional New Homes Bonus that is applied to affordable homes providing the minimum percentage growth of dwellings is achieved (currently 0.4%).

Although Right to Buy will always be an issue on any new properties built for social housing, the property values themselves are protected by what is known as the 'cost floor'. This means via legislation that the Authority will receive the full cost of the building for the first 15 years of its completion. As such it is immaterial how many years right to buy discount the tenant may have they will still need to pay the Authority the full cost of the build if purchased during the first 15 years.

## Cost

The plans are at an early stage and site investigations are yet to be commissioned. However, work has been done to establish provisional costs although they may change if there are any major issues requiring remediation. It is anticipated that a scheme of this size would cost the Council in the region of £2.87m. This represents an approximate reduction of circa £30k to £40k per property from the total scheme cost which is covered by Homes England grant. In order to produce better value for the Council it is recommended that the scheme is funded by a mixture of Housing Revenue Account reserves and the utilisation of commuted sum payments that the Council has received from developers as part of their planning obligations. The specific costings, and the requirement for commuted sums, are yet to be determined until the full cost of the development is known. The deployment of commuted sums will be handled through the parameters set out in the financial regulations and council constitution.

## Disposal of the land

The disposal of vacant land is permissible under Section 32 of the Housing Act 1985 and ordinarily we would not need to seek Secretary of State consent to do so. However, due to the nature of the proposed agreement with EMH Group, the transfer contract should include a pre-emption agreement which ensures that the council has the right of first refusal on the land when it is sold upon completion of the development. The inclusion of such a clause will require Secretary of State consent (schedule A8 of section 32 of the Housing Act 1985). If the recommendations of this report are approved, the necessary application would be made and a decision expected within 6 weeks as per recent conversation with MHCLG.

## Contract

The Council would only be party to a contract with the EMH Group for the transfer of the land with the pre-emption clause included. The terms of the contract will be agreed between the Council's legal section and those representing EMH Group. Once this is done EMH Group will select a developer partner through a procurement framework and will contract with them directly. They will also lead on the planning application. Under this arrangement design and specification will be agreed between the Council and EMH Ltd before commencement.

## Timescale

It is estimated that the pre-construction phase will take up to 12 months from start to finish. This phase will include preparing and agreeing the brief, agreeing specification and design and the planning process.

The construction phase will take in the region of 18 months from start on site to practical completion.

The site can be prepared immediately following approval to demonstrate commitment and intent to local residents who are keen to see the land put back in to use rather than remain a derelict site attracting anti-social behaviour and actions.

## **Implications**

### **Corporate Plan:**

Influence housing provision to ensure that there is sufficient housing available in the district of the right size, type and quality, ensuring an adequate supply of affordable housing

Increase overall supply of affordable and appropriate homes in the district

Develop a long term sustainable business plan to enhance and expand existing Council owned housing stock

### **Legal:**

Legal issues are set out in the report and legal advice and support will be provided throughout the process.



**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	On completion of the development and transfer to the Council – additional Council Tax and potentially New Homes Bonus funding
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	On transfer of the land - £60k HRA capital receipt and on completion of the development and transfer to the Council – additional rent income
Housing Revenue Account – Capital Programme	On completion and transfer to the Council – payment of up to £2.87m for the purchase of the properties

**Risk:**

Risk	Mitigation
Land proves unsuitable without significant remediation	Topological and ground surveys to be undertaken before agreement signed
ADC and EMH cannot agree terms	Both committed to delivery of affordable housing (EMH is the regional strategic partner for such)
Unexpected costs	Viability will be tested ahead of the agreement. Commuted sums are available as internal subsidy to meet reasonable additional cost.
Unforeseen building industry issues (materials, labour, financial stability of developer)	Due to nature of agreement these will be issues for EMH to resolve. (ADC may however suffer delay on delivery)

**Human Resources:**

No HR implications contained in the report

**Equalities:**

An Equalities Impact Assessment Screening Form has been completed and submitted in accordance with the Council's policy.

**Other Implications:**

*(if applicable)*

**Reason(s) for Urgency**

*(if applicable)*

**Reason(s) for Exemption**

*(if applicable)*

The report contains commercially sensitive information

## **Background Papers**

Site plan

### **Report Author and Contact Officer**

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>HOUSING RENT SETTING 2019/20</b>		
<b>Portfolio Holder:</b>	<b>CABINET MEMBER (OUTWARD FOCUS), COUNCILLOR JOHN WILMOTT</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## Purpose of Report

This report provides information on the proposed rent level and other council accommodation related charges for council tenants for the financial year 2019/20.

## Recommendations

1. To set an average rent **decrease of 1%** for all council house rents for 2019/20.
2. To set a garage average rent increase of Consumer Price Index (CPI) only for 2019/20.
3. To set an amenity charge increase of 61p a week for 2019/20.
4. To set an increase to the communal heating charges of 3% for 2019/20.
5. To set an increase for water charges at Brook Street Court of 4% for 2019/20.

## Reasons for Recommendations

To set a 1% rent decrease as detailed in Section 23 – 33 of the Welfare Reform and Work Act 2016.

To set an increase of CPI only on garage rents to continue covering the increasing costs of maintenance and rental collection for the Council garage sites, consistent with the approach in previous years.

To increase the amenity charge to recover the near full costs of providing the services which do not fall within the provision of the rent charge.

To set an increase to the communal heating service charges. This is to cover the increase in prices from the utility company to the Council for providing the communal heating in the applicable housing court schemes.

To set an increase to the service charge for water at Brook Street Court to cover the increase in prices from the utility company to the Council for providing water at Brook Street Court.

### **Alternative Options Considered**

*(with reasons why not adopted)*

There are no other options with regards to rent setting, to not set the rents as per the prescribed reduction would be contrary to legislation.

The garage rent option considered was for a lower percentage but this would have a detrimental effect on the HRA and not cover the inflationary increase in costs incurred in 2019/20.

To not increase the amenity charge to the proposed level would mean that the service would continue to not have full cost recovery of the additional services provided and this would adversely impact the HRA balances.

The increase in the communal heating service charge is calculated to cover the costs of providing the heating to the housing court schemes. To not increase the service charge would mean the costs are inappropriately subsidised by the HRA i.e. the other rent payers.

The increase in the water service charge to Brook Street Court is calculated to cover the costs only of providing the water to the Brook Street Court tenants. This follows strict guidance from OFWAT and no other option is available.

### **Detailed Information**

#### **Rent Setting**

Under the self-financing regime, operational since 1 April 2012, landlord services are funded almost entirely from rents collected. The amount to be collected in rents has been impacted by the new legislation introduced under the Welfare Reform and Work Act 2016. With effect from April 2016 Sections 23 – 33 of the Act requires social housing rents to be reduced by 1% a year for 4 years from a frozen 2015/16 base line, 2019/20 will be the 4<sup>th</sup> year of the reduction, which includes both social rents and affordable rents. It has been calculated that this has led to a reduction of £8m worth of income to Ashfield's HRA over the 4 year period.

Beyond 2019/20 the Government has announced that future rent increases to social housing rents will be limited to the Consumer Price Index (CPI) plus 1% for 5 years from 2020/21.

It should also be noted that 2019/20 is a 53 week rent year. Rents are collected on a weekly basis.

## Rent Rebate Subsidy Limitation (RRSL)

When a Local Authority increases its average weekly rent above a limit set by the Ministry for Housing, Communities and Local Government (MHCLG), it will only receive subsidy on rebates up to the limit and will have to fund the cost of additional rebates above the limit rent itself.

The data for 2019/20 limit rents has not been released by MHCLG yet. An estimation has been made which forecasts that the average weekly rent will exceed the limit rent in 2019/20. The cost to the HRA is forecast to be £19,800. (£0.14 per week per dwelling average above the limit rent).

The consultation paper *Rents for Social Housing from 2020-21* released by MHCLG in September 2018 is addressing the RRSL, with the introduction of Universal Credit. Not all local authority tenants will be covered by Housing Benefit subsidy payments to local authorities, as is the case currently. Consequently, the Limit Rent will not control welfare costs in respect of tenants receiving Universal Credit removing the RRSL from 2020/21.

## Garage Rents

Occupancy in garages has reduced slightly over the last 12 months with no underlying trend reducing the income by £3k. The Housing Lettings team will continue to market the available garages. There is little demand for those garages that are currently empty. The garages that are currently occupied have a higher demand, with some areas operating a waiting list. It is recommended that the garage rents are increased by 2.4% for 2019/20 (September 2018 CPI 2.4%) which will generate an additional income of £4k on the occupied garages. The proposed new rents will be as shown in the table below.

	<b>Rents 2018/19</b>	<b>Rents 2019/20</b>	<b>Increase</b>
	<b>£</b>	<b>£</b>	<b>£</b>
Garages			
Band A	6.19	6.34	0.15
Band B	6.92	7.09	0.17
Band C	7.66	7.84	0.18
Plots			
Band A	0.85	0.85	0.00
Band B	1.00	1.00	0.00

## Amenity Charge

This charge contributes to the cost of providing the following existing services which do not fall within the provision of the rent: -

- Grounds Maintenance/Estate Management of housing open space
- Community Safety

Last year the charge was set to not disadvantage the majority of tenants and represented less than 50% of full cost recovery of the additional services provided. This year to recover closer to the full costs of the additional services it is recommended to increase the charge by £0.61 per week. It is envisaged that this increase will not disadvantage the majority of tenants, bearing in mind the rent decrease. With near full cost recovery being achieved on the amenities for 2019/20 (subject to

approval of this £0.61 increase), the charge in future years will only look to increase at the rate of CPI.

### Communal Heating Charges (District Heating)

Users of communal heating pay a weekly charge designed to cover the cost to the Council for providing this heating. The charges for communal heating have recently been reviewed to take account of the increase to energy costs from October 2018. An analysis of forecast costs for the scheme show that it is likely to be slightly under recovered for 2018/19 and in 2019/20 show that an increase is required in order to cover the increasing energy costs of the scheme. It is recommended that the charges for 2019/20 would need to increase by 3% to cover the increase in costs of the service in 2019/20. For comparative purposes it should be noted that the Council's own energy budget provision has been increased by 30% for 2019/20. It should also be noted that domestic Gas prices have increased by 7.5% over the last twelve months.

The proposed weekly charges for 2019-20 are:

	Heating Charge	Heating Charge	Increase
	2018/19	2019/20	
	£	£	£
Band A	10.56	10.88	0.32
Band B	11.37	11.71	0.34
Band C	11.94	12.30	0.36
Band D	12.67	13.05	0.38
Band E	13.16	13.55	0.39
Band F	13.70	14.11	0.41

### Water Charges at Brook Street Court

There is a weekly service charge payable along with the rent, to cover water charges. The charge relates to the 22 apartments only and the charge depends on whether they are tenants of a 1 or 2 bed unit. This is only for cost recovery against strict guidance from OFWAT with the Council being forbidden to make any surplus or profit on the provision of water. As water charges and water usage changes over time, the service charge will be reviewed each year to ensure it accurately reflects the costs being incurred. It is recommended that the charge for 2019/20 be increased by 4% in line with the increase levied by Severn Trent for 2018/19.

### Implications

#### **Corporate Plan:**

The financial position of the HRA has a direct impact on the Corporate Plan. Sustainability of the HRA will assist in maintaining existing homes and increase the supply of affordable homes in the district in the future.

#### **Legal:**

The Council is required by the Local Government Housing Act (LGHA) 1989 to have a separate Housing Revenue Account.



The information contained in this report details how the Council complies with the Welfare Reform and Work Act 2016 and the Housing and Planning Act 2016.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	Contained within the report.
Housing Revenue Account – Capital Programme	N/A

**Risk:**

Risk	Mitigation
Final Limit Rent lower than estimated and incurring a higher Rent Rebate Subsidy Limitation Charge	Estimates are based on previous year’s methodology.

**Human Resources:** None

**Equalities:**

Equalities implications are considered as part of the process in developing individual policy or budget changes.

**Other Implications:**

*Not applicable*

**Reason(s) for Urgency**

*Not applicable*

**Reason(s) for Exemption**

*Not applicable*

**Background Papers**

Section 23 – 33 of the Welfare Reform and Work Act 2016

**Report Author and Contact Officer**

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<b>Report To:</b>	<b>CABINET</b>	<b>DATE:</b>	<b>21 JANUARY 2019</b>
<b>Heading:</b>	<b>DIGITAL SERVICE TRANSFORMATION (HOUSING)</b>		
<b>Portfolio Holder:</b>	<b>CABINET MEMBER (OUTWARD FOCUS), COUNCILLOR JOHN WILMOTT AND CABINET MEMBER (JOINT FOCUS), COUNCILLOR CHRISTIAN CHAPMAN</b>		
<b>Ward/s:</b>	<b>ALL</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## Purpose of Report

In reference to the previous report to Cabinet on 14th June 2018, approval is now sought for recommended investment in technology required to enable a more customer centric, customer responsive and productive housing repairs function, as supported by the business case detailed in this report.

## Recommendation(s)

- 1. To approve the purchase and implementation of a mobile Housing Repairs solution incorporating a repairs module, associated licences, handheld devices and Dynamic Resource Scheduler (DRS).**
- 2. To recommend to Council approval for the release of a maximum of £250k Housing Revenue Account (HRA) funding for upfront implementation costs, and a maximum of £30k annual costs for maintenance and support to award a contract for the above solutions.**
- 3. To include the required repairs module, and associated licences, within the existing contract with Capita, in line with the procurement regulations.**
- 4. To procure a DRS solution via a relevant procurement process for 2 years with an optional extension of two further years.**
- 5. That the delegation is granted to the Director of Housing and Assets to extend the contract(s) +1 +1 at the end of the 2 year contract term.**

## **Reasons for Recommendation(s)**

Many organisations and councils have moved towards customer centric 'digital first' approaches which provide convenient and accessible services in order to meet customer expectation, investing in technology solutions to transform the way services are delivered, thereby enabling and facilitating improved customer focus, whilst also improving efficiency, productivity and reducing costs.

Our technology landscape is outdated, most systems are at end of life and we have no real online 'offer'. The Housing Repairs function lags significantly behind other Housing Providers, lacking modern technical capabilities, preventing it from working in a more flexible and efficient way, whilst being able to deliver a more effective (and enhanced) service to customers.

This report presents to Cabinet a business case, indicating how investment in technology would be a catalyst for delivering a more customer focussed housing repairs function. The business case summarised in this report also indicates strong potential for payback of the required investment realised through a more productive and agile re-structured housing repairs workforce, with reduced reliance on sub-contractors.

The Council faces future challenging financial targets in order to maintain a balanced budget. We are confident that the proposed investment will deliver future savings and efficiencies as demand for services and residents' expectations of the quality of front-line services continue to rise.

The proposed customer centric changes facilitated by IT investment in housing repairs are part of the council's digital and service transformation programme which is aimed at addressing the joint challenges of the need to continue to make savings with the increasing expectations of customers for a high-quality service. The core element of the digital transformation programme is to have organisation wide customer focus, putting the customer at the heart of everything we do, challenging our approach to delivering services, as well as looking at how we can use digital technology and new ways of working to improve how we operate, delivering an improved customer experience.

The transformation review of the repairs service has incorporated consideration of role changes including mobile working, for which a re-evaluation of relevant job roles is underway which will allow those staff currently on Ashfield Homes work contracts to transfer over to ADC contracts thus creating parity across the Council workforce.

As part of the Council's preparations for the implementation of the GDPR, it is apparent that the Council's current systems and processes in relation to officers and operatives printing off data for home visits and repairs possess a significant potential breach of data protection legislation such that a more secure process is required urgently to reduce this risk.

The required financial envelope for the upfront costs of this project is proposed as a maximum of £250k for implementation and application licensing, with ongoing support and maintenance costs should not exceed £30k per annum. These costs will be funded via the Housing Revenue Account (HRA). This is within the financial estimates provided by the current housing line of business system supplier. The exact costs cannot be guaranteed until the procurement evaluation process is complete.

The introduction of modern working arrangements, particularly mobile working and dynamic work scheduling will result in large productivity gains. However, in order to deliver the savings and productivity gains, additional investment in current IT infrastructure and resources will be required.

## **Alternative Options Considered**

Do nothing is not considered an alternative based on the significant and pressing operational and strategic benefits which can be delivered by implementing new technology which facilitates improved ways of working, benefitting both the customer and the council. Expected customer benefits would be:-

### **Faster Service Delivery**

- The housing repairs service will be faster and more responsive, being able to complete more responsive repairs daily, reducing the time it takes for issues to be fixed.
- Whilst on site operatives will be able to record any additional work required, immediately allocate the work, obtain the materials and complete the work without the requirement for further visits.
- Reallocation of resource will enable void turnaround times to be reduced allowing prospective new tenants to move in quicker.

### **Enhanced Customer Experience**

- There will be more flexibility in scheduling jobs and reacting to situations as they arise, being able to respond more effectively to customer needs.
- Tenants will be proactively informed with confirmations and reminders via text message the evening before, on the morning of the appointment and also a reminder whilst en-route, thereby reducing no access and re-bookings and increasing first time fix rates, reducing the need for further visits which can be inconvenient.

### **Enabling Customer Independence**

- Investment will facilitate future self-serve and 'self-appointing' opportunities.
- Using digital devices tenants will be able to report, book, and track progress of repairs online, at a time and place of their choosing, increasing accessibility and engagement

## **Detailed Information**

### **1. Background**

Over recent years Housing Providers have significantly altered their approach to the delivery of frontline Housing Services, this is principally due to; advancements in mobile technology, the need to enhance how customers are dealt with as individuals and to also help mitigate additional cost pressures such as the 4 year 1% rent reduction and the potential income loss created by the introduction of Universal Credit.

As Ashfield Homes, the Housing Service lacked adequate IT investment and this trend has continued to a point where the service now lags significantly behind other national and local Housing Providers with the current service delivery model being questioned by both customers and staff alike. Our last two previous accreditation visits from Housing Quality Network have suggested that the service move to mobile working with required IT investment in order to retain recognition as a good/excellent housing provider.

The Council currently provides responsive repairs services to approximately 6,800 properties, responding to around 42,000 calls per annum to the Repairs Call centre and delivering around 39,000 responsive repairs annually of various kinds.

## 2. Current Methodology – Impacts on the Customer/Tenant

Currently service response to a customer repair is determined by a priority timescale which is set by the Council based on the Right to Repair Regulations, rather than repairs completions appropriate to customer needs and expectations. Most repairs requests are received via telephone to the Repairs Call Centre.

Due to outdated technology solutions, separate visits can often be made to the same customer for every repair they raise (even if several are active at the same time), despite manual administrative processes aimed to combine visits to the same property. This is further impacted by the allocation of work to specialist and distinct repairs trade roles, requiring additional visits if the job demands two or more separate trades to complete the repair.

Current working arrangements and working practices are inefficient. Operationally, Repairs Operatives come in to the depot every morning to pick up their job tickets, materials and van for the day and then return back to the depot in the evening (in works time) to return the van. Jobs are manually organised, with Team Leaders printing off job tickets, sorting and allocating to trades operatives on a daily basis. This is wasteful and time-consuming and is a major contributor to poor productivity, which has a knock on impact of how fast repairs can be completed.

There is little flexibility in scheduling jobs and reacting to situations such as operatives running late or booking emergency orders, which can impact upon the customer experience. For example, any changes to/ or further repairs noted whilst attending the property cannot be immediately allocated and would require raising of further work tickets and future visits, inconveniencing the tenant.

The current arrangements for reporting repairs electronically are very underdeveloped in comparison with many other organisations. There are limited opportunities for customers to report repairs directly via modern systems such as web-based self-reporting, repair diagnostic and ordering systems. There are very limited opportunities for customers to review, progress chase, update and change repairs appointments. Text messaging and other modern electronic means of communication with customers is underdeveloped. Absence of a facility of this type, enabling customers to access the service directly is recognised as a key weakness.

## 3. Current Methodology – Operational Impacts

The current repairs ordering processes are traditional, paper-based systems, with paper based works instructions and materials ordering systems. Works ordering, closure and financial completion systems are inefficient and time-consuming. Current processes and workflows are outmoded. They also lead to a lot of duplication and repetitive processes in day-to day tasks such as job completion and amendments.

As mentioned previously, current working arrangements and working practices are inefficient.

With little foresight or intelligence as to what repairs are in the system and who is undertaking them, the stores facility has to hold enough materials to cater for all eventualities regardless of demand or seasonal issues. There are gaps in the adequacy of current system capability for easy to access to meaningful data

The introduction of appropriate technology will enable operatives to receive work to their device the night before and attend site straight from home the following morning, with the system allocating the first job as close to home as possible (recognising the skills needed) to reduce travelling time and associated costs.

Time will be saved each morning by operatives not queuing up to pick up their van, materials and job tickets. The new system capabilities will enable 'planner/scheduler' roles to have detailed understanding of what stock is on the van and required replenishment. Similarly at the end of the day the operative can work later in the properties as they have no need to travel back to drop the van off at the depot site.

Studies undertaken by both the Housing Quality Network and also one of the potential solution suppliers indicates efficiencies yielded by the van movements will improve productivity enabling each operative to be able to typically perform at least one extra job per day.

It is important to recognise that the Council will in any given year contract out anywhere between £5 and £9 million pounds of additional work to external contractors to do repairs, servicing and improvement works to Council Houses and/or corporate buildings. Given that the contractor will make a good margin on such work there is no reason as to why the extra capacity gained via the DRS is not used to undertake this work ourselves in-house.

Currently, 21% of reported responsive repairs are completed by sub-contractors which totals approximately £474,800 per annum. This includes elements of specialist work, such as roofing, which cannot be completed by in-house resources.

#### 4. Technical Capability Gaps – Opportunities to Improve

The customer journey and operational process can be improved significantly by the implementation of a mobile working solution based around what is called a Dynamic Resource Scheduler (DRS):-

- A single optimised work plan for all tasks irrespective of if they are planned, cyclical, complex or emergency tasks for today, tomorrow, next week, next month, the next year etc.
- Matches the workload with the available resources and provides visibility for periods where an organisation is under or over-resourced
- Accept (from existing repairs back office) new work requests (jobs) and make optimised appointments bookings
- Work plans are optimised up to the point where jobs are dispatched to the field workforce
- Live feeds from worker mobile devices are then used to dynamically re-optimize the work plan in response to the emerging day; in order to ensure efficiency, customer service, and repairs targets are met

It should be noted that two versions of DRS are available which link to the Capita Housing system via existing licenced middleware. One is used commonly across the Housing sector (and with various Housing systems), the other is an existing scheduling system which will require further work to be fully optimised for a housing environment. The relative maturity of the systems reflects on the pricing and amount of work required in-house to develop the product specifically for Ashfield.



Example of scheduling screen

## Appointment Booking

Currently when repairs are reported via the Repairs Call Handling Centre (RCHC), customers are asked to express a preferred date / time. The RCHC do not have system capability to be able to view the availability of an appropriate tradesperson who is most efficiently located with appropriate skills whilst offering appointment slots.

Within the proposed solution, when a job is raised the DRS scheduler will use the location, the planning window, the Schedule of Rates (work required to be undertaken), any business / tenant information (such as language, gender, etc.), skills required, etc.

The scheduler will analyse the job requirements in real-time using algorithms to give the best matches to the available resources i.e. those in work and whose sectors cover the postcode area for the location, matching their skills, as defined in the scheduler, and combinations of the other system and user-defined tenant scheduling preferences.

The scheduler also calculates proximity to the location and calculates the global travel distances to the job for each available appointment slot and will display efficiency of the slots by highlighting the shortest travel time.

Appointment slots are then displayed as defined specifying am/pm and school run (this could be AM / PM only, 2 hour slots, all day slots, etc).



The slots displayed above are showing actual availability of a resource within that time slot and are also indicating the efficiency of that slot (based on travel time). As an example, the green slots might mean 0 – 20 minutes travel (from another job within that slot), the teal might indicate 20 – 35 mins travel, azure blue might indicate 35 – 60 minutes travel, and yellow greater than 60 minutes travel.



## Automated Appointment Confirmation and Reminders

The proposed solution is capable of sending automated text message and email reminders to tenants, typically (but not limited to) at the following stages of a job:

- Confirmation of Repair Appointment at time appointment booked
- Reminder of appointment (typically the evening before)
- Reminder of appointment (on the day of the appointment)
- On Route message (as the tradesperson indicates they are traveling to the job via the mobile application)

These pro-active notifications are proven to reduce no-access with current DRS supplier reference sites demonstrating 50%+ reductions. The council's current on-access performance is reasonable and we expect further improved performance. Measures will be put in place to assess the extent of the successful delivery of benefits of the proposed IT investment.

## Further Potential

The investment sought for additional technology capability is intended to most significantly improve the operational housing repairs function, with associated productivity efficiencies. With intended future investment in 'core' organisation wide customer focussed solutions, as part of the overarching Digital Transformation Programme, there will be future opportunities to integrate these solutions in order to offer customers the ability to report a repair, select and optimise an appointment on-line, without any potential involvement with the contact centre, channel shifting demand to suit the customer.

Naturally for this transformation to happen it requires the purchase of the DRS and the mobile solutions and devices to both allocate the jobs in real time and for operatives to feedback when they finish a job and what materials they have used in order to maintain the stock levels and re-ordering requirements.

## 5. Skills Gaps – Opportunities to Develop Employees

The skill base of the operatives is traditional and trade based. Modern and up-to-date DLOs have a high level of multi skilling and flexibility in the skill base of the workforce. The lack of multi skilling is a further barrier to productivity.

Critical to the success of the DRS system are also changes to how our workforce operates. First and foremost operatives will need to become 'multi skilled' in order to complete a wider variety of repairs e.g. a plumber will not only need to fit a bath but then also need the skills to apply the tiles around it (to negate the need for another operative to attend) and then perhaps in addition ease a door within the property, because the customer has raised a separate repair for it to be done.

To this end the operatives can also gain a formal qualification by the virtue of being recognised as a multi skilled trades person. (This has already been discussed with staff and in reality is not such a major step as it already happens on many jobs either in a work capacity or if they were doing work in their own/relations homes).

Often multi skilling is implemented as part of mobile working since, one of the key elements of the delivering an efficient repair service is to allocate work to appropriately skilled trades operatives. The more multi skilled operatives within the workforce of the organisation then the easier it becomes to allocate work and manage resources.

Many organisations have achieved significant efficiency gains by removing the need for the duplication of visits, multiple trade visits to properties and associated follow on work from secondary trades by increasing the level of multi skilling in the workforce.

A restructuring of the DLO would also be required in order to maximise the benefits of mobile working and more flexible working arrangements.

## **Investment Costs**

Indicative costs associated with the required investment in technology are as follows;

### Upfront Costs:-

• Repairs module	£17,820
• Licences	£40,390
• DRS	£149,380
• Allowance for Mobile Devices & Hardware	£40,000

**Sub Total** **£247,590**

### Annual Costs:-

• Annual Support costs	<b>£26,000</b>
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The maximum estimated total sum of contracts will be £351.2k over four year contracts. The exact costs cannot be guaranteed until the procurement evaluation process is complete.

Potential upfront HR associated costs have not been estimated or factored into this business case as the restructure associated with the technology investment and changed ways of working has not been finalised. This is scheduled for completion by early summer 2019. However, due to redeployment opportunities as a result of vacancy levels within the service, this is not expected to be significant.

## **Expected Efficiencies and Payback**

### 1. Increased Productivity and Reduced Sub-Contracting Costs

The housing repairs service currently sub-contracts a significant amount of work, particularly that related to plumbing and heating, with anything between 2 and 4 sub-contract engineers attending the depot operations counter daily to collect work.

The potential improved productivity associated with the implementation of a DRS has been quantified as follows:-

#### Current Position

Number of responsive plumbing and heating engineers when fully resourced internally	10
Average number of jobs completed per day per operative	4
Total plumbing and heating jobs completed per day	40
Total plumbing and heating jobs completed per year (x 200 working days per year)	8000
Average labour job cost of plumbing and heating sub-contractors	£45

## Revised Position

Number of responsive plumbing and heating engineers when fully resourced internally	10
Average number of jobs completed per day per operative – increase of at least 1 job per day	5
Total plumbing and heating jobs completed per day	50
Total plumbing and heating jobs completed per year (x 200 working days per year)	10000
Average labour job cost of plumbing and heating sub-contractors	£45
Additional jobs completed internally	2000
<b>Sub- contractor efficiencies (2000 less jobs at £45)</b>	<b>£90,000</b>

Modelling based on improved productivity also indicates the potential for additional efficiencies from:-

- Other trades and reduced contracting out of work
- Ability of housing repairs function to take on other work streams which are currently contracted out, such as; 'major works' streams like replacement of kitchens and bathrooms, rewires; and repairs and improvements to non-domestic assets/ public buildings
- Reduced fuel costs and a reduction to the carbon footprint

The intention is to determine more accurately these efficiency opportunities 12 months post implementation of the technology solutions identified for investment. Data and efficiencies are also reliant on being able to recruit sufficient staffing members.

## 2. Revised Staffing Structure

With additional technical capabilities, the current ways of working and required skills and capacity of the housing repairs function have been reviewed indicating the following:-

Current staffing costs	£3,287,242
Proposed indicative staffing costs	£3,202,897
<b>Potential staffing efficiencies</b>	<b>£84,345</b>

The above costs are indicative and subject to job evaluation (scheduled to complete by March 2019)

## 3. Other Efficiencies

Reduced travel associated costs, such as fuel, are anticipated however are still to be determined  
Reduced printing and paper cost reductions are estimated at £2,000 per annum

## 4. Total Minimal Expected Efficiencies

Efficiencies analysed at this stage of the review indicate a total of around £176,000 savings per annum with significant potential for further efficiencies.

The table below identifies the payback period for the technical investment, of 3.4 years. There is a strong possibility of reduced development costs dependent on the outcome of the procurement evaluation for IT investment, which would make the business case and payback more beneficial. It should also be noted that completion of restructuring which will provide more in-depth knowledge of HR related upfront costs that have not been factored into this financial model, however is not expected to be significant.

The payback model implies a strong business case for investment and return, indicating around £76k net return by the end of the third year contract period and ongoing net efficiencies of around £150k per annum.

	Year:	0	1	2	3	4	5
Costs							
Total Cost Of Development		-247,590.00					
Minimum Revenue Provision (MRP)			0.00	0.00	0.00	0.00	0.00
Borrowing Cost		0.00	0.00	0.00	0.00	0.00	0.00
Internal Interest Rate Lost		0.00	0.00	0.00	0.00	0.00	0.00
Other costs (e.g. maintenance)			-26,000.00	-26,000.00	-26,000.00	-26,000.00	-26,000.00
<b>Total Expenditure</b>		<b>-247,590.00</b>	<b>-26,000.00</b>	<b>-26,000.00</b>	<b>-26,000.00</b>	<b>-26,000.00</b>	<b>-26,000.00</b>
Potential Return / Saving			58,666.67	176,000.00	176,000.00	176,000.00	176,000.00
Cumulative Present Value		-247,590.00	-214,923.33	-64,923.33	85,076.67	235,076.67	385,076.67
Discounted Cashflow		1.000	0.966	0.934	0.902	0.871	0.842
<b>Net Cumulative Present Value</b>		<b>-247,590.00</b>	<b>-207,655.39</b>	<b>-60,606.63</b>	<b>76,734.28</b>	<b>204,855.73</b>	<b>324,224.22</b>
<b>Payback period (years)</b>	<b>3</b>				<b>3</b>	<b>4</b>	<b>5</b>
Net Cumulative Present Value	324,224.22						
Average Cumulative Present Value	64,844.84						
Return on Investment	131%				<b>2.4 years</b>		

## Implications

### Corporate Plan:

The implementation of an agile workforce will reduce the over-head costs of delivering the Housing Repairs service. This is money which can be used to both improve existing stock and potentially build additional housing units

New methods of working will allow for the alignment of staffing contracts across the Council, whilst assisting in staff development via initiatives such as a multi skilling qualification.

Modernising the Housing Repairs Service demonstrates a reinvestment of efficiencies gain through the transfer back in to front line services which directly interface with the customer.

### Legal:

The Council has the power to enter into contracts in order discharge its functions (Local Government Act 1972, s111 and the Local Government (contract) Act 1997, s1). The Local Government Act 1972 requires the Council to have regulations for how it enters into contracts. In addition to complying with all relevant UK and EU legislation every contract entered into on behalf of the Council must also comply with the Council's Contract Procedure Rules and the Council's Financial Regulations. The Council has approved standing orders relating to contracts.

Contract Procedure Rule 3 enables Chief Officers to recommend the use of Framework Agreements. The requirements set out in Rule 3 should be complied with when seeking to enter into a Framework Agreement, should this be the most appropriate route.

EU procurement regulations state that you can vary existing contracts by up to 50% of the original total value

In accordance with Financial Regulation B, approval of additional budgets falls to Council.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	N/A
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	<p>Once the project costs are finalised following the procurement evaluation, the optimum funding solution will be implemented which will include some or all of the following funding sources:</p> <ul style="list-style-type: none"> <li>• Cashable savings from investment in the new technology</li> <li>• Revenue funding from the HRA Technology Investment Reserve</li> <li>• Prudential borrowing (if any up front technology investment elements of the project are capitalised) may not be required</li> </ul> <p>There could be potential HR related costs as a result of a future proposed restructure. These are still to be determined.</p>
Housing Revenue Account – Capital Programme	

**Risk:**

Risk	Mitigation
<p>Failure/non-compatibility of software/hardware</p> <p>The mobile vision is a significant departure from the current operation</p>	<p>Both software and hardware for Capita mobile working is fully operational in multiple other housing departments/providers</p> <p>DRS options are limited with availability of a tried and tested system, with some solutions still in development for the sector.</p> <p>Opportunity to work in partnership with potential suppliers in the development of can be examined through the procurement exercise.</p> <p>Other Housing providers have nearly a decade of experience of this model. ADC has strong connections with such organisations to assist and learn from.</p>

<p>GDPR/Data Protection breach</p> <p>Inability to retain and recruit to key trades in order to replace contractors</p>	<p>A move to electronically encrypted devices will eliminate the need for officers/operatives to carry around print offs and tickets which contain names, addresses and other personal data.</p> <p>Roles will be placed through the Council's Job Evaluation/Job Families. Multi—skilling Training qualification to be made available.</p>
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**Human Resources:**

Investment in the aforementioned system capabilities will facilitate changes to the way the housing repairs service operates and therefore changes to current working practices, most significantly the ability for operatives to receive work directly to a mobile device and then able to attend site straight from home.

A re-evaluation of associated job specifications has already commenced taking into account changes to working practices and impacts upon roles within the current structure. This work is scheduled to complete by April 2019 and will incorporate the opportunity to transition affected employees from AHL to ADC contracts.

Formal consultation in regards to HR related changes will be undertaken with affected employees throughout the summer.

**Equalities:**

Enables a fully agile service where officers can visit all tenants in their own homes to offer help, support and guidance with up to date information and real time actions is a significant service enhancement from an equalities perspective. No existing route to access housing services will be withdrawn at this stage.

**Other Implications:**

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

**Background Papers**

*none*

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