



# Agenda

Meeting: **Cabinet**  
Date: **18 July 2018**  
Time: **5.00 pm**  
Place: **Council Chamber - Civic Centre Folkestone**

To: **All members of the Cabinet**

All Councillors for information

The cabinet will consider the matters listed below on the date and at the time and place shown above. The meeting will be open to the press and public.

This meeting will be webcast live to the council's website at <https://shepway.public-i.tv/core/portal/home>. Although unlikely, no guarantee can be made that Members of the public in attendance will not appear in the webcast footage. It is therefore recommended that anyone with an objection to being filmed does not enter the council chamber.

1. **Apologies for Absence**
2. **Declarations of Interest**

Members of the Council should declare any interests which fall under the following categories. Please see the end of the agenda for definitions\*:

- a) disclosable pecuniary interests (DPI);
- b) other significant interests (OSI);
- c) voluntary announcements of other interests.

3. **Minutes (Pages 5 - 8)**

To consider and approve, as a correct record, the minutes of the meeting held on 13 June 2018.

## Queries about the agenda? Need a different format?

Contact Jemma West – Tel: 01303 853369  
Email: [committee@folkestone-hythe.gov.uk](mailto:committee@folkestone-hythe.gov.uk) or download from our  
website  
[www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

4. **Revised Private Sector Housing Assistance Policy (Pages 9 - 40)**

This report presents the new Private Sector Housing Assistance Policy and highlights the changes and additions made since the previous policy was published in 2012.

5. **Council Tax Reduction scheme 18/19 - consultation (Pages 41 - 80)**

The existing scheme for Council Tax Reduction (CTR) has existed in its current form since 1 April 2017. This report sets out draft scheme options that can form the basis for consultation.

6. **Annual Performance Report, Making a difference: a snapshot of our year 2017/18 (Pages 81 - 104)**

This report sets out how the Council has continued to deliver for local people in the district in 2017/18 in response to the Corporate Plan (2017-20) vision of *investing for the next generation ~ delivering more of what matters*

7. **Regulation of Investigatory Powers Act 2000 Policy (Pages 105 - 136)**

This report sets out the Council's policy on the use of directed surveillance and covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

8. **Developing out Mountfield Road Industrial Estate, New Romney (Pages 137 - 148)**

To approve the recommended location for developing a business/skills hub on Mountfield Road Industrial Estate, New Romney so that a detailed planning application can be submitted. This will enable the scheme to be 'tender-ready' in anticipation of a successful outcome of the Expression of Interest submission to the Coastal Communities Fund to grant fund the scheme.

9. **Events management Policy (Pages 149 - 166)**

This report presents the revised Events Management Policy (Appendix 1) reflecting the introduction of EventApp, the Council's new on-line application system recently adopted by the Council.

10. **Risk Management Policy and Strategy (Pages 167 - 184)**

This report presents an updated Risk Management Policy & Strategy for adoption by Cabinet which will provide a framework for officers to develop a refreshed Corporate Risk Register as well as Operational, Project & Partnership Registers in due course.

11. **Exclusion of the Public**

**To exclude the public for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 –**

**‘Information relating to the financial or business affairs of any particular person (including the authority holding that information). “Financial or business affairs” includes contemplated as well as current activities.’**

## **Part 2 – Exempt Information Item**

### **12. Otterpool Park - Acquisition of land/options to purchase land and bid for capacity funding (Pages 185 - 196)**

This report makes recommendations that the council should acquire certain parcels of land within the site of the proposed Otterpool Park Garden Town and to enter into options to purchase other areas. It also seeks delegated authority to purchase additional sites or enter into further options. The report goes on to seek approval to submit a funding bid to the government’s Garden Towns and Villages programme for 2018/19.

\*Explanations as to different levels of interest

(a) A member with a disclosable pecuniary interest (DPI) must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares a DPI in relation to any item must leave the meeting for that item (unless a relevant dispensation has been granted).

(b) A member with an other significant interest (OSI) under the local code of conduct relating to items on this agenda must declare the nature as well as the existence of any such interest and the agenda item(s) to which it relates must be stated. A member who declares an OSI in relation to any item will need to remove him/herself to the public gallery before the debate and not vote on that item (unless a relevant dispensation has been granted). However, prior to leaving, the member may address the meeting in the same way that a member of the public may do so.

(c) Members may make voluntary announcements of other interests which are not required to be disclosed under (a) and (b). These are announcements made for transparency reasons alone, such as:

- membership of outside bodies that have made representations on agenda items, or
- where a member knows a person involved, but does not have a close association with that person, or
- where an item would affect the well-being of a member, relative, close associate, employer, etc. but not his/her financial position.

Voluntary announcements do not prevent the member from participating or voting on the relevant item

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# Minutes

## Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 13 June 2018
Present	Councillors Mrs Ann Berry, John Collier, Malcolm Dearden, David Godfrey, Mrs Jennifer Hollingsbee, Rory Love, David Monk, Dick Pascoe and Stuart Peall
Apologies for Absence	Councillors Alan Ewart-James
Officers Present:	Paul Butler (Elections Manager), Cheryl Ireland (Chief Accountant), Amandeep Khroud (Head of Democratic Services and Law), Tim Madden (Corporate Director - Customer, Support and Specialist Services), Susan Priest (Head of Paid Service), Matt Rain (Communications Manager), Charlotte Spendley (Head of Finance) and Jemma West (Senior Committee Services Officer)
Others Present:	Councillor Mrs Sacre.

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 22 June 2018 at 5pm. Decisions not called in may be implemented on Monday 25 June 2018

1. **Declarations of Interest**

There were no declarations at the meeting.

2. **Minutes**

The minutes of the meetings held on 2 May 2018 were submitted, approved and signed by the Chairman.

3. **District, Parish and Town Council Elections - Kent scale of election fees**

The report set out changes to the Kent scale of election fees of Folkestone & Hythe's Returning Officer to undertake the arrangements for managing and conducting district, parish and town council elections from 1 April 2018.

Proposed by Councillor Monk,  
Seconded by Councillor Mrs Hollingsbee; and

**RESOLVED:**

**That report C/18/01 be received and noted.**

(Voting figures: 9 for, 0 against, 0 abstentions)

**Reason for decision**

The scale of fees enables a fair and reasonable maximum recharge to be made to Folkestone & Hythe District Council by town and parish councils for their elections.

**4. General Fund Capital programme outturn 2017/18**

The report summarised the 2017/18 final outturn position (subject to audit) for the General Fund capital programme compared to the latest approved budget and the quarter 4 budget monitoring position reported to Cabinet on 28 March 2018. The report also summarised the outturn position for the approved prudential indicators for capital expenditure in 2017/18.

The report was considered at the meeting of the Overview and Scrutiny Committee held on 12 June 2018. Their comments had been circulated to the Cabinet Members.

Proposed by Councillor Dearden,  
Seconded by Councillor Pascoe; and

**RESOLVED:**

**That report C/18/09 be received and noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

**Reason for Decision:**

Cabinet was asked to agree the recommendations because it needed to be kept informed of the General Fund capital programme position and take appropriate action to deal with any variance from the approved budget. CIPFA's Prudential Code for Capital Finance requires the actual prudential indicators for the financial year to be reported.

**5. General Fund Revenue 17/18 provisional outturn**

The report summarised the 2017/18 final outturn position (subject to audit) for the General Fund revenue expenditure compared to both the latest approved budget and quarter 4 projections.

The report was considered at the meeting of the Overview and Scrutiny Committee held on 12 June 2018. Their comments had been circulated to the Cabinet Members.

Proposed by Councillor Dearden,  
Seconded by Councillor Mrs Hollingsbee; and

**RESOLVED**

1. That Report C/18/08 be received and noted.
2. That £351k of unspent 2017/18 budgets be allocated to the Carry Forward Reserve, as detailed in paragraph 2.34 of the report.

(Voting figures: 9 for, 0 against, 0 abstentions).

**Reason for decision**

Cabinet was asked to agree the recommendations because Cabinet needed to be informed of the council's General Fund revenue 2017/18 final outturn position.

6. **Housing Revenue Account Revenue and Capital Budget Monitoring outturn 17/18**

This report summarised the 2017/18 final outturn position (subject to audit) for the HRA revenue expenditure and HRA capital programme compared to both the latest approved budget and quarter 4 projections.

The report was considered at the meeting of the Overview and Scrutiny Committee held on 12 June 2018. Their comments had been circulated to the Cabinet Members.

Proposed by Councillor Dearden,  
Seconded by Councillor Collier; and

**RESOLVED:**

1. That Report C/18/07 be received and noted.

(Voting figures: 9 for, 0 against, 0 abstentions).

**Reasons for decision**

Cabinet was asked to agree the recommendations because Cabinet needed to be kept informed of the Housing Revenue Account final 2017/18 position.

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This Report will be made public on 10 July 2018

Report Number **C/18/18**

**To:** Cabinet  
**Date:** 18 July 2018  
**Status:** Key Decision  
**Head of Service:** Andy Blaszkowicz, Head of Commercial & Technical Services  
**Cabinet Member:** Councillor Alan Ewart-James, Cabinet Member for Housing

**Subject:** Private Sector Housing Assistance Policy 2018-2022

**Summary:** This report presents the new Private Sector Housing Assistance Policy and highlights the changes and additions made since the previous policy was published in 2012.

**REASONS FOR RECOMMENDATIONS:**

The recommendations are made because:

- 1) The policy supports the continued investment in improvement of the housing stock of the district, enables more vulnerable and sick people who are on low incomes to remain in their homes for longer, thus preventing them from burdening hospitals and care systems too early, and enables timely discharge from hospital where housing conditions are preventing a discharge.
- 2) The changes in how the funding is delivered to local authorities for Disabled Adaptations, the new guidelines on the Better Care Fund and the significant increase in funding means that our policy needs to change to take these changes into account.
- 3) The Better Care Fund guidelines allow for more flexibility in how Disabled Facilities Grant (DFG) money can be spent and encourages innovation. By allowing the Cabinet Member for Housing to make minor changes to the policy, we can ensure that the policy reflects the work of the Council's Private Sector Housing Team and any new schemes to enable timely spending of the DFG as they are brought about.
- 4) The No Use Empty Plus loans scheme has been successfully running since 2015, helping to bring more empty properties back into use, but this needs to be set out in the new policy.
- 5) The Home Safe loan limit of £5,000 is not enough to deal with the majority of cases where vulnerable persons' homes are in need of repair to remove hazards.
- 6) A consultation exercise for a period of six weeks will commence after the policy is approved by Cabinet by publishing on the website and by sending to interested parties, including disabled charities, KCC Occupational Therapists, Home Improvement Agencies and the pensioner forum.

**Cabinet is asked to:**

- 1) To receive and note this report

- 2) To agree the Private Sector Housing Assistance Policy 2018-2022
- 3) To note the additional resource from the Better Care Fund (BCF) and the continued delivery plan for Disabled Facilities grants (DFG) and hospital discharge schemes in line with the BCF guidelines
- 4) To agree that the Cabinet Member for Housing has delegated authority (in consultation with the Head of Service) to make any minor changes to the policy as necessary, (provided it remains substantially within the budget framework) and subject to any comments received through the public consultation.

## 1. Background

- 1.1 This report sets out the main changes and additions to the 2012 Policy to form the new policy. All of the loans and grants are currently funded within existing approved budgets and will continue to be funded within these budgets.
- 1.2 Some of the additional schemes (within the scope of the BCF guidance) have been running since October 2016 and were reported in a Cabinet report for information in October 2016.

## 2. Key Themes

### 2.1 Disabled Facilities Grants and the Better Care Fund

- 2.2 Since the approval and implementation of the Council's Housing Assistance Policy in 2012, guidance surrounding DFG and how DFG allocations are administered to district level have changed and DFG allocations have significantly increased. Since April 2015 the DFG funding has been integral to the Better Care Fund allocation which is issued direct from government to the first tier authority (KCC). KCC then pass the allocation on to the Kent local authorities.
- 2.3 Folkestone and Hythe Council's Disabled Facilities Grant (DFG) allocation from the Better Care Fund was:-

Year	BCF allocation	Reallocated to KCC for Social capital shortfall	Spend (not inc. KCC reallocation)
2015/16	£622,000	N/A	£690,000
2016/17	£1,048,000	£167,000	£648,000
2017/18	£1,139,000 + £137,000 in December 2017 = £1,276,000	£167,000	£616,000
2018/19	£1,229,558	£167,000	-

- 2.4 The proposed initiatives in this report will be covered by the current total allocation for this year. A review of the budget for 2018/19 has taken into account the increased allocation from the BCF and the widening scope of the DFG in future years. The current budget for 2018/19 is set at £1,000,000.
- 2.5 The BCF allocation is determined by the Department for Communities and Local Government and whilst there are no claw-back provisions if we under spend (i.e. we can carry any unspent balance to 2019/20) there are strict guidelines around what the allocation must be used for.
- 2.6 The Better Care Fund guidance encourages using DFG funding in more innovative ways to ensure that people can remain independent in their own homes for longer. Traditionally it has only been used to adapt people's homes, but now we can work

towards reducing “delayed transfers of care” (which is bed-blocking due to lack of a safe home environment to be discharged into), and reducing admissions to hospital by making improvements in energy efficiency, security and safety in the home. The schemes detailed in this policy contribute towards these targets.

- 2.7 The new schemes which utilise DFG allocations include the Folkestone & Hythe Home Enablement Scheme , Winter Warmth loans, the Health and Housing Co-coordinator based at the William Harvey Hospital and discretionary use of DFG funding in certain circumstances where ordinarily people may miss out on disabled adaptations (either due to outdated means testing or extensive cost of works whilst still on a low income).
- 2.8 Further work will be carried out to encourage uptake of DFGs and the services provided by Peabody South East in order to maximise the spend of the allocation. A publicity campaign will be devised in conjunction with the council’s communications team to promote the DFG process and the other loan products we provide.
- 2.9 Measures carried out using DFG allocations contribute towards NHS, Social Care and Public Health targets. Improvement and adaptation of housing can help to reduce the cost burdens on health by reducing hospital admissions, GP visits and specialist consultations. This approach is also in line with the Council’s Health and Wellbeing agenda and the work that all Kent local authority Private Sector Housing teams are doing with regard to improving health through housing.
- 2.10 All of the Kent Local Authorities have been working in partnership with KCC and health professionals on a Kent wide DFG integration project. The project officer has carried out a detailed review of the current delivery of DFGs and has put forward recommendations to the Chief Executives Group to shape a new model of delivery. The Kent Private Sector Housing Group have now been tasked with implementing an East Kent pilot. Work is due to start on this project in May 2018. Folkestone and Hythe Council, along with other local authorities including Dover are implementing initiatives as described in the reviewed policy to enable spend to remain stable until any new delivery model is in place.

### **3. Home Safe loans**

- 3.1 Home Safe loans have been offered to vulnerable home owners since 2012 and were the replacement for Decent Home Loans. The current policy set the limit for a Home Safe loan at £5,000. Over the last five years, it has been evident that £5,000 is not enough to help the most vulnerable home owners who are dealing with significant disrepair and hazards in their homes due to not being able to afford to maintain their homes themselves.
- 3.2 There is discretion built into the current policy to approve loans over the £5,000 limit. However, due to the high number of approvals above the limit, it is proposed to raise the limit to £20,000. Of the eighteen loan cases completed between January 2016 and January 2018, six of these were approved above the loan limit due to the extensive nature of works required to make the property free from hazards (this is assessed by the Home Improvement Agency’s surveyor with guidance from the Private Sector Housing Team Leader where needed). Any loans that need approval over the new £20,000 limit will be considered in consultation with the Cabinet member for Housing.
- 3.3 The Home Safe loan budget is set at £100,000 per year. Even with the increased loan limit, the scheme will still be able to be provided within the current budget. For

2017/18 the expenditure was £60,000. Loans are repaid to the council when the property is sold and are interest free.

#### **4. No Use Empty Plus Loan Scheme**

- 4.1 Kent County Council's No Use Empty Loan scheme has been running for in excess of 10 years. Through working in partnership with KCC to introduce owners of empty homes to the scheme, we have brought many properties back into use over the last 10 years or more. In 2016/17 alone, we brought 73 properties back into use, and many of these were through owners taking advantage of KCC loans.
- 4.2 In 2015 Folkestone and Hythe Council decided to provide a "top up" loan to the KCC No Use Empty loan in order to assist owners of larger scale projects. From September 2015 onwards, we have allocated £1.1 million to the Shepway No Use Empty Plus scheme (£350,000 per year for three years). The funding provides an extra £15,000 per unit (making a total of £40,000 per unit) to empty property owners in order to bring them back into use.
- 4.3 The scheme has proved successful and we won an award for Innovation from the Empty Homes Network in 2017 which recognised our achievements.
- 4.4 A budget of £350,000 in 2018/19 for the empty homes initiative has recently been approved. It is proposed to go back to Cabinet for approval to extend the scheme past 2019 by using recycled funds (from loans repaid).

#### **5. Winter Warmth Loans**

- 5.1 KCC Public Health Department had a Winter Warmth scheme for elderly and vulnerable occupants to provide funding for heating and/or insulation. The criteria for eligibility was that the occupant was suffering from a long term serious illness such as a heart condition, COPD, asthma, or a mental health condition etc. and is over 65 years of age. The funding from Public Health ceased in 2015/16 and Folkestone and Hythe Council decided to continue the scheme using Disabled Facilities Grant funding (which is within the Better Care Fund guidelines).

#### **6. The Way Forward**

- 6.1 All of the changes and amendments within the policy are as a direct result of changes in guidance from government and through a significant increase in funding for schemes to enable occupants to remain independent in their own homes for longer. These changes will not affect current budget levels.
- 6.2 Further innovative schemes will be devised to enable more spend within the current DFG allocations. We have recently approved the partial funding of a Health and Housing Coordinator role at the William Harvey Hospital (Dover Council are also contributing to this), which will assist more patients to be discharged in a more timely manner, by making sure that their home is safe and secure to return to. There may be other schemes which will evolve through time and cannot be specified in the policy in detail. Therefore a paragraph at 4.3 in the policy states that further schemes may be devised to allow for greater spend and to help more people.
- 6.3 The success of all of these initiatives will be monitored and recorded by the Private Sector Housing Team Leader in partnership with the Home Improvement Agency. Statistics regarding successful cases can then be used to promote the schemes

amongst health professionals and other agencies to encourage more take up in future. The successful cases are fed into the Private Sector Housing Team target and monitoring for number of homes improved and number of empty homes brought back into use in the service plan and reported to the Cabinet Member for Housing accordingly.

## 7. Risk Management Issues

A summary of the perceived risks to the council is shown below:

Perceived risk	Seriousness	Likelihood	Preventative Action
Failure to achieve the housing priorities set out in the Council's Corporate Plan.	High	Low	Adoption of an effective Private Sector Housing Assistance Policy for the district.
Failure to adopt an effective Private Sector Housing Assistance Policy for the district.	High	low	Adoption of the Private Sector Housing Assistance Policy which is underpinned by legislation and government guidance.

## 8. Legal, Resources and other policy matters

### 8.1 Legal (DK)

There no legal implications arising directly out of this report.

### 8.2 Finance Officer's comments (LW)

There are no financial implications arising directly from this report. The projected spend for 2017/18 and the approved budgets for 2018/19 for the various private sector housing initiatives capital schemes are outlined in the report.

### 8.3 Equalities (AH)

The purpose of the different types of housing assistance is to assist disabled, elderly and vulnerable people to live independently in their own homes and to provide more homes through improvement and bringing empty homes back into use. No negative impacts have been identified in continuing with widening the scope of the DFG as set out in this report.

## **Contact Officer and background documents**

Kerry Petts, Private Sector Housing Team Leader  
Tel: 01303 853520  
Email: Kerry.petts@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

Department of Health/DCLG “2017/19 Better Care Fund Policy Framework“(March 2017)

Care & Repair England “Integration Briefing 1 – Disabled Facilities Grant Funding via Better Care Funds – An Opportunity to Improve Outcomes” (April 2015)

Folkestone and Hythe Draft Housing Strategy 2018

Shepway Stock modelling Report 2016 – Building Research Establishment.

Circular 05/03 “Housing Renewal” ODPM June 2003.

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PRIVATE SECTOR HOUSING  
ASSISTANCE POLICY  
2018 -2022

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## 1.0 INTRODUCTION

- 1.1 This document details Folkestone and Hythe District Council's Housing Assistance Policy. This policy document replaces the previous policy dated 2012.
- 1.2 This policy has been adopted under Article 4 of the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002. The Order enables local authorities to develop a means of providing assistance to households living in the private sector to carry out repairs, improvements and adaptations so that they can address local needs and priorities and remain independent in their homes. In order to make use of these powers, the Council has to publish a Housing Assistance Policy.
- 1.3 This document also provides our policy on mandatory Disabled Facilities Grant, which is provided under The Housing Grants, Construction and Regeneration Act 1989.
- 1.4 The policy recognises the pressures on the Council's own capital funds and any money for future housing renewal is only likely to be funded from repayment of previous loans and grants or from direct government allocation (such as the Better Care Fund).
- 1.5 The Policy reflects the local housing conditions as contained in the Private Sector Stock Modelling Report 2016, and the aims of the Housing Strategy 2018. It also reflects the contents of Circular 05/03 "Housing Renewal" issued by the Office of the Deputy Prime Minister in June 2003 and the Better Care Fund: policy framework guidance 2017-2019.

The Policy addresses the following priorities:

- To remove serious (category 1) hazards in homes occupied by households on low income (the target is to improve 150 homes per year through various forms of intervention from the private sector housing team).
- To bring empty homes back into use (the current target is to bring 70 homes back into use each year);
- To provide adaptations to existing homes to meet disabled people's needs.
- To assist with essential works to help disabled, elderly and vulnerable people to remain safe and independent in their home.
- To enable homes to be efficiently heated for persons whose long term health conditions; age or disability makes them vulnerable to the cold and falls.
- To assist in schemes that provide help to enable residents to be discharged from hospital back into their home safely, and to reduce the

risk of admission or readmission to hospital by ensuring that the home environment is free from hazards.

- To ensure that assistance is used as effectively as possible; that monies are recycled where possible and to provide assistance to those persons in greatest need.

1.6 This Policy will be reviewed in 2022. The Director or Head of Service, in consultation with the portfolio holder for Housing may make minor changes to the policy in the interim.

1.7 Any queries relating to this Policy should be referred to the Private Sector Housing Team Leader, Folkestone and Hythe District Council, Civic Centre, Castle Hill Avenue, Folkestone, Kent, CT20 2QY. Telephone: 01303 858660. Email: [privatesector.housing@folkestone-hythe.gov.uk](mailto:privatesector.housing@folkestone-hythe.gov.uk)

## **2.0 FUNDAMENTAL PRINCIPLES**

2.1 It is neither possible nor desirable for the council to offer assistance for all private sector housing problems. It can only directly assist with a proportion of these through targeting the available resources at priority needs.

2.2 Although emphasising that the responsibility to maintain private property rests firmly with the owner, it is recognised that the private housing stock plays a major role in meeting the housing needs of the district and has an important effect on the occupier's health and independence, which in turn should result in less demand on health and social care resources.

2.3 Most assistance is offered in the form of a loan secured on the property and repayable by the owner. In this way funding can be re-cycled to assist subsequent owners. In addition, certain forms of assistance can help balance the local housing market in a way which gives more choice and opportunities to those in housing need and bring additional good quality housing back into use.

2.4 Money repaid to the council, either on repayment of loans upon disposal of the property or when grant or loan conditions are broken, will be reinvested in the private sector housing capital programme. The council considers that this is an appropriate way forward given the pressure on resources and because, over time, it will allow more homeowners to be assisted with a limited amount of resource.

2.5 Each case will be considered on its individual merits. However, there are some general principles that will be applied:

- Landlords are running a business and have a legal duty to keep their property in a good state of repair and comply with all relevant standards; therefore loans to improve a property will not be available to landlords (with the exception of Empty Home loans).
- Owners should always maintain effective buildings insurance and the council will not fund work that is covered by insurance.

### **3.0 VULNERABLE HOUSEHOLDS AND UNSAFE HOMES**

3.1 A vulnerable household is defined as one in receipt of at least one of the principal means tested or disability related benefits. Details of these qualifying benefits can be found in appendix 2 at the end of this policy.

3.2 A home is considered unsafe if it has been identified as having at least one Category 1 Hazard as defined by the Housing, Health and Safety Rating System contained within the Housing Act 2004. Details of the standard can be found in appendix 3 at the end of this policy.

### **4.0 SPECIFIC TYPES OF ASSISTANCE AVAILABLE**

4.1 The council will provide the following forms of assistance to private owners and/or tenants to enable them to improve and adapt their properties, and where possible bring long-term empty homes back into use.

- Home Safe Loans (owner-occupiers only)
- Home Energy Advice and Fuel Poverty (tenure neutral)
- Kent Fuel Poverty Strategy
- Winter Warmth Loans (owner occupiers only)
- Partnership working with the East Kent Home Improvement Agency/Handyperson Scheme (tenure neutral)
- Folkestone and Hythe Home Enablement Service (tenure neutral)
- Health and Housing Coordinator Service based at the William Harvey Hospital (tenure neutral)
- Disabled Facilities Grants (mandatory and discretionary – privately owned or rented properties only – i.e. not council owned stock)
- Empty Homes Loans (and Folkestone and Hythe No Use Empty Plus scheme)

4.2 Financial assistance will be given subject to sufficient funds being available. Once the budget has been committed, no further offers will be made. In such circumstances the Council may draw up a waiting list of people requiring assistance.

4.3 Further innovative schemes may be devised to enable greater spend of the Better Care Fund allocation and to help more people to live independently in their own homes and meet health related targets.

### **5.0 HOME SAFE LOANS**

5.1 These Loans are intended to assist vulnerable people to make their homes free from hazards. All loans will be registered at the Land Registry as a legal charge.

5.2 Home Safe Loans are available throughout the District. There are no prior occupation conditions. These loans are available to any relevant owner occupier over the age of 18, where hazards exist in their home.

- 5.3 The loans will be up to a maximum of £20,000, with no means test being applied by the council (other than the need to be a vulnerable person according to the criteria set out in this policy). Occasionally, however, it may be appropriate to offer more assistance and such cases will be considered by the Housing Assistance Review Panel and in consultation with the Cabinet portfolio holder (please see full definition of this panel at section 20.3). The loan is repayable on the future sale of the relevant property or when changes or additions to the original title ownership occur and will not attract any interest charges during the term of the loan.
- 5.4 Relevant fees to the East Kent Home Improvement Agency or other approved Supervising Officer, or for Building Regulations or Planning approval, or any other agreed professional fees, can be included as part of the loan calculation.
- 5.5 After receiving assistance, a vulnerable person's home may develop other defects and a further loan may be appropriate to deal with that problem. However, the total amount of loan assistance provided must not exceed the £20,000 limit in any five-year period unless an exception has been agreed by the Housing Assistance Review Panel.
- 5.6 Any requests to waive loan repayment in part or whole or to alter the council's status on the Land Charges Register will not normally be considered except in very exceptional circumstances. This will be determined by the Head of Service in consultation with the council's legal team and the Cabinet Portfolio holder.
- 5.7 If conditions are broken after approval of council assistance and before completion of works, then payments made in respect of partially completed works shall be repaid to the council in full.

## **6.0 HOME ENERGY ADVICE AND FUEL POVERTY**

- 6.1 To alleviate fuel poverty in the Folkestone and Hythe area the council will inform home owners and tenants of the advice and financial assistance that is available to improve the energy efficiency in their homes. The council currently works closely with local agencies and Kent County Council, who provide free advice and information on energy efficiency measures, consumer debt and benefit entitlement. The Council also contributes, along with other Kent Local Authorities, to the Warm Homes Call Centre (which is based in the Lifeline Office at the Folkestone and Hythe civic centre). The call centre offers advice to residents on what schemes are available nationally and locally to improve energy efficiency.

## **7.0 KENT FUEL POVERTY STRATEGY**

- 7.1 The Council has pledged its commitment to the Kent Fuel Poverty Strategy and its four key priorities. This Housing Assistance policy seeks to align with the key priorities in the strategy which are:-
- Information gathering and sharing
  - Improving energy efficiency

- Reducing fuel costs
- Increasing income

7.2 Schemes to improve energy efficiency of homes in the district include signing up to the LA flexible eligibility scheme, referring residents to the Warm Homes call centre for advice, administering Winter Warmth loans and participating in any other schemes as they come to light.

## **8.0 WINTER WARMTH LOANS**

8.1 The Better Care Fund guidance has widened the scope of Disabled Facilities Grant (DFG) Funding and suggests that funding energy efficiency measures (heating and insulation) in the home for elderly and disabled and chronically sick residents can help them to maintain independence in the home for longer and prevent hospital admissions through suffering from cold and falls in the home.

8.2 Eligibility criteria for Winter Warmth Loans is that the applicant must be a home owner who is over 65 years and that they suffer with a long term illness or have a disability that makes them vulnerable to the cold, and they are in receipt of benefits. In certain circumstances, applications from people under 65 will be considered. The health element of the criteria must be signed off by a care navigator, health care professional, General Practitioner or Occupational Therapist.

8.3 The funding is provided in the form of a repayable grant or up to £4,000 (with conditions). If the property is either sold or changes are made to the existing title ownership, the grant will have to be repaid. This condition remains in place for 10 years after the completion of the works and is registered as a local land charge. Upon the 10<sup>th</sup> anniversary of the completion of works, the land charge will be removed and no grant monies will be repayable. This condition is applied the same as it is with standard disabled facilities grants under the Regulatory Reform Order 2002.

8.4 This scheme will help more vulnerable and sick Folkestone and Hythe residents to remain independent in their own home and will help to meet one of the Better Care Fund targets, in addition to reducing fuel poverty and improving energy efficiency of properties in the district.

## **9.0 PARTNERSHIP WORKING WITH THE HOME IMPROVEMENT AGENCY (HIA)**

9.1 The council will continue to work closely with the local HIA. The council has selected a partner agency to provide this service in the most economically advantageous way and also takes advantage of their experience in dealing with vulnerable clients, their ability for sign-posting and accessing other services for clients, their provision of handyman services and a detailed understanding and working knowledge of the DFG and loan processes.

9.2 The agency provides advice and assistance to help vulnerable home owners and tenants to improve the condition of their homes and enables them to continue to live independently in the community.

- 9.3 The HIA project manage the majority of Winter Warmth loan and Disabled Facility Grant applications and all of the Home Safe loans. The HIA ensures that works are properly procured and completed to the necessary standards. The HIA receives a commission payment for this work. A service level agreement is currently in place to cover this.
- 9.4 Any work completed with the assistance of council funding must be independently verified by the HIA or other organisation approved by the council.

## **10.0 THE HANDYPERSON SCHEME**

- 10.1 The HIA provides a Handyperson Scheme. The service covers minor repairs, security and health and safety works for home owners and private sector tenants over 55 years old, who are either vulnerable or who have a physical or mental disability which prevents them undertaking the works themselves.
- 10.2 The scheme is not an emergency call out service, nor does it address gas/electrical works, or carry out external repairs above two storeys high. The service charges a labour fee of either £5.00 per hour for clients in receipt of means tested benefits or £10.00 per hour for clients not in receipt of benefits; the client being responsible for the cost of the materials. These subsidised rates are maintained by core funding from the Council, which is currently paid twice yearly.

## **11.0 FOLKESTONE AND HYTHE HOME ENABLEMENT SERVICE**

- 11.1 This free scheme provides a responsive service helping people live independently and safely at home. It is run by the East Kent Home Improvement Agency Handy Person Service.
- 11.2 It offers practical support to help people to be discharged from hospital more quickly, but can also help to prevent people going into hospital in the first place.
- 11.3 Examples of work that the scheme can cover are supplying and fitting key safes, supplying and fitting bannister and grab rails, moving a bed from upstairs to downstairs, addressing slips trips and falls by securing carpets to the floor, and relocating trailing cables. This list of works are not exhaustive and each case will be considered on its own merits by the Private Sector Housing Team Leader.
- 11.4 Clearing rooms of hoarded items (sometimes on a large scale) to make way for a bed or to prevent falling in the home can also be considered. These are looked at on a case by case basis. Sometimes deep cleaning of parts of the house will also be considered as part of the assistance, particularly where the condition of the property is preventing discharge from hospital or is deemed to be seriously detrimental to the occupant's health.



- 11.5 Clients must be 50 years or over and be either chronically sick or disabled and live in the Folkestone and Hythe area. The service can only accept direct referrals from health or social care colleagues or the care navigator service.

## **12.0 THE HEALTH AND HOUSING COORDINATOR SERVICE**

- 12.1 This is a free service to patients at the William Harvey Hospital who reside in the Folkestone and Hythe District funded by DFG allocation. The service is run by East Kent Home Improvement Agency by employing a person to be an integral member of the hospital discharge team to aid a robust approach to support patient discharge quickly, safely and effectively.
- 12.2 Additionally, the role involves undertaking visit to the patient's home following discharge to review the home environment with a view to addressing issues that could prevent the patient from re-entering hospital. Issues likely to be tackled would include clutter and hoarding, uneven or excessive height of door thresholds, trailing cables, loose carpets, or any issues that could cause slips, trips and falls. Assessment for minor adaptations and equipment to enable independence in the home can also take place, along with fitting of key safes to facilitate care packages. Assessments for suitability for telecare, checking the property for disrepair and adequate heating, assessing for bathing difficulties and getting up and downstairs and determining whether a referral to occupational therapy for an assessment for DFG is required.

## **13.0 DISABLED FACILITIES GRANT (DFG)**

- 13.1 The Disabled Facilities Grant is a mandatory grant – that is, the council has to provide them, subject to funding being available. These grants are administered under the detailed provisions of the Housing Grants, Construction and Regeneration Act 1996, as amended by the Regulatory Reform Order 2002.
- 13.2 Traditionally a DFG is provided to adapt the home of a disabled person to meet their needs and allow them to achieve as independent a life as is reasonable. However, since the introduction of the Better Care Fund (BCF) in 2015, more innovative use of the DFG funding is encouraged. The main objectives set out in the BCF include using the funding to assist with reductions in delayed transfers of care from hospitals and care settings (commonly known as bed-blocking) by improving the safety of the home environment and making it secure.
- 13.3 The need for adaptation is determined by an Occupational Therapist (usually from KCC Social Services). The council only acts on recommendations made by an Occupational Therapist and, providing the work is reasonable and practicable and the application is satisfactory in all other aspects, the grant will be approved.
- 13.4 The council will carry out a test of the financial resources of the disabled person (government prescribed means test) and assess how much, if any, they have to pay towards the work. The grant covers any reasonable cost,

including professional fees or ancillary charges in excess of the disabled person's assessed contribution, subject to a mandatory grant limit of £30,000. The Council may also use its discretion and fund other works over and above the mandatory limit, but this will be subject to conditions and the Cabinet Portfolio holder will be advised.

- 13.5 Any approved DFG will have a local land charge applied where the cost of the work exceeds £5,000. There will be a requirement to repay the grant up to a maximum of £10,000 when the house is sold or if the disabled person ceases to live there, or any other agreed conditions. However, if repayment of the grant would cause undue hardship, then the council may waive the repayment conditions. Local land charges are not applied to housing association or privately rented properties. The charge is removed upon the 10<sup>th</sup> anniversary of the completion of the works. This is prescribed in the Housing Grants, Construction and Regeneration Act 1996: Disabled Facilities Grant (Conditions relating to approval or payment of grant) General Consent 2008.
- 13.6 An Owner's Certificate must accompany any application stating that the applicant intends to remain in the dwelling after completion of works for a period of five years, or as long as their circumstances allow.
- 13.7 Where the existing home of a disabled person is unsuitable for adaptation, the Council will consider providing financial assistance, in lieu of grant, to help that person relocate to a more suitable property. The maximum allowance is £30,000 towards the relocation costs (estate agents fees, solicitor fees and removal costs) and, if the property is located within the Folkestone and Hythe District, towards the costs of adaptations to the new property. An assessment of need carried out by the Occupational Therapist will confirm the suitability of any new property to be adapted.
- 13.8 The Council will use its discretion to decide on a case by case basis, whether certain works can be covered under DFG. For example the repair of a boiler if rooms to be adapted cannot be heated by other means or rewiring parts of the electrical installation to accommodate the safe installation of a stair lift. These decisions will be made day to day by the Private Sector Housing Team Leader or Housing Strategy Manager and the Cabinet portfolio holder will be advised.
- 13.9 Any works under the value of £1000 will not be considered for DFG.

#### **14.0 DISCRETIONARY DFG TOP UP**

- 14.1 A discretionary loan of up to £20,000 will be made available to fund the cost of eligible works, which exceed the maximum £30,000. The Council will consult with Kent County Council Occupational Therapists to determine if the works above £30,000 are reasonable. Occasionally a property will require extensive adaptation which far exceeds the mandatory £30,000 limit. Such adaptations usually involve extending the property and/or installation of specialist lifts or highly technical bathing equipment.

- 14.2 Where top up is required because of extensive cost of works and if the DFG has already been subject to a financial test of resources, no further means test will be made. Where no financial test has been undertaken (i.e. in children's cases as per legislation), then the decision whether to provide a loan will be subject to a financial test of resources to confirm that the applicant is unable to fund the extra works themselves.
- 14.3 The top up loan will be interest free and secured by a legal charge at land registry and will be repayable upon sale or change of ownership of the property.
- 14.4 If the cost of adaptations reaches £30,000 or near to £30,000 and it is the ancillary fees, or charges by the Home Improvement Agency (or other project manager) that tip the approved amount over the £30,000 limit, a discretionary grant of up to £5,000 will be given to top up the overall grant. The standard £10,000 local land charge will still apply, even where a grant is topped up to cover fees.

## **15.0 THE REVIEWED MEANS TEST AND HELPING MORE DISABLED PEOPLE**

- 15.1 The financial test of resources (means test) prescribed by the government is outdated and sometimes assesses applicants as being able to afford a contribution, when in reality they cannot or even assesses them as having a "nil grant" when in reality they would not be able to afford the works, or would be expected to spend all of their life savings on the work. The Council have in the past had to refuse a grant to applicants because of this, which leaves the applicant struggling to provide or going without the adaptation. This can put unnecessary pressure on the care system and may affect the person's independence and health if they cannot adapt their home according to their needs.
- 15.2 Whilst the DFG allocation can sustain it, a reviewed means test will be applied to all DFG applicants to disregard the first £25,000 of household income. Household income takes into account any income from savings as well as benefits and wages. In times when the DFG budget is reduced, the Council will revert to the standard government prescribed means test. In the reviewed means test the remaining income after the first £25,000 will be used in the calculation. This method will allow the council to help more applicants on low income, who would otherwise be considered only if they can contribute the determined amount towards the work. Qualifying applicants will be eligible to a maximum of £30,000 grant but any contribution determined whilst using the reviewed means test will have to be paid by the applicant.

## **16.0 EMERGENCY STAIRLIFTS**

- 16.1 A discretionary grant of up to £4,000 can provide an urgent stair lift in a disabled person's home in cases of delayed discharge from hospital or where a person is liable to become disabled following an operation (such as leg amputation) and a stair lift is required before the person can be discharged.

16.2 The grant has no conditions and no means test is applied. The grant can be accessed by owner occupiers and private tenants (with the landlord's permission). The request for a stair lift will be assessed by a suitably qualified person such as an Occupational Therapist. The responsibility for its maintenance and servicing would be with the grant recipient. The council have a right to choose a preferred contractor to supply and install the lift.

## **17.0 MINIMUM STANDARD FOR FUNDING OF DISABLED ADAPTATIONS IN HOUSING ASSOCIATION STOCK**

17.1 With the increasing use of the DFG funding stream by housing associations, an agreement was reached with the Kent Housing Group to bring more clarity for users and better equity in funding adaptations between local authorities and social housing providers. Since the agreement has been in place and as housing budgets decrease, fewer Housing Associations are able to meet the terms of the agreement. Each Housing Association who originally signed up to the agreement will be written to, prior to commencement of the DFG on a case by case basis to confirm whether they will make any contribution.

17.2 Where the Housing Association agrees, the funding of adaptations within housing association stock will be split as follows:

- Cost up to £1,000 – housing associations to fund 100%
- Cost between £1,000 and £10,000 –housing associations to fund 40%, LA to fund 60% via DFG (where DFG eligible)
- Cost over £10,000 – LA to fund 100% via DFG (where DFG eligible)

## **18.0 NO USE EMPTY (NUE) & FOLKESTONE AND HYPHE NO USE EMPTY PLUS (NUE+)**

18.1 Folkestone and Hythe No Use Empty Plus (NUE+) is a (national award winning) scheme run jointly between Folkestone and Hythe and Kent County Council. The main aim is to provide loans to bring empty properties back into use as quality housing accommodation for either rent or sale.

18.2 It was recognised that there was scope to provide extra finance on top of the existing NUE £25,000 per unit (provided by KCC), as some projects take more money to make them viable.

18.3 As a result of this Folkestone and Hythe Council provides another £15,000 per unit of accommodation as a "top up" to give a £40,000 limit, which has already proved very popular and helped to provide homes where it was thought not previously possible.

18.4 As with the existing NUE scheme, the main criteria are for the property to be empty for 6 months or over, with the loan secured by means of a land registry charge. The loan can then be repaid either when the property is sold or after 3 years if it has been available for rental.

18.5 This assistance will be targeted at longer-term empty properties (longer

than six months) with a degree of dereliction which are blighting the street or area, adversely affecting the living conditions of neighbours and, particularly where they are attracting vandalism, crime and rubbish dumping. Assistance for empty homes will be available throughout the District, but will only be considered where the nature and location of the property makes it a priority to the council at the discretion of the Housing Assistance Review Panel.

- 18.6 Empty Homes Loans will not attract any interest charges during the term of the loan (3 year period).
- 18.7 In determining the offer of an Empty Homes Loan to a landlord the council will not require a means test; however, a credit check will be carried out. Loans will not be offered in cases where an applicant fails the appropriate credit check or if the landlord is deemed to be not fit and proper.
- 18.8 Eligible works, as specified by the council, may include comprehensive repairs and improvements to the external and internal fabric of the building including replacement roofs (where repair is no longer viable), repairs to chimney stacks, gutters, rainwater pipes, doors, windows, ceilings, walls, floors, and repair or renewal of the electrical installation. Relevant fees to the approved Supervising Officer, or for Building Regulations or Planning approval, or any other agreed professional fees, can be included as part of the Loan calculation.
- 18.9 On completion of the works the property must meet the Decent Homes Standard and be free from category 1 hazards. Details of the standard can be found in appendices 3 and 4.
- 18.10 The council will not consider applications for financial assistance towards the repair or replacement of garages, conservatories, sheds, outbuildings, porches or commercial premises. External or internal redecoration, central heating installations or double-glazing/window replacement simply to upgrade do not qualify for assistance unless they form part of a refurbishment scheme to bring the property up to the Decent Homes Standard or to alleviate hazards.
- 18.11 The owner will be required to repay the loan in full if the property is sold within the term of the loan, or if the council considers it is not available for letting.
- 18.12 Loan offers are not transferrable, nor are the conditions of the Loan to be transferred to a third party.
- 18.13 Any requests to waive Loan repayment in part or whole or to alter the council's status on the Land Charges Register will not normally be considered except in very exceptional circumstances. This will be determined by the Head of Service (or subsequent Directors with responsibility for housing improvement activities) in consultation with the council's legal team and the Cabinet Member for Housing.
- 18.14 If conditions are broken after approval of council assistance and before completion of works, then payments made in respect of partially completed

works shall be repaid to the council in full, together with compound interest.

## **19.0 SHEPWAY LIFELINE**

19.1 Shepway Lifeline plays a vital role in helping vulnerable people to live independently in their own homes within the community. The service is able to address a range of client needs. As well as assisting clients requiring assistance within their home, for example clients who may have suffered a fall, the service can also assist clients with complex needs due to the onset of dementia. The service has recently installed assistive technology for a client suffering from dementia. The technology alerts family members when the client unexpectedly leaves their home.

## **20.0 GENERAL**

20.1 Initially, verbal or written enquiries for assistance can be made to the Private Sector Housing Team at the Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY, telephone 01303 858660, e-mail: [privatesector.housing@folkestone-hythe.gov.uk](mailto:privatesector.housing@folkestone-hythe.gov.uk) . Written enquiries should include specific details of the assistance requested and the owner's circumstances, preferably with a contact telephone number.

20.2 The council's Private Sector Housing Team is available on the above telephone number to discuss any applicant queries regarding this policy.

20.3 Some day to day decisions will be considered by the Housing Assistance Review Panel. This panel will normally consist of the Housing Strategy Manager and the Private Sector Housing Team Leader and decisions will be made in consultation with the cabinet portfolio holder. Other people will be invited to join the Panel to assist in decision making as required. The aim of this is to provide a formalised system for unusual cases to be discussed and considered on the merits of the individual case, while still promoting consistency of decision making.

20.4 In some cases, the Panel will determine the course of action. In others, generally where the situation is exceptional or tends to set a significant precedent, a report will be presented to the Head of Service and Cabinet Member for Housing who will then make a decision.

20.6 An example of a situation that would be dealt with by the Panel could be considering a request for grant aid to be provided as an exception to general policy, also it could be where emergency, life threatening or other urgent circumstances arise and where no other financial assistance is available.

20.7 Where a grant or loan is provided as an exception to the general policy the standard financial assistance conditions will apply. Additional conditions may be attached for individual cases. For more details see Appendix 1 for the Eligibility Criteria and Conditions.

- 20.8 Appeals about how the policy is operated in individual cases, for example, where an enquiry or application for assistance is refused, will be referred through to and dealt with by using the council's complaints procedure.
- 20.9 Appeals must be set out in writing and sent to the Complaints and Information Team, Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY. The appeal submission must include the specific grounds on which the appeal is based. Appeals will be considered only on the following grounds:
- That the policy has not been applied correctly to the case in question, for example there has been a mistake; or
  - That the case in question is exceptional in some way that justifies an exception to the general policy.
  - Where an applicant believes that their application for assistance has not been properly considered by the council's officers.
- 20.10 The council welcomes any general queries, complaints or suggestions about this policy. You should set out any comments in writing and send them to the Private Sector Housing Team at the Civic Centre, Castle Hill Avenue, Folkestone, Kent CT20 2QY. All comments will be carefully considered and a written reply will be given. Where appropriate, you will be contacted to discuss the views that you have put forward.

**ELIGIBILITY CRITERIA AND CONDITIONS**

- 1.1 In accordance with this policy council assistance may be in the form of a grant, loan or other means, as specified by the council from time to time.

**2. PERSONS APPLYING FOR HOUSING ASSISTANCE**

- 2.1 To qualify for Housing Assistance a person must:
- 2.2 Live in the dwelling as his sole place of residence except for a landlord who intends to make the dwelling available for letting to a vulnerable household.
- 2.3 Have an owner's interest in the dwelling or be a tenant or licensee of the dwelling, alone or jointly with others.
- 2.4 Have a duty or right to undertake the works in question and have the explicit permission in writing from the owner to do so.

**3. FORM OF APPLICATION**

- 3.1 The application for assistance under this Policy shall be in the form prescribed and approved by the council and may be varied by the council as it considers appropriate. The applicant will be required to provide all or some of the following:
- 3.2 Full details, including approved plans of the works for which assistance is requested.
- 3.3 Detailed estimates from at least two builders of similar standing (unless there is only one provider of specialist equipment or services available) for the works in question. The contractors concerned may not be members of the applicant's immediate family.
- 3.4 Details and receipts for the costs of any professional fees incurred or to be incurred in relation to the application for assistance.
- 3.5 Documented proof that the applicant is the owner, tenant or licensee of the dwelling in question.
- 3.6 Where the applicant is not the owner, written consent from all owners that the applicant may undertake the works in question.



- 3.7 If the applicant is an owner, an undertaking to repay any financial assistance provided for breach of the conditions listed in paragraph 12 below.
- 3.8 If the applicant is a landlord, to enter into an agreement that the dwelling will be made available to a vulnerable household on completion of works.

#### **4. AMOUNT OF ASSISTANCE**

- 4.1 The council will specify a maximum amount or a formula for calculating the maximum amount of assistance which may be paid and may specify different maxima for works of different descriptions.

#### **5. EXCLUSION OF WORKS ALREADY CARRIED OUT**

- 5.1 The council will not generally approve an application for assistance if the works, the subject of the application, have been carried out before the application is approved.
- 5.2 Where the relevant works have begun but have not been completed, the application may be approved if the council is satisfied that there were good reasons for beginning the works before the application was approved.

Any works commenced before the approval of any assistance may not be included within the eligible costs.

#### **6. DECISION AND NOTIFICATION**

- 6.1 The council will notify an applicant in writing whether the application for assistance is approved or refused. The notification will be provided as soon as reasonably practicable and, in any event, not later than eight weeks after the date of the completed application concerned.
- 6.2 When an application is approved the notification will specify the works which are eligible for assistance, the value of the assistance and the form that the assistance will take.
- 6.3 In the case of a refusal the council will explain in writing the reasons for the refusal and the procedure for appealing against the decision.
- 6.4 If the council is satisfied that, owing to circumstances beyond the control of the applicant, the cost of the assisted works has increased or decreased, it may re-determine the amount of the assistance and notify the applicant accordingly.

#### **7. SUPERVISION OF WORKS**

- 7.1 The contract of employment will be between the applicant and the chosen contractor and **will not** include the council.

7.2 The responsibility for supervision of the works rests with the applicant. The council will require the applicant to appoint either the local home improvement agency (HIA) or a suitably qualified supervising officer to project manage any grant/loan application.

## **8. PAYMENT OF ASSISTANCE: CONDITIONS AS TO CARRYING OUT WORKS**

8.1 The assistance will be paid only if:

- (a) The assisted works are completed within twelve months from the date of approval, and three months in the case of Home Safe Loans and Winter Warmth Loans, or such further period as the council may subsequently allow.
- (b) The assisted works are carried out in accordance with the conditions of approval.
- (c) The assisted works are carried out by one of the contractors whose estimates accompanied the application.
- (d) The applicant confirms his/her acceptance of and satisfaction with the completed works and these works have been executed to the satisfaction of the council (In exceptional circumstances or in the case of a dispute, the council has the discretion to make or withhold a payment).
- (e) The council is provided with an acceptable invoice, demand or receipt for payment for the works and any professional fees and other charges. For this purpose, an invoice, demand or receipt is acceptable if it satisfies the council's audit standards and is not submitted by the applicant or a member of his family.

## **9. PAYMENT OF ASSISTANCE**

9.1 The council will normally pay the assistance direct to the contractor either on the completion of the works or by up to four instalments as work proceeds.

9.2 Where assistance is payable but the assisted works have not been executed to the satisfaction of the applicant the council may, at the applicant's request and if it considers appropriate to do so, withhold payment to the contractor. If it does so, the council may make the payment to the applicant instead.

9.3 Where assistance is in the form of a loan the council will enter into legal agreements with the parties at the appropriate time to ensure that the loan can be recovered. Loans will be registered as a charge at the Land Registry or in the case of a mandatory DFG or Winter Warmth loan, the loan element will be registered as a local land charge.

## **10. REPAYMENT WHERE APPLICANT IS NOT ENTITLED TO GRANT**

10.1 If an application for assistance is approved but it subsequently appears to the council that the applicant or, in the case of a joint application, any of the applicants, was not at the time the application was approved entitled to assistance, no payment shall be made. In the case where payment has

been made by instalment, no further instalment shall be paid and the council may demand that any payments already made be repaid forthwith, together with compound interest.

## **11. CONDITIONS FOR REPAYMENT OF ASSISTANCE**

- 11.1 If the owner of the dwelling to which the application relates ceases to be the owner before the works are completed, he/she shall repay to the council on demand the amount of any assistance that has been paid together with compound interest.
- 11.2 If an owner of the dwelling(s) to which the application relates having undertaken to let the dwelling(s), ceases to let the dwelling(s) in accordance with his/her agreement with the council, he shall repay to the Council on demand the monies in accordance with this policy.
- 11.3 Where the council has the right to demand repayment but there are extenuating circumstances, it may determine not to demand repayment or to demand an amount less than the full amount.
- 11.4 Flexible repayment options exist for repayment of all assistance within this Policy. Please contact the council for details.

## **12. ADDITIONAL CONDITIONS**

- 12.1 Where the council approves an application for assistance it may impose additional conditions with the consent of the applicant.
- 12.2 The additional conditions include, but need not be confined to:
- a) Require the applicant to make contribution towards the assisted work;
  - b) The council having the right to nominate tenants to the living accommodation provided;
  - c) The council having the right to recover specialised equipment when no longer needed;
  - d) Requiring the appointment of managing agents to oversee and manage the letting of the living accommodation provided;
  - e) Requiring the living accommodation provided to be maintained in repair after the assisted works has been completed.
- 12.3 Breach of any of these additional conditions shall give the council the right to demand repayment of the assistance as listed within paragraph 12.2 above.

## **SECURITY FOR ASSISTANCE**

- 12.4 Any condition above that creates a liability to repay the assistance shall be a charge registered at the Land Registry or a local land charge.
- 12.5 The liability to repay any assistance may be discharged at any time by paying to the council a sum equal to the amount of the assistance or such lesser sum as the council may agree.

## APPENDIX 2

### DEFINITION OF A VULNERABLE PERSON

A vulnerable person is someone who is in receipt of one of the following qualifying benefits

- Income Support
- Universal Credit
- Council Tax Reduction
- Working Tax Credit (with a disability element, maximum income amounts apply)
- Childs Tax Credit (maximum income amounts apply)
- Pension Credit
- Income based Job Seekers Allowance
- Attendance Allowance
- Disability Living Allowance or PIP
- Industrial Injuries Disablement Benefit
- War Disablement Pension
- Income-related Employment and Support Allowance

Note:

Benefit types may change over the period of this policy, however, the criteria is based on eligible means tested benefits.

## APPENDIX 3

### HOUSING, HEALTH AND SAFETY RATING SYSTEM (HHSRS) – HOUSING ACT 2004

Dwellings which fail to meet this criterion are those containing one or more hazards assessed as serious ('Category 1') under the HHSRS.

1. Damp and mould growth
2. Excess cold
3. Excess Heat
4. Asbestos and MMF
5. Biocides
6. CO and fuel combustion products
7. Lead
8. Radiation
9. Uncombusted fuel gas
10. Volatile organic compounds
11. Crowding and space
12. Entry by intruders
13. Lighting
14. Noise
15. Domestic hygiene, pests & refuse
16. Food safety
17. Personal hygiene, sanitation, drainage
18. Water supply
19. Falls associated with baths etc
20. Falling on level surfaces etc
21. Falling on stairs etc
22. Falling between levels
23. Electrical hazards
24. Fire
25. Flames, hot surfaces, etc
26. Collision and entrapment
27. Explosions
28. Position & operation of amenities etc
29. Structural collapse & falling elements

## **DECENT HOMES STANDARD – DEFINITION**

The definition of what is a decent home has been updated to reflect the Housing Health and Safety Rating System (HHSRS) which replaced the Housing Fitness Standard on 6 April 2006. A decent home meets the following four criteria:

a) It meets the current statutory minimum standard for housing

Dwellings which fail to meet this criterion are those containing one or more hazards assessed as serious ('Category 1') under the HHSRS.

b) It is in a reasonable state of repair

Dwellings which fail to meet this criterion are those where either:

- one or more of the key building components are old and, because of their condition, need replacing or major repair; or
- two or more of the other building components are old and, because of their condition, need replacing or major repair.

c) It has reasonably modern facilities and services

Dwellings which fail to meet this criterion are those which lack three or more of the following:

- A reasonably modern kitchen (20 years old or less);
- A kitchen with adequate space and layout;
- A reasonably modern bathroom (20 years old or less);
- An appropriately located bathroom and WC;
- Adequate insulation against external noise (where external noise is a problem);
- Adequate size and layout of common areas for blocks of flats.

A home lacking two or fewer of the above is still classed as decent, therefore it is not necessary to modernise kitchens and bathrooms if a home meets the remaining criteria.

d) It provides a reasonable degree of thermal comfort

This criterion requires dwellings to have both effective insulation and efficient heating. It should be noted that, whilst dwellings meeting criteria b), c) and d) are likely also to meet criterion a), some Category 1 hazards may remain to be addressed. For example, a dwelling meeting criterion d) may still contain a Category 1 damp or cold hazard.

**List of funding streams for Housing Assistance**

<b>Scheme or Initiative</b>	<b>Funding source</b>	<b>Funded until?</b>
Disabled Facilities Grants	Better Care Fund (DFG allocation) – direct from central government via KCC	Ongoing rolling annual programme – funding allocated in April each year.
Winter Warmth loans	Better Care Fund (DFG allocation)	Ongoing as above (part of DFG annual allocation)
Folkestone and Hythe and Dover Home Enablement Scheme	Better Care fund (DFG allocation) – partially funded with Dover District Council to cover residents of both areas.	SLA agreed on an annual basis. Funded by DFG allocation.
Handy Person Scheme and HIA services (including administration of grants and loans)	Folkestone and Hythe General Fund	Agreed during budget setting process (annual payment to Home Improvement Agency)
Home Safe loans	Folkestone and Hythe Capital budget (£100,000 p.a.)	Agreed annual budget Recycled loan funds cover this.
Folkestone and Hythe No Use Empty Plus Loans	Approved Folkestone and Hythe budget	Approved Folkestone and Hythe budget £350,000 p.a. since 2015/16 – approved to 18/19 and then subject to cabinet approval for using recycled funds in future.
Folkestone and Hythe Health and Housing Coordinator Service (at the William Harvey Hospital in Ashford)	Better Care fund (DFG allocation) – partially funded with Dover District Council to cover residents of both areas.	SLA agreed on an annual basis. Funded by DFG allocation.

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This report will be made public on 10 July 2018

Report Number **C/18/20**

**To:** Cabinet  
**Date:** 18 July 2018  
**Status:** Non-Key Decision  
**Head of Service:** Charlotte Spendley, Head of Finance  
**Portfolio Holder:** Councillor Malcolm Dearden, Cabinet Member for Finance

**SUBJECT: COUNCIL TAX REDUCTION SCHEME 2019/20 – CONSULTATION**

**SUMMARY:** The existing scheme for Council Tax Reduction (CTR) has existed in its current form since 1 April 2017. This report sets out draft scheme options that can form the basis for consultation.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to approve the following recommendations because the Local Government Finance Act 1992 requires a local authority to have approved a scheme for the provision of Council Tax Support in 2019/20 by 11 March 2019. Changes are designed to reduce administration for the Council whilst producing a simpler, more transparent scheme for the customer in response to wider welfare reform.

**RECOMMENDATIONS:**

Cabinet is asked to:

1. To receive and note report C/18/20.
2. To agree for the options to be put forward for the public consultation.
3. To agree the proposed public consultation.

## **1. BACKGROUND**

- 1.1 On 21 December 2016 Full Council considered and approved the Council's Council Tax Reduction Scheme 2017/18. It resolved (minute 161) that:
- 1) Council agree the following for the CTRS scheme from April 2017:
    - a. To agree to introduce options 2, 3, 5, 12 and 13 to align the scheme to Housing Benefit legislation.
    - b. Remove Second Adult rebate (option 11)
    - c. To introduce a standard non-dependant deduction of £10.00 (option 7).
    - d. To introduce a banding cap of D to CTR cases (option 10).
    - e. To introduce a hardship scheme (option 14).
  - 2) Council agree to reducing the maximum level of support for working age applicants from 81.5% to 75% (option 1)
  - 3) Council agree to automatically adjust the scheme to ensure that they are in line with national welfare changes (paragraph 6.4).
- 1.2 Since the introduction of the scheme there have been changes in welfare reform that have required the Council to review the existing scheme and the impact that it will have on residents and the authority in the future.
- 1.3 The introduction of Universal Credit full service from 30 May 2018 in the district will have a significant impact on the Council's CTR scheme. This is a trend being recognised nationally as more schemes are adapted to meet the changing needs of residents.
- 1.4 Any proposed significant changes to the scheme will require a full public consultation and agreement at full Council by 11 March 2019.
- 1.5 Any proposed change would only relate to working age residents as the pensionable age regulations are maintained by Central Government and out of scope for local review.

## **2. DRIVERS FOR CHANGE**

- 2.1 From 30 May 2018 working age residents that apply for 'legacy benefits' (Income Support, JobSeekers Allowance, Employment Support Allowance, Working & Child Tax Credits and Housing Benefit) in the Folkestone JobCentre area will have to claim Universal Credit instead of the legacy benefits.
- 2.2 Under the new benefit scheme claimants will receive once monthly payments encompassing their qualifying benefits. This does not include Council Tax Reduction which remains an administrative function of the Local Authority.
- 2.3 Research in areas where Universal Credit has already rolled out has identified trends in three key areas:
- Low take up of customers in receipt of Universal Credit applying for Council Tax Reduction
  - Large numbers of change in circumstances received by Councils via DWPs data hub. Approximately 40% of UC cases will have an adjustment each month.
  - Collection difficulties with multiple demand notices being issued.

- 2.4 National trends have demonstrated that on average Universal Credit customers receive at least 8 change notifications in a year. Under the existing scheme each change to income would produce a new demand notice for the customer; amending their installments on a regular basis and making it difficult to collect via Direct Debit due to rules around the administration.

### **3. IMPACT TO THE RESIDENT**

- 3.1 Multiple changes for the customer in Universal Credit would result in a knock on effect of multiple changes for the customer in their Council Tax Reduction award. Using the existing scheme, which is a calculation on tapered income, any small change to income can amend the CTR award.
- 3.2 Regular changing of installments can make it difficult for a customer to use Direct Debit as payment method, due to the lead in times that the Council needs to advise the customer of a change before taking payment. Multiple demand notices can also be confusing for residents to keep up with.
- 3.3 Regular changes can also provide the customer with difficulties in budgeting as they would not have a regular payment amount known for their Council Tax. This can lead to difficulties in paying which leads to further action and potential costs to vulnerable residents.

### **4. IMPACT TO THE COUNCIL**

- 4.1 Multiple changes have demonstrated to have a significant negative impact on administration and billing for the Local Authority in areas where UC has already rolled out. Each change that results in a new demand notice will need to be administered by an officer and the demand notice will need to be produced, either by post or email, and sent to the charge payer.
- 4.2 If a resident has a monthly change it may not be possible to collect payments via Direct Debit due to the regular changes. This has been recognised nationally where collection rates for CTR cases have reduced significantly. The worst reported figures are 55% collection which is a significant decrease on local targets (85%). This would have a negative impact on collection and recovery teams.

### **5. NEW SCHEME FRAMEWORK**

- 5.1 Banding schemes have become more common in CTR in areas where Universal Credit has had an earlier impact. One such example is the London Borough of Sutton.
- 5.2 A banding scheme would reduce the number of changes to entitlement and improve opportunities for billing and collection. Whilst the Council still needs to review each change this simplifies the assessment process for officers, treating CTR more as a discount and moving away from it being a benefit with traditional benefit rules.
- 5.3 A banding scheme would also enable the resident to budget their payments as the scheme could operate using a simpler formula that could be used by residents. An example of this can be seen in Table 1.

**Table 1**

<b>Band</b>	<b>Single Weekly income (£)</b>	<b>Couple Weekly income (£)</b>	<b>1 Child Weekly income (£)</b>	<b>2+ children Weekly income (£)</b>
<b>1-75% discount</b>	0.00 to 110.00	0.00 to 160.00	0.00 to 190.00	0.00 to 270.00
<b>2-55% discount</b>	110.01 to 150.00	160.01 to 190.00	190.01 to 220.00	270.01 to 340.00
<b>3-35% discount</b>	150.01 to 190.00	190.01 to 220.00	220.01 to 270.00	340.01 to 420.00
<b>4-22% discount</b>	190.01 to 280.00	220.01 to 310.00	270.01 to 340.00	420.01 to 495.00

5.4 An example scheme allows a resident to place their total income into a category. They would then use this to work out how much Council Tax they are due to pay. A banding scheme also considers that small changes are less likely to have impacts on the CTR award. Therefore less changes are needed for the issuing of demand notices throughout the year as only significant changes between bands would produce a change in award. This would benefit the customer with less changes to their CTR and less demand notices being produced.

5.5 It is recognised that such a scheme may impact detrimentally on some residents near the bottom of a band. The Council will continue to operate its Exceptional Hardship Payment scheme to support residents showing a need for additional support in their payments.

## **6. PRINCIPLES OF THE FRAMEWORK**

6.1 The main features of a new scheme proposed to be applied across the district are as follows:

- i. The overall expenditure of the scheme will remain as close as at present;
- ii. The changes can only be made to the working age scheme as the current scheme for pensioners is prescribed by Central Government;
- iii. The current means – tested scheme will be replaced by a simple income grid model as shown by table 1;
- iv. The levels in each grid will be determined based on:
  1. Overall expenditure of scheme;
  2. Ensuring maximum number of applicants are protected; and
  3. Ensuring that any losses to individual applicants are minimised.

- v. It is proposed that the highest level of discount will be set at current maximum level of liability (75%) and that all current applicants that are in receipt of a 'passported benefit' such as Income Support, Jobseeker's Allowance (Income Based) and Employment and Support Allowance (Income Related) receive maximum discount;
- vi. The levels for all other bands will be determined during the modelling process – this is an ongoing process and will be undertaken regularly through the year to ensure that the final decision of the Council is as accurate as possible and protects applicants from significant change (either positive or negative);
- vii. The scheme framework allows for variation in household size with the levels of income per band increasing where an applicant has a partner, and/or dependants;
- viii. Where an applicant has non-dependants living with them, the new scheme will (either) disregard them or make a standard deduction from any entitlement, this is detailed further in sections 8.9 and 9.1;
- ix. To encourage work the existing earnings disregards will be replaced by a standard £25 per week disregard across all applicant types;
- x. Disability benefits such as Disability Living Allowance and Personal Independence Allowance will continue to be disregarded and, in addition, the Support Component of Employment and Support Allowance and Carer's Allowance will also be disregarded; again providing additional protection with the scheme. A disability disregard will also be included for all cases where there is a qualifying disability benefit in payment of £40 per week;
- xi. Child Benefit and Child maintenance will continue to be disregarded within the scheme;
- xii. The total disregard on war pensions and war disablement pensions will continue;
- xiii. It is proposed that the capital limit used will be in line with the current scheme;
- xiv. Extended payments will be removed; and
- xv. Student rules will be amended in line with Council Tax legislation. Where there is a liability a reduction will be considered.

## **7. HOW THE NEW SCHEME FRAMEOWRK WILL ADDRESS THE PROBLEMS OF FULL SERVICE UNIVERSAL CREDIT**

7.1 Due to the simplicity of the proposed new scheme framework and by taking a more 'Council Tax discount approach', it will address the problems associated with Universal Credit as follows:

- i. **The scheme framework will require a simplified claiming process.** In the case of Universal Credit applicants *any* Universal Credit data received from the Department for Work and Pensions will treated as a

claim for Council Tax Reduction. Where information is received from DWP, the entitlement to Council Tax Reduction will be processed automatically without the need to request further information from the taxpayer. This will have the following distinct advantages namely:

a. **Speed of processing**

Claims will be able to be calculated automatically and promptly without the need to request further information which inevitably leads to delays;

b. **Maximising entitlement to every applicant**

As there will no requirement for Universal Credit applicants to apply, entitlement to Council Tax Reduction will be maximised with a reduced risk of loss of discount or the need for backdating;

c. **Maintenance of collection rates**

The new scheme will avoid constant changes in discount, the need for multiple changes in instalments and therefore assist in maintaining the high collection rates currently achieved.

ii. **The income bands are wide avoiding constant changes in discount.**

The current Council Tax Reduction scheme is very reactive and will alter even if the overall change to the person's liability is small. This is leading to constant changes in Council Tax liability, the need to recalculate monthly instalments and the requirement to issue a large number of Council Tax demands. The effect of this is that Council Tax collection is reduced where Universal Credit full service has been introduced.

The new scheme, with its simplified income banding approach will have the following advantages:

a. Only significant changes in income will affect the level of discount awarded; and

b. Council Taxpayers who receive Council Tax Reduction will not receive multiple Council Tax demands and adjustments to their instalments

iii. **A modern approach to changes in entitlement.**

The current Council Tax Reduction scheme is based on an old-fashioned benefit approach which alters entitlement on a weekly basis. The new scheme framework is designed to reflect a more modern approach, notwithstanding that the number of changes will be reduced, where discount changes it will be effective from the day of the change rather than the Monday of the following week;

iv. **A simpler scheme.**

The current Council Tax Scheme document is large, benefits based and unduly complex. The intention is to make the new scheme document simpler, reducing the level of complexity and more understandable to applicants.

## 8. CONSULTATION

- 8.1 As the proposals are a fundamental change to the current approach, full consultation is required with precepting authorities and with the public.
- 8.2 It is proposed that a consultation is carried out specifically targeting a sample of approximately 5000 Council Tax payers who are a representative sample of those paying Council Tax. This is the same size sample that was consulted on the scheme in 2016. The consultation questionnaire will also be available on the Council's web site and stakeholders such as CAB and Shelter will be directly contacted via email and invited to respond. This forum produced constructive feedback in the previous consultations.
- 8.3 The consultation will be web based. The questionnaire will be anonymous but will ask for basic personal details such as age, disability and CTR entitlement. This will enable the Council to demonstrate the diversity of groups feeding into the process.
- 8.4 A message facility, on Council Tax telephone lines only, will be utilised to more widely advertise the consultation.
- 8.5 Social media outlets and local press will be utilised to promote the consultation.
- 8.6 It should be noted that whilst there is a risk that customers could complete more than one questionnaire to try to influence results; this risk is felt to be low. There was no evidence of this during the previous three consultations. In addition, to completely exclude views of Council Tax payers who have not been specifically invited to respond but who have a view would not be fair.
- 8.7 The timeline for the consultation is drafted in table 2. Dates for presenting the final scheme will be confirmed at a later date but the scheme must be agreed and published by 11 March 2019.

**Table 2**

<b>Key dates</b>	<b>Activity</b>
30 July 2018	Open consultation
21 October 2018	Close consultation
<i>December 2018</i>	Present results and scheme to Cabinet
<i>Dec 2018 – Jan 2019</i>	Present results and scheme to Council
11 March 2019	Deadline for publishing agreed scheme for 2019/20
1 April 2019	New scheme live

- 8.8 The consultation will offer the choice of remaining with the existing scheme or a new banding scheme, offering examples as part of the information available.
- 8.9 It is also proposed to consider the inclusion of Non-Dependant charges in a new scheme. The cost implications of this with regards to the scheme are listed in table 3 (Non-Dependants are people other than the applicant's partner who are 18 years old or over residing in the property, currently that person would be expected to contribute towards payment of Council Tax of £10.00 per week). Whilst removing these charges would have an adverse cost, officers would not need to request information regarding the additional occupants such as their identification and income, reducing administration significantly and making the scheme simpler to administer and understand.

## 9. POTENTIAL FINANCIAL IMPACTS OF OPTIONS

- 9.1 The estimated total level of expenditure for the Council Tax Reduction scheme for 2018/19 is £8,572,624. The intention is to maintain expenditure at current levels. The modelled expenditure for 2019/20 based on the new scheme is demonstrated on table 3.

**Table 3**

	<b>Passported</b>	<b>Single</b>	<b>Couple</b>	<b>1 Child</b>	<b>2+ children</b>
<b>Total working age claims</b>	3,214	566	121	390	611
<b>Impact with Non Dep charges</b>	£0	-£535	+£663	+£23,252	-£12,672
<b>Impact with no Non Dep charges</b>	+£139,381	+£18,237	+£7,963	+£43,588	+£6,099

The total difference to the scheme with Non-Dependant charges unchanged are predicted to have an additional cost of £10,708.

The total difference to the scheme with Non-Dependant charges removed are predicted to have an additional cost of £215,268.

It should be noted that these figures are estimates and can change due to monitoring of the modelling of the scheme.

## 10. EQUALITY IMPACT ASSESSMENT

- 10.1 A full Equality Impact Assessment, together with the results of the consultation, will be presented to Cabinet once the consultation is closed. At this stage, Cabinet is only being asked to agree draft scheme options that can be put out to consultation. The draft Initial Stage Equality Impact Assessment has been attached (Appendix 1) for reference.
- 10.2 Where an individual may suffer exceptional hardship, the scheme will include provisions to allow for additional support to be given.

## 11. LEGAL IMPLICATIONS

- 11.1 Schedule 1A (5) of the Local Government Finance Act 1992 as amended requires local authorities to consider the following:

*For each financial year, each billing authority must consider whether to revise its scheme or to replace it with another scheme.*

*The authority must make any revision to its scheme, or any replacement scheme, no later than 11<sup>th</sup> March in the financial year preceding that for which the revision or replacement scheme is to have effect*



- 11.2 In addition, where there are changes to the scheme, the authority is obliged under Schedule 1A (5) (4) *if any revision to a scheme, or any replacement scheme, has the effect of reducing or removing a reduction to which any class of persons is entitled, the revision or replacement must include such transitional provision relating to that reduction or removal as the authority thinks fit.*

## 12. RISK MANAGEMENT

- 12.1 The new scheme framework will inevitably change the amount of discount to some applicants. The modelling suggests that whilst a number will have an enhanced award, where any award is reduced applicants will be able to apply for an exceptional hardship payment.

A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
Council not able to maximise collection due to increased demand notices	High	Medium	To review the scheme so that small changes in income are not reflecting in multiple changes to a CTR award with multiple demand notices.
Council not able to recover increase in arrears	Medium	Medium	To utilise resource effectively and administer hardship schemes appropriately.
Negative public reaction to proposals	Medium	Medium	Response from consultation will be taken into consideration when the final Scheme is recommended.
Potential legal challenge to 2019/20 CTRS	Medium	Low	Ensure full consultation has taken place with genuine options and that a proper equality impact assessment has been undertaken.

## 13. LEGAL, FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 13.1 Legal Officer's comments (DK)

There are no legal implications arising directly out of this report other than those already stated in it.

### 13.2 Finance Officers comments (CI)

There are no financial implications for the current financial year as expenditure will be maintained within the 18/19 budget. Section 9.1 details the potential financial implications for 19/20 onwards of either £10,708 or £215,268 dependent on scheme option. Pending the decision of Cabinet and the outcome of the consultation additional expenditure will need to be built into the budget growth and savings agenda for the budget strategy for 19/20.

### 13.3 Equalities and Diversities Implications

The council has clearly defined responsibilities in relation to and awareness of those in the most vulnerable situations. It intends to engage with those affected and with

representative groups through the consultation process. A full Impact Assessment will be brought to Cabinet at the same time as the results of the consultation and the final proposed Scheme.

#### 13.4 **Communication comments (MR)**

The suggested approach to consultation is proportionate and should give a representative range of feedback on the proposed changes. The website will be a good central repository for the questionnaire and residents can also be directed to this via social media and news releases.

### **14 CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

- 14.1 Councillors with any questions arising out of this report should contact the following officer prior to the meeting

*Report author: Andrew Hatcher*

*Telephone: 01303 853348*

*Email: [andrew.hatcher@folkestone-hythe.gov.uk](mailto:andrew.hatcher@folkestone-hythe.gov.uk)*

#### 14.2 **Appendices:**

Appendix 1 – Equality Impact Assessment

Appendix 2 – Questionnaire

# Equality Impact Assessment Templates

## Quick Guidance Notes

### Stage 1. Screening Stage

Stage 1 of the template is classed as the Screening Stage. This should always be completed. **Remember it should be an integral part of policy development not a last minute thought.**

At this stage you should be assessing obvious negative/positive impact or gaps in knowledge about likely impact. It should be a relatively short process which makes use of any previous consultation results, any differences in user satisfaction among groups, personal knowledge and experience, research, reports, existing equality data about service usage, internet searches, internal and external specialist advice, employees with previous experience of similar work, known inequalities etc. **If the likely impact on a particular group is unknown, then action should be taken to acquire this information.**

If the impact is positive (i.e. the outcome will benefit an Equality Group) then no further action is required. If no positive or negative impacts are identified then no further action is required. If the activity has the potential to cause adverse/negative impact or discriminate against different groups in the community it will require a full impact assessment (Stage 2).

In some cases it might be easy to put in place simple adjustments to eliminate any negative impact while you are working through the screening process, especially if you already have clear evidence/consultation and the process is an integral part of your policy development. It should only be done if you are absolutely confident that no other impact will be identified. If you choose to do this you should clearly document the reasons/evidence and put in place monitoring to ensure action is taken if unanticipated impact occurs.

### Stage 2. Full Equality Impact Assessment Report

Stage 2 of the EIA process guides officers through the full impact assessment process, ensuring that research/consultation with relevant equality groups has been carried out and leads to an action plan aiming to minimise the negative impact/s.

Consultation involves engaging with representatives from equality groups who are likely to be affected by the activity. It could involve engaging with employees and Members, trade unions, other public bodies, voluntary and community groups. It is important to ensure sufficient time and resources are dedicated to the consultation process to encourage full participation. You should refer to the Consultation Toolkit to ensure your consultation follows good practice. The Focus system should also be used and is able to give you information relating to other consultation activities across the council as well as existing groups/volunteers you may be able to access.

### Take a Proportionate Approach

Your approach to assessing the equalities impact of a policy, strategy or service should be proportionate to the likely impact it will have. Issues you should consider include:

- the number of people likely to be affected
- the size of the budget/amount of money involved
- the extent of the proposed change
- wider public policy implications

This means you will assess more rigorously policies which are likely to have a significant impact on the local community.

**Additional guidance notes to help you through the process are available in the Equality Impact Assessment Guidance Document.**

DRAFT

# Stage 1 and 2 Equality Impact Assessment Templates

Directorate: Finance

Service: Revenues & Benefits

Accountable Officer: Andrew Hatcher

Telephone & e-mail: 01303 853348 / [andrew.hatcher@folkestone-hythe.gov.uk](mailto:andrew.hatcher@folkestone-hythe.gov.uk)

Date of assessment: 22/06/18

Names & job titles of people carrying out the assessment:  
Andrew Hatcher (Revenues & Benefits Strategic Manager)

Name of service/function/policy etc: <b>Council Tax Reduction Scheme</b>
Is this new or existing? <b>Replacement of existing scheme</b>

## Stage 1: Screening Stage

### 1. Briefly describe its aims & objectives

The Council Tax Reduction scheme provides support for certain taxpayers who have a low income.

Where entitled, the scheme provides a reduction in liability for Council Tax.

The replacement scheme is designed to overcome the significant administrative complications with the introduction of Universal Credit within the area. The main issues are;

- The current scheme is too reactive to the constant changes in Universal Credit. With the frequent changes in liability, taxpayers receive multiple Council Tax demands which in turn has a negative effect on the taxpayers ability to manage their finances and on collections levels;
- There is a need to make the scheme simpler and for taxpayers to be encouraged to claim a reduction;
- The scheme needs to be future proofed to avoid constant amendments.

### 2. Are there external considerations? (legislation/government directive etc.)

Yes - the legislation (Local Government Finance Act 1992 as amended) allows the Council to amend the scheme for working age applicants only.

The scheme for pension age applicants is prescribed by Central Government and cannot be amended.

Schemes must be amended by 11<sup>th</sup> March of the financial year preceding the year of implementation.  
All changes to schemes are subject to consultation with both precepting authorities and the public.

### 3. Who are the stakeholders and what are their interests?

The stakeholders are:

- Working age Council Taxpayers who have a low income (who may make an applicant for reduction);
- The District Council who is responsible for administration of the scheme and also receives a proportion (15%) of Council Tax receipts to provide services for local residents;
- The Major Precepting Authorities (Kent CC; Police and Fire & Rescue) who receive the majority of Council Tax receipts to provide services for local residents;

### 4. What outcomes do we want to achieve and for whom?

Any new scheme must:

- Minimise any potential loss to existing applicants;
- Reduce administration costs which will occur through the roll out of Universal Credit;
- Ensure that collection rates are maintained in respect of Council Tax; and
- Prevent future changes in schemes

### 5. Has any consultation/research been carried out or relied upon?

Yes

Consultation is to be carried out in accordance with the legislation.

Major preceptors will be consulted as well as the public and interested groups.

Consultation will be carried out over the summer time and the results will be analysed and taken into account when the scheme is decided by full Council.

**6. Are there any concerns at this stage which indicate the possibility of inequalities/negative impacts?** (Consider and identify any evidence you have - equality data relating to usage and satisfaction levels, complaints, comments, research, outcomes of review, feedback and issues raised at previous consultations, known inequalities) If so please provide details.

Major changes to the scheme as proposed may affect applicants. Modelling of scheme options will be undertaken throughout 2018 up to the adoption by the Council.

Initial modelling indicates that the number of working age applicants will remain broadly the same (currently 4902 ; new scheme 4889). Whilst most applicants will experience a minimal change to their entitlement between £0.00 and £0.45 per week, certain applicants with more than two children may experience a reduction in support by up to

£1.14 per week.

The Council maintains an Exceptional Hardship Payment Scheme which can be applied for by any applicant. Where any applicant experiences exceptional hardship, further support can be given.

**7. Could a particular protected characteristic be affected differently in either a negative or positive way? (Positive - it could benefit, Negative - it could disadvantage, Neutral - neither positive nor negative impact or Not sure?)**

	Type of impact, reason & any evidence
Disability	Neutral
Race (including Gypsy & Traveller)	Neutral
Age	Only working age applicants will be affected
Gender	Neutral - based on current modelling both male and female applicants can either receive increased or decreased support
Transgender	Neutral
Sexual Orientation	Neutral - sexual orientation has no bearing on the scheme
Religion/Belief	Neutral - religion or belief orientation has no bearing on the scheme
Pregnancy & Maternity	Neutral - although it should be noted that a third or subsequent child will not affect entitlement
Marriage/ Civil Partnership Status	Positive- couples or persons in Civil Partnerships / relationships are able to have a higher level of income than singles to receive the same level of support.

**8. Could other socio-economic groups be affected e.g. carers, ex-offenders, low incomes?**

Carers - positive		
Persons in receipt of Support Component of ESA positive		
Low income taxpayers - will be able to apply as in the current scheme - neutral		

**9. Are there any human rights implications?**

No

**10. Is there an opportunity to promote equality and/or good community relations?**

Yes - the new scheme will make applying for support easier and will treat all working age applicants equally.

**11. If you have indicated a negative impact for any group is that impact legal? (not discriminatory under anti-discrimination legislation)**

Yes

**12. Is any part of this policy/service to be carried out wholly or partly by contractors?**

No

Please note that normally you should proceed to a Stage 2: Full Equality Impact Assessment Report if you have identified actual, or the potential to cause, adverse impact or discrimination against different groups in the community. (Refer to Quick Guidance Notes at front of template document)

**13. Is a Stage 2: Full Equality Impact Assessment Report required?**

Yes

**14. Date by which Stage 2 is to be completed and actions**

1 December 2018

**Please complete**

We are satisfied that an initial screening has been carried out and a full impact assessment is /is not required\* (please delete as appropriate).

Completed by: Andrew Hatcher

Date: 22/06/18

Role: Revenues & Benefits Strategic Manager

Countersigned by Head of Service

Date: 22/06/18



Please keep the signed hard copy with your team for auditing purposes and forward an electronic copy to [leadership.support@shepway.gov.uk](mailto:leadership.support@shepway.gov.uk) so that it can be published.



## Stage 2: Full Equality Impact Assessment Report

**15. Summarise the likely negative impacts for relevant groups identified in the screening process (Refer to Stage 1, Questions 7-8, start to think about possible alternatives)**

**16. What consultation/involvement activities have taken place or will need to take place with groups/individuals from each relevant protected characteristic or equality group? (refer back to Stage 1, Question 5)**

**17. What other research has been or will need to be carried out to help you with the assessment?**

**18. Results of research/consultation (what does it tell you about the negative impacts?)**

### **19. Conclusions & Action Planning**

You should explain what and how negative impacts have been reduced or removed and how positive impacts are to be improved or included.

Your final decisions or recommendations may include making immediate changes, stopping or proceeding with a new policy, justifying a decision or adding objectives/targets to the service development plan/equality scheme (long term changes).

You could use the template below to record your conclusions/actions. You should also make reference to any additional monitoring or research that is still required, or was not retrievable at the point of assessment, but will be required in subsequent reviews or in order to complete actions.

Impact/Issue	Action/Objective/Target or Justification	Will this remove negative impact?	Resources	Lead Officer & Timescale

**20. How will you monitor, evaluate and check the policy in the future?**

**21. When will a review take place?**

**Please complete**

We are satisfied that a full impact assessment has been carried out.

Completed by:

Date:

Role:

Countersigned by Head of Service:

Date:

*Please keep the signed hard copy with your team for auditing purposes and forward an electronic copy to [leadership.support@shepway.gov.uk](mailto:leadership.support@shepway.gov.uk) for publication.*

# Folkestone & Hythe District Council

## Council Tax Reduction Scheme 2019/20 Consultation Questionnaire

### Background to the consultation

#### What is this consultation about?

Each year the Council has to decide whether to change the Council Tax Reduction scheme for working age applicants in its area. This year the Council has decided that changes should be made to significantly change the Council Tax Reduction scheme due to the introduction of Full Service Universal Credit within the Kent area. In effect the traditional link between Housing Benefit (which will no longer be available to new working age claimants) and Council Tax Reduction will no longer exist and it is essential that the scheme is changed to meet future requirements, to reduce administration costs and to ultimately prevent any additional costs being added to the Council Tax

#### What is Council Tax Reduction?

Council Tax Reduction is a discount for Council Tax. The level of discount is based on the income of the household. Currently the maximum discount is 75% of Council Tax for working age households and up to 100% for pensioners.

#### Why is a change to the Council Tax Reduction scheme being considered?

In April 2013 the Council Tax Benefit Scheme was replaced by a new Council Tax Reduction Scheme. Council Tax Benefit had been funded by the Department for Work and Pensions and supported people on low incomes by reducing the amount of Council Tax they have to pay.

The Council Tax Reduction scheme is determined locally by District Councils rather than the Department of Work and Pensions. Although the Government initially provided funding for the scheme, the funding has reduced each year in line with the reduction in Revenue Support Grant provided to councils. From 2019 no funding will be provided for the scheme.

People can claim Council Tax Reduction if they are on certain benefits. The current scheme requires all working age applicants to pay a minimum of 25% of their Council Tax (a maximum level of support of 75%). Applicants in receipt of income based Jobseekers Allowance, Income Support and Income Related Employment and Support Allowance receive the maximum level of support. Others receive a level of Council Tax Reduction based on their income and other factors.

A separate Central Government scheme is retained for people of pension age and Councils are **only** able to vary their schemes for people of working age.

Each Council is required to review their schemes each year and decide if they want to make any changes. Before any changes can be implemented, they must be subject to public consultation.

The District Council is proposing a number of changes to its existing scheme and, in line with legislation, we have a duty to consult you and provide you with the opportunity to tell us your views on the proposed changes to our Council Tax Reduction Scheme.

The Council is consulting on the following changes to its scheme for 2019/20:

- Introducing an income 'grid' scheme for all working age applicants replacing the current means tested approach which was based on the previous Council Tax Benefit scheme (Option 1);
- Limiting the number of dependent children used in the calculation of support to two for *all* working age applicants (Option 2);
- Removing Non-Dependant deductions (Option 3);
- Changing the claiming process for all applicants who receive Universal Credit (Option 4);
- Removing the current earnings disregards and replacing them with a standard £25 disregard irrespective of a person's circumstances (Option 5);
- A disability disregard will be given when a qualifying disability benefit is in payment of £40 per week (see Option 6);
- Disregarding Carer's Allowance which is currently taken into account as income (Option 7);
- Removing the conditions that prevent certain students from claiming Council Tax Reduction (Option 8);
- Removing the Extended Payment provision (Option 9);
- Making all changes in circumstances which change any entitlement to Council Tax Reduction on a daily basis rather than the current (benefit based) weekly basis (Option 10); and
- Simplifying the capital rules but leaving the capital limit in line with the current scheme (£16,000) (Option 11).

In the District, 8900 people currently receive Council Tax Reduction. The gross cost of the scheme is £13.3 million which is spread across the District Council (15%), the County Council (69%), Fire (4%), Police (9%) and Town & Parish Councils (3%) in accordance with the proportion of Council Tax which each organisation levies (which is shown in brackets).

#### **Who will this affect?**

Working age households in the District who currently receive or will apply for Council Tax Reduction.  
Pension age households will **not** be affected as Central Government prescribe the scheme.

#### **Are there any alternatives to changing the existing Council Tax Reduction scheme?**

We have also thought about other ways to make the administration simpler. These have not been completely rejected (including maintaining the current scheme) and you are asked about them in the Questionnaire, but, at the moment we do not think we should implement them for the reasons given.

**We have considered:**

**1 Continuing with the current scheme**

This would mean higher administration costs and scheme costs generally. Not making these changes would significantly increase the administration of Council Tax Reduction. The current scheme will not work effectively with the Government's Universal Credit system. The multiple changes in Universal Credit inevitably lead to multiple changes in Council Tax Reduction. This would increase the costs for all council tax payers in the District paying towards the scheme. The decision to increase Council Tax may need to be made by voting in a local referendum.

**2 Reduce funding to other Council services to pay for additional administration costs**

Keeping the current Council Tax Reduction scheme will mean an increase in administration costs and less money available to deliver other Council services; or

**3 Use the Council's reserves to keep the Council Tax Reduction scheme**

Using reserves to fund the additional administration costs would be a short-term option. Once used they will no longer be available to support and invest in other Council services and additional cuts would have to be made in the following years.

# Questionnaire

## Have Your Say on the Council Tax Reduction Scheme.

Q1.

I have read the background information about the Council Tax Reduction Scheme:

Yes  No

This question must be answered before you can continue.

### Paying for the Scheme

Q2.

Should the Council keep the current Council Tax Reduction scheme? (Should it continue to administer the scheme as it does at the moment?)

No  Yes  Don't know

Q3.

Please use the space below to make any comments you have on protecting the Council Tax Reduction Scheme from these changes.

## Options to change the current Local Council Tax Reduction scheme

As explained in the background information, the Council is primarily consulting on the following proposals to change the existing Council Tax Reduction Scheme from 1<sup>st</sup> April 2019, which will reduce the administrations cost of the scheme generally and importantly make the scheme simpler. **Please note that whilst the changes are intended to reduce the level and cost of administration, the Council is not looking to reduce the total overall level of support available.** Your responses are a part of this consultation. Set out below are the proposals being considered.

### Option 1 – The introduction of an Income Grid scheme to replace the current scheme for all applicants of working age

The current scheme for Council Tax Reduction is largely based on the previous Council Tax Benefit scheme which was assessed alongside Housing Benefit. Housing Benefit for working age applicants is being phased out and for new claims are not be available for most claims after 30<sup>th</sup> May 2018. Whilst Housing Benefit was the main provider of housing support for working age persons, it was logical to maintain a Council Tax Reduction scheme that mirrored the approach. Now that Universal Credit is being rolled out, it gives the Council the opportunity to significantly simplify what is in effect a Council Tax Discount.

It is proposed that a simplified income 'grid' scheme will be introduced as follows:

Band		Single (Income level) per week	Couple (no Children) (Income level) per week	Lone Parent or Couple +1 Child (Income level) per week	Lone Parent or Couple +2 (or more) Children per week
1	75%	£0 - £110.00	£0 -£160.00	£0 -£190.00	£0 -£270.00
2	55%	£110.01 - £150.00	£160.01 - 190.00	£190.01 - £220.00	£270.01 - £340.00
3	35%	£150.01 - £190.00	£190.01 - 220.00	£220.01 - £270.00	£340.01 - £420
4	22%	£190.01 - £280.00	£220.01 - £310.00	£270.01 - 340.00	£420.01 - 495.00

The key principles of the scheme are as follows:

- a. The level of discount (shown in the grid) will be based on the total net income (determined by the Council) of the applicant and their partner;
- b. Income levels can vary in accordance with household size and still receive the same level of discount;
- c. Applicants who have total net income less than the levels in Band 1 will receive a discount of 75% against their liability for Council Tax. This will also apply to those applicants receiving income support, income related employment and support allowance and income based jobseekers allowance. Where applicants are not in receipt of those benefits and their income is above the levels specified in Band 1, Council Tax Reduction shall be awarded at the appropriate level (Bands 2, 3 & 4);
- d. Applicants who have total net income levels above the levels shown in the grid will receive no discount;
- e. The grid will be limited to a maximum of two dependants (see Option 2)
- f. No charges will be made for non-dependants who live with the applicant (see Option 3)
- g. Making claiming simpler for applicants who receive Universal Credit (see Option 4);
- h. Removing the current earnings disregards (which vary depending on the circumstances of the applicant, the number of hours worked and monies they pay for child care) and replacing them with a standard disregard of £25 per week for all applicant (see Option 5);
- i. Certain incomes will continue to be disregarded including Disability Living Allowance; Personal Independence Payments, Support Component of Employment and Support Allowance, Child Benefit and Child Maintenance.
- j. A disability disregard will be given when a qualifying disability benefit is in payment of £40 per week (see Option 6);
- k. Carer's Allowance received will be disregarded (see Option 7);
- l. Removing the restriction on claiming for certain vulnerable students (see Option 8);
- m. Removing the Extended Payments provisions (see Option 9);
- n. Any changes in circumstances which change Council Tax Reduction entitlement will be made from the date on which the change actually occurs, (rather than on a weekly basis as at present (see Option 10);
- o. Simplifying the capital rules but leaving the capital limit in line with the current scheme (£16,000) (Option 11).

It is inevitable that there may be both winners and losers; however the Council is keen to protect as many applicants as possible. The Council is not minded to reduce the overall total level of support available within the scheme but there will be a redistribution of support in some cases. Where an applicant experiences exceptional hardship, they will be able to apply for additional support from the Council under the Exceptional Hardship Payment Scheme which will continue as at present.

#### **The benefits of changing the scheme:**

- It provides a simpler scheme, easily understood by all applicants;
- It will save significant increases in administration costs due to the introduction of Universal Credit;
- It will prevent applicants receiving multiple Council Tax demands during the year and prevents multiple changes to monthly instalments;
- Applicants in receipt of 'passported benefits' such as income support, income related employment and support allowance and income based jobseekers allowance, will not be affected; and
- It will make claiming simpler for Universal Credit applicants ensuring that their entitlement to Council Tax Reduction is maximised.

#### **The drawbacks of doing this are:**



- Whilst the Council will look to protect applicants as far as possible, there may be winners and losers; and
- Some households with more than two children may receive less support.

**Q4.**

**Do you agree with this change to the scheme?**

Yes  No  Don't know

**Q5.**

**If you disagree what alternative would you propose?**

## **Option 2 - To limit the number of dependant children within the calculation for Council Tax Reduction to a maximum of two for *all* applicants**

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Within the current scheme, applicants who have children are awarded a dependant's addition within the calculation of their needs (Applicable Amounts). From April 2017 the current scheme limited dependant's additions in line with Universal Credit, Housing Benefit and Tax Credits to a maximum of two. Some applicants were protected where they made a claim for reduction before that date and already had more than two dependants. The new scheme will be based on an income grid system which takes into account the number of dependants within the household; however, it will be limited to two, for *all* applicants.

**The benefits to the Council of doing this are:**

- Council Tax Reduction will be brought into line for all applicants; and
- It is simple and administratively easy to incorporate within the scheme

**The drawbacks of doing this are:**

- Applicants who have three or more dependants, and who claimed before 1<sup>st</sup> April 2017, may receive less Council Tax Reduction. However, if the applicants face exceptional hardship they may apply for additional support through the Council's Exceptional Hardship Payment scheme.

**Q6.**

**Do you agree with this change to the scheme?**

Yes  No  Don't know

**Q7.**

**If you disagree what alternative would you propose?**

### **Option 3 – To remove Non-Dependant Deductions from the scheme**

Currently where an applicant (and their partner if they have one) has other adults living with them such as adult sons, daughters etc., their Council Tax Reduction may be reduced. Any charge made is called a Non-Dependant Deduction. The Council currently makes a standard deduction in all cases of £10 per week. In theory, the applicant should look to recoup this deduction from those adults.

**The benefit of this option is:**

- It will make the administration of the scheme simpler;
- Applicants will not be penalised for having additional adults living with them (other than if they are living their commercially); and
- The change is simple and administratively easy to incorporate within the scheme.

**The drawbacks of doing this are:**

- There may be an overall cost to the scheme with no non-dependant charges being made.

**Q8.**

**Do you agree with this change to the scheme?**

Yes  No  Don't know

**Q9.**

**If you disagree what alternative would you propose?**

## **Option 4 – Changing the claiming process for all applicants who receive Universal Credit**

Currently, where an applicant wants to claim Council Tax Reduction, they must make a formal application either on-line or in paper format. Where applicants claim Universal Credit from the Department for Work and Pensions (DWP) there is often either a delay in receiving a Council Tax Reduction claim or no claim is made at all leading to a potential loss in entitlement. The latter occurs largely through confusion, with all other benefits being claimed from DWP and claimants not realising they must make an additional claim to the Local Authority.

When a person claims Universal Credit, their award details are passed to the Council automatically. It would be a distinct advantage and simplification in administration if the Council were to take any Universal Credit data received from DWP as a claim for Council Tax Reduction automatically.

**The benefit of this option is:**

- It will make the administration of the scheme simpler;
- Universal Credit claimants will receive any Council Tax Reduction automatically; and
- The change is simple and administratively easy to incorporate within the scheme

**The drawbacks of doing this are:**

- There are no drawbacks to this option.

**Q10.**

**Do you agree with this change to the scheme?**

Yes  No  Don't know

**Q11.**

**If you disagree what alternative would you propose?**

### **Option 5 – Removing the current earnings disregards and replacing them with a standard £25 disregard irrespective of a person’s circumstances**

Where applicants (or their partner if they have one) have earnings and work over 16 hours per week, an earnings disregard is applied depending on their individual circumstances. The standard disregards (only one is awarded) are £5 per week for a single person, £10 per week for a couple, £20 per week if they meet certain conditions such as disablement or part time special employments or £25 for lone parents. If they work additional hours, in some circumstances they may receive an additional £17.10 disregard per week. Also, if child care is paid for above that received free from Central Government, then further disregards can be made against earnings for monies paid out.

The proposed change to the scheme would introduce a standard, single disregard of £25 for the applicant (or their partner if they have one). All other disregards will be removed.

#### **The benefit of this option is:**

- It will make the administration of the scheme simpler;
- It will be more generous to some applicants on low incomes and encourage work – this is particularly relevant to single persons and couples with no children. (It should be noted that applicants with dependants will be allowed a higher level of income within the ‘grid scheme’ proposed; and
- The change is simple and administratively easy to incorporate within the scheme.

#### **The drawbacks of doing this are:**

- There may be applicants with larger families and who have high child care costs (not met by Government schemes) who may see a reduction in support. (It should be noted that all applicants that face exceptional hardship may apply for additional support under the Council’s Exceptional Hardship Payments Scheme.

**Q12.**

**Do you agree with this change to the scheme?**

Yes  No  Don't know

**Q13.**

**If you disagree what alternative would you propose?**

**Option 6 – Disregarding a further £40 per week where the applicant, partner or dependant receives Disability Living Allowance (DLA) or Personal Independence Payment (PIP)**

Where applicants (their partner or any dependant if they have one) receives DLA or PIP, the current scheme not only disregards that income but also awards an additional premium (disability premium, enhanced disability premium, severe disability premium or disabled child premium). Moving to an income based scheme with no premiums may disadvantage certain applicants who receive these benefits. To alleviate this, it is proposed that a disregard will be made from their income up to a maximum of £40 per week. This is in addition to the current disregard of DLA and PIP.

**The benefit of this option is:**

- It will make the administration of the scheme simpler;
- It will assist applicants who receive Disability Living Allowance or Personal Independence Payments; and
- The change is simple and administratively easy to incorporate within the scheme.

**The drawbacks of doing this are:**

- There may be a small increase in scheme costs although this is thought to be negligible.

**Q14.**

**Do you agree with this change to the scheme?**

Yes  No  Don't know

**Q15.**

**If you disagree what alternative would you propose?**

## Option 7 – Disregarding Carer’s Allowance which is currently taken into account as income

Where applicants (or their partner if they have one) receive Carer’s Allowance for looking after a person who is ill or disabled, the Carer’s Allowance payment they receive is considered as income for Council Tax Reduction. This is partially offset by an award of Carer’s Premium within the current scheme. With the move to an income based ‘grid’ scheme, the use of premiums etc. will end. The Council feels that it is fair, in these cases, to fully disregard any payment of Carer’s Allowance received.

### The benefit of this option is:

- It will make the administration of the scheme simpler;
- It may be more generous to applicants who receive Carer’s Allowance; and
- The change is simple and administratively easy to incorporate within the scheme.

### The drawbacks of doing this are:

- There may be a small increase in scheme costs although this is thought to be negligible.

Q16.

Do you agree with this change to the scheme?

Yes  No  Don't know

Q17.

If you disagree what alternative would you propose?

## Option 8 – Removing the conditions that prevent certain students from claiming Council Tax Reduction

Most students are not liable to pay Council Tax. Where they are, the criteria for claiming Council Tax Reduction are complex unless they receive a 'passported benefit' such as Income Support. This option proposes the removal of the complex eligibility criteria for those small number of students who are liable for Council Tax and are considered vulnerable. Where a student can claim, their student related income such as grants, bursaries and loans will still be taken into account as per the current scheme.

### The benefit of this option is:

- It will make the administration of the scheme simpler; and
- The change is simple and administratively easy to incorporate within the scheme

### The drawbacks of doing this are:

- There may be a very small increase in the number of students being eligible to claim.

Q18.

Do you agree with this change to the scheme?

Yes  No  Don't know

Q19.

If you disagree what alternative would you propose?

## Option 9 – Removing the Extended Payment provision

In certain cases, where applicants have been in receipt of prescribed benefits (such as Income Support, Jobseekers Allowance or Employment and Support Allowance) and move into work which ends their entitlement, Council Tax Reduction can be paid for an additional 4 weeks after commencing work or increasing their hours. **Similar provisions do not exist for Universal Credit claimants.** As Universal Credit is to replace those existing (legacy) benefits, the Council feels that these provisions are no longer appropriate.

### The benefit of this option is:

- It will make the administration of the scheme simpler;
- It will treat all applicants in receipt of DWP benefits equally; and
- The change is simple and administratively easy to incorporate within the scheme.

### The drawbacks of doing this are:

- Applicants who are still in receipt of legacy benefits and who move into work before being transferred to Universal Credit may lose any potential extended payment.

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Q20.

Do you agree with this change to the scheme?

Yes  No  Don't know

Q21.

If you disagree what alternative would you propose?

## Option 10 – Any change in circumstances which changes Council Tax Reduction entitlement will be made from the date on which the change occurs, (rather than on a weekly basis as at present)

Changes in circumstances that affect entitlement to Council Tax Reduction under the current scheme are largely effected on a weekly basis. This



is a 'throwback' to previous benefit schemes that were weekly based. As Council Tax is a daily charge, the Council believes it makes more sense to change entitlement to Council Tax Reduction on a daily basis. It should be noted that, the proposed new scheme is designed to reduce the number of changes that will affect entitlement in any event.

**The benefit of this option is:**

- It will make the administration of the scheme simpler;
- It is in line with the way that Council Tax is charged and operated ; and
- The change is simple and administratively easy to incorporate within the scheme.

**The drawbacks of doing this are:**

- There are no draw backs to this option.

**Q22.**

**Do you agree with this change to the scheme?**

Yes  No  Don't know

**Q23.**

**If you disagree what alternative would you propose?**

**Option 11 – Simplifying the capital rules but leaving the capital limit in line with the current scheme (£16,000)**

The current scheme has a capital limit of £16,000 and has complex rules in respect of the assessment of capital. It is proposed that the capital limit stays the same as at present but that the disregards applied to certain types of capital be removed. It is proposed that only a small number of

capital items will be disregarded including:

- The home of the applicant used for their occupation;
- Possessions of the applicant and partner (if they have one);
- Bereavement Support Payments;
- Payments made under the We Love Manchester Emergency Fund or London Emergency Trust; or
- Payments made under the infected blood schemes

A full list of disregards is shown in the draft scheme.

**The benefit of this option is:**

- It will make the administration of the scheme simpler; and
- The change is simple and administratively easy to incorporate within the scheme.

**The drawbacks of doing this are:**

- Some applicants who may have had certain capital disregarded may receive less reduction.

Q24.

Do you agree with this change to the scheme?

Yes  No  Don't know

Q25.

If you disagree what alternative would you propose?

## Alternatives to changing the Council Tax Reduction Scheme

If the Council keeps the current scheme, it will be administratively more complex and it will cost taxpayers more. If this happens we will need to find savings from other services to help meet the increase in costs. The proposals set out in this consultation will deliver administration savings.

The alternatives are set out in the background information.

**Q26.**

**Do you think we should choose any of the following options rather than the proposed changes to the Council Tax Reduction Scheme?  
Please select one answer for each source of funding.**

**Q26.1.**

**Increase the level of Council Tax to cover the additional administration costs**

Yes  No  Don't know

**Q26.2.**

**Find the additional administration costs by cutting other Council Services**

Yes  No  Don't know

**Q26.3.**

**Use the Council's reserves**

Yes  No  Don't know

DRAFT

**Q27.**

**If the Council were to choose these other options to pay for additional administration costs, what would be your order of preference? Please rank in order of preference by writing a number from 1 – 3 in the boxes below, where 1 is the option that you would most prefer and 3 is the least.**

Increase the level of Council Tax

Reduce funding available for other Council Services

Use Council reserves

**Q28.**

**Please use this space to make any other comments on the scheme.**

**Q29.**

**Please use the space below if you would like the Council to consider any other options (please state).**

**Q30.**

**If you have any further comments or questions to make regarding the Council Tax Reduction scheme that you haven't had opportunity to raise elsewhere, please use the space below.**

## About You

We ask these questions:

1. To find out if different groups of people in the Council's population have been able to take part in the consultation and identify if any groups have been excluded. This means it is not about you as an individual but to find out if people with similar characteristics have had their say.
2. To find out if different groups of people feel differently about the options and proposals in comparison to each other and all respondents. This means it is not about you as an individual but to find out if people with similar characteristics have answered in the same way or not.

**This information is completely confidential and anonymous.** Your personal information will not be passed on to anyone and your personal details will not be reported alongside your responses.

Q31.

**Are you, or someone in your household, getting a Council Tax Reduction at this time?**

Yes  No  Don't know/Not sure

Q32.

**What is your sex?**

Male  Female  Prefer not to say

Q33.

**Age**

18-24  25-34  35-44  45-54  55-64  65-74  75-84  85+  Prefer not to say

Q.34

**Disability: Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months?**

Yes  No  Don't know/Not sure  Prefer not to say

Q35.

**Ethnic Origin: What is your ethnic group?**

**Prefer not to say**

**White**

British  Irish  Gypsy or Irish Traveller  Any other White background

**Mixed/Multiple ethnic groups**

White & Black African  White & Black Caribbean  White & Asian  Any other multi mixed background

**Asian or Asian British**

Pakistani  Indian  Bangladeshi  Chinese  Any other Asian background

**Black/African/Caribbean/Black British**

African  Caribbean  Any other Black background

**Other Ethnic Group**

Arab  Other – please specify below:

## Next steps....

Thank you for completing the questionnaire.

Progress reports on the consultation will be added to our website.

You may submit further evidence, ideas or comments (marked CTR consultation) by email to [revenues.benefits@folkestone-hythe.gov.uk](mailto:revenues.benefits@folkestone-hythe.gov.uk)

**The consultation closes on dd/mmm/yyyy.**

We will listen carefully to what residents tell us and take the responses into consideration when making a final decision on the 2019/20 scheme.

Following the decision, the full results from the consultation will be available on the Council's website.

The new scheme will start on **1 April 2019**. The Council will consider the impact of the scheme annually and consult again if it thinks further changes need to be made.

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This Report will be made public on 10 July 2018



Report Number **C/18/21**

**To:** CABINET  
**Date:** 18 July 2018  
**Status:** Non key  
**Head of service:** Sarah Robson  
**Cabinet Member:** Cllr David Monk

**SUBJECT:** Annual Performance Report, Making a difference: a snapshot of our year 2017/18

**SUMMARY:** This report sets out how the Council has continued to deliver for local people in the district in 2017/18 in response to the Corporate Plan (2017-20) vision of *investing for the next generation ~ delivering more of what matters*

**REASONS FOR RECOMMENDATIONS (Cabinet only):**

The Annual Report highlights the activities and achievements of Folkestone & Hythe District Council in 2017/18. The Council's current Key Performance Indicators need to be reviewed and aligned to measure the delivery of Corporate Plan's objectives and priorities.

**RECOMMENDATIONS:**

1. To receive and note report C/18/21.
2. To approve the Annual Performance Report, Making a difference: a snapshot of our year 2017/18.
3. To agree for current Key Performance Indicators to be reviewed and presented to Cabinet for approval.

## **1. BACKGROUND**

1.1 The Council's Corporate Plan (2017-20) for the district, introduced six new strategic objectives:

- More homes
- More jobs
- Health Matters
- Appearance Matters
- Achieving Stability
- Delivery Excellence

1.2 Underpinning each strategic objective is a set of priorities that explain how each objective will be achieved.

1.3 Key Performance Indicators, currently collated on a quarterly basis, were not reviewed as part of the Corporate Plan refresh and currently do not fully align to how the Council will measure progress in delivering the strategic objectives and priorities. The ongoing work in this area means that 2018/19 will be something of a transitional year.

1.4 Therefore, this report contains a summary of the performance of Folkestone & Hythe District Council, providing a 'golden thread' to the delivery of the Corporate Plan strategic objectives. It is not designed to be an old fashioned annual report, with an exhaustive list of all our achievements, but more of a snapshot of some of the real highlights from 2017-18.

## **2. NEXT STEPS**

2.1 It is recommended that the current Key Performance Indicators (KPIs) are reviewed and designed to measure our success in implementing the Corporate Plan's objectives and priorities.

2.2 The refreshed KPIs will offer a more outcomes-focused set of indicators that measure the Council's progress in delivering its key delivery plans and strategies.

2.3 The KPIs should include a mixture of both qualitative and quantitative measures as well as key milestones for major projects.

2.4 Consideration should be given to the inclusion of a number of engagement / perception measures to provide elected Members with direct feedback from residents and service users regarding their overall wellbeing; how they feel about living in their local area; how satisfied they are with Council services, and the outcomes that these services have helped them to achieve.

2.5 Rather than focusing on outputs that simply report information about levels of service take-up, activities and actions undertaken by the Council, KPIs should provide information on what the impact of activity has been on local residents and communities.

- 2.6 Whilst the KPIs may potentially look quite different going forward, Members should be assured that many of the current KPIs indicators may still need to be monitored at service level via Performance Indicators.

### **3. RISK MANAGEMENT ISSUES**

- 3.1 There are no risk management issues arising from the Annual Report 2017/18.

### **4. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

#### **4.1 Legal Officer's Comments (SK)**

There are no legal implications or risks arising directly out of this report. The Key Performance Indicators (as amended) must continue to take account of both existing and new statutory duties and responsibilities that are imposed on the Council by the Government. Failure to do so will put the Council at risk of legal challenge by affected residents and/or businesses. Whilst reporting on performance is not a statutory requirement, it is considered best practice to review the Council's progress against the Corporate Plan and Service Plans on a regular basis.

#### **7.2 Finance Officer's Comments (CS)**

There are no direct financial implications arising from this report. There is a presumption that targets will be delivered within existing resources of relevant departments and that officers will regularly review the level and prioritisation of resources required to achieve the targets agreed by Cabinet at the start of the year. Adverse performance for some indicators may have financial implications for the Council. In the event that targets cannot be achieved within the agreed envelope of resources officers are expected to raise the issue through the appropriate channels as the needs arise.

#### **7.3 Diversities and Equalities Implications (SR)**

Equality Impact Assessments (EIAs) are systematically carried out for any services, projects or other schemes that have the potential to impact on communities and / or staff on the grounds of particular protected characteristics or socio-economic disadvantage. Over the course of the year, performance against some indicators might potentially have equality and social inclusion implications, if performance is not at an acceptable level. These will be highlighted as necessary in the corporate performance reporting, along with details of the steps that will be taken to address these.

### **8. CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Sarah Robson

Assistant Director – Strategy, Performance and Communications

Telephone: 01303 853426

Email: sarah.robson@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

***(Note: only documents that have not been published are to be listed here)***

**Appendices:**

Appendix 1: Annual Performance Report, Making a difference: a snapshot of our year 2017/18





# Folkestone and Hythe District Council Making a difference: a snapshot of our year 2017/18



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## Leader's Statement



At Folkestone & Hythe we are very proud of what we have achieved. As a district council with big ambitions and strong and stable political leadership, we continue to deliver a range of major projects and initiatives ensuring we continue to be progressive and innovative in our approach.

In 2017 we set out our three year corporate plan vision of *investing for the next generation ~ delivering more of what matters*. This is our vision to transform the district and make Folkestone & Hythe a place that everyone can be proud to call home and a great place to work and do business. This plan builds upon the foundations that we had previously laid to help make Folkestone & Hythe a district which is ambitious and confident about its future.

This year we have continued to deliver for local people in the district, with many excellent examples outlined in this Annual Performance Report and brought to life through the 'Your District Today' publication. At the heart of this is our commitment to getting the basics right – collecting your rubbish, maintaining your parks and increasing the supply of new homes across the district. This report tells you how we are doing this. We have done all of this despite Government cuts which have hit all Councils hard.

However, we have not let limits on our budget limit our ambition. We have delivered a truly diverse range of capital projects focusing on putting the community and our customer first. Our drive to build more homes and create more jobs in the district were underpinned in early 2017 when we brought the Biggins Wood site and plan to deliver more homes - including affordable homes - and create high quality, modern workspace. Our ambitions continue with another major capital project to redevelop Princes Parade providing a leisure facility and ongoing health benefits to local people. Ultimately, our biggest aspiration is to deliver Otterpool Park – a garden town for the future, a new growing settlement that responds to its unique setting close to the Kent Downs Area of Outstanding Natural Beauty.

By using money wisely and treating every penny as if it were from our own pocket we will continue to lead the way in transforming the district while at the same time protecting the services that matter most. I am proud of all that we have achieved so far together and determined that we will keep delivering more of what matters in Folkestone & Hythe. However, our work does not end here. We have another busy year ahead and I look forward to building on the foundations of the past year into 2018-19 and reporting back to you on our progress in the coming year.

**Cllr David Monk**  
Leader of the Council

## Your Cabinet Members



Cllr David Monk  
Leader of the  
Council



Cllr Jenny  
Hollingsbee  
Deputy Leader,  
Cabinet Member for  
Communities



Cllr Malcolm  
Dearden  
Cabinet Member for  
Finance



Cllr John Collier  
Cabinet Member for  
the District Economy



Cllr Ann Berry  
Cabinet Member for  
Transport and  
Commercial



Cllr Alan Ewart-  
James  
Cabinet Member for  
Housing



Cllr David Godfrey  
Cabinet Member for  
Special Projects



Cllr Rory Love  
Cabinet Member for  
Customers,  
Communications  
and Digital Delivery



Cllr Dick Pascoe  
Cabinet Member for  
Property  
Management and  
Environmental  
Health



Cllr Stuart Peall  
Cabinet Member for  
the Environment

## Your district

Our district has a population of approximately 111,000 of which 58.2% (32,700) of female residents and 60.1% (33,000) of males are of working age. Folkestone & Hythe has a growing population in line with the growth for the county of Kent, with a projected population increase of 8.3% by 2036 (120,400). The proportion of older people in Folkestone & Hythe is 23.8% (26,500), higher than Kent, South East and England and Wales. The number of people aged 65 and over within the district is set to increase by about 14,000 (52.7%) by 2036. This has implications for a wide range of services provided by the district council including housing and health.

The district is considered a good place to live and work with the number of jobs and full time earnings in the workplace increasing, whilst unemployment has fallen over the past two decades. Jobs are forecast to grow more quickly than the South East average up to 2031. However, although there has been growth in the numbers of jobs, these have been generally lower paid, lower skilled jobs. People claiming Job Seekers Allowance is also higher than in the comparator areas and South East average and residents' full time earnings are lower than the South East and national averages. Therefore, with a challenging economic environment there is no room for complacency. The district has a mixed business sector benefitting from great brand names including Saga, Eurotunnel Le Shuttle, Holiday Extras, the Aspinall Foundation and Church and Dwight, alongside a growing creative industry emerging from Folkestone's Creative Quarter. East Kent College continues to widen the range of courses and facilities it provides, offering an excellent further education offer within the area.

As a well-connected, coastal district in Kent with an attractive mix of urban and rural areas, we recognise the importance of maintaining a quality environment for residents and visitors alike including our heritage and conservation areas. We have outstandingly beautiful countryside and villages, the ancient Cinque Port Borough of Hythe, and the vibrant coastal town of Folkestone where significant private and public investment in the Old Town has created the unique Creative Quarter. Tourism is an important sector of our local economy supported by stunning coastline with award-winning beaches, boutique hotels and popular visitor attractions including the Harbour Arm, Howletts and Port Lympne wild animal parks.

We work in partnership with neighbouring authorities to plan for and deliver the needs of the East Kent area. Transport links are excellent, with the international high speed railway link from Folkestone making London accessible within an hour. The ever popular Eurotunnel means the French coast is within reach in less than 35 minutes. The district is well served by the motorway network with the M20 and M2 providing direct links to the Channel Ports and M25.



## Your Council

There is a three tier local Council system in Kent made up of the county council, 12 district and borough councils, parish and neighbourhood councils, alongside Medway Council operating as a unitary. There are 13 wards in the district currently represented by 30 elected councillors.

Folkestone & Hythe District Council is responsible for the delivery of many different public services. Some of our key priorities include planning for a successful local economy with high levels of employment, delivering excellent value and high performance, and working together to support the life of living, working communities. Services provided include household waste collection and recycling, street cleaning, car parks and on-street parking, environmental health, housing and homelessness, managing local parks and open spaces and providing local culture and leisure activities and facilities.

The Council and its staff won a number of national awards during 2017/18 for the delivery of its services, including;

- **Customer Service Excellence:** a Government standard developed to offer a practical tool for driving customer-focused change within their organisation. Following the completion of a surveillance visit, the Council retained its CSE accreditation.
- **iESE Gold Award:** Our Revenue and Benefits Team won the 'Transforming through Technology' award for reinventing the way the service is operated for both the customer and Council, developing online services and integration into back office systems offering a more efficient, resilient service for the customer while significantly reducing its annual service area costs.
- **Empty Homes Network** – Innovation Award winner for the Council's No Use Empty Plus scheme, working with property owners, community and housing organisations to return long-term empty properties back into use to meet the district's housing needs.
- Finalist for **IRRV Revenues Team of the Year**

## Summary of performance in 2017/18

During the year, the Council introduced its refreshed Corporate Plan outlining six new strategic objectives:

- More Homes
- More Jobs
- Appearance Matters
- Health Matters
- Achieving Stability
- Delivery Excellence

The Council uses the outturns for the performance measures to determine whether it has been successful in achieving its annually set targets. Key Performance Indicators, currently collated on a quarterly basis, were not reviewed as part of the Corporate Plan refresh and currently do not fully align to how the Council will measure progress in delivering the strategic objectives and priorities. The ongoing work in this area means that 2018/19 will be something of a transitional year.

Therefore, this report contains a summary of the performance of Folkestone & Hythe District Council. It is not designed to be an old fashioned annual report, with an exhaustive list of all our achievements, but more of a snapshot of some of the real highlights from 2017-18.

## More Homes- *Provide and enable the right amount, type and range of housing*

### We said we would:

- Deliver homes that meet the needs of our changing population
- Accelerate supply of housing
- Prevent homelessness through early intervention
- Create a new Garden Town at Otterpool Park
- Improve private sector housing conditions
- Bring empty homes back into use
- Plan for strategic growth in the district



*New homes at Gurkha Way, Folkestone*

### How we performed in 2017/18

- 612 new homes were built across the district, significantly above the Core Strategy requirement of 350 and target of 400, helping support our local requirement of 8,000 new homes for the period 2006-2026.
- Together with partners, we delivered a total of 99 new affordable homes for rent and shared ownership boosting the supply of much needed homes in the district.
- 10 homes for affordable rent and 5 for shared ownership purchase were completed at Military Road, including 4 fully wheelchair accessible homes. The affordable rent homes were let to local households on the Council's Housing List. A further 20 affordable homes for rent and shared ownership will be delivered at the site by the Council and ready for occupation in 2018/19.
- A robust planning agreement enabled the Council to deliver 38 affordable homes for rent and shared ownership purchase at Shorncliffe Garrison in partnership with Moat Housing and Town and Country Housing Group.
- Working with partners, we helped improve the condition of 250 private sector homes, helping to support better standards of living for households across the district.
- 74 long term empty homes were returned to use across the district, providing more good quality homes for local people.
- Our Prevention Plus service launched last summer supported by a MHCLG 'Communities Fund' grant and has helped to proactively prevent people from becoming homeless in the first place. The service provides housing advice together with a support package including work placements, volunteering and access to physical and mental wellbeing activities, alongside removing traditional barriers to help, such as training, travel and where appropriate, childcare costs.

- Public consultation concluded for the draft Places and Policies Local Plan, which identifies a large number of sites for housing, employment and other types of development throughout the district up to 2031. More than 800 comments were received and reviewed, with the final draft due to be submitted to the Planning Inspector for public examination in 2018, which will include public hearings where people can put their views across.
- Consultation commenced on an early review of the adopted Core Strategy Local Plan. The draft plan provides a strategic, long-term plan for the district up to 2037 and includes policies for further expansion at Sellindge, alongside developing a new garden town in the North Downs Area (Otterpool Park) eventually providing up to 10,000 homes, employment land, schools, health centre and other community facilities, enhanced by green spaces aligning to the garden town principle.

Description	Target 2017/18	Outturn 2017/18	Target met (√/X)
New homes built	400	612	√
Council new builds to start on site	20	22	√
Additional affordable homes delivered in the district by the Council and its partner agencies	80	99	√
Homes provided in the district for low cost home ownership	32	51	√
Long term empty homes brought back into use	70	74	√
Private sector homes improved as a result of intervention by the Council and its partner agencies	130	254	√
Number of homelessness approaches made to the Council	No target	610	N/A
Number of homelessness decisions made	No target	376	N/A
Average number of people in temporary accommodation	No Target	37	N/A
Number of families in temporary B&B accommodation.	6	0	√
Number of homelessness approaches prevented	No target	24	N/A
% of major planning applications to be determined within statutory period	50%	86.08%	√

## More Jobs - *Work with businesses to provide jobs in a vibrant local economy*

### We said we would:

- Support local employers to flourish
- Identify key sites for future employment opportunities
- Encourage appropriate development and promotion of commercial premises
- Support partners to deliver dynamic and diverse high streets
- Explore opportunities to support the nuclear industry
- Enable appropriate infrastructure to enhance connectivity



*Land at Mountfield Road, New Romney*

### How we performed in 2017/18

- Over 70 local people were supported to help set up and develop their small businesses through a programme of business information, advice and guidance.
- The masterplan for Phase 4 of Mountfield Industrial Estate in New Romney was completed and sites identified for development of a hub to provide space for small businesses and skills training.
- £2.5 million of European funding was secured for the 'Folkestone Community Works' community-led local development (CLLD) programme which will help to support local people into work and businesses to grow in the areas of highest deprivation in Folkestone.
- 68 new apprenticeship grants were awarded to local businesses to take on local residents, as part of the Council's initiative to encourage local employers to grow their workforce. The scheme has been running for 6 years and awarded 433 grants to date.
- An employers' survey was initiated to ascertain the skills needs of local employers and to identify any skill gaps. This resulted in the Folkestone campus of East Kent College introducing new construction-related courses, such as civil engineering.
- A new tourism website [www.visitfolkestoneandhythe.co.uk](http://www.visitfolkestoneandhythe.co.uk) was launched by Folkestone & Hythe Tourism Board to promote the district's attractive leisure, historic and cultural offer.
- Council investment of £120,000 towards the Creative Foundation over 3 years culminated in the most successful Folkestone Triennial to date, bringing the public artworks of local and international artists together and attracting nearly 200,000 additional visitors to Folkestone.
- The nuclear sector has been a very important part of the local economy for over 50 years as a result of the Dungeness site and EDF's power station. Any decommissioning will have a direct impact on the district over the next 10-15 years, therefore the Council has been actively involved at looking at new opportunities, including responding to the Government's 'Geological Disposal Facility Working With Communities' consultation in 2017.

- Planning consent was provided to Folkestone Town Centre Management's proposal for a new street market in the Sandgate Road precinct area. This will introduce a speciality food market, including a Christmas Market, which will bring greater diversity to the retail offer and increase footfall in the area.
- Discussions commenced with BT Openreach to assess the possibilities of extending superfast broadband into New Romney, which will help support and encourage small and medium sized businesses to locate to the area.

<b>Description</b>	<b>Target 2017/18</b>	<b>Outturn 2017/18</b>	<b>Target met (√/X)</b>
Applications for external funding	2	4	√
Investment in the SDC area scheme	1	1	√
Delivery of the business accommodation scheme	1	0	X
	<p><i>Mountfield Road, New Romney: The feasibility and master planning work on the remaining Council-owned plots was completed in 2017/18 and the sites and associated costing for developing a business/skills hub identified. An application for grant funding has been submitted to support delivery of the scheme and is currently awaiting decision. Detailed planning consent is being progressed for one of the site options by Autumn 2018.</i></p> <p><i>Biggins Wood, Folkestone: The development has taken longer than originally anticipated due to the need to consider options to manage and reduce risk to the Council who are leading on the scheme.</i></p>		
Delivery of the engagement programme to key employers	6	16	√
Apprenticeship grants awarded	75	68	X
	<p><i>The number of grants awarded was higher than the previous year, but not met due to closing the scheme to new applicants in September 2017 to enable financial completion by the programme end, together with lower demand from local employers in view of national changes to apprenticeship schemes.</i></p>		

## Appearance Matters - *Provide an attractive and clean environment*

### We said we would:

- Keep the district clean and tackle environmental issues
- Maintain and improve natural and historic assets
- Maintain a high quality environment through active enforcement
- Work with partners to boost the appearance of the district
- Prepare a new recycling, waste and street cleansing contract for the district
- Provide clean and well maintained public spaces
- Protect and manage the coastal sites in an environmentally sustainable way



*Resurfacing at Coronation Parade, Folkestone*

### How we performed in 2017/18

- As part of a Trade Waste clampdown on businesses in the Dover Road area, 8 formal Notices were issued, receiving Fixed Penalty Notices as appropriate, with one case being referred to the courts.
- A successful prosecution was heard in Court in relation to a breach of a Community Protection Notice regarding accumulation of waste. The Courts found the defendant guilty and ordered payment of £2,348 in costs.
- More than £4,500 fines were issued to three Folkestone residents for untidy gardens.
- 6 successful investigations were undertaken to combat fly tipping, resulting in prosecutions and substantial fines and costs being claimed.
- Early morning enforcement patrols were launched in early 2018 at problematic hotspots for flyposting, dogs off leads and dog fouling, contributing to a total of 42 Fixed Penalty Notices being issued in the period January to March 2018.
- The Lower Leas Coastal Park and Royal Military Canal, the district's two Green Flag award-winning parks were given the green light after a visit from a 'secret shopper'. The two popular parks got the secret shopper's seal of approval in all 24 test areas and an overall Green Light showing that they met award criteria.
- The Folkestone Townscape Heritage Initiative, a partnership between the Council, the Creative Foundation and Kent County Council, helped restore and refurbish almost 20 properties and public spaces throughout the Old Town, including the former Fellenberg College in Church Street, the birthplace of physician William Harvey in 1578.
- Vital coast defence work completed at Coronation Parade, with repairs undertaken to the concrete arches and promenade, stabilising the cliffs and extending the current rock placement to ensure this popular location can continue to be used and enjoyed for years to come.

Description	Target 2017/18	Outturn 2017/18	Target met (√/X)
Percentage of household waste recycled	47%	43.9%	X
	<i>The amount of household waste generated increased in 2017/18, which has impacted our recycling rate. Service enhancements and promotions are being explored to consider how waste can be reduced and higher rates of household recycling encouraged.</i>		
Number of missed collections per 100,000 population	50	2.8	√
Percentage of streets surveyed clear of litter within the district	95%	99%	√
Percentage of streets surveyed clear of detritus within the district	90%	96%	√
Number of days to remove fly tipped waste on public land once reported	3 days	0.8 days	√
Percentage of returns to empty a missed bin by the end of the next working day if it is reported within 24 hours.	100%	93.9%	X
	<i>Waste vehicle breakdowns largely attributed to the target not being met. Old vehicle stock is now being replaced and we will assess whether there are any additional contributing factors to not meeting this target.</i>		
Average number of hours to remove offensive graffiti in public places	5 hours	2.4 hours	√
Number of enforcement notices serviced	60	165	√
Compliant Air Quality Monitoring Sites	14	14	√
Enforcement - Fixed Penalty Notices issued	50	76	√
Maintain a 4+ rating on trip advisor for the Coastal Park	4	4.5	√



## Health Matters - *Keeping our communities healthy and safe*

### We said we would:

- Promote healthy lifestyles within our communities
- Reduce the impact of anti-social behaviour
- Support the South Kent Coast Health & Wellbeing Board and Local Children's Partnership Group
- Ensure access to high quality open space
- Provide a new district leisure facility
- Ensure the best use of our community assets to support community and voluntary sector organisations
- Help reduce health inequalities through our services and partnership working



*New play area at Radnor Park, Folkestone*

### How we performed in 2017/18

- We hosted the first Dementia Conference in the district providing advice, support and improving awareness. Coupled with our dementia friendly business programme, our efforts resulted in the registration of over 300 new Dementia Friends.
- More than 500 children from across the district attended Safety in Action Day, an interactive event for Year 6, to learn about some of the risks and dangers they may face including drug and alcohol awareness, road safety and sexual exploitation as they become more independent and prepare for transition to secondary school.
- An additional One Stop Shop weekly drop-in service for victims of domestic abuse was introduced in Lydd. The existing service operating from Folkestone Early Years Centre continues, with more than 363 people being supported in 2017/18 and attended by a range of partners including domestic abuse workers, Kent Police, Kent Fire and Rescue Service, JobCentre and a health visitor.
- More than 30 children from local schools took part in Tall Ships, a life changing, cross border project with schools in Boulogne, France. Those involved experienced different cultures, formed new friendships, improved confidence and self-esteem and overcame many personal and physical challenges, culminating in a 4 day sailing voyage as part of the Boulogne Sea Festival.
- Our Local Children's Partnership Group distributed over £40,000 funding towards local community projects empowering young people to make safe and positive decisions, promoting healthy weight and positive self-image.
- 165 Member Ward Grants totalling £90,000 benefitted local charities and the community.

- As part of National Volunteer Week, we worked in partnership with Radio Kent, Mears and a team of volunteers from across the district to improve The Vinery, a public space on The Leas, blighted by graffiti, rubbish and anti-social behaviour. Working together, the space was transformed into a beautiful public space that could be used again and has become a safe and popular community space for people to sit and enjoy the commanding views of our much loved coast.
- Working with Radnor Park Community Group, East Kent College, local charities and businesses, we delivered a major regeneration project at Radnor Park. As well as providing modern new outdoor play facilities, the project preserved and enhanced the park's heritage, reinstating the Victorian water fountain and statue of St Eanswythe. The renovation of the Tea Room in the historic park lodge provides opportunities for students with learning difficulties to gain valuable work experience in catering and customer services.
- The 4th Annual Kent & Medway Civilian Military Covenant Conference was hosted at Leas Cliff Hall as part of our ongoing commitment to the Armed Forces Covenant. The event showcased successful Covenant funded projects, information about the needs and experiences of service children and an update from Government regarding future priorities for the Covenant.
- We continued to monitor General Practice staff shortages, rising patient demand and the impact on local practices, predominantly in Folkestone wards, as part of our engagement with East Kent Clinical Commissioning Group.
- Working in partnership with Citizens Advice, Shepway Sports Trust and Quarterhouse we awarded funding in support of increasing health and wellbeing for local communities.
- We promoted healthier communities and place making as part of a forward plan for health in new developments such as Otterpool Park and Princes Parade leisure centre.
- More than 130 food businesses were inspected across the district, helping to ensure food is safe to eat and preventing and controlling the spread of infectious disease and food poisoning.

Description	Target 2017/18	Outturn 2017/18	Target met (√/X)
ASB Complaints that have been investigated and resolved	100	103	√
Number of supported community litter picks	24	47	√
Number of community volunteer hours	1,200 hours	1,521 hours	√
Number of corporate social responsibility business volunteer hours	240 hours	671 hours	√
Number of licensed premises inspected	No target	134	N/A
% of premises rated 3 or above	95%	95.01%	√

## Achieving Stability - *Achieve financial stability through a commercial and collaborative approach*

### We said we would:

- Ensure strong financial discipline
- Explore alternative income streams including commercial opportunities
- Develop an investment strategy for the longer term benefits of the district
- Explore opportunities including working collaboratively to achieve efficiencies, reduce costs and improve resilience
- Optimise the financial benefit from major developments in the shorter and medium term
- Identify 'Invest to Save' opportunities



*'Efficient and effective in managing its resources' – Grant Thornton*

### How we performed in 2017/18

- In an independent review of the Council's spending, London based auditors, Grant Thornton praised the Council for putting proper arrangements in place to secure economy, efficiency and effectiveness in the use of its resources and delivered value for money.
- Planning application fees generated income of £605,000 and planning pre-application advice a further £78,000, exceeding budget targets for the year.
- Oportunitas Ltd, the Council's Housing and Regeneration Company successfully generated over £213,000 in rental income in 2017/18. Since 2014, the company has built an extensive portfolio of property (29 homes and 1 commercial unit), with a further 4 units due for completion in early 2018/19.
- An Asset Management Strategy was approved giving the Council a platform to achieve market value from its buildings and land holdings, ensuring our assets provide a valuable income stream to support other services.
- We were awarded the contract for undertaking grounds maintenance on behalf of Hythe Town Council.
- A successful bid was submitted to monitor Thanet District Council's 'out of hours' service.
- As an Institute of Leadership and Management (ILM) Approved Centre, the Council delivers leadership and management qualifications to develop staff across East Kent authorities, attracting additional income from study fees.
- The Council's transformation programme commenced and will help to significantly improve delivery of services, providing the easiest and most accessible way to suit our customer needs.

<b>Description</b>	<b>Target 2017/18</b>	<b>Outturn 2017/18</b>	<b>Target met (√/X)</b>
Business Rates collection	97.5%	99.4%	√
Council Tax collection	97.3%	97.6%	√
Council Tax reduction collection rate	85%	84.4%	X
	<i>The Council offers its customers Council Tax reduction subject to eligibility. Due to changes to the local scheme in 2017, eligible customers are now required to pay at least 25% of their Council Tax bill, compared to 18.5% in previous years. This has affected the collection rate due to low income customers finding it difficult to manage their household budgets.</i>		
Oportunitas – Value of works invoiced	£40,000	£66,988	√
Oportunitas – Net income retained	£8,000	£13,331	√
Leas Cliff Hall Annual ticket sales achieved	£50,000	£65,760	√

## Delivering Excellence - *Deliver excellent customer service through commitment of staff and members*

### We said we would:

- Focus on the customer in delivering excellence
- Create a 'Digital by default' approach to services
- Keep all councillors, staff and customers informed
- Retain and recruit staff to deliver the new ways of working and challenges ahead
- Motivate and enable staff to maintain and enhance performance
- Sustain and develop a flexible and responsive workforce
- Recognise and reward the value of staff



*"Passion and drive" in delivering services to meet customers' needs and expectations. - CSE Assessor*

### How we performed in 2017/18

- We retained our Customer Service Excellence Accreditation, with the independent assessor praising the Council for putting its customers first and our "passion and drive" in delivering services to meet customers' needs and expectations.
- 90% of customers using the new web chat service positively rated it good/excellent.
- A convenient online customer facility was introduced for reporting changes in circumstances, including Council Tax, Benefits, NNDR, Street Naming and Numbering, elections, Finance, Food Hygiene, Legal, Licensing and Environmental Services.
- Online databases for key service information became available online, helping customers to instantly retrieve data, rather than submit a freedom of information request, which can take up to 20 days to process.
- As part of Democracy Week we worked in partnership with East Kent College to promote the value of voting and democracy, encouraging more young people to voice their opinion and make their vote count in elections.
- Our officers helped ease the transition to Universal Credit, providing customers with additional support and guidance based from the local JobCentre.
- Administrative work relating to planning applications increased by over 16% in the year, but officers managed this increase and improved turnaround times for customers by 11%.
- The ILM Level 3 Diploma qualification in leadership and management was launched, investing in Council staff aspiring to team leader level, which will help support, develop and retain our 'home grown' talent.
- A Staff Recognition scheme was initiated, recognising staff at all levels in the Council who 'go the extra mile' to provide excellent customer service, support our core values and deliver our corporate priorities.

Description	Target 2017/18	Outturn 2017/18	Target met (√/X)
Customer Services - Calls served (versus number of calls received)	80%	82.2%	√
Customer Services - Abandoned calls	2%	17.2%	X
	<i>A positive channel shift to the Council's online self-service facilities has been promoted through telephone 'queuing' messages, encouraging customers to use self-serve. However, this does have an onward impact on the amount of abandoned calls.</i>		
Customer Services - Reduced Dissuaded Calls	1%	0.71%	√
Customer Services - Average wait for calls (except peak times)	3 mins	3 mins	√
Customer Services - Customers seen within 10 minutes of an appointment	90%	99.1%	√
Customer Services - Self-serve transactions	10%	202.4% <i>Equates to 28,253 customer transactions</i>	√
Average number of days to process new claims for Housing Benefit from the date the complete evidence is received	10 days	7.6 days	√
Average number of days to process change of circumstances for Housing Benefit from the date complete evidence is received	7 days	4.6 days	√
All complaints will be acknowledged within 5 days	100%	100%	√
Planning - Respond to all Local Land Charge searches within 10 working day	100%	100%	√
Parking - Respond to all Fixed Penalty Notice challenges within 20 working days	100%	92.1%	X
	<i>An increase in Controlled Parking Zones introduced in 2017/18 impacted existing administration resources and will be reviewed in 2018/19.</i>		
Lifeline - Number of calls answered in 60 seconds.	97.5%	97.97%	√

## Get in touch

Do it online at [www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

- PAY your Council Tax
- FIND your bin collection day
- SEE planning applications via our Planning Portal
- REPORT littering / fly tipping / abandoned cars
- REGISTER to vote
- BUY your annual car parking permit
- ....and more!

It's clear, simple and fast and is also available on your tablet or mobile.

Website: [www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

Facebook: FolkestoneandHytheDC

Twitter: @fstonehythedc

Instagram: @folkestonehythedc



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This Report will be made  
public on 10 July 2018

Report Number **C/18/11**

**To:** Cabinet  
**Date:** 18 July 2018  
**Status:** Non key decision  
**Head of service:** Amandeep Khroud, Democratic Services and Law  
**Cabinet Member:** Councillor Ann Berry - Transport and Commercial

**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT 2000 –  
POLICY**

**SUMMARY:** This report sets out the Council's policy on the use of directed surveillance and covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

**REASON FOR RECOMMENDATIONS:**

The Cabinet is asked to agree the recommendations set out below to endorse the policy

**RECOMMENDATIONS:**

- 1. To receive and note report C/18/11.**
- 2. To endorse the RIPA policy and procedure in appendix 1 to this report.**

## **1. INTRODUCTION**

- 1.1 Part II of the Regulation of Investigatory Powers Act 2000 (RIPA) puts covert surveillance on a statutory basis enabling public authorities identified in the legislation to carry out surveillance operations without breaching the Human Rights Act 1998.
- 1.2 A number of statutory instruments and codes of practice published by the Home Office govern the operation of RIPA; the most recent came into effect in October 2012.
- 1.3 Organisations using RIPA are subject to regular inspection by the Investigatory Powers Commissioner's Office. Previously this was undertaken by the Office of Surveillance Commissioners (OSC) however on 1 September 2017 the OSC were merged with the Interception of Communications, and Intelligence Services Commissioners to form the new regulator.

## **2. REPORTING REQUIREMENTS**

- 2.1 The guidance states:

“elected members of a local authority should review the authority's use of the 2000 Act and set the policy at least once a year. They should also consider internal reports on the use of the 2000 Act on at least a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. They should not, however, be involved in making decisions on specific authorisations.”

- 2.2 This report sets out the policy and seeks cabinet's endorsement of it.

## **3. BRIEF OVERVIEW OF RIPA**

- 3.1 The Act enables senior officers within public authorities to authorise Directed Surveillance and the use of Covert Human Intelligence Sources (CHIS). These authorisations can however only take effect once approved by a Magistrate.

- 3.2 The following sections give a brief overview of the types of surveillance:-

### a) Directed Surveillance

RIPA defines Directed Surveillance as surveillance that is covert but not intrusive. Directed Surveillance must relate to a specific investigation or operation and is surveillance that is likely to result in obtaining private information about someone, including the target of the investigation or operation. Private information includes any aspect of a person's private or personal relationships with others, including family and professional/business relationships.

Directed Surveillance is usually planned surveillance. There is provision, in urgent cases, for an authorisation to be applied for and granted in exceptional circumstances (i.e. where the time taken to apply in writing would, in the judgment of the Authorising Officer, be likely to jeopardise the operation). In such circumstances unless renewed, the authorisation will cease to have effect after seventy-two hours.

b) Covert Human Intelligence Sources (CHIS).

RIPA defines a Covert Human Intelligence Source (CHIS) as a person (source) who establishes and/or maintains a personal or other relationship with a person for the purpose of: covertly using the relationship to obtain information or to provide another person with access to information or, covertly disclosing information obtained through the relationship. A CHIS is deployed in a manner intended to ensure that the target is unaware of the investigation or the purpose of the relationship between the source and the target.

The Council has never sought to make use of the CHIS provision. The Policy requires that if the use of CHIS is being contemplated, the officers concerned should seek the appropriate advice from other organisations that more commonly use CHIS surveillance, such as the Police.

- 3.3 The council can only grant an authorisation under RIPA for the use of directed surveillance where the local authority is investigating particular types of criminal offences. These are criminal offences which attract a maximum custodial sentence of six months or more or criminal offences relating to the underage sale of alcohol or tobacco. These latter offences would, in any event, be matters for Kent County Council trading standards.
- 3.4 The Council may only authorise directed surveillance where it is both necessary and proportionate to the investigation or operation being undertaken and to what is being sought to achieve in terms of evidence gathering. The Authorising Officers have a key role in carefully scrutinising all applications for the use of RIPA powers under a specific authorisation. Authorising Officers must ensure that authorisations are granted only in appropriate cases and that the extent of all authorisations are clearly set out.
- 3.5 The last authorisation for directed surveillance was granted on 1 June 2012.

#### **4. THE POLICY**

- 4.1 The policy as amended is attached (1) for endorsement by cabinet. This is essentially the same as the policy endorsed by cabinet on 31 May 2017, minute 6, updated to reflect management changes and the new regulator.

#### **5. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS**

##### **5.1 Legal Officer's Comments**

The RIPA codes of practice advises that the elected members of a local authority should set the RIPA policy at least once a year. This is reflected in the council's RIPA policy.

#### **5.2 Finance Officer's Comments (CS)**

There are no direct financial implications arising from this report

#### **5.3 Diversities and Equalities Implications**

No implications arising directly from this report.

### **6. CONTACT OFFICER AND BACKGROUND DOCUMENTS**

Councillors with any questions arising from this report should contact the following officer prior to the meeting:

Amandeep Khroud - Head of Democratic Services and Law  
Telephone: 01303 853253  
E-mail: [Amandeep.khroudl@folkestone-hythe.gov.uk](mailto:Amandeep.khroudl@folkestone-hythe.gov.uk)

The following background documents have been relied upon in the preparation of this report:

None

#### **Appendices:**

Appendix 1: RIPA Policy and Procedure

FOLKESTONE & HYTHE DISTRICT

COUNCIL

## RIPA Policy and Procedures

Issue 13

Head of Democratic Services and Law  
Folkestone & Hythe District Council  
The Civic Centre  
Castle Hill Ave  
Folkestone  
Kent CT20 2QY

Approved CMT XXXX

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## 1. Introduction

This Corporate Policy & Procedures Document is based upon the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) and the Home Office's Code of Practices on Covert Surveillance and Property Interference and Covert Human Intelligence Sources. Covert Surveillance should be used only rarely and in exceptional circumstances. Copies of the Home Office's Codes of Practice are available on its [website](#).

The website should be consulted regularly to ensure that the correct versions of the Codes of Practice are being used.

RIPA and this document are important for the effective and efficient operation of the Council's actions with regard to Covert Surveillance and Covert Human Intelligence Sources. The RIPA Monitoring Officer will therefore keep this document under annual review.

The RIPA Monitoring Officer is responsible for keeping the RIPA forms up to date and for checking the Home Office website and Codes of Practice. The RIPA Monitoring Officer will also be responsible for submitting a report on a three monthly basis to Cabinet on Council's use of RIPA if the Council has used RIPS during the previous three months. The RIPA monitoring officer is also responsible for submitting an annual report to Cabinet on this policy and, if relevant the Council's use of RIPA.

**Authorising Officers must bring any suggestions for continuous improvement of this document to the attention of the RIPA Monitoring Officer at the earliest possible opportunity.** If any of the Home Office Codes of Practice change, this document will be amended accordingly.

## 2. Policy Statement

The Council takes its statutory responsibilities seriously and will, at all times, act in accordance with the law and take necessary and proportionate action in these types of matters. In that regard, the Corporate Management Team is duly authorised by the Council to keep this document up to date and to amend, delete, add or substitute relevant provisions as necessary. The Cabinet will if the Council has used RIPA receive the RIPA Monitoring Officer's report every three months. The report will set out the surveillance carried out (though without revealing details of specific operations) and, if appropriate, reporting alterations to this policy. An annual report will be submitted to Cabinet on this policy setting out any alterations since the last report.

It is the policy of the Council that where RIPA applies (see below) surveillance should only be carried out in accordance with this policy.

Where RIPA does not apply, surveillance may properly be carried out provided that the appropriate rules and procedures are followed. For example surveillance connected with an employment issue will have to be carried out in accordance with the Data Protection Act 1998 and the various relevant HR policies. The Council has also adopted a non-RIPA authorisation policy which officers must follow for surveillance which falls outside of RIPA. Advice on non-RIPA surveillance should be sought from Legal Services or HR as appropriate.

### **3. Roles and Responsibilities of Corporate Directors, Heads of Service, Senior Authorising Officers, Authorising Officers, Senior Responsible Officer and the RIPA Monitoring Officer**

This document replaces the previous policy document approved in 2004. It is essential that Corporate Directors, Heads of Service and Authorising Officers take personal responsibility for the effective and efficient operation of this document and the implementation of RIPA in their departments.

The types of surveillance are set out in greater detail below. Directed Surveillance, Intrusive Surveillance and Covert Human Intelligence Sources are described here to aid understanding of the various roles and responsibilities.

#### ***Directed Surveillance***

Directed Surveillance is surveillance which:

- is covert, but not Intrusive Surveillance;
- is conducted for the purposes of a specific investigation or operation;
- is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable to seek authorisation under the Act.

#### ***Intrusive Surveillance***

This is when surveillance:

- is covert;
- relates to residential premises and/or private vehicles; and
- involves the presence of a person **in the premises or in the vehicle** or is carried out by a surveillance device **in** the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.

Directed Surveillance that is carried out in relation to anything taking place on so much of any premises mentioned below as is, at any time during the surveillance, used for the purpose of legal consultations is also Intrusive Surveillance.

The premises referred to above are:

- (a) Any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained;
- (b) Any place in which persons may be detained under paragraph 16(1), (1A) or (2) of Schedule 2 or paragraph 2(2) or (3) of Schedule 3 to the Immigration Act 1971 or section 36(1) of the UK Border Act 2007;
- (c) Police stations;
- (d) Hospitals where high security psychiatric services are provided;
- (e) The place of business of any professional legal adviser;
- (f) Any place used for the sittings and business of any court, tribunal, inquest or



- inquiry;
- (g) Residential accommodation includes rented properties and hotel bedrooms but does not include communal areas of flats unless the area is known to be used by the homeless as a place of abode, hotel reception areas or dining rooms or a front garden readily visible to the public

The Council cannot use RIPA to authorise Intrusive Surveillance.

### ***Covert Human Intelligence Source (CHIS)***

A CHIS is someone who establishes or maintains a personal or other relationship for the covert purpose of using the relationship to obtain information.

#### ***Roles***

##### **Authorising Officer**

An Authorising Officer is a person who considers whether or not to grant an application to use Directed Surveillance. He/she must believe the activities to be authorised are necessary for the purposes of preventing or detecting crime and that they are proportionate to what is sought to be achieved by carrying them out.

**An Authorising Officer may not, except in case of urgency, consider an application to use Directed Surveillance if the Applying Officer is an officer in his/her service area or the Authorising Officer has direct involvement with the operation.**

##### **Senior Authorising Officer**

A Senior Authorising Officer is a person responsible for considering whether or not to grant an authorisation where confidential information is likely to be obtained or for use of a CHIS.

##### **Senior Responsible Officer**

The Senior Responsible Officer oversees the competence of Authorising Officers and the processes in use in the Council. The Senior Responsible Officer is not an Authorising Officer as it would be inappropriate to oversee his / her own authorisations. Specifically the Senior Responsible Officer will be responsible for:

- The integrity of the processes to authorise Covert Surveillance;
- Compliance with the statutory provisions and codes of conduct;
- Training or arranging training for Authorising Officers;
- Ensuring officers generally understand provisions relating to Covert Surveillance and Covert Human Intelligence Sources.
- Engagement with the Commissioners and inspectors when they conduct their inspections; and
- Overseeing the implementation of any action plans following an inspection.

##### **RIPA Monitoring Officer**

The RIPA Monitoring Officer has:

- The duty to maintain the list of Authorising Officers;
- The power to suspend from the list of Authorising Officers any Authorising Officer who does not follow the procedure or who does not attend training sessions; and
- The power to cancel any authorisation that is manifestly wrong.

## **Responsibilities**

Heads of Service are responsible for ensuring their relevant members of staff are suitably trained as 'Applying Officers' so as to avoid common mistakes appearing on forms for RIPA authorisations.

Heads of Service will also ensure that staff who report to them follow this Corporate Policy & Procedures Document and do not undertake or carry out any form of surveillance governed by RIPA without first obtaining the relevant authorisations in compliance with this document. Wilful failure to follow this policy will constitute gross misconduct under the Council's HR policies.

Corporate Directors, Heads of Service, Senior Authorising Officers and Authorising Officers must also pay particular attention to health and safety issues that may be raised by any proposed surveillance activity. Under no circumstances should a Head of Service permit an application to be made unless, and until s/he is satisfied the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed. It is the responsibility of the Applying Officer (i.e. the person who applies to the Authorising Officer to use the Council's RIPA powers) to carry out any risk assessment and complete a written risk assessment if necessary. **If a Head of Service is in any doubt s/he should obtain prior guidance on the same from a Corporate Director, the Head of Paid Service, the Council's Health & Safety Officer or the RIPA Monitoring Officer.**

Authorising Officers must acquaint themselves with the relevant Codes of Practice issued by the Home Office regarding RIPA. Any failure to comply exposes the Council to unnecessary legal risks and criticism from the Investigatory Powers Commissioner's Office. All stages of the process (application, review, renewal and cancellation) must be promptly dealt with.

Coming across **confidential information** during surveillance must be given prior thought before any applications are made or authorised, as failure to do so may invalidate the admissibility of any evidence obtained. Furthermore, thought must be given before any forms are signed to the retention and disposal of any material obtained under a RIPA authorisation. Where confidential information is likely to be obtained through Covert Surveillance, the application must be authorised by a Senior Authorising Officer.

The Authorising Officer must ensure proper regard has been given to **necessity and proportionality** before any applications are authorised. 'Stock phrases' or cut and paste narrative must be avoided at all times as the use of the same may suggest that insufficient detail had been given to the particular circumstances of any person likely to be the subject of the claim. Any **equipment** to be used in any approved surveillance must also be properly controlled, recorded and maintained for audit purposes.

Authorising Officers must ensure that reviews are conducted in a timely manner (best practice for Directed Surveillance is that a review should be carried out no more than 4 weeks after the grant of authorisation) and that cancellations and renewals are effected before the authorisation ceases to have effect.

The RIPA Monitoring Officer shall have responsibility for maintaining, updating and enforcing this Policy. He/she shall also be responsible for the provision of adequate training to Authorising Officers and Applying Officers and for ensuring that no authorisations shall be granted unless the Authorising Officer has received such training.

The RIPA Monitoring Officer shall also ensure that adequate records are maintained in accordance with the relevant and current Code of Practice and also to check that reviews are conducted in a timely manner and that cancellations and renewals are effected before the authorisation ceases to have effect.

The RIPA Monitoring Officer's contact details are set out in Appendix 1 of this Policy.

#### 4. RIPA – General Information

The Human Rights Act 1998 (which brought much of the European Convention on Human Rights and Fundamental Freedoms 1950 into UK domestic law) requires the Council, and organisations working on its behalf, pursuant to Article 8 of the European Convention, to respect the private and family life of citizens, his home and his correspondence.

The European Convention did not, however, make this an absolute right, but a qualified right. Accordingly, in certain circumstances, the Council **may** interfere in the citizen's right mentioned above, **if** such interference is:

- (a) **In accordance with the law;**
- (b) **Necessary** (as defined in this document); **and**
- (c) **Proportionate** (as defined in this document).

RIPA provides a statutory mechanism (i.e. in accordance with the law) for authorising **Covert Surveillance** and the use of a **CHIS** e.g. undercover agents. It now also permits public authorities to compel telecommunications and postal companies to obtain and release communications data to themselves in certain circumstances. It works to ensure that **any** interference with an individual's right under Article 8 of the European Convention is **necessary** and **proportionate**. In doing so, RIPA seeks to ensure both the public interest and the human rights of individuals are suitably balanced.

Directly employed Council staff and external agencies working for the Council are covered by the Act for the time they are working for the Council. All external agencies must therefore comply with RIPA and the work carried out by agencies on the Council's behalf must be properly authorised by one of the **Council's Authorising Officers**. It is the responsibility of the Contracts Manager to ensure that external agencies comply with this policy. Authorising Officers are those shown in **Appendix 1** to this document.

If the correct procedures are **not** followed, the courts may disallow evidence, a complaint of maladministration could be made to the Ombudsman, and/or the Council could be ordered to pay compensation. Such action would not, of course, promote the good reputation of the Council and will, undoubtedly, be the subject of adverse press and media interest. In addition wilful failure to follow this policy could constitute gross misconduct under the Council's HR policies. **It is essential, therefore, that all involved with RIPA comply with this document and any further guidance that may be issued.**

Flowcharts of the procedures to be followed appear at **Appendix 2** for Directed Surveillance and for CHIS.

#### 5. When is RIPA authorisation available?

RIPA authorisation is only appropriate for surveillance which relates to the "core functions" of the Council and is for the purpose of preventing or detecting crime.

The core functions of the Council are defined as its “specific public functions” as opposed to its “ordinary functions.” The ordinary functions are those functions which any public authority carries out e.g. employment of staff or entering into contractual agreements.

Surveillance whether overt or covert related to ordinary functions is not governed by RIPA and RIPA does not prohibit such activity. The Council has adopted a policy covering the authorisation of surveillance which is not covered by RIPA. The policy can be found [here](#). Advice on such surveillance should be sought from Legal Services and HR as appropriate.

## **6. What RIPA does and does not do:**

### **RIPA does:**

- Compel disclosure of communications data from telecom and postal service providers;
- Permit the Council to obtain communications records from communications service providers.

### **RIPA does not:**

- Make unlawful conduct, which is otherwise lawful.
- Prejudice or dis-apply any existing powers available to the Council to obtain information by any means not involving conduct that may be authorised under the Act. For example, it does not affect the Council’s current powers to obtain information via the DVLA or to get information from the Land Registry as to the ownership of a property.

**If the Authorising Officer or any Applying Officer is in any doubt, s/he should ask the RIPA Monitoring Officer BEFORE any Directed Surveillance and/or CHIS is authorised, renewed, cancelled or rejected.**

## **7. Types of Surveillance**

**‘Surveillance’** includes:

- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications.
- Recording anything mentioned above in the course of authorised surveillance.
- Surveillance, by or with, the assistance of appropriate surveillance device(s).

**Surveillance can be overt or covert.**

### ***Overt Surveillance***

Most of the surveillance carried out by the Council will be done overtly; there will be nothing secretive, clandestine or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public (e.g. in the case of most test purchases), and/or will be going about Council business openly (e.g. a market inspector walking through markets).

Similarly, surveillance will be overt if the subject has been **told** it will happen, for example

where a noisemaker is warned, (preferably in writing) that noise will be recorded if the noise continues or where an entertainment licence is issued subject to conditions and the licensee is told that officers may visit without notice or identifying themselves to the owner/proprietor to check that the conditions are being met.

## **Covert Surveillance**

Covert Surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place (section 26(9) (a) of RIPA). Generally Covert Surveillance cannot be used if there is reasonably available an overt means of finding out the information desired. However if those overt means might seriously undermine the conduct of any investigation or put innocent persons at risk then Covert Surveillance can be used.

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

## **Directed Surveillance**

Directed Surveillance is surveillance which:

- is covert, but not Intrusive Surveillance;
- is conducted for the purposes of a specific investigation or operation;
- is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation);
- is conducted otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable to seek authorisation under the Act

**Private Information** in relation to a person includes any information relating to his private or family life. Private information is generally taken to include any aspect of a person's private or personal relationship with others including family and professional or business relationships. The fact that Covert Surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her **and others** that s/he comes into contact or associates with.

To take an example although overt town centre CCTV cameras do not normally require authorisation, if the camera(s) are to be directed for a specific purpose to observe particular individual(s), authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.

## **Social media**

Social media can provide useful information as part of an investigation. However, Council Officers must consider if a RIPA authorisation is required if they are accessing social media for this purpose before undertaking any monitoring of a site.

Whilst initial research of social media to establish a fact or collaborate an intelligence picture is unlikely to require an authorisation for Directed Surveillance repeat viewing of 'open

source' sites may constitute Directed Surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for Directed Surveillance. The key consideration is whether there is a repeated and systematic collection of personal information.

In addition Council officers must be aware that the fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the social networking site being used works. Authorising Officers must not assume that one service provider is the same as another or that the services provided by a single provider are the same. Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available.

The author has a reasonable expectation of privacy if access controls are applied. In some cases, data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered 'open source' and an authorisation is not usually required.

However, repeat viewing of 'open source' sites may constitute Directed Surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for Directed Surveillance.

If it is necessary and proportionate for the Council to covertly breach access controls, an authorisation for Directed Surveillance is required. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a Council Officer or by a person acting on the Council's behalf (i.e. the activity is more than mere reading of the site's content). It is not unlawful for a Council Officer to set up a false identity, but this must not be done for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws and such photographs must not be used.

To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council officers should be mindful of the following:

- Do not create a false identity in order to 'befriend' individuals on social networks without authorisation under RIPA;
- When viewing an individual's public profile on a social network, do so only to the minimum degree necessary and proportionate in order to obtain evidence to support or refute an investigation;
- Repeated viewing of open profiles on social networks to gather evidence or to monitor an individual's status must only take place under a RIPA authorisation;
- Be aware that it may not be possible to verify the accuracy of information on social networks and if such information is to be used as evidence, take reasonable steps to ensure its validity.

**For the avoidance of doubt, only those Officers designated and certified to be Authorising Officers for the purpose of RIPA can authorise Directed Surveillance IF, AND ONLY IF, the RIPA authorisation procedures detailed in this document are followed. Authorisation for Directed Surveillance can only be granted if it is for the purpose of preventing or detecting crime and the criminal offence is punishable by**

**at least 6 months' imprisonment or it is an offence under sections 146, 147, 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933 (sale of alcohol and tobacco to underage children).**

If you are in doubt as to whether or not you can use Directed Surveillance for the crime you are investigating, you should contact Legal Services for advice.

### ***Intrusive Surveillance***

This is when surveillance:

- Is covert;
- Relates to residential premises and/or private vehicles; and
- Involves the presence of a person **in the premises or in the vehicle** or is carried out by a surveillance device **in** the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if they were in the premises/vehicle.

Directed Surveillance that is carried out in relation to anything taking place on so much of any premises mentioned below as is, at any time during the surveillance, used for the purpose of legal consultations is also Intrusive Surveillance.

The premises referred to above are:

- (a) any place in which persons who are serving sentences of imprisonment or detention, remanded in custody or committed in custody for trial or sentence may be detained;
- (b) any place in which persons may be detained under paragraph 16(1), (1A) or (2) of Schedule 2 or paragraph 2(2) or (3) of Schedule 3 to the Immigration Act 1971 or section 36(1) of the UK Border Act 2007;
- (c) police stations;
- (d) hospitals where high security psychiatric services are provided;
- (e) the place of business of any professional legal adviser; and
- (f) any place used for the sittings and business of any court, tribunal, inquest or inquiry.

**This form of surveillance cannot be authorised under RIPA for the Council. Only the Police and other law enforcement agencies can use RIPA to authorise Intrusive Surveillance. Likewise, the Council has no statutory powers to interfere with private property.**

### **Proportionality**

The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means.

The following elements of proportionality should therefore 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 subject 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;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

**In other words**, this means balancing the intrusiveness of the activity on the target subject and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances - each case will be judged and be unique on its merits - or if the information that is sought could be reasonably be obtained by other less intrusive means. **All such activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair.** Extra care should also be taken over any publication of the product of the surveillance.

**Put very simply, it means not using a sledgehammer to crack a nut.**

As well as being proportionate, the Covert Surveillance must be necessary in all the circumstances.

#### ***Examples of different types of Surveillance***

<b>Type of Surveillance</b>	<b>Examples</b>
Overt	<ul style="list-style-type: none"><li>- Police Officer or Parks Warden on patrol</li><li>- Signposted town centre CCTV cameras (in normal use) Recording</li><li>- noise coming from outside the premises after the occupier has been warned that this will occur if the noise persists. Most test</li><li>- purchases (where the officer behaves no differently from a normal member of the public).</li></ul>
Covert but not requiring prior authorisation	<ul style="list-style-type: none"><li>- CCTV cameras providing general traffic, crime or public safety information.</li></ul>



Directed must be RIPA authorised	<ul style="list-style-type: none"> <li>- Officers follow an individual or individuals over a period, to establish whether s/he is working when claiming benefit or off long term sick from employment.</li> <li>- Test purchases where the officer has a hidden camera or other recording device to record information which might include information about the private life of a shop-owner, e.g. where s/he is suspected of running his business in an unlawful manner.</li> </ul>
Intrusive or interfering with private property – <b>Note: The Council cannot use RIPA to authorize this</b>	<ul style="list-style-type: none"> <li>- Planting a listening or other electronic device (bug) or camera in a person's home or in/on their private vehicle/person.</li> </ul>

**Further Information**

Further guidance on surveillance can be found in the Home Office Codes of Practice is set out in Appendix 5.

**Confidential Information**

Special safeguards apply with regard to confidential information relating to confidential personal information, confidential constituent information and confidential journalistic material. The Authorising Officer for Directed Surveillance where confidential information is likely to be obtained or for the use of a CHIS must be a Senior Authorising Officer. Further guidance is available in the Home Office Codes of Practice.

**Legal Privilege**

Surveillance that is intended to result in knowledge of matters subject to legal privilege CANNOT be authorised. Where surveillance is not intended to result in knowledge of matters subject of legal privilege but acquisition of such matters is likely then the Authorising Officer must consider carefully whether such surveillance is appropriate. In particular such surveillance can only be authorised to prevent or detect serious crime. The Authorising Officer in these circumstances must be a Senior Authorising Officer. Further guidance is available in the Home Office Codes of Practice.

**Collateral Intrusion**

Before authorising surveillance the Authorising Officer should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation.

Those carrying out the surveillance should inform the authorising officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should

be given to whether the authorisation needs to be amended and re-authorised or a new authorisation is required.

Further guidance is available in the Home Office Codes of Practice.

## **Retention and Destruction of Products of Surveillance**

Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable period and subject to review. Authorising Officers must make sure that they have regard to the Code of Practice (2005 edition) made under S23 Criminal Procedure and Investigations Act 1996.

There is nothing in RIPA that prevents material obtained from properly authorised surveillance from being used in other investigations. Authorising Officers must ensure, therefore, that arrangements are in place for the handling, storage and destruction of material obtained through the use of Covert Surveillance. Authorising Officers must also ensure compliance with the appropriate data protection requirements and any relevant codes of practice produced by individual authorities relating to the handling and storage of material.

## **8. Conduct and Use of a Covert Human Intelligence Source (CHIS)**

### ***Who is a CHIS?***

A CHIS is someone who establishes or maintains a personal or other relationship for the covert purpose of using the relationship to obtain information.

Members of the public who volunteer information to the Council and those engaged by the Council to carry out test purchases in the ordinary course of business (i.e. they do not develop a relationship with the shop attendant and do not use covert recording devices) are not CHIS and do not require RIPA authorisation.

However there may be instances where an individual, covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship. In such circumstances where a member of the public, though not asked to do so, gives information (or repeated information) about a suspect, then serious consideration should be given to designating the individual as a CHIS, particularly if the Council intends to act upon the information received.

It is possible therefore that a person could become engaged in the conduct of a CHIS without the Council inducing, asking or assisting the person to engage in that conduct. As stated in the Home Office statutory CHIS Code of Practice the tasking of a person should not be used as the sole benchmark in seeking a CHIS authorisation. Attention is specifically drawn to the CHIS Code of Practice. It is recommended that legal advice is sought in any such circumstances.

### ***What must be authorised?***

The conduct or use of a CHIS require **prior authorisation**

- **Conduct** of a CHIS = Establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information

- **Use** of a CHIS = Actions inducing, asking or assisting a person to act as a CHIS and the decision to use a CHIS in the first place.

**The Council can only authorise CHIS under RIPA IF, AND ONLY IF THE procedures, as detailed in this document, are followed. Authorisation for CHIS can only be granted if it is for the purposes of preventing or detecting crime.**

### ***Juveniles and Vulnerable Individuals***

Special safeguards apply to the use or conduct of juvenile sources (i.e. under 18 year olds). On no occasion can a child under 16 years of age be authorised to give information against his or her parents.

A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation.

Vulnerable individuals and juveniles will only be authorised to act as a CHIS in very exceptional circumstances and a Senior Authorising Officer **MUST** give the authorisation for their use.

### ***Test Purchases***

Carrying out test purchases will not usually (as highlighted above) require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. However, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require **authorisation as Directed Surveillance**. A combined authorisation can be given for a **CHIS** and also **Directed Surveillance**.

### ***Anti-Social Behaviour Activities (e.g. noise, violence, race abuse, etc.)***

Persons who complain about anti-social behaviour, and are asked to keep a diary will **not** normally be a **CHIS**, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information and, therefore, does **not** require authorisation.

Recording sound (with a DAT recorder) on private premises could constitute **Intrusive Surveillance**, unless it is done overtly. For example, it will be possible to record if the noisemaker is warned that this will occur if the level of noise continues. Covert recording of noise nuisance where the intention is to record only excessive noise levels from adjoining premises and the recording device is calibrated to record only excessive noise level is unlikely to require authorisation. This is because the perpetrator would normally be regarded as having forfeited any claim to privacy. Placing a covert stationary or mobile video camera outside a building to record anti-social behaviour on residential estates **will** require prior authorisation.

### ***Use and Management of a CHIS***

Particular requirements apply to the management and use of a CHIS. This is particularly important when considering that the CHIS may be putting themselves in some jeopardy by performing as a CHIS. Details of those arrangements are contained within **Appendix 3**.

The Senior Authorising Officer must be satisfied that these arrangements are in place before authorising a request. The overriding duty is to the safety of and duty of care towards the CHIS.

## **Further Information**

Further guidance on CHIS can be found in the Home Office's Codes of Practice on surveillance listed in **Appendix 5**.

## **9. Acquisition of Communications Data**

### ***What is Communications Data?***

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

### ***Procedure***

There are powers granted by S22 RIPA in respect of the acquisition of Communications Data from telecommunications and postal companies. These issues are beyond the scope of this document. Where an Authorised Officer considers that such data is required, the advice of the RIPA Monitoring Officer should be sought.

## **10. Authorisation Procedures**

**Directed Surveillance** and the use of a **CHIS** can only gain the protection under RIPA if properly authorised, and conducted in strict accordance with the terms of the authorisation. **Appendix 2** provides flow charts of processes from application/consideration to recording of information and the storage / retention of data obtained.

### ***Authorising Officers***

Forms can only be signed by Authorising Officers who have the necessary authority from the Council. Authorised officers are listed in **Appendix 1**. It is the person that is authorised rather than his/her post. This Appendix will be kept up to date by the RIPA Monitoring Officer and added to as needs require. If it is felt that a post should be removed or added, the RIPA Monitoring Officer will request a resolution from the Cabinet. The RIPA Monitoring Officer is however able to suspend an Authorising Officer from the list as detailed above.

All RIPA authorisations must be for specific investigations only and must be reviewed, renewed or cancelled once the specific surveillance is complete or about to expire. **The authorisations for Directed Surveillance last for 3 months and for CHIS 12 months (1 month for juveniles); however they must also be cancelled as soon as the need for them no longer exists.**

### ***Training Records***

Authorising Officers and those making applications will receive training in the issues to take into account. The RIPA Monitoring Officer will keep a record of those receiving training and will work with Human Resources to ensure that regular training is carried out to account for

staff turnover, legislative changes etc. Periodic written tests will be conducted to ensure that the Authorising Officers and Applying Officers retain the knowledge.

### ***Application Forms***

Only the RIPA forms set out in this Document are permitted to be used. **The Authorising Officer and/or the RIPA Monitoring Officer will reject any other forms used.** All forms are available on the Intranet.

#### **‘A Forms’ (Directed Surveillance) -see Appendix 6**

- Form A1 **Application** for Authority for Directed Surveillance
- Form A2 **Review** of Directed Surveillance Authority
- Form A3 **Renewal** of Directed Surveillance Authority
- Form A4 **Cancellation** of Directed Surveillance
- Form A5 **Judicial approval** for Directed Surveillance

#### **‘B Forms’ (CHIS) -see Appendix 7**

- Form B1 **Application** for Authority for Conduct and Use of a CHIS
- Form B2 **Review** of Conduct and Use of a CHIS
- Form B3 **Renewal** of Conduct and Use of a CHIS
- Form B4 **Cancellation** of Conduct and Use of a CHIS
- Form B5 **Judicial approval** for the use of a CHIS

### ***Grounds for Authorisation***

Directed Surveillance (**A Forms**); the Conduct and Use of the CHIS (**B Forms**) can be authorised by the Council **only on the ground of preventing or detecting crime. NO other grounds are available to local authorities.**

### ***Assessing the Application Form***

Before an Authorising Officer signs a Form, **s/he must:**

- (a) Be mindful of this Corporate Policy & Procedure Document, the training provided and any other guidance issued, from time to time, by the RIPA Monitoring Officer on such matters;
- (b) **Be clear on what is being authorised and make sure that there are no ambiguities in either the application or the authorisation;**
- (c) **Ensure that his/her statement as the authorising officer is completed spelling out the “5Ws” – who, what, where, when, why and how. In addition the authorising officer must ensure that the proposed operation is both necessary and proportionate;**
- (d) Satisfy his/herself that the RIPA authorisation is:
  - (i) **In accordance with the law;**
  - (ii) **Necessary** in the circumstances of the particular case on the ground mentioned above; **and**
  - (iii) **Proportionate** to what it seeks to achieve;
- (e) In assessing whether or not the proposed surveillance is necessary, consideration should be given to whether it is necessary to use Covert Surveillance in all the

circumstances. Consideration must be given as to whether the information could be obtained by other means;

- (f) In assessing whether or not the proposed surveillance is proportionate, consider whether there are any other non-intrusive methods available and, if there are none, whether the proposed surveillance is no more than necessary to achieve the objective, as the **least intrusive method will be considered proportionate by the courts. Guidance on proportionality is given above;**
- (g) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (**Collateral Intrusion**) and the Applying Officer's plan to minimise that intrusion. Measures must be taken wherever practicable to avoid or minimise (so far as is possible) collateral intrusion. When considering proportionality the right to privacy of both third parties and the intended subject of the investigation must be considered against the seriousness of the offence and harm likely to be caused;
- (h) Allocate a Unique Reference Number (URN) for **each form;**
- (i) Set a date for **review** of the authorisation and review on that date using the relevant form. The Authorising Officer should take account of how long authorisations for Directed Surveillance may last for (three months). The review date must be appropriate for the type of surveillance sought. At a review the Authorising Officer should be satisfied that the criteria for granting the authorisation still exists. They may also amend the authorisation;
- (j) **Make sure that the expiry date and time are inserted;**
- (k) Ensure that any RIPA Departmental Register is duly completed, and that a copy of the RIPA Forms (and any review / renewal / cancellation of the same) is forwarded to the RIPA Monitoring Officer's Central Register, **within 2 working days of the relevant authorisation, review, renewal, cancellation or rejection.** The original should be kept on the departmental register.
- (l) If unsure on any matter, obtain advice from the RIPA Monitoring Officer **before** signing any forms.

**The authorisation section of the form should be completed in the Authorising Officer's own handwriting and in his/her own words. The Authorising Officer must be prepared to justify his/her authorisation in a court of law and must be able to answer for his/her decision.**

### ***Additional Safeguards when Authorising a CHIS***

When authorising the conduct or use of a CHIS, the Authorising Officer **must also:**

- (m) Be satisfied that the **conduct** and/or **use** of the CHIS is **proportionate** to what is sought to be achieved;
- (n) Be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS and this must address health and safety issues through a written risk assessment (**see Appendix 3**);
- (o) Consider the likely degree of intrusion of all those potentially affected;
- (p) Consider any adverse impact on community confidence that may result from the use

- or conduct or the information obtained;
- (q) Ensure **records** contain particulars and are not available except on a need to know basis; and
- (r) If unsure on any matter, obtain the advice from the RIPA Monitoring Officer **before** signing any forms.

## **Judicial Approval**

After an Authorising Officer has authorised Directed Surveillance or the Senior Authorising Officer has approved the use of a CHIS, the Council **must** make an application to the magistrates' court for approval of the authorisation. This applies to all authorisations and renewals. The activity permitted by the authorisation **cannot** be carried out until the court has approved the authorisation.

After the Authorising Officer has approved the application, the Applying Officer (or the Authorising Officer in appropriate cases) must complete the first part of the approval form found at Appendix 6 and Appendix 7. Two copies of the approval form, the original authorisation and a copy must be taken to court for the magistrate to consider.

The court will consider:

- (a) if the Authorising Officer was at the correct grade; and
- (b) whether the activity proposed is necessary and proportionate.

The authorisation and the approval form must be detailed enough for the court to consider the application. Whilst the court may ask the officer attending court to clarify the application, oral evidence is not a substitute for a full and reasoned written application.

The court can either approve or quash the authorisation or renewal. Any application for renewal must take place before the expiry of the authorisation. The Applying Officer must ensure that any application to renew is made in good time so that the Authorising Officer and the court have enough time to consider the application.

The original authorisation must be retained by the Council. A copy of the approval or rejection by the magistrates must be placed on the department's register and a further copy given to the RIPA Monitoring Officer for his central register.

Any officer attending court to obtain judicial approval must be authorised by the Council under section 223 of the Local Government Act 1972 to conduct legal proceedings on the Council's behalf.

Further information about the procedure for obtaining judicial approval can be found at Appendix 8.

## **Duration**

The form **must be reviewed in the time stated, renewed and/or cancelled** once it is no longer needed. The authorisation to carry out/conduct the surveillance lasts for 3 months (from authorisation) for Directed Surveillance, and 12 months (from authorisation) for a CHIS. However, whether the surveillance is carried out/conducted or not, in the relevant period, does not mean the authorisation is 'spent'. In other words, **the forms do not expire**. The forms have to be **reviewed, renewed and/or cancelled** (once they are no longer required).

Authorisations can be renewed in writing before the maximum period in the Authorisation has expired. The Authorising Officer must **consider the matter afresh** including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred. An Authorisation cannot be renewed after it has expired. In such event, a fresh Authorisation will be necessary.

The renewal will begin on the day when the authorisation would have expired.

## 11. Working With/Through Other Agencies

When some other agency has been instructed on behalf of the Council to undertake any action under RIPA, this document and the forms in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.

When some other agency (e.g. Police, HM Revenue & Customs, Department for Work and Pensions etc):

- (a) Wish to use the Council's resources, that agency must use its own RIPA procedures **and**, before any Officer agrees to allow the Council's resources to be used for the other agency's purposes, s/he **must obtain** a copy of that agency's RIPA form for the record (a copy of which must be passed to the RIPA Monitoring Officer for the Central Register) or relevant extracts from the same which are sufficient for the purposes of protecting the Council and the use of its resources;
- (b) Wish to use the Council's premises for their own RIPA action and is expressly seeking assistance from the Council, the Officer should normally co-operate with the same unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. Suitable insurance or other appropriate indemnities may be sought, if necessary, from the other agency for the Council's co-operation in the agency's RIPA operation. In such cases, however, the Council's own RIPA forms should **not** be used, as the Council is only 'assisting' not being 'involved' in the RIPA activity of the external agency.

If the Police or other agency wish to use Council resources for general surveillance, as opposed to specific RIPA operations, an appropriate letter requesting the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other agency **before** any Council resources are made available for the proposed use. The appropriate Head of Service will be responsible for agreeing to the proposed use.

### Joint operations

Where the Council is conducting an investigation jointly with another agency and that investigation involves Directed Surveillance or use of a CHIS only one authorisation under RIPA is needed. Duplicate authorisations therefore should be avoided. At the start of the joint operation the relevant Head of Service should agree with his/her opposite number in the other agency who the lead body should be. The lead body will be responsible for RIPA authorisations.

**If in doubt, please consult with the RIPA Monitoring Officer at the earliest opportunity.**



## 12. Record Management

The Council must keep a detailed record of all Authorisations, Reviews, Renewals, Cancellations and rejections in Departments and **a Central Register of all Authorisation Forms will be maintained and monitored by the RIPA Monitoring Officer.**

### *Records Maintained in the Department*

The Council will retain records for a period of at least three years from the ending of the Authorisation. The Investigatory Power Commissioner's Office (IPCO) can audit/review the Council's policies and procedures and individual Authorisations, Reviews, Renewals, Cancellations and rejections.

### *Central Register Maintained by the RIPA Monitoring Officer*

Authorising Officers must send a copy of any authorisation, cancellation, renewal or review to the RIPA Monitoring Officer within 2 working days of the issue. Whilst the RIPA Monitoring Officer is responsible for oversight and review of the records, the Authorising Officers are responsible for their own records.

## 13. Reporting Arrangements

A one line report will be provided to Cabinet every three months unless there have been any applications for the use of powers under RIPA in which case a full report will be provided to Cabinet.

## 14. Concluding Remarks

Where there is an interference with the right to respect for private life and family guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority for the interference, or if it is held not be necessary or proportionate to the circumstances, the consequences of not obtaining or following the correct authorisation procedure set out in RIPA and this document, may be that the action (and the evidence obtained) will be held to be unlawful by the courts pursuant to Section 6 of the Human Rights Act 1998.

Obtaining an authorisation under RIPA and following this document will ensure therefore, that the action is carried out in accordance with this law and subject to stringent safeguards against abuse of anyone's human rights.

**Authorising Officers MUST exercise their minds every time they are asked to consider a form. They must NEVER sign or rubber stamp form(s) without thinking about their own personal and the Council's responsibilities. They should also report refusals to the RIPA Monitoring Officer. The RIPA Monitoring Officer will be able to assess whether the refusals were reasonable and this will also be reported to Cabinet.**

**Any boxes not needed on the form(s) must be clearly marked as being 'NOT APPLICABLE', 'N/A' or a line put through the same.** Great care must also be taken to ensure accurate information is used and is inserted in the correct boxes. Reason for any refusal of an application must also be kept on the form and the form retained for future audits.

For further advice and assistance on any aspect of RIPA, please contact the Council's RIPA Monitoring Officer; contact details are set out in Appendix 1.

**Appendix 1 – List of Senior Authorising Officers, Authorising Officers, Senior Responsible Officer and RIPA Monitoring Officer**

<b>Post Title</b>	<b>Current Post Holder</b>	<b>RIPA post</b>	<b>Contact Details</b>
Head of Paid Service	Susan Priest	Senior Authorising Officer / Authorising Officer	Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY 01303 853315 <a href="mailto:susan.priest@shepway.gov.uk">susan.priest@shepway.gov.uk</a>
Corporate Director – Place and Commercial Services	John Bunnett	Authorising Officer	Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY 01303 853263 <a href="mailto:john.bunnet@folkestone-hythe.gov.uk">john.bunnet@folkestone-hythe.gov.uk</a>
Head of Democratic Services & Law	Amandeep Khroud	RIPA Monitoring Officer Senior Responsible Officer	Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY 01303 853253 <a href="mailto:amandeep.khroud@folkestone-hythe.gov.uk">amandeep.khroud@folkestone-hythe.gov.uk</a>
Corporate Director – Customer, Support and Specialist Services	Tim Madden	Authorising Officer – Senior Authorising Officer in the absence of the Head of Paid Service	Civic Centre, Castle Hill Avenue, Folkestone CT20 2QY 01303 853371 <a href="mailto:tim.madden@folkestone-hythe.gov.uk">tim.madden@folkestone-hythe.gov.uk</a>

# RIPA MANAGEMENT STRUCTURE

## Directed Surveillance

**Court**



**Authorising Officers**

**Susan Priest**  
Head of Paid Service

**Tim Madden**  
Corporate Director – Customer, Support and Specialist Services

**John Bunnett**  
Corporate Director – Place and Commercial Services



**Applying Officer**

**Amandeep Khroud**  
Head of Democratic Services and Law  
RIPA Monitoring Officer

## CHIS

**Court**



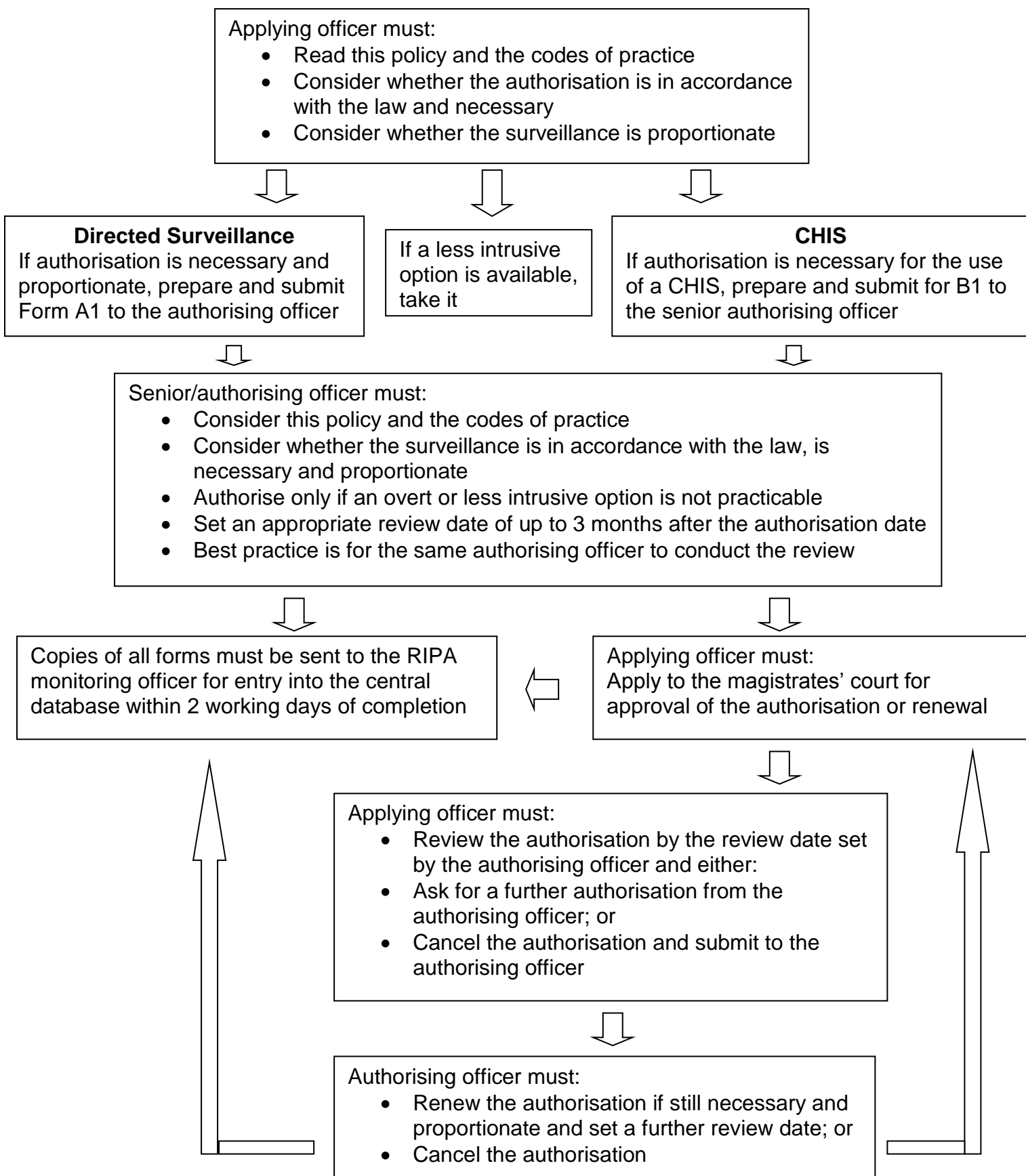
**Susan Priest**  
Head of Paid Service Or

**Tim Madden**  
Corporate Director – Customer, Support and Specialist Services, in the absence of the above



**Applying Officer**

## Appendix 2 – Flow Chart for Directed Surveillance and CHIS



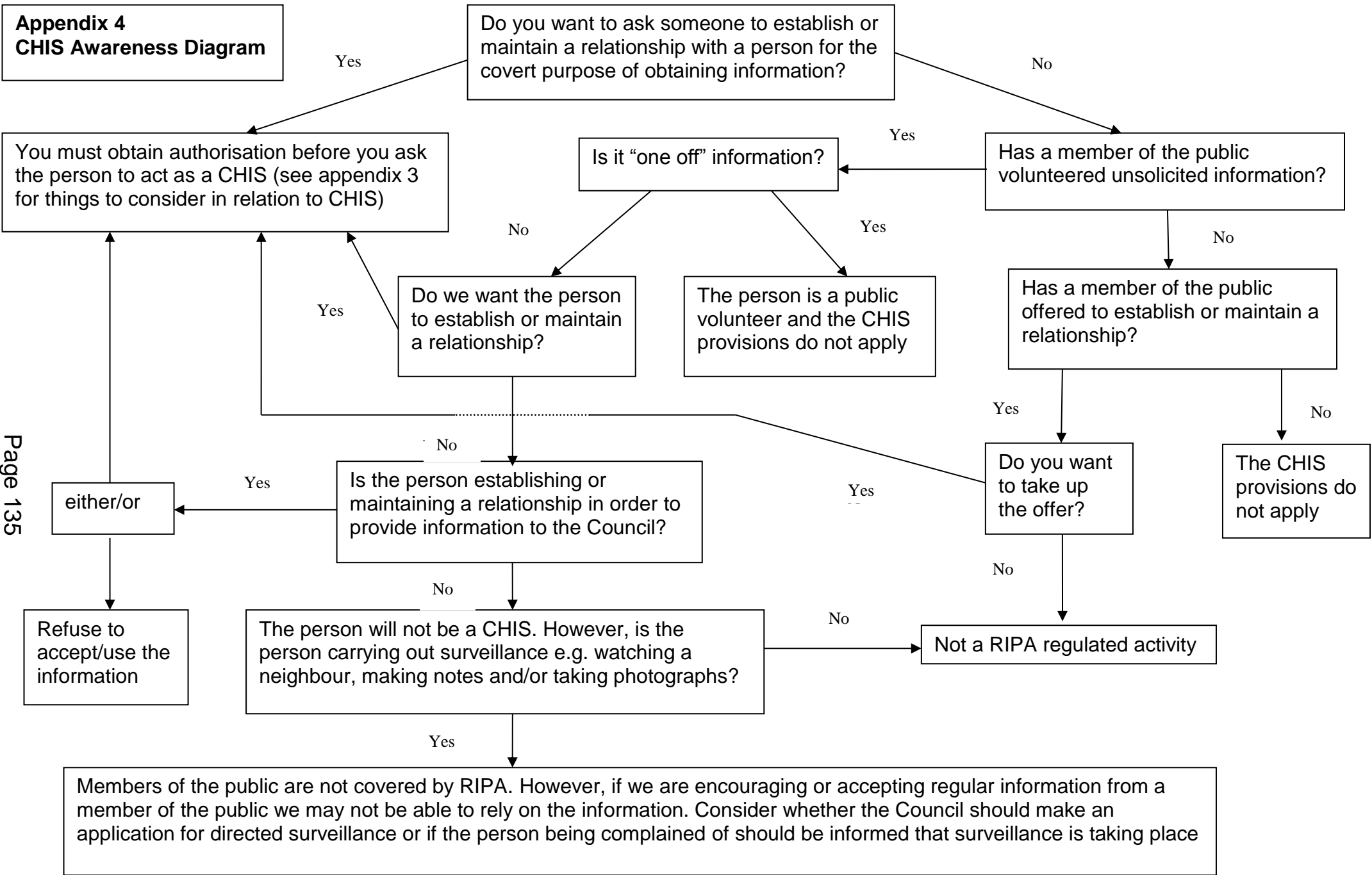
Applying officer – the person who makes a request to use RIPA powers  
 Authorising officer – the person who considers whether or not to grant an authorisation  
 Senior authorising officer – the senior person who consider whether or not to grant an authorisation for the use of a CHIS

## Appendix 3 – Additional Notes for the Use and Management of a CHIS

### Tasking

- 1 Tasking is the assignment given to the CHIS by the persons defined in sections 29(5) (a) and (b) of RIPA, asking him to obtain information, provide access to information or to otherwise act incidentally, for the benefit of the relevant public authority.
- 2 Authorisation for the use or conduct of a CHIS must be obtained prior to any tasking where such tasking requires the CHIS to establish or maintain a personal or other relationship for a covert purpose.
- 3 The person referred to in section 29(5) (a) of the 2000 Act will have day to day responsibility for:
  - Dealing with the CHIS on behalf of the Council
  - Directing the day to day activities of the CHIS
  - Recording the information supplied by the CHIS, and
  - Monitoring the CHIS's security and welfare
- 4 The person referred to in section 29(5) (b) of the 2000 Act will be responsible for the general oversight of the use of the CHIS.
- 5 The authorisation should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. The authorisation could cover the broad terms of the CHIS's task.
- 6 The persons mentioned in 3 and 4 above must take great care to ensure that actions are recorded in writing and must also keep the authorisation under review to ensure that it covers what the CHIS is actually doing. During the course of a task, unforeseen events may occur which mean that the authorisation may need to be cancelled and applied for again.
- 7 The Head of the Paid Service of the Council has the power to appoint officers to act under s29 (5) (a) and (b).
- 8 In relation to health and safety, before tasking a CHIS, the relevant officers will ensure that a risk assessment is carried out which determines the risk to the CHIS and to others in carrying out the task. The ongoing security and welfare of the CHIS after the task has been completed should also be considered
- 9 Further advice on good practice is contained with the Code of Practice.

**Appendix 4  
CHIS Awareness Diagram**



**This flowchart cannot answer every scenario an officer may encounter. If you are unsure whether or not you authorisation speak to Legal Services or the RIPA monitoring officer**

## **Appendix 5 – Codes of Good Practice**

RIPA Codes of Practice can be accessed at:

[Codes of Practice](#)

## **Appendix 6 – Directed Surveillance Forms**

[Directed surveillance application form](#)

[Directed surveillance renewal form](#)

[Directed surveillance review form](#)

[Directed surveillance cancellation form](#)

[Judicial approval form](#)

## **Appendix 7 – CHIS Forms**

[Application to authorise a CHIS](#)

[CHIS cancellation form](#)

[CHIS renewal form](#)

[CHIS review form](#)

[Judicial approval form](#)

## **Appendix 8 – Judicial approval protocol**

In order to obtain judicial approval for your RIPA authorisation you will need to book an appointment to attend court. You must not turn up to court without an appointment.

To book an appointment, contact the court administration centre on 01304 218600, Option 6. There may be a delay between you making the appointment and attending court so make sure you factor this in when thinking about your timetable and the start date.

Your application may be heard at Folkestone or Canterbury Magistrates' Court. You will generally be asked to attend court at 9.30am before the court starts sitting although you may be given an alternative time to attend.

You will need to take two copies of the approval form with the first part completed and the original authorisation to court as well as a copy. Ensure that you retain the original authorisation and a signed approval form.



This Report will be made public on 10 July 2018



Report Number **C/18/22**

**To:** Cabinet  
**Date:** 18 July 2018  
**Status:** Non-key  
**Head of service:** Katharine Harvey, Head of Economic Development  
**Cabinet Member:** Councillor John Collier, Cabinet Member for the District Economy

**SUBJECT:** Developing out Mountfield Road Industrial Estate, New Romney

**SUMMARY:** To approve the recommended location for developing a business/skills hub on Mountfield Road Industrial Estate, New Romney so that a detailed planning application can be submitted. This will enable the scheme to be 'tender-ready' in anticipation of a successful outcome of the Expression of Interest submission to the Coastal Communities Fund to grant fund the scheme.

**REASONS FOR RECOMMENDATIONS:**

The masterplan for Mountfield Road Industrial Estate, New Romney completed in March 2018 identified options for the location of a new business/skills hub. . This report seeks Cabinet approval for the option recommended by the Asset Management Board so that progress can be made towards achieving planning consent.

**RECOMMENDATIONS:**

1. To receive and note report C/18/22.
2. To approve the recommended site location option plot A/B (see Appendix 1) for the development of a business/skills hub so that a detailed planning application for the preferred site can be made.

## **1. BACKGROUND**

- 1.1 The Council owns the remaining 5 hectares of land to be developed out at Mountfield Road Industrial Estate, New Romney. This land represents the fourth phase of developing the industrial estate which has been built out over the last 30 years. Overall, the estate is expected to provide some 700 jobs within the local economy over the long term.
- 1.2 Mountfield Road Industrial Estate is allocated as a key employment site in the Local Plan. It is also identified in the Romney Marsh Delivery Plan as a key opportunity for diversifying the local Romney Marsh economy to mitigate the impact of the closure of the Dungeness nuclear power stations.
- 1.3 The need for a business hub at this location was evidenced in 2015 when BBP Regeneration undertook a review of demand for workspace and business incubators in the district. This identified demand for flexible incubators and grow-on space in the New Romney area. This need has since been re-iterated through research by Regeneris in 2016 which recommended a business hub to encourage business start-ups and facilitate skills training in Romney Marsh.
- 1.4 In September 2016 (C/16/33) Cabinet approved the submission of an application to the Magnox Socio-economic Fund for a funding contribution towards a feasibility study and masterplan to develop the remaining council-owned land on the industrial estate. This application was successful with a £30,000 contribution made.
- 1.5 In January 2018 (C/17/74) Cabinet approved the submission of a funding application to the European Regional Development Fund (ERDF) and for other funding opportunities as they arose for grant funding contributions towards developing the business/skills hub.
- 1.6 The first phase of the feasibility and masterplanning work has been completed and three site options have been identified for the development of the business/skills hub.
- 1.7 These options have been considered by the Asset Management Board and Cabinet approval is now sought for their recommended site option. Once the site option has been agreed, then the next phase of the work will focus on preparing the detail necessary for a detailed planning application.

## **2. MASTERPLANNING AND FEASIBILITY STUDY**

- 2.1 The masterplanning work already undertaken has included wide consultation on the potential options. A consultation event was held at the Romney Resource Centre at the interim stage of the work and an interim report was also presented to the Romney Marsh Partnership in December 2017. Comments from these consultations were taken on board for the draft report.
- 2.2 The final masterplan report was considered by the Romney Marsh Partnership at the end of March 2018 and endorsed.
- 2.3 The Council's Asset Management Board has considered the final masterplan and concluded that the overall development would need to be phased with the development of a business/skills hub being the first stage of developing the remainder of the estate.

### **3. SITE OPTIONS FOR EMPLOYMENT/SKILLS HUB**

- 3.1 The final masterplan report identified three site location options for the development of the business/skills hub – sites A/B, C/D and E (see Appendix 1).
- 3.2 The site A/B can be brought forward most quickly, as the plot has access to a service road and services are contained within the footway. However, the development of the business/skills hub would need to take account of the neighbouring household recycling site with mitigation measures put in place for dust, noise or smells. This will be dealt with in the design of the site incorporating screening and acoustic attenuation measures. The building will be single storey and will not overlook the recycling centre for visual reasons. A car parking area positioned along the boundary with the household waste centre will also help increase the distance of the hub from the recycling activities and create a buffer area.
- 3.3 Site C/D is located within the central part of the site to be developed out. The development of the business/skills hub here would be dependent on the construction of a road and provision of services to open up the land. In view of the level of funding that would be required to put this infrastructure in place, it is considered that this would only be feasible over the longer-term. To bring part of the site forward would also require contribution to offsite works. This is expected to double the cost of the project as it would need to include the costs for:
- construction of an access road;
  - diversion of a foul rising main
  - an electricity substation; and
  - underground water storage to discharge rainwater into the secondary rivers.
- 3.4 It is considered that the best option would be for the servicing of this site to follow the development of the business/skills hub, with the rental income used to contribute to the financing costs of bringing forward the larger site. This is the scenario that has been proposed in the Expression of Interest application for Coastal Community Funding.
- 3.5 Site E would involve the re-development of the four Council-owned industrial units at the head of the adjoining Station Road. While this site would be the most attractive in terms of visibility and accessibility for a business/skills hub, there are issues with replacing the existing industrial units. Although these are 30 years old, a recent assessment has identified that they have a remaining life of 10 years. Since all of these units are occupied, the tenants would need to be relocated and this might require appropriate alternative accommodation to be constructed elsewhere on the estate. The Council would also lose the income generated from the units over the next 10 years (about £500,000). This would need to be factored into the development appraisal for the new business/skills hub and raises the cost.
- 3.6 The Council's Asset Management Board has given consideration to the above options and has recommended that site location A/B is the best

option for developing the business/skills hub. The footprint for the business /skills hub building at this location is shown in Appendix 2.

## **4. BRINGING FORWARD THE DEVELOPMENT**

### **Development Costs**

- 4.1 The first phase of work undertaken by consultants has provided some indicative costs for developing the business/skills hub. These are shown in Appendix 3. The next stage of the work will include finalising details of the building and the cost.
- 4.2 A projection of the rental income potentially generated from the business/skills hub over a 30 year period, suggests that it would take longer than this for the 100% funded project to break even (see exempt Appendix 4). This highlights the need either for grant funding for this scheme, or funding from another source that would accept a low and long term investment return, recognising the economic regeneration benefits that such an investment would bring to the area.

### **Potential Funding Sources**

- 4.3 An application for grant funding for ERDF was discussed with the South East LEP which oversees the European funding programme for Kent & Medway. These discussions indicated that a capital bid was unlikely to be successful at that stage, as priority was being given to business support programmes that would need to be accessible from across the whole of the South East LEP area. As a result an application was not submitted, but this situation is being monitored for any chance of success for such a capital bid in the future.
- 4.4 An Expression of Interest (EOI) submission, supported by the New Romney Coastal Community Team, was made to the Coastal Community Fund (CCF) in February. This EOI seeks 50% of funding towards the build costs of the business/skills hub, with the rental income generated to contribute towards developing out the remaining land plots. A decision on the success of the EOI is expected in July and, if successful, the full application deadline is the 15 October 2018. This will require detailed planning consent to be in place by this submission date. This programme is heavily competed and the amount sought is significant at 3.75% of the overall national fund of £40 million. A key criteria for success of a CCF application is value for money in terms of jobs created. Therefore, it was decided that the EOI should focus on a grant to cover the building costs for the business/skills hub only and did not include the costs for bringing forward the supporting infrastructure required to build out the remainder of the site. Instead the application proposed that the income from the business/skills hub to be used to bring forward the remainder of the site, which would not affect the value for money score.
- 4.5 Another potential source of grant funding for the scheme is the Magnox Socio-economic programme. There is emphasis in the Romney Marsh Delivery Plan on the importance of the industrial estate in helping to diversify the local economy which supports the case for funding from this programme. The development of the business/skills hub has the support of

the RMP Board and both Magnox and the NDA (Nuclear Decommissioning Agency) have been fully involved in the development of this project. There have been indications from these organisations that an application for a grant funding contribution could be successful.

4.6 Whilst it was previously understood that all of the SE LEP Local Growth Funds had been allocated to projects, recent communications suggest that there is still some £8.3million at its disposal to allocate to new projects. In addition, there may also be additional funds from projects previously allocated funding that may not now come forward in the required timeframe. This represents another potential funding opportunity for the business/skills hub and the situation is being closely monitored.

4.7 The East Kent Spatial Development Company (an East Kent local authority owned economic regeneration vehicle) could also be another potential source of funding to bring forward this scheme. Recent Board approved investments (Cllr David Monk is the Folkestone & Hythe District Council Board member) suggest a willingness by the Board to take a long term view, with a 30+ year period before a return a possibility.

4.8 Approval is sought from Cabinet for the development of the business/skills hub on site A/B. If approval is granted then this will enable the initial phase of the masterplanning work to be carried out which will determine the detailed costings of the building and provide the necessary details required for the planning application. This detail is also required for any grant funding applications and it will demonstrate the seriousness of the Council in delivering this scheme.

## 5. MANAGEMENT ISSUES

### 5.1

Perceived risk	Seriousness	Likelihood	Preventative action
Unsuccessful EOI to the CCF for funding	High	Medium	Alternative sources of funding for the scheme will continue to be pursued. Continuing to make progress in taking scheme forward will ensure best success of both this EOI and other funding opportunities
Detailed planning consent not granted by October deadline for CCF full application submission (if successful at EOI stage)	High	Low	Work is continuing on the hub design drawings and technical information for a planning application submission in anticipation of a Cabinet decision to proceed.

Alternative grant or investment funding not being available to bring forward scheme.	High	Low	Continue to develop the investment case for the business/skills hub and seek further funding opportunities, including potential investment by Folkestone & Hythe District Council
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## 6. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

### 6.1 Legal Officer's Comments (DK)

There are no legal implications arising directly out of this report. Legal Services will, upon receipt of instructions, advise on the text of grant agreements with third party funders.

### 6.2 Finance Officer's Comments (LW)

There are no financial implications arising directly from this report. No budget provision currently exists for this scheme in the approved General Fund Medium Term Capital Programme. Cabinet approval will be required to support a full bid to the Coastal Community Fund (CCF) if invited to do so. The indicative assessment of the scheme value over 30 years outlined in section 4 of the report suggests grant funding is required to make the development break-even. A more detailed assessment of the scheme value will be required to support the external funding bid and a capital growth bid to Cabinet.

### 6.3 HR Officer's Comments (PR)

There are no HR implications to be considered in this report.

### 6.4 Diversities and Equalities Implications

There are no diversities and equalities issues arising from this report.

## 7. CONTACT OFFICERS AND BACKGROUND DOCUMENTS

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Graham Hammond, Economic Development Team  
 Telephone: 07841 801050  
 Email: graham.hammond@folkestone-hythe.gov.uk

The following background documents have been relied upon in the preparation of this report:

The Mountfield Road Industrial Estate Masterplan Report by Curl la Tourelle Head Architecture

### Appendices:

- Appendix 1: Site Location options for the Business/Skills hub
- Appendix 2: Footprint for Business/Skills hub on Plot A/B

Appendix 3: Costings for Business/Skills hub

Appendix 4: Exempt information: Financial appraisal of scheme

Location options for a business hub at Mountfield Road Industrial Estate, New Romney





Footprint of business hub on Plot A/B



Hub and grow-on space diagram - Option A

Please note estimated income figures included for each option are indicative only and based on information relative to similar properties in the wider area. If more certainty is required a market research will be required.



Hub location plan

-  Business Hub
-  Grow-on space (future-proofing)
-  Skills centre/extra start-ups space (future-proofing)
-  Circulation (future-proofing)

## APPENDIX 3

### Costings for business hub

COMPONENT			
		Rate £	£
<b>FACILITATING WORKS AND BUILDING WORKS ESTIMATE</b>			
Option A			
Demolition and site clearance of existing industrial units	N/A		
Business hub (single storey)	641 m2	2,500	1,602,500
Skills centre (single storey)	400 m2	1,850	excluded
Circulation/flexible space (single storey)	180 m2	1,800	excluded
Car parking and other paved areas	450 m2 *	190	85,500
Soft landscaping and boundary treatments	1,546 m2	60	92,760
Utilities and drainage for the business hub	1 item		95,431
Utilities and drainage for the skills centre	1 item		excluded
Infrastructure	1 item		excluded
Industrial units	1 item		excluded
<b>SUB-TOTAL: FACILITATING AND BUILDING WORKS ESTIMATE (A)</b>			<b>£1,876,191</b>
Main contractor's preliminaries estimate (B)			225,143
<b>SUB-TOTAL (C)</b>			<b>£2,101,334</b>
Main contractor's overheads and profit estimate (D)			115,573
<b>TOTAL: BUILDING WORKS ESTIMATE ( E) [E = C + D]</b>			<b>£2,216,907</b>
<b>PROJECT/DESIGN TEAM FEES AND OTHER DEVELOPMENT/PROJECT</b>			
Project/design team fees (F)			443,381
Other development/projects costs (G)			excluded
<b>BASE COST ESTIMATE (H) [H = F + G]</b>			<b>£2,660,288</b>
<b>TOTAL RISK ALLOWANCE ESTIMATE (I) (brought forward from section 4.0)</b>			<b>£274,989</b>
<b>COST LIMIT (excluding inflation) (J) [J = H + I]</b>			<b>£2,935,277</b>
<b>CONSTRUCTION INFLATION ESTIMATE (K)</b>			<b>excluded</b>
<b>COST LIMIT (excluding VAT assessment) (K) [J + K]</b>			<b>£2,935,277</b>
<b>VAT ASSESSMENT</b>			<b>excluded</b>

## APPENDIX 4

### Exempt: Financial Appraisal of scheme

	Full cost of scheme - £2,935,277		Scheme with 25% grant funding – net cost £2,201,457		Scheme with 50% grant funding – net cost £1,467,638	
<b>Discount rate</b>	2.6	5.0	2.6	5.0	2.6	5.0
<b>NPV</b>	-£364,303	-£1,181,012	£369,516	-£447,192	£1,103,335	£286,626
<b>Rental income (£)</b>						
Year 1						64,460
Year 6						83,798
Year 11						108,937
Year 16						141,636
Year 21						184,121
Year 26						239,322
<b>Total rental income over 30 years</b>						<b>4,111,370</b>

#### Notes:

- (1) Rental level for business accommodation at £11psf (midpoint of rental range advised by masterplanning consultants)
- (2) Rental based on 5 year rent reviews and uplift of 6% per annum based on BNP Paribas figures for annual industrial space rental growth
- (3) Discount rate of 2.6% is required to break-even on financing costs

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This Report will be made public on 10 July 2018

Report Number **C/18/12**

**To:** Cabinet  
**Date:** 18<sup>th</sup> July 2018  
**Status:** Non - Key Decision  
**Head of Service:** Katharine Harvey, Head of Economic Development  
**Cabinet Member:** Councillor Jennifer Hollingsbee Cabinet Member for Communities

**SUBJECT: EVENTS MANAGEMENT POLICY**

**SUMMARY:** This report presents the revised Events Management Policy (Appendix 1) reflecting the introduction of EventApp, the Council's new on-line application system recently adopted by the Council.

**REASONS FOR RECOMMENDATIONS:**

Cabinet is asked to agree the recommendations set out below because:

- a) Folkestone and Hythe District Council has a responsibility to consider requests and to grant or refuse permission for events to be held on Council and / or land under Council control.
- b) The new revised Events Management Policy relates to on-line applications and on-line payments since the previous Events Policy was agreed in 2015 (report C/15/28).

**RECOMMENDATIONS:**

1. To receive and note Report C/18/12
2. To agree the revised Events Management Policy and allow it to be published on the website.

## **1. BACKGROUND**

- 1.1 The Council has a responsibility to consider requests and to grant or refuse permission for public events to be held on Council land and / or under Council control. The Council also acts as the point of contact for event organisers looking to hold events on private land within the District, or where a road closure is required and offers feedback on applications to the event organiser.
- 1.2 The Council coordinates all activities around events, including liaising with relevant partners, such as members of the Safety Advisory Group (SAG) and Kent County Council (KCC) Highways, and offers feedback on applications to the event organiser.
- 1.3 On a day to day basis the Council's Events Officer manages the events process which has changed from paper based application forms, which had to be scanned and circulated via web based software, to an on-line system which is more efficient and has reduced the staff resources required for processing applications. The on-line system automatically circulates all the necessary information to partner agencies involved in event safety including the Safety Advisory Group and enables direct communication with the event organiser.
- 1.4 However, while the system enables the Events Officer to work more efficiently, considerable time is still required for a number of tasks, including monitoring the progress of consultation, ensuring that the correct documents are uploaded, liaising between the applicant and Safety Advisory Group member, dealing with system issues and providing advice and guidance on how to use the on-line system eg which road closure to apply for.
- 1.5 Charges for the use of Council owned and / or controlled land for events are set annually as part of the Fees and Charges Policy. The new Events Management Policy does not make any changes to these.

## **2. INTRODUCTION**

- 2.1 The Events Management Policy (Appendix 1) has been prepared and is proposed for approval for the following reasons:
  - To cover the changes required by the new Event App on-line system.
  - To improve the customer experience and increase transparency in the allocation of Council land for events.
  - To introduce a cash-free payment system.
  - To define better permissions required for different types of event.
  - To put in place a procedure that ensures compliance with covenants on land use as the council has a duty under section 18 of the Health and Safety at Work etc. Act 1974 to ensure events are undertaken safely.
  - To improve efficiency in processing applications.

### **3. IMPROVEMENTS**

3.1 The revised Policy includes the following improvements:

- Lists the roles and responsibilities of those that have an involvement in the events process and the event organiser.
- Sets out the factors that the Council considers in making a decision, which will help organisers to understand the process and provide clear justification for the Council to refuse permission for an event on Council land, should it be necessary to do so.
- Details the new processes and the “Conditional Agreement” (which supersedes the LTO – Licence to Occupy) that has been introduced for holding events on Council land through the new on-line application system.
- Previously the Council had very limited grounds for refusing permission for an event held on its land. This has been addressed in the wording of the revised policy, which includes clear guidance on the council’s events management policy objectives. It also sets out the grounds for refusing an application to hold an event on Council land.
- Clarifies the rules published by the Showman’s Guild in respect of established rights.
- Clarifies whether an applicant has the authority to sign on behalf of the organisation they say they are representing and provides guidelines on what constitutes an acceptable signatory.
- Improves the process for managing events within the Council and will address issues that have been raised within the current arrangements.
- Enables members of the Safety Advisory Group to consider all aspects of health and safety, insurance liabilities and other risk documentation to ensure a safe event and allow the “Conditional Agreement” ( which replaces the previous “Licence to Occupy”) to be issued.

3.2 An accompanying set of Events Management Procedures have been produced as guidance to officers for managing events.

### **4. EVENTAPP**

4.1 The main features of the new EventApp online system are:

- Event organisers requiring road closures or those holding events on Council owned and / or controlled land or those organising large events on private land, now have to provide the required information in EventApp.
- Applications will not be accepted unless all the required fields are completed, which saves officer time in dealing with incomplete applications.
- Application on EventsApp goes direct to agencies outside SDC (e.g. KCC Highways and Safety Advisory Group members) which reduces the need for the Event Officer to act as an intermediary.
- The introduction of EventApp has reduced the need to hold unnecessary Safety Advisory Group meetings because agencies can resolve any issues with event organisers directly rather than through the Events Officer.

### **5. CONCLUSION**

- 5.1 The revised Events Management Policy (and accompanying Events Management Procedures) provide a clearer overview of the Council's approach to events and use of the new online events application process. In addition event safety is part of the Health and Safety enforcement role (a statutory duty for the Council) and the policy enables the Council to meet this duty by ensuring the events in the District are managed safely.
- 5.2 One of the unresolved issues relates to road closures as Kent Police and KCC Highways are currently in disagreement over the use of the Town Police Clauses Act 1847 (as amended) (TPC) for road closures. The TPC has been historically used to close roads, but Kent Police consider that it is archaic and no longer fit for purpose.
- 5.3 Discussion is ongoing at national level and between Kent Police, and KCC Highways to address the issue referred to in 5.2 above and is yet to be resolved. The policy therefore recommends event organisers to make applications early to allow for discussion with KCC. Whilst this situation is unsatisfactory it is beyond our control and is being negotiation by the relevant parties.
- 5.4 Following adoption of the revised Events Management Policy, the District Council web pages will be updated.

## **6. Implications**

- Legal (DK): There are no legal implications arising directly out of this report
- Resources (LH): There are no financial implications within this report.
- Equalities (JL): The Events Management Policy aims to give a fair service across all sectors of the community. A new EIA has been carried out.
- Communications (ML): The introduction of EventApp as part of the digital transformation project has helped streamline teams (including communications) involvement in events management and an updated policy is undoubtedly necessary. It should be noted that there has already been publicity about the council's discussing the banning of lantern and balloon launches from our land.
- Human Resources (PR): There are no direct HR implications arising from this report, but officers need to be aware of potential job title and responsibility changes for purposes of the policy.
- Transformation (SR): There are no issues arising from this report that will directly impact the Transformation project. However, an updated Events Policy in conjunction with the Council's recent introduction of EventsApp, the Cloud based digital events app, will only further enhance our digital platform for customer self-serve, efficient service delivery and reducing the administrative burden.

## **9. CONTACT OFFICER AND BACKGROUND DOCUMENTS**



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# Folkestone & Hythe District Council Events Management Policy 2018

## Folkestone & Hythe District Council Events Policy

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## 1. Introduction

- 1.1. Folkestone & Hythe District Council owns and manages numerous areas of land in the district and currently facilitates a significant number of varying events within these areas each year. This policy will detail the Council's goals in facilitating the staging of events. The accompanying **Events Management Procedures Guidance** will outline what is required / expected of event organisers when planning or facilitating events in and around the district.
- 1.2. The Council understands that each park and open space is used by a variety of people for a range of purposes. This is why the Council will go through careful planning and consultation so that benefits from events can be maximised, while keeping disruption to any specific location, the local environment, local residents and the local business community is kept to a minimum.
- 1.3. This policy applies to events on land and parks owned or managed by the District Council, or are large scale events on private land that require specific traffic and/or safety management planning.
- 1.4. It is recommended that small scale events on private land, which do not require specific permissions, are nevertheless recorded on the District Council's EventsApp.

## 2. Benefits to the Community

- 2.1. Well organised festivals and events are recognised for their ability to produce benefits for the local economy, bring life to an area, create interest in the area and reflect the District's cultural diversity.
- 2.2. This policy will focus on events that take place in the District Council owned parks and open spaces.
- 2.3. This document provides a framework for events and festivals in the district. It recognises that major events represent business, cultural, leisure and sporting assets and make a positive contribution to the perception of an area, help to stimulate economic activity and enhance social and cultural wellbeing.
- 2.4. The Folkestone & Hythe district has an established history and tradition of hosting events and festivals. There is a comprehensive and diverse range of activities from music, historic, arts and cultural events to community events that have direct links to the well-being and cohesion of the local community.
- 2.5. Through the facilitation of events, the Council can promote itself as a place of business, culture and community. Many additional benefits can be drawn from facilitating events with each event potentially benefiting different sectors of the community and local businesses. A cross section of the community will need to be represented throughout the programme of events and consideration will also need to be given to the impact events will have on local businesses, communities and residents.
- 2.6. The benefits associated with events can include:

- An improved awareness of Council owned and managed land
- Opportunities for young people through performance and employment
- A cultural boost to the local community
- Development of a strong community
- Improvements on cross community relations
- A boost to the local economy
- Business opportunities both at and surrounding events
- A source of income for local projects through fundraising
- Enhancing the image of the district
- Stimulating inward investment

2.7. The District's events and festivals are an integral part of delivering core elements of the Council's Corporate Plan and Economic Development Strategy.

### **3. Aims and Objectives**

3.1. The aim of this Events Management Policy and the accompanying Events Management Procedures Guidance is to outline how events in the Folkestone & Hythe district should be run for the benefit of the district, its residents, the event organisers and those who attend events.

3.2. To achieve this aim, the council will seek to achieve the following objectives:

- Will work towards ensuring effective forward planning and management of events, with public safety and the minimisation of public nuisance always being a priority.
- Ensure that events are being run with due regard to the correct and current legal requirements as well as industry best practice and specific Council policies.
- Events are planned and run with sufficient environmental protection policies in place to ensure the protection of the district's assets and with minimal disruption to the environment and wildlife.
- Sufficient and thorough consultation will be carried out with key stakeholders in a timely fashion to maintain a diverse programme of events that are suitable and have been accepted by the wider local community.
- The range and number of events are sensitively increased across the district to maximise income for the Council and local businesses where possible, while ensuring that the disruption or nuisance to affected communities is kept to an acceptable level.
- To encourage the local community to organise events that are popular and well attended
- To ensure events contribute to and enrich the cultural diversity, vibrancy, economic vitality of the district.
- To ensure that event organisers are aware of their responsibilities and that these are fulfilled.

## 4. Type of Events

4.1. Most events differ depending on their scale, location, content, purpose and target audience. It is easy to recognise that a large music concert will require significantly more planning, have an increased impact locally and will incur higher associated costs than a small community fair. However, particular elements of planning / consultation and indeed costs are relevant whatever the size or content.

4.2. Through the 'type of event' classification, hire charges, licence fees and other associated costs can be determined along with the level of planning and the appropriate notice required to plan effectively for an event. Events can be classified according to the following considerations:

- **Purpose:** What is the purpose of the event? Is it a community led project, a commercial venture, a private event or a corporate event? (see section 5)
- **Scale:** How many will attend? Are there any special considerations? (see section 6)
- **Content:** What is the content of the event? (see section 7)
- **Licensing:** Does the event provide licensable activities, such as the sale of alcohol, the provision of music / performance / facilities for dancing or late night refreshment? (See licensing section for full list of licensable activities)
- **Duration and Timings:** The duration and proposed timings of the event
- **Location:** What is the proposed location of the event? (see section 9)
- **Impact:** What are the likely impacts on the local community?
- **Stakeholder interest:** What involvement will there need to be for Police, Highways agency, Ambulance services etc.

4.3. From these considerations the Council will gain an indication of any negative impact of an event on the district or the district's residents. This will influence the Council's decision on whether an event will be granted permission to proceed.

## 5. Purpose of the Event

### Community Event

5.1. When the event is organised by the community for the community, it is free to enter/attend and is not for the purpose of selling or promoting a commercial product, it shall be deemed as a "Community Event". Further to this, community events are generally not-for-profit, but can still be regarded as a "Community Event" if they are fundraising through charging entry to an event. This can only be considered where all monies gained through entry charges, trader's fees, caterer's fees and any other means go directly to benefiting the community or a non-exclusive community organisation. Ultimately the decision lies with the Council as to whether an event is considered a "Community Event."

### Charity / Fundraising Events – Local and National

5.2. This category includes events that are organised by not – for – profit organisations but can also include events run by commercial companies for charitable fund raising e.g. bike rides and charity runs. These events will need to benefit the district and local residents.

### Commercial Events

5.3. Commercial events are deemed as events that provide a beneficial gain to a particular individual, group or company, be it financial or promotional. The following events are classed as commercial events; however the list below should not be considered exhaustive:

- Corporate events
- Commercial Music, Cultural, Theatre or Comedy, Concerts or Festivals
- Marketing and promotional activities for profit making organisations (not charitable or fundraising)
- Circuses
- Fun Fairs
- Private events e.g. a wedding reception / private party / large picnic

5.4. An event can fall into more than one category e.g. events can be community-led and also be considered commercial. The final decision on how an event is classified will rest with the District Council.

## **6. Scale of the Event**

### Small Scale Events

6.1. Small events are classified as those with a potential attendee and staffing level of under 500. Organisers will need to limit capacity to the agreed level accordingly. (Events using a temporary event notice are limited to 499 attendees.)

### Medium Scale Events

6.2. Medium scale events are defined as those with a potential attendee and staffing level of between 500 and 4,999. Organisers will need to limit capacity to the agreed level accordingly.

### Large Scale Events

6.3. Large scale events are classified as those with a potential attendee and staffing level of between 5,000 and 9,999. Organisers will need to limit capacity to the agreed level accordingly.

### Special Events



6.4. These are defined as:

- Any event with attendance and staffing levels of 10,000 or more will be classified as a special event.
- Any event that the District Council considers to be particularly disruptive, it might be deemed as a special event, even if the potential attendee and staffing level is under 10,000.

6.5. The District Council will take into consideration the impact of both the maximum attendance at any one time and the total footfall of the event. It will also be the decision of the Council as to whether the total footfall or maximum attendance at any one time should be used to determine the scale of an event that spans multiple days.

6.6. The scale of an event will determine the required notice period to be given to the District Council to enable sufficient planning, and the level of fees and charges. See the Council's website for more information on event timeframes and fees and charges. [www.folkestone-hythe.gov.uk](http://www.folkestone-hythe.gov.uk)

### Major (Strategic) Event

6.7. These events may be large or small but require extensive planning and very high security. Examples are large public spectacles which have national and/or international significance, such as a. Royal visit, Tour de France, Olympic Torch Relay, G8 Summit, etc.

## **7. Content of the Event**

7.1. The content of the event will be a determining factor in the decision to grant permission to stage the event. The Council will consider each application individually to ensure there is a broad spectrum of events that benefits the community and local businesses. In addition to these considerations, the Council reserves the right to determine the types of events deemed suitable for Council-owned and managed land. The final decision on suitability will rest with the District Council.

7.2. Special consideration will need to be given to events of a sensitive nature. Further consultation will be required from the District Council on events such as:

- Political rallies or events organised by groups affiliated with political organisations
- Events featuring adult or offensive content
- Events featuring animals
- Events featuring performances by children
- Religious events
- Events organised by extremist organisations
- Demonstrations

7.3. Such events might be required to submit additional material to support their application. This might include, but is not limited to a copy of an "Animal Welfare Policy", for an event.

The District Council will provide further advice on this. Events featuring performances by children may require details of safeguarding policies.

## **8. Location of the Event**

- 8.1 Events at different types of locations or specific places within the Folkestone & Hythe district are subject to different requirements and different procedures need to be followed for these places, as set out in the Events Management Procedures Guidance.

### Radnor Park

- 8.2 The use of Radnor Park for events is restricted to 28 days per calendar year and can only be held on Radnor Park between 1st June and 30th September, due to planning legislation.
- 8.3 Events on Radnor Park must not commence before 7.30am and must end by 10.30pm. No music is to be played before 10am or after 10.30pm.

### The Leas

- 8.4 There are covenants that control the type of event that can be held on The Leas. Every event, including for the bandstand, is subject to the agreement of the Radnor Estates which will need to grant permission in writing.
- 8.5 The Leas does not have planning permission for use for events so therefore the number of days use for events is limited to 28 days.

### Sandgate Road Pedestrian Precinct

- 8.6 Kent County Council have authorised Folkestone & Hythe District Council to grant consent for events to be held on the pedestrianised length of Sandgate Road. Although this is a highway, a road closure is not required to use this area.
- 8.7 Folkestone Town Centre Management will be consulted about any proposed events to ensure that there are no other activities or bookings for the Precinct. KCC Highways have given permission to Folkestone Town Centre Management to allow the hire of the Precinct for other purposes.

### Private Land

- 8.8 Organisers of 'small events' on private land are not required to notify the Council.
- 8.9 For any type of event, other than a 'small event' on private land, the event's organisers must submit an application to the Council, following the timescale as set out in the Events Management Procedures Guidance.

### Council-owned land

- 8.10 See section 9.

## **9. Council Commitment on Events**

## 9.1 The Council will:

- Enable events to be held on Council land, including granting permission to use Council land, subject to the application procedures and considerations outlined in this policy.
- Make available through EventApp, application forms, template documents and guidance to enable the organiser to notify the Council of an event, apply to use Council land, apply for a road closure and plan a safe event.
- Process applications for events being held in the district and formalise relevant permissions, where appropriate.
- Offer advice to event organisers in respect of their responsibilities to ensure the health and safety of staff, participants and the public attending their event.
- Give agencies, who are members of the Safety Advisory Group (see section 9.11 for details), access to event application documentation to scrutinise. Safety Advisory Group members will contact event organisers direct to discuss any issues. Safety Advisory Group meetings can also be convened for major and high risk events.
- Aim to provide further learning opportunities for event organisers, in the form of seminars and develop a mailing list in order to disseminate relevant information.

## 10. Events on Council Land

### 10.1 The following activities are not permitted on Council land:

- Lantern releases
- Balloon releases, except where the materials used are fully biodegradable
- The use of live animals as prizes
- Circuses which include live animal acts.
- Bonfires, unless prior permission is sought and granted.

### 10.2 Showman's Guild rules in respect of established rights will not apply to any area of Council land.

### 10.3 In most circumstances, the Council will operate a first come, first served policy when it comes to reserving and granting permission for events on Council land, with the exception of Radnor Park. However, where restrictions apply to Council land, or there are multiple requests for an event location on the same date, then the Council will determine a fair and balanced allocation of events between different applicants, in line with the aims and objectives of this policy.

### 10.4 In deciding whether to grant or refuse permission to use Council land for an event, the following factors will be considered. Please note that this is an indicative, but not exhaustive, list:

- the suitability of the land for the event that is being planned
- the availability of the land for booking

- the receipt of sufficient documentation, including insurance, from the organiser within the required timeframe
- whether any invoice for a deposit and/or fee for the use of the land has been promptly paid
- whether any covenants, planning restrictions or licencing limitations may be affected by a proposed event
- the permission of the landowner for the event, where the land concerned is managed, but not owned, by the Council
- whether the proposed event complies with equality and discrimination legislation
- whether the event will bring positive benefits to the District
- whether the event or the event organiser has attracted genuine complaints to the Council in the past, or the Council holds a reasonable belief that such complaints may occur in respect of a proposed event. The types of complaints, whether actual or potential, that may be considered include, but are not restricted to, the following:
  - Flyposting carried out by the event organiser, or on their behalf
  - Litter left after an event, or other negative impacts on the environment resulting from an event, including damage to Council land or property
  - Noise complaints
  - Failure to comply with restrictions applied to a previous event
  - Safety concerns raised by the public, Council Officer, or a member of the Safety Advisory Group.
  - Anti-social behaviour or concerns in respect of community safety

## **11. Charges for Events**

- 11.1 Council charges for land hire for the purpose of an event will be based on the nature of the event being held. These charges are set annually as part of the Council's review of fees and charges. (see <https://www.folkestone-hythe.gov.uk/events/event-fees-and-charges>).
- 11.2 A deposit may be charged in accordance with the Council's and Folkestone Parks & Pleasure Ground Charity fees and charges at the time.
- 11.3 Charges for the use of Council land will be payable in accordance with the Council's and Folkestone Parks & Pleasure Ground Charity fees and charges at the time.
- 11.4 The Council reserves the right to recover any costs from the event organiser which the Council incurs in making good damage caused to its property by the event. This may be over and above any deposit sum, where one has been taken.
- 11.5 Events generating increased use of public conveniences (whether within the event perimeter or in the vicinity thereof) which results in additional cleansing and restocking costs to the Council, may be charged in accordance with the Council's and Folkestone Parks & Pleasure Ground Charity fees and charges at the time. This may also apply where the organiser has requested that the Council keep public conveniences open outside of their usual hours.

11.6 For Major Events, permission is given for use of council land in the form of a Licence to Occupy. A charge will be made for drafting the Licence, in accordance with the Council's Fees and Charges Schedule at the time.

11.7 A charge will apply if a Temporary Events Notice is required, for example where the event includes the sale of alcohol.

11.8 KCC Highways Agency will issue a charge for a road closure.

11.9 In the case of any conflict between this policy and the Council's Fees and Charges Policy the latter takes precedence over this Events Management Policy.

## **12. Review**

12.1 This policy will be reviewed every 5 years. Minor alterations to the policy can be approved by the Corporate Director Strategic Development with responsibility for events in consultation with the Cabinet Member responsible for the service. Any substantive alterations to the content of the policy will be approved by Cabinet.

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This Report will be made public on 10 July 2018



Report Number **C/18/23**

**To:** Cabinet  
**Date:** 18 July 2018  
**Status:** Non key decision  
**Head of service:** Charlotte Spendley, Head of Finance  
**Cabinet Member:** Cllr Malcom Dearden, Portfolio Holder for Finance

**SUBJECT:** RISK MANAGEMENT POLICY & STRATEGY

**SUMMARY:** This report presents an updated Risk Management Policy & Strategy for adoption by Cabinet which will provide a framework for officers to develop a refreshed Corporate Risk Register as well as Operational, Project & Partnership Registers in due course.

**REASONS FOR RECOMMENDATIONS:**

A clear framework as outlined within the strategy will ensure consistency in approach across the organisation, provide clarity of roles with respect to Risk Management and enable progress towards an embedded Risk Management culture within the organisation.

**RECOMMENDATIONS:**

1. To receive and note report C/18/23
2. To adopt the proposed Risk Management Strategy

## **1. BACKGROUND**

- 1.1 The Risk Management Policy and Strategy was last refreshed in 2014, in line with good practise a full review of the Policy Statement and Strategy has been undertaken to ensure it remains effective and applicable for the organisation.
- 1.2 Effective risk management is a key framework in the management of a complex organisation such as Folkestone & Hythe District Council. The new strategy seeks to provide Members and officers with a clear framework by which to work within, as well support the development of a risk management culture within the Council.
- 1.3 The Financial Procedure Rules state:  
“It is the overall responsibility of the Cabinet to approve the Council’s Risk Management Policy and Strategy, review it on an annual basis and to promote a culture of risk management awareness throughout the Council.”  
This report seeks to support the Cabinet in fulfilling this responsibility.

## **2. CHANGES TO THE POLICY & STRATEGY**

- 2.1 The objectives of the Policy have been amended to reflect the desire to create a mature approach to risk management within the Council, where risk based decision making is undertaken and risk management becomes proactive and embedded in our normal management and business processes. This approach will be particularly key as the Council embarks on a more commercial agenda.
- 2.2 To enable this the scoring of risk has been simplified and guidance included within the Strategy to provide officers with a benchmark by which to score against. Additionally greater clarification has been provided on the options for mitigation to assist officers in determining appropriate actions to control the identified risks.
- 2.3 The risk management cycle (Identify, Assess, Prioritise, Mitigate, Control, Review) remains similar to the previous approach, as are the overarching categories of risk that will be captured through the different risk registers (Corporate, Operational, Project & Partnership), however greater clarity has been provided to aid the understanding of how risks will be captured for each register and also how the registers may interact with each other.
- 2.4 Finally the proposed layout of the Risk Register has been amended to include information on the proposed mitigation for the identified risk, including proposed actions, timeframes, and target score for the identified risk. Additionally a risk matrix will be developed which will be a pictorial version of the current score of risks, which provides a snapshot of the risk exposure for Members at a point in time.



### 3. SUMMARY & NEXT STEPS

- 3.1 The Corporate Leadership Team had commissioned the review of the Policy & Strategy in late Spring as the need to relaunch our approach to Risk Management had been identified. However since this the Peer Review has been undertaken which also identified the need to review and adopt a fresh approach as a priority action. It is encouraging that work was already underway on this point.
- 3.2 All Heads of Service and Directors have been consulted in the preparation of this document, to ensure that it is fit for purpose and understood by all, this should aid the next steps proposed.
- 3.3 SMT are meeting on 9 July to commence the development of a new Corporate Risk Register, which will be reported to Members in September. Additionally work will be commencing on refreshed Operational, Project and Partnership Risk Registers over the coming months.

### 4. RISK MANAGEMENT ISSUES

#### 4.1

Perceived risk	Seriousness	Likelihood	Preventative action
Failure to have a current Risk Management Policy & Strategy adopted will cause inconsistencies in approach across the Council	High	Low	A revised Policy & Strategy document has been prepared and relevant officers consulted.
Failure to have a current Risk Management Policy & Strategy adopted will affect the Councils ability to deliver effectively on its Corporate Plan objectives	High	Low	A revised document has been prepared for adoption that provides for the management of Corporate Plan Objective risks.

### 7. LEGAL/FINANCIAL AND OTHER CONTROLS/POLICY MATTERS

#### 7.1 Legal Officer's Comments (AK)

There are no legal implications arising directly from this report

#### 7.2 Finance Officer's Comments (CS)

There are no direct financial implications of this report.

### 7.3 **Diversities and Equalities Implications (CS)**

There are no direct implications of this report.

## 8. **CONTACT OFFICERS AND BACKGROUND DOCUMENTS**

Councillors with any questions arising out of this report should contact the following officer prior to the meeting

Charlotte Spendley, Head of Finance

Telephone: 01303 853420

Email: [charlotte.spendley@folkestone-hythe.gov.uk](mailto:charlotte.spendley@folkestone-hythe.gov.uk)

The following background documents have been relied upon in the preparation of this report:

### **Appendices:**

Appendix 1: Risk Management Policy & Strategy

# **Risk Management Policy & Strategy**

**June 2018**



# Risk Management Policy

## 1. Policy Statement

The Risk Management Policy of Folkestone & Hythe District Council (FHDC) is to adopt best practice in the identification, evaluation, and cost effective control of risks.

Risk is a factor of every-day life and can never be eliminated completely. FHDC is exposed to risk through threats to service provision, failure to deliver its strategic objectives and from the potential of lost opportunities.

All employees must understand the nature of risk and accept responsibility for risks associated with their area of authority. The necessary support, assistance and commitment of senior management will be provided.

Ultimately, effective risk management will help ensure the Council maximises its opportunities and minimises the risks it faces, improving our ability to achieve our strategic objectives and have an effective and sound system of governance in place. This framework will be particularly helpful in moving towards a more commercial approach.

## 2. Objectives

The council's risk management objectives are to:

1. Develop risk maturity and establish an appropriate risk appetite focussed on identifying, managing and mitigating risks which may prevent the Council from achieving its strategic objectives.
2. Manage risk in accordance with best practice.
3. Embed risk management in our normal management & business processes
4. Anticipate and respond quickly change.
5. Minimise the total cost of risk.

These objectives will be achieved by:

1. Establishing a risk management organisational structure to act in an advisory and guiding capacity and which is accessible to all employees.
2. Adopt processes, which demonstrate the application of risk management principles across the whole council.
3. Providing risk management training as necessary.
4. Devise and maintain contingency plans in key risk areas to secure business continuity where there is a potential for an event having a major impact upon the council's ability to function.
5. Have a proactive approach to managing and anticipating events before they happen through maintaining effective communication and the active involvement of councillors and officers.
6. Monitor arrangements continuously, learning from our mistakes and near misses.

### **3. Review period**

In line with our policy to follow best practice, the Risk Management Strategy will be reviewed annually during Quarter 4 of the financial year so as to capture developments in relevant risk management approaches.

## **Section 2 – Risk Management Strategy**

### **1. Introduction**

1.1 Risk management will help identify and deal with key corporate risks facing the organisation in the pursuit of its objectives; it is a key part of good management, not simply a compliance exercise.

### **2. What is risk management?**

2.1 “It is the process whereby organisations methodically address the risks attaching to their activities with the goal of achieving sustained benefit within each activity and across the portfolio of all activities.” (*A Risk Management Strategy* by the Institute of Risk Management)

2.2 In layman terms, risk management is about ensuring that processes, projects, services and activities are delivered in the best possible manner, while reducing the probability of failure and maximising opportunities.

### **3. The benefits of good risk management**

3.1 Good risk management supports the achievement of the council’s objectives and has a crucial role to play in ensuring that Folkestone & Hythe District Council is well run. Risk management is about managing the threats that may hinder delivery of our priorities and core services, and maximising the opportunities that will help deliver them. It is important that risk management is aligned to the service plans, MTFS, Corporate Plan, policy making, performance management and strategic planning of the organisation.

3.2 The key benefits of a systematic approach to risk management are:

- Protects and enhances the reputation of Folkestone & Hythe District Council
- It provides a framework for future activity to take place in a consistent manner
- Contributes to a more efficient use of capital and resources
- Assists in the protection and enhancement of assets
- Optimises operational efficiency and focus

## **4. Types of risk – corporate, operational, project and partnership**

**4.1** Risk Management is integral to corporate planning, specific projects and service management. Categories of risk to be considered are:

### **4.2 Corporate risks**

These are risks that need to be taken into account when looking at the medium to long term objectives of the council. Corporate risks would typically be identified and addressed within the council's Corporate Plan or Medium Term Financial Strategy (MTFS). These risks can be identified through the following sub-categories (this is not an exhaustive list but intended to provide guidance):

- Political – those associated with a failure to deliver either local or central government policy.
- Economic – those affecting the ability of the council to meet its financial commitments.
- Social – those relating to the effects of demographic changes on the council's ability to deliver its objectives.
- Technological – includes the consequences of internal technological failures on the council's ability to deliver its objectives.
- Legislative – those associated with current or potential changes in national or European law.
- Environmental – those relating to environmental consequences of progressing the council's Corporate Objectives.
- Competitive – those affecting the competitiveness of the service and/or its ability to deliver best value.
- Customer – those associated with the failure to meet the current and changing needs and expectations of customers.
- Reputation – those relating to public confidence and failure to recruit high calibre staff.

### **4.3 Operational risks**

These are generally identified and managed by Assistant Directors, Heads of Service and Service Managers as part of their operational business remit. These are risks that managers and staff will encounter in the daily course of their work and can be identified through the following sub-categories:

- Professional – those associated with the particular nature of each profession.
- Financial – those associated with financial planning and control and the adequacy of insurance cover.
- Legal – those related to possible breaches of legislation, breach of contract, negligence, etc.
- Physical – those related to fire, security, accident, prevention and health and safety.
- Contractual – those associated with the failure of contractors to deliver services or products to agreed cost and specification.

- Technological – those relating to reliance on operational equipment.
- Environmental – those relating to pollution, noise or the energy efficiency of ongoing service operations.
- Human Resources – those relating to staff issues.

#### 4.4 Partnership risks

Folkestone & Hythe District Council works with a range of partners to deliver services. It is important that those partners are brought into the risk management framework to ensure that risks to the council are not overlooked. Risks are identified and addressed in formal partnership agreements and contracts as appropriate. The primary risks are:

- Financial – failure to understand the potential financial liabilities associated with partnership arrangements.
- Reputation – loss of public confidence.
- Contractual – contract requirements not delivered.
- Legal – failure to understand the potential legal liabilities associated with partnership arrangements.
- Service failure – the associated risk of increased costs.

#### 4.5 Project risks

Folkestone & Hythe District Council has a number of major strategic projects that require risk mapping. These projects will have inherent risks and opportunities. Where the project poses a significant risk or is of strategic importance to the delivery of the Corporate Plan an overall risk should be identified within the corporate risk register. The project itself should have a project risk register that is managed by the Project lead/ Project Sponsor and regularly reviewed by the wider project team.

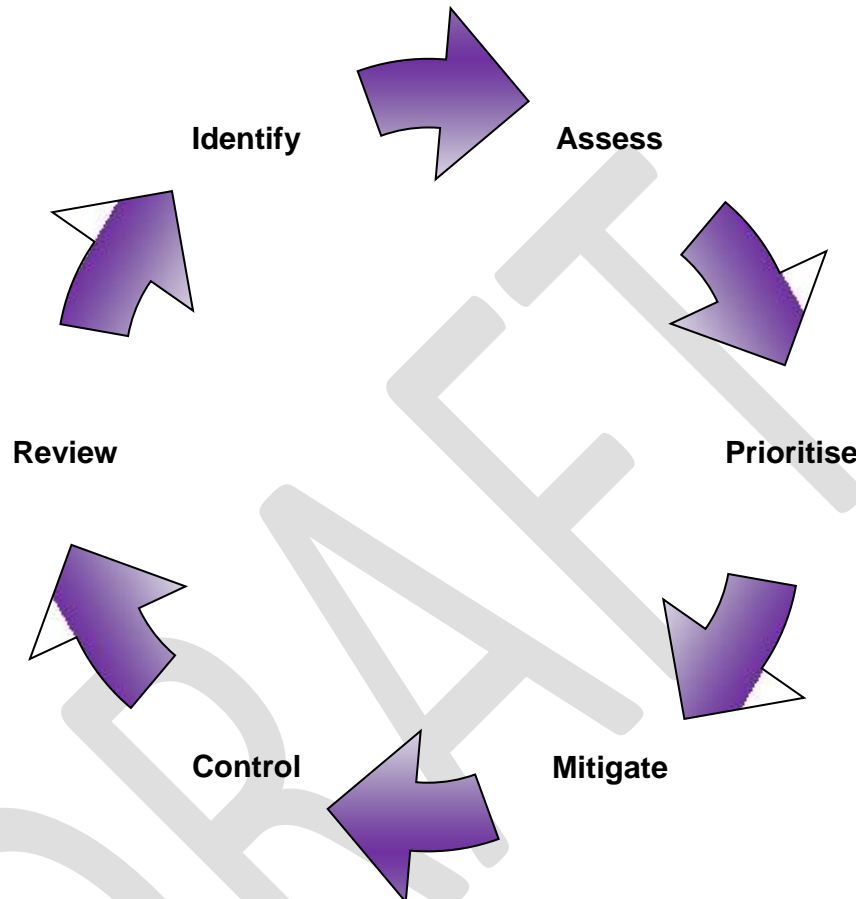
### 5. Risk management cycle

5.1 There are a number of steps in the cycle of identifying and managing risks within the council. These should be as follows:

- **Identify** – a need to identify the potential risks that may arise if informed decisions are to be made about policies or service delivery methods.
- **Assess** – available data should be used to provide information to help assess the probability of any risk arising or the potential impact on activities undertaken.
- **Prioritise** – action determined on the tolerance and aversion to risk, balanced against the availability of limited resources.
- **Mitigate** – should the risk be terminated, tolerated, treated or transferred.
- **Control** – once the appropriate action is determined for each risk, the process of controlling that risk can commence. This will either involve minimising/eliminating the risk and/or alleviating its potential impact.

- **Review** – risk management needs to be seen as a continuous process. It is essential that the incidence of risk be reviewed to see whether it has changed over time.

5.2 The risk review cycle is captured in the diagram below, which emphasises the need for risk to be embedded as an ongoing process throughout the organisation (diagram 1):



## 6. Risk identifying, assessing and prioritising

6.1 Risk assessment is about asking:

- What can go wrong?
- What are the opportunities that may be missed?
- What is the likelihood of it going wrong?
- What is the impact should it go wrong?
- What can be done to mitigate the risk?

6.2 This approach can be applied to decisions made every working day, at all levels of the council. However, to ensure appropriate risk management is embedded throughout the organisation formal risk identification is also necessary to capture the key risks faced and identify appropriate mitigation.



**6.3** Risks are scored out of four for their likelihood and potential impact. These two figures are multiplied together to give the risk score. This is shown in the Risk Scoring Matrix below. The risk scores then provide an overall ranking for each risk.

**6.4 Risk Management Matrix (diagram 2)**

<b>Likelihood</b>	<b>Very Likely (4)</b>	<b>Moderate (4)</b>	<b>High (8)</b>	<b>Extreme (12)</b>	<b>Extreme (16)</b>
	<b>Likely (3)</b>	<b>Low (3)</b>	<b>Moderate (6)</b>	<b>High (9)</b>	<b>Extreme (12)</b>
	<b>Unlikely (2)</b>	<b>Very low (2)</b>	<b>Low (4)</b>	<b>Moderate (6)</b>	<b>High (8)</b>
	<b>Rare (1)</b>	<b>Very low (1)</b>	<b>Very low (2)</b>	<b>Low (3)</b>	<b>Moderate (4)</b>
		<b>Minor (1)</b>	<b>Moderate (2)</b>	<b>Significant (3)</b>	<b>Severe (4)</b>
	<b>Impact</b>				

**6.5** The definitions of likelihood and impact are outlined below, these are intended as guidance:

## Likelihood

Rating	Score	Likelihood
Very Likely	4	More than 85% chance of occurrence Regular occurrence Circumstances frequently encountered
Likely	3	More than 65% chance of occurrence Likely to occur within next 12 months Circumstances have been encountered
Unlikely	2	31%-65% chance of occurrence Likely to happen within next 2 years Circumstances occasionally encountered
Rare	1	Less than 30% chance of occurrence Circumstances rarely encountered or never encountered before

## Impact

Rating	Score	Impact
Severe	4	Loss of service for a significant period Fatality to an employee, service user or other Failure to meet major corporate objective Breach of law Financial loss in excess of £500k
Significant	3	Financial loss in excess of £250k Intervention in running a single service area Significant or disabling injury Failure to achieve a high profile major service objective Breach of contractual arrangement
Moderate	2	Service interruption Injury to employee, service user or other Financial loss between £50k-£250k Adverse media coverage/ high levels of service user complaints Failure to achieve a service objective
Minor	1	Minor service disruption/ short term inconvenience Financial loss less than £50k Isolated service user complaints Failure to achieve a team objective

**6.6** Once risks have been scored, decisions can be made on the appropriate mitigating action (see Section 7 below).

## 7. Mitigating actions to control the risk

- 7.1 Once a risk has been identified analysed and profiled, there are four ways to control the risk:
- **Treat** – identify and put in place mitigating actions that reduce the risk to an acceptable level.
  - **Transfer** – the risk is transferred partially or fully to a third party (e.g. contractual agreement/ insurance) to share the risk exposure. This may have a cost attached and whilst the financial risk may be transferred, a reputational risk may remain with the authority.
  - **Tolerate** – Some risks can be tolerated without any further action being taken. For some risks, no further action may be possible or the cost may be disproportionate to the potential benefit gained (consideration should be given to a contingency plan for handling the impact if the risk crystallises).
  - **Terminate** – stop the activity or function that gave rise to the risk (where possible).
- 7.2 If the option is to treat or control the risk, then a decision needs to be made on the best control to put in place. Controls need to be proportionate to the risk and need to give reasonable assurance that the loss will be confined to within an acceptable level for the authority.

## 8. The Corporate Risk Register

The council's Corporate Risk Register is the core element of the arrangements laid out in this strategy as it represents an articulation and assessment of key risks facing the organisation. As such only the key risks identified in the council's Corporate Plan and MTFS would typically be included in the Corporate Risk Register. In addition where appropriate emerging or changing operational or partnership risks identified by Heads of Service that have a significant bearing on the organisation will be discussed with CLT (Corporate leadership Team) to determine whether these risks need to be included on the Corporate Risk Register. A more details explanation of this process is provided in Section 9 (below).

The diagram below (diagram 3) outlines the risk management journey outlined in this strategy and relationship to the Corporate Risk Register:



## **9. Responsibility and ownership of risk management**

Clear identification of roles and responsibilities is paramount to ensuring the successful adoption of risk management and its embedding into the culture of the council. This strategy supports the roles and responsibilities as outlined in the Financial Procedure Rules, Section C.1. In addition this section sets out how these responsibilities are to be applied.

### **9.1 Cabinet and Elected Members**

Cabinet and Elected Members are to oversee the effective management of risk throughout the council. As such Cabinet will review the council's Risk Policy and Strategy and Corporate Risk Register annually in Quarter 2 of the financial year (following these documents being reviewed by the Corporate Management Team and Audit and Governance Committee in Quarter 1). It is also expected that relevant risks are discussed at monthly Portfolio Holder Meetings with Corporate Directors.

### **9.2 Corporate Leadership Team**

The council's Corporate Leadership Team (CLT) are to ensure that the council manages risk effectively through the development and embedding of the Risk Management Strategy plus monitoring its implementation and development. CLT will review the council's Risk Policy and Strategy and Corporate Risk Register annually in Quarter 1 of the financial year, ahead of these documents going to Cabinet and Audit and Governance Committee.

CLT will undertake a formal quarterly review of the corporate risk register but will also actively consider emerging or changing risks on a regular basis.

### **9.3 Assistant Directors/Heads of Service**

The Assistant Director – Strategy, Performance & Communications will have overall accountability for overseeing the council's risk management framework and ensuring that the ownership and governance arrangements outlined within this strategy are adhered to.

Assistant Directors and Heads of Service are to manage risk effectively in their service areas. It is also their role to consider risks to services being delivered in partnerships and to work with partnerships to develop partnership risk registers. As such it is expected that Heads of Service work with their Managers and Team Leaders to develop and maintain Operational Risk Registers for their business unit, as well as lead or commission project/partnership risk registers where appropriate. Heads of Service will also be responsible for determining when operational risks reach such a level that they should be escalated to CLT for consideration of their inclusion in the council's Corporate Risk Register.

Heads of Service & Assistant Directors are responsible for ensuring their risk registers remain current and relevant and are encouraged to have emerging risks as a standing item on their Team Leader meeting agendas.

#### 9.4 All Council Staff

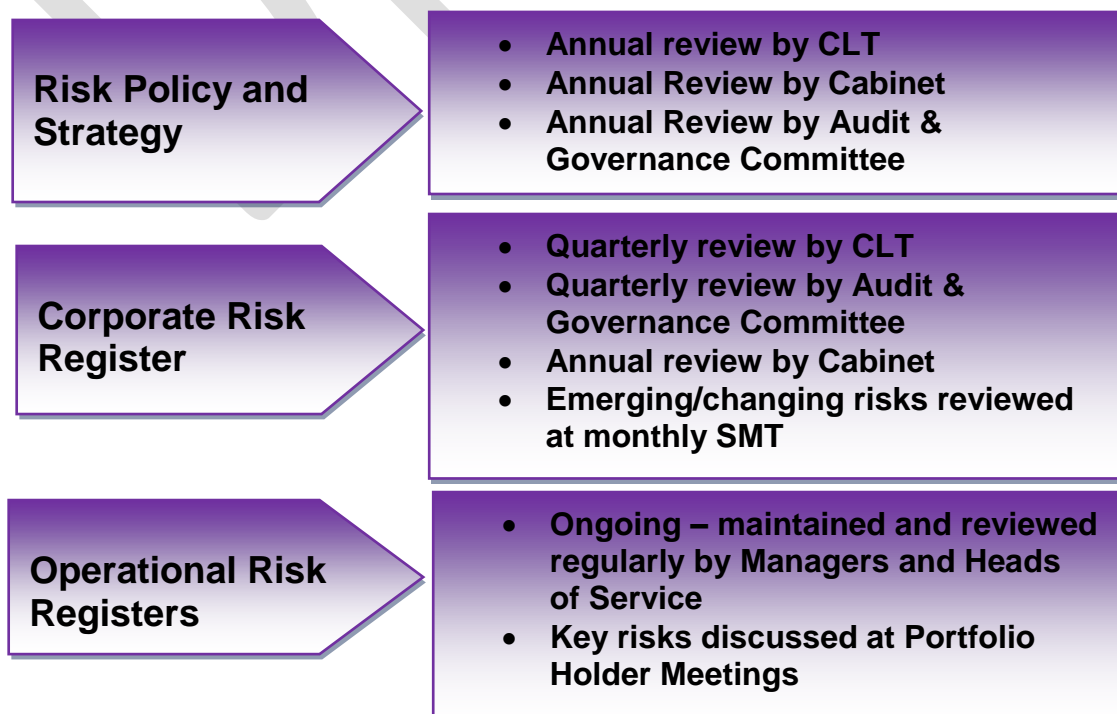
All council staff are expected to manage risk effectively in their day-to-day tasks and to liaise with their line manager to assess areas of risk within their role. Also council staff should also be familiar with the council's Risk Management Strategy and to comply with Health and Safety procedures. If any staff member feels they require training on either Risk or Health and Safety they are to raise this in their monthly one-to-one with their Team Leader. Staff should also take responsibility to escalate risks to their manager so appropriate controls can be agreed.

#### 9.5 Audit and Governance Committee

Audit and Governance Committee are to consider the effectiveness of the authority's risk management arrangements, and to seek assurance that action is being taken to mitigate those risks identified. As such an update on the Corporate Risk Register will be presented at each Quarterly Audit and Governance Committee. In addition Audit and Governance Committee will review the council's Risk Policy and Strategy and Corporate Risk Register annually in Quarter 1 of the financial year, ahead of these documents going to Cabinet.

### 11. Governance and Reporting

In line with the responsibility and ownership details outlined above the following diagram (diagram 4) details the governance and reporting timetable arrangements for both the Risk Management Policy and Strategy and the Corporate Risk Register.



## **10. Supporting Documents**

**10.1** Corporate Risk Register 2018/19 (file path)

**10.2** Financial Procedure Rules, Section C.1 (file path)

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# Folkestone & Hythe District Council- Risk Register layout

Risk ID	Risk Name	Risk Owner	Risk Description /Trigger	Actions in place	Pre-mitigation Score			Mitigation scheme (Tolerate, Treat, Transfer, Terminate)	Proposed Actions	Timeframe	Post-mitigation Score		
					Likelihood	Impact	Total				Likelihood	Impact	Total



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