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Our Ref

Your Ref

Date: 29 June 2020

Dear Councillor,

**Housing and Community Services Committee**

A Meeting of the **Housing and Community Services Committee** will be a **Virtual Committee**, held via Microsoft Teams on **Tuesday, 07 July 2020 at 18:00**. You are requested to attend.

Yours faithfully,



Chief Executive

To:- **Conservative Group**

Councillor Roberts (Chairman), Councillor Pegg (Vice-Chairman) and Councillors Atkin, Churchill, Corbin, Mrs. Haines, Dr. Perry and Mrs. Wheelton

**Labour Group**

Councillors Mrs. Heath, Mulgrew, Rhind, Richards and Shepherd

## **AGENDA**

### **Open to Public and Press**

- |           |   |                  |
|-----------|---|------------------|
| <b>1</b>  | Apologies and to note any Substitutes appointed for the Meeting.                              |                  |
| <b>2</b>  | To note any declarations of interest arising from any items on the Agenda                     |                  |
| <b>3</b>  | To receive any questions by members of the public pursuant to Council Procedure Rule No.10.   |                  |
| <b>4</b>  | To receive any questions by Members of the Council pursuant to Council procedure Rule No. 11. |                  |
| <b>5</b>  | COMMUNITY AND ENVIRONMENT PARTNERSHIP SCHEME GRANT  | <b>4 - 17</b>    |
| <b>6</b>  | REVIEW OF THE SOUTH DERBYSHIRE DISTRICT COUNCIL SURVEILLANCE POLICY                           | <b>18 - 70</b>   |
| <b>7</b>  | HOMELESSNESS-ROUGH SLEEPING   | <b>71 - 83</b>   |
| <b>8</b>  | CORPORATE PLAN 2020-24 PERFORMANCE REPORT (2019-2020 QUARTER 4 – 1 JANUARY TO 31 MARCH)       | <b>84 - 100</b>  |
| <b>9</b>  | DISABLED FACILITIES GRANTS  | <b>101 - 123</b> |
| <b>10</b> | COMMITTEE WORK PROGRAMME  | <b>124 - 128</b> |

### **Exclusion of the Public and Press:**

- 11** The Chairman may therefore move:-
- That in accordance with Section 100 (A)(4) of the Local Government Act 1972 (as amended) the press and public be excluded from the remainder of the Meeting as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that there would be disclosed exempt information as defined in the paragraph of Part I of the Schedule 12A of the Act indicated in the header to each report on the Agenda.

- 12** To receive any Exempt questions by Members of the Council pursuant to Council procedure Rule No. 11.  
Details
- 13** DIRECT PROVISION OF DOMESTIC ABUSE SERVICES AND  
ASSOCIATED EXEMPTION FROM CONTRACT PROCEDURE RULES

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<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 5</b>
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> JULY 2020</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>IAN HEY (01283) 228741</b> <a href="mailto:ian.hey@south-derbys.gov.uk">ian.hey@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMUNITY AND ENVIRONMENT PARTNERSHIP SCHEME GRANT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: HCS</b>

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## **1.0 Recommendations**

- 1.1 That the Committee agrees to the proposals for changes to be made to the existing scheme criteria to assist applicants who are unable to find the required match funding in the current climate.
- 1.2 That the Committee agrees the maximum amount of grant that can be awarded is increased to 100% of the project cost where an applicant can demonstrate they have been unsuccessful accessing match funding.
- 1.3 That the Committee agrees to authorise delegated powers to the Community Partnership Scheme Grant Panel to make decisions on when the grant contribution can be increased above the current 50% ceiling.

## **2.0 Purpose of Report**

- 2.1 As part of the annual financial planning cycle £275,000 has been identified to provide a capital grant programme for 2019/20 and 2020/21.
- 2.2 The report offers an update on applications received and offers a proposal to assist applicants and encourage applications.

## **3.0 Detail**

- 3.1 A proposal for a scheme to distribute £275,000 of funding to the Voluntary Sector was approved by Housing and Community Services Committee on 3<sup>rd</sup> October 2019. The criteria are based upon the need to address the Council's

Corporate aims and objectives as well as locally identified needs within communities.

- 3.2 Capital grants are targeted at larger projects. The minimum project size is £4,000.
- 3.3 Criteria for applications for grant funding are deliberately broad allowing applications from constituted non-profit organisations for capital projects that provide benefits for residents of South Derbyshire, addressing locally identified need.
- 3.4 Within the current criteria, grants provided will be between 5% and 50% of total project cost, with a minimum of £1,000 and a maximum of £25,000
- 3.5 The current requirement is for the applicant to secure a minimum 50% of the total project cost. This criterion is designed to encourage another route for inward investment into South Derbyshire in support of the non-profit sector.
- 3.6 The scheme was launched in December 2019 via a press release and promotion via Parish Councils, South Derbyshire CVS as well as the District's online communications channels.
- 3.7 To date one application has been submitted for scoring and three projects are at the development phase.
- 3.8 In order to assist community groups in delivering projects that will benefit the local community during the current unprecedented Covid-19 pandemic it is proposed to increase the maximum level of grant from 50% to up to 100% of the total project cost, subject to the existing maximum grant of £25,000.
- 3.9 Increasing the level of grant above 50% should only be considered in exceptional circumstances, where an applicant has tried, but failed, to access funding from other funding streams.
- 3.10 It is recommended that delegated powers be given to the Community Partnership Scheme Grant Panel to make decisions on when the level of grant contribution can be increased above the current 50% limit.

#### **4.0 Financial Implications**

- 4.1 No additional financial implications to the Council although it will potentially reduce the level of match funding coming into the District from external funders.

#### **5.0 Corporate Implications**

- 5.1 There are no other legal, personnel or other corporate implications.

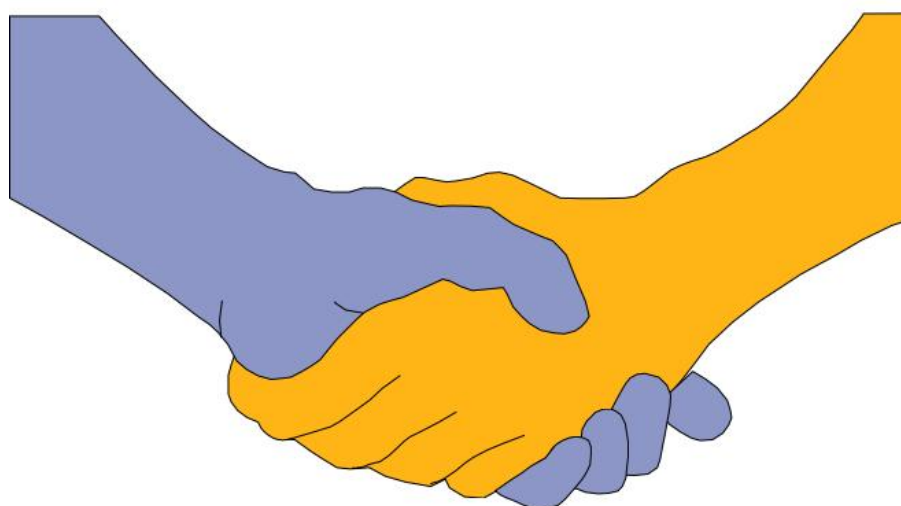
## **6.0 Community Implications**

- 6.1 The delivery of community infrastructure is a key target within the Corporate Plan as it will have a direct impact on a wide range of service delivery within local communities. The changes will potentially make it easier for community groups to access funding that can make a difference for their communities.

## **7.0 Background Papers**

- 7.1 Appendix A – Amended Guidance Document





# **Community Partnership Scheme**

## **2019/20 & 2020/21 GUIDANCE NOTES**



## Community Partnership Scheme

### Guidance Notes

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# **COMMUNITY PARTNERSHIP SCHEME**

## **GUIDANCE NOTES**

### **Introduction**

South Derbyshire District Council is keen to support non-profit organisations within the District by providing capital grants, as well as professional support, to enable them to identify and apply for additional funding from other sources. A sum of £275,000 has been identified that will allow the Council to support a number of projects during 2019/20 and 2020/21.

The purpose of these guidance notes is to assist organisations with understanding the grant criteria as applied by the District Council and to help with completing the application form.

### **1.0 What is the Community Partnership Scheme?**

- The Community Partnership Scheme has been developed to provide support, advice and grant funding to community projects in South Derbyshire.
- It encourages self-help, joint working relationships and the fulfilment of community aspiration.
- It is designed to assist community groups with attracting external funds into South Derbyshire.

### **2.0 What do we offer?**

- An initial meeting to discuss your project.
- Grants, as a contribution, to support the capital costs related to the delivery of your project. The scheme does not offer help towards day-to-day running (revenue) costs, which are ineligible.
- Development grants are also available for assistance towards an agreed value of professional fees associated with, for example, detailed designs as well as building and planning regulation approval related to construction projects, subject to a maximum of £2,000. The aim of these grants is to remove barriers to the development of projects where other funders require approvals prior to applying for funds. (Grants awarded for this will contribute to the maximum level of funding, £25,000, that can be awarded to any one organisation within the year. Receipt of a development grant does not guarantee success with an application for a capital grant once permissions have been received, each is considered on merit at the time of application.)

- **Grants will normally be between 5% and 50% of total project cost, with a minimum of £1,000 and a maximum of £25,000.** The actual support offered will depend upon a number of factors and these are outlined later in Section 4.0 of these guidance notes.
- In exceptional circumstances where an applicant has tried but failed to obtain the required match funding, the level of grant can be increased to up to 100% of the project cost (to a maximum grant of £25,000) if agreed by the Community Partnership Scheme Grant Panel.
- The Council also provides further advice in conjunction with its partners on how best to develop your project, where to get other funding, what you need to do and guidance to support the same.

Organisations will only be allowed to receive one development grant and/or one main grant any financial year.

**N.B.** the conditions above are those that will normally apply. The District Council reserves the right to amend the amount of grant aid in any particular case in exceptional circumstances. It must also be noted that all grants are subject to funds being available.

### 3.0 What type of projects do we support?

- The Council will support a wide variety of **capital** projects providing they benefit communities within South Derbyshire. We take a broad view of what constitutes a community and recognise both communities of place and of interest.

Typical examples include:

- Community, heritage, environmental, arts and sports projects amongst others.

Previously criteria have enabled the support of environmental projects. In support of the recent declaration of "Climate Emergency" on 27 June 2019, it is proposed to encourage project applications that aspire to reduce environmental impact, drive positive environmental culture and support a Carbon Zero/neutral District. This will allow the Council to track and understand how individual projects, brought forward from within the community, will be delivered sustainably and address local community needs.

- The Council would particularly welcome applications that reduce impact on climate change through the delivery of projects such as:
  - Projects to ensure energy efficiency and carbon reduction
  - Promote cycling, walking or public transport – Reduce individual car emissions (air quality)

- Biodiversity enhancement – Wildflowers, Species, ecosystems enhancement
- Reduction in mains water impact – Rainwater collection, Grey water systems
- Technology and procurement:
  - Eliminating waste streams – Can the product be re-used when finished with? Can food waste be composed? etc.
  - Reducing environment impacts – locally procured, transport, material made of recyclables etc.
  - Improve energy efficiencies etc.
- The provision of new community buildings or refurbishment / improvement of existing community buildings.
- The purchase of major items of equipment.  
**N.B.** individual items must cost a minimum of £4,000 to be eligible.
- Purchase of land.  
**N.B.** with an application for a grant towards the cost of the acquisition of land or buildings, the authority may take advice as to the value of the property and a grant will not be given on expenditure in excess of the price recommended by an approved Valuer.
- Access improvements to buildings, particularly for people with disabilities.

**N.B.** Works to religious buildings are excluded except those that fulfil a substantially wider community role beyond the confines of the religious requirements. Any grant offer will include the requirement for wider community activity at the building and will need to be evidenced.

***\*If you have a project in mind, the Council will advise whether it could be supported.***

#### **4.0 What you need to show and how your application will be judged**

You will need to show that:

- The project relates to the corporate priorities of the District Council, as highlighted within the Corporate Plan 2020-24. Projects should also address priorities from within the 2009-2029 Sustainable Community Strategy for South Derbyshire.
- Your project meets the needs and priorities of the community. You will need to show how you know this. Who have you asked during the development of the project?
- The community itself is committed to and is involved in the project. Are local people acting as volunteers within the project?

- There is a significant element of self-help and that the project can attract other grants. Have local people been involved with fundraising for the project?
- You can support the running of the project. Do you have a plan that shows how this will happen?
- The project is realistic.
- The project provides value for money.

Additionally, when assessing your application the council will consider:

- The management and finance of the organisation.
- Project planning and staffing.
- An analysis of need and impact.
- Commitment to equal opportunities within the project.
- Monitoring and evaluation proposals.
- The value of the applicant's contributions and that of other funding partners, including non-cash contributions, self help, business sponsorship, gifts in kind etc.
- A business plan for large projects.
- Funds already available within the organisation.
- Risk analysis appropriate to the size of your project.
- The extent to which an organisation serves an area outside the District and the extent to which, if any, the organisation receives grants from other sources.

**N.B.** Each application for funding shall be considered on its merits and judged on the information provided. The mechanism for assessing projects is attached to these Guidance Notes as Appendix 2.

## **5.0 Who Can Apply?**

Any community organisation or partnership based or operating in South Derbyshire, providing it is operating on a non-profit basis, and has:

- A constitution or set of rules defining aims objectives and operational procedures.

- A bank or building society account with at least two joint signatures.
- Recently approved and signed accounts or for newly formed organisations, a business plan incorporating at least a 12-month financial forecast.

**N.B.** Individual applications and applications from Local Authorities and commercial organisations are not accepted. Similarly the scheme will not fund political or religious activities, equipment already purchased or work already started.

Non-profit in the context of the Community Partnership Scheme refers to:

- Charities, Community Interest Organisations (CIO's), constituted community groups and clubs.
- Parish Councils for projects that are outside of their statutory duties.
- Community Interest Companies (CIC's) will be considered if all activities, as well as distribution of surplus, can be shown to be for community benefit. (Some CIC's, while using surpluses for community benefit, undertake activities that are not specifically for community benefit.)

## **6.0 Project Development**

The Council recognises that many funders for building based projects require the applicant to have secured all of the appropriate permissions prior applying for funds. The need to do this can markedly slow the progress of a project.

In order to speed up project development the Council will consider applications towards the cost of professional and planning application fees.

Grant applications towards professional fees will still need to show that there is a local need for the main project and that appropriate consultation has been undertaken. It will also be necessary to show that the final project will contribute towards the Corporate priorities of the Council.

The maximum grant that can be applied for towards these fees is £2,000. Applications will be considered outside of the Council's Committee cycle to reduce delay to a minimum.

## **7.0 How to Apply?**

- Contact Ian Hey, Community Partnership Officer on 01283 228741 for a preliminary discussion.
- Electronic versions of forms can be found on the South Derbyshire District Council website

- See the process plan for applications.

## **8.0 When to Apply**

- Applications can be made at any time and will be considered at intervals that tie in with the Council's committee cycle. Please check with the Community Partnership Officer for precise details of deadlines and timetables, as it is likely that the cut-off will be one month before the panel.
- Unsuccessful applicants may be eligible to resubmit updated applications to future rounds of the scheme.

## **9.0 What Happens Next?**

- Once your application has been submitted you will receive acknowledgement and a projected date for when a decision will be made. The length of time taken to process an application will depend upon at what point in the grant giving cycle the application is received. During this time you can progress your application with other grant funding organisations.
- Upon receipt of your application form an initial assessment will be undertaken of the project's eligibility for funding. This will be based upon Sections 2.0, 3.0, 4.0 and 5.0 above.
- Following this initial assessment, a formal assessment will be undertaken by a Panel consisting of Community Partnership Officer and five Councillors. This Panel will score all the applications received by the relevant cut-off date against the set criteria for this scheme. The Panel will then make recommendations for support based on a number of factors, first and foremost the scores attained through the assessment process, but also judgements about the level of funds available, anticipated future demand and whether projects are time critical.
- The recommendations for Main Grants form the basis of a report, which goes before Councillors at the Housing and Community Services Committee. This Committee makes the final decision about awards from the scheme. The Grant Panel has delegated authority to award development grants.
- Following this all applicants are informed of the decision regarding their application. If successful, the letter will contain details about any conditions attached to the grant. If unsuccessful, the applicants will be offered an opportunity to discuss the decision further.

## **10.0 Conditions of the Grant**

The District Council will offer grants with the following conditions:

1. The offer will be valid for a period of 12 months from the date of award. (This period may be extended subject to the applicant being able to demonstrate that the project has progressed and that there is the likelihood of success.)
2. Offers are based upon the submitted project and the commitment of the other partners and/or funders. Any subsequent changes in the details of the project and its finances will lead to a review of the assistance offered by the District Council.
3. Grant payments will generally be released upon receipt of invoices or independently certified completion reports, with the flexibility of staged or lump sum payments. The Council may agree to grant payments to support the project cash-flow. Each request for this will be considered on merit.
4. Payments will be made directly to a bank or specific project account in the name of the organisation. If the applicant is a new or small organisation the Council will consider working with an organisation such as South Derbyshire CVS who has the capacity to hold funds on behalf of other organisations.
5. An agreed review and monitoring process will be put in place to ensure that the aims and objectives of the project are met. Some projects may also have additional conditions applied to them, the extent of which will be agreed at an early stage.
6. Acknowledgement: the support of South Derbyshire District Council should be acknowledged on any literature specific to the project, in press articles or at the premises. The District Council can provide copies of their logos.
7. A grant will be approved in advance of the scheme being carried out. There will be no grants awarded for work already started or completed prior to approval.
8. Your organisation must agree to allow the District Council's officers to inspect your records on request, including your book of accounts.
9. It is a condition of any grant towards the purchase (or development) of recreational facilities, village halls, community centres etc that in the event of the land or buildings ceasing to be so used, or sold, or appropriated for another purpose, the District Council reserves the right to claim a share of the proceeds or value as appropriate, based on the proportion of the District Council grant to the value of the land or building, subject to the overriding supervision of the Charity Commission where applicable.



10. If the application is made by an organisation registered for VAT purposes, grant will be paid only on amounts after deduction of VAT, and net amounts should therefore be shown on applications and claims.

### **11.0 How you can help**

To enable the Council to process your application as quickly as possible it needs your co-operation and it would be helpful if you could bear the following in mind:

- Complete the application form fully providing all relevant information. This will prevent any unnecessary delay in assessing your grant request.
- Don't forget to provide us with a daytime telephone number, as this will help us to resolve any queries as speedily as possible.
- Please update us if there are any changes in circumstances that may affect your application. It is essential that you let us know as soon as possible.

### **12.0 Further Information**

If you wish to discuss any aspect of the information contained in these guidelines, or a potential project, then please contact Ian Hey, Community Partnership Officer on 01283 228741 or email [ian.hey@south-derbys.gov.uk](mailto:ian.hey@south-derbys.gov.uk)

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REPORT TO:	HOUSING AND COMMUNITY SERVICES COMMITTEE	AGENDA ITEM: 6
DATE OF MEETING:	7 <sup>th</sup> JULY 2020	CATEGORY: DELEGATED
REPORT FROM:	STRATEGIC DIRECTOR OF SERVICE DELIVERY	OPEN
MEMBERS' CONTACT POINT:	CHRIS SMITH / 5924	DOC:
SUBJECT:	REVIEW OF THE SOUTH DERBYSHIRE DISTRICT COUNCIL SURVEILLANCE POLICY	REF:
WARD(S) AFFECTED:	WHOLE DISTRICT	TERMS OF REFERENCE:

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## **1.0 Recommendations**

- 1.1 That the Committee approves the changes made to the South Derbyshire District Council Surveillance Policy.

## **2.0 Purpose of Report**

- 2.1 To seek the Committee's approval to the changes made to the Surveillance Policy as part of the scheduled review. The Policy sets out the necessary steps that should be taken to ensure the Council's surveillance systems comply with the overarching legislation, including the 12 principles set out in the Home Office's Surveillance Camera Code of Practice.

## **3.0 Detail**

- 3.1 The Policy applies to all surveillance systems in use by the Council with the exception of Vehicle Location Systems and Noise Monitoring Machines; these are both governed by standalone policies and procedures.
- 3.2 The surveillance systems in this report refer to the closed-circuit television (CCTV), mobile CCTV, motion activated cameras and body worn cameras.
- 3.3 This Policy applies to the installation and operation of surveillance systems, access to and retention of recorded images, complaints, access requests and enquiries, and the deletion and disposal of recorded images.
- 3.4 The legitimate aim of the Council's surveillance systems is for 'the prevention and detection of crime and disorder'.
- 3.5 The Policy is intended to ensure that the Council acts properly and proportionately when considering using CCTV and, where used, that appropriate arrangements are

put in place. All system operators (Surveillance Administrators) should adhere to the 12 guiding principles set out in the Home Office's Surveillance Camera Code of Practice.

- 3.6 The main changes incorporated in the policy are the addition of a section on CCTV in the workplace (Section 10), the addition of Head of Service under Responsibilities (Section 5), replacement of the Privacy Impact Assessments section with the new Data Protection Impact Assessments (Section 3) and the updated revised surveillance inventory (Appendix 5).

#### **4.0 Financial Implications**

- 4.1 There are no financial implications arising from this report.

#### **5.0 Corporate Implications**

- 5.1 This purpose of this Policy (Appendix 1) is to ensure that South Derbyshire District Council complies fully with its legal obligations under the Data Protection Act 1998 (DPA) and General Data Protection Regulation (GDPR) in relation to the protection of personal data that it holds and /or processes about, or concerning, any individual.

#### **6.0 Community Implications**

- 6.1 The Policy is publicly available via the Council's website.
- 6.2 The Policy is intended to ensure that human rights are considered prior to and during the operation of CCTV. The use of PIAs and CCTV Self-Assessments will provide the Council with protection to any claim that an individual's human rights have been breached.

#### **7.0 Background Papers**

- 7.1 South Derbyshire District Council Surveillance Policy.
- 7.2 Home Office's Surveillance Camera Code of Practice.



# Surveillance Policy

**Author: Kevin Stackhouse**

**Service Area: Corporate Resources**

**Date: October 2018**

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## Version Control

Version	Description of version	Effective Date
1.0	First Surveillance Policy	November 2018
1.1	Review, additional section on CCTV in the workplace, inclusion of Head of Service under responsibilities (Section 5) and revised surveillance inventory	June 2020

## Approvals

Approved by	Date
H & CS Committee	22.11.2018
H&CS Committee	

## Associated Documentation

Description of Documentation	
South Derbyshire District Council (SDDC) Policy and Procedure in Relation to Body Worn Video Cameras	(Ref 32SNW)
SDDC Environmental Health Data Retention Policy	
SDDC POLICY ON REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)	
SDDC Vehicle Location System Police (To be completed)	
Home Office Surveillance Camera Code of Practice 2013	
SDDC Regulation of Investigatory Powers Act Policy and Guidance	
SDDC ICT Security Policy	
Information Commissioner's CCTV Code of Practice	
SDDC Data Retention Policy	

## 1. Introduction and Scope

- This Policy sets out the necessary steps that should be taken to ensure South Derbyshire District Council's (the Council's) surveillance systems comply with the overarching legislation as referred to in paragraph 14 of this policy.
- It is one of several policies at the Council which are in place to inform and instruct officers (or customers) on expected behaviour and conduct and should be considered in conjunction with the policies referred to in paragraph 14.
- This Policy applies to all surveillance systems in use by the Council with the exception of Vehicle Location Systems and Noise Monitoring Machines; these are both governed by standalone policies and procedures. See paragraph 14.
- Surveillance systems – collectively refers to closed circuit television, mobile CCTV, motion activated cameras and body worn cameras.
- This Policy applies to the installation and operation of surveillance systems; access to and retention of recorded images; complaints, access requests and enquiries; deletion and disposal of recorded images.
- The Council's surveillance camera systems must operate in compliance with the 12 principles set out in the [Home Office's Surveillance Camera Code of Practice](#).
- The Surveillance Camera Code of Practice states that surveillance camera use must have a clearly defined purpose, be in pursuit of a legitimate aim, and be necessary to address a pressing need.

For the Council a legitimate aim is:

- The Prevention of Disorder or Crime

For information other statutory grounds are:

- The Protection of Health or Morals
- Public Safety
- The Protection of the Rights and Freedoms of Others
- National Security

## 2. Local Strategic Objectives

- For the Council's surveillance systems these are as follows:
  - To support delivery of the Council's vision and priorities by assisting in the prevention and detection of crime and anti-social behaviour; putting residents first.
  - To ensure that the Council's surveillance systems are operated in accordance with regulatory requirements in a transparent and cost efficient manner, taking account of appropriate technological developments.
  - To assist the Council, Derbyshire Police and other statutory and enforcement agencies in carrying out their regulatory, investigatory and enforcement duties within the District.
  - All services must record and report what surveillance systems are in place, their purpose, their form, who is trained to operate them and the justification for having surveillance systems in place to the Data Protection Officer before deploying a surveillance system. The Council will maintain a Surveillance Inventory (see Appendix 5).
  - Services must register any new, additional or replacement surveillance equipment and/or deployment within 30 days of introduction. This must be added to the Corporate Surveillance Inventory

## 3. Data Protection Impact Assessments

- After establishing a legitimate aim for seeking to use a surveillance system, services need to demonstrate that the objective is proportionate to the impact it has on prospective individual's privacy, both that of the subject of surveillance as well as those of third parties who may suffer unintended collateral intrusion, by completing a Data Protection Impact Assessment (DPIA).
- The purpose of the DPIA is to ensure compliance with privacy legislation and the Surveillance Camera Code of Practice Principle 2; i.e. the use of a surveillance camera system must consider its effect on individuals and that any privacy risks are acknowledged and minimised.
- A data protection impact assessment (DPIA) should be completed before any surveillance camera system is installed, whenever a new technology or functionality is being added on to an existing system, or whenever there are plans to process more sensitive data or capture images from a different location. This will assist in assessing and mitigating any privacy issues linked to the use of a



surveillance system

- Surveillance systems should not exceed the defined purpose; consideration should be afforded as to whether it is necessary to capture imagery beyond the boundaries of a defined area.
- You **must** carry out a DPIA for any processing of surveillance camera data that is likely to result in a high risk to individual privacy. The GDPR states that a DPIA “shall in particular be required in the case of “systematic monitoring of publicly accessible places on a large scale” (Article 35).
- As a controller in relation to the processing of personal data, you must seek the advice of a designated Data Protection Officer when carrying out a DPIA.
- The Surveillance Camera Commissioner has produced a Data Protection Impact Assessment template which should be used when completing a DPI. This form can be found on the Council Intranet page and via the Surveillance Commissioner Website: <https://www.gov.uk/government/publications/data-protection-impact-assessments-for-surveillance-cameras>.

## 4. Surveillance Systems

- The locations of and number of surveillance systems should be recorded and proportionately measured against the recorded purpose and DPIA.
- The use of audio recording, including recording incoming phone calls, and visual recording needs to be justifiable; it will not typically be enabled and agreement to use it must be obtained from the Data Protection Officer.
- Viewing of live or recorded imagery should be restricted to the systems designated operator(s) and the Surveillance Administrator, although there may be occasions where other authorised person(s) are required to view footage as a matter of necessity. Please refer to paragraph 9 - ‘Requests to Access Footage’.
- Recorded data must be stored securely and effectively to maintain confidentiality and integrity of the recorded data.
- Disks and memory sticks or any other data storage devices must be encrypted as an effective means to prevent unauthorised access. Please refer to the Council’s ICT Security Policy for additional information regarding device security.
- Retention of recorded imagery and related data should reflect the purpose for which the information was recorded; this should be tailored in accordance with stated aim. It will vary due to the purpose of the system and how long the information needs to

be retained so as to serve its intended purpose. Retention times are stated within the Corporate Data Retention Policy or local departmental Data Retention Schedules. For CCTV and body camera footage this should not exceed a 30-day period; should this period need to be extended beyond 30 days, the Data Protection Officer must consent to this extension taking into account the reason for the extension request, for example, it is evidence in an insurance or criminal investigation.

- Where the recorded imagery and related data is required for formal employment matters the retention and destruction of any data will be dictated by the relevant employment procedure.
- A Surveillance Administrator may need to retain images for a longer period, for example where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation.
- Systems which make use of wireless communication links (e.g. transmitting images between cameras and a receiver) should ensure that these signals are encrypted to prevent interception.
- Systems which can transmit images over the internet (e.g. to allow viewing from a remote location) should ensure that these signals are encrypted to prevent interception and also require some form of authentication for access (e.g. a username and secure password).
- Where encryption is not appropriate, e.g. if it may have an effect on the information being processed, then other appropriate methods should be employed to ensure the safety and security of information.

## **5. Responsibilities**

### ***Chief Executive***

- The Acts referenced in paragraph 14 place a statutory duty upon the Council, as a public authority and a data controller.
- The Chief Executive is responsible for ensuring that the Corporate Surveillance Inventory includes detail of all applicable surveillance assets within that service and for confirming the Asset Owner and Surveillance Administrator responsible for each asset. The Corporate Surveillance Inventory can be found under Appendix 5.

### ***Data Protection Officer***

*NB for the purposes of the policy reference to information, refers to imagery, footage and any other data collected via surveillance systems.*

The Data Protection Officer is the individual designated as responsible for statutory compliance and advice to the organisation on Data Protection legislation. Responsibilities include:

- Understanding the Council's obligations for managing personal and sensitive information.
- Understanding and monitoring how information assets are held, and for what purpose.
- Understanding and monitoring how information is created, amended, added to and deleted over time.
- Understanding and monitoring who has access to the information and why.
- Understanding and monitoring how and why information is shared with external parties and ensuring that this process is properly documented and controlled.
- Understanding and monitoring how information assets are handled and managed and for ensuring that documented processes are in place for this to be done appropriately.
- Ensuring that policies and procedures are followed.
- Responding to and managing information security incidents and any other Information Governance (IG) issues.
- Confirming acceptance and executing their responsibilities via self-certification IG audits (See Appendix 3)

### ***Heads of Service***

Heads of Service are responsible for ensuring compliance with this Policy at all times when surveillance systems are used for any services provided directly, or in partnership with other bodies working on behalf of the Council which includes but is not limited to:

- Maintaining accurate records and reviewing any assets used
- Ensuring Data Retention Schedules are observed, and images securely destroyed
- Ensuring the adequate and appropriate level of training for employees in the exercising of their roles
- Supporting the Chief Executive with developing and reviewing the Policy and its provisions,

### ***Surveillance Administrator***

A Surveillance Administrator has operational responsibility for the surveillance asset; this includes but is not limited to:

- Ensuring the system is maintained.
- Ensuring technical and organisational security of the asset.

- Having responsibility for the scheme; checking footage; downloading footage; arranging appointments, and supervising viewing.
- Ensuring day-to-day compliance with the requirements of this Surveillance Policy and the Home Office Surveillance Code of Practice.
- Carrying out annual reviews of whether the use of the surveillance systems continues to be justified.
- Conducting and reviewing DPIAs.
- Ensuring the Data Protection Officer is informed of all designated operators.

## **6. Body Worn Cameras**

*This section focuses on body worn cameras and should be followed in conjunction with the entirety of this policy.*

- Clothing should explicitly and prominently identify that body worn cameras are in use; the camera itself should be clearly visible.
- Body worn cameras must only be in use whilst employees are acting in their official capacity. Usage should not continue in breaks at work or free time.
- If there is a specified and legitimate purpose for body worn cameras to be used covertly, then the Regulation of Investigatory Powers Act Policy must be followed; there are very limited occasions where such usage will be justified.
- All information should be stored securely and be accurate.

## **7. Signs**

- The public must be alerted that a surveillance system is in operation; this should be done through the use of clear prominent signs at the entrance of the surveillance zones and also enforced with signs inside the area (See Appendix 1).
- Signs should:
  - Be clearly visible, readable and maintained.
  - Contain contact details of the Surveillance Administrator or Data Protection Officer.
  - Identify the purpose for using the surveillance system.
  - Be an appropriate size depending on context; for example, whether they are to be viewed by pedestrians or road users.
- Appropriate signs must be provided to alert road users to the use of cameras on the road network or in areas that vehicles have access to, such as car parks.

## 8. Maintenance

- A confidentiality agreement should be in place for any external contractors carrying out maintenance on, or who manage, operational surveillance systems.
- The confidentiality agreement must restrict access to recorded images, and the use of them, to specified permitted purposes. They must specify that purpose or purposes. Consideration should be given to how long the confidentiality should last for, including where appropriate beyond the contracted period. Access to surveillance systems must not be granted prior to a confidentiality agreement being signed. Signatories to the agreement must have the authority to legally bind the contractor. Please contact the Data Protection Officer for further advice.
- All maintenance must be logged; Surveillance Administrators must keep their own records.
- Procurement advice should be sought by a Surveillance Administrator prior to specification and purchase of new surveillance equipment including software, to ensure that the equipment is both sufficient and technically fit for the required purpose. All surveillance equipment should be compliant with British Standard Institution (BSI) current standards detailed in the BSI codes of practice.
- The Communities Team Manager, relevant Head of Service and Data Protection Officer should also be informed of any new surveillance equipment in order for it to be logged on the Council's surveillance inventory.

## 9. Requests to Access Footage

- A Surveillance Administrator must ensure that requests are assessed before any personal information is given and all disclosures must be logged with the Data Protection Officer. Guidance can be found at Appendix 2. Further guidance can be sought from the Strategic Director (Corporate Resources).
- Where the requestor is also the data subject, the subject access request procedure will be followed.
  - Requests by the Police (pursuant to section 29 of the Data Protection Act 2018) must be approved by the Surveillance Administrator and logged with the Data Protection Officer. Requesting Officers will need to supply Derbyshire Police's prescribed 807 personal data request form. The Surveillance Administrator will be supplied with a copy and this should be logged and signed for (By the requesting

Officer); by signing they agree to be responsible for its retention and disposal.

- All access requests must be recorded by the Surveillance Administrator. Details of the requestor, data subject, nature of the request and the legislation which the request is being made under will need to be provided promptly, so that the Data Protection Officer can validate the request.
- Leadership Team and Heads of Service may request footage to investigate an incident that has occurred e.g. as part of an employment process (if a crime has been committed or public safety affected by a member of staff), abuse of a member of staff, vandalism, damage, anti-social behaviour, hate crime or other in related situations. Each request will be assessed on a case-by-case basis and advice should be sought from the Data Protection Officer, Legal Services and HR. Where footage is shared for any of these reasons, the original must always be retained.
- Copies may be made available for employees to see and respond to, as part of an ongoing employment investigation, where necessary. Where this applies the service should maintain a record of what has been shared, how many copies were provided and to whom, and in what format.
- Footage should only be accessed where there is an allegation or /a report received of wrongdoing and not used as a tool to actively seek out wrongdoing
- Recorded material or live footage must not be released to print, broadcast or online media outlets for commercial or entertainment purposes.
- Footage may be requested under the Freedom of Information Act 2000 or the Data Protection Act 2018; such requests should be referred to the Data Protection Officer for approval.
- The Council will ensure only subjects of the surveillance can be obtained and others' privacy rights can be protected by having their images obliterated by pixelating their images.
- Footage will be processed in accordance with the eight data protection principles of the Data Protection Act 2018; images should be pixelated where appropriate.
- In responding to subject access requests or other disclosures, officers should consider an appropriate format of the data to be disclosed, and appropriate security controls. Before releasing any data, advice and instruction must be provided by the Data Protection Officer and legal services. During procurement, the capability of the device or prospective system to export data securely to third parties should also be considered.

## 10. CCTV in the workplace

- The Council may wish to use surveillance equipment in the workplace for various reasons, the Data Protection Act does not prevent employers from monitoring the work place or its workers, but it recognises that employees are entitled to some privacy at work.
- The Council will ensure all monitoring is proportionate, justifiable, and not too intrusive.
- The Council will inform employees in advance about any monitoring taking place inside the workplace and the reason for it.
- Employees will be given the opportunity to make their views on this known. Any new members of staff should have it explained to them in their induction.
- If Surveillance equipment is installed within the workplace, signs will be displayed near to the cameras to inform staff and visitors that there are cameras monitoring, its purpose and the details of the Surveillance Administrator.
- The information gathered through monitoring should only be used for the aim it was intended for and other circumstances as detailed in this Policy under Section 1.
- Employees have the right to ask which data is held on them, why it is collected and processed.
- Any changes to the use, replacement or installation of new monitoring equipment will be communicated to employees in advance.

## 11. Requests for Surveillance to be Set-up

- Law enforcement agencies may request that covert surveillance is set up for a specified purpose; such requests should be dealt with under the Council's Regulation of Investigatory Powers Act Policy.
- Any over deployment requests will need to be approved by the Strategic Director (Corporate Resources). Such deployments will need to be compliant with the entirety of this Policy.
- The Council's Regulation of Investigatory Powers Act (RIPA) Policy will cover any occasions where the Council would consider carrying out any covert surveillance.

## 12. Surveillance Evidence from Third Parties

The Council is regularly provided with surveillance evidence from third parties to

assist with investigations. It is the duty of the Investigating Officer to establish whether the evidence was obtained in accordance with the Data Protection Act if it was obtained from a public body (e.g. a Parish Council).

If a third party offers surveillance evidence that is required for a Council investigation, the investigating officer should acquire the evidence by downloading onto a Council owned storage device. The footage should be stored securely and should only be retained for the duration of the investigation. Once the investigation is complete the footage should be deleted or disposed of accordingly (see section 13).

### 13. Disposal of Confidential Waste

- Storage devices such as disks and memory sticks may be recycled where possible; secure data destruction must occur before devices are reused.
- Where storage devices cannot be reused, these devices need to be disposed of as confidential waste. Disposal must comply with the Council's disposal process, as detailed in the Council's ICT Security Policy. This requires secure destruction of all data to the standard prescribed by government legislation. Secure data destruction should occur in advance of devices being processed as waste and before being transported for disposal.
- It is essential for such devices to be treated securely and all staff need to maintain confidentiality up until the point of disposal. A record of any devices destroyed should be kept by the Surveillance Administrator.

### 14. Complaints

- Complaints should be promptly referred to the Data Protection Officer via [DataprotectionOfficer@southderbyshire.gov.uk](mailto:DataprotectionOfficer@southderbyshire.gov.uk)
- Where it is alleged that a data protection breach has occurred, the Data Protection Officer must be notified within 24 hours.
- The Data Protection Officer will respond in writing to any complaints within 20 working days.
- Further information can be found in the Council's Data Protection Policy.



## 15. Relevant Policies, Standards and Procedures

- Information Security Policy
- Data Protection Policy
- Council Data Retention Policies
- Regulation of Investigatory Powers Act (RIPA) Policy
- BSI British Standard - Closed Circuit Television - Management and Operation - Code of Practice. BS EN 7958:2009
- Crime and Disorder Act 1998
- Criminal Justice and Public Order Act 1994
- Criminal Procedures and Investigations Act 1996
- Data Protection Act 1998
- Freedom of Information Act 2000
- Human Rights Act 1998 - Article 8 - The right to respect for private and family life, home and correspondence - infringement/invasion of privacy
- Information Commissioners Data Protection Code of Practice for Surveillance Cameras and Personal Information 2015
- Private Security Industry Act 2001
- Protection from Harassment Act 1997 - Offence of Harassment
- Protection of Freedoms Act 2012
- Regulation of Investigatory Powers Act 2000
- Surveillance Camera Commissioners Code of Practice for Surveillance Camera Systems 2013
- Data Protection Act 2018

## 16. Reviews

- In order to comply with the Surveillance Camera Code of Practice, the Data Protection Officer will conduct reviews of compliance with this policy across the Council.
- This policy will be reviewed bi-annually.

## 17. Compliance

- The Strategic Director (Corporate Resources) is responsible for monitoring compliance with this policy.

- If employees do not comply with Council policies, procedures or guidelines, the Council may take appropriate action in accordance with its employment procedures.

## 18. Contact Details

- Please contact the Council's Data Protection Officer with enquiries about this or any other referenced policy, procedure or law.

Email to: [DataprotectionOfficer@southderbyshire.gov.uk](mailto:DataprotectionOfficer@southderbyshire.gov.uk)

Telephone: 01283 595712

## Appendix 1: Standard Signage for use with CCTV Systems

It is a legal requirement to notify the Information Commissioner's Office usage of Surveillance systems.

Signs **must** be displayed so that visitors, members of the public and employees are aware that they are entering a zone which is covered by surveillance equipment.

Signs must be clearly visible and legible. Size will vary according to circumstances:

- Signs displayed in a public area, for example a reception area, need only be **A4** if displayed at eye level.
- Signs displayed in a car park will need to be at least **A3** as they are likely to be viewed from further away, for example by a driver sitting in a car.

Signs must state and display:

- That the Council is responsible for the scheme
- The purpose of the scheme
- The details of whom to contact regarding the scheme.

Signs must be inspected on an annual basis to make sure they remain visible and not obstructed in any way. Their placement and any fixtures should also be included in the review with any maintenance/repair work carried out immediately where possible.

### Template sign

**Images are being recorded for the purpose of crime prevention and public safety.**

**This scheme is controlled by South Derbyshire District Council.**

**For more information please contact via email:  
dataprotectionofficer@southderbyshire.gov.uk**

## Appendix 2: Guidance on Key CCTV Statutory Provisions

### S.7 Data Protection Act 1998 (Subject Access Requests)

Requests for CCTV can be made under section 7 of the Data Protection Act as a subject access request. Requests are commonly made under section 7 by individuals who wish to request their personal information or by those acting on their behalf with their consent. These requests can be validated with:

- The required proof of identity.
- Proof of vehicle ownership (if applicable).
- £10 fee.

However, as section 7 only entitles people to access their personal data, any other individuals/vehicles need to be pixelated.

If a solicitors or insurers is acting on the data subject's behalf, it is reasonable to take it in good faith that they have taken the appropriate due diligence checks in verifying their client's proof of identity and proof of vehicle ownership (if applicable). However, you will require the appropriate signed explicit consent from their client to enable you to release their personal information to them as a third party.

### Section 29 Data Protection Act

Requests for CCTV can be made under section 29 of the Data Protection Act, for example if the request is in relation to the prevention and detection of crime. These requests are often submitted by Derbyshire Constabulary using their 807 form for personal data requests.

The 807 forms must be appropriately signed and completed, to give detail such as:

- To whom the personal data request relates.
- The purpose of the investigation.
- Details required to identify the footage.
- The purpose of requesting the footage (the legal justification to release the information).

When approving a request you should consider whether the disclosure is proportionate to the purpose of the investigation. You are entitled to ask the Police to refine their requests if you feel it is disproportionate.

## **Section 35 Data Protection Act**

Requests for CCTV under section 35 of the Data Protection Act allows information to be disclosed if it is required by law or made in connection with legal proceedings. Requests can be identified as being under section 35 if the requestor indicates in their request that the request is being made specifically under section 35 or if the request is in connection with legal proceedings. If it is not clear what section of the Data Protection Act the request is being made under, then the requestor can clarify this.

If somebody is requesting footage in connection with legal proceedings they must verify that this is the case. It is reasonable to take it in good faith that solicitors and insurers have taken the appropriate due diligence checks in verifying their client's proof of identity and proof of vehicle ownership, although you will require the appropriate signed explicit consent from their client to enable you to release their personal information to them as a third party. This document is usually referenced as a 'form of authority.'

## **General Data Protection Regulation**

The General Data Protection Regulation (EU) 2016/679 (GDPR) regulates the processing of personal data where the processing is carried out for non-Law Enforcement purposes.

### Disclosure for preventing and detecting crime or the apprehension or prosecution of offenders

The UK Parliament used the Data Protection Act 2018 to set out certain exemptions from the GDPR which can be applied in some circumstances. They mean that some of the data protection principles and data subject rights within the GDPR need not be applied or can be restricted when personal data is used or disclosed for particular purposes in the public interest.

Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 (Crime & taxation: general) provides an exemption that can be applied to enable the disclosure of personal data by an organisation whose processing is subject to the GDPR, to the Police for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders.

It permits the restriction or non-application of the GDPR data protection principles and data subject rights (as listed in the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 1) to the extent that the application of those provisions would be likely to prejudice the prevention or detection of crime or the apprehension or prosecution of offenders.

In effect the exemption means that an organisation can provide personal data to the Police where it is necessary for the prevention or detection of crime or the apprehension

or prosecution of offenders without fear of breaching the GDPR or the Data Protection Act 2018.

Disclosure to protect the vital interest of individuals.

Article 6(1)(d) of the GDPR provides a lawful basis for organisations to disclose personal data to the Police where the disclosure is necessary in order to protect the vital interests of the data subject or of another natural person

## Appendix 3: Surveillance Self-Certification Audit

### Summary

This self-certification audit is designed to ensure Surveillance Administrators identify and accept their responsibilities in relation to any surveillance system that they operate.

This toolkit is based on the statutory requirements imposed by: Information Security Policy; Data Protection Policy – in process; Regulation of Investigatory Powers Act (RIPA) Policy; BSI British Standard - Closed Circuit Television - Management and Operation - Code of Practice. BS EN 7958:2009; Crime and Disorder Act 1998; Criminal Justice and Public Order Act 1994; Criminal Procedures and Investigations Act 1996; Data Protection Act 1998; Freedom of Information Act 2000; Human Rights Act 1998 - Article 8 - The right to respect for private and family life, home and correspondence - infringement/invasion of privacy; Information Commissioners Data Protection Code of Practice for Surveillance Cameras and Personal Information 2015; Private Security Industry Act 2001; Protection from Harassment Act 1997 - Offence of Harassment; Protection of Freedoms Act 2013; Regulation of Investigatory Powers Act 2000; Surveillance Camera Commissioners Code of Practice for Surveillance Camera Systems 2013; Data Protection Act 2018.

Name of surveillance system covered by this statement :

.....

Corporate reference number if known: :

.....

Full system inventory (*insert an embedded document*):

## Compliance Statement

I confirm that:

1. The surveillance is in place to address the pressing need of prevention of disorder or crime.
2. Annual reviews are carried out in accordance with the Council's Surveillance Policy to ensure continuing use remains justified. The review includes completion of a privacy impact assessment.
3. I am aware of their corporate and statutory responsibilities.
4. Appropriate technical, organisational and physical standards are adhered to.
5. Access is restricted to where there is justifiable necessity in accordance with the data protection legislation.
6. Relevant signage is in place, inspected and maintained.
7. Agreements with information processors or contractors for maintenance are compliant with the relevant legislation. Agreements restrict access to recorded images, and the use of them, to specified permitted purposes.
8. Requests to access personal data (other than Police requests) are sent to the Data Protection Officer via [dataprotectionofficer@southderbyshire.gov.uk](mailto:dataprotectionofficer@southderbyshire.gov.uk) in a timely manner.
9. Requests for new cameras to be deployed are sent to the Data Protection Officer via [dataprotectionofficer@southderbyshire.gov.uk](mailto:dataprotectionofficer@southderbyshire.gov.uk) in a timely manner.
10. I do not deploy or approve any covert surveillance without following the process outlined in the Council's RIPA policy.
11. Retention of surveillance material does not routinely exceed 30 calendar days.
12. Destruction or disposal of devices or information is carried out in a secure manner.
13. Surveillance complaints are promptly referred to the Data Protection Officer via email to [dataprotectionofficer@southderbyshire.gov.uk](mailto:dataprotectionofficer@southderbyshire.gov.uk)



**Surveillance Administrator Self Certification**

I confirm that I am aware of my responsibilities as a Surveillance Administrator in conjunction with this Surveillance Policy and the relevant statutory provisions listed in Section 15

Signed.....

Name.....

Directorate.....

Date.....

## Appendix 4 Police Form 807 Personal Data Request Form

OFFICIAL SENSITIVE (WHEN COMPLETE)

Form 807  
R5/18



### Request to external organisation for the disclosure of personal data to the Police

Under Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 and GDPR Article 6(1)(d)



To:

|

Position (where known):

Organisation:

South Derbyshire District Council

Address:

Civic Way, Swadlincote



I am making enquiries which are concerned with:

- ☒ The prevention or detection of crime\*
- ☒ The prosecution or apprehension of offenders\*
- ☐ Protecting the vital interests of a person\*

☒ I confirm that the personal data requested below is needed for the purposes indicated above and a failure to provide that information will be likely to prejudice those matters. \*

☒ I confirm that the individual(s) whose personal data is sought should not be informed of this request as to do so would be likely to prejudice the matters described above. \*

\*Check mark as is appropriate

Information required:

|  
|  
|  
|

Police Reference:

|

Version 2.0 29<sup>th</sup> May 2018

OFFICIAL SENSITIVE (WHEN COMPLETE)

Form 807  
R5/18

**From:**

Rank/Number/Name:

Station:

Date/Time:

Telephone Number(s):

Email address:

Signature\*:

---

Counter Signature:\*

Rank/Number/Name:

*\*as required by recipient, please see Completion Guidance below*

If your organisation receives a request for a copy of this document or this information, (e.g. under the Data Protection Act, EU General Data Protection Regulation or the Freedom of Information Act), please contact the Force Data Protection Officer at Derbyshire Constabulary Headquarters, Butterley Hall, Ripley, Derbyshire DE5 3RS. Telephone number 101.

---

#### Completion Guidance

Police officers or staff completing this form should type and tab between the fields on the form. The information required field should provide the recipient with sufficient information to allow them to locate the information sought. Where a signature and/or counter signature are required the form will need to be printed off and signed manually. Some organisations may require a counter signature to be added to the form. Normally this should be the supervisor or line manager of the person completing the form, but may be a higher rank if reasonably required by the recipient.

Further guidance on the use of this form may be obtained from the Force Data Protection Officer.

#### Guidance Notes

This form is used by the police when making a formal request to other organisations for personal data where disclosure is necessary for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders, or to protect the vital interests of individuals.

The General Data Protection Regulation (EU) 2016/679 (GDPR) regulates the processing of personal data where the processing is carried out for non-Law Enforcement purposes.

#### Disclosure for preventing and detecting crime or the apprehension or prosecution of offenders.

The U.K. Parliament used the Data Protection Act 2018 to set out certain exemptions from the GDPR which can be applied in some circumstances. They mean that some of the data protection principles and data subject rights within the GDPR need not be applied or can be restricted when personal data is used or disclosed for particular purposes in the public interest.

Version 2.0 29<sup>th</sup> May 2018

OFFICIAL SENSITIVE (WHEN COMPLETE)

Form 807  
R5/18

Schedule 2 Part 1 Paragraph 2 of the Data Protection Act 2018 (Crime & taxation: general) provides an exemption that can be applied to enable the disclosure of personal data by an organisation whose processing is subject to the GDPR, to the police for the purposes of the prevention or detection of crime or the apprehension or prosecution of offenders.

It permits the restriction or non-application of the GDPR data protection principles and data subject rights (as listed in the Data Protection Act 2018 at Schedule 2 Part 1 Paragraph 1) to the extent that the application of those provisions would be likely to prejudice the prevention or detection of crime or the apprehension or prosecution of offenders.

In effect the exemption means that an organisation can provide personal data to the police where it is necessary for the prevention or detection of crime or the apprehension or prosecution of offenders without fear of breaching the GDPR or the Data Protection Act 2018.

It is acknowledged that the exemption places no compulsion on the recipient to disclose the requested personal data, but it should provide reassurance that a disclosure for these purposes can be made in compliance with the GDPR and the Data Protection Act 2018.

Disclosure to protect the vital interests of individuals.

Article 6(1)(d) of the GDPR provides a lawful basis for organisations to disclose personal data to the police where the disclosure is necessary in order to protect the vital interests of the data subject or of another natural person.

## Appendix 5: South Derbyshire District Council Surveillance Inventory

Number	Type of Surveillance	Location/Area Surveillance covers	Asset Owner	Surveillance Administrator	Details of those trained to operate the system(s)	Footage is Recorded	Active Monitoring	Details of Active Monitoring	Operational Issues	Retention Period Does not exceed 30 Days
1	Fixed CCTV Cameras in Swadlincote Town Centre	13x Cameras at 6 locations covering Swadlincote Town centre	Communities Manager	Communities Assistant	Communities Manager & Communities Assistant	Yes	No	None		Yes
2	Fixed SDDC Offices CCTV Cameras (External)	4 Cameras cover the outside of the Council building including the public car parks	Communities Manager	Communities Assistant	Communities Manager & Communities Assistant	Yes	No	None		Yes
3	Fixed CCTV in Midway Community Centre	6 Cameras on building covering surrounding area	Cultural Services Manager	Cultural Services Officer	Cultural Services Officer & Midway Community Centre Assistant	Yes	No	None		Yes
4	Fixed Rosliston Forrestry Centre CCTV Cameras	Cameras cover area around the buildings at Rosliston Forrestry Centre	Cultural Services Manager	Rosliston Manager	Duty Manager and Maintenance Manager	Yes	No	None		Yes
5	CCTV Located in Refuse Lorries	Whole District whilst on collections	Head of Operational Services	Head of Operational Services	Head of Operational Services	Yes	No	None		Yes
6	Fixed Depot CCTV Cameras	Cameras cover Outside of the Depot building	Head of Corporate Property	Head of Operational Services	IT Service Assistant	Yes	No	None		Yes
7	Tracking Devices in refuse lorries	Used to record daily routes, speed, mileage, fuel use, weights etc	Head of Operational Services	Waste and Transport Manager	Waste and Transport Manager, Waste and Transport Supervisor, Waste and Transport Officer	Yes	No	None		Yes
8	Body Worn Cameras	Whole District whilst patrolling	Environmental Health Manager	Senior Neighbourhood Warden	3 x Community Safety Enforcement Officers & 1x Park Warden	Yes	No	None		Yes
9	Redeployable Flytipping Cameras	Whole District covering Flytipping hotspot sites	Environmental Health Manager	Senior Neighbourhood Warden	4 x Community Safety Enforcement Officers	Yes	No	None		Yes
10	Redeployable Noise Monitoring Equipment	Used across the whole district to investigate noise complaints	Environmental Health Manager	Pollution Control Officer	3 x Environmental Health Officers	Yes	No	None		Yes
11	Fixed CCTV in Alexander Road Flats	Cameras cover the inside and directly outside of the flats	Improvement & Repairs Team Leader	Project Officer Housing Services	Project Officer Housing Services	Yes	No	None		Yes
12	Fixed SDDC Offices Cameras (Internal)	10 x Cameras located inside the main Council offices	Improvement & Repairs Team Leader	Project Officer Housing Services	Project Officer Housing Services	Yes	No	None		Yes
13	System Covering IT Server room	4x static cameras inside Server room	ICT Operations Manager	ICT Manager	IT Officers	Yes	No	None		Yes



Home Office

# Surveillance Camera Code of Practice

June 2013

# **Surveillance Camera Code of Practice**

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# Chapter 1: Introduction

## Definitions

### 1.1 In this code:

- “1998 Act” means the Data Protection Act 1998.
- “2000 Act” means the Regulation of Investigatory Powers Act 2000.
- “2012 Act” means the Protection of Freedoms Act 2012.
- “Overt surveillance” means any use of surveillance for which authority does not fall under the 2000 Act.
- “Public place” has the meaning given by Section 16(b) of the Public Order Act 1986 and is taken to include any highway and any place to which at the material time the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.
- “Relevant authority” has the meaning given by Section 33(5) of the 2012 Act.
- “Surveillance camera systems” has the meaning given by Section 29(6) of the 2012 Act and is taken to include: (a) closed circuit television (CCTV) or automatic number plate recognition (ANPR) systems; (b) any other systems for recording or viewing visual images for surveillance purposes; (c) any systems for storing, receiving, transmitting, processing or checking the images or information obtained by (a) or (b); (d) any other systems associated with, or otherwise connected with (a), (b) or (c)<sup>1</sup>.
- “System Operator” - person or persons that take a decision to deploy a surveillance camera system, and/or are responsible for defining its purpose, and/or are responsible for the control of the use or processing of images or other information obtained by virtue of such system.
- “System User” – person or persons who may be employed or contracted by the system operator who have access to live or recorded images or other information obtained by virtue of such system.

## Background

- 1.2 This code of practice is issued by the Secretary of State under Section 30 of the 2012 Act. It provides guidance on the appropriate and effective use of surveillance camera systems by relevant authorities (as defined by section 33 of the 2012 Act) in England and Wales who must have regard to the code when exercising any functions to which the code relates. Other operators and users of surveillance camera systems in England and Wales are encouraged to adopt the code voluntarily. It is a significant step in the ongoing process of delivering the government’s commitment to the ‘further regulation of CCTV’ which it believes is a task that is best managed in gradual and incremental stages. As understanding and application of the code increases the government may consider including other bodies as relevant authorities who will have to have regard to the code.

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<sup>1</sup> Excludes any camera system with relevant type approval of a prescribed device under Section 20 of the Road Traffic Offenders Act 1988 used exclusively for enforcement purposes, which captures and retains an image only when the relevant offence is detected and with no capability to be used for any surveillance purpose. For example, for the enforcement of speeding offences.

## Purpose of the code

- 1.3 Surveillance camera systems are deployed extensively within England and Wales, and these systems form part of a complex landscape of ownership and operation. Where used appropriately, these systems are valuable tools which contribute to public safety and security and in protecting both people and property.
- 1.4 The government is fully supportive of the use of overt surveillance cameras in a public place whenever that use is: in pursuit of a legitimate aim; necessary to meet a pressing need<sup>2</sup>; proportionate; effective, and; compliant with any relevant legal obligations.
- 1.5 The purpose of the code will be to ensure that individuals and wider communities have confidence that surveillance cameras are deployed to protect and support them, rather than spy on them. The government considers that wherever overt surveillance in public places is in pursuit of a legitimate aim and meets a pressing need, any such surveillance should be characterised as surveillance by consent, and such consent on the part of the community must be informed consent and not assumed by a system operator. Surveillance by consent should be regarded as analogous to policing by consent. In the British model of policing, police officers are citizens in uniform. They exercise their powers to police their fellow citizens with the implicit consent of their fellow citizens. Policing by consent is the phrase used to describe this. It denotes that the legitimacy of policing in the eyes of the public is based upon a general consensus of support that follows from transparency about their powers, demonstrating integrity in exercising those powers and their accountability for doing so.
- 1.6 In order to achieve this, the code sets out guiding principles that should apply to all surveillance camera systems in public places. These guiding principles are designed to provide a framework for operators and users of surveillance camera systems so that there is proportionality and transparency in their use of surveillance, and systems are capable of providing good quality images and other information which are fit for purpose.
- 1.7 To support the practical application of these guiding principles by a system operator, the Surveillance Camera Commissioner will provide information and advice on appropriate and approved operational and technical standards for various aspects of surveillance camera systems and on appropriate and approved occupational and competency standards for persons using these systems or processing images and information obtained by these systems to supplement this code.
- 1.8 This code has been developed to address concerns over the potential for abuse or misuse of surveillance by the state in public places, with the activities of local authorities and the police the initial focus of regulation. However, the government fully recognises that many surveillance camera systems within public places are operated by the private sector, by the third sector or by other public authorities (for example, shops and shopping centres, sports grounds and other sports venues, schools, transport systems and hospitals). Informed by advice from the Surveillance Camera Commissioner, the government will keep the code under review and may in due course consider adding others to the list of relevant authorities pursuant to section 33(5)(k) of the 2012 Act.

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2 A public authority will be bound by the Human Rights Act 1998 and will therefore be required to demonstrate a pressing need when undertaking surveillance as this may interfere with the qualified right to respect for private and family life provided under Article 8 of the European Charter of Human Rights. This is the case whether or not that public authority is a relevant authority. A system operator who is not a public authority should nevertheless satisfy themselves that any surveillance is necessary and proportionate.

## Scope of surveillance activity to which this code applies

- 1.9 The code applies to the use of surveillance camera systems as defined in paragraph 1.1 that operate in public places in England and Wales, regardless of whether or not there is any live viewing, or recording of images or information or associated data.
- 1.10 Covert surveillance by public authorities (as defined in Part II of the 2000 Act) is not covered by this code but is regulated by the 2000 Act. Covert surveillance in public places by those who do not fall within the 2000 Act (for example, the private operator of a surveillance camera system in a shopping centre) may be used as part of a specific investigation in exceptional and justifiable circumstances. Any such covert use of private systems by or on behalf of a public authority (with the authority's knowledge) immediately places such use within the bounds of the 2000 Act.

## Effect of the Code

- 1.11 A relevant authority must follow a duty to have regard to the guidance in this code when, in exercising any of its functions, it considers that the future deployment or continued deployment of surveillance camera systems to observe public places may be appropriate. This can include the operation or use of any surveillance camera systems, or the use or processing of images or other information obtained by virtue of such systems. The duty to have regard to this code also applies when a relevant authority uses a third party to discharge relevant functions covered by this code and where it enters into partnership arrangements. Contractual provisions agreed after this code comes into effect with such third party service providers or partners must ensure that contractors are obliged by the terms of the contract to have regard to the code when exercising functions to which the code relates. The duty to have regard does not extend to such third party service providers or partners unless they themselves are a relevant authority.
- 1.12 When a relevant authority in England has civil parking enforcement functions under the Traffic Management Act 2004 or bus lane enforcement functions under the Transport Act 2000, and considers the use of surveillance camera systems in exercising those functions, it must have regard to the guidance in this code. The primary purpose of any surveillance camera system used as part of civil enforcement arrangements must be the safe and efficient operation of the road network by deterring motorists from contravening parking or road traffic restrictions. Motorists may regard enforcement by cameras as over-zealous and relevant authorities should use them sparingly. Such systems should, therefore, only be deployed where other means of enforcement are not practical and their effectiveness in achieving this purpose is subject to regular review. Where there is any conflict between this code and the secondary legislation made under the Traffic Management Act 2004 or the Transport Act 2000 relevant to those functions or the statutory guidance issued under section 87 of the Traffic Management Act 2004, the provisions made in or under the Traffic Management Act 2004 and the Transport Act 2000 shall apply.
- 1.13 When a relevant authority in England has civil enforcement functions for moving traffic contraventions under the London Local Authorities Act 1996 Part 2, the London Local Authorities Act 2000 Schedule 2 and the London Local Authorities and Transport for London Act 2003 Part 2, and considers the use of surveillance camera systems in exercising those functions, it must have regard to the guidance in this code. The primary purpose of any surveillance camera system used as part of civil enforcement arrangements must be the safe and efficient operation of the road network by deterring

motorists from contravening parking or road traffic restrictions. Motorists may regard enforcement by cameras as over-zealous and relevant authorities should use them sparingly. Such systems should , therefore, only be deployed where other means of enforcement are not practical and their effectiveness in achieving this purpose is subject to regular review. Where there is any conflict between this code and London Local Authorities Act 1996 Part 2, the London Local Authorities Act 2000 Schedule 2 and the London Local Authorities and Transport for London Act 2003 Part 2 relevant to those functions then that legislation shall apply.

- 1.14 When a relevant authority in Wales has civil parking, bus lane or moving traffic enforcement functions under the Traffic Management Act 2004 and considers the use of surveillance camera systems in exercising those functions, it must have regard to the guidance in this code. The primary purpose of any surveillance camera system used as part of civil enforcement arrangements must be the safe and efficient operation of the road network by deterring motorists from contravening parking or road traffic restrictions. Motorists may regard enforcement by cameras as over-zealous and relevant authorities should use them sparingly. Such systems should , therefore, only be deployed where other means of enforcement are not practical and their effectiveness in achieving this purpose is subject to regular review. Where there is any conflict between this code and the secondary legislation made under the Traffic Management Act 2004 relevant to those functions or the Statutory Guidance documents issued by the Welsh Government under section 87 of the Traffic Management Act 2004, then that legislation and guidance shall apply.
- 1.15 When a relevant authority has licensing functions and considers the use of surveillance camera systems as part of the conditions attached to a licence or certificate, it must in particular have regard to guiding principle one in this code. Any proposed imposition of a blanket requirement to attach surveillance camera conditions as part of the conditions attached to a licence or certificate is likely to give rise to concerns about the proportionality of such an approach and will require an appropriately strong justification and must be kept under regular review. Applications in relation to licensed premises must take into account the circumstances surrounding that application and whether a requirement to have a surveillance camera system is appropriate in that particular case. For example, it is unlikely that a trouble-free community pub would present a pressing need such that a surveillance camera condition would be justified. In such circumstances where a licence or certificate is granted subject to surveillance camera system conditions, the consideration of all other guiding principles in this code is a matter for the licensee as the system operator.
- 1.16 A failure on the part of any person to act in accordance with any provision of this code does not of itself make that person liable to criminal or civil proceedings. This code is, however, admissible in evidence in criminal or civil proceedings, and a court or tribunal may take into account a failure by a relevant authority to have regard to the code in determining a question in any such proceedings.
- 1.17 Other operators of surveillance camera systems who are not defined as relevant authorities are encouraged to adopt this code and its guiding principles voluntarily and make a public commitment to doing so. Such system operators are not, however, bound by any duty to have regard to this code.

## Relevant documents

- 1.18 The Information Commissioner's CCTV Code of Practice provides good practice guidance for those involved in operating CCTV and other surveillance camera systems which view or record images of individuals including information derived from those images that may be related to them such as a vehicle registration mark. Its primary purpose is to help those involved in such activities to comply with their legal obligations under the 1998 Act.
- 1.19 The covert surveillance and property interference code of practice published by the Home Office provides statutory guidance on the use of covert surveillance by public authorities under the 2000 Act. Further guidance on the application of the 2000 Act is available from the Office of the Surveillance Commissioners.
- 1.20 This code provides guidance on the use of surveillance camera systems but does not replace or remove any statutory obligations on operators or users of such systems to comply with the provisions of both the 1998 Act and the 2000 Act.

# Chapter 2: Overview and Guiding Principles

- 2.1 Modern and forever advancing surveillance camera technology provides increasing potential for the gathering and use of images and associated information. These advances vastly increase the ability and capacity to capture, store, share and analyse images and information. This technology can be a valuable tool in the management of public safety and security, in the protection of people and property, in the prevention and investigation of crime, and in bringing crimes to justice. Technological advances can also provide greater opportunity to safeguard privacy. Used appropriately, current and future technology can and will provide a proportionate and effective solution where surveillance is in pursuit of a legitimate aim and meets a pressing need.
- 2.2 In general, any increase in the capability of surveillance camera system technology also has the potential to increase the likelihood of intrusion into an individual's privacy. The Human Rights Act 1998 gives effect in UK law to the rights set out in the European Convention on Human Rights (ECHR). Some of these rights are absolute, whilst others are qualified, meaning that it is permissible for the state to interfere with the right provided that the interference is in pursuit of a legitimate aim and the interference is proportionate. Amongst the qualified rights is a person's right to respect for their private and family life, home and correspondence, as provided for by Article 8 of the ECHR<sup>3</sup>.
- 2.3 That is not to say that all surveillance camera systems use technology which has a high potential to intrude on the right to respect for private and family life. Yet this code must regulate that potential, now and in the future. In considering the potential to interfere with the right to privacy, it is important to take account of the fact that expectations of privacy are both varying and subjective. In general terms, one of the variables is situational, and in a public place there is a zone of interaction with others which may fall within the scope of private life. An individual can expect to be the subject of surveillance in a public place as CCTV, for example, is a familiar feature in places that the public frequent. An individual can, however, rightly expect surveillance in public places to be both necessary and proportionate, with appropriate safeguards in place.

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3 Article 8 of the European Charter on Human Rights reads as follows:

## Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.



- 2.4 The decision to use any surveillance camera technology must, therefore, be consistent with a legitimate aim and a pressing need. Such a legitimate aim and pressing need must be articulated clearly and documented as the stated purpose for any deployment. The technical design solution for such a deployment should be proportionate to the stated purpose rather than driven by the availability of funding or technological innovation. Decisions over the most appropriate technology should always take into account its potential to meet the stated purpose without unnecessary interference with the right to privacy and family life. Furthermore, any deployment should not continue for longer than necessary.
- 2.5 The starting point for a system operator in achieving the most appropriate balance between public protection and individual privacy and thereby achieving overt surveillance by consent is to adopt a single set of guiding principles that are applicable to all surveillance camera systems in public places. Following these guiding principles allows a system operator to establish a clear rationale for any overt surveillance camera deployment in public places, to run any such system effectively, helps ensure compliance with other legal duties and to maximise the likelihood of achieving surveillance by consent.

## Guiding Principles

2.6 System operators should adopt the following 12 guiding principles:

1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.



10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.
11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.
12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

# Chapter 3: The development or use of surveillance camera systems

This chapter expands on guiding principles 1-4 which address the development or use of surveillance camera systems

**Principle 1 - Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.**

- 3.1.1 Surveillance camera systems operating in public places must always have a clearly defined purpose or purposes in pursuit of a legitimate aim and necessary to address a pressing need (or needs). Such a legitimate aim and pressing need might include national security, public safety, the economic well-being of the country, the prevention of disorder or crime, the protection of health or morals, or the protection of the rights and freedoms of others. That purpose (or purposes) should be capable of translation into clearly articulated objectives against which the ongoing requirement for operation or use of the systems and any images or other information obtained can be assessed.
- 3.1.2 In assessing whether a system will meet its objectives, and in designing the appropriate technological solution to do so, a system operator should always consider the requirements of the end user of the images, particularly where the objective can be characterised as the prevention, detection and investigation of crime and the end user is likely to be the police and the criminal justice system.
- 3.1.3 A surveillance camera system should only be used in a public place for the specific purpose or purposes it was established to address. It should not be used for other purposes that would not have justified its establishment in the first place. Any proposed extension to the purposes for which a system was established and images and information are collected should be subject to consultation before any decision is taken.

**Principle 2 - The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.**

- 3.2.1 The right to respect for private and family life set out in Article 8 of the ECHR enshrines in law a long held freedom enjoyed in England and Wales. People do, however, have varying and subjective expectations of privacy with one of the variables being situational. Deploying surveillance camera systems in public places where there is a particularly high expectation of privacy, such as toilets or changing rooms, should only be done to address a particularly serious problem that cannot be addressed by less intrusive means. Such deployment should be subject to regular review, at least annually, to ensure it remains necessary.

- 3.2.2 Any proposed deployment that includes audio recording in a public place is likely to require a strong justification of necessity to establish its proportionality. There is a strong presumption that a surveillance camera system must not be used to record conversations as this is highly intrusive and unlikely to be justified.
- 3.2.3 Any use of facial recognition or other biometric characteristic recognition systems needs to be clearly justified and proportionate in meeting the stated purpose, and be suitably validated<sup>4</sup>. It should always involve human intervention before decisions are taken that affect an individual adversely.
- 3.2.4 This principle points to the need for a privacy impact assessment process to be undertaken whenever the development or review of a surveillance camera system is being considered to ensure that the purpose of the system is and remains justifiable, there is consultation with those most likely to be affected, and the impact on their privacy is assessed and any appropriate safeguards can be put in place. Where such an assessment follows a formal and documented process, such processes help to ensure that sound decisions are reached on implementation and on any necessary measures to safeguard against disproportionate interference with privacy. In the case of a public authority, this also demonstrates that both the necessity and extent of any interference with Article 8 rights has been considered.
- 3.2.5 A privacy impact assessment also helps assure compliance with obligations under the 1998 Act. Comprehensive guidance on undertaking a privacy impact assessment is available from the Information Commissioner's Office. This encourages organisations to devise and implement an assessment process that is appropriate and proportionate to their circumstances.

### Principle 3 - There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.

- 3.3.1 People in public places should normally be made aware whenever they are being monitored by a surveillance camera system, who is undertaking the activity and the purpose for which that information is to be used. This is an integral part of overt surveillance and is already a legal obligation under the 1998 Act. Furthermore, such awareness on the part of the public supports and informs the concept of surveillance by consent.
- 3.3.2 Surveillance by consent is dependent upon transparency and accountability on the part of a system operator. The provision of information is the first step in transparency, and is also a key mechanism of accountability. In the development or review of any surveillance camera system, proportionate consultation and engagement with the public and partners (including the police) will be an important part of assessing whether there is a legitimate aim and a pressing need, and whether the system itself is a proportionate response. Such consultation and engagement also provides an opportunity to identify any concerns and modify the proposition to strike the most appropriate balance between public protection and individual privacy.

- 3.3.3. This means ensuring effective engagement with representatives of those affected and in particular where the measure may have a disproportionate impact on a particular community. It is important that consultation is meaningful and undertaken at a stage when there is a realistic prospect of influencing developments.
- 3.3.4 System operators should be proactive in the provision of regularly published information about the purpose, operation and effect of a system. This is consistent with the government's commitment to greater transparency on the part of public bodies.
- 3.3.5 In addition to the proactive publication of information about the stated purpose of a surveillance camera system, good practice includes considering the publication of information on the procedures and safeguards in place, impact assessments undertaken, performance statistics and other management information and any reviews or audits undertaken. Public authorities should consider including this information as part of their publication schemes under the Freedom of Information Act 2000.
- 3.3.6 This is not to imply that the exact location of surveillance cameras should always be disclosed if to do so would be contrary to the interests of law enforcement or national security.
- 3.3.7 A system operator should have an effective procedure for handling concerns and complaints from individuals and organisations about the use of surveillance camera systems. Information about complaints procedures should be made readily available to the public. Where a complaint is made and the complainant not satisfied with the response there should be an internal review mechanism in place using a person not involved in handling the initial complaint. Complaints must be handled in a timely fashion and complainants given an indication of how long a complaint may take to handle at the outset.
- 3.3.8 Once a complaint has been concluded information should be provided to the complainant about any regulatory bodies who may have jurisdiction in that case such as the Information Commissioner or the Investigatory Powers Tribunal.
- 3.3.9 Where a complaint or other information comes to the attention of a relevant authority or other system operator that indicates criminal offences may have been committed in relation to a surveillance camera system then these matters should be referred to the appropriate body, such as the police or the Information Commissioner for any offences under the 1998 Act.
- 3.3.10 In line with government commitment towards greater transparency on the part of public authorities a system operator should publish statistical information about the number and nature of complaints received and how these have been resolved on an annual basis at least.
- 3.3.11 The government's further commitment to 'open data' means that public authorities should consider making information available in reusable form so others can develop services based on this data. This would extend to information about surveillance camera systems.
- 3.3.12 The Surveillance Camera Commissioner has no statutory role in relation to the investigation and resolution of complaints. System operators should, however, be prepared to share information about the nature of complaints with the Surveillance Camera Commissioner on an ad hoc and where appropriate anonymised basis to assist in any review of the operation of this code of practice.

## Principle 4 - There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.

- 3.4.1 Persons considering the need to develop a surveillance camera system should give due consideration to the establishment of proper governance arrangements. There must be clear responsibility and accountability for such a system. It is good practice to have a designated individual responsible for the development and operation of a surveillance camera system, for ensuring there is appropriate consultation and transparency over its purpose, deployment and for reviewing how effectively it meets its purpose.
- 3.4.2 Where a system is jointly owned or jointly operated, the governance and accountability arrangements should be agreed between the partners and documented so that each of the partner organisations has clear responsibilities, with clarity over obligations and expectations and procedures for the resolution of any differences between the parties or changes of circumstance.
- 3.4.3 A surveillance camera system may be used for more than one purpose. For example, one purpose might be crime prevention and detection, and another traffic management. Accountability for each purpose may rest within different elements of a system operator's management structure. Should that be the case, then it is good practice for the governance arrangements to include those accountable for each purpose and facilitate effective joint working, review and audit, decision making and public engagement.

# Chapter 4: The use or processing of images or other information obtained by virtue of such systems

This chapter expands on guiding principles 5-12 which address the use or processing of images and information.

**Principle 5 - Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.**

- 4.5.1 There are significant benefits in having clear policies and procedures for the operation of any surveillance. This can not only aid the effective management and use of a surveillance camera system but also help ensure that any legal obligations affecting the use of such a system are addressed.
- 4.5.2 A surveillance camera system operator is encouraged to follow a quality management system as a major step forward in controlling and improving their key processes. Where this is done through certification against a quality management standard it can provide a robust operating environment with the additional benefit of reassurance for the public that the system is operated responsibly and effectively, and the likelihood of any breach of individual privacy is greatly reduced.
- 4.5.3 It is good practice that the communication of rules, policies and procedures should be done as part of the induction and ongoing professional training and development of all system users. This should maximise the likelihood of compliance by ensuring system users are competent, have relevant skills and training on the operational, technical and privacy considerations and fully understand the policies and procedures. It is requirement of the 1998 Act that organisations ensure the reliability of staff having access to personal data, including images and information obtained by surveillance camera systems.
- 4.5.4 Wherever there are occupational standards available which are relevant to the roles and responsibilities of their system users, a systems operator should consider the benefits and any statutory requirements associated with such occupational standards.
- 4.5.5 The Surveillance Camera Commissioner will provide advice and guidance on relevant quality management and occupational competency standards.
- 4.5.6 Wherever a surveillance camera system covers public space a system operator should be aware of the statutory licensing requirements of the Private Security Industry Act 2001. Under these requirements, the Security Industry Authority (SIA) is charged with licensing individuals working in specific sectors of the private security industry. A public space surveillance (CCTV) licence is required when operatives are supplied under a contract for services. It is a criminal offence for staff to carry out licensable activities without an SIA licence.

- 4.5.7 SIA licensing is dependent upon evidence that an individual is fit and proper to fulfil the role, and evidence of their ability to fulfil a role effectively and safely with the right skills and knowledge. There are various relevant qualifications available, and training to attain these is delivered by a range of different accredited providers.
- 4.5.8 Even where there is no statutory licensing requirement, it is good practice for a system operator to ensure that all staff who either manage or use a surveillance camera system, or use or process the images and information obtained by virtue of such systems have the necessary skills and knowledge.

**Principle 6 - No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.**

- 4.6.1 Images and information obtained from a surveillance camera system should not be kept for longer than necessary to fulfil the purpose for which they were obtained in the first place. This period should be decided in advance and be the minimum period necessary. This is also a requirement of the 1998 Act and further guidance on this is contained in the ICO CCTV code of practice.
- 4.6.2 The retention period for different surveillance camera systems will vary due to the purpose for the system and how long images and other information need to be retained so as to serve its intended purpose. It is not, therefore, possible to be prescriptive about maximum or minimum periods. Initial retention periods should be reviewed by a system operator and reset in the light of experience. A proportionate approach should always be used to inform retention periods and these should not be based upon infrequent exceptional cases.
- 4.6.3 Although images and other information should not be kept for longer than necessary to meet the purposes for recording them, on occasions, a system operator may need to retain images for a longer period, for example where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation.

**Principle 7 - Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.**

- 4.7.1 The disclosure of images and other information obtained from a surveillance camera system must be controlled and consistent with the stated purpose for which the system was established. Disclosure of images or information may be appropriate where the 1998 Act makes exemptions which allow it provided that the applicable requirements of the 1998 Act are met, or where permitted by other legislation such as the Counter Terrorism Act 2008. These exemptions include where non-disclosure would be likely to prejudice the prevention and detection of crime, and for national security purposes. Where a system operator declines a request for disclosure from a law enforcement agency there is provision under Section 9 of and Schedule 1 to the Police and Criminal Evidence Act 1984 to seek a production order from a magistrate.



- 4.7.2 There may be other limited occasions when disclosure of images to another third party, such as a person whose property has been damaged, may be appropriate. Such requests for images or information should be approached with care and in accordance with the 1998 Act, as a wide disclosure may be an unfair intrusion into the privacy of the individuals concerned.
- 4.7.3 A system operator should have clear policies and guidelines in place to deal with any requests that are received. In particular:
- Arrangements should be in place to restrict disclosure of images in a way consistent with the purpose for establishing the system.
  - Where images are disclosed consideration should be given to whether images of individuals need to be obscured to prevent unwarranted identification.
  - Those that may handle requests for disclosure should have clear guidance on the circumstances in which disclosure is appropriate.
  - The method of disclosing images should be secure to ensure they are only seen by the intended recipient.
  - Appropriate records should be maintained.
- 4.7.4 Judgements about disclosure should be made by a system operator. They have discretion to refuse any request for information unless there is an overriding legal obligation such as a court order or information access rights. Once they have disclosed an image to another body, such as the police, then the recipient becomes responsible for their copy of that image. If the recipient is a relevant authority, it is then the recipient's responsibility to have regard to this code of practice and to comply with any other legal obligations such as the 1998 Act and the Human Rights Act 1998 in relation to any further disclosures.
- 4.7.5 Individuals can request images and information about themselves through a subject access request under the 1998 Act. Detailed guidance on this and matters such as when to withhold images of third parties caught in images is included in the ICO CCTV code of practice.
- 4.7.6 Requests for information from public bodies may be made under the Freedom of Information Act 2000. Detailed guidance on these obligations is included in the ICO CCTV code of practice.

## **Principle 8 - Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.**

- 4.8.1 Approved standards may apply to the system functionality, the installation and the operation and maintenance of a surveillance camera system. These are usually focused on typical CCTV installations, however there may be additional standards applicable where the system has specific advanced capability such as ANPR, video analytics or facial recognition systems, or where there is a specific deployment scenario, for example the use of body-worn video recorders.



- 4.8.2 Approved standards are available to inform good practice for the operation of surveillance camera systems, including those developed domestically by the British Standards Institute, at a European level by the Comité Européen de Normalisation Électrotechnique<sup>5</sup>, or at a global level by the International Electrotechnical Commission. A system operator should consider any approved standards which appear relevant to the effective application of technology to meet the purpose of their system, and taking steps to secure certification against those standards.
- 4.8.3 Such certification is likely to involve assessment by an independent certification body. This has benefits for a system operator in that the effectiveness of a system is likely to be assured and in demonstrating to the public that suitable standards are in place and being followed.
- 4.8.4 A current list of recommended standards for consideration by a system operator will be maintained and made available by the Surveillance Camera Commissioner. Such a list will provide detailed guidance on suitable standards and the bodies that are able to accredit performance against such standards.

### Principle 9 Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

- 4.9.1 Putting effective security safeguards in place helps ensure the integrity of images and information should they be necessary for use as evidence in legal proceedings. This also helps to foster public confidence in system operators and how they approach the handling of images and information.
- 4.9.2 Under the 1998 Act, those operating surveillance camera systems or who use or process images and information obtained by such systems must have a clearly defined policy to control how images and information are stored and who has access to them. The use or processing of images and information should be consistent with the purpose for deployment, and images should only be used for the stated purpose for which collected.
- 4.9.3 Security extends to technical, organisational and physical security and there need to be measures in place to ensure that this is the case and guard against unauthorised use, access or disclosure. The ICO CCTV code of practice gives helpful guidance on achieving this in practice.

### Principle 10 - There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.

- 4.10.1 Good practice dictates that a system operator should review the continued use of a surveillance camera system on a regular basis, at least annually, to ensure it remains necessary, proportionate and effective in meeting its stated purpose for deployment.
- 4.10.2 As part of the regular review of the proportionality and effectiveness of a surveillance camera system a system operator should assess whether the location of cameras remains justified in meeting the stated purpose and whether there is a case for removal or relocation.

- 4.10.3 In reviewing the continued use of a surveillance camera system a system operator should consider undertaking an evaluation to enable comparison with alternative interventions with less risk of invading individual privacy, and different models of operation (to establish for example any requirement for 24 hour monitoring). In doing so, there should be consideration of an assessment of the future resource requirements for meeting running costs, including staffing, maintenance and repair.
- 4.10.4 A system operator should make a summary of such a review available publicly as part of the transparency and accountability for the use and consequences of its operation.

**Principle 11 - When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.**

- 4.11.1 The effectiveness of a surveillance camera system will be dependent upon its capability to capture, process, analyse and store images and information at a quality which is suitable for its intended purpose. Wherever the purpose of a system includes crime prevention, detection and investigation, it should be capable through processes, procedures and training of system users, of delivering images and information that is of evidential value to the criminal justice system. Otherwise, the end user of the images, who are likely to be the police and the criminal justice system, will not be able to play their part effectively in meeting the intended purpose of the system.
- 4.11.2 It is important that there are effective safeguards in place to ensure the forensic integrity of recorded images and information and its usefulness for the purpose for which it is intended to be used. Recorded material should be stored in a way that maintains the integrity of the image and information, with particular importance attached to ensuring that meta data (e.g. time, date and location) is recorded reliably, and compression of data does not reduce its quality. This is to ensure that the rights of individuals recorded by a surveillance camera system are protected and that the material can be used as evidence in court. To do this the medium on which the images and information are stored will be important, and access must be restricted. A record should be kept as an audit trail of how images and information are handled if they are likely to be used as exhibits for the purpose of criminal proceedings in court. Once there is no longer a clearly justifiable reason to retain the recorded images and information, they should be deleted.
- 4.11.3 It is important that digital images and other related information can similarly be shared with ease with appropriate law enforcement agencies if this is envisaged when establishing a system. If this interoperability cannot be readily achieved it may undermine the purpose for deploying the system.
- 4.11.4 It is therefore essential that any digital images and information likely to be shared with law enforcement agencies and the criminal justice system are in a data format that is interoperable and can be readily exported, and then stored and analysed without any loss of forensic integrity. In particular:

- A system user should be able to export images and information from a surveillance camera system when requested by a law enforcement agency.
- The export of images and information should be possible without interrupting the operation of the system.
- The exported images and information should be in a format which is interoperable and can be readily accessed and replayed by a law enforcement agency.
- The exported images and information must preserve the quality of the original recording and any associated meta data (e.g. time, date and location).

**Principle 12 - Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.**

- 4.12.1 Any use of technologies such as ANPR or facial recognition systems which may rely on the accuracy of information generated elsewhere such as databases provided by others should not be introduced without regular assessment to ensure the underlying data is fit for purpose.
- 4.12.2 A system operator should have a clear policy to determine the inclusion of a vehicle registration number or a known individual's details on the reference database associated with such technology. A system operator should ensure that reference data is not retained for longer than necessary to fulfil the purpose for which it was originally added to a database.
- 4.12.3 There may be occasions when the inclusion of information about an individual in a reference database with the intention of undertaking surveillance can be considered as covert surveillance and thus fall with the bounds of the 2000 Act. Further guidance on the application of the 2000 Act is available in the Home Office statutory covert surveillance and property interference code of practice and from the Office of the Surveillance Commissioners.

# Chapter 5: Surveillance Camera Commissioner

- 5.1 The Surveillance Camera Commissioner, (the commissioner), is a statutory appointment made by the Home Secretary under Section 34 of the 2012 Act. The commissioner's statutory functions are:
- a) encouraging compliance with this code;
  - b) reviewing the operation of this code; and
  - c) providing advice about this code (including changes to it or breaches of it).
- 5.2 In order to fulfil these functions effectively, the commissioner must work closely with other regulators including the Information Commissioner and the Chief Surveillance Commissioner. It is for the commissioner and other regulators to determine how best to maintain and formalise these relationships, to agree gateways through which issues flow between the public and the commissioners and how best to publicise and report on arrangements to support these relationships which will be critical in ensuring the success of the code in meeting its purpose.

## Ways of working

- 5.3 The commissioner has no enforcement or inspection powers. In encouraging compliance with the code he should consider how best to ensure that relevant authorities are aware of their duty to have regard for the code and how best to encourage its voluntary adoption by other operators of surveillance camera systems.
- 5.4 The commissioner is expected to provide advice about the relevant operational, technical, quality management and occupational competency standards which are available for a system operator. A system operator can then consider these standards in determining how best to meet the purpose of their surveillance camera system whilst meeting legal obligations, making effective use of it, and safeguarding privacy considerations. Such advice can be updated to reflect developments in both the available technology and professional practice.
- 5.5 In reviewing the operation of the code, the commissioner should consider the impact of this system of regulation against published success criteria and the opportunities to improve compliance in line with better regulation principles.
- 5.6 The commissioner should provide advice and information to the public and system operators about the effective, appropriate, proportionate and transparent use of surveillance camera systems and should consider how best to make that information available. Such advice should complement the content of this code, and may for example provide additional detail on good practice, advice on the effectiveness of surveillance cameras and how this might be assessed, or on the proportionate application of any new technological developments in surveillance camera systems. Such advice could, for example, include the preparation of a manual of regulation that sets out how the commissioner will fulfil his functions.

- 5.7 The commissioner may establish a non statutory advisory council with specialist sub-groups to support him in fulfilling his functions. Any advisory council or specialist sub-group must have representation from such persons appearing to the commissioner to be representative of the views of relevant authorities and from the Home Office.
- 5.8 The commissioner must prepare a report about the exercise of his functions during the reporting period, and:
- a) give a copy of the report to the Secretary of State;
  - b) the Secretary of State must lay a copy of the report before Parliament; and
  - c) the commissioner must publish the report.
- 5.9 The reporting periods are set out in Section 35 of the 2012 Act.



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<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES</b>	<b>AGENDA ITEM: 7</b>
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> JULY 2020</b>	<b>CATEGORY: (See Notes)</b> <b>DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>PAUL WHITTINGHAM.</b> <a href="mailto:paul.whittingham@southderbys.gov.uk">paul.whittingham@southderbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>HOMELESSNESS/ROUGH SLEEPING</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL WHERE THE REPORT AFFECTS THE DISTRICT AS A WHOLE <u>OR</u> SPECIFIC WARDS</b>	<b>TERMS OF REFERENCE: (See Notes)</b>

## **1.0 Recommendations**

- 1.1 That the Committee retrospectively approves the granting of permission to make a "block booking" of the Three Queens Hotel to use as temporary accommodation for homeless households affected by the Covid19 outbreak. This is following the Chief Executive's prior approval under his delegated authority during the suspension of Council and Committee meetings due to the pandemic.
- 1.2 That the Committee retrospectively notes that the commissioning of this service was subject to an exemption from the Contract Procedure Rules, under Sections 4 and 5 and that this exemption has been ratified by the Finance and Management Committee on 2<sup>nd</sup> July 2020.
- 1.3 That the Committee approves a contribution of £10,000 from existing Homelessness budgets towards the continued support for households that have been accommodated in temporary accommodation. This contribution has already been approved by the Finance and Management Committee on 2<sup>nd</sup> July 2020.

## **2.0 Purpose of the Report**

- 2.1 This report and the report attached at Appendix A outlines the Council's initial response to rough sleepers and other households made homeless during the Covid19 outbreak.
- 2.2 The report also seeks approval to confirm the Council's commitment to the Derbyshire-wide approach to supporting those households placed in temporary accommodation during the outbreak.

### **3.0 Executive Summary**

- 3.1 After the outbreak of Covid-19, the Government issued a call to local authorities to get “everyone in”. This primarily referred to people who are sleeping rough. The Council does not usually have a statutory duty to accommodate everyone when homeless, so some people can be without shelter under normal circumstances. This call, fronted by Dame Louise Casey, placed responsibility on local councils to house more people than usual and incur the higher costs associated with this, principally to cover bed and breakfast costs. It also included a directive that communal night-shelters and street encampments be closed, as communal settings are a high risk for spreading coronavirus. The Derby and Chesterfield night shelters closed during the week beginning 16th March, placing additional demands on local councils where these were operating.
- 3.2 Several options were pursued unsuccessfully with other providers and the Council reached its own agreement with the Three Queens Hotel in Burton on Trent for the provision of meals and accommodation. The report providing details of this arrangement was approved by the Chief Executive on 29<sup>th</sup> May under his delegated powers and is attached at Appendix 1.
- 3.3 As the “Lockdown” arrangements have eased so the focus of local councils who provide services to homeless households has changed towards making sure that support and accommodation continues to be available for homeless households.
- 3.4 A Derbyshire-wide Recovery Plan has been agreed with all other local authorities in Derbyshire and funding of £284,000 has been allocated across the County. All Derbyshire District and Borough Councils have been asked to contribute to the delivery of the plan with the Council’s contribution of £10,000 based on the relatively low numbers of rough sleepers in the area.

### **4.0 Detail**

- 4.1 On March 23rd all Councils in England were ordered to bring in everyone who was rough sleeping, and subsequently everyone who became homeless during the lock down. Based on Ministry of Housing, Communities and Local Government (MHCLG) figures, local authorities have since accommodated up to 15,000 individuals in hotel and Bed and Breakfast establishments. In Derbyshire, councils have accommodated 80 people so far. At the start of the crisis local councils and Derbyshire County Council came together to collaborate on the temporary block booking of hotels to create much needed extra housing capacity to shield a large portion of the homeless and rough sleeping cohort.
- 4.2 This jointly funded initiative, has proven to be a major success and several agencies and organisations including homeless and rough sleeping outreach services, drug and alcohol teams, NHS teams, Police and council housing staff have worked together to support some of the most vulnerable people in society through the worst times of the Covid-19 crisis.
- 4.3 However, the existing provision in South Derbyshire will end on the 24th June. The hotel provision, although effective, cannot be retained indefinitely, although will continue to be used in emergencies. The people brought in, need an offer of support to help them through the next phase. Partner agencies have agreed a Recovery Plan to put the necessary resources in place to support and re-home as many people as possible into longer term accommodation.



- 4.4 Without a boost in support services and an increased supply in accommodation, most of the people accommodated in hotels, guest houses and B&B's will have nowhere to go, and current support services will be unable to provide the care and expertise required for the amount of people being released onto the streets. There is therefore an opportunity to build on the collaborative approach nurtured over the last few months.
- 4.5 Through the experience and current service delivery of key partners including P3 and Pathways of Chesterfield it is proposed to deliver an intensive and wrap-around support service to a cohort of approximately 60 (to be confirmed) individuals in Derbyshire who have been placed in temporary accommodation by the local authorities during the Covid-19 pandemic. These individuals are experiencing overlapping and challenging issues such as offending, drug and alcohol misuse and poor mental health. Due to their challenging needs South Derbyshire has accommodated five clients who would not normally have been accommodated in one hotel and other B&Bs.
- 4.6 If funding is secured to establish this Service it will be delivered by P3 in South Derbyshire, Erewash and Amber Valley. Pathways will focus support in Chesterfield, North East Derbyshire and Bolsover. Currently P3 delivers the Derbyshire Rough Sleeper Service. This Service will work closely with the Derbyshire Rough Sleeping Outreach Team (DOT) as it is currently engaged with this group of people, learning from their involvement, experience and local knowledge and ensuring a smooth transition for the individual from service to service. Data, knowledge and experience from the DOT will be used to undertake an audit of need, the level of support required and to help identify gaps in current service provision. This will in turn inform delivery using the Link-worker model.
- 4.7 The cohort for this Service is a complex group for whom existing provision will not sufficiently meet their needs. The existing services are unsuitable for their level of need and/or circumstances. There is also the acknowledgement that existing services that may be able to meet the needs of this group are already at capacity and, in many cases, operating waiting lists, thus creating a barrier to timely access.
- 4.8 Derbyshire Councils, P3 and Pathways of Chesterfield have developed a partnership model, drawing on the vast experience of supporting people who are experiencing homelessness, utilising current infrastructure across Derbyshire and building on the successful track record, working in partnership to support the people who need housing and support.
- 4.9 The proposal is that P3 will be the lead contractor for this project and will subcontract to Pathways of Chesterfield. P3 currently fulfil the country-wide Rough Sleeper Initiative contract which is funded by MHCLG and in partnership with Pathways of Chesterfield it has provided an exceptional level of commitment through the crisis. P3 has supported the most vulnerable and challenging clients placed in the hotels across the county to make sure people are safe. They have found accommodation during the difficult period of the lock down for people made homeless and they have established key partnerships with public health, NHS and drug and alcohol services.
- 4.10 The proposal seeks to operate a new 12-month wrap around service at a cost of £260,000, funded from contributions from partner councils, other public bodies and existing grants already received. Working in partnership will ensure that each council can secure support for the numbers of people from their area. South Derbyshire has five households in the current hotel and B&B provision and so it is proposed that a

contribution of £10,000 is made available by the Council to support the scheme. This contribution can be met from the Council's existing Homelessness Grant provision.

- 4.11 Each person will be allocated a Link Worker who will provide consistent support for as long as required (over the next 12 months) and will act as a trusted individual and single point of contact for both the person and any other individuals or services involved with them, coordinating support across multiple services.
- 4.12 The cost of six Linkworkers and a Senior Linkworker is £284,000 for 12 months (Including the re purposing of £60,000 exiting grant funding). The total cost is inclusive of all on-costs such as pension, national insurance, management, corporate support (IT, finance, HR) Training, IT equipment and travel. This cost will be shared across Derbyshire authorities on the basis of the forecast number of cases for each local authority.
- 4.13 Advice from the Local Government Association (LGA) in the recently published 'Local Authority Rough Sleeper Accommodation Guidance' has highlighted the need for councils to act quickly to source services during the Covid19 crisis. In recognition of the urgent need to move quickly to deal with the Covid-19 crisis, the government has issued Procurement Policy Notes PPN01/20 and PPN 02/20 in response. Chesterfield Borough Council is leading the project with support from colleagues across Derbyshire and will manage the procurement arrangements.
- 4.14 The LGA report has also highlighted the long established partnership work within Derbyshire and the 'Everyone In – Derbyshire Response', "Collective action has been rapid and the multiagency collaboration very strong, something achieved by working together over many years."

## **5.0 Financial Implications**

- 5.1 The Government have provided £1650.00 in additional funding towards the Council's additional costs for accommodating rough sleepers. Additional funding has also been sought from Derbyshire County Council.
- 5.2 The proposed contribution of £10,000 from the Council to the Recovery Plan can be met from existing Homelessness budgets.

## **6.0 Corporate Implications**

### **Employment Implications**

- 6.1 There are no employment implications for the Council created by this report.

### **Legal Implications**

- 6.2 There are no direct legal implications for the Council created by this report.

### **Corporate Plan Implications**

- 6.3 This report directly contributes to achieving the Council's aims regarding: Supporting and safeguarding the most vulnerable. Partners encourage independent living

and keep residents healthy and happy in their homes. Promote health and wellbeing across the District.

### **Risk Impact**

- 6.4 This report contributes to managing the Corporate risk: “Voluntary and Community Sector - a reduction in resources for partners who deliver services with or on behalf of the Council” by maintaining existing community sector resources at a time when demand for this resources has increased.

## **7.0 Community Impact**

### **Consultation**

- 7.1 There has been on going consultation with statutory and voluntary agencies regarding the ongoing provision of Homelessness services,

### **Equality and Diversity Impact**

- 7.2 These services continue to be accessible to all members of the community and offer additional support to those wit Protected Characteristics as identified within the Equality Act 2010.

### **Social Value Impact**

- 7.3 The contents of this report directly support the aims of the Council’s Sustainable Community Strategy by: “Supporting families, particularly those who are most vulnerable, leads to better outcomes for children and young people.”

### **Environmental Sustainability**

- 7.4 There is no direct environmental impact identified of the activities within this report.

## **8.0 Conclusions**

- 8.1 The Council and its partners across the County have been successful thus far in accommodating homeless households and rough sleepers during the Covid-19 outbreak
- 8.2 There is a clear need for on going support for these households which has been acknowledged by Government and is supported through additional funding
- 8.3 The Recovery Plan will assist the Council in continuing to discharge its legal duties to homeless households and tough sleepers during the Covid-19 outbreak.

## **9.0 Background Papers**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.
- \*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).

<b>REPORT TO:</b>	<b>Chief Executive</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>		<b>CATEGORY: (See Notes)</b> <b>DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>Head of Housing</b>	
<b>MEMBERS' CONTACT POINT:</b>	<b>Paul Whittingham</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Temporary Accommodation for Homeless Households</b>	
<b>WARD(S) AFFECTED:</b>		<b>TERMS OF REFERENCE: (See Notes)</b>

1. **Recommendations** The following recommendations are to be made under the Chief Executive's delegated authority during the current suspension of Council and Committee meetings. These recommendations will be reported to the next available Housing and Community Services Committee retrospectively.

1.1. That the Chief Executive, under his delegated powers, approves the appointment of the Three Queens Hotel in Burton on Trent to deliver Bed and Breakfast services, for homeless households from May 2020.

1.2 That the commissioning of this service is subject to an exemption from the Contract Procedure Rules, under Sections 4 and 5

1.3 That following approval by the Chief Executive and a report to the next Housing and Community Services Committee, the financial elements including the required exemption from Contract Procedure Rules are subject to further ratification at the Finance and Management Committee.

## **2.0 Purpose of the Report**

2.1 To seek the Chief Executive's approval for the procurement of hotel accommodation and ancillary services for the provision of emergency and temporary accommodation, to discharge the Council's duties to homeless households under the Homeless Reduction Act 2018 and subsequent regulations and guidance regarding Covid-19.

2.2 To enable an exemption from the Contract Procedure Rules due to the fact that this is the only provider who has been able to agree the provision of five units of accommodation within the urgent timescale required.

## **3.0 Executive Summary**

- 3.1 The supply of the usual temporary /emergency accommodation from hotels in the area has ceased due to recent government announcements related to Covid-19.
- 3.2 The demand for this accommodation is likely to increase as certain groups of prisoners and hospital patients are released in advance of usual release and discharge dates.
- 3.3 The Council is working with NOVUS, the Council's repairs' contractor, to provide temporary accommodation of a reasonable standard although this will be barely furnished and may not be accessible or appropriate for some clients or in an emergency.
- 3.4 The Council, in partnership with Erewash Borough Council, has been trying to negotiate a block booking of jointly accessible accommodation in or around the Erewash, Derby City and South Derbyshire areas.
- 3.5 Since those negotiations began a further offer of Bed and Breakfast accommodation has been received from the Three Queens Hotel in Burton on Trent. This offer is at a lower daily rate than the others and is also for a lower number of bedrooms.

#### **4.0 Detail**

##### **4.1 Background**

Since the outbreak of Covid-19, the Government has issued a call to local authorities to get "everyone in". This primarily refers to people who are sleeping rough. The Council does not usually have a statutory duty to accommodate everyone when homeless, so some people can be without shelter under normal circumstances. This call, fronted by Dame Louise Casey, therefore places responsibility on local councils to house more people than usual and incur the higher costs associated with this, principally to cover bed and breakfast costs. It also included a directive that communal night-shelters and street encampments be closed down, as communal settings are a high risk for spreading coronavirus. The Derby and Chesterfield night shelters closed around during the week beginning 16<sup>th</sup> March, placing additional demands on local councils where these were operating.

- 4.2 The numbers of people sleeping rough changes constantly. Some find accommodation for periods and 'sofa surf' while others remain outside. Some move around and are not easy to find. At the last count on one day in November using the government's 'snapshot' methodology, there were 38 rough sleepers counted county-wide, although none were in South Derbyshire
- 4.3 The need for self-contained accommodation extends to many households that the Council already has a responsibility to accommodate. The Council is working with NOVUS to bring into use self-contained and suitable accommodation for people who are self-isolating thereby reducing the possible transmission of the virus.
- 4.4 Another potential demand has arisen in relation to prison discharges. The Ministry of Justice's Homelessness Forum has been tasked with consulting local authorities in respect of government's consideration of granting early release to some prisoners; ostensibly to reduce pressure on the prison system and manage coronavirus outbreaks within custodial establishments more effectively. It wants to know how councils can help accommodate higher numbers of people released from custody for those falling into the early release cohort but for whom there is no accommodation. The request raises the possibility of funding for accommodation, however, without

any sense of numbers at this stage it is not possible to provide a clear response. Housing Services in Derbyshire has contacted the lead officer for the Forum to discuss possible ways forward. From these discussions it is understood that the early release programme will be staged with the first tranche of releases being for pregnant women. The Ministry of Justice has confirmed that some prisoners may be released without having an existing permanent address.

- 4.5 The Council has already been asked to assist with the provision of services for patients who are being discharged early by local hospitals. In the first instance this request is for the provision of telecare (Careline) services, although the need to provide accommodation cannot be ruled out.
- 4.6 At around the same time as the call for “everyone in” was being made, government instructed a range of businesses to close, although the government has now made an exception for hotels and B&Bs which provide accommodation for the homeless. However, one impact has been the loss of access to hotels used when the B&B accommodation procured by the Council is full: they do not have the demand to open just for this group of customers. Another issue has been the restricted access to out-of-hours emergency placements. This service, provided by the Council for other district councils in Derbyshire has had to resort to making placements in Stoke-on-Trent, outside of normal working hours.
- 4.7 The reduced access to accommodation extends to housing associations, as reduced numbers of repairs’ staff has led to properties not being repaired as quickly or as completely as usual. Government has also advised against house moves, except where necessary. The numbers in temporary accommodation will undoubtedly increase without this pool of people having permanent places to move on to.

#### **4.8 Actions taken so far**

The Housing Service has worked with NOVUS to secure a pipeline of accommodation into which some homeless families can be placed either permanently or temporarily. This is in line with Government guidance regarding the allocation of accommodation during the Covid-19 outbreak published on 27<sup>th</sup> April 2020. Only three other Housing providers in the South Derbyshire Homefinders partnership have been able to offer the prospect of providing temporary accommodation, none of which provides for emergency self-contained accommodation.

- 4.9 Safe, self-contained accommodation where people can self-isolate is needed. The generally poor health of this cohort of people means that it contains many people from vulnerable groups, some of which may not be receiving medical care or may not have been diagnosed with conditions due to difficulties registering with GPs. To this end, the Council has worked to identify accommodation that is both open and willing to accommodate the client groups outlined above. Despite several promising negotiations, relatively few hotels are willing and able to provide this service. Where they are, measures will need to be put in place to reassure owners that they will not incur financial losses through damage and that the safety of residents and staff will be at the forefront of arrangements.
- 4.10 The Council has been working with Erewash Borough Council in seeking a solution which brings with it the advantage of sharing the risk where rooms are paid for but not occupied. A comprehensive trawl of accommodation around the County has produced just a few workable solutions. All three Holiday Inns in Derbyshire have declined. Some negotiations ended once the hotel’s local management was overruled in light of government’s [Page 70 of 128](#) hotels to close. Proposals have been



received from the Risley Hall Hotel near Long Eaton and the Hallmark Hotel in Derby Whilst neither has been pursued further the costs are included in the tables below.

Table 1: estimated costs of all 17 rooms, Risley Hall

	<b>Daily cost</b>	<b>Weekly cost</b>	<b>Twelve weeks</b>	<b>Sixteen weeks</b>
Room only @ £65 per room	£1,105	£7,735	£92,850	£123,760
Food, 3x daily @ £15 pp	£255	£1,785	£21,420	£28,560
Security @ £11.83 ph, 9pm- 5am	£189.28	£1,324.96	£15,899.52	£21,199.36
<b>*Total</b>	<b>£1,549</b>	<b>£10,845</b>	<b>£139,170</b>	<b>£173,519</b>

Table 2: estimated costs of 20 rooms at the Hallmark Hotel

	<b>Daily cost</b>	<b>Weekly cost</b>	<b>Twelve weeks</b>	<b>Sixteen weeks</b>
Room only @ £65 per room	£1,300	£9,100	£109,200	£145,600
Food, 3x daily @ £30 pp	£600	£4,200	£50,400	£67,200
<b>**Security @ £11.83 ph, 9pm- 5am</b>	<b>£189.28</b>	<b>£1,324.96</b>	<b>£15,899.52</b>	<b>£21,199.36</b>
<b>*Total</b>	<b>£2,089.28</b>	<b>£14,625</b>	<b>£175,500</b>	<b>£233,999</b>

\*rounded to nearest £

\*\* assuming that we will be allowed to commission our own security

- 4.17 The costs and risks of both these proposals would have been shared by the Council and Erewash Borough council. However, all these schemes required the Council to either fully or partly fund eight or nine bedrooms. Whilst the demand for accommodation has increased markedly across Derbyshire since the start of the lockdown, the Council have only been required to make one emergency placement in Bed and Breakfast. This is testimony to the effective preventative work by the Housing Options team. This coupled with the supply of temporary accommodation within the Councils own housing stock suggests that a lesser number of units is required. Feedback from the Housing Options team suggests that a more local solution would be preferable.
- 4.18 The Graile Court Hotel in Burton on Trent has been asked to provide a proposal. This establishment also required the Council to make a booking for the entire hotel which is felt to be excessive and has not been pursued.
- 4.19 Three Queens Hotel in Burton on Trent has offered a block booking of five rooms for an initial eight week period at a flat rate of £45.00 per room per night ( regardless of size or occupancy). Meals can be provided at £15.00 per person per day. Consequently, the costs of this service are:



- If no households are referred then our cost to retain the rooms will be :£9,800 ( minimum cost)
- If all rooms are occupied by single people, the cost will be £16,800
- If all rooms are occupied by a family of five the cost will be £33,600 (maximum cost)

There are other household permutations that will fall between the minimum and maximum cost.

The hotel has reduced its meal cost to £15 pp, which reduces the non-eligible cost to be covered either by the Council or government funding. The Housing Benefit eligible room cost stays the same at £45.00 per night.

The daily rate for the accommodation and the provision of meals is lower than the other proposals received so far.

There is on site security and the hotel has been separated into different areas for differing client groups. (Single people, vulnerable females/mothers, families).

#### **4.20 Funding**

There are a range of funding options available to the Council to cover the cost of procuring this accommodation. The Council receives Homelessness Reduction Grant annually from central government. This amounts to £49,401 The Council receive Flexible Housing Support Grant from the government of £118,421. These funds are already allocated to the operating budgets of the Housing Options Team. The Council has been provisionally allocated £1,650 from the Coronavirus (COVID-19) Rough Sleeping Contingency Fund which it is in the process of requesting from government to support the additional costs of placing rough sleepers in B&B accommodation. This amount is based on the zero return in the annual rough sleeper survey.

Derbyshire County Council received a significantly larger sum and has agreed, in principle, to allocate £125,000 to the south of the County for this purpose. Written confirmation of this agreement is being sought from senior officers in the Council.

Some Housing Benefits subsidy will result from claims made by those using the rooms. The Housing Service is exploring with Housing Benefits whether the accommodation could be considered to be eligible for Intensive Housing Management to maximise the subsidy received. There may be additional costs to the Council in the event of excessive damage or cleaning.

#### **4.21 Summary**

In addition to the Council's usual statutory responsibility to house homeless households, it has been asked to house all rough sleepers immediately as part of the government's "everyone in" campaign. Funding has been provided for this purpose and subject to confirmation from Derbyshire County Council there should be sufficient funds to cover eight weeks accommodation, food and security, government has indicated that more funding may become available.

The Chief Executive is asked to give his agreement to the Housing Service procuring five rooms at the Three Queens hotel for eight weeks with an option to extend this, should funding be available. This decision, which would be subject to later ratification by both the Housing and Community Services and Finance and Management Committees and be made urgently to meet the Government's call,

without using up all of the Council's accommodation that it usually uses for homeless households.

## **5.0 Financial Implications**

- 5.1 At this stage, no additional grants as a result of Covid-19 have been received by the Council in relation to Homelessness but the Government has made very clear statements about the provision of funding.
- 5.2 There is an earmarked reserve totalling £248,735 set-aside from underspends on the Homelessness Service in prior years and no drawdown is anticipated in 2019/20. This can be utilised towards the cost of providing hotel accommodation as detailed in the report.
- 5.3 It should be noted however that prior to the Covid-19 pandemic, one-off projects were being considered for prevention of homelessness in line with measures contained within the Homelessness Reduction Act. Utilising this reserve will reduce future progress with these projects and potentially create a risk of non-compliance with the Act.
- 5.4 If the Council can secure some of the allocated funding of £125,000 from DCC and the grants in relation to rough sleeping quoted in this report are received this will reduce any potential drawdown from reserves., the overall cost of this proposal can be contained without the need to drawdown from the reserve.

## **6.0 Corporate Implications**

### **Employment Implications**

- 6.1 No direct employment implications

### **Legal Implications**

- 6.2 There are no direct legal implications of this report, as the Council will not be entering into a lease with the hotel.

### **Corporate Plan Implications**

- 6.3 The contents of this report will directly contribute to: Supporting and safeguarding the most vulnerable, with partners encouraging independent living and keep residents healthy and happy in their homes. Promote health and wellbeing across the District.

### **Risk Impact**

- 6.4 The contents of this report will assist in minimizing the risk of rough sleeping in the District

## **7.0 Community Impact**

## **Consultation**

- 7.1 No consultation with the community is required

## **8.0 Conclusions**

- 8.1 That there is an urgent need for Bed and Breakfast accommodation for homeless households in light of the Covid-19.
- 8.2 That the proposal made by the Three Queens Hotel in Burton on Trent is the most appropriate for the Council in terms of ; cost, location and number of units available.

## **9.0 Background Papers**

### **Notes:**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision or needs to refer it elsewhere with a recommendation.
- \*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).

<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES</b>	<b>AGENDA ITEM: 8</b>
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> JULY 2020</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>LEADERSHIP TEAM</b>	<b>OPEN DOC:</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>FRANK MCARDLE (EXT. 5700) ALLISON THOMAS (EXT. 5775)</b>	
<b>SUBJECT:</b>	<b>CORPORATE PLAN 2020-24: PERFORMANCE REPORT (2019-2020 QUARTER 4 – 1 JANUARY TO 31 MARCH)</b>	
<b>WARD (S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

## 1.0 Recommendations

- 1.1 That the Committee considers progress against performance targets set out in the Corporate Plan 2020 - 2024.
- 1.2 That the Risk Register for the Committee's services are reviewed.

## 2.0 Purpose of the Report

- 2.1 To report progress against the Corporate Plan under the priorities of Our Environment, Our People and Our Future.

## 3.0 Executive summary

- 3.1 The Corporate Plan 2020 – 2024 was approved following extensive consultation into South Derbyshire's needs, categorising them under three key priorities: Our Environment, Our People and Our Future. The Corporate Plan is central to the Council's work – it sets out its values and vision for South Derbyshire and defines its priorities for delivering high-quality services.
- 3.2 This Committee is responsible for overseeing the delivery of the key priorities and the following key aims

### **Our Environment**

- *Enhance the attractiveness of South Derbyshire*

### **Our People**

- *Engage with our communities*



- *Supporting and safeguarding the most vulnerable*

#### 4.0 **Detail**

##### **Council performance against the priorities– Quarter 4 2019-2020**

- 4.1 Information can be found in the Performance Dashboard in **Appendix A**. A detailed description of each performance measure including mitigating actions and actions to sustain and improve performance is included in the detailed Performance Measure Report in **Appendix B**.
- 4.2 Questions regarding performance are welcomed from the Committee in relation to the Corporate performance measures that fall under its responsibility and are referenced in the detailed Performance Measure Report in **Appendix B**
4. The Risk Register for the Committee's services is detailed in **Appendix C**. This includes the register and risk mitigation plans for the relevant departmental Risk Register. Each risk has been identified and assessed against the Corporate Plan aims which are considered to be the most significant risks to the Council in achieving its main objectives. The Risk Register(s) detail a risk matrix to summarise how each identified risk has been rated.

#### 5.0 **Financial and Implications**

- 5.1 None directly.

#### 6.0 **Corporate Implications**

##### **Employment Implications**

- 6.1 None directly.

##### **Legal Implications**

- 6.2 None directly.

##### **Corporate Plan Implications**

- 6.3 This report updates the Committee on the progress against the key measures agreed in the Corporate Plan and demonstrates how the Council's key aims under the priorities, Our Environment, Our People and Our Future contribute to that aspiration.

##### **Risk Impact**

- 6.4 Key risks impacting on this Committee are detailed in Appendix C, alongside the treatment and the mitigating actions in place to manage these risks.



## 7.0 **Community Impact**

### **Consultation**

7.1 None required.

### **Equality and Diversity Impact**

7.2 Not applicable in the context of the report.

### **Social Value Impact**

7.3 Not applicable in the context of the report.

### **Environmental Sustainability**

7.4 Not applicable in the context of the report.

## 8.0 **Appendices**

Appendix A – Performance Dashboard 2020-2024

Appendix B – Performance Measure Report

Appendix C – Risk Register(s)

### **Notes:**

\* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.

\*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.

\*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).



Priority	Key Aim		Outcome	PI Ref	How success will be measured	(Q4) Jan 20- Mar 20 Outturn	Annual Target 2020-2021	Plan Target 2020-2024	Head of Service	Strategic Lead	Committee
Our Environment	Keeping a clean, green District for future generations	E1. Improve the environment of the District	E1.1 Reduce waste and increase composting and recycling	E1.1A	Household waste collected per head of population	Cumulative (Apr-Mar) 407 kgs (estimate) Q4 (Dec-Mar) 94kgs (estimate)	Sustain during Yr1 (407kgs)	Sustain during Y1 and Y2. See a downward trend in Yrs3 and 4	Adrian Lowery, Head of Operational Services	Allison Thomas, Strategic Director, Service Delivery	E&DS
				E1.1B	% of collected waste recycled and composted	Cumulative (Apr-Mar) 46% (estimate) Q4 (Jan-Mar) 40% (estimate)	Sustain during Yr1 (46% or >)	Sustain during Y1 and Y2. See an upward trend in Yrs. 3 and 4	Adrian Lowery, Head of Operational Services	Allison Thomas, Strategic Director, Service Delivery	E&DS
			E1.2 Reduce fly tipping and litter through education, engagement and zero tolerance enforcement action where appropriate	E1.2A	Number of fly tipping incidents	714 (total figure for 2019/20)	< 714	Downward trend over 4 years	Matt Holford, Head of Environmental Services	Allison Thomas, Strategic Director, Service Delivery	E&DS
				E1.2B	Improve the quality of the District through the Local Environmental Quality Survey	The first survey was completed in January 2020 the result was 89.67% above grade C+. Committee report being prepared. Some service PIs developed to assist overall performance.	>90%	>90%	Adrian Lowery, Head of Operational Services	Allison Thomas, Strategic Director, Service Delivery	E&DS
			E1.3 Enhance biodiversity across the District	E1.3A	% of eligible new homes and commercial developments to achieve net gain in Biodiversity by a minimum of 10% compared to the sites pre development baseline.	Not possible to provide as outputs not held in software until April 2020. Monitoring underway and baseline data to be provided Q1 and Q2.	85%	85%	Steffan Saunders, Head of Planning and Strategic Housing	Allison Thomas, Strategic Director, Service Delivery	E&DS
		E2. Tackle climate change	E2.1 Strive to make South Derbyshire District Council carbon neutral by 2030	E2.1A	Reduce South Derbyshire District Council carbon emissions	No update required for Q4. First update to be provided Q1 2020-21.	Achievement of Actions contained in the South Derbyshire Climate and Environment Action Plan 2020-24 (C&EAP)	Achievement of Actions contained in the South Derbyshire Climate and Environment Action Plan 2020-24 (C&EAP)	Matt Holford, Head of Environmental Services	Allison Thomas, Strategic Director, Service Delivery	E&DS
			E2.2 Work with residents, businesses and partners to reduce their carbon footprint	E2.2A	% of new homes to meet water efficiency targets as set out in the Part G optional standard of 110 litres of potable water usage per person per day	Baseline figure of 50% based on 18 qualifying decisions in Q4.	85%	85%	Steffan Saunders, Head of Planning and Strategic Housing	Allison Thomas, Strategic Director, Service Delivery	E&DS
		E3. Enhance the attractiveness of South Derbyshire	E3.1 Enhance the appeal of Swadlincote town centre as a place to visit	E3.1A	Increase Swadlincote Town Centre visitor satisfaction	49% of respondents would recommend Swadlincote Town Centre - May 2019. No update required for Q4. First update to be provided Q2 2020-21	50%	National small towns average 72%. Target to be above the National average by 2023/24	Mike Roylance, Head of Economic Development and Growth	Frank McArdle, Chief Executive	F&M
			E3.2 Improve public spaces to create an environment for people to enjoy	E3.2A	The number of Green Flag Awards for South Derbyshire parks	2	Four Year Target - 4	Increase from two green flag park awards to four by 2024	Mary Bagley, Head of Cultural and Community Services	Allison Thomas, Strategic Director, Service Delivery	H&CS
				E3.2B	Proportion of good quality housing development schemes	92%	90.0%	% of schemes which score high	Steffan Saunders, Head of Planning and Strategic Housing	Allison Thomas, Strategic Director, Service Delivery	E&DS
Our People	g the future needs of the District	P1. Engage with our communities	P1.1 Support and celebrate volunteering, community groups and the voluntary sector	P1.1A	Number of new and existing Community Groups supported	36	Proxy	Year 1 (Proxy)- collate baseline data. Year 2-4 we will show either an increase or decrease	Mary Bagley, Head of Cultural and Community Services	Allison Thomas, Strategic Director, Service Delivery	H&CS
			P1.2 Help tackle anti-social behaviour & crime through strong and proportionate action	P1.2A	Number of ASB interventions by type	2,893 ASB reports	Proxy	Proxy Measure to show service activity	Matt Holford, Head of Environmental Services	Allison Thomas, Strategic Director, Service Delivery	H&CS
		P2. Supporting and safeguarding the most vulnerable	P2.1 With partners encourage independent living and keep residents healthy and happy in their homes.	P2.1A	Number of households prevented from Homelessness	103 cases	Proxy	Proxy Measure to show service activity	Paul Whittingham, Head of Housing	Allison Thomas, Strategic Director, Service Delivery	H&CS
				P2.1B	Continue to undertake interventions per year to keep families out of fuel poverty	Numbers of interventions in 2019/20 were not recorded	300 interventions	300 interventions (2020-21) Target to be reviewed thereafter.	Matt Holford, Head of Environmental Services	Allison Thomas, Strategic Director, Service Delivery	E&DS
			P2.2 Promote health and wellbeing across the District	P2.2A	Deliver the objectives identified in the South Derbyshire Health & Wellbeing Group	Not applicable for Q4	100% of actions delivered	100% of actions identified delivered	Mary Bagley, Head of Cultural and Community Services	Allison Thomas, Strategic Director, Service Delivery	H&CS
			P2.3 Improve the condition of housing stock and public buildings.	P2.3A	Deliver the Planned Maintenance Housing programme over four years	£2,717,193.80	100% against the annual plan 2020-21	100%	Paul Whittingham, Head of Housing	Allison Thomas, Strategic Director, Service Delivery	H&CS
				P2.3B	Develop and deliver the Public Buildings programme over four years	Project Plan for 2020-21 developed	25% of assets to be surveyed and the planned maintenance programme for phase one to be created	100%	Steve Baker, Head of Corporate Property	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
				P2.3C	Average time taken to re-let Council homes	Q4 157 days YTD 122 days	Median Quartile Performance (Benchmark via Housemark)	Median Quartile Performance (Benchmark via Housemark)	Paul Whittingham, Head of Housing	Allison Thomas, Strategic Director, Service Delivery	H&CS



Priority		Key Aim	Outcome	PI Ref	How success will be measured	(Q4) Jan 20- Mar 20 Outturn	Annual Target 2020-2021	Plan Target 2020-2024	Head of Service	Strategic Lead	Committee
P e o p l e	Working with communities and meetin		P2.4 Support social mobility to ensure people have the opportunity to access skilled jobs, higher and further education.	P2.4A	South Derbyshire's ranking in the Social Mobility Commissions Social Mobility Index increases	311	Ranked >311 on the Social Mobility Index	Upward Trend	Mike Roylance, Head of Economic Development and Growth	Frank McArdle, Chief Executive	F&M
		P3. Deliver Excellent Services	P3.1 Ensuring consistency in the way the Council deal with service users	P3.1A	Increase the number of customers who interact digitally as a first choice	1,219 Covid-19 Business Grants, 1,282 Council Tax and digital forms and 12,343 online website submissions	Upward Trend	Upward Trend	Elizabeth Barton, Head of Customer Services	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
			P3.2 Have in place methods of communication that enables customers to provide and receive information.	P3.2A	Reduce face-to-face contact to allow more time to support those customers who need additional support	2,463 enquiries dealt with at Customer Services Desk. Visitors to office 4,490.Please note this was up to 20th March as offices then closed due to Covid19.	Downward trend in Face to Face interactions	Downward trend in Face to Face interactions	Elizabeth Barton, Head of Customer Services	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
			P3.3 Ensuring technology enables us to effectively connect with our communities.	P3.3A	Number of customer telephone calls answered by Customer Service	21,350 calls handled & 4,930 automated call payments	Downward Trend	Downward Trend	Elizabeth Barton, Head of Customer Services	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
				P3.3B	Increase digital engagement (Twitter, Instagram, Facebook)	Total FACEBOOK fans: 22,440, total TWITTER followers: 11,448, No Instagram account yet, total ALL SOCIAL MEDIA fans: 33,888. Social Media queries: 287	Upward Trend	Upward Trend	Fiona Pittam, Head of Organisational Development & Performance	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
			P3.4 Investing in our workforce	P3.4A	Increase the level of staff engagement	No Q4 Update. First Staff survey to take place in 20/21.	No target for Yr1.Baseline Data only	Annual Increase in the % of Staff completing the survey	Fiona Pittam, Head of Organisational Development & Performance	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
				P3.4B	Number of apprenticeships	4 (1.2% of head count)	>2.3% of head count	>2.3% of head count	Fiona Pittam, Head of Organisational Development & Performance	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
				P3.4C	% of staff days lost due sickness	3.58%	Downward Trend	Downward Trend	Fiona Pittam, Head of Organisational Development & Performance	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
				P3.4D	% of employees that consider that the Council has a positive health and safety culture	No Q4 update for 19/20. Baseline data to be collated during 20/21.	No target for Yr1.Baseline Data only	Upward Trend	Fiona Pittam, Head of Organisational Development & Performance	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
		O u r F u t u r e	Growing our District and our skills base	F1. Develop skills and careers	F1.1 Attract and retain skilled jobs in the District	F1.1A	Increase the number of employee jobs in South Derbyshire	32,000	More than Q4 2019/20	Upward Trend	Mike Roylance, Head of Economic Development and Growth
F1.2 Support unemployed residents back into work											
F2. Support economic growth and infrastructure	F2.1 Encourage and support business development and new investment in the District			F2.1A	Annual net growth in new commercial floorspace (sqm)	2885 sqm	12,269.5 sqm	Upward Trend	Mike Roylance, Head of Economic Development and Growth	Frank McArdle, Chief Executive	F&M
				F2.1B	Total Rateable Value of businesses in the District	£67,486,786	More than Q4 2019/20	Upward Trend	Mike Roylance, Head of Economic Development and Growth	Frank McArdle, Chief Executive	F&M
	F2.2 Enable the delivery of housing across all tenures to meet Local Plan targets			F2.2A	Speed of decision on discharging conditions on housing applications	80%	90% within 8-13 weeks or as agreed with the applicant	90% within 8-13 weeks or as agreed with the applicant	Steffan Saunders, Head of Planning and Strategic Housing	Allison Thomas, Strategic Director, Service Delivery	E&DS
				F2.2B	% of planning applications determined within the statutory period	93%	>90%	>90%	Steffan Saunders, Head of Planning and Strategic Housing	Allison Thomas, Strategic Director, Service Delivery	E&DS
	F2.3 Influence the improvement of infrastructure to meet the demands of growth.			F2.3A	Secure new facilities and contributions through Section106 to mitigate impacts of development. Achieve all necessary highway, education, healthcare, and recreation contributions	No Q4 update for 19/20. New indicator, data will be collected from April 2020 onwards as retrospective data is not possible to collect.	90%	90%	Steffan Saunders, Head of Planning and Strategic Housing	Allison Thomas, Strategic Director, Service Delivery	E&DS
F3. Transforming the Council	F3.1 Provide modern ways of working that support the Council to deliver services to meet changing needs.			F3.1A	Deliver against the Transformation Action Plan	No Q4 update for 19/20. Transformation plan to report from Q1 onwards	Deliver 100% against action plan	Deliver 100% against action plan	Anthony Baxter, Head of Business Change and ICT	Kevin Stackhouse, Strategic Director, Corporate Resources	F&M
	F3.2 Source appropriate commercial investment opportunities for the Council			F3.2A	Develop our approach towards the commercialisation of services which include grants, sponsorship, fees and charges and operating models and increase the income generated from these activities	Preliminary discussion between Operational Services and Finance have taken place, working group and action plan not yet established	Form a working group & Action Plan	Y1 – Form a working group & Action Plan Y2 – deliver against action plan and sustain an upward trend in revenue	Adrian Lowery, Head of Operational Services	Allison Thomas, Strategic Director, Service Delivery	F&M



# Corporate Plan 2020-2024

## Performance Measure Report

**Team: Organisational Development and Performance**

**Date: March 2020**



Our Environment | Our People | Our Future

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# Performance Measure Report

## Corporate Plan 2020-2024

### Summary

The Corporate Plan 2020-2024 has 35 Corporate Measures which underpin the Council's three priorities Our Environment, Our People, Our Future. The following Committees are responsible for overseeing the delivery of the following key aims and outcomes:

Environmental and Development Services Committee (E&DS) is responsible for 12 Corporate measures under the key aims:

- E1. Improve the environment of the District
- E2. Tackle climate change
- E3. Enhance the attractiveness of South Derbyshire
- P2. Supporting and safeguarding the most vulnerable
- F2. Support economic growth and infrastructure

Housing and Community Services Committee (H&CS) is responsible for seven Corporate measures under the key aims:

- E3. Enhance the attractiveness of South Derbyshire
- P1. Engage with our communities
- P2. Supporting and safeguarding the most vulnerable

Finance and Management Committee (F&M) is responsible for 16 corporate measures under the key aims:

- E3. Enhance the attractiveness of South Derbyshire
- P3. Deliver Excellent Services
- F1. Develop skills and careers
- F2. Support economic growth and infrastructure
- F3. Transforming the Council



# Environmental and Development Services Committee (E&DS) is responsible for 12 Corporate measures

## Our Environment

### Measure

[Household waste collected per head of population](#)

[% of collected waste recycled and composted](#)

[Number of fly tipping incidents](#)

[Improve the quality of the District through the Local Environmental Quality Survey](#)

[% of eligible new homes and commercial developments to achieve net gain in Biodiversity by a minimum of 10% compared to the site's predevelopment baseline.](#)

[Reduce South Derbyshire District Council carbon emissions](#)

[% of new homes to meet water efficiency targets as set out in the Part G optional standard of 110 litres of potable water usage per person per day](#)

[Proportion of good quality housing development schemes](#)

## Our People

### Measure

[Continue to undertake interventions per year to keep families out of fuel poverty](#)

## Our Future

### Measure

[Speed of decision on discharging conditions on housing applications](#)

[% of planning applications determined within the statutory period](#)

[Secure new facilities and contributions through Section 106 to mitigate impacts of development. Achieve all necessary highway, education, healthcare, and recreation contributions](#)



**Housing and Community Services Committee (H&CS) is responsible for seven Corporate measures**

## **Our Environment**

### **Measure**

[The number of Green Flag Awards for South Derbyshire parks](#)

## **Our People**

### **Measure**

[Number of new and existing community groups supported](#)

[Number of Anti-social behaviour \(ASB\) interventions by type](#)

[% of households prevented from homelessness](#)

[Deliver the objectives identified in the South Derbyshire Health and Wellbeing Group](#)

[Deliver the Planned Maintenance Housing programme over four years](#)

[Average time taken to re-let Council homes](#)



# Finance and Management Committee (F&M) is responsible for 16 corporate measures

## Our Environment

### **Measure**

[Increase Swadlincote Town Centre visitor satisfaction](#)

## Our People

### **Measure**

[Develop and deliver the Public Buildings programme over four years](#)

[South Derbyshire's ranking in the Social Mobility Commissions Social Mobility Index increases](#)

[Increase the number of customers who interact digitally as a first choice](#)

[Reduce face-to-face contact to allow more time to support those customers who need additional support](#)

[Number of customer telephone calls answered by Customer Services](#)

[Increase digital engagement \(Twitter, Instagram, Facebook\)](#)

[Increase the level of staff engagement](#)

[Number of apprenticeships](#)

[% of staff days lost due sickness](#)

[% of employees that consider that the Council has a positive health and safety culture](#)

## Our Future

### **Measure**

[Increase the number of employee jobs in South Derbyshire](#)

[Annual net growth in new commercial floorspace \(sqm\)](#)

[Total Rateable Value of businesses in the District](#)

[Deliver against the Transformation Action Plan](#)

[Develop an approach towards the commercialisation of services which include grants, sponsorship, fees and charges and operating models and increase the income generated from these activities](#)



## SERVICE DELIVERY RISK REGISTER (AS AT Q4 2019/20)

Appendix C

Risk	Rating and current position	Risk treatment	Mitigating actions	Change since last quarter
SD1 - Loss of income to the Housing Revenue Account	Rent reduction controls relaxed and rent increase now in place. Reduction of income through the Impact of COVID19 on Universal Credit (UC) claims is now greater.  Likelihood is high and impact is now moderate	Treat the risk through continuous action and review.	Income policies/processes are being revised.  The Council has invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty.  Increased focus on collection of rent and other housing debt.  New dwellings mitigate revenue lost through Right to Buy (RTB). New Builds can still be purchased under (RTB) after three years for Secure Tenancies.  The uptake of UC has risen sharply through the impact of COVID19 on Council tenants  The Housing Service has made operational changes to deal with this increase in the short-term	Impact is moderate-likelihood is now high.
SD2 - Failure to collect financial contributions or to enforce the delivery of obligations within Section 106 Agreements.	Failure to collect financial contributions or to enforce obligations within Section 106 Agreements. Slight increase in likelihood of requests to defer payments or review viability of development schemes in response to COVID-19 impacts.  Likelihood is unlikely but the impact is significant.	Treat the risk through continuous action and review.	Implementation of new software is now complete.  Team Leader overseeing the process with dedicated officer monitoring and reviewing progress of agreements relating to 'live' sites.  The Service has been recently audited and has put in place actions to address the minor recommendations.  Continued use of District Valuer in vetting additional requests for viability review. Discretion over enforcement or payment plans can ensure collection of fees over longer period if cashflow a problem for developers.	No change to rating or treatment.

SD3 – Safety standards	<p>Failure to comply with basic safety standards in flats/blocks with communal areas.</p> <p>Work has been undertaken to put specialist fire asbestos, legionella contracts in place.</p> <p>Likelihood is medium and impact has potential to be significant.</p>	Treat the risk through continuous action and review.	<p>Process underway to update safety procedures for fire, gas, electricity, legionella and asbestos to ensure the Council has appropriate controls in place to manage risks. Progress made so far includes:</p> <ul style="list-style-type: none"> <li>• Fire safety contractor appointed</li> <li>• Gas servicing 100% compliant</li> <li>• Electrical testing contractor appointed</li> <li>• Legionella - sheltered schemes testing in place, void properties shower heads/dead legs removed</li> <li>• Asbestos testing contractor appointed</li> <li>• Asbestos removal contractor appointed</li> <li>• Successful completion of an asbestos audit by the Health and Safety Executive</li> </ul> <p>Whilst the likelihood reduces as contracts are in place, works programmes to the value of £250,000 per annum are required for the next two years to achieve full compliance, so the overall likelihood remains medium. Fire safety work is now underway in communal blocks, including consultation with tenants affected by the work.</p>	No change to rating or treatment.
SD4 – Universal Credit	<p>Loss of income to the Housing Revenue Account through full roll out of Universal Credit (UC) from November 2018.</p> <p>There is still uncertainty as to the financial impact of this, but the Council has plans in place working with internal/ external stakeholders to manage this process.</p> <p>Likelihood is high and the impact is moderate.</p>	Treat the risk through continuous action and review.	<p>Welfare Reform Group, including key internal/external partners, meets on a monthly basis to manage roll-out against an agreed action plan.</p> <p>Invested in I.T. solutions to maximise opportunities to collect income and support those in financial difficulty.</p> <p>The Impact of COVID19 on Council tenants has seen a sharp rise in the number of UC Claimants</p> <p>Delays in UC payments have led to a rise in rent arrears. The Housing Service has have made operational changes to mitigate this risk.</p>	Likelihood is now high.
SD5 – Reduction in funding for		Treat the risk through continuous	<p>Page 95 of 128</p> <p>Five year budget planning over a number of years. Approvals for reserve spend to secure staffing positions up to March 2021 initially for Active Communities.</p>	Rating changed to amber because of the assessed

Cultural and Community Services	<p>Reduction of Council funding into Cultural and Community Services. Unable to source external funding to service.</p> <p>There is likely to be additional funding needed to replace income lost through Covid-19</p> <p>Likelihood is moderate and the impact is moderate</p>	action and review of funding streams and Cultural and Community Services Restructure.	<p>Maintain current funding contribution that the Council makes towards the Active Communities service.</p> <p>The Council is in the first year of a three-year funding agreement with the Police and Crime Commissioner (PCC) for £25,000 per year Community Safety Funding.</p> <p>The Council receives £35,000 per year Basic Command Unit funding from the Chief Superintendent. This is received annually with no long-term commitment.</p> <p>Rolls Royce new three-year sponsorship of the Environmental Education Project confirmed.</p> <p>Continually seek external funding opportunities to support service delivery. This will extend to Covid-19 new funding pots.</p>	reduction in funding from the closing of Leisure Centres and Rosliston
SD6 - Failing infrastructure at Rosliston Forestry Centre.	<p>Failing Infrastructure at Rosliston Forestry Centre.</p> <p>Regular meetings held at operational and strategic levels with the Forestry Commission.</p> <p>Likelihood is moderate but the impact would be moderate</p>	Treat the risk through continuous action and review.	<p>Condition survey updated as part of procurement exercise for new contractor.</p> <p>Focus on implementing infrastructure requirements identified in external consultant's report.</p> <p>Make invest to save business cases.</p> <p>Collaboration with Head of Corporate Property on improvements to the Planned Preventative Maintenance (PPM).</p> <p>Engage tenants and keep Senior Leadership Team informed</p>	Rating changed to amber as procurement of new contract delayed with consequent delay in new operator investment.
SD7 - Failure to meet housing delivery targets set out in the five-year supply.	<p>Failure to meet housing delivery targets.</p> <p>Local Plan is in place which sets out the five-year supply. Latest monitoring for 19/20 indicates the</p>	Treat the risk through continuous action and review.	<p>Monitoring/review of performance ongoing.</p> <p>Active pursuit of schemes and opportunities. Increased focus on facilitating prompt commencement of development.</p>	No change to rating or treatment.



	<p>Council was performing above target.</p> <p>Likelihood is low but could move to moderate in light of COVID-19 impacts pushing delivery back in the Plan period, but the impact would be significant.</p>		<p>Develop action plan(s) where necessary.</p> <p>Current five-year housing land supply rate at 5.92 years - most sites started are building at a rate above that originally anticipated such that c.1300 were completed in 2019/20 - work to accelerate progress on two sites continues.</p> <p>Support government proposals to offer flexibility in supply and delivery requirements in light of COVID-19 effects.</p>	
SD8 - Failure of IT infrastructure that supports Planning Systems, LLPG and Land Charges.	<p>Ongoing issues with IT infrastructure that supports Planning systems.</p> <p>Likelihood is unlikely and the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>New system went live on the 1<sup>st</sup> August 2019. Work continues towards implementing remaining 'modules' of the software, migrating data and decommissioning old systems.</p> <p>Monitoring performance of new system following implementation with consideration of what additional resource is necessary to complete the project and/or fully realise the benefits of the software.</p>	Likelihood reduced following implementation of new system
SD9—Melbourne Sports Park	<p>Failure to deliver against external funder requirements at the Melbourne Sports Park (MSP). Ongoing discussions with national funders.</p> <p>Likelihood is low but the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>Regular Artificial Grass Pitch (AGP) Steering Group meetings.</p> <p>Matter under regular review at MSP Board meetings. Key funder in attendance at AGP steering group meetings.</p> <p>Specialist consultants, MSP representatives and Council officers progressing site drainage solutions. Planning permission approved.</p> <p>Engagement with landowner on site permissions progressed.</p> <p>MSP Board not meeting business plan income targets so close monitoring required.</p>	No change to rating or treatment.

SD10– Sinfin Waste Plant	<p>Impact on delivery rounds of diverting all residual waste to Sinfin Waste Plant.</p> <p>Move to Sinfin now to be phased over three years, giving time to minimise impact on delivery rounds.</p> <p>Likelihood is low the impact would be moderate.</p>	Treat the risk through continuous action and review.	<p>The long-term waste management contract between Derby City Council, Derbyshire County Council and Resource Recovery Solutions (Derbyshire) Ltd (RRS) was brought to an end on the 2<sup>nd</sup> August 2019. RRS was a 50:50 partnership between Renewi and with national construction firm Interserve. Interserve was responsible for building the waste treatment facility.</p> <p>Contingency measures have been put in place by the County and City Councils to make sure waste that residents cannot recycle or choose not to recycle continues to be dealt with, and that recycling centres and waste transfer stations continue to operate.</p> <p>These services will continue to be run by waste management company Renewi under a new two-year contract.</p> <p>With contingency arrangements already in place, the City and County Councils are confident any further impact will be minimal.</p> <p>Current waste disposal directions are unlikely to change in the medium-term, there is no restart date as yet for the Sinfin plant, therefore no impact on collection rounds.</p> <p>Situation will be kept under review.</p>	Likelihood decreased to low following the contract end but impact remains the same.
SD11– Tree Management	<p>Failure to manage the Council's tree stock in line with adopted Tree Management policy.</p> <p>Likelihood is low but the impact would be significant.</p>	Treat the risk through continuous action and review.	<p>Review of approved Tree Management Policy completed.</p> <p>New Tree Strategy and Policy being drafted</p> <p>Implementation of the Cultural and Community Services restructure will enable greater staff resources for tree work.</p>	No change to rating or treatment.
SD12 – Failing infrastructure at Greenbank Leisure Centre	<p>Failing infrastructure at Greenbank Leisure Centre including pipework to pool and roof structure.</p>	Treat the risk through continuous action and review	<p>Building condition survey is being updated and a planned maintenance programme put in place. Head of Corporate Property.</p> <p>Focus on implementing the infrastructure requirements identified in external consultant's report.</p>	Amber

			Ensure that there is capital funding to complete the necessary works.	
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	SERVICE DELIVERY OPERATIONAL RISK MATRIX (as at Q4 19/20)			
Likelihood				
4 High		SD1, SD4		
3 Medium		SD5, SD6	SD3, SD12	
2 Low		SD10	SD7, SD9, SD11	
1 Unlikely			SD2, SD8	
	1 Minor	2 Moderate	3 Significant	4 Catastrophic
	Impact			

**Risk Description**

- SD1** Loss of income to the Housing Revenue Account
- SD2** Failure to collect financial contributions/enforce obligations within S106 Agreements
- SD3** Safety standards
- SD4** Universal Credit
- SD5** Reduction in funding for Cultural and Community Services
- SD6** Failing infrastructure at Rosliston Forestry Centre
- SD7** Failure to meet housing delivery targets set out in the five-year supply.
- SD8** Failure of IT infrastructure that supports Planning Systems, LLPG and Land Charges.
- SD9** Melbourne Sports Park
- SD10** Sinfin Waste Plant
- SD11** Tree Management
- SD12** Green Bank Leisure Centre

<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES</b>	<b>AGENDA ITEM: 9</b>
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> JULY 2020</b>	<b>CATEGORY: (See Notes)</b> <b>DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>PAUL WHITTINGHAM</b> <a href="mailto:Paul.whittingham@southderbys.gov.uk">Paul.whittingham@southderbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Disabled Facilities Grants</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: (See Notes)</b>

## **1.0 Recommendations**

- 1.1 That the Committee retrospectively approves the amendment of Section 8.1 of the Private Sector Housing Assistance Policy, to allow for eligible adaptations under the value of £6000 to be agreed without the need for the Test of Financial Resources to further improve the timely delivery of the service. This is following the Chief Executive's prior approval under his delegated authority during the suspension of Council and Committee meetings due to the pandemic.
- 1.2 That the Committee retrospectively approves the procurement of suitable software to support the more efficient delivery of adaptations, up to the value of £12,000. This is following the Chief Executive's prior approval under his delegated authority during the suspension of Council and Committee meetings due to the pandemic.

## **2.0 Purpose of the Report**

- 2.1 The purpose of this report is to seek the retrospective ratification of the decisions made by the Chief Executive attached in the report at Appendix A.

## **3.0 Executive Summary**

- 3.1 Following suggestions from Councillors and recommendations from the Council's internal auditors a number of further improvements to the Disabled Facilities Grants Service have been identified. The proposals contained within the report at Appendix A are designed to deliver these improvements and were, as a result of Committees being suspended as a result of the Coronavirus Pandemic, approved by the Chief Executive under his delegated powers on 25<sup>th</sup> May 2020.

## **4.0 Detail**

4.1 The detailed report, and recommendations are attached at Appendix A.

## **5.0 Financial Implications**

5.1 The financial Implications of this decision are attached at Appendix A.

## **6.0 Corporate Implications**

### **Employment Implications**

6.1 There are no employment implications of this report.

### **Legal Implications**

6.2 There are no direct legal implications of this report

### **Corporate Plan Implications**

6.3 The Corporate Plan Implications of this report are attached at Appendix A

### **Risk Impact**

6.4 The Risk Impact Implications of this report are attached at Appendix A

## **7.0 Community Impact**

### **Consultation**

7.1 The Consultation implications of this report are attached at Appendix A.

### **Equality and Diversity Impact**

7.2 The Equality and Diversity Impact implications of this report are attached at Appendix A

### **Social Value Impact**

7.3 The Social Value Impact implications of this report are attached at Appendix A

### **Environmental Sustainability**

7.4 The environmental sustainability impact implications of this report are attached at Appendix A.

## **8.0 Conclusions**

8.1 That the detailed report at Appendix A is accepted by the Committee.

## **9.0 Background Papers**

### **Notes:**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.
- \*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).

<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>	<b>7<sup>TH</sup> July 2020</b>	<b>CATEGORY: (See Notes)</b> <b>DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Paul Whittingham. Paul.whittingham@southderbys.gov.uk</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Homelessness/Rough Sleeping</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL WHERE THE REPORT AFFECTS THE DISTRICT AS A WHOLE <u>OR</u> SPECIFIC WARDS</b>	<b>TERMS OF REFERENCE: (See Notes)</b>

## **1.0 Recommendations**

- 1.1 That the Committee retrospectively approves the granting of permission to make a "block booking" of the Three Queens Hotel to use as temporary accommodation for homeless households affected by the Covid19 outbreak. This is following the Chief Executive's prior approval under his delegated authority during the suspension of Council and Committee meetings due to the pandemic.
- 1.2 That the Committee retrospectively notes that the commissioning of this service was subject to an exemption from the Contract Procedure Rules, under Sections 4 and 5 and that this exemption has been ratified by the Finance and Management Committee on 2<sup>nd</sup> July 2020.
- 1.3 That the Committee approves a contribution of £10,000 from existing Homelessness budgets towards the continued support for households that have been accommodated in temporary accommodation. This contribution has already been approved by the Finance and Management Committee on 2<sup>nd</sup> July 2020.

## **2.0 Purpose of the Report**

- 2.1 This report and the report attached at Appendix A outlines the Council's initial response to rough sleepers and other households made homeless during the Covid19 outbreak.
- 2.2 The report also seeks approval to confirm the Council's commitment to the Derbyshire-wide approach to supporting those households placed in temporary accommodation during the outbreak.

## **3.0 Executive Summary**



- 3.1 After the outbreak of Covid-19, the Government issued a call to local authorities to get “everyone in”. This primarily referred to people who are sleeping rough. The Council does not usually have a statutory duty to accommodate everyone when homeless, so some people can be without shelter under normal circumstances. This call, fronted by Dame Louise Casey, placed responsibility on local councils to house more people than usual and incur the higher costs associated with this, principally to cover bed and breakfast costs. It also included a directive that communal night-shelters and street encampments be closed, as communal settings are a high risk for spreading coronavirus. The Derby and Chesterfield night shelters closed during the week beginning 16th March, placing additional demands on local councils where these were operating.
- 3.2 Several options were pursued unsuccessfully with other providers and the Council reached its own agreement with the Three Queens Hotel in Burton on Trent for the provision of meals and accommodation. The report providing details of this arrangement was approved by the Chief Executive on 29<sup>th</sup> May under his delegated powers and is attached at Appendix A.
- 3.3 As the “Lockdown” arrangements have eased so the focus of local councils who provide services to homeless households has changed towards making sure that support and accommodation continues to be available for homeless households.
- 3.4 A Derbyshire-wide Recovery Plan has been agreed with all other local authorities in Derbyshire and funding of £284,000 has been allocated across the County. All Derbyshire District and Borough Councils have been asked to contribute to the delivery of the plan with the Council’s contribution of £10,000 based on the relatively low numbers of rough sleepers in the area.

#### **4.0 Detail**

- 4.1 On March 23rd all Councils in England were ordered to bring in everyone who was rough sleeping, and subsequently everyone who became homeless during the lock down. Based on Ministry of Housing, Communities and Local Government (MHCLG) figures, local authorities have since accommodated up to 15,000 individuals in hotel and Bed and Breakfast establishments. In Derbyshire, councils have accommodated 80 people so far. At the start of the crisis local councils and Derbyshire County Council came together to collaborate on the temporary block booking of hotels to create much needed extra housing capacity to shield a large portion of the homeless and rough sleeping cohort.
- 4.2 This jointly funded initiative, has proven to be a major success and several agencies and organisations including homeless and rough sleeping outreach services, drug and alcohol teams, NHS teams, Police and council housing staff have worked together to support some of the most vulnerable people in society through the worst times of the Covid-19 crisis.
- 4.3 However, the existing provision in South Derbyshire will end on the 24th June. The hotel provision, although effective, cannot be retained indefinitely, although will continue to be used in emergencies. The people brought in, need an offer of support to help them through the next phase. Partner agencies have agreed a Recovery Plan to put the necessary resources in place to support and re-home as many people as possible into longer term accommodation.

- 4.4 Without a boost in support services and an increased supply in accommodation, most of the people accommodated in hotels, guest houses and B&B's will have nowhere to go, and current support services will be unable to provide the care and expertise required for the amount of people being released onto the streets. There is therefore an opportunity to build on the collaborative approach nurtured over the last few months.
- 4.5 Through the experience and current service delivery of key partners including P3 and Pathways of Chesterfield it is proposed to deliver an intensive and wrap-around support service to a cohort of approximately 60 (to be confirmed) individuals in Derbyshire who have been placed in temporary accommodation by the local authorities during the Covid-19 pandemic. These individuals are experiencing overlapping and challenging issues such as offending, drug and alcohol misuse and poor mental health. Due to their challenging needs South Derbyshire has accommodated five clients who would not normally have been accommodated in one hotel and other B&Bs.
- 4.6 If funding is secured to establish this Service it will be delivered by P3 in South Derbyshire, Erewash and Amber Valley. Pathways will focus support in Chesterfield, North East Derbyshire and Bolsover. Currently P3 delivers the Derbyshire Rough Sleeper Service. This Service will work closely with the Derbyshire Rough Sleeping Outreach Team (DOT) as it is currently engaged with this group of people, learning from their involvement, experience and local knowledge and ensuring a smooth transition for the individual from service to service. Data, knowledge and experience from the DOT will be used to undertake an audit of need, the level of support required and to help identify gaps in current service provision. This will in turn inform delivery using the Link-worker model.
- 4.7 The cohort for this Service is a complex group for whom existing provision will not sufficiently meet their needs. The existing services are unsuitable for their level of need and/or circumstances. There is also the acknowledgement that existing services that may be able to meet the needs of this group are already at capacity and, in many cases, operating waiting lists, thus creating a barrier to timely access.
- 4.8 Derbyshire Councils, P3 and Pathways of Chesterfield have developed a partnership model, drawing on the vast experience of supporting people who are experiencing homelessness, utilising current infrastructure across Derbyshire and building on the successful track record, working in partnership to support the people who need housing and support.
- 4.9 The proposal is that P3 will be the lead contractor for this project and will subcontract to Pathways of Chesterfield. P3 currently fulfil the country-wide Rough Sleeper Initiative contract which is funded by MHCLG and in partnership with Pathways of Chesterfield it has provided an exceptional level of commitment through the crisis. P3 has supported the most vulnerable and challenging clients placed in the hotels across the county to make sure people are safe. They have found accommodation during the difficult period of the lock down for people made homeless and they have established key partnerships with public health, NHS and drug and alcohol services.
- 4.10 The proposal seeks to operate a new 12-month wrap around service at a cost of £260,000, funded from contributions from partner councils, other public bodies and existing grants already received. Working in partnership will ensure that each council can secure support for the numbers of people from their area. South Derbyshire has five households in the current hotel and B&B provision and so it is proposed that a

contribution of £10,000 is made available by the Council to support the scheme. This contribution can be met from the Council's existing Homelessness Grant provision.

- 4.11 Each person will be allocated a Link Worker who will provide consistent support for as long as required (over the next 12 months) and will act as a trusted individual and single point of contact for both the person and any other individuals or services involved with them, coordinating support across multiple services.
- 4.12 The cost of six Linkworkers and a Senior Linkworker is £284,000 for 12 months (Including the re purposing of £60,000 exiting grant funding). The total cost is inclusive of all on-costs such as pension, national insurance, management, corporate support (IT, finance, HR) Training, IT equipment and travel. This cost will be shared across Derbyshire authorities on the basis of the forecast number of cases for each local authority.
- 4.13 Advice from the Local Government Association (LGA) in the recently published 'Local Authority Rough Sleeper Accommodation Guidance' has highlighted the need for councils to act quickly to source services during the Covid19 crisis. In recognition of the urgent need to move quickly to deal with the Covid-19 crisis, the government has issued Procurement Policy Notes PPN01/20 and PPN 02/20 in response. Chesterfield Borough Council is leading the project with support from colleagues across Derbyshire and will manage the procurement arrangements.
- 4.14 The LGA report has also highlighted the long established partnership work within Derbyshire and the 'Everyone In – Derbyshire Response', "Collective action has been rapid and the multiagency collaboration very strong, something achieved by working together over many years."

## **5.0 Financial Implications**

- 5.1 The Government have provided £1650.00 in additional funding towards the Council's additional costs for accommodating rough sleepers. Additional funding has also been sought from Derbyshire County Council.
- 5.2 The proposed contribution of £10,000 from the Council to the Recovery Plan can be met from existing Homelessness budgets.

## **6.0 Corporate Implications**

### **Employment Implications**

- 6.1 There are no employment implications for the Council created by this report.

### **Legal Implications**

- 6.2 There are no direct legal implications for the Council created by this report.

### **Corporate Plan Implications**

- 6.3 This report directly contributes to achieving the Council's aims regarding: Supporting and safeguarding the most vulnerable. Partners encourage independent living

and keep residents healthy and happy in their homes. Promote health and wellbeing across the District.

### **Risk Impact**

- 6.4 This report contributes to managing the Corporate risk: “Voluntary and Community Sector - a reduction in resources for partners who deliver services with or on behalf of the Council” by maintaining existing community sector resources at a time when demand for this resources has increased.

## **7.0 Community Impact**

### **Consultation**

- 7.1 There has been on going consultation with statutory and voluntary agencies regarding the ongoing provision of Homelessness services,

### **Equality and Diversity Impact**

- 7.2 These services continue to be accessible to all members of the community and offer additional support to those wit Protected Characteristics as identified within the Equality Act 2010.

### **Social Value Impact**

- 7.3 The contents of this report directly support the aims of the Council’s Sustainable Community Strategy by: “Supporting families, particularly those who are most vulnerable, leads to better outcomes for children and young people.”

### **Environmental Sustainability**

- 7.4 There is no direct environmental impact identified of the activities within this report.

## **8.0 Conclusions**

- 8.1 The Council and its partners across the County have been successful thus far in accommodating homeless households and rough sleepers during the Covid-19 outbreak
- 8.2 There is a clear need for on going support for these households which has been acknowledged by Government and is supported through additional funding
- 8.3 The Recovery Plan will assist the Council in continuing to discharge its legal duties to homeless households and tough sleepers during the Covid-19 outbreak.

## **9.0 Background Papers**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.
- \*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).

<b>REPORT TO:</b>	<b>Chief Executive</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>		<b>CATEGORY: (See Notes)</b> <b>DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>Head of Housing</b>	
<b>MEMBERS' CONTACT POINT:</b>	<b>Paul Whittingham</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Temporary Accommodation for Homeless Households</b>	
<b>WARD(S) AFFECTED:</b>		<b>TERMS OF REFERENCE: (See Notes)</b>

1. **Recommendations** The following recommendations are to be made under the Chief Executive's delegated authority during the current suspension of Council and Committee meetings. These recommendations will be reported to the next available Housing and Community Services Committee retrospectively.

1.1. That the Chief Executive, under his delegated powers, approves the appointment of the Three Queens Hotel in Burton on Trent to deliver Bed and Breakfast services, for homeless households from May 2020.

1.2 That the commissioning of this service is subject to an exemption from the Contract Procedure Rules, under Sections 4 and 5

1.3 That following approval by the Chief Executive and a report to the next Housing and Community Services Committee, the financial elements including the required exemption from Contract Procedure Rules are subject to further ratification at the Finance and Management Committee.

## **2.0 Purpose of the Report**

2.1 To seek the Chief Executive's approval for the procurement of hotel accommodation and ancillary services for the provision of emergency and temporary accommodation, to discharge the Council's duties to homeless households under the Homeless Reduction Act 2018 and subsequent regulations and guidance regarding Covid-19.

2.2 To enable an exemption from the Contract Procedure Rules due to the fact that this is the only provider who has been able to agree the provision of five units of accommodation within the urgent timescale required.

## **3.0 Executive Summary**

- 3.1 The supply of the usual temporary /emergency accommodation from hotels in the area has ceased due to recent government announcements related to Covid-19.
- 3.2 The demand for this accommodation is likely to increase as certain groups of prisoners and hospital patients are released in advance of usual release and discharge dates.
- 3.3 The Council is working with NOVUS, the Council's repairs' contractor, to provide temporary accommodation of a reasonable standard although this will be barely furnished and may not be accessible or appropriate for some clients or in an emergency.
- 3.4 The Council, in partnership with Erewash Borough Council, has been trying to negotiate a block booking of jointly accessible accommodation in or around the Erewash, Derby City and South Derbyshire areas.
- 3.5 Since those negotiations began a further offer of Bed and Breakfast accommodation has been received from the Three Queens Hotel in Burton on Trent. This offer is at a lower daily rate than the others and is also for a lower number of bedrooms.

#### **4.0 Detail**

##### **4.1 Background**

Since the outbreak of Covid-19, the Government has issued a call to local authorities to get "everyone in". This primarily refers to people who are sleeping rough. The Council does not usually have a statutory duty to accommodate everyone when homeless, so some people can be without shelter under normal circumstances. This call, fronted by Dame Louise Casey, therefore places responsibility on local councils to house more people than usual and incur the higher costs associated with this, principally to cover bed and breakfast costs. It also included a directive that communal night-shelters and street encampments be closed down, as communal settings are a high risk for spreading coronavirus. The Derby and Chesterfield night shelters closed around during the week beginning 16<sup>th</sup> March, placing additional demands on local councils where these were operating.

- 4.2 The numbers of people sleeping rough changes constantly. Some find accommodation for periods and 'sofa surf' while others remain outside. Some move around and are not easy to find. At the last count on one day in November using the government's 'snapshot' methodology, there were 38 rough sleepers counted county-wide, although none were in South Derbyshire
- 4.3 The need for self-contained accommodation extends to many households that the Council already has a responsibility to accommodate. The Council is working with NOVUS to bring into use self-contained and suitable accommodation for people who are self-isolating thereby reducing the possible transmission of the virus.
- 4.4 Another potential demand has arisen in relation to prison discharges. The Ministry of Justice's Homelessness Forum has been tasked with consulting local authorities in respect of government's consideration of granting early release to some prisoners; ostensibly to reduce pressure on the prison system and manage coronavirus outbreaks within custodial establishments more effectively. It wants to know how councils can help accommodate higher numbers of people released from custody for those falling into the early release cohort but for whom there is no accommodation. The request raises the possibility of funding for accommodation, however, without



any sense of numbers at this stage it is not possible to provide a clear response. Housing Services in Derbyshire has contacted the lead officer for the Forum to discuss possible ways forward. From these discussions it is understood that the early release programme will be staged with the first tranche of releases being for pregnant women. The Ministry of Justice has confirmed that some prisoners may be released without having an existing permanent address.

- 4.5 The Council has already been asked to assist with the provision of services for patients who are being discharged early by local hospitals. In the first instance this request is for the provision of telecare (Careline) services, although the need to provide accommodation cannot be ruled out.
- 4.6 At around the same time as the call for “everyone in” was being made, government instructed a range of businesses to close, although the government has now made an exception for hotels and B&Bs which provide accommodation for the homeless. However, one impact has been the loss of access to hotels used when the B&B accommodation procured by the Council is full: they do not have the demand to open just for this group of customers. Another issue has been the restricted access to out-of-hours emergency placements. This service, provided by the Council for other district councils in Derbyshire has had to resort to making placements in Stoke-on-Trent, outside of normal working hours.
- 4.7 The reduced access to accommodation extends to housing associations, as reduced numbers of repairs’ staff has led to properties not being repaired as quickly or as completely as usual. Government has also advised against house moves, except where necessary. The numbers in temporary accommodation will undoubtedly increase without this pool of people having permanent places to move on to.

#### **4.8 Actions taken so far**

The Housing Service has worked with NOVUS to secure a pipeline of accommodation into which some homeless families can be placed either permanently or temporarily. This is in line with Government guidance regarding the allocation of accommodation during the Covid-19 outbreak published on 27<sup>th</sup> April 2020. Only three other Housing providers in the South Derbyshire Homefinders partnership have been able to offer the prospect of providing temporary accommodation, none of which provides for emergency self-contained accommodation.

- 4.9 Safe, self-contained accommodation where people can self-isolate is needed. The generally poor health of this cohort of people means that it contains many people from vulnerable groups, some of which may not be receiving medical care or may not have been diagnosed with conditions due to difficulties registering with GPs. To this end, the Council has worked to identify accommodation that is both open and willing to accommodate the client groups outlined above. Despite several promising negotiations, relatively few hotels are willing and able to provide this service. Where they are, measures will need to be put in place to reassure owners that they will not incur financial losses through damage and that the safety of residents and staff will be at the forefront of arrangements.
- 4.10 The Council has been working with Erewash Borough Council in seeking a solution which brings with it the advantage of sharing the risk where rooms are paid for but not occupied. A comprehensive trawl of accommodation around the County has produced just a few workable solutions. All three Holiday Inns in Derbyshire have declined. Some negotiations ended once the hotel’s local management was overruled in light of government instructions for hotels to close. Proposals have been



received from the Risley Hall Hotel near Long Eaton and the Hallmark Hotel in Derby Whilst neither has been pursued further the costs are included in the tables below.

Table 1: estimated costs of all 17 rooms, Risley Hall

	<b>Daily cost</b>	<b>Weekly cost</b>	<b>Twelve weeks</b>	<b>Sixteen weeks</b>
Room only @ £65 per room	£1,105	£7,735	£92,850	£123,760
Food, 3x daily @ £15 pp	£255	£1,785	£21,420	£28,560
Security @ £11.83 ph, 9pm- 5am	£189.28	£1,324.96	£15,899.52	£21,199.36
<b>*Total</b>	<b>£1,549</b>	<b>£10,845</b>	<b>£139,170</b>	<b>£173,519</b>

Table 2: estimated costs of 20 rooms at the Hallmark Hotel

	<b>Daily cost</b>	<b>Weekly cost</b>	<b>Twelve weeks</b>	<b>Sixteen weeks</b>
Room only @ £65 per room	£1,300	£9,100	£109,200	£145,600
Food, 3x daily @ £30 pp	£600	£4,200	£50,400	£67,200
<b>**Security @ £11.83 ph, 9pm- 5am</b>	<b>£189.28</b>	<b>£1,324.96</b>	<b>£15,899.52</b>	<b>£21,199.36</b>
<b>*Total</b>	<b>£2,089.28</b>	<b>£14,625</b>	<b>£175,500</b>	<b>£233,999</b>

\*rounded to nearest £

\*\* assuming that we will be allowed to commission our own security

- 4.17 The costs and risks of both these proposals would have been shared by the Council and Erewash Borough council. However, all these schemes required the Council to either fully or partly fund eight or nine bedrooms. Whilst the demand for accommodation has increased markedly across Derbyshire since the start of the lockdown, the Council have only been required to make one emergency placement in Bed and Breakfast. This is testimony to the effective preventative work by the Housing Options team. This coupled with the supply of temporary accommodation within the Councils own housing stock suggests that a lesser number of units is required. Feedback from the Housing Options team suggests that a more local solution would be preferable.
- 4.18 The Graile Court Hotel in Burton on Trent has been asked to provide a proposal. This establishment also required the Council to make a booking for the entire hotel which is felt to be excessive and has not been pursued.
- 4.19 Three Queens Hotel in Burton on Trent has offered a block booking of five rooms for an initial eight week period at a flat rate of £45.00 per room per night ( regardless of size or occupancy). Meals can be provided at £15.00 per person per day. Consequently, the costs of this service are:

- If no households are referred then our cost to retain the rooms will be :£9,800 ( minimum cost)
- If all rooms are occupied by single people, the cost will be £16,800
- If all rooms are occupied by a family of five the cost will be £33,600 (maximum cost)

There are other household permutations that will fall between the minimum and maximum cost.

The hotel has reduced its meal cost to £15 pp, which reduces the non-eligible cost to be covered either by the Council or government funding. The Housing Benefit eligible room cost stays the same at £45.00 per night.

The daily rate for the accommodation and the provision of meals is lower than the other proposals received so far.

There is on site security and the hotel has been separated into different areas for differing client groups. (Single people, vulnerable females/mothers, families).

## **4.20 Funding**

There are a range of funding options available to the Council to cover the cost of procuring this accommodation. The Council receives Homelessness Reduction Grant annually from central government. This amounts to £49,401 The Council receive Flexible Housing Support Grant from the government of £118,421. These funds are already allocated to the operating budgets of the Housing Options Team. The Council has been provisionally allocated £1,650 from the Coronavirus (COVID-19) Rough Sleeping Contingency Fund which it is in the process of requesting from government to support the additional costs of placing rough sleepers in B&B accommodation. This amount is based on the zero return in the annual rough sleeper survey.

Derbyshire County Council received a significantly larger sum and has agreed, in principle, to allocate £125,000 to the south of the County for this purpose. Written confirmation of this agreement is being sought from senior officers in the Council.

Some Housing Benefits subsidy will result from claims made by those using the rooms. The Housing Service is exploring with Housing Benefits whether the accommodation could be considered to be eligible for Intensive Housing Management to maximise the subsidy received. There may be additional costs to the Council in the event of excessive damage or cleaning.

## **4.21 Summary**

In addition to the Council's usual statutory responsibility to house homeless households, it has been asked to house all rough sleepers immediately as part of the government's "everyone in" campaign. Funding has been provided for this purpose and subject to confirmation from Derbyshire County Council there should be sufficient funds to cover eight weeks accommodation, food and security, government has indicated that more funding may become available.

The Chief Executive is asked to give his agreement to the Housing Service procuring five rooms at the Three Queens hotel for eight weeks with an option to extend this, should funding be available. This decision, which would be subject to later ratification by both the Housing and Community Services and Finance and Management Committees and be made urgently to meet the Government's call,

without using up all of the Council's accommodation that it usually uses for homeless households.

## **5.0 Financial Implications**

- 5.1 At this stage, no additional grants as a result of Covid-19 have been received by the Council in relation to Homelessness but the Government has made very clear statements about the provision of funding.
- 5.2 There is an earmarked reserve totalling £248,735 set-aside from underspends on the Homelessness Service in prior years and no drawdown is anticipated in 2019/20. This can be utilised towards the cost of providing hotel accommodation as detailed in the report.
- 5.3 It should be noted however that prior to the Covid-19 pandemic, one-off projects were being considered for prevention of homelessness in line with measures contained within the Homelessness Reduction Act. Utilising this reserve will reduce future progress with these projects and potentially create a risk of non-compliance with the Act.
- 5.4 If the Council can secure some of the allocated funding of £125,000 from DCC and the grants in relation to rough sleeping quoted in this report are received this will reduce any potential drawdown from reserves., the overall cost of this proposal can be contained without the need to drawdown from the reserve.

## **6.0 Corporate Implications**

### **Employment Implications**

- 6.1 No direct employment implications

### **Legal Implications**

- 6.2 There are no direct legal implications of this report, as the Council will not be entering into a lease with the hotel.

### **Corporate Plan Implications**

- 6.3 The contents of this report will directly contribute to: Supporting and safeguarding the most vulnerable, with partners encouraging independent living and keep residents healthy and happy in their homes. Promote health and wellbeing across the District.

### **Risk Impact**

- 6.4 The contents of this report will assist in minimizing the risk of rough sleeping in the District

## **7.0 Community Impact**

## **Consultation**

- 7.1 No consultation with the community is required

## **8.0 Conclusions**

- 8.1 That there is an urgent need for Bed and Breakfast accommodation for homeless households in light of the Covid-19.
- 8.2 That the proposal made by the Three Queens Hotel in Burton on Trent is the most appropriate for the Council in terms of ; cost, location and number of units available.

## **9.0 Background Papers**

### **Notes:**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision or needs to refer it elsewhere with a recommendation.
- \*\* Open/Exempt - All reports should be considered in the open section of the meeting, unless it is likely that exempt information would be disclosed. Please see the [Access to Information Procedure Rules](#) for more guidance.
- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).

<b>REPORT TO:</b>	<b>Chief Executive</b>	<b>AGENDA ITEM:</b>
<b>DATE OF MEETING:</b>		<b>CATEGORY: (See Notes)</b> <b>DELEGATED or RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR SERVICE DELIVERY</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>PAUL WHITTINGHAM</b> <b>Paul.whittingham@southderbys.gov.uk</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Disabled Facilities Grants</b>	
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: (See Notes)</b>

## **1.0 Recommendations**

- 1.1 The following recommendations are to be made under the Chief Executive's delegated authority during the current suspension of Council and Committee meetings. These recommendations will be reported to the next available Housing and Community Services Committee retrospectively
- 1.2 That the Chief Executive under his delegated powers, notes the progress to date in improving the management and provision of the Council's Disabled Facility Grant (DFG) service.
- 1.3 That the Chief Executive under his delegated powers approves the amendment of Section 8.1 of the Private Sector Housing Assistance Policy, to allow for eligible adaptations under the value of £6000 to be agreed without the need for the Test of Financial Resources to further improve the timely delivery of the service.
- 1.4 That the Chief Executive under his delegated powers approves the procurement of suitable software to support the more efficient delivery of adaptations, up to the value of £12,000.

## **2.0 Purpose of the Report**

- 2.1 This report illustrates current performance of the Disabled Facilities Grants (DFG) service within the Housing Team and compares it with other districts in Derbyshire.
- 2.2 The report also highlights the outcome of the recent internal audit and makes proposals which address recommendations from that audit.
- 2.3 The report also informs the Chief Executive of the County-wide funding and management of DFG, along with other Adult Care services and the ongoing review of these services.

## **3.0 Executive Summary**

- 3.1 The Council has a statutory duty to deliver adaptations to householders in all tenures, which is outlined in the Private Sector Housing Assistance Policy which was agreed by the Housing and Community Services Committee in November 2019.
- 3.2 This service provides essential support to vulnerable households and plays an important part in preventing the need for people to access hospital and other residential care services. Through the ongoing Derbyshire County Council (DCC) review of Adult Care Services, there are opportunities to develop this service into an exemplar service which could offer more comprehensive and holistic housing related support to residents of South Derbyshire.
- 3.3 Certain aspects of this service have already been reviewed and improved, with further suggestions for service improvement also being identified by Councillors and the Council's Better Care Fund (BCF) officer steering group.
- 3.4 A review of the Service has also been completed by Internal Audit who have confirmed a "reasonable assurance" rating and made several recommendations for improvement.
- 3.5 The Service is funded through the BCF which is managed by Derbyshire County Council through its Better Care Fund Performance Board. This Board is part of the DCC Adult Care service which itself is undergoing a comprehensive review in which the Council is a participant.

#### **4.0 Detail**

- 4.1 During 2019/20 the Council completed 73 adaptations in non Council-owned properties. These adaptations are categorised as major (e.g. level access showers) or extensive, (e.g. property extensions) These works are approved on receipt of a formal referral from the DCC Occupational Health Service.
- 4.2 The adaptations process involves district and borough councils from across the County, the customer and private contractors who deliver the physical works on site and is complex. The Council has gradually improved the "end- to-end" completion times for the delivery of adaptations over the past four financial years, as shown in Table 1 below. Comparative performance for the Council and other district and borough councils in Derbyshire are shown in Table 2. The Council has performed better than all other district and borough councils in Derbyshire in delivering this service.
- 4.3 Table 1: End-to-End Performance South Derbyshire

Year	Major Adaptations (Weeks)	Extensive Adaptations(weeks)
2016/17	33	55
2017/18	27	99
2018/19	27	85
2019/20	25	47

- 4.4 Table 2: End-to-End Performance comparison 2019/20

District	Major Adaptations <a href="#">Page 118 of 128</a>	Extensive
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	(weeks)	Adaptations(weeks)
South Derbyshire	25	47
Amber Valley	37	85
Bolsover	34	98
Derbyshire Dales	42	86
Erewash	48	150
High Peak	50	78
North East Derbyshire	49	108

- 4.5 It is recognised across the County, that the end-to-end timescales for delivering adaptations are unacceptable. In extreme cases delays in this Service can have a knock-on effect on other costly health and social care services. Consequently, DCC is already in the process of reviewing the entire Adult Care service with the focus on practical help for applicants to remain in their homes. DCC has described the context and scope of this review as follows:

*“During 2019-20 the Adult Care Commissioning Team has developed three strategies in relation to specialist, older people and working age adults housing, accommodation and support. There are a number of priorities set out in the Delivery Plans of these strategies which include our commitment to*

- Enable older people to plan for their longer-term housing, accommodation and support needs*
- Develop a co-ordinated county-wide partnership approach to adaptations, technology and equipment in the home to maximise opportunities and available funding*
- Work with partners to review and re-shape the low-level support that enables people to remain living independently in their own home*
- Review and transform Derbyshire County Council’s approach to assistive technology, including the current community alarms and telecare offer*
- Provide up-to-date information and advice through a variety of channels, to enable those with care and support needs, and their families or carers, to make informed decisions about accommodation, care and support.*
- Ensure that professionals in social care are aware of the range of options available, so that assessment and support planning promote maximum independence.”*

- 4.6 Whilst the Council is a participant in this review there are aspects of the Adaptations Service that can be improved before its conclusion. The Council is already in a strong position to achieve this as it employs its own in-house Architectural Officer and funding has been agreed to recruit to an Occupational Therapist post within the Housing Team. Both posts take away the need to rely on DCC Architectural and Occupational Health Services. The Occupational Therapist role will include delivering casework-based services providing residents with a range of housing options to enable them to maintain their independence and remain living in their own homes wherever possible. This role will link with existing Housing and other Council Services, such as Careline and Housing Options to achieve this.



- 4.7 The Housing Service has made further improvements to the process by including adaptations within the NOVUS repair and maintenance contract. This has removed the delays created by having to seek three contractor quotes for every adaptation. To supplement this an additional contractor has been appointed through a procurement framework solely to carry out adaptation works.
- 4.8. The Council has recently commissioned an Internal Audit of the service. The Audit team rated the Service as giving “Reasonable Assurance” and made eight low and one medium risk recommendations: along with the following comments:  
*“Work had also begun to identify data from other Derbyshire District Councils which could be used to benchmark the service, and initial assessment indicated that performance achieved at South Derbyshire compared favourably with other Councils. However, this did not negate the need to consider the Service from a customer perspective, in terms of whether the timescales involved should be deemed acceptable given the impact of delays on customers’ ability to manage day to day life.”*
- 4.9 Three specific recommendations from the Audit will be addressed in order to improve the delivery of the service:

**Audit Recommendation 3:**

“We recommend that the Council explores options for discretionary Disabled Facility Grants, with a view to incorporating these into a revised policy”

The lack of discretion within the current Policy requires the Council to complete the test of resources for all applicants. This not only extends the timescale for all adaptations but is also an inefficient use of the Council’s resources. During the last financial year only nine applicants were required to contribute. These contributions ranged from £0.94 to £7097.85. Five contribution amounts were less than £200.00, arguably less than the cost of administering the process.

It is proposed to amend the Policy to remove the test of resources from any works valued at £6,000 or less. This threshold is generally above the cost of adaptations such as level access showers and wet rooms which ought to provide a reasonably prompt response to a household need. For works scheduled in 2020/21 this will leave only four applications out of thirty six that need to go through the test of resources. This will remove a significant administrative burden from the Team, speed up the process and may encourage other vulnerable people to apply for the grant. This proposal will bring DFG applicants into line with Council tenants who do not undertake the test of financial resources.

**Audit Recommendation 5:**

“Appropriate targets are identified for the standard types of adaptation. Performance against these targets should be monitored and reported regularly to management”

**Audit Recommendation 6:**

“The Council could not demonstrate that it had been proactive in ensuring that delays in Disabled Facilities Grant applications, particularly those marked as fast track, were minimised”

The lack of fit for purpose IT support for this Service was identified as an obstacle by the auditors who suggested that the Council should “Explore options for alternative software allowing use of workflows.”

The Service currently operates an outdated and inflexible database which does not facilitate either the proactive monitoring and progress chasing of individual cases or the collection, analysis and reporting of performance indicators and management



information. Most of this information is held on potentially insecure spreadsheets, whilst most operational documentation is in hard rather than electronic copy. To address both recommendations, it is proposed to procure specialist software in order to support the service and improve the speed at which it can assist vulnerable residents.

It is estimated that the purchase and implementation of this software will cost around £12,000 with an annual licence fee of around £2,500. This expenditure is eligible to be covered by the Better Care Fund with a contribution from the Housing Revenue Account, as this software would also assist in managing the provision of adaptations within Council owned homes. Such software would also assist the Council in providing tenants and future tenants with a quicker route to a suitably adapted home through a transfer, rather than waiting for costly adaptations to be carried out to their current home.

The implementation of new software would be managed through the Council's Business Change processes and allow for the total re-engineering of existing process and practices. This would include the ability to develop and efficiently manage overall and specific performance indicators for distinct areas of operation. Addressing these fundamental aspects of the current service will provide a robust platform on which further service improvements can be built, in conjunction with DCC, the NHS and other key stakeholders.

- 4.10 Progress of these and the other Audit Recommendations will be reviewed by the Audit Sub-Committee.

## **5.0 Financial Implications**

- 5.1 The implementation of a £6,000 threshold for the Test of Financial Resources will reduce the number of adaptations that are partially funded by applicants.
- 5.2 This will, increase the payments from the BCF, although any increase is likely to be well within existing budgets.
- 5.3 Expenditure of up to £12,000 on the purchase and implementation of new software to support the service and the annual licence fee may also be met from the Better Care Fund, with a contribution from the Housing Revenue Account. The annual licence fee will be met from existing budgets.
- 5.4 There will be a competitive procurement exercise to purchase appropriate software, as there a number of providers in the market who can offer this service.
- 5.5 Value for Money; the recommendations in the report address the four Value for Money Principles:

### **Being Economic – “Spending Less”**

These proposals will assist in identifying preadapted Council Homes and reduce the need for expenditure on new and potentially unnecessary adaptations.

### **Being Efficient – “Spending Well”**

The proposals will help to speed up the process, improving capacity, output and resilience.

The provision of fit for purpose Information Technology will reduce the resource impact of maintaining “hard copy” systems

### **Being Effective – “Spending Wisely”**

The proposals will assist in identifying customer needs and finding prompt and holistic solutions

The proposals contribute directly to the Councils aims for people to live safely and maintain their independence

### **Being Equitable – “Spending Fairly”**

This service is available to all regardless of tenure

The proposals will help provide a more efficient and customer focussed service for vulnerable people.

## **6.0 Corporate Implications**

### **Employment Implications**

- 6.1 There are no direct employment implications arising from this report.

### **Legal Implications**

- 6.2 There are no direct legal implications arising from this report.

### **Corporate Plan Implications**

- 6.3 This report directly contributes to the aims of the Council's Corporate Plan 2020/24: “We will improve methods of engagement, enable independent and affordable living and provide opportunities for everyone to enjoy social, leisure and cultural activities.” In particular it contributes to:
- “Supporting and safeguarding the most vulnerable
  - With partners encourage independent living and keep residents healthy and happy in their homes.
  - Promote health and wellbeing across the District.
  - Improve the condition of housing stock and public buildings.”

### **Risk Impact**

- 6.4 This report does help to reduce health risks for residents through the more accessible provision of adaptation services

## **7.0 Community Impact**

### **Consultation**

- 7.1 The changes in service delivery brought about through this report will be communicated to the wider community and to partner agencies.

## **Equality and Diversity Impact**

- 7.2 This report does contribute directly to the Council's aims to ensure that households and individuals are not discriminated against due to any of the Protected Characteristics within the Equality Act 2010.

## **Social Value Impact**

- 7.3 This contributed directly to the aim within the Council's Sustainable Community Strategy: "Older people, people with dementia and other long-term conditions and their carers have good quality of life, retain their independence for as long as possible, and receive the support they need at the end of their lives."

## **Environmental Sustainability**

- 7.4 The contents of this report will assist in facilitating vulnerable people to remain living in their own homes for longer periods. This in turn may reduce demand on other emergency and health services

## **8.0 Conclusions**

- 8.1 The Council's Disabled Facilities Grants Service delivers services more quickly than elsewhere in the County
- 8.2 That there have already been improvements made to the Disabled Facilities Grants service which have assisted in improving performance and the procurement process.
- 8.3 The recent Internal Audit report has identified the need to improve systems. This along with other service improvements will assist in improving performance management and developing a more proactive approach to service delivery.

## **9.0 Background Papers**

### **Notes:**

- \* Category – Please see the Committee Terms Of Reference in [Responsibility for Functions - Committees](#). This shows which committee is responsible for each function and whether it has delegated authority to make a decision, or needs to refer it elsewhere with a recommendation.

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- \*\*\* Committee Terms Of Reference in [Responsibility for Functions - Committees](#).

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<b>REPORT TO:</b>	<b>HOUSING AND COMMUNITY SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 10</b>
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> JULY 2020</b>	<b>CATEGORY: DELEGATED</b>
<b>REPORT FROM:</b>	<b>STRATEGIC DIRECTOR (SERVICE DELIVERY)</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>DEMOCRATIC SERVICES</b> <b>01283 59 5848/5722</b> <a href="mailto:democraticservices@south-derbys.gov.uk">democraticservices@south-derbys.gov.uk</a>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>COMMITTEE WORK PROGRAMME</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: G</b>

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## **1.0 Recommendations**

1.1 That the Committee considers and approves the updated work programme.

## **2.0 Purpose of Report**

2.1 The Committee is asked to consider the updated work programme.

## **3.0 Detail**

3.1 Attached at Annexe 'A' is an updated work programme document. The Committee is asked to consider and review the content of this document.

## **4.0 Financial Implications**

4.1 None arising directly from this report.

## **5.0 Background Papers**

5.1 Work Programme.

## Housing and Community Services Committee – 7<sup>th</sup> July 2020 Work Programme

Work Programme Area	Date of Committee meetings	Contact Officer (Contact details)
<b>Reports Previously Considered By Last 5 Committees</b>		
Public Space Protection Order Consultation- Maurice Lea Park and Market Street.	21 <sup>st</sup> November 2019	Mary Bagley Head of Culture and Community Services
New Arrangements for the Delivery of Derbyshire County Council Contracts for Telecare (Careline) and Independent Living Services	21 <sup>st</sup> November 2019	Paul Whittingham Housing Services Manager (01283) 595984
New Arrangements for the Delivery of Derbyshire County Council Contracts for Telecare (Careline) and Independent Living Services	21 <sup>st</sup> November 2019	Paul Whittingham Housing Services Manager (01283) 595984
Services and Support for Homeless People	21 <sup>st</sup> November	Paul Whittingham Housing Services Manager (01283) 595984
Housing Environmental Impact Project	21 <sup>st</sup> November 2019	Paul Whittingham Housing Services Manager (01283) 595984
Corporate Plan 2016-21: Performance Report Q2 – 1 <sup>st</sup> July to 30 <sup>th</sup> September)	21 <sup>st</sup> November 2019	Communications (01283 228705)
Proposed Service Budget 2020/21	7 <sup>th</sup> January 2020	Kevin Stackhouse Strategic Director (Corporate Resources) <a href="mailto:Kevin.stackhouse@southderbshire.gov.uk">Kevin.stackhouse@southderbshire.gov.uk</a> (01283 595811)

Adoption of the Strategic Housing Market Assessment	30th January 2020	Eileen Jackson Strategic Housing Manager (01213) 595763
Allocations Policy	30 <sup>th</sup> January 2020	Paul Whittingham Housing Services Manager (01283) 595984
Approval of A Public Space Protection Order -Maurice Lea Park and Market Street	12 <sup>th</sup> March 2020	Claire Rawlins Anti-Social Behaviour Officer Communities Team
Submission of Consultation Response – 1 <sup>st</sup> Homes	12 <sup>th</sup> March 2020	Eileen Jackson Strategic Housing Manager (01283) 595763
<b>Provisional Programme of Reports To Be Considered by Committee</b>		
Community and Environment Partnership Scheme Grant	7 <sup>th</sup> July 2020	Chris Smith / Ian Hey
Review of the South Derbyshire District Council Surveillance Policy	7 <sup>th</sup> July 2020	Chris Smith / Ian Hey
Homelessness and Rough Sleeping	7 <sup>th</sup> July 2020	Paul Whittingham Housing Services Manager (01283) 595984
Corporate Plan 2020-24: Performance Report (2019-2020 Quarter 4 – 1 January to 31 March)	7 <sup>th</sup> July 2020	Fiona Pittman Head of Organisational Development & Performance 01283 595735

Disabled Facilities Grants	7 <sup>th</sup> July 2020	Paul Whittingham Housing Services Manager (01283) 595984
Active Derbyshire Service Level Agreement	Next Available Committee	Hannah Peate Active Communities & Health Partnership Manager 01283 595973
Corporate Plan 2016-21: Performance Report Q3	TBC 2020	Communications (01283 228705)
Land Transfer at Orchard Close – Newhall	TBC 2020	Eileen Jackson Strategic Housing Manager (01213) 595763
Swadlincote Woodlands Management Plan	TBC 2020	Malcolm Roseburgh Cultural Services Manager (01283) 5955774
Improvements to Midway Community Centre	TBC 2020	Malcolm Roseburgh Cultural Services Manager (01283) 5955774
Homeless Strategy (Including Temporary Accommodation)	TBC 2020	Paul Whittingham Housing Services Manager (01283) 595984
Rent/Income Management Policy	TBC 2020	Paul Whittingham Housing Services Manager (01283) 595984
Tenant Involvement Strategy	TBC 2020	Paul Whittingham Housing Services Manager (01283) 595984

