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**Date: 23rd September 2015**

Dear Sir/Madam,

A meeting of the **Policy and Resources Scrutiny Committee** will be held in the **Sirhowy Room, Penallta House, Tredomen, Ystrad Mynach** on **Wednesday, 30th September, 2015** at **5.30 pm** to consider the matters contained in the following agenda.

Yours faithfully,

A handwritten signature in blue ink that reads 'Chris Burns'.

**Chris Burns**  
INTERIM CHIEF EXECUTIVE

## AGENDA

	Pages
1 To receive apologies for absence.	
2 Declarations of Interest Councillors and Officers are reminded of their responsibility to declare any personal and/or prejudicial interest(s) in respect of any business on this agenda in accordance with the Local Government Act 2000, the Council's Constitution and the Code of Conduct for both Councillors and Officers.	
To approve and sign the following minutes: -	
3 Policy and Resources Scrutiny Committee held on 14th July 2015 (minute nos. 1 - 16).	1 - 10

**A greener place Man gwyrdach**

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



- 4 Consideration of any matter referred to this Committee in accordance with the call-in procedure.
- 5 To receive a verbal report by the Cabinet Member(s).
- 6 To receive and consider the following Cabinet Reports\*: -
1. Welsh Language Standards – Final Consultation – 15th July 2015;
  2. Provisional Outturn for 2014/15 – 29th July 2015;
  3. National Non-Domestic Rate Relief Grant Funding – WG ‘Wales Retail Relief Scheme’ 2015/16 - 29th July 2015;
  4. Draft Social Media Policy - 29th July 2015;
  5. Draft Disciplinary Policy and Procedure - 29th July 2015;
  6. Fleur De Lys Boxing Club – 2nd September 2015;
  7. Cabinet Forward Work Programme - 2nd September 2015.

*\*If a member of the Scrutiny Committee wishes for any of the above Cabinet reports to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Tuesday, 29th September 2015.*

To receive and consider the following Scrutiny reports:-

- |    |   |          |
|----|---|----------|
| 7  | Remodelling of Sheltered Housing Schemes.                                       | 11 - 34  |
| 8  | Caerphilly Homes Communications Strategy & Implementation Plan.                 | 35 - 56  |
| 9  | Complaints and Representations - Caerphilly Homes.                              | 57 - 66  |
| 10 | Empty Homes in the Private Sector.  | 67 - 74  |
| 11 | Regulation of Investigatory Powers Act 2000 (RIPA Corporate Policy Review).     | 75 - 150 |
| 12 | To record any requests for an item to be included on the next available agenda. |          |

To receive and note the following information items\*:-

- |    |   |           |
|----|---|-----------|
| 13 | Capital Outturn 2014/15.  | 151 - 162 |
| 14 | Corporate Services and Miscellaneous Finance 2015/16 Budget Monitoring Report (Period 4).   | 163 - 170 |
| 15 | Treasury Management and Capital Financing Prudential Indicators Outturn Report for 2014/15. | 171 - 178 |
| 16 | Discretionary Rate Relief Applications.   | 179 - 182 |
| 17 | Pensions/Compensation Committee Minutes - 13th July 2015.                                   | 183 - 186 |

18	Pensions/Compensation Committee Minutes - 28th July 2015.	187 - 188
19	Caerphilly Homes Task Group Minutes - 2nd July 2015.	189 - 194
20	Summary of Members' Attendance - Quarter 1 - 15th May 2015 to 30th June 2015.	195 - 198
21	Policy and Resources Scrutiny Committee Forward Work Programme.	199 - 202

*\*If a member of the Scrutiny Committee wishes for any of the above information items to be brought forward for review at the meeting please contact Rebecca Barrett, 01443 864245, by 10.00 a.m. on Tuesday, 29th September 2015.*

**Circulation:**

Councillors L.J. Binding, Mrs P. Cook, C.J. Cuss, H.W. David (Chair), Miss E. Forehead, J.E. Fussell, C. Hawker, Ms J.G. Jones, G. Kirby, A. Lewis, C.P. Mann, S. Morgan (Vice Chair), D. Rees, R. Saralis, J. Simmonds and J. Taylor

And Appropriate Officers

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## POLICY AND RESOURCES SCRUTINY COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY, 14TH JULY 2015 AT 5.30 P.M.

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PRESENT:

Councillor H.W. David - Chair  
Councillor S. Morgan - Vice Chair

Councillors:

L. Binding, Mrs P. Cook, C.J. Cuss, Miss E. Forehead, J.E. Fussell, C.J. Gordon, C. Hawker,  
Ms J.G. Jones, G. Kirby, A. Lewis, C.P. Mann, R. Saralis, J. Taylor

Cabinet Members:

Mrs C. Forehead (HR and Governance/Business Manager), D.T. Hardacre (Performance and  
Asset Management), Mrs B. Jones (Corporate Services), D.V. Poole (Housing)

Together with:

N. Scammell (Acting Director of Corporate Services and Section 151 Officer), S. Couzens  
(Chief Housing Officer), P. Davy (Head of Programmes), R. Ballantine (Personnel Manager),  
S. Cousins (Principal Housing Officer), K. Williams (Private Sector Housing Manager), L. Lane  
(Solicitor), C. Forbes-Thompson (Scrutiny Research Officer) and R. Barrett (Committee  
Services Officer)

Also present:

Mr C. Davies and Mrs S. Jones (Caerphilly Homes Task Group), G. Enright (Unison Branch  
Secretary)

#### 1. CHAIR'S WELCOME

The Chair welcomed Mr Clive Davies and Mrs Sandra Jones from Caerphilly Homes Task  
Group, who were in attendance to speak in relation to Agenda Item 9 (Proposed Inspection  
Programme for Council Properties).

It was noted that Mr Gary Enright, Unison Branch Secretary, was also in attendance to  
provide the Trade Unions' response to a number of the reports on the meeting agenda.

**2. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor D. Rees.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest received at the commencement or during the course of the meeting.

**4. MINUTES – 2ND JUNE 2015**

Subject to it being noted that Councillor J.E. Fussell had not been recorded as being in attendance, together with Councillor L.J. Binding's confirmation that he would clarify the details of his report request with the relevant Officer (minute no. 11 refers), it was

RESOLVED that the minutes of the Policy and Resources Scrutiny Committee meeting held on 2nd June 2015 (minute nos. 1 – 12) be approved as a correct record and signed by the Chair.

**5. CALL-IN PROCEDURE**

There had been no matters referred to the Scrutiny Committee in accordance with the call-in procedure.

**6. REPORTS OF THE CABINET MEMBERS**

The Scrutiny Committee received verbal reports from Cabinet Members Mrs B. Jones and D.V. Poole.

Councillor Mrs B. Jones, Cabinet Member for Corporate Services, advised the Scrutiny Committee of several recent achievements within the Corporate Services Directorate. The Corporate Information Governance Unit were highly commended in the Information and Records Management Team of the Year 2015 category by the Information and Records Management Society (IRMS). The Team achieved this award through its ground-breaking work on information sharing and by becoming one of the first local authorities to achieve the British Standard BS10008 on legal admissibility of electronic information. The Team was also one of the first local authorities in Wales to implement the central government role of Senior Information Risk Owner in a local government context alongside managing daily demands of increasing numbers of information requests.

ICT Services recently received a Gold Performance Award for Address Data and a Gold Achievement Award for Street Data at the Geoplace Data and Quality Awards 2015. Geoplace is a local government improvement and development organisation operating in England and Wales in conjunction with Ordnance Survey. There are many benefits of ensuring this type of information is kept up to date and accurate, such as the ability to share information in an efficient manner in our own organisation, and between local and central government, reducing costs, saving time and also helping to improve response times for blue light services.

Members were informed that the annual Household Survey ran from 1st – 30th June 2015, and in addition to being made available on the Council's website, was also included in Newline for the first time to allow every household in the county borough to have their say on Council services. The Household Survey is a key part of the council's Public Engagement Strategy and allows for key feedback to be gathered from the community.

The Cabinet Member also referred to the success of the recent National Urdd Eisteddfod 2015, with approximately 89,000 visitors attending the event at Llancaiach Fawr. The organisers were very pleased with the outcome of the event and the Cabinet Member placed on record her thanks to those involved in hosting the event.

Councillor D.V. Poole presented his first report in his capacity as Cabinet Member for Housing. The Scrutiny Committee were advised that the Housing Solutions Team is currently being re-structured in order to meet new legislation as part of the Housing (Wales) Act 2014. Welsh Government additional funding has been provided to assist local authorities with this transition and will be used for additional staff, support agency and new IT requirements.

Members were informed that a group of Caerphilly tenants with visual and/or hearing impairments recently took part in a national consultation exercise to share their experiences on the difficulties they encounter in relation to housing and related services. A National Practice Guidance document has subsequently been launched and Housing Services will now be looking to take forward many of its recommendations.

The Cabinet Member updated the Committee on the impact of the new Universal Credit benefit system, which was introduced in May 2015. At present this only affects new single person applicants for Job Seekers Allowance. Tenant Support Officers within Housing will work with those tenants affected to offer financial assistance and advice, and to ensure that the Housing Benefit element of the Universal Credit payment is used to cover rent and thereby sustain tenancies.

Members were updated on the challenges involved in delivering the Welsh Housing Quality Standard (WHQS) Programme by 2020. In addition to the slippage previously reported to Members, there are some emerging budgetary pressures arising from recent tender prices, together with the borrowing cap on the Housing Revenue Account. Overall performance across all contract arrangements for internal improvement works has achieved just under 70% for the first quarter of financial year 2015/16. Officers are implementing a number of measures to assist with the delivery of the programme, including recruitment of additional posts, outsourcing in a number of areas, and procurement of a contingency contract. A number of procedural changes are also being introduced to maximise the effective use of existing resources, and a key change will be to refocus the Tenant Liaison Officers on the works stage.

The Cabinet Member explained that it would be a while before the full benefits of these measures will be realised but in the meantime, progress is being closely monitored. Work on the refurbishment of Hafod Deg in Rhymney as a community resource hub is nearing completion, and good progress is being made with the refurbishment of properties in Rowan Place, Rhymney. Despite the setbacks, tenant satisfaction remains high once the improvement works have been completed.

Members were also informed that nominations have recently been invited for the 2015 Transforming Lives and Communities Awards which will be held in September 2015 and celebrate the work being undertaken with Council tenants.

The Cabinet Members were thanked for their reports and the Chair invited questions from the Scrutiny Committee. It was noted that the WHQS programme was due to be discussed later in the meeting, under consideration of Agenda Item No.11 (Performance Management IO5 – Investment in Council homes to transform lives and communities) and the Chair asked Members to withhold any related queries until the report was discussed.

It was suggested that a Members' seminar be arranged regarding the new Housing (Wales) Act and the Cabinet Member confirmed that that he would liaise with Officers to make the appropriate arrangements.

## **7. CABINET REPORTS**

None of the Cabinet reports listed on the agenda had been called forward for discussion at the meeting.

## **REPORTS OF OFFICERS**

Consideration was given to the following reports.

## **8. DRAFT DISCIPLINARY POLICY AND PROCEDURE**

Richard Ballantine, Personnel Manager, presented the report, which sought the views of Members on proposed amendments to the Disciplinary Policy and Procedure for employees of Caerphilly County Borough Council, prior to its presentation to Cabinet.

The key changes to the Policy (which was last revised in 2010) were outlined, and included the introduction of a verbal warning as a means of dealing with less serious cases of misconduct, the removal of references to attendance issues (as this is now addressed via the Managing Sickness Absence Policy), the time limit to submit an appeal to be set as 10 days for all appeal types, and the introduction of a fast track process to deal with less serious matters of misconduct.

Officers advised that the duration of disciplinary sanctions for a verbal, written and final warning would be set at 6, 12 and 18 months respectively. During the consultation process, it had been suggested that the sanction duration could be harmonised in line with those applied to teaching staff (3, 6 and 12 months), but had not been subsequently incorporated into the revised Policy and Procedure (attached at Appendix 1 to the report).

The revised Policy will apply to all Caerphilly employees and will also apply to non-teaching school-based staff where the Scheme is adopted by the School Governing Body. The revised Policy does not cover the Chief Executive, the Council's Monitoring Officer or the Council's Section 151 Officer as separate disciplinary procedures apply to these posts.

Gary Enright, Unison Branch Secretary, was invited to provide the Trade Unions' response to the proposed amendments. Mr Enright explained that the Trade Unions supported the revised Policy, with the exception of the duration of disciplinary sanctions. It was their view that these should be harmonised in line with the sanctions applied to teaching staff and Mr Enright explained that they would be seeking a review of this matter. Officers advised that 12 months was deemed appropriate for a written warning following instances of serious misconduct.

Discussion of the report ensued and Members raised concerns regarding the introduction and interpretation of a verbal warning. They expressed a need for managers to make clear to employees, that when utilising the procedure, that the first stage of the disciplinary procedure was being invoked. Officers confirmed that if the matter could not be resolved informally and the disciplinary procedure was invoked, employees would receive written confirmation of this verbal warning, which would be retained on file for a period of 6 months.

Following consideration of the report, it was moved and seconded that the following recommendation be referred to Cabinet for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Cabinet that the revised Draft Disciplinary Policy and Procedure be adopted.



## 9. DRAFT SOCIAL MEDIA POLICY

Richard Ballantine presented the report, which sought the views of Members on the introduction of a Social Media Policy, prior to its presentation to Cabinet.

It was explained that the Council's Disciplinary Procedure has been increasingly used to address alleged instances of online misconduct by employees. The Social Media Policy has therefore been developed to provide guidelines to employees on using social media in both their private and professional lives. This Policy is intended to clarify the responsibilities of employees both inside and outside of work when using social media, having regard to the high standards of conduct expected of Local Government Officers, and to protect Officers from potential misunderstandings and confusion. The final draft of the Policy was appended to the report.

Mr Enright was invited to respond to the report and confirmed that the Trade Unions had been involved in the consultation process regarding the draft Policy. He explained that the Trade Unions felt there was a pressing need for guidance to be provided to the Council's workforce in respect of social media matters and thus supported the introduction of this Policy.

Discussion of the report ensued and in response to a Member's query, Officers provided clarification on the protocol for those employees who wished to start a social network or blog for Council purposes. Members and Officers also outlined examples of the types of social networks and blogs in use by Council departments (including the "Your Caerphilly Homes" Facebook page).

During the course of the debate, Members expressed a need for the Social Media Policy to be clearly communicated to all Council employees. As such, it was moved and seconded that subject to consideration being given as to how this Policy will be communicated to employees, the Policy be adopted. By a show of hands this was unanimously agreed.

RECOMMENDED to Cabinet that:-

- (i) the Draft Social Media Policy as appended to the report be adopted;
- (ii) consideration be given as to how the Draft Social Media Policy will be communicated to all Council employees.

## 10. PROPOSED INSPECTION PROGRAMME FOR COUNCIL PROPERTIES

Shaun Couzens, Chief Housing Officer, presented the report, which proposed the introduction of regular property and tenancy inspections for Caerphilly Homes, prior to its presentation to Caerphilly Homes Task Group and thereafter Cabinet.

The report outlined the existing inspection arrangements and considered the option of introducing more formal arrangements for regular property and tenancy inspections for Caerphilly Homes. The report highlighted the potential benefits of a regular inspection programme to both tenants and Caerphilly Homes, the need for a structured approach and the proposed procedure to be implemented. Full details of the proposals were appended to the report.

Mr Clive Davies and Mrs Sandra Jones, representatives of Caerphilly Homes Task Group, were invited to summarise their views arising from the proposed inspection arrangements. They expressed concerns that the new programme could lead to an invasion of privacy and result in added cost pressures for tenants in respect of them carrying out repairs prior to an inspection. Representatives cited the additional resources that would be needed to inspect all Caerphilly Homes and the possible duplication of work (in that they had already been inspected as part of the WHQS programme). They suggested that instead of regular

inspections, tenants who did not leave their homes in acceptable condition at the end of the tenancy should be charged for remedial works.

Officers gave assurances that they were not proposing a brand new inspection process but were seeking to make better use of the existing arrangements in place, and provided examples of how the process would be conducted. Officers explained that formal arrangements would assist in early intervention measures and allow the Council to carry out their duty of care to tenants. During the course of the debate, a Member raised a concern regarding the impact of these proposals on existing staff resources and it was confirmed that Officers would provide a progress update in 12 months' time.

Following consideration of the report, and in taking into account the views of the Caerphilly Homes Task Group representatives, it was moved and seconded that the following recommendations be referred to Caerphilly Homes Task Group (and thereafter Cabinet) for approval. By a show of hands, this was unanimously agreed.

RECOMMENDED to Caerphilly Homes Task Group (and thereafter Cabinet) that:-

- (i) consideration be given to pursue the introduction of regular property inspections for all Caerphilly Homes tenants as per the proposed procedure outlined in Section 4.4 of the Officer's report;
- (ii) implementation of the proposal be reviewed and further annual reports be submitted to Caerphilly Homes Task Group in order to monitor progress and evaluate the success of the procedure.

**11. YEAR END PROGRESS UPDATE OF IMPROVEMENT OBJECTIVE IO2 – IMPROVE JOB OPPORTUNITIES SO PEOPLE CAN LIVE BETTER LIVES – CAERPHILLY PASSPORT PROGRAMME**

Nicole Scammell, Acting Director of Corporate Services and Section 151 Officer, presented the report, which provided an update of the Improvement Objective for 2014/15 relating to the Caerphilly Passport Programme.

Members were informed that the Passport Programme came to a close on 31st March 2015 and that it had met the set Improvement Objectives. Therefore Cabinet have chosen not to carry this Improvement Objective forward for 2015-2016. Three of the performance measures are in line with the European Social Fund (ESF) objectives set for the programme and two are additional measures looking at the impact of the programme on those participating and the percentage of positive outcomes achieved.

The Passport Programme was recently selected for an ESF National Team Evaluation and full details of the outcome were contained within Appendix 1 of the report. A reporting dashboard (Appendix 2) outlined the progress of a number of key performance indicators against this Improvement Objective. Wavehill also undertook an independent evaluation of the Programme and the outcome was generally very positive. Performance against this Improvement Objective was therefore judged as successful, as explained by progress of the key elements of the Programme contained within the report.

During the course of the ensuing debate, a query was raised regarding the Wavehill Evaluation Report, which stated in its findings that around half of all referrals have not engaged with the programme, in part because of their lack of suitability but also because Passport staff have been unable to make contact with referrals. Officers confirmed that they would seek further information from Passport staff regarding these reasons for non-engagement and respond to Members accordingly.

A query was raised regarding the total amount of agency fees savings as a result of the Passport Programme. Officers confirmed that they would check to see if this information was held on record, and they also outlined to Members the details of the Council's vacancy management process.

In response to a Member's query regarding the future of the Passport Programme, Officers explained that although it has now ended, there is some potential for future ESF funding and for a smaller version of the Passport scheme to be established as a pilot via Communities First. A Member queried the feasibility of using the £485,000 budget allocation for the direct funding of apprenticeships and trainees to continue the Passport Programme. Officers outlined the significant infrastructure and running costs surrounding the expired Passport Programme and explained how it was separate from the Authority's apprenticeship and trainee scheme.

Officers further explained that a phased reduction of this budget to £150,000 per annum by 2017/18 would take place (as per the savings agreed at the Special Policy and Resources Scrutiny Committee meeting of 17th June 2014). The reserves of £697,000 would be used to maintain current provision in respect of supporting existing apprenticeship and trainee placements. Members were advised that a review of the reduced scheme would be undertaken as part of proposed Medium Term Financial Plan savings for 2016/17.

A query was raised as to whether the Welsh Government are in a position to continue with the Passport Programme at a national level. Officers confirmed that they would check with relevant staff and report back to Members.

Following consideration of the report, Members noted the progress made against the Improvement Objective for 2014/15, and unanimously agreed that it be judged as successful.

## **12. PERFORMANCE MANAGEMENT IO5 – INVESTMENT IN COUNCIL HOMES TO TRANSFORM LIVES AND COMMUNITIES – YEAR END**

Phil Davy, Head of Programmes, presented the report, which provided an update in respect of Improvement Objective 5 for 2014/15 (investment in Council homes to transform lives and communities).

Members were reminded of the significant slippage that has arisen within the WHQS Programme during 2014/15. This has necessitated a review of the investment strategy and the implementation of a number of measures to increase capacity and spread risk to ensure that the target completion date of March 2020 can still be achieved. Full details of these measures were detailed within the report.

The original target for 2014/15 had been to complete either internal or external works to 3713 properties but in view of the setback was revised to 1683 properties. Unfortunately the outturn has only achieved 702 properties (42% of the revised programme). Overall tenant satisfaction remains high at 90% and service standards have achieved 93%, which are both above target. Full details of the progress made in respect of this Improvement Objective were appended to the report. It was explained that the Improvement Objective for 2014/15 was therefore regarded by Officers as being only partially successful.

The Head of Programmes was thanked for his detailed report and in referring to the report recommendation, the Chair explained to the Scrutiny Committee that they needed to consider whether "partially successful" was the correct term to use in respect of this Improvement Objective.

A query was raised regarding the measures taken to accelerate the programme and reduce the pressure on the WHQS Team. The Head of Programmes explained that a number of additional staff had already been recruited and it was intended that further staff would also be

recruited. He outlined the procurement and contractor arrangements implemented over the past two years and explained that the timescales involved in awarding such contracts had contributed to the slippage of internal and external works programmes. A number of other actions have been taken to accelerate the programme, including the strengthening of senior management, restructuring of teams around contract arrangements to provide greater clarity in respect of accountabilities, and outsourcing of works for part of the Council's Housing portfolio. Officers explained that a large portion of these measures had now been implemented and it was therefore anticipated that the benefits would be seen via an acceleration of works.

The Cabinet Member outlined a number of improvements to the programme, including the allocation of IT support staff to the WHQS Team and the refining of survey works associated with the programme. Members were also advised of the improvements that had been made to work processes and the Cabinet Member gave details of the kitchen designs being outsourced to the manufacturer.

Discussion took place in respect of the report recommendation and whether the Improvement Objective could be judged as being "partially successful". A Member suggested that the Improvement Objective had not been met and that substantial work was needed for it to be achieved, and therefore the recommendation should be amended accordingly. The Cabinet Member explained that the majority of works and associated contract arrangements had already been implemented and suggested an alternative amendment to the recommendation to reflect that further work was needed to achieve this Improvement Objective.

Members were reminded that if the Council were deemed to be unsuccessful in too many areas in respect of Improvement Objectives, the associated funding they receive from the Welsh Government could be withdrawn. Officers explained that the required works to Council housing had been identified and a number of properties had already been brought up to standard, and therefore there had been some success against this Improvement Objective. Members made reference to the shortcomings of the original Savills stock survey and acknowledged the amount of work completed in respect of the WHQS Programme to date.

An amendment to the recommendation within the report was moved and seconded to state that "the Improvement Objective has not been met and substantial work is needed to achieve this objective". By a show of hands (and in noting there were 2 in support of the motion and 11 against), the motion was declared lost.

It was moved and seconded that the original recommendation within the report be endorsed, in that Members agree that the Improvement Objective be judged as partially successful for 2014/15. By a show of hands (and in noting there was 1 against and 1 abstention), this was agreed by the majority present.

### **13. ADJOURNMENT**

Following consideration of this item, it was agreed at 7.08 pm that the meeting adjourn for a short recess. The meeting reconvened at 7.15 pm.

### **14. END OF YEAR UPDATE ON IMPROVEMENT OBJECTIVE 6 (2014/15) – IMPROVE THE AVAILABILITY OF PRIVATE AND PUBLIC SECTOR HOUSING TO REDUCE THE NUMBER OF RESIDENTS WHO MAY BECOME HOMELESS**

Kenyon Williams, Private Sector Housing Manager, together with Suzanne Cousins, Principal Housing Officer, presented the report, which updated Members on the progress made in 2015/16 against Improvement Objective 6 (improve the number of private and public sector housing to reduce the number of residents who may become homeless).

A number of achievements have been made against this Improvement Objective, including the strengthening of the homelessness prevention service to respond to the challenges presented by the change in legislation, the provision of advice and support to prevent people from becoming homeless and the provision of accommodation to those made homeless, the hosting of a specialist officer to support domestic abuse victims threatened with homelessness, and assistance to landlords to comply with the relevant tenancy and equality legislation by producing guidance and providing training.

In terms of actions that had been unsuccessful, Members were advised that at a local level, a review was not fully developed for the existing pre-release prison protocols with the prison service, due to the complexity of the matter. It had been determined that this would instead be progressed at a national level, and the Housing Team are therefore actively working at a national level to achieve this. Full details of progress made against this Improvement Objective were appended to the report. It was explained that for the reasons outlined in the report, performance against this Improvement Objective was therefore regarded by Officers as partially successful.

Although the prevention of homelessness remains a priority for the Council, this Improvement Objective has not been re-selected for 2015/16 and therefore this would be the final update report in respect of this area. However, homelessness will be a key priority in the divisional service plan, with one of the aims being to reduce the use of bed and breakfast accommodation for the placement of homeless persons, and such use has already reduced significantly.

Discussion of the report ensued and a Member queried the reasons why the Improvement Objective had not been reselected for 2015/16, in view of it only being partially successful. The Cabinet Member for Housing explained that it was difficult to determine which Improvement Objectives should be selected from the numerous options available, but that those that had been selected for 2015/16 had been deemed to be the ones more in need of attention by the Council. The Cabinet Member also referred to the difficulties entailed in using success as a measure in that it was a subjective assessment of the Improvement Objective.

Officers gave examples of improved working practices between the Council and the Probation Service and explained that a consultation document had recently been released which outlined the framework and pathway for pre-release prison protocols throughout Wales.

Members noted the contents of the report and unanimously agreed that the Improvement Objective be judged as partially successful.

## **15. REQUESTS FOR REPORTS TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA**

There were no requests for reports received.

## **16. INFORMATION ITEMS**

The Committee noted the following items for information, full details of which were included within the Officers reports. There were no items brought forward for review.

- (1) Handling of Damp and Condensation Complaints – Update Report;
- (2) Discretionary Rate Relief Applications;
- (3) Time Off For Reservists Policy;
- (4) Caerphilly Homes Task Group Minutes – 21st May 2015;
- (5) Corporate Health and Safety Committee Minutes – 24th February 2015;
- (6) Pensions/Compensation Committee Minutes – 9th June 2015.

The meeting closed at 7.25 pm

Approved as a correct record and subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 30th September 2015, they were signed by the Chair.

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CHAIR



## POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015

**SUBJECT: REMODELLING OF SHELTERED HOUSING SCHEMES**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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- 1.1 The report was considered by the Caerphilly Homes Task Group (CHTG) on the 17th September 2015. It sought views on proposals for an in-principle agreement for feasibility studies to be undertaken for six sheltered housing schemes (Castle Court, Waunfawr House, TY Melin, Ynyswen, Britannia Court and St. Mary's Court) for remodelling, prior to its consideration at Policy and Resources Scrutiny Committee, and thereafter Cabinet.
- 1.3 The report also sought the views on proposals for the six schemes to be omitted from WHQS works programme, unless funding is available within the business plan to undertake work to one or two schemes depending on the detailed costs being within this budget.
- 1.4 The Caerphilly Homes Task Group highlighted concerns for tenants within these schemes and the postponement of WHQS works. Officers highlighted that many of the bedsits are not fit for purpose and there are a higher number of voids within the Schemes. Officers also highlighted the fact that beyond the bedsits and flats, the schemes themselves lacked adequate facilities for our vulnerable tenants as circulation space and access throughout the schemes was limited, particularly for those with mobility or health issues. Therefore, it was proposed that the works take place following 2020 until 2025, remodelling the schemes to meet WHQS standards and become fit for purpose.
- 1.5 Having fully considered the report and the recommendations contained therein, the Caerphilly Homes Task Group recommended that the Policy and Resources Scrutiny Committee support the Remodelling of the Sheltered Housing Schemes and recommend its adoption at Cabinet.

By a show of hands, and in noting there were 3 against, the recommendations were supported by the majority present.

RECOMMENDED to Policy and Resources Scrutiny Committee and thereafter Cabinet for a decision : -

- (i) Members note the views of the CHTG as detailed in the covering report.
- (ii) A full and comprehensive feasibility study is commissioned for the six sheltered housing schemes identified in the report.
- (iii) Following a positive outcome of the feasibility study, the schemes be removed from the WHQS programme with the intent of remodelling them post 2020, (with one or two before this time, if financially viable), with completion of all properties by the end of 2025.

1.6 Members are invited to consider the report and the above recommendation.

Author: C. Evans, Committee Services Officer, Ext 4210.

Appendices:

Appendix 1 Caerphilly Homes Task Group Report – 17th September 2015.





## CAERPHILLY HOMES TASK GROUP – 17TH SEPTEMBER 2015

**SUBJECT: REMODELLING OF SHELTERED HOUSING SCHEMES**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

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### 1. PURPOSE OF REPORT

- 1.1 To seek the views of CHTG members on proposals for an in-principle agreement for feasibility studies to be undertaken for six sheltered housing schemes (Castle Court, Waunfawr House, Ty Melin, Ynyswen, Britannia Court and St Mary's Court) for remodelling.
- 1.2 To also seek views on proposals for the six schemes to be omitted from WHQS works programme if recommendations are supported, unless funding is available within the business plan to undertake work to one or two schemes depending on the detailed costs being within this budget.
- 1.3 The views of CHTG will be considered together with this report by Policy and Resources Scrutiny Committee and thereafter submitted to Cabinet for a decision.

### 2. SUMMARY

- 2.1 A number of sheltered housing schemes were identified through the 2012 stock appraisal of the sheltered housing review as not being fit for purpose. Five of the six schemes have bedsit accommodation.
- 2.2 The council recognises that older tenants need to be supported, wherever possible, in accommodation that is accessible and supports their rights to independence.
- 2.3 A review of all stock identifies that some schemes include properties and amenities that are inadequate and do not meet acceptable space standards. This information was considered alongside void levels and the ability to remodel and the six schemes proposed were identified.
- 2.4 Consultation has taken place with tenants and ward members to identify any concerns. All schemes were visited by officers and face to face meetings held with the residents to explain the options for their schemes. This was also followed up with a questionnaire that we sent to all tenants within the schemes. The majority of tenants appear complacent about the proposed changes although all schemes identified improvements that they would like to see. Ward members were in favour of the proposals but were keen to ensure that tenants were supported fully in the decant process and that funds were made available to ensure the projects were completed in full and that there was a firm commitment from the Council that the proposals would be delivered as soon as practically possible.

### 3. LINKS TO STRATEGY

- 3.1 The Welsh Housing Quality Standard is intended to ensure that all local authority and housing association homes are improved and maintained to achieve specified standards.

- 3.2 The Single Integrated Plan 2013-2017 has a priority to “Improve standards of housing and communities, giving appropriate access to services across the County Borough.
- 3.3 The Council’s Local Housing Strategy “People, Property, and Places” has the following aim:  
 “To provide good quality, well managed houses in communities where people want to live, and offer people housing choices which meet their needs and aspirations.”

#### 4. THE REPORT

- 4.1 Sheltered Housing was developed over 30 years ago to provide accommodation for older people who were relatively fit and active. As a person’s health and mobility deteriorated residential and nursing homes were then expected to fulfil a person’s accommodation requirements. Services have changed significantly over this time and current practice is to help people to continue to live as independently as possible at home.
- 4.2 Legislation, guidance and good practice supports people to live in their own homes for as long as they wish to do so with assistance, aids and adaptations as necessary. Sheltered accommodation can help address those needs but some sheltered council provision in the borough of Caerphilly is not fit for purpose.
- 4.3 A budget has been allocated within the Housing business plan to bring all our sheltered housing schemes up to the WHQ Standard, however it was clear when the review of the sheltered housing service was undertaken, that a number of our schemes were not capable of meeting the WHQS due to their size and layout and this was particularly the case in those schemes comprising bedsits. The business plan does include a budget for remodelling two of our schemes, but on further investigation, the amount allocated is deemed insufficient to bring the schemes up to the required standard.
- 4.4. It is therefore an opportune time to review our plans for the sheltered housing schemes. Due to the stock appraisal identifying a need for significant remodelling of six schemes, it would seem inappropriate to proceed with the WHQS works to these schemes without considering alternative options. Whilst providing tenants with new bathrooms and kitchens for example, these would still not meet the WHQ Standard in many cases and the funding could be better utilised by contributing to the cost of remodelling in order to make these schemes fit for purpose and meet the changing needs and demands of our tenants for the future.
- 4.5 **Audit of schemes – Principles and Values**
- 4.5.1 New build schemes should follow Housing our Ageing Population: Panel for Innovation (HAPPI) principles and Designed for Life standards but to ensure our current stock is fit for purpose and provides a viable and desirable alternative option for our residents, standard principles should be applied for existing sheltered accommodation. These are defined as:-
- Properties are accessible and are suitable for people to receive care and support appropriately.
  - All properties have their own facilities including a separate bedroom.
  - The scheme has accessible communal facilities.
  - The scheme has a vibrant, active community.
- 4.5.2 When considering the above principles the sheltered housing stock was surveyed in relation to:
- Size of individual properties.
  - Long term voids.
  - Ability to remodel.

Appendix A, analyses the sheltered housing stock against these principles and the following schemes were identified as having bedsits or very small 1 bed flats; have a high incidence of long term voids and are considered capable of being remodelled to provide more suitable accommodation. These are all in the former Islwyn area and comprise Britannia Court, St Mary's Court, Waunfawr House, Castle Court, Ty Melin and Ynyswen. Two other schemes, Ysgwyddwgwyn and Alexandra Court also have small property sizes, but Ysgwyddwgwyn cannot be substantially altered due to its location on a hillside and Alexandra Court continues to be a very popular scheme (although this may want to be re-considered at a later date). Other schemes cannot be altered to become more accessible due to their location or inability to include facilities such as a lift.

- 4.5.3 Appendix B shows photographs of two bedsits. Typically, there is no window in the sleeping area, no area for eating and the kitchen is so small that often the fridge is in the hallway. Use of zimmer frames and wheelchairs are practically impossible due to the extremely limited size of property and there is an associated increased risk to tenants of trips and falls. A washing machine cannot be fitted into a kitchen in any of these schemes. An added problem due to the lack of circulation space, particularly in the bedsits, is that it is extremely difficult for carers to provide the level of support needed by some tenants, particularly if the individual is confined to bed as access is limited. There are also concerns regarding the ability of carers to ensure that a tenant's dignity is maintained in such a situation.
- 4.5.4 The six schemes have inadequate guest bedroom facilities and are rarely used in the current form. There are no scooter storage facilities and generally storage for tenant possessions is lacking. Some of the external space is poor and does not assist people who may have mobility issues, dementia or other cognitive impairments. Improved external and internal space would assist people with long term health conditions to be more healthy and improve their wellbeing.
- 4.6 The six schemes that have been identified are:
- Castle Court
  - Waunfawr House
  - Ty Melin
  - Ynyswen
  - St Mary's Court
  - Britannia Court
- 4.6.1 Initial plans have been drawn up for these schemes and the estimated costs of developing all six schemes would be over £3.2 million.
- 4.6.2 If the proposals were approved, it is likely that the number of properties available across all six schemes would reduce from 164 to 110. There would be a net loss in income but this would be offset by reduced void loss. It is anticipated that if the schemes are not remodelled there would be an increasing number of voids as the schemes become even more unpopular and fail to provide the standard and level of accommodation the tenants need and expect. Appendix C shows the proposed property sizes for each of the six schemes.
- 4.7 The numbers of voids in the six schemes has ranged from 2 to 8 per year per scheme. Appendix D shows the levels of voids over the past five years, the average duration time and reasons for refusals. The high number of long term voids confirms the unpopularity of these schemes.
- 4.8 Consultation with tenants, staff and ward members has taken place and the feedback from this can be found in section 8 and appendix E. In essence, the majority of consultees understand the reasons for the proposed remodelling and are supportive of the proposals.

## 5. EQUALITIES IMPLICATIONS

- 5.1 An EIA screening has been completed in accordance with the Council's Strategic Equality Plan and Supplementary Guidance and no potential for unlawful discrimination was identified. 2.2 above recognises that the council has considered the needs of older people, and the needs of people with disabilities are met as a matter of course in any remodelling and upgrading work. The consultation with tenants has not brought to light any other equalities-related issues.

## 6. FINANCIAL IMPLICATIONS

- 6.1 A comprehensive feasibility study will need to be commissioned. Appendix F shows indicative costs for updates to the six schemes. However, these costs do not include any external works or reconfigurations to communal areas apart from Castle Court.
- 6.2 All schemes have been budgeted for under WHQS and these savings would offset some of the costs required to remodel the schemes. A full cost appraisal for the work has not been undertaken but it is expected that each scheme will cost between £300,000 and £1 million.
- 6.3 Feasibility calculations will include savings from removal of long terms void costs, finance redirected from WHQS and income loss associated with reducing the number of properties.

## 7. PERSONNEL IMPLICATIONS

- 7.1 Staff will be required to support tenants that may be decanted as part of the remodelling process but this will be managed through existing resources.
- 7.2 External consultants will carry out the feasibility study.

## 8. CONSULTATIONS

- 8.1 Tenants at all six schemes were consulted in group meetings on what they felt about their current property, what changes they would like to see and what they considered would make the schemes fit for the future. Additionally, tenants received individual questionnaires to feedback their thoughts on their property and the overall scheme.
- 8.2 Five of the six schemes were either willing or laissez faire about remodelling their schemes. Only one scheme, St Mary's Court, strongly stated that they like their bedsits and would not want to consider changes. However, tenants at St Mary's Court also highlighted a number of issues with their scheme including the size of the property, lack of lift and issues with access.
- 8.3 Councillors representing the locations of schemes were informed of the consultations that had taken place and the feedback received. Whilst concerned about the wellbeing of the tenants, councillors also agreed that the principles for undertaking this project were desirable to ensure the viability of schemes in the future and to ensure that the future health and well being of tenants was not hampered by poor/unsuitable accommodation. Ward members were particularly concerned that the Council gives full commitment to ensure funds are available for this work to be done post 2020 and to demonstrate commitment to the remodelling proposals that, if financially viable, remodelling in one or more of the schemes commences prior to 2020.
- 8.4 Social Care has indicated that there is a growing demand for appropriate housing with people with dementia and people with physical disabilities. In particular, as people are supported to stay at home with domiciliary care, there is a growing prevalence of service users that are 'trapped' downstairs in one or two rooms as their property cannot be adapted and there is no suitable alternative for them to move to. This service area will shortly be undertaking its own review of accommodation for its service users and this will be used to further inform the feasibility study.

**9. RECOMMENDATIONS**

- 9.1 It is recommended that a full and comprehensive feasibility study is commissioned for the six sheltered housing schemes identified in the report.
- 9.2 Following a positive outcome of the feasibility study that the schemes be removed from the WHQS programme with the intention of remodelling them post 2020, (with one or two before this time if financially viable,) with completion of all properties by the end of 2025.
- 9.3 That this report and the views of CHTG members be presented to Policy and Resources Scrutiny Committee for consideration and thereafter Cabinet for a decision.

**10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To ensure the long term viability of sheltered housing schemes.
- 10.2 To ensure older people have appropriate and suitable accommodation that meets their needs now and into the future.
- 10.3 To ensure that the sheltered housing schemes are DDA and RNIB compliant and can support people to live independently for as long as possible thus reducing dependence on social care and health services.

**11. STATUTORY POWER**

- 11.1 Housing Acts 1985, 1996, 2004. This is a Cabinet function.

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Nicole Scammell, Acting Director of Corporate Services & S151 Officer  
Shaun Couzens, Chief Housing Officer  
Fiona Wilkins, Public Sector Housing Manager  
Phil Davy, Head of Programmes  
Marcus Lloyd, Deputy Head of Programmes  
Lesley Allen, Principal Accountant  
Cllr Hefin David, Chair (Policy & Resources Scrutiny Committee)  
Cllr Sean Morgan, Vice-Chair (Policy & Resources Scrutiny Committee)  
Chris Burns, Interim Chief Executive  
Cllr David Poole, Deputy Leader & Cabinet Member for Housing  
Gail Williams, Interim Head of Legal Services/Monitoring Officer  
David A. Thomas, Senior Policy Officer (Equalities & Welsh Language)

## Appendices

- Appendix A - Analysis of sheltered housing schemes  
Appendix B - Images of existing bedsits  
Appendix C - Existing and Proposed Remodelling Property Sizes  
Appendix D - Voids Information  
Appendix E - Consultations  
Appendix F - Preliminary Budget Estimate of Costs

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## Appendix A

### Analysis of sheltered housing schemes

	under 31m2	31m2 - 40m2	over 40m2	Long term voids	Potential to remodel for sheltered
Castle Court	28		13	Yes	Yes
Ty Melin	17	15		Yes	Yes
Waunfawr House	16	0	5	Yes	Yes
St. Mary's Court	16		16	Yes	Yes
Alexandra Court	14		5	No	Yes
Britannia Court	13		5	Yes	Yes
Ysgwyddgwyn	13		11	Yes	No
Ynyswen	12		7	Yes	Yes
St. Gwladys Court	6		15	Yes - recently	Been done
Y Glyn	5		32	No	No
Ty Isaf	4	6	4	No	Yes
Hafod y Bryn		29		No	No
Ty Mynyddislwyn		28		Yes - recently	Yes
Ty Bedwellty		17	7	No	Yes
Highfield Court		14	6	No	Yes
Woodland View		1	20	Yes	No
Gwyddon Court	4		26	No	Yes
Bryn Road, Palmer Place			36	No	N/A
Glynderw			32	No	N/A
Glynsyfi			32	No	N/A
Greenacres			31	No	N/A
Grove 1			26	No	N/A
Grove 2			36	No	N/A
Heol Islwyn			32	No	N/A
Maesteg			27	No	No
Oaklands			31	No	N/A
Pleasant Place			31	No	N/A
Prospect Place			30	No	N/A
St. Clares			32	No	N/A
St. Peter's Close			29	No	N/A
The Willows			29	No	N/A
Waunrhydd			31	No	No
Horeb Court			20	No	No

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Appendix B – Images of existing bedsits. Permission granted by tenant.

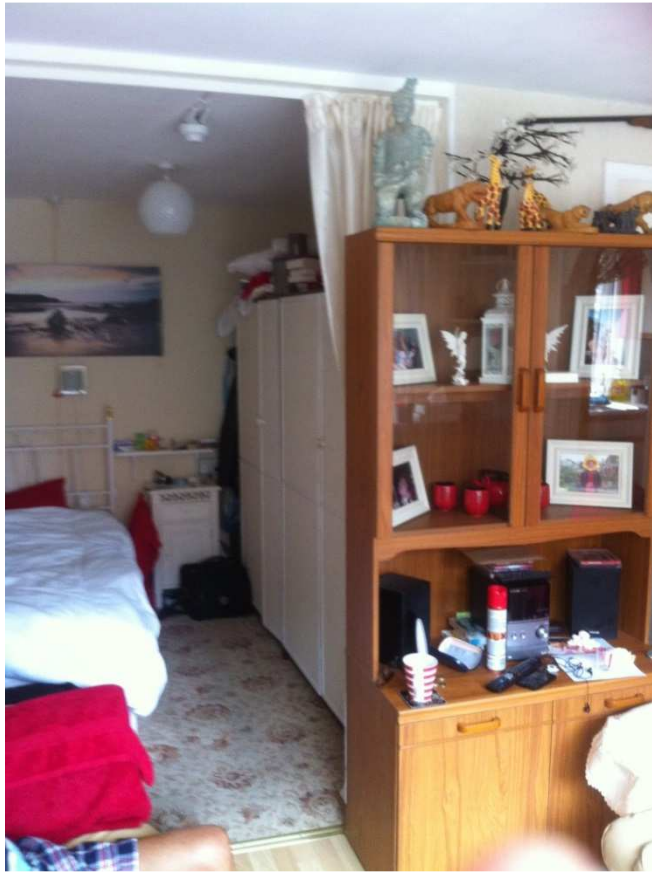


Photo take of occupied bedsit property from window in lounge.



Photo of bedsit taken from corner of lounge. Note, that bedroom does not have a window.



View from back of bedroom area in a bedsit through to lounge (unoccupied).



View from lounge into bedroom area in a bedsit (unoccupied).

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**Appendix C**  
Existing and Proposed Remodelling Property Sizes

	Existing				Proposed		
	Area m <sup>2</sup>	No.	Flat / Bedsit		Area m <sup>2</sup>	No.	Persons Flat
<b>Castle Court</b>	42.5	12	F	42.5	12	1P	
	30.5	27	B	46.5	6	1P	
				61.4	7	2P	
				61.0	1	Maisonette	
		<u>39</u>			<u>26</u>		
<b>St. Mary's Court</b>	45.7	16	F	45.7	16	1P	
	29.8	16	B	60.3	7	2P	
				43.8	1	1P	
		<u>32</u>			<u>24</u>		
<b>Ty Melin</b>	30.3	5	F	30.3	1	1P	
	30.3	10	F	38.5	9	1P	
	40.0	9	F	40.0	1	1P	
	33.0	6	F	47.4	7	2P	
	26.0	2	F	58.0	2	1P	
		<u>32</u>			<u>20</u>		
<b>Ynyswen</b>	42.0	6	F	42.0	6	1P	
	61.5	1	F	56.5	3	2P	
	27.6	12	B	41.1	2	1P	
				42.5	1	1P	
				34.4	1	1P	
				45.6	1	1P	
	<u>19</u>			<u>14</u>			
<b>Britannia Court</b>	29.8	14	F	41.7	4	1P	
	41.9	7	F	46.7	3	1P	
				57.6	1	2P	
				60.2	2	2P	
				66.8	2	2P	
				71.0	2	2P	
		<u>21</u>			<u>14</u>		
<b>Waunfawr House</b>	29.2	15	B	51.6	6	1P	
	41.6	5	F	59.7	3	1P	
	31.2	1	B	60.0	3	1P	
		<u>21</u>			<u>12</u>		

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## Appendix D

### Voids Information

#### Number of voids by financial year

Scheme	2011-12	2012-13	2013-14	2014-15	2015-16	Total voids
BRITANNIA CLOSE		1		4	2	7
CASTLE COURT	7	8	5	8	5	33
ST MARYS COURT	7	8	8	5	2	30
TY MELIN	5	5	8	5	2	25
WAUNFAWR HOUSE	4	4	4	1	2	15
YNYSWEN	4	2	3	4	3	16
<b>Total voids</b>	<b>27</b>	<b>28</b>	<b>28</b>	<b>27</b>	<b>6</b>	<b>116</b>

NOTE: Some voids are for longer than one year and therefore may distort data.

#### Voids duration (average in days)

Scheme	Avg duration (days)
BRITANNIA CLOSE	67
CASTLE COURT	133
ST MARYS COURT	72
TY MELIN	64
WAUNFAWR HOUSE	147
YNYSWEN	122
<b>Overall average</b>	<b>97</b>

#### Refusal reasons since 01/04/2011

Scheme	APPX OWN REQUEST	HOUSED BY HA	MEDICAL REASONS	OTHR-SEE NOTEPAD	PERSONAL REASONS	PROP CONDITION	PROP LOCATION	PROPERTY SIZE	Total refusals
BRITANNIA CLOSE	1			5			1	1	8
CASTLE COURT	1		1	13	4		2	9	30
ST MARYS COURT	10	1	5	17	1		7	9	50
TY MELIN	5		1	3	3		2	1	15
WAUNFAWR HOUSE			1	6	5	1	12	11	36
YNYSWEN	1			22	5	1	5	14	48
<b>Total refusals</b>	<b>18</b>	<b>1</b>	<b>8</b>	<b>66</b>	<b>18</b>	<b>2</b>	<b>29</b>	<b>45</b>	<b>187</b>

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## **Appendix E Consultation**

### **Tenant consultation**

Tenants were consulted through tenant meetings on the following dates.

2<sup>nd</sup> June 2015 – St Mary's, Castle Court and Britannia Court

4<sup>th</sup> June 2015 – Ty Melin, Waunfawr House and Ynyswen

Between 10 and 25 people attending each of the meetings, engagement was very good and tenants were willing to share their thoughts on the scheme in which they lived.

The following captures an overview of the discussion from each of the schemes.

#### **St Mary's Court**

- Bedsits suitable for many residents
- Bedsits not suitable for couples
- Guest bedroom not used as facilities poor and too expensive
- The scheme needs a lift
- Externally paths needs improving
- External signage needs improving

#### **Castle Court**

- Communal lounge and kitchen needs improving
- Scooter store required.
- Additional parking required.
- External improvements needed.
- Guest bedroom needs updating
- Tenants were generally concerned about what minor works could be done now rather than as part of the remodelling. Views included that they had little interest in five years time as they did not plan that far in advance.

#### **Britannia Court**

- Insufficient space in kitchen for fridge in some properties
- Would like more storage in all accommodation
- Scooter store required
- Accessible, automatically opening communal front door required. The current high slope to the scheme means that some tenants cannot leave the scheme independently.

#### **Ty Melin**

- Property described as a 'wendy house'
- Need a lift to all floors
- Improved ventilation throughout the scheme
- External improvements required
- Access for communal front door needs improving. Tenants and visitors to the scheme currently get soaked waiting for door to be opened.
- Would like CCTV

#### Waunfawr House

- Decorative improvements to communal lounge and hallways required.
- Bedsits are generally ok but desire larger kitchens.
- CCTV necessary
- External decorative improvements required.
- Hallway lights need to be on sensors and improved lux levels.

#### Ynyswen

- Change two bedsits into one flat
- Only remove communal bathroom if improvements to properties are made.
- Would prefer laundry facilities in flats.
- Guest bedroom is currently inadequate.
- External improvements required.
- Scooter store desired
- Communal front door heavy and difficulty in manoeuvring around scheme with mobility problems.

This was followed up with individual questionnaires to each of the schemes. The response rate was very positive with the following results

St Marys Court – 21 responses – 21. 5 identified that their property did not meet their needs.

Britannia Court – 15 responses. 2 felt their property did not meet their needs.

Castle Court – 13 responses. 4 felt their property did not meet their needs.

Waunfawr House – 17 responses. All respondees felt their property met their needs.

Ty Melin – 25 responses. 4 tenants reported that their homes did not meet their needs.

Ynyswen – 15 responses. 8 felt that their property did not meet their needs.

Detailed breakdowns are available on request but generally tenants felt that they chose sheltered housing for safety and security; to be near family and to get support from the Sheltered Housing Officer.

The most popular internal improvements requested were updated kitchens and bathrooms, improved doors and windows that are lighter and easier to use and space for a washing machine.

In the communal internal areas tenants wanted scooter storage, automatically opening communal front door and CCTV.

Externally tenants wanted CCTV, more presentable and safer paths and gardens and some garden furniture.

There were some scheme specific requests such as a lift at St Mary's Court.

#### **Ward member consultation**

Ward members were consulted on the proposals and the outcomes of the discussion with tenants. All councillors were given an opportunity to attend and express their views of the proposals. Councillors Adams and Gordon agreed to feedback to Councillor Kirby.

Consultation	Ward Member	Sheltered Scheme
7 <sup>th</sup> July	Cllr. Lewis and Cllr. Lloyd	Ty Melin
8 <sup>th</sup> July 2015	Cllr. Griffiths	Britannia Court and St Mary's Court
13 <sup>th</sup> July 2015	Cllr. Adams and Cllr. Gordon	Ynyswen
20 <sup>th</sup> July 2015	Cllr. Rees	Britannia Court and St Mary's Court
20 <sup>th</sup> August 2015	Cllr. Symonds	Waunfawr House and Castle Court

### Staff consultation

Sheltered and Estate Management staff working in the six schemes were informed of the proposals and asked their views. Staff felt that voids were often difficult to turnaround and there are rarely? applicants on the list looking for this type of accommodation. Staff were very positive about the proposed changes as it would provide modern suitable accommodation for older people.

Consultation	Staff group
19 <sup>th</sup> May 2015	Sheltered Housing working in Cluster 1 and 2
3 <sup>rd</sup> June 2015	Eastern Valley EMO's

Social services were asked their views on the current position of older person's housing and they are currently undertaking their own research in this area. Currently there are growing demands and pressures on particular client groups. This includes people with dementia and older adults with learning and physical disabilities. Accommodation that enables people to maintain their independence would assist social care and health services to provide other options to the people they support. In turn, this may alleviate some of the pressures on this service area.

### Other research

Housing providers across Wales have, or are in the process of reviewing their sheltered housing provision to ensure it meets the changing needs of the client group and also meets local and national guidance and legislation, such as Supporting People. A number of housing providers in the locality have made improvements to their stock. These include RCT Homes, V2C Homes and Monmouthshire Housing. Feedback from these providers suggest that previously unpopular, unsuitable stock has seen a robust remodelling programme resulting in no long term voids and very positive feedback from tenants. It is recommended that tenants affected by remodelling are assisted through a comprehensive decant process to ensure they are fully supported while the works are being undertaken. The experience of RCT Homes was written up as a Case Study in the Housing and Learning Network. ([www.housinglin.org.uk](http://www.housinglin.org.uk))

A number of housing providers across the UK have established standards for new build developments and these include minimum space requirements and other sheltered specific requirements to ensure that the property offer to older people encompasses the principles of homes that help people to be healthy and live well into the older age.

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## Appendix F

### Preliminary Budget Estimate of Costs for works to update and alter sheltered housing complexes.

	£	Number	£
<b>Ynyswen</b>			
Convert 3 bedsits into 2 flats	60,000	1	60,000
Convert bedsit / warden's flat into 2 flats	60,000	1	60,000
Convert 2 bedsits into 1 flat	40,000	3	120,000
Convert bedsit / meter room into 1 flat	30,000	1	30,000
Upgrade kitchens to make flats self contained	5,000	6	30,000
Preliminaries and Contingencies @ 20%			<u>60,000</u>
			<b>360,000</b>
<b>Castle Court</b>			
Convert 3 bedsits into 2 flats	40,000	7	280,000
Convert 2 bedsits into 1 flat	50,000	7	350,000
Works to Miscellaneous stores / mobility scooter parking / library / communal seating area	8,000	5	40,000
Preliminaries and Contingencies @ 20%			<u>134,000</u>
			<b>804,000</b>
Additional 8 car parking spaces	5,000		
<b>Ty Melin</b>			
Lift	120,000	1	120,000
Convert 4 flats into 3 flats	70,000	3	210,000
Convert 2 flats into 1 flat and ancillary space	40,000	7	280,000
Convert 2 flats into 1 flat	40,000	2	80,000
Upgrade kitchens to make flats self contained	5,000	2	10,000
Preliminaries and Contingencies @ 20%			<u>140,000</u>
			<b>840,000</b>
<b>St. Mary's Court</b>			
Convert 2 bedsits into 1 flat (inc. mobility scooter store)	50,000	8	400,000
Upgrade kitchens to make flats self contained	5,000	16	80,000
Preliminaries and Contingencies @ 20%			<u>96,000</u>
			<b>576,000</b>
<b>Britannia Court</b>			
Convert 2 bedsits into 1 flat	33,000	3	99,000
Convert 3 bedsits into 2 flats	60,000	1	60,000
Covert bedsit and part of lounge into flat	32,000	1	32,000
Covert 1 bedsit and warden's house into flat	36,000	2	72,000
Convert 1 bedsit and 2 flats into 2 flats	55,000	1	55,000
Covert bedsit and guest room into flat	27,000	1	27,000
Preliminaries and Contingencies @ 20%			<u>69,000</u>
			<b>414,000</b>
<b>Waunfawr House</b>			
Convert 2 bedsits into 1 flat		6	198,000
Convert 2 flats and 1 bedsit into 2 flats		3	180,000

Form new laundry in external store	1	8,500
Preliminaries and Contingencies @ 20%		<u>77,300</u>
		<b>463,800</b>

These estimates are exclusive of Fees, and subject to structural survey and asbestos survey.

No allowance for general works of improvement or maintenance in areas not directly affected by the works within the flats and bedsits



## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015**

**SUBJECT: CAERPHILLY HOMES COMMUNICATIONS STRATEGY &  
IMPLEMENTATION PLAN**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151  
OFFICER**

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- 1.1 The report was considered by the Caerphilly Homes Task Group (CHTG) on the 2nd July 2015.
- 1.2 The report provided members of the CHTG with a new communications strategy and action plan for implementation, and sought the views of the CHTG prior to consideration at Policy and Resources Scrutiny Committee, and thereafter Cabinet.
- 1.3 The draft strategy and action plan proposed to replace the former 'Housing and WHQS Communications Strategy' which elapsed in 2015. The new draft strategy strongly advocates a 'one housing service' approach to communications in order to more effectively embed the Caerphilly Homes ethos throughout the division.
- 1.4 Having fully considered the report and the recommendation contained therein, the Caerphilly Homes Task Group provided positive comments and feedback and recommended that the Policy and Resources Scrutiny Committee support the Communications Strategy and Action Plan and recommend its adoption at Cabinet.
- 1.5 Members are invited to consider the report and the above recommendation.

Author: C. Evans, Committee Services Officer, Ext 4210

Appendices:

Appendix 1 Caerphilly Homes Task Group Report – 2nd July 2015

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## CAERPHILLY HOMES TASK GROUP – 2ND JULY 2015

**SUBJECT: CAERPHILLY HOMES COMMUNICATIONS STRATEGY & IMPLEMENTATION PLAN**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

### 1. PURPOSE OF REPORT

- 1.1 To present members of the Caerphilly Homes Task Group with a new communications strategy and action plan for implementation. The report is seeking the views of CHTG prior to its consideration at Policy and Resources Scrutiny Committee, and thereafter Cabinet.

### 2. SUMMARY

- 2.1 Effective communications is essential to ensuring all stakeholders have an awareness of the Caerphilly Homes brand and are kept up to date on progress across the housing service. Key to effective communications is the delivery of timely messages, using a range of methods appropriate for specific target audiences. But, more than simply sending messages out, effective communication also relies upon creating opportunities for open and transparent two way dialogue with stakeholders.
- 2.2 The draft strategy and action plan proposed in this report replace the former 'Housing and WHQS Communications Strategy' which elapsed in 2015. The new draft strategy strongly advocates a 'one housing service' approach to communications in order to more effectively embed the Caerphilly Homes ethos throughout the division.

### 3. LINKS TO STRATEGY

- 3.1 The Welsh Housing Quality Standard (WHQS) is intended to ensure that all local authority and housing association homes are improved and maintained to achieve specified standards.
- 3.2 The Council is committed to ensuring that the WHQS investment transforms not only homes but also lives and communities.
- 3.3 The Single Integrated Plan 2013-2017 has a priority to "improve standards of housing and communities, giving appropriate access to services across the County Borough".
- 3.4 The Council's Local Housing Strategy "People, Property, and Places" has the following aim:  
 "To provide good quality, well managed houses in communities where people want to live, and offer people housing choices which meet their needs and aspirations."
- 3.5 Other relevant internal strategies include the corporate communications strategy 'One Voice' and Caerphilly Homes' local tenant participation strategy.

## 4. THE REPORT

4.1 Effective communications is essential to ensuring all stakeholders have an awareness of the Caerphilly Homes brand and are kept up to date on progress across the housing service. Key to effective communications is the delivery of timely messages, using a range of methods appropriate for specific target audiences.

4.2 There had previously been very little evaluation carried out with regards communications activities and service user involvement in this had also been limited. For example, whilst service users are asked to provide feedback on specific tenant communications, via Armchair Reviewers, there had been no formal mechanism in place for gaining their input on our general approach to communications.

Without evaluation or feedback from our service users, we do not know how effective our communications with them are and whether we are achieving value for money through our current activities.

4.3 As the former 'Housing and WHQS Communications Strategy' came to an end in 2015 it seemed timely to use this as an opportunity to undertake a communications review with stakeholders. In order to achieve this, a working group of tenants and staff was established with support from the Tenant and Community Involvement Team. The group met in a series of workshops which were facilitated by the Communications and Tenant Engagement Officer.

During the review process, a number of key questions were asked including:

- What are our current goals and objectives for communications?
- How well is the current communications strategy / plan working?
- How clear, consistent and persuasive are our messages?
- What communications have been most effective?
- What do stakeholders think of our communications?
- What would make our communications more effective?
- What communications opportunities are we missing?

4.4 The review also gave recognition to work that has taken place to raise the Caerphilly Homes profile since the stock transfer ballot. Strengths identified by the group include the increased opportunities provided for informal engagement with tenants, including attendance at high profile events and smaller scale estate based events. Other successes recognised by the group included the increased use of different mediums, including the damp and condensation information video and the community film project 'Let's Get Happy'.

4.5 As well as a great deal of positive work, the review also highlighted a number of areas where improvement is needed. Particular themes that arose during the review were the need for greater consistency and coverage in communications across Caerphilly Homes, to ensure stakeholders are aware of the range of services delivered by the council's housing division. Also, whilst the work undertaken to develop a clear brand identity was congratulated, there was agreement that further work is needed to ensure that the brand and Caerphilly Homes ethos is embedded throughout the housing division.

The lack of tenant profiling data was also flagged as a concern, as this information is vital if we are to target our communications and engagement activities more efficiently and effectively.

4.6 Communications and customer service are intrinsically linked; with effective communications necessary to deliver high levels of customer service and vice versa. The review included a session which focussed specifically on customer service, which raised a number of issues affecting the end service received by customers. The issues raised included poor internal communications and a lack of consistency in the standards of customer care throughout the

division. Many of the actions contained within the associated action plan aim to address some of these issues, particularly those pertaining to internal communications. Separate work is also being undertaken by the HR Development Officer, in conjunction with the communications strategy, which focusses upon customer service.

- 4.7 The Caerphilly Homes Communications Strategy for 2015-18 covers the range of services delivered by Caerphilly Homes and takes a whole service approach to communications. By doing so it aims to ensure consistency across the housing division and address the issues highlighted around internal communications.
- 4.8 For the purposes of this strategy, a number of target audiences have been identified and divided into two groups – internal and external stakeholders:

Internal stakeholders:

- Caerphilly Homes staff
- Local elected members
- Other council departments, e.g. Communities First, Highways, Education

External stakeholders:

- Tenants
- Leaseholders
- Applicants / prospective tenants
- AMs and MPs
- Welsh Government
- Housing associations
- Suppliers and contractors

- 4.9 The key aims and objectives of this strategy, developed through the communications review process, are:
1. To raised the awareness of stakeholders on:
    - a. The range of services we provide
    - b. How to access our services
    - c. Our performance in providing these services
    - d. How they can influence our services
  2. To promote Caerphilly Homes' reputation locally, regionally and nationally.
  3. To develop a consistent brand image and positive identity for Caerphilly Homes.

A plan has been produced, accompanying the strategy and this report, which sets out the shorter term actions needed to deliver these aims and objectives. The plan was developed in conjunction with the communications working group and is based upon SMART principles to ensure it can be delivered, measured and monitored effectively. Regular monitoring reports on the delivery of this plan will be presented to the Caerphilly Homes Task Group.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 An EqIA has been completed in accordance with the Council's Equalities Consultation and Monitoring Guidance and no potential for unlawful discrimination and for low level or minor negative impact has been identified. Therefore a full EqIA has not been carried out.

**6. FINANCIAL IMPLICATIONS**

- 6.1 There is a dedicated annual communications and tenant engagement budget of £49.646. A fully costed action plan for implementation of the strategy accompanies this report.

**7. PERSONNEL IMPLICATIONS**

- 7.1 This report has no direct personnel implications.

**8. CONSULTATIONS**

- 8.1 The views of consultees listed are incorporated within the report.

**9. RECOMMENDATIONS**

- 9.1 The CHTG supports a recommendation to the Policy and Resources Scrutiny Committee and Cabinet to adopt the communications strategy and action plan.

**10. REASON FOR THE RECOMMENDATION**

- 10.1 In order to provide a clear strategic direction for Caerphilly Homes in its approach to communications.

**11. STATUTORY POWER**

- 11.1 Housing Acts and Local Government Acts. This is a Cabinet Sub-Committee function.

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Consultees: Cllr. David Poole, Deputy Leader & Cabinet Member for Housing  
Cllr Barbara Jones, Deputy Leader & Cabinet Member for Corporate Services  
Cllr Ken James, Cabinet Member for Regeneration, Planning & Sustainable Development  
Phil Davy, Head of Programmes  
Shaun Couzens, Chief Housing Officer  
Nicole Scammel, Acting Director of Corporate Services and S151 Officer  
Jane Roberts-Waite, Strategic Coordination Manager  
Stephen Pugh, Corporate Communications Manager  
Mandy Betts, Tenant and Community Involvement Manager

Appendices:

Appendix 1 - Communications Strategy

Appendix 2 - Communications Action Plan

# Caerphilly Homes Communications Strategy

2015 - 2018

## **1. Introduction**

Effective communications is essential to ensuring all stakeholders have an awareness of the Caerphilly Homes brand and are kept up to date on progress across the housing service.

Key to effective communications is the delivery of timely messages, using a range of methods appropriate to specific target audiences. But, more than simply sending messages out, effective communications relies upon creating opportunities for two way dialogue with stakeholders; by actively engaging them and using their feedback to improve services.

This strategy replaces the former 'Housing and WHQS Communications Strategy' which elapsed in 2015. A considerable amount of work has taken place since the last strategy was produced, which will be reflected upon and used as a foundation for this strategy and associated action plan.

## **2. Where are we now?**

Stakeholders have been heavily involved in the development of this strategy, through a working group of tenants and staff facilitated by Caerphilly Homes' Communications and Tenant Engagement Officer. Tenant members of the group varied between those currently heavily involved in service deliver, e.g. Task Group members, to those who have had minimal involvement to date, i.e. Armchair Reviewers. Staff members of the group were also spread evenly across Caerphilly Homes' different areas of service delivery, to ensure adequate representation and a range of viewpoints from across the division.

Members of the working group:

### Tenants

- Sandra Jones
- Max McDermott
- Barbara Brown
- Margaret Gardner
- Ken Bridgeman

### Staff

- Kevin Fortey, Housing Enabling Officer (Housing Strategy)
- Andrew Jeffries, Senior Housing Officer (Housing Repair Operations)
- Rachel Williams, Service Development Officer (Public Sector Housing)
- Lisa Vokes. Senior Administrator (WHQS)
- Richard James, HR Development Officer

The working group met on a task and finish basis to undertake a review of existing communications methods and to develop the strategic direction for communications over the next three year period.

The review gave recognition to work that has taken place to raise the Caerphilly Homes profile since the stock transfer ballot. Strengths identified by the group include the increased opportunities provided for informal engagement with tenants, including high profile events such as Blackwood Beach Party and smaller scale estate based events. Other successes recognised by group included the greater use of different mediums, for example the damp and condensation information video and the community film project 'Let's Get Happy'.

As well as a great deal of positive work, the review also highlighted a number of areas where improvement is needed. Particular themes that arose during the review were the need for greater consistency and coverage across Caerphilly Homes, to ensure stakeholders are aware of the range of services delivered by the council's housing division. Also, whilst the work undertaken to develop a clear Caerphilly Homes brand and identity was congratulated, there was agreement that further work is needed to ensure the brand and ethos are embedded throughout the division.

The lack of tenant profiling data was also flagged as a concern, as this information is pivotal if we are to target our communications and engagement activities efficiently and effectively.

The findings from the review have been incorporated in this strategy and associated action plan. The working group also worked to develop many of the actions included in the implementation plan.

### **3. Definition and scope**

This strategy covers the range of services delivered by Caerphilly Homes and aims to take a whole housing service approach to communications in order to ensure consistency across the division.

The following list provides a summary of some of the services delivered by Caerphilly Homes:

- Public Sector Housing
  - Estate management
  - Tenancy enforcement
  - Rents
  - Tenancy support
  - Tenant and community involvement
  - Older persons housing
- Housing Repair Operations
  - Response repairs
  - Planned maintenance
  - Handy Person service
- Private Sector Housing
  - Housing advice / homelessness / allocations
  - Housing strategy
  - Affordable housing

- Private rented sector
- Adaptations
- Housing grants and loans
- Welsh Housing Quality Standard
  - Internal and external improvement programme
  - Environmental improvement programme
  - Transforming lives and communities agenda
  - Tenant liaison service

As well as publicity and promotion of services, this strategy also includes the development of effective engagement and opportunities for real two way dialogue with stakeholders.

This strategy also has links to the corporate communications strategy 'One Voice' and to Caerphilly Homes' Local Tenant Participation Strategy. The review also highlighted a number of issues relating specifically to customer care, which will be picked up as a separate piece of work being undertaken by the HR Development Officer.

For the purposes of this strategy, a number of target audiences have been identified and divided into two groups – internal and external stakeholders:

**Internal stakeholders:**

- Caerphilly Homes staff
- Local elected members
- Other council departments, e.g. Communities First, Highways, Education

**External stakeholders:**

- Tenants
- Leaseholders
- Applicants / prospective tenants
- Welsh Government
- AMs and MPs
- Housing Associations
- Suppliers and contractors

**4. Strategic aims and objectives**

The key aims and objectives of this strategy, developed through the communications review process, are:

1. To raise the awareness of stakeholders on:
  - The range of services we provide
  - How to access our services
  - Our performance in providing these services
  - How they can influence our services



2. To promote Caerphilly Homes' reputation locally, regionally and nationally.
3. To develop a consistent brand image and positive identity for Caerphilly Homes.

## **5. Implementation of the strategy**

A plan has been produced which sets out the shorter term actions necessary to achieve the strategy. The plan was developed in conjunction with the communications working group and is based upon SMART principles to ensure it can be delivered, measured and monitored effectively. The action plan will regularly be reviewed and revised, as necessary, to reflect our changing needs.

In implementing the strategy and action plan, we will ensure that the diverse needs of our customers are taken into account; for example, by ensuring written materials and venues are accessible to all.

## **6. Resources**

The Communications and Tenant Engagement Officer is responsible for the delivery of the strategy and associated action plan; the officer is supported by a Programme Support Assistant.

A dedicated Communications and Tenant Engagement budget of £49,646 (aligned to the activities outlined in the associated action plan) has also been allocated to facilitate the implementation of this strategy.

Wherever possible we will seek to work in partnership with other relevant agencies, such as Communities First, in order to pool our resources and deliver maximum outcomes for local communities. We will also seek to enhance this strategy and further maximise outcomes for tenants through the delivery of community benefits from our contractors and suppliers.

## **7. Monitoring**

Delivery of this strategy and its accompanying action plan will be monitored by the Caerphilly Homes Task Group. Update reports will be provided to the group by the Communications and Tenant Engagement Officer at regular intervals or upon request from the Caerphilly Homes Task Group.

In line with Caerphilly Homes' commitment to ensuring tenants are placed at the heart of decision making, an annual review of the action plan will also be undertaken with tenants and staff.

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<b>Key Aim 1 – To raise the awareness of stakeholders on the range of services we provide, how to access our services, our performance in providing these services and how they can influence our services</b>					
<b>What?</b>	<b>Why?</b>	<b>Who?</b>	<b>When?</b>	<b>How will it be measured?</b>	<b>How much will it cost?</b>
1.1 Further develop and improve tenant newsletter by: <ul style="list-style-type: none"> <li>Actively seeking input from tenants into content of newsletter via Armchair Reviewers, social media etc</li> <li>Establish newsletter editorial panel</li> </ul>	<ul style="list-style-type: none"> <li>To ensure newsletter remains tenant focussed and contains a variety of content.</li> </ul>	Kelsey Watkins	Beginning July 2015	<ul style="list-style-type: none"> <li>Feedback from Armchair Reviewers</li> <li>Random tenant telephone surveys</li> </ul>	<ul style="list-style-type: none"> <li>Tenant newsletter currently sent twice per year at total cost of £16,500 per annum</li> </ul>
1.2 Maintain Caerphilly Homes quarterly media planner	<ul style="list-style-type: none"> <li>To ensure consistency in coverage across Caerphilly Homes.</li> <li>To maintain a regular flow of 'good news' stories and ensure stakeholders are kept fully up to date on Caerphilly Homes services.</li> </ul>	Joanne James	Ongoing	<ul style="list-style-type: none"> <li>Regular input from managers across Caerphilly Homes</li> <li>Information fed into corporate media planner</li> </ul>	N/A
1.3 Reinstate staff bulletin	<ul style="list-style-type: none"> <li>To ensure staff are kept fully updated on activities across Caerphilly Homes and our performance in different areas of service delivery.</li> </ul>	Joanne James	Beginning July 2015	<ul style="list-style-type: none"> <li>Bulletin containing mix of content from across Caerphilly Homes sent to staff every 6 weeks</li> </ul>	<ul style="list-style-type: none"> <li>£800 pa</li> </ul>

<p>1.4 Utilise existing opportunities to capture tenant communication preferences, e.g. via TLO/TSO visits, social media, etc</p>	<ul style="list-style-type: none"> <li>• To allow us to target our communications effectively and efficiently, e.g. sending electronic newsletters to those who request it to reduce printing and postage costs.</li> <li>• To ensure our communications materials are accessible to all, e.g. in alternative languages, braille, large print, etc.</li> </ul>	<p>Kelsey Watkins / Joanne James</p>	<p>Beginning July 2015</p>	<ul style="list-style-type: none"> <li>• Database compiled of tenant communication preferences</li> </ul>	<ul style="list-style-type: none"> <li>• No costs associated with gathering data as this will be done as part of existing contact with tenants.</li> <li>• Data may lead to some financial savings if sufficient numbers of tenants request contact via email.</li> </ul>
<p>1.5 Increase and improve use of social media:</p> <ul style="list-style-type: none"> <li>• Increased postings on existing social media channels, in line with media planner</li> <li>• Develop campaign to increase engagement on current social media channels</li> <li>• Explore opportunities for use of other social media channels, including potential for staff engagement</li> </ul>	<ul style="list-style-type: none"> <li>• To actively engage with those tenants often seen as 'hard to reach.'</li> <li>• To raise awareness of stakeholders on the range of services provided by Caerphilly Homes and how they can influence services.</li> </ul>	<p>Kelsey Watkins / Joanne James</p>	<p>Beginning June 2015 and ongoing</p>	<ul style="list-style-type: none"> <li>• Number of page 'likes' and 'followers'</li> <li>• Increased post engagement</li> </ul>	<p>N/A</p>
<p>1.6 Schedule of events for elected members, including:</p>	<ul style="list-style-type: none"> <li>• To ensure members are kept fully updated on</li> </ul>		<ul style="list-style-type: none"> <li>• Road trip –</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule of regular events</li> </ul>	<ul style="list-style-type: none"> <li>• Affordable housing road trip</li> </ul>

<ul style="list-style-type: none"> <li>• Affordable housing road trip</li> <li>• WHQS open day to launch member information pack</li> <li>• Briefing sessions on key housing issues / updates</li> </ul>	<p>performance across Caerphilly Homes.</p> <ul style="list-style-type: none"> <li>• To raise members' awareness of the range of services delivered by Caerphilly Homes.</li> </ul>	<p>Kelsey Watkins</p>	<p>July 2015</p> <ul style="list-style-type: none"> <li>• Member pack – September 2015</li> <li>• Briefing sessions - 2016</li> </ul>	<ul style="list-style-type: none"> <li>• Attendance at events</li> <li>• Event evaluation / feedback</li> </ul>	<p>being funded by RSL partners</p> <ul style="list-style-type: none"> <li>• Anticipated costs for printing of member pack and launch event £500</li> </ul>
<p>1.7 Maintain housing pages of website and review regularly with staff working group to ensure continuous improvement.</p>	<ul style="list-style-type: none"> <li>• To ensure stakeholders can obtain accurate, up to date information about Caerphilly Homes' services via the website.</li> <li>• Use more effectively to share good news stories</li> </ul>	<p>Kelsey Watkins / Louise Saddler</p>	<p>Ongoing</p>	<ul style="list-style-type: none"> <li>• Surveys and user testing</li> </ul>	<p>N/A</p>
<p>1.8 Produce Caerphilly Homes directory</p>	<ul style="list-style-type: none"> <li>• To provide internal and external stakeholders with information on Caerphilly Homes, including range of services provided and key contact details.</li> </ul>	<p>Kelsey Watkins</p>	<p>April 2016</p>	<ul style="list-style-type: none"> <li>• Feedback from Armchair Reviewers and Employee Panel</li> </ul>	<ul style="list-style-type: none"> <li>• Initial print run for approx. 6,000 copies - £3,000; for dissemination via Area Housing Offices, Housing Advice Centre, Tenant Handbook, community groups.</li> <li>• E-version to be made available on website,</li> </ul>

					<p>emailed to members and partners, e.g. RSLs, CF.</p> <ul style="list-style-type: none"> <li>• Copies available on request and promoted via tenant newsletter, with plans for dissemination to wider tenant body in financial year 2016/15</li> </ul>
<p>1.9 Increased use of other mediums, such as film, including:</p> <ul style="list-style-type: none"> <li>• Rowan Place film</li> <li>• Digital storytelling</li> <li>• 'What we do' video</li> <li>• Filming of awards</li> </ul>	<ul style="list-style-type: none"> <li>• To ensure stakeholders are able to access information about Caerphilly Homes and its services through a range of different formats.</li> </ul>	Kelsey Watkins	Ongoing	<ul style="list-style-type: none"> <li>• Number of completed film projects per year</li> </ul>	<ul style="list-style-type: none"> <li>• Total anticipated costs for Rowan Place film (2 year project) - £4,000</li> <li>• Digital storytelling project – minimal costs attached, e.g. refreshments</li> <li>• 'What we do' video – £2,000</li> <li>• Awards filming - £350</li> </ul>
<p>1.10 Develop annual Caerphilly Homes event planner.</p>	<ul style="list-style-type: none"> <li>• To provide a range of opportunities for informal,</li> </ul>	Kelsey Watkins / Joanne	Ongoing	<ul style="list-style-type: none"> <li>• Level of engagement at</li> </ul>	<ul style="list-style-type: none"> <li>• Annual events budget set at</li> </ul>

	face to face engagement with stakeholders	James		events <ul style="list-style-type: none"> <li>• Outcomes from events, e.g. surveys completed, take up of 'hard to let' properties, etc</li> </ul>	£4,500 (to include provision of branded merchandise)
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<b>Key Aim 2 - To promote Caerphilly Homes' reputation locally, regionally and nationally</b>					
<b>What?</b>	<b>Why?</b>	<b>Who?</b>	<b>When?</b>	<b>How will it be measured?</b>	<b>How much will it cost?</b>
2.1 Maintain regular flow of press releases	<ul style="list-style-type: none"> <li>To raise the profile of Caerphilly Homes, by sharing successes.</li> </ul>	Kelsey Watkins	Monthly / ongoing	<ul style="list-style-type: none"> <li>Number of positive news items in media</li> </ul>	N/A
2.2 Continue annual Transforming Lives and Communities Awards	<ul style="list-style-type: none"> <li>Awards ceremony / celebration event offers the opportunity to raise Caerphilly Homes' profile through publicity before and after event.</li> <li>The awards help develop a positive reputation for Caerphilly Homes' amongst stakeholders.</li> </ul>	Kelsey Watkins / Joanne James	Held annually in September	<ul style="list-style-type: none"> <li>Number of award nominations received</li> <li>Event feedback</li> </ul>	<ul style="list-style-type: none"> <li>Allocated awards budget £2,000 (to be enhanced with sponsorship from suppliers)</li> </ul>
2.3 Launch Caerphilly Homes gardening competition	<ul style="list-style-type: none"> <li>To encourage tenants and local communities to take a sense of pride in their surroundings and improve general appearance of estates.</li> <li>To help promote the Caerphilly Homes' reputation amongst stakeholders.</li> </ul>	Kelsey Watkins / Mandy Betts	Summer 2016	<ul style="list-style-type: none"> <li>Number of entries received</li> </ul>	<ul style="list-style-type: none"> <li>£1,000 (will also explore opportunities for sponsorship)</li> </ul>
2.4 Involvement in national housing campaigns and initiatives, e.g. Housing	<ul style="list-style-type: none"> <li>To raise the profile of Caerphilly Homes within housing sector locally,</li> </ul>	Kelsey Watkins	Ongoing	<ul style="list-style-type: none"> <li>Number of initiatives supported</li> </ul>	N/A



Camp, Housing Day, Council Homes Chat, etc.	regionally and nationally.				
2.5 Digital storytelling project	<ul style="list-style-type: none"> <li>To promote reputation of Caerphilly Homes and local communities, through challenging perceptions and addressing stigma of social housing.</li> </ul>	Kelsey Watkins / Gail Taylor	September 2015	<ul style="list-style-type: none"> <li>Digital story premiered at Transforming Lives and Communities Awards</li> </ul>	<ul style="list-style-type: none"> <li>Minimal costs, e.g. refreshments for community</li> </ul>
2.6 Work with local schools, colleges and adult education, e.g. careers aspirations talks.	<ul style="list-style-type: none"> <li>To raise aspirations and promote housing as a career.</li> <li>To help build relationships with partner organisations.</li> </ul>	Kelsey Watkins	December 2015	<ul style="list-style-type: none"> <li>Number of successful events / initiatives</li> </ul>	N/A
2.8 Production of e-bulletin for circulation to elected members, partner organisations, etc.	<ul style="list-style-type: none"> <li>To raise the profile of Caerphilly Homes.</li> <li>To help forge stronger relationships with partners and raise awareness of potential areas for joint working.</li> </ul>	Kelsey Watkins	Summer 2016	<ul style="list-style-type: none"> <li>Quarterly e-bulletin</li> </ul>	<ul style="list-style-type: none"> <li>Design costs approx. £250</li> </ul>

<b>Key Aim 3 - To develop a consistent brand image and positive identity for Caerphilly Homes</b>					
<b>What?</b>	<b>Why?</b>	<b>Who?</b>	<b>When?</b>	<b>How will it be measured?</b>	<b>How much will it cost?</b>
3.1 Schedule of staff events, to include: <ul style="list-style-type: none"> <li>• Monthly 'hot topic' sessions</li> <li>• Caerphilly Homes staff conference / event</li> </ul>	<ul style="list-style-type: none"> <li>• To help facilitate better partnership working across teams at Caerphilly Homes</li> <li>• To develop staff's sense of ownership and identity with Caerphilly Homes brand and ensure consistency across the housing service</li> </ul>	Kelsey Watkins / Richard James	Commencing June 2015	<ul style="list-style-type: none"> <li>• Event evaluation / feedback</li> <li>• Increased staff satisfaction</li> </ul>	<ul style="list-style-type: none"> <li>• Proposed annual staff event budget £2,000</li> </ul>
3.2 Develop Caerphilly Homes mascot through children's design competition	<ul style="list-style-type: none"> <li>• To engage local communities in developing a mascot which links in to Caerphilly Homes brand and offers tenants a sense of ownership.</li> </ul>	Joanne James / Gail Taylor	Autumn 2015	<ul style="list-style-type: none"> <li>• Number of entries received</li> <li>• Mascot costume produced for use at events</li> </ul>	<ul style="list-style-type: none"> <li>• £1,000</li> </ul>
3.3 Stationery audit	<ul style="list-style-type: none"> <li>• To collate all service leaflets, standard letters, etc being used by Caerphilly Homes and review in conjunction with Armchair Reviewers to ensure they are in keeping with brand and meet plain English guidance.</li> <li>• Production of easy reads and other formats where</li> </ul>	Kelsey Watkins	July 2016	<ul style="list-style-type: none"> <li>• All materials consistently branded and written in plain English</li> </ul>	<ul style="list-style-type: none"> <li>• We are not able to estimate rebrand costs at this stage, as stationery audit will identify what materials need to be rebranding / revised</li> </ul>

	necessary to ensure materials are accessible to all.				
3.4 Review content of intranet pages and ensure it is updated regularly	<ul style="list-style-type: none"> <li>To ensure consistent message is being delivered to staff</li> </ul>	Kelsey Watkins / Joanne James	Reviewed by August 2016	<ul style="list-style-type: none"> <li>Staff feedback / engagement</li> </ul>	N/A

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## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015**

**SUBJECT: COMPLAINTS AND REPRESENTATIONS – CAERPHILLY HOMES**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151  
OFFICER**

- 
- 1.1 The attached report provides information on contacts in relation to complaints and representations received by the Authority's Housing Customer Services Section, from 1st April 2014 to 31st March 2015.
  - 1.2 The report was presented to the Caerphilly Homes Task Group (CHTG) on 17th September 2015 as an information item and its contents were received and noted.
  - 1.3 Members are asked to consider the report.

Author: R. Barrett, Committee Services Officer, Ext 4245.

Appendices:

Appendix 1 Report to Caerphilly Homes Task Group 17th September 2015 - Agenda Item 9

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## CAERPHILLY HOMES TASK GROUP – 17TH SEPTEMBER 2015

**SUBJECT: COMPLAINTS AND REPRESENTATIONS – CAERPHILLY HOMES**

**REPORT BY: INTERIM CHIEF EXECUTIVE**

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### 1. PURPOSE OF REPORT

- 1.1 To provide information on contacts in relation to complaints and representations received by the Authority's Housing Customer Services Section, from 1st April 2014 to 31st March 2015.

### 2. SUMMARY

- 2.1 The monitoring of complaints and representations is carried out to provide information on the level of satisfaction with the service provided by Caerphilly Homes. The results enable Managers to focus on areas of concern to improve services and monitor performance and ensure that similar problems are avoided in the future. Last year saw a corporate change in the complaints procedure with more emphasis on learning from complaints. There have been examples of complaints which have led to changes in policies and procedures and these are explained in the report.

### 3. LINKS TO STRATEGY

- 3.1 Corporately, Complaints and Representations will link to the Council's Strategic Equality Objectives 3 and 4, and also to themes in "Caerphilly Delivers", the Local Service Board single integrated plan.

### 4. THE REPORT

- 4.1 The annual report is based on information collected during the financial year 1st April 2014 to 31st March 2015. Complaints received about the Housing Service are recorded and responded to in line with the Council's 2 stage corporate complaints policy, implemented in April 2013, based on guidance issued by the Public Services Ombudsman for Wales. If, after following these 2 stages, the complainant is not satisfied with the outcome of their complaint they can progress their complaint to the Public Services Ombudsman for Wales.

#### 4.2 Overall Numbers

In addition to recording Stage 1, Stage 2 and Ombudsman complaints, Caerphilly Homes Customer Services Section also records any service requests received directly by the Customer Services Section and any housing related correspondence received by the Chief Executive. In general, contacts recorded as service requests relate to the first time the service area has been made aware of the issue concerned. Reasonable judgement is used, based on the information available at the time and these cases are often deemed to be 'business as usual' situations. However, if enquiries identify previous dealings on the same issue then the matter can be

escalated through the complaints procedure. It is not necessary for the contact to specifically state that they want the issue dealt with as a complaint as this would be determined from the detail of the contact and any previous dealings on the same subject. Service area managers provide weekly updates to the Customer Services Officers of any cases they are dealing with as a Stage 1 complaint.

Between 1st April 2014 and 31st March 2015 the Customer Services Section of Caerphilly Homes recorded a total of 520 contacts from the public and/or their representative. This is in comparison with 434 between 1st April 2013 and 31st March 2014.

Function Area	Chief Exec		Service Request	
	2013/14	2014/15	2013/14	2014/15
Response Repairs	22	12	82	121
Housing Management	25	29	41	67
Antisocial Behaviour	4	1	29	65
Allocations	33	29	13	8
Homelessness	4	12	4	7
WHQS Internal	2	1	10	12
Heating	1	4	6	9
Sheltered Housing	3	1	5	10
Grants	7	2	3	5
WHQS External			6	6
Rents	1	2	3	5
Adaptations	2	1	1	5
Energy Works		2	3	
Enforcement Action	2			4
Planned Maintenance	2		3	
Leaseholder		2	2	
Other	1		2	
Housing Register	1		1	1
Tenant Participation				1
Void Property			1	
<b>Total</b>	<b>110</b>	<b>98</b>	<b>215</b>	<b>326</b>

The number of contacts received via an advocate was 167 compared with 148 in 2013/14. Examples of the type of advocates used include MP, AM, Councillors, other tenants and family members.

#### 4.3 Praise and Thanks

Records are also kept of any praise or thanks received by Caerphilly Homes. In 2014/15 there were 44 recorded. This is in comparison with 42 for 2013/14. These covered a number of service areas, as detailed below :-

Praise or Thanks		
	2013/14	2014/15
Rents	15	8
Allocation	0	3
Leaseholder Services	0	1



Housing Management	1	5
Responsive Repairs	13	14
Tenancy Enforcement	1	0
Tenant Participation	1	0
Sheltered Housing	4	3
WHQS	7	2
Private Landlord	0	2
Homelessness	0	2
Adaptations	0	2
Housing Development	0	1
Handy Person Scheme	0	1
<b>Total</b>	<b>42</b>	<b>44</b>

#### 4.4 Stage 1 and Stage 2 Complaints

Stage 1 of the complaints procedure offers the opportunity for the complaint to be resolved at the point of service delivery. These complaints are referred to the appropriate service manager for any necessary action and response. If the complainant is not satisfied with the outcome at Stage 1 they are advised how the complaint can be progressed to Stage 2. Alternatively, complainants can request their complaint is escalated straight to a Stage 2 investigation. In addition, where an appeals procedure is in place this must be exhausted before progressing to a Stage 2 complaint. Stage 2 complaints are investigated by the Customer Services Section, on behalf of the Head of Service.

During 2014/15 60 Stage 1 complaints were recorded for Caerphilly Homes compared with 81 in 2013/14. There were 36 Stage 2 complaints in 2014/15 compared with 28 in 2013/14. Of the 36 Stage 2 complaints received in 2014/15, 13 had progressed from a Stage 1.

As detailed in the table below the largest number of Stage 1 complaints (17) related to housing management issues. Only 2 of these cases were not resolved to the complainant's satisfaction and progressed to a Stage 2. An analysis of the Stage 1 housing management complaints shows that they were in relation to a variety of aspects of the service including gardens, mutual exchanges, successions and garages.

The majority of the 14 Stage 1 complaints recorded for WHQS (internal works) related to whether or not new kitchens would be fitted and most of these cases were resolved at Stage 1 with only 4 progressing to Stage 2.

The 10 response repair Stage 1 complaints were in relation to the quality of service provision and workmanship. Only 1 of these cases was not resolved to the tenant's satisfaction and progressed to a Stage 2.

Function Area	Stage 1		Stage 2		Progressed	
	2013/14	2014/15	2013/14	2014/15	2013/14	2014/15
Housing Management	11	17	13	21	4	2
WHQS (Internal)	16	14	4	6	4	4
Response Repairs	23	10	2	1	1	1
Allocations	6	3	3	0	1	0
Leaseholders	7	4	1	3	0	1
Grants	3	0	1	0	0	0
Planned Maintenance	3	1	1	0	1	0
Anti Social Behaviour	2	0	0	0	0	0
Heating	2	2	1	0	0	0

Sheltered Housing	2	0	1	0	1	0
WHQS (External)	2	3	0	1	0	1
Adaptations	1	0	0	0	0	0
Enforcement Action	1	2	1	2	1	2
Homelessness	1	2	0	1	0	1
Rents	1	2	0	1	0	1
<b>Total</b>	<b>81</b>	<b>60</b>	<b>28</b>	<b>36</b>	<b>13</b>	<b>13</b>

The majority of Stage 2 complaints (21) related to the Housing Management function. 17 of these cases were in relation to recharges and the remaining cases related to parking, a garden and a mutual exchange.

There were 6 WHQS (internal) Stage 2 complaints which related to kitchen and bathroom installations. 2 of the kitchen complaints were in relation to the decision not to replace the kitchen under WHQS and the third complaint was about the quality of service and time taken to complete the works. 2 of the bathroom complaints were in relation to the size of the baths being fitted and the remainder was about the general conduct of the workforce.

Of the 3 Stage 2 complaints recorded against Leaseholders, 1 case related to a decision not to compensate the leaseholder when he replaced his internal doors, 1 case related to the council replacing doors with fire doors and the remaining case related to the monitoring of the cleanliness and tidiness of the communal areas.

#### 4.5 Outcome of Stage 1 and Stage 2 Complaints

The outcome of Stage 1 and Stage 2 complaints is recorded as not upheld, partially upheld or upheld. The table below shows the outcomes recorded for all Stage 1 and Stage 2 complaints recorded for 2014/15.

Function Area	Not Upheld	Partially Upheld	Upheld
<b>Stage 1</b>			
Housing Management	14	1	2
Response repairs	6	2	2
WHQS (internal)	7	2	5
WHQS (external)	0	2	1
Allocations	3	0	0
Leaseholders	2	1	1
Homelessness	2	0	0
Rents	2	0	0
Heating	2	0	0
Planned maintenance	1	0	0
Enforcement action	2	0	0
<b>Total</b>	<b>41</b>	<b>8</b>	<b>11</b>

<b>Stage 2</b>			
Housing Management	9	3	9
WHQS (internal)	4	1	1
WHQS (external)	0	1	0
Rents	0	0	1
Leaseholder	3	0	0

Response repairs	1	0	0
Homelessness	0	1	0
Enforcement action	0	0	2
<b>Total</b>	<b>17</b>	<b>6</b>	<b>13</b>

#### Stage 1's - Upheld

There were 5 WHQS (internal) Stage 1 complaints upheld. One was in relation to the original decision not to renew the kitchen, but on further inspection it was agreed it should be replaced. One case involved an incident of a kitchen cupboard falling off the wall. An apology was provided, the cupboard was renewed and the contractor was reminded to use adequate fixings. Another case involved a tenant being left without toilet facilities at the end of the working day resulting in an out of hours call. An apology was provided and the contractor was reminded of the need to provide essential services. The remaining 2 cases related to the length of time the works took, the quality of the workmanship and the conduct of the workforce. In these cases several actions were agreed to rectify the works and the contractors were reminded of the code of conduct.

There were 2 response repair Stage 1 complaints upheld. In one case an apology was provided for the delay in ordering a new back door and providing the tenant with incorrect information. The remaining case involved work to a chimney breast which caused disruption to the owner/occupier next door and an apology was provided.

There were 2 stage 1 complaints upheld in relation to housing management issues. In one case the tenant received a refund of rent as the property occupied had been recorded as 3 bedrooms instead of 2. The remaining case related to a sole tenant appealing the original decision giving him notice to leave the property following his ex-partner terminating her interest in the tenancy. The sole tenant was allowed to remain at the property.

The WHQS (external) stage 1 complaint upheld related to ongoing issues with a leak on the soil pipe. The contractor was instructed to carry out the required repair to a satisfactory standard.

The stage 1 complaint upheld for leaseholder services related to a disputed charge to the leaseholder for replacement windows. On further investigation the charge was removed.

#### Stage 2's - Upheld

There were 9 housing management Stage 2 complaints upheld. 8 of these cases related to recharges to tenants which were later removed. In the remaining case rent charged to a new tenant, who returned the keys the same day, was withdrawn.

The 1 WHQS (internal) stage 2 complaint upheld was in relation to the fitting of a bath instead of a shower. An easy access shower was later fitted.

The 1 stage 2 complaint upheld in relation to rent was a case where former tenant arrears originally charged were later withdrawn.

There were 2 stage 2 complaints upheld in relation to private sector housing where works in default were undertaken. In one case the wording of the required notice failed to specify all the works required and in the other case a second required notice was not served. Officers have been reminded of the importance of correct procedures being followed.

#### 4.6 Ombudsman Complaints

There were 5 housing related cases referred to the Ombudsman during 2014/15, which is the same number as those referred during 2013/14. In 4 of these cases the Ombudsman decided not to investigate. The remaining case was in relation to the way a housing application was

assessed, with specific reference to the possibility of homelessness. The Ombudsman investigated this case and upheld the complaint, with several recommendations. The applicant has received a letter of apology for any failings in the assessment of the application together with an award of £1000 in recognition of any impact of these failings. All of the Ombudsman's recommendations have been accepted and actioned. These are detailed in the Learning from Complaints section (4.9).

The report for 2013/14 noted that, at that time, there was an ongoing Ombudsman case in relation to the length of time an applicant had been on the waiting list without receiving an offer of accommodation. The Ombudsman concluded that the complaint was upheld and made several recommendations. The applicant has received a letter of apology for any failings in the assessment of the application together with a payment of £500 in recognition of any impact of these failings. All of the Ombudsman's recommendations have been accepted and actioned. These are detailed in the Learning from Complaints section (4.9).

#### 4.7 **Response Target Times**

The Customer Service Section monitors the performance in responding to all contacts recorded by the section, within the corporate timescales. In 2014/15, 94% of complaints and representations were responded to within the agreed timescales compared with 88% in 2013/14.

#### 4.8 **Learning from Complaints**

Complaints are used as a means of analysing the service provided by Caerphilly Homes and highlighting any areas for improvement or any necessary changes in existing policies and procedures.

During 2014/15 the Ombudsman made several recommendations in relation to improvements required by the Housing division, with specific reference to the assessment of housing applications. These recommendations have all been actioned and include the following:

- All Housing staff have undergone records management training
- Allocations staff have been reminded of the importance of ensuring housing applications are correctly pointed in accordance with the Allocations policy
- Guidance has been developed on the factors for consideration when applying discretion in relation to the removal of time points
- Housing Allocation staff have been reminded of the need to consider applying discretion and the need to demonstrate that discretion has been considered.
- Appropriate staff have been trained in the circumstances when the Council's homelessness duty may be triggered and documentation has been reviewed to satisfy that it supports the early recognition of when a homelessness duty may be triggered.
- Allocation staff have undertaken training in relation to housing legislation and statutory guidance
- Allocation staff have undertaken additional communication training from a mental health organisation
- An audit has been carried out of the Housing Advice and Allocations record keeping methods

With regards to Private Sector Housing, staff have been reminded that the extent of works carried out in default should reflect the wording of the notice. Works in default should be carefully specified and only those works identified on a notice can be undertaken.

In relation to WHQS works, site managers have been reminded that they should consult with private residents in adjoining properties to ensure satisfaction with works completed on council properties.

In respect of complaints relating to recharges made to tenants, a new recharge policy has been introduced, incorporating a revised appeals procedure which will include the use of an independent Recharge Review Panel comprising Senior Housing Officers, a Councillor and a Tenant.

**5. EQUALITIES IMPLICATIONS**

- 5.1 Any complaints received by Caerphilly Homes that contain alleged discriminatory aspects to them are dealt with jointly by Caerphilly Homes and the Equalities and Welsh Language Team to ensure that the allegations are investigated thoroughly and appropriately, in line with both the complaints process and the requirements of the Strategic Equality Plan and Welsh Language Scheme.

**6. FINANCIAL IMPLICATIONS**

- 6.1 None.

**7. PERSONNEL IMPLICATIONS**

- 7.1 None.

**8. CONSULTATION**

- 8.1 Consultation responses have been considered within this report.

**9. RECOMMENDATIONS**

- 9.1 This report is for information purposes only.

**10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 The monitoring of complaints forms part of the process to monitor performance and continuous improvement for Caerphilly Homes.

**11. STATUTORY POWER**

- 11.1 Local Government and Housing Acts. This is a Cabinet function.

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## POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015

**SUBJECT:       EMPTY HOMES IN THE PRIVATE SECTOR**

**REPORT BY:    INTERIM CHIEF EXECUTIVE**

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### **1.       PURPOSE OF REPORT**

- 1.1       This report has been prepared in response to a Member's request at the Policy and Resources Scrutiny Committee meeting on 5th December 2013. The request sought information in respect of the Authority's activities and opportunities for dealing with empty homes in the private sector within the county borough.

### **2.       SUMMARY**

- 2.1       This report has been prepared following the request of a Member of the Policy and Resources committee. The original request made reference to initiatives being undertaken by other Local Authorities and specifically one in particular which referred to a scheme being undertaken by the City of Stoke on Trent.
- 2.2       Stoke on Trent had some 2,500 privately owned long term empty homes and had areas of the city (2 in particular) where large concentrations of empty homes existed. These 2 areas contained terraced housing previously earmarked for wholesale clearance and were in the Council's ownership. The Council were successful in securing funding from the English Government's Clusters of Empty Homes Grant programme and subsequently developed a scheme whereby the houses were sold for £1 and the area redeveloped in partnership with the new house owners. The scheme has now been completed and is regarded as being a success.
- 2.3       Empty homes within the Caerphilly County Borough are not found in concentrations, and consequently we do not have the opportunity, or the need, to embark on a scheme such as that undertaken in Stoke on Trent. The properties within the Caerphilly County Borough are also in private ownership and so the opportunity for the Council to sell to developers or other landlords does not exist.
- 2.4       This report, therefore, outlines the extent of the problem of long term empty homes in the private sector, the Authority's activities and performance in respect of any direct action taken to assist in bringing empty homes back into beneficial use and the potential partnership opportunities that exist to assist in tackling the problem.

### 3. LINKS TO STRATEGY

3.1 The contents of this report link to the following key strategic objectives:-

“To meet housing requirements through the provision of a range of good quality, affordable housing options.” (*Aim 5: Affordable Housing – Local Housing Strategy*)

“To provide good quality, well-managed homes in communities where people want to live, and offer people housing choices which meet their needs and aspirations.” (*Aim 6: Housing Management - Local Housing Strategy*)

“To promote sustainable and mixed communities that are located in safe and attractive environments.” (*Aim 11: Community Regeneration - Local Housing Strategy*)

There is a need to increase the number of affordable homes for purchase or rent (*Improving Lives and Communities – Homes in Wales – April 2010*)

“The return to use of long term empty Houses” – (*Key Priority 3 – CCBC Private Sector Housing Renewal Strategy*)

### 4. THE REPORT

#### LONG TERM EMPTY DWELLINGS IN THE PRIVATE SECTOR

4.1 In Wales, Local Authorities’ activities in bringing long term empty dwellings back into beneficial use by direct action are measured via a National Performance Indicator (PSR004) reported upon annually. “Long term” empty is classified as those dwellings empty for 6 months or more with the following exclusions:

- A second or Holiday Home
- A newly completed dwelling awaiting occupation
- An existing dwelling undergoing conversion or modernisation
- A dwelling that is in use but for non-residential purposes

4.2 Each year, at 1st April, Authorities must establish the number of empty dwellings within their county borough that fall within the above definition and thereafter set themselves a percentage target in respect of the number of empty dwellings they feel they can return to occupation as a result of direct action. The numbers are collated utilising the Authority’s Council Tax records and “Direct Action” includes:

- Providing Grants or Loans
- Providing Advice such as:
  - Literature on the authority’s empty homes strategy
  - Advice on letting, including legal and housing benefit requirements
  - Advice on grants and other financial assistance including tax concessions available
  - Details of landlord forums or accreditation schemes
  - Advice on repairs, including details on building contractors meeting minimum requirements
- Referral to partner Registered Social Landlords (RSLs) or other intermediary with relevant expertise
- Enforcement action including statutory notices
- Enquiries made to establish ownership of property and follow up action



4.3 The following table outlines Caerphilly CBC's recent years' activity in respect of the Performance Indicator:

Year	No. Of Empty Dwellings @ 1 <sup>st</sup> April	Target For Return	Actual Outcome
2014/15	932	37 (4.0%)	42 (4.51%)
2013/14	914	33 (3.6%)	35 (3.83%)
2012/13	944	36 (3.8%)	29 (3.07%)
2011/12	941	32 (3.4%)	36 (3.8%)
2010/11	900	30 (3.3%)	37 (4.0%)

4.4 The table below outlines all Wales performance for 2012/13, 2013/14 and 2014/15:

Authority	No. Of Empty Dwellings @ 1 <sup>st</sup> April			No. Brought Back Into Use			% Brought Back Into Use		
	12/13	13/14	14/15	12/13	13/14	14/15	12/13	13/14	14/15
Anglesey	800	835	829	69	100	109	8.63%	11.98%	13.15%
Gwynedd	1,106	1,030	1,193	48	54	68	4.34%	5.24%	5.70%
Conwy	1,090	1,557	1,569	39	41	42	3.58%	2.63%	2.68%
Denbigh	879	851	641	200	151	142	22.75%	17.74%	22.15%
Flintshire	554	490	774	33	33	30	5.96%	6.73%	3.88%
Wrexham	206	286	250	20	29	43	9.71%	10.14%	17.20%
Powys	1,495	1,504	1,530	37	101	28	2.47%	6.72%	1.83%
Ceredigion	742	805	747	9	32	27	1.21%	3.98%	3.61%
Pembrokeshire	763	1,352	1,240	5	0	30	0.66%	0.00%	2.42%
Carmarthen shire	2,142	2,015	2,479	109	115	135	5.09%	5.71%	5.45%
Swansea	1,828	1,978	2,101	46	94	456	2.52%	4.75%	21.70%
Neath & Port Talbot	739	1,375	1,681	39	514	1,153	5.28%	37.38%	68.59%
Bridgend	1,029	1,105	1,172	74	59	76	7.19%	5.34%	6.48%
Vale of Glamorgan	690	887	994	14	436	175	2.03%	49.15%	17.61%
Cardiff	1,476	1,439	1,391	77	79	91	5.22%	5.49%	6.54%
Rhondda Cynon Taff	2,480	3,083	3,381	86	94	114	3.47%	3.05%	3.37%
Merthyr Tydfil	677	641	651	29	33	36	4.28%	5.15%	5.53%
Caerphilly	944	914	932	29	35	42	3.07%	3.83%	4.51%
Blaenau Gwent	542	498	540	19	21	21	3.51%	4.22%	3.89%
Torfaen	235	332	292	72	189	165	30.64%	56.93%	56.51%
Monmouth shire	-	537	623	-	25	64	-	4.66%	10.27%
Newport	1,134	1,339	1,250	48	58	42	4.23%	4.33%	3.36%
<b>Wales Total:</b>	<b>21,551</b>	<b>24,853</b>	<b>26,260</b>	<b>1,102</b>	<b>2,293</b>	<b>3,089</b>	<b>5.11%</b>	<b>9.23%</b>	<b>11.76%</b>

4.5 The level of success in respect of bringing long term empty homes back into use is very much dependant on available resources, both in terms of finance to offer pump priming grant/loan assistance and also staff to undertake the extremely time consuming practical element of engagement with owners of empty homes. Far more empty homes are returned to use by way of advice and education than by way of grant/loan assistance. (For CCBC, of the 179 properties returned to use from 1st April 2010 to date, 40 received grant assistance and 2 had loans).

- 4.6 Finance has previously been available in the form of both grants and loans to assist owners to refurbish their homes both via the Authority's own Private Sector Housing Renewal Strategy and also, more recently, via the National Houses Into Homes Loan Scheme and the National Home Improvement Loan Scheme. A revision of the Authority's Private Sector Housing Renewal Strategy in 2014, however, now restricts grant aid to conversions only (generally from disused retail to domestic).
- 4.7 As mentioned above, however, staff resources are severely overstretched, with the Authority having no dedicated Empty Property Officer(s). Arrangements for the past 3 years or so are such that the majority of activity in respect of this function has been undertaken by the 3 District Environmental Health Officers based within the Private Sector Housing Team. A recent time disaggregation exercise for the purposes of the Wales Audit Office "Delivering with Less" audit identified that the actual amount of officer time dedicated to this function equated to 0.5 FTE.
- 4.8 Following the failure to hit our 2012/13 Performance targets, staff resources were increased slightly and it is pleasing to report that the Authority thereafter surpassed its targets for both the 2013/14 and 2014/15 financial years. Unfortunately, however, the recent introduction of the National Home Improvement Loan scheme, whilst bringing obvious benefits in respect of loan availability, has also brought additional duties to the same team responsible for Empty Homes. Every effort is being made, therefore, to ensure that these additional duties are managed in such a way that future performance is not prejudiced.

## **5. OPTIONS AVAILABLE FOR TACKLING LONG TERM EMPTY HOMES**

- 5.1 Local authorities have a range of options available to them when dealing with long term empty homes. As already mentioned, however, by far the most successful option is to provide advice and education to owners to bring about reoccupation of their properties by way of persuasion and agreement, wherever possible utilising the tools outlined in para 4.2 above.
- 5.2 Where advice and education fails, however, there are a range of legislative options available. Some examples are:

- Empty Dwelling Management Orders (EDMO).

In essence EDMOs allow a local housing authority to step into the shoes' of the owner of a privately owned unoccupied dwelling and secure its occupation and proper management. However, the ownership of the property is not transferred to the housing authority, rather it manages the property. The housing authority meets its management costs from the income produced by letting out the dwelling.

There are two forms of EDMO: the interim EDMO and the final EDMO. Interim orders can only be made with the authorisation of the Residential Property Tribunal(RPT). They assume some form of co-operation between the owner and the housing authority, as the property can only be let with the owner's consent. Final orders allow the authority to let without the owner's consent. Final EDMOs do not require the authorisation of the RPT, however, the owner can appeal to the tribunal against the making of the order.

Since their introduction in 2004, in Wales only a handful of EDMO's have been made due, in the main, to the complexity of the legislative process. Also, the level of engagement demanded with house owners inevitably brings about the return to use of the property without recourse to an EDMO.

- Increased Council Tax

Welsh Government have recently consulted with stakeholders in respect of the opportunities afforded by the recent Housing (Wales) Act 2014 where in certain

circumstances Local Authorities will have the option to increase the council tax payable on long term empty homes from 1<sup>st</sup> April 2017. Welsh Government intends to consult further this Autumn regarding possible exemptions from the premiums with detailed council tax regulations planned for December 2015, after which a separate report will be presented to the Committee by the Interim Head of Corporate Finance.

- Enforced Sale

The Law of Property Act 1925 affords Local Authorities the power to enforce the sale of a property in circumstances where certain debt charges placed on a property remain outstanding following the issue of a demand for repayment. When the property is sold the Authority recovers its debt and the remaining funds from the sale go to the owner. As one would expect this process can be somewhat long winded. The Authority has, however, been successful in utilising this method, along with similar "Order of Sale" cases on some 5 occasions, often working with partners such as Housing Associations who purchase the property and thereafter manage it as a rental unit.

- Compulsory Purchase

This is an option which can be pursued under both Planning and Housing legislation and affords Authorities the power to compulsory purchase properties where circumstances are appropriate. This power has never been utilised by the Housing Division due to the lengthy legal process, substantial financial implications and the availability of other, better, options for dealing with empty homes.

## **6. PARTNERSHIP OPPORTUNITIES**

- 6.1 Given the relatively low level of resources available to the Authority to tackle empty homes the opportunities for Partnership working need to be exploited wherever possible. However, a major frustration to officers working to bring empty homes back into use is the inability to exploit the opportunities presented when landlords and potential homeowners request details in respect of empty homes within the county borough.
- 6.2 We are regularly asked to provide details of empty property ownership to interested purchasers and whilst most prospective purchasers are often only interested in a particular property, we also receive requests from portfolio landlords genuinely interested in purchasing and refurbishing empty homes in numbers.
- 6.3 In either case Data Protection rules prevent us from disclosing even basic information as to the location (addresses) of empty properties and this situation is extremely frustrating when to do so would undoubtedly assist us greatly in raising the numbers of empty homes brought back into beneficial use.
- 6.4 Within the past 6 months alone we have been approached by United Welsh Housing Association, Gofal Cymru and also a private consortium with a view to undertaking some partnership working in respect of empty homes. All three (and potentially others) can bring resources that could assist the Authority in raising the numbers of empty homes brought back into use. Such opportunities are hindered, however, by our inability to facilitate direct engagement between these potential partners and empty home owners themselves.
- 6.5 Realistically, the best the Authority can do to assist would be to write to the owners of the empty homes that appear on the list secured from Council Tax for Performance Indicator purposes on 1st April. When writing, the letter can outline, amongst other things:
  - The wasted resource empty homes present and the potential income an owner could receive if the property is brought back into use and let as a rental unit.
  - The benefits of reoccupation to owners as the size and importance of the private rented sector, in particular, increases

- The financial assistance available to bring the property back into use (grants/loans)
  - The practical assistance available from potential partners for owners who either do not have the capability to undertake property refurbishment or else simply do not wish to undertake such functions
  - The opportunities for partnership arrangements in relation to short to medium terming leasing for those owners who do not wish to manage properties themselves
  - The potential enforcement implications should the property remain empty.
- 6.6. The letter would ask interested owners if they would be prepared to allow the Authority to pass their contact details to partners such as those outlined in para 4.1.12 above. This exercise would then hopefully stimulate meaningful relationships that would lead to greater numbers of long term empty homes being brought back into use. There is, of course, always the possibility that owners will not respond
- 6.7. Officers, nevertheless, propose to undertake this exercise later this year and if successful, the exercise could thereafter be repeated on a regular basis.

## **7. SOCIAL LETTINGS AGENCY**

- 7.1. Officers brought a report to Policy and Resources Scrutiny Committee in September 2014 recommending the creation of a Social Lettings Agency. The Committee and thereafter Cabinet, endorsed the recommendation and Officers are currently engaging with Cartrefi Hafod with a view to the Social Lettings Agency being commissioned in partnership along similar lines as currently exist in respect of the temporary accommodation we use for homeless persons.
- 7.2. The Social Lettings Agency will need a stock of properties and our ability to engage with owners of suitable properties which currently lie empty will greatly assist in building a portfolio of properties for this particular use. Often, a major deterrent to owners of empty homes is the apprehension in respect of the management responsibilities that come with letting out a property. This may now become an even greater concern for such owners given the impending introduction of a mandatory registration and licencing scheme for landlords renting in Wales.
- 7.3. Officers will, therefore, also promote this further opportunity when attempting to engage with owners as outlined in para 6.5 above.

## **8. EQUALITIES IMPLICATIONS**

- 8.1. This report is for information purposes, so the Council's EqIa process does not need to be applied.

## **9. FINANCIAL IMPLICATIONS**

- 9.1. There are no financial implications. This report is for information purposes only.

## **10. PERSONNEL IMPLICATIONS**

- 10.1. There are no personnel issues. This report is for information purposes only.

## **11. CONSULTATIONS**

- 11.1. Any views of the consultees listed below have been incorporated into the report.

## **12. RECOMMENDATIONS**

12.1 That Members note the contents of the report.

## **13. REASONS FOR THE RECOMMENDATIONS**

13.1 To provide the Committee with the information requested by the Member.

## **14. STATUTORY POWER**

14.1 Housing Act 1985, Housing Grants, Construction and Regeneration Act 1996, Housing Act 2004, Housing(Wales) Act 2014.

Author: Kenyon Williams – Private Sector Housing Manager  
willikh@caerphilly.gov.uk

Consultees: Cllr Dave Poole, Deputy Leader & Cabinet Member for Housing  
Cllr Hefin David – (Chair) Policy and Resources Scrutiny Committee  
Cllr Sean Morgan – (Vice Chair) Policy and Resources Scrutiny Committee  
Shaun Couzens - Chief Housing Officer  
Fiona Wilkins – Public Sector Housing Manager  
Paul Smythe - Housing Repair Operation Manager  
Claire Davies – Principal Housing Officer (Strategy and Standards)  
Suzanne Cousins - Principal Housing Officer (Housing Portfolio)  
Ian Burgess – District Environmental Health Officer  
John Carpenter – Council Tax and NNDR Manager

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## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015**

**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA  
CORPORATE POLICY REVIEW)**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151  
OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To seek the views of Members of the proposed changes to the current corporate RIPA policy prior to referral to Cabinet for formal approval.

### **2. SUMMARY**

- 2.1 The Council is under an obligation to comply with legislative requirements and is subject to the provisions of the Regulation of Investigatory Powers Act 2000, Protection of Freedom Act 2012, and the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 (S1 2012/1500). This Report recommends changes to the Council's current corporate RIPA policy to ensure that the policy remains fit for this purpose.

### **3. LINKS TO STRATEGY**

- 3.1 The Council is under an obligation to comply with legislation requirements and this Report helps to do that. The RIPA policy promotes the wellbeing of the citizens of Caerphilly as a place where people can live in a high quality safe environment.

### **4. THE REPORT**

- 4.1 Members are reminded that RIPA provides a statutory mechanism for authorising covert surveillance and the use of a 'covert human intelligence source' (a 'CHIS') (e.g. undercover agents/informants) in circumstances that are likely to result in the obtaining of private information about a person for the purpose of preventing or detecting crime or of preventing disorder. RIPA also controls the acquiring of communications data by Local Authority staff. Its aim is to provide a balance between preserving people's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action.
- 4.2 With effect from 1st November, 2012, Local Authorities have only been able to authorise the use of directed covert surveillance under RIPA to prevent or detect criminal offences that are either punishable, whether on summary, conviction or indictment, by a maximum term of at least six months, imprisonment or an offence under:-

S146 Licensing Act 2003 (sale of alcohol to children)  
S147 Licensing Act 2003 (allow sale of alcohol to children)  
S147A Licensing Act 2003 (persistently selling alcohol to children)  
S7 Children and Young Persons Act 1933 (sale of tobacco etc. to persons under 18)

- 4.3 Since November 2012 Local Authorities have to obtain an order approving the grant or renewal of a RIPA authorisation from a Justice of the Peace (a District Judge or Lay Magistrate) at the Magistrates Court for directed surveillance, covert human intelligence source (CHIS) and communication data.
- 4.4 The Council's Corporate RIPA policy was reviewed in December 2012 following the changes in legislation referred to in paragraph 4.2 of the Report and the inspection undertaken by the office of the Surveillance Commissioner in October 2012.
- 4.5 Following the implementation of the new legislation the numbers of RIPA operations undertaken by the Authority reduced, and the main user is now Public Protection undertaking operations in the main in relation to under age sales of alcohol and tobacco. Members will be aware that the numbers and nature of the RIPA operations undertaken are reported routinely to the Audit Committee. For information there has been two operations undertaken since 1<sup>st</sup> April, 2015, both in relation to the supply of alcohol to minors. Both applications were judicially approved.
- 4.6 Following a further internal review undertaken by the Council's Interim Monitoring Officer, it is proposed that the current policy is reviewed in its entirety to strengthen the governance arrangements around the RIPA process more adequately address the comments of the Inspector in 2012, address the changes made in relation to the Acquisition of Communications Data which is now dealt with via the National Anti Fraud Network (NAFN) to reduce the number of Authorising Officers and to introduce a more formal training regime.
- 4.7 Finally, the revised Policy now incorporates guidance on the use of social networking sites and the internet as these are being used more commonly as an investigative tool.
- 4.8 Members are asked to note formally that this Policy is not intended for use in connection with the surveillance of its employees. Members are also reminded that the surveillance of employees is currently suspended pending the implementation of a specific policy and there are no current plans to progress this issue.
- 4.9 The revised draft Policy is attached at Appendix 1 for consideration by Members.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 The proposed Policy complies with relevant legislation.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 None arising from the Report.

## **7. PERSONAL IMPLICATIONS**

- 7.1 No additional resources required.

## **8. CONSULTATIONS**

- 8.1 The Report reflects the views of the Consultees.



## **9. RECOMMENDATIONS**

9.1 It is recommended that:-

- (i) Members note the contents of the Report;
- (ii) Provide comments on the proposed Corporate RIPA Policy prior to the draft Policy being referred to Cabinet for formal approval.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To ensure compliance with statutory requirements.

## **11. STATUTORY POWERS**

11.1 Regulation of Investigatory Powers Act 2000 and Regulations made under the Act, and the Protection of Freedoms Act 2012.

Author:

Consultees: Gail Williams, Interim Head of Legal Services/Monitoring Officer  
Chris Burns, Interim Chief Executive  
Nicole Scammell, Interim Director of Corporate Services  
Christina Harhy, Corporate Director – Education & Community Services  
Councillor C. Forehead, Cabinet Member for Human Resources & Governance  
Robert Hartshorn – Head of Public Protection  
Jacqui Morgan – Trading Standard & licensing Manager  
Kathryn Peters – Community Safety Manager

Appendix: Draft Corporate RIPA Policy (revised September 2012)

Background

Papers: Existing Corporate RIPA Policy

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**CAERPHILLY COUNTY BOROUGH COUNCIL**

**POLICY, PROCEDURES & FORMS**

**On**

**DIRECTED SURVEILLANCE**

**And use of**

**COVERT HUMAN INTELLIGENCE SOURCES**

**Under the**

**REGULATION OF INVESTIGATORY POWERS ACT 2000**

**As amended by The Protection of Freedoms Act 2012**

**Amended September 2015**

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**Appendix 1**

Flow chart of Procedure

**Appendix 2**

Details of Authorising Officers

**Appendix 3****Forms**

Part A RIPA Forms

Part B Human Rights Act 1998 – Additional Forms

**NOTE:**

**This document must be read in conjunction with the Regulation of Investigatory Powers Act Codes of Practice issued by the Home Office on:**

- **Covert Surveillance & Property Interference 2014**
- **Covert Human Intelligence Sources 2014**
- **Acquisition and Disclosure of Communications Data ('Comms COP')**

**And in respect of CCTV**

- **The Information Commissioner's CCTV Code of Practice ('ICO CoP')**

**This document must also be read in conjunction with the Procedures and Guidance issued by the Office of Surveillance Commissioners (December 2014).**

**Copies of this document, application forms, Code of Practice and the Central Register of Trained Officers are maintained by Legal Services.**

**CAERPHILLY COUNTY BOROUGH COUNCIL  
POLICY & PROCEDURES  
REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)**

**A. Introduction & Key Messages**

1. This Corporate Policy & Procedures Document is based upon the requirements of The Regulation of Investigatory Powers Act 2000 (RIPA) and Home Office's Code of Practices on "Covert Surveillance and Property Interference" and Covert Human Intelligence Sources". The Council takes responsibility for ensuring the RIPA procedures are continuously improved.
2. The authoritative position on RIPA is, of course, the Act itself and the associated Home Office Codes of Practice and any officer who is unsure about any aspect of this Document should contact, at the earliest possible opportunity, the Senior Responsible Officer, namely the Head of Legal Services ("SRO") for advice and assistance. Appropriate training and development will be organised by the SRO
3. The Codes of Practice are admissible as evidence in Court. The provisions of the codes, if relevant, must be taken into account by the Court.
4. Copies of this Document and related Forms will be placed on the Intranet.
5. The SRO will maintain and check the Corporate Register of all RIPA authorisations. It is the responsibility of the relevant Authorising Officer, however, to ensure the SRO receives a copy of the relevant Forms as soon as possible.
6. RIPA and this Document are important for the effective and efficient operation of the Council's actions with regard to covert surveillance and Covert Human Intelligence Sources. This Document will, therefore, be kept under review by the SRO. Authorising Officers must bring any suggestions for continuous improvement of this Document to the attention of the SRO at the earliest possible opportunity.
7. If you are in any doubt on RIPA, this Document or the related legislative provisions, please consult the SRO at the earliest opportunity.
8. The Council treats its statutory responsibilities under RIPA very seriously and expects Authorising Officers and applicants to do so also. Failing to adhere to this policy may result in disciplinary action being taken against Officers by the Council.

**B. Background**

The Human Rights Act 1998 requires the Council, and organisations working on its behalf, to have respect for the private and family life of citizens. However, in rare cases, it may be necessary for the Council to act covertly in ways that could interfere with an individual's rights.

The Regulation of Investigatory Powers Act 2000 (RIPA) provides a statutory mechanism for authorising directed surveillance and the use of a "covert human intelligence source" ("CHIS - e.g. an informer or undercover agent"). It aims to ensure that any interference with the individual's right to privacy under Article 8 of the European Convention is necessary and proportionate, and that both the public interest and the human rights of individuals are protected.

It also provides a mechanism for Council staff to access limited information from telecommunications companies which is covered in the Policy. All applications for the acquisition of communications data is dealt with through the National Anti-Fraud Network (NAFN), which acts as the Council's Single Point of Contact (SPOC).

It is important to note that the legislation does not just affect directly employed Council staff. All external agencies working for Caerphilly County Borough Council automatically become a public body under the Act for the time they are working for the council. It is essential therefore that all external agencies comply with RIPA too, and that work carried out by agencies on the Council's behalf be properly authorised by one of the Council's designated Authorising Officers.

*The Office of The Surveillance Commissioners (OSC)* can inspect the Council's policies and procedures and individual authorisations at any time. The OSC usually provide notice before an inspection, but can arrive unannounced. If the correct procedures are not followed the consequences can be serious. The evidence obtained may be ruled inadmissible. If officers are found to have acted in bad faith, a trial may be stopped as an abuse of process (R v Sutherland 2002 - police officers were found to have acted in bad faith in covertly recording conversations in the exercise yard between defendants and their solicitors). A complaint of maladministration might be made to the Ombudsman. The Council could be made the subject of an adverse report to the Surveillance Commissioner. A claim could be made leading to the payment of compensation by the Council. In any of these circumstances the Council is likely to receive adverse publicity.

**This document summarises the relevant provisions of RIPA, the Codes of Practice and government guidance. If in doubt as to the application of these provisions officers are asked to refer to the relevant Home Office Codes of Practice ([HHPs://www.gov.uk/government/organisations/home-office/series/ripa-codes](https://www.gov.uk/government/organisations/home-office/series/ripa-codes)) and to contact the Head of Legal Services if in any doubt as to how to apply the provisions.**

### C. Changes To The RIPA Process

The Protection of Freedoms Act 2012 came into force on 1st November, 2012 and requires all RIPA authorisations to obtain judicial approval by a court order before they can take effect.

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 also came into force on 1st November, 2012 and limits the authorisation of directed surveillance to criminal offences which carry a custodial sentence of at least six months or relate to the sale of tobacco and alcohol to children ("the directed surveillance crime threshold").

### D. What RIPA Does and Doesn't Do - Surveillance

RIPA does

- Require authorisation of directed surveillance
- Prohibit the council from carrying out intrusive surveillance
- Require authorisation of the conduct and use of CHIS
- Require safeguard for the conduct and use of a CHIS

RIPA does not

- Make unlawful conduct which is otherwise lawful
- Prejudice any existing power to obtain information by any means not involving conduct that may be authorised under the Act. For example, it does not affect the Council's current powers to obtain information via the DVLA or to obtain information from the Land Registry as to the owner of a Property.
- Apply to activities outside the scope of Part II of the RIPA, which may nevertheless be governed by other legislation, including the Human Rights Act. A public authority will only

engage RIPA when in performance of its 'core functions' - i.e. the functions specific to that authority as distinct from all public authorities.

**Legal advice should always be sought if there is any doubt as to whether the activity in question is a 'core function'.**

## E. Types Of Surveillance

"**Surveillance**" includes:

- Monitoring, observing, listening to persons, their movements, conversations, other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; (this includes filming audio recording or writing down)
- Surveillance by, or with, the assistance of a surveillance device (this would include the use of binoculars)

Surveillance can be by overt or covert

### 1. Overt Surveillance

Most of the surveillance carried out by the Council will be done overtly there will be nothing secretive, clandestine or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public (e.g. in the case of some test purchases), and/or will be going about council business openly. Similarly, surveillance will be overt if the subject has been told it will happen (e.g. where a noisemaker is warned that noise will be recorded if the noise continues, or where a premises licence for regulated entertainment is issued subject to conditions and the licensee is told that officers may visit without identifying themselves to check that the conditions are being met).

### 2. Covert Surveillance

Surveillance is covert if, and only if, carried out in a manner calculated to ensure that persons subject to the surveillance are unaware it is or may be taking place (Section 26(9)(a) RIPA).

RIPA regulates two types of covert surveillance - Directed Surveillance and Intrusive Surveillance - and the use of Covert Human Intelligence Sources (CHIS).

### 3. Directed Surveillance

Directed Surveillance is surveillance which

- Is covert surveillance; and
- Is not intrusive surveillance (see definition below - the Council must not carry out intrusive surveillance;
- Is not carried out as an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable e.g. spotting something suspicious and continuing to observe it.



- Is undertaken for the purpose of a **specific investigation** or operation in a manner **likely to result in obtaining private information** about an individual (whether or not that person is specifically targeted for purpose of an investigation).
- Satisfies the directed surveillance crime threshold.

#### 4. **Private Information**

Private information in relation to a person includes any information relating to his private or family life. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person may very well result in the obtaining of private information. Similarly, although overt town centre CCTV cameras do not normally require authorisation, if the camera is tasked for a specific operation, which involved prolonged surveillance on particular individual/s, authorisation may well be required. The way in which a person runs her/his business may also reveal information about her or his private life. In deciding whether certain covert surveillance does, or does not, require a directed surveillance authorisation the potential applicant officer must carefully consider the issue of private information. There are, for example, test purchase situations and covert inspection activities where it is unlikely that any private information will be obtained and therefore no authorisation is necessary. However, in the event of subsequent legal proceedings, such a decision could be subject to challenge. It is therefore recommended that a decision not to seek authorisation be made in consultation with an authorising officer and that the decision making process be documented in accordance with the relevant department's internal procedures. For the avoidance of doubt, only those officers authorised to be 'Authorising Officers' for the purpose of RIPA can authorise directed surveillance **IF AND ONLY IF**, the RIPA authorisation procedures detailed in the Policy are followed.

#### 5. **Directed Surveillance Crime Threshold (In Effect From 1 November, 2012)**

- The Council can only authorise use of directed surveillance under RIPA to prevent or detect criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment.
- The Council may also continue to authorise the use of directed surveillance for the purpose of preventing or detecting specified criminal offences under s146, 147 or 147A of the Licensing Act 2003 or Section 7(1) of the Children and Young Persons Act 1933 (relating to the underage sale of alcohol and tobacco) where the necessity and proportionality test is met and prior court approval has been granted.

Examples of cases where the offence being investigated attract a maximum custodial sentence of six months or more could include more serious criminal damage, dangerous waste dumping and serious or serial benefit fraud. The Council may not authorise the use of directed surveillance under RIPA to investigate disorder that does not involve criminal offences or to investigate low-level offences which may include, for example, littering, dog control and fly-posting.

#### 6. **Surveillance Must Be Necessary & Proportionate**

RIPA provides that before granting an authorisation the Authorising Officer must be satisfied that the proposed surveillance is necessary for the prevention or detection of crime or the preventing of disorder and is proportionate to what is sought to be achieved by carrying it out. Surveillance will not be proportionate, if the information sought could reasonably be obtained by less intrusive means. In particular, the Authorising Officer must consider both the gravity of the conduct under investigation and whether all reasonable alternative methods of obtaining the necessary outcome have been considered - and why they were discounted.

**Council Officers can carry out "Directed Surveillance" IF AND ONLY IF the RIPA authorisation procedures are followed.**

**7. Use of CCTV Cameras**

The use of temporary covert CCTV cameras at specified locations, e.g. fly tipping 'hotspots', for the purpose of recording unlawful activities and obtaining photographic evidence of the suspect/s, carries with it not only the potential to obtain personal data about the alleged offender/s but also the likelihood of collateral intrusion in to the activities of members of the public using the area under surveillance. In such circumstances authorisation will be required for directed surveillance.

Overt CCTV cameras which are permanently sited for the purposes of, for example, monitoring traffic flow or public safety will not generally require RIPA authorisation. Members of the public should be made aware that such systems are in use e.g. clearly visible cameras or signage, through the provision of information and by undertaking consultation. Guidance on their operation is provided in the Surveillance Camera Code of Practice issued under the Protection of freedoms act 2010.

However, there may be occasions, when the Council wishes to use such CCTV cameras for the purposes of a specific investigation or operation or to target a specific person. In such circumstances (unless as an immediate response to events) consideration must be given as to whether authorisation for directed surveillance is required. For example, authorisation for directed surveillance is likely to be required if the Council wishes to make use of permanently sited overt CCTV cameras in circumstances where officers have received reports of unlawful trading and wish to use those existing CCTV systems to keep watch for such activities. However, authorisation would not be required where officers review existing CCTV footage of general filing in the area for evidence of past unlawful activity following such a report.

**8. Collaborative Working**

If the Council is acting on behalf of another agency, or vice versa, the tasking agency should normally obtain or provide the RIPA authorisation. Where the operational support of another agency (e.g. the Police) is foreseen this should be specified in the authorisation.

For example, if the Police wish to use the Council's CCTV cameras for one of their investigations, this must be agreed by an Authorising Officer. A copy of the Police RIPA authorisation form must be obtained and a copy retained in the departmental records and a copy provided to Head of Legal Services for noting in the Central Register.

A Council officer seeking an authorisation should be alert to any particular sensitivities in the local community and if necessary consult with a senior Police Officer to ensure that the proposed surveillance creates no conflict with the activities of other public authorities.

Where an individual or non-governmental organisation is acting under the direction of the Council they are acting as an agency of the Council and any directed or intrusive surveillance they undertake must be considered for authorisation.

**9. Intrusive Surveillance**

- Is covert
- Relates to residential premises and private vehicles; and

- Involves the presence of an individual on the premises or in the vehicle; or is carried out by a surveillance device. If a surveillance device is not on the premises or in the vehicle it is not intrusive, unless it consistently provides information of the same quality as if it was on the premises or in the vehicle
- Also includes directed surveillance under the ambit of the Regulation of Investigatory Powers (Extension of Authorisation Provisions Legal Consultations) Order 2013
- Can be carried out only by Police and other specified law enforcement agencies.

**Council officers must not carry out intrusive surveillance.**

10. **Examples Of Different Types Of Surveillance**

Surveillance will fall into one of four categories:

Type of Surveillance	Examples
<u>Overt</u>	<ul style="list-style-type: none"> <li>• Police Officer or Parks Warden on patrol.</li> <li>• Signposted town centre CCTV cameras (in normal use)</li> <li>• Recording noise coming from premises after the occupier has been warned that this will occur if the noise persists.</li> <li>• Some test purchases (where the test purchaser behaves no differently from a normal member of the public).</li> </ul>
<u>Covert</u> , but not requiring authorisation	<ul style="list-style-type: none"> <li>• Hidden CCTV cameras providing general traffic crime or public safety information</li> <li>• General observations forming part of the legislative functions of officers as opposed to pre-planned surveillance of a specific person or group</li> <li>• Some test purchases ( where the test purchaser behaves no differently from a normal member of the public.</li> </ul>
<u>Directed</u> - requires RIPA authorisation	<ul style="list-style-type: none"> <li>• Officers follow an individual over the course of the day, to establish whether he is working when claiming benefit.</li> <li>• Test purchases when the officer has a hidden camera or recording device to read information if this is likely to include information about the private life of a shop owner e.g. where he/she is suspected of running his business in an unlawful manner.</li> <li>• Covert cameras at a fly tipping hotspot.</li> </ul>
<u>Intrusive</u> - the Council cannot do this	<ul style="list-style-type: none"> <li>• Planting a listening device (bug) in a person's home or in their private</li> </ul>

	motorcar.
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Covert surveillance for any purpose other than the prevention or detection of crime should be conducted under other legislation, if relevant and RIPA authorisation should NOT be sought. This would include the surveillance for the ordinary functions carried out by all authorities such as employment issues, investigating long term sickness, contractual arrangements etc. The Council may only engage the use of RIPA when it is carrying out its "core functions" relating to enforcement. The disciplinary of an employee is not such a core function.

However, in exceptional circumstances, e.g. impact on public protection/safety, then it may be necessary to undertake covert directed surveillance other than by using RIPA. Under such circumstances, which should be rare, an application must be completed and the application must be clearly endorsed in red "NON RIPA SURVEILLANCE". The relevant application forms are set out in Part B of Appendix 3. The application must be submitted to a RIPA Authorising Officer in the usual way, who must consider it under the "necessity" and "proportionality" tests in the same fashion as they would a RIPA application. The normal procedures of timescales, reviews and cancellation must be followed:-

The SRO will keep a separate record of non- RIPA activities in the same manner as RIPA authorised activities.

Under no circumstances is this facility to be used to circumvent the usual procedures in relation to RIPA and Judicial Approval.

**Directed and Intrusive Surveillance are subject to the Covert Surveillance & Property Interference Code of Practice (CoP) issued under s 71 RIPA.**

## F. Conduct & Use Of A Covert Human Intelligence Source (CHIS)

### 1. Who Is A CHIS?

- A person is a CHIS if s/he establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information, or access to information, or covertly discloses information obtained by the use of such a relationship.
- A covert purpose is one calculated to ensure that one of the parties to the relationship is unaware of the purposes.
- The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Relevant Sources) Order 2013 further defines a "relevant source" as a CHIS who holds a position or office within a police force or the Home Office and enhanced authorisation arrangements are in place for this type of source (previously known as "undercover officers").

### 2. What Must Be Authorised

The conduct or use of a CHIS requires authorisation

- **Conduct** of a CHIS = establishing or maintaining a personal or other relationship with a person for the covert purpose of (or incidental to) obtaining and passing on information.
- **Use** of a CHIS = actions inducing, asking or assisting a person to act as a CHIS.

**The Council can use a CHIS IF AND ONLY IF RIPA procedures are followed.**

### 3. **European Convention On Human Rights (ECHR)**

Authorisations for the use or conduct of a CHIS relate to the covert manipulation of a relationship to gain any information. ECHR case law makes it clear that Article 8 includes the right to establish and develop relationships. Accordingly, any manipulation of a relationship by a public authority is likely to engage Article 8, regardless of whether or not the public authority intends to acquire private information. The Council should consider an authorisation whenever the use or conduct of a CHIS is likely to engage an individual's rights under article 8, whether this is through obtaining information, particularly private information, or simply through the covert manipulation of a relationship. An authorisation will be required if a relationship exists between the subject and the CHIS, even if specific information has not been sought by the public authority.

**Legend Building** - when a relevant source is deployed to establish their 'legend/build up their cover profile, an authorisation must be sought under the 2000 Act if the activity will interfere with an individual's Article 8 rights. The individual does not have to be the subject of a future investigation. Interference with any individual's Article 8 rights requires authorisation under the 2000 Act.

### 4. **Juvenile Source**

Special safeguards apply to the use or conduct of juvenile sources (under 18). Only the Chief Executive can authorise the use of a juvenile source. Under no circumstances can a child under 16 years of age be authorised to give information against his or her parents.

### 5. **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 herself, or unable to protect himself or herself against significant harm or exploitation. A vulnerable individual should only be authorised to act as a source in the most exceptional circumstances. Only the Chief Executive can authorise the use of a vulnerable person as a CHIS

### 6. **Test Purchases**

If a source is to be asked to obtain information, provide access to information or otherwise to act for the benefit of the Council, then a CHIS authorisation for the use or conduct of that source will be required in advance of any such assignment which requires the source to establish or maintain a 'person or other relationship' for a covert purpose. In this context 'establish' simply means 'set up' (as distinct from 'maintain'), so that even a single transaction -e.g. in the case of a test purchase - may constitute a relationship. Repetition is not always necessary to give rise to a relationship, but whether or not a relationship exists depends on all the circumstances including the length of time of the contract between the seller and buyer and the nature of any covert activity. Some assignments are unlikely to require the source to establish a personal or other relationship for a covert purpose - e.g. if the source's assignment is limited to gathering factual information about the layout of commercial premises.

If a Council officer, or another person acting under the instructions of a Council officer, enters a shop in the normal course of business and purchases a product available for sale over the counter then a CHIS authorisation will not normally be required. However, unless the test purchaser is to be instructed not to enter in to any conversation with the shopkeeper then consideration must be given as to whether there is the possibility of a 'relationship' which would require a CHIS authorisation.

If an officer develops a relationship with a shopkeeper in order to obtain information about the source of the allegedly illegal products on sale, then the officer will require a CHIS authorisation.

If a Council officer, or another person acting under the instructions of an officer, uses any covert recording device (camera and/or audio) to record events in the shop then an authorisation will be required for directed surveillance.

## 7. **Members Of The Public**

The provisions of RIPA are not intended to apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information. Members of the public who volunteer information to the Council, whether anonymously - e.g. by means of a telephone line set up for that purpose or otherwise, will not normally be considered to be a CHIS. However, if a member of the public is asked to e.g. watch out for and diarise particular activities at specific times about another person with whom they have a relationship (whether personal or not) then this would amount to directed surveillance and a CHIS authorisation would be required.

## 8. **Noise**

Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a court purpose. Recording the level of noise \*(e.g. the decibel level) will not normally capture private information and therefore does not require authorisation. Recording sound with a DAT recorder on private premises could constitute intrusive surveillance unless it is done overtly - for example it will be possible to record sound if the noisemaker is warned that this will occur if the level of noise continues.

## G. **Online Covert Activity**

The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. Alternatively an investigator may need to communicate covertly online, for example, contacting individuals using social media websites.

Whenever the Council intends to use the internet as part of an investigation, we must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the effect of any collateral intrusion. Any activity likely to interfere with an individual's Article 8 should only be used when necessary and proportionate to meet the objectives of a specific case.

Where it is considered that private information is likely to be obtained, an authorisation (combined or separate) must be sought. Where an investigator may need to communicate covertly only, a CHIS authorisation should be considered.

The use of disguised purchaser details in a single, overt, electronic purchase does not require a CHIS authorisation because no relationship is usually established at this stage.

Use of social media for the gathering of evidence to assist in enforcement activities must also comply with the policy set out below:

### **Social Media & Online Covert Activity Policy**

- It is not unlawful for a Council officer to set up a false identity, but it is inadvisable to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.
- Where it is necessary and proportionate for officers pursuing an investigation to create a false identity in order to 'friend' individuals on social networks a CHIS authorisation must be

obtained. If such activity is likely to result in the obtaining of private information, a Directed Surveillance authorisation (combined with a CHIS authorisation or separate) must be obtained.

- Authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a Council officer (i.e. the activity is more than mere reading of the site's content). Where activity is only carrying out a test picture a CHIS authorisation may not be necessary, but this should be confirmed with the Authorising Officer on a case by case basis.
- Where privacy settings are available, but not applied, the data may be considered open source and an authorisation is not usually required.
- Officers viewing an individual's open profile on a social network should do so as infrequently as possible in order to substantiate or refute an allegation.
- Where repeated viewing of open profiles on social networks is necessary and proportionate to gather further evidence or to monitor an individual's status, then RIPA authorisations must be considered as repeat viewing of "open source" sites may constitute directed surveillance on a case by case basis. Any decision not to seek authorisation be made in consultation with an authorising officer and that the decision making process be documented in accordance with the relevant department's internal procedures.
- Officers should be aware that it may not be possible to verify the accuracy of information on social networks and, if such information is to be used as evidence, take reasonable steps to ensure its validity.

## **H. Surveillance Devices & Other Technical Equipment**

A CHIS who is authorised to wear or carry a surveillance device, such as a recording device, does not require a separate directed surveillance authorisation, provided the device will only be used in the presence of the CHIS, even if this takes place inside a residential premise or private vehicle.

Each Division should maintain a register of all equipment that is used for surveillance work. This equipment could include surveillance vehicles, cameras, video recorders and binoculars. Specific individuals should be given responsibility for issuing the equipment from the storage location. Every time each item of equipment is issued for surveillance purposes a record should be made of the following:

- Identification of equipment
- RIPA authorisation number for which the equipment is being used
- Date the equipment was issued
- Person taking possession of the equipment
- Date the equipment was returned to the Divisional Store

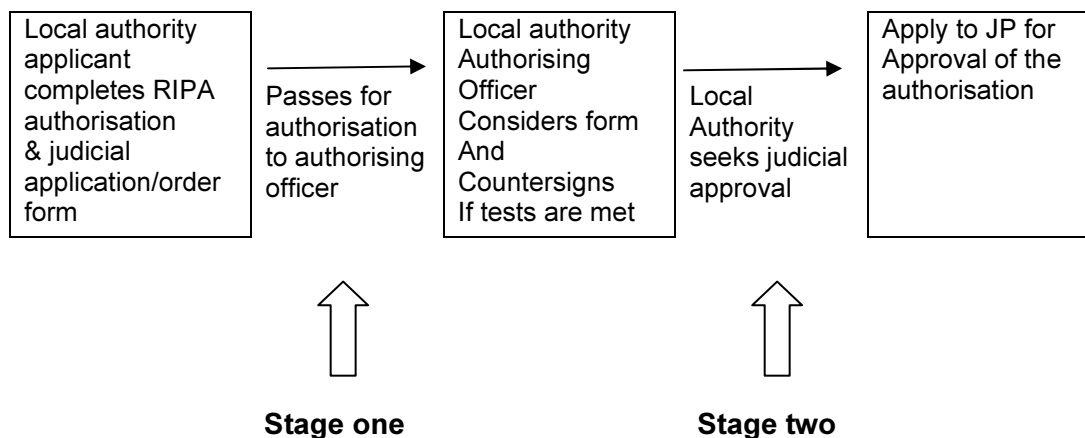
If equipment is issued to a particular officer on a long term basis where it might also be used for purposes other than covert surveillance, the officer should record on the equipment register any occasions when that equipment is being used for covert surveillance. For instance this could apply to the issuing of binoculars or a camera. However if equipment such as a camera is issued to an officer, but it is only used to record evidence and not for any covert purpose then there is no requirement for such equipment to be recorded on the register.

## **I. Applications For Authorisation & Approval**

Directed Surveillance and the use of a CHIS can only be carried out if the proper two stage RIPA authorisation and approval process is followed:

- Stage one - internal authorisation
- Stage two - approval by a magistrate

**DIRECTED SURVEILLANCE/CHIS (COVERT HUMAN INTELLIGENCE SOURCE)**



**Appendix 1** provides a flow chart of process from application consideration to record of information.

**Stage One - Internal Authorisation**

1. **Application Forms**

Applications for authorisation should be made in writing using standard RIPA forms. The forms are designed to ensure that the criteria for RIPA are fully considered.

The forms are included in Appendix 3.

**The Application Form must now be accompanied by the partly completed Magistrates Court Application Form.**

2. **Grounds For Authorisation**

Directed Surveillance, or the Conduct and Use of a CHIS can be authorised by the Council only

- **For the prevention or detection of crime or the prevention of disorder which constitutes one or more criminal offence**

•  
AND

- At least one of the criminal offences is punishable, whether on summary conviction or on indictment, by a maximum term of imprisonment of at least six months of imprisonment

OR



- Is an offence under Section 146, 147 or 147A of the Licensing Act 2003 or Section 7 of the Children and Young Persons Act 1933;

**The Conduct and use of the Covert Human Intelligence Sources (CHIS Forms) can be authorised by the County Borough Council only on the following ground:-**

- For the purpose of preventing or detecting crime or of preventing disorder

### **3. Necessary, Proportionate, Collateral Intrusion & Confidential Material**

#### **4. What Does The Term “Necessary” Mean?**

RIPA provides a framework for ensuring that any surveillance activities do not infringe the human rights of the individual. In considering whether to grant an authorisation, the authorising officer must consider whether the proposed conduct is necessary.

**An Authorising Officer must consider a number of issues in deciding if a proposed course of action is necessary. These include:**

- Balancing the “target’s” human rights with the rights and freedoms of other individuals
- Deciding that the required information needs to be acquired in this way and that it cannot reasonably be acquired by other means that would involve less, or no, invasion of privacy.

Every case must be considered on its merits, as what is necessary in some circumstances is not necessary in others. Always consider other ways in which the information could be obtained, such as use of third party information powers, the Internet and other sources. The information must be necessary in order to carry out the investigation. The Council should not consider obtaining information through covert means that it does not need for the investigation. It might be nice to know and very interesting, but it is not strictly necessary to have it then, officers should not seek to obtain it. Officers need to show why it is necessary in this case and at this time.

#### **5. What Does The Term “Proportionate” Mean?**

Proportionality is a very important concept, and it means that any interference with a person’s rights must be proportionate to the intended objective. This means that the action is aimed at pursuing a legitimate aim (for example, protecting a child from potential abuse). Interference will not be justified if the means used to achieve the aim are excessive in all the circumstances. Thus where surveillance is proposed that action must be designed to do no more than meet the objective in question, it must not be unfair or arbitrary, and the impact on the individual or group of people concerned must not be too severe.

Each action authorised should bring an expected benefit to the investigation and should not be disproportionate. The fact that a suspected offence may be serious will not on its own render intrusive actions proportionate. No action will be considered proportionate if the information sought could reasonably be obtained by other less intrusive means.

#### **6. What Questions Should The Applicant Address On The Proportionality Part Of The Application Form?**

The Applicant should address the following elements of proportionality:

- (a) Balance the size and scope of the proposed activity against the gravity and extent of the perceived offence;
- (b) Consider whether the activity is an appropriate use of RIPA and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result.
- (c) Explain how and why the methods to be adopted will cause the least possible intrusion on the target and others;
- (d) Evidence as far as reasonably practicable, what other methods had been considered and why they were not implemented.

## 7. What Does The Term “Collateral Intrusion” Mean?

Collateral intrusion occurs when officers obtain private landlord information about people unconnected with the investigation. Authorising Officers must consider the likelihood and extent of collateral intrusion when considering any application and ensure that Applicants have planned to minimise collateral intrusion. Where the collateral intrusion is unavoidable the activity may still be authorised, provided that the collateral intrusion is considered to be proportionate. Situations where collateral intrusion can occur include where:

- Observing how busy a business is, results in watching unconnected people come and go
- At a test purchase, we might observe or overhear other customers conversations

## 8. What Does The Term “Confidential Material” Mean?

Confidential material is anything

- That is subject to legal privilege, for example communications between a legal adviser and his/her client;
- That is a communication between a Member of Parliament Assembly Member/Member of European parliament and a constituent regarding constituency matters;
- That is confidential personal information, for example information about a person’s health or spiritual counselling or other assistance given or to be given to him or her;
- That is confidential journalistic material (this includes related communications), that is material obtained or acquired for the purposes of journalism and subject to an undertaking to hold it in confidence.

In cases where it is likely that knowledge of confidential material will be acquired, then the directed surveillance must be authorised by the Chief Executive.

## 9. Guidance For Applicants - Directed Surveillance

The information provided on the application form should:

- Identify the nature of the surveillance and the means by which it is to be undertaken;
- Specify when the surveillance is to start and the length of time it is expected to continue;

- Explain why the applicant believes that the proposed surveillance is necessary for the prevention or detection of crime or the prevention of disorder (as appropriate);
- Identify what is sought to be achieved by the proposed surveillance;
- Identify the offence which satisfies the directed surveillance crime threshold;
- Explain why the applicant considers the proposed surveillance is proportionate, having regard to the gravity and extent of the activity under investigation;
- Explain why the proposed surveillance is a reasonable method of obtaining the necessary outcome;
- Identify whether other reasonable means of obtaining information have been considered and why they have been discounted;
- Explain how and why the proposed surveillance will cause the least possible intrusion on the intended subject/s;
- Include an assessment of the risk of any collateral intrusion and details of any measures taken to limit this;
- Avoid any repetition of information.

#### **10. Guidance For Applicants - Conduct & Use Of A CHIS**

The information provided on the application form should:

- Identify the purpose for which the CHIS will be tasked or deployed (e.g. counterfeit sales);
- Identify the nature of the conduct and use of the CHIS and the period of time it is expected to continue;
- Explain why the applicant believes that the proposed conduct and use is necessary for the prevention or detection of crime or the prevention of disorder (as appropriate);
- Explain how each activity to be authorised is expected to bring a benefit to the investigation;
- Explain how and why the proposed conduct and use is proportionate to the intelligence dividend it hopes to achieve, having regard to the gravity and extent of the activity under investigation;
- Explain how and why the methods to be adopted will cause the least possible intrusion to the subject/s;
- Include an assessment of the risk of any collateral intrusion and details of any measures taken to limit this;
- Identify whether other reasonable methods of obtaining information have been considered and why they have been discounted;

- Ensure the confidentiality of the CHIS - i.e. not include information which could lead to the identification of the CHIS;
- Avoid any repetition of information.

**Surveillance will not be proportionate if the information which is sought could reasonably be obtained by other less intrusive means**

## 11. Guidance For Authorising Officers

Authorisations can only be granted by the Authorising Officers listed in **Appendix 2**.

Authorisations under RIPA is quite separate from delegated authority to act under the Council's scheme of delegation and internal departmental schemes of management. RIPA authorisations are for specific investigations only, and must be cancelled or renewed once the specific surveillance is complete or about to expire.

The Authorising Officer should not just "sign off" an authorisation, but must give **personal consideration** to the necessity and proportionality of the proposed action and must personally ensure that the surveillance is reviewed and cancelled within the applicable timescales.

The Authorising Officer should not "sign off" any operation that he/she has a direct involvement in.

In addition the Authorising Officer must also pay particular attention to Health and Safety Issues that may be raised as a result of any proposed surveillance activity. Under no circumstances should an Authorising Officer approve any RIPA form unless he/she is satisfied that the health and safety of Council employees/agents are suitably addressed and/or risks minimised so far as possible and proportionate with the surveillance being proposed

## 12. Assessing The Application Form

When considering whether to authorise surveillance an Authorising Officer must:

- Consider the relevant Code/s of Practice;
- Satisfy him/herself that the authorisation is **necessary** in the circumstances of the particular case to prevent or detect crimes and that the specified offence satisfies the directed surveillance crime threshold;
- Satisfy him/herself that the surveillance is **proportionate** to what it seeks to achieve. In assessing whether or not the proposed surveillance is proportionate, the Authorising Officer will consider other appropriate means of gathering information;

**If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised**

- Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**Collateral Intrusion**). Measures must be taken wherever practicable to avoid collateral intrusion;
- Set a date for review of the authorisation, this should not exceed one month from the date of the grant of the authorisation;

- Record the expiry date of the authorisation on the application form. This will be three months (Directed Surveillance) or twelve months (CHIS) less one day from the date of the grant of the authorisation;
- Submit draft application for review by Gatekeeper and Obtain a Universal Reference Number (URN) for the application, from the SRO
- Ensure that the original form is completed and forwarded to the Council's Head of Legal Services who maintains the Council's central log, return one week of completion.

### 13. **Additional Factors When Authorising A CHIS**

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must:

- Be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved;
- Be satisfied that appropriate arrangements are in place for the **management and oversight** of the CHIS, in particular the appointment of a named 'handler' to direct and record the day to day activities of the CHIS and monitor the CHIS's security and welfare, and the appointment of a named 'controller' to be responsible for the management of the handler and general oversight of the use of the CHIS;
- Consider the likely degree of intrusion of all those potentially affected;
- Ensure that a risk assessment is carried out to determine the risk to the CHIS of the activities to be undertaken and the likely consequences should the CHIS's role become known;
- Consider any adverse impact on community confidence that may result from the use or conduct or the information obtained; and
- Ensure **records** contain statutory particulars and are not available except on a 'need to know' basis.

### 14. **Duration Of Authorisations**

- The authorisation **must be cancelled** once it is no longer needed, and otherwise lasts for a maximum of 3 months for Directed Surveillance and 12 months for a CHIS (one month for a juvenile).

### 15. **Review & Cancellation**

**Review:** The Authorising Officer must review authorisations at regular recorded intervals (normally not more than one month) and must cancel an authorisation if s/he becomes satisfied that the surveillance or use of a CHIS is no longer required or appropriate. The review of the use of a CHIS should include the use made of the CHIS during the period authorised, the tasks given to the CHIS, the information obtained from the CHIS, and the reasons why executive actions is not possible at this stage. The results of a review should be retained for at least three years. Frequent reviews should occur when the use of a CHIS provides access to confidential information or involves significant collateral intrusion.

The authorising officer should determine how often a review should take place. This should be as frequently as is considered necessary and practicable, but should not prevent reviews being conducted in response to changing circumstances.

**Cancellation:** The authorising officer who granted or renewed the authorisation must cancel it if they are satisfied that the use of the surveillance or the use or conduct of the CHIS no longer satisfied the criteria for authorisation or that arrangements for the CHIS's case no longer satisfy the requirements described in section 29 of the 2000 Act. Where necessary, the safety and welfare of the CHIS should continue to be taken into account after the authorisation has been cancelled. The Authorising Officer will wish to satisfy themselves that all welfare matters are addressed. When cancelling the authorisation, the Authorising Officer should record whether the surveillance was effective, necessary and met its objectives. Cancellations must be made using the cancellation form. If during an investigation it becomes clear that the activity being investigated does not amount to an offence which would meet the directed surveillance crime threshold, the Applicant must submit an application to an Authorising Officer for the authorisation to be cancelled. Cancellations do not need to be submitted for court approval.

If it becomes necessary to amend the terms of an authorisation to reflect information gathered in the course of surveillance then a review should be conducted for that purpose. For example, if a directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at a specially convened review to include the identity of these individuals.

#### 16. Renewals

Authorisations can be renewed in writing prior to expiry of the maximum period. The Authorising Officer must consider the matter afresh by carrying out a further review, including taking into account the information obtained and benefits of the surveillance to date, why it is considered necessary for the authorisation to continue and any collateral intrusion that has occurred.

The renewal will begin on the day when the authorisation would have expired. Authorisation may be renewed more than once if still considered necessary and proportionate. **All renewals must also now be approved by the court.**

#### 17. Forms

All RIPA forms (applications, review, renewal and cancellation), must be forwarded to the SRO within one week of the relevant authorisation, review, renewal, cancellation or rejection).

#### 18. Urgent Authorisations

Urgent oral authorisations can no longer be granted. ALL authorisations must be in writing and submitted to the court with the completed court form. In exceptional circumstances an out of hours court application may be made, but a signed written authorisation will still need to be produced to the court (see below).

#### Stage 2 Magistrates Approval

##### Magistrates Approval

19. After the Authorising Officer has signed the RIPA application form, it must be approved by a Magistrate before the operation can commence. The investigating officer should liaise as necessary with Legal to seek this authorisation, if they require advice or assistance in relation to the process .

## Application & Attendance

- .20. **A hearing with the Court to seek Judicial Approval shall be arranged The Court should be provided with** the RIPA application form \*(signed by the Authorising Officer) and supporting information. **A duly Authorised officer, normally the applicant** will be required to attend court to seek the Magistrate's approval.with assistance from Legal if required.

**Guidance on the procedure for seeking Magistrate's approval can be found at : <https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa>.**

## J. Acquisition Of Communications Data

### 1. What Is Communication Data?

Communication data means any traffic or any information that is or has been sent over a telecommunications system or postal system, together with information about the use of the system made by any person.

2. RIPA defines communications data in three broad categories:-

(a) **Section 21(4)(c) Information About Communications Service Users**

This category mainly includes personal records supplied to the Communications Service Provider (CSP) by the customer/subscriber. For example, their names and address, payment method, contact number etc.

(b) **Section 21(4)(b) Information About The Use Of Communications Services**

This category mainly includes everyday data collected related to the customer's use of their communications system. For example details of the dates and times they have made calls and which telephone numbers they have called.

(c) **Section 21(4)(a) Information about Communications Data (Traffic Data)**

This category mainly includes network data generated by the CSP relating to a customer's use of their communications system that the customer may not be aware of. For example, cell site data and routing information.

3. **The Council only has power to request data under Section 21(4)b and Section 21(4)c but NOT Section 21(4)(a)**

### 4. What Types Of Communications Data is Available To The Council?

#### **Section 21(4)(c) – Information About Communications Service Users**

- Name of account holder/subscriber
- Installation and billing address
- Method of payment/billing arrangements
- Collection/delivery arrangements for a PO Box (i.e whether it is collected or delivered – not where it is collected from or delivered to)
- Other customer information such as any account notes, demographic information or sign up data (not passwords or personalised access information).

#### 4. **Section 21(4)(b) – Information About The Use Of Communication Services**

- Outgoing calls on a landline telephone or contract or prepay mobile phone
- Timing and duration of service usage
- Itemised connection records
- E-mail logs (sent)
- Information about the connection, disconnection and re-connection of services
- Information about the provision of conference calling, call messaging, call waiting and call barring
- Information about the provision and use of forwarding/redirection services (postal and telecom)
- Records of postal items, such as records of registered, recorded or special delivery postal items, records of parcel consignment, delivery and collection.

#### 6. **What Purpose Can Communications Data Be Accessed**

The Council's can only access communications data for the **prevention and detection of crime or preventing disorder** (Section 22(2)(b) of RIPA).

#### 7. **Applying For Communications Data**

The investigating officer must complete an application form (<https://www.gov.uk/government/organisations/home-office/series/ripa-forms-2>) in full with no sections omitted. (The form is subject to inspection by the Interception of Communications Commissioner and the applicant may be asked to justify their application).

Two forms of authorisation are possible:-

- (a) An authorisation under Section 22(3) of RIPA. This authorises the applicant to personally extract the data from the CSP's records. (This will rarely be used by the Council as its intended use is where there may be a security breach at the CSP and asking the CSP to provide the data would forewarn or alert the subject).
- (b) A notice under Section 22(4) of RIPA requiring the CSP to extract the communications data specified from its records and to send that data to the Single Point of Contact (SPOC) (normal request).

The applicant must indicate which authorisation they seek.

The application form is then submitted to the SPOC for the Council, which is the National Anti-Fraud Network (NAFN).

The idea of only having one point of contact for each public authority was agreed between the Home Office and the CSP's to ensure data was only supplied to those entitled to obtain the data. Only SPOC can acquire communications data on behalf of the Council.



The SPOC will then assess whether the form is completed properly, that the request is lawful, the request is one to which the CSP can practically respond and that the cost and resource implications for the CSP/Council are within reason.

The SPOC will then submit the form to the Authorising Officer for authorisation. (As previously stated, the application form is subject to inspection by the Interception of Communications Commissioner and therefore the Authorising Officer may be called upon to justify any decisions made).

The application must then be approved by a Magistrate. The Investigating Officer /duly authorised officer should if required liaise with Legal to obtain this authorisation.

The Investigating Officer /duly authorised officer with assistance from the legal team (if necessary) will arrange a hearing with the Court to seek the Magistrate's approval. They should provide the Court with the application form and supporting information. **A duly Authorised officer, normally the applicant** /Investigating Officer will be required to attend Court to seek the Magistrate's approval.

**Guidance on the procedure for seeking Magistrates' approval can be found at [https://www.gov.uk/government/publications/changes-to-local-authority-use](https://www.gov.uk/government/publications/changes-to-local-authority-use-of-ripa) of ripa**

If the application is rejected by either the SPOC or the Magistrates, the SPOC will retain the form and inform the applicant in writing of the reasons for its rejection.

Once authorised by the Magistrates, the SPOC will forward the application to the CSP.

Once the data sought is returned to the SPOC, a copy of the information will be passed to the applicant.

All original documents will be retained by the Investigating Officer.

There are a number of other administrative forms that the SPOC's are obliged to complete as the application is progressed, although these will not necessarily involve the Investigating Officer.

Authorisations to collect communications data under S22(3) have a life span of one month. However, they can be renewed by serving a new authorisation or notice for further months, within any time within the current life of the notice. Magistrates would need to approve any renewal..

If you are at all unsure about anything to do with acquiring communication data, please contact either the SPOC, the Head of Legal Services or the Deputy Monitoring Officer for advice **before** applying.

The Head of Legal Services is the Senior Responsible Officer for the Council.

## **K. Record Maintenance**

**The Council must keep a secure centrally retrievable record of all authorisations, reviews, renewals and cancellations.**

### **1.. Universal Reference Number For Authorisations**

The Head of Legal Services will allocate a Universal Reference Number (URN) to each application, this will be assigned by the Gatekeeper, the Corporate Solicitor, once satisfied that the application is acceptable.

## 2. Records Maintained in the Service Area

The following documents must be retained in the department:

- A copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the authorisation given by the Authorising Officer.
- A copy of the court application and order;
- A record of the period over which the surveillance has taken place;
- The frequency of review prescribed by the Authorising Officer;
- A record of the result of each review of the authorisation;
- A copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- A copy of the court application and order for any renewal;
- The date and time when any instruction was given by the Authorising Officer;
- The Universal Reference Number for the authorisation (URN).

The same principles or record keeping apply to applications which are refused.

A separate record should be maintained for human sources who do not meet the definition of a CHIS - e.g. members of the public who volunteer information on a repeated basis - as this will assist Officers in determining if and when that should may become a CHIS.

**Copies of authorisations, reviews, renewals and cancellations may be disclosed in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.**

## 3. Central Records

The Council's SRO must maintain a Central Record, Authorising Officers must forward the original authorising form (and any review/renewal/cancellation and rejection of the same) plus a copy of any judicial approval order from as soon as is practicable. The SRO will monitor the same and give appropriate guidance, from time to time, or amend this Document as necessary.

The Central Record for directed surveillance will consist of

- Date of authorisation
- Name & grade of Authorising Officer
- A unique Reference Number for the investigation
- Title of operation including the names of the subjects if known
- Whether urgency provisions used
- Details of attendances at the Magistrates' Court for judicial approval. (This will consist of the date of attendance at Court, the determining Magistrate, the decision of the Court and the time and date of that decision)
- Dates of any reviews
- Date of renewal

- Name and grade of Authorising Officer granting renewal
- Whether investigation is likely to result in obtaining confidential material
- Date of cancellation

All forms must be sent to the SRO in sealed envelopes and marked “strictly private and confidential”.

The Council will retain records for a period of at least three years from the ending of the authorisation. The Office of the Surveillance Commissioners (OSC) can audit/ review the Council’s policies and procedures and individual authorisations.

#### 4. **Gatekeeper Role**

As a number of different Authorising Officers are entitled to authorise the use of directed surveillance or the use of a CHIS it is important that the quality of all such authorisations is checked for consistency by or on behalf of the SRO.

The Council’s Corporate Solicitor will undertake a gate keeper role and detail all the authorisations when they are received at the central register, on behalf of the SRO. If any such authorisation is found not to meet the high standards expected in the Authority the Gatekeeper on behalf of the SRO will instruct the Authorising Officer to immediately cancel the authorisation. If the difficulties can be overcome, a new application must be made by the Applicant and carefully assessed by the Authorising Officer, bearing in mind the concerns expressed by the Gatekeeper. If it is decided that the granting of an authorisation for this investigation will not be appropriate, for reasons of lack of necessity or proportionality or otherwise, the Applicant will be instructed that no surveillance may be used in this investigation.

#### 5. **Records Maintained Centrally By SRO**

11. Authorising Officers must forward the original of each authorisation, review, renewal, cancellation form, court application form and court order to the Head of Legal Services. All forms must be sent in sealed envelopes and marked ‘Strictly Private and Confidential’.

#### L. **Oversight Review & Amendments**

##### 1. **Oversight Procedures**

The SRO shall establish and maintain regular meetings not less than twice a year with the Gatekeeper and Authorising Officers to check and test processes and address any training requirements. The SRO shall arrange an oversight meeting as soon as practicable following an inspection to discuss issues and outcomes as appropriate.

The SRO shall record any issues arising out of authorisation applications, the statutory considerations, reviews and cancellations and shall review the quality of authorisations granted from time to time.

The SRO shall carry out analysis of such issues and shall decide appropriate feedback to the Authorising Officers.

##### 2. **Reviews**

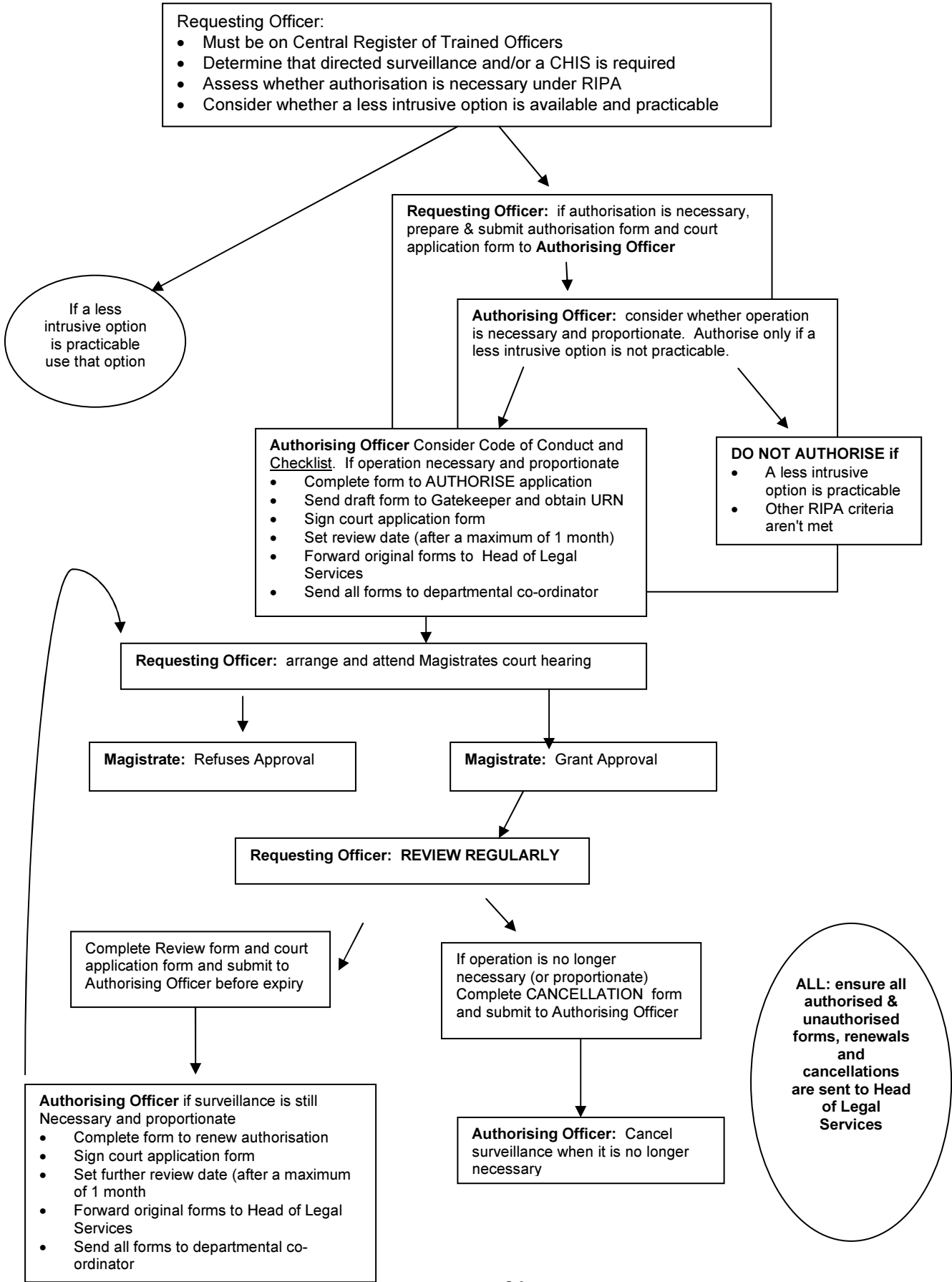
The number of RIPA operations undertaken by the Council shall be reported quarterly to the Council's Audit Committee. In addition in relation to Public Protection Operations, the number and type of RIPA and Communications Data Requests and their results are also reported annually to the relevant scrutiny committee.

This Policy will be reviewed every two years and will be reported to Cabinet for approval.

**3. Amendments To This Policy & Procedure**

The SRO is duly authorised to keep this guidance document up to date, and to amend, delete, add or substitute any provisions as s/he deems necessary. For administrative and operational effectiveness, s/he is also authorised to amend the list of Authorising Officers set out in Appendix 2, by adding, deleting or substituting any posts.

Appendix 1 - Flow Chart Of Process



## **Appendix 2 Authorising Officers**

Authorising Officers must be a Director, Head of Service, Service Manager or equivalent. The Authorising Officer should not be directly involved in the investigation. Authorising Officers are listed below:

### **The Chief Executive**

ONLY the chief Executive, (or in her absence the person acting as CEO) can authorise:

- The use of a juvenile (i.e. under 18) or a Vulnerable Person to be a CHIS;
- Operations where confidential information may be obtained. Confidential information includes confidential personal information, confidential constituent information, confidential journalistic material and communications subject to legal privilege. Confidential personal information includes information held in confidence relating to the physical or mental health or spiritual counselling of a person who can be identified from it.

### **Legal advice should always be sought in these circumstances**

#### **Other Authorising Officer**

The Council's Authorising Officers can authorise applications from any department but should be independent of the investigation in respect of which authorisation is sought.

With effect from 1st September, 2015 the Authorising Officers are:

Head of Legal Services  
 Head of Public Protection  
 Trading Standards, Licensing and Registrars Manager  
 Deputy Monitoring Officer

#### **Senior Responsible Officer**

The SRO is responsible for ensuring the integrity of the Council's processes for authorising directed surveillance and the use of CHIS's and ensuring compliance with RIPA and is the principal point of contact with the Office of Surveillance Commissioners and Inspectors when they conduct their inspections. The Council's Senior Responsible Officer is the Council's Head of Legal Services.

Authorising Officer/Designated Person for Acquisition of Communication Data with effect from 1<sup>st</sup> September 2015 are :

- Head of Public Protection
- Deputy Monitoring Officer

**Appendix 3 Forms**

**Part A**

**Authorisation - Directed Surveillance**

- Application
- Cancellation
- Review
- Renewal

**Authorisation - CHIS**

- Application
- Cancellation
- Review
- Renewal

**Court Approval/Application Order**

**Part B**

**Human Rights Act 1998 – Additional Forms**

- Authorisation for approval to carry out activity potentially in interference with Qualified Human Rights.





**PART II OF THE REGULATION OF INVESTIGATORY  
POWERS ACT 2000**

**APPLICATION FOR AUTHORISATION  
DIRECTED SURVEILLANCE**

<b>Public Authority</b> <i>(including full address)</i>			
<b>Name of Applicant</b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			
<b>Investigation/Operation Name (if applicable)</b>			
<b>Investigating Officer (if a person other than the applicant)</b>			

**DETAILS OF APPLICATION**

**1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171.<sup>1</sup>**

**2. Describe the purpose of the specific operation or investigation.**

**3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.**

**4. The identities, where known, of those to be subject of the directed surveillance.**

**5. Explain the information that it is desired to obtain as a result of the directed surveillance.**

<sup>1</sup> For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.  
2007 DS Application

**6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.(SI 2003 No.3171)**

- For the purpose of preventing or detecting crime or of preventing disorder;

**7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 2.4]**

I

**8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]**

**Describe precautions you will take to minimise collateral intrusion**

**9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? [Code paragraph 2.5]**

**10. Confidential information. [Code paragraphs 3.1 to 3.12]**

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

--

**11. Applicant's Details.**

<b>Name (print)</b>		<b>Tel No:</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			

**12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box. ]**

I hereby authorise directed surveillance defined as follows: *[Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?]*

--

**13. Explain why you believe the directed surveillance is necessary. [Code paragraph 2.4]  
Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out. [Code paragraph 2.5]**

--

**14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 3.1 to 3.12**

--

--

<b>Date of first review</b>	
-----------------------------	--

**Programme for subsequent reviews of this authorisation: [Code paragraph 4.22]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.**

--

<b>Authoriser's Name (Print)</b>		<b>Grade / Rank</b>	
<b>Signature</b>		<b>Date and time</b>	
<b>Expiry date and time [ e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59 ]</b>			

**15. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.**

--

**16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer**

--

<b>Name (Print)</b>		<b>Grade/ Rank</b>	
<b>Signature</b>		<b>Date and Time</b>	

<b>Urgent authorisation Expiry date:</b>		<b>Expiry time:</b>	
<i>Remember the 72 hour rule for urgent authorities – check Code of Practice.</i>	e.g. authorisation granted at 5pm on June 1 <sup>st</sup> expires 4.59pm on 4 <sup>th</sup> June		

Equipment to be used. Directed Surveillance Authorisation Ref: .....

Please ✓





Unique Reference Number	
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## PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

### CANCELLATION OF A DIRECTED SURVEILLANCE AUTHORISATION

<b>Public Authority</b> <i>(including full address)</i>	
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<b>Name of Applicant</b>		<b>Unit/Branch/Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			
<b>Investigation/Operation Name (if applicable)</b>			

**Details of cancellation:**

**1. Explain the reason(s) for the cancellation of the authorisation:**

--

Unique Reference Number	
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<b>2. Explain the value of surveillance in the operation:</b>

<b>3. Authorising officer's statement.</b>				
I, (insert name), hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.				
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Name (Print)</b> .....</td> <td style="width: 50%;"><b>Grade</b> .....</td> </tr> <tr> <td><b>Signature</b> .....</td> <td><b>Date</b> .....</td> </tr> </table>	<b>Name (Print)</b> .....	<b>Grade</b> .....	<b>Signature</b> .....	<b>Date</b> .....
<b>Name (Print)</b> .....	<b>Grade</b> .....			
<b>Signature</b> .....	<b>Date</b> .....			

<b>4. Time and Date of when the authorising officer instructed the surveillance to cease.</b>		
<table style="width: 100%; border: none;"> <tr> <td style="width: 50%;"><b>Date:</b></td> <td style="width: 50%;"><b>Time:</b></td> </tr> </table>	<b>Date:</b>	<b>Time:</b>
<b>Date:</b>	<b>Time:</b>	

<b>5. Authorisation cancelled.</b>	<b>Date:</b>	<b>Time:</b>
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Unique Reference Number	
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## PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

### REVIEW OF A DIRECTED SURVEILLANCE AUTHORISATION

<b>Public Authority</b> <i>(including full address)</i>	
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<b>Applicant</b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			
<b>Operation Name</b>		<b>Operation Number*</b> <small>*Filing Ref</small>	
<b>Date of authorisation or last renewal</b>		<b>Expiry date of authorisation or last renewal</b>	
		<b>Review Number</b>	

**Details of review:**

<b>1. Review number and dates of any previous reviews.</b>	
<b>Review Number</b>	<b>Date</b>

Unique Reference Number	
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**2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained.**

**3. Detail the reasons why it is necessary to continue with the directed surveillance.**

**4. Explain how the proposed activity is still proportionate to what it seeks to achieve.**

**5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.**

**6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.**

<b>Unique Reference Number</b>	
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**7. Applicant's Details**

<b>Name (Print)</b>		<b>Tel No</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			

**8. Review Officer's Comments, including whether or not the directed surveillance should continue.**

--

**9. Authorising Officer's Statement.**

I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above [should/should not] continue [until its next review/renewal][it should be cancelled immediately].

<b>Name (Print)</b>	<b>Grade / Rank</b>
<b>Signature</b>	<b>Date</b>

<b>10. Date of next review.</b>	
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Unique Reference Number	
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## PART II OF THE REGULATION OF INVESTIGATORY POWERS ACT 2000

### APPLICATION FOR RENEWAL OF A DIRECTED SURVEILLANCE AUTHORISATION

<b>Public Authority</b> <i>(including full address)</i>	
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<b>Name of Applicant</b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			
<b>Investigation/Operation Name (if applicable)</b>			
<b>Renewal Number</b>			

**Details of renewal:**

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

Unique Reference Number	
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**2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.**

**3. Detail the reasons why it is necessary to continue with the directed surveillance.**

**4. Detail why the directed surveillance is still proportionate to what it seeks to achieve.**

**5. Indicate the content and value to the investigation or operation of the information so far obtained by the directed surveillance.**

**6. Give details of the results of the regular reviews of the investigation or operation.**



<b>Unique Reference Number</b>	
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**7. Applicant's Details**

<b>Name (Print)</b>		<b>Tel No</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			

**8. Authorising Officer's Comments. This box must be completed.**

--

**9. Authorising Officer's Statement.**

I, [insert name], hereby authorise the renewal of the directed surveillance operation as detailed above. The renewal of this authorisation will last for 3 months unless renewed in writing.

This authorisation will be reviewed frequently to assess the need for the authorisation to continue.

<b>Name (Print)</b> .....	<b>Grade / Rank</b>
<b>Signature</b>	<b>Date</b>
<b>Renewal From:</b>	<b>Time:</b>
	<b>Date:</b>

<b>Date of first review.</b>	
<b>Date of subsequent reviews of this authorisation.</b>	

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CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
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**PART II OF THE REGULATION OF INVESTIGATORY  
POWERS ACT (RIPA) 2000**

**APPLICATION FOR AUTHORISATION OF THE CONDUCT OR USE  
OF A COVERT HUMAN INTELLIGENCE SOURCE**

<b>Public Authority</b> <i>(including full address)</i>			
<b>Name of Applicant</b>		<b>Service/Department/ Branch</b>	
<b>How will the source be referred to? i.e. what will be his/her pseudonym or reference number</b>			
<b>The name, rank or position of the person within the relevant investigating authority who will have day to day responsibility for dealing with the source, including the source's security and welfare. (Often referred to as the Handler)</b>			
<b>The name, rank or position of another person within the relevant investigating authority who will have general oversight of the use made of the source. (Often referred to as the Controller)</b>			

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
--	--

<b>Who will be responsible for retaining (in secure, strictly controlled conditions, with need-to-know access) the source's true identity, a record of the use made of the source and the particulars required under RIP (Source Records) Regulations 2000 (SI 2000/2725)?</b>	
<b>Investigation/Operation Name (if applicable)</b>	

#### DETAILS OF APPLICATION

**1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171.** <sup>1</sup> *Where appropriate throughout amend references to the Order relevant to your authority.*

**2. Describe the purpose of the specific operation or investigation.**

**3. Describe in detail the purpose for which the source will be tasked or used.**

<sup>1</sup> For local authorities: The formal position of the authorising officer should be given. For example, Head of Trading Standards.

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
--	--

**4. Describe in detail the proposed covert conduct of the source or how the source is to be used.**

**5. Identify on which grounds the conduct or the use of the source is necessary under Section 29(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on. (eg. SI 2003 No.3171)**

- For the purpose of preventing or detecting crime or of preventing disorder;

**6. Explain why this conduct or use of the source is necessary on the grounds you have identified [Code paragraph 2.4]**

**7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]**

**Describe precautions you will take to minimise collateral intrusion and how any will be managed.**

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
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**8. Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source? (see Code 2.9)**

**9. Provide an assessment of the risk to the source in carrying out the proposed conduct. (see Code 2.9)**

**10 Explain why this conduct or use of the source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means? [Code paragraph 2.5]**

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
--	--

**11. Confidential information. [Code paragraphs 3.1 to 3.12]****Indicate the likelihood of acquiring any confidential information.**

-----

References for any other linked authorisations:

**12. Applicant's Details.**

<b>Name (print)</b>		<b>Grade/Rank/Position</b>	
<b>Signature</b>		<b>Tel No:</b>	
<b>Date</b>			

**13. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW – in this and the following box.] THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE, NOT THE TRUE IDENTITY.**

**14. Explain why you believe the conduct or use of the source is necessary. [Code paragraph 2.4]**  
**Explain why you believe the conduct or use of the source to be proportionate to what is sought to be achieved by their engagement. [Code paragraph 2.5]**

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
--	--

**15. (Confidential Information Authorisation.) Supply details demonstrating compliance with Code paragraphs 3.1 to 3.12**

**16. Date of first review:**

**17. Programme for subsequent reviews of this authorisation: [Code paragraphs 4.19 and 4.20]. Only complete this box if review dates after first review are known. If not, or inappropriate to set additional review dates, then leave blank.**

**18A. Authorising Officer's Statement**

**I (insert name), hereby authorise the conduct or use of a covert human intelligence source as detailed above. This written authorisation will cease to have effect at the end of a period of 12 months unless renewed (see separate form for renewals).**

**This authorisation will be reviewed frequently to assess the need for the authorisation to continue.**

**18B. Authorising Officer's Details**

<b>Name (Print)</b>		<b>Grade/Rank/Position</b>	
<b>Signature</b>		<b>Time and date granted*</b>	
		<b>Time and date authorisation ends</b>	

*\* Remember, an authorisation must be granted for a 12 month period, i.e. 1700 hrs 4<sup>th</sup> June 2006 to 2359hrs 3 June 2007*



CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	
--	--

**19. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising Officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.**

**20. If you are entitled to act only in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully designated Authorising Officer**

**21. Authorising Officer of urgent authorisation**

<b>Name (Print)</b>		<b>Grade/Rank/Position</b>	
<b>Signature</b>		<b>Date and Time</b>	
<b>Urgent authorisation expiry date:</b>		<b>Expiry time:</b>	

*Remember the 72 hour rule for urgent authorisations – check Code of Practice [Code Paragraph 4.18]. e.g. authorisation granted at 1700 on 1<sup>st</sup> June 2006 expires 1659 on 4<sup>th</sup> June 2006*

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<b>Unique Operation Reference Number*</b> (*Filing Ref)	
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**PART II OF THE REGULATION OF INVESTIGATORY  
POWERS ACT (RIPA) 2000**

**CANCELLATION OF AN AUTHORISATION FOR THE USE OR  
CONDUCT OF A COVERT HUMAN INTELLIGENCE SOURCE**

<b>Public Authority</b> <i>(including full address)</i>	.
--	---

<b>Name of Applicant</b>		<b>Unit/Branch</b>	
<b>Full Address</b>			
<b>Contact Details</b>			
<b>Pseudonym or reference number of source</b>			
<b>Investigation/Operation Name (if applicable)</b>			

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
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**Details of cancellation:****1. Explain the reason(s) for the cancellation of the authorisation:**

--

**2. Explain the value of the source in the operation:**

--

**3. Authorising officer's statement. THIS SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.**

I hereby authorise the cancellation of the use or conduct of the source as detailed above.

<b>Name (Print)</b> .....	<b>Grade</b> .....
<b>Signature</b> .....	<b>Date</b> .....

**4. Time and Date of when the authorising officer instructed the use of the source to cease and the authorisation was cancelled.**

<b>Date:</b>		<b>Time:</b>	
--------------	--	--------------	--

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
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**PART II OF THE REGULATION OF INVESTIGATORY  
POWERS ACT (RIPA) 2000**

**REVIEW OF A COVERT HUMAN INTELLIGENCE  
SOURCE (CHIS) AUTHORISATION**

<b>Public Authority</b> <i>(including full address)</i>			
<b>Applicant</b>		<b>Unit/Branch</b>	
<b>Full Address</b>			
<b>Contact Details</b>			
<b>Pseudonym or reference number of source</b>			
<b>Operation Name</b>		<b>Operation Number*</b> *Filing Ref	
<b>Date of authorisation or last renewal</b>		<b>Expiry date of authorisation or last renewal</b>	
		<b>Review Number</b>	

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
---	--

**Details of review:****1. Review number and dates of any previous reviews.**

Review Number	Date

**2. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained.**

**Detail any significant changes to the information as set out in the original authorisation.**

--	--

**3. Detail the reasons why it is necessary to continue with using a Covert Human Intelligence Source.**

--	--

**4. Explain how the proposed activity is still proportionate to what it seeks to achieve.**

--	--

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
---	--

**5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occurring.**

--

**6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.**

--

**7. Give details of the review of the risk assessment on the security and welfare of using the source.**

--

**8. Applicant's Details**

<b>Name (Print)</b>		<b>Tel No</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
---	--

**9. Review Officer's Comments, including whether or not the use or conduct of the source should continue?**

--

**10. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.**

I hereby agree that the use or conduct of the source as detailed above should/should not continue until its next review/renewal and should be cancelled immediately.

**Name (Print)** ..... **Grade / Rank**

**Signature** ..... **Date**

**Date of next review:**

--



<b>Unique Operation Reference Number*</b> (*Filing Ref)	
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**PART II OF THE REGULATION OF INVESTIGATORY  
POWERS ACT (RIPA) 2000**

**APPLICATION FOR RENEWAL OF A COVERT HUMAN  
INTELLIGENCE SOURCE (CHIS) AUTHORISATION**  
(Please attach the original authorisation)

<b>Public Authority</b> <i>(including full address)</i>	
--	--

<b>Name of Applicant</b>		<b>Unit/Branch</b>	
<b>Full Address</b>			
<b>Contact Details</b>			
<b>Pseudonym or reference number of source</b>			
<b>Investigation/Operation Name (if applicable)</b>			
<b>Renewal Number</b>			

**Details of renewal:**

1. Renewal numbers and dates of any previous renewals.	
Renewal Number	Date

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
---	--

**2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.**

**3. Detail why it is necessary to continue with the authorisation, including details of any tasking given to the source.**

**4. Detail why the use or conduct of the source is still proportionate to what it seeks to achieve.**

**5. Detail the use made of the source in the period since the grant of authorisation or, as the case may be, latest renewal of the authorisation.**

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
---	--

**6. List the tasks given to the source during that period and the information obtained from the conduct or use of the source.**

--

**7. Detail the results of regular reviews of the use of the source.**

--

**8. Give details of the review of the risk assessment on the security and welfare of using the source.**

--

**9. Applicant's Details**

<b>Name (Print)</b>		<b>Tel No</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			

**10. Authorising Officer's Comments. This box must be completed.**

--

<b>Unique Operation Reference Number*</b> (*Filing Ref)	
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--

**11. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.**

I hereby authorise the renewal of the use of the source as detailed above. The renewal of this authorisation will last for 12 months unless further renewed in writing. This authorisation will be reviewed frequently to assess the need for the authorisation to continue.

<b>Name (Print)</b>	.....	<b>Grade / Rank</b>
<b>Signature</b>		<b>Date</b>
<b>Renewal From:</b>	<b>Time:</b>	<b>Date:</b>
		<b>End date/time of the authorisation</b>

*NB. Renewal takes effect at the time/date of the original authorisation would have ceased but for the renewal*

<b>Date of first review:</b>	
<b>Date of subsequent reviews of this authorisation:</b>	



**Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 Section 23A, 23B, 32A, 32B.**

Local authority: **Caerphilly County Borough Council**

Local authority department: .....

Offence under investigation: .....

Address of premises or identity of subject: .....

.....

.....

Covert technique requested: (tick one and specify details)

**Communications Data**

**Covert Human Intelligence Source**

**Directed Surveillance**

Summary of details:

.....

.....

.....

.....

.....

.....

Note: this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer: .....

Authorising Officer/Designated Person: .....

Officer(s) appearing before JP: .....

Address of applicant department:

Contact telephone number: .....

Contact email address (optional): .....

Local authority reference: .....

Number of pages: .....

**Order made on an application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 Sections 23A, 23B, 32A, 32B.**

Magistrates Court: .....

Having considered the application, I (tick one):

- am satisfied that there are reasonable grounds for believing that the requirements of the Act were satisfied and remain satisfied, and that the relevant conditions are satisfied and I therefore approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal of the authorisation/notice.
- refuse to approve the grant or renewal and quash the authorisation/notice.

Notes:

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Reasons:

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.....  
.....

Signed:.....

Date: .....

Time: .....

Full Name: .....

Address of Magistrates Court: .....

.....  
.....

## PART B FORMS

Unique Number (URN)	Reference	
------------------------	-----------	--

### NON-RIPA SURVEILLANCE (IN RED)

#### HUMAN RIGHTS ACT 1998

#### APPLICATION FOR AUTHORISATION TO CARRY OUT ACTIVITY POTENTIALLY IN INTERFERENCE WITH QUALIFIED HUMAN RIGHTS

NB This form is only to be used in circumstances when an authorisation under the Regulation of Investigatory Powers Act 2000 is not available under the legislation or where it is considered that such an authorisation is not required.

Public Authority  (Including full address)	
--	--

Name of Applicant		Section or Team	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Investigating Officer (if a person other than the applicant)			

Identify why a RIPA authorisation is not available under the legislation or it is considered that a RIPA authorisation is not required

--

Unique Number (URN)	Reference	
------------------------	-----------	--

Details of application:

1. Give rank or position of authorising officer

--

2. Which qualified human right of the person(s) will potentially be breached

--

--

**3. Describe the purpose of the activity.**

--

**4. Describe in detail the activity to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.**

--

**5. The identities, where known, of those to be subject of the activity.**

--

**6. Explain the information that it is desired to obtain as a result of the activity.**

--

<b>Unique Number (URN)</b>	<b>Reference</b>	
--------------------------------	------------------	--

**7. Explain how the interference with the qualified human right is in accordance with the law**

--

**8. Identify the specified legitimate aim due to which the interference is taking place,**

--



Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.

9. Explain why this activity is necessary in a democratic society on the grounds you have identified

10. Explain why this activity is proportionate to what it seeks to achieve.  
(How intrusive might it be on the subject or on others? And why is this intrusion outweighed by the need for the activity in operational terms or can the evidence be obtained by any other means?)

11. Explain why this activity is non discriminatory

12. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. Describe precautions you will take to minimise collateral intrusion

•

13. Confidential information.  
Indicate the likelihood of acquiring any confidential information

**14. Applicant's Details**

<b>Name</b>		<b>Tel No:</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			

<b>Unique Number (URN)</b>	<b>Reference</b>	
----------------------------	------------------	--

15. Authorising officer's statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW – in this and the following box.]

--

16. Explain why you believe the activity is necessary.

Explain why you believe the activity to be proportionate to what is sought to be achieved by carrying it out.

--

<b>Unique Number (URN)</b>	<b>Reference</b>	
--------------------------------	------------------	--

<b>Date of first review</b>			
<b>Name (Print)</b>		<b>Grade/Rank</b>	
<b>Signature</b>		<b>Date and time</b>	



## POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015

**SUBJECT: CAPITAL OUTTURN 2014/15**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER**

### 1. PURPOSE OF REPORT

- 1.1 To provide information to Members relating to the Capital outturn for the 2014/15 financial year.

### 2. SUMMARY

- 2.1 The report provides details of actual capital expenditure for the 2014/15 financial year and slippage that has been requested to be carried forward into 2015/16.

### 3. LINKS TO STRATEGY

- 3.1 The contents of this report are in accordance with the Budget Strategy agreed by Council at its meeting on 26th February 2014.

### 4. THE REPORT

- 4.1 The original General Fund Capital Programme approved by Council in February 2014 totalled £13.46m. A further £50k budget was later approved by Cabinet in October 2014 by way of bringing forward the 2016/17 allocation for the Llancaich Fawr scheme. The total approved General Fund Capital Programme therefore equated to £13.51m. During the year specific Grants, slippage and contributions were received for various Service areas taking the total available capital resources for 2014/15 to £70.29m (including the Housing Revenue Account). This is summarised in the table below: -

	<b>General Fund £000s</b>	<b>HRA £000s</b>	<b>Total £000s</b>
Approved 2014/15 Budget	13,512	0	13,512
Slippage Brought Forward from 2013/14	26,980	0	26,980
In Year Grants, Contributions	10,424	7,330	17,754
S106 Funding	132	0	132
Revenue Contribution to Capital Outlay (RCCO)	2,967	8,014	10,981
Other Funding	930	0	930
<b>Total:</b>	<b>54,945</b>	<b>15,344</b>	<b>70,289</b>

4.2 The following table provides a summary of the 2014/15 outturn against each service area: -

<b>Capital Programme</b>	<b>Revised Estimated Target Spend £000s</b>	<b>Outturn Capital Spend £000s</b>	<b>Variance £000s</b>
Education	21,522	8,612	12,910
Lifelong Learning	422	0	422
Social Services	851	645	206
Private Housing	3,655	3,052	603
Urban Renewal & Countryside	6,032	2,038	3,994
Engineers & Transportation	11,074	7,503	3,571
Land Reclamation	(20)	1	(21)
Property	4,582	2,205	2,377
Community & Leisure Services	3,487	1,386	2,101
Public Protection Services	655	505	150
Economic Development & Regeneration	1,537	1,361	176
Corporate Services	925	502	423
Corporate Finance Balances	223	0	223
<b>General Fund Total</b>	<b>54,945</b>	<b>27,810</b>	<b>27,135</b>
HRA Total	15,344	15,344	0
<b>Total Capital Programme</b>	<b>70,289</b>	<b>43,154</b>	<b>27,135</b>

4.3 The variance shown above of £27.14m can be split between schemes that are ongoing or have been delayed in 2014/15 (slippage), ring-fenced budgets, schemes that were overspent as at 31 March 2015 and schemes that have resulted in an underspend.

4.4 **Slippage:** Schemes to the value of £17.15m have been slipped into 2015/16 as a result of an ongoing program of works and delays in contractual arrangements. Appendix 1 sets out the schemes where slippage has occurred.

4.5 **Ring-fenced budgets:** As at 31 March 2015, a number of ring-fenced budgets remained unspent to the value of £10.05m. These budgets were unspent specific grant, contributions and Section 106 monies or earmarked revenue funding transferred to a capital reserve. Appendix 2 sets out the detail.

4.6 **Underspends:** As at 31 March 2015, an underspend of £756k was agreed to be given up by budget holders as advised during outturn meetings. Appendix 3 details the schemes.

4.7 **Overspends:** As at 31 March 2015 a number of service areas were carrying overspends against capital schemes to the value of £822k. Appendix 4 details the schemes and proposed funding correction required as advised by budget holders.

## 5. EQUALITIES IMPLICATIONS

5.1 This report is for information purposes, so the Council's Equalities Impact Assessment (EqIA) process does not need to be applied.

## 6. FINANCIAL IMPLICATIONS

6.1 As detailed throughout the report.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no direct personnel implications arising from this report.

## **8. CONSULTATIONS**

8.1 There are no consultation responses that have not been reflected in this report.

## **9. RECOMMENDATIONS**

9.1 Members are requested to note the contents of the report.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To ensure that Members are advised of the 2014/15 Capital Programme outturn.

## **11. STATUTORY POWER**

11.1 Local Government Act 1972.

Authors: N. Akhtar – Group Accountant (Financial Advice and Support)

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Consultees: N. Scammell – Acting Director of Corporate Services & S151 Officer

S. Harris - Interim Head of Corporate Finance

A. Southcombe – Finance Manager, Corporate Services

Cllr B. Jones - Deputy Leader & Cabinet Member for Corporate Services

Appendices:

Appendix 1 - 2014/15 Slippage

Appendix 2 - 2014/15 Ring-fenced Budgets

Appendix 3 - 2014/15 Underspends

Appendix 4 - 2014/15 Overspends

Background Papers:

Budget Monitoring Reports 2014/15

Outturn Report 2013/14

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## Appendix 1: 2014/15 Slippage

Service Area	Scheme	Outturn Position 31/03/15 £000s	Comments
Education	General Schemes	842	Ongoing delivery of programme.
Education	Blackwood Youth Centre	35	Awaiting final invoice.
Education	Ty Graddfa	67	Awaiting final invoice.
Education	21st Century Schools	12,543	Ongoing delivery of programme.
Social Services	Various Schemes	206	Ongoing delivery of programme.
Private Housing	Disabled Facility Grants	111	This slippage has now been spent.
Urban Renewal	Commercial And Industrial Grants	22	£13k of this slippage has now been spent.
Countryside	Various Schemes	81	Awaiting final invoices and retentions.
Engineers	Various Schemes	568	Ongoing delivery of programme. Slippage of £327k now spent.
Engineers	Infrastructure Retaining Walls	383	Slippage expended.
Engineers	Major Highway Reconstruction	559	Slippage expended.
Property Services	Various Schemes	160	Ongoing delivery of programme.
Property Services	Leisure Centres	430	Ongoing delivery of programme.
CLS	Cemeteries	903	Delays due to land acquisition and site investigations works.
CLS	Building Services DSO	3	Ongoing delivery of programme.
Public Protection	Coed Top Closed Landfill Drain	150	Ongoing delivery of programme.
Economic Development & Regeneration	Various Schemes	28	Ongoing delivery of programme.
Corporate Services	IT Hardware & Software	60	Slippage now expended.
<b>Total Slippage 2014/15</b>		<b>17,151</b>	

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## Appendix 2: 2014/15 Ring-fenced Budgets

Service Area	Scheme	Outturn Position 31/03/15 £000s	Comments
Urban Renewal	Risca s106	2	S106 carried forward.
Engineers	Various s106 schemes	1,408	S106 carried forward.
CLS	Playgrounds Reinstated s106	339	S106 carried forward.
Lifelong Learning	Fochriw Youth Centre	126	Delays in securing match funding grant.
Lifelong Learning	Adult Education	126	Now used to part-fund the final account for St. James Primary School (see Cabinet Report 29/07/15).
Lifelong Learning	Risca Library	123	Now used to part-fund the final account for St. James Primary School (see Cabinet Report 29/07/15).
Private Housing	Home Improvement Loans	189	Currently finalising partnership arrangements with Credit Union prior to formal commencement of scheme. Budget likely to be expended in full.
Private Housing	Houses Into Homes Loans	189	Ongoing programme subject to demand from owners of long term empty homes.
Private Housing	Home Imp Grants/Misc	14	Slippage now spent.
Urban Renewal	Bargoed Unit Shops Tenants Incentive	266	Grant funding - ongoing programme.
Urban Renewal	Park Lane Development	111	Options to be developed for utilisation of this funding.
Urban Renewal	Various Bargoed Schemes	81	Grant funding - ongoing programme.
Urban Renewal	Bargoed Phase 3 Convergence	374	Slippage now expended.
Urban Renewal	Bargoed Cinema Development	2,441	Council has now made a decision not to proceed with the development of the cinema. Note that £2m prudential borrowing is included within the balance of £2.441m which would have been funded through leasing the cinema. This is no longer required.
Urban Renewal	Newbridge Public Realm	617	Grant funding/match funding - ongoing programme.
Countryside	RDP Key Funds	1	Grant funding/match funding - ongoing programme.

Engineers	Various Schemes	808	Earmarked funding for historical liabilities & grant funded schemes.
Property Services	Risca Flood Alleviation	900	Ongoing dialogue with NRW & WG to identify solution.
Property Services	Heolddu Leisure Centre Refurb	350	To be reviewed as part of 2016/17 Capital Programme.
Property Services	Risca	260	To be reviewed as part of 2016/17 Capital Programme.
CLS	TY Duffryn	794	Subject to planning permission and Cabinet approval.
Economic Development & Regeneration	Various Schemes	117	Grant funding - ongoing programme.
Corporate Services	One Stop Shop Development	415	Earmarked funding to take scheme forward
<b>Total Ring Fenced Budgets 2014/15</b>		<b>10,051</b>	

### Appendix 3: 2014/15 Underspends

Service Area	Scheme	Outturn Position 31/03/15 £000s	Comments
Lifelong Learning	Various- Libraries	47	Scheme completed.
Private Housing	Disabled Facility Grants	100	Underspend figure represents the amount given up following receipt of additional funding from WG Intermediate Care Fund. Full budget spend expected for 15/16.
Engineers	New Tredegar Regeneration	15	Scheme completed and liabilities settled.
Property Services	Risca Leisure Centre Carbon Reduction	16	Scheme completed.
Property Services	Islwyn Indoor Bowls	17	No call on funding.
Property Services	Park Lane Development	93	Scheme completed.
Property Services	Caerphilly Library	150	Scheme completed.
CLS	LLL General	63	Funding given up.
Economic Development & Regeneration	HOV Endure	30	Scheme terminated.
Economic Development & Regeneration	Various Schemes	2	Schemes completed.
Corporate Finance	Unallocated amounts carried forward	223	
<b>Total 2014/15 Underspends</b>		<b>756</b>	

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#### Appendix 4: 2014/15 Overspends

Service Area	Scheme	Outturn Position 31/03/15 £000s	Proposed Action
Education	Various schemes	-578	£523k of this relates to the final account for St. James Primary School (see Cabinet report 29/07/15).
Urban Renewal	Various schemes	-2	Funding to be identified and overspend to be carried forward.
Engineers	Vehicle Restraints Systems	-4	Balance of overspend to be met from 15/16 core allocation.
Engineers	Sirhowy Enterprise Way	-8	Funding to be identified and overspend to be carried forward.
Engineers	Land Drainage - Non Corporate	-138	Overspend to be carried forward and to be funded from future grant claims and core budget allocation.
Engineers	Trinant Hall Viaduct	-19	To be funded from 2015/16 Highway Revenue Reserve.
Land Reclamation (Engineers)	Bedwas Colliery	-5	To be funded from slippage.
Land Reclamation (Engineers)	Aberbrgoed Tip	-4	To be funded from slippage.
Land Reclamation (Engineers)	Triant	-3	To be funded from slippage.
Land Reclamation (Engineers)	Bargoed Plateau 2006	-9	To be funded from slippage.
Economic Development & Regeneration	Vol Sector Capital Grants	-1	To be funded from 2015/16 core budget allocation.
Corporate Services	LIDW	-51	Credit note from supplier received in April 2015.
<b>Total 2014/15 Overspends</b>		<b>-822</b>	

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## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015**

**SUBJECT: CORPORATE SERVICES AND MISCELLANEOUS FINANCE 2015/16  
BUDGET MONITORING REPORT (PERIOD 4)**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151  
OFFICER**

---

### **1. PURPOSE OF REPORT**

1.1 To inform Members of projected revenue expenditure for the Directorate of Corporate Services and Miscellaneous Finance for the 2015/16 financial year.

### **2. SUMMARY**

2.1 The report projects the anticipated final outturn for the Directorate of Corporate Services and Miscellaneous Finance based upon expenditure and income trends for the first four months of the financial year.

### **3. LINKS TO STRATEGY**

3.1 The contents of this report are in accordance with the Budget Strategy agreed by Council at its meeting on 25th February 2015.

### **4. THE REPORT**

#### **4.1 Corporate Services**

4.1.1 The Directorate of Corporate Services is currently forecasting an underspend of £863k for the 2015/16 financial year, full details of which are provided in Appendix 1.

4.1.2 The anticipated underspend of £273k in Corporate Finance and Procurement relates in the main to delays in appointing to vacant posts together with vacancies which are being held to support the Medium-Term Financial Plan (MTFP) savings requirements for 2016/17.

4.1.3 Legal & Governance is projecting a net underspend of £133k after allowing for the following to be ring-fenced and transferred to earmarked reserves: -

- Projected underspend on Members related expenditure of £63k. This is due in the main to underspends on Members Allowances which is partly off-set by costs on printing/webcasting.
- Projected underspend of £15k on Electoral Services.

The net underspend of £133k is due to vacancies which are being held to support the Medium-Term Financial Plan (MTFP) savings requirements for 2016/17.

4.1.4 There is a projected underspend of £94k on Housing services which consists of the following:-

- General Fund Housing is currently projecting an underspend of £20k in staffing budgets. However, the recent Housing (Wales) Act places new duties on Local Authorities for homelessness reviews and strategies and also places prevention and early intervention as a priority. This will increase demand on the homelessness service and whilst short-term transitional funding of £300k has been provided for 2015/16, the budget will need to be closely managed and monitored as we progress through the financial year.
- Private Housing is anticipating an underspend of £74k, which is mainly due to savings of £65k in salary costs. Agency Income is anticipated to be under recovered by year-end but new fees generated from the allocation of WHQS works to leasehold properties are expected to offset the budget shortfall.

4.1.5 There is an anticipated underspend of £217k in Information and Citizens Engagement, consisting of the following:-

- IT Services - £204k underspend which is due in the main to vacancies being held to support the Medium-Term Financial Plan savings requirement for 2016/17.
- Central Services - A current £71k overspend projection due to some previously agreed savings yet to be achieved and an additional temporary resource requirement within the Information Governance Team
- Communications - £61k underspend due in the main to vacancies being held to support the Medium-Term Financial Plan savings requirement for 2016/17.
- Customer First - £23k underspend which is also due in the main to vacancies being held to support the Medium-Term Financial Plan savings requirement for 2016/17.

4.1.6 For Performance and Property there is a net projected small overspend of £2k, consisting of the following: -

- Performance Management - £42k overspend mainly due to a retirement being agreed for a later date than originally anticipated.
- Corporate Buildings - £21k underspend mainly due to NNDR and standby/relief cover.
- Asset Management and Facilities – Projected £9k underspend.
- Building Consultancy – Projected surplus on fee income of £10k.

4.1.7 There is a projected underspend of £131k for Human Resources due in the main to vacancies which are being held to support the Medium-Term Financial Plan (MTFP) savings requirements for 2016/17.

4.1.8 There is a projected small underspend of £5k for Health & Safety.

4.1.9 The following table provides a summary of progress in delivering agreed 2015/16 savings for the Directorate of Corporate Services: -



Matrix	Agreed MTFP Savings £'000	Progress against Savings £'000	Variance £'000
All	158.0	158.0	0.0
Corp Finance	359.0	359.0	0.0
Corp Property	340.3	291.0	(49.3)
H&S	56.0	56.0	0.0
HR	62.0	62.0	0.0
IT	415.7	415.7	0.0
Legal	39.0	39.0	0.0
Private Housing	50.0	50.0	0.0
<b>Grand Total</b>	<b>1,480.0</b>	<b>1,430.7</b>	<b>(49.3)</b>

4.10 The variance of £49.3k for Corporate Property is due to a retirement being agreed for a later date than originally planned.

## 4.2 Miscellaneous Finance

4.2.1 There is an overall projected underspend of £1,845k in Miscellaneous Finance.

4.2.2 There is a projected overspend of £28k on Coroner's Service costs due to changes in the legal rules surrounding the deaths of residents in care homes.

4.2.3 There is a projected net underspend of £1,693k on Capital Financing budgets which is due to the following: -

- Changes to debt pooling arising from the Housing Revenue Account Subsidy (HRAS) buy-out.
- A 0.5% reduction in the assumed borrowing rate moving forward.
- Lower Minimum Revenue Provision (MRP) due to the Capital Financing Requirement (CFR) being lower than originally anticipated.
- Improved returns on investments.

4.2.4 There is a projected £18k overspend on the NNDR discretionary rate relief budget.

4.2.5 The remaining projected underspend for Miscellaneous Finance consists of the following: -

- NNDR Empty Properties - £48k
- Proposed Waste Transfer Station – £150k

## 5. EQUALITIES IMPLICATIONS

5.1 This report is for information purposes, so the Council's Equalities Impact Assessment (EqIA) process does not need to be applied.

## 6. FINANCIAL IMPLICATIONS

6.1 As detailed throughout the report.

## 7. PERSONNEL IMPLICATIONS

7.1 There are no direct personnel implications arising from this report.

## **8. CONSULTATIONS**

8.1 There are no consultation responses that have not been reflected in this report.

## **9. RECOMMENDATIONS**

9.1 Members are requested to note the contents of the report.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To ensure that Members are informed of the projected financial position for the Directorate of Corporate Services and Miscellaneous Finance.

## **11. STATUTORY POWER.**

11.1 Local Government Acts 1972 and 2003 and the Council's Financial Regulations.

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Consultees: Corporate Services Senior Management Team  
Andrew Southcombe, Finance Manager, Corporate Finance  
Nadeem Akhtar, Group Accountant, Revenue Advice & Support  
Cheryl Jeremic, Acting Group Accountant, Environment Finance  
Cllr Barbara Jones, Deputy Leader/Cabinet Member for Corporate Services

Appendices:

Appendix 1 Corporate Services & Miscellaneous Finance 2015/16 Budget Monitoring Report  
(Period 4).

<b>CORPORATE SERVICES DIRECTORATE</b>	<b>Original Estimate 2015/2016</b>	<b>Revised Estimate 2015/2016</b>	<b>Anticipated Outturn 2015/2016</b>	<b>Anticipated Variance 2015/2016</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>CHIEF EXECUTIVE &amp; ACTING DIRECTOR CORP SERVICES</b>	<b>428,766</b>	<b>428,766</b>	<b>416,702</b>	<b>12,064</b>
<b>CORPORATE FINANCE</b>				
Financial services	2,153,341	2,153,341	1,963,587	189,754
Procurement	447,226	447,226	363,673	83,553
	<b>2,600,567</b>	<b>2,600,567</b>	<b>2,327,260</b>	<b>273,307</b>
<b>LEGAL &amp; GOVERNANCE</b>				
Legal	855,058	855,058	759,459	95,599
Democratic Services	1,880,945	1,880,945	1,774,185	106,760
Members earmarked underspends	0	0	63,622	(63,622)
Electoral Services	305,617	305,617	290,612	15,005
Earmarked reserve	0	0	15,005	(15,005)
Policy	457,776	457,776	455,478	2,298
Equalities	186,684	186,684	195,130	(8,446)
	<b>3,686,080</b>	<b>3,686,080</b>	<b>3,553,491</b>	<b>132,589</b>
<b>HOUSING SERVICES</b>				
General Fund Housing	672,683	672,683	652,683	20,000
Private Housing	526,188	526,188	452,188	74,000
Building Maintenance	(118,130)	(118,130)	(118,130)	0
	<b>1,080,741</b>	<b>1,080,741</b>	<b>986,741</b>	<b>94,000</b>
<b>INFORMATION AND CITIZENS ENGAGEMENT</b>				
IT Services	4,690,281	4,690,281	4,486,632	203,649
Central Services	407,598	407,598	478,515	(70,917)
Communications Unit	291,475	291,475	230,609	60,866
Customer First	1,450,953	1,450,953	1,427,724	23,229
	<b>6,840,307</b>	<b>6,840,307</b>	<b>6,623,480</b>	<b>216,827</b>
<b>PERFORMANCE &amp; PROPERTY</b>				
Performance Management Unit	304,363	304,363	346,271	(41,908)
Corporate Property Services	573,299	573,299	573,299	0
Corporate Premises	2,676,909	2,676,909	2,655,768	21,141
Asset Management Facilities	2,090,150	2,090,150	2,081,598	8,552
Building Consultancy	(10,661)	(10,661)	(20,689)	10,028
	<b>5,634,060</b>	<b>5,634,060</b>	<b>5,636,247</b>	<b>(2,187)</b>
<b>HUMAN RESOURCES</b>				
Human Resources	1,884,625	1,884,625	1,754,160	130,465
Trade Union Facilities	25,230	25,230	24,981	249
	<b>1,909,855</b>	<b>1,909,855</b>	<b>1,779,141</b>	<b>130,714</b>
<b>Health &amp; Safety</b>				
Health & Safety	1,048,526	1,048,526	1,272,986	(224,460)
Earmarked reserve	0	0	(230,000)	230,000
	<b>1,048,526</b>	<b>1,048,526</b>	<b>1,042,986</b>	<b>5,540</b>
<b>TOTAL CORPORATE SERVICES</b>	<b>23,228,902</b>	<b>23,228,902</b>	<b>22,366,048</b>	<b>862,854</b>

<b>MISCELLANEOUS FINANCE</b>	<b>Original Estimate 2015/2016</b>	<b>Revised Estimate 2015/2016</b>	<b>Anticipated Outturn 2015/2016</b>	<b>Anticipated Variance 2015/2016</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Staff Related Costs</b>				
Pension Contribution - Former Authorities Ongoing	1,234,213	1,234,213	1,234,213	0
Recharge to Education - Former Authorities	(191,333)	(191,333)	(191,333)	0
Adjustment for Superannuation Costs	0	0	0	0
	<b>1,042,880</b>	<b>1,042,880</b>	<b>1,042,880</b>	<b>0</b>
<b>Catering</b>				
Subsidy	204,394	204,394	204,394	0
	<b>204,394</b>	<b>204,394</b>	<b>204,394</b>	<b>0</b>
<b>Statutory Benefit Schemes</b>				
Council Tax Reduction Scheme	14,633,828	14,633,828	14,000,000	633,828
Earmarked reserve	0	0	633,828	(633,828)
General Rent Allowances	32,359,654	32,359,654	32,359,654	0
Rent Rebates	29,905,413	29,905,413	29,905,413	0
Rent Allowance War Widow Concessions	35,000	35,000	35,000	0
Housing Benefit Subsidy	(62,265,067)	(62,265,067)	(62,265,067)	0
	<b>14,668,828</b>	<b>14,668,828</b>	<b>14,668,828</b>	<b>0</b>
<b>Levies Upon the Council</b>				
Coroner	160,313	160,313	187,870	(27,557)
Archives	223,138	223,138	223,138	0
Fire Service Authority	8,225,773	8,225,773	8,225,773	0
	<b>8,609,224</b>	<b>8,609,224</b>	<b>8,636,781</b>	<b>(27,557)</b>
<b>Capital Financing</b>				
Debt Charges	18,146,367	18,146,367	16,532,077	1,614,290
Investment Income net of Recharges	196,028	196,028	116,896	79,132
CERA (Capital Expenditure funded from Revenue Account)	444,974	444,974	444,974	0
	<b>18,787,369</b>	<b>18,787,369</b>	<b>17,093,947</b>	<b>1,693,422</b>
<b>Corporate and Democratic Core Costs</b>				
Bank Charges	138,758	138,758	138,758	0
Income from HRA	(23,339)	(23,339)	(23,339)	0
Income from DLO/DSO	(9,963)	(9,963)	(9,963)	0
External Audit Fees	467,110	467,110	467,110	0
Income from HRA	(78,568)	(78,568)	(78,568)	0
Income from DLO/DSO	(33,538)	(33,538)	(33,538)	0
Subscriptions	108,992	108,992	108,992	0
	<b>569,452</b>	<b>569,452</b>	<b>569,452</b>	<b>0</b>

<b>MISCELLANEOUS FINANCE</b>	<b>Original Estimate 2015/2016</b>	<b>Revised Estimate 2015/2016</b>	<b>Anticipated Outturn 2015/2016</b>	<b>Anticipated Variance 2015/2016</b>
	<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>
<b>Grants to Voluntary sector</b>				
NNDR Discretionary Rate Relief	229,048	229,048	247,407	(18,359)
Assistance to Voluntary sector	0	0	25,000	(25,000)
Funded from Earmarked Reserve			(25,000)	25,000
	<b>229,048</b>	<b>229,048</b>	<b>247,407</b>	<b>(18,359)</b>
<b>Other Grant funding</b>				
Spend on ad hoc Community Projects	258,000	0	0	0
	<b>258,000</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Private Finance Initiative</b>				
PFI Schools	2,624,617	2,624,617	2,624,617	0
PFI Sirhowy Enterprise Way	4,280,489	4,280,489	4,280,489	0
	<b>6,905,106</b>	<b>6,905,106</b>	<b>6,905,106</b>	<b>0</b>
<b>Other</b>				
21st Century Schools Funding	111,949	111,949	111,949	0
Budget Pressures	191,952	191,952	191,952	0
Unapplied Growth - Landfill	243,672	243,672	243,672	0
NNDR - Authority Empty Properties	128,551	128,551	80,299	48,252
Apprentice/Trainee Costs	149,749	149,749	149,749	0
Counsel Fees	325,512	325,512	325,512	0
Careline	85,335	85,335	33,383	51,952
Earmarked reserve	0	0	51,952	(51,952)
Carbon Management Scheme	23,797	23,797	23,797	0
Carbon Energy Tax	218,362	218,362	218,362	0
Miscellaneous Items	15,260	15,260	15,260	0
IT Replacement Strategy	327,221	327,221	327,221	0
PV Panels Income	(40,600)	(40,600)	(40,600)	0
Risk Management Contribution	(157,217)	(157,217)	(157,217)	0
Proposed Waste Transfer Station - Ty Duffryn	150,000	150,000	0	150,000
Matched Funding for Community Schemes	25,000	21,826	21,826	0
	<b>1,798,543</b>	<b>1,795,369</b>	<b>1,597,117</b>	<b>198,252</b>
<b>TOTAL MISCELLANEOUS FINANCE</b>	<b>53,072,844</b>	<b>52,811,670</b>	<b>50,965,912</b>	<b>1,845,758</b>

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## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015**

**SUBJECT: TREASURY MANAGEMENT AND CAPITAL FINANCING PRUDENTIAL INDICATORS OUTTURN REPORT FOR 2014/15**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND S151 OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 To present Members with details of Treasury Management activities and Capital Financing, together with the related Prudential Indicators for 2014/15.

### **2. SUMMARY**

- 2.1 The revised Code of Practice on Treasury Management in the Public Services, which was adopted by the Council on 12th October 2010, sets out a framework of operating procedures, which is encompassed in the Treasury Management Practices (TMPs). The Council subsequently approved the detailed TMPs on 23rd November 2010. TMP6 (Reporting Requirements and Management Information Arrangements) provides for the submission of monitoring reports to the appropriate Committee on a quarterly basis.
- 2.2 Under the provisions of the Local Government Act 2003, The Local Authorities (Capital Finance and Accounting) (Wales) Regulations 2003 [The Capital Regulations], and the CIPFA's "The Prudential Code for Capital Finance in Local Authorities" [the Code], the Authority is obliged to approve and publish a number of indicators relevant to Capital Finance and Treasury Management.
- 2.3 The Authority's Annual Investment Strategy and Capital Financing Prudential Indicators for 2014/15 were approved by Council on 26th February 2014.

### **3. LINKS TO STRATEGY**

- 3.1 This report has links to the Treasury Management Strategy 2014/15 as agreed by Council on 26th February 2014.
- 3.2 This report has specific links to the effective and efficient application and use of resources.

## 4. THE REPORT

### 4.1 Background – Interest Rates

4.1.1 The Monetary Policy Committee (MPC) decreased the Bank Rate in March 2009 to 0.50% as part of the Government's strategy to stimulate the economy. The Bank Rate has remained at 0.50% throughout 2014/15 and the level of the Bank of England's quantitative easing programme remained at £375bn as at 31 March 2015.

### 4.2 Treasury Management Advice

4.2.1 The Authority receives treasury management advice from Arlingclose Limited.

### 4.3 Borrowing

4.3.1 In December 2014 the Authority raised £36.52m of new 25-year PWLB debt to fund capital expenditure. A loan rate of 2.82% on an annuity loan structure had been achieved. PWLB rates had been in free fall since mid-November as a result of volatility in the bond markets caused by uncertainty in the Eurozone (the start of the quantitative easing by the European Central Bank; fear of Greece defaulting; falling oil prices and poor economic data). Investors had sought comfort in Gilts, causing Gilt yields to fall and subsequently PWLB yields had fallen. The debt taken was planned debt that had been deferred since 2011/12 financial year, but budgeted within the medium term financial plan. The £36.52m loan includes LGBI Highways; Caerphilly Library; supported borrowing approvals and an element of the LGBI 21st Century Schools.

4.3.2 Borrowing rates were volatile throughout 2014/15 with the 25-year maturity loan rate reached a high of 4.50% and a low of 3.05%, and an overall average rate of 3.94%. The average rate for a 25 year annuity loan was 3.59%.

4.3.3 During the period covered by this report, PWLB loans to the value of £780k were repaid on maturity. Such loans had an average interest rate of 7.45%. A loan repayment of £30k was also made to the WRU in accordance with the loan agreement.

4.3.4 As at 31st March 2015 the value of the Council's debt portfolio was £217.9m and comprised of £40m LOBO loans, £177.7m of PWLB loans and a £270k WRU loan.

### 4.4 Rescheduling

4.4.1 No loans were rescheduled during 2014/15.

### 4.5 Investments

4.5.1 Short-term Investments – up to 364 Days -Throughout the year the in-house team managed investments averaging £108.4m. The return on these investments, which ranged from overnight deposits and deposits with a maximum duration of three months, was 0.28% compared with the target of 0.25%. The higher return was due to the fact that deposits were made with Local Authorities securing a higher return than the DMADF rate of 0.25%. The return of 0.28% reflects the Council's current risk sentiment as well as current interest rates. The amount of interest earned on these investments was £309k compared with the budget estimate of £168k.

4.5.2 The value of short-term deposits as at 31st March 2014 was £133.7m and comprised of £97.2m deposited with Local Authorities and £36.5m deposited in the DMADF.

4.5.3 Long-term Investments- The Council held no long-term investments during the reported period other than a historical balance of £4k.



#### 4.6 HRA Self Financing

4.6.1 On 31st March 2015 the Authority agreed with the PWLB to raise a £75.9m 21.5 year Maturity loan, at a rate of 4.17%. The loan proceeds will be received on the 2nd April 2015 and will impact 2015/16 financial accounts. The purpose of the loan was to enable the Authority to exit the HRA Subsidy arrangement. The loan proceeds will be transferred to the Welsh Government on the 2nd April 2015 in accordance with the HRA Buyout agreement. Further details of the HRA buyout can be found in the Cabinet / Special Council report of 17th December 2014.

#### 4.7 **Prudential Indicators**

##### 4.7.1 Capital Financing Requirement

4.7.1.1 The capital financing requirement measures the Authority's underlying need to borrow for a capital purpose. In accordance with best professional practice, the Authority does not associate borrowing with particular items or types of expenditure. In practice, the raising and repaying of loans is determined primarily by professional / expert advice, and may not necessarily take place in the relevant year. In order to create an operating environment within which the Treasury Manager can legitimately react to appropriate advice, the various authorised limits as identified in **Appendix 1** are set at a level in excess of the capital financing requirement. During the year, the Authority operated within the approved limits.

4.7.1.2 **Appendix 1** shows the value of the Capital Financing Requirement as at 31st March 2015 based on the unaudited Balance Sheet position. This is calculated to be £273.5m.

##### 4.7.2 Prudential Indicators – “Prudence”

4.7.2.1 The Prudential Indicators for Treasury Management are shown in **Appendix 1**. Whilst the Authorised Limit has remained unchanged when compared to the original Council approved figure, the Operational Boundary limit has increased slightly by 1.8% as a result of new debt taken in December 2014.

##### 4.7.3 Prudential Indicators – “Affordability”

4.7.3.1 There is a requirement to analyse and report the capital financing costs, and express those costs as a percentage of the net revenue streams of the Authority. These are identified in **Appendix 2**.

4.7.3.2 Financing Costs to Net Revenue Stream- General Fund - the unaudited out-turn shows a decrease on the budgeted position. This is mainly attributable to reduced interest costs as a result of deferred borrowing for the capital programme.

4.7.3.3 Financing Costs to Net Revenue Stream- Housing Revenue Account (HRA) - The ratio is lower mainly as a result of reduced interest charges relating to the apportionment between General Fund and the HRA.

4.7.3.4 Incremental Effect of Capital Investment- The General Fund shows a decrease in this measure as a result of the method of funding the capital programme from internal resources rather than externally funding expenditure. The HRA also shows a decrease in this measure as a result of the method of funding the capital programme from internal reserves.

##### 4.7.4 Capital Expenditure and Funding

4.7.4.1 Capital Expenditure is reported in **Appendix 3**, for information purposes. The table indicates the unaudited position as at 31st March 2015.

## **5. EQUALITIES IMPLICATIONS**

- 5.1 This report is for information purposes, so the Council's Equality Impact Assessment (EqIA) process does not need to be followed.

## **6. FINANCIAL IMPLICATIONS**

- 6.1 As presented throughout the report.

## **7. PERSONNEL IMPLICATIONS**

- 7.1 There are no personnel implications.

## **8. CONSULTATIONS**

- 8.1 There are no consultation responses that have not been reflected in this report.

## **9. RECOMMENDATIONS**

- 9.1 Members are asked to note the report.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To ensure compliance with the CIPFA "Code of Practice for Treasury Management in the Public Services".

## **11. STATUTORY POWER**

- 11.1 Local Government Act 2003.

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Consultees: Corporate Services Senior Management Team  
Cllr B. Jones, Deputy Leader & Cabinet Member for Corporate Services  
N. Scammell, Acting Director of Corporate Services & S151 Officer  
S. Harris- Acting Head of Corporate Finance  
A. Southcombe – Finance Manager (Corporate Finance)

Appendices

Appendix 1 Prudential Indicators – Treasury Management – Outturn Report  
Appendix 2 Prudential Indicators – Capital Finance – Outturn Report  
Appendix 3 Capital Expenditure and Funding – Outturn Report

### Background Papers:

- Treasury Management Working Papers – Accountancy Section
- CIPFA "Code of Practice for Treasury Management in the Public Services"
- The Local Government Act 2003
- Local Authorities (Capital Finance and Accounting) (Amendment) (Wales) Regulations 2004

	Budget 2014/15	Actual 2014/15
	£000	£000
<b>Authorised limit for external debt -</b>		
Borrowing	267,369	267,369
Other long term liabilities	40,303	39,079
<b>Total</b>	<b>307,672</b>	<b>306,448</b>
<b>Operational boundary for external debt -</b>		
Borrowing	213,895	217,949
Other long term liabilities	40,303	39,079
<b>Total</b>	<b>254,198</b>	<b>257,028</b>
<b>Upper limits for interest rate exposure</b>		
Principal outstanding on borrowing	213,895	217,949
Principal outstanding on investments	65,000	133,750
<b>Net principal outstanding</b>	<b>148,895</b>	<b>84,199</b>
<b>Fixed rate limit – 100%</b>	<b>148,895</b>	<b>84,199</b>
<b>Variable rate limit – 50%</b>	<b>44,668</b>	<b>42,099</b>
<b>Upper limit for total invested for over 364 days</b>	<b>10,000</b>	<b>0</b>

Maturity structure of fixed rate borrowing: Debt outstanding at 31 March 2015	Upper Limit	Lower Limit	ACTUAL 2014/15	
			£000	
Under 12 months	35%	0%	6,517	3%
Over 12 months and within 24 months	40%	0%	3,576	2%
Over 2 years and within 5 years	50%	0%	9,282	4%
Over 5 years and within 10 years	75%	0%	14,171	7%
Over 10 years	95%	0%	184,403	85%
			<b>217,949</b>	<b>100%</b>

Ratio of Financing costs to net revenue stream	Budget 2014/15	Actual 2014/15
<b>General Fund</b>	<b>£000</b>	<b>£000</b>
Principal repayments (MRP)	8,296	7,559
Less commutation	-	
Net interest costs	9,476	8,610
Debt Management costs	60	69
Rescheduling discount	-226	-226
Investment income	-163	-324
Interest applied to internal balances	780	-19
<b>Total General Fund</b>	<b>18,224</b>	<b>15,669</b>
Net revenue stream	<b>329,919</b>	<b>332,247</b>
<b>Total as percentage of net revenue stream</b>	<b>5.52%</b>	<b>4.72%</b>
<b>Housing Revenue Account</b>		
Principal repayments	914	887
Interest costs	2,082	1,813
Rescheduling discount	-58	-58
Debt Management costs	15	12
<b>Total HRA</b>	<b>2,953</b>	<b>2,655</b>
Net revenue stream	<b>41,596</b>	<b>41,704</b>
<b>Total as percentage of net revenue stream</b>	<b>7.10%</b>	<b>6.37%</b>

Estimate of incremental impact of capital investment on Council Tax and Housing Rents	Budget 2014/15	Actual 2014/15
<b>General Fund</b>	<b>£000</b>	<b>£000</b>
costs of unsupportive borrowings - principal	791	371
- interest	1,034	471
Loss of investment income	4	9
Running costs		
<b>Total</b>	<b>1,829</b>	<b>851</b>
<b>Impact on Band D council tax **</b>	<b>30.72</b>	<b>14.42</b>
<b>Housing Revenue Account</b>		
Loss of investment income	51	22
Running costs	0	0
<b>Total</b>	<b>51</b>	<b>22</b>
<b>Impact on average weekly rent **</b>	<b>0.09</b>	<b>0.04</b>
<b>** These are notional calculations as per regulations</b>		

Capital Financing Requirement	Budget 2014/15	Actual 2014/15
	<b>£000</b>	<b>£000</b>
Council Fund	250,812	230,795
Housing Revenue Account	42,475	42,690
<b>Total Authority</b>	<b>293,287</b>	<b>273,485</b>

**Appendix 3 - Capital Expenditure and Funding**

**Outturn Report**

	<b>Budget 2014/15</b>	<b>Actual 2014/15</b>
<b>Expenditure</b>		
	<b>£000</b>	<b>£000</b>
Council Fund	13,512	27,810
Housing Revenue Account	27,500	15,344
<b>Total</b>	<b>41,012</b>	<b>43,154</b>
<b>Funding</b>		
Surplus/ (Deficit) Balance b/f	1,099	-
RCCO - General Fund	112	2,967
- HRA	19,953	8,014
Earmarked Reserves- General Fund	300	-
Borrowings - Supported (GF)	4,979	3,295
Borrowing		5,981
LGBI Highways	2,800	3,458
Borrowings - Unsupported (GF)	2,000	-
General Capital Grant - WG	3,030	3,030
Additional Revenue Contribution to Capital	22	-
Specific Grants & Contributions	-	9,079
Capital Receipts 2013/14	590	-
Delay in Borrowing Due To Cash Reserves	154	-
<b>Capital receipt (HRA)</b>	<b>247</b>	<b>-</b>
<b>Major Repairs Allowance</b>	<b>7,300</b>	<b>7,330</b>
<b>Total</b>	<b>42,586</b>	<b>43,154</b>
<b>Surplus</b>	<b>1,574</b>	

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## POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015

**SUBJECT: DISCRETIONARY RATE RELIEF APPLICATIONS**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151 OFFICER**

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### **1. PURPOSE OF REPORT**

- 1.1 This report sets out details of an application for discretionary rate relief and notes the decision proposed by the Interim Head of Corporate Finance under delegated powers.

### **2. SUMMARY**

- 2.1 The Council is able to assist a wide range of voluntary and sporting organisations by granting rate relief. This report contains details of an application received for discretionary rate relief and the proposal for the determination of the application to be formally implemented on the 7th day of October 2015.

### **3. LINKS TO STRATEGY**

- 3.1 The granting of rate relief is a very cost effective way in which the Council can pursue its Regeneration objective by giving financial assistance to local organisations.

### **4. THE REPORT**

#### **4.1 BACKGROUND**

- 4.1.1 Under the Council's Scheme of Delegation applications for discretionary rate relief submitted to the Council are determined by the Council's Head of Corporate Finance.
- 4.1.2 The determination is exercised following consideration of the Council's Policy on discretionary rate relief supplemented by guidance from Welsh Government and Central Government.

#### **4.2 THE APPLICATION**

##### **Smart Money Cymru Credit Union Ltd**

- 4.2.1 Members were presented with a lengthy report on 15th April 2014 detailing the criteria necessary for Smart Money Credit Union Ltd, now known as Smart Money Cymru Credit Union Ltd, to qualify for not-for profit discretionary rate relief. A number of the criteria were satisfied but not all.

- 4.2.2 The original application for discretionary rate relief was received in June 2013 from the above organisation in respect of its premises at Abacus House, 44 Windsor Street, Caerphilly for the period 1st April 2013 to 31st July 2013, and in respect of 64-66 Cardiff Road, Caerphilly from 16th July 2013 onwards.
- 4.2.3 Members should be aware that currently the Authority would bear 10% of any discretionary rate relief awarded, with the Welsh Government Pool bearing the remaining 90%.
- 4.2.4 The business rate liability of the organisation's premises for 2013/14, 2014/15 and 2015/16 is as follows:
- Abacus House, 44 Windsor Street, Caerphilly - £1,922.74 (1st April 2013 to 31st July 2013 only)  
64-66 Cardiff Road, Caerphilly - £11,770.66 (16th July 2013 to 31st March 2014), £16,909.75 (2014/15) and £17,231.50 (2015/16)
- 4.2.5 Members should note that the majority of credit unions do not need to apply for discretionary rate relief because they operate from relatively small premises and therefore automatically qualify for Small Business Rate Relief which often reduces the rates payable to nil.
- 4.2.6 At the time of the first report, legal advice was sought as the regulations and guidance surrounding the issue of granting rate relief to credit unions lacks clarity. Officers sought updated guidance from Welsh Government as the latest guidance available was issued in 2004 but none was forthcoming. Furthermore, a number of other local authorities in Wales were contacted but none of those responding had awarded discretionary rate relief to a credit union.
- 4.2.7 Since that date, the Interim Head of Corporate Finance has reviewed the situation and again contacted a number of other local authorities in Wales to identify their current policy in this area. Although there is no firm consensus, it was established that discretionary rate relief has now been awarded by some other local authorities.
- 4.2.8 Whilst ideally the Interim Head of Corporate Finance would wait for updated guidance and/or regulations to be issued, there is little prospect of this happening in the foreseeable future. Therefore, in light of the decisions made by some other local authorities, and bearing in mind that Welsh Government is raising the profile of credit unions and their role in alleviating the problems associated with loan sharks and pay-day lenders, it is now thought that the organisation's objects could be argued to be wholly or mainly charitable or otherwise concerned with social welfare and education; in addition, this Authority has recently approved an anti-poverty strategy involving the promotion of credit unions, therefore, it is proposed that not-for-profit discretionary rate relief should be awarded.
- 4.2.9 It must be noted that there is a small risk that this decision could face a challenge as the current guidance/regulations are open to interpretation. If updated guidance/case law or revised regulations make it clear that credit unions are not entitled to receive this type of rate relief, this decision will be reviewed and the Authority would have to take immediate steps to withdraw the rate relief.

4.2.10 **Proposal (to be implemented on 7th day of October 2015):**

**100% discretionary rate relief be awarded.**

## **5. EQUALITIES IMPLICATIONS**

- 5.1 This report is to advise Members of the proposed determination of the application(s) for discretionary rate relief so the Council's full Equalities Impact Assessment process does not need to be applied.



## **6. FINANCIAL IMPLICATIONS**

6.1 These are contained within the report.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no personnel implications.

## **8. CONSULTATIONS**

8.1 There are no consultation responses which have not been reflected in this report.

## **9. RECOMMENDATIONS**

9.1 Members note the proposed determination of the application(s) for discretionary rate relief under delegated powers which will be implemented on the 7th day of October 2015.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 As set out throughout the report.

## **11. STATUTORY POWER**

11.1 Section 47 of the Local Government Finance Act 1988.

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Consultees: Cllr B Jones, Deputy Leader & Cabinet Member for Corporate Services  
Nicole Scammell, Acting Director of Corporate Services & Section 151 Officer  
Stephen Harris, Interim Head of Corporate Finance

Background Papers:  
Rate Relief Application Forms, contact ext 3421

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## PENSIONS/COMPENSATION COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON MONDAY 13TH JULY 2015 AT 1.30 PM

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#### PRESENT:

Councillor Mrs J. Gale - Chair

#### Councillors:

H.A. Andrews, D. Carter, W. David, Ms J.G. Jones, C.P. Mann, Mrs M. E. Sargent

Appropriate Cabinet Members - Councillors N. George and R. Passmore

#### Together with:

L. Donovan (Acting Head of HR and Organisational Development), M. Williams (Head of Community and Leisure Services), B. Hopkins (Assistant Director - Our School Our Future), S. Phillips (Acting HR Service Manager), H. Morgan (Senior Committee Services Officer).

#### 1. APOLOGIES

There were no apologies for absence received.

#### 2. DECLARATIONS OF INTEREST

Councillors H.A. Andrews and D. Carter declared an interest in certain of the applications (as the applicants were known to them) and advised that they would leave the meeting when the applications were discussed. Details are minuted with the respective item.

#### 3. APPLICATIONS FOR EARLY RETIREMENT BY MUTUAL CONSENT ON GROUNDS OF BUSINESS EFFICIENCY

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraphs 12 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

#### **4. COMMUNITY AND LEISURE SERVICES**

Councillor H.A. Andrews declared an interest (as the applicant is know to him) and left the meeting when the application was discussed.

Consideration was given to the report which sought approval for early retirement by mutual consent on the grounds of business efficiency giving access to non-actuarially reduced pension benefits under the Local Government Pension Scheme for one employee within Community and Leisure Services.

Following detailed discussion on the application, it was moved and seconded that the recommendation within the report be approved. By show of hands this was unanimously agreed.

RESOLVED that for the reasons contained within the report, and detailed at the meeting, the request for the early access to non-actuarially reduced pension benefits under the Local Government Pension Scheme, to support Community and Leisure Services to achieve some of its required budgetary savings for 2015/16, be approved.

#### **5. LIBRARY SERVICES - DIRECTORATE OF EDUCATION AND LIFELONG LEARNING**

Consideration was given to the report which sought approval for early retirement by mutual consent on the grounds of business efficiency giving access to non-actuarially reduced pension benefits under the Local Government Pension Scheme for two employees within the Library Services Acquisition Team, Directorate of Education and Lifelong Learning.

Following detailed discussion on each of the applications, it was moved and seconded that the recommendation within the report be approved. By show of hands this was unanimously agreed.

RESOLVED that for the reasons contained within the report, and detailed at the meeting, the two requests for the early access to non-actuarially reduced pension benefits under the Local Government Pension Scheme, to support the County Borough Library Services Acquisition Team to achieve some of its required budgetary savings for 2015/16, be approved.

#### **6. PUBLIC LIBRARY SERVICES - DIRECTORATE OF EDUCATION AND LIFELONG LEARNING**

Consideration was given to the report which sought approval for early retirement by mutual consent on the grounds of business efficiency giving access to non-actuarially reduced pension benefits under the Local Government Pension Scheme for six employees within Library Services of the Directorate of Education and Lifelong Learning.

Following detailed discussion on each of the applications, it was moved and seconded that the recommendation within the report be approved. By show of hands this was unanimously agreed.

RESOLVED that for the reasons contained within the report, and detailed at the meeting, the six requests for the early access to non-actuarially reduced pension benefits under the Local Government Pension Scheme, to support the County Borough Public Library Services to achieve some of its required budgetary savings for 2015/16, be approved.

## 7. SCHOOLS

Councillors H.A. Andrews and D. Carter declared an interest (as one of the applicants were know to them) and left the meeting when that specific application was considered.

Consideration was given to the report which sought approval for an application for early retirement by mutual consent under the Caerphilly Schools' Workforce Planning Exercise of 2015, giving access to non-actuarially reduced pension benefits under the Teachers' Pension Scheme for 1 member of teaching staff from Heolddu Comprehensive School. It also sought approval of applications for voluntary redundancy, giving access to non-actuarially reduced pension benefits under the Teachers' Pension Scheme, for two members of teaching staff from Cwmcarn High School.

Following detailed discussion on the applications as they relate to Cwmcarn High School, it was moved and seconded that the recommendation within the report be approved. By show of hands this was unanimously agreed.

RESOLVED that for the reasons contained within the report, and detailed at the meeting, the two requests for the early access to non-actuarially reduced pension benefits under the Teachers Pension Scheme to support Cwmcarn high school in the management of their budget deficit position be approved.

At this point Councillor H.A. Andrews and D. Carter declared an interest (as the applicant was know to them) and left the meeting when the application was discussed. Members were then given details of the application from a member of staff at Heolddu Comprehensive School.

Following detailed discussion on the application, it was moved and seconded that the recommendation within the report be approved. By show of hands from the remaining Members this was unanimously agreed

RESOLVED that for the reasons contained within the report and detailed at the meeting, the request for the early access to non-actuarially reduced pension benefits under the Teachers Pension Scheme to support Heolddu Comprehensive School in the management of their budget deficit position be approved.

The meeting closed at 2pm.

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## PENSIONS/COMPENSATION COMMITTEE

### MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH ON TUESDAY 28TH JULY 2015 AT 1.30PM

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PRESENT:

Councillor Mrs J. Gale - Chair

Councillors:

H.A. Andrews, D. Carter, Ms J.G. Jones, C.P. Mann, Mrs M. E. Sargent

Appropriate Cabinet Member - Councillor D. V. Poole

Together with:

S. Couzens (Chief Housing Office), S. Phillips (Acting HR Service Manager), H. Morgan (Senior Committee Services Officer).

#### 1. APOLOGIES

Apologies for absence were received from Councillor W. David and C.P. Mann.

#### 2. DECLARATIONS OF INTEREST

There were no declarations of interest made at the beginning or during the course of the meeting.

#### 3. APPLICATIONS FOR EARLY RETIREMENT BY MUTUAL CONSENT ON GROUNDS OF BUSINESS EFFICIENCY

Members considered the public interest test certificate from the Proper Officer and concluded that on balance the public interest in maintaining the exemption outweighed the public interest in disclosing the information and it was

RESOLVED that in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remainder of the meeting because of the likely disclosure to them of exempt information as identified in paragraphs 12 and 14 of Part 4 of Schedule 12A of the Local Government Act 1972.

Consideration was given to the report, which sought approval for early retirement, by mutual consent, on the grounds of business efficiency giving access to non-actuarially reduced pension benefits under the Local Government Pension Scheme for two employees within the Housing Service.

Following detailed discussion on the applications, it was moved and seconded that the recommendation within the report be approved. By show of hands this was unanimously agreed.

RESOLVED that for the reasons contained within the report, and outlined at the meeting, the two requests for the early access to non-actuarially reduced pension benefits under the Local Government Pension Scheme (as detailed in the appendices to the report), to support Housing to achieve some of its required budgetary savings for 2015/16, be approved

The meeting closed at 1.40pm





## CAERPHILLY HOMES TASK GROUP (WELSH HOUSING QUALITY STANDARD)

MINUTES OF THE MEETING HELD AT PENALLTA HOUSE, YSTRAD MYNACH  
(SIRHOWY ROOM) ON THURSDAY, 2ND JULY 2015 AT 5.00 P.M.

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PRESENT:

C. Davies- Vice Chair (Presiding)

### Task Group Members:

Ms L. Ackerman, Mrs G. Atkins, Ms E. Forehead, K. James, Mrs S. Jones, Miss A. Lewis, M. McDermott, and D.V. Poole.

R. Beasley (Project Manager & Co-ordinator), P. Davy (Head of Programmes), S. Isaacs (Senior Rents Officer), M. Lloyd (Deputy Head of Programmes), K. Watkins (Communications & Tenant Engagement Officer) and C. Evans (Committee Services Officer).

### 1. APOLOGIES

Apologies for absence were received from Mrs B. Jones, C. Mann, J. Moore, Mrs D. Moore and Mrs D. Price.

### 2. DECLARATIONS OF INTEREST

Mrs G. Atkins, Mr C. Davies, Mrs S. Jones, Miss A. Lewis and Mr M. McDermott as Council Tenants declared a personal but not prejudicial interest in all agenda items.

### 3. MINUTES – 21ST MAY 2015

RESOLVED that the minutes of the meeting held on the 21st May 2015 be approved as a correct record and signed by the Chair.

### 4. TENANT SUPPORT FOR UNIVERSAL CREDIT - PRESENTATION

R. Beasley and S. Isaacs provided the Caerphilly Homes Task Group with a presentation on Tenant Support for Universal Credit, following a Task Group Member request.

Universal Credits was introduced in Caerphilly Job Centres from May 2015, with a few claimants being transferred. Universal Credit combines 6 benefits/ tax credits into one single monthly payment and it is anticipated that through gradual movement, all claimants will be transferred to Universal Credits by 2019.

The Task Group noted that Universal Credits can be applied for online and would be paid to a household on a calendar monthly basis in arrears. There are concerns that the impact of payment changes could result in rent arrears for tenants, issues with online resources, budgeting skills, increase in existing debts through late payments and an increase in the use of loan sharks and pay day loans.

It was noted that Caerphilly are looking into Alternative Payment Arrangements for vulnerable Tenants, in which Housing Benefit would be paid directly to the Local Authority to ensure rent and arrears are paid. After a set period of time, the Department for Works and Pensions (DWP) would contact the landlord/ Local Authority to confirm whether direct payments can be reinstated.

Discussions took place around Trusted Landlord Status, which would initially be awarded to Local Authorities and Social Landlords, however, extension is being considered to Private Landlords.

In preparation for the change, Caerphilly has implemented a number of changes such as Digital Support, Job Clubs with Caerphilly First, staff training and learning from previous welfare reforms.

Tenants can expect a number of new services to assist with the process, for example, tenants will be contacted and offered support as soon as they are notified about the changes, text reminders, direct debit for rent, facilities made available to pay cash and referrals to specialists for assistance.

A Task Group Member requested further information on the changes and impacts to Housing Benefit payments and Sanctioning of Job Seekers Allowance under Universal Credits. The Officers explained that Sanctions are still possible for certain elements of Universal Credits, however, Housing Benefit would still be paid to the claimant.

The Task Group thanked the Officers for the presentation and requested that it be forwarded to all Councillors for information.

## **5. CAERPHILLY HOMES COMMUNICATION STRATEGY AND IMPLEMENTATION PLAN**

The report sought the views of the Caerphilly Homes Task Group on a new communications strategy and action plan for implementation prior to its consideration at Policy and Resources Scrutiny Committee and Cabinet.

Effective communications is essential to ensuring all stakeholders have an awareness of the Caerphilly Homes brand and are kept up to date on progress across the housing service. Key to effective communications is the delivery of timely messages, using a range of methods appropriate for specific target audiences. But more than simply sending messages out, effective communication also relies upon creating opportunities for open and transparent two way dialogue with stakeholders.

The draft strategy and action plan would replace the former 'Housing and WHQS Communications Strategy' which lapsed in 2015. The new draft strategy strongly advocates a 'one housing service' approach to communications in order to more effectively embed the Caerphilly Homes ethos throughout the division.

The Caerphilly Homes Task Group provided positive comments and feedback on the report and following consideration and discussion, it was moved and seconded that the recommendation in the report be approved. By a show of hands this was unanimously agreed.

RESOLVED that for the reasons contained in the officer's report, the Caerphilly Homes Task Group support a recommendation to the Policy and Resources Scrutiny Committee and Cabinet to adopt the communications strategy and action plan.

## **6. WHQS POSITION STATEMENT**

The report provided an overview of the current position within the WHQS Programme and the challenges facing the Council to achieve the standard by 2020.

The Task Group noted that, following stock transfer ballot in 2012, an investment strategy, implementation plan and staffing structure was agreed and, with consideration for the transition period for transferring contracts from the former planned maintenance to the new WHQS arrangements, the new programme commenced in 2013/14. During 2013, a series of procurements were conducted to appoint the supply partner, and internal and external works contractors. However, a number of setbacks were experienced resulting in significant slippage and therefore, it has been necessary to implement a number of additional measures to increase capacity and spread the risks.

In addition, changing circumstances, including increased costs above the Savills budget estimates, unanticipated stock condition deterioration, and the HRAS buy out (Which resulted in a borrowing cap) pose constraints and challenges. The report outlined the current position and measures being taken to ensure that the objective of meeting WHQS by 2020 can still be achieved.

A Task Group Member wished it noted that, whilst there are significant challenges ahead, the programme is monitored and the Task Group is kept well informed on progress and developments, Good quality standards have been met, which has resulted in high levels of tenant satisfaction.

Discussions took place around the extensive works at Rowan Place and the impact on the remainder of the programme. The Task Group raised concerns around the communication and planning to of the programme. The Officer confirmed that, in addition to a number of other factors, Rowan Place has contributed to the slippage in the programme, due to the amount of work that was required, which was not anticipated based on the Savills survey.

The Keystone system was discussed and the Task Group sought further information on implementation delays. The Officer explained that the system required a great deal of populating in order to be fit for purpose and there was some reluctance from staff, however, with sufficient training and a clear understanding of the functionality of the system, the process has improved. In addition, it was noted that tablet technology has been procured, which enables staff to conduct surveys and complete forms, and upload that information electronically to Keystone.

Further information was sought on the works process, the length of notice given to tenants before works commence and notification of anticipated completion times. The Officer explained that a Charter for Trust was agreed between the Local Authority and Tenants and therefore a minimum of 10 days notice was to be provided to tenants prior to work commencing on site. Project Managers are required to ensure that deadlines are met by contractors and appropriate notice provided to tenants.

The Caerphilly Homes Task Group noted the report.

## **7. WHQS PERFORMANCE MONITORING 2014-15 (FULL YEAR)**

The Caerphilly Homes Task Group considered a report which outlined the arrangements in place to monitor and manage the performance of the WHQS programme for 2014-15.

Performance is monitored and managed formally via the WHQS Management Delivery Team meetings, which occur every month.

The Task Group noted that the WHQS internal works programme for 2014-15 included 889 properties. Within this programme 52 properties were surveyed and found to require no works. Of the remaining 837 properties, work on 556 was undertaken by the in-house workforce, supported by specialist sub-contractors. The remaining 281 properties were planned to be undertaken by the three main contractors; Keepmoat (Eastern Valleys); Contract Services (Lower Rhymney Valley); and Vinci (Upper Rhymney Valley). As of 5th June 2015, 439 properties within the in-house contractor programme were compliant in respect of their internal elements (73%). Details of compliance levels for each of the 31 contracts in the internal works programme 2014-15 are included in the report.

Customer surveys for measuring tenant satisfaction levels and compliance with service standards have been implemented for the internal works contracts. Results from the 104 surveys received demonstrated an overall satisfaction level for internal works of 90%. They also reveal that 93% of the standards measured within the Charter for Trust documents were achieved. An external works survey has been designed and will be implemented in 2015-16.

The Task Group were asked to note that whilst work continues to produce a performance dashboard for external works, details of works completed on the external works programme 2014-15 have not been entered into the Keystone system, therefore, performance information is currently not available.

A Member sought clarification on the number of properties within their ward which were identified for external works. Officers agreed to check the information and provide email feedback to the Task Group.

The Task Group discussed the outcome of the satisfaction surveys. A Member sought further information on the low level of satisfaction in one particular area. Officers highlighted that there was a concern with the clarity of how information is analysed as the questionnaire allows tenants to select "neither satisfied or dissatisfied". The number selecting this option will be reported in future.

Members discussed the issues that were highlighted within the report with some of the contactors and sought further information. Officers explained a number of issues have arisen with various contractors, which are dealt with on an ongoing basis. Contract Management is a critical role for the WHQS team to ensure that performance is managed in order to meet targets and quality standards.

A Task Group member requested further information on the work conducted with contractors and vulnerable tenants. Officers explained that there is no requirement for contractors to undertake a DBS check and it is the role Tenant Liaison Officer (TLO) to identify any vulnerable tenants and mitigate any issues in conjunction with the contractors.

The Caerphilly Homes Task Group thanked the Officer for the report and noted its contents.

## **8. TO RECEIVE ANY REQUESTS FOR AN ITEM TO BE INCLUDED ON THE NEXT AVAILABLE AGENDA**

The following requests were received: -

1. Miss A. Lewis queried when an update would be reported on the Common Housing Register and Common Housing Allocations Policy.
2. Miss A. Lewis queried when an update would be reported on the Housing Improvement Partnership (HIP).

3. Councillor E. Forehead requested a report on the number of Council House properties within the WHQS Programme which are 7.5 Meters in height or above (3-storey).

The meeting closed at 6.57 p.m.

Approved as a correct record subject to any amendments or corrections agreed and recorded in the minutes of the meeting held on 17th September 2015.

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CHAIR

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## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015**

**SUBJECT: SUMMARY OF MEMBERS' ATTENDANCE – QUARTER 1 – 15TH MAY  
2015 TO 30TH JUNE 2015**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES AND SECTION 151  
OFFICER**

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### **1. PURPOSE OF REPORT**

1.1 To report Members' levels of attendance at scheduled meetings of Caerphilly County Borough Council.

### **2. THE REPORT**

2.1 Appendix 1 details Members' attendance for quarter 1 (15th May 2015 to 30th June 2015), at the following meetings:

- Council;
- Cabinet;
- Scrutiny Committees;
- Planning Committee;
- Audit Committee;
- Democratic Services Committee; and
- Sustainable Development Advisory Panel.

2.2 The information is compiled from attendance sheets signed by Members at these meetings.

2.3 The appendix also allows for a comparison with the same period in the preceding two years. When making comparisons to previous quarters/years, please note that overall averages given are the weighted average to reflect the number of meetings in each quarter.

2.4 Details for the next quarter (1st July 2015 to 30th September 2015) will be reported to the next appropriate meeting of the Scrutiny Committee.

### **3. EQUALITIES IMPLICATIONS**

3.1 There are no specific equalities implications arising as a result of this report.

### **4. FINANCIAL IMPLICATIONS**

4.1 There are no specific financial implications arising as a result of this report.

**5. PERSONNEL IMPLICATIONS**

5.1 There are no specific personnel implications arising as a result of this report.

**6. CONSULTATIONS**

6.1 None.

**7. RECOMMENDATIONS**

7.1 That Members note the content of the report.

**8. REASONS FOR THE RECOMMENDATIONS**

8.1 To inform Members of attendance levels at scheduled meetings of Caerphilly County Borough Council from the Annual Meeting of Council, 2015.

Author: C. Evans (Committee Services Officer)

Background Papers:  
Member attendance sheets

Appendices:  
Appendix 1 Schedule of Members' Attendance 2013 to 2016



## Quarterly Summary of Attendance Levels (Percentages)

### AGM to AGM

	2013-2014					2014-2015					2015-2016				
	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3	Q4	Total
Council	87	82	82	88	<b>85</b>	84	84	75	84	<b>82</b>	84				
Crime & Disorder		69		94	<b>82</b>		81		56	<b>69</b>					
Education For Life	72	75	69	75	<b>73</b>	66	65	81	72	<b>71</b>	69				
Health, Social Care & Wellbeing	75	66	78	69	<b>72</b>	75	73	74	85	<b>77</b>	63				
Regeneration and Environment	69	63	81	84	<b>74</b>	81	80	77	78	<b>79</b>	78				
Policy & Resources	69	78	84	85	<b>79</b>	78	77	88	77	<b>80</b>	94				
Planning Committee	75	82	85	89	<b>83</b>	85	75	73	75	<b>77</b>	65				
Audit Committee	83	75	67	83	<b>77</b>	58	83	58	92	<b>73</b>	75				
Democratic Services Committee	69		69	75	<b>71</b>	88	75	69	88	<b>80</b>	69				
Sustainable Development Advisory Panel	64	64		64	<b>64</b>		82	55	73	<b>70</b>					
<b>Average Attendance per quarter</b>	<b>74</b>	<b>72</b>	<b>77</b>	<b>81</b>	<b>76</b>	<b>77</b>	<b>86</b>	<b>81</b>	<b>76</b>	<b>80</b>	<b>72</b>				
Cabinet	95	82	92	93	<b>91</b>	93	93	95	91	<b>93</b>	83				

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## **POLICY AND RESOURCES SCRUTINY COMMITTEE – 30TH SEPTEMBER 2015**

**SUBJECT: POLICY AND RESOURCES SCRUTINY COMMITTEE FORWARD WORK PROGRAMME**

**REPORT BY: ACTING DIRECTOR OF CORPORATE SERVICES & SECTION 151 OFFICER**

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### **1. PURPOSE OF REPORT**

1.1 To report the Policy and Resources Scrutiny Committee Forward Work Programme

### **2. SUMMARY**

2.1 Forward Work Programmes are essential to ensure that Scrutiny Committee agendas reflect the strategic issues facing the Council and other priorities raised by Members, the public or stakeholders.

### **3. LINKS TO STRATEGY**

3.1 The operation of scrutiny is required by the Local Government Act 2000 and subsequent Assembly legislation.

### **4. THE REPORT**

4.1 The Policy and Resources Scrutiny Committee Forward Work Programme identifies reports that are due to be presented to scrutiny during the period August to October 2015 and have followed consultation process which includes key stakeholders and the public.

4.2 For information, the latest Policy and Resources Scrutiny Committee Forward Work Programme is attached at Appendix 1.

### **5. EQUALITIES IMPLICATIONS**

5.1 There are no specific equalities implications arising as a result of this report.

### **6. FINANCIAL IMPLICATIONS**

6.1 There are no specific financial implications arising as a result of this report.

## **7. PERSONNEL IMPLICATIONS**

7.1 There are no specific personnel implications arising as a result of this report.

## **8. CONSULTATIONS**

8.1 There are no consultation responses that have not been included in this report.

## **9. RECOMMENDATIONS**

9.1 That Members note the Forward Work Programme.

## **10. REASONS FOR THE RECOMMENDATIONS**

10.1 To improve the operation of scrutiny.

## **11. STATUTORY POWER**

11.1 The Local Government Act 2000.

Author: Catherine Forbes-Thompson Scrutiny Research Officer  
Consultees: Angharad Price, Interim Deputy Monitoring officer and Head of Democratic Services

Appendices:  
Appendix 1 Policy and Resources Scrutiny Committee Forward Work Programme

<b>Policy and Resources Scrutiny Committee Forward Work Programme – August to October 2015</b>		
<b>Subject Area</b>	<b>Report Title</b>	<b>Proposed Meeting Date</b>
Pre-decision Scrutiny	Sheltered Housing Re-Modelling	30 <sup>th</sup> September 2015
	Caerphilly Homes Communications Strategy & Implementation Plan	30 <sup>th</sup> September 2015
	Regulation of Investigatory Powers Act (RIPA) Review	30 <sup>th</sup> September 2015
Consultation & Information	Caerphilly Homes Complaints & Representations	30 <sup>th</sup> September 2015
	Discretionary Rate Relief Applications	30 <sup>th</sup> September 2015
	Forward Work Programme	30 <sup>th</sup> September 2015
Performance Management; <ul style="list-style-type: none"> <li>• WAO Service Performance Reports</li> <li>• Improvement Objectives</li> <li>• Council Self-evaluation</li> <li>• Service Improvement Plans</li> </ul>	<u>No reports for this area</u>	
Monitoring of Authority's Financial Resources	Capital Outturn 2014/15 Report (pre-decision)	30 <sup>th</sup> September 2015
	Corporate Services & Miscellaneous Finance Budget Monitoring	30 <sup>th</sup> September 2015
	Treasury Management & Prudential Indicator Monitoring Report	30 <sup>th</sup> September 2015
Ombudsman Reports	<u>No reports for this area</u>	
Task and Finish Group	<u>No reports for this area</u>	
Members/ Public Requests, Call-ins & CCfA	Empty Properties being brought back into beneficial use	30 <sup>th</sup> September 2015
	Empty Properties/Use of Bed & Breakfast's	Special – 22nd October 2015
Scrutiny of Designated Persons and Other Organisations	<u>No reports for this area</u>	

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