



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Cabinet

Date: **Thursday 4 August 2016**

Time: **12.30 pm**

Place: **Reception Room**

For any further information please contact:

Lyndsey Parnell

Senior Elections and Members' Services Officer

0115 901 3910

Cabinet

Membership

Chair Councillor John Clarke

Vice-Chair Councillor Michael Payne

Councillor Peter Barnes
Councillor David Ellis
Councillor Kathryn Fox
Councillor Jenny Hollingsworth
Councillor Henry Wheeler

Observers: Councillor Chris Barnfather

AGENDA

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- 1 Apologies for Absence.**
- 2 To approve, as a correct record, the minutes of the meeting held on 16 June 2016.** 5 - 10
- 3 Declaration of Interests.**
- 4 Quarter 1 Budget Monitoring, Performance Digest & Virement Report** 11 - 44
Report of the Senior Leadership Team.
- 5 Prudential Code Indicator Monitoring 2016/17 and Quarterly Treasury Activity Report for Quarter ended 30 June 2016** 45 - 56
Report of the Chief Financial Officer.
- 6 Scrutiny Report - Report and Recommendations of the Obesity Working Group** 57 - 78
Report of Councillor Viv McCrossen, Former Chair of the Overview Scrutiny Committee.
- 7 Policy on Enforcement in relation to wheelie bins left on the highway after collection** 79 - 94
Report of the Community Protection Manager.
- 8 Regulation of Investigatory Powers Act 2000 (RIPA) Annual Audit and Policy Update** 95 - 116
Director of Organisational Development and Democratic Services.
- 9 Forward Plan** 117 - 120
Report of the Service Manager Elections and Members' Services.
- 10 Progress Reports from Portfolio Holders.**
- 11 Member's Questions to Portfolio Holders.**

12 Any other items the Chair considers urgent.

MINUTES CABINET

Thursday 16 June 2016

Councillor John Clarke (Chair)

Councillor Michael Payne
Councillor Peter Barnes
Councillor David Ellis

Councillor Jenny Hollingsworth
Councillor Henry Wheeler

Observers: Councillor Chris Barnfather

Absent: Councillor Kathryn Fox

Officers in Attendance: H Barrington, J Robinson, D Wakelin, A Ball and
A Dubberley

1 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor Fox.

The Leader informed members that Lorraine Brown, a colleague from Community Relations heavily involved in planning the Arnold Carnival, was currently undergoing treatment for cancer and would miss the upcoming carnival. On behalf of all members he wished her well.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 19 MAY 2016.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS.

None.

4 COUNCIL PLAN AND BUDGET OUTTURN AND BUDGET CARRY FORWARDS 2015/16

The Chief Executive introduced a report, on behalf of the Senior Leadership Team, which set out the Gedling Plan achievements; budget outturn and budget carry forwards for 2015/16. Members were given some headline performance information from the the Chief Executive as well as some areas that he was particularly focused on for improvement.

Alison Ball, Chief Financial Officer, gave a summary of the budget outturn for the year which saw an underspend against the original budget. The Cabinet thanked officers, particularly Alison Ball and the Finance Team, for the report and their hard work in achieving a balanced budget for the year.

RESOLVED

to:

- 1) Note the Gedling Plan Performance and Budget Outturn figures for 2015/16;
- 2) Note the revenue carry forwards approved by the Chief Financial Officer of £83,400 included in Appendix 2, amounts not in excess of £10,000 and committed schemes above £10,000;
- 3) Note the capital carry forwards approved by the Chief Financial Officer of £225,400 included in Appendix 2, being amounts not in excess of £50,000 and committed schemes above £50,000;
- 4) Refer to Council for approval:
 - a) The capital carry forward of £470,200 for non-committed schemes in excess of £50,000;
 - b) The overall method of financing of the 2015/16 capital expenditure as set out in paragraph 3.3;
 - c) The capital determinations set out in paragraph 3.4.

5

ANNUAL TREASURY ACTIVITY REPORT 2015/16

The Chief Financial Officer presented a report, which had been circulated prior to the meeting, informing members of the outturn in respect of the 2015/16 Prudential Code Indicators, and advising of the outturn on treasury activity, both as required by the Treasury Management Strategy.

RESOLVED:

To note the Annual Treasury Activity Report 2015/16, together with the appendices, and refer it to Council for approval.

6

FORWARD PLAN

Consideration was given to a report of the Service Manager, Elections and Members' Services, which had been circulated prior to the meeting,

detailing the Executive's draft Forward Plan for the next four month period.

RESOLVED:

To note the report.

7

PROGRESS REPORTS FROM PORTFOLIO HOLDERS.

Councillor Peter Barnes (Environment)

- Green Flag Park award judges had recently visited the Borough and it was hoped the Council would gain the award for Gedling Country Park.
- Work was underway to connect the water supply to the new temporary toilets at the Country Park.
- Fly tipping was still a persistent issue in the Borough.

Councillor Henry Wheeler (Housing, Health and Well-being)

- There was concern locally at the recent closure of the Willows GP Surgery and this was being voiced to the County Health and Wellbeing Board.
- There were various upcoming health and wellbeing events focussing on mental health as well as training on the issue for partners and staff being developed.
- The Summer Leisure programme was now published with lots of activities for the school holidays planned.
- The Gedling Park run was going from strength to strength.
- Improvements to the Bonington Theatre were progressing and a new film timetable had been published.
- The workload of the Housing Needs Service remained high.

Councillor David Ellis (Public Protection)

- At a recent South Nottinghamshire Community Safety Partnership meeting it was noted that crime levels continue to fall. There was however, concern that anti-social behaviour may have increased very recently.
- Police resources were being targeted towards mental health care.

- Hate crime remains a shared priority for the Council and its partners.
- The Council continued to work with food premises that had received a zero food safety rating and some improvements had been noted. It was also hoped to offer food hygiene training through the accredited training centre.

Councillor Gary Gregory (Policy Advisor for Community Engagement)

- The Arnold Carnival was taking place this weekend and the Netherfield Carnival and Colwick Play Day would be taking place soon.
- Work with community groups on the asset transfer plan for community centres was continuing.

Councillor Jenny Hollingsworth (Growth and Regeneration)

- There had been a disappointing level of applications for diversification funding particularly from rural businesses.
- There would be 14 craft stall holders at the Arnold Carnival organised by the Young project.
- Gedling Business Partnership was still keen to recruit small businesses to its network.

Councillor Michael Payne (Resources and Reputation)

- The contacts editorial board recently met and a feature on the Borough's range of green spaces would be on the next issue.
- The Keep Me Posted service remains popular as a tool to communicate with residents.
- Thanks to the Elections and Members Services team for their hard work supporting the upcoming EU referendum.
- In November there would be a commemoration to mark 25 years since the closure of the Gedling Pit.

Councillor John Clarke (Leader of the Council)

- Work to acquire feasibility studies on the 4th Trent Crossing continued.

In response to a question from Councillor Weisz about an email scam that affected a member of the public in her ward, Councillor Clarke said that extra vigilance was needed and information about this potential scam should be communicated widely.

In response to a question from Councillor Collis it was explained that it was not a requirement for food premises to display the local authority hygiene star rating and this was a national position.

9 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at Time Not Specified

Signed by Chair:
Date:

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Report to Cabinet

Subject: Quarterly Budget Monitoring, Performance Digest & Virement Report

Date: 04 August 2016

Author: Senior Leadership Team

Wards Affected

Borough-wide

Purpose

- To update Cabinet on the likely outturn of the Revenue and Capital Budgets for the 2016/2017 financial year. The budgets include all carried forward amounts from the 2015/2016 financial year.
- To seek Cabinet approval for budget changes outlined in this report.
- To inform Cabinet of the position against Improvement Actions and Performance Indicators in the 2016/2019 Gedling Plan.

Key Decision

This is a Key Decision

Background

- 1.1 The Council has made a commitment to closely align budget and performance management. This is in line with accepted good practice.
- 1.2 To deliver this commitment, systems to monitor performance against revenue and capital budgets, improvement activity and performance indicators have been brought together and are now embedded in the way the Council works.
- 1.3 In addition, performance reports now focus more directly on the Council's priorities and offer an "early warning" system of instance where targets may not be secured.
- 1.4 As usual, comprehensive details about current performance against the Gedling Plan can be accessed through the following link on the Council's website:-

<http://www.gedling.gov.uk/aboutus/howwework/prioritiesplansperformance/howisgedlingdoing/>

Further information on the subject of this report is available from
Alison Ball – Service Manager Finance on (0115) 9013980 or Helen Barrington – Director for Organisational Development and Democratic Services (performance aspects) on 0115 901 3896

Members are recommended to view this document which provides valuable background detail to this summary paper. It provides a more in-depth review of indicators, actions and outcomes for quarter 1.

- 1.5 A full set of papers that appear on the website have been printed and these reports are available in the Members' Room. They contain explanations of variances from expected performance together with trend arrows for all the performance indicators within the Gedling Plan (note that an upward arrow indicates improved performance, irrespective of whether improvement is represented by a higher or lower value) and progress bars for all Gedling Plan actions showing progress made against project milestones.
- 1.6 The assessment criteria used for actions and indicators is based on red, amber and green traffic light symbols. To be assessed as green performance indicators must be in line with their expected performance at this stage of the year, whilst actions must be on target against the "completed" or "in progress" milestones determined within Covalent.

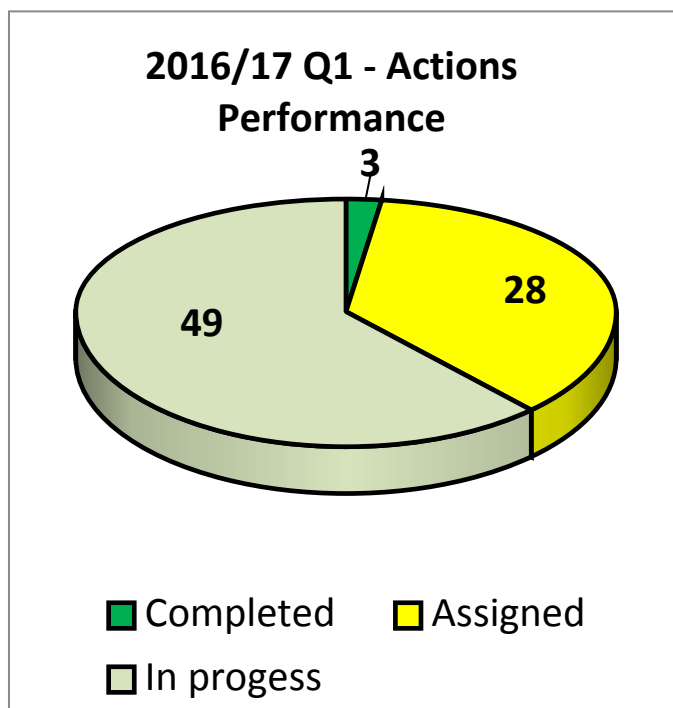
Proposal

2. Quarterly Progress Report

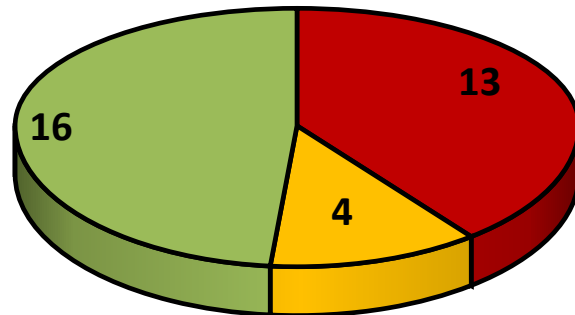
2.1 Performance Information

Current Performance

- 2.1.1 Overall performance at quarter 1 against the 2016/2019 Gedling Plan actions and indicators shows the following:



**2016/17 Q1 - Indicator
Performance**



- Missed target
- Slightly below target
- On target

Actions

- 2.1.2 Three of the 80 Gedling Plan actions are completed, with the remaining either in progress or assigned to an Officer. It must be noted that the data in this report refers to the first quarter of the financial year only and it is expected that actions identified for the year will be met.

Indicators

- 2.1.3 Overall indicator performance at the end of quarter 1 shows that out of a total of 33 indicators, 16 were on or above target, 4 were slightly below target and 13 indicators missed their target.

Examples of particularly positive performance during quarter 1 include:

- 134 theatre events/shows taking place at the Bonington Theatre against a target of 97.
- 54 cinema shows taking place at the Bonington Theatre against a target of 24.
- 92% of One Stop shop customers seen within 15 minutes against a target of 83%.
- 100% of Major planning applications processed within 13 weeks against a target of 90%.

The following performance indicators which missed their target are worthy of note at this stage:

Homelessness

- a) Average time to process homeless applications (number of working days)

This is due to the increased complexity of the cases and the significant impact associated with a key member of staff being absent with ill health. A new Housing Needs Officer joined the team at the end of July which has increased the team's capacity. In addition a review of the service has been carried out and new homeless procedures are being implemented with additional training to improve the quality and efficiency of the service.

- b) Average length of time spent in temporary accommodation (in weeks)

Performance has dropped during quarter 1, predominantly due to two longstanding and challenging cases which necessitated court action to gain possession of the property. It is expected that the average stay will reduce in future quarters, however this needs to be monitored as the team continues to find it difficult to source permanent affordable housing.

- c) Preventing Homelessness – number of households who considered themselves as homeless, who approached the Council, and for whom housing advice resolved their situation

The underperformance in terms of the number of homeless presentations relates mainly to the changes in the housing market i.e. lack of affordable properties and increases in both the need levels and complexity of cases. The team is now fully

staffed and with the focus returning onto prevention. In addition the social rent properties at both The Grove and on Dunstan Street will be available in quarter 2, which is a further resource to prevent homelessness.

Housing

d) Net additional homes provided

In keeping with the national picture, house building continues to be slow in Gedling. A review is currently taking place of all schemes that have received planning permission to identify if there is any way to encourage starts on site.

e) Number of affordable homes delivered (gross)

In addition to the 6 properties which became ready to let during quarter 1, a further 18 will become available at The Grove in quarter 2 significantly improving performance.

Flytipping

f) Number of fly tipping incidents reported to Gedling Borough Council

Whilst the indicator is behind target in quarter 1, there is an improvement on quarter 4. The Council continues to remove a higher than usual number of fly-tips, so officers are focusing on how best to prevent them happening in the first place. While there are some patterns, for example certain 'hot-spot' locations, the often random nature of fly-tipping makes it extremely difficult to prevent. There have been two successful high profile GBC prosecutions and it is hoped that this will send a strong message out that this type of criminal behaviour is not and will not be tolerated.

Nottinghamshire County Council continues to run its initiative to make sure only those allowed to use their recycling centres do so, which means that residents must register their vehicles first before they arrive at recycling centres otherwise they will be turned away. This initiative may lead to a further increase in fly-tipping. The situation is being monitored to ascertain whether it has an impact on the number of fly tipping incidents.

Planning

g) Percentage of Minor planning applications processed within 8 weeks

h) Percentage of Other planning applications processed within 8 weeks

Whilst still below target, good progress is being made against both indicators, with a 9% improvement in performance at the same time as an increase in caseloads. As changes in working practices become embedded and new management and other staff make an impact, it is fully expected that this year's targets will be met.

Achievements

- 2.1.4 A separate report is produced highlighting key achievements delivered during quarter 1, focusing on areas where the Council has made a real difference to people's lives. This is attached as Appendix 5 and is available on the Council's website and in hard copy in the Members' Room.

2.2 Financial Information

2.2.1 Appendices 1 and 2 set out details of the current financial position on the Council's General Fund Revenue Budget and the Capital Programme 2016/17.

2.2.2 General Fund Revenue Budget

Appendix 1 outlines how the General Fund Revenue budget is divided between the Portfolio areas of the Council and includes a detailed variance analysis identifying the current proposed changes for the year against the approved budget for each Portfolio area. Cabinet is recommended to approve these changes.

Included in Appendix 3 is a list of all the virements carried out in Quarter 1 following approval from Portfolio holders.

Included in Appendix 4 is a list of all transfers to/from Earmarked Reserves and Revenue Budget Funds following approval from Chief Financial Officer and Corporate Director.

The following table summarises the overall financial position of the General Fund Revenue Budget and the expected total spend for the year. This information has been compiled using the best information made available to Financial Services by the relevant spending officers as at 30 June 2016. The overall resource implication for the Council's General Fund is a predicted under-spend of £3,400.

General Fund Revenue Budget 2016/2017 – Change Analysis

	£
The original 2016/17 budget approved by Council on 3 March 2016	12,623,300
Revenue Carry Forwards from 2015/16 approved under delegation arrangements by the Chief Financial Officer	83,400
The current total approved budget for 2016/2017 and Cabinet's Maximum Budget is:	12,706,700
Up to the end of June 2016 expenditure less income totalled	2,681,418
In the remaining 9 months of year we expect net expenditure less income to be	10,021,882
Total net revenue spend for the year is currently expected to be	12,703,300
Projected Revenue Underspend 2016/17	(3,400)

2.2.3 Capital Programme

Appendix 2 details the current projected position on the Capital Programme and its' financing for 2016/17, analysed by Portfolio, and this is summarised in the table below. Cabinet is recommended to approve these changes.

Capital Budget 2015/2016 - Change Analysis

	£
Original 2016/17 budget approved by Council on 3 March 2016	4,366,900
Capital Carry Forwards from 2015/16 approved under delegation arrangements by the Chief Finance Officer	225,400
Capital Carry Forwards from 2015/16 approved by Council 13 July 2016	470,200
Additional Disabled Facilities Grant approved by Cabinet 19 May 2016	131,000
<u>Quarter 1 Virements Approved:</u>	
Portfolio Holder report for the additional contribution towards the Redhill Pitch Scheme financed from Earmarked Grants	25,000
Project Management costs for Arnold Leisure Centre Roof Replacement financed by contribution from Asset Management Reserve	10,500
The current total approved budget for 2016/17	<hr/> 5,229,000 <hr/>
Actual Expenditure to Quarter 1 2016/17	184,400
Estimated Expenditure Quarter 2-4 2016/17	5,044,600
Projected Outturn 2016/17	<hr/> 5,229,000 <hr/>
Projected Capital Programme Variance 2016/17	<hr/> 0 <hr/>

There are no proposed Quarter 1 amendments to the Capital Programme.

There is currently sufficient funding available in 2016/2017 to finance the Capital Programme as outlined above.

Alternative Options

- 3 Option – Not to amend the original Council approved budgets during the year to reflect the latest projected outturn position.

Advantages:

- The final outturn position of the Council can be easily compared to its original intentions when the budget was set and areas of budget risk identified.

Disadvantages:

- Budgets not aligned to current budget pressures resulting in increased likelihood of budget overspend and emerging Council priorities not being addressed.
- Restrict the effectiveness of medium term planning process and preparation of the forward budget if pressures and areas of efficiency are not readily identifiable during budget preparation.
- Budget not reflective of latest performance information.

Reason for rejection – Not likely to result in the best outcomes in financial management or support delivery of priorities.

Financial Implications

- 4 The nature of the report is such that it has significant resource implications across the Council. The report itself demonstrates how resources are being managed.

Appendices

- 5 Appendix 1 – General Fund Revenue Budget 2016/17 – Budgetary Control Report
Appendix 2 - Capital Programme 2016/17 – Budgetary Control Report
Appendix 3 – Virements approved by Portfolio Holders
Appendix 4 – Transfers to/from Earmarked Reserves and Revenue Budget Funds
Appendix 5 – Examples of Outcomes achieved during Quarter 1 2016/17

Background Papers

- 6 Detailed Quarterly Budgetary Control Exception Reports

Recommendation

Members are **recommended**:

- a) To note the progress against Improvement Actions and Performance Indicators in the 2016/19 Gedling Plan
- b) To approve the General Fund Revenue Budget virements included within Appendix 1;
- c) To note the Capital Programme projected outturn for 2016/17;
- d) To note the virements and transfers to/from reserves and funds during the last quarter as detailed in appendices 3 and 4.

Reasons for Recommendations

- 7 To align the budgets to the current pressures and priorities and ensure the delivery of Council objectives is supported.

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Grand Summary

Revenue Quarterly Budgetary Control Report Period 201603

June 2016

	Current Approved Budget	Profiled Budget	Actual to date	Variance	%	Projected Outturn	Projected Annual Variance
	£	£	£	£		£	£
Community Development	1,532,400	403,367	362,606	-40,760	-10	1,522,400	-10,000
Housing, Health & Well-being	2,409,500	239,183	102,666	-136,517	-57	2,433,400	23,900
Public Protection	1,628,100	182,925	105,175	-77,749	-43	1,628,100	0
Environment	4,603,800	497,282	407,038	-90,244	-18	4,575,600	-28,200
Growth & Regeneration	978,500	150,150	41,721	-108,429	-72	978,500	0
Resources & Reputation	1,554,400	1,994,720	1,662,211	-332,509	-17	1,565,300	10,900
Total General Fund	12,706,700	3,467,627	2,681,418	-786,209	-23	12,703,300	-3,400
Cabinets General Fund Maximum Budget	12,706,700					12,703,300	-3,400

COMMUNITY DEVELOPMENT PORTFOLIO

BUDGETARY CONTROL REPORT - JUNE 2016

REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<u>Community Grants</u>	£'000	£'000			
Supplies & Services	172.3	162.3	10.0		Discontinuation of grant to Rural Community Action Group. Work to support rural communities to be completed by in-house team.
<u>Arts & Tourism</u>					
Employee Expenses	28.2	23.9	4.3		Saving on Arts Officer post due to maternity leave.
<u>Leisure Development</u>					
Supplies & Services	26.4	41.9		15.5	Grant received from Sport England to continue delivering Doorsteps Street Games and Youth Crime projects.
Revenue Income	(106.6)	(122.1)	15.5		
<u>Events & Play</u>					
Supplies & Services	64.5	68.8		4.3	Events Manager brought in to cover sickness.
<u>All other budget heads</u>	1,347.6	1,347.6			
Including items previously reported					
PORTFOLIO TOTAL	1,532.4	1,522.4	29.8	19.8	Net Portfolio Total £10K FAVOURABLE

HOUSING, HEALTH & WELLBEING PORTFOLIO**BUDGETARY CONTROL REPORT - JUNE 2016****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<u>Calverton Leisure Centre</u>	£'000	£'000			
Premises Related Expenses	121.0	113.0	8.0		Savings on utility contracts.
<u>Redhill Leisure Centre</u>					
Supplies & Services	102.9	84.9	18.0		} Delay in bid process to Football Foundation for the refurbishment of All Weather Pitch, leading to loss of bookings for this season, offset by saving on contribution to the sinking fund.
Revenue Income	(549.9)	(505.0)		44.9	
<u>Richard Herrod Centre</u>					
Revenue Income	(363.8)	(358.8)		5.0	Reduced attendance in the Main Bar leading to reduced sales during Euro 2016.
All other budget heads Including items previously reported	3,099.3	3,099.3			
PORTFOLIO TOTAL	2,409.5	2,433.4	26.0	49.9	Net Portfolio Total £23.9K ADVERSE

PUBLIC PROTECTION PORTFOLIO

BUDGETARY CONTROL REPORT - JUNE 2016

REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
All other budget heads Including items previously reported	1,628.1	1,628.1			Net Portfolio Total £NIL
PORTFOLIO TOTAL	1,628.1	1,628.1	-	-	

ENVIRONMENT PORTFOLIO

Appendix 1

BUDGETARY CONTROL REPORT - JUNE 2016

REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
Street Care	£'000	£'000			
Employee Expenses	505.5	511.5		6.0	Additional agency to cover long-term sickness.
Fleet Management					
Transport Related Expenses	539.7	528.1	11.6		Saving on fuel costs in quarter 1.
Parks					
Premises Related Expenses	239.2	216.6	22.6		NNDR refund on Pavillion at Richard Herrod Leisure Centre.
Supplies & Services	145.4	137.2	8.2		Saving in Waste Disposal costs due to improved recycling.
Cemeteries					
Supplies & Services	4.3	12.5		8.2	Preparation of additional burial space at Carlton Cemetery.
All other budget heads (including items previously reported)	3,169.7	3,169.7			
PORTFOLIO TOTAL	4,603.8	4,575.6	42.4	14.2	Net Portfolio Total £28.2K FAVOURABLE

GROWTH & REGENERATION PORTFOLIO
BUDGETARY CONTROL REPORT - JUNE 2016

REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
All other budget heads (including items previously reported)	978.5	978.5			
PORTFOLIO TOTAL	978.5	978.5	-	-	Net Portfolio Total £NIL

RESOURCES & REPUTATION PORTFOLIO**BUDGETARY CONTROL REPORT - JUNE 2016****REVENUE ITEMS TO BE REPORTED**

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<u>Corporate Management</u>	£'000	£'000			
Employee Expenses	528.3	516.1	12.2		Deputy Chief Exec/Finance Director vacancy.
Supplies & Services	174.9	175.9		1.0	Office equipment for Deputy Chief Exec/Finance Director.
<u>Estates & Valuation</u>					
Supplies & Services	28.1	46.6		18.5	Additional consultancy to facilitate the disposal of surplus land.
<u>Information Technology</u>					
Revenue Income	(10.5)	(6.0)		4.5	Re-negotiated service level agreement for East Midlands Council in 2016/17.
<u>Public Offices</u>					
Premises Related Expenses	387.9	371.6	16.3		Reduction in NNDR for Civic Centre.
<u>Customer Services</u>					
Employee Expenses	743.3	733.3	10.0		Vacant posts, including Service Manager.
Revenue Income	(38.3)	(46.3)	8.0		Additional income for provision of Face to Face service for Gedling Homes.

RESOURCES & REPUTATION PORTFOLIO
BUDGETARY CONTROL REPORT - JUNE 2016

REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
			Favourable £'000	Adverse £'000	
<u>Insurance Premiums</u>	£'000	£'000			
Supplies & Services	366.6	376.0		9.4	Additional insurance premiums 2016-2017.
<u>Central Provisions Account</u>					
Employee Expenses	6.5	0.0	6.5		Unused Payline review provision.
Supplies and Services	15.4	43.1		27.7	Transfer of salary related underspends to Transformation Fund to support future efficiency/budget reduction programme.
<u>Corporate Income and Expenditure</u>					
Capital Interest	306.0	300.0	6.0		Reduction in interest due to redemption of serviced debt.
Revenue Income	(171.7)	(153.9)		17.8	Reduced investment interest due to forecast reduction in interest rates.
<u>Movement in Reserves</u>					
Capital Interest	1013.0	1,004.0	9.0		Saving on Minimum Revenue Provision due to the impact of 2015-16 capital programme financing.
<u>All other budget heads</u> (including items previously reported)	(1,795.1)	(1,795.1)			

RESOURCES & REPUTATION PORTFOLIO

BUDGETARY CONTROL REPORT - JUNE 2016

REVENUE ITEMS TO BE REPORTED

Budget Head	Current Approved Budget	Latest Projected Outturn	Net Budget Variance		Reason for Variance (New Items Only)
	£'000	£'000	Favourable £'000	Adverse £'000	
PORTFOLIO TOTAL	1,554.4	1,565.3	68.0	78.9	Net Portfolio Total £10.9K ADVERSE

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FINANCIAL MANAGEMENT REPORT - CAPITAL BUDGET MONITORING

	Original Capital Programme	Carry Forwards	Quarter 1 Cabinet	Virements/ Supplements	Revised Cap Prog inc c/f & supp	Quarter 1 Proposals to Cabinet	Revised Cap Prog inc Qtr 1 Proposals	Actual To Date	Estimate for Qtr 2-4	Latest Projected Outturn
EXPENDITURE	£000's	£000's	£000's		£000's	£000's	£000's	£000's	£000's	£000's
Community Development	0.0	18.1	0.0	0.0	18.1		18.1	0.0	18.1	18.1
Housing, Health & Wellbeing	747.6	221.8	0.0	35.5	1004.9		1004.9	7.0	997.9	1004.9
Public Protection	739.0	15.0	131.0	0.0	885.0		885.0	132.3	752.7	885.0
Environment	2738.0	431.6	0.0	49.0	3218.6		3218.6	45.1	3173.5	3218.6
Resources & Reputation	142.3	9.1	0.0	-49.0	102.4		102.4	0.0	102.4	102.4
TOTAL EXPENDITURE	4366.9	695.6	131.0	35.5	5229.0	0.0	5229.0	184.4	5044.6	5229.0
RESOURCES										
Specific Capital Grant - Disabled Facilities Grant	464.0		356.0		820.0		820.0		820.0	820.0
Borrowing	1961.4	179.8	(225.0)		1916.2		1916.2		1916.2	1916.2
* Capital Receipts	1021.5	212.0			1233.5		1233.5		1233.5	1233.5
Revenue Contribution	500.0			10.5	510.5		510.5		510.5	510.5
Performance Reward Grant	100.0				100.0		100.0	100.0	0.0	100.0
S106 Commuted Sum	270.0	186.0			456.0		456.0	456.0	0.0	456.0
HCA Starter Homes		33.6			33.6		33.6	33.6	0.0	33.6
S106 Gedling Country park		84.2			84.2		84.2	84.2	0.0	84.2
Earmarked Grants				25.0	25.0		25.0	25.0	0.0	25.0
Contribution from Reserve for CCTV	50.0				50.0		50.0		50.0	50.0
TOTAL RESOURCES	4366.9	695.6	131.0	35.5	5229.0	0.0	5229.0	698.8	4530.2	5229.0
UNDER/(OVER RESOURCED)	0.0	0.0	0.0	0.0	0.0	0.0	0.0			0.0

NOTES :-

All budgets are grossed up with any contribution from outside bodies shown as income in the Resources section.

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Virements Approved by Portfolio Holders

Quarter Ended June 2016

Revenue		
		£
	No Portfolio Holder revenue virements in quarter 1.	
	General Fund Total	£0

Capital		
		£
1.	Resources and Reputation: Public Offices	
	Depot Office and Welfare facilities: Additional foundation work and storage costs	49,000
	Transfer from Asset Management capital fund	(49,000)
2.	Housing, Health & Wellbeing: Redhill Leisure Centre	
	Redhill Pitch Replacement	25,000
	Earmarked Grant	(25,000)
3.	Housing, Health & Wellbeing: Arnold Leisure Centre	
	Arnold Leisure Centre flat roof replacement	10,500
	Asset Management Revenue Reserve	(10,500)
	General Fund Total	£0

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Transfers to/from Earmarked Reserves and Revenue Budget Funds

Quarter Ended June 2016

As approved by Chief Financial Officer and Corporate Director in Accordance with the delegations outlined in the Financial Regulations.

Usage of Earmarked Reserves		
		£
1.	Housing, Health & Wellbeing: Housing Needs	
	Funding of Temporary Homeless Prevention Officer	27,200
	Contribution from Housing Benefits Reserve	(27,200)
2.	Growth & Regeneration: Planning Policy	
	Plan Wide Viability evidence, to support preparation of Local Planning Document	14,300
	Contribution from Planning & LDF Reserve	(14,300)
3.	Growth & Regeneration: Planning Policy	
	Preparation of the development brief for Top Wighay	4,800
	Contribution from Planning & LDF Reserve	(4,800)
4.	Growth & Regeneration: Planning Policy	
	Conservation area appraisals for Woodborough and Papplewick	7,900
	Contribution from Planning & LDF Reserve	(7,900)
5.	Growth & Regeneration: Planning Policy	
	150 copies of the Aligned Core Strategy for consultation process	1,500
	Contribution from Planning & LDF Reserve	(1,500)
6.	Growth & Regeneration: Planning Policy	
	Development monitoring software licence	1,900
	Contribution from Planning & LDF reserve	(1,900)
7.	Community Development: Community Centres	
	Killisick Lane Community Centre replacement heating system	6,400
	Contribution from Risk Management Reserve	(6,400)
8.	Community Development: Localities	
	Easter school holiday activities within the Netherfield locality	500
	Contribution from Members Pot Earmarked Reserve	(500)
9.	Resources & Reputation: Estates & Valuation	
	Consultancy work re sale of surplus	10,400
	Contribution from Asset Management Reserve	(10,400)

10.	Community Development: Localities	
	Final payment of Rural Broadband to Notts County Council	30,500
	Contribution from Rural Broadband Reserve	(30,500)
11.	Housing, Health & Wellbeing: Leisure	
	Fire risk and Legionella risk assessments at 5 leisure centre sites	4,600
	Contribution from Risk Management Reserve	(4,600)
	General Fund Total	£0

Usage of Revenue Budget Funds		
		£
	No usage of Revenue Budget Funds in quarter 1.	
	General Fund Total	£0



Examples of Outcomes achieved

During

Quarter 1 2016/17

Any queries please contact Anita Jackson, Performance and Projects Officer ext 3688

Theme: People

- Achievements

People 1 – Reduce anti-social behaviour, crime and the fear of crime

Taxi Driver Safeguarding Training - 230 Taxi Drivers have undertaken Safeguarding Training.

People 2 – Reduce hardship and provide support to the most vulnerable

Dementia Friends - The Council marked Dementia Awareness Week in May by offering two free Dementia Friend training sessions to members of the public. A Dementia Friend learns a little bit more about what it's like to live with dementia and then turns that understanding into action - anyone of any age can be a Dementia Friend.

People 3 – Improve health and wellbeing

Parent & Baby Class - Launch of the new 'Baby Comes Too' class at Redhill Leisure Centre on Monday mornings at 10am. These classes give parents the opportunity to exercise with their babies in the room, so they don't need to worry about childcare and can get back into physical activity. The classes launched in April and complement the centre being a Breast Feeding Friendly venue.

DNA Health - 33 people enrolled on the DNA Health 12 week programme during Q1, which is up by 7 on Q4 15/16. DNA Health provides inactive people with a health condition an opportunity to try different types of physical activity to improve long term health in a safe environment led by qualified instructors. *"My sister suggested that I joined DNA Health. I have diabetes type2 and felt the regular exercise would help. I also tried the water aerobics and yoga class. I have attended the class for three weeks and I am walking better already"* Margaret, Arnold

Leisure App - The leisure centres launched their free app which gives customers immediate access to timetable information, news, events and promotions as well as being able to book an activity using their smart phones. The app is available for IOS and Android platforms. So far the app has been downloaded by more than 1,200 people.

Kayaking - We have worked closely with British Canoeing and Sport Nottinghamshire to secure funding for the purchasing of the equipment and the training of our staff to make us capable of running indoor kayaking sessions. We have filled all the sessions at both Carlton Forum and Arnold Leisure centre and we currently have 50 young people attending the sessions a week aged from 8-16 years.

Failing to comply with Food Hygiene Notice - Former food business operator was taken to court by the Council, resulting in a fine of £3428 for failing to comply with Food Hygiene Notice.

Training for Gedling Walk Leaders - Volunteer walk leaders participating in the Get Going in Gedling walking sessions across the Borough have now received training to use the

Walking for Health national database. This means the number of walkers for each session can be recorded and provides further information on how active people in the Borough are becoming.

The Milk Lounge is Breastfeeding Friendly - The Milk Lounge, a new family friendly café in Arnold, became the first business accredited as part of the Council's Breastfeeding Friendly Scheme. Gedling has piloted the scheme for Nottinghamshire and other district councils are now following suit. The purpose of the scheme is to provide a more welcoming and positive environment for breastfeeding mothers in the Borough.

The Council's leisure centres and Civic Centre have also been passed as Breastfeeding Friendly. The scheme is delivered in partnership with Nottinghamshire Healthcare Trust.

Gedling Adult parkrun - Since its launch in June 2015 the adult parkrun at Gedling Country Park has been supported by 189 volunteers who have spent 1,213 hours making the weekly Saturday morning event happen. The volunteers have secured public access to a defibrillator for Gedling Country Park. This will be installed alongside the new visitor and parkrunners have arranged defib and CPR training for the Friends Of Gedling Country Park and other park users.

There have been 57 parkruns in total at the Country Park with an average of 95 people attending every week. The parkrun was initially funded by the Council.

Gedling Country Park junior parkrun - Gedling junior parkrun launched in April 2016, and is a free, weekly 2k run for juniors aged 4-14. It takes place every Sunday at Gedling Country Park. Initially funded by the Council, the weekly sessions are run by volunteers. In the first 15 weeks, 303 runners have participated with an average of 76 young people running every week.

New Running Route for Arnot Hill Park - The Council has teamed up with Run England to create a 3-2-1 running route in Arnot Hill Park. The project provides a marked out 1K running route that anyone can have a go at. It starts and finishes outside Arnot Hill House, where there will be a map displaying the route. The route follows footpaths making it accessible for all abilities. It's a way of providing a meaningful challenge to help more people to get running when it best suits them.

To promote and mark the opening of the new route, the Council hosted an afternoon of children's Multi-Sport activities on 1 June in Arnot Hill Park.

Young People from Killisick and Netherfield Getting Active - The Council receives external funding from Street Games to deliver sports sessions to young people in Netherfield and Killisick who are not involved in formal sporting activity. Since the project began in 2013, 190 young people have been involved in the Killisick Doorstep Club run from Redhill Youth Club and 123 young people have participated in the Netherfield Doorstep Club run from the Loco Centre.

Clubbercise in Gedling - The Sport England funded Girls Make It Happen programme has launched a new Clubbercise exercise programme for women in Gedling. Clubbercise offers easy to follow exercise routines to 90s club tracks and today's music chart hits, while waving

a glow stick in the air. The sessions at Christ the King School are being delivered by family-run Buena Vida Fitness, supported by Gedling Sports Partnership. Numbers at sessions are so popular, Buena Vida are taking on a new apprentice and exploring under 18 sessions too.

Clubbercise in Gedling was celebrated at this year's Arnold Carnival, as the Saturday evening crowd danced to a routine led by the Buena Vida instructors on stage.

New Beginner's Running Group

The Sport England funded Girls Make It Happen programme has launched a new beginner's running course in partnership with Notts Women Runners and is attracting over 50 women per week. The women are growing in confidence and it has been great watching them achieve new goals each week. Female runners are already moving on to an Improver's course and a Run Leaders course which provide the next step in running for the current participants.

After school couch to 5k sessions for mothers and daughters are now planned that will allow mothers and daughters to get fit together.

Goals4Life - The Council has worked with Notts County Football in the Community to establish a Goals4Life physical activity session at Redhill Academy for young people experiencing mental health problems.

Express Yourself Arts Project - The Express Yourself arts referral programme for young people with emotional health and wellbeing needs has been running during April, May and June at the Bowls Pavilion in Arnot Hill Park. Delivered in partnership with City Arts and artist Nathan Bainbridge the focus of the programme is Digital Graffiti.

People 4 – Promote and encourage pride, good citizenship and participation in the local area

Killisick Newsletter - The Locality coordinator for Killisick has launched a brand new newsletter for Killisick delivered to every household in the area. This provides information on local projects and services direct to local residents.

Spring Children's Event - Families and children attended the Spring arts and crafts event held at the Civic Centre in April, using recycled materials from Gedling Play Forum's scrap store.

Arnold Carnival - Thousands turned up to the annual Arnold Carnival in Arnot Hill Park on 18 and 19 June. Big stage entertainment and performances from local artists and projects combined with daytime charity and local information stalls, sports and arts activities for children and a fun fair.

Colwick Play Day - The biannual Colwick Play Day took place at Colwick Recreation Ground on 25th June. Organised in partnership with Colwick Parish Council, Gedling Play Forum and Netherfield Boys and Girls FC the event provided free play activities for the local community, including sports and arts and crafts. It also offered a Special Educational Needs Chill Out Zone.

Supporting Local Groups with Community Asset Transfer - After being selected as a good practice case study in our pursuit of community asset transfer of community centres, the Cabinet Office has now agreed an additional £9,445 allocation to Gedling to work with its community partners. This follows £10,000 and 16 days free consultancy support provided through the Government's Community Ownership and Management of Assets (COMA) programme during 2015/16. The fund will be used to support the capacity building of organisations interested in our buildings and to investigate and address small scale building improvement as necessary.

Training for Community Sports Clubs - Three training courses for local sports clubs were organised in June at Richard Herrod Centre on Safeguarding and Protecting Children, Emergency First Aid and FA Emergency First Aid.

Members' Fund Local Groups - The Council's Borough wide grant pot overseen by the political Group Leaders has allocated funds to support Next Door Dance to deliver new Street Dance sessions in Daybrook, WeRHere, a local group offering therapeutic support to communities in times of need and Gedling Youth Council for a teambuilding day at the Nottingham Video Arcade.

Youth Council Decides on Future Work - The newly elected Gedling Youth Council has agreed its 2016/18 work programme which includes anti bullying, out of school activities, addressing traffic hotspots, development of recreation areas, young people's mental health and cultural inclusion.

Theme: Performance

- **Achievements**

Performance 1 – Improve the customer experience of dealing with the council

IT security standards - Maintained the required, externally validated, IT security standards to remain part of the Public Services Network, thus ensuring our continued readiness to react to any IT disaster.

Internet payments - Implemented a major expansion of the internet payment facilities.

Performance 2 – Giving the tax payers value for money

Final Accounts - the final accounts for 2015/16 were completed and signed off by the Chief Financial Officer.

Performance 3 – Maintain a positive and productive working environment and strong staff morale

Theme: Place

- **Achievements**

Place 1 – Create more jobs and better access to them

Apprentice - An apprentice light vehicle/grounds maintenance fitter started a three year apprenticeship on in our Transport Services Section.

Place 2 - Ensure local people are well prepared and able to compete for jobs

Place 3 – Provide more homes

Place 4 – Provide an attractive and sustainable local environment that local people can enjoy and appreciate

Green Flag Awards - The Council has achieved three Green Flags Awards this year. One for Arnot Hill Park and Burton Road Jubilee Park and extra proud to have achieved one for Gedling Country Park for the first time this year.

APSE Service Awards - Our Street Cleansing team have been shortlisted finalist for the APSE Service Awards 2016 which recognises frontline services that are delivered to local communities.

New Play Equipment for Netherfield - The Council has successfully bid for £45,000 WREN funding to install a new play area and £35,000 NCC Supporting Communities Fund for a new trim trail at Ley Street in Netherfield

Fly tipping - The Council successfully prosecuted a man for fly tipping old furniture which resulted in him receiving a fine of £1,900.

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Report to Cabinet

Subject: Prudential Code Indicator Monitoring 2016/17 and Quarterly Treasury Activity Report for Quarter ended 30 June 2016

Date: 4 August 2016

Author: Chief Financial Officer

Wards Affected

All

Purpose

To inform members of the performance monitoring of the 2016/17 Prudential Code Indicators, and to advise members of the quarterly treasury activity as required by the Treasury Management Strategy.

Key Decision

This is not a key decision.

Background

- 1.1 The Council is required by regulations issued under the Local Government Act 2003 to report on its Prudential Code indicators and treasury activity. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).
- 1.2 For 2016/17 the minimum reporting requirements are that the Full Council should receive the following reports:
 - An annual treasury strategy in advance of the year (the TMSS, considered by Cabinet on 18 February 2016 and subsequently approved by Full Council on 7 March 2016).
 - A mid-year treasury update report
 - An annual review following the end of the year describing the activity compared to the strategy.

In accordance with best practice, quarterly monitoring reports for treasury activity are provided to members, and this exceeds the minimum requirements.

- 1.3 The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report provides details of the position at 30 June 2016 and highlights compliance with the Council's policies.

Proposal

2.1 Economic update

UK GDP growth rates of 2.2% in 2013 and 2.9% in 2014 were the strongest of any G7 country. Growth in 2015 was a disappointing 1.8% but this remained one of the leading rates among the G7 countries. Growth improved in Q4 of 2015 from 0.4% to 0.7% but fell back again to 0.4% in Q1 of 2016. During most of 2015, the economy was challenging for exporters with the appreciation of sterling against the Euro, weak growth in the EU, China and emerging markets, plus the dampening effect of the Government's continuing austerity programme and uncertainty created by the Brexit referendum. However, since the peak in November 2015, sterling has fallen significantly against the Euro which will help to make British goods and services more competitive, and will increase the value of overseas earnings by multinational companies based in the UK. The Chancellor has also announced that the target of achieving a budget surplus in 2020 will have to be eased in order to help the economy recover from the expected slowing of growth during the second half of 2016.

The Bank of England May Inflation Report included growth forecasts of 2.0% for 2016 and 2.3% for 2017 on the assumption that the referendum result was a vote to remain. The Governor of the Bank of England, Mark Carney, warned that a vote for Brexit would be likely to cause a slowing in growth, particularly from a reduction in business investment, due to the uncertainty of whether the UK would have continuing full access, (i.e. without tariffs), to the EU single market. In his 30 June and 1 July speeches, Mr Carney indicated that the Monetary Policy Committee (MPC), would be likely to cut Bank Rate and would consider further quantitative easing purchases of gilts, in order to support growth. However, he also warned that the Bank could not provide the entire economic stimulus required, and suggested that the Government would need to help growth by increasing investment expenditure and possibly by using fiscal policy tools (taxation).

The May Bank of England Inflation Report forecast was notably subdued with inflation barely getting back up to the 2% target within the 2-3 year time horizon. However, the falls in the price of oil and food twelve months ago will be falling out of the calculation of CPI during 2016 and in addition, the

recent fall in the value of sterling is likely to result in a 3% increase in CPI over a time period of 3-4 years. The pace of increase in inflation is therefore likely to accelerate, which could cause a dilemma for the MPC, which wants to help promote growth in the economy by keeping Bank Rate low.

The American economy experienced variable performance during 2015, overall growth of 2.4% including 0.6% in Q1, 3.9% in Q2, 2.0% in Q3 and 1.4% in Q4. Growth in Q1 of 2016 was 1.1% but forward indicators suggest an improvement during the rest of the year. The Federal Reserve (Fed) embarked on its long anticipated first increase in rates in December and at that point, confidence was high that there would then be four more increases during 2016. Since then, downbeat international news and the Brexit vote has caused a re-emergence of caution over the timing and pace of further increases. It is likely there will now be only one more increase in 2016.

In the Eurozone (EZ), the European Central Bank (ECB) commenced in March 2015 its massive €1.1 trillion programme of quantitative easing to buy high credit quality government and other debt of selected EZ countries at a rate of €60bn per month. This programme was initially intended to run to September 2016, but in response to continuing weak growth was extended to March 2017. This monetary easing has had a limited positive effect in helping a recovery in consumer and business confidence, and has allowed some improvement in economic growth. GDP rose by 0.6% in Q1 of 2016 and is expected to continue growing, but at only a modest pace. The ECB is also struggling to get inflation up from near zero towards its target of 2%.

2.2 Interest rate forecasts

Capita Asset Services (CAS) undertook a quarterly review of its interest rate forecasts on 4 July 2016 after allowing markets to settle somewhat after the Brexit result of the referendum on 23 June. It is generally agreed that this outcome will result in growth slowing in the second half of 2016, at a time when the Bank of England has only limited opportunities to promote growth by using monetary policy. CAS expects that Bank Rate will be cut by 0.25%, probably in August, and could even be cut to 0% or 0.10%. No further action by the MPC on Bank Rate is anticipated during 2016 or 2017, since any recovery in growth is likely to be weak during a period of great uncertainty post-Brexit, however, the MPC may also consider renewing its programme of quantitative easing. CAS does not expect Bank Rate to start rising again until Q2 of 2018, and for further increases to then be at a slower pace than before. The Governor of the Bank of England has repeatedly stated that increases in Bank Rate will be slow and gradual when they do start, as the MPC is concerned about the impact of increases

on many heavily indebted consumers, especially when the growth in average disposable income is still weak and for some consumers, who have had no increases in pay, could be non-existent (other than through some falls in prices).

CAS have provided the following forecast:

	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19	Jun-19
Bank rate	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.25%	0.50%	0.50%	0.50%	0.50%	0.50%
5yr PWLB rate	1.00%	1.10%	1.10%	1.10%	1.10%	1.10%	1.10%	1.20%	1.20%	1.20%	1.30%	1.30%
10yr PWLB rate	1.60%	1.60%	1.60%	1.70%	1.70%	1.70%	1.70%	1.80%	1.80%	1.80%	1.80%	1.90%
25yr PWLB rate	2.40%	2.40%	2.40%	2.50%	2.50%	2.50%	2.50%	2.50%	2.60%	2.60%	2.70%	2.70%
50yr PWLB rate	2.20%	2.20%	2.20%	2.30%	2.30%	2.30%	2.30%	2.40%	2.40%	2.40%	2.50%	2.50%

2.3 Investment strategy

The Treasury Management Strategy Statement (TMSS) for 2016/17 was approved by Council on 7 March 2016.

The Council's investment priorities remain the security of capital and good liquidity. Whilst the Council will always seek to obtain the optimum return (yield) on its investments, this will at all times be commensurate with proper levels of security and liquidity. In the current economic climate and with heightened credit concerns, it is considered appropriate either to keep investments short term to cover cash flow requirements, or to extend the period up to one year with selected government backed counterparties.

During the period from 1 April to 30 June 2016, significant use has been made of a Money Market Fund currently achieving a return of around 0.46%. This fund is an AAA rated investment vehicle which allows the pooling of many billions of pounds worth of funds into a highly diversified fund. Whilst the rate of return remains quite low, it is still well in excess of overnight treasury deposit rates.

The Treasury Activity Report for the quarter ended 30 June 2016 is attached at Appendix 1, in accordance with the Treasury Management Strategy. For reference, definitions of LIBOR and LIBID are given at Appendix 2.

Members will note that investment interest of £22,443 was generated during the period from 1 April to 30 June 2016. This represents an equated rate of 0.77% and outperforms the benchmark 7 day LIBID rate, which averaged

0.36% for the same period. In cash terms this represents additional income to the General Fund of around £12,000 and was achieved by positive investment management. Performance in respect of the longer 3 month LIBID rate, which averaged 0.46%, still represents additional income of £9,000.

Rates in the market remain very low and are expected to fall further by September 2016. As loans mature it is challenging to replace them, since security and liquidity will always be the overriding factors in the Council's treasury management. Interest rates are not expected to start rising again until at least Q2 of 2018, and then only gradually, and not significantly.

It is currently anticipated that the outturn for investment interest will be £77,800, a reduction of £17,800 on the original estimate for 2016/17 of £95,600, due to the projected fall in interest rates. The impact of this reduction is included in the Q1 revenue budget monitoring report elsewhere on this agenda.

Credit ratings advice continues to be taken from CAS and the Chief Financial Officer has adopted the CAS credit rating methodology for the selection of investment counterparties. This employs a sophisticated modelling approach utilising credit ratings from all three of the main rating agencies to give a suggested maximum duration for investments. Accordingly it does not give undue preponderance to one agency's ratings.

The methodology subsequently applies an "overlay" to take account of positive and negative credit watches and/or credit outlook information, which may increase or decrease the suggested duration of investments. It then applies a second overlay based on the credit default swap spreads for institutions, the monitoring of which has been shown to give an early warning of likely changes in credit ratings. It also incorporates sovereign ratings to ensure selection of counterparties from only the most creditworthy countries. The current treasury strategy permits the use of counterparties with a rating of AA- and better. Following recent downgrades, the UK currently has a rating of AA.

The CAS modelling approach combines all the various factors in a weighted scoring system and results in a series of colour coded bands which indicate the creditworthiness of counterparties. The colour bandings are as follows:

- Yellow 5 years (UK Government debt or its equivalent)
- Purple 2 years
- Blue 1 year (nationalised or semi nationalised UK banks only)
- Orange 1 year
- Red 6 months
- Green 100 days

- No colour not to be used

All credit ratings are monitored weekly and the Council is also alerted to interim changes via its use of the CAS creditworthiness service, however ratings under the methodology, including sovereign ratings, will not necessarily be the sole determinant of the quality of an institution. Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.

The ultimate decision on what is prudent and manageable for the Council will be taken by the Chief Financial Officer under the approved scheme of delegation.

2.4 New borrowing

No new long-term borrowing was undertaken during the quarter ended 30 June 2016.

The Council's Capital Financing Requirement (CFR) represents its "underlying" need to borrow to finance capital investment. Due to favourable interest rates, borrowing in advance of need is sometimes desirable, with the result that the CFR can differ to the actual borrowing planned in the year.

It is not currently anticipated that any new borrowing will be undertaken during 2016/17.

Interest rates remain low, and the PWLB certainty rate, available to all authorities providing relevant information to CLG, allows the Council to take advantage of a discount of 20 basis points. Advice will be taken from CAS with regard to the amount and timing of any additional borrowing, and should conditions become advantageous, some borrowing in advance of need will also be considered by the Chief Financial Officer. Whilst borrowing rates may be historically low, so too are investment rates and serious consideration must be given to the cost of carrying any additional borrowing during the period prior to it being required for the financing of capital expenditure.

2.5 Debt rescheduling

Debt rescheduling opportunities are limited in the current economic climate, and due to the structure of interest rates. Advice in this regard will continue to be taken from CAS. No debt rescheduling has been undertaken during the period from 1 April to 30 June 2016.

2.6 Compliance with Prudential and treasury indicators

It is a statutory duty for the Council to determine and keep under review the affordable borrowing limit. The Council's approved Prudential and Treasury Indicators (affordability limits) are included in the Treasury Management Strategy Statement (TMSS) approved by Full Council on 7 March 2016.

During the financial year to date the Council has at all times operated within the treasury limits and Prudential Indicators set out in the council's TMSS, and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators as at 30 June 2016 are shown at Appendix 3.

These indicators are based on estimates of expected outcomes, and are key indicators of "affordability". They are monitored on a quarterly basis, and Appendix 3 compares the approved indicators with the projected outturn for 2016/17, and shows variances on some of the indicators, as described below:

a) Prudential Indicators:

i) Capital Expenditure

The latest projected outturn shows that capital expenditure is expected to be £5,229,000. This differs to the original estimate of £4,366,900 due to the inclusion of approved carry-forward requests from 2015/16 and to approved variations to the capital programme during 2016/17.

ii) Capital Financing Requirement (CFR)

The projected closing CFR for 2016/17 is £12,739,500. This is lower than the approved indicator of £13,030,300, mainly due to slippage and savings on the 2015/16 capital programme which reduced the borrowing requirement in that year, and to variations to the 2016/17 programme.

iii) Ratio of Financing Costs to Net Revenue Stream

The projected outturn of 9.86% shows an increase on the approved indicator of 9.75%. This is due to a reduction in anticipated investment interest due to continuing uncertainty and poor rates in the market, and an increased revenue contribution to capital expenditure. These increases are offset by reductions in MRP, as a result of slippage and savings on the capital programme in 2015/16, and in serviced debt interest, due to the full redemption of the debt on 31 March 2016.

iv) Maximum gross debt

The Council must ensure that its gross debt does not, except in the short term, exceed the opening capital financing requirement, plus estimates of any additional CFR for 2015/16 and the following two financial years. This allows flexibility for early borrowing for future years, but ensures that borrowing is not undertaken for revenue purposes. The Council's gross debt at 30 June 2016 was £7.812m which was well within the approved indicator.

Treasury Management Indicators:

These indicators are based on limits, beyond which activities should not pass without management action. They include two key indicators of affordability and four key indicators of prudence.

Affordability

- i) Operational boundary for external debt.
- ii) Authorised limit for external debt.

Prudence

- iii) Upper limit for fixed interest exposure – represented by the maximum permitted net outstanding principal sum borrowed at fixed rates. Please note that a negative indicator represents a position of net investment.
- iv) Upper limit for variable interest rate exposure – represented by the maximum permitted net outstanding principal sum borrowed at variable rates. Please note that a negative indicator represents a position of net investment.
- v) Maximum new principal sums to be invested during 2016/17 for periods in excess of 364 days - such investments are classified as a “non-specified”. This indicator is subject to the overall limit for non-specified investments set in the TMSS.
- vi) Upper limits for the maturity structure of borrowing - set to reduce the Council's exposure to large fixed rate sums falling due for refinancing.

Appendix 3 shows the actual position as at 30 June 2016, and demonstrates that all activities are contained within the currently approved limits.

Alternative Options

There are no alternative options, this report being a requirement of the Council's Treasury Management Strategy Statement (TMSS).

Financial Implications

No specific financial implications are attributable to this report, an adjustment to the budget for investment income being dealt with in the revenue budget monitoring report elsewhere on this agenda.

Appendices

1. Treasury Activity Report 2016/17 for quarter ended 30 June 2016.
2. Definitions of LIBOR and LIBID
3. Prudential and Treasury Indicators for 2016/17 as at 30 June 2016.

Background Papers

None identified.

Recommendation

That:

Members note the report, together with the Treasury Activity Report for Quarter 1 at Appendix 1, and the Prudential and Treasury Indicator Monitoring for Quarter 1 at Appendix 3.

Reasons for Recommendations

To comply with the requirements of the Council's Treasury Management Strategy Statement.

For more information, please contact:

Alison Ball, Financial Services Manager, on 0115 901 3980

TREASURY ACTIVITY REPORT 2016/17**Quarter ended 30 June 2016**

	<u>Position @ 1 April 2016</u>	<u>Loans Made During Q1</u>	<u>Loans Repaid During Q1</u>	<u>Position @ 30 June 2016</u>
	£	£	£	£
<u>Long Term Borrowing</u>				
PWLB	7,811,577	0	0	7,811,577
Total Long Term Borrowing	7,811,577	0	0	7,811,577
<u>Temporary Borrowing</u>				
Local Authorities	0	5,500,000	(5,500,000)	0
Public Corporations	0	0	0	0
Central Government	0	0	0	0
Banks & Other Institutions	0	0	0	0
Total Temporary Borrowing	0	5,500,000	(5,500,000)	0
TOTAL BORROWING	7,811,577	5,500,000	(5,500,000)	7,811,577
<u>Temporary Investment</u>				
Bank of Scotland	(4,000,000)	(1,000,000)	0	(5,000,000)
Barclays	(1,000,000)	0	1,000,000	0
HSBC Treasury	0	(4,095,000)	4,095,000	0
Ignis Money Market Fund (Std Life)	0	(12,100,000)	8,900,000	(3,200,000)
Royal Bank of Scotland	0	0	0	0
Santander	(1,590,000)	(10,610,000)	7,540,000	(4,660,000)
Total Banks	(6,590,000)	(27,805,000)	21,535,000	(12,860,000)
Building Societies	(2,500,000)	0	0	(2,500,000)
Debt Management Office	0	0	0	0
Local Authorities & Other	0	0	0	0
TOTAL INVESTMENT (See below)	(9,090,000)	(27,805,000)	21,535,000	(15,360,000)
NET BORROWING / (INVESTMENT)	(1,278,423)	(22,305,000)	16,035,000	(7,548,423)

Temporary Borrowing & Investment Statistics at 30 June 2016**Investment:**

Fixed Rate Investment	(7,500,000)	(5,095,000)	5,095,000	(7,500,000)
Variable Rate Investment	(1,590,000)	(22,710,000)	16,440,000	(7,860,000)
TOTAL INVESTMENT	(9,090,000)	(27,805,000)	21,535,000	(15,360,000)

Proportion of Fixed Rate Investment	48.83%
Proportion of Variable Rate Investment	51.17%
Temporary Investment Interest Receivable	£ 22,443
Equated Temporary Investment	£ 2,925,833
Weighted Average Interest Rate Received (Interest Receivable / Equated Investment)	0.77%
7 Day LIBID (Benchmark)	0.36%
3 Month LIBID	0.46%

Borrowing:

Temporary Borrowing Interest Payable	£ 285
Equated Temporary Borrowing	£ 90,411
Weighted Average Interest Rate Paid (Interest Payable / Equated Borrowing)	0.31%
7 Day LIBOR (Benchmark)	0.49%

LIBOR - the London Interbank Offered Rate

LIBOR is the interest rate at which the London banks are willing to offer funds in the inter-bank market. It is the average of rates which five major London banks are willing to lend £10 million for a period of three or six months, and is the benchmark rate for setting interest rates for adjustable-rate loans and financial instruments.

ie. the London banks are LENDING to each other, which affects the rate at which the banks will lend to other parties eg. local authorities, ie. Gedling are BORROWING money

LIBID - the Interbank BID (LIBID) rate

LIBID is the interest rate at which London banks are willing to borrow from one another in the inter-bank market. It is the average of rates which five major London banks willing to bid for a £10 million deposit for a period of three or six months.

ie. the London banks are BORROWING from each other, which affects the rates at which they will borrow from other parties eg. local authorities, ie. Gedling are LENDING money.

Prudential Indicators for 2016/17
1 April to 30 June 2016

Appendix 3

1. Prudential Indicators

Affordability:

- a) Capital Expenditure
- b) Capital Financing Requirement
- c) Ratio of Financing Costs to Net Revenue Stream
- d) Incremental Impact of new 2016/17 Capital

Investment Decisions:

- e) Maximum Gross Debt

2. Treasury Management Indicators

- a) Operational Boundary for External Debt:

Borrowing

Other Long Term Liabilities

Total Operational Boundary

- b) Authorised Limit for External Debt:

Borrowing

Other Long Term Liabilities

Total Authorised Limit

- c) Upper limit for fixed interest rate exposure:

(Maximum outstanding net BORROWING)

Additional Local Indicator - Investment Only

Additional Local Indicator - Borrowing Only

- d) Upper limit for variable interest rate exposure:

(Maximum outstanding net BORROWING)

Additional Local Indicator - Investment Only

Additional Local Indicator - Borrowing Only

- e) Upper & Lower limits for the maturity structure of outstanding Borrowing during 2016/17:

Under 1 Year

1 Year to 2 Years

2 Years to 5 Years

5 Years to 10 Years

Over 10 Years

- f) Investment Treasury Indicator and limit:

Max. NEW principal sums invested in-year for periods OVER 364 days (ie. non-specified), subject to maximum non specified per counterparty of £3m AND to the prevailing overall counterparty limit AND to the TOTAL non specified limit of £5m.

	2016/17 Original Estimate	2016/17 Position at 30-Jun-16
(Council 7/3/16)		
£ 4,366,900	£ 5,229,000	
£ 13,030,300	£ 12,739,532	
9.75%	9.86%	
£14.63	Not Applicable	
£ 13,030,300	£ 7,811,577	
£ 14,000,000	£ 7,811,577	
£ 1,500,000	£ -	
£ 15,500,000	£ 7,811,577	
£ 15,000,000	£ 7,811,577	
£ 1,500,000	£ -	
£ 16,500,000	£ 7,811,577	
£ 13,000,000	£ 311,577	
100.00%	48.83%	
100.00%	100.00%	
£ 2,000,000	-£ 7,860,000	
100.00%	51.17%	
50.00%	0.00%	
U 40%, L 0%	13%	
U 40%, L 0%	0%	
U 50%, L 0%	0%	
U 50%, L 0%	0%	
U 100%, L 0%	87%	
£ 3,000,000	£ -	



Report to Cabinet

Subject: Scrutiny Report:

Report and Recommendations of the Obesity Working Group.

Date: 4 August 2016

**Author: Councillor Viv McCrossen, Former Chair of the Overview
Scrutiny Committee**

1. Purpose of the Report

To inform Cabinet members and relevant Portfolio Holders of the findings and recommendations of the Obesity Scrutiny Working Group.

2. Key Decision

This is not a key decision.

3. Background

Members are reminded that part of the remit of Scrutiny is to deal with wider service, or policy issues, through the establishment of working groups. This enables in depth examination of Council policies and plans, as directed by the Overview Scrutiny Committee, and allows recommendations to be made to Cabinet.

In accordance with the Scrutiny Improvement Plan 2010 a review will be commissioned when:

- There is added value that this work will bring to the core priorities of the Council
- It is likely to make a difference if a working group undertake this work
- It is likely to lead to improved performance
- It is likely that the working group's recommendations will improve the lives of the residents of Gedling Borough
- It will increase Member awareness of important issues.

Included in this remit is the review and examination of other public bodies to ensure the interests of local people are represented.

4. Proposals

Members are asked to consider the report and recommendations of the above review, which has previously been approved by the Overview and Scrutiny Committee. Copies of the report, and recommendations, arising from this review, have been forwarded to partner organisations requesting a response.

5. Alternative Options

Under Executive Governance arrangements the Cabinet is required to consider reports from the Overview and Scrutiny Committee so there are no alternative options.

6. Recommendations

- 1) To consider the report of the working group and make appropriate comments : and
- 2) To refer the report to the appropriate Cabinet Member in order for a response to be made to the Overview and Scrutiny Committee at the next meeting on September 19th.

7. Appendices

Appendix 1: Report and Recommendations of the Obesity Scrutiny Working Group.

8. Background Papers

None identified.

9. Reasons for Recommendations

To comply with Executive governance arrangements and fulfil the role of the Overview and Scrutiny Committee.

Report to the Overview and Scrutiny Committee

Subject: Report and Recommendations of the Reducing Obesity Scrutiny Working Group

Date: 27 June 2016

Author: Helen Lee, Elections and Members Services Officer

Working Group Members: Councillors McCrossen (Chair), Truscott, Doyle, Hewson, Bisset and Feeney.

1. Purpose of the Report

To present the final report and recommendations of the Reducing Obesity Scrutiny Working Group.

2. Background

The Overview and Scrutiny Committee established a scrutiny review to examine a range of issues related to the growing problem of obesity and to consider how the authority can contribute to supporting and encouraging people to lead healthier lifestyles and make healthier choices. Included in this was consideration of how the authority could influence and support partner organisations who have responsibility for commissioning and providing services that address this issue.

The review received briefings from, and discussed this with, representatives from Nottinghamshire County Public Health, Nottingham North and East Clinical Commissioning Group, Gedling Sports Partnership, medical practitioners from the Arnold Highcroft Surgery, the Portfolio Holder for Health and Wellbeing, the responsible Corporate Director and officers from Leisure and Community

3. Information

Obesity in adults was identified as the first priority for review in the 2015/16 work programme by the Overview and Scrutiny Committee. The Gedling Profile 2015, provides information about the health of the borough's population and highlights a number of areas where the health of the people of Gedling is below the English average. Although there were some areas where Gedling was above the English average, two particular areas were significantly worse; obesity and excess weight in adults and smoking by pregnant women at the time of delivery. Members decided to examine issues relating to obesity and although the focus of the review is excess weight in adults, the fact that overweight children often become overweight adults

necessitates that issues around the weight of children were also considered by the working group. The review sought to explore the current issues around the growing problem of obesity and to consider how the authority could contribute to supporting and encouraging people to lead healthier lifestyles and make healthier choices. In addition, it sought to examine how the authority can influence and support partners who have responsibility for commissioning and providing services which address the issue.

- **National Context**

There is an association between all causes of mortality and obesity. Obesity, for most adults is a BMI of 30 to 39.0, and decreases life expectancy by up to three years, whilst morbid obesity, a BMI over 40, will reduce life expectancy by eight to ten years. This is equivalent to the effects of lifelong smoking. Obesity is an important causal factor in diabetes, heart disease and stroke; it is linked to the development of some cancers alongside other long term health complications, including depression and anxiety. There are many ways in which obesity is detrimental to wellbeing. Obesity is generally caused by eating more calories, particularly those in sugary and fatty food, than are burnt off through physical activity. The excess energy is then stored in the body as fat. This is an increasing problem because of an increasing sedentary life style, the availability of high calorie food and drink and an increase in portion sizes.

According to estimates from Public Health England, two thirds of adults and a quarter of children between two and ten years are overweight or obese and it is estimated by 2034, 70% of adults are expected to be obese or overweight. Estimates suggest obesity cost the NHS £5.1 billion in 2006/07, including obesity medicine, the increasing use of bariatric surgery and new equipment. It is predicted that this will double to £10 billion by 2050. The wider cost to the economy is estimated at £20 billion a year, once issues like sick leave and lost productivity are taken into account. Over 29% of men and 36% of women classed as obese have life limiting conditions; double the rate of healthy individuals. A new national strategy to tackle childhood obesity is expected shortly and although a sugar tax on soft drinks will be introduced in 2018, it is expected the focus for the strategy will be social commitment and change, rather than creating legislative powers.

- **Local Context**

Statistics currently available indicate that:

- In Nottinghamshire:
 - 66.4% of adults are overweight or obese, statistically worse than the England average of 63.8%.
 - 21.5% of 4-5 year olds in Nottinghamshire are overweight or obese, statistically similar to the England average of 22.2%.

- 31.1% of 10-11year olds are overweight or obese, statistically better than the England average of 33.3%.
- In Gedling:
 - Two thirds of adults in Gedling (67.9%) are overweight or obese, with a BMI over 25.
 - 23.7% of adults have a body mass of over 30 and are classed as obese, higher than the England average.
 - Life expectancy is 8.7 years lower for men in the most deprived areas of Gedling. However, for the whole of the borough, life expectancy for men is higher than the national average. This differential could, in part, be due to the unhealthy lifestyle in the most deprived areas.
 - Currently, one in five children aged 4 – 5 is overweight or obese and this increases to one in three for children aged 10 -11.
 - The number of Gedling residents undertaking 150 minutes of physical activity per week is statistically better than the English average. This is likely to vary between the different districts in the borough.

- **Partner Organisations - Treatment and Prevention**

In April 2013, local government became responsible for improving the health of the population, supported by the public health grant and specialist public health teams. Nottinghamshire County Public Health aims to improve the health of the population by finding out what needs to be done; developing a strategy and delivery plan to achieve this. The Joint Strategic Needs Assessment across the county identified the needs of the population and was used to plan services to meet those needs. The Health and Wellbeing Board is the statutory body with responsibility for driving forward this aim. Nottinghamshire County Public Health works with the Health and Wellbeing Board, the Clinical Commissioning Group (CCG) and other partners to identify and tackle shared priorities. Boundaries for the CCG and Public Health are not coterminous, so any initiatives taken by Public Health will be county wide and not solely for the residents of Gedling.

Obesity and maintaining a healthy weight is one of the key priorities of the Nottinghamshire Health and Wellbeing Strategy, which sets out the ambitions and priorities for the Health and Wellbeing Board.

Actions and priorities identified by the strategy include:

1. The establishment of weight management services in each district. This was done through a commissioning exercise by Nottinghamshire Public Health and the contract was awarded to Everyone Health, who, for the next four years, will provide a fully integrated obesity prevention and weight

management service, ChangePoint. Self-referrals and referrals from healthcare professionals are accepted. The new service went live on 1st April 2015. The integrated weight management service model includes multicomponent interventions, addressing diet and physical activity together, supported by behavioural change strategies and tools. This service provides:

- i. Training for GPs. Frontline training to ensure constant messaging and the ability to raise relevant issues with other services, for example, school nurse teams.
- ii. Provision of universal services, Tier 1, to support everyone, regardless of their weight, from becoming overweight or obese. Raising the awareness of the importance of maintaining a healthy weight, by eating more healthily and being more physically active.
- iii. Tier 2 services, within community based settings, which provide targeted prevention and early intervention to those at high risk of obesity.
- iv. Specialist Tier 3 community based service for adults, children and young people, including post bariatric surgery.
- v. Weight management support services before, during and after pregnancy, working with midwives and health visitors.

Fifty-four patients were receiving Tier 3 services and 32 patients Tier 2 services in November 2015. Tier 2 services are available at Killisick Community Centre, Tier 3 at St George's Community Centre and Child Management Services at Westdale Lane Community Centre.

2. Increasing the number of healthy food options by reducing the number of fast food outlets and working with outlets to provide healthier options. The Healthy Options Takeaway Scheme, which encourages takeaways to offer healthier options and let customers know where they can get healthier food. This is a county wide project delivered in partnership with Environmental Health Officers, including those in Gedling. This runs alongside the national Food Hygiene Rating of food outlets. Businesses are encouraged to consider what small changes they can make to how food is prepared cooked and served, to offer healthier choices, for example smaller portions, or additional fruit or vegetables to customers. A target of twelve outlets has been set for Gedling, currently there are two.
3. Using the Planning system to promote healthier environments/communities. Working with partners to encourage a reduction in the number of fast food outlets, improve air quality and make walking and cycling routes more accessible and attractive.

4. Working with staff in early year's settings and school age children. The National Child Weight Management programme weigh children aged between 4 and 5 in the reception class and again at age 10 – 11 in year 6. This is undertaken by school nurses who notify parents of any concerns and are able to offer advice and support on lifestyle changes. Between 2006/07 and 2013/14, data indicates that there has been no significant decrease in excess weight (overweight and obese) in Gedling District, for both reception and year 6 children. There is 100% uptake in Gedling schools for this programme but individual families can opt out. The Obesity Prevention and Weight Management Service has been promoting the 'Busy Feet' Explorers toolkit, which is designed to stimulate imagination, creativity and movement, with a clear focus on promoting healthy and active lifestyles. Busy Feet training has been provided for 91 frontline staff, to deliver in schools and 63 Busy Feet toolkits, made available for use in early year's settings.

Clinical Commissioning Groups play a major part in health outcomes, using their knowledge of local health issues and needs, to plan and commission services tailored to the need of the local community. The Nottingham North East CCG is led by GPs and includes 21 GP practices. Members learnt that the CCG currently does not commission any services relating to obesity, as this is the role of Public Health. CCGs are one of the consultees when Public Health is commissioning services and has a representative on the Health and Wellbeing Board.

The NHS Health Check is a Nottinghamshire County Council locally commissioned Public Health Service whereby GP Surgeries are commissioned to carry out health checks on patients. The health check includes cardio vascular, height, weight and BMI checks, which can identify potential weight problems and allow for referral to other services. GPs are reimbursed to do these checks; but their view is that the reimbursement does not cover the costs incurred, and because of GPs workloads these are often undertaken by healthcare assistants. These checks can enable health issues, including weight problems to be flagged up and referred to other agencies. However, patients may not want to be referred to another organisation and may want the doctor to manage the condition. Under patient confidentiality, GPs have to respect this decision. GPs do not, as a rule, run schemes to weigh and motivate their patients, as each person has to be dealt with on an individual basis. GPs can refer to the service commissioned by Public Health. Children are not included in the health check programme.

Members were keen to find out about the General Practitioner's, (GPs), role in health promotion either in the form of guidance on lifestyle choices or referral to appropriate organisations. They felt that effective promotion in primary care settings could help prevent the onset, or delay the progression of poor health, resulting from poor diet or

lack of exercise. The chair of the committee discussed this with practitioners at a GPs Surgery located in Arnold.

GPs, as first point of contact with health services, are in a unique position to promote health and wellbeing but this can present challenges, as a GPs primary role is to manage health conditions within a limited appointment time frame. Obesity can be viewed as a personal lifestyle choice and as such requires sensitive handling and GPs have to judge whether a patient will be receptive to advice. Although obesity can be linked to other health problems and lifestyle issues, diet and exercise advice, if offered at the wrong time, could alienate the patient from their doctor or health practitioner. NHS Health Checks, which could be used to pick up potential health issues arising from lifestyle issues, were not viewed as very successful, as it is mainly the, "worried well", who attend. People with specific problems may avoid these, as they do not want advice about how to change their lifestyle.

GPs are commissioned by the CCG to undertake diabetes checks which can indicate the need for a patient to change their lifestyle and at this point, advice would be offered. If GPs identify weight issues they can refer to the Change Point Obesity Weight Management Service, or supply information so that patients can self-refer. However, not all patients are prepared to get involved with other organisations, and the forms used for self-referral were not always easy for patients to complete. GPs are willing to engage with partner organisations to promote services that are available, but for this to be successful, current information, that is easily accessible, needs to be in a format that can be give out or signposted.

Health promotion in waiting rooms was also discussed, where specifically targeted health promotion campaigns, promoting services to patients, like flu injections or travel vaccines, are displayed. Too much information was perceived as being counterproductive but short targeted campaigns were seen as effective. Many different mechanisms are used by practices to try to reach patients, both on an individual basis and through the use of more specifically targeted promotions for people with long term health conditions. A range of communication channels have been developed, including the use of posters and information leaflets in the reception, personal letters and email, text messaging and the practice website. The use of television screens in surgery waiting rooms was discussed as a mechanism that should be fully utilised to keep patients informed about promotions, or health information. It was identified as a method that could be used for promoting healthy lifestyles, offering dietary or exercise information in addition to specific campaigns, like flu injections and immunisation programmes.

Gedling Sports Partnership is a 'not for profit' charity, based at Carlton Academy, whose aim is promote PE, improve the quality of teaching and learning in schools, support community sport and improve health and wellbeing in the borough. It works closely with a number of partners to achieve this, including Sport Nottinghamshire, the Youth Sports Trust and Gedling Borough Council. The board of trustees

includes representatives from various organisations who have a wide range of experience, including representatives from schools and sport's national governing bodies.

Currently, activities are based wholly in Gedling. In future, it is envisaged that this will extend into other areas of Nottinghamshire, with any cash surpluses fed back into projects in Gedling. The partnership makes a number of packages available to schools, which will be free from next year, as additional funding has been identified. In addition, it runs a range of community projects. This includes Girls Make it Happen, which provides exercise opportunities for women and girls in a range of settings. Other initiatives include coaching in leisure centres, holiday super camps, disability sports camps, a sports forum to support local sports clubs, a connecting community project and Change for Life clubs in schools.

Members discussed 'the daily mile', a scheme introduced by a school in Stirling three years ago, which is believed to improve concentration as well as fitness. Pupils have 15 minutes out of the classroom to run or walk a mile and despite a rise in childhood obesity nationwide; none of the children are overweight. There is anecdotal evidence about the benefits of this scheme and Edinburgh University is putting proposals together based on a quantitative study of improvements in physical fitness and qualitative study around mental wellbeing, concentration and motivation.

- **What is Gedling Borough doing?**

The working group considered to what extent we as an authority contribute to a healthy lifestyle objective. The authority puts a great deal of effort into marketing and promotion of a wide range of schemes and in partnership with other organisations achieved, through the Gedling Changing Lifestyle Strategy, a record number of active people. Partners instrumental in drawing together this document include Nottinghamshire County Council, Sport Nottinghamshire, the Primary Care Trust, now the CCG, Gedling CVS and Gedling Sports Forum.

The aim of the strategy was to

- promote healthy lifestyles for those in least active and in deprived areas
- provide opportunities for families, communities and neighbourhoods. Encourage people to be more active more often and through partnership work, provide places to be active that are good quality and reasonably priced.

As a result of this strategy 10,838 more people are undertaking 3x30 minutes per week of physical activity and sport, compared to 2009/10.

One of the achieved outcomes is that a record number of people are physically active on Gedling.

- **In Leisure Centres**

The range of opportunities that are currently provided in leisure centres includes:

- Heartbeats. A programme for people with cardio vascular problems, working in partnership with the City Hospital
- DNA Health. This is a 12 week programme of activities for individuals aged 16+ who are physically inactive and have a health condition. Access is by self-referral or medical practitioner. However, there is some reluctance by health partners to refer. The scheme provides the opportunity to try different types of physical activity to improve long term health, in a safe environment, led by qualified instructors. Currently, there are 23 GP surgeries within the Nottingham and North East CCG. Only 17 took part in the Positive Moves scheme, an earlier exercise referral arrangement, primarily because the remaining 6 were too far away for patients to access GBC leisure facilities. To date, 46 people have signed up to DNA Health. There have been 23 referrals from 6 surgeries which, although improving, leaves 11 surgeries that have not referred anyone to the scheme. 3 people were referred by a friend and 14 from Leisure Centres. Although GPs have been the greatest source of referral, numbers are not as high as anticipated. Periodically, an article goes in the Practice Nurse and GP's weekly newsletter. Practices and pharmacies have been visited and information posters and leaflets were left for distribution. Leaflets are given to new ChangePoint starters but so far there has been only one referral.
- DNA. The monthly subscription fitness and exercise scheme in Gedling. Membership of this scheme is increasing
- DNA Nutrition. This provides advice on the safest and healthiest way to achieve and maintain ideal weight
- Strokeability
- multiple swimming initiatives including sessions for all ages and disabilities
- free swimming at the three pools in the borough, offering a total of 8 sessions a week
- Nottinghamshire County Council Short Breaks. These are available at Calverton Leisure Centre and provide respite facilities for people with disabilities.

Members were concerned that the contents of vending machines in leisure centres did not reinforce the healthy lifestyle message that the authority wants to portray. Vending machines are currently stocked with best-selling products (those that customers demand and buy) and a mixture of alternative products such as baked not fried crisps, cereal bars and water. However, when a school compliant vending machine, offering fruit, water and raisins, was trialled at Calverton Leisure Centre, the sales from this vending machine fell from an average of £900.00 per quarter to £40.00 per quarter. Issues around waste and disposal of out of date products, rather than income generation, led to its removal. The provision of fruit, either in vending

machines or for sale in reception, has a number of issues relating to purchasing, washing, pricing, deterioration and disposal.

Members suggested that the leisure centre provide weight management classes, as it is generally recognised that classes, like Slimming World and Weight Watchers work and members felt that leisure centres could consider providing similar schemes to assist people who want to lose weight. Currently, Weight Watchers hire the Millennium Suite at Richard Herrod Centre. Gedling Borough does not employ staff who would have the necessary qualifications to be able to deliver nutritional eating programmes, but can provide basic level advice about food types and healthy eating options. The launch of DNA Nutrition offers on line support and uses only the latest, scientifically proven research to give the quickest, safest and healthiest way of reaching and maintaining an ideal weight. Once a person has input their dietary profile and preferences and set personal goals, the recipe search will help plan nutritional tasty meals. Benefits of the system include:

- Shopping list generation and delivery, highlighting the cheapest deals via mysupermarket.com
- Plotting progress against selected goals
- Exercise logging and tracking
- The facility to add recipes and meal templates
- Filter and search recipes by meal type, dietary preferences or preparation time
- Motivational emails
- Ease of access to the system

The product is available to purchase on a 6 month subscription, for £30, from Arnold, Calverton, Redhill or Carlton Forum receptions.

- **In the Community**

Working in partnership with other organisations, initiatives in the community include:

- Doorsteps Sports Clubs and School Holiday Activities in Netherfield, Killisick and Newstead
- A disability School Holiday Camp
- A programme of activities at GBC events
- Street play activities
- Park runs. A free weekly 5km event, for runners in Gedling Country park
- Get Going in Gedling. A programme of short walks developed to help people increase levels of physical activity.
- Supporting Everyone Health at Community Centres
- Working alongside Fit4Life

- Girls Make it Happen sessions.

One of the issues that the working Group wanted to explore was nil and low-cost opportunities to help people with weight issues. The authority has been active in providing local opportunities, for example, access to free swimming sessions. There are a number of outdoor gymnasiums based in parks, with varying amounts of equipment. The Get Going in Gedling programme of short walks and the Gedling Country Park Run, provide free physical activity opportunities and are regarded as part of the effort to tackle health inequalities, bridging the gap between rich and poor. In addition the Authority, in association with the Allotment Association and Parish Councils, provide 12 allotment sites around the borough. These not only provide home grown fresh food but also a way for people to be physically active.

- **As an Employer – Work Place Health**

As an employer, the Authority already invests in helping staff to keep fit and healthy. The Council has a 'Cycle to Work' scheme, which enables staff to buy a bicycle, relevant clothing and safety equipment up to the value of £1,000 from an approved cycle shop. Staff can then hire the bike from the council for the next 12 months with deductions being made from their salary and after 12 months there is an option to buy the equipment from the Council. Pool bikes are available for use during the day to go to any local meetings or appointments. Dr Bike was an initiative offering free servicing of cycles. Rewards for cycling, cycling tips and articles on the intranet, promotion of Bikeability, modern cycling proficiency for adults, and led cycling rides have all been tried. Currently, there is undercover storage for 20 bikes at the front of the Civic Centre and additional storage at the rear of Arnot Hill House. Very few staff cycle to work and earlier consultations on barriers to cycling include fear of cycling on roads, lack of cycle paths and insufficient shower facilities. Initiatives to get more staff to walk to work have included issuing of pedometers, rewards for walking to work and a lunchtime walking group.

These initiatives were mostly implemented under the now fairly obsolete Well at Work programme but as an employer Gedling Borough strives to encourage workplace health and has signed up to the Nottinghamshire Workplace Health Accreditation. It currently provides DNA gym subscription reductions for employees, hosts a yearly employee Health and Wellbeing Fair and throughout the year, there are a range of lunch time fitness sessions.

5. Conclusions

- The working group acknowledges some of the limitations of this review. Community engagement and engagement with schools has been negligible but what we have learnt has proved valuable in exposing some of the issues that we consider need addressing. There are a variety of initiatives that

Members considered could make a difference, including limiting the advertising of high calorific foods, improved food labelling, the curtailing of supermarkets offering buy one get one free offers and lessons on how to cook and portion size. These, however, fall in the main, to commercial businesses and the committee has no remit to make recommendations to these organisations.

- Obesity and weight management requires that all parties work together to tackle this many faceted problem, which increasingly impacts on the health and wellbeing of the residents of Gedling. For individuals that have weight issues, access to specialist weight management programmes are essential and in addition there is a need to create neighbourhoods and facilities that support people to maintain healthy weight.
- The weight management services commissioned by Nottinghamshire County Public Health has a pivotal role in helping people with an unhealthy weight but they currently do not commission any services for the prevention of weight gain, or for helping people who are physically inactive. Members considered that resources should be channelled into prevention, with an emphasis on education, particularly for young people, to highlight the risks that poor diet and exercise will have on their health in later life.
- There is an acknowledgment that a partnership approach which recognises the many influences; environmental, family and individual, all impact on weight gain and in the area of prevention, that the authority can have the greatest impact. However, the authority has few responsibilities and limited influence around health care provision. It does, however, have a role in the prevention of weight gain and helping people lead healthier lifestyles. The Council's objective should be to augment the services provided by the health professionals and to promote healthy behaviours, ensuring that amenities that contribute to healthier life styles are available and accessible to those who want or need them.
- The Council provides comprehensive leisure services and is always looking at more ways to encourage residents to participate in activities. The authority has a role in incentivising and supporting healthier behaviour, encouraging people to take responsibility for their own long term health, in addition to promoting access to exercise and leisure facilities and advocating healthy diets. There is a need to provide facilities that support people to maintain a healthy weight, or assist them in weight reduction programmes, and there already exists a wide range of opportunities for people to participate in physical exercise at local level. A greater emphasis on prevention rather than treatment is required and Gedling, as an authority, is undertaking a great deal

of work in this area. Support for local sports clubs, helping them to build capacity and facilitate engagement with the local community is available from the authority. Members acknowledge that the Council provides excellent leisure services and sports development opportunities, some in partnership with other organisations, encouraging people to be more physically active. Much of this work takes place in leisure centres and through sports clubs but Members felt that there was also the opportunity to use the parks in the borough to better effect. Although some of the parks have outdoor gym equipment, they considered that this should be available in all parks, and especially in Arnot Hill Park, and that the provision of supervised outdoor gym sessions would encourage and improve the use of the equipment. In addition, the provision of table tennis tables located near to the siting of the outside gyms could encourage people to be more physically active. Provision of a 'trim trail', a series of wooden exercise stations beside jogging or walking paths, with simple instructions attached to them, should be considered in Gedling Country Park and other locations with similar terrain that would lend themselves to this type of equipment.

- Although there is a great deal of work done by the leisure centres to facilitate physical activity, Members felt this was undermined by the provision unhealthy snacks and drinks in leisure centre vending machines. They acknowledge that there are a number of issues relating to the sale of fresh fruit but considered that if the authority is to make a real commitment to encouraging healthy eating, it should, perhaps, consider taking the bold step of removing vending machines, or only stocking sugar free drinks and snacks in them.
- It is generally accepted that issues related to obesity require a sustained holistic and coordinated approach and that the effects of this problem are far reaching. Entrenched health behaviour patterns, in different geographical areas, affect the health of individuals, thereby leading to worsening health inequalities in different areas. Small incremental change, over time, involving a range of organisations, is the only way this issue can be effectively addressed. Some geographical areas may need additional resources to target and encourage people to change behaviour. Prevention is preferable to treatment and there is a need to promote informed choices and deliver campaigns that capture the target audience. A key focus for intervention and prevention should be children and young families. The prevention of weight gain, starting in childhood, is the best way of achieving healthy weight in adulthood. Improved attitudes, by adults, to weight loss, is a priority as parents have the greatest influence on children's diets and approach to physical activity. Members acknowledge the valuable work undertaken by the Gedling Sports Partnership, in encouraging young people in schools to be more active and make healthy food choices.

- Members considered that the planning process, in terms of housing development, also had an influence and should be used as a mechanism to promote a healthier environment. Gedling, as an authority, can encourage the building of housing developments that include green spaces alongside walking and cycling ways and transport routes. There is a need to create activity friendly neighbourhoods which include accessible leisure facilities, play spaces, bike and cycle lanes, safe walking, play areas and allotments. The working group were concerned about the concentration of fast food outlets and the possibility of limiting the number of outlets being granted planning permission in close proximity to each other. The location of outlets is not subject to planning constraints. However, the following restrictions can be applied in through the Local Development Plan, which is at present subject to consultation:
 - I. within Arnold Primary Area and the Local Centres, fast food outlets must not exceed 10% of total frontage, and
 - II. applications for fast food outlets will be refused within 400 metres of a school.
- As an employer, Gedling Borough Council recognises the importance of providing information and also provides a range of activities and initiatives including reduced DNA membership, a yearly Employee Health and Wellbeing Fair and lunchtime fitness activities, in an attempt to promote a healthier lifestyle for staff.
- It is clear that no single initiative will have sufficient impact to reverse obesity, only an extensive programme of multiple interventions is likely to be effective and that the long term prevention of obesity is better than treatment of it. The working group hopes the recommendations will support existing initiatives that will bring overall benefit to local people in Gedling. We appreciate the importance of working together to be able to make a difference to this growing problem and would like to thank the organisations that have contributed to this review.

6. Recommendations

1. We strongly urge the Clinical Commissioning Group to commission the provision of early intervention services by GP practices. We feel this is an, 'invest to save', initiative that will, over time, save a considerable amount of money and do much to benefit the health and well-being of the people of Gedling.

2. We strongly recommend that the data which is collected by the National Child Weight Management programme is analysed and those children identified as overweight are offered appropriate interventions to help them achieve a healthy weight.
3. Resources are made available for obesity prevention education, with a particular emphasis on families, children and young people, outlining the risks that poor diet and lack of exercise will have on health in later life.
4. That GP practices are supported to offer a range of early intervention initiatives, including talking therapy, to conquer the growing problem of obesity in families and also to develop appropriate early intervention and healthy eating material for GP practices.
5. Improve and promote the self-referral route for Changepoint Weight Management Services.
6. Rigorous monitoring of the effectiveness of the Changepoint Weight Management Service is undertaken.
7. That there is a monthly article, in the Contacts magazine, promoting healthy lifestyles, sports activities, including walking and cycling, fitness classes and take-up of the allotment scheme. This could include nutritional advice and the inclusion of a healthy nutritious recipe.
8. Promotion of a healthy lifestyle, including healthy eating, physical activity and available obesity prevention services are displayed on the side of refuse lorries.
9. Members, through their work, as school governors, should encourage schools to consider adopting the 'daily mile' scheme.
10. Members join their GP Patient Participation Group, to promote the need for early intervention information to be available in GPs surgeries.
11. The provision of outdoor gymnasiums made available in all Gedling Borough Council parks and recreation areas, but particularly, that one is sited at Arnot Hill Park.
12. The introduction of instructor supervised sessions to inform people how to properly use the outdoor gym equipment.
13. Consideration of the feasibility of providing table tennis tables in all Gedling Borough parks and recreation areas.

14. The siting of a “trim trail” at Gedling Country Park and other suitable locations.
15. Healthy option vending machines are installed in leisure centres.
16. The sale of fresh fruit in leisure centre receptions is trialled.
17. Improve the shower facilities at the Civic Centre, to encourage staff to cycle to work and be more active at lunchtime.

Acknowledgements

Anne Pridgeon, Senior Public Health Manager
Barbara Brady, Consultant in Public Health, Notts. County Council
Hazel Buchanan Nottingham North and East Clinical Commissioning Group
Dr Paul Oliver, Clinical Lead, Nottingham North and East CCG
Andrew Dowling, Chief Executive, Gedling Sports Partnership
Councillor Henry Wheeler, Gedling Borough’s Council representative on the Health and Wellbeing Board
David Wakelin, Director of Health and Community Wellbeing
Officers from Leisure and Community, Leisure Gedling Borough Council
Dr McKeating (GP Partner), Dr Alurwar (GP Partner), Practice Nurses – Jo Balchin, Michelle Hills, Gail Hamilton. Carol Pape (Advanced Nurse Practitioner)
Matthew Doig, Practice Manager. High Croft Medical Surgery

Overview and Scrutiny Review Scoping Report

Review Title: *Healthier Communities – Reducing Obesity*

Chair of the review group: Cllr. V McCrossen

Working Group members: Cllrs. Truscott, Doyle, Hewson, Bisset and Walker.

Portfolio Holder: Cllr. Henry Wheeler

Corporate Director: David Wakelin

Lead Officer: Helen Lee

Reason for the review

The Gedling Health Profile 2015 provides a picture of people's health in Gedling and highlights a number of areas where this is below the England average. Although there are some areas where Gedling is above the England average two particular areas were highlighted for concern excess weight in adults and pregnant women continuing to smoke.

This review will focus on excess weight in adults. Obesity decreases life expectancy by up to nine years and is an important causal factor in many health conditions. There are many routes to which obesity is detrimental to wellbeing. 23.7% of adults in the Borough are obese, higher than the England average (2012)

Specific focus of the review

The review will examine the growing problem of obesity and consider how the authority can contribute to supporting and encouraging people to lead healthier lifestyles and make healthier choices thereby reducing health inequalities across the borough. In addition it will examine how we can influence and support partners who have responsibility for commissioning and providing services which address this issue.

This will include looking at:

- Why obesity is a growing problem, the consequences of obesity for individuals and services
- How prevalent this is in Gedling Borough Council what services exist to tackle this issue
- What else can be done to decrease incidence of obesity and by whom, what

works, what doesn't

- What would make a difference
- What can we as an authority can do to strengthen partnership working, improve coordination of services
- What, principally through leisure and planning, can we do to influence and support partnership working
- How can we support changes in behaviour to promote healthy lifestyles

What we hope to achieve?

Improve the morbidity and mortality of the residents of Gedling. Promotion of healthier life styles resulting in a decrease in obesity with low or no cost options particularly among young people and families.

Information required from whom.

Obesity

Public Health – commissioners

Everyone health - providers

CCG

Leisure

Planning

Gedling Sports Partnership

How we will get the information.

Briefings from relevant organisations

Public Involvement.

Equalities issues.

There should be no adverse effect on the groups which fall within the protected categories as defined in the Equalities Act 2010.

Timescales for the review

Action		Date
Approval from O & S	The formal process prior to commencing the review	20 th July 2015
Meeting and evidence gathering meetings	Briefing Anne Pridgeon, Senior Public Health Manager, and Barbara Brady, Consultant in Public Health, Nottinghamshire County Council.	28 September 2015
	David Wakelin, Corporate Director	
	Discussion, Cllr. McCrossen and Hazel Buchanan CCG.	4 November 2015
	Briefing Paul Oliver Clinical Lead, CCG	8 December 2015
	Leisure and Community	18 January 2016
	Gedling Sports Partnership Cllr Henry Wheeler – Health and Wellbeing Board	18 February 2016
Drafting the recommendations and report		14 April 2016
Report to Overview Committee		27 June 2016
Report to Cabinet		4 August 2016
Response to Overview (within 28 days)		
Six month update		

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Report to Cabinet

Subject: Policy on Enforcement in relation to wheelie bins left on the highway after collection

Date: 12 July 2016

Author: Community Protection Manager

Wards Affected

All Wards

Purpose

To present for adoption the policy for the use of enforcement powers to address the issue where residents fail to retrieve their wheelie bins from the highway following the day of collection.

To obtain approval as part of the enforcement process to set the fixed penalty level at £60 payable within 14 days of service.

Key Decision

This is not a key decision

Background

- 1.1 Gedling Borough Council residents are provided with wheelie bins by the Council, who are the waste collection authority for the Borough. Residents are required to present their bin on the day of collection at the boundary of their property without obstructing the highway, or in the case of terraced properties with no frontage, the presentation point is the back of the pavement, which forms part of the highway.
- 1.2 Members in some areas of the Borough have been approached by residents who have raised concerns about wheelie bins being left on the highway for some considerable time after collection and in some cases left on the pavement indefinitely. Wheelie bins left on the highway have the potential to cause a range of problems including causing an obstruction, nuisance and impacting on the visual amenity of an area.

Officers within Public Protection were tasked to set up a working group to consider the options to reduce the numbers of wheelie bins left on the highway and concluded that enforcement was seen as a viable option. The working group proposed to develop and review the Council's current practices and procedures in respect of wheelie bins being left on streets, to ensure they were suitably robust.

- 1.3 Currently, the Council has no policy specifically relating to dealing with wheelie bins left on the highway. Officers have used informal negotiation with residents resulting in some improvement, however, there has never been full compliance and complaints continue. Historically the Environmental Protection Act 1990 ("the Act") gave authorities the power to use criminal sanctions where residents failed to comply with notices requiring removal of bins from the highway including prosecution. The Deregulation Act 2015 removed criminal sanctions in England from March 2015 and introduced a civil enforcement process in relation to bins being left on streets and other issues in respect of the collection of household waste. The process does ultimately permit the service of fixed penalties, the penalties, if not paid are recovered through a civil debt recovery process.
- 1.4 Since March 2015, the Act gives waste collection authorities certain civil powers in relation to waste receptacles (s.46-46D). In particular, s.46 of the Act provides that a waste collection authority may serve a notice under that section requiring the occupier of a premise from which household waste is collected to follow specified steps in relation to the placing of the receptacle for collection. If the occupier fails, without reasonable excuse, to comply with the requirements of the notice, and the result causes or is likely to cause a nuisance, or has been or is likely to be detrimental to any amenities of the locality, the authority may serve a warning letter and ultimately a fixed penalty on the person responsible for the bin.
- 1.5 In terms of the level of the fixed penalty the authority can determine the level of fixed penalty; alternatively the Act specifies an amount of £60. The Act also provides that an authority may allow a reduced penalty if it is paid within a specified period. In line with the Council's other fixed penalty schemes for example littering, the Council considers a 14 day repayment period with no reduction for early repayment is appropriate. The Council also consider the statutory rate of £60 to be an appropriate level for a fixed penalty for failing to comply with a s.46 notice. This is slightly higher than fixed penalties for littering and dog fouling but is the level put forward in the Act as the default level. The statutory process involved in the service of a fixed penalty is more protracted than for matters such as littering. The process is not a criminal one and requires the issuing of a warning letter and a notice of intent before a fixed penalty is demanded. The person on whom the s.46 notice is served

also has the opportunity to make representations to the authority prior to a fixed penalty being issued and has the right of appeal to the First Tier tribunal against the issuing of a fixed penalty. The level of £60 ensures the additional costs associated with the enforcement process can be met.

- 1.6 The working group have considered the powers of enforcement under the Act and feel that in order to tackle the problem of wheelie bins being left on the highway, residents should be educated about the enforcement options available and the Council should be in a position to utilise these powers in situations where bins left on the streets are causing problems for residents.
- 1.7 Officers have drafted a Policy which lays out how it will investigate cases of wheelie bins left on the pavement and carry out enforcement. This Policy has been prepared and is attached at Appendix A.
- 1.8 To ensure any enforcement carried out in line with this Policy is done in a proportionate, fair and equitable manner officers have carried out an Equality Impact Assessment in relation to the Policy which is set out in Appendix B.
- 1.9 It is hoped that the development of this Policy, the education of residents and a more robust approach by the Council to enforcing this issue, will alleviate the problems caused by bins being left on the pavement following the day of collection.
- 1.10 In preparing this Policy the working group had regard to the Public Protection Enforcement Policy and the Regulator's Code.
- 1.11 In order to ensure the Council has taken a proportionate approach with regard to this Policy officers have consulted with My Sight Nottingham, Age UK, the Netherfield Polish Parents Forum, Disability Nott's and Gedling Homes. However, no comments have been received from these organisations.

Proposal

- 2.1 It is proposed that the Council adopt the Policy at Appendix A for the use of enforcement powers where residents fail to retrieve their wheelie bins from the highway following the day of collection.

It is proposed that the Fixed Penalty level for failing to comply with s.46 of the Environmental Protection Act 1990 be set at a level of £60.

It is proposed that the period in which a Fixed Penalty must be paid is 14 days from the date of service.

Alternative Options

- 3.1 The Council can carry out enforcement under the Act without adoption of the Policy, however it is important that any enforcement action the Council takes is proportionate and processes are transparent. It is also important that residents understand their responsibilities in respect of waste collection and understand why the Council takes the action it does with regard to enforcement.
- 3.2 The Council could choose not to issue fixed penalty notices, however in line with the Council's other public protection enforcement a fixed penalty, where possible, is always offered and is often a more cost effective and swift method of enforcement.

Financial Implications

- 4.1 There are no financial implications for this Policy. All investigation and enforcement actions carried out by Neighbourhood Wardens will be done as part of general environmental improvement work and done within existing budgets.

Any income generated by the payment of fixed penalty notices is expected to be negligible and will be paid into the existing fixed penalty notice account and distributed along with similar payments.

On a more general note, it is expected that the timely retrieval of bins from the highway by members of the public may create savings in other areas of the public sector for example the National Health Service (NHS) and with potential fewer hospital admissions due to accidents.

Appendices

- 5.1 Policy and procedures for use of enforcement powers to be used in incidents where residents fail to retrieve their wheelie bins from the highway following the day of collection. Appendix A
- 5.2 Equality Impact Assessment, Appendix B

Background Papers

- 6.1 None

Recommendation(s)

That Members:

1. Adopt the Policy at Appendix A explaining how officers can use enforcement powers where residents fail to retrieve their wheelie bin from the highway following the day of collection.
2. Set the level of fixed penalty issued as part of the enforcement process at £60 with no reduction for early repayment.

Reasons for Recommendations

To ensure the Council has a clear and transparent Policy when using enforcement powers where residents fail to retrieve their wheelie bins from the highway.

To ensure that the Council's enforcement is consistent with other Public Protection enforcement in that where possible a fixed penalty notice is offered.

Appendix 1.



Policy and Procedures for dealing with wheeled bins left on the Highway after the day of collection.

The Policy

Introduction

This document sets out for Members, officers and residents, the high level action that Gedling Borough Council ('the Council') intends to take regarding wheelie bins which are not returned to their proper place of storage and left to cause an obstruction to pedestrians on the highway following the day of collection. It also explains how we intend to take a reasonable, equitable, and proportionate approach to enforcement, with the aim of reducing the number of wheelie bins left on the highway and the associated problems they can cause.

In an attempt to ensure that any enforcement action is proportionate, officers have carried out an Equality Impact Assessment, a copy of which can be seen at Appendix A

In the preparation of this Policy the Council has had regard to the Public Protection Enforcement policy and the Regulator's Code under the Legislative and Regulatory Reform Act 2006.

Background

Gedling Borough Council residents are provided with wheelie bins by the Council, who are the waste collection authority for the Borough. Residents are required to present their bin on the day of collection at the boundary of their property without obstructing the highway, or in the case of terraced properties with no frontage, the presentation point is the back of the pavement, which forms part of the highway. Wheelie bins should be removed from the highway as soon after collection as possible, but always by the end of the day of collection.

In some parts of the Borough, especially in high density housing areas, a problem has developed whereby residents leave their bin permanently on the

pavement for an excessive period of time. Where this occurs, bins have the potential to cause an obstruction of the highway and impact on the amenity of the area.

The Council recognise that enforcement is a last resort and the measures described in this Policy are considered necessary and proportionate to tackle the problem.

Some of the problems created by wheelie bins left on the highway have been identified as:

- a. Presenting an obstruction to pedestrians, especially those who are visually impaired or use mobility aids and pushchairs.
- b. Making the area look unsightly.
- c. Bins are vulnerable to be vandalised or blow over and cause damage to parked vehicles.
- d. Bins left on the highway have the potential to be targeted for arson.

Relevant Legislation

The Environmental Protection Act 1990 (“the Act”) gives waste collection authorities powers in relation to waste receptacles. In particular, s.46 of the Act provides that a waste collection authority may serve a notice under that section requiring the occupier of a premises, from which household waste is collected, to follow specified steps in relation to the placing of the receptacle for collection. If the occupier fails, without reasonable excuse, to comply with the requirements of the notice, and this failure causes or is likely to cause a nuisance or has been or is likely to be detrimental to any amenities of the locality, for example by failing to remove the receptacle from the highway when specified, which in turn causes an obstruction or affects amenity, he/she could ultimately receive a fixed penalty of £60. The statutory process in relation to the service of such fixed penalties is set out in the procedure below.

Other legislation highly likely to be used to assist in the implementation of this policy will be:

1. The Environmental Protection Act 1990, s79 and s80 relating to Statutory Nuisances and Abatement Notices.
2. The Public Health Act 1936 s78 relating to the scavenging of common

courts and passageways.

3. The Town and Country Planning Act 1990 s215 relating to the proper maintenance of land.
4. Local Government (Miscellaneous Provisions) Act 1976 s16 relating to powers of Local Authority's to obtain the particulars of persons interested in land.

Residents with additional support needs or restricted storage areas.

It is recognised that some residents have additional support needs such as infirmity, limited mobility, age related frailty or live in dwellings where the design and layout does not lend itself easily to the storage of bins off the road.

Where residents have limited mobility, assistance is provided by the refuse operative and this service will remain in place.

Some properties do not have easily accessed bin storage areas. In such cases officers will attempt to offer solutions on a case by case basis prior to considering an enforcement approach.

The Procedure

Introduction

This procedure is to assist Council officers when dealing with complaints or incidents of wheeled bins not retrieved from the highway in the Gedling Borough Council area by the end of collection day.

NB: (A copy of the wheeled bin collection rota can be obtained by contacting the Waste Management Officer on 0115 9013611)

Complaint recording

All complaints about bins left on the highway received from a member of the public, a waste officer or an officer within the Public Protection team, will be logged on the Idox system, this will trigger a visit from a Council officer to the area/premises complained about.

Enforcement

First Stage

Officers will visit the area/premise complained of the day after collection should have taken place. The officer must first try to identify who is responsible for the bin and check that there are no obvious reasons why the person responsible for the bin has not returned it to its proper place of storage. These reasons may be to do with the individual having difficulty physically placing the bin out, they may be on holiday or the collection may have been missed by the Authority.

If this is the first time the officer has dealt with the address and there is no reasonable excuse for leaving the bin on the highway the officer will most likely offer advice to the occupant regarding bin storage and serve a notice under s.46 of the Act on the occupier. The notice will specify when the bin should be removed from the highway after collection. The purpose of the notice is to educate the occupier so it is clear when their bin should be returned to its storage location.

Should the reason given by the person responsible for the wheeled bin relate to an obstructed court or passageway to the rear of a row of terraced houses, the case must be reported to the Environmental Health Officer (EHO) who deals with area. The EHO will consider taking action under the Public Health Act 1936 section 78, to clear the passageway and as such enforcement will not be appropriate against that person until the court or passageway has been cleared.

Should there be another reason why the person responsible for the bin, is not able to retrieve it from the highway the officer may feel it appropriate to work with other agencies to provide appropriate support to the resident. These agencies may include Nottinghamshire County Council Adult Social Care, local residents groups, social landlords or Age Concern for example, but this list is not exhaustive.

Second stage - Serving a warning letter.

If there are further complaints about bins being left out on the highway for a premises where a s.46 notice has been served, or if officers checking compliance with the s.46 notice find it is not being complied with and bins are still being left out after collection, officers may serve a warning letter on the person responsible for the bin. A warning letter may only be served where there is no reasonable excuse for failing to comply with the s.46 notice and:

- The failure to comply has caused, or is likely to cause, a nuisance, or has been, or is or was likely to be detrimental to any amenities of the locality.

The written warning will identify how the person has failed to comply with the s.46 notice, the nature of that failure, how the failure has caused a nuisance or been detrimental to the amenity and explain what will happen if the failure to comply continues. If the non-compliance with the notice is a continuing one, that is for example the wheelie bin is permanently left on the highway without reasonable excuse causing a nuisance or affecting amenity, the warning letter may include a period within which action must be taken to remove the bin from the highway.

Third Stage – fixed penalty notice

If there is evidence, following service of a warning letter that the person responsible continues to fail to comply with the s.46 notice, or if the warning letter specifically included a time by which action to stop the breach must occur and this has not been done, the person responsible for the failure to comply may be required to pay a fixed penalty to the Council of £60.

The fixed penalty will only be required if the failure to comply with s.46 causes or is likely to cause a nuisance or has been, or is or was likely to be detrimental to any amenities of the locality. A fixed penalty can be required if the above grounds are satisfied within one year of a warning letter being served.

Process for serving a fixed penalty

Where officers wish to require a fixed penalty to be paid following a warning letter, they must first serve a 'notice of intent' on the person responsible for the bin. This notice of intent must specify the grounds for proposing the fixed penalty, the amount of that penalty and the right for a person to make representations to the Council as to why payment of a fixed penalty should not be required. Any such representations should be made to the Service Manager, Public Protection within 28 days beginning with the day the notice of intent is served.

After the expiry of 28 days from the service of the notice of intent, if there are no representations following the notice of intent, or if the officer considers the representations but determines the fixed penalty is still necessary, the officer will serve the final notice on the person responsible for the failure to comply with s.46. The final notice must explain the grounds for requiring the fixed penalty, the amount of the fixed penalty,

how payment can be made, the period within which payment must be made (14 days), the right of appeal against the penalty and the consequences of non-payment.

First - Tier Tribunal

Any person served with a final notice under this legislation can appeal against it to a First-Tier tribunal. The First-Tier Tribunal can withdraw or confirm the requirement to pay the fixed penalty. Any requirement to pay the fixed penalty is suspended pending the determination or withdrawal of the appeal. If any appeal is dismissed or withdrawn the fixed penalty must be paid within 28 days of the decision to withdraw or dismiss the appeal.

Non Payment of Fixed Penalty Notice

If the fixed penalty is not paid within 14 days of serving the final notice when there is no appeal, or within 28 days of an appeal being dismissed or withdrawn, the Council will pursue the penalty as a civil debt and will take any appropriate enforcement action in line with the Council's debt recovery processes.

Officers will consider the circumstances of every case when determining whether enforcement action is appropriate.

Appendix 2



EQUALITY IMPACT NEEDS ASSESSMENT

Policy to be assessed	Introduction of the policy to issue Fixed Penalty Notice under the Environmental Protection Act 1990 where residents fail to retrieve their wheelie bin from the highway..
Assessment completed by:	Mr Kevin Nealon, Community Protection Manager, Public Protection Service.

Aims/objectives of the Policy/Service/Procedure

The aim of this policy is to.

Set out the high level actions Gedling Borough Council intends to take against residents who fail to remove their wheelie bin from the highway, following the day of collection.

To reduce the number of obstructions to pedestrians especially those who are visually impaired or those with a mobility problems and users of pushchairs.

Reduce the risk of potential accidents and injuries to those using the pavement.

To reduce the negative visual impact caused by wheelie bins being left on the highway.

Reduce the risk of wheelie bins being vandalised.

Reduce the risk of wheelie bins being stolen.

To ensure that officers take a firm, balanced, and considered approach to any enforcement action taken.

To ensure are officers are trained to identify safeguarding issues and apply our Safeguarding Children, Young People and Vulnerable Adults Policy and procedure where relevant to do so when dealing with bins on streets issues.

Who are the customers and stakeholders of this service?

1. The public who live in areas which have an history of residents failing to retrieve their wheelie bins from the highway.
2. Council employees.
- 3 Elected members.

Detail below what information you already have about the impact this policy/service/procedure has on the following groups including results from consultation, complaints, census:

Black and minority ethnic people	The Council has no formal data relating to the ethnicity of residents who fail to retrieve their wheelie bins from the highway in the Gedling Borough Council area.
Men/women and transgender	The Council has no formal data relating to the balance of male and female ratio of people who fail

	to retrieve their wheelie bin from the highway. However some of the areas affected are in high density housing areas and as such there is an increased chance that some of residents might live alone. Statistics suggest that females outlive males and as such more of these residents may be female and live on their own.	
Disabled people	The Council has no formal data relating to disability of residents who fail to remove their refuse bins from pedestrian footpaths in the Gedling Borough Council area in the past.	
Gay/Lesbian/bisexual People	The Council has no information held on this characteristic regarding the number of who fail to remove their refuse bins from pedestrian footpaths in the Gedling Borough Council areat	
People from different faiths	No information is held on this characteristic.	
People of different ages	No information is held on this characteristic.	
How will this policy/service/procedure impact on the following groups:		
	Positive impact	Negative impact
Different racial groups	None	None
Men/women and transgender	Both men and woman who transport young children in push chairs and perambulators will meet with fewer obstructions whilst using the pedestrian footpath.	None
Disabled people	People who are visually impaired or those with mobility problems will meet with fewer obstructions whilst using	Some residents who have difficulty handling and moving refuse bins might feel pressurised by the threat of

	the pedestrian footpath.	enforcement to carry out tasks they are unable to	
Gay/Lesbian/bisexual people	None	None	
People from different faiths	None	None	
People of different ages	Some elderly residents will find it easier to use footpaths as they will meet with fewer obstructions, especial those using mobility aids such as walking aids such as frames or scooters.	Some elderly residents may have difficulty in both moving their bins and negotiating them through rear passageways and alleyways.	
What changes could be made to the policy/service/procedure to address any negative impacts? This is a new policy; no previous policy was in place prior to its introduction.			
What monitoring will be carried out to ensure this policy/service/procedure meets diverse needs Officers will review this policy within one year.			
What actions will be included in your service plan arising from this assessment?			
Action	Outcome	Date?	Who?
Where residents have limited mobility assistance is provided by the refuse operative to return their bin to its proper place of storage and his service will remain in place.	Some residents have additional support needs such as infirmity, limited mobility, age related frailty or live in	Ongoing	Kevin Nealon

	<p> dwellings were the design and layout does not lend itself easily to the storage of bins off the road. This action will address the negative issues raised in the age and disability sections of this EIA. </p>		
<p> Are you satisfied that all aspects of this policy/service/procedure have been thoroughly assessed for all the strands of diversity and that no further investigation is required? </p> <p> Yes </p> <p> If no then a fuller impact assessment is required. </p>			

Signed.....(Manager)

Signed.....(Corporate Equality



Report to Cabinet

Subject: Regulation of Investigatory Powers Act 2000 (RIPA) Annual Audit and Policy Update

Date: 4th August 2016

Author: Director of Organisational Development and Democratic Services

Wards Affected

Not applicable

Purpose of the Report

To inform Members of the outcome of the Council's inspection by the Office of Surveillance Commissioners (OSC) conducted on 18th April 2016.

To obtain approval for amendments to the Council's RIPA Policy to reflect recommendations made by the Office of Surveillance Commissioners following their inspection of the Council on 18th April 2016.

To inform Members of the findings of the annual internal audit of RIPA authorisations from April 2015 – March 2016, in accordance with the policy.

Key Decision

This is not a Key Decision.

Background

- 1.1 Under the Regulation of Investigatory Powers Act 2000 (RIPA) local authorities have the power to authorise directed surveillance (usually covert cameras or covert observations by officers) and the use of Covert Human Intelligence Sources (CHIS) (essentially undercover officers conducting surveillance) if the authorisation is necessary for the prevention and detection of crime or preventing disorder and if the surveillance is proportionate to the aims it seeks to achieve. In respect of directed surveillance, save for a small number of licensing offences, any

crime or disorder being prevented or detected using RIPA must be a criminal offence which attracts a minimum of 6 months in custody, the so-called “serious crime” threshold. The authorisations under RIPA can only be given by Directors or the Chief Executive, and the entire process is overseen by the Director of Organisational Development and Democratic Services as the Senior Responsible Officer for RIPA (SRO) with assistance from the RIPA Co-ordinating Officer, the Service Manager for Legal Services. Since 1st November 2012, any RIPA authorisations or renewals must also have judicial approval from a Justice of the Peace. This is done at the Nottingham Magistrates’ Court.

The OSC Inspection

- 1.2 The Council’s RIPA process is subject to intense scrutiny and roughly every three years, the Council is inspected by the OSC to ensure that its RIPA processes, procedures, policies and practices are sound. The Council was inspected by an Inspector from the OSC on 18th April 2016. The Inspector’s concluded that Gedling Borough Council is a good performing Council. The Inspector acknowledged that there had been a reduction in RIPA authorisations granted since the last inspection in 2012 but that the Council continued to take its responsibilities under RIPA seriously and has in place good RIPA management, a good training programme and well constructed RIPA guidance.
- 1.3 The Inspector made three recommendations following the inspection as follows:
 1. Raise RIPA awareness throughout the Council
 2. Amend the RIPA guidance to reflect the following:
 - Regular update reports to members on RIPA usage throughout the year
 - Advice in relation to the use of social media to gather information and how this relates to RIPA
 - Clarification that the RIPA authorisation runs from the date of Court Approval
 - That the Authorising Officer should attend court to obtain Magistrates’ Court approval.
 3. Ensure that Councillors receive regular RIPA reports.
- 1.4 In relation to the first recommendation, the RIPA Co-ordinator, intends to raise awareness of RIPA through updates, when appropriate in the E-Gen, a weekly staff email bulletin, to ensure all staff are kept up to date in relation to RIPA and are clear when a RIPA authorisation would be required. An article is also to be published in the Legal gen which is circulated at least twice a year to all staff. Service Managers will be updated in relation to RIPA when required and the information will be filtered to staff through team briefings.

- 1.5 In relation to recommendations 2 and 3, the RIPA Co-Ordinating Officer has reviewed the Council's RIPA Policy which was last approved by Cabinet in July 2015 and made amendments. The amended policy is attached at Appendix 1. The key amendments to the Policy are as follows:
- The current policy requires annual review by Councillors of RIPA usage and policy. This annual review is done by way of an officer report to Cabinet. In addition, the policy currently requires quarterly reports to members on RIPA usage, if there has been any such usage. The Inspector has recommended regular reporting to Councillors throughout the year on RIPA activity or inactivity. As such, it is proposed that the Policy is amended requiring regular reporting to Members on RIPA activity or inactivity. This will be done through regular reporting, on at least a quarterly basis to the Portfolio Holder for Public Protection.
 - There is already advice in the current RIPA policy in relation to the use of social media sites for surveillance activities. The Inspector provided some useful guidance in relation to this, which it is proposed is included in the policy document to clarify when, using social media sites such as facebook to gather information about an individual, officers should seek authorisation under RIPA.
 - It is proposed that the policy be amended, following the Inspector's suggestion, to stress the fact that RIPA authorisations run for 3 months from the date of Magistrates' Court approval. This is already in the policy once, but the Inspector has suggested it should be repeated throughout the policy.
 - Currently the policy provides that Investigating Officers attend the Magistrates' Court to obtain approval for RIPA authorisations. The Inspector and the OSC are firmly of the view that it is the Authorising Officers who should attend court to obtain approval. The Authorising Officers are Directors and the Chief Executive. Whilst historically, the number of RIPA authorisations made it difficult in practical terms to ensure Authorising Officers were available to attend court, the number of RIPA authorisations has dropped significantly over recent years and are likely to drop further as the Benefit Fraud team who requested all RIPA authorisations in 2015-16 have now transferred to the Department of Work and Pensions. It is now rare that Authorising Officers would be required to attend court. As such, the policy has been amended to reflect the fact that Authorising Officers will now be required to attend court for

Magistrates' approval following internal authorisation under RIPA.

- 1.5 In addition to the requirement that Members be updated annually as to RIPA usage, the Policy also requires officers involved in the RIPA process to receive refresher training once a year in respect of RIPA. On 18th March 2015, Gedling Borough Council hosted a county wide RIPA training day for officers of the Council and other Local Authorities across Nottinghamshire and Derbyshire. The training was presented by Naomi Matthews, who was at the time, Criminal Specialist in Legal for Nottingham City Council and the RIPA Co-ordinating Officer for Nottingham City Council. The training was well attended by both investigating and authorising officers and it is envisaged another similar session will be delivered to officers later in the year. The Inspector was content with the training offered and planned for officers in relation to RIPA.

Internal Audit

- 1.6 In addition to the external inspection by the OSC, the RIPA Co-ordinating officer also carries out annual audits of RIPA usage. The audit for 2015-2016 has now been completed. The authorisations remain of a high standard. In this period there were a total of 4 applications for Directed Surveillance authorised. All authorisations have now been cancelled. All applications related to Directed Surveillance, there were no authorisations of Covert Human Intelligence Sources (CHIS).
- 1.7 All of the applications for RIPA authorisation were from Revenues Services and involved the use of officers to carry out covert observations for investigations into Benefit Fraud Offences. The four authorisations within the last financial year were all authorised by Mark Kimberley, and were all subsequently approved at the Nottingham Magistrates Court, three of the authorisations were approved by a Magistrate, one by a District Judge. Three of the authorisations were cancelled by Mark Kimberley without a review becoming necessary. One authorisation resulted in a review by Mark Kimberley and was subsequently cancelled by Stephen Bray.
- 1.8 The Council maintains a high standard in relation to its RIPA processes, all of the authorisations were detailed and demonstrated sufficient evidence to satisfy the necessity and proportionality tests. All authorisations related to criminal offences which, if prosecuted would have passed the serious crime threshold in that they could have attracted custodial sentences in excess of 6 months.

- 1.9 The consistent error on all authorisation forms was the expiry date of the authorisation given by the Authorising Officer. The authorisation expires 3 months from the date of approval by the Magistrates, not three months from Authorising Officer approval. This will be reinforced to Authorising Officers as part of future training. It is important that authorisations are in court as soon as possible after authorisation is given internally, ideally court approval should be on the same day as Authorising Officer approval. The amendments proposed to the Policy requiring the Authorising Officer to attend court should remedy this problem.
- 1.10 Finally, the cancellation form used by the officers are not the forms recommend by the Co-ordinating officer. The forms used are the ones which appear on the Home Office website so are not incorrect, but they do not encourage a description of what product was obtained through surveillance and how that product will be utilised and kept securely. This is something officers will be reminded of again.
- 1.11 In conclusion, the Council retains a high standard in relation to its RIPA processes and procedures, this is endorsed through the internal audit and through the OSC Inspection. RIPA authorisations have now reduced considerably, and with the departure of the fraud team it is expected that RIPA authorisations will be very rare, however it is important and indeed stressed by the OSC that the Council maintains its RIPA processes and ensures officers remain aware of RIPA and that Members are kept up to date.

Proposal

- 2.1 It is proposed that Members approve the updated RIPA Policy at Appendix 1 which has been amended in line with the recommendations made by the OSC, to ensure the Council's RIPA Policy remains up to date and fit for purpose.
- 2.2 It is proposed that Members consider the findings outlined in this report following the internal audit of the RIPA process for the year 2015-2016.
- 2.3 It is proposed that Members note the outcomes of the OSC Inspection as outlined in this report following the Council's inspection on 18th April 2016.

Alternative Options

- 3.1 An alternative option is that Members do not receive and consider feedback in respect of the RIPA audits and inspection. This would go against the Council's RIPA Policy which requires annual review of the Council's Policy and procedure by Members. This would also be contrary

to recommendations from the OSC.

- 3.2 Members could choose not to approve the amendments to the RIPA Policy or suggest alternative amendments. The Policy, if unamended, would remain in its current format and would not reflect recommendations from the OSC nor be up to date and fit for purpose. The amendments proposed align with recommendations from the OSC, any alternative recommendations may not be in line with OSC requirements.

Financial Implications

None arising from this report. Applications to the Magistrates' Court for RIPA authorisation do not attract a fee, the only cost considerations are officer time but this is minimal as there are not a significant number of authorisations.

Appendices

Appendix 1 – Regulation of Investigatory Powers Act 2000 (RIPA) Policy.

Background Papers

None identified.

Recommendations

THAT:

- (a) Members approve the amended RIPA Policy at Appendix 1 to this report.
- (b) Members note the outcome of the 2015-2016 Annual RIPA internal audit; and
- (c) Members note the outcome of the OSC Inspection of the Council conducted on 18th April 2016.

Reasons for Recommendations

- (a) To ensure that the Council's Policy in relation to RIPA remains up to date and fit for purpose.
- (b) To ensure the Executive is updated in respect of the Council's use of RIPA in line with the Council's current RIPA Policy document.
- (c) To ensure the Executive is updated in relation to external scrutiny of the Council's RIPA processes and procedures.

GEDLING BOROUGH COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

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Appendix B- Covert Surveillance and Property Interference and Covert Human Intelligence Sources –Codes of Practice
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384975/Covert_Surveillance_Property_Interference_web_2_.pdf
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/384976/Covert_Human_Intelligence_web.pdf

Appendix C – Home Office Guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf

Appendix D – Home Office Guidance for Magistrates’ Courts in England and Wales for a Local Authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

GEDLING BOROUGH COUNCIL

POLICY ON REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

Introduction

Gedling Borough Council (“the Council”) only carries out covert surveillance where such action is justified and endeavours to keep such surveillance to a minimum. It recognises its obligation to comply with RIPA when such an investigation is for the purpose of preventing or detecting crime or preventing disorder, and has produced this guidance document to assist officers.

Applications for authority

An officer of at least the level of Director will act as Authorising Officer and consider all applications for authorisation in accordance with RIPA. Any incomplete or inadequate application forms will be returned to the applicant for amendment. The Authorising Officer shall in particular ensure that: -

- **there is a satisfactory reason for carrying out the surveillance**
- **any directed surveillance passes the “serious crime” threshold**
- **the covert nature of the investigation is necessary**
- **proper consideration has been given to collateral intrusion**
- **the proposed length and extent of the surveillance is proportionate to the information being sought.**
- **Chief Executive’s authorisation is sought where confidential legal/medical/clerical/parliamentary/journalistic/ spiritual welfare issues are involved**
- **The authorisations are reviewed and cancelled.**
- **Records of all authorisations are sent to Legal Services for entry on the Central Register.**

Once authorisation has been obtained from the Authorising Officer the Authorising Officer will attend the Magistrates’ Court in order to obtain Judicial approval for the authorisation.

Training

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

The Director of Organisational Development and Democratic Services shall ensure that refresher training is offered once a year to all directorates of the Council and also give advice and training on request.

Central register and records.

Legal Services shall retain the Central Register of all authorisations issued by the Council. Legal Services will also monitor the content of the application forms and authorisations to ensure that they comply with the Act.

Senior Responsible Officer ("SRO")

The Senior Responsible Officer, a role required by the Office of the Surveillance Commissioners (the "OSC") with oversight of the Council's use of RIPA powers is the Director of Organisational Development and Democratic Services.

RIPA Co-ordinating Officer

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

REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

GUIDANCE ON PART II

DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE

1. Purpose

The purpose of this guidance is to explain

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

2. Introduction

- 2.1 This Act, which came into force in 2000, is intended to regulate the use of investigatory powers exercised by various bodies including local authorities, and ensure that they are used in accordance with human rights. This is achieved by requiring certain investigations to be authorised by an appropriate officer and approved by the judiciary before they are carried out.
- 2.2 The investigatory powers, which are relevant to a local authority, are directed covert surveillance in respect of specific operations, involving criminal offences that are either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 month' imprisonment or are related to the underage sale of alcohol and tobacco, and the use of covert human intelligence sources ("CHIS"). The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are also Codes of Practice in relation to the use of these powers and these are attached at **Appendix B**.
- 2.3 Consideration must be given, prior to authorisation as to whether or not the acquisition of private information or the covert manipulation of a relationship is necessary and proportionate, i.e. whether a potential breach of a human right is justified in the interests of the community as a whole, or whether the information could be gleaned in other ways.

3. Scrutiny and Tribunal

3.1 External

- 3.1.1 As of 1st November 2012 the Council has to obtain an order from a Justice of the Peace approving the grant or renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity carried out. The Council can only appeal a decision of the Justice of the Peace on a point of law by Judicial review.
- 3.1.2 The Office of Surveillance Commissioners (OSC) was set up to monitor compliance with RIPA. The OSC has "a duty to keep under review the

exercise and performance by the relevant persons of the powers and duties under Part II of RIPA”, and the Surveillance Commissioner will from time to time inspect the Council’s records and procedures for this purpose.

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

3.1.4 The Tribunal can order:

- Quashing or cancellation of any warrant or authorisation
- Destruction of any records or information obtained by using a warrant or Authorisation
- Destruction of records or information held by a public authority in relation to any person.

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

- Granted any authorisation under RIPA
- Engaged in any conduct as a result of such authorisation

3.2 Internal scrutiny

3.2.1 The Council will ensure that the SRO is responsible for;

- The integrity of the process in place within the Council to authorise directed surveillance and CHIS
- Compliance with PART II of the 2000 Act and with the accompanying Codes of Practice
- Engagement with the Commissioners and inspectors when they conduct their inspections and
- Where necessary overseeing the implementation of any post-inspection action plans recommended or approved by a Commissioner

3.2.2 The elected members of the Council will review the Council’s use of the 2000 Act and the Council’s policy and guidance documents at least once a year. Members will also consider internal reports on a regular basis throughout the year indicating the nature of RIPA activity undertaken or inactivity, to ensure that any use is consistent with the Council’s policy and that the policy is fit for purpose. The members will not however be involved in making decisions on specific authorisations.

3.3 Unauthorised Activities

- 3.3.1 If any Officer is concerned that surveillance/CHIS activity is taking place and there is no authorisation under RIPA in place, he/she should contact Legal Services to seek advice.
- 3.3.2 If any activity is deemed to be unauthorised, it will be reported to the OSC.

4. Benefits of RIPA authorisations

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

5. Definitions

- 5.1 'Covert' is defined as surveillance carried out in such a manner that is calculated to ensure that the person subject to it is unaware that it is or may be taking place. (s.26 (9)(a))
- 5.2 'Covert human intelligence source' (CHIS) is defined as a person who establishes or maintains a personal or other relationship with a person for the covert process of obtaining/providing access to/disclosing, information obtained through that relationship or as a consequence of the relationship(s.26 (8))
- 5.3 'Directed surveillance' is defined as covert but not intrusive surveillance and undertaken:
- for a specific investigation or operations,
 - in such a way that is likely to result in the obtaining of private information about any person,
 - other than by way of an immediate response.(s.26 (2))
- 5.4 'Private information' includes any information relating to a person's private or family life (s.26(10)). Private information should be taken generally to include information on any aspect of a person's private or personal relationship with others including family and professional or business relationships.
- 5.5 'Intrusive' surveillance is covert surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or using a surveillance device. **Gedling Borough Council cannot authorise such surveillance.**

- 5.6 'Authorising Officer' in the case of the Council, is the Chief Executive and Directors. If the operation concerns more than one Department in the Council it can only be authorised by the Chief Executive

6. When does RIPA apply?

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

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

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

6.3 CCTV

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

6.3 Online Covert Activity

The use of the internet and social media sites may be required to gather information prior to and during an operation/investigation. Officers should exercise caution when utilising such sites during an investigation and be alert to situations where authorisations under RIPA may be required. If officers have any concerns over the use of social media during an investigation they should contact Legal Services. As a general rule of thumb however, reviewing open source sites such as facebook pages where no privacy settings are in place does not require an authorisation under RIPA unless review is carried out with some regularity, often to build a profile, when directed surveillance authorisation may be required.

If the officer then, for the purposes of gleaning intelligence breaches privacy controls and becomes for example a "friend" within a subjects facebook account, utilising a pseudo account to conceal his/her identity as a Council official, this is a covert operation which, by its nature, is intended to obtain private information and should be authorised as a minimum as directed

surveillance. Further, if the officer engages in any form of relationship with the account operator then s/he is likely to become a CHIS requiring authorisation and management by a Controller and Handler with a record being kept and a risk assessment created.

7. Covert Human Intelligence Source

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

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

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

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

7.2 Section 26(9) of RIPA goes onto define:-

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

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

7.4 There is a risk that an informant who is providing information to the Council voluntarily may in reality be a CHIS even if not tasked to obtain information covertly. It is the activity of the CHIS in exploiting a relationship for a covert purpose which is ultimately authorised in the 2000 Act, not whether or not the CHIS is asked to do so by the Council. When an informant gives repeat information about a suspect or about a family and it becomes apparent that the informant may be obtaining the information in the course of a

neighbourhood or family relationship, it may mean that the informant is in fact a CHIS. Legal advice should always be sought in such instances before acting on any information from such an informant.

7.4 Juvenile Sources

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

7.5 Vulnerable Individuals

- 7.5.1 A vulnerable individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself, or unable to protect himself against significant harm or exploitation. Any individual of this description should only be authorised to act as a source in the most exceptional circumstances. Any authorisation of a vulnerable individual as a CHIS must be by the Chief Executive.

8. Authorisations

8.1 Applications for directed surveillance

- 8.1.1 All application forms must be fully completed with the required details to enable the authorising officer to make an informed decision. Application forms are available on the Home Office website, officers should ensure they are using the most up to date forms for RIPA authorisations. The authorisation will only commence on the date Magistrates Court approval is obtained (see 8.1.7) and runs for three months from that date of that approval.

No authorisation shall be granted unless the authorising officer is satisfied that the investigation is:

-**necessary** for either the purpose of preventing or detecting crime or of preventing disorder,

-Involves a criminal offence punishable whether summarily or on indictment by a maximum sentence of at least six months imprisonment or related to the underage sale of alcohol or tobacco (see para 6.2 for offences)

-**proportionate** This has 3 elements, namely, (1)that the method of surveillance proposed is not excessive to the seriousness of the matter under investigation, (2)the method used must be the least invasive of the target's privacy, (3)the privacy of innocent members of the public must be respected and collateral intrusion minimised (see 8.1.2).

-and that no other form of investigation would be appropriate.

The grant of authorisation should indicate that consideration has been given to the above points.

Advice should be sought from the Legal Services on any issues of concern.

- 8.1.2 The Authorising Officer must take into account the risk of **'collateral intrusion'** i.e. intrusion on, or interference with, the privacy of persons other than the subject of the investigation. The application must include an assessment of any risk of collateral intrusion for this purpose.

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

Those carrying out the investigation must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation, as soon as it becomes apparent. Where such collateral intrusion is unavoidable, the activities may still be authorised, provided this intrusion is considered proportionate to what is sought to be achieved.

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

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

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

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

Legal privilege

Generally, this applies to communications between an individual and his/her legal adviser in connection with the giving of legal advice in

connection with or in contemplation of legal proceedings. Such information is unlikely ever to be admissible as evidence in criminal proceedings.

If in doubt, the advice of Legal Services should be sought in respect of any issues in this area.

Confidential personal information

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

Confidential journalistic material

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

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

Where such information is likely to be acquired, the surveillance may only be authorised by the Chief Executive, or, in his absence, a Chief Officer and should only be authorised where there are exceptional and compelling circumstances that make the authorisation necessary.

8.1.4 Authorisations must be in writing and have a "wet" signature .

8.1.5 **Notifications to Inspector/Commissioner**

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

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

8.1.6 **Applications for CHIS**

The process for CHIS applications is the same as for directed surveillance except that the serious crime threshold of investigating criminal offences with a sentence of at least 6 months in imprisonment does not apply. The authorisation must be in writing, must specify the activities and identity (by pseudonym only) of the CHIS and that the authorised conduct is carried out for the purposes of, or in connection with, the investigation or operation so specified.

Again the Authorising Officer must be satisfied that the authorised use and conduct of the CHIS is proportionate to what is sought to be achieved by that conduct and the CHIS must be necessary for the prevention or detection of crime or the prevention of disorder.

All application forms must be fully completed with the required details to enable the Authorising Officer to make an informed decision. A risk assessment and record must be prepared for each CHIS.

8.1.7 **Judicial Approval of authorisations (see guidance at Appendix C and D)**

Once the Authorising Officer has authorised the Directed Surveillance or CHIS, the Authorising Officer who gave the authorisation should attend the Magistrates Court for the authorisation to be approved by a Justice of the Peace. The hearing should ideally be on the same day as the Authorising Officer gives authorisation, the court should be contacted prior to attendance to ensure the matter can be heard.

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

In addition the Authorising Officer will provide the Justice of the Peace with a partially completed judicial application/order form. These documents should be taken to the court by the Authorising Officer and not sent to the court by any other means prior to the hearing.

The hearing will be in private and the Authorising Officer will be sworn in and present evidence as required by the Justice of the Peace. Any such evidence should be limited to the information in the authorisation.

The Justice of the Peace will consider whether he/she is satisfied that at the time the authorisation was given there were reasonable grounds for believing that the authorisation or notice was necessary and proportionate and whether that continues to be the case. They will also consider whether the authorisation was given by the appropriate

designated person at the correct level within the Council and whether (in the case of directed surveillance) the crime threshold has been met.

The Justice of the Peace can :

- a) **Approve the grant of the authorisation** ,which means the authorisation will then take effect for a period of three months.
- b) **Refuse to approve the grant of the authorisation**, which means the authorisation will not take effect but the Council could look at the reasons for refusal, make any amendments and reapply for judicial approval.
- c) **Refuse to approve the grant of the authorisation** and quash the original authorisation. The court cannot exercise its power to quash the authorisation unless the applicant has at least 2 business days from the date of the refusal in which to make representations.

8.1.8 Working in partnership with the Police

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

The Police, as an emergency service may authorise RIPA without Magistrates approval, if an urgent situation arises and RIPA authorisation would be required urgently the Council should contact the Police.

9. Unique Operation Reference Number

Each Application for Directed Surveillance and CHIS, must have a Unique Operation Reference Number. This URN will begin with either ENV (if it is granted in the Environment and Planning Department) or FIN (if it is granted in the Finance Department), followed by a sequential number, followed by 20?? being the year in which the Authority was applied for, e.g. ENV/27/2005

10. Duration and Cancellation

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

- An authorisation for **CHIS** shall cease to have effect (unless renewed or unless juvenile) 12 months from the date the Justice of the Peace approves the grant or renewal.

This does not mean that the authorisation should continue for the whole period so that it lapses at the end of this time. The authorisation must be cancelled as soon as that officer decides that the surveillance should be discontinued.

On cancellation the cancellation form should detail what product has been obtained as a result of the surveillance activity. The forms should include the dates and times of the activity, the nature of the product obtained and its format, any associated log or reference numbers, details of where the product is to be held and the name of the officer responsible for its future management.

Documentation of any instruction to cease surveillance should be retained and kept with the cancellation form.

11. Reviews

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

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

Particular attention should be paid to the possibility of obtaining confidential information and an assessment as to the information gleaned should take place at every review.

12. Renewals

Any Authorising Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. The renewal must then be approved by the Justice of the Peace in the same way the original authorisation was approved. The process outlined in paragraph 8.1.7 should be followed for renewals.

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

13. Central Register of authorisations

13.1 All authorities must maintain the following documents:

- Copy of the application and a copy of the authorisation form and the approval order from the Magistrates together with any supplementary documentation
 - A record of the period over which the surveillance has taken place;
 - The frequency of reviews prescribed by the Authorising Officer;
 - A record of the result of each review of the authorisation;
 - A copy of any renewal of an authorisation and Order made by the Magistrates Court and supporting documentation submitted when the renewal was requested;
 - The date and time when any instruction to cease surveillance as given
 - The date and time when any other instruction was given by the Authorising Officer
- 13.2. To comply with 13.1 Legal Services hold the central register of all authorisations issued by officers of Gedling Borough Council. The original authorisation, reviews, renewal and cancellation issued should be passed immediately to Legal Services. A copy should be kept by the applicant Department and the Authorising Officer. Any original authorisations and renewals taken to the Magistrates Court should be retained by the Council, the court must only keep copies of the authorisations or renewals.
- 13.3 The Council must also maintain a centrally retrievable record of the following information:
- type of authorisation
 - date the authorisation was given
 - details of attendance at the Magistrates' Court, the date of the attendance, the determining Justice of the Peace, the decision of the court and the time and date of the decision
 - name and rank/grade of the Authorising Officer
 - unique reference number of the investigation/operation
 - title (including brief description and names of the subjects) of the investigation/operation;
 - whether urgency provisions were used, & if so why
 - details of reviews
 - dates of any renewals including the name and rank of the Authorising Officer
 - whether the investigation/operation is likely to result in obtaining confidential information
 - whether the authorisation was granted by an individual directly involved in the investigation
 - date of cancellation

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

14. Retention of records

The Council must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed surveillance or CHIS. The Authorising Officers through their relevant Data Controller must ensure compliance with the appropriate data protection requirements under the Data Protection Act 1998 and any relevant codes of practice relating to the handling and storage of material.

The Central Register of Authorisations will be kept securely in a locked cabinet in the Legal Services department.

15. Complaints procedure

15.1.1 The Council will maintain the standards set out in this guidance and the Codes of Practice (**See Appendix B**). The Chief Surveillance Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.

15.1.2 Contravention of RIPA may be reported to the Investigatory Powers Tribunal. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure. To request a complaints form, please contact the One Stop Shop, Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham or telephone 0115 9013793.



Report to Cabinet

Subject: Forward Plan

Date: 8 August 2016

Author: Service Manager, Elections and Members' Services

Wards Affected

Borough-wide.

Purpose

To present the Executive's draft Forward Plan for the next four month period.

Key Decision

This is not a Key Decision.

Background

- 1 The Council is required by law to give to give notice of key decisions that are scheduled to be taken by the Executive.

A key decision is one which is financially significant, in terms of spending or savings, for the service or function concerned (more than £500,000), or which will have a significant impact on communities, in two or more wards in the Borough.

In the interests of effective coordination and public transparency, the plan includes any item that is likely to require an Executive decision of the Council, Cabinet or Cabinet Member (whether a key decision or not). The Forward Plan covers the following 4 months and must be updated on a rolling monthly basis. All items have been discussed and approved by the Senior Leadership Team.

Proposal

- 2 The Forward Plan is ultimately the responsibility of the Leader and Cabinet as it contains Executive business due for decision. The Plan is therefore presented at this meeting to give Cabinet the opportunity to discuss, amend or delete any item that is listed.

Alternative Options

- 3.1 Cabinet could decide not agree with any of the items are suggested for inclusion in the plan. This would then be referred back to the Senior Leadership Team.
- 3.2 Cabinet could decide to move the date for consideration of any item.

Financial Implications

- 4 There are no financial implications directly arising from this report.

Appendices

- 5 Appendix 1 – Forward Plan

Background Papers

- 6 None identified.

Recommendation(s)

It is recommended THAT Cabinet note the contents of the draft Forward Plan making comments where appropriate.

Reasons for Recommendations

- 7 To promote the items that are due for decision by Gedling Borough Council's Executive over the following four month period.

**Forward Plan for the period
August 2016 - November 2016**

Issue	Key Decision or Council Decision?	Who will decide and date of decision	Documents to be considered (only applicable to executive Key decisions)	Who will be consulted?	From whom can further information be obtained and representations made?
Quarter 1 Budget Monitoring, Performance Digest & Virement Report	Key	Cabinet 4 August 2016			Alison Ball, Service Manager Finance alison.ball@gedling.gov.uk
Top Wighay Farm Development Brief	Not Key	Cabinet 29 September 2016	Top Wighay Farm Development Brief		Jo Gray, Planning Policy Manager joanna.gray@gedling.gov.uk
Establishing an outreach hub in the Carlton/Netherfield area	Key	Cabinet 29 September 2016	Establishing an outreach hub in the Carlton/Netherfield area		Mark Lane, Service Manager, Customer Services and I.T. mark.lane@gedling.gov.uk
Quarter 2 Budget Monitoring, Performance Digest & Virement Report	Key	Cabinet 3 November 2016			Alison Ball, Service Manager Finance alison.ball@gedling.gov.uk
Quarter 3 Budget Monitoring, Performance Digest & Virement Report	Key	Cabinet 2 February 2017			Alison Ball, Service Manager Finance alison.ball@gedling.gov.uk

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