

Meeting of: Overview and Scrutiny Committee

Time: 6.30pm

Date: 13th September 2021

Venue: Council Chamber, The Business Centre, Futures Park, Bacup. OL13 0BB



Supported by: Carolyn Sharples, Committee and Member Services Manager, Tel: 01706 252422 or email carolynsharples@rossendalebc.gov.uk

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<https://zoom.us/j/99136301779?pwd=TIAyUHhhMGdWUUdZYWZYZWJSZG0vZz09>

Meeting ID: 991 3630 1779

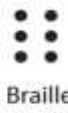
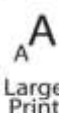
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A waiting room will be in place and observers will be admitted to the meeting from 6.30pm.

ITEM		Lead Member/Contact Officer
A.	BUSINESS MATTERS	
A1.	Apologies for Absence	
A2.	To approve and sign as a correct record the Minutes of the Overview and Scrutiny Meeting held on 12 th July 2021.	
A3.	<p>Declarations of Interest</p> <p>Members are advised to contact the Monitoring Officer in advance of the meeting to seek advice on interest issues if necessary.</p> <p>Members are requested to indicate at this stage, any items on the agenda in which they intend to declare an interest. Members are reminded that, in accordance with the Local Government Act 2000 and the Council's Code of Conduct, they must declare the nature of any personal interest and, if the interest is prejudicial, withdraw from the meeting during consideration of the item.</p>	<p>Carolyn Sharples, Committee and Member Services Manager Tel: 01706 252422 Email: carolynsharples@rossendalebc.gov.uk</p>
A4.	<p>Urgent Items of Business</p> <p>To note any items which the Chair has agreed to add to the Agenda on the grounds of urgency.</p>	
B.	COMMUNITY ENGAGEMENT	
B1.	<p>Question Time</p> <p>Members of the public and councillors wanting to participate in the meeting must register to speak in advance of the meeting to be able to attend and participate.</p>	<p>Carolyn Sharples, Committee and Member Services Manager Tel: 01706 252422 Email: carolynsharples@rossendalebc.gov.uk</p>

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ITEM		Lead Member/Contact Officer
C.	CHAIR'S UPDATE	
C1.	To receive any communications from the chair.	Councillor Janice Johnson
D.	ORDINARY BUSINESS	
D1.	Sanction and Prosecution Policy [Council Tax and Council Tax Support]	Carol Walker, Service Assurance Officer carolwalker@rossendalebc.gov.uk
D2.	RIPA	Clare Birtwistle, Head of Legal clarebirtwistle@rossendalebc.gov.uk
D3.	Quarter 1 Performance Management (April, May & June) 2021-2022	Clare Law, Head of People and Policy clarelaw@rossendalebc.gov.uk
D4.	Equality Report and Workforce Profile	Clare Law, Head of People and Policy clarelaw@rossendalebc.gov.uk
D5.	Annual Council Feedback Review and Local Government Ombudsman (LGO) Enquiries	Carolyn Sharples, Committee and Member Services Manager carolynsharples@rossendalebc.gov.uk
D6.	The Forward Plan	Carolyn Sharples, Committee and Member Services Manager carolynsharples@rossendalebc.gov.uk



Neil Shaw
Chief Executive

Date published: 3rd September 2021

OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting: 12th July 2021

Present: Councillor Johnson (Chair)
Councillors Gill, Kempson, Morris, Procter, Rooke, Steen (sub),
and Thompson.

In attendance: Ken Masser, Chief Executive, Rossendale Leisure Trust
Neil Shaw, Chief Executive
Guy Darragh, Head of Regeneration
Clare Law, Head of People and Policy
Carolyn Sharples, Committee and Member Services Manager

Also Present: Councillors Ashworth and Brennan.
By remote access – Councillors Haworth, Lythgoe and Serridge

1. APOLOGIES FOR ABSENCE & SUBSTITUTIONS

- 1.1 Apologies for absence were submitted from Councillors Lynda Barnes (Councillor Peter Steen subbing), Janet Eaton and Ann Kenyon.

2. MINUTES OF THE LAST MEETING

Resolved:

That the minutes of the meeting held on 7th June 2021 be approved as a correct record.

3. DECLARATIONS OF INTEREST

- 3.1 Councillor Rooke declared a pecuniary interest as she had undertaken consultancy work for the Whitaker and would not be taking part in item D1. Rossendale Leisure Trust Action Plan (Minute 7), she was a Leisure Trust Board member until next week.
- 3.2 Councillor Morris declared a non-pecuniary interest that he was a Leisure Trust Board member until next Monday.

4. URGENT ITEMS OF BUSINESS

- 4.1 The Chair confirmed that there were no urgent items of business.

5. QUESTION TIME

- 5.1 The Chair noted that she would allow questions to be asked on each item as it was discussed.

6. CHAIR'S UPDATE

- 6.1 The Chair noted that the Digital Strategy had been to the Full Council meeting on 7th July, and the recommendation to consult further with Overview and Scrutiny on

specific projects within the strategy had also been agreed. At the same meeting, the Annual Report and Work Programme was also approved.

ORDINARY BUSINESS

7. ROSSENDALE LEISURE TRUST ACTION PLAN

7.1 The Chief Executive of Rossendale Leisure Trust attended the meeting to report on the Leisure Trust Action Plan. In addition to the one-year action plan, the Trust were also working on a three or five year plan, which would be ready late autumn.

7.2 In response to members' questions and comments the following clarification was given:

- The £60k loss reported in the last financial year would be absorbed in the previous reserves.
- In the current financial year recovery would be a challenge, as there was no grant support and a ½ million loss had been forecast. However, the first set of accounts has shown the loss would be in the range of £330-£400k and the Trust were working hard to continue to improve this position.
- If the Ski Slope could continue as it had over the last few months, there would be a profit by the end of the year.
- The Whitaker was a wholly owned subsidiary and the Trust was there to give strategic leadership support.
- Council funding to the Whitaker would phase out over the next two years with the exception of long-term support for the maintenance of the museum collection, which belonged to the Council.
- Rent would start to generate income for the Council next year of the year after.
- Recruitment was compliant with relevant Human Resource practices and the Trust were continuing to work on the attractiveness offer and try to recruit people from different backgrounds.
- The progress of gym members was tracked through a digital system and through regular appointments with the fitness team. The Trust was also working on how to improve communications on General Practitioner (GP) health referral successes.
- Marketing had a digital focus and was targeted to specific audiences.
- Council funding to the Community Leisure Association of Whitworth (CLAW) would phase out over the next two years. There was potential with the Riverside, which had been re-branded the Ashcroft, but there would be challenges with maintaining the leisure centre as it was an older building. It would be important to get the investment right for the Capital funds remaining for the sustainable long term.
- The recruitment to the new governance positions was expected to be completed by October.
- There were new trustees due to start, with a wealth of experience.
- Almost all staff had been retained during Covid, however similar to other leisure facilities, there was a shortage of qualified swimming teachers.
- The annual letter of support was always requested as part of the year-end accounts.
- Marl Pits and Adrenaline Centre leases had been updated to bring them up to date and the first stage of a facility review was underway.
- The Ski Slope and the Whitaker had their own in house teams dealing with payroll.

- Work was taking place to make the museum watertight following the lead theft.
- Whitaker Park was the responsibility of the Council.
- In the longer term there was a need to look at how to prioritise investment in the parks.
- In relation to the kiosk in Whitaker Park, a different level of food offer was being considered.
- Targeted marketing was focussed on the facilities and activities available in a specific area.

The Chief Executive of Rossendale Leisure Trust agreed to provide an update on progress against the action plan at the November Overview and Scrutiny meeting, including providing information on the number of surveys they had undertaken with a breakdown of the different age groups and also an update on recruitment to the new governance positions.

The Chair thanked the Chief Executive of Rossendale Leisure Trust for attending and presenting the action plan.

Resolved:

The action plan was noted.

8. CORPORATE PLAN

8.1 The Chief Executive outlined the Corporate Plan and action plan and detailed the four themes. The previous plan had expired and the current plan had been developed to cover a four-year period. The plan would be refreshed every year and brought back to the Overview and Scrutiny Committee for their comments. Actions would be reported through the Quarterly Performance Report.

8.2 In response to members' questions the following clarification was given:

- The Council relied on partners to deliver certain elements of the plan and the Overview and Scrutiny Committee had a role to play in scrutinising and challenging partners and holding them to account.
- Consultation had taken place with a wide range of individuals, partners and voluntary groups, including public consultation, but it was always difficult getting feedback on documents such as this.

Resolved:

The Corporate Plan and action plan was noted.

9. VISITOR ECONOMY STRATEGY

9.1 The Head of Regeneration outlined the progress on the five priorities of the Visitor Economy Strategy since its approval at the December Council meeting.

9.2 In response to members' questions the following clarification was given:

- A quarterly survey was undertaken using clickers in the town centres which included a daytime count and evening count.
- Rawtenstall Market was installing counters to give hard data.
- There was a plan to set up an information base in all three town centres.
- Regular sessions were held with food and drink businesses and in Haslingden they had identified that they wanted an events programme.

- Marketing Lancashire had made a series of recommendations regarding the East Lancashire Railway and the experiences available both on and off the carriages and there would be a full action plan.
- In relation to accommodation, they were looking to work with private sector investors and the role of the team was to encourage growth and achieve sustainable development.
- Any proposals on camping/caravan sites would need early input from members to explore options and assess whether it would be a great asset that would drive income.

The Head of Regeneration agreed to send the full strategy to new members on the committee for information.

Resolved:

The update on the progress of the Visitor Economy Strategy was noted.

10. EMPLOYABILITY

10.1 The Head of Regeneration outlined the Employability report and detailed the impact of Covid on the increase in unemployment and the percentage of people on furlough (13%).

- 10.2 In response to members' questions the following clarification was given:
- The number of people unemployed or furloughed had reduced slightly in the last few weeks, but numbers were still high.
 - The Rossendale Works scheme had been set up as a result of businesses approaching the Council to discuss meeting workforce supply demands.
 - The scheme had also been set up to assist people with barriers to work such as low confidence or having complex issues and helping them get into employment.
 - The team were in discussion with education providers and the Lancashire Economic Partnership regarding any unfulfilled demand.

Resolved:

The Employability update was noted.

11. THE FORWARD PLAN

11.1 Members were updated on the Forward Plan.

Resolved:

The update was noted.

The meeting started at 6.30pm and finished at 8.45pm

Signed: _____

Date: _____

Subject:	Sanction and Prosecution Policy [Council Tax and Council Tax Support].	Status:	For Publication
Report to:	Overview and Scrutiny	Date:	13 th September, 2021
Report of:	Head of Customer Services and IT	Portfolio Holder:	Communities
Key Decision:	<input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	Yes	Attached: Yes
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Carol Walker	Telephone:	01706 252582
Email:	carolwalker@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	For Overview and Scrutiny to consider the report and the proposed updated Sanction and Prosecution Policy in respect of Council Tax and Council Tax Support and make recommendations to Cabinet.
1.2	All future minor amendments to the policy to be delegated to the Head of Customer Services and ICT in consultation with the Portfolio Holder.

2. PURPOSE OF REPORT

- 2.1 To consider the revised Sanction and Prosecution Policy and following any further amendments requested by Overview and Scrutiny that the policy be presented to cabinet for approval.

3. BACKGROUND

- 3.1 The Council is committed to the prevention, detection and deterrence of fraud and has a responsibility to ensure that Housing Benefit and Council Tax Support are paid correctly and that Council Tax and National Non-Domestic Rates [Business Rates] are billed correctly and that discounts and exemptions are not claimed incorrectly. This is achieved through the implementation of the Sanction and Prosecution Policy.

The Sanction and Prosecution Policy was adopted by Cabinet on 9th March 2016 and is reviewed by Cabinet annually. Since 2016 there have been no changes in national legislation, however there have been significant grant awards made due to Covid which need to be reflected in the policy. The updated policy represents a refresh of existing arrangements with the main additions relating to Covid matters. This is now included at point 9 in the policy.

- 3.2 In 2020/21 the Council was responsible for paying out £13.7 million in Housing benefit and £5.1 million in Council Tax support.
- 3.3 It should be noted that currently there is no legislation which allows the Council to impose sanctions or penalties to be imposed on Businesses.
- 3.4 In respect of Covid however, the government has issued guidelines for Covid related business support grants. These have been incorporated into the revised Sanction and Prosecution policy.

3.5 Where recoverable overpayments are created as a result of action undertaken under this policy, customers will be signposted to Citizens Advice or similar debt advice agencies in line with relevant debt recovery protocols.

4. RISK

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to approve this policy could result in a continual increase in incorrectly billed properties, falsely claimed discounts and exemptions, and Council Tax Support fraud cases.
- Failure to approve this policy would also leave the Council with no deterrent for false claims.

5. FINANCE

5.1 Financial implications are noted in the report above. Implementation of the policy will be a positive contribution to the Council's Medium Term Financial Strategy.

6. LEGAL

6.1 The Council is required to publish a clear policy as part of its strategy for tackling fraud and corruption. It is needed to vigorously pursue fraudsters and deter others. This policy provides consistency with the policy of the DWP in deciding what action to take following investigation. It has been reviewed and refreshed to include updated actions resulting from the Covid 19 pandemic. All other implications are set out in the body of this report. The policy will need to be reviewed in light of any legislative changes and be kept up to date as set out in the policy.

7. POLICY AND EQUALITIES IMPLICATIONS

7.1 The revision of this policy has not resulted in any fundamental changes to the existing policy and as such there are limited implications. Consultation has taken place with the portfolio holder for Communities, the Head of Customer Services and ICT, the Service Assurance Team Manager and also the Head of Legal. An equality impact assessment has been considered as part of the original policy development process and it is considered that no further actions are required due to the limited changes to the policy.

8. CONCLUSION

8.1 To prevent fraud, it is necessary for the Council to have a policy in place to address residents providing incorrect information or claiming benefits which they are not entitled to. There has been no change in national legislation since the original policy was put in place in 2016, however the Council has issued a significant amount of grants relating to Covid. To reflect the increased possibility of fraud in relation to Covid grants, the policy has been updated at point 9.

It is recommended that Overview and Scrutiny consider the attached revised policy and recommend any amendments. The revised policy will then be presented to Cabinet.

No background papers.

**Sanction
and
Prosecution Policy.**

Other formats are available.
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SANCTION AND PROSECUTION POLICY

1. INTRODUCTION

The Council is committed to the prevention, detection and deterrence of fraud and has a responsibility to ensure that Housing Benefit and Council Tax Support are paid correctly and that Council Tax and National Non-Domestic Rates [Business Rates] are billed correctly and that discounts and exemptions are not claimed incorrectly.

This policy sets out the Council's approach to prosecution and other sanctions in cases of fraud or misinformation in respect of Council Tax Support, Council Tax and Housing Benefit. There are no powers within National Non-Domestic Rates [NNDR] legislation to apply sanctions or financial penalties.

2. BACKGROUND

This policy is governed by legislation and DWP guidance including [but not limited to] The Local Government Finance Act 1992, Welfare Reform Act 2012, Police and Criminal Evidence Act 1984, Social Security Administration Act 1992, the Fraud Act 2006, The Data Protection Act 2018 and The Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013.

This policy has been agreed by the Council's Cabinet and will be reviewed on an annual basis as required, in response to changes in legislation or Department of Communities and Local Government Guidance. However, minor amendments will be agreed with the portfolio holder as necessary.

3. PURPOSE

The purpose of the Sanction and Prosecution Policy is to set out the action which the Council may take in cases of fraud or misinformation which result in incorrect payment of Housing Benefit, Council Tax Support, the incorrect billing of Council Tax and National Non-Domestic Rates.

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It gives the guidelines that will be followed in certain circumstances and clarifies which areas are the responsibilities of the DWP.

Furthermore, in light of the temporary measures the Government introduced via the Department for Business Energy and Strategy [BEIS] to react to the Covid 19 world pandemic, additional measures have been included in this policy to deal with fraud attempts, or fraud committed against the Council, in relation to the National Non Domestic Rates and the various Covid-19 grants paid to assist small businesses during the pandemic.

In deciding on the most appropriate course of action the Council will have regard to the principles set out in this policy and the need to investigate cases lawfully in a way which is -

1. Proportionate – activities will reflect the level of risk to the public and any action taken will relate to the seriousness of the offence.
2. Consistent – The Council will exercise their professional judgement and discretion according to the circumstances of each individual case.
3. Targeted – The Council will be flexible focusing on higher risk cases, whilst reflecting local need, national priorities and where the Council believes its efforts are able to have an impact.

4. AREAS OF RESPONSIBILITY

From 1st May 2015 responsibility for investigation and the application of sanctions lies as follows:

1. Housing Benefit (where overpayment over £3,000 or evidence of fraud) and Council Tax Benefit:
 - a. Investigation is the responsibility of the DWP’s Single Fraud Investigation Service.
 - b. Cautions no longer apply to these cases
 - c. The Council has retained the delegated power to offer an administrative penalty following a recommendation from the DWP
 - d. Prosecution of cases is the responsibility of the DWP
2. Housing Benefit (where overpayment under £3,000 and no evidence of fraud):
 - a. The Council will make enquiries in respect of cases of misinformation or error made by the customer where the value of any overpayment is less than £3,000.
 - b. A civil penalty of £50.00 may be applied.
 - c. Cases where there is evidence of fraud will be referred to the DWP.
3. Council Tax Support: The Council has retained the responsibility to investigate and sanction or prosecute Council Tax Support cases.

In cases where Housing Benefit and/or DWP benefits are also in payment, the Council can choose to offer joint working to the DWP. The DWP’s criminal

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investigator will work with the Council's Fraud and Compliance Officer throughout the investigation. Any approved penalties will be offered by the DWP and prosecutions progressed through the Crown Prosecution Service [CPS], thus saving the Council court costs.

4. Council Tax: The Council has the responsibility for investigating exemptions and discounts.
5. National Non-Domestic Rates: The Council is responsible for investigating exemptions. Incorrect exemptions will be removed and liability amended. Currently there are no sanctions available in respect of any attempts or fraud uncovered. However, in serious cases, the Council could consider whether to prosecute an offender.

5. GENERAL PRINCIPLES IN RELATION TO COUNCIL TAX, COUNCIL TAX SUPPORT & NATIONAL NON-DOMESTIC RATES

In deciding what action to take the Council will consider the following:

1. Each case will be considered on its own merits;
2. There must be sufficient, reliable evidence to justify the action taken;
3. The action taken must be in the public interest;
4. Any mitigating circumstances;
5. The decision to prosecute an individual is a serious step and has serious implications for all involved. Decisions to prosecute should always be fair and consistent;
6. In exceptional circumstances, an alternative to prosecution (caution or financial penalty) may be considered without regard to the amount of the 'overpaid' Council Tax Support.

6. SANCTIONS AVAILABLE

The three courses of action are available where a criminal investigation has been undertaken. These are a local authority caution, financial penalty or a prosecution.

In cases of error or misinformation, a civil penalty may be imposed.

Local Authority Caution

A caution is a verbal warning, which can be given in less serious circumstances. It is offered as an alternative to prosecution, to a person who has admitted to committing an offence. The person must agree to being cautioned. It is intended to be a meaningful penalty. If a person declines the offer of a caution, the case will be recommended for prosecution.

A caution will be considered where the evidence indicates that:

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- a. There was no planning involved, or
- b. There was no other person involved in the fraud, and
- c. The person's circumstances and demeanour towards the offence indicates that a caution would be the most appropriate action.

In these circumstances the Council will issue the Local Authority Caution. We will also require full repayment of the 'overpaid' Council Tax Support.

Financial Penalty

The Financial Penalty is offered as an alternative to prosecution, usually in circumstances not deemed serious enough to warrant prosecution. However, there must be sufficient evidence to justify prosecution. If a person refuses a Financial Penalty the case will be recommended for prosecution.

A Financial Penalty will be considered where the evidence indicates that:

- a. The person has previously been cautioned within the last 5 years for a similar offence but the offence was minor and the current offence is minor; or
- b. There was no planning involved, or
- c. There was no other person involved, and
- d. The person's circumstances and demeanour towards the offence indicates that a financial penalty would be the most appropriate action.

In most circumstances the Council will make an offer of a Financial Penalty in addition to requiring full repayment of the 'overpaid' Council Tax Support. There is no minimum or maximum 'overpayment'. The penalty will be a minimum of £100, or 50% of the recoverable amount of overpaid Council Tax Support up to a maximum of £1,000.

A Fixed penalty of £70 can be imposed in less serious cases in accordance with Regulation 13 of the Council Tax Reduction Scheme (Detection of Fraud and Enforcement) (England) Regulations 2013. Please refer to section on Civil Penalties below. [This is not in addition to the financial penalty].

Prosecution

A prosecution will be considered in serious cases. Proceedings will only be instigated after the evidential and public interest tests [as detailed in the Code for Crown Prosecutors] are satisfied.

Prosecution will be considered where:

- a. The fraud has been deliberate and calculated, or
- b. The fraud had continued over a long period; or
- c. The person has failed to attend an interview under caution; or
- d. There were other persons involved in the fraud, or

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- e. The person has declined the offer of a Financial Penalty or withdrawn agreement to pay and Financial Penalty; or
- f. The person has declined the offer of an official caution.

The Council will ensure that decisions to prosecute are made in a fair and consistent manner. In exceptional circumstances an alternative to prosecution may be considered. Other factors will be taken into consideration before prosecution is recommended.

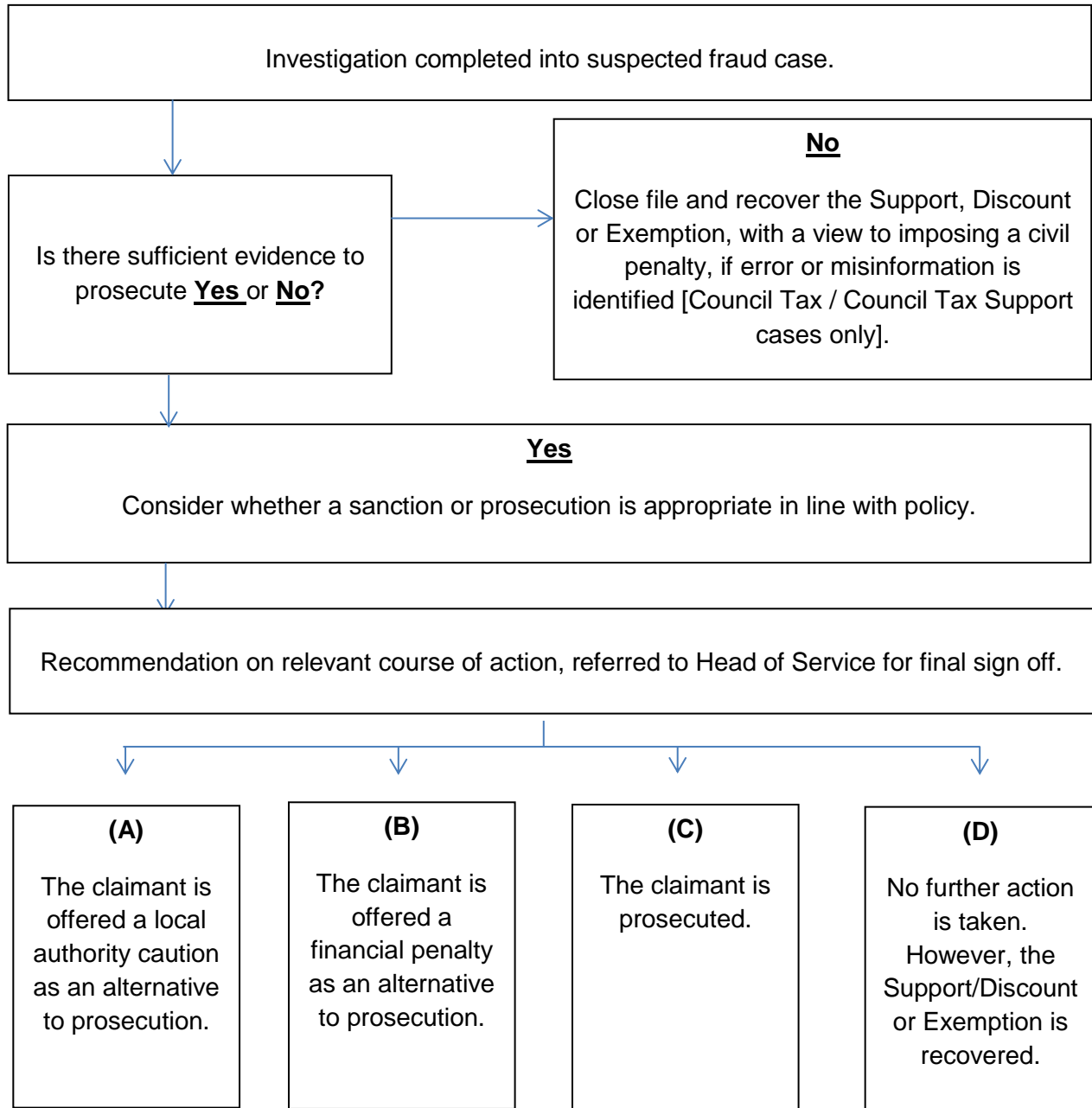
1. **Duration of the Offence:** An offence committed over a long period of time should be a factor towards prosecution. There may have been an opportunity to declare the correct information when the claim was renewed.
2. **Previous Offences:** The Council will make enquiries about any previous offences of a similar nature committed. Where there has already been a caution for deception, a second caution issued by the Council may not be appropriate.
3. **Collusion:** The case may have arisen through collusion, for example with landlords, managing agents or employers. This type of case is considered to amount to serious fraud and will be recommended for prosecution where possible irrespective of the amount of 'overpaid' Council Tax Support involved.
4. **Offenders Physical and Mental Condition:** It would be inadvisable to prosecute in the following cases: -
 - a. Where the offender is seriously ill
 - b. Where the offender is mentally ill
 - c. Where the offender is a heavily pregnant (within 3 months of confinement)
 - d. Where the offender is over 75 years of age or bedridden
 - e. Where the offender is deaf or visually impaired
 - f. Where the health of the offender's partner may suffer.
5. **Social Factors:** Consideration must be given to social factors when deciding whether or not to recommend prosecution. Instances in which prosecution may be considered inappropriate include cases where: -
 - a. The Court would set against the offence such personal or mitigating factors that would make prosecution inappropriate e.g. the person was driven to the offence by a tragedy or domestic situation such as bereavement or sickness.
 - b. The offender has already served a prison sentence for benefit fraud and an earlier offence has subsequently been discovered (it is the Court's view that people come out of prison with a 'clean sheet')
 - c. The claimant is young (under 21), immature and would appear to the Court as someone who could have been dealt with effectively without proceeding. Youth does not automatically exclude the possibility of prosecution. That said, prosecution may be desirable where the offender already has a criminal record.

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- d. It is known that a prosecution would have a damaging effect upon the defendant's career or employment i.e. the offender would not only lose their job but would not be able to get similar employment if prosecuted successfully by the Local Authority.
6. Voluntary Disclosure: Voluntary disclosure is where a claimant of his or her own free will reveals a fraud. In this case prosecution would not be appropriate. However, a disclosure is not voluntary if: -
- a. The admission is not a complete disclosure of the fraud; or
 - b. It was apparently prompted by the expectation that the fraud would be discovered e.g. they knew the Council was making enquiries of their employer etc; or
 - c. The claimant admits all the facts as soon as they are challenged; or
 - d. The claimant discloses the fraud as a result of being required to complete a review form.
7. Procedural Difficulties/Delays/Failures in the Investigation/Administrative Process: Closure of the case, without prosecution will be the only course of action where: -
- a. The investigation has been deficient and has failed to obtain all the evidence available; or
 - b. Internal checks which should have revealed the offence did not do so e.g. benefit paid on incomplete or inadequate information, failure to observe flaws in a statement or document.

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Investigation Process Map



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7. Civil Penalties

The civil penalty is a financial penalty that can be imposed where a person has negligently supplied incorrect information or failed to supply information that affects their Housing Benefit and/or Council Tax Support entitlement, or the Council Tax billed. [The Council made the decision to impose civil penalties from the 1st April, 2016].

Table of Civil Penalties			
Service area	Amount of penalty	Criteria	Appeal method
Housing Benefit	£50	<ol style="list-style-type: none"> 1. Negligently or carelessly giving incorrect information, or 2. Failing to provide without reasonable excuse*, information in respect of a claim or payment of benefit, or 3. Failing to notify, without reasonable excuse*, a relevant change in circumstances. <p><i>By causing any of the above, a civil penalty will automatically be applied, if either/or occurs –</i></p> <ol style="list-style-type: none"> A. An overpayment in excess of £1,000 is raised, or B. The period of the overpayment is 16 weeks or more. 	Rossendale Borough Council
Council Tax Support	£70	As the Council no longer issues notification letters automatically on CTS only claims, a civil penalty will only be applied at the request of the Fraud & Compliance Officer, following an investigation.	Rossendale Borough Council
Council Tax	£70	<ol style="list-style-type: none"> 1. Failing to supply information following a request from the Council, or 2. Supplying information about a liable person that is materially inaccurate, or 3. Failing, without reasonable excuse*, to notify the Council that a dwelling is no longer exempt, or 4. Failing, without reasonable excuse*, to notify the Council that a level of discount no longer applies. <p><i>By causing any of the above, a civil penalty will automatically be applied.</i></p>	Valuation Tribunal
Council Tax	£280	<ol style="list-style-type: none"> 1. Where a penalty has been imposed and a further request to supply the same information is made but is not properly complied with. Following this, each time we repeat the request and the person concerned does not properly comply with it... There is no limit to the number of times this penalty can be imposed. <p><i>By causing the above, a civil penalty will automatically be applied.</i></p>	Valuation Tribunal

* Criteria for reasonable excuse includes [but is not limited to] those with cancer, long term debilitating illness or a terminal illness, those who have had a close family member pass away recently, those who are SMI, have learning difficulties or have someone with power of attorney

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who is managing their financial affairs, someone who has recently been a victim of domestic violence or other malicious crime. Each case will be considered on its own merits.

Appeal process

If a customer is not satisfied with the decision to impose a civil penalty in relation to Housing Benefit, they can write to the Council within one calendar month to appeal the decision, stating their reasons why. The case is reviewed internally [reconsideration] and the decision is notified in writing. If the customer is still not happy with this decision, they can write requesting a tribunal. A tribunal's decision is final.

If a customer disagrees with the decision to impose a civil penalty in relation to Council Tax Support, they can appeal the decision in writing within one calendar month. The case is reviewed internally [reconsideration] and the decision is notified in writing. If the customer is still not happy with this decision, they can write to the Valuation Office [VO] requesting a hearing. The Valuation Office will arrange and oversee a hearing, notifying both parties and a panel of impartial representatives. On the day of the hearing both parties are invited to present their case. The VO representatives will make the decision. There is no further right of appeal.

If a tax payer disagrees with a Council Tax civil penalty decision, the process is similar to that of the Council Tax Support penalty, however there is a mediation stage in the middle. Once any appeal is received by the Valuation Office, they can act as a mediator before any hearing is arranged. If no mediation is required or it is unsuccessful, the case proceeds to a hearing, as per the above.

Civil Penalty Recovery

A Housing Benefit civil penalty is recovered via on-going deduction from their benefit entitlement [if they are still entitled] or an invoice is issued. Council Tax civil penalties will be added to the tax payers Council Tax account and recovered as part of the current year's debt.

8. RECOMMENDATIONS OF SANCTIONS

The recommendation to apply any sanction [with the exception of civil penalties] will be made in the first instance by the investigating officer after consultation with the Service Assurance Team Leader.

Recommendations for sanctions will be referred to the Head of Customer and ICT Services.

Recommendations for prosecutions will be referred to the Legal Department.

The Legal Department will administer the issuing of Local Authority Cautions and Financial Penalties.

9. COVID 19

The Covid-19 pandemic has meant that the way we work has temporarily changed. The government had to react swiftly to the needs of the country, with national lockdowns and local tiers being imposed periodically. Local businesses were forced to temporarily close or operate differently, therefore a number of financial measures were introduced to help them survive

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financially, which Local Authorities had to quickly invite applications for and award funding to, including -

1. £10,000 Small Business Rates Grants applicable to local businesses who qualified for small business rate relief, with RV's of under £15,000.
2. £25,000 Retail, Hospitality and Leisure Grants with RV's between £15,001 and £51,000.
3. Discretionary Grants for local businesses who do not fit into any of the aforementioned categories.
4. Local Restrictions Support Grants [Open]
5. Local Restrictions Support Grants [Closed]
6. Additional Restrictions Grants.
7. Restart Grants

As with any opportunity or incentive where there is financial gain, there is a risk of fraudulent activity occurring. The Council has involvement with pre and post payment checks relating to attempts of and the investigation of actual fraud committed against the grants.

To date BEIS has given direction regarding the fraudulent grants, advising that fraud investigations need to be undertaken. BEIS have directed that all fraud uncovered whether attempts or actual must be reported to the National Anti-Fraud Network [NAFN], who in turn will refer the information to the police's National Intelligence Service [NATIS]. NATIS will in the main investigate the organised and cross boundary grant fraud, [both attempts and actual fraud]. Otherwise local authorities are being tasked with investigating the grant fraud, they may also refer cases to the local police for their consideration. BEIS have indicated that cases of actual fraud identified, should result in the prosecution of offenders.

There are no sanctions currently available under legislation, [such as civil or financial penalties] for offenders of grant fraud.

10 PUBLICITY

The Council intends to positively promote this policy, as well as the outcome of any prosecutions, which will deter others from fraudulent activity.

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INITIAL EQUALITY IMPACT ASSESSMENT

Name of Policy, Decision, Strategy, Service or Function, Other: (please indicate)	Fraud / Prosecution Policy	
Lead Officer Name(s) & Job Title(s) :	Carol Walker	
Department/Service Area:	Customers, Communities	
Telephone & E-mail Contact:	01706 252582 carolwalker@rossendalebc.gov.uk	
Date Assessment:	Commenced: 27/08/2021	Completed: 27/08/2021

We carry out Equality Impact Assessments (EIAs) to analyse the effects of our decisions, policies or practices. The EIA should be undertaken/started at the beginning of the policy development process – before any decisions are made.

1. Overview

The main aims/objectives of this service function ¹ are:
To develop the customer and digital strategy this covers: <ul style="list-style-type: none"> • Fraud / Prosecution Policy

(Refer to **EIA Guidance** for details)

Is the policy or decision under review (please tick)

New/proposed

Modified/adapted

Existing

INTERNAL ONLY

MANAGEMENT ACTION REQUIRED (to be completed by the relevant Head of Service following review by Management Team / Programme Board)

- Outcome of EIA agreed/approved by Management Team / Programme Board:
Yes No
- Is a full EIA required Yes No
- Referred back to Assessor for amendment : (date)
- Published/made publicly available on: (date)

Signed:..... (Head of Service / Director) Date:

Date of Review²:

[To be completed by Lead Officer]

¹ Policy refers to any policy, strategy, project, procedure, function, decision or delivery of service.

² This date will be set on an annual basis as default for review unless otherwise specified by you.

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2. Equality Impact

Using the table below please indicate whether the policy/strategy/decision has a positive, negative or no impact **from an equalities perspective** on any of the protected equality groups listed below. **Please also give consideration to wider equality of opportunity and community cohesion impacts within and between the groups identified. If you have identified any negative impact and mitigating actions are not sufficient, you will need to complete a Full Equality Impact Assessment.**

Equality		Positive Impact (It could benefit)	Negative Impact (It could disadvantage)	Reason and any mitigating actions already in place (to reduce any adverse /negative impacts <u>or</u> reasons why it will be of positive benefit or contribution)	No Impact
Age	Older people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Younger people and children	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Disability	Physical/learning/mental health	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Gender Reassignment	Transsexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Pregnancy and Maternity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Race (Ethnicity or Nationality)	Asian or Asian British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Black or black British people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Irish people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	White British	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Chinese people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Gypsies & Travellers	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Other minority communities not listed above (please state)	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Belief or Religion		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sex	Women	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
	Men	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Sexual Orientation	Gay men, gay women / lesbians and bisexual people	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Marriage and Civil Partnership (employment only)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to equality of opportunity		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Contribution to fostering good relations between different groups (people getting on well together – valuing one another, respect and understanding)		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Human Rights http://intranet/site/scripts/documents_info.php?categoryID=86&documentID=251		<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>

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Subject:	Updated RIPA Policy (Regulation of Investigatory Powers)	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	13 th September 2021
Report of:	Head of Legal (Monitoring Officer)	Portfolio Holder:	Corporate Services
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Clare Birtwistle	Telephone:	01706 252527
Email:	clarebirtwistle@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	The Overview and Scrutiny Committee is invited to consider and comment on the updated RIPA policy prior to Cabinet approval.

2 PURPOSE OF REPORT

- 2.1 To note and make comment on the updated RIPA policy prior to Cabinet approval.
- 2.2 To note the findings of the IPCO Inspection.

3 BACKGROUND

3.1 The Regulation of Investigatory Powers Act 2000 (“RIPA”) enables local authorities to carry out certain types of surveillance activity, as long as certain procedures are followed, which can be relied upon in court proceedings. In order to ensure that the procedures are followed, it is important to have an up to date policy which is understood by authorising officers and investigating officers. Members are required to regularly review the use of RIPA to ensure that the policy remains fit for purpose and all authorisations granted under the terms of it are in compliance to avoid challenge. The Council’s use of RIPA is reported to Overview and Scrutiny as part of the performance monitoring framework.

Proposed Amends

- 3.2 The RIPA Policy at Appendix 1 has been amended to take account of revised Home Office Codes of Practice, legislative changes affecting authorisations for juveniles used as Covert Human Intelligence Sources (CHIS) and to reflect changes to certain designations and regulators under the policy. Minor amends have previously been delegated to officers in consultation with the Portfolio Holder but this current refresh goes beyond that which is considered minor.
- 3.3 As a result of the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018 coming into force on 20 July 2018, the authorisation period for juveniles used as CHIS has been increased from one month to four months subject to at least monthly reviews. A CHIS is someone employed to establish a relationship with another person for the purpose of covertly gathering evidence. The Police act as the lead authority in this type of work and the Council does not currently make use of CHIS, but it remains important that our

policy reflects the changes that apply to the use of juvenile CHIS.

- 3.4 References in the policy about the Office of Surveillance Commissioners have also been changed to the Investigatory Powers Commissioner's Office (IPCO) which now has strategic oversight of the use of RIPA by local authorities.
- 3.5 Additional guidance has been inserted into the policy in relation to online covert activity eg the use of social media as a means to collecting information. This is a useful tool and reminds officers that an authorisation for directed surveillance need only be sought where they are 'systematically collecting and recording information about a particular person or group'
- 3.6 Following on from previous inspections the policy has also been amended in terms of the Authorising Officers to bring up to date the present titles and to demonstrate that the Senior Responsible Officer is now sufficiently independent from the appointed Authorising Officers.

Inspection

- 3.7 Given the drop in RIPA authorisations by local authorities generally since 2012, following the introduction of the serious crime threshold and requirement to seek approval from the Magistrates' Court, the inspection regime now adopted by IPCO is more of a desk top exercise, with on-site inspections only taking place where concerns about compliance with RIPA are found.
- 3.8 The Council was subject to a remote inspection by IPCO during February 2021. The results of the inspection can be found at Appendix 2. No formal recommendations were made as a result of that inspection and the Inspector was satisfied that all recommendations from the previous inspection had been discharged. The Inspector acknowledged that there had been no recent use of RIPA powers by the Council, the last being in October 2012, but they were reassured that the Council was still taking its responsibilities under RIPA seriously and together with the information that had been provided were satisfied that the Council had demonstrated a level of compliance that removed the requirement for a physical inspection.
- 3.9 During the inspection, the Inspector was asked to make comment on the draft policy and their comments have been taken on board.

4. RISK

Failure to have an up to date policy together with well-trained authorising and investigating officers could lead to legal challenge and the failure of legal proceedings taken against perpetrators.

Failure to maintain robust governance under the RIPA regime could also see the Council falling foul of the requirements of the IPCO and subject to a physical inspection.

5. FINANCE

There are no financial implications arising from the body of this report.

6. LEGAL

Where the Council wishes to carry out covert surveillance in relation to an investigation, compliance with RIPA ensures that any such surveillance is properly authorised and full consideration is given to its necessity and proportionality. Compliance with RIPA provides a potential defence to any claim that the surveillance amounted to a breach of the individual's right to privacy under the Human Rights Act 1998. Whilst RIPA authorisations are limited to

specific circumstances for local authorities, local authorities must still maintain appropriate processes and procedures to demonstrate compliance with RIPA, this includes ensuring that an appropriate policy document is maintained.

7. POLICY AND EQUALITIES IMPLICATIONS

7.1 No policy or equalities implications.

8. CONCLUSION

8.1 As set out in the body of the report it is necessary for the Council to review and refresh policies to avoid legal challenge and ensure practice and procedures are in line with legislation, codes of practice and good practice. Overview and Scrutiny are asked to consider the updated policy and make recommendations to Cabinet. All minor amends to be delegated to the Monitoring Officer in consultation with the Portfolio Holder.

ROSSENDALE BOROUGH COUNCIL

REGULATION OF INVESTIGATORY
POWERS ACT 2000 (RIPA)

POLICY

Amended and approved by Council on 23rd March 2011
Amended by Director of Business in consultation with Councillor Robert Wilkinson, Portfolio Holder on 20th July 2011.
Amended by Director of Business in consultation with Councillor Sean Serridge, Portfolio Holder on 29th July 2014
Amended by Director of Business in consultation with Councillor Sean Serridge, Portfolio Holder on 29th October 2014

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	.egal	Version/Status	V1
responsible Author	Head of Legal (Monitoring Office) Legal Services Manager	Date Agreed / Agreed At	
Date last Amended	6th November 2018	Due for Review	

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APPENDICES

Appendix A	Directed Surveillance and CHIS Forms
Appendix B	Home Office Guidance to Local Authorities in England and Wales on the judicial approval process for RIPA and the crime threshold for directed surveillance
Appendix C	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
Appendix D	HO - Codes of Practice – Covert Surveillance and Property Interference and Covert Human Intelligence Sources
Appendix E	Rossendale Borough Council's Authorising Officers
Appendix F	HO – Forms - Communications Data
Appendix G	HO - Codes of Practice - Acquisition and Disclosure of Communications Data

ROSSENDALE BOROUGH COUNCIL POLICY ON REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

Introduction

Rossendale 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 the importance of complying 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

All requests for authorisation of directed surveillance or a CHIS under RIPA must be approved in advance by an Authorising Officer. An Authorising Officer is a person who has been delegated power to act in that capacity. A list of officers who have, to date, been authorised, is annexed to this policy at Appendix E and is subject to regular review and updating by the Monitoring Officer in consultation with the Chief Executive and Directors/Director of Business. 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, and the serious crime threshold is met (see 6.2)
- 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
- the authorisations are reviewed and cancelled
- the authorisations are sent to Legal Services for entry onto the Central Register.

Once authorisation has been obtained from the Authorising Officer, the Investigating Officer shall liaise with the Magistrates' Court to give prior notice of the need for a Judicial Approval and will then attend at Court, accompanied by a member of the Legal Services team, will attend the Magistrates' Court in order to obtain Judicial Approval for the authorisation.

Training

All officers with an enforcement or investigatory function should receive training on the provisions of RIPA to ensure awareness of the legislative framework and Council pPolicies and pProcedures.

Central Register and Records

Legal Services shall facilitate and retain the Central Register of all authorisations issued by the Council. The Monitoring Officer~~Director of Business~~ will monitor the content of the application forms and authorisations to ensure conformity and compliance with RIPA.

RIPA GUIDANCE – PART I

DIRECTED SURVEILLANCE AND COVERT HUMAN INTELLIGENCE SOURCE

1. Purpose

The purpose of this guidance is to explain:

- the scope of RIPA – Chapter 1 of 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 legislation. This is achieved by the requirement for certain investigations to be authorised by an appropriate officer together with judicial approval. From 1 November 2012 local authority authorisations and notices under RIPA will only be given effect once an order has been granted by a Justice of the Peace. See **Appendices C and D** for Home Office Guidance.
- 2.2 The investigatory powers which are relevant to a local authority are directed covert surveillance and covert human intelligence sources in respect of specific operations involving criminal offences that are either punishable, whether on summary conviction or indictment by a term of imprisonment of at least six months, or are related to the underage sale of alcohol and tobacco. The Act makes it clear for which purposes they may be used, to what extent, and who may authorise their use. There are Codes of Practice relevant to the use of these powers, the links to which are attached as **Appendix D**.
- 2.3 Consideration must be given, prior to authorisation as to whether or not the surveillance and associated collateral intrusion is **necessary** and **proportionate** i.e. whether a potential breach of human rights legislation is justified in the interests of the community as a whole, or whether the information could be gleaned in other ways.
- 2.4 The ~~Investigatory Powers Commissioners Office~~ ~~Office of Surveillance Commissioners~~ ~~has produced~~ publishes a restricted Procedures and Guidance Document to be used by local authorities <https://www.ipco.org.uk/docs/OSC%20PROCEDURES%20AND%20GUIDANCE.pdf>.
- 2.5 A public authority may only engage the 2000 Act when in performance of its **core functions**, that is the specific public functions undertaken by the authority in contrast to the ordinary functions that are undertaken by every authority for example employment issues, contractual arrangements etc.

3. Scrutiny and Tribunal

3.1 External

3.1.1 From 1 November 2012 the Council must obtain an Order from a Justice of the Peace approving the Grant or Renewal of any authorisation for the use of directed surveillance or CHIS before the authorisation can take effect and the activity carried out. The Council can only appeal a decision of a Justice of the Peace on a point of law by the Judicial Review process.

3.1.2 The Investigatory Powers Commissioner's Office (IPCO) formerly the Office of Surveillance Commissioner (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.

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.

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 a senior officer is responsible for:

- the integrity of the process in place within the Council to authorise directed surveillance and CHIS **Appendix E**
- 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 oversee 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 authority's use of the 2000 Act quarterly via the ~~Corporate~~ Overview and Scrutiny ~~C~~committee. They will ensure that it is being used consistently with the Council's policy and that that policy is fit for purpose. The members will not however be involved in making decisions on specific authorisations.

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4. Benefits of RIPA authorisations

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 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.

Material obtained through properly authorised covert surveillance is admissible evidence in criminal proceedings.

Section 78 Police and Criminal Evidence Act 1984 allows for the exclusion of evidence if it appears to the Court that, having regard to all the circumstances in which the evidence was obtained, the admission of the evidence would have such an adverse affect on the fairness of the proceedings that the Court ought not to admit it. Evidence obtained through covert surveillance will not be excluded unless the test of unfairness is met.

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 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 'Surveillance' includes monitoring, observing, listening, with or without the assistance of a surveillance device, and includes recording of any information obtained.
- 5.5 Private information includes, and possibly goes beyond, information relating to a persons private or family life, and aspects of business and professional life.
- 5.6 '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. **The Council may not authorise such surveillance.**
- 5.7 'Authorising officer' in the case of local authorities these are specified as the Deputy Chief Executive (and more senior officers), Heads of Service, Service Managers or equivalent, responsible for the management of an investigation (see Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 (SI 2010 No.521) As amended (from 1st November 2012) by the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources (Amendment) Order 2012 No. 1500.
- 5.8 'Senior Responsible Officer' is responsible for:
- the integrity of the process in place within the public authority for the management of CHIS;
 - compliance with Part II of the Act and with the Codes;
 - oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
 - engagement with the **IPCOQSC** inspectors when they conduct their inspections, where applicable; and
 - where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

Within local authorities, the Senior Responsible Officer should be a member of the corporate leadership team and should be responsible for ensuring that all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of the Surveillance Commissioner. Where an inspection report highlights concerns about the standards of authorising officers, this individual will be responsible for ensuring the concerns are addressed. **See Appendix E.**

- 5.9 'RIPA Monitoring Officer' is responsible for:
- Maintaining the central record and collation of documents,
 - Day to day oversight of the RIPA process
 - Organising training in RIPA, and
 - Raising awareness of RIPA within the Council

6. When does RIPA apply?

- 6.1 RIPA applies 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, (see below).
- 6.2 The Council can only authorise **Directed Surveillance** to prevent and detect a criminal offence if it is punishable, whether on summary conviction or indictment, by a period of imprisonment of at least six months, or would constitute an offence under:
- (a) Section 146 Licensing Act 2003 (sale of alcohol to children)
 - (b) Section 147 Licensing Act 2003 (allowing the sale of alcohol to children)
 - (c) Section 147a Licensing Act 2003 (persistently selling alcohol to children)
 - (d) Section 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 in a covert and pre-planned manner as part of a specific investigation or operation, for the surveillance of a specific person or group of people. Equally a request, say by the police, to track particular individuals via CCTV recordings may require authorisation (from the police).

6.4 COVERT SURVEILLANCE OF SOCIAL NETWORKING SITES

6.4.1 The use of the internet and, in particular, social networking sites, can provide useful information for Council staff carrying out investigations. These investigations may relate to the various enforcement roles within the Council for example Planning, Licensing or Environmental Health but will equally apply to some non-enforcement teams, such as debt collection or Housing. The use of the internet and social networking sites may potentially fall within the definition of covert directed surveillance. This is likely to result in the breaching of an individual's Article 8 rights under the Human Rights Act (the right to privacy).

6.4.2 In using social media for the gathering of evidence:

- officers must not 'friend' individuals on social networks
- officers should not use their own private accounts to view the social networking accounts of other individuals
- officers viewing an individual's profile on a social networking site should do so only once in order to obtain evidence to support or refute their investigation

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- further viewing of open profiles on social networking sites to gather evidence or to monitor an individual's status, must only take place once RIPA authorisation has been granted and approved by a Magistrate
- officers should be aware that it may not be possible to verify the accuracy of information on social networking sites and, if such information is to be used as evidence, steps must be taken to ensure its validity.

6.4.3 If an allegation is received or, as part of an investigation into an individual, it is necessary to view their social networking site, officers may access the main page of the individual's profile once in order to take an initial view as to whether there is any substance to the allegation or matter being investigated. The initial viewing must be reasonable, for example, it would not be reasonable to spend any significant amount of time searching through various pages of the individual's profile or to print out several pages just in case they may reveal something useful.

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6.4.4 In some cases, where, for example, a link to a site is provided by a complainant, it may be relevant for the receiving officer to view the link before passing it onto the investigating officer to also view. This would count as one viewing. However, it would not be reasonable for each officer in a team to view the site in turn so that they may each gather some information.

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6.4.5 If there is a need to monitor an individual's social networking site, authorisation must be obtained. If the offence being investigated falls under RIPA, a formal RIPA application must be completed, authorised by an Authorising Officer and then approved by a Magistrate.

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6.4.6 This is a useful tool and an authorisation for directed surveillance need only be sought where staff are 'systematically collecting and recording information about a particular person or group'. Further guidance regarding the factors to be considered can be found at paragraph 3.16 of the Code of Practice.

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7. Covert Human Intelligence Source

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

- 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)
- covertly uses such a relationship to obtain information or provide access to any information to another person; or
- 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.

Section 26(9) of RIPA goes on to define:

- 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
- a relationship is used covertly, and information obtained as mentioned in- 7 (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.

7.2 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 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.

7.3 Juvenile Sources

Special safeguards apply to the use or conduct of juvenile sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under the age of 16 years be authorised to give information against his parents or any person who has parental responsibility for him. The duration of a juvenile CHIS is ~~four~~ **one** months subject to at least monthly reviews to ensure that it is maintained for no longer than necessary. The Regulation of Investigatory Powers (Juvenile) Order 2000 SI as amended by the Regulation of Investigatory Powers (Juveniles) (Amendment) Order 2018 No 2793 contains special provisions which must be adhered to in respect of juvenile sources. This can only be authorised by the Chief Executive~~Director of Business~~.

7.4 Vulnerable Individuals

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

7.5 Legal Advice

Please consult the Monitoring Officer~~Director of Business~~ before taking any practical steps to authorise a CHIS.

7.6 Handler and Controller

There needs to be in place arrangements for the proper oversight and management of CHIS, including appointing individual officers as defined in section 29(5)(a) and (b) of the 2000 Act for each CHIS.

The Handler has day to day responsibility for:

- Dealing with the CHIS on behalf of the authority;
- Directing the day to day activities of the CHIS
- Recording the information supplied by the CHIS, and
- Monitoring the CHIS's security and welfare.

The Handler will usually be a rank or position below that of the authorising officer.

The Controller will normally be responsible for the management and supervision of the "handler" and general oversight of the use of the CHIS

8. **Authorisation Process and Oversight Arrangements**

8.1 Applications for directed surveillance

All application forms (**see Appendix A**) must be fully completed with the required details to enable the Authorising Officer to make an informed decision. Sections 12 and 13 of the form must be completed by the Authorising Officer.

An authorisation under the 2000 Act will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is **necessary** and **proportionate** for these activities to take place. Therefore, the grant of authorisation should indicate that consideration has been given to these points and no authorisation shall be granted unless the Authorising Officer is satisfied that the investigation is:

- **necessary** for either the prevention or detection of crime, involving a criminal offence punishable whether by summary or on indictment by a maximum sentence of at least ~~6~~ six months imprisonment or related to the underage sale of alcohol or tobacco (see paragraph 6.2 for offences). Covert surveillance cannot be said to be necessary if the desired information can reasonably be obtained by overt means

- **proportionate** - if the activities are necessary, the person granting the authorisation must believe that they are **proportionate** to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others (see 8.4 Collateral intrusion) that might be affected by it against the need for the activity in operational terms.

The method of surveillance proposed must not be **excessive** in relation to the seriousness of the matter under investigation. It must be the method which is the **least invasive** of the target's privacy.

The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

The **privacy** of innocent members of the public must be respected and collateral intrusion minimised – see 8.4 below.

It must be at an **appropriate** level (i.e. not excessive) and no other form of investigation would be appropriate.

8.2 Necessity

The Authorising Officer must be satisfied that the use of covert surveillance is necessary for one of the purposes specified in Section 28(3) of RIPA. In order to be satisfied, the conduct that it is aimed to prevent or detect must be identified and clearly described, particularly if it is questionable whether the serious crime criteria are met.

8.3 Proportionality

Proportionality is not only about balancing the effectiveness of covert methods over overt methods but of explaining why a particular covert method, technique or tactic is the least intrusive. It is insufficient to make a simple assertion or to say that the `seriousness` of the crime justifies any or every method available. It may be unacceptable to advance lack of resources or a potential cost saving as sufficient ground to use technological solutions which can be more intrusive than a human being. This critical judgment can only be reached once all aspects of an authorisation have been fully considered. It will be helpful to consider the following elements:

- (i) That the proposed covert surveillance is proportional to the mischief under investigation;
- (ii) That is proportional to the degree of anticipated intrusion on the target and others, and
- (iii) It is the only option, other overt means having been considered and discounted.

The following elements of proportionality should therefore be considered:

- balancing the size and scope of the operation against the gravity and extent of the perceived mischief,
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others,
- that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result, and
- providing evidence of other methods considered and why they were not implemented

The Authorising Officer should set out, in his own words, "*I am satisfied*" and "*I believe*" why he is satisfied or why he believes the activity is necessary and proportionate

8.4 Collateral intrusion

The privacy rights of members of the public who are not the subject of the investigation, must be minimised and the surveillance must be carefully controlled so as to respect those rights.

The Authorising Officer must also 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, particularly where there are special sensitivities e.g. premises used by lawyers, MPs, doctors or priests e.g. for any form of medical or professional counselling or therapy. The application must include an **assessment** of any risk of collateral intrusion for this purpose.

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

Those carrying out the investigation must inform the Authorising Officer of any unexpected interference with the privacy of individuals who are not covered by the authorisation as soon as these become apparent.

Where such collateral intrusion is unavoidable, the activities may still be authorised, provided the intrusion is considered proportionate to what is sought to be achieved.

8.5 Special consideration in respect of confidential information

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

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

8.6 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.

8.7 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**.

8.8 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.

Where confidential information as referred to in sections 8.4 to 8.5 is likely to be acquired, the surveillance may only be authorised by the ~~Chief Executive-Director of Business~~ and should only be authorised where there are exceptional and compelling circumstances.

8.9 Authorisations must be in writing.

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources (Amendment) Order 2012 amended the 2010 Order - see the new 7A which states that the serious crime threshold of investigating criminal offences with a sentence of at least six months imprisonment and those offences related to the underage sale of alcohol and tobacco apply.

8.10 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.

8.11 Applications for CHIS

The application is the same as for directed surveillance except that the serious crime threshold of investigating criminal offences with a sentence of at least six months imprisonment does not apply. The authorisation must specify the activities and identity 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.

There are additional requirements in s29(5) relating to responsibility for dealing with the source and maintenance of records relating to the source.

All application forms must be fully completed with the required details to enable the Authorising Officer to make an informed decision.

In addition to the requirements of RIPA, the duties set out in the Source Records Regulations (S.I.2000/2725) must also be observed.

Please consult the Monitoring Officer~~Director of Business~~ before taking any practical steps to authorise a CHIS.

8.12 Judicial Approval of authorisations

Once the Authorising Officer has authorised the directed surveillance or CHIS, the Investigating Officer who completed the application form should contact Legal Services who will arrange a hearing at the appropriate Magistrates' Court. A member of the Legal Services Team will accompany the Investigating Officer to present the application for approval by a Justice of the Peace. The hearing is a legal proceeding and therefore, if not represented by Legal Services, local authority officers need to be formally designated to appear.

The Investigating Officer ~~or Authorising Officer~~ will provide the Justice of the Peace with a copy of the original authorisation or notice 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 Investigating Officer ~~or Authorising Officer~~ will provide the Justice of the Peace with two copies of a partially completed judicial application/order form.

The hearing must be in private (unless the Court otherwise directs) and the 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. It is not sufficient for the local authority to provide oral evidence where this is not reflected or supported in the papers provided.

The Justice of the Peace will consider whether he/she is satisfied that, at the time the authorisation was granted or renewed or the notice given or renewed, there was 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 Order Section of the above mentioned form will be completed by the Justice of the Peace and will be the official record of his/her decision. The Council will need to retain a copy of the form after it has been signed by the Justice of the Peace.

The Justice of the Peace can:

- (a) approve the Grant of or renewal of an Authorisation or Notice, which means the authorisation will then be effective.
- (b) refuse to approve the Grant of Authorisation or Notice, which means that 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 Authorisation or renewal and quash the original authorisation. The Court cannot exercise its power to quash the authorisation unless the applicant has at least two business days from the date of the refusal to make representations.

Appeals

The Council may only appeal a Justice of the Peace's decision on a point of law by making an application for judicial review in the High Court. The Investigatory Powers Tribunal (IPT) will continue to investigate complaints by individuals about the use of the RIPA techniques by public bodies, including local authorities. If, following a complaint to them, the IPT finds fault with a RIPA authorisation or notice it has the power to quash the Justice of the Peace's order which approved the grant or renewal of the authorisation or notice.

8.13 Working in partnership with the police

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

9. Duration and Cancellation

- An authorisation for **directed surveillance** shall cease to have effect (if not renewed) 3 months from the date the Justice of the Peace approves the grant.
- If renewed the authorisation shall cease to have effect 3 months from the expiry of the original authorisation.
- An authorisation for **CHIS** shall cease to have effect (unless renewed) 12 months from the date the Justice of the Peace approves the grant or renewal (save for a Juvenile CHIS where the authorisation will have effect for 4 months with at least monthly reviews).

This does not mean that the authorisation should be given for the whole period so that it lapses at the end of this time. The Authorising Officer, in accordance with s45 of the Act, must cancel each authorisation as soon as that officer decides that the surveillance should be discontinued. Authorisations should continue for the minimum period reasonable for the purpose they are given and in any event will not last longer than 3 months.

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 any 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 instructions to cease surveillance should be retained and kept with the cancellation form.

10. Reviews

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

If the directed surveillance authorisation provides for the surveillance of unidentified individuals whose identity is later established, the terms of the authorisation should be refined at review to include the identity of these individuals.

Particular attention should be paid to the possibility of obtaining confidential information.

11. Renewals

If for any reason a Review is not carried out on time the authorisation may be cancelled. Notice of this cancellation must be given to the Authorising Officer immediately.

Any Authorised Officer may renew an existing authorisation on the same terms as the original at any time before the original ceases to have effect. The renewal must then be approved by a Justice of the Peace in the same way the original authorisation was approved. The process already outlined in section 8 above should be followed.

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

12. Central Register of authorisations

12.1 The Council must maintain the following documents:

- copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the Authorising Officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation and Order made by the Magistrates' Court together with supporting documentation submitted when the renewal was requested;
- the date and time when any instruction to cease surveillance was given;
- the date and time when any instruction was given by the Authorising Officer;

12.2. To comply with section 12.1, the ~~Monitoring Officer~~~~Director of Business~~ will hold the Central Register of all authorisations issued by an officer of the Council. A copy of every authorisation, renewal and cancellation issued should be lodged immediately with the ~~Monitoring Officer~~~~Director of Business~~ in an envelope marked "Private and Confidential".

Any original authorisations and renewals taken to the Magistrates' Court should be retained by the Council because the Court only keep copies of the authorisations or renewals.

12.3. The Council must also maintain a centrally retrievable record of the following information:

- type of authorisation
- date the authorisation was given
- date the Approval Order was given by the Justice of the Peace.
- name and rank/grade of the authorising officer
- confidential information
- self-authorisations
- unique reference number of the investigation/operation
- title (including brief description and names of the subjects) of the investigation/operation;
- reviews
- details of renewal
- dates of any Approval Order for renewal given by the Justice of the Peace.
- whether the investigation/operation is likely to result in obtaining confidential information
- date of cancellation

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

13. Retention of records

The Council must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed surveillance in accordance with the relevant Code of Practice. The Authorising Officers, through their relevant Data Controller, must ensure compliance with the appropriate data protection requirements under the Data Protection Act 20181998 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.

14. Complaints procedure

- 14.1 The Council will maintain the standards set out in this guidance and the Codes of Practice. The Investigatory Powers Commissioner Chief Surveillance Commissioner has responsibility for monitoring and reviewing the way the Council exercises the powers and duties conferred by RIPA.
- 14.2 Contravention of the Data Protection Act 20181998 may be reported to the Information Commissioner. Before making such a reference, a complaint concerning a breach of this guidance should be made using the Council's own internal complaints procedure.

RIPA GUIDANCE – PART II
ACQUISITION AND DISCLOSURE OF
COMMUNICATIONS DATA

Introduction

With effect from 5 January 2004, and in accordance with Chapter I of Part I of Regulation of Investigatory Powers Act ('the Act'), local authorities can authorise the acquisition and disclosure of 'communications data' provided that the acquisition of such data is necessary for the purpose of **preventing or detecting crime or preventing disorder**; and proportionate to what is sought to be achieved by acquiring such data.

A link to the Home Office Code of Practice – Acquisitions and Disclosure of Communications data is at Appendix G

The Protection of Freedoms Act 2012 made changes to the provisions under the Regulation of Investigatory Powers Act 2000 requiring the need for a local authority to seek judicial approval of the grant or renewal of an authorisation or of the giving or renewal of a notice.

NOTHING IN THIS CODE PERMITS THE INTERCEPTION OF THE CONTENT OF ANY COMMUNICATION.

The procedure is similar to that of authorisation for directed surveillance and CHIS but has extra provisions and processes.

The purpose and effect of the procedure is the same i.e. to ensure proper consideration is given to permitting such investigations and to provide protection against a human rights challenge.

The Authorising Officer is called a 'Designated Person'.

1. What is `Communication Data` ?

Communications data is information relating to the use of a communications service e.g. postal service or telecommunications system. It is defined by Section 21(4) of the Act and falls into three main categories:

Traffic data - where a communication was made from, to whom and when
Service data – use made of service e.g. Itemised telephone records
Subscriber data – information held or obtained by operator on person they provide a service to.

Local authorities are restricted to subscriber and service use data and only for the purpose of preventing or detecting crime or preventing disorder.

2. Application Forms

The application form should be completed via the National Anti- fraud Network website at www.nafn.gov.uk. The National Anti-fraud Network SPoC Service (acting as SPoC for the Council), will assess and quality control the application. If it meets the legal threshold for obtaining communications data, the SPoC will post it on the website for approval by the appropriate Designated Person.

This procedure necessitates the applicant to be registered with the National Anti-fraud Network prior to making the application. For details on how to do this the applicant should visit www.nafn.gov.uk.

If rejected, by the Designated Person or the SPoC, the SPoC will retain the application and inform the applicant in writing of the reason(s) for its rejection. Comprehensive guidance on the application process is also available via the National Anti-fraud Network website at www.nafn.gov.uk

3. Authorisations

Authorisations can only authorise conduct to which Chapter II of Part I of the Act applies.

In order to comply with the code, a Designated Person can only authorise the obtaining and disclosure of communications data if:

- i) it is **necessary** for any of the purposes set out in Section 22(2) of the Act. (NB the Council can only authorise for the purpose set out in Section 22 (2) (b) which is the purpose of preventing or detecting crime or preventing disorder); and
- ii) it is **proportionate** to what is sought to be achieved by the acquisition of such data (in accordance with Section 22(5) the Act)

Consideration must also be given to the possibility of collateral intrusion.

Once a Designated Person has decided to grant an authorisation or a notice is to given there are two methods:

- 1) By authorisation of some person in the same relevant public authority as the Designated Person, whereby the relevant public authority collects the data itself (Section 22(3) the Act). This may be appropriate in the following circumstances:
 - the postal or telecommunications operator is not capable of collecting or retrieving the communications data,
 - it is believed the investigation may be prejudiced if the postal or telecommunications operator is asked to collect the data itself,
 - there is a prior agreement in place between the relevant public authority and the postal or telecommunications operator as to the appropriate mechanisms for the disclosure of communications data,

- 2) By notice to the holder of the data to be acquired (Section 22(4)) which requires the operator to collect or retrieve the data. Disclosure may only be required to either the Designated Person or the SPOC.

A service provider must comply with the notice if it is reasonably practicable to do so (s.22 (6)-(8)) and can be enforced to do so by civil proceedings.

The postal or telecommunications service can charge for providing this information.

There are standard forms for authorisations and notice which are available using the link provided at Appendix F.

4. Oral Authority

The Council is not permitted to apply or approve orally.

5. Duration

Authorisations and notices are only valid for one month beginning with the date on which the authorisation is granted or the notice given. A shorter period should be specified if possible.

6. Renewal and Cancellation

An authorisation or notice may be renewed at any time during the month it is valid using the same procedure as used in the original application. A renewal takes effect on the date which the authorisation or notice it is renewing expires.

The code requires that all authorisations and notices should be cancelled by the Designated Person who issued it as soon as it is no longer necessary, or the conduct is no longer proportionate to what is sought to be achieved. The relevant postal or telecommunications operator should be informed of the cancellation of a notice.

7. Retention of Records

Applications, authorisations and notices must be retained until the Council has been audited by —the Commissioner (see paragraph 10).

Applications must also be retained to allow any Tribunal (see paragraph 10) to carry out its functions.

A record must be kept of:-

- the dates on which the authorisation or notice is started or cancelled,
- any errors that have occurred in the granting of authorisations or giving of notices.

A report and explanation of any errors must also be sent to the Commissioner as soon as is practicable.

Communications data, and all copies, extracts and summaries of it, must be handled and stored securely and the requirements of the Data Protection Act ~~2018~~1998 must be observed.

The ~~Monitoring Officer~~~~Director of Business~~ will maintain a centrally retrievable register.

10. Oversight and Complaints

The ~~Investigatory Powers Commissioner shall~~~~Act provides for an Interception of Communications Commissioner whose remit is to~~ provide independent oversight of the use of the powers contained in Part I and the code requires any person who uses the powers conferred by Chapter II to comply with any request made by the Commissioner to provide any information he requires to enable him to discharge his functions.

The Act also establishes an Independent Tribunal to investigate and decide any case within its jurisdiction.

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

APPENDIX A

Directed Surveillance and CHIS Forms

<S:\General Folder\RIPA\APPENDIX 1 - DS FORM.doc>

<S:\General Folder\RIPA\APPENDIX 2 - DIRECTED SURVEILLANCE review.doc>

<S:\General Folder\RIPA\APPENDIX 3 - DIRECTED SURVEILLANCE renewal.doc>

<S:\General Folder\RIPA\APPENDIX 4 - DIRECTED SURVEILLANCE cancellation.doc>

<S:\General Folder\RIPA\APPENDIX 5 - CHIS form.doc>

<S:\General Folder\RIPA\APPENDIX 6 - DIRECTED SURVEILLANCE review.doc>

<S:\General Folder\RIPA\APPENDIX 7 - CHIS RENEWAL FORM.doc>

<S:\General Folder\RIPA\APPENDIX 8 - CHIS CANCELLATION FORM.doc>

<S:\General Folder\RIPA\APPENDIX 9 - DS FORM with notes.doc>

<S:\General Folder\RIPA\APPENDIX 10 - Surveillance Risk Assess Pro Forma.doc>

<S:\General Folder\RIPA\APPENDIX 11 CHANGE OF CIRCUMSTANCES.doc>

<S:\General Folder\RIPA\APPENDIX 12 - Surveillance Control Matrix.doc>

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

APPENDIX B

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/publications/changes-to-local-authority-use-of-ripa>

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

APPENDIX C

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/publications/changes-to-local-authority-use-of-ripa>

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

APPENDIX D

Home Office - Codes of Practice – Covert
Surveillance and Property Interference and Covert
Human Intelligence Sources

<https://www.gov.uk/government/collections/ripa-codes>

<https://www.gov.uk/government/publications/code-of-practice-for-covert-surveillance-and-property-interference>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97960/code-of-practice-covert.pdf

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/276013/CovertHumanIntelligenceSources.pdf

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

APPENDIX E

AUTHORISING OFFICERS

Legal Services Manager

Head of Health, Housing and Regeneration

Director of Communities

Director of Economic Development

Chief Executive Director of Business in the event that there is a possibility of confidential information being obtained as highlighted in 8.4 and 8.5 of this Policy.

SENIOR RESPONSIBLE OFFICER

Director of Business Head of Legal (Monitoring Officer)

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REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

APPENDIX F

Forms - Communications Data

www.nafn.gov.uk

<https://www.gov.uk/government/collections/ripa-forms--2>

REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)

APPENDIX G

Home Office - Codes of Practice - Acquisition and
Disclosure of Communications Data

<https://www.gov.uk/government/publications/code-of-practice-for-the-acquisition-and-disclosure-of-communications-data>



Investigatory Powers
Commissioner's Office

PO Box 29105, London
SW1V 1ZU

Mr. Neil Shaw
Chief Executive
Rossendale Borough Council
The Business Centre
Futures Park
Bacup
Rossendale
OL13 0BB

17 February 2021

Dear Mr. Shaw,

IPCO Surveillance and CHIS Inspection of Rossendale Borough Council

Please be aware that IPCO is not a “public authority” for the purpose of the Freedom of Information Act (FOIA) and therefore falls outside the reach of the FOIA. It is appreciated that local authorities are subject to the FOIA and that they may receive requests for disclosure of our reports. In the first instance the SRO should bring the matter to the attention of the IPCO Data Protection Officer (at: info@ipco.org.uk), before making any disclosure. This is also the case if you wish to make the content of this letter publicly available.

Rossendale Borough Council was recently the subject of a remote inspection by one of my Inspectors, Mr Graham Wright, who looked at your use of powers and procedures in relation to directed surveillance and CHIS. This was facilitated through Clare Birtwistle (Head of Legal and Senior Responsible Officer for RIPA) who provided information during discussion on 21st January 2021. This discussion related to the Council's current usage of the powers under RIPA, the response to the previous inspection in 2018, and your response to my letter of September 2020 regarding Data Assurance. Ms Birtwistle provided further information in relation to these matters recently.

The information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection.

The previous recommendations from the 2018 inspection have all been adequately discharged. The main RIPA Policy document has been suitably amended (for more details see below); reporting to Elected Members on the Overview and Scrutiny Committee now occurs; and the Senior Responsible Officer is now sufficiently independent from the appointed authorising officers.

My Inspector has reviewed your Council's RIPA Policy. It is in many ways an accurate and useful document for applicants, authorising officers and anyone considering carrying out covert activity. It covers use of covert surveillance, CHIS and requests for Communications Data, which is done via the National Anti-Fraud Network. The document is currently in draft form and will be submitted to the Overview and Scrutiny Committee pending any comments from this inspection. In that regard Mr. Wright makes the following comments:

1. In relation to the matter of online covert activity, you have now incorporated a substantial section of advice. However, it needs to be made clear to staff that this is a useful tool and an authorisation for directed surveillance need only be sought where staff are 'systematically collecting and recording information about a particular person or group'¹. Further guidance regarding the factors to be considered can be found at paragraph 3.16 of the Code of Practice.
2. Paragraph 7.3 of the policy refers to juvenile CHIS and states that an authorisation has a duration of one month. This is incorrect. The duration is four months, and subject to at least monthly reviews. (It is accepted that the likelihood of such an authorisation being granted is extremely low, but the comment is made for the sake of accuracy.)

Although your Council has not exercised its powers since October 2012, the SRO was reminded of the importance of ensuring that the designated authorising officers maintain their level of training. Mr Wright was informed that training with relevant officers is undertaken on an *ad hoc* basis to ensure they continue to understand the requirements of RIPA. There have been no new investigating officers appointed for some time and they have all received appropriate training either with the Council, or with the police as their former employer. New Directors and the Chief Executive are booked onto an external training session in April 2021 which the SRO will attend also. There is also a training package on your internal training system, Learning Pool, which all staff can access at any time. An email to staff will be circulated to remind them of the courses available on the system and to undertake the RIPA course as a refresher.

As I have referred to above, the monitoring of social media and the internet can offer initial investigative leads and assist with your enforcement or other responsibilities, but it is important to ensure that such resources as these are used in a controlled, auditable, and well understood manner. The Home Office Covert Surveillance and Property Interference Code of Practice provides some helpful advice on this point. Your amended policy document now contains more suitable guidance and advice to staff with regards to how this should be used in a compliant manner.

In relation to the matter of the correct handling of material acquired by covert activity, or Communications Data, your Council is drawing up an action plan in response to the letter I sent to you in this regard in September 2020, and in particular the six action points at the conclusion of my letter. A review of the Council's retention and destruction policy has already taken place, and also the disposal of any data held under any previous authorisations.

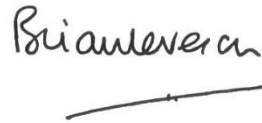
In conclusion, it must be emphasised that although your Council has not exercised its RIPA powers since 2012 it is vital that the relevant staff are appropriately trained should the need to authorise covert activity arise. It is also important that officers engaged in investigatory areas where RIPA considerations are not so immediately apparent, maintain their levels of knowledge and know whom to approach for guidance. The SRO has given assurances to the Inspector that the integrity of your Council's processes and governance procedures will be maintained to ensure that high standards of compliance with the Act and relevant codes of practice are achieved.

I hope that this telephone-based inspection has proved to be a worthwhile exercise. My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter.

¹ Covert Surveillance Code of Practice paragraph 3.15

I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,

A handwritten signature in black ink that reads "Brian Leveson". The signature is written in a cursive style and is positioned above a horizontal line.

The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner

Subject:	Quarter 1 Performance Management (April, May & June) 2021-2022	Status:	For Publication
Report to:	Overview and Scrutiny	Date:	13 th September 2021
Report of:	Head of People & Policy	Portfolio Holder:	Resources
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment	Required	No	Attached No
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Clare Law	Telephone:	01706 252457
Email:	clarelaw@rossendalebc.gov.uk		

1. RECOMMENDATIONS

- 1.1 That the Overview & Scrutiny Committee consider the performance of the council detailed in this report.
- 1.2 That the Overview & Scrutiny Committee identify any actions, projects, performance indicators or risks they may wish to escalate to the Cabinet for further action.

2. PURPOSE OF REPORT

The purpose of this report is to provide the Overview and Scrutiny Committee with a summary of the council's performance in Quarter 1. The committee can play a strong role in scrutinising the performance of the council and identifying issues where members may wish further action to be taken.

3. CURRENT PERFORMANCE OF THE COUNCIL

- 3.1 The quarterly performance report enables the council to track its performance especially in respect of the delivery of actions and projects which contribute to the council's priorities. The format and objectives of the performance report were revised at the start of this year to reflect the council's priorities and corporate projects for 2021/22. The Quarter 1 performance report is attached as Appendix 1.

3.2 A Thriving Local Economy

The council is strongly reliant on both council tax and business rates for its revenue. This was affected by Covid-19 with collections lower than previous years. Realistic targets have been set for this year and collection of council tax is strong, whereas business rate collections are lower than expected. This will be a focus for the next Capita Governance Board meeting. General call response times for the Revenues and Benefits function have been better than target for this quarter

and compares well to other local authorities. Work is underway across services to improve the level of customer care including new staff training.

This quarter brought positive news for our town centres with £63k being received from the Government's Welcome Back Fund. Activity has started to boost the look and feel of the high streets by investing in planting as well as new seating areas in our markets; supported by a publicity campaign to welcome back visitors. Our Bacup Cultural Consortium was awarded £90k from the National Lottery Heritage Fund to deliver a three-year programme of cultural activity. The announcement of £1.8m from the National Lottery Heritage Fund for Haslingden to improve shop buildings and public realm on Upper Deardengate, is a major success and work will get underway in Q2.

The Local Plan has reached an important milestone with the Post Hearing Letter on the emerging Local Plan confirmed that the Planning Inspectors are satisfied that the Plan is capable of being found legally compliant. Planning are now progressing the main modifications with a view to adopting the Plan in December 2021. Q1 saw the reopening of the Whitaker Museum & Art Gallery, which is a major success for the borough. Finally, Rossendale Works goes from strength to strength. This has secured 19 full time jobs and 24 placements in Q1.

3.3 A High Quality Environment

Following the appointment of a new Head of Operations, work is progressing at pace to improve our refuse services and the overall customer care. This will be a major focus for 2021/22. Operation Trident was launched to bring a new focus to fly-tipping. This along with dedicated clean up days are good examples where specific focused projects can make a difference. Operation Trident has seen increased enforcement activity along with a dedicated team to remove fly-tipping more rapidly. Early signs are positive but we will retain the focus on this for the coming months.

Our Green Flag submission for Stubbylee and Moorlands Park has seen a lot of improvements to the park and we have been successful in obtaining funding for a pump track at Edgeside Park. We have implemented a revised street cleansing schedule and we are testing this through Q2 so we can then provide members with clear information regarding street cleansing in their ward. We are also looking at additional litterbins, over and above the almost 100 we have installed over the past 12 months.

There are areas that need increased focus in Quarter 2. This includes improving the overall appearance of our cemeteries, which have received a number of complaints. We also need a stronger and more co-ordinated approach to increasing recycling and improving our general waste collection. Staff changes and Covid have stalled our work in these areas and developing a clear action plan and strategy will be a focus of the next quarter. This will be presented to Cabinet in Q3.

3.4 Healthy and Proud Communities

A major positive that resulted from the very challenging pandemic was the expansion of Rossendale Connected. This has seen community groups and statutory partners come together to provide a collaborative approach to supporting vulnerable people. We are working with all partners to ensure that Rossendale Connected is a positive long-term legacy of the past 18 months.

We have worked with the Leisure Trust and other partners to hold the second Rossendale Connected Conference called the Big Connect. Groups continue to meet and share their work regularly. It is evident however that many members now have increasing work commitments which impact on attendance. Partnership arrangements have been reviewed previously and training/briefing provided for members attending partnerships.

A long-term community focused Health and Wellbeing Strategy is being developed for Rossendale. It is essential that partners and the community have a stake in this and as such we have undertaken extensive engagement work. This work has taken longer than we anticipated but is now coming to fruition with a draft nearing completion. Further work is required to refine it for the first meeting of a new Health and Wellbeing Board in August. The strategy will be considered by members in Q3.

Significant work has been undertaken in the past 12 months with the Leisure Trust to secure the recovery of leisure and cultural facilities. Work is now underway on setting the long-term future of these facilities and associated health facilities. Sport England are very supportive of the work we are doing in engaging communities through Rossendale Connected and the Trust's Together and Active Future project. We have worked with Sport England to develop a brief for a feasibility study of our facilities. This feasibility will commence in Q2, further discussion will take place with members in Q2.

3.5 Effective and Efficient Council

We welcomed a number of new members following the May elections. A programme of training has been delivered to our members which included a refreshed induction and the start of a series of service briefings for the first time. New officer training has taken place focused on improving customer service, project management and procurement, with more planned throughout the year.

Property have continued work on a review of the council's land and other assets. This work is large and challenging, based on a ward by ward basis. Goodshaw was completed in Q1. The team are also progressing a rent review of our industrial units to generate more income.

The council agreed a new Digital Strategy in Q1 which sets out for the first time, a clear roadmap of projects to make a significant improvement in how customers interact with the council. Finally, the council has been developing an Organisational Development Strategy for staff for some time. This work is taking longer than anticipated but will shortly conclude and will provide a clear plan for how the council better supports, engages and develops its staff.

4. OVERVIEW OF SERVICE ACTIONS, PROJECTS AND PERFORMANCE INDICATORS

- 4.1 This report sets out the performance against the Corporate Plan and service delivery measures. Performance is assessed based on the delivery of service actions and key projects against the measures set out in the draft Corporate Plan 2021-25 along with performance indicators for services. The service actions and corporate projects are referred to in more detail in the Performance Report, pages 2-24.

4.2 Overall performance is as follows:

	Green	Amber	Red	Unknown
Corporate projects	6	3	0	1 ¹
Service actions	14	7	3	0
Performance indicators	28	4	3	7 ²
Risks	1	9	3	0
¹ On hold due to staff vacancy				
² Annually reported				

4.3 The summary of performance indicators is as follows:

	Green	Amber	Red	Unknown
A Thriving Local Economy	3	0	0	4
A High Quality Environment	4	0	2	1
Healthy and Proud Communities	4	0	1	0
Effective and Efficient Council	17	4	0	2

4.4 66% (28) of performance indicators are performing on or above target, green status, (or within the 5% threshold) at the end of the quarter. Those indicators performing below target have action plans outlined with measures which will put into place to improve performance. 7% (3) of the performance indicators have finished in the red status at the end of Q1.

4.5 The performance indicators in 'red' status and improvement measures are as follows:

Priority 1	Performance Indicator	Target	Quarter 1	Status
2	Number of collections missed per 100,000 collections of domestic waste/recycling	100	195	RED

Priority 1	Performance Indicator	Target	Quarter 1	Status
3	Number of collections missed per 1,000 collections of commercial waste	5	11	RED

Collections during this quarter has been irregular (crews getting to areas at different times, sometimes early) dealing with the extra volumes of waste and recycling produced during the ongoing pandemic.

Priority 3	Performance Indicator	Target	Quarter 1	Status
11	Number of licensed premises inspected – annual target 75	15-25	0	RED

No inspections have taken place during Covid due to premises being closed under local restrictions.

4.6 Performance indicators are referred to in the Performance Report, pages 25-27.

Use of RIPA – As recommended by the Investigatory Powers Commissioner’s Office, the council is required to monitor and report on the use of authorisations under the Regulation of Investigatory Powers Act (RIPA). There have been no authorisations sought in Q1.

5. COMPLIMENTS AND COMPLAINTS

5.1 Compliments

	Q1 2020/21	Q4 2020/21	Q1 2021/22
Number of compliments	41	44	40
Highest nature of compliments	89% (34) Staff member/Team	91% (40) Staff member/Team	95% (38) Staff member/Team
Highest Service Area with compliments	Operations - 18	Economic Development - 20	Operations - 16

The number of compliments has reduced by four in Q1 when compared with the previous quarter, but is similar to Q1 last year. Q1 continues to see the most compliments related to ‘Staff member/Team’ issues.

Over Q1 compliments were received across a wide range of service areas including: Capita, Economic Development, Environmental Health, Housing, Legal & Democratic Operations, People & Policy and Planning.

5.2 Complaints

	Q1 2020/21	Q4 2020/21	Q1 2021/22
Number of complaints	35	45	30
Highest nature of complaints	37% (13) – Bins/bin collection	31% (14) – Bins/bin collection	27% (8) – Bins/bin collection
Highest Service Area of complaints	Operations – 24	Operations – 21	Operations – 14

The number of complaints received in Q1 has reduced by 15 when compared with the previous quarter, it is also less than Q1 in the previous year.

5.3 Local Government Ombudsman enquiries

In Q1 no enquiries were received from the LGO.

6. RISKS

6.1 The council has reviewed and continues to monitor the council’s corporate risks. This quarter the council has added a new risk to the corporate risk register – focused on the financial vulnerability of the borough’s leisure assets. The corporate risks as categorised at the end of Q1 are as follows:

	Quarter 1 2021/22
Low	1
Medium	9
High	3

6.2 The corporate risks rated as ‘red’ are as follows:

Corporate Risk 1	Likelihood	Impact	Overall risk	Status
Sustainability of the Medium Term Financial Strategy	B	2	B2	RED

Like all councils, Covid has placed additional pressure on the Medium Term Financial Strategy, The Government has provided the council with several grants to assist with delivering the extra services required and to mitigate some of the impact of lost income. Legal claims arising from the Empty Homes scheme are also having an adverse impact on the MTFs, officers are monitoring the scheme closely and managing the risks and challenging the claims.

Corporate Risk 12	Likelihood	Impact	Overall risk	Status
Response and Recovery to Covid19 Pandemic	A	1	A1	RED

The Covid Outbreak Board meets weekly in response to an increase in Covid cases starting in Spring 2021. The council continues to follow Government advice on the relaxation of restrictions. Rossendale (along with Lancashire) has been designated an area of enhanced Government support. This has boosted the vaccination and testing programmes during June. These activities are anticipated to continue for the foreseeable future.

Corporate Risk 13	Likelihood	Impact	Overall risk	Status
Impact of Covid 19 on the financial sustainability of council owned leisure assets.	A	2	A2	RED

The year-end financial position of the Leisure Trust have proven to be more favourable than projections in Q3 and Q4 last year. However, it is still expected that total losses could reach up to £500k by the end of 21/22. There would be an additional negative impact if a large privately operated gym opens in Rawtenstall. The council and Trust have worked together to do all they can to mitigate the financial risks. This includes the consolidation of facilities, a financial support package and accessing substantial external funding. This risk is being managed but due to the continuing unknown longevity of the impact of Covid the risk rating remains 'red' and is being closely monitored.

6.3 The risks will continue to be monitored by Management Team on a regular basis and are referred to in the Performance Report, pages 30-40.

7. COMMENTS FROM STATUTORY OFFICERS

7.1 SECTION 151 OFFICER

Financial implications and risks arising are identified within the report.

7.2 MONITORING OFFICER

There are no immediate legal considerations attached to the recommendations in this report.

8.0 POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

Effective performance management is very important to the council, and the council is committed to improving on an on-going basis how it operates and how it can improve the services it offers and delivers. In completing this report, consultation has been undertaken with the Management Team and Portfolio Holder for Performance and HR.

Appendices	
Performance Management Report	Appendix 1

Rossendale Borough Council has three priority themes which represent the main aims of the Council. Against each of these priorities we have set out a range of actions, measures and targets for achievement. This report will tell you how well we are doing in delivering our priorities by; demonstrating the progress, we are achieving in completing the actions and targets in our Corporate Strategy, together with providing key performance management information about the Council's performance, in the following sections:

- **Service Actions and Corporate Projects**
- **Key Performance Indicators**
- **Compliments and Complaints**
- **Corporate Risks**

Data Quality

Rossendale Council is committed to improving services for local people; we recognise that strong performance management and robust data quality processes are an important part of helping us achieve this. Data Quality is about making sure that the data and information we use to compile this report is accurate, reliable and is provided in a timely manner. The council has introduced a Performance Management Framework and Data Quality Strategy (currently being refreshed) to ensure that all performance information continues to be collected and used efficiently and effectively to drive improvements in our services.

Performance Indicators

Each year the Council sets targets for achievement against a range of performance indicators and uses a RAG rating status to monitor the targets.

Performance RAG (Red, Amber, Green) rating status indicators	
Indicator	Status
GREEN	On track, no substantial issues or risks which require action from the Council's Programme Board
AMBER	Some issues or risks which require action from the Council's Programme Board to keep the project on track
RED	Project in jeopardy – serious issues or risks needing urgent action
ANNUAL/NOT KNOWN	The status cannot be calculated

Quarter 1 2021-2022 Service Actions and Corporate Projects

Priority A	A Thriving Local Economy	
A1	To transform Bacup town centre by delivering a mix of new residential, new employment opportunities and improving the physical environment and heritage buildings.	
Corporate Project – 1	Bacup 2040	Overall Project RAG Status
	<p>High Street Heritage Action Zone (HAZ) project outputs defined in letter of offer, which includes improving 22 properties and installing a public realm scheme by March 2024.</p> <p>Responsible Officer – Mhorag Saxon</p>	<p>April saw the start of the second year of the HAZ project. Significant work was being undertaken in re-engaging with and meeting with priority building owners to develop schedules of work for their buildings. Rosslee Construction were formally appointed after the procurement process.</p> <p>Work is continuing with the owners of the Regal to find a suitable solution for the site. A grant uplift application was submitted at the end of March which saw the project secure additional funding to expand the design of the public realm enhancements across into Union Street.</p> <p>In May the first three buildings of the project had their grants approved. The Bacup Cultural Consortium was continuing to deliver successfully and was awarded £90k funding to deliver the wider 3-year programme of cultural activity. The project officer continues to support the Bacup Business Association and sit on the former Lancashire & Yorkshire Steering Group.</p>
	<p>Identify an alternative external funding bid source for the Market Square development</p> <p>Responsible Officer – Guy Darragh</p>	<p>The council published an Expression of Interest for an anchor tenant for an overnight accommodation offer to test the market for such a facility. Work on the feasibility of this is currently on-going. Designs and proposals for the Market Square have been refined and adapted overseen by the Bacup 2040 Partnership Board.</p>

A2	To significantly improve Haslingden by reshaping the town centre by creating new public space and redeveloping Deardengate.	
Corporate Project – 2	Haslingden 2040	Overall Project RAG Status
	<p>National Lottery stage 2 year 1 outputs as defined by the letter of offer.</p> <p>Responsible Officer – Mhorag Saxon</p>	<p>We are waiting for the outcome of the grant bid expected in July 2021. We anticipate this to be successful.</p> <p>The project will focus on improving buildings on Upper Deardengate, new public realm enhancements, public square on Upper Deardengate and a full events programme for the local community.</p>
	<p>Develop a feasibility plan for the development of Cockerill Square</p> <p>Responsible Officer – Cath Burns</p>	<p>A feasibility study is being prepared. Further progress will be reported in Q2.</p>
A3	To further improve the retail and leisure time offer in Rawtenstall town centre.	
Corporate Project – 3	Rawtenstall 2040	Overall Project RAG Status
	<p>To deliver town square landscaping project</p> <p>Responsible Officer – Ian Stackhouse</p>	<p>PLAY Market Management have been working to support traders and develop the market. The easing of restrictions has enabled the indoor and outdoor seating areas to re-open and has encouraged greater use of the facilities by families. PLAY have secured new traders to increase the food and beverage offer on the outdoor market and have increased the number of ‘pop up’ stalls within the market hall, particularly on Saturdays.</p> <p>Monthly car boot sales, held on Sundays have begun and have proved popular, particularly as this has been combined with a further day of trading for regular stall holders. The Rawtenstall Town Square public realm project has appointed architects and a contractor. Architects are finalising the scheme with work taking place in Q2 and Q3.</p>

A4	To develop the M66 Rossendale Valley Growth Corridor with infrastructure support from Lancashire County Council, boosting the number of local businesses.	
		Overall RAG Status
Service Action – 1	<p>Prepare Rossendale Valley Growth Corridor Masterplan and develop strategy to bring forward individual sites</p> <p>Responsible Officer – Cath Burns</p>	<p>The Rossendale Valley Growth Corridor has the potential to provide the single biggest investment opportunity in decades to address the levelling up agenda by:</p> <ul style="list-style-type: none"> • improving two-way connectivity along the A56/M66 • relieving congestion at the gyratory • bringing forward a supply of employment land • advancing our City Valley Link in to Greater Manchester from Strategic Outline Business Case to Grip 4 <p>During this quarter a concept plan has been prepared, but other economic development projects have taken priority in Q1.</p>
A5	To attract new investment into the borough through the promotion of Futures Park Employment & Leisure Village	
Corporate Project - 4	Futures Park Employment and Leisure Village	Overall Project RAG Status
	<p>Complete plot 1 development</p> <p>Responsible Officer – Guy Darragh</p>	<p>The construction of a nursery at Plot 1 at Futures Park has progressed substantially this quarter and is on target for completion, as planned, during August 2021. The steelwork, roofing and cladding, floor slab and the brickwork have all been completed. The solar panels on the roof have been fitted and works have commenced on the external landscaping. The internal fit out has started. The nursery is planned to open in September 2021, providing childcare in a purpose-built setting, together with employment for 30 people.</p> <p>Plans are being progressed to support the aspirations for a visitor and cycle hub. An outline concept is being developed for discussion with members.</p> <p>Plot 4 is still available. The council has appointed an architect to take forward any enquiries for the plot.</p>
	<p>Complete the infrastructure improvement works</p>	<p>RBC have planned to improve the junction of Newchurch Road and New Line in Bacup with the help of a Growth Deal grant. The infrastructure improvement works to the road junction</p>

	Responsible Officer – Cath Burns	<p>will also provide for increased traffic flow, increased footfall and improved safety. A pelican crossing will be installed to enable pedestrians to cross this area safely and access the many facilities available in this area.</p> <p>The design process for the junction improvement works has been completed. Designs agreed through a pre-application process, and the application for the required permits to complete the works has been submitted to the Highways Authority, Lancashire County Council (LCC). Further surveys have been carried out at LCC's request and submitted to support the application. Discussions are ongoing with LCC to bring forward a decision to authorise the planned works. Procurement of a competent contractor to carry out the works has begun.</p>
A6	Strengthen our offer for visitors to raise the profile of the borough's attractions and develop an improved accommodation offer	
Corporate Project – 5,6	The Visitor Economy Strategy & The Whitaker	Overall Project RAG Status
	<p>Deliver year 1 of the visitor economy action plan including 3 town centre based wayfinding walking/cycling routes</p> <p>Responsible Officer – Ian Stackhouse</p>	<p>The Council has continued to support businesses and tourist attractions to reopen. Funding from Reopening High Streets Safely and the Welcome Back Fund has been used to publicise safe shopping and visiting across the borough and this will continue during Q2 with a publicity campaign, the installation of temporary seating in town centres and increased planting to improve attractiveness.</p> <p>Our Business Advisor has continued to work with local businesses to support recovery. Regular newsletters and information sessions with businesses, including promoting available grants has continued during the quarter.</p> <p>The council has worked with Rossendale Leisure Trust to provide town centre walking routes in Bacup, Rawtenstall and Haslingden. The walks of 30, 60 or 90 minutes duration aim to enable residents and visitors to explore the town centres and tourist attractions. The routes encourage people to spend in food and drink offerings. Interpretation boards and wayfinding signs have been designed and agreed and these will be installed in Q2.</p>
	Deliver year 3 of the Whitaker National Lottery project	The capital build achieved practical completion during this quarter and preparations are underway to ensure that the museum opens in Q2. The project will continue following a

	Responsible Officer – Emily Vynne	successful uplift application to February 2023 as many of the planned activities have been impacted by the Covid situation and these have now been rescheduled. The re-opening event is scheduled for take place in July.
A7	Secure Government support and funding for the City Valley Link rail extension from Greater Manchester to Rawtenstall	
		Overall RAG Status
Service Action - 2	To produce a strategic outline business case in partnership with Lancashire County Council Responsible Officer – Guy Darragh	In 2018 the council commissioned CEBR to produce an early strategic case for investment into a commuter rail line between Rawtenstall and Manchester. Since then this work has been further built upon by a detailed technical feasibility study. A funding bid to the Restoring Your Railway Fund has been submitted and the outcome of this bid is not known at the time of writing. Lancashire County Council who is the transport authority have agreed to work with us in the development of the strategic outline business case and provided £100k funding to support the study. As such Rossendale and Lancashire will be jointly working on the specification of the invitation to tender and appointment of suitable transport consultants in the coming months.
Service Action – 3	Gain support of key stakeholders and undertake public support campaign Responsible Officer – Guy Darragh	Discussions have taken place with stakeholders particularly Bury MBC and Lancashire County Council with the view of moving the project forward to the outline business case. We are keen to continue to engage with all stakeholders on an on-going basis. To support the rail link project VIVA PR, are developing a media campaign which will be refined further in the coming weeks.
A8	Delivering on a specific plan to support businesses recover from the Covid pandemic	
		Overall RAG Status
Service Action - 4	Implement the Covid recovery plan which will include holding 18 business workshops and	We held 6 workshops for the business community with an average of 15 businesses per workshop. The business guidance seminars have been particularly well received. This allowed us to update over 80 businesses on Covid guidance, grant funding and general

	<p>hold 100 business one-to-ones</p> <p>Responsible Officer – Brad Hacking</p>	<p>queries. The workshop calendar has been publicised and there will be 20 workshops in total for 2021. The topics cover general business guidance in relation to Covid-19, mindset training, 60 second pitch, HR support.</p> <p>We have carried out 41 business one-to-one sessions in Q1. This include business planning, forecasting, marketing, sales techniques and HR issues.</p>
A9	Work with schools, colleges and businesses to match future business opportunities with the right skill provision, to boost the number of apprenticeships and ensure more local people can benefit from local job opportunities	
		Overall RAG Status
Service Action - 5	<p>Develop year 1 activity plan for the Rossendale employability and skills forum, which includes holding a jobs fair and a careers event</p> <p>Responsible Officer – Brad Hacking</p>	<p>The Virtual Careers Event took place in June. This involved 6 secondary schools and other education providers in Rossendale. Response from the education providers was positive. Over 15 businesses were involved in the event providing videos, curriculum content and Zoom Q&A sessions to offer children career planning advice. The event reached over 600 children across Rossendale.</p> <p>The 2021 Employability Event is planned for Q2. This event will focus on the general public, DWP customers, Rossendale Works candidates and any 'NEETs'. We are expecting over 250 candidates to attend and more details will be provided in the Q2 update.</p>
Service Action – 6	<p>Secure funding for Rossendale Works and Youth project for April 2022+</p> <p>Responsible Officer – Guy Darragh</p>	<p>Another very successful quarter. We are working with new employers and through the Rossendale youth project have secured 19 full time jobs and 24 placements. We have had 122 referrals, 66 have been assessed and are now running the Rossendale Youth Hub from Futures Park. Assessments are now conducted face to face after a period where we had to do via telephone and the internet. We held a launch day at the hub which resulted in media coverage.</p> <p>Rossendale Works are over performing, and have nearly reached the yearly targets in Q1. We have also received news from Active Lancashire that European Structural and Investment Funds funding has been approved for the continuation of the project for a further 3 years.</p> <p>In addition to the above activity Rossendale Borough Council are delivering the</p>

		Government's Kickstart initiative, working with the DWP. Kickstart provides a 6 month paid work placement for 16-24 year olds in receipt of Universal Credit who are in danger of becoming long term unemployed (6 months or longer). During the quarter 8 people are currently undertaking placements including 4 with the council.
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Priority B	A High Quality Environment	
B1	To ensure all year round we have a clean and attractive borough, with a particular focus on our streets and green spaces	
Corporate Project – 7	Clean and Green Improvement Plan	Overall Project RAG Status
	<p>Income generation ideas to be pursued including bin cleaning service and MOT testing station</p> <p>Responsible Officer – Keith Jenkins</p>	<p>During the past 12 months we have undertaken a number of feasibilities to assess potential income generation schemes. Bin Cleaning Service has been trialed. It was established that there was a potential to generate £10k of income per year if the trial was extended to all Rossendale. With the current demands with Operations it was agreed that revisit this work in 2022/23 when we hope that changes to the Operations structure (such as the 2nd supervisor for Waste/Recycling) are embedded so sufficient time & resource could be dedicated to this to make it a successful service.</p> <p>A feasibility study for an MOT testing station has been completed. The preferred option is to test taxis only. This is dependent on having free mechanic capacity which at this time isn't available. As our refuse fleet is replaced, the demand on our mechanics will decrease and it is likely that testing could be accommodated currently. A feasibility assessment was undertaken on establishing a new crematorium to meet local demand. The assessment identified this is not financially viable at this point and has not been taken forward.</p> <p>We are still exploring with PPU the possibility of targeting commercial properties without suitable commercial waste agreements in place to growth our commercial waste/recycling service.</p>

	<p>Street cleansing to be improved by better routing and introduction of new schedules</p> <p>Responsible Officer – Patrick Killeen</p>	<p>New sweeping routes and schedules have been allocated to each driver and we are running a 9-week trial prior to the schedules being publicised. This work has taken considerably longer than originally anticipated. We have allocated the trial period to resolve any issues and ensure the roads/pavements are at the required standard prior to publishing the schedule.</p> <p>We are keen that staff get appropriate supervisory and back office support. This process has started and will be complete in Q2.</p>
	<p>Obtaining green flag status for Stubblee Park and raising standards across all parks</p> <p>Responsible Officer – David McChesney</p>	<p>The judging day for Green Flag was held on 13th July and went well. Results are announced in October. The Edgeside Masterplan’s first project will be creation of a pump track for cyclists. £34k funding has been secured for RBC and Viridor and this will be delivered in Summer 2021. The Stubblee Masterplan has now been finalised with a range of new projects being identified. Decision on the first to pursue will be made in August 2021 by the steering group.</p>
	<p>Contributing to the climate change agenda through tree planting initiatives and transition to battery powered tools</p> <p>Responsible Officer – David McChesney</p>	<p>The Rossendale Forest project is in its start-up phase. We have linked up with Ribble Rivers Trust who have committed to planting an RBC site in Loveclough this year and we are seeking additional planting sites for planting to take place in Q2 and Q3. We are keen to create a clear brand and a communications plans around the Rossendale Forest with Viva PR. Also, see action B5, below.</p> <p>We are moving equipment onto low carbon power generation. This quarter 2 battery powered hedge trimmers and 4 new batteries have been purchased. More will be purchased when supply chain issues improve.</p>
B2	To ensure pro-active use of education and our enforcement powers to ensure that the borough is welcoming and creates a positive view of our town centres	
	Overall RAG Status	
Service Action – 7	<p>Continued targeting of those who blight our neighbourhoods by littering and dog fouling through a joint approach of</p>	<p>The re-alignment of officer roles in enforcement has now been implemented, increasing investigation capability within the PPU. This allows focused and targeted investigations to take place in relation to fly-tipping and other environmental crime.</p>

	<p>education, publicity and enforcement. Using the services of a third party provider to enhance our own resources</p> <p>Responsible Officer – Phil Morton</p>	<p>The unit has already seen success in investigating reports of fly tipping, officers issuing 5 this quarter FPN's for section 33 and 34 offences, and referring a further case for prosecution.</p> <p>All successes are published under the operational name of Operation Trident, showing a three-pronged approach to dealing with fly tipping: Education, Enforcement and Removal.</p> <p>Operations staff have been trained in evidence gathering at the scene, and how to pass this for investigation. Further use of technology including CCTV has commenced and is being deployed in targeted hotspot locations. Continued use of third party contractors to provide on street enforcement against those who litter and breach our PSPO in relation to dog matters ensures that the quality of the local environment is maintained. This has proved effective in reducing the amount of litter and dog fouling on our streets. The arrangement with District Enforcement (the third party contractor) will continue to December 2021.</p>
Service Action – 8	<p>Tender the third party enforcement contract</p> <p>Responsible Officer – Phil Morton</p>	<p>The tendering exercise will be in place by end of Q2 with new contracts by end Q3.</p>
B3	To support strong local voluntary groups like Rossendale Civic Pride, Bacup Pride and Whitworth In Bloom to bring brightness and imagination to our public open spaces	
		Overall RAG Status
Service Action – 9	<p>Continue to work closely with groups, including the provision of plants, support for funding bids, such as the improvements to Green Squirrel Square, Haslingden</p> <p>Responsible Officer – David McChesney</p>	<p>Green Squirrel Square project is close to completion, with Green Spaces staff relaying uneven flags, removing dead trees and erecting a new fence in the area. Benches have also been provided and 3 large planters will complete the project. These planters will then be maintained by Haslingden and Helmshore Civic Pride. Bedding plants have been provided to community groups for floral displays across the borough. Funding has been provided to both Civic Pride and the Valley Academy to improve planting in their areas. A carpet bedding display for Rawtenstall Library Gardens is being developed with Civic Pride to commemorate 130 years of Rawtenstall Cemetery and will tie in with the 'Love Rossendale' project.</p>

B4	Reduce our carbon footprint through enhancements to walking, cycling, public transport, buildings, influencing residents' behaviour change and promoting renewal energy	
Corporate Project – 8	Climate Change Strategy	Overall Project RAG Status
	<p>Engaging with residents, schools and businesses across Rossendale, including partnering with three local climate change partners</p> <p>Responsible Officer – Phil Morton</p>	<p>The focus for the next 12 months will be on a smaller number of objectives within the strategy - installation of electric vehicle (EV) charging points; investigation and procurement of EVs for officer and member use, setting up of community links and a carbon audit of council buildings and assets.</p> <p>The first 5 meetings of the Community Climate Change Network have been held with active contributions from a wide range of community members. A new Climate Change Project Officer post has been agreed. This officer will lead on engaging with our communities, business and residents and delivering projects.</p> <p>EV charge points, funded as part of a joint bid across 6 local authorities has now commenced and all 4 identified council owned car parks will have rapid charge points installed by end of Q2. Options for replacement of both the Mayoral car and the staff pool car are now being explored, to coincide with the installation dates of the charge points at Futures Park. Work with local taxi operators will encourage the increased use of EVs by looking at changes to licensing policies and possible incentives.</p>
	<p>Carbon footprint audit completed</p> <p>Responsible Officer – Lee Childs</p>	<p>The carbon audit has been completed. This now provides a baseline figure of each area of the council's operations and an average CO₂ figure of 11.6 tonnes per employee per year. A full energy audit is now being commissioned for all council buildings for Q2. As a result of the audit further works has been approved to progress in 21/22 including;</p> <ul style="list-style-type: none"> - switching to a green energy provider in Q3 for council utilities - investigating the feasibility of installing a ground source heat pump for the Business Centre - reviewing the vehicle fleet with aspirations to begin the move to electric vehicles
	<p>Agreeing a new active travel plan</p>	<p>The council plans to begin this work in Q3.</p>

	Responsible Officer – Clare Law	
B5	To create a new Rossendale Forest	
		Overall RAG Status
Service Action – 10	<p>Identifying council owned sites for potential tree planting projects</p> <p>Responsible Officer – David McChesney</p>	<p>The Rossendale Forest project is in its start-up phase. We have linked up with Ribble Rivers Trust who have committed to planting an RBC site in Loveclough this year and we are seeking additional planting sites for planting to take place in Q2 and Q3.</p> <p>Property Services have identified several sites in Goodshaw ward, five of which the Green Spaces Team have recommended for tree planting. Ribble Rivers Trust have committed to plant the Loveclough site and are in the process of developing a planting plan for Winter.</p>
Service Action – 11	<p>Work with schools, community groups and Ribble Rivers Trust to access funding to purchase trees for planting in the Autumn</p> <p>Responsible Officer – David McChesney</p>	<p>10 maintained sites have been put forward to be part of RBC’s joint bid to the Treescapes Fund from the Forestry Commission. This is submitted by Ribble Rivers Trust and involves other Pennine Lancashire local authorities. If successful, this will fund over 5,000 trees being planted on council land.</p> <p>Stacksteads Countryside Park group have applied for and secured 400 trees for planting a site near Stacksteads Recreation Ground, and Edgeside residents have applied for trees for Edgeside Park. Another £2K has been found from OPCC for trees in Edgeside Park.</p>
B6	To recycle 50% of the borough’s household waste	
		Overall RAG Status
Service Action – 12	<p>Piloting a new recycling approach</p> <p>Responsible Officer – Patrick Killeen</p>	<p>The council is yet to improve its recycling performance which has been static for a number of years. We have identified three areas to run a pilot scheme:</p> <ul style="list-style-type: none"> • Thorburn Drive, Whitworth – 53 properties • Queensway & Woodside Crescent, Newchurch – 129 properties • Townsend Street and side streets off Townsend Street – 72 properties <p>This has been delayed due to staffing issues.</p>

Service Action – 13	Media campaign to promote recycling Responsible Officer – VivaPR	Several meetings have been held and work is on-going to develop a comms plan and finalise campaign ideas. The campaign itself has not yet been decided on and work to promote the campaign has not started. It is anticipated this will be agreed on and begin in August.
Service Action – 14	Examining feasibility of changes in bin size Responsible Officer – Keith Jenkins	No work has been actioned this quarter due to the ongoing impact of Covid-19 with the Operations team, as a priority has been placed on maintaining frontline waste services. The intention is to seek a suitable company to assess the current waste/recycling collection rounds with tipping locations to ensure we are maximising efficiency with the resources available and at that juncture it we will assess a potential changes in bins size, frequency of collection, working days, length of shift etc – in discussion with members.
B7	To improve our parks which local people are proud to visit and which appear loved	
		Overall RAG Status
Service Action – 15	Implement improvement plan for Rossendale’s parks by refreshing the Stubblelee Masterplan and creating a new one for Edgeside Park. This will be followed by the creation of the Victoria Park Masterplan ready for 22/23. Responsible Officer – David McChesney	The Edgeside Masterplan has been created and is underway after securing £34k for a pump track. The Stubblelee Masterplan has been finalised following community consultation. A funding bid will be submitted in to the council’s capital programme in Q3 to secure funding for projects of the Victoria Park Masterplan which will be consulted on and created in 2022.
B8	Tackle persistent fly-tipping and littering hotspots	
		Overall RAG Status
Service Action – 16	Increased enforcement activity against both commercial and domestic fly tipping offenders. More effective communication between the Operations team	The realignment of officer roles in enforcement has now been implemented, increasing investigation capability within the PPU. This allows focused and targeted investigations to take place in relation to fly tipping and other environmental crime. The unit has already seen success in investigating reports of fly tipping, officers issuing 5

	<p>and Public Protection Unit to help collate evidence.</p> <p>Responsible Officers – Phil Morton / Keith Jenkins</p>	<p>FPN's for section 33 and 34 offences, and referring a further case for prosecution. Operations staff have been trained in evidence gathering at the scene, and how to pass this for investigation. Further use of technology including CCTV has commenced and is being deployed in targeted hotspot locations.</p>
Service Action – 17	<p>Quicker removal of fly-tipped waste to reduce visual impact</p> <p>Responsible Officer – Patrick Killeen</p>	<p>New protocols have been introduced and the PPU team working in conjunction with the Street Cleansing team have a focus on the early removal of fly tipped waste and gathering of evidence to support enforcement action. This approach appears to be successful and will be monitored.</p>
Service Action – 18	<p>Creation of a dedicated fly-tip team – piloted for 12 months</p> <p>Responsible Officer – Patrick Killeen</p>	<p>Since the reintegration of the street cleansing teams and town centre caretakers to the waste and recycling team we have been able to dedicate a team to target on a daily basis the removal of fly tipped waste.</p>
Service Action – 19	<p>Increased enforcement capability and the use of technology to prevent and detect incidents of environmental crime.</p> <p>Responsible Officer – Phil Morton</p>	<p>Further use of technology including CCTV has commenced and is being deployed in targeted hotspot locations. This includes the use of both overt and covert cameras, which is leading to an increase in the number of investigations being brought forward.</p>
Service Action – 20	<p>Use of social and other media outlets to publicise and promote issues, problems and successes.</p> <p>Responsible Officer – Clare Law</p>	<p>Press releases written and published on council news website on Operation Trident, Two successful prosecutions for fly-tipping and fixed penalty notices issued this quarter. All have been published by local press and Rossendale Radio (Free Press and Lancashire Telegraph) We have also provided press statements and comment on specific incidents in April & May.</p> <p>Social media posts on successful prosecutions and penalty notices used, as well as problem hotspot areas and management team participating in clean ups. We have also used proactive social media posts emphasising importance of disposing of rubbish correctly and</p>

		consequences if not.
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Priority C	Healthy and Proud Communities	
C1	Increase the number of good quality new homes and associated infrastructure built through both direct provision and by working with Registered Social Landlords and private sector developers	
Corporate Project – 9	Housing Strategy (currently on hold)	Overall Project RAG Status N/A due to staff vacancy
	Produce a housing strategy and action plan that put processes in place to ensure a corporate approach to the strategic housing function. Responsible Officer – Vacant	This project is on hold, subject to the appointment of the new Principal Strategic Housing Officer, being recruited to in July.
	Enable 180 new houses to be built, of which 25 are affordable. Responsible Officer – Mike Atherton	The council continues to approve the planning applications it receives for residential development where they are considered to comply with Development Plan policy. 95 affordable dwellings are currently under construction at the former Rossendale United Football Club on Dark Lane.
C2	Enable residents to remain in their own homes and live independent lives through a comprehensive adaptations programme and working closely with health partners	
		Overall RAG Status
Service Action – 21	Deliver disabled facility grant programme – catching up last year’s backlog. Overall target 67 disabled facilities grants completed	Following the relaxation of the Covid rules inspections and works on site have now begun. A large backlog of recommendations has built up. Work is on-going to reduce this as soon as possible. Q1 spend and works completed remain above target, there was a total of 27 DFG’s within this quarter. The Housing Renewal Manager will be leaving the council in Q2. Recruitment is taking place for the post and appointment has been made. Additional Technical officer post will shortly be

	Responsible Officer – Phil Hollows	advertised to help support the new Manager.
C3	Better access to and take up of health and wellbeing activities including improved leisure facilities	
Corporate Project - 10	Future Health and Leisure Facilities	Overall Project RAG Status
	Complete a full feasibility study for improved health and leisure facilities Responsible Officer – Adam Allen	Following extensive consultation with partners a review of our health and physical activity strategies has been completed. In partnership with Sport England and the Leisure Trust, we have completed a specification for a feasibility study. This work will be tendered and commenced in Q2 and completed in Q3. All partners and elected members will be consulted through the process to develop a final strategy for our health and leisure facilities.
C4	Engaging more local people and visitors to make better use of our excellent outdoor environment to improve their health	
		Overall RAG Status
Service Action – 22	Explore the feasibility of creating a trailhead cycling facility in Bacup Responsible Officer – Guy Darragh	To take Lee Quarry and the wider Rossendale regeneration forward it will be necessary to widen the appeal of the site to introduce a series of family friendly and novice rides to accommodate all abilities. This will also utilise the nearby Stubblelee Park and pump track as well as the Valley of Stone greenway. A feasibility report which will make policy recommendations and a next steps action plan will be produced later this year that will be presented to members for their consideration.
C5	A more joined up approach working with health partners, Lancashire County Council and the voluntary sector to improve the mental health of local people	
		Overall RAG Status
Service Action – 23	To lead on the development of a partnership Health and Wellbeing Strategy Responsible Officer – Stephanie Thornton	The development of the strategy is taking longer than anticipated. Work has been ongoing to develop the strategy during this quarter including 2 meetings with regional health partners and LCC. The lead for Together an Active Future has been commissioned to write the strategy and a first draft is being produced. The draft will be discussed with members in Q2 and then the Health and Wellbeing Partnership.

<p>Service Action – 24</p>	<p>Improving joined up working on health issues</p> <p>Responsible Officer – Stephanie Thornton</p>	<p>We have begun to form stronger relationships with regional health partners which should ensure our local voice is heard regionally and we can maintain our influence and secure the resources needed to tackle local health issues.</p> <p>The Big Connect 2 in June looked at the current health structures locally and agreed that we move towards bringing together the Rossendale Health and Wellbeing Partnership and Rossendale Connected. This will be discussed at the next partnership meeting in August.</p> <p>In addition it was agreed there would be a senior level Health and Wellbeing Board – first meeting is scheduled for 1st September. The Government’s intention to introduce new health structures in 21/22 will likely have major implications for partnership working and we await for this to become clearer throughout the year.</p>
<p>C6 To manage the impact of increasingly frequent flooding on local communities</p>		
		<p>Overall RAG Status</p>
<p>Service Action – 25</p>	<p>Liaison through the Making Spaces for Water group and supporting community response in the event of a major flooding incident</p> <p>Responsible Officer – Lee Childs</p>	<p>Liaison with the Making Spaces for Water group has continued through the months April, May and June. There has been successful completion of building works at the culvert head at Shawforth, which was affected by the floods.</p> <p>Work is being planned by the Environmental Agency for Irwell Vale, Strongstry and Chadderton. This major project will cost £17m. 50% of this funding has been secured. However, there is a planned Agency meeting regarding the discussion and plan to raise the further 50% of the monies, Rossendale Borough Council are to be involved within this process.</p>
<p>C7 Supporting vulnerable individuals and families to recover from the Covid pandemic</p>		
		<p>Overall RAG Status</p>
<p>Service Action – 26</p>	<p>Managing Government funding to support vulnerable individuals</p>	<p>Covid Winter grants ended in mid April and Emergency Assistance Grants ended in mid May. Both funds were fully allocated to vulnerable residents impacted by Covid. We worked closely with CVS and RAFT to provide the supported need. In May the Social Isolation Practical Support Framework Funding was released, which provides the funding needed to support people who may have to self-isolate, with access to food, medication and care support. We</p>

	Responsible Officer – Jackie Flynn	have worked closely with food groups across the borough to ensure that there is access to food for families on low incomes, and provided volunteer support for people struggling to access medicines. We work with districts across the county as part of the LRF (and later, LCC) Community Hub Support Group to share information and best practice.
Service Action – 27	Promoting local support services through Rossendale Connected Hub Responsible Officer – Jackie Flynn	Rossendale Connected meetings continue to place every 2 weeks with partners from the VCFSE sectors, RBC, LCC and health. Attendance has dropped as many people return to daytime work. The Big Connect 2 community conference took place on the 10th June. The strength of the partnership working has been demonstrated through collaborative food bank initiatives and continued support for vulnerable people during Covid. Calls to the Hub continue though there are less now that clinically extremely vulnerable people are no longer self isolating, Calls now focus on the need for help with food and self isolation grants.
C8	Working with the police to ensure strong neighbourhood policing and traffic enforcement	
		Overall RAG Status
Service Action – 28	Regular liaison meetings with Lancashire Police Inspector Responsible Officer – Neil Shaw	An liaison meeting has taken place in Q1. The current Rossendale Inspector will be moving to a new role in Q2 and we will be looking to set up an introductory meeting.
Service Action – 29	Deployment of the mobile traffic enforcement team Responsible Officer – Neil Shaw	Traffic enforcement activity has been undertaken in Whitworth and Bacup in May and June following reported incidents of speeding and in response to recent accidents.

Priority D	Effective and Efficient Council	
D1	A constitutional system and processes which support sound governance, are widely understood and support transparency and accountability	
		Overall RAG Status
	<p>Review of Constitution with specific focus on the Finance Procedure Rules and Code of Conduct for Members</p> <p>Responsible Officer – Clare Birtwistle</p>	<p>The review continues with the Head of Finance completing an overhaul of the Finance Procedure Rules which, together with the Code of Conduct, will be presented to Governance Working Group on 11th November 2021.</p>
	<p>Provide good quality member induction and training programme</p> <p>Responsible Officer – Clare Birtwistle</p>	<p>A full programme of training has been delivered to our members and continues to be monitored by the Governance Working Group. This includes a refreshed induction for new members.</p>
	<p>Training to officers on the updated Constitution</p> <p>Responsible Officer – Clare Birtwistle</p>	<p>Two training sessions have been undertaken with staff as an update to decision making, procurement and the Contract Procedure Rules. This set out changes to the Constitution and where to find the updated document.</p>
	<p>Update the RIPA policy and provide training and guidance to officers</p> <p>Responsible Officer – Clare Birtwistle</p>	<p>The updated RIPA policy will be presented to Overview and Scrutiny on 13th September 2021. The use of RIPA continues to be monitored and reported to Audit and Accounts.</p>

D2			A robust approach to managing projects well		
				Overall RAG Status	
Service Action – 34	Contract Procedure Rules training to officers Responsible Officer – Clare Birtwistle	Training to officers on the updated Contract Procedure Rules was rolled into the training on the updated Constitution. This was attended by procuring officers and managers and circulated to all managers following the training. Ad hoc one to one training will continue as necessary.			
Service Action – 35	Contract management training to officers Responsible Officer – Clare Law	The Contract Procedure Rules training for officers included an overview of contract management however a more in depth module will be prepared and delivered to staff.			
Service Action – 36	Project management training for officers Responsible Officer – Clare Law	Nine officers including Economic Development Project Managers and Officers have attended accredited level 3 project management training via Burnley College in May 2021.			
D3			To ensure our portfolio of assets maximise income and/or support service delivery		
				Overall RAG Status	
Service Action – 37	Conduct year 1 of the Strategic Asset Review with reviews for 4 wards undertaken. Responsible Officer – Lucie Greenwood	<p>Work on the strategic asset review is on-going. The work is complex and detailed and takes considerable time. The review will see every asset categorised and a site visit undertaken to document the current physical appearance and any action/works required such as maintenance, admin or addressing an encroachment. The team will create an up to date digital record of the asset.</p> <p>Goodshaw ward has been reviewed and a total of 69 site visits have been undertaken. Each asset now has a completed digital record. The review has created 54 actions which the team have begun to document and work through accordingly. Work on Worsley ward has commenced.</p>			

<p>Service Action – 38</p>	<p>Undertake rent renewals for industrial properties</p> <p>Responsible Officer – Lucie Greenwood</p>	<p>Rent reviews of the industrial sites continue. The core sites are the 22 units at Daniel Street, Whitworth and 7 units at Heys Street, Bacup.</p> <p>The Daniel Street units are occupied in full. Rent review terms have been agreed on three units and are under instruction. At Heys St, one unit is vacant with terms agreed. Rent reviews on one unit is underway. The team have continued to support tenants through Covid and with restrictions now lifting, additional site visits will take place providing an opportunity for further engagement.</p> <p>A waiting list is established for those requiring industrial premises at both sites and those on the list will be contacted initially with news of any upcoming space. The team are actively reviewing the condition of the sites and will work with tenants to ensure the provision is to the best possible standard reflected in the rent levels. The units at Daniel Street have recently been repainted and Property are looking into establishing improved signage at the roadside.</p>
<p>Service Action – 39</p>	<p>Transfer 11 garage sites to the council</p> <p>Responsible Officer – Lucie Greenwood</p>	<p>The council currently manage 35 garage sites across the borough, with 264 individual plots. Property are looking to arrange transfer of the management of an additional 13 garage sites which are currently overseen by Together Housing but owned by the council. These sites comprise of approximately 40 actively let garage plots. Property have established a digital lease analysis of the status of each plot noting the current status. A Scheme of Delegation is expected to be presented in Q2 to request authorisation to proceed with the transfer.</p>
<p>D4</p>	<p>To have a digital strategy in place which is customer focused and moves us towards being a digitally enabled council with cost effective and responsive customer services</p>	
<p>Corporate Project – 11</p>	<p>Digital Strategy</p>	<p>Overall Project RAG Status</p>
	<p>Agree a Digital Strategy and action plan</p> <p>Responsible Officer – Andrew Buckle</p>	<p>The Digital Strategy has been approved by Council in July. A costed plan for year one will be developed and go to Overview and Scrutiny in Q2.</p>
	<p>MS 365/Teams roll out and Virtual Phone implementation</p>	<p>Microsoft 365 and Microsoft Teams have both been implemented, and the ‘virtual phone’ tender has been completed. As soon as the contracts have been signed an implementation plan will be developed.</p>

	Responsible Officer – Andrew Buckle	
	Deploy customer portals for Citizen Access and Revenues & Benefits Document Management next generation Responsible Officer – Andrew Buckle	The Customer Portals are on the Digital roadmap for implementation, Housing, Council Tax, National Non Domestic Rates will be implemented first.
D5	To promote staff welfare, development and satisfaction	
		Overall RAG Status
Service Action – 40	Agree an Organisational Development strategy Responsible Officer – Clare Law	The council Organisational Development Strategy and Annual Action Plan 2021-25 has been drafted. This has taken much longer than originally anticipated. Final small amendments are taking place and the strategy will be agreed and be implemented from Q2.
Service Action – 41	Manage post Covid safe return to work Responsible Officer – Kelly Forrest	All staff (including managers and CMT) attended a ‘returning to the office’ meeting prior to the return on 19th July 2021. Various updates were provided, a desk top exercise was conducted and a question and answer session took place. We continue to keep the Covid situation under review including keeping the building risk assessment up to date.
Service Action – 42	Undertake staff surveys and engagement events Responsible Officers – Clare Law	A staff engagement session has been deferred to Q2 to avoid bringing all staff together in one place given the recent relaxation of Covid restrictions but relatively high positive case numbers in Rossendale.

D6	A financially sustainable organisation with a financial strategy which supports good decision-making	
		Overall RAG Status
Service Action – 43	<p>Provision of high quality and timely financial and accountancy advice and support to all council services, managers and projects</p> <p>Responsible Officer – Karen Spencer</p>	<p>Whilst the finance section endeavours to provide a top quality service it is a very small team and the council has a significant number of live projects. The finance section is currently carrying a vacancy and will soon have another vacancy, once filled there will be a period of settling in for the new staff.</p>
Service Action – 44	<p>Regular monitoring of financial performance against the Medium Term Financial Strategy</p> <p>Responsible Officer – Karen Spencer</p>	<p>Monitoring of financial performance is an embedded process with reports to CMT and Cabinet quarterly.</p>
D7	Securing significant external funding to deliver projects and services	
		Overall RAG Status
Service Action - 45	<p>Haslingden National Lottery bid funding secured</p> <p>Responsible Officer – Guy Darragh</p>	<p>After the successful submission of the grant application at the end of Feb 2021 the project is temporarily on hold until the outcome of the grant application which is expected at the end of July 2021. We are very much looking forward to the outcome of the grant application and beginning of the projects delivery, working with local building owners and businesses and working with the local community.</p>
D8	To be recognised as a good council with a reputation for improving residents’ lives	
		Overall RAG Status
Service Action – 46	<p>Addressing outcomes from Local Govt Association Corporate Peer Challenge</p>	<p>The LGA peer challenge was scheduled to take place in Q1 but has been postponed until further notice due to the Covid restrictions.</p>

	Responsible Officer – Neil Shaw	
Service Action – 49	Shortlisted for national local government award Responsible Officer – Neil Shaw	The council applied for a Municipal Journal award in the ‘Community Hero’ category but was unfortunately not shortlisted.
Service Action – 50	Raised profile through national publications and events Responsible Officer – Neil Shaw	The council will continue to seek opportunities to raise its profile through publications and knowledge sharing at local government events and will seek future opportunities throughout the year.
Service Action – 51	Good news stories and achievements through local and regional media Responsible Officer – VivaPR	Excellent relationships now established with local press. Weekly call to Free Press and regular contact with Lancs Telegraph. All press releases sent to them in last quarter have been used (9 releases) We have also gained coverage in regional business press on work done with local companies Slingco. We have focused on the good work council have done with Rossendale Works, Rossendale youth hub, success in NHLF bids, positive work done during covid, Census success, promotion of phone lines to help with mental health issues and business support.
D9	To effectively manage any future transition to a unitary local authority and that the views and needs of Rossendale are effectively represented	
		Overall RAG Status
Service Action – 52	Managing any actions which arise from the Lancashire Leaders meetings Responsible Officer – Neil Shaw	Following the May elections there have been no Lancashire Leaders meetings.

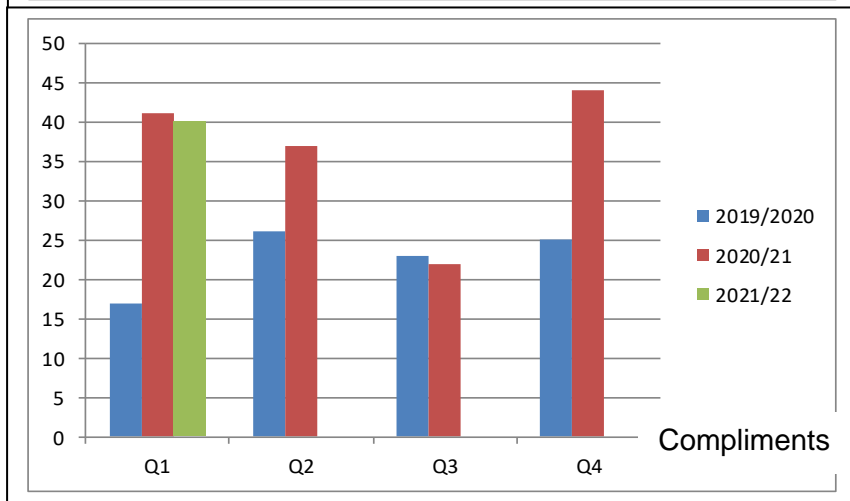
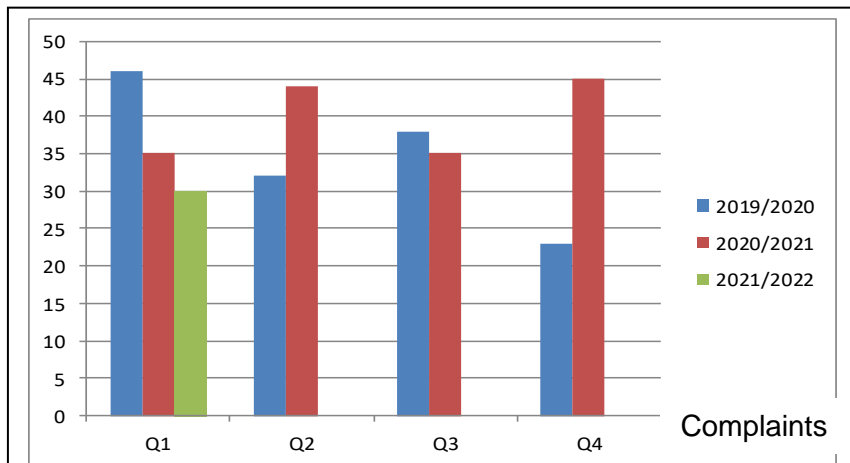
Key Performance Indicators

Priority	Corporate Performance Indicators	Target Q1	Q1 Performance	RAG Status
A. Vibrant Local Economy				
1	Number of derelict buildings in Bacup HAZ improved – 2 per annum, reported in Q4	-	Nil	ANNUAL
2	Number into employment via Rossendale Works/Youth Works – 25 per annum	6	24	GREEN
3	Number of new town centre based wayfinding walking/cycling routes – 3 per annum, reported in Q4	-	Nil	ANNUAL
4	Number of new homes per annum from 2021/22 – 180 per annum, reported in Q4	-	Nil	ANNUAL
5	Number of new affordable homes per annum from 2021/22 – reported quarter 2	25	Nil	ANNUAL
6	Number of Invest in Rossendale business workshops – 18 per annum	5	6	GREEN
7	Number of 1 to 1 business advisor sessions – 100 per annum	25	41	GREEN
B. High Quality Environment				
1	Number of fly tipping incidents reported each quarter	500	486	GREEN
2	Number of environmental crimes actively investigated	20	20 9 completed	GREEN
3	Percentage of the total tonnage of household waste which has been recycled and composted	34%	35.5%	GREEN
4	Number of collections missed per 100,000 collections of domestic waste/recycling	100	195	RED
5	Number of collections missed per 1,000 collections of commercial waste	5	11	RED
6	Subscribers to the garden waste service – reported in Q3	9,000	Nil	ANNUAL
7	Number of commercial waste customers	340	360	GREEN
C. Healthy and Proud Communities				
1	Number of disabled facilities grants completed per annum – annual target 67	10	27	GREEN
2	Reduce the number of statutory homeless households per annum –	4 or less	3	GREEN

	annual target 15 or less			
3	Increase the number of homelessness preventions and relief per annum (cumulative figure) – annual target 275	38	77	GREEN
4	Number of licensed premises inspected	75	Nil	RED
5	Number of businesses achieving 4 or 5 star hygiene rating	85%	92%	GREEN
D. Effective and Efficient Council				
1	Percentage of abandoned calls each quarter	Less than 15%	7.8%	GREEN
2	Average speed of answering calls to customers for revenues and benefits	3 minutes	2 minutes	GREEN
3	Percentage of council tax collected – annual target 84.2%	28.2%	28.7%	GREEN
4	Percentage of non-domestic rates collected – annual target 83.8%	26.7%	24.3%	AMBER
5	Time taken to process housing benefit new claims	21 days	18.3 days	GREEN
6	Time taken to process council tax benefit new claims	18 days	17.1 days	GREEN
7	Time taken to process housing benefit change circumstances	6.5 days	5.7 days	GREEN
8	Time taken to process council tax benefit change circumstances	6.5 days	5.3 days	GREEN
9	Percentage of housing benefit claims outstanding over 50 days	5%	0%	GREEN
10	Maintain 7700 Twitter followers	7700	7648	AMBER
11	Maintain 55,000 Tweet impressions/reach	55,000	88,900	GREEN
12	To submit a minimum of 2 ED & Property external funding bids 2021/22	2	2, Greenbridge Mill and Bus Station	GREEN
13	Payment of undisputed invoices within 30 days	90%	88.4%	AMBER
14	Freedom of Information (FOI) request average response time	20 days	10.6 days	GREEN
15	Formal complaint average response time	10 days	16 days	AMBER
16	GDPR subject access requests (notifiable reported breaches)	0	0	GREEN
17	Percentage of 'Major' planning applications determined within 13 weeks	90%	100%	GREEN
18	Percentage of 'Minor' planning applications determined within 8 weeks	90%	93%	GREEN
19	Total number of 'Other' planning applications	90%	98%	GREEN
20	Reduce staff turnover in line with national average –reported in Q4	15%	-	ANNUAL
21	Percentage of Appraisal Review and Personal Development Plans completed –reported in Q2	100%	-	ANNUAL

22	Reduce number of days lost due to sickness absence per full time equivalent employee per annum (cumulative)	8 days	2.4 days	GREEN
23	Number of RIDDOR reportable accidents and incidents	Less than 5	0	GREEN

Compliments and Complaints



Formal Complaint Trends	2019/20	2020/21	2021/22
Q1	46	35	30
Q2	32	44	-
Q3	38	35	-
Q4	23	45	-

Compliment Trends	2019/20	2020/21	2021/22
Q1	17	41	40
Q2	26	37	-
Q3	23	22	-
Q4	25	44	-

Ombudsman Enquiries	2019/20	2020/21	2021/22
Q1	1	0	0
Q2	1	1	-
Q3	3	2	-
Q4	3	0	-

During Q1 no Ombudsman enquiries were received. One investigation carried forward from the previous year has since been closed and related to an Environmental Services & Public Protection & Regulation enquiry. This decision was: Upheld: maladministration and injustice.

*Please note that the Council is not notified of all enquiries/decisions by the Ombudsman. The above takes into account only those enquiries that the Council was notified of at that particular time.

Corporate Risks

Risks are those things which might present a barrier to us delivering the things we have undertaken to achieve. Each year the council reviews the potential risks it is facing and looks at what it might do to minimise the occurrence of such risks. This information is then regularly monitored and reviewed. This quarter the council has added a new risk to the corporate risk register. This is focused on the financial vulnerability of the borough's leisure assets and classified as Risk 13.

We profile our risks using a matrix (shown below) which is based on our making two judgments about each potential risk faced by the council. The definition of the likelihood and impact can be found in the Councils Risk Management Strategy 2016.

The Council's Risk Matrix

Likelihood	A					
	B					
	C					
	D					
	E					
	F					
		5	4	3	2	1
	Impact					

Likelihood

How likely is it that the risk may occur (rated A-F, A being the most likely)

Impact

How serious might the consequences of the impact be (rated 1-5, 1 being the highest consequence).

Therefore, a risk rated A1 is the highest risk rating and a risk of F5 is the lowest risk rating.

Risk RAG (Red, Amber and Green) rating status indicators	
Risk Status	Status description
GREEN	The likelihood and impact of the risk is low
AMBER	The likelihood and impact of the risk is medium
RED	The likelihood and impact of the risk is high

Risk 1 - Sustainability of the Medium Term Financial Strategy			Responsible Officer - Karen Spencer	
Description The Council's latest Medium Term Financial Strategy (MTFS) update published February 2021 indicates an underlying funding gap of c.£400k per annum. The Council must take appropriate action in order to balance its annual expenditure against its available annual income and other revenue resources. The Council has a legal obligation to publish an annual balanced budget; this means its budget expenditure must equal its available income and any available reserves. Council reserves are limited and equate to only circa 3 years given the anticipated funding gap. Therefore, additional income must be identified or annual costs reduced in future years.				
Risk Consequence If the Council is not able to prepare a balanced budget there would be legal ramifications, but it would ultimately impact on the level of services the Council is able to deliver to Rossendale residents and would result in major reputational damage.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall	Status
	B	2	B2	RED
Mitigation The MTFS does not indicate a significant narrowing of the gap in the next four years, however, the deficits in future years are less than previous MTFS cycles. New income generating opportunities will need to be identified to generate additional revenue, along with improved efficiency and effectiveness of service delivery. Departments across the Council will need to be challenged to become more effective.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	C	2	C2	AMBER
Q1 Update Covid has placed additional pressure on the MTFS. However, the Government has provided the council with several grants to assist with delivering the extra services required and to mitigate the impact of lost income. This continued in Q1. The legal claims arising from the Empty Homes scheme may also have an adverse impact on the MTFS if settled in the claimants' favour. Officers are monitoring the scheme closely and managing the claims where possible.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	B	2	B2	RED

Risk 2 – Major disaster affecting the delivery of council services			Responsible Officer - Clare Law	
Description The council has statutory duties under the Civil Contingencies Act (2004) and to carry out emergency planning and business continuity management activities to minimise the impact of a civil emergency or business interruption on people living, working and visiting the borough.				
Risk Consequence Failure to have robust contingency plans in place could result in the failure to deliver council services, such as, the collection of residential and trade waste, burial services and payment of suppliers and benefits.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	C	1	C1	AMBER
Mitigation A robust overall council Emergency and Business Continuity Plan is in place. Service continuity plans are updated and tested regularly through a quarterly Emergency Planning meeting. The plans are embedded with the Corporate Management Team as critical working documents to support the continued delivery of essential council services. All managers have a copy of the overall plan and their service plan and keep them under review. RBC is a member of Lancashire County Council Local Resilience Forum (LRF). Officers attend meetings and undertake regular training exercises. RBC plans are available on the Resilience Direct website. Mutual aid agreements are in place with all Local Authorities across Lancashire.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	C	2	C2	AMBER
Q1 Update We are in the recovery stage of Covid, Government and Public Health England guidance has continued to be followed. Service areas has continued to stress test business continuity plans throughout Q1. Covid related absences and isolation has remained below 10%. Isolation of Operations staff is more challenging and any absences have been backfilled using agency workers. Majority of office based staff can work remotely and a new Flexible Working Policy supports a more productive remote way of working for office base staff. Work has been ongoing preparing for the safe return of office based staff at Futures Park and Henrietta Street in-line with Government guidance.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	D	2	D2	AMBER

Risk 3 - Incident resulting in death or serious injury or HSE investigation			Responsible Officer - Clare Law	
Description Under the Health and Safety at Work Act (1974), the council has a duty of care towards the health, safety and wellbeing of its employees and others.				
Risk Consequence Failure to comply with current legislation and demonstrate compliance may result in harm to staff and others, financial loss and enforcement action.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	D	2	D2	AMBER
Mitigation The council has health and safety policies and procedures including a health and safety incident reporting procedure in place along with a safe working culture. Actions need to be completed to address and implement a consistent approach across the council in order to secure compliance.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	E	2	E2	GREEN
Q1 Update A competent health and safety person has been employed by the council from 1 st June 2021, increasing the contracted working hours to 2.5 days per week. The officer has commenced an initial assessment of the council' health and safety legal compliance. At the Chief Executive's request, following the completion of the assessment a more detailed report and action plan will be presented to management team as a priority.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	D	2	D2	AMBER

Risk 4 - Sustainability of the County Council budget			Responsible Officer - Karen Spencer	
Description Like all local authorities, Lancashire County Council has to maintain a balanced budget. This will mean making budget reductions of over £120m in the next few years.				
Risk Consequence The County Council's 2019 approved budget included £120m savings over the period 2019/20 to 2022/23. This level of budget reductions is likely to have an impact on service provision for our residents. There is also a risk of cost shunting to district councils.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	B	3	B3	AMBER
Mitigation RBC will continue to work with County Council to find ways of reshaping services to reduce costs whilst ensuring shared outcomes are achieved. The council will support joint leadership and Chief Executive meetings to find new ways of working together for the benefit of our residents. The council will interrogate LCC savings proposals and identify risks to our residents and to our services.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	B	3	B3	AMBER
Q1 Update In February 2021 the County Council announced that the elements of their savings plan, originally agreed in February 2019, which were yet to be implemented, had been delayed by a year as a result of the Covid pandemic and could slip further. However the savings programme will continue to be implemented post Covid. This council continue to suffer from increased fly-tipping and the associated costs, which has in part resulted from the implementation of the reduced opening hours of the LCC Household Waste Recycling Centres savings proposal.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	B	3	B3	AMBER

Risk 5 - Non-delivery of the borough's economic development strategy			Responsible Officer - Cath Burns	
Description The Council has put in place an ambitious Economic Development Strategy and Action Plan to implement the economic regeneration elements of its Corporate Plan.				
Risk Consequence The investment based revenue generation schemes identified within the economic development strategy will underpin the Medium Term Financial Strategy (MTFS). In addition, sweating or realising existing assets will underpin the MTFS. Failure to deliver would lead to the inability to support the delivery of the Medium Term Financial Strategy.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	C	3	C3	AMBER
Mitigation				
<ul style="list-style-type: none"> • Development and delivery of identified economic regeneration projects at Spinning Point and Futures Park. • Review of rentals on industrial estates underway. • Bringing forward Council owned land for development or sale. 				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	D	3	D3	AMBER
Q1 Update				
Two prospective tenants are at an advanced stage to occupy all three retail/food and beverage units in Rawtenstall. Construction work on Futures Park Plot 1 is proceeding to plan. Rent reviews of the industrial sites continue in line with individual agreements. Following a tender process, land at Park Avenue is being marketed for sale with Petty Estate Agents.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	D	3	D3	AMBER

Risk 6 - Non-delivery of the Local Plan			Responsible Officer - Mike Atherton	
Description The Local Plan is a plan for the future development of the local area, drawn up by the Local Planning Authority. It guides decisions on whether or not planning applications can be granted. In law it is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. The Local Plan was due to be adopted in late 2020. It is not considered to be a risk that it will not be adopted, however the risk is that the adoption of the plan will be seriously delayed or that the process will be taken out of the council's hands and that the Government will intervene.				
Risk Consequence Risk of the Local Plan not being delivered is extremely low. The risk of the plan being slightly delayed is moderate. The risk of delay includes a reputational issue; there may be short term criticism from elected members and MP's, and developers. There may also be an environmental risk if planning appeals are being allowed on development sites which the Local Authority does not consider suitable for development. The risk of this increases the longer it takes to adopt the plan.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	C	2	C2	AMBER
Mitigation Measures are in place to reduce the risk include the Local Plan Action Plan which outlines the actions required following the hearing sessions into the examination of the Local Plan. This is updated and sent to the Planning Inspectorate on a regular basis. The Local Plan Steering Group meets on a regular basis to keep members informed of issues and the timetable. Monthly meetings also take place between the Planning Manager and the Portfolio Holder and also separately the Planning Manager and Director. A barrister has been retained to provide expert advice as required.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	D	2	D2	AMBER
Q1 Update Work has progressed on finalising the evidence base including the revised housing figure. Consultation has taken place with interested parties. The Inspector's Post Hearing Letter is expected in Q2 and will provide an indication whether we can proceed towards main modifications of the policies in the Plan.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	D	2	D2	AMBER

Risk 7 - Changes to Government policy on the delivery of the council's services			Responsible Officer - Neil Shaw	
Description Like all local authorities the council is a statutory body that is subject to changes being consulted upon and or implemented by central government that might affect how we operate and serve our residents/businesses.				
Risk Consequence The risk that the council fails to react and be prepared for any changes being proposed or implemented by central government.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	E	2	E2	GREEN
Mitigation The council is a member of the Local Government Association and District Councils Network who keep us informed of government policy and consultations and lobby on behalf of councils to mitigate the impact of any change. The Council is also signed up to receive daily emails from Local Government Information Unit who provide daily government news and other Local Government Information Unit (LGiU) policy briefings. The Chief Executive and Leader of the Council meets regularly with our two MPs. The Councils Corporate Management Team monitor and assess government's position on funding to be distributed to local authorities and other Government announcements that impact funding.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	E	2	E2	GREEN
Q1 Update In March 2021 the Government published a new Planning White Paper. This would have significant implications for change to the planning regime if legislated. The council continues to monitor the development of the White Paper.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	E	2	E2	GREEN

Risk 8 - Sustainable Workforce			Responsible Officer - Clare Law	
Description There is a requirement to have a sustainable workforce to deliver the council services to residents and customers.				
Risk Consequence Failure to have a fully resourced, trained staff could result in the failure to deliver statutory and non-statutory service in a safe and professional manner to residents and customers.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	D	3	D3	AMBER
Mitigation The council has robust HR policies and procedures, an agreed Authorised Establishment, performance management framework, Service Area Business Continuity Plans in place. HR will work with managers to review roles to make them more attractive. The council provides an attractive benefit package including final pension scheme, flexible working, generous annual leave, a purchase leave scheme, free on sight parking, family friendly policies, discounted gym memberships and a cycle scheme.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	E	3	E3	GREEN
Q1 Update There continues to be a higher staff turnover during Q1. The turnover projection is 25%. Recruitment has been significantly challenging during the pandemic and salaries, HR are working with managers to support recruitment to more difficult to recruit roles using additional methods, such as, recruitment agencies, professional journals, LinkedIn, Greater Jobs, Jobs Go Public. Failure to recruit to key roles in a timely manner is starting to put additional pressure on staff within services with vacancies and wider teams.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	C	3	C3	AMBER

Risk 9 - Insufficient data and cyber security			Responsible Officer - Andrew Buckle	
Description Cyber security presents one of the most challenging areas for both the public and private sectors. With the proliferation and severity of attacks constantly increasing this represents a major threat.				
Risk Consequence Cyber-attack resulting in a complete loss of all systems coupled with malware being spread across the entire network. Data breach resulting in information loss causing reputational damage and resulting in a financial penalty due to non-compliance with statutory requirements such as GDPR (General Data Protection Regulation), PCI DSS (Payment Card Industry Data Security).				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	C	1	C1	AMBER
Mitigation To protect against a data breach RBC, host all council data in Tier 3 Data Centres located in different geographical regions and are backed up daily. RBC Data Centres hold the following accreditations: ISO27001:2013, PCI-DSS. RBC adopts a Risk Insight approach to determine the treat Landscape and more importantly its evolution. RBC has received notification of meeting the Public Services Network (PSN) which means the councils' infrastructure met all the security requirements to allow connection to the PSN. A cyber security training is to be provided for all staff.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	D	1	D1	AMBER
Q1 Update A Digital Strategy was approved at Council in July 2021. This strategy includes a number of actions and projects to further enhance our digital infrastructure and data security. Implementation of the strategy will take place from 2021 to 2025. During Q1 a number of cyber security initiatives have been introduced namely additional email security measures to protect against email phishing and user anti spoofing. Work has commenced on the Finance compliance with the new 3D Secure V2 standard that has been introduced in order to maintain compliance with the Payment Card Industry Data Security Standard.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	C	1	C1	AMBER

Risk 10 - Poor communications and public relations			Responsible Officer - Clare Law	
Description Good communication and public relations is essential to inform, maintain and develop relationships with residents, customers and partners to provide council services.				
Risk Consequence Failure to communicate and respond to issues as they develop and inadequately or inappropriately communicating. Could lead to a major loss of reputation for the council on a local, regional and national level. A loss of reputation can damage staff morale, trust between the council and residents and impair the relationship between the council and its partners meaning projects and services delivery is damaged.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	B	1	B1	RED
Mitigation Communication methods in place to support face to face, mail or electronic communications. Developed website and social media channels provide 24/7 service. Experienced communications function to support council officers to deal with communications in a timely manner and promote the work of the council.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	D	1	D1	AMBER
Q1 Update VivaPR agency has continued to deliver the agreed communications plan and Covid-19 communications updates, including regular updates to the council's website and social media posts to residents and communities. The contract with VivaPR is due to expire end of June and work is ongoing to re-tender the process.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	D	1	D1	AMBER

Risk 11- Non – Delivery of Corporate Projects			Responsible Officer - Neil Shaw	
Description The council has agreed the 11 corporate projects for 2020-2021 to support the delivery of Corporate Strategy 2017-2021.				
Risk Consequence Failure to deliver the corporate projects would have a detriment impact on the delivery of the council's Corporate Strategy 2017-2021, and result in a reputational risk to the Council's commitment to the residents. The failure to deliver the corporate projects could potentially have a negative impact on the Council's revenue budgets (by failure to deliver income generating projects) and delivery of the medium term financial strategy, and the associated economic and social benefits may not be realised.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	D	2	D2	AMBER
Mitigation Each corporate project has a Project Sponsor (member of the Corporate Management Team), a Project Manager and finance officer. Each corporate project will have a robust project plan and live risk register. The Project Sponsor will be responsible for the strategic overview of the corporate project, and the Project Manager will be responsible for the day to day management of the corporate project. Council's Programme Board meets quarterly to review the progress of the corporate projects. The Project Sponsor will be responsible for highlighting any concerns to the Corporate Management Team throughout the life of the corporate project.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	E	2	E2	GREEN
Q1 Update The Programme Board continues to monitor all the projects. All but one project is on track and within budget. The Whitaker HLF project is nearing completion of the build phase of the project. The timescale has been slightly pushed back in order to ensure a good quality finish to the build, which is anticipated to be complete for opening in July.				
Quarter 1 risk assessment RAG status (current)	Likelihood	Impact	Overall Risk	Status
	D	2	D2	AMBER

Risk 12 – Response and Recovery to COVID-19 Pandemic			Responsible Officer - Neil Shaw	
Description COVID-19 is a strain of the coronavirus, the government declared the virus as a pandemic in the UK in March 2020.				
Risk Consequence The pandemic causes a potentially risk to the delivery of the council services and the health and wellbeing of the wider community.				
Initial risk assessment RAG status (without mitigation)	Likelihood A	Impact 1	Overall Risk A1	Status RED
Mitigation The council has an Emergency Plan and Service Area Business Plans to support a pandemic emergency. The plans have been activated, regularly reviewed and stress tested throughout the pandemic. Risk Assessments and Safe Systems of Work have been developed and reviewed with staff and Trade Unions throughout the pandemic to provide a safe working environment. Council officers have worked with the Lancashire Resilience Forum and multi-agency partners to mitigate any potential risks throughout the pandemic. The council established and managed a Community Hub to provide support to vulnerable residents.				
Risk assessment RAG status (after mitigation)	Likelihood B	Impact 2	Overall Risk B2	Status RED
Q1 Update The Covid Outbreak Board meets weekly in response to an increase in Covid cases starting in Spring 2021. The council continues to follow Government advice on the relaxation of Covid restrictions. Rossendale (along with Lancashire) has been designated an area of enhanced Government support. This has boosted the vaccination and testing programmes during June. These activities are anticipated to continue for the foreseeable future.				
Quarter 1 risk assessment RAG status (current)	Likelihood B	Impact 2	Overall Risk B2	Status RED

Risk 13 – Impact of COVID-19 on the Financial Sustainability of Council Owned Leisure Assets			Responsible Officer – Adam Allen	
Description National Lockdowns due to COVID-19 result in council owned leisure facilities closing for extended periods. During closure no income is received and outside of lockdown periods, income is significantly reduced.				
Risk Consequence If the council owned leisure assets are to be sustained in the longer term, the operators of the facilities have little recourse to additional funding to survive other than through the council. This financial impact will be over £500k but is likely to be considerably higher, depending on the length and severity of lockdowns.				
Initial risk assessment RAG status (without mitigation)	Likelihood	Impact	Overall Risk	Status
	A	2	A2	RED
Mitigation The Leisure Trust and Council are currently seeking to consolidate all council owned leisure assets under the umbrella Trust to maximise efficiency. Ski Rossendale has transferred and the transfer of CLAW facilities will be recommended to Council in Q3, the Whitaker is likely merge with the Trust and discussions are on-going. A report on the impact of all facilities has been produced by KKP and recommendations to minimise impact are being implemented. Senior Council Officers are attending the Trust Board to ensure we work together to minimise costs and an intensive monitoring process is in place. Funding through a COVID-19 specific Sport England Fund will be applied for. However, this is not thought to provide retrospective funding for closures and it is unlikely to cover the majority of financial loss. Lobbying of Government for sufficient financial support will continue.				
Risk assessment RAG status (after mitigation)	Likelihood	Impact	Overall Risk	Status
	B	2	B2	RED
Q1 Update Year-end financial out-turn for the Leisure Trust have proven to be more favourable than original projections. However, it is still expected that total losses could reach £500k by the end of 21/22. There may be an additional negative impact if a large privately operated gym opens in Rawtenstall. The Council and the Trust have worked together to do all they can to mitigate the financial risks. This includes the consolidation of facilities, a financial support package and accessing substantial external funding. This risk is being managed and has become more certain, however due to the continuing unknown impact of Covid and other factors, the risk rating remains 'red'.				
Quarter 1 risk assessment RAG status	Likelihood	Impact	Overall Risk	Status
	B	2	B2	RED

Subject:	Annual Equality Report – Workforce Profile 2020/21	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	13 th September 2021
Report of:	Head of People and Policy	Portfolio Holder:	Corporate Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Clare Law	Telephone:	01706 252457
Email:	clarelaw@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	That Overview and Scrutiny considers the content of the Council’s Annual Equality Report – Workforce Profile for 2020/21 attached at Appendix 1, and agree any specific actions or issues that need to be taken forward arising from the content of this report.
1.2	That Overview and Scrutiny continues to monitor the Council’s progress on equality and sufficient publication of equality information in line with current legislative and best practice requirements to ensure that the Council is operating fairly and equitably.

2. PURPOSE OF REPORT

- 2.1 The purpose of this report is to present the Council’s Annual Equality - Workforce Profile Report to the Overview and Scrutiny Committee.
- 2.2 It is important to note that the Council’s achievements and progress in relation to equality as an employer and service provider and its equality data as presented in this annual report are open to public scrutiny and challenge.

3. BACKGROUND

- 3.1 Rossendale Borough Council is committed to ensuring that it is operating fairly and equitably in both its employment practices and service delivery, in line with, current legislation and codes of practice.
- 3.2 The Public Sector Equality Duty requires the Council is to publish equality information on at least an annual basis.
- 3.3 The Annual Equality Report – Workforce Profile 2020/21 set out in Appendix 1 presents the Council’s key workforce equality data.

Elected Member monitoring information is not included in this report, however it is available from Member Services on request.

- 3.4 Due to the Council’s size, much of the data we actively collect in relation to our workforce relates to small numbers of people. The data we collect is monitored against the community profile, this is based on the 2011 Census and is likely to change following the 2021 Census. However, the Council is committed to work towards achieving a workforce that reflects the community profile and develop an organisation that champions a diverse workforce.

3.5 Although Equality Impact Assessments are not a legal requirement, the Council has embedded an Equality Impact Assessment process to assess the impact of our policies, practices and decision making on equality. Using good quality information and analysis can help identify practical steps to mitigate or eliminate any negative impacts or discrimination within the Council's policy development and decision making processes.

The Council has undertaken a number of public consultation exercises on community base projects including the Local Plan, Haslingden Town Centre (National Lottery Bid) and the Council's Visitor Economy Strategy.

Equality Impact Assessments are published with the relevant Council or Committee reports.

From 2017, any organisation that employs 250 or more staff must publish and report specific figures about their gender pay gap. The Council do not meet the requirements to report the gender pay gap to HMRC. However, the Council can report it does not have a gender pay gap.

3.6 The Council's Equality Policy has been reviewed this year as part of the policy periodic review process and it is proposed the Council's equality objectives are:

- To enhance understanding of and promote equality and diversity at all levels within the Council.
- To have a diverse workforce that aims to be representative of the borough and to ensure that all staff are treated fairly.
- To assess, consult and evaluate the equality impact of our policies and decisions and to change where reasonably possible what we do to mitigate or eliminate any inequality.
- To ensure that our staff and councillors engage and communicate with members of the community in an accessible and inclusive way.

3.7 The Council is committed to continue to work with our partners, residents, customers and communities to promote equality, diversity and inclusion, and to tackle discrimination and harassment regarding our employees, residents and service users in all operations of the organisation and services it provides. Examples include:

Haslingden Town Centre (national Lottery Bid) – The Council undertook extensive public consultation between 3rd August 2020 and 25th September 2020 with the residents of Haslingden to capture the views of the community. The consultation included public consultation events in the town centres, brochure sent to 8,000 homes in Haslingden and surrounding areas, flyers, letters to businesses and public bodies. Surveys were also available in community centres, St James Church, Haslingden Mosque with the aim to be inclusive as possible.

The Community Hub – The Council established and developed a Community Hub to provide help and support to the older and vulnerable residents of Rossendale during the covid-19 pandemic.

Rossendale Works and Youth Works – the Council has continued to support all residents in Rossendale who are seeking employment, providing assistance with removing and overcoming barriers to employment. Rossendale Works is open to people aged 18+ and the Rossendale Youth Works is open to people aged 18-25 years.

Covid-19 Testing and Vaccine Sites – The Council has worked with its health partners to facilitate the roll out of the Covid-19 testing and vaccine sites across the borough, additional sites have been arranged to support the BAME communities in Haslingden.

4. RISK

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Non-compliance with the Equality Act 2010 and associated Equality Duties. This includes potential legal challenge and possible associated financial and reputational costs if equality duties are not complied with.
- Possible investigation by the Equality and Human Rights Commission if equality information published is not considered sufficient.

5. FINANCE

5.1 As noted in the report, the progress made in this area assists the Council in mitigating the risk of legal challenge and therefore the associated financial risks.

6. LEGAL

6.1 No additional comments to be made in relation to this report.

7. POLICY AND EQUALITIES IMPLICATIONS

7.1 The Equality Act 2010 requires the Council to have due regard in the exercising of its functions in relation to the three aims of the Equality Duty, for the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct that is prohibited by or under the Act.
- Advanced equality of opportunity between people who share a relevant protected characteristic and people who do not share it.
- Foster good relations between people who share a relevant protected characteristic and those who do not share it.

7.2 The amount of regard that is “due” is set out in the Act and will depend on the circumstances of the case. Under the general equality duty there is a requirement to engage with people with protected characteristics and to have an adequate evidence base for Council decision-making. The duty to inform, consult or involve requires that the Council must involve communities and those directly affected at the most appropriate and proportionate level in ‘routine functions, in addition to one-off decisions.’ The Council is required to consult representatives of a wide range of local people; this should include local voluntary and community organisations and small businesses in such consultation.

7.3 Consultation has been undertaken with the Council’s Corporate Management Team, Portfolio Holder and Member Equalities Champion in relation to Annual Equality Report – Workforce Profile 2020/21.

8. CONCLUSION

8.1 The Council continues to ensure it is working to achieve positive outcomes for its communities and has maintained strong and clear leadership on the importance of equality as a core part of Council business, reflected in its the decision making processes, progress and activity across the Council.

Background Papers	
Document	Place of Inspection
Annual Equality Report – Workforce Profile 2020/21	Attached as Appendix 1

**Annual Equality
Workforce Profile
2020-21**

Responsible Section/Team	People & Policy	Version/Status	V1
Responsible Author	Head of People& Policy	Date Agreed / Agreed At	
Date last Amended	15/07/2021	Due for review	15/07/2022

1. Introduction

The purpose of this report is to provide an annual summary of the profile of the workforce for Rossendale Borough Council (The Council) by its protected characteristics as defined under the Equality Act 2010.

2. The Equality Act 2010

The Equality Act 2010 states that everyone has the right to be treated fairly and equally.

The Act places a general equality duty on all public sector organisations to have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

The equality duty is supported by two main specific duties which require public bodies to:

- Set and publish equality objectives at least every four years
- Publish equality information at least annually.

2.1 Protected Characteristics (or protected groups)

The Council aims to ensure that no one receives less favourable treatment for reasons relating to all recognised protected characteristics covered by the Act.

The protected characteristics covered by the Act are as follows:

- Age
- Disability
- Gender Reassignment
- Marriage and Civil Partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex (gender)
- Sexual Orientation

2.2 Equality Impact Assessment

The completion of equality impact assessments is no longer a legal requirement, however it is used by the Council as a useful tool to identify the impact of policies and decisions made in relation to staff and communities. Completed equality impact assessments are published on the Council's website.

2.3 Equality Objectives

The Council recognises its statutory equality duties under legislation in terms of employment and service provision and is committed to meet them through its objectives set out in the Council's Equality Policy 2021:

- To enhance understanding of and promote equality and diversity at all levels within the Council.
- To have a diverse workforce that aims to be representative of the borough and to ensure that all staff are treated fairly.
- To assess, consult and evaluate the equality impact of our policies and decisions and to change where reasonably possible what we do to mitigate or eliminate any inequality.
- To ensure that our staff and councillors engage and communicate with members of the community in an accessible and inclusive way.
- To continue working with our partners, where appropriate, to reduce inequality in all of our communities.

3. Annual Equality Workforce Profile 2020-2021

All public sector employers, including local authorities, have a statutory duty under the Act to publish the equality profile data it holds for its directly employed workforce at least annually to demonstrate compliance with the Public Sector Equality Duty.

This data underpins the Council's commitment to ensuring that its employment practices and are free from discrimination and fulfil the core statutory duty placed on all public sector employers.

The workforce equality profile is based on headcount of the workforce as at 31st March 2021. Elected Member monitoring information is not included in this report, the information is available from Member Services if required.

The information monitors the profile of the Council workforce by the protected characteristics and where possible is compared to the 2011 Census relating to Rossendale District and is likely to change following the 2021 Census. However, the Council is committed to work towards achieving a workforce that reflects the community profile and develop an organisation that champions a diverse workforce.

Whilst it is a legal requirement to publish relevant information about the workforce, the information is also used to inform the ongoing development and delivery of the Council's Organisational Strategy, such as, career development and succession planning.

This annual report provides information about the composition of the workforce, the people we have recruited, the use of discipline, grievance and other procedures and information about employees who leave the authority.

4. Population

Based on 2011 Census the population of Rossendale is 68,000 individuals.

The Census 2011 figures confirms that Rossendale has a low percentage of people (40.3%) who live and work within the authority.

Analysis of our Workforce Profile data showed that 54% of staff live in the borough, 34% in BB4 postcode and 20% in OL13 postcode areas.

5. Workforce Profile

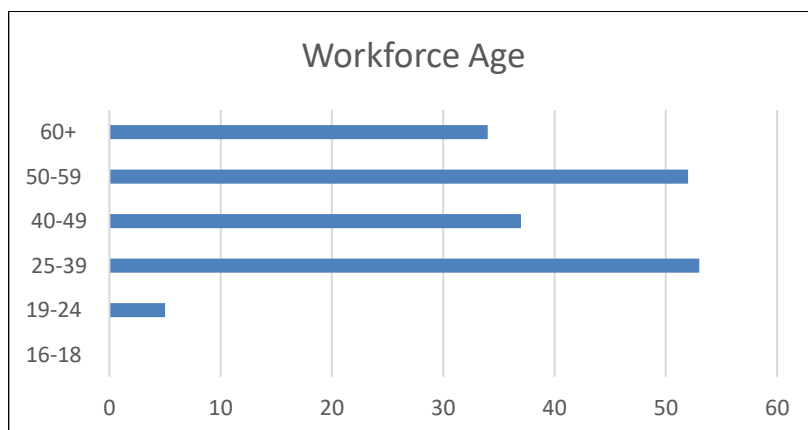
At 31st March 2021 the establishment was made up of 186 posts, 5 of which were vacant. The Council employed 181 people (170 full time equivalent). The headcount of 181 was made up of 161 full time, 18 part time employees and 2 casual employees. 156 employees are employed on permanent contracts, 23 employees are employed on temporary contracts and 2 employees are employed on a casual basis.

Employees are requested to complete a personal details questionnaire annually, which includes monitoring information. However, it is not compulsory to disclose the information.

It is proposed the employee monitoring information request form will be reviewed to allow staff to self-identify their gender, that is, male, female or other.

5.1 Age

	No.	%
16-18	0	0%
19-24	5	3%
25-39	53	29%
40-49	37	20%
50-59	52	29%
60+	34	19%
	181	

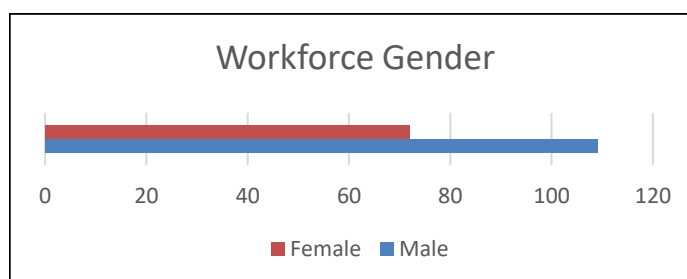


As at 31st March 2021 the Council employed 48% of staff aged 50+, this rises to 68% for all staff aged 40+. Compared to the figures for 2019-20 the percentage of staff employed 50+ has stayed the same and staff employed aged 40+ has lowered from 70%. Data from the LGA Local Government Workforce Survey 2017-18 confirms that the profile for the Council generally reflects the profile for local government where there is a tendency to have a significant proportion of staff 50+ with long service.

5.2 Gender

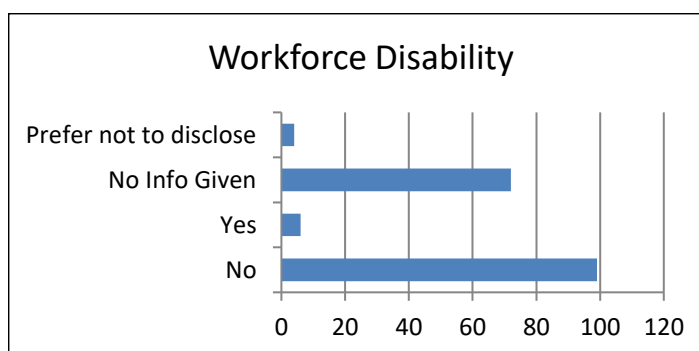
During the period 2020-21 the Council employed 60% males and 40% females indicating no change from figures in the 2019-20 report.

	No.	%
Male	109	60%
Female	72	40%
	181	100%



5.3 Disability

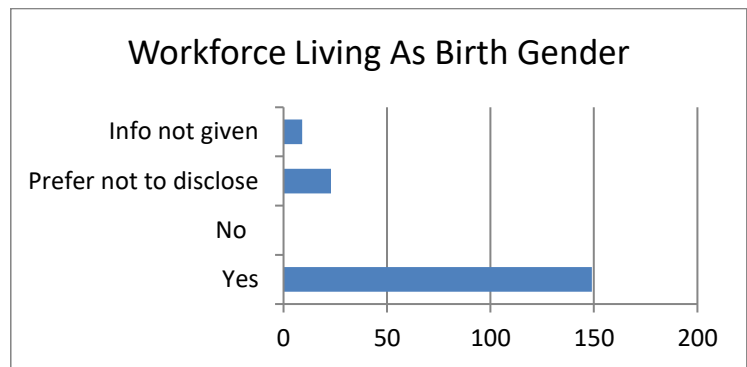
	No.	%
No	99	55%
Yes	6	3%
No Info Given	72	40%
Prefer not to disclose	4	2%
	181	100%



The data shows that 6 employees have declared a disability which has not changed since the 2019-20 report. The Council has achieved Disability Confident Committed (Level 1) accreditation by committing to inclusive and accessible recruitment, offering an interview to disabled people, providing reasonable adjustments and supporting existing employees with a disability.

5.4 Gender Reassignment (Employees living as birth gender)

	No.	%
Yes	149	82%
No	0	0%
Prefer not to disclose	23	13%
Info not given	9	5%
	181	100%



5.5 Marriage and Civil Partnership

The Council does not record data on marriage and civil partnership relating to the workforce.

5.6 Pregnancy and Maternity

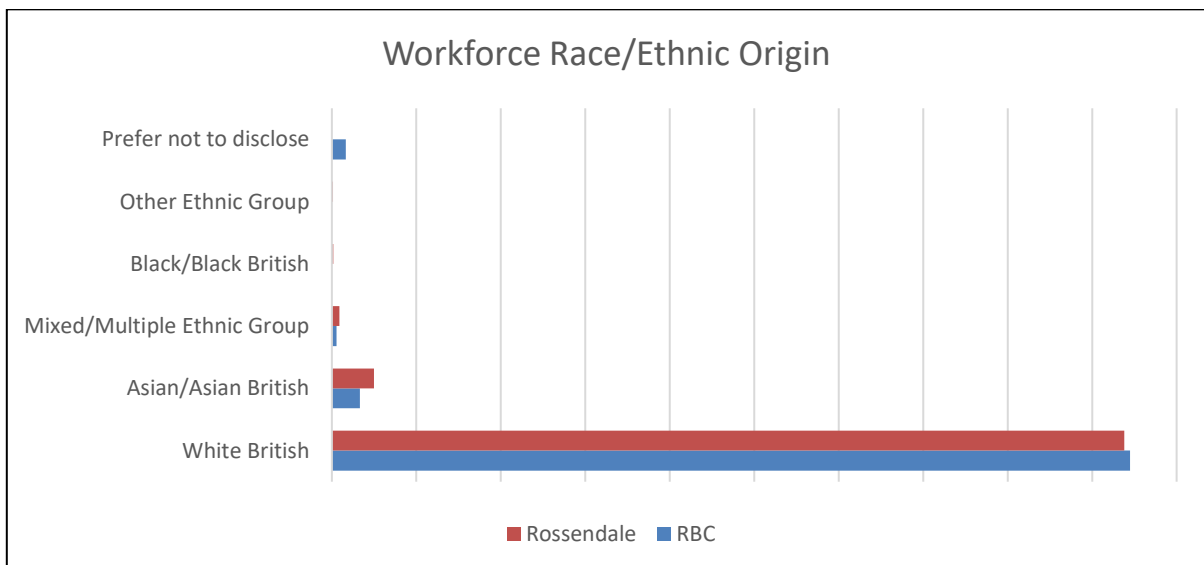
During the period 2020-21 three members of staff took maternity leave. As at 31st March 2021 one has returned and the other two are still on maternity leave.

5.7 Race/Ethnic Origin

The percentage of Black Asian and Minority Ethnic (BAME) employees overall at RBC was 3.87% which is an increase on 2019-20 when it was 3.66%. The figure of 3.87% represents 7 members of staff.

The 2011 Census indicates that 6% of Rossendale's total population were from minority ethnic communities.

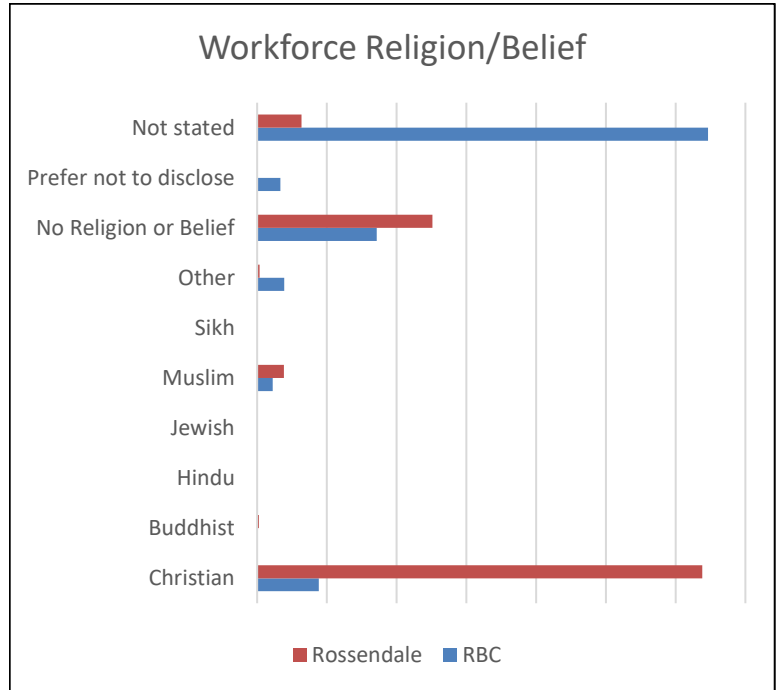
	RBC	Rossendale
White British	94.48%	93.82%
Asian/Asian British	3.31%	5.00%
Mixed/Multiple Ethnic Group	0.55%	0.89%
Black/Black British	0.00%	0.18%
Other Ethnic Group	0.00%	0.12%
Prefer not to disclose	1.66%	0.00%
Totals	100.00%	100.00%



5.8 Religion/Belief

Workforce records as at 31st March 2021 provided the results as shown in the table below, this has been compared to the figures of the Rossendale community (Census 2011).

	RBC	Rossendale
Christian	8.84%	63.83%
Buddhist	0.00%	0.24%
Hindu	0.00%	0.14%
Jewish	0.00%	0.10%
Muslim	2.21%	3.84%
Sikh	0.00%	0.01%
Other	3.87%	0.34%
No Religion or Belief	17.13%	25.15%
Prefer not to disclose	3.31%	0.00%
Not stated	64.64%	6.35%
	100.00%	100.00%

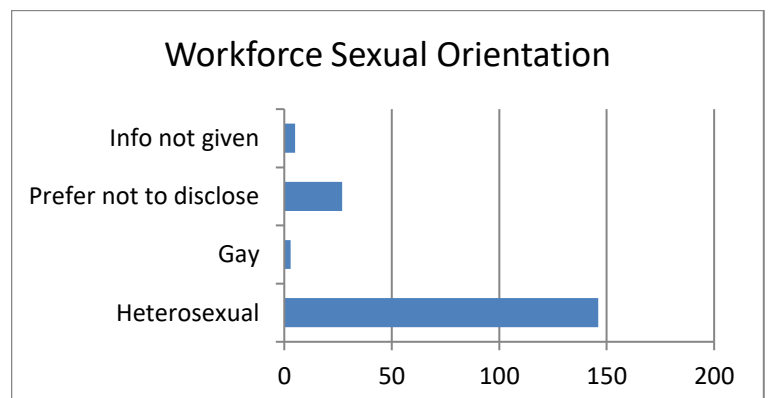


The Council is committed to the adoption of the International Holocaust Remembrance Alliance (IHRA) definition of anti-Semitism.

5.9 Sexual Orientation

Workforce records as at 31st March 2021 show the following information on sexual orientation.

	No.	%
Heterosexual	146	81%
Gay	3	2%
Prefer not to disclose	27	15%
Info not given	5	3%
	181	100%



There is no hard data on the number of lesbians, gay men and bisexuals in the UK as no national census has yet asked people to define their sexuality.

However, the key findings of a Household Survey in 2013 indicated that 1.6% of UK adults identified as gay, lesbian or bisexual (RBC 2%).

5.10 Gender Pay Gap Reporting

From 2017, any organisation that has 250 or more employees must publish and report specific figures about their gender pay gap.

The gender pay gap is the difference between the average earnings of men and women, expressed relative to men’s earnings.

The Council do not meet the requirements to report the gender pay gap to HMRC however for the purpose of this report we have calculated as below:

Mean male hourly rate of pay £14.19

Mean female hourly rate of pay £14.70

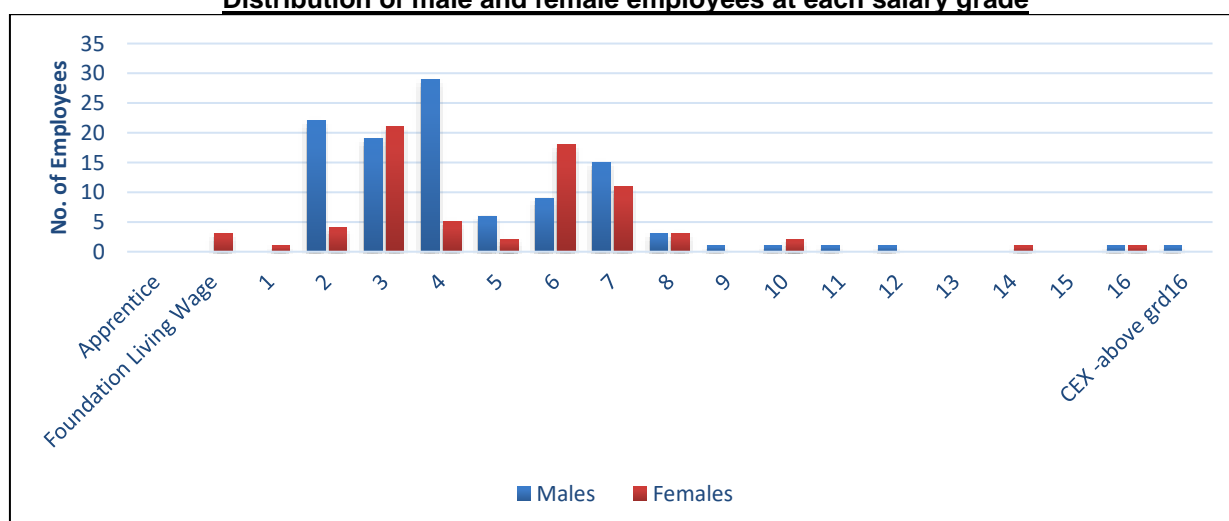
Overall mean hourly rate of pay £14.39

The Council can report it does not have a gender pay gap.

5.11 Pay

Comparison of the distribution of male and female employees at each salary grade shows that men are highly over represented at grades 2 and 4. The roles of staff paid at Grade 2 and 4 are predominantly male orientated roles, such as Waste Operative and LGV Driver. There is also a higher percentage of female staff at Grade 6, the roles within that grade are mainly office based administration. This information is summarised below.

Distribution of male and female employees at each salary grade



6. Workforce Disciplinary and Grievance Cases

The following tables show equality monitoring of any employee disciplinary and grievance cases that have been managed under the formal process of the Disciplinary Policy, Grievance Policy and Dignity at Work Incorporating Bullying and Harassment Policy.

6.1 Age

	No.
16-18	0
19-24	0
25-39	0
40-49	0
50-59	3
60+	1
	4

6.2 Gender

	Disciplinary	Harassment	Grievance
Male	3	0	1
Female	0	0	0
	3	0	1

6.3 Disability

	Disciplinary	Harassment	Grievance
Disabled	2	0	0
Not Disabled	1	0	1
	3	0	1

6.4 Race/Ethnic Origin

	Disciplinary	Harassment	Grievance
White	3	0	1
BAME	0	0	0
	3	0	1

6.5 Religion/Belief

	No.
No belief	1
Prefer not to disclose	3
	4

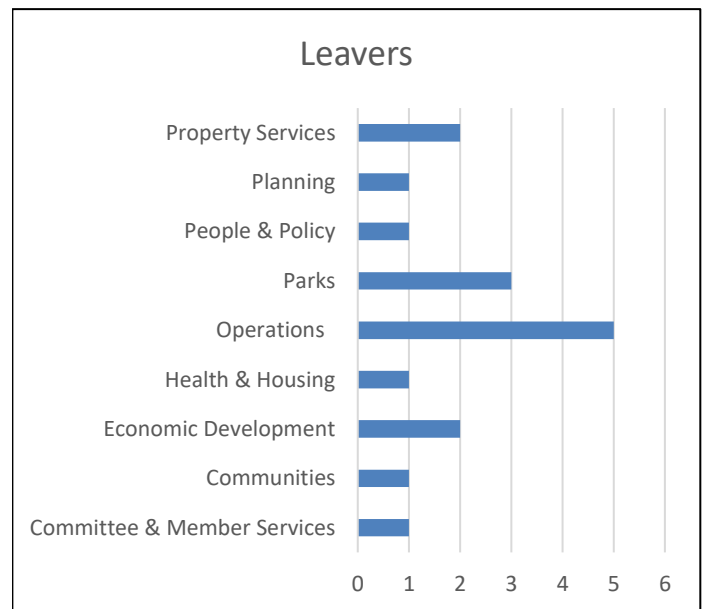
6.6 Sexual Orientation

	No.
Heterosexual	1
Prefer not to disclose	3
	4

7. Leaving the Council

Chartered Institute of Personnel Development (CIPD) advises the average national turnover percentage to be 15%. The Council's staff turnover for 2020-21 was 9.86% with 17 leavers overall. The following table breaks down the leavers by service.

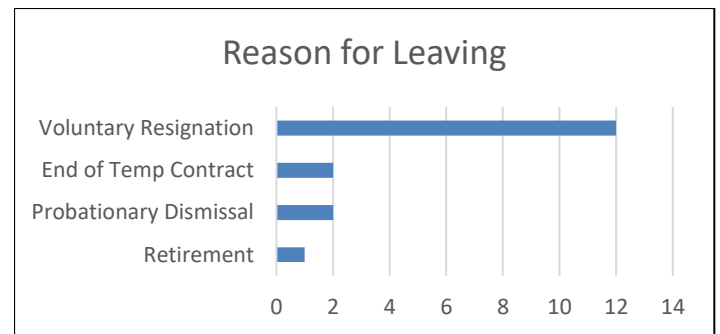
Service	No. of Leavers
Committee & Member Services	1
Communities	1
Economic Development	2
Health & Housing	1
Operations	5
Parks	3
People & Policy	1
Planning	1
Property Services	2
	17



7.1 Reasons for Leaving

The percentage of employees that voluntarily left the Council in 2020-21 was 70.59%

Reason	No.
Retirement	1
Probationary Dismissal	2
End of Temp Contract	2
Voluntary Resignation	12
	17

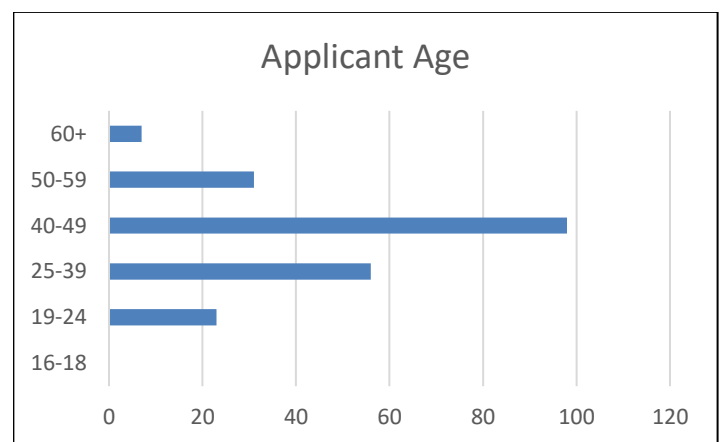


8. Job Applicants Profile

As part of the recruitment process equality monitoring of applicants is undertaken. It is not compulsory for applicants to disclose this information, however 83% of forms were returned.

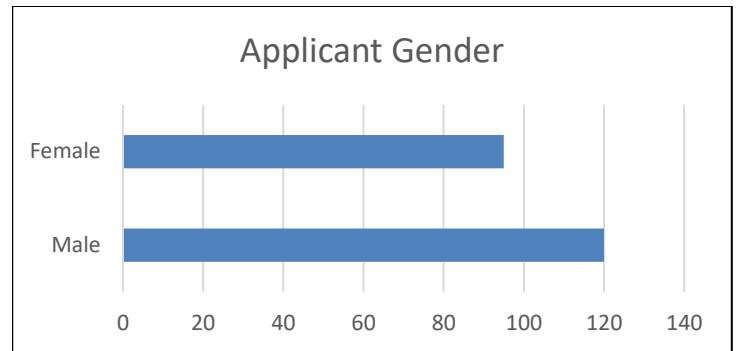
8.1 Age

	No.	%
16-18	0	0%
19-24	23	11%
25-39	56	26%
40-49	98	46%
50-59	31	14%
60+	7	3%
	215	100%



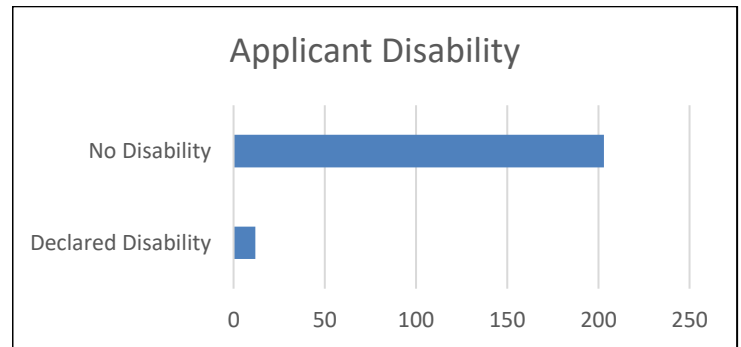
8.2 Gender

	No.	%
Male	120	56%
Female	95	44%
	215	100%



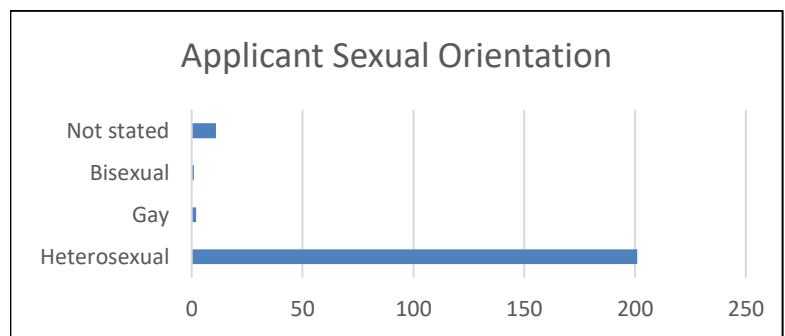
8.3 Disability

	No.	%
Declared Disability	12	6%
No Disability	203	94%
	215	100%



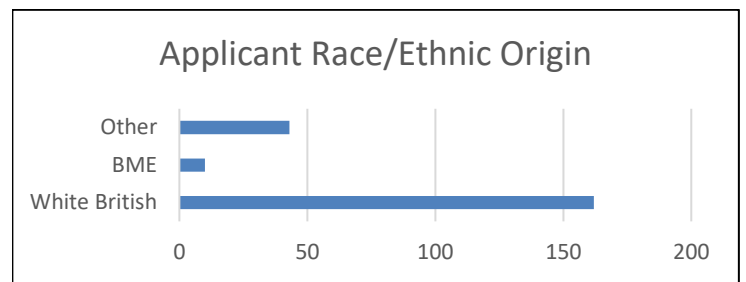
8.4 Sexual Orientation

	No.	%
Heterosexual	201	93%
Gay	2	1%
Bisexual	1	0%
Not stated	11	5%
	215	100%



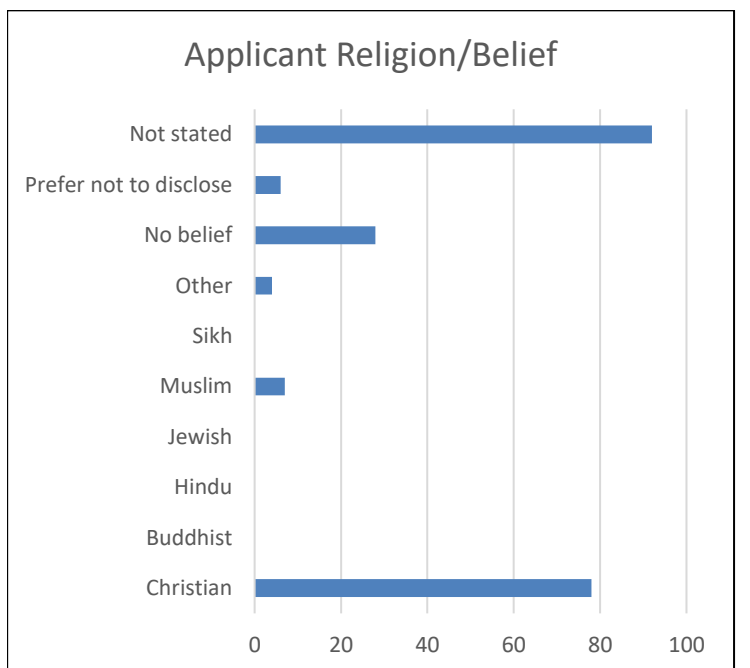
8.5 Race/Ethnic Origin

	No.	%
White British	162	75%
BME	10	5%
Other	43	20%
	215	100%



8.6 Religion/Belief

	No.	%
Christian	78	36%
Buddhist	0	0%
Hindu	0	0%
Jewish	0	0%
Muslim	7	3%
Sikh	0	0%
Other	4	2%
No belief	28	13%
Prefer not to disclose	6	3%
Not stated	92	43%
	215	100%



9. Complaints about Discrimination

No complaints have been made against the Council or its staff on the grounds of discrimination or prohibitive conduct.

10. Trade Unions

The Council works with Unison and GMB unions.

The Trade Union (Facility Time Publication Requirements) Regulations 2017 came into force on 1st April 2017, which put in place the provisions in the Trade Union Act 2016 requiring relevant public sector employers to publish specified information related to facility time provided to trade union officials.

This information is published on the Council's website:

https://www.rossendale.gov.uk/downloads/file/16705/trade_union_facility_time_publication_july_2021

11. Awareness Raising /Training & Development

The Council recognise that it is critical for our staff to have the skills and knowledge to help eliminate unlawful discrimination, promote equal opportunities and value diversity. Staff are required to undertake periodic equality and diversity training.

12. Engagement and Consultation

The Equality Duty requires the Council to have an adequate evidence base for its decision-making. Rossendale Borough Council engages and consults with local residents to help us understand more about how our policies affect (or will affect) the different groups who use our services. This information is used to inform and improve decision making throughout the Council. Examples of engagement and consultation during 2020-21 include Rossendale's Local Plan, Haslingden Town Centre (National Lottery Bid) and the Council's Visitor Economy Strategy.

13. Hate crime / incidents and domestic abuse reporting

Hate crimes and incidents can have a serious impact on victims and their quality of life and can damage community cohesion. The Council is committed to working with individuals, communities, health and law enforcement services in order to tackle incidents and crimes motivated by prejudice and hate. The Council is a member of Lancashire Hate Crime and Cohesion Partnership Group.

The Council has invested in domestic abuse service provision via a pan Lancashire commissioned service – Victim Support, delivered locally, and will continue to look at ways it can best support domestic abuse support services, in future. The Council is White Ribbon accredited.

14. Conclusion

The Council is committed to delivering services based on the principles of fairness and equality. These principles underpin our core priorities in The Corporate Plan 2021-2025:

- Thriving Local Economy
- High Quality Environment
- Healthy and Proud Communities
- Effective and Efficient Council

These priorities are for the benefit of all of those who live, work and visit Rossendale and the Council will be unable to achieve these priorities if the services it provides are unfair or unequal.

The Council's Equality Policy has recently been reviewed this year and will outline how we will continue to promote equality, diversity and inclusion for our staff and communities in Rossendale.

The most current Workforce Profile Report is made available to Council employees through the Council's Intranet.

Subject:	Annual Council Feedback Review and Local Government Ombudsman (LGO) Enquiries	Status:	For Publication
Report to:	Overview and Scrutiny Committee	Date:	13 th September 2021
Report of:	Head of Legal	Portfolio Holder:	Corporate Services
Key Decision:	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required:	No	Attached: No
Biodiversity Impact Assessment	Required:	No	Attached: No
Contact Officer:	Carolyn Sharples	Telephone:	01706 252422
Email:	carolynsharples@rossendalebc.gov.uk		

1.	RECOMMENDATION(S)
1.1	That Overview and Scrutiny Committee note the different types of feedback received by the Council, in addition to the Local Government Ombudsman (LGO) enquiries and complaints for the period 1 st April 2020 to 31 st March 2021.
1.2	Overview and Scrutiny Committee is invited to comment on the report and provide feedback to Council's Corporate Management Team.

2. PURPOSE OF REPORT

- 2.1 To update committee members on the following types of feedback for the period 1st April 2020 to 31st March 2021:
- Compliments
 - Formal complaints
 - Local Government Ombudsman enquiries and complaints

3. BACKGROUND

- 3.1 Feedback made to the Council in the form of compliments and formal complaints (as well as Local Government Ombudsman enquiries) is a bi-monthly agenda item at Corporate Management Team meetings. Reports are provided to ensure managers are aware of any outstanding complaints that require action within their service area. Weekly reminders on all live complaints are also sent to the relevant officers and managers for action.

The Overview and Scrutiny Committee also receive regular updates through the Quarterly Performance Reports throughout the year.

Each year the Local Government Ombudsman details the number of enquiries and complaints received and the decisions made. The Ombudsman complaints and enquiries during 2020/2021 are detailed at sections 3.9 - 3.14 with further details in Appendix 1.

All the information included in this report should be considered in the context of the amount of contact the Council receives each year from its customers (via the One Stop Shop, telephone and website).

3.2 **Compliments**

3.3 In the 2020/2021 period the Council received 145 compliments and a breakdown of the last 3 years' figures can be found below:

2018/2019	2019/2020	2020/2021
134	91	145

3.4 An analysis of the compliments for 2020/2021 can be found below:

Compliment about:	
Action/response/communication	9
Bins/bin collection	2
Quality of service	11
Staff member/team	123
Total	145

In relation to the two highest compliment categories a breakdown has been provided below.

Quality of service:

Communities – 2

Information Communication Technology (ICT) - 1

Legal and Democratic Services (includes Elections and Land Charges) - 2

Operations - 6

Staff member/team:

Capita – 2

Communities - 1

Corporate Support – 16

Councillor - 7

Economic Development - 21

Environmental Health - 5

Finance - 1

Housing - 2

Legal and Democratic Services (includes Elections and Land Charges) - 9

Operations - 49

People and Policy (includes Facilities) – 1

Planning – 4

Public Protection Unit (PPU) - 5

3.5 **Formal Complaints**

The Council deals with a significant amount of contact on a daily basis and each department has their own system for dealing with customer contact. The majority of this contact is in relation to service requests, rather than formal complaints. Formal complaints are classed as a serious expression of dissatisfaction and usually occur when a customer has reported something, but they are not happy with the response, the outcome or action.

Formal complaints received by the Council are recorded and responded to by the relevant department. Officers and managers are asked to deal with customer complaints within the customer service standard of 10 working days: this is classed as a stage 1 response. Where it is not possible to send a full response within 10 working days, a holding response is sent.

Once a complaint has been responded to, the customer has the opportunity to request a review if they are not satisfied with the response: this is classed as stage 2 of the complaints process. The stage 2 review will be undertaken by a Head of Service or Director. Once a stage 2 response has been sent, if the customer still does not feel they are satisfied with the response, they can take their complaint to the Local Government Ombudsman for consideration.

In the period 2020/2021, 156 formal complaints were received by the Council.

An analysis of the complaints over the last 3 years can be found below:

Complaint about:	2018/19		2019/20		2020/21	
	No. of complaints	% of total	No. of complaints	% of total	No. of complaints	% of total
Action/response/communication	29	21	22	16.30	24	15.38
Advice/information given	6	4.35	3	2.22	3	1.93
Anti-social behavior	1	0.73	1	0.74	0	0
Application processing	3	2.2	2	1.48	2	1.28
Bailiff charges/action	5	3.6	2	1.48	0	0
Benefits processing	4	2.9	2	1.48	3	1.93
Bins/bin collection	24	17.4	40	29.63	56	35.90
Council decision	6	4.35	20	14.81	4	2.56
Council policy/procedure	0	0	1	0.74	2	1.28
Council Tax charges/ decision	12	8.7	7	5.19	1	0.64
Customer service	1	0.73	3	2.22	0	0
Flooding/drainage	1	0.73	0	0	0	0
Grant Funding	0	0	0	0	8	5.13
Grass cutting	1	0.73	1	0.74	2	1.28
Housing/landlord	1	0.73	0	0	1	0.64
Litter/ debris/ fly tipping	8	5.8	2	1.48	15	9.62
Neighbour dispute	2	1.45	0	0	0	0
Noise nuisance	0	0	0	0	1	0.64
Other	8	5.8	9	6.67	5	3.21
Property/ land	4	2.9	0	0	6	3.85
Quality of service	9	6.51	10	7.41	4	2.56
Recovery/payment Council Tax	5	3.6	3	2.22	4	2.56
Staff member/ team	5	3.6	6	4.45	10	6.41
Time taken	1	0.73	0	0	2	1.28
Trees	1	0.73	1	0.74	2	1.28
Weeds	1	0.73	0	0	1	0.64
Total	138		135		156	

The areas of most complaint during 2020/21 were in relation to bins/bin collection and action/ response/ communication.

In relation to the 56 bins/bin collection complaints, these were all dealt with by Operations as follows:

- 34 issues with missed bin collections
- 4 missed assisted collections
- 3 relating to the removal of surplus bins
- 3 bins not being returned to the correct location
- 2 non-collections owing to contamination
- 2 issues with bin replacements
- 2 issues with bulky collections
- 2 neighbour disputes (bins/excess rubbish left outside neighbouring properties)
- 1 relating to damage caused by a collection vehicle
- 1 relating to debris left following by a collection
- 1 relating to the amount of communal waste containers in a housing complex
- 1 relating to blocking a driveway during a collection

In relation to the 24 action/response/communication complaints:

- 8 were dealt with by Operations as follows:
 - 1 lack of action in relation to a service request regarding a communal bin;
 - 7 lack of responses relating to service requests, these concerned an enquiry, flytipping, green bin replacement, removal of a dead animal, overhanging trees, missed blue bin and bin lid repair.
- 5 were dealt with by Capita as follows:
 - 2 regarding an action (Council Tax error and Direct Debit cancellation);
 - 2 lack of action in relation to communications notifying of changes;
 - 1 lack of response to a business rates billing enquiry.
- 3 were dealt with by Planning as follows:
 - 2 lack of responses relating to service requests, these concerned a Planning Pre-application and a breach of planning communication.
 - 1 lack of action regarding a breach of planning.
- 2 were dealt with by Legal and Democratic Services, one relating to lack of response to a service request (Land Charges search) and one relating to an action (the way a complaint had been handled).
- 2 were dealt with by Property Services relating to lack of responses, these concerned a request to purchase land and the response to a letter sent.
- 1 was dealt with by Communities and concerned lack of action following a change.
- 1 was dealt with by Finance regarding lack of response to a grant application.
- 1 was dealt with by Information Communication Technology (ICT) regarding lack of a response to a reported issue with the website.
- 1 was dealt with by the Public Protections Unit (PPU) concerning lack of action following a noise complaint.

3.6 Learning and improvements

In relation to lessons learned and further improvements being made as a result of customer feedback, the following has been noted during the 2020/21 period:

- The Council has established an appointment process to enable customers to book slots

to speak to a specialist in the One Stop Shop.

- The Council has set up virtual meetings for customers who are able to access services via digital means.
- A process has been created to enable customers to post hard copy documents to the One Stop Shop, who will then scan the documents to the customers records. This supports customers who have no computer access (digital inclusion).
- The One Stop Shop has remained open for vulnerable customers during the covid pandemic.
- This year the Operations Team has identified that additional capacity at supervisory level would be beneficial with regards to responses and communications and have appointed to a 6 month position.
- Following complaints made to the Ombudsman, an additional review of the health and safety risk assessment for remote waste collection was conducted and the Council also liaised with Lancashire County Council regarding new waste collection points along the main roads.

3.7 During 2020/2021 the average number of working days taken to deal with complaints was 13.5 days, which is longer than the expected customer service standard of 10 working days. Response times continue to be monitored and staff customer service training has commenced with further training sessions planned.

3.8 Out of the 156 complaints received in 2020/2021, 138 cases were resolved at stage 1. There were 18 stage 2 reviews. Out of these 18 cases, 4 were subsequently referred on to the Ombudsman by the complainant.

3.9 **Local Government Ombudsman Enquiries and Complaints**

The Local Government Ombudsman (LGO) provides an Annual Summary of complaints they have received against the Council each year. Members must note that the Ombudsman does not normally notify the Council of all contact (such as when advice is given, or if it is something at the pre-enquiry stage). In the majority of cases the Council finds out about a case once a decision has been made or if the Ombudsman requests additional information as part of the investigation.

The Ombudsman explains how they categorise complaints and enquiries below:

- **Invalid or incomplete.** We were not given enough information to consider the issue.
- **Advice given.** We provided early advice or explained where to go for the right help.
- **Referred back for local resolution.** We found the complaint was brought to us too early because the organisation involved was not given the chance to consider it first.
- **Closed after initial enquiries.** We assessed the complaint but decided against completing a full investigation. This might be because the law says we're not allowed to investigate it, or because it would not be an effective use of public funds if we did.
- **Upheld.** We completed a detailed investigation and found evidence of fault, or we found the organisation accepted fault early on.
- **Not upheld.** We completed a detailed investigation but did not find evidence of fault.

3.10 The Liaison Officer provides regular updates to the Committee and Member Services Manager on open investigations. When investigations are opened, regular updates are provided to the Monitoring Officer to discuss deadlines and any issues which may arise. A bi-monthly report is also provided to Corporate Management Team meetings for the Chief Executive, Directors and Heads of Service to monitor. Ombudsman complaints are also recorded on the Council's quarterly monitoring reports, which are scrutinised by the

Overview and Scrutiny Committee.

3.11 During 2020/2021 the Ombudsman received 7 enquiries/complaints about this authority of which:

- 2 were referred back to the authority (to go through the Council complaints process). The Council is only aware of 1 referrals coming back through the complaints system, this is because the Ombudsman does not notify the authority of all the referrals. It is also up to the complainant to decide whether they wish to continue to pursue their complaint following receiving advice from the Ombudsman enquiry service.
- 1 was closed because it was incomplete/invalid. The Council is not aware of this complaint as the Ombudsman does not notify of all closures following them giving advice to the complainant.
- 3 were closed after initial enquiries because there was no injustice/service failure.
- 1 investigation remained open (as at 1st April 2021). This has since been issued with a decision and the final decision will be reported in the 2021/22 annual report.

The Ombudsman made the Council aware of 5 of the 7 complaints they received in 2020/2021 (71%).

3.12 The Local Government Ombudsman made decisions on 9 complaints during 2020/2021 as detailed below:

- 2 were referred back to the authority (to go through the Council complaints process).
- 1 was closed because it was incomplete/invalid.
- 3 were closed after initial enquiries because there was no injustice/service failure.
- 3 complaints were investigated: 2 were upheld and 1 not upheld.

The Ombudsman made the Council aware of 7 of the 9 decisions made in 2020/2021 (78%).

3.13 All of the 3 investigations on which decisions were made in 2020/2021 concerned Environmental Services & Public Protection & Regulation (2 upheld, 1 not upheld).

In relation to the 2 upheld Environmental Services & Public Protection & Regulation complaints, the Ombudsman found that in both cases there had been fault in how the Council handled and communicated changes to its remote waste collection service, however there was only injustice in one of the cases concerned. To remedy the injustice, the Council issued an apology, undertook an additional review of the health and safety risk assessment and liaised with Lancashire County Council and informed them of the new waste collection points.

3.14 Comparisons with 2020/2021 Ombudsman complaints and enquiries are as follows:

Ombudsman Complaints and Enquiries:	2018/19	2019/20	2020/21
Received	18	23	7
Decisions made	19	22	9

Complaint category:	2018/19	2019/20	2020/21
Benefits and Tax	4	2	2
Corporate and other services	4	0	1
Environmental Services & Public Protection & Regulation	6	10	4
Housing	1	0	0
Planning & Development	3	11	0
Total	18	23	7

Decisions made:	2018/19	2019/20	2020/21
Referred back for local resolution	8	14	2
Closed after initial enquiries	7	1	3
Incomplete/invalid	1	1	1
Investigated: Upheld	2	2	2
Investigated: Non Upheld	1	4	1
Total	19	22	9

The Ombudsman has provided the information at Appendix 1 which shows the breakdown of complaints received and the decisions made. This additional information provides details concerning the number of cases and reference numbers, and assists the Council in matching up the cases that the Ombudsman has informed the Council of. The Council is appreciative of this information which enables the data to be analysed.

For 2020/2021 the Ombudsman has reported that the Council has complied with 100% of the recommendations made.

It is good to note that the number of enquires received and decisions issued by the Ombudsman has more than halved during 2020/21, however it must be noted that the Ombudsman suspended their work for almost 3 months during the 2020/21 period as detailed at 3.16.

It is also good to note that no public interest reports were issued during this period and the number of upheld complaints also remains low, especially bearing in mind the amount of contact the Council has with its customers on an annual basis.

- 3.15 Council feedback impacts directly on all Council's the corporate priorities and consultation has been carried out with managers, Corporate Management Team and the Portfolio Holder.

Covid Impact

- 3.16 The covid outbreak took place during the final two weeks of the 2019/2020 period and continued into the 2020/2021 period. On 25th March 2020 the Ombudsman suspended all casework activity until 29th June 2020 to enable local authorities to respond to the outbreak. Casework activity subsequently resumed and any open cases from the 2019/2020 period were carried forward into the 2020/21 period.

Although the Ombudsman suspended their casework during this period, the Council continued to deal with enquiries, whilst prioritising its work in response to the covid outbreak.

4. RISK

- 4.1 All the issues raised and the recommendations in this report involve risk considerations as set out below:
- There is a risk of damage to the Council's reputation if complaints are not responded to in a timely manner. Complainants and the Ombudsman are kept up to date if there are extenuating circumstances, or if a complaint is so complex that it requires more time than usual to respond.
 - Not monitoring complaints would create a risk of not learning from experiences. Complaints are regularly reviewed via Corporate Management Team and by service area managers.
 - There is risk of financial penalty should the Ombudsman find maladministration against the Council.

5. FINANCE

- 5.1 The Council faces the risk of financial penalty should the Ombudsman find maladministration against the Council in any existing or future complaints. During the period 2020/2021, the Ombudsman did not award any financial penalties against the Council.

6. LEGAL

- 6.1 The legal implications have been included within the report. In addition to Ombudsman investigations, the Monitoring Officer has statutory responsibility to consider and, where necessary, investigate illegality, maladministration or statutory breaches which may, in turn, also be reported to the Council.

7. POLICY AND EQUALITIES IMPLICATIONS

- 7.1 There are no policy or equalities implications.

8. CONCLUSION

- 8.1 The Council welcomes customer feedback in order to make continuous improvements to its services. Services are also improved through reviewing formal complaints and identifying learning outcomes. Corporate Management Team regularly reviews this information in order to further develop and shape Council services.
- 8.2 It is important to consider these figures in the context of the number of contacts from customers and services delivered in any 12 month period, and in 2020/21 in particular as a result of the covid pandemic. For example, over the last year:
- the Council has 32,281 Council Tax accounts, 2,809 NNDR accounts and 5,765 benefit claimants.
 - the Council received 67,643 telephone calls and 18,047 completed web forms in addition to other forms of contact.
 - each year the Council provides 845, 273 domestic paper and cardboard collections, 845, 273 of domestic glass, tins, cans and plastic collections, 856,882 domestic general waste collections and 149, 760 domestic garden waste collections. The Council has 370 businesses that it collects their waste from, with 229 of those businesses having a separate recycling collection, the frequency of collection is to suit the customer and ranges from twice a week to fortnightly.
 - during 2020/21 the Council completed 2681 bulky waste requests from customers and delivered/removed 4471 bins of which 3600 were for recycling.
 - over 680 litter bins are emptied either twice a week or daily.
 - the Council has attended 1380 reports of fly tipping.
 - there is approx. 284 km of adopted road and 362km of adopted footpaths and the main roads/footpaths are now swept every two weeks and the other roads/footpaths

every 9 weeks. Towards the end of the autumn period there are also dedicated routes to deal with the leaf fall.

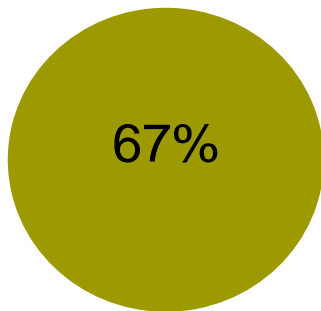
- Economic Development has a strong reputation with stakeholders and businesses. The number of compliments demonstrates the quality of our services; particularly our business support service led by the Business Advisor.
- The Council has processed and paid c£27m in grants to Rossendale businesses to help them through the covid pandemic.

8.3 It is particularly pleasing to note the following:

- the significant rise in the number of compliments the Council has received this year, despite the on-going financial challenges and covid response challenges the Council has faced.
- the low number of enquires and Ombudsman investigations during 2020/21

Background Information	
Document	Place of Inspection
2018/19 Report Item D2:	https://www.rossendale.gov.uk/meetings/meeting/1160/overview_and_scrutiny_committee
2019/20 Report Item D1:	https://www.rossendale.gov.uk/meetings/meeting/1222/overview_and_scrutiny_committee

Complaints upheld



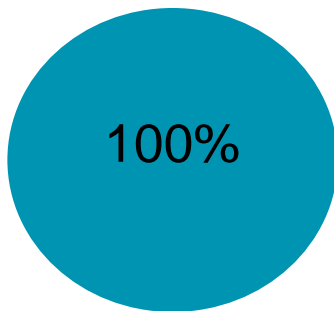
67% of complaints we investigated were upheld.

This compares to an average of **53%** in similar authorities.

2
upheld decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021

Compliance with Ombudsman recommendations



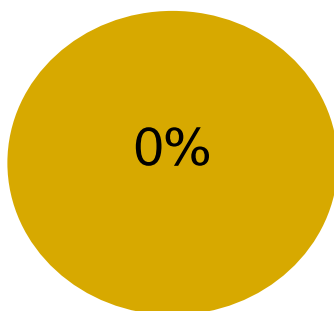
In **100%** of cases we were satisfied the authority had successfully implemented our recommendations.

This compares to an average of **100%** in similar authorities.

Statistics are based on a total of 1 compliance outcome for the period between 1 April 2020 to 31 March 2021

- Failure to comply with our recommendations is rare. An authority with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.

Satisfactory remedy provided by the authority



In **0%** of upheld cases we found the authority had provided a satisfactory remedy before the complaint reached the Ombudsman.

This compares to an average of **16%** in similar authorities.

0
satisfactory remedy decisions

Statistics are based on a total of 3 detailed investigations for the period between 1 April 2020 to 31 March 2021

NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

Received

Reference	Authority	Category	Received
20000383	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	05 Jun 2020
20002084	Rossendale Borough Council	Corporate & Other Services	22 Jul 2020
20002435	Rossendale Borough Council	Benefits & Tax	28 Jul 2020
20002821	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	04 Aug 2020
20005234	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	29 Sep 2020
20007556	Rossendale Borough Council	Benefits & Tax	05 Nov 2020
20002676	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	04 Sep 2020

Decided

Reference	Category	Decided	Decision	Decison Reason	Remedy
19011641	Environmental Services & Public Protection & Regulation	06 Aug 2020	Upheld	mal no inj	
19012692	Environmental Services & Public Protection & Regulation	30 Jul 2020	Upheld	mal & inj	Apology,New appeal/review or reconsidered decision
19019795	Environmental Services & Public Protection & Regulation	09 Sep 2020	Not Upheld	no mal	
20000383	Environmental Services & Public Protection & Regulation	05 Jun 2020	Incomplete/Invalid	Insufficient information to proceed and PA advised	
20002084	Corporate & Other Services	08 Mar 2021	Closed after initial enquiries	No worthwhile outcome achievable by investigation	
20002435	Benefits & Tax	02 Sep 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure	
20002821	Environmental Services & Public Protection & Regulation	04 Aug 2020	Referred back for local resolution	Premature Decision - advice given	
20005234	Environmental Services & Public Protection & Regulation	10 Nov 2020	Closed after initial enquiries	Not warranted by alleged mal/service failure	
20007556	Benefits & Tax	04 Dec 2020	Referred back for local resolution	Premature Decision - referred to BinJ	

Compliance

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
19012692	Rossendale Borough Council	Environmental Services & Public Protection & Regulation	30-Jul-20	Apology New appeal/review or reconsidered decision	30-Aug-20	01-Sep-20	Remedy complete and satisfied

ROSSENDALE BOROUGH COUNCIL FORWARD PLAN

The Forward Plan sets out the details of the key decisions which the Cabinet or Officers expect to take. The Plan is updated 28 days prior to each Cabinet meeting and is available on the website. All items will be for publication, unless otherwise stated.

Publication dates for 2021/22 Municipal Year are as follows:

- 18th May 2021
- 7th September 2021
- 12th October 2021
- 21st December 2021
- 11th January 2022

Definition of a Key Decision

1. A Key Decision means an executive decision which is likely:
 - a) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the budget for the service or function to which the decision relates, or
 - b) to be significant in terms of its effects on communities living or working in an area comprising of two or more Wards in the Borough.

2. For the avoidance of doubt, the Council would regard any of the following as 'significant':
 - Any decision by the Cabinet in the course of developing proposals to the full Council to amend the policy framework.
 - Any single item of in-budget expenditure or savings in excess of £100,000.
 - Any decision which is likely to have a permanent or long term (more than 5 years) effect on the Council and the Borough.

Cabinet Membership

- Councillor Alyson Barnes – Leader of the Council and Portfolio Holder Economic Development

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- Councillor Sean Serridge – Deputy Leader and Portfolio Holder for Corporate Services
- Councillor Steve Hughes - Portfolio Holder for Communities
- Councillor Adrian Lythgoe - Portfolio Holder for Environment
- Councillor Barbara Ashworth –Portfolio Holder for Health and Leisure
- Councillor Andrew Walmsley - Portfolio Holder for Resources

Chief Executive Directorate managed by the Chief Executive – Neil Shaw

- Executive Office
- Oversees the services listed below.

Economic Development Directorate managed by the Director of Economic Development – Cath Burns

- Planning and Building Control
- Economic Development
- Business Development
- Tourism
- Property Services/Surveying (Estates)
- Strategic Housing
- Private Sector Housing

Communities Directorate managed by the Director of Communities – Adam Allen

- Housing, Health & Communities
- Public Protection Unit
- ICT, SAT & Customer Services
- Housing Options
- Operations
- Rossendale Leisure Trust

Legal Services managed by the Head of Legal (Monitoring Officer), Clare Birtwistle

- Legal Services
- Committee and Member Services
- Elections
- Land Charges

Head of Finance (Section 151 Officer), Karen Spencer

- Finance & Audit

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- Revenues and Benefits
- Risk Management & Procurement
- Asset Register
- Rossendale Leisure Trust (Accounting and Project Appraisals)

HR managed by the Head of People & Policy, Clare Law

- People and Policy
- Corporate Support
- Communications
- Safeguarding
- Emergency Planning/Health and Safety
- Facilities Management

Anyone wishing to make representations about any of the matters listed in the Forward Plan, or obtain copies of the documents listed (subject to disclosure restrictions), may do so by contacting the relevant officer listed against each key decision.

Under the Access to Information Procedure rules set out in the Council’s Constitution, a key decision may not be taken, unless:

- It is published in the Forward Plan
- 28 clear days have lapsed since the publication of the Forward Plan; and
- if the decision is to be taken at a meeting of the Cabinet, 5 clear days’ notice of the meeting has been given

The law and the Council’s Constitution provide an exception that allows urgent key decisions to be made, even though they have not been included in the Forward Plan. This is provided for in Rule 15 (General Exception) and Rule 16 (Special Urgency) of the Access to Information Procedure Rules.

The Forward Plan also contains details of significant decisions which will be considered by the Cabinet with recommendations to Full Council.

Copies of the following documents may be inspected at the Rossendale Borough Council Offices or accessed from the Council’s website https://www.rossendale.gov.uk/info/210159/about_the_council/10526/how_decisions_are_made

- The Council’s Constitution
- The Forward Plan
- Reports on the key decisions to be taken

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- The minutes or decision notice for each key decision, which will normally be published 4 working days after having been made.

Members of the public are welcome to attend meetings of the Cabinet and the dates and times of the meetings are published on the Council's website www.rossendale.gov.uk/meetings or you may contact the Committee and Member Services Section on telephone number 01706 252422 or email democracy@rossendalebc.gov.uk for further details.

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Portfolio Holder	Documents to be considered by the decision taker	Representations may be made to the following officer
Community Renewal Fund: Growth and Innovation Fund	Council	8 th September 2021	Leader of the Council and Portfolio Holder Economic Development	Report	Cath Burns, Director of Economic Development 01706 252429 cathburns@rossendalebc.gov.uk
Funding For Office Moves & Building Works In Futures Park Post Covid 19	Council	8 th September 2021	Resources	Report	Lee Childs, Facilities Manager 01706 252527 leechilds@rossendalebc.gov.uk
Marl Pits Running Track	Council	8 th September 2021	Health & Leisure	Report	Adam Allen, Director of Communities 01706 252428 adamallen@rossendalebc.gov.uk
Civica Financials User Interface (UI) Contract	Council	8 th September 2021	Resources	Report	Karen Spencer, Head of Finance 01706 252465 karens pencer@rossendalebc.gov.uk
Corporate Plan	Overview & Scrutiny Council	12 th July 2021 8 th September 2021	Leader of the Council	Report	Neil Shaw, Chief Executive 01706 252447 neilshaw@rossendalebc.gov.uk

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Portfolio Holder	Documents to be considered by the decision taker	Representations may be made to the following officer
Prosecution Policy	Overview & Scrutiny Cabinet	13 th September 2021 6 th October 2021	Communities	Report	Carol Walker, Fraud and Compliance Officer 01706 252582 carolwalker@rossendalebc.gov.uk
Economic Development Strategy Update	Cabinet	6 th October 2021	Leader of the Council & Portfolio Holder for Economic Development	Report	Guy Darragh, Head of Regeneration 01706 252568 quydarragh@rossendalebc.gov.uk
Rossendale Works update	Cabinet	6 th October 2021	Leader of the Council & Portfolio Holder for Economic Development	Report	Guy Darragh, Head of Regeneration 01706 252568 quydarragh@rossendalebc.gov.uk
Waste and Recycling Update	Cabinet	6 th October 2021	Environment	Report	Adam Allen, Director of Communities 01706 252428 adamallen@rossendalebc.gov.uk
Environmental Crime Enforcement	Cabinet	6 th October 2021	Environment	Report	Phil Morton, Public Protection Manager 01706 252442 philmorton@rossendalebc.gov.uk
Covenant Release	Cabinet	6 th October 2021	Resources	Report	Lucie Greenwood, Property Services Officer 01706 252521 luciegreenwood@rossendalebc.gov.uk

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Portfolio Holder	Documents to be considered by the decision taker	Representations may be made to the following officer
RIPA Policy	O&S Cabinet	13 th September 2021 6 th October 2021	Corporate Services	Report	Clare Birtwistle, Head of Legal Services 01706 252438 clarebirtwistle@rossendalebc.gov.uk
City Valley Link Update	Cabinet	10 th November 2021	Leader of the Council & Portfolio Holder for Economic Development	Report	Neil Shaw, Chief Executive 01706 252447 neilshaw@rossendalebc.gov.uk
Annual Air Quality Report 2021	Cabinet	10 th November 2021	Communities	Report	Phil Morton, Public Protection Manager 01706 252442 philmorton@rossendalebc.gov.uk
Medium Term Financial Strategy Update	Cabinet	10 th November 2021	Resources	Report	Karen Spencer, Head of Finance 01706 252465 kareenspencer@rossendalebc.gov.uk ,
Council Tax, Non-Domestic Rate & Housing Benefit Overpayment Write-offs	Cabinet	10 th November 2021	Communities	Report	Ian Walker, Service Assurance Team Leader 01706 252592 ianwalker@rossendalebc.gov.uk
Delivering the Haslingden Vision – confidential	Council	15 th December 2021	Leader of the Council and Portfolio Holder Economic Development	Report	Cath Burns, Director of Economic Development 01706 252429 cathburns@rossendalebc.gov.uk

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Portfolio Holder	Documents to be considered by the decision taker	Representations may be made to the following officer
Local Council Tax Support Scheme	O&S Council	22 nd November 2021 15 th December 2021	Communities	Report	Ian Walker, Service Assurance Team Leader 01706 252592 ianwalker@rossendalebc.gov.uk
Adoption of Rossendale's Local Plan	Council	15 th December 2021	Resources	Report	Anne Storah, Principal Planning Officer (Forward Plan) 01706 252418 annestorah@rossendalebc.gov.uk
Public Space Protection Orders	Council	15 th December 2021	Communities	Report	Phil Morton, Public Protection Manager 01706 252442 philmorton@rossendalebc.gov.uk
Constitution Review	Council	15 th December 2021 To be taken to each meeting unless no changes identified.	Corporate Services	Report	Carolyn Sharples, Committee and Member Services Manager 01706 252422 carolynsharples@rossendalebc.gov.uk
Outdoor Rossendale Projects	Council	15 th December 2021	Leader of the Council & Portfolio Holder for Economic Development	Report	Guy Darragh, Head of Regeneration 01706 252568 guydarragh@rossendalebc.gov.uk
Play Strategy	O&S Council	22 nd November 2021 15 th December 2021	Environment	Report	Adam Allen, Director of Communities 01706 252428 adamallen@rossendalebc.gov.uk

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Details of the decision to be taken	Decision to be taken by	Expected Date of Decision	Relevant Portfolio Holder	Documents to be considered by the decision taker	Representations may be made to the following officer
Health and Wellbeing Plan	O&S Council	20 th October 2021 15 th December 2021	Communities	Report	Adam Allen, Director of Communities 01706 252428 adamallen@rossendalebc.gov.uk
Corporate Priorities, Budget, Council Tax and the Medium Term Financial Strategy 2022/23	Overview & Scrutiny Cabinet Council	1 st February 2022 9 th February 2022 23 rd February 2022	Resources	Report	Karen Spencer, Head of Finance 01706 252465 karensperencer@rossendalebc.gov.uk
Capital Strategy 2022/23 to 2024/25 and Capital Programme 2022/23	Overview & Scrutiny Cabinet Council	1 st February 2022 9 th February 2022 23 rd February 2022	Resources	Report	Karen Spencer, Head of Finance 01706 252465 karensperencer@rossendalebc.gov.uk ,
Treasury Management Strategy & Treasury Management Practices (updates for 2022/23)	Cabinet Council	9 th February 2022 23 rd February 2022	Resources	Report	Karen Spencer, Head of Finance 01706 252465 karensperencer@rossendalebc.gov.uk ,
Pay Policy Statement	Council	23 rd February 2022	Corporate Services	Report	Clare Law, HR Manager 01706 252457 clarelaw@rossendalebc.gov.uk

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