

**ASHFIELD DISTRICT COUNCIL**



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

## Agenda

### Cabinet

Date: **Monday, 25th November, 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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For any further information please contact:

**Lynn Cain**

[l.cain@ashfield.gov.uk](mailto:l.cain@ashfield.gov.uk)

01623 457317

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# **CABINET**

## **Membership**

**Chairman:**

Councillor Jason Zadrozny

**Councillors:**

Kier Barsby  
Samantha Deakin  
David Martin  
Helen-Ann Smith  
John Wilmott

Melanie Darrington  
Tom Hollis  
Matthew Relf  
Daniel Williamson

## **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.



**Carol Cooper-Smith**  
**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 7th October, 2019. 5 - 8
4. Revision of Parking Order. 9 - 48  
**Key Decision**  
Deputy Leader of the Council and Portfolio Holder for Streets, Parks and Town Centres: Councillor Helen-Ann Smith
5. Leisure Transformation - Procurement of the New Leisure Centre Operator Contract. 49 - 52  
**Non-Key Decision**  
Deputy Leader of the Council and Portfolio Holder for Health and Leisure: Councillor Tom Hollis
6. Domestic Abuse Policies. 53 - 84  
**Key Decision**  
Portfolio Holder for Housing: Councillor Kier Barsby  
Portfolio Holder for Community Safety: Councillor Daniel Williamson
7. Town Centres Funding. 85 - 90  
**Key Decision**  
Portfolio Holder for Place, Planning and Regeneration: Councillor Matthew Relf
8. 2019/20 Quarter 2 Forecast Outturn for General Fund, Housing Revenue Account (HRA) and Capital Programme and Revised Proposed Capital Programme 2019/20 to 2023/24. 91 - 112  
**Key Decision**  
Portfolio Holder for Finance: Councillor David Martin

**9. Regulation of Investigatory Powers Act 2000 (RIPA) - Update.**

113 - 148

**Non-Key Decision**

Portfolio Holder for Corporate Communication, Governance and  
Cross Portfolio Support: Councillor Melanie Darrington



## CABINET

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

on Monday, 7th October, 2019 at 10.00 am

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

Councillors Kier Barsby, Melanie Darrington,  
Samantha Deakin, Tom Hollis, Matthew Relf,  
Helen-Ann Smith and John Wilmott.

**Apology for Absence:** Councillor David Martin.

**Officers Present:** Craig Bonar, Lynn Cain, Carol Cooper-Smith,  
Ruth Dennis, Katherine Green,  
Theresa Hodgkinson, Peter Hudson, Mike Joy,  
Paul Parkinson and Shane Wright.

**In Attendance:** Councillor Chris Baron, Councillor Dale Grounds  
and Councillor Andy Meakin

### **CA.24 Declarations of Disclosable Pecuniary or Personal Interests and Non Disclosable Pecuniary/Other Interests**

No declarations of interest were made.

### **CA.25 Minutes**

RESOLVED

that the minutes of the meeting of the Cabinet held on 16<sup>th</sup> September, 2019  
be received and approved as a correct record.

### **CA.26 Scrutiny Review: War Memorials**

Members were presented with the final recommendations resulting from the  
Scrutiny Review of War Memorials undertaken by Scrutiny Panel B from June  
to September, 2019.

The Leader of the Council took the opportunity to announce that the War  
Memorials Trust, following a funding application process for the four priority  
war memorials, had awarded just under £6,000 towards their cleaning and  
restoration. The work was due to commence imminently and would be  
completed in time for this year's Remembrance events across the District.

Members considered the alternative option of declining to accept the final  
recommendations but acknowledged that longer term planning for the upkeep  
and information sharing of war memorials was important for the Council and its  
residents.

RESOLVED that

- a) approval be given for the development of a brief protocol focusing on the four priority war memorials previously identified, setting out the Council's key principles with regards to maintenance, engagement, and partnership working;
- b) the enhancement of existing webpages on the Council's website be undertaken to provide further information on maintenance work, events, and community guidance regarding war memorials.

Reason:

to conclude the War Memorials topic review, as added to the Scrutiny Workplan 2019/20 in June 2019 and to safeguard the future upkeep of the War Memorials located across the Ashfield District.

## **CA.27 Leisure Transformation Programme**

Cabinet was requested to note the works undertaken to improve the facilities at Hucknall Leisure Centre and consider a request to commence negotiations for the potential withdrawal of the Council from the operational management of Edgewood Leisure Centre.

Members considered the alternative option of retaining the current operational position but recognised that this did not allow the Authority to achieve the aims of the Corporate Plan through asset rationalisation as recommended in the Leisure Facilities Strategy.

RESOLVED that

- a) the works undertaken to improve the facilities at Hucknall Leisure Centre and the plans to consider further improvements of a combined spend up to the value of £1.3m as part of the new Leisure Operator contract tender, be noted and endorsed;
- b) delegated authority be granted to the Director of Place and Communities, in consultation with the Leader of the Council, to enter into discussions with the Governing Body of Edgewood Primary and Nursery School to come to a mutual agreement regarding the Council withdrawing from the operational management agreement for Edgewood Leisure Centre;
- c) in accordance with Article 12 of the Constitution, the Director of Legal and Governance be authorised to complete, sign and serve any documentation which is necessary as part of the mutually agreed withdrawal from the operational management agreement for Edgewood Leisure Centre on the instructions of the Director of Place and Communities and in consultation with the Leader of the Council.

Reason:

A key project within the Ashfield District Council Corporate Plan (2019 to 2023) is to prioritise the health and wellbeing of the residents of Ashfield and to implement the agreed outcomes from the Leisure Transformation Programme by exploring and implementing options for the future of the Council's Leisure Centre stock.

Approval of the recommendations will enable the Leisure Transformation Programme to continue to be developed to the next stage, including capital investment into Hucknall's leisure offer and the delivery of revenue savings through an "invest to save" approach resulting in a reduction in revenue costs at the point where the Council retenders the leisure operator contract.

#### **CA.28 Sutton Lawn Access Route Closure**

Cabinet was requested to consider implementation of the closure of the access route for vehicles travelling through Sutton Lawn Park but retaining the pedestrian public right of way.

Members considered the following alternative options:-

1. To leave the access route open to traffic: a recent traffic survey had identified the high volume of vehicles using the site (more than 1 per minute during daytime hours). The risks to the public due to high numbers of cars and speeds above the speed limit therefore remained. The access route was not designed to highways specification and this meant that the road surface was likely to deteriorate thus contributing towards risk of injury to pedestrians or damage to vehicles, potentially resulting in compensation claims.
2. To increase traffic calming measures: existing traffic calming measures already installed included road humps and speed limit signage. Additional measures would have minimal effect on reducing car numbers as there is already a significant number of cars speeding even with existing traffic calming measures in place. The section of access route with calming measures is not adopted highway therefore speed control measure are unenforceable.

#### **RESOLVED**

that approval be given to close the mid-section of Lawn Lane to vehicles between the upper and lower car parks at Sutton Lawn Park to prevent vehicular traffic cutting through between Station Road and Coxmoor Road.

#### **Reason:**

An increasing population and congested roads are encouraging more car users to take a short cut through the public open space increasing the risk in particular to children and wheelchair/mobility scooter users.

#### **CA.29 Parks and Green Spaces Projects Update**

Cabinet was requested to note the £2.6m investment and improvements completed on the Council's parks and green spaces in 2019 and receive a further update on current and future projects.

As the report was for information only, there were no alternative options for Members to consider.

RESOLVED

that the update report in relation to the investment and improvements completed on the Council's parks and green spaces in 2019 including current and future projects, be received and noted.

Reason:

To keep Cabinet Members updated regarding investment and improvements completed on the Council's parks and green spaces across the District during 2019 including any plans for future investment.

The meeting closed at 11.20 am

Chairman.

<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>25<sup>th</sup> November 2019</b>
<b>Heading:</b>	<b>REVISION OF PARKING ORDER</b>		
<b>Portfolio Holder:</b>	<b>CLLR HELEN-ANN SMITH - DEPUTY LEADER AND PORTFOLIO HOLDER FOR STREETS, PARKS &amp; TOWN CENTRES</b>		
<b>Ward/s:</b>	<b>ALL WARDS</b>		
<b>Key Decision:</b>	<b>YES</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

### **Purpose of Report**

To agree the proposals detailed in the report regarding changes to parking provision and charges and to agree to undertake the process to revise the Council's Parking Order.

### **Recommendation(s)**

- 1. To agree the proposals detailed in the report regarding changes to parking provision and charges (and to note proposals agreed at February 2019 Cabinet)**
- 2. To agree to undertake preparations to commence the legal process for varying the existing Ashfield District Council Civil Enforcement Off Street Parking Order.**
- 3. To agree the publication of the Ashfield District Council Civil Enforcement Off Street Parking Places Variation (No 2) Order 2019**
- 4. Delegate authority to the Portfolio Holder to enact the proposed future changes to the order as and when required and to make any minor amendments to the order, plans and other documents as required.**

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

To ensure that the Parking Order is up to date to reflect changes in parking provision and to provide flexibility for future changes which may be required.

### **Alternative Options Considered**

Not to revise the Parking Order. **Not recommended**; the order needs to be revised due to changes in charges and car park provision.

### **Detailed Information**

The Council's current Parking Order came into operation on 1<sup>st</sup> February 2016. There are a number of changes required to the order which are required to be implemented now, and a number required for the future which will remain dormant within the new order until they are ready to be enacted.

## 1. Parking provision agreed at Cabinet 18<sup>th</sup> February 2019

The following changes in parking provision were agreed at Cabinet on 18<sup>th</sup> February 2019 to support town centres and green travel:

- a) Revise the current car parking charges as follows:
  - 1 hour - free - no change
  - 2 hour - £0.60 - retain with some free spaces (for up to 2 hours)
  - 4 hour - £1.50 - increase to £2.00
  - 12 hour - £2.00 – increase to £4.00.
  
- b) Provide up to two hours free parking in the three main town centre car parks within a number of designated and 'marked out' spaces, as follows:
  - Piggins Croft, Hucknall – 35
  - Hodgkinson Road, Kirkby – 8
  - Sutton Market Place - 12
  
- c) The installation of electric vehicle charging points within a number of car parks within the District. This will support the development of the charging point network across Nottinghamshire, supporting increased use of electric vehicles and a reduction in air pollution.
  - Central Council Offices, Urban Road, Kirkby 4 Twin outlets 7 kW - 8 charging bays
  - New Street Car Park, Sutton 4 Twin outlets 7 kW - 8 charging bays
  - Kings Mill Reservoir, Sutton 1 50 kW Rapid Charger – 2 charging bays
  - Piggins Croft Car Park, Yorke Street, Hucknall 1 50 kW Rapid Charger – 2 charging bays.

All sites are now in use and have delivered over 1MW of renewable energy to help reduce CO<sup>2</sup> emissions in the district.

Standard charges will apply to the electric charging bays and they will not be available for two hours free parking. The rapid charge points will fully charge a car within 45 minutes and therefore one hour free parking is sufficient for these bays.

- d) Increase the area of land covered by the Parking Order at Piggins Croft car park, Hucknall to include the area acquired during the purchase of the property occupied by Wilkinson's and Central Walk retail properties. This will ensure effective enforcement action can be undertaken when necessary.

It was agreed at the February Cabinet meeting that officers start undertaking preparations to commence the legal process for varying the Parking Order and that £24,200 be allocated from the Regeneration Reserve to fund the costs associated with a new Parking Order, upgrading of parking machines and line marking for the two hour free bays.

## 2. New Parking Order

The following changes and additions are also recommended to be included within the new Parking Order, the proposed schedule for the new Parking Order is included at the end of this report:

## 2.1 Kings Mill Reservoir car park

- a) Incorporate the existing car park and access road within the Parking Order and introduce charges as follows:

1 hour - free

For every 2 hours thereafter - £1.00.

The access road is to be included to prevent parking on the road through enforcement, a plan of the area is included at the end of this report. This proposal would be implemented immediately.

The cost of the works would be covered by the approved budget for the Heritage Lottery funded scheme.

- b) Incorporate area for a planned second car park into the order.

Funding for a second car park was supported through the capital gateway process and is included in the capital programme update for November. If supported by Cabinet the proposed revised Capital Programme will be considered by Full Council in February. If approved, the project will be implemented from March 2020 onwards. Future income from the parking tariff will cover the investment and repayment plan.

The car park at Kings Mill Reservoir regularly reaches capacity at peak times increasing overspill and parking along the access road. The reservoir site is one of the District's key visitor destinations and with investment from the Heritage Lottery Fund will see consistent growth in visitor numbers over the next few years.

Funding to increase the parking capacity by 38 spaces has been secured through the Heritage Lottery Funding (HLF). HLF stipulated that increased sustainability of the site was incorporated within the project to include site management and income generation for reinvestment. **This is the reason why charges are being introduced.**

Options for introducing parking changes at the site have been considered, which would minimise the impact on current visitors and provide an income which would support the management of future sediment deposits and water quality. The visitor usage surveys indicated that over 70% of visitors stay less than one hour. The proposed tariff allows for the first hour of parking to be free to minimise the impact on existing users.

Leisure options to diversify the offer for visitors and increase dwell times were explored in 2018. A series of options are now being developed with project partners, however to service the additional leisure growth, the parking provision would need to increase.

## 2.2 Hodgkinson Road and Festival Hall car parks

To reduce the maximum stay from 12 hours to four hours at both car parks to increase throughput capacity during the construction of the new Kirkby leisure centre and the demolition of Festival Hall.

The new leisure centre is being built behind Festival Hall to ensure that the existing centre remains open during construction, to ensure continuity of provision and that any loss of customers/ income is minimised. There will be no parking provision on the Festival Hall site during the construction period and therefore increased demand at Hodgkinson Road. To manage this it is recommended that the maximum stay is reduced to increase turnover and capacity. We are currently undertaking survey work of car park usage at both sites and identifying alternative sites for the provision of long stay

parking. Currently c.30 spaces are used for long stay parking each day during the week by local businesses.

It is recommended that the above proposal is included in the new Parking Order but remains dormant until alternative long stay provision is identified. This proposal would need to be implemented prior to site set up for the construction of the new leisure centre (estimated October 2020) and would be reviewed six months after the demolition of Festival Hall.

### **2.3 Market Yard Kirkby**

Through the town team, retailers have suggested that this area (adjacent to the rear of Boyes) could be used more productively for car parking as well as deliveries. Making the area more accessible and better used should reduce fly tipping, increase natural surveillance and security and reduce pressure on other parking areas.

It is recommended that the above proposal is included in the new Parking Order but remains dormant until issues around ensuring delivery vehicle movements, lighting and pedestrian routes are resolved.

### **2.4. Charges**

It is recommended that season tickets are removed from the Parking Order and included within the annual fees and charges. These can then be reviewed annually as per other charges. A Parking Order cannot incorporate increases in charges and is only reviewed as and when necessary which is generally every few years. The proposed new charges have been benchmarked with neighbouring authorities and represent value for money and a saving of c.48% compared with the daily charge (based on a daily ticket for 5 days per week for 48 weeks).

It is recommended to increase the charge for season tickets as follows:

- Quarterly Season Tickets – increase from £70 to £140
- Annual Season Tickets – increase from £280 to £500

The potential for the introduction of overnight parking charges has been reviewed with the expert external adviser from a neighbouring authority who is overseeing the new order. His advice is that it is too complicated to introduce charges; with the older ticket machines a two ticket option with separate buttons (one for the daytime and the other for evening) is required with both tickets needing to be displayed at the same time. From their experience people often pressed the wrong button and they have now removed the evening charge in their car parks due to complaints and the number of challenges to penalty notices.

Alternatively we could introduce an additional tariff so that for example up to 8 hours was £4.00 and then over 8 hours was £5.00, however this wouldn't be the same on a Saturday as it would need to be free running into the Sunday morning.

Given the advice provided it is not recommended to introduce overnight parking charges.

## **3. Parking Order process**

The process begins with a 28 day consultation period, if objections are received the authority is required to hold a public inquiry. It is therefore recommended that a pre-consultation of twenty eight days is undertaken to identify any concerns regarding the proposed changes. This pre-consultation period would identify any objections which could then be addressed before the formal consultation commences in an effort to avoid the need to hold a public enquiry. If major objections are received these would be reported to a future Cabinet to review before proceeding further.



Following the formal consultation period a notice of variation is placed in the press and on the Council's website together with the display of the notice at each of the car park locations at least 21 days before the variation comes into force.

New signage will be required at the existing sites for the new charges, together with reprogramming of ticket machines.

### 3.1 Key timeframe and dates:

- 29 November 2019 - Send out letters to consultees, mail shot, website, reception
- 30 December 2019 - Draft notice of proposal consultation close
- 07 February 2020 - Public advert, erect site notices, send out letters, website, reception
- 09 March 2020 - Notice of proposal consultation close
- 03 April 2020 - Seal the parking places order
- 13 April 2020 - Public advert, erect site notices, send out letters, website, reception
- 18 May 2020 - New parking places order comes into force

### 3.2 Costs

It was agreed at the February Cabinet meeting that £24,200 be allocated from the Regeneration Reserve to fund the costs associated with a new Parking Order, upgrading of parking machines and line marking for the two hour free bays. We are reviewing the type of upgrade required to the ticket machines to ensure that it is future-proofed, for example a card payment feature. This could potentially increase costs and it is therefore recommended that a total of £30k is made available from the Regeneration Reserve to cover costs.

### Implications

#### **Corporate Plan:**

The proposed new parking order will support the following priorities: Economic Growth and Place and Cleaner and Greener.

#### **Legal:**

The relevant legal process for the varying of a car park order are set out in the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 SI 1996/2489. If the recommendations are approved, legal services will work with relevant officers and the external expert support to undertake the legal process for varying the existing Parking Order in order to comply with the legislation.

#### **Finance:**

Budget Area	Implication
General Fund – Revenue Budget	£30,000 from the Regeneration Reserve
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
1. Reputational risk 2. Public Enquiry	Pre- consultation period would identify any objections which could then be addressed before the formal consultation. If major objections are received these would be reported to Cabinet to review.

**Human Resources:**

No implications identified.

**Equalities:**

No implications identified.

**Other Implications:**

None identified.

**Reason(s) for Urgency**

N/A

**Reason(s) for Exemption**

N/A

**Background Papers**

None

**Report Author and Contact Officer**

Sarah Daniel

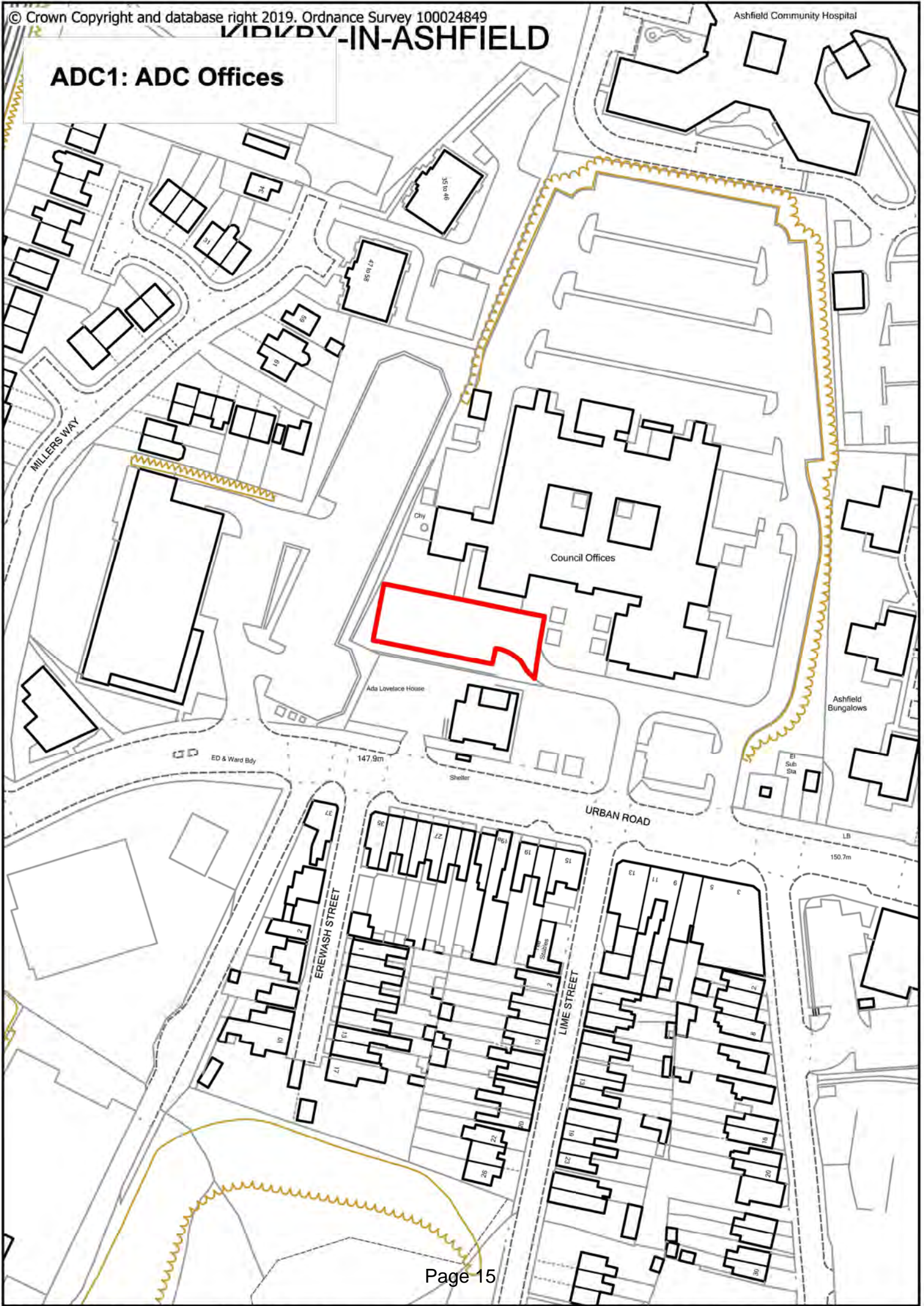
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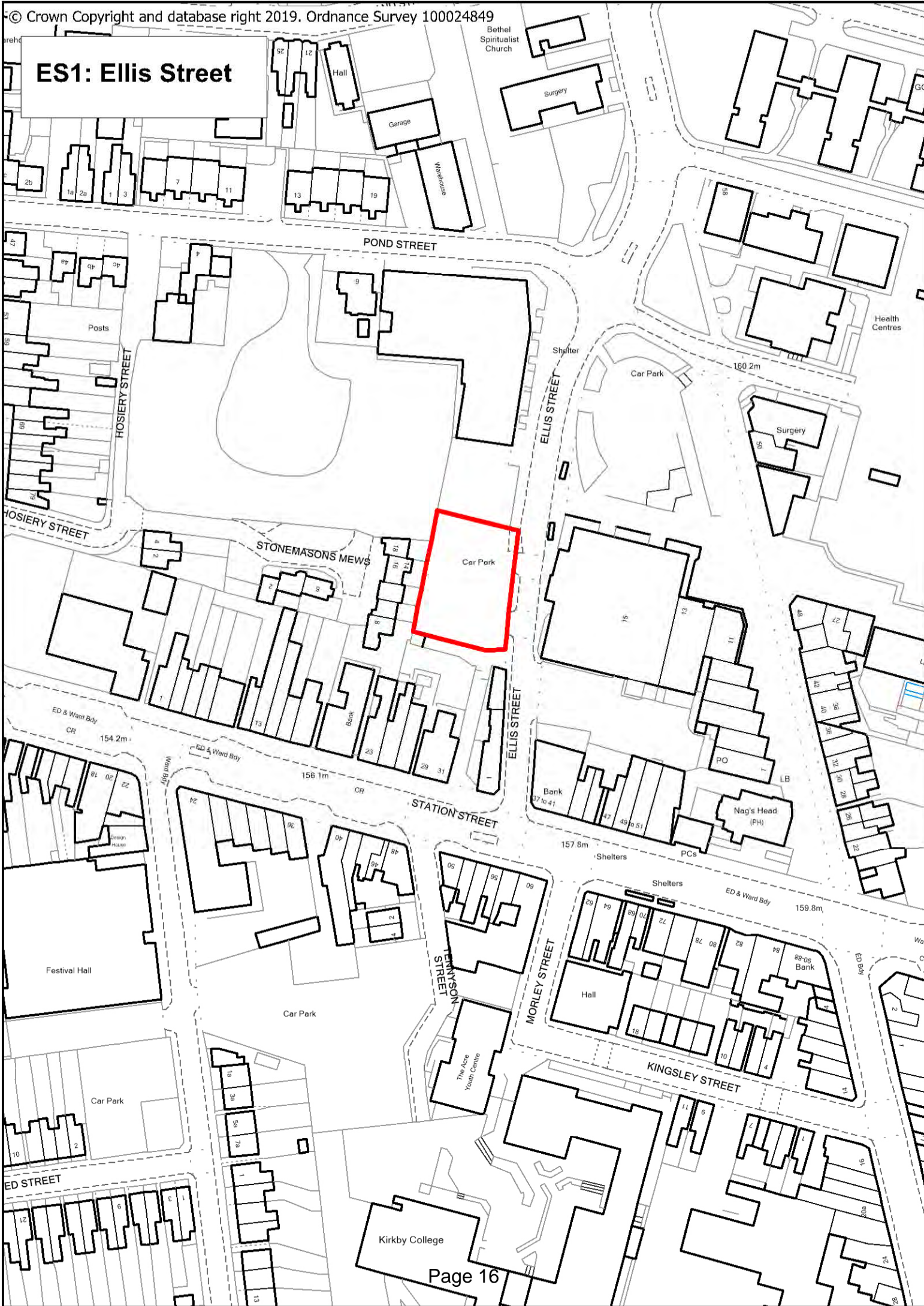
# KIDKOP-IN-ASHFIELD

## ADC1: ADC Offices



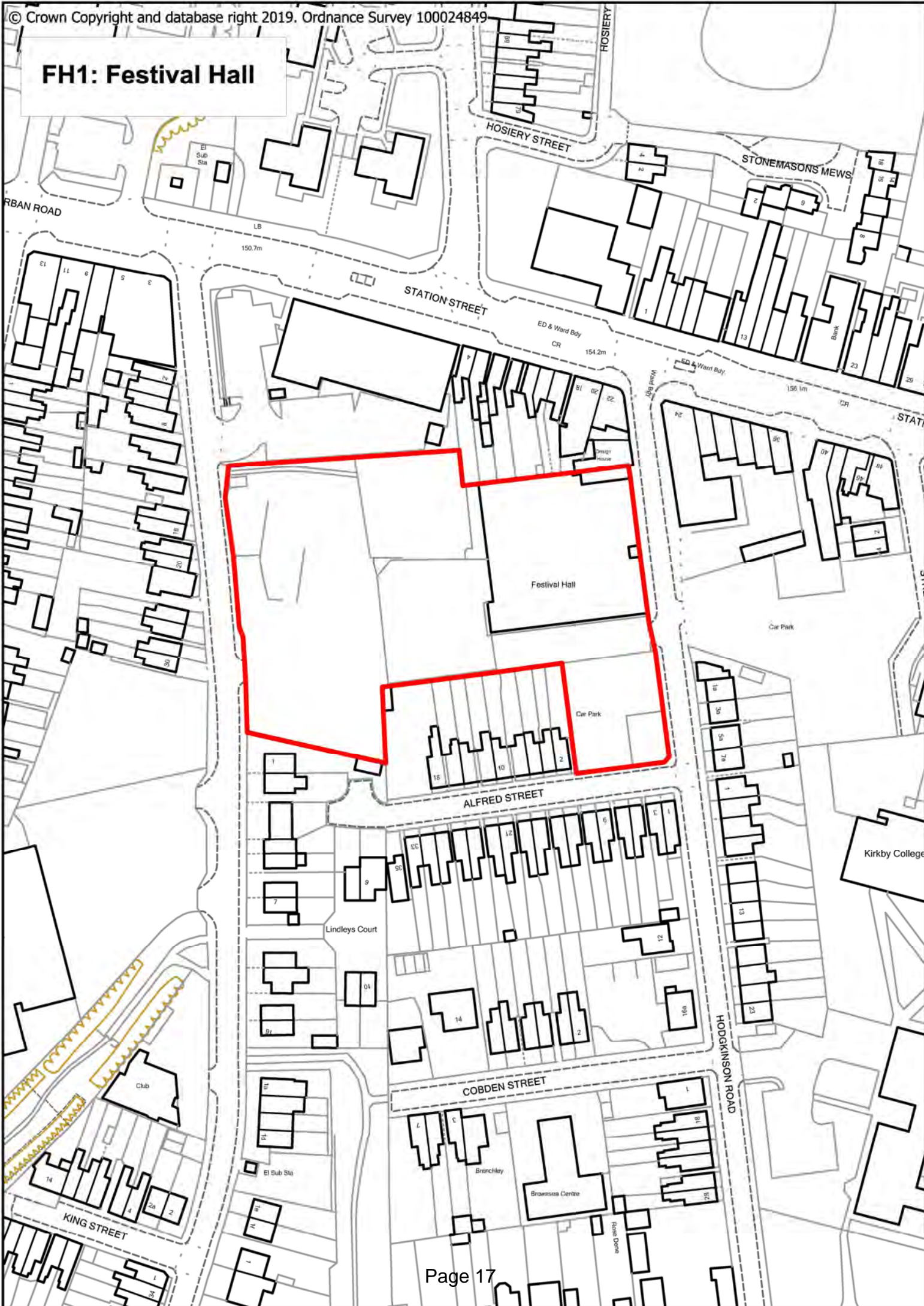


# ES1: Ellis Street



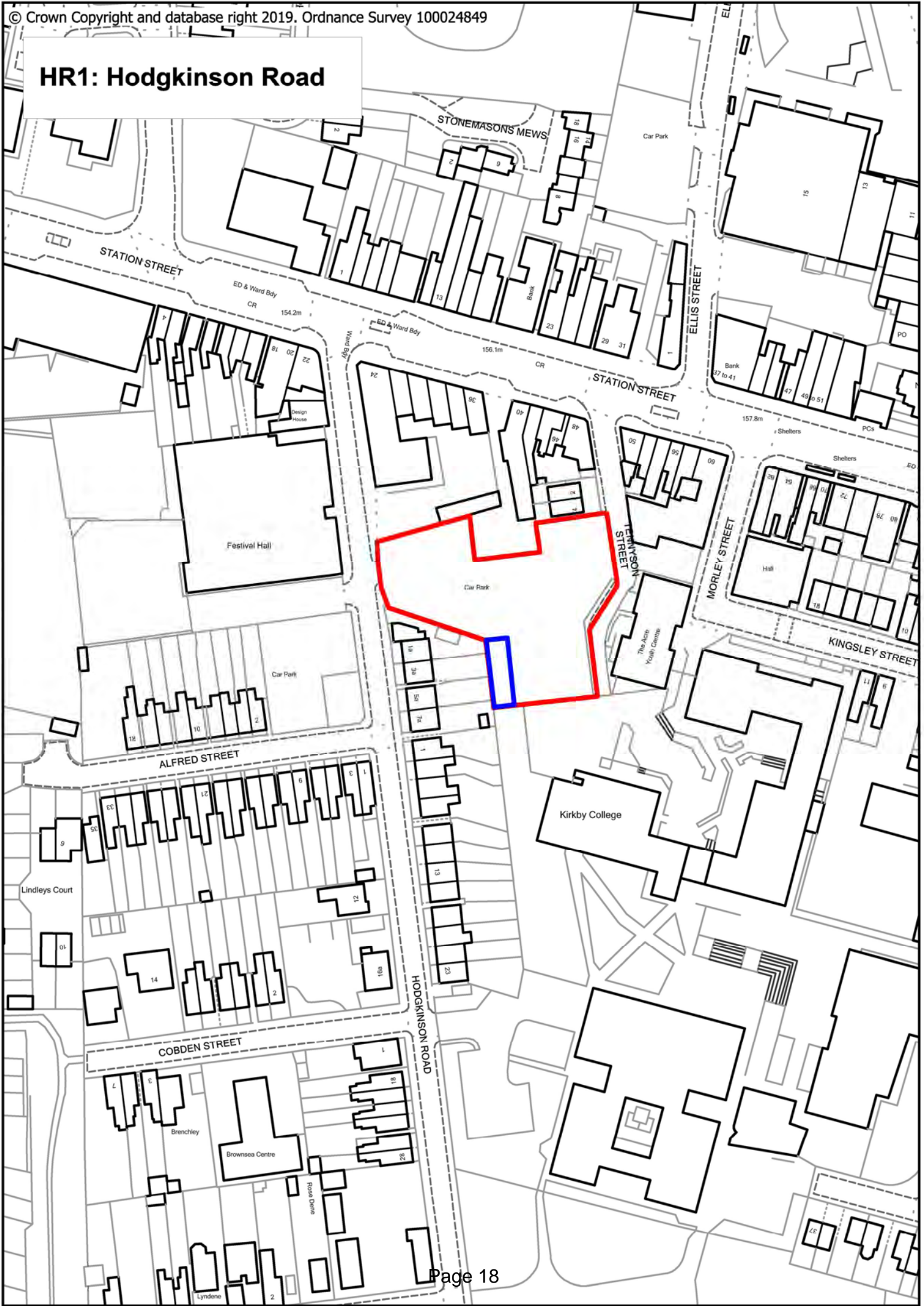


# FH1: Festival Hall



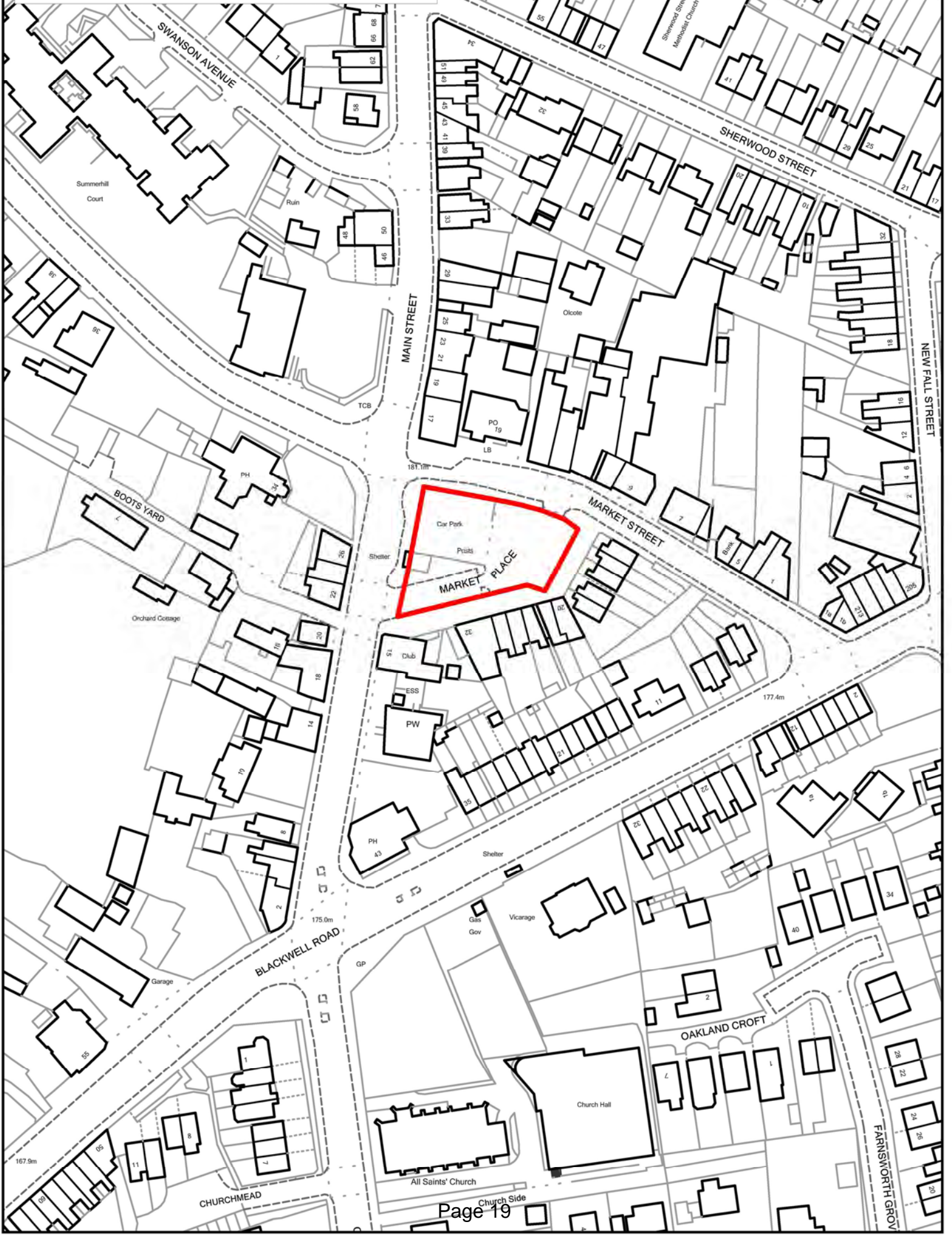


# HR1: Hodgkinson Road



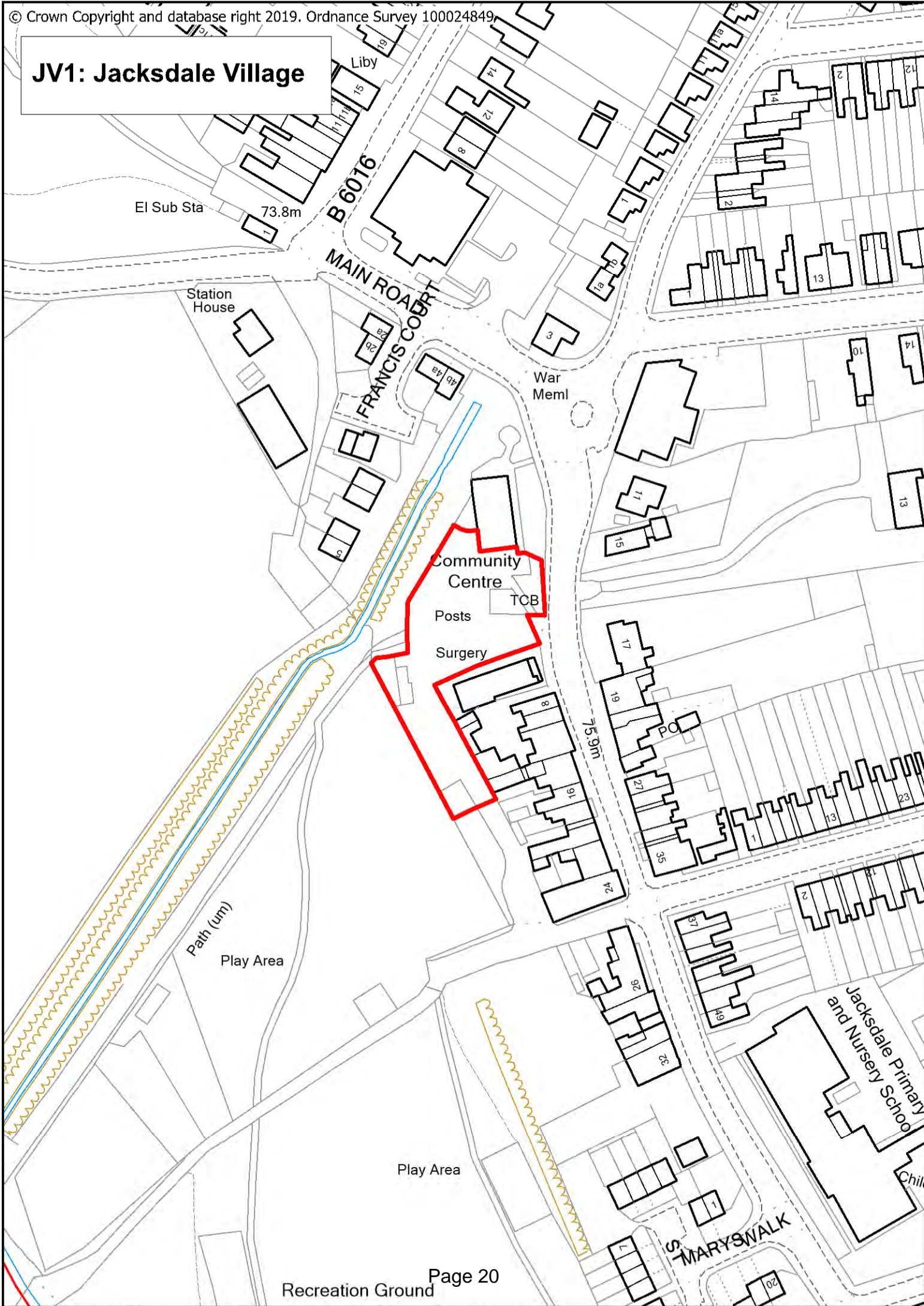


# HM1: Huthwaite Market Place



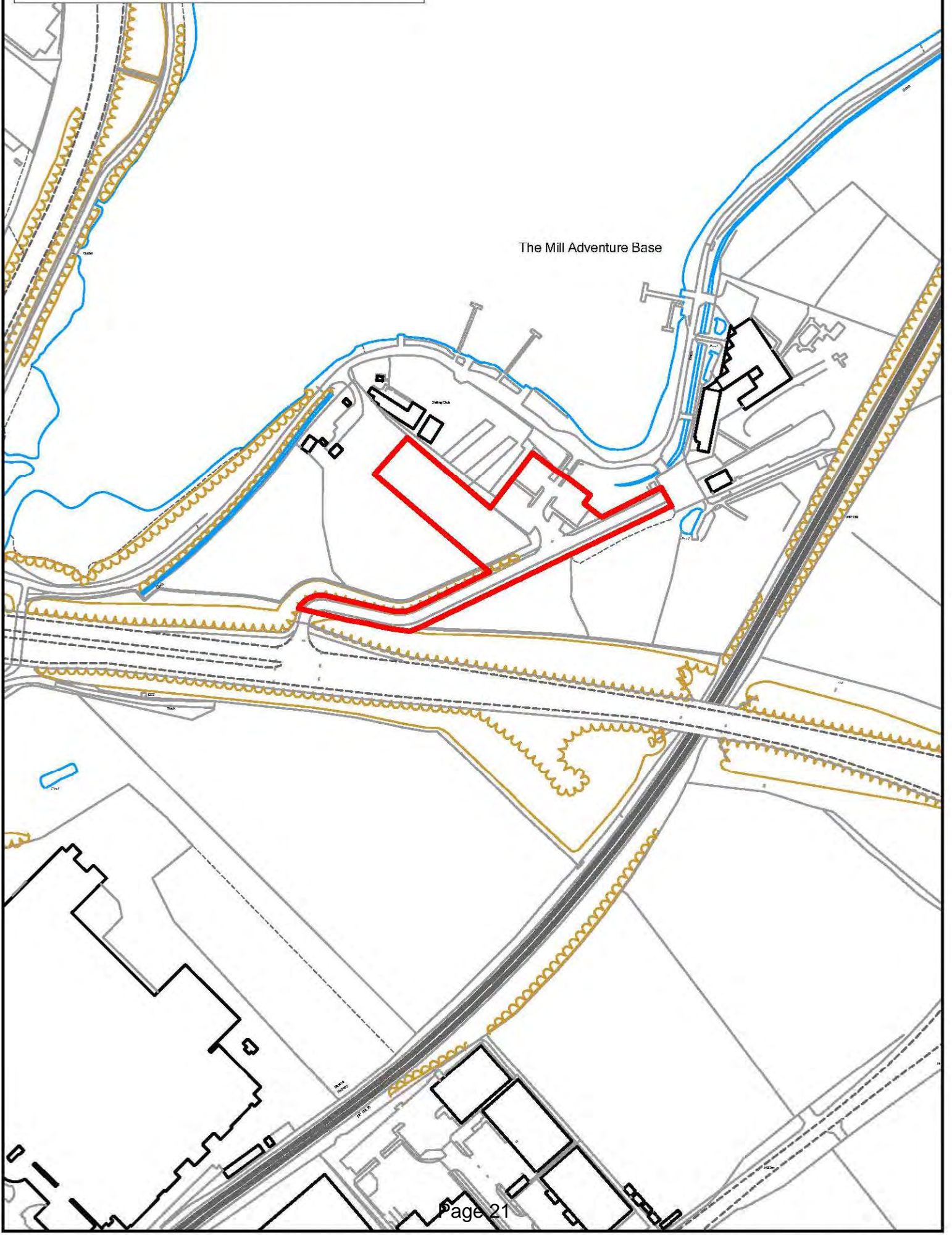


# JV1: Jacksdale Village





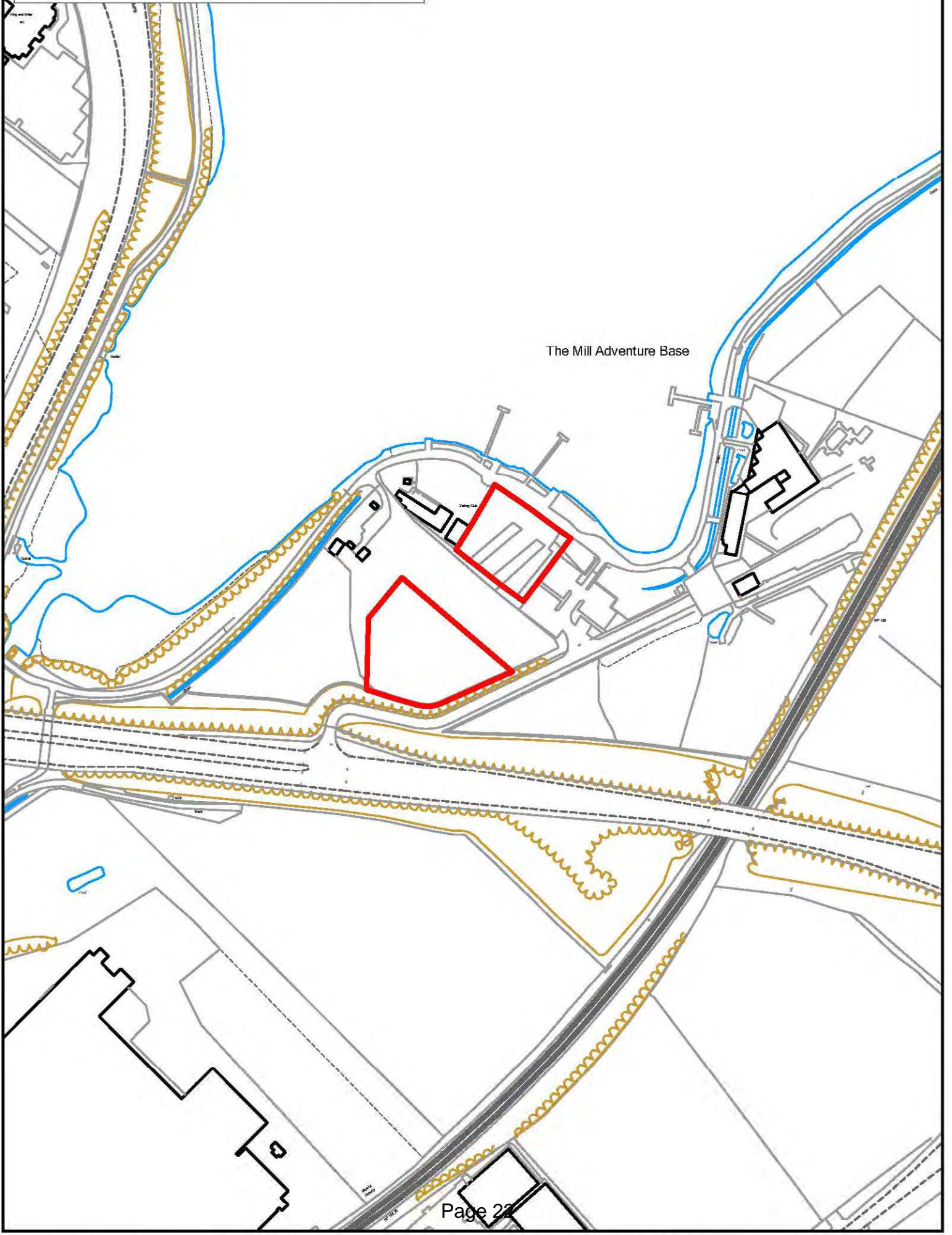
# KMR1: Kings Mill Reservoir



The Mill Adventure Base



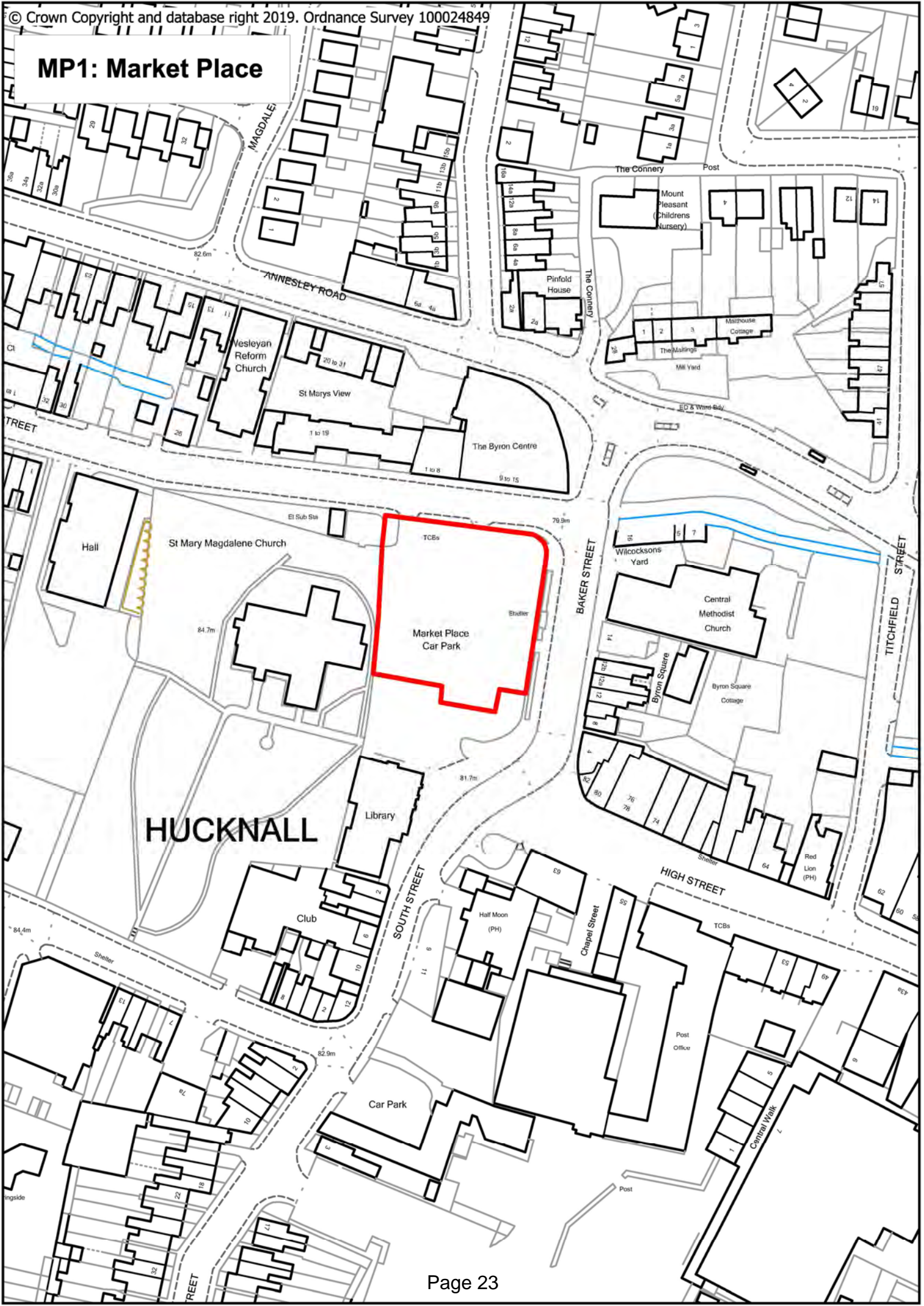
# KMR2: Kings Mill Reservoir



The Mill Adventure Base



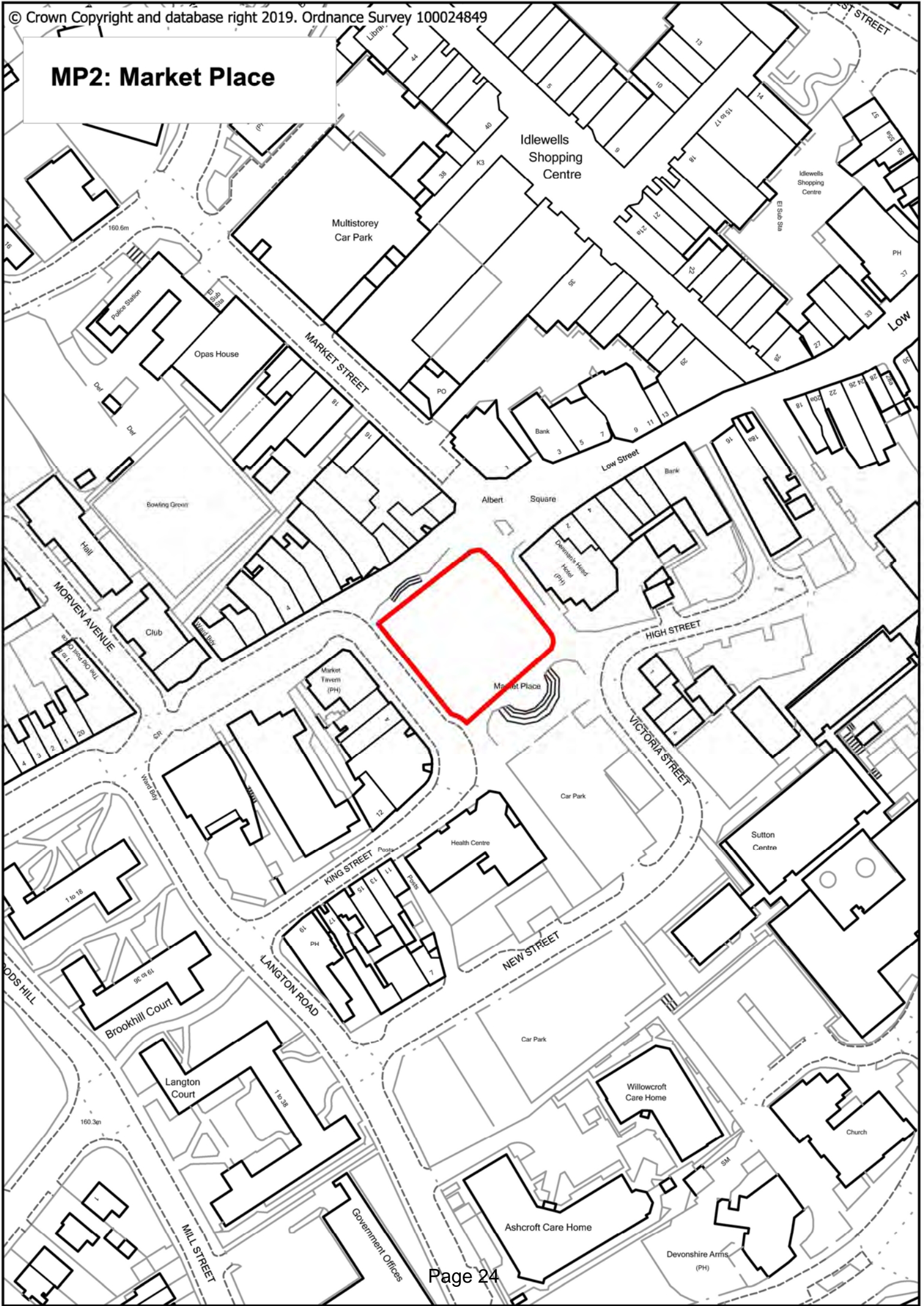
# MP1: Market Place



## HUCKNALL

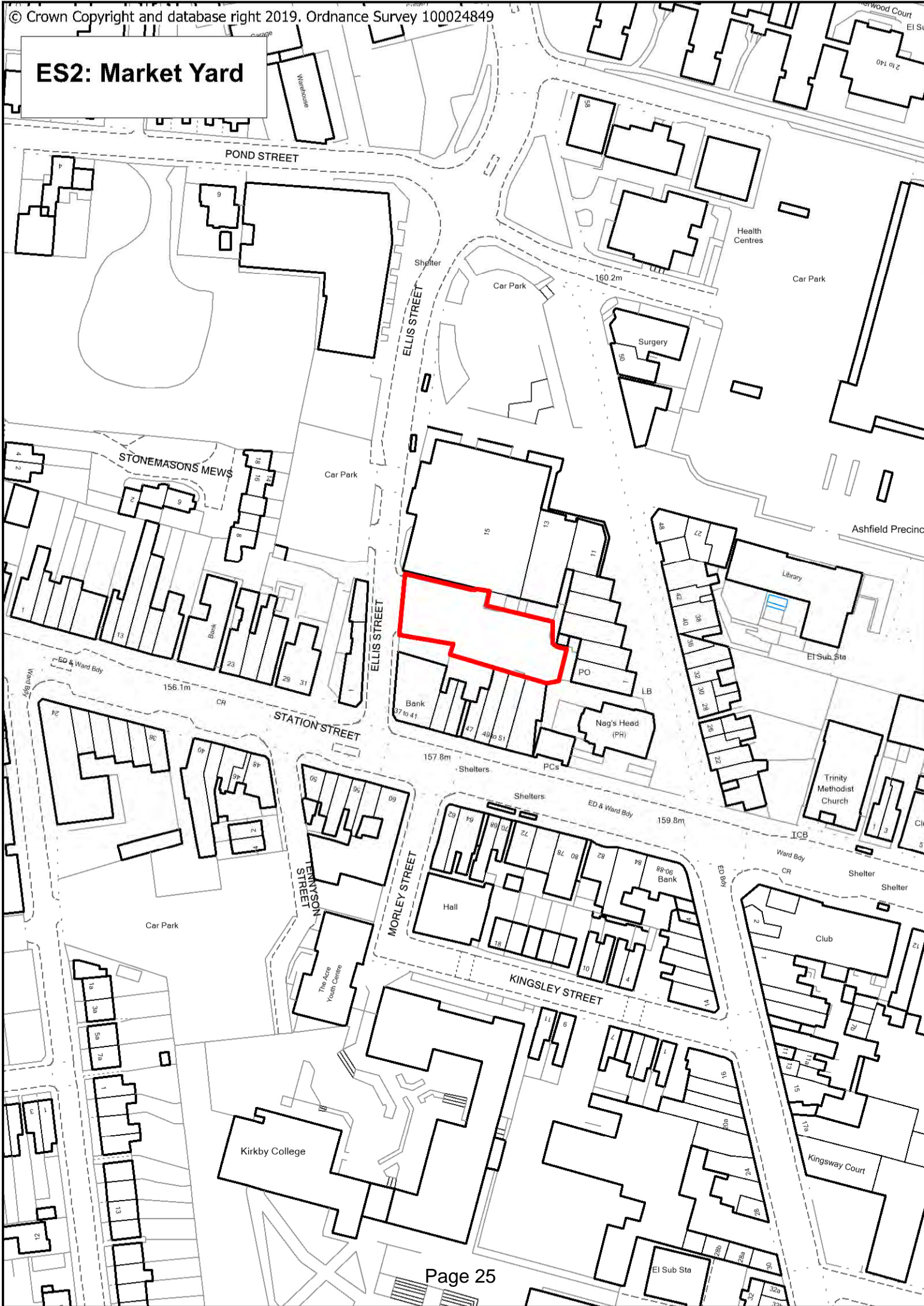


# MP2: Market Place



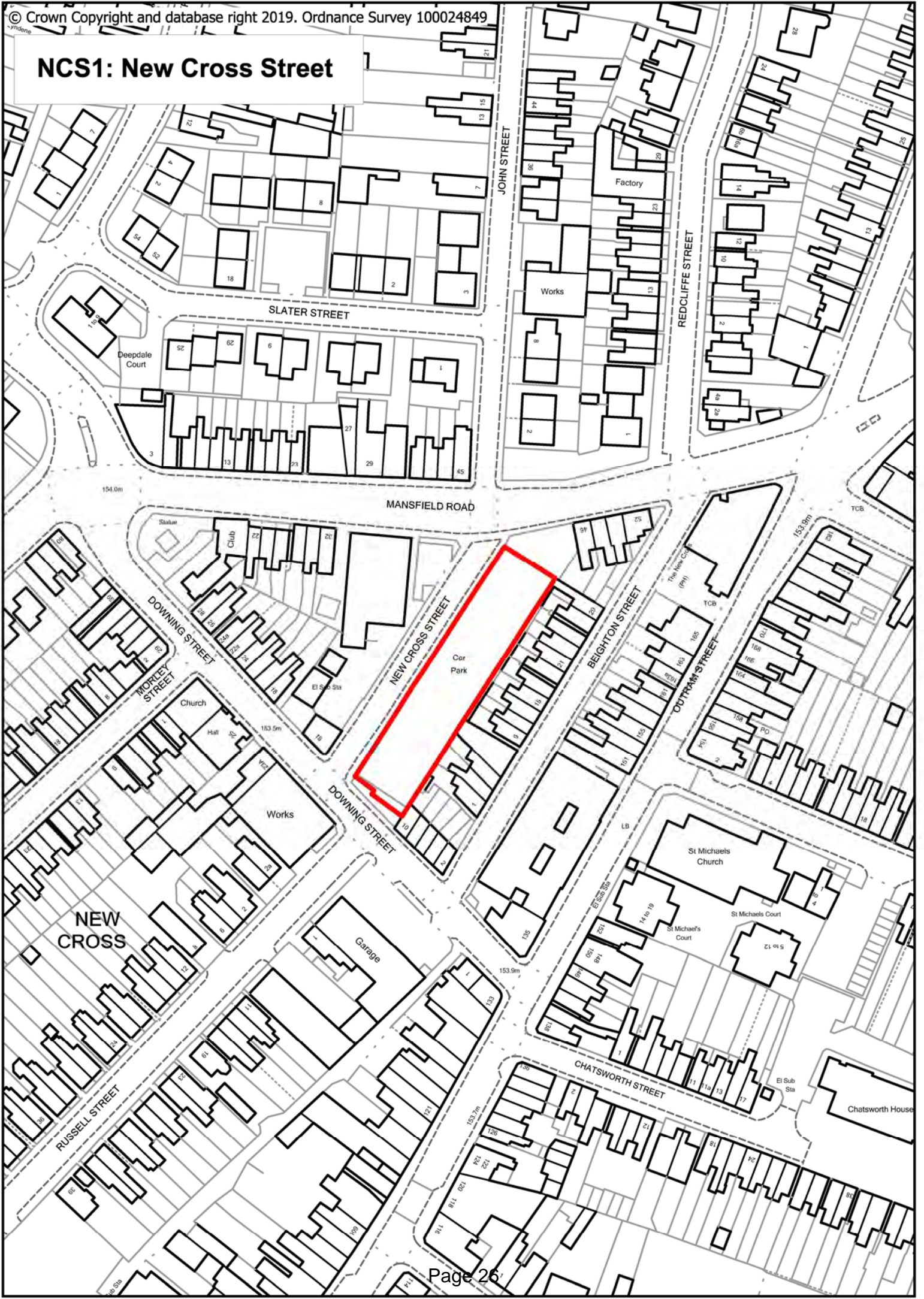


# ES2: Market Yard





# NCS1: New Cross Street



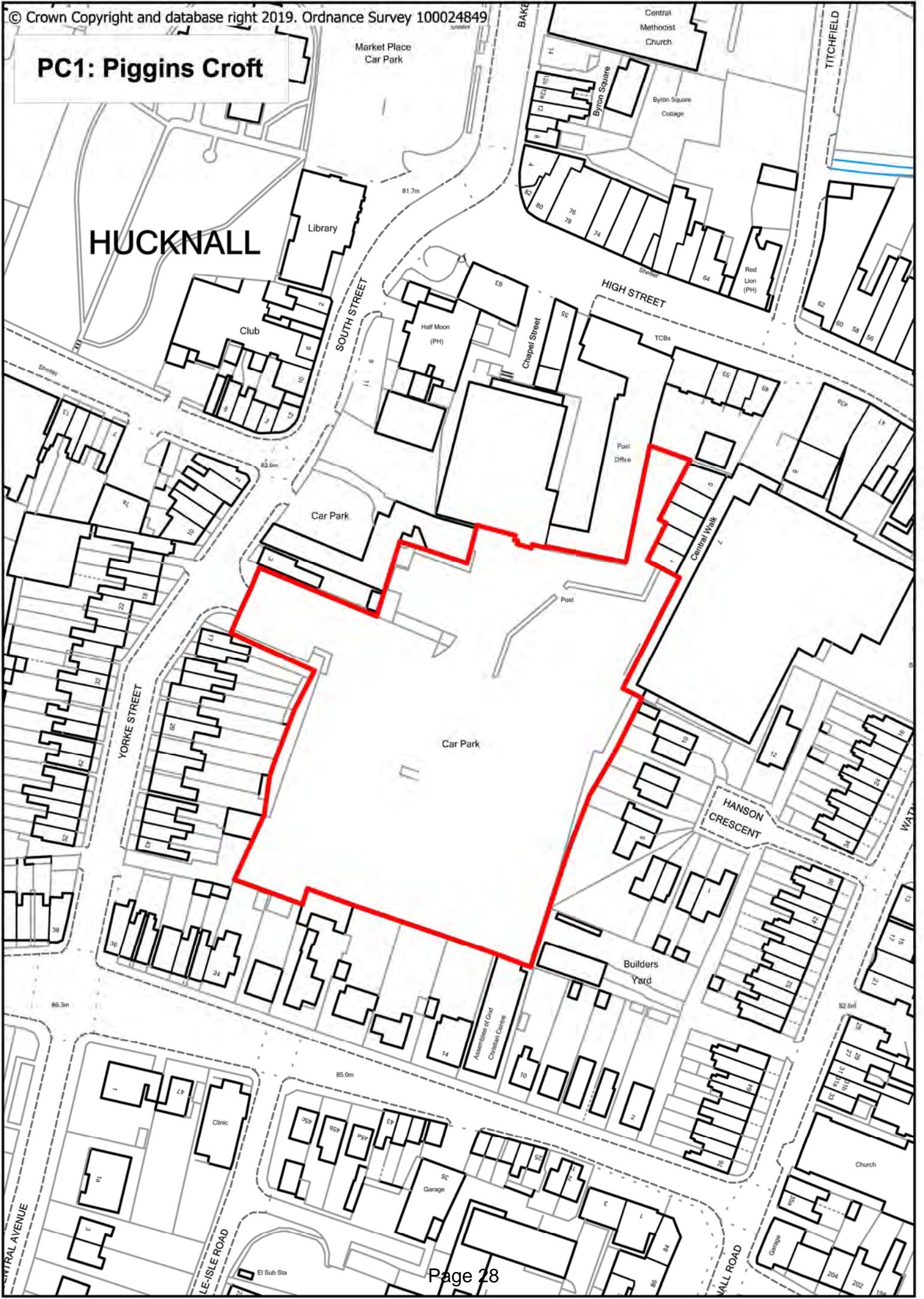






# PC1: Piggins Croft

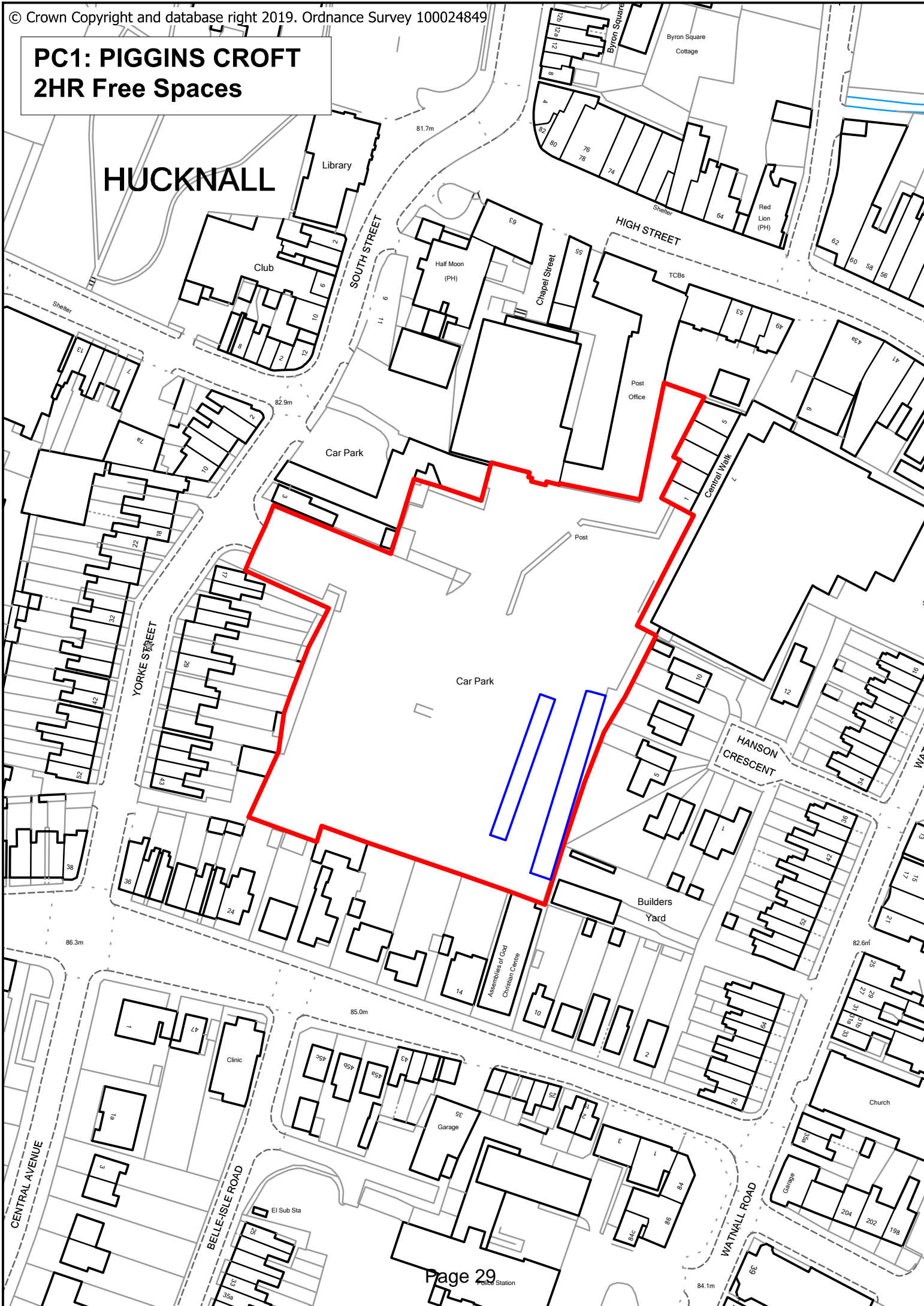
## HUCKKNALL



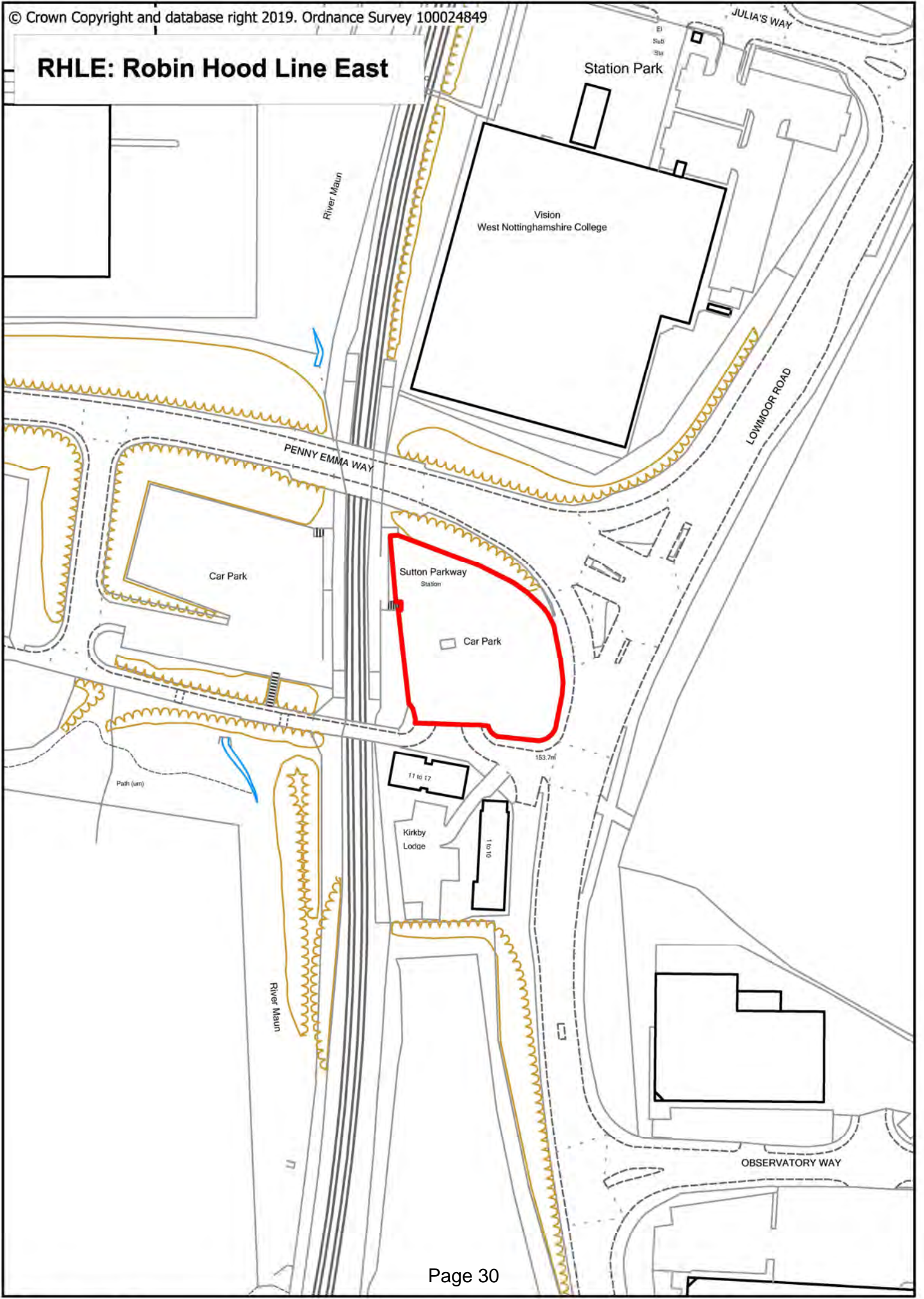


# PC1: PIGGINS CROFT 2HR Free Spaces

## HUCKNALL

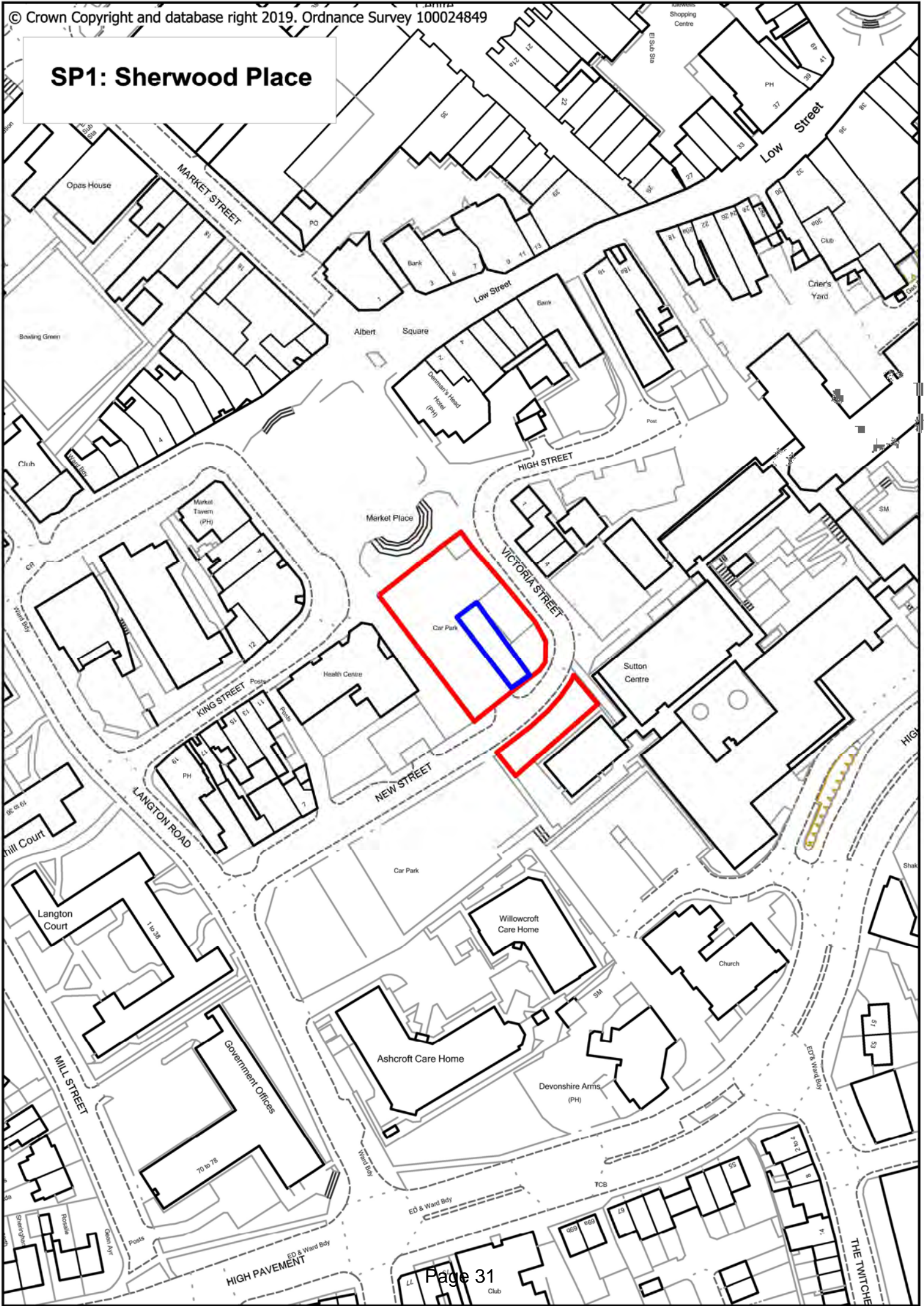


# RHLE: Robin Hood Line East



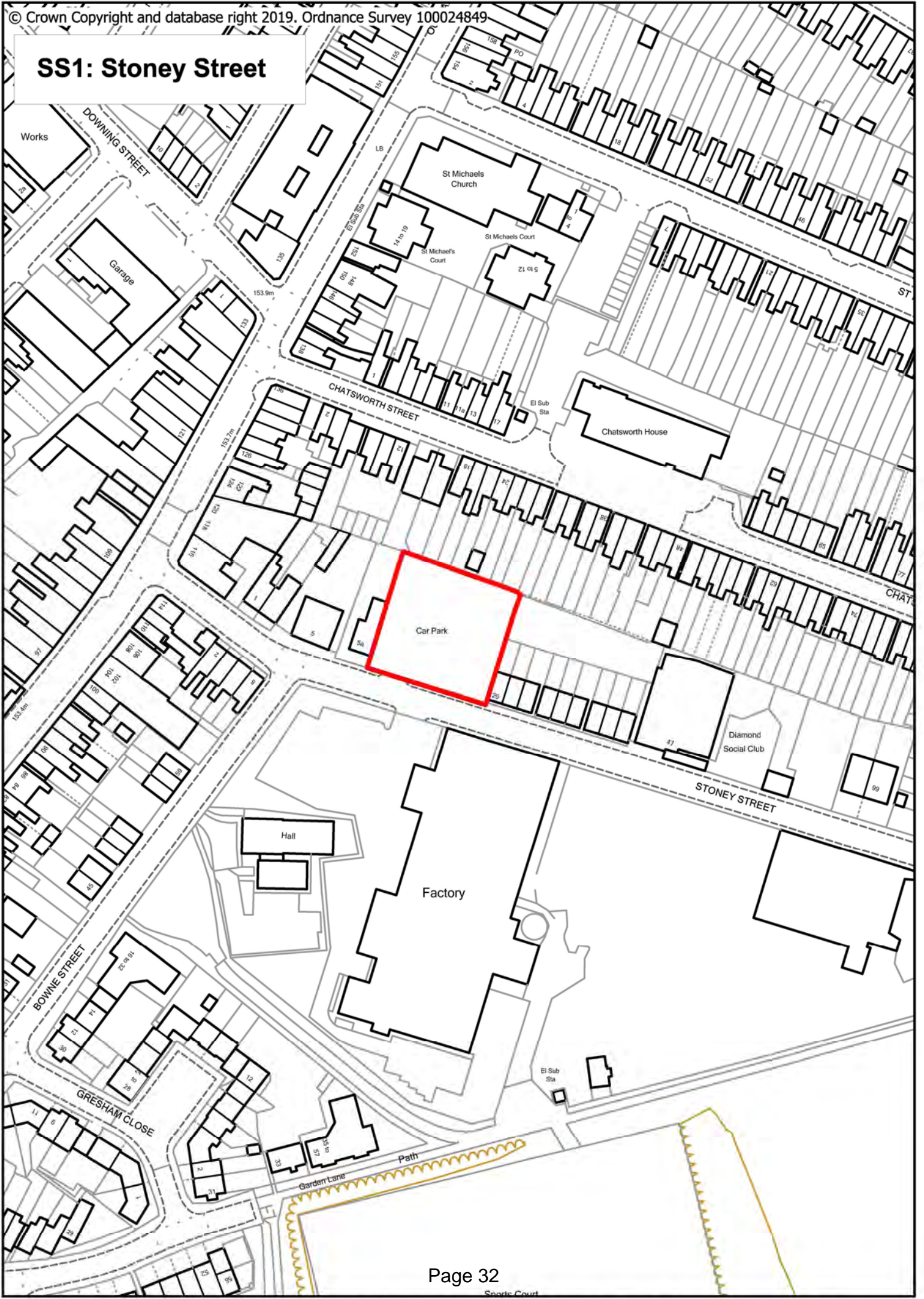


# SP1: Sherwood Place



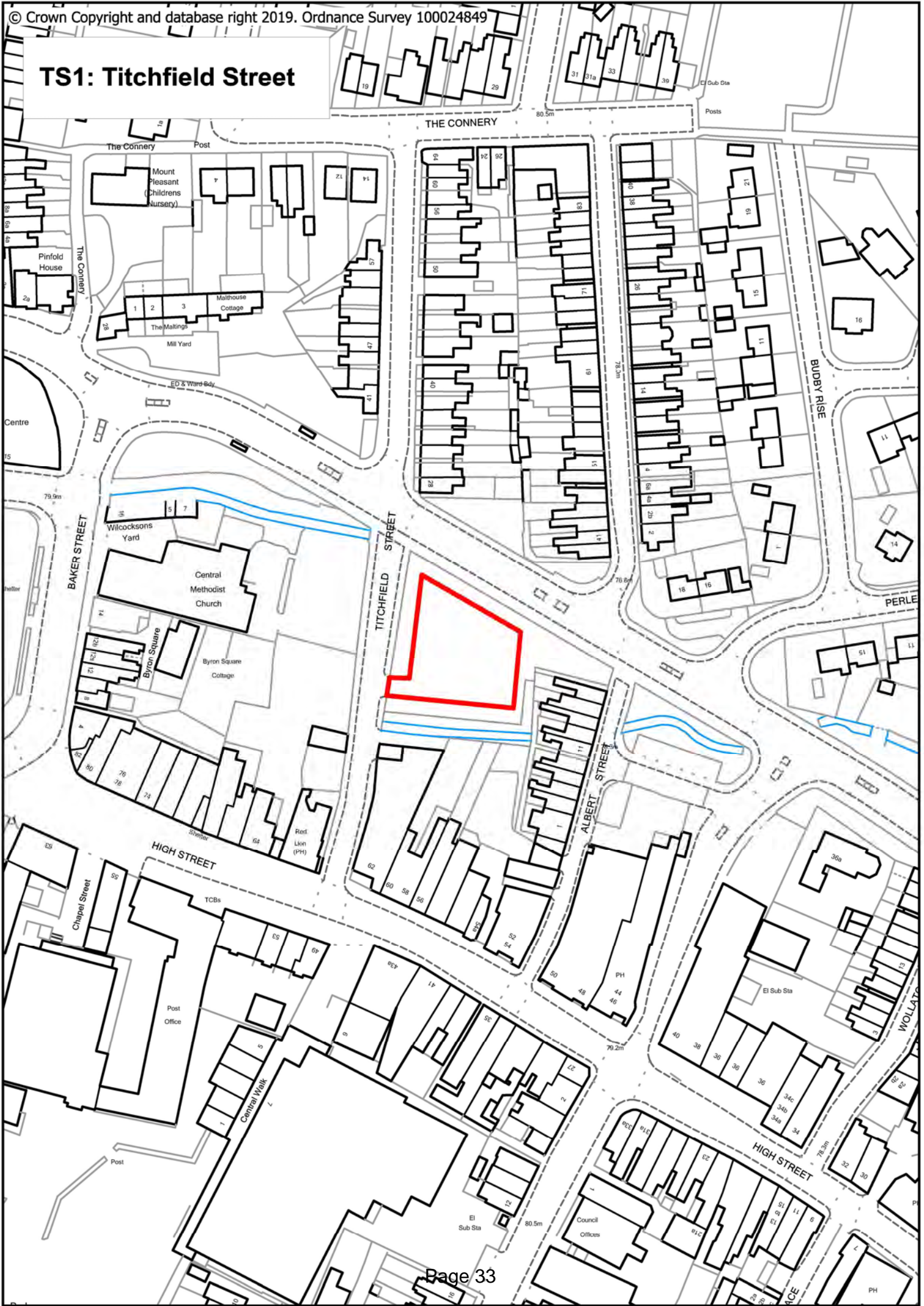


# SS1: Stoney Street



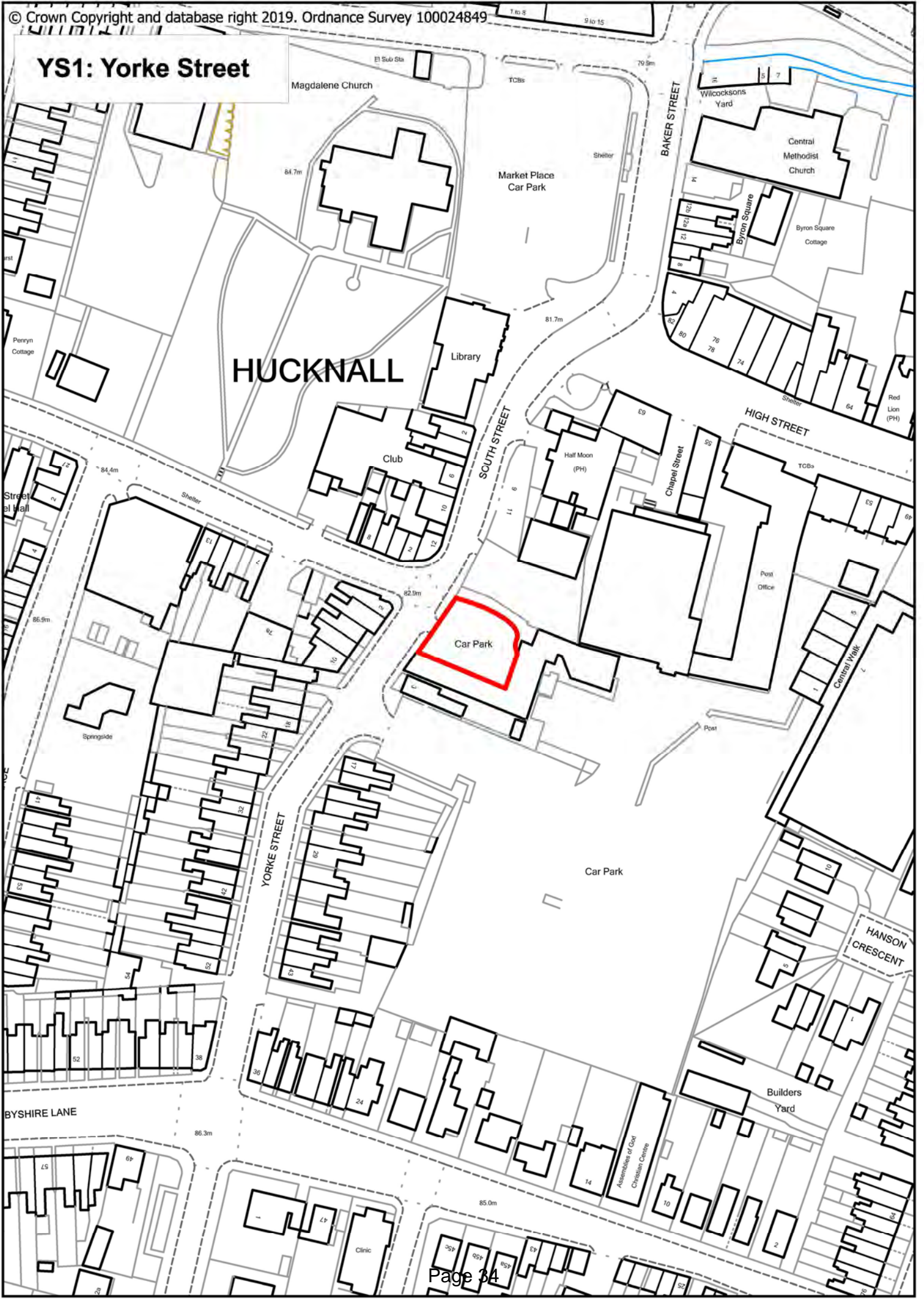


# TS1: Titchfield Street





# YS1: Yorke Street



## HUCKNALL

# ASHFIELD DISTRICT COUNCIL

## DRAFT NOTICE OF PROPOSALS

### PROPOSED ASHFIELD DISTRICT COUNCIL CIVIL ENFORCEMENT OFF-STREET PARKING PLACES ORDER 2020

Ashfield District Council intends to make the above Order (“the Proposed Order”) under its powers contained in the Road Traffic Regulation Act 1984 as amended and under the Traffic Management Act 2004 as amended and all other enabling powers.

The Proposed Order relates to existing off-street parking places and proposed new parking places provided by the Council at the locations listed in the Schedule of Parking Places and Charges below and is intended to come into operation on Monday **18 May 2020** (or as soon as possible thereafter).

The Civil Enforcement of Parking Contraventions (County of Nottingham) Designation Order 2008 brought civil parking enforcement into force in the relevant areas of the County of Nottinghamshire, including the District of Ashfield, on 12 May 2008.

The Council intend to revoke The Ashfield District Council (Civil Enforcement Off-Street Parking Places) Order 2016 in its entirety.

The Proposed new Order will revoke the aforementioned existing 2016 Order, which will give the Council the opportunity to add new parking places and to revoke and amend the conditions and use of some existing parking places, in accordance with the attached Schedule of Parking Places and charges. The penalty charges for contraventions of the Proposed Order will remain the same as the penalty charges for the previous Orders, as described below.

#### Proposed Penalty Charges

**£70 (£35 where paid within 14 days; £105 if paid after service of charge certificate)** For contraventions in relation to parking in loading areas; designated disabled persons bays; a restricted area; a permit bay or a bay not designated for that class of vehicle; for using a vehicle in connection with the sale of goods; and for causing an obstruction. For parking in a permit bay without clearly displaying a valid permit.

**£50 (£25 where paid within 14 days; £75 if paid after service of charge certificate)** For parking for longer than the maximum period allowed; parking beyond the bay markings; returning to the same parking place on the same day within the specified period; parking when the parking place is closed; parking for a purpose other than that permitted; parking with the engine running where prohibited. For contraventions related to parking charges, including: parking without payment of the parking charge; parking after expiry of the paid time; parking without clear display of the relevant ticket(s), voucher or parking clock; and parking without additional payment(s) to extend the parking stay.

**SCHEDULE OF PARKING PLACES, TIMES AND CHARGES OF USE UNDER THE PROPOSED ORDER**

**1. Pay and Display Car Parks, Category A:**

Market Place, Hucknall, Market Yard, Kirkby

<b>Waiting Period</b>	<b>Charge</b>
Up to 1 hour*	£0.00p
Up to 2 hours	£1.00p

**Permitted Times of Use:** Public parking Monday to Sunday between prescribed times Maximum stay 2 hours with a continuous period not exceeding 2 hours on all days. No return within 2 hour and only one free period per day. Blue badge holders up to 2 hours free no charge £0.00. Except Bank Holidays, but including Good Friday.

**Blue badge holder** £0.00p

One free period per day  
**\* Only with a free Voucher**

**2. Pay and Display Car Parks, Category B:**

Piggins Croft and Yorke Street, Hucknall, Ellis Street and Hodgkinson Road, Kirkby, Stoney Street, Sutton

<b>Waiting Period</b>	<b>Charge</b>
Up to 1 hour*	£0.00p
Up to 2 hours	£0.60p
Up to 4 hours	£2.00p
Over 4 hours	£4.00p

**Permitted Times of Use:** Public parking Monday and Sunday between prescribed time with no time limit and a continuous period not exceeding 12 hours on all days. No return within 3 hour and only one free period per day. Permit parking between prescribed times. Blue badge holders up to 4 hours free no charge £0.00. Except Bank Holidays, but including Good Friday.

**Blue badge holder** £0.00p

One free period per day  
**\* Only with a free Voucher**

**3. Pay and Display Car Parks, Category C:**

Titchfield Street, Hucknall and Festival hall, Kirkby, Market Place, Sherwood Place and New Street, Sutton

<b>Waiting Period</b>	<b>Charge</b>
Up to 1 hour*	£0.00p
Up to 2 hour	£0.60p
Up to 4 hours	£2.00p

**Permitted Times of Use:** Public parking Monday to Sunday between prescribed times Maximum stay 4 hours with a continuous period not exceeding 4 hours on all days. No return within 4 hour and only one free period per day. Blue badge holders up to 4 hours free no charge £0.00. Except Bank Holidays, but including Good Friday.

**Blue badge holder** £0.00p

One free period per day  
**\* Only with a free Voucher**



**4. Zero-Charge Car Parks, Category D:**

Piggins Croft, Hucknall, Hodgkinson Road and ADC Offices, Kirkby, Sherwood Place, Sutton.

**Permitted Times of Use:** Public parking Monday to Sunday between prescribed times Maximum stay 2 hours with a continuous period not exceeding 2 hours on all days. **Only in Parking bays marked and signed accordingly within this parking place** No return within 2 hours to these spaces. Blue badge holders up to 2 hours free within these designated spaces, no charge £0.00. Except Bank Holidays, but including Good Friday.

<b>Waiting Period</b>	<b>Charge</b>
Up to 2 hour	£0.00p

**Blue badge holder** £0.00p

One free period per day  
**Only with a 2hr free Voucher**

**5. Zero-Charge Car Parks, Category E:**

Robin Hood Line East and New Cross Street, Sutton, Huthwaite Market Place, Huthwaite and Jackdale Village, Jackdale.

**Permitted Times of Use:** Public parking Monday and Sunday between prescribed time with no time limit and a continuous period not exceeding 12 hours on all days. No return within 3 hour and only one free period per day where applicable. Permit parking between prescribed times. Except Bank Holidays, but including Good Friday.

<b>Waiting Period</b>	<b>Charge</b>
Up to 12 hour	£0.00p

**6. Pay and Display Car Parks, Category G:**

Kings Mill Reservoir (A), Sutton

**Permitted Times of Use:** Public parking Monday and Sunday between prescribed time with no time limit and a continuous period not exceeding 12 hours on all days. No return within 3 hour and only one free period per day. Permit parking between prescribed times. Blue badge holders up to 4 hours free no charge £0.00. Except Bank Holidays, but including Good Friday.

<b>Waiting Period</b>	<b>Charge</b>
Up to 1 hour	£0.00*
Up to 2 hours	£1.00p
Up to 4 hours	£2.00p
Up to 6 hours	£3.00p
Up to 8 hours	£4.00p
Up to 10 hours	£5.00p
Up to 12 hours	£6.00p

**Blue badge holder** £0.00

One free period per day  
**\* Only with a free Voucher**

**7. Pay and Display Car Parks, Category H**

<b>Waiting Period</b>	<b>Charge</b>
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Kings Mill Reservoir (B), Sutton

Up to 2 hour	£0.00
Up to 4 hours	£1.00p
Up to 6 hours	£2.00p
Up to 8 hours	£3.00p
Up to 10 hours	£4.00p
Up to 12 hours	£5.00p

**Permitted Times of Use:** Public parking Monday and Sunday between prescribed time with no time limit and a continuous period not exceeding 12 hours on all days. No return within 3 hour and only one free period per day. Permit parking between prescribed times. Blue badge holders up to 4 hours free no charge £0.00. Except Bank Holidays, but including Good Friday.

**Blue badge holder** £0.00p

One free period per day  
\* **Only with a free Voucher**

Any person may object or make representations relating to the making of the draft Proposed Order by Sunday 30 December 2019. Objections and representations must be made in writing, stating the grounds on which they are made and must be sent to the Head of Legal Services and Deputy Monitoring Officer at the address given below.

Documents giving more detailed particulars of the Proposed Order are available for inspection on Monday to Thursday between the hours of 08:45 and 16:45 and on Fridays between the hours of 08:45 and 16:15 at the Council Offices, Urban Road, Kirkby in Ashfield, Nottingham NG17 8DA or at the Council's website.

Dated: **03 December 2019**

Places and Communities Director  
Ashfield District Council  
Urban Road  
Kirkby in Ashfield  
Nottinghamshire  
NG17 8DA

**Signature:**

## SCHEDULE OF PARKING PLACES

<b><u>SCHEDULE OF PARKING PLACES, TARIFFS, TIMES AND CHARGES OF USE UNDER THIS ORDER</u></b>																			
Category	Name of Parking Place	Position in which Vehicle may wait	Classes of Vehicle	Days of Operation of Parking Place	Charging Hours of Parking Place	Maximum Period for which a Vehicle may wait	Scale of Charges												
	<b><u>Hucknall</u></b>																		
Page 39 <b>B</b>	Piggins Croft, Hucknall  Plan Ref: PC1	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours  No return within 3 hours	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;"><b>Waiting period</b></td> <td style="text-align: right;"><b>Charge</b></td> </tr> <tr> <td>Up to 1 hour</td> <td style="text-align: right;">£0.00*</td> </tr> <tr> <td>Up to 2 hours</td> <td style="text-align: right;">£0.60</td> </tr> <tr> <td>Up to 4 hours</td> <td style="text-align: right;">£2.00</td> </tr> <tr> <td>Over 4 hours</td> <td style="text-align: right;">£4.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td style="text-align: right;">£0.00</td> </tr> </table> <p style="font-size: small; margin-top: 10px;">*Only with a free Voucher from the parking machine within that parking place One free period per day</p>	<b>Waiting period</b>	<b>Charge</b>	Up to 1 hour	£0.00*	Up to 2 hours	£0.60	Up to 4 hours	£2.00	Over 4 hours	£4.00	<b><u>Blue badge holder</u></b>	£0.00
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<b><u>Blue badge holder</u></b>	£0.00																		
<b>D</b>	Piggins Croft, Hucknall  Plan Ref: PC1A	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours  <b>Only in Parking bays marked and signed accordingly</b>  No return within 2 hours	<table style="width: 100%; border: none;"> <tr> <td style="width: 80%;"><b>Waiting period</b></td> <td style="text-align: right;"><b>Charge</b></td> </tr> <tr> <td>Up to 2 hours</td> <td style="text-align: right;">£0.00</td> </tr> </table> <p style="font-size: small; margin-top: 10px;">*Only with a 2 hour free Voucher from the parking machine within that parking Place One free period per day</p>	<b>Waiting period</b>	<b>Charge</b>	Up to 2 hours	£0.00								
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<p style="text-align: center;"><b>A</b></p>	<p>Market Place, Hucknall</p> <p>Plan Ref: MP2</p>	<p>Wholly within a parking bay</p>	<p>Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height</p>	<p>Monday to Sunday (inclusive)</p>	<p>8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday</p>	<p>Maximum stay 2 hours</p> <p>No return within 2 hours</p>	<p><b>Waiting period</b></p> <p>Up to 1 hour £0.00*</p> <p>Up to 2 hours £0.60</p> <p><b><u>Blue badge holder</u></b> £0.00</p> <p>*Only with a free Voucher from the parking machine within that parking place</p> <p>One free period per day</p>
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 40</p> <p style="text-align: center;"><b>B</b></p>	<p>Yorke Street, Hucknall</p> <p>Plan Ref: YS1</p>	<p>Wholly within a parking bay</p>	<p>Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height</p>	<p>Monday to Sunday (inclusive)</p>	<p>8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday</p>	<p>Maximum stay 12 hours</p> <p>No return within 3 hours</p>	<p><b>Waiting period</b></p> <p>Up to 1 hour £0.00*</p> <p>Up to 2 hours £0.60</p> <p>Up to 4 hours £2.00</p> <p>Over 4 hours £4.00</p> <p><b><u>Blue badge holder</u></b> £0.00</p> <p>*Only with a free Voucher from the parking machine within that parking place</p> <p>One free period per day</p>
<p style="text-align: center;"><b>C</b></p>	<p>Titchfield Street Hucknall</p> <p>Plan ref:TS1</p>	<p>Wholly within a parking bay</p>	<p>Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and</p>	<p>Monday to Sunday (inclusive)</p>	<p>8:00am to 6:00pm Monday to Saturday except Bank</p>	<p>Maximum stay 4 hours</p> <p>No return within 4 hours</p>	<p><b>Waiting period</b></p> <p>Up to 1 hour £0.00*</p> <p>Up to 2 hours £0.60</p> <p>Up to 4 hours £2.00</p>

	Awaiting confirmation of ownership		vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height		Holidays but including Good Friday		<p><b>Blue badge holder</b> £0.00</p> <p>*Only with a free Voucher from the parking machine within that parking place</p> <p>One free period per day</p>
	<b><u>Kirkby in Ashfield</u></b>						
Page 41 <b>B</b>	Hodgkinson Road, Kirkby  Plan Ref: HR1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours  No return within 3 hours	<p><b>Waiting period</b>                      <b>Charge</b></p> <p>Up to 1 hour                              £0.00*</p> <p>Up to 2 hours                              £0.60</p> <p>Up to 4 hours                              £2.00</p> <p>Over 4 hours                                £4.00</p> <p><b>Blue badge holder</b>                      £0.00</p> <p>*Only with a free Voucher from the parking machine within that parking place</p> <p>One free period per day</p>
<b>D</b>	Hodgkinson Road, Kirkby  Plan Ref: HR1A	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours  <b>Only in Parking bays marked and signed accordingly</b>  No return within 2 hours	<p><b>Waiting period</b>                      <b>Charge</b></p> <p>Up to 2 hours                              £0.00</p> <p><b>Blue badge holder</b>                      £0.00</p> <p>*Only with a 2 hour free Voucher from the parking machine within that parking place</p>

							One free period per day
C Page 42	Festival Hall, Kirkby  Plan Ref: FH1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 4 hours  No return within 4 hours	<p><b>Waiting period</b></p> <p>Up to 1 hour           £0.00* Up to 2 hours           £0.60 Up to 4 hours           £2.00</p> <p><b><u>Blue badge holder</u></b>           £0.00</p> <p>*Only with a free Voucher from the parking machine within that parking place One free period per day</p>
A	Market Yard, Kirkby  Plan Ref: MY1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours  No return within 2 hours	<p><b>Waiting period</b></p> <p>Up to 1 hour           £0.00* Up to 2 hours           £0.60</p> <p><b><u>Blue badge holder</u></b>           £0.00</p> <p>*Only with a free Voucher from the parking machine within that parking place One free period per day</p>

<b>B</b>	Ellis Street, Kirkby  Plan Ref: ES1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours  No return within 3 hours	<table border="0"> <thead> <tr> <th><b>Waiting period</b></th> <th><b>Charge</b></th> </tr> </thead> <tbody> <tr> <td>Up to 1 hour</td> <td>£0.00*</td> </tr> <tr> <td>Up to 2 hours</td> <td>£0.60</td> </tr> <tr> <td>Up to 4 hours</td> <td>£2.00</td> </tr> <tr> <td>Over 4 hours</td> <td>£4.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td>£0.00</td> </tr> </tbody> </table> <p>*Only with a free Voucher from the parking machine within that parking place One free period per day</p>	<b>Waiting period</b>	<b>Charge</b>	Up to 1 hour	£0.00*	Up to 2 hours	£0.60	Up to 4 hours	£2.00	Over 4 hours	£4.00	<b><u>Blue badge holder</u></b>	£0.00
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Page 43 <b>D</b>	ADC Offices, Kirkby  Plan Ref: ADC1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours  <b>Only in Parking bays marked and signed accordingly</b>  No return within 2 hours	<table border="0"> <thead> <tr> <th><b>Waiting period</b></th> <th><b>Charge</b></th> </tr> </thead> <tbody> <tr> <td>Up to 2 hours</td> <td>£0.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td>£0.00</td> </tr> </tbody> </table> <p>*Only with a 2 hour free Voucher from the parking machine within that parking Place One free period per day</p>	<b>Waiting period</b>	<b>Charge</b>	Up to 2 hours	£0.00	<b><u>Blue badge holder</u></b>	£0.00						
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<b><u>Sutton in Ashfield</u></b>																			
<b>C</b>	Market Place, Sutton  Plan Ref: MP2	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 4 hours  No return within 4 hours	<table border="0"> <thead> <tr> <th><b>Waiting period</b></th> <th><b>Charge</b></th> </tr> </thead> <tbody> <tr> <td>Up to 1 hour</td> <td>£0.00*</td> </tr> <tr> <td>Up to 2 hours</td> <td>£0.60</td> </tr> <tr> <td>Up to 4 hours</td> <td>£2.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td>£0.00</td> </tr> </tbody> </table> <p>*Only with a free Voucher from the parking machine within that parking place One free period per day</p>	<b>Waiting period</b>	<b>Charge</b>	Up to 1 hour	£0.00*	Up to 2 hours	£0.60	Up to 4 hours	£2.00	<b><u>Blue badge holder</u></b>	£0.00		
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<b>C</b>	Sherwood Place Sutton  Plan Ref: SP1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 4 hours  No return within 4 hours	<table border="0"> <thead> <tr> <th style="text-align: left;"><b>Waiting period</b></th> <th style="text-align: left;"><b>Charge</b></th> </tr> </thead> <tbody> <tr> <td>Up to 1 hour</td> <td>£0.00*</td> </tr> <tr> <td>Up to 2 hours</td> <td>£0.60</td> </tr> <tr> <td>Up to 4 hours</td> <td>£2.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td>£0.00</td> </tr> <tr> <td colspan="2">*Only with a free Voucher from the parking machine within that parking place</td> </tr> <tr> <td colspan="2">One free period per day</td> </tr> </tbody> </table>	<b>Waiting period</b>	<b>Charge</b>	Up to 1 hour	£0.00*	Up to 2 hours	£0.60	Up to 4 hours	£2.00	<b><u>Blue badge holder</u></b>	£0.00	*Only with a free Voucher from the parking machine within that parking place		One free period per day	
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Page 44  <b>D</b>	Sherwood Place Sutton  Plan Ref: SP1A	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 2 hours  <b>Only in Parking bays marked and signed accordingly</b>  No return within 2 hours	<table border="0"> <thead> <tr> <th style="text-align: left;"><b>Waiting period</b></th> <th style="text-align: left;"><b>Charge</b></th> </tr> </thead> <tbody> <tr> <td>Up to 2 hours</td> <td>£0.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td>£0.00</td> </tr> <tr> <td colspan="2">*Only with a 2 hour free Voucher from the parking machine within that parking Place</td> </tr> <tr> <td colspan="2">One free period per day</td> </tr> </tbody> </table>	<b>Waiting period</b>	<b>Charge</b>	Up to 2 hours	£0.00	<b><u>Blue badge holder</u></b>	£0.00	*Only with a 2 hour free Voucher from the parking machine within that parking Place		One free period per day					
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C	New Street, Sutton  Plan Ref: NS1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 4 hours  No return within 4 hours	<b>Waiting period</b> Up to 1 hour           £0.00* Up to 2 hours           £0.60 Up to 4 hours           £2.00  <u><b>Blue badge holder</b></u> £0.00  *Only with a free Voucher from the parking machine within that parking place One free period per day
Page 45 B	Stoney Street, Sutton  Plan Ref: SS1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours  No return within 3 hours	<b>Waiting period</b> Up to 1 hour           £0.00* Up to 2 hours           £0.60 Up to 4 hours           £2.00 Over 4 hours           £4.00  <u><b>Blue badge holder</b></u> £0.00  *Only with a free Voucher from the parking machine within that parking place One free period per day
E	New Cross Street Sutton  Plan Ref: NCS1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	8:00am to 6:00pm Monday to Saturday except Bank Holidays but including Good Friday	Maximum stay 12 hours  No return within 3 hours	<b>Waiting period</b>  12 hours                   £0.00  <b>Charge</b>

<b>G</b>	Kings Mill Reservoir (A) Sutton  Plan Ref: KMR1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	24 hours  Including Bank Holidays	Maximum stay 12 hours  No return within 3 hours	<table border="0"> <thead> <tr> <th data-bbox="1706 121 1921 145">Waiting period</th> <th data-bbox="2040 121 2136 145">Charge</th> </tr> </thead> <tbody> <tr> <td>Up to 1 hour</td> <td>£0.00*</td> </tr> <tr> <td>Up to 2 hours</td> <td>£1.00</td> </tr> <tr> <td>Up to 4 hours</td> <td>£2.00</td> </tr> <tr> <td>Up to 6 hours</td> <td>£3.00</td> </tr> <tr> <td>Up to 8 hours</td> <td>£4.00</td> </tr> <tr> <td>Up to 10 hours</td> <td>£5.00</td> </tr> <tr> <td>Up to 12 hours</td> <td>£6.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td>£0.00</td> </tr> </tbody> </table> <p>*Only with a free Voucher from the parking machine within that parking place</p> <p>One free period per day</p>	Waiting period	Charge	Up to 1 hour	£0.00*	Up to 2 hours	£1.00	Up to 4 hours	£2.00	Up to 6 hours	£3.00	Up to 8 hours	£4.00	Up to 10 hours	£5.00	Up to 12 hours	£6.00	<b><u>Blue badge holder</u></b>	£0.00
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Page 46 <b>H</b>	Kings Mill Reservoir (B) Sutton  Plan Ref: KMR2	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	24 hours  Including Bank Holidays	Maximum stay 12 hours  No return within 3 hours	<table border="0"> <thead> <tr> <th data-bbox="1706 632 1921 655">Waiting period</th> <th data-bbox="2040 632 2136 655">Charge</th> </tr> </thead> <tbody> <tr> <td>Up to 2 hour</td> <td>£0.00*</td> </tr> <tr> <td>Up to 4 hours</td> <td>£1.00</td> </tr> <tr> <td>Up to 6 hours</td> <td>£2.00</td> </tr> <tr> <td>Up to 8 hours</td> <td>£3.00</td> </tr> <tr> <td>Up to 10 hours</td> <td>£4.00</td> </tr> <tr> <td>Up to 12 hours</td> <td>£5.00</td> </tr> <tr> <td><b><u>Blue badge holder</u></b></td> <td>£0.00</td> </tr> </tbody> </table> <p>*Only with a free Voucher from the parking machine within that parking place</p> <p>One free period per day</p>	Waiting period	Charge	Up to 2 hour	£0.00*	Up to 4 hours	£1.00	Up to 6 hours	£2.00	Up to 8 hours	£3.00	Up to 10 hours	£4.00	Up to 12 hours	£5.00	<b><u>Blue badge holder</u></b>	£0.00		
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<b>E</b>	Robin Hood Line East, Sutton  Plan Ref: RHLE1	Wholly within a parking bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	24 hours Monday to Sunday (inclusive)	24 hours  Including Bank Holidays.	Maximum stay 12 hours  No return within 3 hours	<table border="0"> <thead> <tr> <th data-bbox="1706 1074 1921 1098">Waiting Period</th> <th data-bbox="2040 1074 2136 1098">Charge</th> </tr> </thead> <tbody> <tr> <td>12 hours</td> <td>£0.00</td> </tr> </tbody> </table>	Waiting Period	Charge	12 hours	£0.00														
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<b>E</b>	Huthwaite	Wholly within a	Motor vehicles licensed as private or private/light	24 hours Monday to	24 hours	Maximum stay 12	<table border="0"> <thead> <tr> <th data-bbox="1706 1355 1921 1378">Waiting Period</th> <th data-bbox="2040 1355 2136 1378">Charge</th> </tr> </thead> </table>	Waiting Period	Charge																
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	Market Place Huthwaite Plan Ref: HM1	parking bay	goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Sunday (inclusive)	Including Bank Holidays.	hours  No return within 3 hours	12 hours	£0.00
	<b><u>Jacksdale</u></b>							
<b>E</b>	Jacksdale Village Jacksdale Plan Ref: JV1	Wholly within a Parking Bay	Motor vehicles licensed as private or private/light goods, solo motor cycles with sidecars, disabled persons vehicles and vehicles not exceeding 2500kg in weight, vehicles not exceeding 2 metres in height	Monday to Sunday (inclusive)	24 hours  Including Bank Holidays	Maximum stay 12 hours  No return within 3 hours	<b>Waiting Period</b>  12 hours	<b>Charge</b>  £0.00

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>25<sup>th</sup> NOVEMBER 2019</b>
<b>Heading:</b>	<b>LEISURE TRANSFORMATION - PROCUREMENT OF THE NEW LEISURE CENTRE OPERATOR CONTRACT</b>		
<b>Portfolio Holder:</b>	<b>CLLR TOM HOLLIS - DEPUTY LEADER OF THE COUNCIL AND PORTFOLIO HOLDER FOR HEALTH AND LEISURE</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**

The purpose of the report is to seek authorisation to procure a new Leisure Operator Contract for April 2021 onwards.

## **Recommendation(s)**

Due to the recommendations being approved by Executive Decision Record (EDR) on the 11<sup>th</sup> November 2019 the recommendations are for Cabinet to note:

- 1. To authorise the procurement of the Leisure Operator Contract from November 2019 onwards; the procurement process will comply with Contract Procedure Rules and procurement legislation.**
- 2. The appointment of external legal specialist support for the preparation of the Leisure Operator Contract.**
- 3. To delegate authority to the Portfolio Holder for Health and Leisure and the Director of Place and Communities to award the Leisure Operator Contract.**

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

- 1) The current contract with SLM ends on 31<sup>st</sup> March 2021 and it is therefore necessary to go back to the market to procure future contract delivery for a minimum of 10 years. Formal procurement will allow the Council to ensure that we maximise the opportunity to attract a range of deliverers, achieve best value for money and effective management of our assets. As well as this, ensuring delivery of the outcomes specified in the Corporate Plan: Health and Happiness.
- 2) To ensure that tight timescales are met, timely appointment of the contractor will reduce the risk that the operator may wish to make changes to the new Kirkby Leisure Centre that delays opening or leaves us without an operator to run the sites

## Alternative Options Considered

- 1) Continuation of the existing operator contract – **Not recommended**, as the current contract does not deliver a £0 subsidy, see investment in Hucknall and Lammas Leisure Centres or offer significant opportunities to reduce health inequalities across Ashfield.
- 2) To utilise the Council's Legal team for support – **Not recommended**, due to lack of capacity and specialist expertise in this area.
- 3) Cabinet to make the final decision on who is awarded the operator contract – **Not recommended**, as this could add delays to a tight timescale to award the contract and for the successful operator to work alongside the Kirkby Leisure Centre design team.

## Detailed Information

Ashfield District Council have appointed FMG Consulting ('FMG') to provide professional consultancy support for the development of a new leisure centre in Kirkby in Ashfield, and procurement on delivery of a new leisure operator contract from April 2021. Additional construction and operator contract procurement support is being provided by Nottinghamshire County Council. Neither of these appointments provide the expertise in legal support required for this specialist piece of work.

The current Leisure Operator contract ceases on 31 March 2021. This contract was originally for 10 years, and has had a 5 year + 2 year extension. The current contract is no longer fit for purpose as it:

- Currently costs Ashfield District Council c£650,000 per annum
- Looks to deliver a number of outputs, but doesn't recognise the role the contract can play in reducing health inequalities and improving these across Ashfield.

The Council alongside FMG are producing a new contract that aims to:

- Deliver at least a £0 subsidy
- See the responsibility for all maintenance inside all of the Council's leisure centres to be the Leisure Operators
- See significant investment (c. £1million) made into Lammas and Hucknall Leisure Centres
- See up to £50,000 annual investment into Ashfield Health and Wellbeing Partnership priorities.

Three Quotations were sourced through the Council's legal team for the appointment of the specialist external legal advisers who will advise and draft the new operator contract. The legal advisers appointed provide extensive expertise and knowledge, as well as value for money.

A timetable has been put in place that will see a new Operator Contract, along with service specification put out for procurement in late November 2019. As part of this process, we will hold a bidders day to showcase the contract, and expect initial expressions of interest returned in January 2020. We have already completed a soft market test, which demonstrated that 4 – 5 operators would be keen to submit a proposal based on the business case and facility mix. The timetable will allow us to award the contract to the successful organisation in August 2020, giving ample time for them to influence the look and feel, plus some of the operating systems (e.g. Access arrangements) in the new Kirkby Leisure Centre, and prepare to run the facilities from April 2021.

## **Implications**

### **Corporate Plan:**

Health and Happiness

Deliver the Leisure Transformation Programme, maximising the well-being benefits whilst reducing costs. Deliver a new leisure destination in Kirkby. Re-procure the leisure centre management contract.

### **Legal:**

The procurement process for the new operator contract will ensure compliance with Contract Procedure Rules and procurement legislation. The selection of the preferred external legal support was carried out in compliance with Contract Procedure Rules.

### **Finance:**

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	Legal costs to be funded from the budget for the new Leisure Centre already approved within the Capital Programme.
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

### **Risk:**

<b>Risk</b>	<b>Mitigation</b>
Appropriate legal support is not in place	Three quotes have been obtained, with the quote that offers most expertise and knowledge, as well as value for money appointed.
New contract is not attractive to operators	Leisure Transformation Programme, Business Cases have been developed at every RIBA design stage, Soft Market Testing, Shadow Bid.
New contract isn't procured in time for old contract expiry date.	Timetable has been put in place. Delegated responsibilities for the Portfolio Holder and the Director of Place and Communities to award new contract.

### **Human Resources:**

None for this report

### **Equalities:**

As part of the operator contract we will be asking the operators to consider how they ensure their offer is accessible to all – this will focus on price, concessions, programming, activities, welcome and feel, staff training and awareness.

### **Other Implications:**

Not Applicable

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

To reduce the risk of timetable slippages.

**Reason(s) for Exemption**

Not Applicable

**Background Papers****Cabinet Report, 21<sup>st</sup> January 2019:**

Leisure Transformation Programme – Replacement Leisure Centre for Kirkby in Ashfield

**Cabinet Report, 15<sup>th</sup> May 2019:**

Leisure Transformation Programme - Appointment of professional team for the construction of Kirkby Leisure Centre and appointment of the Leisure consultant for the procurements support for the districts leisure operator contact.

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>25<sup>th</sup> NOVEMBER 2019</b>
<b>Heading:</b>	<b>DOMESTIC ABUSE POLICIES</b>		
<b>Portfolio Holder:</b>	<b>CLLR KIER BARSBY – PORTFOLIO HOLDER FOR HOUSING CLLR DANIEL WILLIAMSON – PORTFOLIO HOLDER FOR COMMUNITY SAFETY</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 seek approval of two policies regarding domestic abuse

## Recommendation(s)

- **To approve the Housing & Assets Domestic Abuse Policy**
- **To approve the Employee Domestic Violence & Abuse Policy**

## Reasons for Recommendation(s)

In July 2018, Cabinet approved ADC making a commitment to the Make a Stand campaign, which has been developed by the Chartered Institute of Housing in partnership with Women's Aid and the Domestic Abuse Housing Alliance. It was created to encourage social housing providers to make a commitment to support people experiencing domestic abuse.

A requirement of committing to the campaign was to ensure that two policies are put in place:

1. a policy to support residents who are affected by domestic abuse
2. a HR policy to support members of staff who may be experiencing domestic abuse

At the time of committing to the Make a Stand campaign, three policies were in place at ADC, developed between 2014 and 2017. Following the commitment, these policies have been reviewed, updated and consolidated into the two policies that are the subject of this report.

## **Alternative Options Considered**

*(with reasons why not adopted)*

To not review, update and consolidate the three policies developed between 2014 and 2017. This option was not adopted as it is important that policies are regularly updated and a number of updates were identified to be included to enhance ADC's efforts to tackle domestic abuse committed against residents and employees.

## **Detailed Information**

### **Housing & Assets Domestic Abuse Policy**

This policy focuses on the tenants and residents of homes owned and managed by Ashfield District Council. It describes the support that will be offered to survivors and the enforcement action that will be taken against perpetrators, including the impact on their tenancy rights.

The aims of this policy are to:

- Proactively offer support to survivors
- Ensure survivors are as safe as possible
- Maximise the opportunities for survivors to seek the help they need
- Reduce the average time before a survivor seeks help
- Ensure domestic abuse is not incorrectly managed as a tenancy issue such as ASB
- Provide whole family support that is survivor led
- Take appropriate action against perpetrators and maximise their opportunities to break the cycle

A copy of the policy is attached to this report.

### **Employee Domestic Violence & Abuse Policy**

This policy sets out the actions that will be taken in responding to employees who are experiencing domestic violence and abuse and where there are concerns that an employee may be the perpetrator of domestic violence.

A copy of the policy is attached to this report.

### **Rolling out the policies**

A programme of training is being developed to roll out the policies to all staff to ensure that they are put into action. The programme of training includes:

- Basic training for all staff, covering what domestic abuse is, how to spot the signs, how to give basic safety planning advice and where to signpost for further support. This is an e-learning course developed in house.

- Training for all managers on supporting staff who are survivors and dealing with staff who are perpetrators of domestic abuse. This is an e-learning course developed in house.
- Specialist domestic abuse training for staff working in a front line role supporting residents. This will provide more in depth training on supporting survivors. This will be provided by an external specialist training provider. It is anticipated that this will be delivered by a provider commissioned by Nottinghamshire County Council who will also bear the cost.
- Specialist training for tenancy management staff on the legal action that can be taken and the impact on tenancy rights. A specialist external provider will be procured to provide this training in 2020/21, subject to budget approval.

In addition to the training programme, there will be resources available on the intranet such as safety planning guidance, a list of specialist domestic abuse services and guidance on how to complete a Domestic Abuse Stalking and Harassment Risk Assessment.

Finally, a network of domestic abuse champions in the key sections of the Council will be developed. Champions will be asked to attend the specialist training to ensure they have advanced knowledge of domestic abuse, to support colleagues with any queries they may have and to provide regular updates at team meetings on the latest good practice and policy updates.

## **Implications**

### **Corporate Plan:**

The development and implementation of these policies is a key element of achieving the 2019-2023 corporate plan priorities around domestic abuse, which include:

- Increasing the support for high risk victims of domestic abuse
- Achieving the Domestic Abuse Housing Alliance standard

### **Legal:**

There are no significant legal issues associated with adopting the two policies.

### **Finance:**

There are no financial implications associated with approving these policies. Approval will be sought separately for any expenditure associated with implementing the policies, such as external training.

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	Nil at this stage
General Fund – Capital Programme	N/A
Housing Revenue Account – Revenue Budget	Nil at this stage
Housing Revenue Account – Capital Programme	N/A



**Risk:**

Risk	Mitigation
An increased number of requests for support are received as a result of awareness raising	The number of requests will be monitored to ensure the demand can be met
The policies are not effectively and consistently implemented	<p>A comprehensive programme of training is planned, which will be kept up to date and recertification will be required</p> <p>A network of champions is being developed to drive forward implementation in their sections</p> <p>Referrals and outcomes will be monitored regularly by the Domestic Abuse Caseworker</p>

**Human Resources:**

The training programme is being developed in collaboration with the learning and development team.

**Equalities:**

*(to be completed by the author)*

Domestic abuse is a gendered crime and disproportionately affects women. In the majority of cases the perpetrator of abuse is male. Domestic abuse is also common in LGBT+ relationships. Domestic abuse includes 'honour' based violence, female genital mutilation (FGM) and forced marriage. This type of abuse commonly occurs in BME communities and is driven by religious and cultural beliefs. Individuals with protected characteristics are often at greater risk of domestic abuse, both in terms of experiencing domestic abuse and also the severity of the abuse. This is particularly the case for disabled and pregnant women. There is a growing trend for older women to report domestic abuse.

As such, by increasing the support available to survivors of domestic abuse, these policies will have a positive impact on equalities. The policies take into account the needs of diverse groups, for example by offering appointments with a member of staff with the same characteristics and providing details of specialist support providers.

**Other Implications:**

*(if applicable)*

**Reason(s) for Urgency**

*(if applicable)*

**Reason(s) for Exemption**

*(if applicable)*

**Background Papers**

*(if applicable)*

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## **Housing & Assets Domestic Abuse Policy**

### **Introduction**

Tackling domestic abuse is a long standing priority for Ashfield District Council and we are committed to working with our partners to ensure people feel safe and are safe by reducing levels of crime and disorder and anti social behaviour. We recognise that domestic abuse is largely perpetrated inside the home and as a landlord of around 6,700 homes, we have an important role to play in supporting our tenants and residents at the earliest possible opportunity to address any abuse they are facing. Domestic abuse is a common problem with serious consequences - around 2 million adults a year experience it, it accounts for 1 in 10 of all reported violent crimes and 2 women each week are killed by a partner or an ex partner. We recognise that we have an opportunity during our daily interactions with our tenants and residents to tackle this and to save lives as a result. This policy sets out how we will do this.

### **Scope**

This policy applies to all tenants and residents of homes owned and managed by Ashfield District Council who either experience domestic abuse or are perpetrators of it. It describes the support that will be offered to survivors and the enforcement action that will be taken against perpetrators, including the impact on their tenancy rights.

### **Aim**

- Proactively offer support to survivors
- Ensure survivors are as safe as possible
- Maximise the opportunities for survivors to seek the help they need
- Reduce the average time before a survivor seeks help
- Ensure domestic abuse is not incorrectly managed as a tenancy issue such as ASB
- Provide whole family support that is survivor led
- Take appropriate action against perpetrators and maximise their opportunities to break the cycle

### **Definitions**

The Government definition is 'Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family members regardless of gender or sexuality. This can encompass, but is not limited to, the following types of abuse:

- Psychological
- Physical
- Sexual
- Financial
- Emotional

'Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependant by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'

This definition also includes 'honour' based violence, female genital mutilation (FGM) and forced marriage.

It is recognised that victims can be of any gender, sexual orientation, or ethnic group.

## **Policy**

### *Opportunities to disclose*

We will endeavour to ensure all customer facing staff will be trained to respond to a disclosure by a survivor in a non-judgemental way, providing immediate advice to ensure their safety and agreeing what further support will be provided.

We will endeavour to ensure all customer facing staff will be trained to spot the signs of domestic abuse, such as physical signs in a person and signs in the home, and to provide a safe opportunity for disclosure.

We will endeavour to ensure all repairs and maintenance contractors will be briefed during pre-contract meetings on their responsibilities to spot the signs of domestic abuse and to report any concerns to ADC so that staff can provide a safe opportunity for disclosure and/or respond to any disclosure.

### *Disclosure by waiting list applicant*

Any Homefinder applicant who discloses they are a survivor will be contacted (where it is safe to do so) with an offer of support during the processing of their application.

Support will continue to be offered to Homefinder applicants when contact is made with them, for example if they are matched to a property or if their application is reviewed.

Where a survivor is matched to a property, the details of the support offered and in place will be shared with the relevant Housing Officer assigned to the area the survivor is moving to, support will continue to be offered as appropriate.

### *Disclosure by current tenant*

We will endeavour to ensure all customer facing staff will be trained to respond to a disclosure by a survivor in a non-judgemental way, providing immediate advice to ensure their safety and agreeing what further support will be provided.

The relevant Housing Officer will be notified of disclosures in their area. The case will also be referred to the Community Safety Team.

Survivors will be offered an opportunity to meet with their Housing Officer (or another colleague of the same gender, sexuality, ethnicity, etc where possible) within 24 hours of being notified of their disclosure. A meeting will only be arranged where it is safe to do so. During this meeting a full DASH risk assessment will be completed and the support to be provided will be discussed and agreed.

#### *Concerns raised by third party*

Where concerns are raised by a third party such as a contractor, neighbour, another professional, friends or family member, the relevant Housing Officer will review available information internally for signs of domestic abuse and provide a safe opportunity for disclosure as above. As above, the case will also be referred to the Community Safety Team.

No information will be shared with the third party unless there is a legitimate ground or consent to do so.

#### *Spotting the signs of domestic abuse*

All housing management staff will seek to consider their cases for signs of domestic abuse, for example noise nuisance or arrears may be caused by domestic abuse.

Where concerns arise, the relevant Housing Officer will be notified and officers will work together to provide a safe opportunity for disclosure as above. Where any enforcement action is being taken against the tenancy, this will be paused whilst enquiries are made.

#### *DASH referrals*

A DASH referral will be completed for every disclosure of current domestic abuse or where to our knowledge the resident is still affected by the domestic abuse even though it has ended.

The DASH referral will be completed by the staff member who identifies the domestic abuse, unless another staff member is more familiar with the case and is better placed to provide the required information.

Domestic abuse champions within Housing & Assets will provide guidance and support to complete a referral if required, for example if a staff member is not able to gather all of the required information and cannot revisit the survivor.

All DASH referrals will be recorded centrally for monitoring by the Domestic Abuse Caseworker.

#### *Safety at home (prioritise repairs, Sanctuary, safety planning, legal options, code words, lifeline)*

Where a survivor wishes to remain in their property, assistance will be offered to maximise their safety at home, both if the perpetrator continues to visit or reside at the property, or not.

- Repairs: where repairs are required to secure a property, these will be prioritised and completed as soon as possible.
- Sanctuary Scheme: additional security measures will be offered under this Scheme if the tenant is eligible (see Sanctuary Scheme policy)
- Safety planning: advice on staying safe at home will be provided (resources available on the intranet)
- Lifeline Service: information on the 24/7 - 365 day call monitoring alarms available from the lifeline service will be provided. There is a cost for this service.
- Referrals for support: advice will be given on the specialist support providers available to assist the survivor and referrals made as agreed
- Legal options: advice will be given on the legal action that can be taken by ADC's Community Safety Team and that the survivor can take with specialist support

### *Rehousing*

Where a survivor wishes to move safely to a new home, assistance will be offered to do so

- Safety planning: as survivors are at greatest risk of harm when leaving an abusive relationship, advice on moving safely will be offered (resources available on the intranet)
- Housing Options appointment: survivors will be offered an appointment with the ADC Housing Options team to discuss making a homeless application and accessing support such as the Homeless Prevention Fund. A survivor will not be considered to be intentionally homeless if they left their home due to domestic violence.
- Pets: as survivors can often be reluctant to move without their pet, advice will be given on moving with the pet or arranging foster care for the pet until they are able to move to a suitable property with them
- Transfer: survivors will be advised on how to transfer to another ADC or social housing property, by either applying to Homefinder, for a Mutual Exchange or via a Management Transfer. Where a survivor transfers to another ADC property, they will be offered tenancy sustainment support to set up their new home. Where a survivor is not eligible for an ADC transfer, for example due to rent arrears or property damage, a flexible approach will be taken/an agreement will be made to address these issues without reasonably preventing the move. ADC will also advocate for the same flexibility from other social landlords on behalf of the survivor.
- Management Transfer: in exceptional circumstances a request may be made to the Service Manager for Lettings to identify a suitable available property for a survivor to move to via a direct let, this means a Homefinder application and bidding is not required.



- Refuge: survivors will be advised on moving into a refuge
- Money advice: survivors will be assisted to open a bank account, claim the benefits they are entitled to, to manage any debts, etc. Advice is also available to access furniture projects, food banks, etc as required.
- Referrals for support: advice will be given on the specialist support providers available to assist the survivor and referrals made as agreed

### *Names on tenancy*

- **Where the survivor and perpetrator are joint tenants**

If the survivor wants to remain in the property that the perpetrator has moved out of, the options are:

- o The perpetrator agrees to have their name taken off the tenancy
- o The tenancy is ended by either tenant and a new tenancy is issued in the sole name of the survivor – this will be done at the discretion of the Director for Housing & Assets subject to it being safe for them to remain and the property is suitable for their household.

If the survivor wants to remain in a property but the perpetrator refuses to leave, the survivor may seek an occupation order or tenancy transfer order from a court with support from a specialist organisation.

If the survivor leaves the property and the perpetrator remains living there, the survivor will be asked to end the tenancy and the use and occupation/illegal occupier procedure will be followed regarding the perpetrator remaining at the property.

If the survivor moves to another address but remains on the tenancy, advice will be provided on their rent responsibility, the benefits they may be entitled to help with their housing costs and assignment.

- **Where the survivor is the sole tenant but the perpetrator is living in the property**

If the survivor leaves the property and the perpetrator remains living there, the survivor will be asked to end the tenancy and the use and occupation/illegal occupier procedure will be followed regarding the perpetrator remaining at the property.

If the survivor wants to remain in the property and exclude the perpetrator, they have a legal right to do so and no changes are required to the tenancy. See safety planning and legal options.

If the survivor moves to another address but remains on the tenancy, advice will be provided on their rent responsibility and the benefits they may be entitled to help with their housing costs.

- **Where the survivor is the sole tenant but is married to/in a civil partnership with the perpetrator**

If the survivor leaves the property and the perpetrator remains living there - the survivor will be asked to end the tenancy and the use and occupation/illegal occupier procedure will be followed regarding the perpetrator remaining at the property. If the perpetrator has applied for an injunction to prevent the survivor ending the tenancy, this option is not available.

If the survivor wants to remain in the property and exclude the perpetrator, the perpetrator has marital home rights whilst they continue to be married/civil partners. The survivor should be advised to seek legal advice with support from a specialist organisation.

If the survivor moves to another address but remains on the tenancy, advice will be provided on their rent responsibility and the benefits they may be entitled to help with their housing costs.

- **Where the perpetrator is the sole tenant**

The Community Safety Team will follow the ASB procedure to apply to court to end the tenancy due to a breach of the tenancy agreement. No action will be taken that would affect the safety of the survivor.

If the perpetrator leaves the property and the survivor wishes to remain in the property, the options are:

- The tenancy is ended by the perpetrator and a tenancy may be issued in the sole name of the survivor – this will be done at the discretion of the Director for Housing & Assets subject to it being safe for them to remain and the property is suitable for their household.
- Where the perpetrator cannot be contacted, the tenancy is ended using the abandonment procedure and a tenancy is issued in the sole name of the survivor as above.
- The perpetrator may be able to assign the tenancy to the survivor, subject to the meeting the criteria under the Assignment Procedure

- **Where the perpetrator is the sole tenant but is married to/in a civil partnership with the survivor**

If the perpetrator leaves the property but does not end the tenancy and the survivor wishes to remain in the property, they will have a legal right to do so, however, the perpetrator will have a right to return and the survivor will be responsible for paying the rent and adhering to all other tenancy conditions. If the perpetrator ends the tenancy, a tenancy may be issued in the sole name of the survivor as above. It may also be possible for the perpetrator to assign the tenancy to the survivor. The survivor should also be advised to seek legal advice.

*Legal action against the perpetrator*

It is a condition of the ADC tenancy agreement that any tenant, their relatives, anyone living with them, or their visitors must not inflict domestic violence or threaten violence against any other person including using mental, emotional, financial or sexual abuse.

ADC has the following legal options available if this condition is breached, ADC's Community Protection Team will utilise its full legal powers wherever possible but only where this would not affect the safety of the survivor:

#### - **Injunction**

An Injunction to Prevent Nuisance and Annoyance (IPNA) can be granted where there is conduct capable of causing nuisance or annoyance to.

There are housing and non-housing related IPNAs:

##### *Housing-related IPNA*

Housing-related IPNAs can be granted where there is conduct capable of causing nuisance or annoyance to:

- a person in relation to that person's occupation of residential premises (regardless of tenure), or
- any person that directly or indirectly relates to the housing management functions of a local authority or other social landlord.

An application for a housing-related IPNA can be made in relation to a person living in or visiting residential premises

An injunction can require a person to stop doing something, to attend a course to deal with the underlying cause of their behaviour, or it can exclude them from the home.

The IPNA can be for a fixed period or 'until further order'.

#### - **Eviction**

On Discretionary Grounds – In granting possession the Court must be satisfied that the ground for possession has been established and it is reasonable to make the order. The grounds we can rely on in respect of anti-social behaviour are as follows:

- Any obligation of the tenancy has been broken
- The tenant or anyone living in or visiting the property has been:
  - guilty of behaviour causing or likely to cause nuisance or annoyance to anyone living in, visiting or carrying out a lawful activity in the locality and/or
  - guilty of behaviour causing or likely to cause a nuisance or annoyance to the landlord, or a person employed (whether or not by the landlord) in connection with the landlord's housing management functions and/or
  - convicted of using the premises or allowing it to be used for immoral or illegal purposes and/or convicted of an indictable offence committed in the locality
- The tenant or an adult residing in the dwelling-house has been convicted of an indictable offence which took place during, and at the scene of, a riot in the United Kingdom
- One partner of a married/civil partnership/cohabiting couple must have left because of violence or threats of violence from the other partner towards her/him, or a member of her/his family living with her/him, and the partner who has left must be unlikely to return. The violence must have been a cause of the partner leaving.

On Mandatory Ground –In granting possession the Court only needs to be satisfied that the ground for possession has been established. Any of the following 5 conditions can apply:

- the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a serious criminal offence, committed in a relevant place or against a relevant person
- that a court has found that the tenant, or a person residing in or visiting the dwelling-house, has breached a provision of an injunction
- the tenant, or a person residing in or visiting the dwelling-house, has been convicted of a breach of a criminal behaviour order
- the dwelling-house is or has been subject to a closure order for a continuous period of more than 48 hours
- the tenant, or a person residing in or visiting the dwelling-house, has been convicted of breaching an abatement notice or court order to abate statutory nuisance due to noise.

Where the survivor is a joint tenant or is married/civil partner of the evicted sole tenant, the survivor will be advised on their options to become a sole tenant of the property.

ADC may work in partnership with other agencies such as the police to take legal action, such as:

- **Domestic Violence Protection Notice and Order**

A DVPN is an emergency non-molestation and eviction notice which can be issued by the police, when attending to a domestic abuse incident, to a perpetrator. A DVPN is effective from the time of issue and a DVPO must be applied for by the police within 48 hours. A DVPO can prevent the perpetrator from returning to a residence and from having contact with the survivor for up to 28 days. The police may arrest a perpetrator in breach of the DVPN or DVPO

Legal action a survivor may take (ADC and other specialist organisations can support<sup>1</sup> a survivor to do so but cannot take forward these actions on their behalf):

- **Non-molestation order:** prohibits molestation such as harassment or violence
- **Occupation order:** enforce, declare or restrict rights to occupy the family home

### *Visiting survivors*

Survivors will be asked if they have any preference regarding who attends any appointments with them, such as to complete a repair, to discuss their rent, provide tenancy support, etc. Staff will discuss what arrangements can be put in place such as a staff member of the same sex, ethnicity, etc attending or acting as a chaperone.

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<sup>1</sup> <https://www.ncdv.org.uk/are-you-suffering-domestic-abuse/how-ncdv-will-help-you>



### *Whole family support (children, financial, specialist support, perpetrators)*

A range of support options will be discussed with survivors and the support that is put in place will be as requested by the survivor. If support is declined, the survivor will always be able to request it at a later date.

The support options will include support for the whole family and in all areas of the family's life including children, finances, health and wellbeing, housing, etc. Where a multi-agency approach is required, referrals will be made as appropriate, such as MARAC, Complex Case Panel

### *Perpetrator support*

Perpetrators may access the support services available from ADC or partner agencies in the same way as another resident. It is recognised that addressing the support needs of a perpetrator may reduce the risk to a survivor and it is important these needs are not disregarded due to their abusive behaviour.

However, specialist support is not available to perpetrators regarding their abusive behaviour and staff will not speak with perpetrators regarding their behaviour and will not discuss the survivor's case with the perpetrator.

Perpetrators that indicate they wish to change their abusive behaviour will be signposted to the Respect website and helpline.

### *Safeguarding*

Staff will follow the Safeguarding Policy and Procedure alongside this policy, making MASH referrals as required. A referral for domestic abuse support will not take the place of a safeguarding referral.

### *Awareness raising*

ADC is committed to the White Ribbon Campaign and will participate in the 16 days of action each year.

Information on getting help and staying safe will be available on the website and will be regularly updated

### *Prevention*

ADC will support partner agencies to promote healthy relationships to young people

### *Staff training and support*

Staff will be provided with training relevant to their role regarding domestic abuse

Staff who have personally experienced domestic abuse can request that they are not assigned a domestic abuse case.

### *Staff safety and wellbeing*

Staff will follow the Council's Corporate Health and Safety Policy and relevant procedures alongside this policy, in particular guidance and safe systems of work which have been designed to mitigate the risks associated with lone working and verbal abuse.

All violent, aggressive or accusatory perpetrators will be logged on CEPR. Staff will take the necessary precautions when visiting a property where such perpetrators live or visit, including: only visiting when necessary, contacting via telephone instead, visiting in pairs, meeting in the community or council office. In some cases, contact must be approved by the ADC Domestic Abuse Officer.

Staff will not speak with perpetrators regarding their abusive behaviour or discuss the domestic abuse case with them or in their presence.

No contact will be made with the perpetrator that will risk the safety of the survivor.

### **Monitoring**

The delivery of the objectives set out in this policy will be monitored as follows:

- Outcomes star – the self-reported improvements by residents supported by the Domestic Abuse Case Officer that are recorded on the outcomes star will be monitored
- Domestic Homicide Reviews – the number of and lessons learnt, particularly repeated lessons, from DHRs will be monitored
- Homelessness data – the number of households homeless or in priority need due to domestic abuse will be monitored
- Domestic Abuse Office case load – the case load of this officer will be monitored
- MARAC – the cases concerning Ashfield residents listed at MARAC will be monitored
- Police data – the number of domestic abuse cases reported to the police will be monitored
- DASH referrals – the number and source of DASH referrals will be monitored
- Average time before reporting – the time between a resident starting to experience domestic abuse and disclosing this will be monitored



# **Employee Domestic Violence and Abuse Policy 2019**

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## **1. Policy Statement:**

Ashfield District Council recognises that its employees will be amongst those affected by domestic violence and abuse either as:

- a survivor of domestic violence,
- an individual who is currently living with domestic violence and abuse,
- someone who has been impacted by a domestic violence and abuse homicide,
- someone whose friends or family have been affected,
- an individual who perpetrates domestic violence and abuse.

Ashfield District Council believes that violence and abuse is unacceptable and a breach of human rights given that everyone has the right to live free from fear and abuse. This Authority is committed to developing a workplace culture in which there is zero tolerance for violence and which recognises that the responsibility for domestic violence and abuse lies with the perpetrator.

Ashfield District Council is committed to reducing domestic violence and abuse, this policy sets out the actions that will be taken in responding to employees who are experiencing domestic violence and abuse and where there are concerns that an employee may be the perpetrator of domestic violence.

By developing an effective Domestic Violence and Abuse Policy and working to mitigate the risks related to domestic violence, we will create a safer workplace and we will also send out a strong message that domestic violence and abuse is unacceptable. Ashfield District Council further recognises that domestic violence is an equalities issue.

## **2. Objective:**

When people are living with Domestic Violence and Abuse, it affects the whole of their lives, including their work. Living with abuse can affect someone's health and safety at work, their performance, and productivity and attendance record. Ashfield District Council recognises its legal responsibilities in promoting the welfare and safety of all employees.

The policy aims to highlight the levels of local support available and increase awareness of the scale of the issues, as well as common signs of Domestic Violence and Abuse (DVA). This is a highly sensitive and personal issue and should be treated as such. Therefore this document may cause some distress to any victims of domestic violence abuse and should be treated carefully. It is crucial however that DVA is seen as serious, recognisable, preventable and an important issue that cannot be ignored. Ashfield District Council strives to create a working environment that promotes this view and help those involved in or experiencing Domestic Violence and Abuse.

## **3. Scope of Policy:**

This policy covers survivors of domestic violence, current victims of domestic violence, and secondary victims of domestic violence homicide and perpetrators of domestic

violence. It applies to staff across all sites as well as agency and contract staff and elected members.

## **4. Definition of domestic violence and abuse.**

For the purposes of the policy, Ashfield District Council, recognises the Government's definition of domestic violence and abuse:

*“Any incident of threatening behaviour, violence or abuse (psychological, physical, sexual, financial or emotional) between those over the age of 16 years old who are or have been intimate partners or family members, regardless of gender or sexuality”*

Ashfield District Council recognises that domestic violence and abuse is rarely confined to a single incident and typically forms a pattern of coercive or controlling behaviour.

*Controlling behaviour is:* a range of acts designed to make a person subordinate and/or dependant by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

*Coercive behaviour is:* an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.'

This definition also includes 'honour' based violence, female genital mutilation (FGM) and forced marriage. It is recognised that victims can be of any gender, sexual orientation or ethnic group.

## **5. What constitutes Domestic Violence and Abuse?**

As highlighted, Domestic Violence and Abuse can be emotional, psychological, physical, sexual and financial. Domestic Violence and Abuse is rarely a one-off incident and should instead be considered as a pattern of abusive and controlling behaviour through which the abuser seeks power over their victim, which tends to escalate over time.

### **5.1 Physical violence can include:**

Shaking, smacking, punching, burning, shoving, kicking, pinching, hair pulling, Biting, withholding food or medication, withholding access to wheelchairs or other mobility equipment, tying up, stabbing, suffocation, strangling, throwing things, using objects as weapons, causing miscarriage, being thrown, female genital mutilation, 'honour base violence', withholding care.

### **5.2 Sexual abuse can include:**

Forced sex, forced prostitution, ignoring religious prohibitions about sex or insisting on them, not being allowed to use contraception, deliberately passing on sexual infections, sexual humiliation and degradation, being kept pregnant, being forced to have an abortion, preventing breastfeeding, being forced or coerced into taking part in sexual activity that someone is not comfortable with, including watching or making pornography.

### **5.3 Psychological and emotional abuse can include:**

Humiliation and degradation; minimising and denying the abuse; blaming the abuse on cultural beliefs, stress, alcohol or drug use; insulting or belittling a partner, being jealous and possessive; justifying abuse through children; isolating a partner and not allowing them to leave the house, go to work, see friends or family, not allowing them to have access to a mobile phone, or answer the house phone; stalking, watching, following and making constant phone calls to check on a partner's location, threats to 'out' a lesbian, gay, bisexual or transgender partner; report a partner to immigration; harm or murder a partner, children and pets; threaten to commit suicide. Having other relationships which they flaunt, lie to you, belittle sexual performance, blaming for the abuse.

### **5.4 Financial abuse can include:**

Withholding any access to finances; bills; bank accounts; preventing someone bought or how money is spent; running up debts in the partner's name.

It should be recognised that although Domestic Violence and Abuse can take many forms in terms of being physical or not, it will always have a psychological and emotional affects that can be long term damaging to the individual.

## **6. How widespread is domestic violence and abuse?**

Gender is described as a "significant risk factor" as women are more likely than men to experience interpersonal violence, especially sexual violence, and to experience severe and/or repeated incidents of violence and abuse.

However, Ashfield District Council recognises that controlling and abusing behaviour can also occur against men.

Research shows that 75% of victims are targeted at work (from harassing phone calls and abusive partners arriving at the workplace unannounced, to physical assaults).

## **7. How does domestic abuse and violence affect employees?**

Domestic Violence and Abuse can affect the emotional, physical health and wellbeing as well as productivity of employees. Furthermore; they may face increased risk of workplace violence leading to:

- Employee absenteeism and turnover
- Loss of productivity
- Workplace violence that threatens the safety of all employees
- Impact on other employees
- Financial costs

### **How can it happen at work?**

Survivors experiencing Domestic Violence and Abuse may receive harassing or repeated phone calls, text messages, communications on social media, faxes or emails, unwelcome notes left on their vehicles or unplanned visits at work. Survivors may also be followed when travelling to or from work. Perpetrators, who may already know his/her partner's work times, phone numbers and colleagues, pose an increased risk of

workplace violence. Risk will also be increased should the perpetrator and victim work at the same place.

## **8. Disclosures:**

If you are suffering from Domestic Violence and Abuse, you may wish to raise this with someone you feel you can approach such as your line manager, colleague, Domestic Abuse and Vulnerabilities Officer or HR officer. This policy is designed to support you in making that decision and explain what flexibility this might give you and what support is available within the Council and outside of it.

Line managers will not counsel employees as they are not trained appropriately in counselling, however they can offer information, workplace support and signpost to other local organisations.

It can be a relief to tell your manager so they can look at how to resolve with you some of the affects caused as a result of Domestic Violence and Abuse.

### **8.1 Confidentiality**

Employees who disclose experiencing or perpetrating abuse can be assured that the information they provide is confidential and will not be shared with other members of staff without their permission.

There are, however, some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where the employer needs to act to protect the safety of employees.

In circumstances where the breach of confidentiality is required, the Council will seek specialist advice before doing so. If it decides to proceed in breaching confidentiality after having taken advice, it will discuss with the employee why it is doing so and it will seek the employee's agreement where possible. As far as possible, information will only be shared on a need-to-know basis.

Improper disclosure of information i.e. breaches of confidentiality by any member of staff will be taken seriously and may be subject to disciplinary action.

Employees experiencing domestic violence and abuse may choose to be accompanied at meetings by a colleague, trade union representative or a friend.

### **8.2 Right to privacy**

Ashfield District Council respects employees' right to privacy. Whilst this organisation strongly encourages victims of domestic violence and abuse to disclose domestic violence for the safety of themselves and all those in the workplace, it does not force them to share this information with us if they do not want to.

### **8.3 Role of colleagues**

Ashfield District Council encourages all employees to report if they suspect a colleague is experiencing or perpetrating abuse. Employees should speak to their line manager about their concerns in confidence. In dealing with a disclosure from a colleague, employers should ensure that the person is made aware of this policy and that there is internal and external support available.



## **9. Safety and Support:**

Ashfield District Council will actively support employees to choose an appropriate course of action and will prioritise safety and confidentiality at all times. Notification of abuse to others within the organisation can only be made with permission of the employee concerned and only on a need-to-know basis.

No proof of the Domestic Violence and Abuse is required – an employee’s statement is sufficient for access to information on appropriate local agencies and for support to be given. As highlighted, there are, however some circumstances in which confidentiality cannot be assured. These occur when there are concerns about children or vulnerable adults or where the employer needs to act to protect the safety of employees.

Survivors of domestic violence, victims of domestic violence, employees affected by domestic violence homicide and employees who are concerned about their abusive behaviour working for this organisation do not have to keep their experience to themselves; there is help and support available.

Sources of confidential internal and external support available to all employees can be found on the intranet or can be provided by the trained members of staff named above. They can also be found in this policy.

Ashfield District Council recognises that a survivor moving forwards their life so it is free from abuse is a process, not an event, and this organisation will provide ongoing support for employees who disclose abuse. Ashfield District Council will ensure that employees who are victims of domestic violence are never disciplined (where known) because they refused or rejected support and assistance.

### **9.1 Safety planning**

Ashfield District Council will prioritise the safety of employees if they make it known that they are experiencing domestic violence.

When an employee discloses domestic violence, Ashfield District Council will encourage its employees to contact a specialist support agency who can undertake a Domestic and Abuse Stalking and Harassment (DASH) risk assessment or will liaise with appropriately training members of staff within Ashfield District Council where they will undertake a DASH assessment and make appropriate referrals where necessary.

Ashfield District Council will work with the employee and a specialist agency (with the employee’s consent) to identify what actions can be taken to increase their personal safety as well as address any risks there may be to colleagues.

### **9.2 Safeguarding**

Ashfield District Council has a responsibility to protect children and vulnerable adults from abuse and ensure that its actions follow the Nottinghamshire Safeguarding Children Board and Safeguarding Adults Procedures. Statistics show that 90% of children are believed to have seen or heard abuse in their home. Abusive relationships can have detrimental effects on a child’s physical and mental health. Therefore disclosures will only be made to the appropriate safeguarding agencies such as the Multi-Agency Safeguarding Hub (MASH) via Ashfield District Council’s Children’s

Safeguarding Lead (contact details included in part 16). It is important to be mindful that the purpose of safeguarding is to ensure that appropriate measures are taken forward to protect the child(ren) and ensure they are living in a safe environment. More information about safeguarding can be accessed via the Ashfield District Council's intranet.

All employees have a responsibility to report any concerns about the welfare of children and vulnerable adults to their line manager immediately. Employees of Ashfield District Council are not, however, responsible for deciding whether abuse has taken place.

Improper disclosure of information, e.g. breaches of confidentiality by any employee, will be taken seriously and may be subject to disciplinary proceedings in line with the Disciplinary Policy.

Full contact details of local support services are included at the end of this policy. However if someone is in immediate danger, always ring 999.

## **10. Perpetrators of domestic violence and abuse.**

Ashfield District Council recognises that both victims and perpetrators of DVA may be working for the Council. Ashfield District Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

Domestic violence and abuse perpetrated by employees will not be condoned under any circumstances nor will it be treated as a purely private matter. Ashfield District Council recognises that it has a role in encouraging and supporting employees to address violent and abusive behaviour of all kinds.

If an employee approaches Ashfield District Council about their abusive behaviour, the Council will provide information about the services and support available to them.

Ashfield District Council will treat any allegation, disclosure or conviction of a domestic violence related offence on a case-by-case basis with the aim of reducing risk and supporting change.

The use of violence and abusive behaviour by an employee, wherever this occurs, is a breach of the Ashfield District Council's Code of Conduct for disciplinary purposes.

Ashfield District Council's Code of Conduct is intended to inform all staff, irrespective of grade, of the standards of conduct expected of them. It identifies a set of principles governing behaviour by which staff members are expected to abide. Staff members are expected at all times to present high standards of personal integrity and conduct that will not reflect adversely on the organisation and its reputation.

These procedures can be applicable in cases where an employee has:

- Behaved in a way that has harmed or threatened his/her partner
- Possibly committed a criminal offence against his/her partner
- Had an allegation of domestic abuse made against him/her

- Presented concerns about their behaviour within an intimate relationship

This organisation is committed to ensuring that:

- Allegations will be dealt with fairly and in a way that provides support for the person who is the subject of the allegation or disclosure
- All employees will receive guidance and support
- Confidentiality will be maintained and information restricted only to those who have a need-to-know
- Investigations will be sufficiently independent
- All cases will be dealt with quickly avoiding unnecessary delays
- All efforts will be made to resolve the matter within 4-6 weeks, although some cases will take longer because of their nature or complexity

NOTE: This procedure is intended to be safety focussed and supportive rather than punitive.

The accused member of staff will be:

- Treated fairly and honestly
- Helped to understand the concerns expressed and processes involved
- Kept informed of the progress and outcome of any investigation and the implications for any disciplinary process
- Advised to contact their union or professional organisation

**There are four potential strands in the consideration of an allegation:**

1. A police investigation of a possible criminal offence
2. Disciplinary action by the employer
3. Providing specialist, safety-focused counselling
4. Identifying risk

Any employee who is responsible for giving advice or support to those experiencing domestic abuse needs to be particularly aware of the potential consequences if they are found to be perpetrators.

If a colleague is found to be assisting an abuser in perpetrating the abuse, for example, by giving them access to facilities such as telephones, e-mail or fax machines then they will be seen as having committed a disciplinary offence.

If it becomes evident that an employee has made a malicious allegation that another employee is perpetrating abuse then this will be treated as a serious disciplinary offence and action will be taken.

**If the victim of the perpetrator works in the same organisation**

In cases where both the victim and the perpetrator of domestic violence work in the organisation, this organisation will take appropriate action.

In addition to considering disciplinary action against the employee who is perpetrating the abuse, action may need to be taken to ensure that the victim and perpetrator do not come into contact in the workplace.

Action may also need to be taken to minimise the potential for the perpetrator to use their position or work resources to find out details about the whereabouts of the victim. This may include a change of duties for one or both employees or withdrawing the perpetrators access to certain computer programs.

Ashfield District Council also reserves the right to consider the use of this policy in conjunction with the Disciplinary Policy should an employee's activities outside of work have an impact on their ability to perform the role for which they are employed and/or be considered to bring the organisation into disrepute.

In some circumstances, it may be deemed inappropriate for the individual to continue in his/her current role(s) due to a caution or conviction. This will be considered in line with the relevant policies including Disciplinary Policy and Redeployment Policy. In these circumstances the possibility of redeployment into an alternative role could be considered.

Ashfield District Council views the use of violence and abusive behaviour by an employee, wherever this occurs, as a breach of the organisation's Code of Conduct for disciplinary purposes.

In cases where both the victim and the perpetrator work in the organisation, Ashfield District Council may take action following an appropriate investigation to ensure that the victim and perpetrator do not come into contact in the workplace.

If a colleague is a perpetrator to a victim who is not employed by Ashfield District Council and they decide to disclose to the organisation about their behaviour, the Council will provide them with information of support services available. Ashfield District Council will encourage he/she to seek support and help from an appropriate source.

Where it becomes known that a colleague has perpetrated DVA via a direct complaint from the victim to the Council, the Council's Disciplinary Procedure should be implemented. The matter will be investigated in accordance with the Council's Code of Conduct and, if appropriate, Disciplinary Policy and procedures.

If a colleague is a victim to a perpetrator who is not employed by Ashfield District Council, the Council will provide advice, guidance and support as detailed in this policy.

## **11. Manager's role in domestic abuse and violence disclosures /concerns of domestic abuse.**

It may be that a member of your team discloses to you that he/she is a victim of DVA. This is a huge step for that person to have taken. It is important to listen, reassure and support the individual and respond in a sensitive and non-judgemental manner.

Remember someone experiencing or affected by DVA may keep quiet for many years before seeking help. Sometimes feeling uncertain of what he/she is experiencing or fearful that more problems will arise by sharing the information.

A manager's role is to:

- Listen and talk through issues that worry the individual and how the Council might help support and protect them.



- Ensure that confidentiality is respected as far as possible.
- Understand that the employee may not wish to approach their line manager and may prefer to involve a third party such as a colleague, the Council's DV Prevention Officer, trade union representative or HR.
- Discuss measures to prioritise safety in the workplace.
- Be aware of what support is available and explore these options with the employee.
- Where DVA has been reported to a line manager he/she may offer employees a broad range of support. This may include, but is not limited to, the following with consideration given to individual circumstances.
- Reasonable leave for relevant appointments, including with support agencies, solicitors, and for court appointments.
- Temporary or permanent changes to working times and patterns.
- Changes to specific duties, for example to avoid potential contact with an abuser in a customer facing role.
- Consideration for redeployment or relocation if suitable/appropriate.
- Measures to ensure a safe working environment, for example changing a telephone number to avoid harassing phone calls.
- Using existing policies, including flexible working. Access to counselling/support services through the Council's Occupational Health.
- Access to courses developed to support female survivors of DVA, for example The Freedom Programme (JUNO Women's Aid /NIDAS) or Strengthening Families (Sure Start).

Line managers will respect the right of employees to make their own decision on the course of action at every stage and should avoid being judgemental. Ashfield District Council recognises that the employee may need time to decide what to do and may try many different options during this process.

## **12. Training and Awareness Raising:**

Ashfield District Council will promote this policy and up to date information and publicity about DVA and local specialist support across the organisation and in other places where appropriate. Training will be delivered to ensure that officers are able to recognise DVA when being disclosed by another colleague or a member of the public. The training will ensure that employees will also be able to respond proactively and appropriately when a disclosure is made.

Ashfield District Council is also mindful that this training may also benefit each employee on a personal level. Some employees may be affected by DVA directly or indirectly and through this training will be able to recognise the support services available to them and how they can be contacted. However some employees may be unable to cope with the training and alternative arrangements should be made.

The training will be undertaken by all employees and will have a three tiered approach.

### **12.1 Tier 1:**

To be attended by employees who have a specific role towards DVA, their direct

line managers, Community Protection Officers, ASB and Nuisance Officers, line managers, Community Protection Officers, ASB and Nuisance Officers, Safeguarding leads, Housing Options and principle officers within Human Resources. This will involve attending a full day awareness training for DVA delivered by Equation.

### **12.2 Tier 2:**

Extended and aspiring leadership, customer facing employees and Human Resources, are required to undertake the e-learning training.

They are also required to attend a two hour session which will give further information about Ashfield District Council's DVA Policy, receiving disclosures, confidentiality and signs and symptoms of DVA.

### **12.3 Tier 3:**

All employees and Elected Members are asked to undertake the e-learning package, which includes an overview of what constitutes DVA, support services available and referral procedures. This package will also include any updates to policies or legislations covering DVA. Ashfield District Council is mindful that not all employees will have access to the eLearning package or may need additional support to complete it, therefore alternative options will be offered and taken forward through their line manager's discretion.

### **12.4 Tier 4**

This organisation is committed to training all line managers on the issue of domestic violence. In addition to specific training courses on the issue, it will be integrated into other relevant training courses. As a minimum, line managers will be trained to:

- Identify if an employee is experiencing difficulties because of domestic violence
- Provide initial support - be clear about available workplace support
- Discuss how the organisation can contribute to safety planning
- Signpost/offer referrals to other organisations
- Understand that they are not counsellors

### **12.4 Exemption.**

There is an exemption process available due to the seriousness and sensitivity of the content within the training which may touch upon emotional impact a survivor of DVA may have or currently be experiencing. Employees are encouraged to contact the Domestic Violence Prevention Officer or their line manager in order to seek exemption. The details of the exemption will not be passed onto Human Resources.

Ashfield District Council will strive to create an environment which is alert to domestic violence and in which employees feel supported to use confidential mechanisms to disclose experiencing abuse or perpetrating abuse. All employees will be made aware of this policy through a range of methods including induction, training, appraisal, leaflets and posters.

### **13. Anti-Discrimination:**

Ashfield District Council will not discriminate against anyone who has been subjected to domestic violence both in terms of current employment or future development.

If an employee discloses domestic violence during disciplinary procedures in relation to performance, absenteeism etc. this will be taken into account. If it is felt that the issue can be resolved by addressing the support or safety needs of the employee the disciplinary process may be suspended.

### **14. Policy Monitoring and Review:**

Mechanisms are in place to monitor and review the policy's effectiveness and ensure appropriate information and publicity about DVA is displayed across the organisation and in other places where appropriate.

This policy will be reviewed every three years unless there are changes in legislation, best practice or other organisational policies which impact on its effectiveness.

### **15. Equality Impact and Assessment**

An Equality Impact Assessment of this policy has been considered, however there are no negative impacts, as the purpose of the policy is to protect those who are vulnerable, supporting change and improving the lives and health and safety of those affected. The policy also aims to address the abusive behaviour of perpetrators working within the organisation.

### **16. Local Support Information and Contacts**

Services will provide advice and support for survivors and professionals.

#### **JUNO Women's Aid**

24hr helpline (Nottinghamshire) **0808 800 0340**

For agencies and admin **0115 947 6490**

[www.junowomensaid.org.uk](http://www.junowomensaid.org.uk)

JUNO Women's Aid also provide legal advice, outreach / floating support services for women and children, refuge, pet fostering services and much more.

#### **Refs for Pets (JUNO Women's Aid pet fostering service)**

Helpline **0808 800 0340** or **07971 337 264**

[sarah@junowomensaid.org.uk](mailto:sarah@junowomensaid.org.uk)

Women's Aid organisations also include signposting for men experiencing Domestic violence or colleagues from lesbian, gay, bisexual or transgender communities.

#### **Victim Support (Catch 22)**

Helpline **0300 303 1967** (8am-8pm)

Providing local support to victims and witnesses of crime including male survivors of domestic violence living in Nottingham or Nottinghamshire.

[www.catch-22.org.uk/services/victim-care-nottinghamshire/](http://www.catch-22.org.uk/services/victim-care-nottinghamshire/)

### **NIDAS**

Telephone No. **01623 683 250**

Provides outreach/floating support for women and children affected and experiencing domestic abuse/violence.

Also provide support for men and women when pursuing injunctions through the court system. This service operates in Ashfield and Mansfield.

### **Broxtowe Women's Project**

Support line- 01773 719111

For agencies and admin - 01773 718555

[www.broxtowewomensproject.org.uk](http://www.broxtowewomensproject.org.uk)

Providing an outreach service and support line to all women living in north Broxtowe Borough and Stapleford areas.

### **Midlands Women's Aid**

Telephone No. **0115 925 7647**

Providing an outreach service alongside refuge to provide a complete package of support to women and families.

[www.mwa.org.uk](http://www.mwa.org.uk)

### **Equation – formerly known as Nottinghamshire Domestic Violence Forum**

Provide information for all survivors, perpetrators and young people affected by domestic abuse, sexual violence, forced marriage, honour based violence or female genital mutilation. They also have a library which includes referral forms and advice leaflets.

[www.equation.org.uk](http://www.equation.org.uk)

[www.thegreatproject.org.uk](http://www.thegreatproject.org.uk)

[www.respectnotfear.org.uk](http://www.respectnotfear.org.uk)

Also have a specialist Male Service and Male IDVA service- **0115 960 5556**.

### **Ashfield District Council's Employee Assistance Programme (EAP)**

24hr helpline **0800 030 5182**

A free and confidential programme which offers practical and emotional support for all Council employees and their spouse or partner and any children over the age of 16 living at home.

### **Ashfield District Council's Housing Options Team**

Telephone No. **01623 457252**

Out of Hours / Emergency No. **01623 450000**

### **Relate**

Relationship counselling service for individuals who have been affected by domestic abuse. Relate do not work with couples experiencing domestic abuse.

[www.relate.org.uk](http://www.relate.org.uk)

### **Notts SVS Service (Sexual Violence and Abuse)**

Counselling Help Line: **0115 941 0440**

Admin telephone: **0115 947 0064**

Support survivors of rape and childhood sexual abuse living in Nottingham and Nottinghamshire.

[www.nottssvss.org.uk](http://www.nottssvss.org.uk)

### **Topaz Centre (Nottinghamshire sexual assault referral centre)**

Telephone No. **0800 085 9993**)

Supports both male and females over 13 who have been raped or sexually assaulted and are living in Nottingham or Nottinghamshire.

[www.topazcentre.org.uk](http://www.topazcentre.org.uk)

**Broken Rainbow Helpline 0300 999 5428** (Mon 2-8pm, Wed 10am-5pm, Thurs. 2-8pm)

Provide telephone support to lesbian, gay, bisexual and transgendered people experiencing abuse.

[www.broken-rainbow.org.uk](http://www.broken-rainbow.org.uk)

### **Men's Advice Line**

Helpline **0808 801 0327** (Mon-Fri 10am-1pm and 2-5pm)

A free helpline offering information, advice and support for men in abusive relationships. Emotional support, practical advice, signposting to a range of services including housing and legal options.

[www.mensadvice.org.uk](http://www.mensadvice.org.uk)

### **Childline**

Helpline **0800 111**

Free, confidential 24hr helpline for young people up to the age of 19. Trained counsellors are available to provide comfort, advice and support.

Support, information and advice to children on all aspects of a child's experience.

[www.childline.org.uk](http://www.childline.org.uk)

### **MASH – Multi Agency Safeguarding Hub**

Helpline **0300 500 80 90**

Help and advice if you have concerns about a child or vulnerable adults welfare.

### **Forced Marriage Helpline**

Helpline 0800 5999 247 (Honour Network) (9am-9pm, 7 days a week)

[www.karmanirvana.org.uk](http://www.karmanirvana.org.uk)

### **Forced Marriage Unit (Home Office)**

Telephone No. 020 7008 0151

Practical information and sources of advice and help on forced marriages.

[www.forcedmarriage.net/home](http://www.forcedmarriage.net/home)

### **Forward (Female Genital Mutilation)**

Helpline 020 8960 4000 (9.30am to 5.30pm)

[www.forwarduk.org.uk](http://www.forwarduk.org.uk)



**NSPCC (if you feel a child is being abused or is at risk of FGM)**

**They have a dedicated helpline for FGM which is anonymous.**

Helpline 0800 028 3550 (24 hrs)

[www.nspcc.org.uk](http://www.nspcc.org.uk)

### **Perpetrators**

Respect is the UK membership association for domestic violence prevention programmes and integrated services. Respect's key focus is on increasing the safety of those experiencing domestic violence through promoting effective interventions with perpetrators.

Available to men and women who would like to change their abusive behaviour.

Telephone No. **0808 802 4040** (Mon-Fri 10am-1pm and 2pm-5pm)

[info@respectphoneline.org.uk](mailto:info@respectphoneline.org.uk)

[www.respect.uk.net](http://www.respect.uk.net)

<b>Report To:</b>	<b>Cabinet</b>	<b>Date:</b>	<b>25<sup>th</sup> November 2019</b>
<b>Heading:</b>	<b>TOWN CENTRES FUNDING</b>		
<b>Portfolio Holder:</b>	<b>COUNCILLOR RELF, PORTFOLIO HOLDER FOR PLACE, PLANNING AND REGENERATION</b>		
<b>Ward/s:</b>	<b>ALL KIRKBY AND SUTTON WARDS</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 progress of the Future High Streets Fund (FHSF) bid and to recommend the submission of a bid to the second stage of the Fund. To update Cabinet on the Towns Funding for Kirkby and Sutton.

## Recommendation(s)

1. To note the Council's successful first stage bid to the Future High Streets Fund and the acceptance of £95k revenue funding from the Fund.
2. To support the submission of a bid to the second stage of the Future High Streets Fund.
3. To note the acceptance of the £324k revenue funding for the Towns Deal for Kirkby and Sutton (£162k per town)
4. To delegate authority to the Portfolio Holder for Place, Planning and Regeneration, to oversee the process for setting up a joint board, producing a Joint Town Investment Plan and submitting a business case to access Town Deal funding for Kirkby and Sutton.

## Reasons for Recommendation(s)

The Future High Streets and Town Deal funding present a tremendous opportunity to secure investment for Kirkby and Sutton. Transformative regeneration benefits would be realised for the towns, with areas re-purposed, reducing over-reliance on retail and helping to create a sustainable future for the towns, delivering long term economic and productivity growth.

## Alternative Options Considered

1. Not to progress a bid to the second stage of the Future High Streets Fund. **Not recommended** - Funding opportunities for town centres are limited and the Council has been awarded a revenue grant of £95k to support preparation of the bid.
2. Not to accept the opportunity provided through the Town Deals initiative for Kirkby and Sutton- **Not recommended**. Funding opportunities for town centres are limited and the

Council has been awarded a revenue grant of £162k for each town to support preparation of the Town Investment Plans and business cases.

## **Detailed Information**

### **1. Future High Streets Funding**

The Council has been notified that we have successfully progressed to the Business Case Development Phase of the Future High Streets Funding, as one of 100 towns. A business case development grant of £95k has been paid to the Council. The revenue grant is being used to engage specialist advisers to assist with the preparation of the business case and to fund internal resource.

Authorities can bid for up to £25m, but the expectation of Government is that most successful bids will be between £5m - £10m. Guidance suggests that if bids are higher that they be submitted as separate packages. A Delivery Manager has been allocated by the Ministry of Housing, Communities and Local Government (MHCLG) who is supporting us through the process.

Key dates for the application process are detailed below.

#### **Key dates**

- Submit Rough Order of Magnitude (ROM) capital cost estimate - submitted 8<sup>th</sup> November with indicative profile of capital expenditure;
- Early draft business case submission 15<sup>th</sup> March 2020;
- Final business case submission 30<sup>th</sup> June 2020;
- Successful bids announced summer/autumn 2020.

If the bid is successful, capital spend for the FHSF funding would need to be profiled between financial years 2020-21 to 2023-24. Any co-funding could be spent after these dates.

Gleeds have been appointed as specialist advisers to undertake the work required to produce the business case for the bid submission. Gleeds is a worldwide management and construction consultancy, with a team based in Nottingham undertaking the work. They previously undertook a feasibility study for Sutton town centre in 2018 which informed the town centre masterplan. They therefore have the necessary expertise, experience and knowledge. The bid will be based on projects identified through this process.

An initial visioning workshop was held on 21<sup>st</sup> October with Cabinet members, who will form a project board to oversee the bid. The opportunity sites currently being considered include:

- Low Street / Brook Street – number of vacant units may provide an opportunity for acquisition and re-purposing
- Council Brook Street Offices - variety of potential uses as a conversion
- Old Market Place is a well located asset, important strategically with development potential. Proximity to Sutton Academy to be explored
- Fox Street site has potential for a variety of uses: residential, community, food and drink.

We will be commencing public and stakeholder consultation about the proposals in the next few months to determine the level of support. The proposals will then be developed appropriately in readiness for submission of the business case.

The Future High Streets Funding was discussed at Scrutiny Panel B on Thursday 7<sup>th</sup> November, as part of the panel's review of town centre regeneration.

## 2. Towns Fund

The prospectus for the Fund was issued in early November and further information is now available about the process, as detailed below:

Stage 1: providing capacity support to places to put structures and a vision in place, in order to move to the next stage of agreeing a deal;

Stage 2: Prepare a business case to apply for funding – further guidance will include information about the amount of capital and revenue funding available, and the interventions that can be supported through the fund.

### Timeframe

- A board to be established and led by a representative of the local business community;
- Capacity funding to be received November 2019- **£324,038** (£162, 019 per town);
- Readiness checklist to be submitted by 19th December 2019: to gauge how quickly we will be able to prepare for a Town Deal;
- Town Deal Board to be convened (including publication of town boundary) by end of January 2020;
- Further guidance published early 2020;
- Town Investment Plan to be produced by the end of Summer 2020;
- Town Deal to be agreed during 2020-21.

The objective of the Fund is to drive the economic regeneration of towns to deliver long term economic and productivity growth through:

- Urban regeneration, planning and land use: ensuring towns are thriving places for people to live and work including by: increasing density in town centres; strengthening local economic assets including local cultural assets; site acquisition, remediation, preparation, regeneration; and making full use of planning tools to bring strategic direction and change;
- Skills and enterprise infrastructure: driving private sector investment and ensuring towns have the space to support skills and small business development;
- Connectivity: developing local transport schemes that complement regional and national networks, as well as supporting the delivery of improved digital connectivity.

The **Town Deal Board** and **Town Investment Plan (TIP)** will inform the second stage of agreeing a Town Deal: which will include completing a business case.

Where towns are preparing to agree a Town Deal and are already involved in the Future High Streets Fund, Government expect plans to be aligned, whilst still meeting the separate objectives of the funds.

### Capacity funding

The Council will set out how the capacity funding will be spent, and how it will support the process of developing the Town Investment Plan. The funding is to be used for: convening the Town Deal Board, running business and wider community engagement events; developing Town Investment Plans and providing technical expertise for business case development.

## **#MyTown Campaign**

As part of the deal we will engage with communities to find out what people value about their town and how they want to see it grow. Government is developing a communications and community engagement toolkit which will be complemented by a media campaign.

## **Towns Fund Board**

The governance structure and decision-making structures of the Board will be made public, together with a statement for how the board will engage stakeholders and agree decisions. The Board will need to set out clear Terms of Reference, and agree a Code of Conduct, serving an advisory function to the Council, with board members required to adhere to the Nolan Principles.

(<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>)

Town Deal Boards can build on pre-existing governance structures and relationships, if they meet the guidance. The Board will need to align with the governance standards and policies of the Council including whistle blowing, conflicts of interest and complaints.

The Board will need to include:

- Upper-tier authorities
- Member of Parliament
- Local businesses and investors; large employers and SMEs
- Local Enterprise Partnership
- Communities: Each town will decide how best to involve their local community, building on the MyTown campaign. Communities should have a meaningful role in decision-making for the future of their town, by including community representatives from prominent local civic and faith organisations in the governance structure, local community forums, voluntary and community sector organisations.

The structure may also include (either in the governance structure or through engagement activity): Jobcentre Plus; wider business community, Universities and Further Education, Academies and Schools, Hospitals, Local sports teams, Cultural and creative institutions, housing developers and housing associations, government agencies such as Homes England, Environment Agency, and Historic England, other private investors and developers.

## **Town Investment Plan**

The Town Investment Plan (TIP) will set out investment priorities to drive economic growth, supported by clear evidence and targeting investment into the economic infrastructure listed around the objective of the fund, as well as making full use of existing powers, particularly in Planning. TIPs should complement existing strategies and where necessary build on these. It will be important to align with Local Industrial Strategies, Skills Advisory Panel analysis, local environmental strategies, Local Plans and Spatial Development Strategies, and Local Transport Plans. Plans should be cognisant of the wider approach being taken through the Midlands Engine and aligned with the government's clean growth objectives where possible. The plan should focus on High Value for Money interventions with capital projects at the core that will drive economic growth.

The plan should include a high-level description of priority areas for the short, medium and long term, including: activity that can be locally funded; projects that could be supported by public investment (including through the Towns Fund), with high level cost estimates; ambitions for private



sector investment and community involvement. Council should seek to engage private investors and developers early. As part of this engagement, opportunities for private investment should be identified collaboratively.

**Joint Town Investment Plans**

There is provision for local places to produce a joint Town Investment Plan with a shared Board where for example towns are next to each other and/or are part of the same continued urban area; have significant overlap in terms of economic and social geography and Board representatives would significantly overlap. It is therefore recommended that a joint board for Kirkby and Sutton is utilised for the fund. If this is agreed the Council will need to seek confirmation from Government.

**Implications**

**Corporate Plan:**

Accessing the FHSF and Town Deals funding and implementing projects and initiatives would support the Economic Growth and Place theme, through making Ashfield a location and destination of choice for business and visitors and a desirable place to live for all residents.

**Legal:**

No implications identified at this stage.

**Finance:**

Budget Area	Implication
General Fund – Revenue Budget	£95k revenue funding received for FHSF £324,038 (£162,019 per town) revenue due to be received in November 2019 through the Town Deals funding.
General Fund – Capital Programme	Not applicable
Housing Revenue Account – Revenue Budget	Not applicable
Housing Revenue Account – Capital Programme	Not applicable

**Risk:**

Risk	Mitigation
None identified – revenue funding has been received and is being used to fund consultancy and internal resources	

**Human Resources:**

No implications identified at this stage.

**Equalities:**

No implications identified at this stage – an equalities assessment will be undertaken on project proposals.

**Other Implications:**

No implications identified at this stage.

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

**Background Papers**

None

**Report Author and Contact Officer**

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01623 457249

# Agenda Item 8



<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>25th NOVEMBER 2019</b>
<b>Heading:</b>	<b>2019/20 QUARTER 2 FORECAST OUTTURN FOR GENERAL FUND, HOUSING REVENUE ACCOUNT (HRA) AND CAPITAL PROGRAMME AND REVISED PROPOSED CAPITAL PROGRAMME 2019/20 TO 2023/24</b>		
<b>Portfolio Holder:</b>	<b>COUNCILLOR DAVID MARTIN – PORTFOLIO HOLDER FOR FINANCE</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 summarise the Council's forecast financial outturn position to 31 March 2020 compared to the latest approved budgets for the General Fund, Housing Revenue Account (HRA) and the Capital Programme. The forecast financial outturn is based on the actual financial activity to the 30 September 2019 and forecast costs and income from 1 October to 31 March 2020.

This report also outlines the requirements for the Capital Programme over the period 2019/20 to 2023/24. This includes an update on the proposed expenditure for existing approved schemes and outlines new schemes to be added to the Capital Programme 2019/20 to 2023/24. It also identifies the funding implications of these changes and additions.

## **Recommendation(s)**

**Cabinet is requested:**

- (1) To note the current forecast outturn on the General Fund, Housing Revenue Account (HRA) and Capital Programme 2019/20 and the reasons for major variances as set out in Section 1, 3 and 5 of the report.**
- (2) To approve the use of £20k of the forecast General Fund underspend to fund additional staff training in relation to new digital processes introduced through the Digital Transformation Programme and access the £20k of National Lottery match funding available from Citizens Online (Section 1.10).**
- (3) To recommend to Council the amendments and the addition of new schemes to the Capital Programme 2019/20 to 2023/24 and the funding of the Capital Programme as set out in Section 6 of the report.**

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

In accordance with the Council's Financial Regulations to report to those charged with Governance the financial position to 30 September 2019.

In accordance with the Council's Financial Regulations the Capital Programme for 2019/20 to 2023/24 is required to be reported to Cabinet to ensure that the programme meets the corporate priorities.

In accordance with Council's Financial Regulations Cabinet are required to consider and recommend to Council the Capital Programme 2019/20 to 2023/24.

## **Alternative Options Considered**

None

## Detailed Information

### 1. General Fund Forecast Outturn as at 30 September 2019

- 1.1 Table 1 below shows the original budget for 2019/20 as approved by Full Council on the 4 March 2019 and the current revised budget including approved budget adjustments to 30 September 2019. It sets out the 2019/20 net revenue forecast outturn position based on actual income and expenditure to 30 September 2019 and forecast income and expenditure to 31 March 2020 compared to the revised budget.
- 1.2 The current Net General Fund Revenue Forecast Outturn position is a £1.095m underspend; £923k greater than budget. This includes the net movement on general fund balance of £172k reported in the revised budget position. The £172k is the net impact of the part-year savings from the base budget review and the cost of the revised Cabinet structure both previously approved. The current additional forecast underspend is £923k, an increase of £681k in the level of forecast underspend since the July financial monitoring report considered by Cabinet on the 16 September 2019. Details of the significant variances for the forecast underspend of £923k are detailed below.

**Table 1 - Net General Fund Revenue Forecast to 31 March 2020**

<b>General Fund</b>	<b>Original Budget</b>	<b>Revised Budget</b>	<b>Forecast Outturn</b>	<b>Current Forecast Variance</b>	<b>Previous Forecast Variance</b>	<b>Change</b>
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
<b>Directorate</b>						
Chief Executive Officer	527	527	529	2	0	2
Legal and Governance	1,844	1,897	1,897	0	(7)	(7)
Resources and Business Transformation	1,613	1,592	1,029	(563)	(138)	(425)
Place and Communities	10,672	10,820	10,810	(10)	(79)	69
Housing and Assets	2,345	2,343	2,332	(11)	(18)	7
<b>Total Net Directorate Expenditure</b>	<b>17,001</b>	<b>17,179</b>	<b>16,597</b>	<b>(582)</b>	<b>(242)</b>	<b>(340)</b>
Net Recharges	(4,708)	(4,708)	(4,708)	0	0	0
Capital Financing	1,781	1,781	1,306	(475)	0	(475)
Net Interest Payable	198	198	145	(53)	0	(53)
Transfer to(from) earmarked reserve	129	-221	-34	187	0	187
<b>Total Net Revenue Expenditure</b>	<b>14,401</b>	<b>14,229</b>	<b>13,306</b>	<b>(923)</b>	<b>(242)</b>	<b>(681)</b>
<b>Funding as per Approved Budget</b>	<b>(14,401)</b>	<b>(14,401)</b>	<b>(14,401)</b>			
<b>Movement on General Fund Balance (Forecast underspend)</b>	<b>0</b>	<b>(172)</b>	<b>(1,095)</b>	<b>(923)</b>	<b>(242)</b>	<b>(681)</b>



### 1.3 Legal and Governance (Forecast balance budget)

The main forecast variances within the Legal and Governance Directorate are:

- Democratic Services - £3.5k forecast underspend on the Modern Government Committee Management System which is due to a one off impact of a prepayment.
- Members Services – £1.5k unbudgeted income from the sale of IT equipment.
- Directorate wide - £5k forecast overspend due to non-achievement of the vacancy factor.

### 1.4 Resources and Business Transformation (£563k forecast underspend)

The main forecast variances within the Resources and Business Transformation Directorate are:

- ICT - £23k forecast underspend due to additional recharges of internet, printing and leasing costs.
- Commercial Property - £400k over achievement of income due to £412k increase in investment property income for new investment properties being partially offset by potential costs of £12k for the use of external consultants in relation to dilapidation costs.
- Revenues and Benefits - £35k additional income expected from sundry debtors and unbudgeted £152k New Burdens Grant.
- HR & Payroll - £3k forecast underspend due to receiving Employer Incentive Payments from college/universities offset by £3k overspend on Occupational Health costs.
- Financial Management - £3k overspend due to additional pensions report required for 2018/19 Statement of Accounts and new CIPFA guidance and unbudgeted EU Exit Grant £35k.
- Directorate wide - £77k forecast overspend due to non-achievement of the vacancy factor and £2k overspend being the net of small underspends/overspend over several areas.

### 1.5 Place and Communities (£10k forecast underspend)

The main forecast variances within the Place and Communities Directorate are:

- A number of services are forecasting salaries underspends due to vacancies. The significant variances are within the Complex Case team £14k, Environmental Services Administration section £35k, Neighbourhood Response £32k and Forward Planning £22k. These are partially offset by a forecast overspend on salaries and agency staff in Waste Collection £63k, as a result of covering holidays, sickness and a secondment to the Transport Section.
- Within Trade Waste collection, income is expected to be £25k lower than budget, and the brown bin collection costs are forecast to overspend by £15k.
- The net of small underspends/overspend over several areas resulting in £10k underspend.

### 1.6 Housing and Assets (£11k forecast underspend)

The main forecast variances within the Housing and Assets Directorate are:

- Private Sector Housing – £15k underspend due to a £20k underspend on enforced sales of properties, partially offset by £5k unbudgeted spend on legal fees to move on travellers.
- Supported Housing - £21k forecast overspend due to delays in the service transferring to a new provider. Due to delays with the original service provider, an alternative provider has now been identified, transfer to complete December 2019. The forecast overspend is due to additional costs being incurred whilst the service remains in-house. These additional costs are partially off-set by an improved forecast saving on the transfer to the new provider.
- Asset Management - £21k forecast underspend on salaries and car mileage due to vacancies.

- Car Parks – £9k forecast income pressure based on 2018/19 actual performance and 2019/20 actual performance to date.
- Centralised Offices - £3k forecast underspend on salaries due to a vacancy.
- Building Cleaning General - £10k forecast underspend on salaries due to vacancies.
- Other - £8k overspend due to non-achievement of the vacancy factor across the wider Directorate.

#### 1.7 Capital Financing (£475k underspend)

Capital Financing costs are the revenue charges that are a consequence of the historic and existing capital programme. It comprises of the Minimum Revenue Provision (MRP), interest payable on external loans and Direct Revenue Financing. The forecast underspend is due to reduced MRP charges in year due to slippage on the capital programme in 2018/19 (MRP charges commence the year after the capital expenditure is incurred). It is also due to reduced interest charges due to utilising internal borrowing capacity and new loans being taken at lower interest rates than budgeted, prior to the recent 1% rate increase in Public Works Loan Board (PWLB) loans.

#### 1.8 Net Interest Payable (£53k underspend)

This is the net of the interest receivable on the Council's treasury management investments and the interest payable on HRA balances. The forecast underspend is due to changes in investment levels and balances, and the interest rate.

#### 1.9 Transfer to (from) earmarked reserve (£187k transfer to reserve)

It is currently forecast that the unbudgeted New Burdens and EU exit grants will be transferred to earmarked reserves as the costs associated with these activities are being contained within the revised budget.

#### 1.10 Proposed use of £20k forecast General Fund underspend

The Council has the opportunity to access £20k National Lottery match funding via Citizens Online to support the training of staff to ensure that the switch to online, implemented via the Digital Transformation Strategy doesn't exclude citizens. Upskilling our staff will provide them with the knowledge and skills to proactively assist and motivate our residents as they navigate to more on-line processing.

Cabinet is asked to agree use of £20k of the forecast underspend to match and allow access to this funding. The funding offer is guaranteed providing we confirm acceptance before the end of November 2019. If approved, a one-off £20k will be vired from the Capital Financing budget underspend.

## 2. **General Fund Savings/Efficiencies Monitoring 2019/20**

- 2.1 As previously reported in the July financial monitoring report considered by Cabinet on the 16 September 2019, the 2019/20 budget included proposed savings and efficiencies of £248k and all have been achieved with the exception of a £6k Lifeline Service saving. Delivery of these savings is included within the forecast outturn reported in section 1 above.

### 3. Summary for Housing Revenue Account (HRA)

- 3.1 Table 2 sets out the 2019/20 HRA forecast outturn position based on actual income and expenditure to 30 September 2019 and forecast income and expenditure to 31 March 2020, compared to the revised budget including approved budget adjustments to 30 September 2019.
- 3.2 Details of any significant variances incorporated within the forecast outturn are detailed in the commentaries below the table.

**Table 2 – Housing Revenue Account (HRA) Forecast to 31 March 2020**

Description	2019/20 Revised Budget £'000	2019/20 Forecast Outturn £'000	Forecast Variance £'000	Previous Variance £'000	Change £'000
<b>Income</b>					
Rents, Charges and Contributions	(24,260)	(24,342)	(82)	0	(82)
Other Grants	0	0	0	0	0
Interest and Investment Income	(210)	(210)	0	0	0
<b>Total Income</b>	<b>(24,470)</b>	<b>(24,552)</b>	<b>(82)</b>	<b>0</b>	<b>(82)</b>
<b>Expenditure</b>					
Borrowing and Capital Financing Charges	3,599	3,599	0	0	0
Repairs and Maintenance	7,783	7,742	(41)	0	(41)
Supervision and Management	4,844	4,809	(35)	(7)	(28)
Interest Payable and Appropriations	3,548	3,548	0	0	(0)
Other Expenditure	298	290	(8)	(8)	0
Direct Revenue Financing	1,626	1,606	(20)	(118)	98
Transfer to/from Major Repairs Reserve	5,572	2,780	(2,792)	(2,792)	0
<b>Total Expenditure</b>	<b>27,270</b>	<b>24,374</b>	<b>(2,896)</b>	<b>(2,925)</b>	<b>29</b>
<b>(Surplus)/Deficit for the year</b>	<b>2,800</b>	<b>(178)</b>	<b>(2,978)</b>	<b>(2,925)</b>	<b>(53)</b>

#### 3.3 Rents, Charges and Contributions (£82k forecast over achievement of income)

Rental income from new property additions to the housing stock are higher than budgeted. The rental void rate is currently running lower than budgeted, creating additional rental income to date. There has also been a lower number of properties sold under Right To Buy (RTB) than budgeted in the first six months again increasing the rental income over the financial year.

#### 3.4 Repairs and Maintenance (£41k forecast underspend)

The Housing Estates team is being reviewed as part of the Housing Repairs Service Review and recruitment to vacant posts is not being undertaken until the review is complete. This is

forecast to generate a £30k underspend in this financial year. Various other areas of expenditure are projecting an overall underspend of £11k.

### 3.5 Supervision and Management (£35k forecast underspend)

The forecast underspend is across several budget areas including a reductions in independent support payments, payments towards internal furnishings, printing and telecommunications.

### 3.5 Other Expenditure (£8k forecast underspend)

The forecast underspend is due to lower than expected charges for council tax payments made for empty council houses.

### 3.6 Direct Revenue Financing (£20k forecast underspend)

The current forecast outturn shows the level of financing required from the HRA for the capital programme for 2019/20, based on the 2019/20 HRA capital monitoring update. This underspend is due to slippage in the capital programme and the funding will be required to support the programme into the future. The Direct Revenue Financing forecast underspend has decreased since previously reported due to funding the new Davies Avenue and SAN Hardware schemes as detailed in 6.4 of this report.

### 3.7 Transfer to/from Major Repairs Reserve (£2.792m forecast underspend)

The current forecast outturn shows the reduced level of financing required from the HRA for the capital programme for 2019/20, based on the 2019/20 HRA capital monitoring update. As with the Direct Financing above, this underspend is due to timing and the funding will be required to support the capital programme going forward.

## **4. HRA Savings/Efficiencies Monitoring 2019/20**

- 4.1 As previously reported in the July financial monitoring report considered by Cabinet on the 16 September 2019, the 2019/20 HRA budget included proposed savings and efficiencies of £89k and all savings have been achieved and are included within the forecast outturn position reported in section 3 above.

## 5. Capital Programme Summary 2019/20

- 5.1 Table 3 below details the current approved Capital Programme for 2019/20 as at 30 September 2019. This is the original budget approved by Full Council on the 4th March 2019 adjusted for £4.715m slippage from the 2018/19 Capital Programme as approved by Full Council on the 27th July 2019 and other amendments to 2019/20 Capital Programme as approved by Full Council up to 30 September 2019.

**Table 3 - Capital Programme Summary 2019/20**

Description	Forecast as at 30 September 2019 £'000	Current Approved Capital Programme as at 30 Sept 2019 £'000	Variance to Current Approved Capital Programme £'000
<b>Housing Revenue Account</b>			
<i>Decent Homes Schemes</i>			
Management Fee	557	556	(1)
Catch Up and Future Major Works	5,562	6,503	941
Service Improvements	50	1,323	1,273
Contingent Major Repairs	50	236	186
Exceptional Extensive Works	465	858	393
Kirkby & Rural	0	0	0
Disabled adaptations - Major adaptations	27	27	0
Disabled adaptations - Minor adaptations	496	496	0
<b>Sub Total</b>	<b>7,207</b>	<b>9,999</b>	<b>2,792</b>
<i>Other Housing Revenue Account Schemes</i>			
Investment in New or Existing Dwellings	1,394	1,394	0
Major Repairs Temporary Accommodation	30	148	118
Housing Vehicles	417	417	0
Other Housing Revenue Account Schemes (less than £100k)	184	110	(74)
<b>Sub Total</b>	<b>2,025</b>	<b>2,069</b>	<b>44</b>
<b>Total HRA Capital Programme</b>	<b>9,232</b>	<b>12,068</b>	<b>2,836</b>
<b>General Fund</b>			
Kings Mill Reservoir (The King and Miller to Kingfisher)	1,403	1,403	0
Piggins Croft Car Park	154	154	0
Lindleys Lane Play/Youth Area	0	102	102
Hucknall Car Park - Titchfield Street	0	115	115
Leisure Transformation Programme	274	297	23
Kirkby Leisure Centre	2,000	2,000	0
Friezeland Recreation Ground - Scooter Park	118	118	0
Hucknall Leisure Centre	181	181	0
Investment Properties	45,585	45,585	0



Improvement Grants 1996 Act Disabled Facility Grant	900	1,110	210
Purchase of Vehicles	2,529	2,529	0
Titchfield Park Brook	385	385	0
Kirkby Footpaths/Cycle Ways	129	129	0
Other General Fund Schemes (less than £100k)	931	926	7
<b>Total General Fund Capital Programme</b>	<b>54,589</b>	<b>55,034</b>	<b>445</b>
<b>Total Capital Programme</b>	<b>63,821</b>	<b>67,102</b>	<b>3,281</b>

- 5.2 The Capital Programme for 2019/20 is currently forecasting a £3.281m underspend compared to the revised approved capital programme, largely due to slippage (delays in implementing schemes). The reasons for the current key forecast variances are detailed in the Proposed Capital Programme 2019/20 to 2023/24 section of the report.

## 6. Summary Capital Programme 2019/20 to 2023/24

6.1 The proposed Capital Programme and funding for 2019/20 to 2023/24 is summarised in Table 4 below. A detailed breakdown of all the schemes is shown in Appendix 1.

The three areas of the Capital Programme (Area Schemes, General Fund and Housing Revenue Account (HRA)) are discussed in more detail within the report.

**Table 4 – Capital Programme (2019/20 to 2023/24)**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Capital Expenditure</b>						
Area Schemes	1,116	804	0	0	0	1,920
General Fund	53,473	26,481	22,153	3,289	20	105,416
Housing Revenue Account	9,232	14,142	11,685	10,338	9,897	55,294
<b>Grand Total</b>	<b>63,821</b>	<b>41,427</b>	<b>33,838</b>	<b>13,627</b>	<b>9,917</b>	<b>162,630</b>
<b>Capital Financing</b>						
Developers Contributions - Area Schemes						
	340	560	0	0	0	900
Borrowing	250	240	0	0	0	490
Direct Revenue Financing	42	0	0	0	0	42
Other Capital Grants and Contributions - Area Schemes	484	4	0	0	0	488
<b>Sub Total - Area Schemes</b>	<b>1,116</b>	<b>804</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,920</b>
Prudential Borrowing - General Fund						
	50,939	25,339	21,335	2,495	20	100,128
Direct Revenue Financing - General Fund	191	0	0	0	0	191
Developers Contributions - General Fund	285	113	0	0	0	398
Capital Receipts	0	0	0	0	0	0
Other Capital Grants and Contributions - General Fund	2,058	1,029	818	794	0	4,699
<b>Sub Total - General Fund</b>	<b>53,473</b>	<b>26,481</b>	<b>22,153</b>	<b>3,289</b>	<b>20</b>	<b>105,416</b>
Funded from HRA Reserves						
	7,933	12,962	10,505	9,158	8,717	49,275
Future 1-4-1 Capital Receipts Funding Recently Built and New Schemes	419	300	300	300	300	1,619
Non 1-4-1 Capital Receipts	880	880	880	880	880	4,400
<b>Sub Total - HRA</b>	<b>9,232</b>	<b>14,142</b>	<b>11,685</b>	<b>10,338</b>	<b>9,897</b>	<b>55,294</b>
<b>Grand Total</b>	<b>63,821</b>	<b>41,427</b>	<b>33,838</b>	<b>13,627</b>	<b>9,917</b>	<b>162,630</b>

## 6.2 Area Scheme Capital Programme

6.2.1 The majority of these schemes are funded by external contributions already received towards enhancing the local environment. These are mainly developers' contributions (known as Section 106 funding) and also additional grant funding is sought wherever possible to maximise the benefit to local communities.

6.2.2 Table 5 shows the proposed Area Schemes and funding for 2019/20 to 2023/24.

**Table 5 – Area Schemes (2019/20 to 2023/24)**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Area</b>						
Hucknall Area	541	15	0	0	0	556
Kirkby Area	222	595	0	0	0	817
Sutton Area	198	192	0	0	0	390
Rural Area	155	2	0	0	0	157
<b>Total</b>	<b>1,116</b>	<b>804</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,920</b>
<b>Funded by</b>						
Borrowing	250	240	0	0	0	490
Donation	2	0	0	0	0	2
Hucknall and Linby Committee	10	0	0	0	0	10
Nottinghamshire County Council (NCC)	438	0	0	0	0	438
Reserves	42	0	0	0	0	42
Rural Payments Agency	0	4	0	0	0	4
Section 106	204	560	0	0	0	764
Selston Parish Council	21	0	0	0	0	21
Skanska	13	0	0	0	0	13
Sustainable Transport S106	136	0	0	0	0	136
<b>Total</b>	<b>1,116</b>	<b>804</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,920</b>

**Changes to Approved Area Schemes by Area**

6.2.3 Table 6 below shows where changes to Area Schemes have been made from the previous approved Capital Programme to the revised proposed Capital Programme.

**Table 6 – Area Schemes (changes to approved schemes - by Area)**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Approved Area Scheme</b>	<b>1,363</b>	<b>120</b>	<b>120</b>	<b>0</b>	<b>0</b>	<b>1,603</b>
Changes to Hucknall Schemes	-11	15	0	0	0	4
Changes to Sutton Area Schemes	-2	72	0	0	0	70
Changes to Kirkby Area Schemes	-236	595	-120	0	0	239
Changes to Rural Area Schemes	2	2	0	0	0	4
<b>Proposed Area Schemes to be Approved</b>	<b>1,116</b>	<b>804</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,920</b>

**Changes to Approved Area Schemes by Scheme**

6.2.4 Table 7 shows the changes to Area Schemes by Scheme. Many of the schemes planned for 2019/20 are not expected to be completed until 2020/21. The actual allocation to each scheme including the proposed changes is shown at Appendix 1.

**Table 7 – Area Schemes (changes to approved schemes - by scheme)**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Hucknall Area</b>						
Butlers Hill Allotment Access	-7	0	0	0	0	-7
Hucknall Mining Memorial	-1	0	0	0	0	-1
Play Areas	0	12	0	0	0	12
Titchfield Park and Hucknall Cemetery: implementation of park masterplan	-3	3	0	0	0	0
<b>Sub Total</b>	<b>-11</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>
<b>Sutton Area</b>						
Ashfield Estate Footpaths	4	0	0	0	0	4
Brierley Forest Park Management Plan	2	4	0	0	0	6
Football Changing Rooms	-15	15	0	0	0	0
Play Areas	0	-12	0	0	0	-12
Roundhill Recreation Ground	12	0	0	0	0	12
Sutton Lawn management Plan	5	0	0	0	0	5
Taylor Crescent Recreation Ground	-10	10	0	0	0	0
<b>Sub Total</b>	<b>-2</b>	<b>17</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>15</b>
<b>Kirkby Area</b>						
Annesley Art Project	-27	26	0	0	0	-1
Forest Road Nature Area	-30	30	0	0	0	0
Kingsway Park: implementation of management plan	-37	32	0	0	0	-5
Lindleys Lane Play/Youth Area	-102	103	0	0	0	1
Play Areas	0	365	-120	0	0	245
Portland Park Management Plan: General Improvements	-1	0	0	0	0	-1
Sports pavilion, Titchfield Park	-39	39	0	0	0	0
<b>Sub Total</b>	<b>-236</b>	<b>595</b>	<b>-120</b>	<b>0</b>	<b>0</b>	<b>239</b>
<b>Rural Area</b>						
Friezeland Recreation Ground - Scooter Park	0	2	0	0	0	2
Jacksdale Car Park Extension	2	0	0	0	0	2
<b>Sub Total</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>
<b>Grand Total</b>	<b>-247</b>	<b>629</b>	<b>-120</b>	<b>0</b>	<b>0</b>	<b>262</b>

6.2.5 **Kirkby Play Areas** – This scheme has been bought forward by one year. It now includes refurbishment of the Skegby Road play area in Annesley / Kirkby Woodhouse, additional toddler equipment at West Park, works at Titchfield Park and other planned works in Kirkby's parks (including Annesley Recreation Ground and Kingsway Park).

6.2.6 The additional Area Scheme expenditure will be funded from Section 106 contributions.

### **New Area Scheme**

6.2.7 Table 8 details a proposed New Area Scheme to be added to the Area Scheme Capital Programme 2019/20 to 2023/24.

### **Table 8 – New Area Scheme**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Sutton Area</b>						
Brierley Forest Park Car Park Extension	0	55	0	0	0	55
<b>Grand Total</b>	<b>0</b>	<b>55</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>55</b>

6.2.8 This scheme will provide additional car parking at the site which will be constructed using an eco-grid which grass will grow through. The scheme will provide up to 40 additional spaces. As part of the works the butterfly area adjacent to the small car park will be remodelled with the plants transplanted where necessary. The additional expenditure will be funded from Section 106 contributions.

### **6.3 General Fund Capital Programme**

6.3.1 Changes to the General Fund Capital Programme are explained below and summarised in the Table 9 and 10.

#### **Changes to Approved General Fund Schemes**

6.3.2 The Council profiles its capital programme but inevitably there will be some slippage to scheme timetables. The Council will endeavour to ensure that costs are forecast accurately however in some cases scheme costs will vary from the budget due to market forces or unexpected circumstances. The impact of such changes to the approved general fund schemes are outlined in Table 9.

### **Table 9 – General Fund Schemes (changes to approved schemes - by scheme)**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Changes to Current Projects</b>						
Hucknall Car Park - Titchfield Street Improvement Grants 1996 Act	-115	115	0	0	0	0
Disabled Facility Grant	-210	210	0	0	0	0
Leisure Transformation Programme	-23	0	0	0	0	-23
<b>Grand Total</b>	<b>-348</b>	<b>325</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>-23</b>

6.3.3 Details of the changes are outlined below:

- **Hucknall Car Park – Titchfield Street**  
This scheme is not expected to start until 2020/21.
- **Disabled Facility Grant**  
The anticipated spend for 2019/20 has been revised and the forecast unspent allocation has been slipped into 2020/21.
- **Leisure Transformation Programme**  
Forecast underspend on scheme in 2019/20.



### **Table 10 – New General Fund Schemes**

6.3.4 Table 10 details proposed New General Fund Schemes to be added to the General Fund Capital Programme 2019/20 to 2023/24.

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>New Projects</b>						
Firewalls	0	11	0	0	0	11
Idlewells Market Hall	16	0	0	0	0	16
Kings Mill Reservoir Car Park Expansion	98	98	0	0	0	196
New Servers	0	30	20	20	20	90
SAN Hardware	36	0	0	0	0	36
Switch Network Hardware	0	83	0	0	0	83
<b>Grand Total</b>	<b>150</b>	<b>222</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>432</b>

6.3.5 Details of the new schemes are outlined below:

- **Firewalls, New Servers and SAN Hardware**

ICT equipment funded by prudential borrowing. (Note: This expenditure was previously charged to the Council's General Fund Revenue budget however it is more economical to fund as prudential borrowing) and free-up revenue budget savings.

- **Idlewells Market Hall**

Final contractor payment in excess of scheme allocation. Funded by prudential borrowing.

- **Kings Mill Reservoir Car Park Expansion – Additional parking bays.** Funded from £20k grant from Nottinghamshire County Council and £176k prudential borrowing.

- **Switch Network Hardware – New network hardware that ensure the ICT infrastructure remains supported, secure and up to date, helping to ensure employees can utilise IT systems and telephony fully.** Funded by prudential borrowing.

### **Total Changes to Approved General Fund Schemes**

6.3.6 Table 11 below summarises the movements to the Approved General Fund Schemes to the proposed General Fund Schemes.

### **Table 11 Changes to Approved General Fund Schemes (Current Capital Programme to Proposed Capital Programme November 2019)**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Current Capital Programme</b>	<b>53,671</b>	<b>25,934</b>	<b>22,133</b>	<b>3,269</b>	<b>0</b>	<b>105,007</b>
New Projects	150	222	20	20	20	432
Changes to Current Projects	-348	325	0	0	0	-23
<b>Proposed November 2019</b>	<b>53,473</b>	<b>26,481</b>	<b>22,153</b>	<b>3,289</b>	<b>20</b>	<b>105,416</b>

## **General Fund Capital Programme Funding**

6.3.7 Table 12 below show the changes in financing required to move from the existing Capital Programme to the proposed 2019/20 to 2023/24 Capital Programme.

**Table 12 – General Fund – Financing of the Capital Programme**

	<b>2019/20 £'000</b>	<b>2020/21 £'000</b>	<b>2021/22 £'000</b>	<b>2022/23 £'000</b>	<b>2023/24 £'000</b>	<b>Total £'000</b>
<b>Current Capital Programme</b>	<b>53,671</b>	<b>25,934</b>	<b>22,133</b>	<b>3,269</b>	<b>0</b>	<b>105,007</b>
Capital Grants	-210	210	0	0	0	0
Capital Receipts - General Fund	0	0	0	0	0	0
Prudential Borrowing	128	244	20	20	20	432
Developers Contributions - General Fund	-116	93	0	0	0	-23
Direct Revenue Financing	0	0	0	0	0	0
<b>Proposed November 2019 Capital Programme</b>	<b>53,473</b>	<b>26,481</b>	<b>22,153</b>	<b>3,289</b>	<b>20</b>	<b>105,416</b>

## **Investment Properties**

6.3.8 The current and the proposed Capital Programme includes £85.585m for Investment Properties. This assumes that the Authority will be able to purchase future Investment Properties. The net rental figure obtainable from Investment Properties helps support continued provision of key existing Council services.

6.3.9 The Chartered Institute of Public Finance and Accountancy (CIPFA) are due to issue Prudential Property Investment guidance in November 2019. This guidance will be evaluated once received and an amended Capital Programme may need to be brought to Cabinet/Council for consideration and approval to reflect the requirements of the guidance.

## **Future Funding Opportunities**

6.3.10 In September 2019 both Kirkby-in-Ashfield and Sutton-in-Ashfield were named in the list of 100 towns invited to develop proposals to receive funding through a Town Deal, with up to £25m available for each town. Sutton has also been included on the list of 100 towns which can apply for funding through the Future High Streets Fund (FHSF) of up to £25m which is a competitive process.

6.3.11 If proposals are successful an amended Capital Programme will be brought for Cabinet/Council for consideration and approval to reflect the addition of the new scheme(s).

## **6.4. Housing Revenue Account (HRA) Capital Programme**

6.4.1 Table 13 below summarises the movement from the current approved Housing Revenue Account (HRA) Capital Programme to the proposed Housing Revenue Account (HRA) Capital Programme for 2019/20 to 2023/24.

**Table 13 – Housing Revenue Account (changes to budget)**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Expenditure Approved</b>	<b>12,068</b>	<b>11,339</b>	<b>11,613</b>	<b>10,282</b>	<b>0</b>	<b>45,302</b>
<b>Changes to Current Projects</b>						
Management Fee	1	0	0	0	591	<b>592</b>
Catch up and Major Repairs	-941	-458	53	26	7,011	<b>5,691</b>
Service Improvements	-1,273	-10	-11	0	610	<b>-684</b>
Contingent Major Repairs	-186	0	0	0	145	<b>-41</b>
Exceptional Extensive Works	-393	400	0	0	10	<b>17</b>
Disabled Adaptations	0	0	0	0	500	<b>500</b>
Investment in New or Existing Dwellings	0	0	0	0	1,000	<b>1,000</b>
Major Repairs Temporary Accommodation	-118	30	30	30	30	<b>2</b>
<b>Sub Total</b>	<b>-2,910</b>	<b>-38</b>	<b>72</b>	<b>56</b>	<b>9,897</b>	<b>7,077</b>
<b>New Schemes</b>						
Davies Avenue Housing Project	60	2,810	0	0	0	<b>2,870</b>
Firewalls	0	4	0	0	0	<b>4</b>
SAN Hardware	14	0	0	0	0	<b>14</b>
Switch Network Hardware	0	27	0	0	0	<b>27</b>
<b>Sub Total</b>	<b>74</b>	<b>2,841</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2,915</b>
<b>Grand Total</b>	<b>9,232</b>	<b>14,142</b>	<b>11,685</b>	<b>10,338</b>	<b>9,897</b>	<b>55,294</b>

6.4.2 The Decent Homes Expenditure has reduced by £2.792m in 2019/20 due to a recent review of the long term housing investment strategy, and in order to provide better long term sustainability of the HRA, the investment requirements are continually reviewed with a view to extend the lifecycles of building components where possible, and to move works into later years where the building components have some degree of residual life. Similarly, allowances for improvement works have been reduced to retain funding for priority replacement works in future years. Also, contingency sums for unforeseen works have been reduced. Tenant refusals and the delivery of projects for lower values also results in less need for immediate use of monies carried forward from the previous year. There has been changes to the mix and profiling for years 2020/21 to 2022/23 for these schemes but overall the total capital expenditure for these schemes for these years remains the same. Further expenditure totalling £8.867m for Decent Homes schemes has been added for financial year 2023/24.

6.4.3 A further £1m is included in 2023/24 for Investment in new or existing dwellings; this continues the £1m annual capital expenditure from previous years. The Major Repairs Temporary Accommodation has been re-profiled over the current year and the next four financial years.

6.4.4 Details of the Davies Avenue Housing Project are contained within the report Housing Project, Davies Avenue, Sutton-In-Ashfield reported to Cabinet on 21<sup>st</sup> January 2019.

6.4.5 The Firewalls, New Servers and SAN Hardware relate to ICT equipment that was previously charged to the HRA revenue budget, however, it is more economical to charge to the capital budget.

6.4.6 Table 14 below show the changes in financing required to move from the existing HRA Capital Programme to the proposed HRA Capital Programme for 2019/20 to 2023/24.

**Table 14 – Funding of the Housing Revenue Account Capital Programme**

	2019/20 £'000	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	Total £'000
<b>Capital Funding</b>						
Funded from HRA Reserves	7,933	12,962	10,505	9,158	8,717	<b>49,275</b>
Future 1-4-1 Capital Receipts Funding Recently Built and New Schemes	419	300	300	300	300	<b>1,619</b>
Non 1-4-1 Capital Receipts	880	880	880	880	880	<b>4,400</b>
<b>Total Capital Funding</b>	<b>9,232</b>	<b>14,142</b>	<b>11,685</b>	<b>10,338</b>	<b>9,897</b>	<b>55,294</b>

6.4.7 The expected 1-4-1 and Non 1-4-1 Housing Capital Receipts is based on receipts received in the previous financial years. These have been extrapolated to provide full year estimates for 2019/20 and future years. If future Right to Buy receipts are more or less than the estimate then this will impact on the HRA balances

### **Implications**

#### **Corporate Plan:**

The Capital Programme reflects the priorities in the Corporate Plan.

#### **Legal:**

If approved by Cabinet, the third recommendation of this report will require approval by Council in order to comply with Financial Regulations. The report ensures compliance with monitoring requirements set out in Financial Regulations.

#### **Finance:**

Budget Area	Implication
General Fund – Revenue Budget	As detailed in the main report.
General Fund – Capital Programme	
Housing Revenue Account – Revenue Budget	
Housing Revenue Account – Capital Programme	

#### **Risk:**

Risk	Mitigation
That the budget set may be insufficient to provide the required services and subsequently services overspend.	Regular and timely Financial Monitoring reports to CLT and Cabinet.

**Human Resources:**

**Equalities:**

*No equalities implications*

**Other Implications:**

*None*

**Reason(s) for Urgency**

*Not Applicable*

**Reason(s) for Exemption**

*Not applicable*

**Background Papers**

Annual Budget and Council Tax 2019/20 and Medium Term Financial Strategy Update to Council 4 March 2019

Draft Outturn 2018/19 Accounts Report to Council 25 July 2019

July Financial Monitoring Report to Council 24 September 2019

**Report Author and Contact Officer**

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	Lead Officer	2019/20	2020/21	2021/22	2022/23	2023/24	Total	Funding							
								Loan	Section 106	Grant	Grant Funder	Capital Receipts	Reserves	Total	
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	e.g. Lottery	£'000	£'000	£'000
<b>General Fund</b>															
Cemeteries	Theresa	42	0	0	0	0	42	42	0	0	0		0	0	42
Demolition of Hucknall Toilets	Paul Parkinson	1	0	0	0	0	1	1	0	0	0		0	0	1
Firewalls	Craig Bonar	0	11	0	0	0	11	11	0	0	0		0	0	11
Flood Support Schemes	Craig Bonar	49	0	0	0	0	49	0	0	49	CLG		0	0	49
Hucknall Car Park - Titchfield Street	Theresa	0	115	0	0	0	115	22	93	0			0	0	115
Hucknall Leisure Centre	Theresa	181	0	0	0	0	181	140	0	41	Insurance		0	0	181
Idlewells Market Hall	Theresa	16	0	0	0	0	16	16	0	0			0	0	16
Improvement Grants 1996 Act Disabled Facility Grant	Paul Parkinson	900	1,004	794	794	0	3,492	0	0	3,492	BCF £3,420k & RHB £72k		0	0	3,492
Investment Properties	Craig Bonar	45,585	20,000	20,000	0	0	85,585	85,585	0	0			0	0	85,585
Kings Mill Reservoir Car Park Expansion	Theresa	98	98	0	0	0	196	176	0	20	NCC		0	0	196
Kings Mill Reservoir (The King and Miller to Kingfisher)	Theresa Hodgkinson	1,403	25	24	0	0	1,452	209	31	1,091	HLF £871k, Network Rail £15k NCC £136k, MDC £48k & Development (HLF) £21k		121	0	1,452
Kirkby Leisure Centre	Theresa	2,000	4,000	0	0	0	6,000	6,000	0	0			0	0	6,000
Leisure Transformation Programme	Theresa	274	0	0	0	0	274	0	274	0			0	0	274
Market Stalls	Theresa	1	0	0	0	0	1	1	0	0			0	0	1
Members' IT	Craig Bonar	35	0	0	35	0	70	70	0	0			0	0	70
New Cross Support Scheme	Theresa	1	0	0	0	0	1	0	0	1	RHB		0	0	1
New Servers	Craig Bonar	0	30	20	20	20	90	90	0	0			0	0	90
Northern Depot Office Rationalisation and Wireless CCTV Infrastructure	Theresa	11	0	0	0	0	11	11	0	0			0	0	11
Office Accommodation Works to Accommodate DWP at Central Offices	Paul Parkinson	2	0	0	0	0	2	2	0	0			0	0	2
Office Accommodation Works to Accommodate Police at Central Offices	Paul Parkinson	5	0	0	0	0	5	0	0	5	Police		0	0	5
Officers' IT for Agile Working (General Fund)	Craig Bonar	77	40	40	40	0	197	197	0	0			0	0	197
Piggins Croft Car Park	Paul Parkinson	154	0	0	0	0	154	154	0	0			0	0	154
Purchase of Vehicles	Theresa Hodgkinson	2,529	1,075	922	2,400	0	6,926	6,926	0	0			0	0	6,926
Retail Improvement Scheme	Theresa	70	0	0	0	0	70	0	0	0	S106 Revenue		0	70	70
SAN Hardware	Craig Bonar	36	0	0	0	0	36	36	0	0			0	0	36
Solar Panels - Northern Depot	Paul Parkinson	3	0	0	0	0	3	3	0	0			0	0	3
Switch Network Hardware	Craig Bonar	0	83	0	0	0	83	83	0	0			0	0	83
Vehicle Tracking Scheme	Theresa	0	0	353	0	0	353	353	0	0			0	0	353
<b>Total General Fund</b>		<b>53,473</b>	<b>26,481</b>	<b>22,153</b>	<b>3,289</b>	<b>20</b>	<b>105,416</b>	<b>100,128</b>	<b>398</b>	<b>4,699</b>			<b>0</b>	<b>191</b>	<b>105,416</b>

<b>Housing Revenue Account</b>							
	Lead Officer	2019/20	2020/21	2021/22	2022/23	2023/24	Total
		£'000	£'000	£'000	£'000	£'000	£'000
<b>HOUSING REVENUE ACCOUNT</b>							
<b>Decent Homes Scheme's</b>							
Management Fee	Paul Parkinson	557	568	579	591	591	2,886
Catch up and Major Repairs	Paul Parkinson	5,562	7,185	6,885	7,011	7,011	33,654
Service Improvements	Paul Parkinson	50	1,187	1,192	610	610	3,649
Contingent Major Repairs	Paul Parkinson	50	234	239	145	145	813
Exceptional Extensive Works	Paul Parkinson	465	572	881	10	10	1,938
Disabled Adaptations	Paul Parkinson	523	455	455	500	500	2,433
<b>Grand Total</b>		<b>7,207</b>	<b>10,201</b>	<b>10,231</b>	<b>8,867</b>	<b>8,867</b>	<b>45,373</b>
<b>Other Housing Revenue Account Schemes</b>							
Electronic Document and Records (EDRM) System	Paul Parkinson	24	0	0	0	0	24
Investment in Additional Council Dwellings in Hucknall	Paul Parkinson	4	0	0	0	0	4
Investment in New or Existing Dwellings	Paul Parkinson	1,394	1,000	1,000	1,000	1,000	5,394
Davies Avenue Housing Project	Paul Parkinson	60	2,810	0	0	0	2,870
Major Repairs Temporary Accommodation	Paul Parkinson	30	30	30	30	30	150
Firewalls	Paul Parkinson	0	4	0	0	0	4
SAN Hardware	Paul Parkinson	14	0	0	0	0	14
Switch Network Hardware	Paul Parkinson	0	27	0	0	0	27
Officers' IT for Agile Working (HRA)	Paul Parkinson	80	40	40	40	0	200
Darlison Court (New Builds)	Paul Parkinson	2	0	0	0	0	2
Housing Vehicles	Theresa Hodgkinson	417	30	384	401	0	1,232
<b>Grand Total</b>		<b>2,025</b>	<b>3,941</b>	<b>1,454</b>	<b>1,471</b>	<b>1,030</b>	<b>9,921</b>
<b>Total Housing Revenue Account</b>		<b>9,232</b>	<b>14,142</b>	<b>11,685</b>	<b>10,338</b>	<b>9,897</b>	<b>55,294</b>



	Lead Officer	Funding											
		2019/20	2020/21	2021/22	2022/23	2023/24	Total	Loan	Section 106	Grant	Grant Funder	Reserves	Total Funding
		£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	e.g. Lottery	£'000
<b>Hucknall Area</b>													
Butlers Hill Allotment Access	Theresa	0	0	0	0	0	0	0	0	0		0	0
Common Farm	Theresa	0	0	0	0	0	0	0	0	0	POS S106	0	0
Hucknall Mining Memorial	Theresa	0	0	0	0	0	0	0	0	0		0	0
Lime Tree Recreation Ground	Hodgkinson	0	0	0	0	0	0	0	0	0		0	0
Nabbs Lane	Theresa	13	0	0	0	0	13	0	13	0		0	13
Papplewick Green Public Art Work	Theresa	68	0	0	0	0	68	40	16	10	MHCLG	2	68
Play Areas	Theresa	1	0	0	0	0	1	0	1	0		0	1
Titchfield Park Brook	Theresa	68	12	0	0	0	80	80	0	0		0	80
Titchfield Park and Hucknall Cemetery: implementation of park masterplan	Theresa	385	0	0	0	0	385	0	0	385	NCC	0	385
	Theresa	6	3	0	0	0	9	0	9	0		0	9
<b>Total Hucknall Area</b>		<b>541</b>	<b>15</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>556</b>	<b>120</b>	<b>39</b>	<b>395</b>		<b>2</b>	<b>556</b>
<b>Sutton Area</b>													
Ashfield Estate Play Area	Theresa	3	0	0	0	0	3	0	0	3	NCC SLC	0	3
Ashfield Estate Footpaths	Theresa	6	0	0	0	0	6	0	6	0		0	6
Brand Lane / Wharf Road Open Space Improvements	Hodgkinson	0	0	0	0	0	0	0	0	0		40	40
Brierley Forest Park Management Plan	Theresa	40	0	0	0	0	40	0	0	0	Donations £2k & RPA £4k	0	40
Brierley Forest Park Car Park Extension	Hodgkinson	7	4	0	0	0	11	0	5	6		0	11
Brierley Forest Park Car Park Extension	Theresa	0	55	0	0	0	55	0	55	0		0	55
Football Changing Rooms	Hodgkinson	0	15	0	0	0	15	0	15	0		0	15
Kingsmill Reservoir footpath links	Theresa	0	0	0	0	0	0	0	0	0		0	0
Kingsmill Reservoir management plan: Implementation Works	Theresa	1	0	0	0	0	1	0	1	0		0	1
Play Areas	Theresa	13	0	0	0	0	13	0	0	13	Skanska	0	13
Roundhill Recreation Ground	Theresa	0	108	0	0	0	108	108	0	0		0	108
Sutton Lawn management Plan	Theresa	94	0	0	0	0	94	24	40	30	LIS	0	94
Sutton Lawn Play Area	Theresa	14	0	0	0	0	14	0	6	8	NCC SLC	0	14
Taylor Crescent Recreation Ground	Theresa	20	0	0	0	0	20	0	13	7	LIS	0	20
	Theresa	0	10	0	0	0	10	0	10	0		0	10
<b>Total Sutton Area</b>		<b>198</b>	<b>192</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>390</b>	<b>132</b>	<b>151</b>	<b>67</b>		<b>40</b>	<b>390</b>

	Lead Officer	2019/20	2020/21	2021/22	2022/23	2023/24	Total
		£'000	£'000	£'000	£'000	£'000	£'000
<b><u>Kirkby Area</u></b>							
Acacia Avenue Rec - General Improvements	Theresa	12	0	0	0	0	12
Annesley Art Project	Theresa	26	26	0	0	0	52
Forest Road Nature Area	Theresa	0	30	0	0	0	30
Kingsway Park: implementation of management plan	Theresa	10	32	0	0	0	42
Kirkby footpaths/cycle ways	Theresa	129	0	0	0	0	129
Lindleys Lane Play/Youth Area	Theresa	0	103	0	0	0	103
Morven Park / West Park Play Area	Theresa	36	0	0	0	0	36
Kirkby Park and Play Areas	Theresa	0	365	0	0	0	365
Portland Park Management Plan: General Improvements	Theresa	5	0	0	0	0	5
Sports pavilion, Titchfield Park	Theresa	0	39	0	0	0	39
Warwick Close	Theresa	4	0	0	0	0	4
<b>Total Kirkby Area</b>		<b>222</b>	<b>595</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>817</b>

	Lead Officer	2019/20	2020/21	2021/22	2022/23	2023/24	Total
		£'000	£'000	£'000	£'000	£'000	£'000
<b><u>Rural Area</u></b>							
Friezeland Recreation Ground - Scooter Park	Theresa Hodgkinson	118	2	0	0	0	120
Jacksdale Bridge Links	Theresa Hodgkinson	9	0	0	0	0	9
Jacksdale Car Park Extension	Theresa Hodgkinson	28	0	0	0	0	28
<b>Total Rural Area</b>		<b>155</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>157</b>
<b>Total Area</b>		<b>1,116</b>	<b>804</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1,920</b>

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<b>Report To:</b>	<b>CABINET</b>	<b>Date:</b>	<b>25 NOVEMBER 2019</b>
<b>Heading:</b>	<b>REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) - UPDATE</b>		
<b>Portfolio Holder:</b>	<b>COUNCILLOR MELANIE DARRINGTON – PORTFOLIO HOLDER FOR CORPORATE COMMUNICATIONS, GOVERNANCE AND CROSS PORTFOLIO SUPPORT</b>		
<b>Ward/s:</b>	<b>N/A</b>		
<b>Key Decision:</b>	<b>NO</b>		
<b>Subject to Call-In:</b>	<b>YES</b>		

## Purpose of Report

This report is to update Cabinet on the use of the Council's Regulation of Investigatory Powers Act (RIPA) policy in the past 12 months and to approve the amendments needed to the policy.

## Recommendation(s)

**Cabinet is asked to note that the Council has authorised one Directed Surveillance in the past 12 months pursuant to the RIPA powers.**

**Cabinet is asked to note and adopt the minor amendments to the Policy following the Investigatory Powers Commissioner's Office (IPCO) inspection in March 2019.**

## 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 amended following the IPCO inspection in March 2019 to reflect legislative changes and recommendations following the inspection since the policy was last adopted. Proposed amendments to the policy comply with that requirement.

## **Alternative Options Considered**

*(with reasons why not adopted)*

To not report to members an update which could put the authority at risk of challenge for breach of policy.

To not adopt the changes to the policy which goes against recent legislative changes and specific recommendations from the IPCO, and would mean that any powers utilised under the policy could be subject to challenge.

## **Detailed Information**

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

#### **The Policy:**

1. The RIPA policy was last amended in January 2019.
2. The IPCO carried out a desktop RIPA inspection in March 2019 and made some recommendations in relation to changes to the policy. The changes are as follows:
  - a) The policy has been updated to substitute all references to the Office of the Surveillance Commissioner (OSC) with IPCO.
  - b) The duration of a juvenile Covert Human Intelligence Source (CHIS) at paragraph 7.7 has been amended to four months in line with a recent statutory instrument. (SI/2018/715)
  - c) The policy has been updated with regards to both Covert Surveillance and Property Interference and Covert Human Intelligence Source Codes of Practice in relation to online covert activity.
  - d) Paragraph 8.1.4 of the policy has been updated to include where legally privileged information has been obtained.
  - e) Paragraph 12.3 has been updated to include three additional elements of information required to be held in the centrally retrievable record.
3. Members are asked to note and adopt the changes within the policy.

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

1. 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.
2. 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.
3. In the past 12 months **one** covert surveillance was authorised on 13<sup>th</sup> December 2018. This related to the use of two CCTV cameras in Kirkby for the purposes of detecting criminal activity and anti-social behaviour. The authorisation was approved by the Magistrates' Court on 20 December 2018 and cancelled on 19 March 2019. There was no enforcement action taken as a direct result of this covert surveillance operation. The recent inspection confirmed

that this authorisation was completed to a very high standard with the statutory considerations of necessity, proportionality and collateral intrusion articulated in an exemplary fashion.

4. Members are asked to note the update.

## **Implications**

### **Corporate Plan:**

Safer and Stronger: the Council's Vision by 2023 is to ensure the foundations for a good quality of life are in place; reducing crime and anti-social behaviour.

### **Legal:**

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

### **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>
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 are provided with adequate training to be refreshed periodically to ensure they fully understand the RIPA policy and how it applies to their work. Training will be refreshed and carried out on a rolling programme to be made available on the intranet.

### **Equalities:**

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



**Other Implications:**

None.

**Reason(s) for Urgency**

N/A

**Reason(s) for Exemption**

N/A

**Background Papers**

Updated RIPA policy attached

**Report Author and Contact Officer**

Ruth Dennis

DIRECTOR OF LEGAL AND GOVERNANCE

Monitoring 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,

2019

Cabinet Minute Reference:

**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 Investigatory Powers Commissioner's Office ("IPCO") 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 Investigatory Powers Commissioners Office was set up to monitor compliance with RIPA. The IPCO 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 Investigatory Powers 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 IPCO.

## 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.

The Revised Code of Practice for Covert Surveillance and Property Interference (August 2018) provides the following guidance in relation to online covert activity:

*3.10 The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. It is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.*

*3.11 The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for*

*directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).*

*3.12 In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.*

*3.13 As set out in paragraph 3.14 below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.*

*3.14 Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.*

*3.15 Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online. See also paragraph 3.6.*

**Example 1:** A police officer undertakes a simple internet search on a name, address or telephone number to find out whether a subject of interest has an online presence. This is unlikely to need an authorisation. However, if having found an individual's social media profile or identity, it is decided to monitor it or extract information from it for retention in a record because it is relevant to an investigation or operation, authorisation should then be considered.

**Example 2:** A customs officer makes an initial examination of an individual's online profile to establish whether they are of relevance to an investigation. This is unlikely to need an authorisation. However, if during that visit it is intended to extract and record information to establish a profile including information such as identity, pattern of life, habits, intentions or associations, it may be advisable to have in place an authorisation even for that single visit. (As set out in the following paragraph, the purpose of the visit may be relevant as to whether an authorisation should be sought.)

**Example 3:** A public authority undertakes general monitoring of the internet in circumstances where it is not part of a specific, ongoing investigation or operation to identify themes, trends, possible indicators of criminality or other factors that may influence operational strategies or deployments. This activity does not require RIPA authorisation. However, when this activity leads to the discovery of previously unknown subjects of interest, once it is decided to monitor those individuals as part of an ongoing operation or investigation, authorisation should be considered.

3.16 In order to determine whether a directed surveillance authorisation should be sought for accessing information on a website as part of a covert investigation or operation, it is necessary to look at the intended purpose and scope of the online activity it is proposed to undertake. Factors that should be considered in establishing whether a directed surveillance authorisation is required include:

- Whether the investigation or research is directed towards an individual or organisation;
- Whether it is likely to result in obtaining private information about a person or group of people (taking account of the guidance at paragraph 3.6 above);
- Whether it is likely to involve visiting internet sites to build up an intelligence picture or profile;
- Whether the information obtained will be recorded and retained;
- Whether the information is likely to provide an observer with a pattern of lifestyle;
- Whether the information is being combined with other sources of information or intelligence, which amounts to information relating to a person's private life;
- Whether the investigation or research is part of an ongoing piece of work involving repeated viewing of the subject(s);
- Whether it is likely to involve identifying and recording information about third parties, such as friends and family members of the subject of interest, or information posted by third parties, that may include private information and



*therefore constitute collateral intrusion into the privacy of these third parties.*

*3.17 Internet searches carried out by a third party on behalf of a public authority, or with the use of a search tool, may still require a directed surveillance authorisation (see paragraph 4.32).*

**Example:** *Researchers within a public authority using automated monitoring tools to search for common terminology used online for illegal purposes will not normally require a directed surveillance authorisation. Similarly, general analysis of data by public authorities either directly or through a third party for predictive purposes (e.g. identifying crime hotspots or analysing trends) is not usually directed surveillance. In such cases, the focus on individuals or groups is likely to be sufficiently cursory that it would not meet the definition of surveillance. But officers should be aware of the possibility that the broad thematic research may evolve, and that authorisation may be appropriate at the point where it begins to focus on specific individuals or groups. If specific names or other identifiers of an individual or group are applied to the search or analysis, an authorisation should be considered.*

## **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.

The Revised Code of Practice for Covert Human Intelligence Sources (August 2018) provides the following guidance in relation to online covert activity:

*4.11 Any member of a public authority, or person acting on their behalf, who conducts activity on the internet in such a way that they may interact with others, whether by publicly open websites such as an online news and social networking service, or more private exchanges such as e-messaging sites, in circumstances where the other parties could not reasonably be expected to know their true identity should consider whether the activity requires a CHIS authorisation. A directed surveillance authorisation should also be considered, unless the acquisition of that information is or will be covered by the terms of an applicable CHIS authorisation.*

4.12 Where someone, such as an employee or member of the public, is tasked by a public authority to use an internet profile to establish or maintain a relationship with a subject of interest for a covert purpose, or otherwise undertakes such activity on behalf of the public authority, in order to obtain or provide access to information, a CHIS authorisation is likely to be required. For example:

- An investigator using the internet to engage with a subject of interest at the start of an operation, in order to ascertain information or facilitate a meeting in person.
- Directing a member of the public (such as a CHIS) to use their own or another internet profile to establish or maintain a relationship with a subject of interest for a covert purpose.
- Joining chat rooms with a view to interacting with a criminal group in order to obtain information about their criminal activities.

4.13 A CHIS authorisation will not always be appropriate or necessary for online investigation or research. Some websites require a user to register providing personal identifiers (such as name and phone number) before access to the site will be permitted. Where a member of a public authority sets up a false identity for this purpose, this does not in itself amount to establishing a relationship, and a CHIS authorisation would not immediately be required, though consideration should be given to the need for a directed surveillance authorisation if the conduct is likely to result in the acquisition of private information, and the other relevant criteria are met.

**Example 1:** An HMRC officer intends to make a one-off online test purchase of an item on an auction site, to investigate intelligence that the true value of the goods is not being declared for tax purposes. The officer concludes the purchase and does not correspond privately with the seller or leave feedback on the site. No covert relationship is formed and a CHIS authorisation need not be sought.

**Example 2:** HMRC task a member of the public to purchase goods from a number of websites to obtain information about the identity of the seller, country of origin of the goods and banking arrangements. The individual is required to engage with the seller as necessary to complete the purchases. The deployment should be covered by a CHIS authorisation because of the intention to establish a relationship for covert purposes.

4.14 Where a website or social media account requires a minimal level of interaction, such as sending or receiving a friend request before access is permitted, this may not in itself amount to establishing a relationship. Equally, the use of electronic gestures such as “like” or “follow” to react to information posted by others online would not in itself constitute forming a relationship. However, it should be borne in mind that entering a website or responding on these terms may lead to further interaction with other users and a CHIS authorisation should

be obtained if it is intended for an officer of a public authority or a CHIS to engage in such interaction to obtain, provide access to or disclose information.

**Example 1:** An officer maintains a false persona, unconnected to law enforcement, on social media sites in order to facilitate future operational research or investigation. As part of the legend building activity he “follows” a variety of people and entities and “likes” occasional posts without engaging further. No relationship is formed and no CHIS authorisation is needed.

**Example 2:** The officer sends a request to join a closed group known to be administered by a subject of interest, connected to a specific investigation. A directed surveillance authorisation would be needed to cover the proposed covert monitoring of the site. Once accepted into the group it becomes apparent that further interaction is necessary. This should be authorised by means of a CHIS authorisation.

4.15 When engaging in conduct as a CHIS, a member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without considering the need for authorisation. Full consideration should be given to the potential risks posed by that activity.

4.16 Where use of the internet is part of the tasking of a CHIS, the risk assessment carried out in accordance with section 6.13 of this code should include consideration of the risks arising from that online activity including factors such as the length of time spent online and the material to which the CHIS may be exposed. This should also take account of any disparity between the technical skills of the CHIS and those of the handler or authorising officer, and the extent to which this may impact on the effectiveness of oversight.

4.17 Where it is intended that more than one officer will share the same online persona, each officer should be clearly identifiable within the overarching authorisation for that operation, providing clear information about the conduct required of each officer and including risk assessments in relation to each officer involved. (See also paragraph 3.23)

## 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 **four** months. 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 legally privileged information has been acquired
- 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
- Where any application is refused, the grounds for refusal as given by the issuing authority or Judicial Commissioner:
- a record of whether, following a refusal of any application by a Judicial Commissioner, there is an appeal to the Investigatory Powers Commissioner;
- where there is such an appeal and the Investigatory Powers Commissioner also refuses the issuing of an application, the grounds for refusal given.

These records will be retained for at least 3 years and will be available for inspection by the Investigatory Powers Commissioner's Office..

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 Investigatory Powers 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)

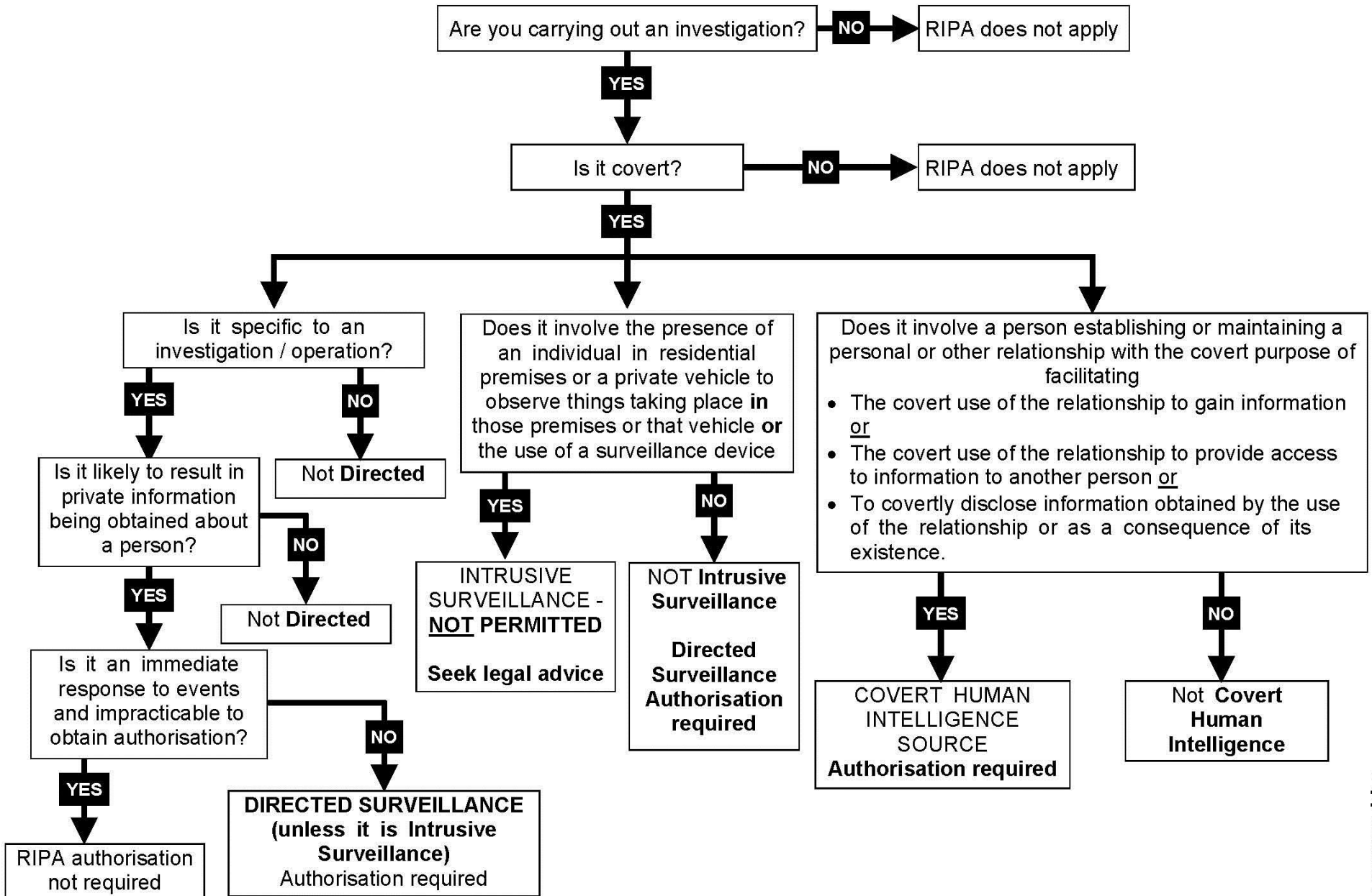
## Appendix A – Authorising Officers

Job Title	Contact No.
Chief Executive, or interim Chief Executive (Head of Paid Service)	01623 450000 Ext: 4250
Director of Revenues and Business Transformation or interim Director	01623 450000 Ext: 4203
Director of Housing and Assets, or interim Director	01623 450000 Ext: 2891
Interim Director of Place and Communities, or interim Director	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):	
Chief Executive (Head of Paid Service), or interim Chief Executive	01623 450000 Ext: 4250
In exceptional circumstances:	
Director of Legal and Governance (Monitoring Officer) & RIPA Senior Responsible Officer	01623 450000 Ext: 4009

# 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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