



TO COUNCILLOR:

N Alam
L A Bentley
G A Boulter
J W Boyce
Mrs L M Broadley

M L Darr
R F Eaton
Mrs L Eaton JP
D A Gamble (Chair)
Miss P V Joshi

J Kaufman
Mrs L Kaufman
K J Loydall JP
D W Loydall
Dr I K Ridley (Vice-Chair)

Dear Sir or Madam

I hereby **SUMMON** you to attend a meeting of the **POLICY, FINANCE AND DEVELOPMENT COMMITTEE** to be held at the **COUNCIL OFFICES, STATION ROAD, WIGSTON** on **TUESDAY, 10 MARCH 2020** at **7.00 PM** for the transaction of the business set out in the Agenda below.

Yours faithfully

Council Offices
Wigston
02 March 2020

Mrs Anne E Court
Chief Executive



<u>ITEM NO.</u>	<u>AGENDA</u>	<u>PAGE NO'S</u>
1.	Apologies for Absence To receive apologies for absence from Members to determine the quorum of the meeting in accordance with Rule 7 of Part 4 of the Constitution.	
2.	Appointment of Substitutes To appoint substitute Members in accordance with Rule 26 of Part 4 of the Constitution and the Substitution Procedure Rules.	
3.	Declarations of Interest Members are reminded that any declaration of interest should be made having regard to the Members' Code of Conduct. In particular, Members must make clear the nature of the interest and whether it is 'pecuniary' or 'non-pecuniary'.	
4.	Minutes of the Previous Meeting To read, confirm and sign the minutes of the previous meeting in accordance with Rule 19 of Part 4 of the Constitution.	4 - 7
5.	Action List Arising from the Previous Meeting(s) To read, confirm and note the Action List arising from the previous meeting(s).	



a. Tuesday, 26 November, 2019	8 - 9
b. Tuesday, 11 February, 2020	10
6. Petitions and Deputations	
To receive any Petitions and, or, Deputations in accordance with Rule(s) 11 and 12 of Part 4 of the Constitution and the Petitions Procedure Rules respectively.	
7. Oadby & Wigston Empty Homes Strategy (2020-2025)	11 - 21
Report of the Head of Built Environment	
8. Interception of Communications Policy Update (March 2020)	22 - 37
Report of the Head of Law & Democracy / Monitoring Officer	
9. Collection and Write-Off of Miscellaneous Debtors (Q3 2019/20)	38 - 41
Report of the Financial Services Manager	
10. Third Sector and Community Support Funding Requests (Q3 2019/20)	42 - 50
Report of the Head of Community & Wellbeing	
11. Standards & Ethical Indicators (Q3 2019/20)	51 - 60
Report of the Head of Law & Democracy / Monitoring Officer	
12. Exclusion of the Press and Public	
The press and public are likely to be excluded from the remainder of the meeting in accordance with Section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item(s) below on the grounds that it involves the likely disclosure of exempt information, as defined in the respective paragraph(s) 1, 2, 3 and 5 of Part 1 of Schedule 12A of the Act and, in all the circumstances, the public interest in maintaining the exempt item(s) outweighs the public interest in disclosing the information.	
13. Proposed Disposal of Council-Owned Land in Oadby (Exempt Report)	61 - 93
Report of the Trainee Solicitor	

For more information, please contact:

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Agenda Item 4

**MINUTES OF THE MEETING OF THE POLICY, FINANCE AND DEVELOPMENT COMMITTEE
HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 11
FEBRUARY 2020 COMMENCING AT 7.00 PM**

PRESENT

Dr I K Ridley Vice-Chair, in the Chair
Mrs L Kaufman Vice-Chair, Acting



COUNCILLORS

N Alam
L A Bentley
G A Boulter
J W Boyce
Miss P V Joshi
J Kaufman
K J Loydall JP
D W Loydall

OFFICERS IN ATTENDANCE

D M Gill Head of Law & Democracy / Monitoring Officer
C Mason Chief Finance Officer / Section 151 Officer
C Raymakers Financial Services Manager
S Tucker Democratic & Electoral Services Manager / Deputy Monitoring Officer

48. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillors Mrs L M Broadley, M L Darr, R F Eaton, Mrs L Eaton JP and D A Gamble.

It was moved by J W Boyce, seconded by K J Loydall JP and

UNANIMOUSLY RESOLVED THAT:

Councillor Mrs L Kaufman assume the role Vice-Chair for the duration of the meeting.

49. APPOINTMENT OF SUBSTITUTES

None.

50. DECLARATIONS OF INTEREST

None.

51. MINUTES OF THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The minutes of the previous meeting held on 26 November 2019 be taken as

**Policy, Finance and Development Committee
(Draft Budget (2020/21) etc.)
Tuesday, 11 February 2020**

Chair's
Initials

read, confirmed and signed.

52. PETITIONS AND DEPUTATIONS

None.

53. ACTION LIST ARISING FROM THE PREVIOUS MEETING

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The Action List arising from the previous meeting on 26 November 2019 be deferred for consideration at the next standard quarterly-reporting meeting on 10 March 2020.

In accordance with Rule 6.3 of Part 4 of the Constitution, the Chair moved for the order of business to be altered and taken in the order as reflected in the minutes.

By affirmation of the meeting, it was

UNANIMOUSLY RESOLVED THAT:

The order of business be altered and taken accordingly.

54. FINANCIAL OUTTURN REPORT (Q3 2019/20)

The Committee gave consideration to the report and appendices (as set out on pages 105 - 113 of the agenda reports pack) which asked it to note the overall Council position for the financial year 2019/20 at the end of the third quarter for both Revenue and Capital expenditure.

The Committee requested that a report on absence management be provided to a future meeting of an appropriate Committee, in particular with a focus on sickness rates for Depot based staff.

It was moved by Councillor J Kaufman, seconded by the Chair and

UNANIMOUSLY RESOLVED THAT:

The content of the report be noted.

55. DRAFT 2020/21 BUDGET (INCLUDING APPROVAL OF COUNCIL TAX) & MEDIUM-TERM FINANCIAL STRATEGY (2021/22 TO 2024/25)

The Committee gave consideration to the report and appendix (as set out on pages 5 - 104 of the agenda reports pack) which asked it to recommend to Full Council the draft Budget 2020/21 (including approval of Council Tax) and Medium Term Financial Strategy (2021/22 to 2024/25).

The Committee requested that further consideration at a future Committee be given to the proposal to generate savings from moving to a digital-only version of Letterbox, citing concerns that certain groups of residents in the Borough rely upon receiving a hard copy of the publication for information about Council services and consultations.

The Committee also requested that an update be provided to a future meeting of Service Delivery Committee on the progress that has been made since the cleaning contract was brought back in house.

An amendment was moved by Councillor K J Loydall JP and seconded by Councillor G A Boulter, proposing that in respect of recommendation A, the words "and to develop options on the Council's housing stock" be deleted.

The amendment was put to the vote and was carried.

Votes For	9
Votes Against	1
Abstentions	0

The recommendations (as amended) were then put to the vote en bloc and it was

UNANIMOUSLY RESOLVED THAT:

(i) Members recommend to Full Council:

- **the savings, income and growth proposals (para 3.1 – 3.7);**
- **the Consolidated 2020/21 Budget and Medium Term Financial Strategy (2020/21 to 2024/25); including a 2020/21 Council Tax of £229.50 (Band D equivalent; reflecting an increase of £5) (para 3.8 – 3.11, and Table 6 & 7);**
- **The Revenue Reserves position and the use of Reserves to meet the estimated budget deficit of £100,951. (section 4, and Table 8);**
- **The Capital Programme for 2020/21 (and 2021/22 to 2024/25) for both the General Fund and Housing Revenue Account (section 5);**
- **The Housing Revenue Account, including:**
 - **2020/21 rent increase of 2.7%, giving an average weekly rent of £77.44; and**
 - **other 2020/21 specific charges increase of 2.7% (section 6)**
- **The Fees & Charges for 2020/21 (section 7);**
- **The Treasury Management Strategy and other related Treasury plans, strategies and statements (section 8);**
- **The development of a Commercial Investment Strategy, that will include the potential to acquire and dispose of assets within a commercial operating environment. Such commercial activity may include commercial property and Private Rented Sector (residential) property both inside and outside of the Borough boundary.**

(ii) That Members note the work to date on the redevelopment of the Bushloe House site and the relocation of the Council's Civic and Administrative Offices to the Depot (para 3.4); and

(iii) That Members note the commentary given by the Chief Financial Officer in respect of the Robustness of the 2020/21 Budget and Medium Term Financial Strategy (section 9).

THE MEETING CLOSED AT 9.03 PM



Chair

Tuesday, 10 March 2020

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Council Offices, Station Road, Wigston, Leicestershire, LE18 2DR*

Agenda Item 5a.

POLICY, FINANCE AND DEVELOPMENT COMMITTEE

ACTION LIST

Arising from the Meeting held on Tuesday, 26 November 2019

No.	Minute Ref. / Item of Business	*Action Details / Action Due Date	Responsible Officer(s)' Initials	Action Status
1.	40. Review of Scale of Fees & Charges (2020/21)	Further information to be provided before the next meeting of the Committee on 11 February 2020, including the justifications and usage of charges in relation to hire of community facilities and the garden waste collection service. <i>Due by Mar-20</i>	ChRa	Complete
		The information requested was featured in the 'Draft 2020/21 Budget (including approval of Council Tax) & Medium-Term Financial Strategy (2021/22 to 2024/25)' report and 'Draft 2020/21 Budget Book' as was approved for recommendation by the Committee at its meeting on 11 February to Full Council.		
2.	41. Collection and Write-Off of Miscellaneous Debtors (Q2 2019/20)	A report to be provided to a future meeting of the Committee detailing the Council's use of collection agents. <i>Due by Jun-20</i>	ChRa	On Target to Complete
		This report will be authored by the new Revenues and Benefits Manager once in-post and will be considered by this Committee at a future meeting provisionally scheduled on either 16 June or 15 September 2020.		
3.	44. Environment Strategy & Action Plan (November 2019)	Where paper processes and transactions are migrated to online forms, thorough testing and regular monitoring of the online forms should be in place to ensure continuity and reliability of these services. <i>Due by Ongoing</i>	PhFi	Ongoing
		The migration and creation of online forms will be completed and tested in an Officer-determined order of priority, and will be regularly monitored to ensure service continuity and reliability.		
4.	47. Financial Outturn Report (Q2 2019/20)	Updates regarding Tendring Drive footpath and Oadby Grange Country to be provided to the	DaGi	Complete

		January 2020 meeting of Service Delivery Committee. <i>Due by Jan-20</i>		
		A report and verbal update was provided to and considered at the Service Delivery Committee meeting on 28 January 2020.		
5.	47. Financial Outturn Report (Q2 2019/20)	An update regarding the Pest Control Service to be provided to the March 2020 Licensing and Regulatory Committee. <i>Due by Mar-20</i>	ToCa	Complete
		An exempt report and verbal update is to be provided to and considered at the next Licensing and Regulatory Committee meeting scheduled on 5 March 2020.		

* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).

Agenda Item 5b.

POLICY, FINANCE AND DEVELOPMENT COMMITTEE

ACTION LIST

Arising from the Meeting held on Tuesday, 11 February 2020

No.	Minute Ref. / Item of Business	*Action Details / Action Due Date	Responsible Officer(s)' Initials	Action Status
1.	54. - Financial Outturn Report (Q3 2019/20)	The Committee requested that a report on absence management be provided to a future meeting of an appropriate Committee, in particular with a focus on sickness rates for Depot based staff. <i>Due by Mar-20</i>	StHi	Complete
		A report is to be provided to and considered at the next People Committee meeting scheduled on 12 March 2020.		
2.	55. - Draft 2020/21 Budget (including approval of Council Tax) & Medium-Term Financial Strategy (2021/22 to 2024/25)	The Committee requested that further consideration at a future Committee be given to the proposal to generate savings from moving to a digital-only version of Letterbox. <i>Due by Sep-20</i>	PhFi	On Target to Complete
		This will be considered by this Committee at a future meeting provisionally scheduled on either 16 June or 15 September 2020.		
3.	55. - Draft 2020/21 Budget (including approval of Council Tax) & Medium-Term Financial Strategy (2021/22 to 2024/25)	The Committee requested that an update be provided to a future meeting of Service Delivery Committee on the progress that has been made since the cleaning contract was brought back in house. <i>Due by Sep-20</i>	AdTh	On Target to Complete
		This will be considered by the Service Delivery Committee at a future meeting provisionally scheduled on either 9 June or 10 September 2020.		

* | All actions listed are those which are informally raised by Members during the course of debate upon a given item of business which do not form part of - but may be additional, incidental or ancillary to - any motion(s) carried. These actions are for the attention of the responsible Officer(s).



Policy, Finance and Development Committee	Tuesday, 10 March 2020	Matter for Information and Decision
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Report Title: **Oadby & Wigston Empty Homes Strategy (2020-2025)**

Report Author(s): **Adrian Thorpe (Head of Built Environment)**

Purpose of Report:	This report provides an update with regard to the measures of success for 2019/20 relating to the issue of Empty Homes as set out in the Council's Corporate Plan.
Report Summary:	The Corporate Plan contains two actions and associated Key Performance Indicators in order to enable the Council to measure its success. This report provides an update on both actions and associated Key Performance Indicators.
Recommendation(s):	A. That the contents of the report be noted; and B. That the Proposed Empty Homes Strategy (2020-2025) (set out at Appendix 1 to this report) be approved.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Stephen Hinds (Deputy Chief Executive) (0116) 257 2861 stephen.hinds@oadby-wigston.gov.uk Adrian Thorpe (Head of The Built Environment) (0116) 257 2645 adrian.thorpe@oadby-wigston.gov.uk
Corporate Objectives:	Growing the Borough Economically (CO2)
Vision and Values:	"A Stronger Borough Together" (Vision) Teamwork (V3) Innovation (V4) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Effective Utilisation of Assets / Buildings (CR5) Economy / Regeneration (CR9)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.

Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Proposed Empty Homes Strategy (2020-2025)

1. Introduction

1.1 The Council's Corporate Plan refers to the valuable role that returning long term empty homes back into the market can have in relation to Corporate Objective 2 'Growing the Borough Economically' and the outcome 'Delivering on our Housing Need'.

1.2 One of the ways that the Corporate Plan seeks to achieve this objective and associated outcome is set out in the Plan as follows:

3. We will work to bring existing long-term empty homes back into the market through collaborative working and direct Council interventions.	Staffing Resource Internal Financing
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1.3 The Corporate Plan contains two actions and associated Key Performance Indicators in order to enable the Council to measure its success:

How we will measure success	Baseline (2018/19)	Target	Benchmark	Frequency
GBE 10 Develop a cross/cutting corporate empty homes strategy to support the Empty Homes Group.	N/A	Q3	Local	Key Milestone
GBE 11 Return 5 properties empty for 24 months or more onto the market/into occupation.	N/A	March 2020	Local	Annual

1.4 This report provides an update on both actions and associated Key Performance Indicators.

2. Develop a cross cutting corporate Empty Homes Strategy to support the Empty Homes Group

2.1 Managing empty homes in the Borough falls to a range of Officers working in different sections of the Council. Often it is only a small part of their role either on an ongoing basis or on an occasional basis when a particular matter requires their involvement. Therefore an Empty Homes Officer Group was established in order to bring these Officers together as and when necessary.

2.2 The Council already has in place an Empty Homes Strategy dated April 2016, so a review of this document has taken place in order to develop a new strategy. In reviewing the

document a number of key questions have been considered.

Is the number of long term Empty Homes a particular issue in the Borough?

- 2.3 A home is considered to be empty when it has been empty for 6 months or more. In February 2020 there were 96 properties in the Borough recorded as being empty for 6 months or more. Of these, 26 had been empty for 2 years or more and are paying Council Tax premium and are therefore classified as long term empty homes. This differs from the belief that has previously been expressed in Committees that the number of empty homes in the Borough was significantly higher (and upon which the setting of the Key Performance Indicator target was based).
- 2.4 In comparison to other Leicestershire districts, since 2011, the Borough of Oadby and Wigston has annually recorded the second lowest number of empty homes within its administrative area, with only Melton Borough recording fewer. All of the other districts have recorded significantly more empty homes – generally over 250 each year.
- 2.5 In terms of long term empty homes (i.e. those empty for 2 years or more) these equate to only 0.11% of the total housing stock in the Borough. In terms of empty homes (i.e. those empty for 6 months or more) these equate to 0.40% of the total housing stock in the Borough. Whilst it is clearly desirable to minimise the number of empty homes and long term empty homes, these figures demonstrate that the current levels are not detrimental in enabling the Council to meet its Corporate Objectives.
- 2.6 It is also of note that at any one time there are between about 100 and 130 empty homes in the Borough. Since 2013 the number has not particularly decreased, nor increased, therefore indicating that the 'churn' of empty homes lies at around about this number. There will always be a churn of empty homes within a housing market and the level of churn in the Borough is not considered to be unreasonable.

What action can the Council take to reduce the number of long term empty homes?

- 2.7 The April 2016 Empty Homes Strategy identified a three step approach to empty homes – Identify, Encourage, Enforce.
- 2.8 The review of the document found that the Council has not been particularly active in encouraging empty homes to be brought back to the market. For example, the Council does not employ a dedicated Empty Homes Officer and does not offer grants to owners of empty homes to assist owners to bring the empty home back into use. Despite this whilst the number of empty homes in the Borough has not declined, neither has it increased and the number of empty homes has remained fairly consistent since 2013, two years before the Empty Homes Strategy was introduced.
- 2.9 Therefore, in reviewing the Empty Homes Strategy and taking into account the factors mentioned in paragraphs 2.3 to 2.8, no specific additional methods to encourage empty homes to be brought back into use have been included. Such methods would require a significant financial investment by the Council to either offer grants or to fund an Empty Homes Officer and the relatively small numbers of empty homes in the Borough do not warrant this degree of investment.
- 2.10 Officers will however continue to liaise and offer encouragement to the owners of empty homes as and when appropriate as they do currently, such as the Revenues Visiting Officer, the Anti Social Behaviour Officer, the Planning Enforcement Officer and Environmental Health Officers.
- 2.11 All of the various enforcement measures referred to in the 2016 Empty Homes Strategy

have been carried forward. This ensures that there remains a range of enforcement actions to deal with long term empty homes should they become such a problem that enforcement action is necessary. However, enforcement can be highly labour intensive, lengthy and expensive for the Council so it will only be considered as a last resort.

2.12 The new Empty Homes Strategy arising from the review of the 2016 version is attached at **Appendix 1**.

3. Return 5 properties empty for 24 months or more onto the market/into occupation

2.13 In light of the comments in paragraph 2.8 above that the Council has not been particularly active in encouraging empty homes to be brought back to the market this was always going to be a difficult target to meet. This is because the only tools available to achieve it have been verbal persuasion from existing Officers in their discussions with the owners of long term empty homes, or enforcement action which would only be considered as a last resort should a long term empty home become such a problem that enforcement action is necessary.

2.14 Although to date in 2019/20 no long term empty homes have been moved onto the market/into occupation, progress has been made in relation to 2 long term empty homes as detailed below:

- Number 30 The Moorwoods, Oadby - The Revenues Visiting Officer last visited on 4th February 2019. A new builder has been instructed by the owner and work is progressing well and to a proper standard. It is anticipated that within 3-4 months the property will be in a state where it can be sold or let.
- Number 37 Newton Lane – Work was due to start in December 2019 however no progress has been made yet. The Revenues Visiting Officer is in weekly liaison with the Agent and it is intended that work will begin in the near future.

2.15 Given that the number of long term empty homes in the Borough is not detrimental in enabling the Council to meet its Corporate Objectives, and as set out in paragraph 2.3 is not significant enough for it to be necessary or appropriate for the Council to invest its money in encouraging long term empty homes to be brought back into use, it would appear appropriate for this key performance indicator to be removed from the Corporate Plan.

2.16 However, the number of long term empty homes will be monitored on a quarterly basis and will be reported to Members for their information in the Corporate Performance Update report to Service Delivery Committee.

Oadby and Wigston Borough Council Empty Homes Strategy 2020-2025

March 2020



Introduction

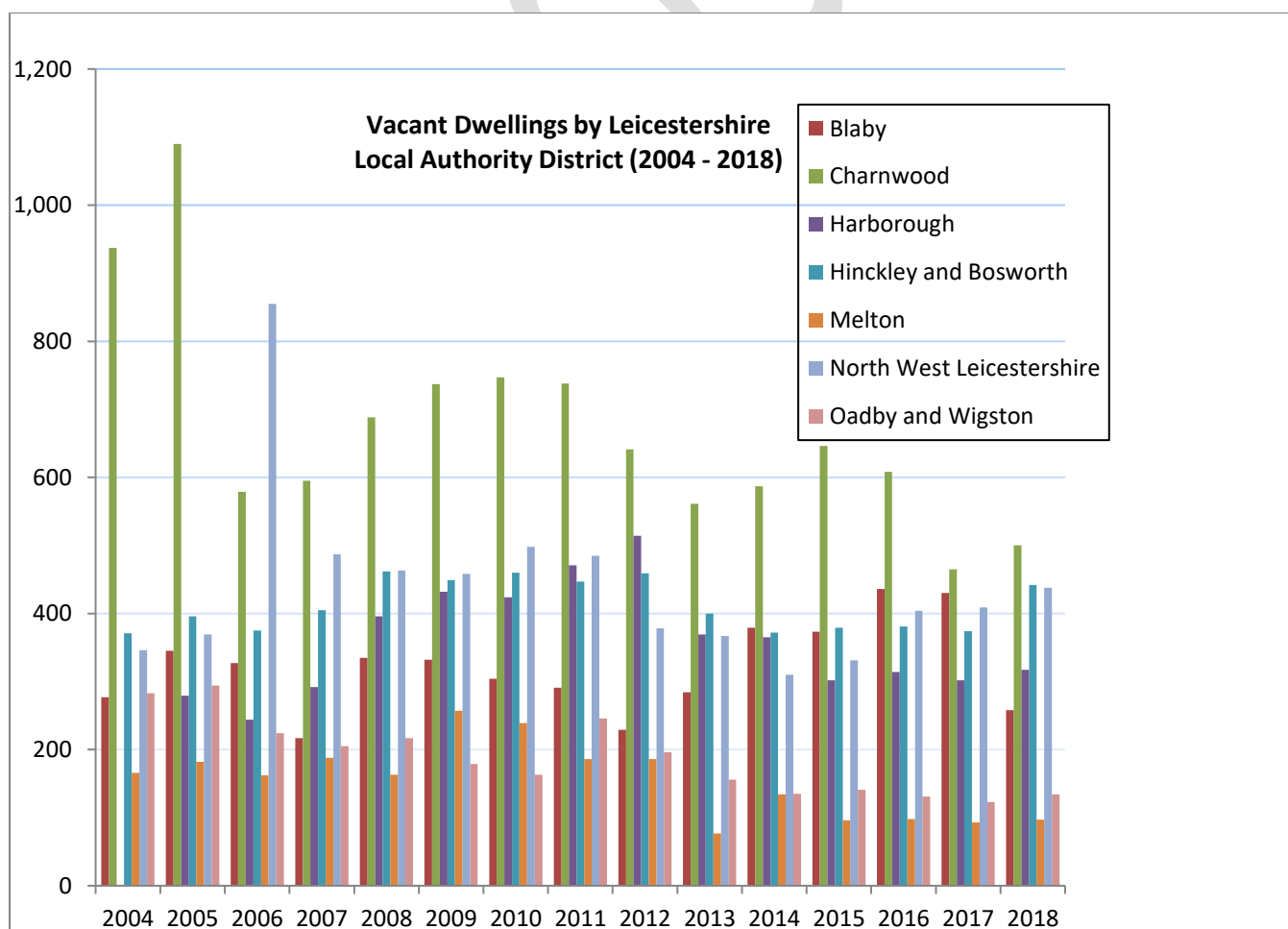
This Strategy sets out the Council's approach to returning empty homes back into use. Empty homes are a wasted asset and bringing them back into use can contribute towards increasing the supply of housing in the Borough, improving the quality of the environment and reducing anti-social behaviour.

Just one empty property in a neighbourhood can attract fly tipping and vandalism and make neighbouring properties unattractive to let or sell. This effect of neglected empty properties on neighbourhoods is well known, and returning them to use can have a positive impact on the surrounding area whilst increasing overall housing supply and meeting demand.

Nationally there are approximately 216,000 properties which have been empty for more than six months equating to almost 1.00 per cent of the total housing stock. The majority of this number is within the private sector. In 2018 the number of long term empty properties in the East Midlands was slightly lower than the national average at 0.94%.

In February 2020 there were 96 properties in the Borough that had been empty for 6 months or more, of which 26 had been empty for 2 years or more.

Evidence from local authority returns indicate that the number of empty properties in the Borough of Oadby and Wigston has gradually decreased from 283 in 2004 to present, as illustrated in the chart below.



As illustrated in the chart, the number of long-term vacant properties in the Borough has gradually decreased between 2004 to 2018, representing a 47.35 percent decrease in the fourteen year time period.

Comparatively, the scale of this reduction of empty homes is significantly better than most other local authorities in Leicestershire, as illustrated below.

Table. 1: Fluctuation in number of long-term vacant dwellings in Leicestershire, 2004 to 2018

Local Authority	2004	2018	+ / - change (%)
Blaby	277	258	- 6.86
Charnwood	937	500	- 46.64
Harborough	279*	317	+ 11.99
Hinckley and Bosworth	371	442	+ 16.06
Melton	166	97	- 41.57
North West Leicestershire	364	438	+ 16.90
Oadby and Wigston	283	134	- 47.35

*Figure from 2005 because 2004 figure is not published.

In February 2020, the number of households in the Borough of Oadby and Wigston was 23,487 and therefore 96 long-term vacant properties represented 0.40 per cent of the Borough's total housing stock. Comparably, this figure is lower than the number of empty properties in Leicestershire, which equated to 0.76 per cent of the total housing stock in 2018.

Oadby and Wigston Borough Council Corporate Plan 2019-2024

The benefits of returning long term empty homes into use is recognised by the Council's Corporate Plan which seeks to *'bring existing long-term empty homes back into the market through collaborative working and direct Council interventions'*. The Corporate Plan includes a Key Performance Indicator that aims to return a specified number of empty homes in to use annually.

Returning empty homes into use links directly with the Vision and Objectives of the Corporate Plan in relation to *'improving the lives of our communities'* and to *'be proud of your Borough as a place to live'*.

Aims and Objectives

The aim of this Strategy is:

To reduce the number of Long Term Empty Homes in Oadby and Wigston by working with owners to discourage them from leaving the homes empty and by returning them back into use providing decent homes.

The objectives of this Strategy are:

- To identify long term empty properties
- To provide advice and assistance to those wishing to bring empty properties back into use
- To use enforcement action to bring the properties back into use, where necessary

Defining an Empty Property

It is important to define which properties are affected by this Strategy, and those which are not. For the purposes of this Strategy long term empty properties are those which:

Have been unoccupied for six months or more AND where there is little reasonable prospect that the owner will be able to remedy the circumstances without advice, assistance or support.

Properties which have been empty for less than six months are not considered to be long term empty properties.

Why bring long term empty homes back into use?

Spatial Objective 8 of the adopted Oadby and Wigston Local Plan states that *'A mix of housing opportunities will be provided to positively meet the housing needs of the local community, including private rented and affordable homes. A mix of type, tenure and affordability will be provided to ensure that all residents of the Borough have access to appropriate homes. The primary focus for new housing will be the three main centres, the rest of the urban area, as well as the allocated 'direction for growth' areas. Support will be given to proposals or schemes that realise these primary focus locations and the needs of the local community'.*

Bringing empty homes back into use therefore contributes towards the provision of a balanced housing market in the Borough and increases the supply of housing.

Other benefits include:

For the homeowner:

- An increased income or capital value associated with the property
- Reduced costs for example, Council Tax liability and empty home insurance

For the Council:

- A reduction in the number of complaints associated with empty homes
- Reduction in debts owed to the Council arising from empty homes

For the Community:

- An improved environment by removing 'eye-sores' and reducing opportunities for anti-social behaviour with associated benefits to house prices in the vicinity
- The provision of a wider range of housing options

The Borough Council's general approach to bringing empty homes back into use is a three step approach:

- Identify
- Encourage
- Enforce

Identify

Long term empty properties are initially identified via Council Tax records. Wherever possible, the Council contacts owners to obtain current information and to encourage at an early stage the property to be returned back into use.

Encourage

If the property is shown to be empty the Council will issue a questionnaire to the owner to establish why the property is empty, and what steps if any the owner is taking to return the property back into use.

The aim is to provide the owner with ideas that can provide more than one solution to an empty home. Being able to offer a flexible range of solutions is intended to achieve greater success in reducing the number of empty properties. Once contact is made owners are advised of the options available to them.

Let or Sell the Property Vacant

The Borough Council may be able to provide advice on housing standards, good housing management practices, setting up tenancies, and finding suitable tenants for the property. In some instances the Council may consider purchasing or leasing the property itself in order to increase its portfolio of temporary or affordable housing.

If work or repairs are needed to the property prior to a sale or let then the Council may be able to advise of any external grants that are available. If the empty property is adjacent to any of the Council's own housing stock then it may be possible to combine any works proposed to take place to the Council's stock with the empty property. Whilst the owner of the empty property would be liable to pay for the cost of any works undertaken to their property through this approach they may be able to benefit from any economies of scale achieved by working in partnership with the Council.

Convert the Property or Change of Use

Empty space over shops, redundant town centre office accommodation, former schools, traditionally constructed commercial buildings or other vacant facilities may lend themselves to conversion to some form of accommodation. The Council can advise on the planning implications for such premises and whether such proposals might be considered permitted development.

Enforce

The Council will endeavour to encourage and facilitate owners of empty properties to bring them back into use. However, it is recognised that the Council may have to undertake enforcement action to deal with certain properties. A combination of housing, environmental health, planning and building control legislation may be used if necessary to either improve the visual appearance, safety and security of the building, pending its reoccupation or to force the owner to bring the property back into use. This action will follow the informal education and advice offered during initial contact with the owner.

Enforcement methods are highly labour intensive, lengthy and can be expensive for the Council. The Council is keen to work with owners and in all instances will use encouragement and assistance before enforcement options are considered.

Where the owner may be un-cooperative or, the Council after a thorough investigation is unable to trace the owner of the empty property there are a number of enforcement options open to the Council. Enforcement will usually take the form of one or more of the following:

- Town and Country Planning Act section 215 Notice
- Building Act 1984 section 79 Notice
- Enforced Sale
- Empty Dwelling Management Order
- Compulsory Purchase Order
- Enforcement of any Council Tax liability by a charging order leading to an order for sale

Town and Country Planning Act Section 215 Notices/Enforced Sale

Where a property is having a detrimental impact on the amenity of an area, a notice may be served requiring the owner to address the unsightly external appearance. Where an owner fails to comply with such a notice the Council may undertake the works in default, and make a charge against the property.

The use of s.215 notices improves the amenity of an area, and also allows the recovery of Council costs incurred; this can form the basis of an enforced sale.

When a debt is owed to the Council and all reasonable attempts have been made to recover this debt, the Council can force the sale of the empty property under The Law and Property Act 1925 (Power of Sale) as a means of debt recovery. The debt is recovered on sale of the property. Whilst this method does not guarantee that the property will be bought back into use a new owner would be found (usually via auction) and it is likely this would result in the property being re-occupied.

Building Act 1984 Section 79 Notice

If the Empty Home is in a ruinous or dilapidated condition and is seriously detrimental to the amenities of the neighbourhood, the Local Authority can order the owner:

- To execute works of repair or restoration
- To demolish the building and remove any associated materials

Whilst this option will not return the property back into use, it can assist to manage its impact on its environment and the local community.

Empty Dwelling Management Orders

The Council can take over the management of the property using an Empty Dwelling Management Order (EDMO) under Part 4 of the Housing Act 2004. A management agreement or framework should be in place before any EDMOs are made.

An interim EDMO allows the Council 12 months to secure the occupation of the home. If no progress is made within 12 months, the Council can apply for a final EDMO which lasts up to 7 years, but can go up to 21 years and involves the Council taking over full management of the property.

Whilst an EDMO is in force the Council may carry out maintenance and renovation work. This would be at the Council's cost and recoverable from the rental income of the property. It is therefore necessary for the Council to consider the likely income from the property against the costs associated with bringing it up to habitable standard. An EDMO is most suitable where the cost of the works to bring the property up to standard can be recovered within the period of the EDMO.

Compulsory Purchase Order

Under section 17 of the Housing Act 1985 or section 226 Town & Country Planning Act 1990, the Council has the power to compulsorily purchase the property, the property is then sold on. They are only used in appropriate cases, where, an owner has consistently failed to bring an empty property back into use despite other Council interventions.

Compulsory Purchase Orders are a lengthy legal process that the Council will not undertake lightly. It is considered one of the strongest powers available to tackle empty homes and consequently requires approval of the Secretary of State.

Compulsory purchase proceedings are often not completed because owners have been prompted by the process to bring the property back into use themselves. Though Compulsory Purchase Orders are a useful device for local authorities, this type of action tends to shift the 'burden of responsibility' to a third party. Therefore, an alternative and quicker option is to ensure is to pursue enforced sale orders in cases where owners are reluctant to address the problems that their empty property is causing.

Enforcement of any Council Tax liability

Empty homes attract a council tax premium which is designed to encourage owners to bring the property back into use. Where that liability is not paid the Council will enforce the liability through the Magistrates Court and obtain a liability order. If that liability order exceeds £1,000 then the Council can convert the Liability Order to a Charging Order which gives a right to an enforced sale of the property.

Most Acceptable Course of Action

All enforcement methods are highly labour intensive, lengthy and can be expensive for the Council. The Council is keen to work with owners and in all instances will use encouragement and assistance before enforcement options are considered.

At the point where enforcement action is considered necessary a report will be drafted for the Head of Law and Democracy for consideration, with an environmental and cost benefit analysis of all of the enforcement actions, including an analysis of taking no action. A decision will then be made once all of the information has been gathered and financial and legal implications have been considered.

Reviewing the Strategy

The Strategy will be reviewed every five years or sooner should there be any major changes in National or Local policy.

Agenda Item 8



Policy, Finance and Development Committee	Tuesday, 10 March 2020	Matter for Information and Decision
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Report Title: **Interception of Communications Policy Update (March 2020)**

Report Author(s): **David Gill (Head of Law & Democracy / Monitoring Officer)**

Purpose of Report:	To advise Members of amendments to the Regulation of Investigatory Powers Act 2000 and to request adoption of an Interception of Communications Policy.
Report Summary:	The report summarises amendments that have been made to the Regulation of Investigatory Powers Act 2000 and the requirement for the Council to adopt an Interception of Communications Policy.
Recommendation(s):	That the draft Interception of Communications Policy (as set out at Appendix 1 to this report) be approved.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk
Corporate Objectives:	Not applicable.
Vision and Values:	Not applicable.
Report Implications:-	
Legal:	There are no implications directly arising from this report.
Financial:	There are no implications directly arising from this report.
Corporate Risk Management:	Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications directly arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	As the author, the report is satisfactory.
Consultees:	None.
Background Papers:	None.

Appendices:	1. Draft Interception of Communications Policy (March 2020)
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1. Background

- 1.1 The Council is a public body under the Regulation of Investigatory Powers Act 2000 (RIPA) (“the 200 Act”) which enables it, subject to the qualifying criteria being met, to undertake directed surveillance once that surveillance has been authorised.
- 1.2 Under the legislation and the statutory guidance issued pursuant to the 200 Act, elected Members must have an oversight of the use of the powers contained within the Act and approve the policy on at least an annual basis.
- 1.3 This Committee approved the current policy on 26 March 2019 and receives quarterly updates on usage in the Quarterly ‘Ethical Standards and Monitoring Report’.

2. Legislative Changes

- 2.1 Since Members last adopted the policy there have been changes in legislation.
- 2.2 Some of the parts of the Act that related to the interception of communications have been repealed and replaced by the Investigatory Powers Act 2016 (IPA) (“the 2016 Act”).
- 2.3 As a result the Council needs to adopt a new policy under the 2006 Act.
- 2.4 A Draft Policy for the Interception of Communications is attached at **Appendix 1** for Members’ consideration and adoption.

OADBY & WIGSTON BOROUGH COUNCIL

**INVESTIGATORY POWERS ACT 2016:
COMMUNICATIONS DATA**



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Policy History				
Version	Summary of Change	Contact	Implementation Date	Review Date
1.0	New policy following the coming into force of the IPA 2016.	Head of Law and Democracy	April 2020	May 2021

Links and dependencies
Corporate Anti-Fraud Policy Whistleblowing Policy Anti-Money Laundering Policy Anti-Bribery Policy Employee Code of Conduct

Related forms
IPA Communications Data Authorisation Application for Communications Data

1.0 Overview of IPA

The Investigatory Powers Act (“IPA”) 2016 regulates access to communications data. It requires local authorities to follow a specific procedure and obtain independent authorisation before obtaining communications data.

Failure to comply with IPA 2016 may mean that the Council’s actions are unlawful and amount to a criminal offence. It may also mean that the evidence obtained would be inadmissible in court proceedings and jeopardise the outcome of such proceedings. Such action could also lead to a successful claim for damages against the Council.

It is in the public interest for criminal investigations to be undertaken efficiently and promptly. Therefore, where proportionate and necessary, the IPA should be used as a tool to advance criminal investigations accordingly.

This policy should be read in conjunction with the latest Home Office Code of Practice on Communications Data.

Please note that, at the time of writing, the code published in November 2018 is not fully up to date with legislative changes. A new code is expected to be published soon; therefore, legal services should always be consulted if an officer is considering obtaining communication data.

Further information on IPA can be obtained from the Investigatory Powers Commissioner's Office, the body responsible for overseeing the use of investigatory powers.

The procedure for use of surveillance and covert human intelligence sources (CHIS) is dealt with under the Regulation of Investigatory Powers Act 2000 and in a separate policy.

2.0 Policy Statement

Oadby and Wigston Borough Council will apply the principles of IPA 2016 when obtaining communication data. In doing so, the Council will also take into account its duties under other legislation, in particular the Human Rights Act 1998, Data Protection Act 2018 and its common law obligations.

The purpose of this policy is to ensure that:

- An individual’s right to privacy is not unlawfully breached;
- The investigation is necessary and proportionate to the alleged offence;
- Proper authorisations are obtained for the obtaining of communications data; and,
- The proper procedures are followed.

3.0 Communications Data

Communications data includes the “who,” “when,” “where,” and “how” of a communication but not the content i.e. what was said or written. It includes the way in which, and by what method, a

person or thing communicates with another person or thing. It excludes anything within a communication including text, audio and video that reveals the meaning, other than inferred meaning.

Communications data can include the address to which a letter is sent, the time and duration of a communication, the telephone number or email address of the originator and recipient, and the location of the device.

It covers electronic communications including internet access, internet telephony, instant messaging and the use of applications. It also includes postal services.

Communications data is generated, held or obtained in the provision, delivery and maintenance of communications services including telecommunications or postal services.

Communications data is defined as 'entity data' and/or 'events data'. These terms are defined in the Code of Practice on Communications Data. However, in essence:

Entity data is data about a person or thing (such as a device) or information linking them that can change over time. For example, information about which person is the account holder of email account example@example.co.uk.

Events data concerns specific communications; for example, information about who sent a particular email or the location of a mobile phone when a call was made. There is a higher threshold to obtain events data than for entity data.

4.0 Data that cannot be Requested Under IPA 2016

The Council does not have legal power under IPA 2016 to:

- Intercept communications data;
- Access the content of data communications e.g. the content of text messages, emails, etc.;
- or
- Access internet connection records.

5.0 Authorisations

It is crucial that the obtaining of communications data is properly authorised. No officer may seek to obtain any form of communication data unless he has obtained the proper authorisation to do so, i.e.:

- An approved ranked officer (ARO) must be consulted;
- The application must be provided to the Single Point of Contact (SPoC); or

- The application must be approved by the Office for Communications Data Authorisations (OCDA).

Where an authorisation to obtain communications data has been granted, persons within a public authority may engage in conduct relating to a postal service or telecommunication system, or to data derived from a telecommunication system, to obtain communications data.

The following types of conduct may be authorised:

- Conduct to obtain communications data – including obtaining data directly or asking any person believed to be in possession of or capable of obtaining such data to obtain and disclose it; and/or
- Giving of a notice – requiring a telecommunications operator to obtain and disclose the required data.

In the case of OWBC, the obtaining of communications data will be facilitated through our membership of the National Anti-Fraud Network (NAFN), which provides a comprehensive single point of contact (SPoC) service.

It will be the responsibility of NAFN to ensure all requests to a telecommunications/ postal operator for communications data, pursuant to the granting of an authorisation, comply with the requirements of the Code of Practice.

6.0 Roles and Responsibilities

Obtaining communications data under the Act involves five roles:

1. Applicant;
2. Approved rank officer (ARO);
3. Single point of contact (SPoC);
4. Authorising agency (OCDA); and
5. Senior Responsible Officer in a Public Authority (SRO).

Applicant

The applicant is a person involved in conducting or assisting an investigation or operation within a relevant public authority who makes an application in writing or electronically to obtain communications data.

Any person in a public authority which is permitted to obtain communications data may be an applicant, subject to any internal controls or restrictions put in place within public authorities.

Approved rank officer (ARO)

The Approved Rank Officer is a person who is a manager at service level or above within the Public Authority. The ARO's role is to have an awareness of the application made by the Applicant and convey this to the SPoC.

The ARO does not authorise or approve any element of the application and is not required to be 'operationally independent'. The AROs for OWBC are identified in **Annex A**.

Single point of contact (SPoC)

The SPoC is an individual trained to facilitate the lawful obtaining of communications data and effective co-operation between a public authority, the Office for Communications Data Authorisations (OCDA) and telecommunications and postal operators. To become accredited an individual must complete a course of training appropriate for the role of a SPoC and have been issued the relevant SPoC unique identifier.

Public authorities are expected to provide SPoC coverage for all reasonably expected instances of obtaining communications data. OWBC is a member of the National Anti-Fraud Network (NAFN). NAFN is an accredited body for the purpose of providing data and intelligence under the IPA for all public bodies. As part of their portfolio they offer a comprehensive SPoC service.

Authorising Agency (OCDA)

The Office for Communications Data Authorisations (OCDA) is the independent body responsible for the authorisation and assessment of all Data Communications applications under the Act. They undertake the following roles:

- Independent assessment of all Data Communications applications;
- Authorisation of any appropriate applications; and
- Ensuring accountability of Authorities in the process and safeguarding standards.

Senior responsible officer (SRO)

The Senior Responsible Officer (SRO) is a person of a senior rank, a manager at service level or above within the Public Authority. The SRO for OWBC is identified in **Annex A**.

The SRO is responsible for:

- the integrity of the process in place within the public authority to obtain communications data;
- engagement with authorising officers in the Office for Communications Data Authorisations (where relevant);
- compliance with Part 3 of the Act and with the Code of Practice, including responsibility for novel or contentious cases;
- oversight of the reporting of errors to the IPC and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;

- ensuring the overall quality of applications submitted to OCDA;
- engagement with the IPC's inspectors during inspections; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the IPC.

7.0 Necessity Test

Applications to obtain Communications Data should only be made where it is **necessary** for an **'applicable crime purpose.'**

This allows for applications to be made for **'entity data'** where the purpose of obtaining the data is for the **prevention and detection of crime or prevention of disorder**. This definition permits the obtaining of Entity data for 'any' crime, irrespective of seriousness or for preventing disorder.

Applications for **'events data,'** previously referred to as service or traffic data, requires a higher standard, and applications for this data should only be made where the purpose is the 'prevention and detection of **serious crime.**' Serious crime is defined in Section 86(2A) of IPA 2016 and includes, but is not limited to:

- Any crime that provides the potential for a prison sentence of imprisonment for 12 months or more (either way or indictable offences);
- Offences committed by a corporate body;
- Any offence involving, **as an integral part**, the sending of a communication OR a breach of a person's privacy.

Necessity must be demonstrated by including in every application a short explanation of:

- The event under investigation, such as a crime;
- The person whose data is sought, such as a suspect AND description of how they are linked to the event; and
- The communications data sought, such as a telephone number or IP address, and how this data is related to the person and event.

The application must explain the link between the three aspects to demonstrate it is necessary to obtain communications data.

8.0 Proportionality Test

Applications should only be made where they are proportionate, and alternative means of obtaining the information are either, exhausted, not available or considered not practical to obtain the same information.

For example, the following should be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result; and
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

Applications should include the following key explanations:

- An outline of how obtaining the data will benefit the investigation. The relevance of the data being sought should be explained and anything which might undermine the application;
- The relevance of time periods requested;
- How the level of intrusion is justified against any benefit the data will give to the investigation. This should include consideration of whether less intrusive investigations could be undertaken;
- A consideration of the rights (particularly to privacy and, in relevant cases, freedom of expression) of the individual and a balancing of these rights against the benefit to the investigation;
- Any details of what collateral intrusion may occur and how the time periods requested impact on the collateral intrusion, if applicable;
- Where no collateral intrusion will occur, such as when applying for entity data, the absence of collateral intrusion should be noted;
- Any circumstances which give rise to significant collateral intrusion; and
- Any possible unintended consequences. This is more likely in more complicated requests for events data or in applications for the data of those in professions with duties of confidentiality. E.G journalists/doctors/solicitors.

9.0 Application Procedure

Applicants must submit applications through the central NAFN (SPoC) portal. Applicants will need to be registered with NAFN to access the portal and have valid login and security details. An allocated SPoC officer will then check all applications for legal compliance and, where necessary, provide feedback before submitting for authorisation to OCDA.

OCDA will independently assess each application and will either grant or refuse the authorisation.

Authorised applications

Where the OCDA authorises the data request, this decision is communicated to the SPoC (NAFN) and actions are taken to request the data from the relevant telecommunications providers and other agencies holding such communications data to provide the necessary data.

Refused applications

Where the OCDA rejects an application, the Council has three options:

- Not proceed with the application;
- Re- submit the application with revised justification and/or revised course of conduct to obtain the communications data; or
- Re-submit the application without alteration and seek a review of the decision by the OCDA. This may only be done where the SRO (or a person of equivalent grade) has agreed to this course of action. The OCDA will provide guidance on this process.

10.0 Notices in Pursuance of an Authorisation

The giving of a notice is appropriate where a telecommunications operator or postal operator can retrieve or obtain specific data, and disclose that data, and the relevant authorisation has been granted. A notice may require a telecommunications operator or postal operator to obtain any communications data, if that data is not already in its possession.

For local authorities the role to issue notices to telecommunications/postal operators sits with the SPoC (NAFN), and it will be the SPoC's role to ensure notices are given in accordance with the Code of Practice.

11.0 Duration of Authorisations

An authorisation becomes valid on the date the authorisation is granted by the OCDA. It remains valid for a maximum of one month. Any conduct authorised or notice served should be commenced/served within that month.

Any notice given under an authorisation remains in force until complied with or until the authorisation under which it was given is cancelled.

All authorisations should relate to a specific date(s) or period(s), including start and end dates, and these should be clearly indicated in the authorisation.

Where the data to be obtained or disclosed is specified as 'current', the relevant date is the date on which the authorisation was granted.

Please note however that where a date or period cannot be specified other than for instance; 'the last transaction' or 'the most recent use of the service', it is still permitted to request the data for that unspecifiable period.

Where the request relates to specific data that will or may be generated in the future, the future period is restricted to no more than one month from the date of authorisation.

12.0 Renewal of Authorisations

A valid authorisation may be renewed for a period of up to one month by the grant of a further authorisation and takes effect upon the expiry of the original authorisation. This may be appropriate where there is a continuing requirement to obtain data that may be generated in the future.

The Applicant will need to consider whether the application for renewal remains “necessary and proportionate” and should reflect this in any renewal application made. The Authorising body (OCDA) will need to consider this carefully in authorising any renewal.

13.0 Cancellation of Authorisations

Where it comes to the Council’s attention after an authorisation has been granted that it is no longer necessary or proportionate, the Council is under a duty to notify the SPoC (NAFN) immediately.

It is the SPoC’s (NAFN) responsibility to cease the authorised action and take steps to notify the telecommunications service provider. E.g. Such a scenario may occur where a legitimate application has been made for Entity data to identify and locate a suspect, but subsequently, and before the data has been obtained the Council becomes aware by some other legitimate means of the suspects name and address etc.

14.0 Offences for Non-Compliance with IPA 2016

It is an offence for a person in a public authority knowingly or recklessly to obtain communications data from a telecommunications operator or postal operator without lawful authority (section 11 of IPA 2016).

The roles and responsibilities laid down for the Senior Responsible officer and SPoC are designed to prevent the knowing or reckless obtaining of communications by a public authority without lawful authorisation. Adherence to the requirements of the Act and this Code, including procedures detailed in this Policy, will mitigate the risk of any offence being committed.

An offence is not committed if the person obtaining the data can show that they acted in the reasonable belief that they had lawful authority.

It is not an offence to obtain communications data where it is made publicly or commercially available by a telecommunications/postal operator. In such circumstances the consent of the operator provides the lawful authority. However, public authorities should not require, or invite, any operator to disclose communications data by relying on this exemption.

15.0 Monitoring and Record Keeping

Applications, authorisations, copies of notices, and records of the withdrawal and cancellation of authorisations, must be retained in written or electronic form for a minimum of 3 years and ideally 5 years. A record of the date and, when appropriate, the time each notice or authorisation is granted, renewed or cancelled.

Records kept must be held centrally by the SPoC and be available for inspection by the Investigatory Powers Commissioner's Office upon request and retained to allow the Investigatory Powers Tribunal (IPT), to carry out its functions. The retention of documents service will be provided by NAFN.

The Head of Law and Democracy will maintain an internal record as the SRO, and retain hard and electronic copies of all forms sent to the NAFN.

The documents in the internal record are retained in accordance with legal services' records management policy which complies with relevant data protection legislation. The original documents should be retained by the service area responsible for the surveillance activity.

The Investigatory Powers Commissioner's Office (IPCO) monitors compliance with RIPA. OWBC's SRO (the Head of Law and Democracy) will act as the first point of contact for the Inspectors within the Council, but all service areas that use IPA should expect to be involved in any inquiries from IPCO.

Nothing in the Code or this policy affects similar duties under the Criminal Procedure and Investigations Act 1996 requiring material which is obtained in the course of an investigation and which may be relevant to the investigation to be recorded, retained and revealed to the prosecutor.

For full details of the level of information expected to be retained by the SPoC reference should be made to the Code of Practice.

Regular reports will be made to Members in accordance with the requirements of the IPA Codes of Practice.

16.0 Errors

Errors Generally

Where any error occurs in the granting of an authorisation or because of any authorised conduct a record should be kept.

Where the error results in communications data being obtained or disclosed incorrectly, a report must be made to the IPC by whoever is responsible for it, ('Reportable error'). e.g. the telecommunications operator must report the error if it resulted from them disclosing data not requested, whereas if the error is because the public authority provided incorrect information, they must report the error. The SRO would be the appropriate person to make the report to the IPC.

Where an error has occurred before data has been obtained or disclosed incorrectly, a record will be maintained by the public authority ('recordable error'). These records must be available for inspection by the IPC.

A non-exhaustive list of reportable and recordable errors is provided in the Code of Practice.

Serious Errors

There may be rare occasions when communications data is wrongly obtained or disclosed and this amounts to a 'serious error'. A serious error is anything that '**caused significant prejudice or harm to the person concerned**'. It is insufficient that there has been a breach of a person's human rights.

In these cases, the public authority which made the error, or established that the error had been made, must report the error to the Council's Senior Responsible Officer and the IPC.

When an error is reported to the IPC, the IPC may inform the affected individual subject of the data disclosure, who may make a complaint to the IPC. The IPC must establish that the error is a) a serious error **AND** b) it is in the public interest for the individual concerned to be informed of the error.

Before deciding if the error is serious or not the IPC will accept submissions from the Public Authority regarding whether it is in the public interest to disclose. For instance, it may not be in the public interest to disclose if to do so would be prejudicial to the 'prevention and detection of crime'.

17.0 Investigations Resulting in Criminal Proceedings

When communications data has been obtained during a criminal investigation that comes to trial an individual may be made aware data has been obtained.

If communications data is used to support the prosecution case it will appear in the 'served' material as evidence and a copy provided to the ~~defendant~~ **defendant**

Where communication data is not served but retained in unused material it is subject to the rules governing disclosure under the Criminal Procedure and Investigations Act 1996 (CPIA). The prosecution may reveal the existence of communications data to a defendant on a schedule of non-sensitive unused material, only if that data is relevant, and copies of the material may be provided to the defendant if it might reasonably be considered capable of undermining the prosecution case and/or assisting the defence.

Where communications data is obtained but not directly relied on to prove offences, the material may alternatively be listed in the 'Sensitive' unused material and not disclosed to the defendant. The CPIA sets out exemptions to the disclosure obligation. Under section 3(6) of that Act, data must not be disclosed if it is material which, on application by the prosecutor, the Court concludes it is not in the public interest to disclose. Any communications data which comes within the scope of this

exemption cannot be disclosed. E.g. Material that reveals a 'method of investigation' is usually not disclosable.

If through any of the above notification processes, an individual suspects that their communications data has been wrongly obtained, the IPT provides a right of redress. An individual may make a complaint to the IPT without the individual knowing, or having to demonstrate, that any investigatory powers have been used against them.

DRAFT

Annex A

Oadby and Wigston Borough Council – Approved Rank Officers for IPA 2016

Job Title
Chief Executive
Deputy Chief Executive
Head of Law and Democracy
Chief Finance Officer
Head of Built Environment
Head of Community and Wellbeing
Head of Customer Service and Transformation

Oadby and Wigston Borough Council – Senior Responsible Officer for IPA 2016

Job Title
Head of Law and Democracy

Agenda Item 9



Policy, Finance and Development Committee	Tuesday, 10 March 2020	Matter for Information
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Report Title:

Collection and Write-Off of Miscellaneous Debtors (Q3 2019/20)

Report Author(s):

Chris Raymakers (Financial Services Manager)

Purpose of Report:	To inform Members of the levels of outstanding debt owed to the Council at the end of quarter three of 2019/20 and for Members to approve any write-off of uncollectable debts as per the Council's Financial Regulations.
Report Summary:	The current economic climate continues to make debt collection a challenging exercise. Despite this there has been positive progress made in both Council Tax and Housing Rent arrears which should continue in the fourth quarter while other areas have stayed relatively stable. Prior to year end a thorough review of miscellaneous sundry debtors will take place to review the risk associated with this area.
Recommendation(s):	A. That the contents of the report be noted; and B. That Members approve the write-off as detailed at paragraph 6 of this report.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Clive Mason (Chief Financial Officer / Section 151 Officer) (0116) 257 2681 clive.mason@oadby-wigston.gov.uk Chris Raymakers (Financial Services Manager) (0116) 257 2891 chris.raymakers@oadby-wigston.gov.uk
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1) Growing the Borough Economically (CO2) Providing Excellent Services (CO3)
Vision and Values:	Accountability (V1) Teamwork (V3) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	The implications are as set out at paragraphs 2 to 6 of this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Reputation Damage (CR4) Increased Fraud (CR10)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable
Human Rights:	There are no implications arising from this report.

Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	None.

1. Introduction

- 1.1 As part of the income collection function, the Council operates a comprehensive debt collection process which covers all service areas of the Authority.
- 1.2 The Council uses three principal methods for collecting these debts:
- (i) Direct contact with the debtor by letter or telephone;
 - (ii) Referring the debt to a collection agent; and
 - (iii) Legal action through the courts.

2. Council Tax and Non-Domestic (Business) Rates

- 2.1 Council Tax and Non-Domestic (Business) Rates (NDR) make up the largest debits within the income collection area. These income streams have a combined annual debit to collect of around £44 million.
- 2.2 At 31 December 2019, the arrears in this area were:

Service	Council Tax	NDR
Previous Years Arrears	£	£
Arrears at 30 September 2019	1,372,530	637,426
Arrears at 31 December 2019	1,292,184	620,516

- 2.3 Council Tax has seen a reduction in arrears of around £80,000 (5.9%) in the third quarter of the year. NDR arrears have also fallen during this quarter by around £17,000 (2.7%).
- 2.3 At the end of the third quarter 85.20% of the Council Tax debit had been collected against a target of 87.2%. 82.29% of the Business Rates debit had been collected (Target 81.32%). There is an annual target of 98.5% for both taxes. It has been noticeable over the last five years that Council Tax in particular has become more difficult to collect as Council Tax Support has bought more people into the taxpaying bracket. This is reflected across the Country where the average Council Tax collection rate for Shire Districts across England was 97.9% in 2018/19.

3. Overpayments of Housing Benefit (Revenues and Benefits)

- 3.1 Recouping the overpayment of housing benefit has become an increasing problem for Councils across the country over the last few years. Oadby and Wigston have, since 2015, brought this under control. The majority of cases have been collected from ongoing benefit; however, where the claimant is no longer receiving or is entitled to housing benefit, the debt is passed over to the recovery team.
- 3.2 Historically, the Council has raised almost 14,000 overpayment invoices totalling £4.3million of debt, successfully collecting £3.7million. In the third quarter of 2019/20 debt levels in overpayments have decreased by around £2,000. However the overall risk to the Council has increased slightly as despite the overall drop debts aged over 365 days have increased.
- 3.3 The total still outstanding is listed below by age:

	Days Overdue				
	£	£	£	£	£
	0-90	90-182	182-365	Over 365	Total
30 September 2019	52,755	39,511	55,428	499,810	647,504
31 December 2019	37,802	39,313	53,978	514,799	645,892

- 3.4 The Universal Credit (UC) system will have an impact on the recovery of these debts. As debtors migrate from Housing Benefit to UC the Council will no longer be able to collect overpayments from on-going benefit so alternative methods of collection will have to be used. This migration is currently happening gradually as claimants circumstances change however the date for final migration of all claims with the Council has not yet been set.

4. Housing Rents

- 4.1 The Council runs a housing stock of approximately 1,200 dwellings with a total collectable debit of £4,730,000 of which £2,440,000 is paid for by Housing Benefit.
- 4.2 Rent arrears are split between current and former tenant. Current tenant arrears have fallen during the third quarter and are currently 4.3% (5% at end of Q2) of the annual debit

	Current Tenants	Former Tenants	Total
	£	£	£
Arrears at 30 September 2019	241,604	131,598	373,202
Arrears at 31 December 2019	206,792	115,082	337,513

- 4.3 From 13 June 2018, the Council moved to UC 'full service' which will see the gradual migration of working age tenants from Housing Benefit to the new UC system. It has always been anticipated that that this will put pressure on this particular collection area as tenants may no longer get their rent paid automatically. At the end of quarter three the amount of arrears which related to UC claimants totalled £78,000. The Council requests direct payments from the Universal Credit Team at the DWP whenever appropriate however delivery of the payments by the government has proved slow and inconsistent, directly causing an upturn in debt.

5 Miscellaneous Sundry Debts

- 5.1 The current position relating to collection of outstanding invoices is summarised below:

	Days Overdue					
	£	£	£	£	£	£
	0-90	91-180	181-365	366-730	731+	Total
30 September 2019	60,204	12,885	20,472	39,493	148,789	281,843
31 December 2019	40,005	23,933	30,440	38,723	154,650	287,751

5.2 During the third quarter of 2019/20, miscellaneous debt rose by £6,000. Of the total debt of £288,000, approximately £116,000 (124 accounts) is actively managed through instalments. The Council has secured £33,000 as charges on the debtor's property

5.3 Of this total £48,000 relates to overpayments of housing benefit collected through the sundry debts system.

5.4 In this quarter:

- The Council has referred six cases to the collection agent;
- One debt of £465 has been written off under the financial regulations by the Section 151 Officer;
- Four accounts have completed their arrangements to pay; and
- A local performance indicator for the department is the proportion of debt over 90 days old as a percentage of the total estimated annual debit. At 31 December 2019, this percentage was 21.2% (the target for 2019/20 being under 15%).

6. Write-Off of Bad Debt

6.1. There is one write off request this quarter.

- Café Asia Trading Limited (Debtor No 130466), amount to write off £6,572.80 plus VAT.

The company was subject to a notice under S59 Building Act 1984 in 2016 due to defective drainage. The work was carried out and costs billed, shortly after which the company went into liquidation and was dissolved. The Council has been unable to carry out any recovery of the money.

Agenda Item 10



Policy, Finance and Development Committee	Tuesday, 10 March 2020	Matter for Information and Decision
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Report Title: **Third Sector and Community Support Funding Requests (Q3 2019/20)**

Report Author(s): **Avril Lennox MBE (Head of Community & Wellbeing)**

Purpose of Report:	To provide Members with an update on the Third Sector Community Support Funding for Quarter 3 (2019/2020).
Report Summary:	The report provides Members with details of the range of funding bids received by the local Residents' Forums, and information in relation to the performance of Citizens Advice and Helping Hands.
Recommendation(s):	A. That Members approve the 5 Residents' Forum funding applications as detailed within the report; and B. That Members note the updates and case studies provided by Citizens Advice and Helping Hands.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk Avril Lennox MBE (Head of Community & Wellbeing Services) (0116) 257 2673 avril.lennox@oadby-wigston.gov.uk Veronika Quintyne (Community Engagement Officer) (0116) 257 2648 Veronika.quintyne@oadby-wigston.gov.uk
Corporate Objectives:	Building, Protecting and Empowering Communities (CO1)
Vision and Values:	"A Stronger Borough Together" (Vision) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	The implications are as set out at paragraph 2 of this report.
Corporate Risk Management:	Decreasing Financial Resources / Increasing Financial Pressures (CR1) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	

Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.
Monitoring Officer:	The report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	<ol style="list-style-type: none"> 1. Citizens Advice (Oadby & Wigston Case Studies) (November 2019) 2. Helping Hands (Oadby & Wigston Case Studies) (November 2019)

1. Introduction

1.1 This report provides details of the range of funding bids received by the local Residents' Forums, and information received in relation to the performance of Citizens Advice and Helping Hands.

2. Residents' Forum Applications Received

2.1 The Residents' Forums are held four times a year; these provide the opportunity for local people to apply for funding to support local community projects. Residents or community groups are required to complete an application form, which includes details of costings, which are then presented to the relevant Forum. Once these are approved at Forum level, they then need final sign-off by the Policy, Finance and Development Committee.

2.2 A total of 5 applications were received during the last full cycle of Forums as shown below, from the South Wigston Forum and the Oadby Forum. None were received from the Wigston Forum during this timeframe; however their current budget allocation is £48,451.

2.3 Members are asked to provide their approval for the following projects:

Forum:	Item requested:	Amount:
South Wigston Residents Forum	The Forum agreed to the purchase and installation of a Planter tub	£300
<i>Current budget allocation: £15,228</i>		
	Total	£300

Forum:	Item requested:	Amount:
Oadby Residents Forum	The Forum agreed to part fund the purchase of 7 Interpretation Panels to be installed into Brocks Hill Park and Conservation Centre.	£3,800
<i>Current budget allocation: £41,879</i>	Funds were awarded to part fund a community reflective memorial sign to support collective commemorative community gatherings.	£2,500
	The Forum agreed to the purchase and installation of a Bus Shelter for	£4,000

	Highcroft Avenue, Oadby. The Forum agreed to the purchase and installation of a litter bin in close proximity of the alley from Adlington Road to Launde Road, Oadby.	£450
	Total	£10,750

2.4 It should be recognised that the Forum’s commitments to spend do incur ongoing, medium term revenue costs such as the emptying of bins, sign maintenance and planning that currently falls on all residents of the Borough.

3. Citizens Advice and Helping Hands

3.1 Both Citizens Advice and Helping Hands provided details of the number of residents they engaged with over the last quarter, together with the overall number of issues resolved. Some residents, as can be seen from the below information, were seeking help and advice with multiple matters. The benefits take up, as a result of the assistance provided by the two organisations, is also referenced below for information.

Organisation:	Number of Oadby and Wigston Residents seen:	Number of issues dealt with:	Benefits take up (annualised):
Citizens Advice	177	291	£52,024
Helping Hands	127	301	£34,869
Total	304	592	£86,893

3.2 Two case studies per organisation were also submitted by Citizens Advice and Helping Hands. These can be found in **Appendix 1** and **Appendix 2**.

Monthly Case Study: November 2019

District/Service: Oadby and Wigston

Case Study No: 1

Client seen by: Adviser

<p>1. Profile of Client: Client is male, married, retired (74)</p>
<p>2. Summary of issues: Client has suffered with the effects of Parkinsons for the last two years.</p>
<p>3. Options Discussed: General benefit entitlement: Client has savings well beyond amount allowed for means-tested benefits. However, given the effects of the Parkinsons on the client's lifestyle, it was recommended that he apply for Attendance Allowance. The Adviser completed the form with details provided by the client's wife.</p>
<p>4. Outcome: The client has been awarded AA at the higher level (£87.60, £4555.20 annualised). He has also been allocated a Blue Badge by LCC as of right.</p>
<p>5. Any unusual factors or difficulties for client: Client has limited English. Due to the Parkinsons, his wife has largely had to act on his behalf.</p>

Monthly Case Study: November 2019

District/Service: Oadby and Wigston

Case Study No: 2

Client seen by: Adviser

<p>1. Profile of Client: Client is male; 47 years old</p>
<p>2. Summary of issues: The client was made redundant from Cromwell, along with several colleagues. He was given a financial statement of his final pay. The financial statement included an incentive payment of £1091.42. His colleagues all had the same amount showing. When the client and colleagues received their final payments, the incentive payment was missing. Upon querying this, the client was informed that there was a miscalculation and the company would not be paying the incentive payment.</p>
<p>3. Options Discussed; Advice Given and Action taken: The adviser offered a number of suggestions: the client could ask for the reasoning be given in writing so he could better challenge it. The process suggested was to attempt to resolve the issue internally, followed by mediation and finally employment tribunal. The role of ACAS was explained and the client was given their website address.</p>
<p>4. Outcome: Case is still ongoing but client is now confident he and colleagues will succeed.</p>
<p>5. Any unusual factors or difficulties for client: This is the second time the client has been made redundant in recent years. The previous occasion was in 2014 when Citizen's Advice assisted in sorting out his holiday pay entitlement following redundancy from CIC Engineering.</p>

Case Study

Background:
Client is a 41 year old female living in her own property in South Wigston. She suffers from Complex PTSD, severe depression, out of body experiences, has suicidal thoughts, anxiety, panic attacks and an eating disorder. She had been on SSP for 6 months and had been asked to leave her place of work under ill health.
Needs Assessment:
Needs: Assistance with a claim for ESA and PIP.
Resources:
In House: Welfare Benefits Advice Appeals and Tribunal Specialist
External: DWP Oadby & Wigston Borough Council Maximus Capita GP Psychiatrist
Actions:
In November 2018 we telephoned ESA for a 'New Style' claim form. When this arrived we assisted her with the completion of the form. Telephoned PIP for an application form and again assisted with the completion of the form. We arranged her Work Capability Assessment to be performed at home by Maximus and a home visit was agreed and carried out. We also arranged for a home visit by CAPITA for her medical assessment for PIP, this was agreed but an appointment was sent out for the client to attend a medical in Derby. As this caused extreme distress to the client we asked for another home visit and suggested we speak to her GP and Psychiatrist for medical evidence to support our request. This was done but still CAPITA refused to carry out a home visit. This was requested a further 10 times until we eventually were given a home visit for the client on the condition that we would be in attendance.

Her PIP award was rejected and our Appeals & Tribunal Specialist completed a Mandatory Reconsideration (MR) on 12th July 2019.

Outcomes:

The medical assessment finally took place on 17th April 2019. Decision was overturned upon receipt of our MR submission.
Client finally received her decision notice on 29th November 2019 from DWP awarding the client Standard Rate for Daily Living Component for PIP of £58.70pw and a backdated payment of £3,000.

What we learned:

CAPITA need to realise the importance of home visits and by sending numerous appointments to attend a medical in Coventry, Derby or Birmingham causes immense distress to the client, their mental health severely declines and some clients have even threatened to take their own life due to the stress and anxiety it causes.

Case Study

Background:
Miss G is a 31-year-old female. She suffers with Borderline Personality Disorder, Depression, Anxiety, PTSD, Self-Harm, Suicidal thoughts and attempts. She has no support, no social network, and only an Aunt in the borough. She currently lives in shared accommodation in South Wigston. In December 2019 Miss G was evicted without notice which was in breach of her Tenancy Agreement and left homeless, where she was forced to sofa surf at her aunts.
Needs Assessment:
Needs: Support with Mental Health Housing Change of Circumstances on her Universal Credit claim P.I.P Application
Resources:
In House: Welfare Benefits Advisor Mental Health Support Worker
External: DWP OWBC Let's Talk Landlady on current Tenancy Agreement Social Services
Actions:
<p>Firstly, we booked an appointment with Ricky at OWBC who looked into the breaches made by the Landlady on the Tenancy Agreement. He then spoke to the Landlady and explained that the eviction was illegal as Miss G required to be given a Section 21 Notice. Ricky then informed Environmental Health who met us at the property to complete an assessment.</p> <p>We completed an online housing application to OWBC. We completed a self-referral to Let's Talk. Telephoned Universal Credit to reduce her deduction.</p> <p>Started the PIP application process.</p> <p>Made an appointment with her GP to discuss her mental health medication.</p> <p>Gave her various coping strategies including a wellbeing tracker.</p>
Outcomes:
Environmental Health assessed the property and advised us to complete the housing application as they felt the housing situation wasn't suitable, due to threatening behaviour from the Landlady, however, over the Christmas period the Landlady had had a change of heart and has been very co-operative with Miss G, and had decided against issuing a Section 21 Notice.

After referring the client to Let's Talk, they called her back the same day to offer her an appointment for a telephone consultation on Monday 13th January 2020. We applied for a PIP application form to be sent to the client and have booked an appointment for assistant with the completion of this form on Friday 17th January 2020.

Miss G has also thanked us for our support and has continued to engage with us throughout. She feels she can just drop in at any time due to the trust she has built up with us, how comfortable she feels, our friendly atmosphere and the convenience of being local. She also feels her quality of life is improving.

What we learned:

We learned that not all evictions are legal, as our initial thoughts were confirmed by OWBC. We were also very pleased with the efficiency of Let's Talk for their immediate same-day response.



Policy, Finance and Development Committee	Tuesday, 10 March 2020	Matter for Information
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Report Title: **Standards and Ethical Indicators (Q3 2019/20)**

Report Author(s): **David Gill (Head of Law & Democracy / Monitoring Officer)**

Purpose of Report:	To receive the figures for local determination of complaints and the ethical indicators for quarter 3 of 2019/20.
Report Summary:	The report provides information to Members in relation to Member complaints, corporate and Ombudsman complaints, Freedom of Information requests and Anti-Social Behaviour reports and resolutions.
Recommendation(s):	That the content of the report appendix be noted.
Senior Leadership, Head of Service, Manager, Officer and Other Contact(s):	<p>Stephen Hinds (Deputy Chief Executive) (0116) 257 2681 stephen.hinds@oadby-wigston.gov.uk</p> <p>David Gill (Head of Law & Democracy / Monitoring Officer) (0116) 257 2626 david.gill@oadby-wigston.gov.uk</p>
Corporate Objectives:	Providing Excellent Services (CO3)
Vision and Values:	"A Stronger Borough Together" (Vision) Accountability (V1) Respect (V2) Customer Focus (V5)
Report Implications:-	
Legal:	There are no implications arising from this report.
Financial:	There are no implications arising from this report.
Corporate Risk Management:	Political Dynamics (CR3) Reputation Damage (CR4) Regulatory Governance (CR6)
Equalities and Equalities Assessment (EA):	There are no implications arising from this report. EA not applicable.
Human Rights:	There are no implications arising from this report.
Health and Safety:	There are no implications arising from this report.
Statutory Officers' Comments:-	
Head of Paid Service:	The report is satisfactory.
Chief Finance Officer:	The report is satisfactory.

Monitoring Officer:	As the author, the report is satisfactory.
Consultees:	None.
Background Papers:	None.
Appendices:	1. Standards & Ethical Indicators (Q3 2019/20)

1. Background

- 1.1 In order to ensure good governance and the maintenance of standards, it is good practice for Members to receive regular reports on the measurement of ethical indicators across the organisation which indicate how well the Council is or is not performing in defined areas.
- 1.2 In addition, certain matters are required to be reported to Members to comply with legislation or Statutory Guidance.
- 1.3 The provision of this information enables Members to be informed about areas of concern and good practice.
- 1.4 Attached for Members' information and attention is the quarter three report for 2019-20 at **Appendix 1.**



OADBY AND WIGSTON BOROUGH COUNCIL

STANDARDS AND ETHICAL INDICATORS

QUARTER 3 REPORT

2019-20

1. Introduction

This is the quarterly report to the Policy, Finance and Development Committee detailing both the figures for the Ethical Indicators and the figures for the Local Determination of Complaints process for 2019-20.

For clarification purposes the months covered by the quarters are as follows:

Quarter 1 – 1 April to 30 June
Quarter 2 – 1 July to 30 September
Quarter 3 – 1 October to 31 December
Quarter 4 – 1 January to 31 March

The report is split into 2 parts for ease of reference; Part 1 refers to the local determination of complaints, part 2 is the table showing the ethical indicators figures.

The report will enable the Policy Finance and Development Committee to build up a picture over time of how many complaints are received and where these are coming from. The parts of the Code of Conduct which have been breached will also be recorded to enable training to be targeted effectively.

2. Part 1 – Local Determination of Complaints

The Monitoring Officer received 0 complaints in Quarter 3 of 2019/20.

2.1 Source of Complaint

Not applicable

2.2 Assessment Sub-committee Decisions

There have been No Assessment Sub-Committee meetings in this quarter.

2.3 Timeliness of Decision

The Standards for England Guidance stated that the Assessment Sub-committee should complete its initial assessment of an allegation “within an average of 20 working days” to reach a decision on what should happen with the complaint. The Council has taken this standard and adapted it under the new rules to aim to hold an Assessment Sub-Committee within 20 working days of notifying the parties that informal resolution is not possible.

2.4 Review Requests

There have been no review requests in Quarter 3. Review requests can only be made following a decision of 'No further Action' by the Assessment Sub-Committee where there is submission of new evidence or information by the complainant.

2.5 Subsequent Referrals

None

2.6 Outcome of Investigations

There were no formal investigations concluded in this period.

2.7 Parts of the Code Breached

This section is intended to show where there are patterns forming to enable the Policy Finance and Development Committee to determine where there needs to be further training for Councillors. Targeting training in this way makes it more sustainable and, hopefully, more effective.

So far this year, the following areas of the code were found to have been breached:

Not applicable

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
LG1	Objections to the Council's Accounts	Head of Finance	0	0	0	0	0	0	0	
LG2	Follow up Action relating to reaches of the Member/Officer Protocol (Members)	Head of Law & Democracy	0	0	0	0	0	0	0	
LG3	Disciplinary Action relating to breaches of the Member / Officer Protocol (Staff)	HR Manager	0	0	0	0	0	0	0	
LG4	Number of Whistle Blowing Incidents Reported	Head of Law & Democracy	0	0	0	0	0	0	0	
LG5	No. of Recommendations made to improve Governance Procedures/Policies		2	0	0	0	23	0	8	
LG6	No. of Recommendations Implemented		1	0	7	0	3	0	20	
Complaints										
LG7	No. Corporate Complaints received	PA to Senior Leadership Team	16	27	28	36	24	24	25	
	No. Corporate Complaints escalated to L2		4	3	2	2	5	5	1	
	No. Corporate Complaints escalated to Ombudsman		2	2	1	0	0	0	0	
LG7a	No. Corporate Complaints Resolved at L1		16	27	28	34	19	19	25	
	No. Corporate Complaints Resolved at L2						5	5		

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Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
LG7b	No. Corporate Complaints where compensation paid		0	1	0	0	0	0		
	Service Area		-	Clean & Green	-	-				
LG8	No. Ombudsman complaints received	PA to Senior Leadership Team	2	2	2	1	2	1	4	
	Service Area		-	- - - Planning - Bens/Tax	-	- Planning		Housing		
LG8a	No. Ombudsman complaints resolved		2	2	1	0	1	0	4	
LG8b	No. Ombudsman complaints not yet determined by the Ombudsman				-	1		1		
LG8c	No. Ombudsman complaints where compensation paid		0	0	1	0		0		
Freedom of Information Act Indicators										
LG9	Total No. of FOI Requests received	Data Protection Officer	193	235	216	178	200	160	162	
LG9a	No. of FOI Requests Compliant		185	214	199	158	186	146	156	
LG9b	No. of Non-compliant FOI Requests		8	21	17	20	14	14	6	
LG9c	No. of FOI Requests still open and within the 20 working days		0	0	0	0	0	9	0	
LG9d	No. of FOI Requests withheld due to exemptions/fees applied		5	6	4	12	5	0	3	

Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
Regulation of Investigatory Powers Act Indicators										
LG10	No. of Directed Surveillance Authorisations granted during the quarter	Head of Law & Democracy	0	0	0	0	0	0	0	
LG10a	No. in force at the end of the quarter		0	0	0	0	0	0	0	
LG10b	No. of CHIS recruited during the quarter		0	0	0	0	0	0	0	
LG10c	No. ceased to be used during the quarter		0	0	0	0	0	0	0	
LG10d	No. active at the end of the quarter		0	0	0	0	0	0	0	
LG10e	No. of breaches (particularly unauthorised surveillance)		0	0	0	0	0	0	0	
LG10f	No. of applications submitted to obtain communications data which were rejected		0	0	0	0	0	0	0	
LG10g	No. of Notices requiring disclosure of communications data		0	0	0	0	0	0	0	
LG10h	No. of authorisations for conduct to acquire communications data		0	0	0	0	0	0	0	
LG10i	No. of recordable errors		0	0	0	0	0	0	0	

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Ref.	Performance Indicator Description	Officer Responsible for Providing Information	Q1		Q2		Q3		Q4	
			Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20	Actual 2018/19	2019/20
Anti-Social Behaviour Indicators										
	No. of Complaints Registered	Head of Community & Wellbeing	6	20	16	17	18	16	24	
	No. of Disposals from Registered Complaints		2	14	18	20	10	34	13	
	No. of Complaints still Open		0	2	3	0	0	2	3	
	No Further Action		-	4		0		2		
Food Safety Inspections										
BPE31	No. of Programmed Inspections	Head of Law & Democracy	34	20	52	50	44	23	78	
	No. of Programmed Inspections Completed		17	8	47	29	35	40	74	
	No. of Programmed Inspections Outstanding		17	12	5	21	9	8	4	
			No. of Programmed Inspections includes new registrations of which 11 were received in the last month of Q1 and have been programmed for inspection in Q2.			The deficit in inspections has arisen due to the loss of a staff member combined with annual leave. Arrangements have been		Inspections from previous Quarters carried out, plus new businesses included in outstanding Figures – On-going		

					made for the outstanding inspections to be completed by the end of November		support being sourced from Blaby DC		
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