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Meeting	<b>CABINET</b>
Time/Day/Date	5.00 pm on Tuesday, 20 September 2022
Location	Council Chamber, Council Offices, Whitwick Road, Coalville, LE67 3FJ
Officer to contact	Democratic Services (01530 454512)

On behalf of people in the district, elected Members and staff, we at North West Leicestershire District Council extend our sincere condolences to His Majesty King Charles III and the Royal Family following the death of Queen Elizabeth II on 8 September 2022. As a mark of respect, during the mourning period, the flag in the grounds of the Council offices will fly at half-mast.

## AGENDA

Item	Pages
<b>1. APOLOGIES FOR ABSENCE</b>	
<b>2. DECLARATION OF INTERESTS</b>	
Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
<b>3. PUBLIC QUESTION AND ANSWER SESSION</b>	
<b>4. MINUTES</b>	
To confirm the minutes of the meeting held on 19 July 2022.	<b>3 - 10</b>
<b>5. HERMITAGE LEISURE CENTRE BUILDING - FUTURE DIRECTION</b>	
The report of the Strategic Director. Presented by the Housing and Customer Services Portfolio Holder.	<b>11 - 164</b>
<b>6. INTERIM POSITION STATEMENT IN RESPECT OF FIRST HOMES - CONSULTATION DRAFT</b>	
Report of the Strategic Director of Place Presented by the Planning Portfolio Holder	<b>165 - 180</b>
<b>7. DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT</b>	
Report of the Strategic Director of Place Presented by the Planning Portfolio Holder	<b>181 - 224</b>

- 8. AWARD OF HOUSING MATERIALS SERVICES CONTRACT**
- The report of the Strategic Director. **225 - 230**  
Presented by the Housing, Property and Customer Services Portfolio Holder.
- 9. COVID-19 ADDITIONAL RELIEF FUND (CARF) POLICY 2021/22**
- The report of the Strategic Director. **231 - 242**  
Presented by the Corporate Portfolio Holder.
- 10. ANNUAL REVIEW OF CORPORATE GOVERNANCE POLICIES**
- The report of the Strategic Director. **243 - 398**  
Presented by the Corporate Portfolio Holder.
- 11. FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE OFFS**
- The report of the Strategic Director. **399 - 402**  
Presented by the Corporate Portfolio Holder.
- 12. EXCLUSION OF PRESS AND PUBLIC**
- The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information. Members are reminded that they must have regard to the public interest test and must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available.
- 13. FINANCE SYSTEM**
- The report of the Strategic Director. **403 - 408**  
Presented by the Corporate Portfolio Holder.
- 14. AWARD OF INSURANCE CONTRACT**
- The report of the Strategic Director. **409 - 414**  
Presented by the Corporate Portfolio Holder.

Circulation:  
Councillor R Blunt (Chairman)  
Councillor R Ashman (Deputy Chairman)  
Councillor R D Bayliss  
Councillor T Gillard  
Councillor K Merrie MBE  
Councillor N J Rushton  
Councillor A C Woodman

MINUTES of a meeting of the CABINET held in the Council Chamber, Council Offices, Whitwick Road, Coalville, LE67 3FJ on TUESDAY, 19 JULY 2022

Present: Councillor R Blunt (Chairman)

Councillors R D Bayliss, T Gillard, K Merrie MBE and A C Woodman

In Attendance: Councillors D Bigby, J Legrys, V Richichi and S Sheahan

Officers: Mrs J Davidson, Mr J Arnold, Mr A Barton, Miss E Warhurst, Mrs A Crouch, Mrs C Hammond, Mrs K Baker-Adams, Mr K Bassett, Ms K Connell, Mr C Elston, Ms S Lee, Mr M Murphy, B Walford and Mr P Wheatley

## **9. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors R Ashman and N Rushton.

## **10. DECLARATION OF INTERESTS**

There were no interests declared.

## **11. PUBLIC QUESTION AND ANSWER SESSION**

No questions were received.

## **12. MINUTES**

Consideration was given to the minutes of the meeting held on 7 June 2022.

It was moved by Councillor T Gillard, seconded by Councillor K Merrie and

RESOLVED THAT:

The minutes of the meeting held on 7 June 2022 be approved and signed by the Chairman as a correct record.

## **13. LEICESTER & LEICESTERSHIRE STATEMENT OF COMMON GROUND ON HOUSING AND EMPLOYMENT NEEDS (APRIL 2022)**

The Planning Portfolio Holder presented the report to members. He noted that Leicester City did not have sufficient land to meet its housing and employment needs in full and that all Local Planning Authorities were under an obligation to work with neighbouring authorities to ensure all the needs in an area were met. He highlighted that the statement would be considered at the next Council meeting, which could result in an increase in the housing to be built figures to 686 per year from 372 per year. He outlined how the figures had been reached, that the employment need would be met by Charnwood and advised Cabinet that to make the provision for the increased figure would require some difficult decisions. He stated that should the authority resist the new figure it would pose a significant risk to the Local Plan and therefore the statement should be supported.

Councillor R Blunt noted that planning did not follow political lines and was about where the demand and growth was, and for that reason the Council should follow the statement.

It was moved by Councillor K Merrie, seconded by Councillor R Blunt and

RESOLVED THAT:

1. The Statement of Common Ground which addresses the issue of unmet housing and employment needs from Leicester City be noted
2. The views of Cabinet on the Statement of Common Ground will be forwarded to Council for it to have regard to when determining this Council's position; and
3. The Council's position on whether or not to support the Statement of Common Ground be formally agreed at a meeting of Council on 6 September 2022.

**Reason for Decision:** To determine Cabinet's views on the proposed Statement of Common Ground for forwarding to Council.

#### **14. TREASURY MANAGEMENT STEWARDSHIP REPORT 2021/22**

The Deputy Section 151 Officer presented the report to members. She highlighted two breaches of investment limits that had been reported to the Audit and Governance Committee, both of which had been dealt with correctly.

It was moved by Councillor R Blunt, seconded by Councillor A Woodman and

RESOLVED THAT:

The report be approved.

**Reason for Decision:** Informing Cabinet of the Council's Treasury Management activity is a statutory requirement.

#### **15. MEDIUM TERM FINANCIAL PLAN OUTLOOK**

The Deputy Section 151 Officer presented the report to members. She explained that the report provided Cabinet with the latest update on the financial plan outlook, which was, based on the latest data available, therefore any planned expenditure over the medium term had not been updated. It was also noted that the proposals for government reforms of the Fair Funding system were unlikely to be made in time for the financial year 2023/24 budget process and could be pushed back to 2025/26, which would result in the Council having additional resources and further time to develop the Council's strategy.

RESOLVED THAT:

1. The revised Medium Term Financial Outlook, in particular the uncertainty surrounding the Council's general fund position and the likely delay by a further one year of Local Government funding reforms from the position reported in February 2022, be noted.
2. The planned approach to budget setting the year be approved.

**Reason for Decision:** To approve the planned approach to budget setting for 2023/24.

#### **16. AIR QUALITY CAPITAL GRANT FUNDING (DEFRA)**

The Community Services Portfolio Holder presented the report to members. He was pleased to report that the Council had been successful in being awarded a grant from DEFRA to assist with a project to highlight the health impacts of burning solid fuels.

Members felt it was a great result for the Council as the DEFRA criteria was very strict, so it was pleasing the Council had met all of these.

It was moved by Councillor A Woodman, seconded by Councillor K Merrie and

RESOLVED THAT:

It be recommended to Council at its meeting on 6 September 2022 that the DEFRA air quality grant funding is added retrospectively to the Council's capital programme for delivery of the air quality project.

**Reason for Decision:** For Cabinet to note the award of the DEFRA air quality grant funding; and considers and comments on the retrospective addition to the Council's capital programme of £21,240 for delivery of the air quality project.

## 17. HOUSING ASSET MANAGEMENT PLAN 2022 TO 2024

The Housing, Property and Customer Services Portfolio Holder presented the report to members. It was noted that the report presented an interim plan pending completion of a 5 year plan. It included the focus on the safety and endurance of existing stock along with the need to build for fuel efficient homes.

It was moved by Councillor R Bayliss, seconded by Councillor T Gillard and

RESOLVED THAT:

1. The contents of the report be noted; and
2. The 2022-2024 HRA Asset Management Plan be approved.

**Reason for Decision:** To seek approval from Cabinet for the 2022-2024 HRA Asset Management Plan

## 18. ZERO CARBON ROADMAP UPDATE

The Community Services Portfolio Holder presented the report to members. He noted the successes of year two and the proposed key activities for year three. He highlighted the requests for funding for LED lighting in public car parks and electrical charging point installations that would be drawn from the Zero Carbon reserve.

A member noted that the Council had brought eighty-six of the least performing energy efficiency homes from band E and below to band C, and that considerable focus was being put on improving the energy efficiency of the Council's housing stock.

Cabinet considered that our Zero Carbon targets remained very important and action on measures within the Council's control should be supported.

It was moved by Councillor A Woodman, seconded by Councillor R Bayliss and

RESOLVED THAT:

1. The progress that has been made with year 2 of the Zero Carbon Roadmap be noted; and

2. The proposed actions and spend for year 3 of the Zero Carbon Roadmap be approved
3. It be recommended to Council that:
  - a) £75,000 for LED lighting in public car parks; and
  - b) £50,000 for electrical charging point installations

be added to the Council's capital programme.

**Reason for Decision:** To progress with the Zero Carbon Roadmap

## 19. QUARTER 4 PERFORMANCE REPORT

The Leader presented the report to members. He noted that of the thirty-four actions in the delivery plan, nine had been achieved with twenty-four being progressed positively and one action not being achieved. He also noted that in relation to the performance indicators, twenty seven of the forty-four had been achieved, with ten not yet and the remaining seven being reported annually. He then invited Cabinet colleagues to make comments on their areas.

Councillor R Bayliss noted that the Council was intending to appoint contractors to help with the backlog of the housing improvement programme following the pandemic and hopefully by midnight 31 March 2023 the stock would be 100% decent homes. He advised that there were several sites for new builds and that the target for affordable homes had been exceeded. He added that there were still some concerns around Customer Services replies.

Councillor T Gillard noted that the Economic Development team had concluded the spend of the Omicron Discretionary grant programme, which meant officers had supported around one hundred additional businesses who had experienced hardship during the variant, and in total meant the Council had made £3.95m of funding available to business over the past 18 months.

Councillor A Woodman noted the increase in membership at the new Leisure Centre and that the Newmarket was improving but would not hit full potential until Marlborough Square was completed. In relation to litter, forty-four fixed penalty notices had been given out and the recycling target had not been met, but it was noted the figures were slowly returning to normal.

Councillor K Merrie noted that the Planning service was working well with the new team manager and a lot of work was being put into improving the Planning Enforcement team.

It was moved by Councillor R Blunt, seconded by Councillor T Gillard and

RESOLVED THAT:

The progress against the corporate objectives and performance indicators for Quarter 4 2021/22 be noted.

**Reason for Decision:** To update Cabinet on the progress of the corporate objectives and performance indicators for Quarter 4 2021/22

## 20. MINUTES OF THE COALVILLE SPECIAL EXPENSES WORKING PARTY

The Community Services Portfolio Holder presented the report to members. He highlighted the continued work towards future events programme and was pleased that the working party continued to explore ways of bringing funding into the town, along with the review of the wall of London Road Cemetery and the trees within the area, with a view to saving any which were healthy.

Members were pleased with the continuing work of the group.

It was moved by Councillor A Woodman, seconded by Councillor R Blunt and

RESOLVED THAT:

The minutes of the Coalville Special Expenses Working Party at appendix 1 be noted.

**Reason for Decision:** So that the decisions of the Coalville Special Expenses Working Party can be considered.

## 21. THE AWARD OF THE THREE YEAR CONTRACT FOR THE SUPPLY OF BINS AND RECYCLING CONTAINERS

The Community Services Portfolio Holder presented the report to members. He highlighted the current process for purchasing wheeled bins and recycling containers but noted that, due to the spend levels, it was deemed more suitable to use a contractual arrangement.

It was moved by Councillor A Woodman, seconded by Councillor R Bayliss and

RESOLVED THAT:

1. It be recommended to Council that £580,000 over a three-year period is added to the capital programme for supply of wheeled bins and recycling containers.
2. A contract at the value of up to £800,000 be awarded to IPL global for the provision of food waste caddies and a three-year supply of wheeled bins and recycling containers subject to Council approval of the addition to the capital programme

**Reason for Decision:** To comply with the council's contracts procedures, contracts that are valued at more than £250,000 in total is a financial key decision requiring Cabinet approval and to comply with EU Contract Procedure Rules (which the UK is still subject to), the council is required to follow these rules.

## 22. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor T Gillard, seconded by Councillor K Merrie and

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

**Reason for decision:** To enable the consideration of exempt information.

### 23. A CINEMA FOR COALVILLE - UPDATE

The Leader presented the report to members.

It was moved by Councillor R Blunt, seconded by Councillor A Woodman and

RESOLVED THAT:

1. The comments made by the Community Scrutiny Committee at its meeting on 29 June 2022 were considered.
2. A report be brought back to Cabinet following work to develop a business case on a preferred method of supporting the development of a cinema in Coalville.

**Reason for Decision:** To allow the council to continue to do further work to deliver objectives set out in the Council Delivery Plan

### 24. LINDEN WAY, COALVILLE - HIGHWAY EXTENSION

The Leader presented the report to members.

It was moved by Councillor R Blunt, seconded by Councillor R Bayliss and

RESOLVED THAT:

1. Powers be delegated to the Strategic Director in consultation with the Leader of the council to enter into a project agreement.
2. 50% of the costs of making a planning application for the extension of Linden Way be met.

**Reason for Decision:** The decision will enable progress to be made on the project to extend Linden Way, which will facilitate regeneration of the Wolsey Road area of Coalville

### 25. HOUSING REVENUE ACCOUNT DISPOSALS AND ACQUISITIONS UPDATE

The Housing, Property and Customer Services Portfolio Holder presented the report to members.

It was moved by Councillor R Bayliss, seconded by Councillor R Blunt and

RESOLVED THAT:

1. The acquisition of the property detailed in the report, as approved by the Chief Executive and Leader of the Council under the urgency power provisions of the HRA acquisitions policy at a cost as detailed in the report plus costs, be noted.
2. The acquisition of the property detailed in the report, as approved by the Strategic Director of Housing and Customer Services and the Housing, Property & Customer Services Portfolio Holder under the urgency power provision of the HRA acquisitions policy for at a cost as detailed in the report plus costs, be noted.

3. The disposal of four properties detailed in section 5 of the report, subject to updated valuations and NPV calculations being approved by the Strategic Director of Housing and Customer services and the Housing, Property & Customer Services Portfolio Holder in consultation with the Section 151 Officer, be approved.

**Reason for decision:** To ensure all governance requirements relating to the implementation of the HRA Asset Management Plan, active asset management approach, and the new affordable housing supply strategy are satisfied in relation to the acquisitions and disposals referred to in the body of this report.

## 26. UK SHARED PROSPERITY FUND - NWL INVESTMENT PLAN

The Business and Regeneration Portfolio Holder presented the report to members.

It was moved by Councillor T Gillard, seconded by Councillor K Merrie and

RESOLVED THAT:

1. The NWL UKSPF Investment Plan be reviewed and the comments from the members briefing be noted.
2. The submission of the NWL UKSPF Investment Plan to the Department for Levelling Up, Housing and Communities, be approved.
3. Authority be delegated to the Strategic Director (Place) in consultation with the Business and Regeneration Portfolio Holder to review and amend the NWL Investment Plan project proposals set out in the report, to respond and adapt to the changing economic environment and local needs.
4. It be recommended to Council at its meeting on 6 September that the amount as detailed in the report be added to the Council's capital programme for delivery of the NWL UKSPF Investment Plan.

**Reason for Decision:** For Cabinet to provide feedback on, and approve the submission of, the NWL UKSPF Investment Plan and for Cabinet to review and approve the recommended delegations to oversee the delivery of the NWL UKSPF Investment Plan.

## 27. AWARD OF HOUSING CONTRACTS

The Housing, Property and Customer Services Portfolio Holder presented the report to members.

It was moved by Councillor R Bayliss, seconded by Councillor T Gillard and

RESOLVED THAT:

The award of:

1. The passive fire protection contract
2. The cyclical painting and decorating contract.

be approved, both as direct awards to the contractor referred to in section 2.

**Reason for decision:** The level of expenditure on the proposed contract exceeds the authority level in the Scheme of Delegation.

The meeting commenced at 5.01 pm

The Chairman closed the meeting at 5.53 pm

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 20 SEPTEMBER 2022



<b>Title of Report</b>	<b>HERMITAGE LEISURE CENTRE BUILDING – FUTURE DIRECTION</b>	
<b>Presented by</b>	Cllr Roger Bayliss Portfolio Holder For Housing, Property and Customer Services.	
<b>Background Papers</b>	<a href="#">Former Hermitage Leisure Centre Building Future Direction -Community Scrutiny Committee 7 September 2022</a>  <a href="#">Corporate Disposal Policy September 2021</a>	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	<ul style="list-style-type: none"> <li>Demolition of the Former Hermitage Leisure Centre Buildings will relieve the council of the costs of securing and maintaining the vacant buildings.</li> <li>Demolition will also release the asset for use in the delivery of alternative council services.</li> <li>The cost of demolition, which is expected to cost £300,000, will be funded from the Coalville Regeneration line within the Council's General Fund Capital Programme.</li> <li>Appropriation of the site (post demolition) to the HRA will have positive financial benefits for the General Fund.</li> </ul>	
	<b>Signed off by the Deputy Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	Legal Services have provided advice and support in regard to the both the assessment of options for the future of the site and the means by which the site could be appropriated to the HRA. Further legal support is likely to be required and has been discussed with Legal Services.	
	<b>Signed off by the Deputy Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	The demolition and appropriation activities set out in this paper will be managed within existing officer resource.	
	<b>Signed off by the Deputy Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	The purpose of this report is to: <ul style="list-style-type: none"> <li>Describe the current structural condition of the former Hermitage Leisure Centre buildings.</li> </ul>	

	<ul style="list-style-type: none"> <li>• Discuss options for the future of the former Hermitage Leisure Centre buildings having regard to condition.</li> <li>• Recommend an option that represents best compliance with corporate asset policies and financial plans.</li> <li>• Propose the reuse of the site to deliver other council priority services.</li> <li>• Seek movement of the asset between the Council's General Fund and Housing Revenue Account (by appropriation) to enable the new use to be pursued.</li> </ul>
<p><b>Reason for Decision</b></p>	<p>A decision on the future of the Hermitage Leisure Centre buildings is required in order to comply with the Corporate Disposals Policy. The proposed course of action will enable the asset to be used by another council service to delivery council priorities. The decision does not compromise future consideration of a strategy for investment in the Hermitage Recreation Ground.</p>
<p><b>Recommendations</b></p>	<p><b>THAT CABINET:</b></p> <p><b>1) CONSIDERS THE REPORT INCLUDING THE OPTIONS REGARDING THE FUTURE OF THE FORMER HERMITAGE LEISURE CENTRE BUILDING (HLC).</b></p> <p><b>2) NOTES THE DIVERSE COMMENTS AND VIEWS EXPRESSED BY THE COMMUNITY SCRUTINY COMMITTEE SUMMARISED IN SECTION 8 OF THE REPORT AND CONTAINED IN FULL IN APPENDIX 7</b></p> <p><b>3) AGREES TO THE DEMOLITION OF THE HLC BUILDINGS FOR THE REASONS SET OUT IN THE REPORT, AND DELEGATES RESPONSIBILITY FOR ANY ARRANGEMENTS REQUIRED TO FACILITATE THE DEMOLITION TO THE HEAD OF PROPERTY AND ECONOMIC DEVELOPMENT.</b></p> <p><b>4) AGREES THAT THE COUNCIL WILL RETAIN THE FREEHOLD TITLE OF THE LAND OCCUPIED BY THE FORMER HLC BUILDINGS AND CAR PARKING, TO BE USED FOR THE DELIVERY OF OTHER COUNCIL SERVICES, IN ACCORDANCE WITH THE COUNCIL'S CORPORATE DISPOSALS POLICY</b></p> <p><b>5) AGREES TO APPROPRIATE THE LAND OCCUPIED BY THE FORMER HLC AND CAR PARKING FROM THE GENERAL FUND TO THE HOUSING REVENUE ACCOUNT (HRA) AS DESCRIBED IN THE REPORT (ANNEX 6 INDICATIVELY SETS OUT THE AREA OF LAND TO BE APPROPRIATED (SUBJECT TO DUE PROCESS AND FINALISATION)), PROVIDED THAT IT:</b></p> <p><b>A) DOES NOT COMPROMISE THE LEISURE COVENANT ON THE SITE;</b></p>

	<p><b>B) COMPLIES WITH POLICY EN5 OF THE LOCAL PLAN (NAMELY DOES NOT ENCROACH ON THE AREA OF SEPARATION); AND</b></p> <p><b>C) RETAINS WITHIN THE GENERAL FUND, AN AREA OF CAR PARKING FOR LOCAL RESIDENTS.</b></p> <p><b>6) DELEGATES RESPONSIBILITY FOR THE APPROPRIATION PROCESS TO THE STRATEGIC DIRECTOR WITH RESPONSIBILITY FOR PROPERTY IN CONSULTATION WITH THE S151 OFFICER AND APPROPRIATE PORTFOLIO HOLDERS.</b></p> <p><b>7) NOTES THAT IT WILL AT FUTURE DATES, RECEIVE BUSINESS CASES FOR THE PROPOSED IMPROVEMENTS TO THE HERMITAGE RECREATION GROUND. THE FINAL PROPOSALS IN THESE BUSINESS CASES WILL BE IN LINE WITH THE DIRECTION OF TRAVEL OUTLINED IN SECTION 3.26 OF THIS REPORT BUT REFINED TO TAKE ON BOARD THE COMMUNITY ENGAGEMENT RESULTS AND RELEASE FUNDS TO THE GENERAL FUND THROUGH THE APPROPRIATION OF THE HLC SITE.</b></p>
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## **1.0 HERMITAGE LEISURE CENTRE – BACKGROUND**

- 1.1** The Council’s Hermitage Leisure Centre closed to the public in February 2022, following the opening of the new Whitwick and Coalville Leisure Centre. The Hermitage Leisure Centre buildings (HLC) had served the population of Coalville and Whitwick since the 1960’s.
- 1.2** The HLC buildings (4,187sqm) and associated car park (5,603sqm) sit on the south-western edge of the village of Whitwick and form part of the much larger (205,295 sqm) Hermitage Recreation Ground (HRG). The HLC, Carpark and HRG are all owned freehold by the North West Leicestershire District Council (NWLDC). (See Plan at Appendix 1)
- 1.3** HLC historically provided a full leisure centre offer to the residents of greater Coalville (dry-side sports hall, gym, fitness rooms, swimming pool, health suite and squash courts). The Leisure Centre car parking has historically also been used by some Whitwick residents and particularly those living on Silver Street as more general car parking provision.
- 1.4** Whilst the HLC buildings have been declared as “no longer required for the delivery of leisure services” by NWLDC Leisure Services and returned to the corporate landlord (Property Services), the Leisure Services Team continue to operate the wider Recreation Grounds to provide leisure opportunities for District residents. This will continue to be the approach going forward and more detail is provided on this towards the end of this report.
- 1.5** Following the return of the HLC buildings to the corporate landlord, the buildings have been mothballed pending a decision on their future. The mothballing process has

involved emptying the building of furniture, draining wet services (including the pool and water tanks) and securing the site. Services essential to maintaining the safety and security of the building (including electricity and gas) remain connected.

- 1.6 In their mothballed state the buildings are currently costing the Council approximately £17,500 per month to retain. There is a financial imperative to take a decision regarding the future of the HLC buildings.

## 2.0 **CORPORATE DISPOSALS CONSIDERATIONS**

- 2.1 HLC currently sits on the Council's Asset Register as a property which is no longer required for the delivery of the service for which it was originally procured.

- 2.2 The Corporate Disposal Policy (for assets) adopted in September 2021 (by Cabinet preceded by consideration at Corporate Scrutiny Committee in January 2021) requires the Council to regularly review the real estate property it holds, in order to identify any assets that either:

- Are no longer required by the Council for the original purpose for which they were purchased.
- Are no longer needed to fulfil the purpose for which they were previously used by the Council.
- Are not likely to be required for the delivery of any other Council service.

- 2.3 The HLC meets at least one of the above definitions. The Corporate Disposals Policy makes it clear that a review of assets especially where their current use has come to an end is good practice and in doing so consideration of other service needs should be included (including specifically "Para 2.10 - to deliver other Council objectives such as the provision of housing in the District ". This is due to the strong demand and need for housing sites to increase the supply of new Council homes.

- 2.4 Given that the Council fully intends to continue to operate and deliver services using the Hermitage Recreation Grounds (which wrap around the footprint of HLC), options for the future of the HLC asset should also consider potential impacts on the ongoing operation of Hermitage Recreation Grounds.

- 2.5 The following seven options for the HLC buildings have been identified as part of considering the future of the HLC site and stem from the adopted Disposals Strategy

- A Sell the buildings on the open market
- B Lease the buildings out on the open market.
- C Demolish the buildings, clear the site and sell or lease the land.
- D A hybrid solution involving part demolition and part sale /letting
- E Demolish the buildings, clear the site and use the land to deliver other Council services.
- F Continue to mothball the property (ie a do nothing option)
- G Gifting the building to another organisation.

2.6 Option F was discounted immediately as this is contrary to the Council’s assets policy and Government advised good practice.

2.7 Option G has been discounted on three counts:

- The land upon which the buildings sit has a value which needs to be realised and reinvested to deliver improvements to HRG.
- Under Section 123 of the Local Government Act 1972 there is a general requirement for councils to obtain the best price when disposing of assets.
- It is likely to be contrary to the agreement held with Everyone Active (see below).

### 3.0 **MATTERS FOR CONSIDERATION**

3.1 The following sections of this report set out factors that should be taken into consideration when assessing the options for the future of the HLC buildings.

#### ***Building Condition.***

3.2 The “Technical Briefing On The Condition Of The Former Hermitage Leisure Centre Building” document (Appendix 2), describes the physical condition of the property. The report identified that there are significant problems with all major component parts of the property (roof, walls, foundations and structure as well as the building systems). This was a significant part of the rationale for the new Whitwick and Hermitage Leisure, where the decision was taken to build a new facility rather than make significant investments in the old centre.

3.3 The condition backlog items, i.e. the elements of the building that have been identified as failed and/or beyond their usable life, equate to a capital cost of c.£2.1m, broken down as follows:

<b>Item</b>	<b>Cost (£)</b>
Works costs (as per CBRE assessment)	£1,378,250
Inflation allowance to mid-point construction (say, Q3 2022) with inflation allowance at 1% per quarter	£41,500
<b>Sub-Total</b>	<b>£1,419,750</b>
Prelims @ 15%	£213,000
<b>Sub-Total</b>	<b>£1,632,750</b>
Contingency allowance @ 10%	£163,000
<b>Sub-Total</b>	<b>£1,795,750</b>
Professional & statutory fees @ 18%	£323,000
<b>TOTAL ESTIMATED WORKS’ COSTS (excl. VAT of £423,750)</b>	<b>£2,118,750</b>

3.4 It should be noted that the above works simply address Health and Safety and condition backlog items. They do not allow for any improvement / decoration / suitability improvement works which would inevitably be needed for an alternative use.

- 3.5** The Council's Valuer (Readings) has advised that following a programme of repairs as set out in the CBRE report, then the building would have a capital value for existing leisure use of £1,250,000 to £1,350,000.
- 3.6** Based on the information contained within the CBRE Report and the building valuation reports provided by the Council's Valuer - *The condition of the HLC building is such that the cost to refurbish outweighs the market value and the buildings are therefore at the end of their economic life.*
- 3.7** It should also be noted that over the last six months that the building has been unused and mothballed, the physical condition has begun to deteriorate at an accelerating speed. Retaining the building within the Council's portfolio in an increasingly derelict condition presents increased risk to those who may come into contact with the building.
- 3.8** To maintain security whilst the building is mothballed it has been necessary to keep electricity supplies to the buildings connected and consume power (for interior and exterior lighting, CCTV and security systems). This impacts negatively on the Council's Zero Carbon commitment.

### **Contractual Matters**

- 3.9** NWLDC has entered into a contract with Everyone Active (EOA) for the operation of the Council's leisure centres. The contract contains provisions which are designed to protect EOA's income. In particular, the Council may not create any other "Competing Facility" as set out below in an extract from our contractual arrangement with EOA:

"Competing Facility" means the provision of sports or leisure activities to Users resulting from:

- (a) the construction of new facilities; or
- (b) the improvement of existing facilities (excluding essential lifecycle or planned preventative maintenance); or
- (c) the carrying out of new leisure activities or different leisure activities at an existing facility (excluding off-site activities in relation to the Government's healthy living agenda) which are not in the form of the activities provided at such facilities at the Commencement Date; and which meet all of the following criteria:
  - (i) provide additional or new competition for the Services (or part thereof) carried out at the Facilities;
  - (ii) provide areas of accommodation similar to or better than the Facilities;
  - (iii) are at a facility which is within the a two mile radius of one of the Facilities;
  - (iv) are at a facility which is an Authority Sponsored Facility; (v) are not operated by the Contractor or any Affiliate of any of them; and (vi) the new or improved facility or activity was not under active consideration and known (or ought to have been known) to the Contractor as at the date of this Agreement (the Contractor having made all reasonable enquiries);

- 3.10** It is the view of officers that selling or leasing the HLC buildings for any leisure operation would potentially lead to issues with the contract and claims for compensation.

### **Selling The Buildings**

- 3.11** There are a number of issues to be considered should the Council wish to dispose of its freehold interest in the HLC buildings and the land they sit on:

**A** In October 2021, Whitwick Parish Council successfully made an application to have HLC listed as an Asset of Community Value (ACV) on the basis that it furthers the social wellbeing and interests of the local community. This listing lasts for five years until October 2026 and stipulates that if the Council gave notice that it intended to dispose (which in this case means in effect transfer/sale to a third party) of HLC, then there would need to be a formal period of opportunity (moratorium) during which time

the Parish Council, or any other community group, could decide if they wanted to be considered as a potential bidder for the asset, and to allow them time to raise the funds required to bid to buy it. This process only gives community groups a right of first refusal and there is ultimately no obligation to sell to the group at the end of the moratorium period. For the purposes of the ACV a disposal means a transfer of the asset out of the Council's ownership to a third party.

**B** Selling the existing Hermitage Leisure Centre buildings to a third party would require the Council to separate out the HLC buildings from its wider HRG ownership and provide appropriate rights of access across the recreation grounds to the HLC buildings. While all of this is possible, it will result in the Council losing some control of what happens on a piece of real estate within the overall boundary of HRG. This risk can be mitigated initially by selecting carefully who the Council may wish to sell the HLC buildings to. There remains a risk however that the building is subsequently sold on, and the Council, whilst benefiting from any sale value, loses control of the site

**C** There is a covenant on part of the land upon which the HLC buildings sit which states that

*"The District Council will use the land hereby conveyed for recreational purposes only and within this context will be free to develop the land in the way it considers appropriate having regard to the usual planning requirements and any other statutory provisions".*

The Council would need to carefully consider how this covenant would limit any freehold disposal. This covenant also prevents the wider HRG being used for any other purpose.

**D** The valuations provided by the Council's Valuer Readings indicate that the existing buildings are worth £1,250,000 to £1,350,000 whilst the land upon which the HLC buildings sit is worth £1,800,000 to £1,950,000 in a cleared state and ready for redevelopment. The land is, therefore, worth more cleared than it is with the buildings on it.

### ***Leasing The Buildings***

- 3.12** Since 2007, there has been a legal obligation on landlords and owners of buildings of more than 500sqm in size to have an Energy Performance Certificate (EPC) or Display Energy Certificate (DEC) which needs to be renewed every 10 years as a minimum.
- 3.13** Additional legislation was introduced in 2015 (Minimum Energy Efficiency Standards Regulations (MEES)). This mandated that after 2018 a landlord could not grant a new lease on commercial properties with an EPC rating worse than E.
- 3.14** The EPC for HLC expired some time ago and has not been renewed, as it was understood that the building was being replaced and not expected to be leased out. At the present time the Council is legally unable to grant a lease on the HLC buildings as they do not have a valid EPC with a rating of at least E. Leasing the buildings without an EPC of the required rating could result in the Council being fined up to £150,000
- 3.15** The Council could seek to have a new EPC assessment carried out. However there are concerns that the buildings would not achieve the grade E required due to the impact of a number of building condition issues (failed double glazing, inefficient heating systems etc.). It is expected that the costs of works needed to achieve a minimum

EPC rating of E would be uneconomic to fund.

**3.16** Should the Council wish to lease the buildings to a tenant and assuming a compliant EPC can be obtained, there are other factors to be considered:

- A long leasehold arrangement may also be captured by the registration of the property as an Asset of Community Value.
- There would need to be consideration of an appropriate rent for the buildings. It cannot be judged whether any prospective tenant would find this affordable.
- Depending on the terms of the lease, at the end of the tenancy / tenant vacating the premises, the Council may be required to compensate the tenant for any improvements they have carried out to the building.
- At the end of any lease the tenant would only be required to return the property in the same condition as at the date the lease was granted (taking into account fair wear and tear) which means the Council would get the building back at a future date with all its existing problems.
- Despite leasing the building to an operator there would be reputational risk for the council. The Council would continue to be seen as the owner and landlord of a building which is in a poor state of repair and decoration. There may even be public pressure for the Council to refurbish the building.
- Acting as landlord on a large commercial property such as HLC would require additional officer time which may not be fully recovered through any rent that can be charged for the building.

### ***Financial***

**3.17** CBRE's condition survey has clearly identified the likely cost to address and make-good the known building and services' defects (excl. any enhancement / refurbishment works) at an outturn cost of c.£2.1m. The value of the buildings once these works are undertaken is £1,250,000 to £1,350,000. There is, therefore, no investment case for refurbishing the buildings before selling as the capital receipt realised would not recoup the cost of refurbishment.

**3.18** The value of the site cleared is £1,800,000 to £1,950,000 and is more than the existing value of the buildings.

**3.19** It is estimated that the cost to demolish and clear the site will be in the order of £300,000, which can be funded from the Coalville Regeneration budget provision (capital) already approved by Council.

**3.20** The following figures are relevant.

<b>Objective</b>	<b>Investment Required To Achieve Objective</b>	<b>Asset Value</b>	<b>Financial Outcome</b>
Make-good identified building defects	£2,118,750	£1,250,000	-£868,750 net
Demolish	£300,000	£1,800,000	£1,500,000 net

### ***Zero Carbon***

- 3.21** The Council has committed to reducing its carbon footprint looking to be a zero carbon organisation by 2030 and a zero carbon District by 2050. The Hermitage Leisure Centre buildings are between 35 and 60 years old and contain outdated technology that in the main does not contribute toward the zero carbon commitments the Council has made. To retain the buildings without investing in carbon reduction would have a negative impact on the Council's carbon footprint.

### ***Hermitage Recreation Grounds***

- 3.22** When considering the future of the HLC buildings it is imperative to give consideration to the wider HRG site, which wraps around the HLC buildings.
- 3.23** Being currently in one ownership, there is no defined boundary between HRG and HLC. Should the Council dispose of the HLC, consideration would need to be given to how any future owner of HLC and future use of HLC might impact on the HRG. For example, a lapse in security by a new owner of HLC could result in traveller occupation of the HRG site.
- 3.24** Proposals for Council investment in the development of HRG are currently being developed. These are informed by the recent engagement exercise undertaken by the Council (Appendix 5) and a piece of work undertaken by V4 Services (consultants) which outlines enhanced recreational, leisure and community uses on the site (Appendix 4). These will inform the proposals that will come forward as business cases for each element.
- 3.25** Whilst further work remains to be completed on the plan for investment in the leisure facilities on HRG (and will need to be reported back to members before any implementation is commenced), any decision on the future of HLC will be examined carefully to ensure it does not present barriers to the emerging plans for HRG. In summary, the proposals being further developed are set out below.

### ***Hermitage Recreation Ground Vision.***

- 3.26** Officers in Community Services have developed a conceptual design and proposed direction of travel for the recreation ground that could benefit the local community and the visitor economy, as well as responding to the comments and ideas that have been gleaned from the various stages of community engagement. Key zones within the overall masterplan were identified as potential focuses for future investment and improvement as follows:

### Ecological Park Zone

- This area of the site is seen as one that could receive a positive regenerative boost to its environmental credentials whilst increasing biodiversity, with enhancements to improve the ecology and biodiversity of the lake and woodland area, including indigenous tree planting, defined footpaths, boardwalks, activity nodes, perimeter fencing with gated access and lakeside reed and iris planting.

### Active Community Zone

- Proposals for this area continue the focus on encouraging more people to become active in the outdoor environment building on the paths used in the Ecological Zone. It would provide a destination for the community with a series of features that promote activity, including a community and visitor centre including a small food and beverage operation, a flexible exhibition/event space, and controlled access to a pier feature accessing the lake, children's active play facilities, a community orchard and wildflower planting and an improved landscape.
- The concept retains the synthetic training pitch (3G pitch), the miniature railway, the grass pitches, the car park and existing footpaths in their current configuration.

**3.27** All of the above will be subject to further detailed proposals once the issue around the HLC buildings and their future are settled.

### ***Demolition***

**3.28** A Specialist Contractor has been approached to provide a budget price and specification for demolition of the HLC buildings should this be taken forward. The proposals received suggests that for a price of approximately £300,000 the contractor will strip out and demolish the buildings, to include the grubbing out of foundations, filling of the pool void, topsoiling and seeding. All materials would be taken away from site and those that can be recycled would be dealt following that principal.

**3.29** Clearance of the buildings would release the Council from the ongoing financial burden of securing and maintaining the buildings and will also remove what is becoming a draw for antisocial behaviour in Whitwick. It is the most prudent approach when considering the Council's obligations under Health and Safety Legislation.

**3.30** Demolition and clearance of the site would also unlock the potential to secure the greatest value from the asset should the Council wish to provide an alternative use of or dispose of the Leisure Centre site (subject to the issues above).

**3.31** There have been some suggestions that a hybrid partial demolition and partial building retention could be pursued. The suggestion put forward is that the former dryside sports hall be retained whilst the wet side ancillary accommodation and squash courts are removed. This proposal has been examined but has been discounted as infeasible / uneconomic for the following reasons:

- All utility services and building plant are located in the wet side part of the HLC buildings. If the sports hall alone were to be retained there would be a need

for new utility supplies, a new plant room and new plant (heating system, electrical system, plumbing system). The cost associated would likely be in the order of £300,000 to £500,000.

- To retain the sports hall would require the construction of a new elevation along eastern side of the sports hall (along the line where the wetside would be demolished). A new entrance would also be needed in this elevation. The estimated cost for these works which would be essential in order to create a secure structure would be in the order of £250,000.
- As identified in the appended “Technical Briefing On The Condition Of The Former Hermitage Leisure Centre Building”, cladding repairs to the existing sports hall are required if the building is to be given a reasonable economic life. CBRE estimate the cost of these works as £111,000
- Demolition costs would likely increase as there would be a need to introduce more care into the process, so as not to damage that part of the building which is to be retained.

**3.32** In total, it is likely that £800,000 plus fees would need to be spent to partially clear the HLC buildings but retain the sports hall in a safe and useable form. The Council's Valuer has suggested that the sports hall as a stand alone building in a renovated condition would have a value of £750,000.

**3.33** Finally, this proposed option does not address any of the issues set out above regarding leasing any building, all of which would still apply to the suggested hybrid approach. There is, therefore, no financial case for demolition of part of the building with part retained and refurbished. This is also unfunded and would add further pressure onto the general fund of the Council.

### ***Planning Considerations***

**3.34** The former leisure centre building and car park area lie outside the area of separation designated by Policy En5 (Areas of Separation) of the adopted North West Leicestershire Local Plan. As such, the redevelopment of this part of the site with housing will not impact on the area of separation.

**3.35** The site would be classed as previously developed land, with existing suitable access options (subject to planning assessment).

**3.36** Any redevelopment the site will be subject to Policy En3 (National Forest) which requires a contribution either on-site or off-site towards National Forest Planting and Policy En4 (Charnwood Forest Regional Park) which requires any new development to respect the character and appearance of the area in terms of design and materials used.

**3.37** As such it is possible to undertake any of the options considered in this report (subject to the formal planning process).

**3.38** The Local Plan also identifies the need to deliver over 100 new affordable homes per year to meet local housing needs. There is a demand for one and two bedroom homes in Whitwick for the elderly and disabled who require single level accommodation. This requirement accounts for 41% of the total need in Whitwick as

compared to 35% across the rest of the District.

#### 4.0 **OPTIONS ASSESSMENT**

4.1 The following table provides an assessment of each option for the future of the HLC buildings having regard to those issues covered in this report:

- Building condition
- Contractual Matters
- Barriers To Selling
- Barriers To Leasing
- Financial Matters
- Zero Carbon Matters
- The Hermitage Recreation Ground

4.2 The table shows that demolition of the HLC buildings and retention of the land for the provision of a Council service is the only options without contractual or legal obstacle. This is in the view of officers is the best option for the site going forward.

#### **Key To Table**

**Green** = Deliverable

**Amber** = Problematic

**Red** = Highly Challenging / likely to be undeliverable

	<b>Sell The Building</b>	<b>Lease The Building</b>	<b>Demolish and Sell Or Lease Land</b>	<b>Hybrid – Demolish Part of Buildings Retain and Sell Or Lease Other Parts.</b>	<b>Demolish And Retain Land For Other Council Service Use</b>
<b>Building Condition</b>	No Obstacle	Council As Landlord Would Retain Ultimate Responsibility For The Building	No Obstacle	Sports Hall is in best condition but would require build of one new elevation and reprovision of all services	No Obstacle
<b>Contractual Matters</b>	Cannot sell for leisure use	Cannot lease out for leisure use	Cannot sell or lease land for leisure use	Cannot sell or lease out retained part of building or land for leisure use	No obstacle
<b>Barriers To Selling</b>	Property registered as Asset of Community Value.	Not applicable	Property registered as Asset of Community Value.	Would lose control of what happens on site	Not applicable

	Required price unlikely to be attractive to market		Would lose control of what happens on site		
<b>Barriers to Leasing</b>	Not applicable	No Valid EPC and not expected to meet MEES Regulations	No Obstacle	Retains part would require valid and Mees compliant EPC in order to lease out	Not applicable
<b>Financial Matters</b>	Unlikely to meet requirements under s123 LGA 72 as value of land is greater than value of buildings	No Obstacle	No Obstacle	Not judged financially viable cost outweighs Value	Funding for demolition identified in capital programme
<b>Zero Carbon Agenda</b>	Does not support	Does not support	No Obstacle	Does not support	Can Support
<b>Hermitage Recreation Ground</b>	Does not support	Does not support	Does not support	Does not support	Can Support

## 5.0 RISK LOG

5.1 Risks associated with various options for the existing HLC buildings are set out through out the report. The following is a summarized risk assessment.

- Financial costs to Council from retaining the building in its current state.
- Injury to a member of the public due to condition of the building.
- Breach of legislation
- Breach of contract
- Loss of control of important real estate.
- Reputational risk.

## 6.0 POST DEMOLITION

6.1 Should a decision be made to demolish the current HLC buildings, then contractors have indicated that it would be possible to submit a demolition notice, obtain consent and clear and level the site within 16 weeks. As part of the demolition, it is proposed to grass the site over (via seeding) at the conclusion of works. This action is somewhat seasonal, but it is anticipated that the site would be greened over by late spring 2023. The site could then be easily maintained in an attractive and tidy condition whilst the Council considers detailed business cases for future use.

6.2 As part of the demolition works it is **NOT** intended to remove the existing HLC car parking provision. Whilst temporary closure during building demolition works may be

required, this facility would remain available to the residents of Whitwick both up to and after building demolition, until a longer-term solution to the need for resident parking (in order to avoid congestion from on- street parking on Silver Street) can be found. The Council is aware of the need for this facility and aims to retain a provision on the site in some form.

## **7.0 FUTURE USE OF HERMITAGE LEISURE CENTRE LAND**

- 7.1** Assuming a decision is taken to demolish the HLC buildings, the Council would still need to consider the future use of the site. The Corporate Disposal Policy identifies that where a property asset is released by one service and can be used by another service, then it is a valid approach to transfer the asset to the new service.
- 7.2** Property Services have been made aware that the Council's Housing Services Department are seeking parcels of land upon which to develop new Council Housing. No other Council service departments have come forward with alternative use proposals for the HLC site.
- 7.3** It is considered that the Housing Services Department will be able to develop a strong business case for the development of council housing on the site of the HLC buildings (once cleared), through the Council's HRA account. This would help deliver a priority objective of the Council's Delivery Plan in terms of housing need in the area. Any new proposals for the development of new Council housing on this site would developed to meet local need, adhere to the Council's design standards and consider how best it can address the Council's Zero Carbon ambitions.
- 7.4** To make the HLC site available for Council Housing use there would need to be an internal transfer of the land from the General Fund (GF) to the Housing Revenue Account (HRA) by way of Appropriation.
- 7.5** There are a number of advantages to appropriating the site to the HRA;
- Supporting delivery of the Council's priorities though the provision of affordable homes for rent in Whitwick which is an area with demand
  - The Council retains control of the site and so has greater control to develop the area in a way that complements the wider plans for the Hermitage Recreation Ground and can dictate the overall design of the scheme and the density
  - Dependant on when the appropriation of the site takes place, it is likely that savings to the General Fund of between £28,000 and £122,000 per annum, will be realised. These could be used to fund the capital costs of improvements to the HRG, allowing a capital investment estimated to be between £0.37 and £1.49 million.
  - There is no sale or disposal – it is an internal Council function moving the use and operation of the site from one part of the Council to another. It is also in line with the Council's adopted Disposal Strategy which seeks to consider if another service area could make use of the land prior to considering any third-party route.
- 7.6** Further explanation of the process of Appropriation in provided in appendix 4. It is proposed within the Recommendations of this report that responsibility for the appropriation process be delegated to the Strategic Director with responsibility for

property in consultation with the S151 Officer and appropriate portfolio holders .

**7.7** Consultation with the community to gather views on how they would like to see the HRG improved has been undertaken over an extended period of time. Commentary on the consultation is set out in appendix 5.

**7.8** In summary, when it comes to **residential development on the leisure centre footprint site**, the feedback shows between 50% and 60% of people are against the idea, with around 20% - 30% of people in support of the idea and around 20% of people who showed no preference. The exception to this is the community feedback event, where 82% (27 of the 45 people in attendance) stated that they were against the idea of residential development on the leisure centre footprint.

<b>Engagement method</b>	<b>Against the idea of residential development on the leisure centre footprint</b>	<b>Support the idea of residential development on the leisure centre footprint</b>	<b>No preference in relation to the idea of residential development on the leisure centre footprint</b>
Community feedback event	82% (27 people)	18% (6 people)	-
Online and paper survey	53% (546 people)	29% (305 people)	18% (184 people)
Paper survey only	57% (59 people)	25% (26 people)	18% (19 people)
<b>TOTAL (PEOPLE)</b>	<b>632 people</b>	<b>337 people</b>	<b>203 people</b>

(Members will note that much of the feedback received during the most recent community engagement opportunities and shown in Appendix 5 relate to the future of the recreation ground. These comments will be retained and considered when that matter is considered separately at a future date.)

**7.9** In addition to the feedback received through the community consultation exercise, a petition has been received under the Council's adopted Petition Scheme as set out below. It should be noted that the petition does not object to the demolition of the HLC buildings merely the potential reuse of the site for residential purposes :

- i. "We the undersigned call upon North West Leicestershire District Council to support local residents in their objections to any residential properties on the Hermitage Leisure Centre site.
- ii. We urge the council to maintain their current policy to protect our green area of separation which includes the Hermitage Leisure Centre site".

- iii. The Petition Organiser is Mrs Moira Lynch.
- iv. The petition includes 126 valid signatures and was received on 16 August 2022.
- v. In accordance with the Council's Petition Scheme, the number of signatures included meant that the petition was an 'Ordinary Petition' and could be presented to the most appropriate meeting, this being the Community Scrutiny Committee being held on 7 September 2022.
- vi. The Petition Organiser has confirmed that she is happy with this approach.

## **8.0 SCRUTINY COMMENTS**

**8.1** A paper containing the same information as this Cabinet report was presented to Community Scrutiny Committee on 7 September 2022. Members of the Scrutiny Committee were presented with the recommendations that it was proposed be put to this Cabinet meeting and were asked to provide comments. The comments received have helped shape the final wording of the recommendations in this Cabinet paper.

**8.2** Significant question and answering along with extensive debate took place at the Scrutiny meeting. By the end of the meeting members had failed to achieve consensus. The following bullet points provide a summary of the main views expressed. It should be noted that some are contradictory.

- It is not economic to invest in the necessary repairs to the building, it should be demolished.
- The building condition does not upon visual inspection appear to be as bad as the CBRE report indicates and could be brought back in to use quite cheaply.
- A community facility is needed for the people of Whitwick.
- The sports hall should be retained and gifted to the people of Whitwick.
- It would be better to demolish the former leisure centre and then build a new community facility purpose designed and according with Zero Carbon commitments
- It was felt that Cabinet Members should visit the former leisure centre buildings before making any decision on 20 September.

**8.3** An alternative recommendation to Cabinet was proposed and seconded by two members of Community Scrutiny which (in summary) proposed that the council would demolish the swimming pool and squash court areas and then gift the retained sports hall (phase 3) building to a local community group. This proposed alternative recommendation was put to the vote, but lost on the chairman's deciding vote.

## **9.0 CONCLUSION**

- 9.1** Sections of this report set out in detail the Council's options for the former Hermitage Leisure Centre buildings and describe any obstacles or negative implications of particular potential courses of action. These are then summarized in tabular form in the Options Assessment in Section 4.
- 9.2** Seven options are presented. Two were discounted in the first phase of assessment due to insurmountable issues. Four have at least one legal or statutory reasons why the Council cannot pursue that option. The same four have at least one additional issue that would make it difficult for the council to pursue that option, even if the legal and statutory issues were to be ignored or could be overcome.
- 9.3** There is only one option that is not blighted by legal or statutory issues. That is to demolish and clear the site and then retain for the delivery of Council services.
- 9.4** Funding for the initial demolition of the HLC buildings could be provided from the Coalville Regeneration budget provision.
- 9.5** Demolition, clearance and ground remediation as described in this report would leave the Council with a plot of land that is tidy and presents low risk to users and the general community.
- 9.6** Once cleared, the; security, safety carbon footprint and cost concerns arising from holding a surplus to requirements building in deteriorating condition would be removed.
- 9.7** A future use for the site will be required so that the asset is making a positive contribution towards delivery of council objectives.
- 9.8** Only one council service (Housing Services) has expressed an interest in the site, they would like the land to redevelop with new council houses. There are no legal, planning or contractual reasons why this cannot occur.
- 9.9** Transferring the land upon which the former leisure centre buildings sit to Housing services via appropriation has the added benefit of unlocking funding within the General Fund which could be used to invest in a new community facility (within HRG or elsewhere) or other investment in delivering the vision for HRG.
- 9.10** There is resistance from the local community to redeveloping the former HLC for council housing however the land is not within the area referred to by Whitwick Action Group as the "Green Wedge", it would be designated as brownfield land and reuse can be designed to avoid areas of the site impacted by the restrictive covenant.
- 9.11** It is Officer opinion that whilst the demolition of the former leisure centre and redevelopment for residential purposes is contentious at the very local level, from the district-wide perspective it makes sound economic and service delivery sense.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Insert relevant Council Priorities: <ul style="list-style-type: none"> <li>- Supporting Coalville to be a more vibrant, family-friendly town</li> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	Corporate Disposals Policy
Safeguarding:	None
Equalities/Diversity:	None
Customer Impact:	None
Economic and Social Impact:	None
Environment and Climate Change:	None
Consultation/Community/Tenant Engagement:	There has been an ongoing programme of community engagement running since before the HLC closed to the public. A summary of the views provided is included within this Cabinet Paper.
Risks:	As part of its Corporate Governance arrangements, the Council must ensure that Risk management is considered and satisfactorily covered in any report put before elected Members for a decision or action.
Officer Contact	Paul Wheatley Head Of Property and Regeneration <a href="mailto:Paul.Wheatley@nwleicestershire.gov.uk">Paul.Wheatley@nwleicestershire.gov.uk</a>

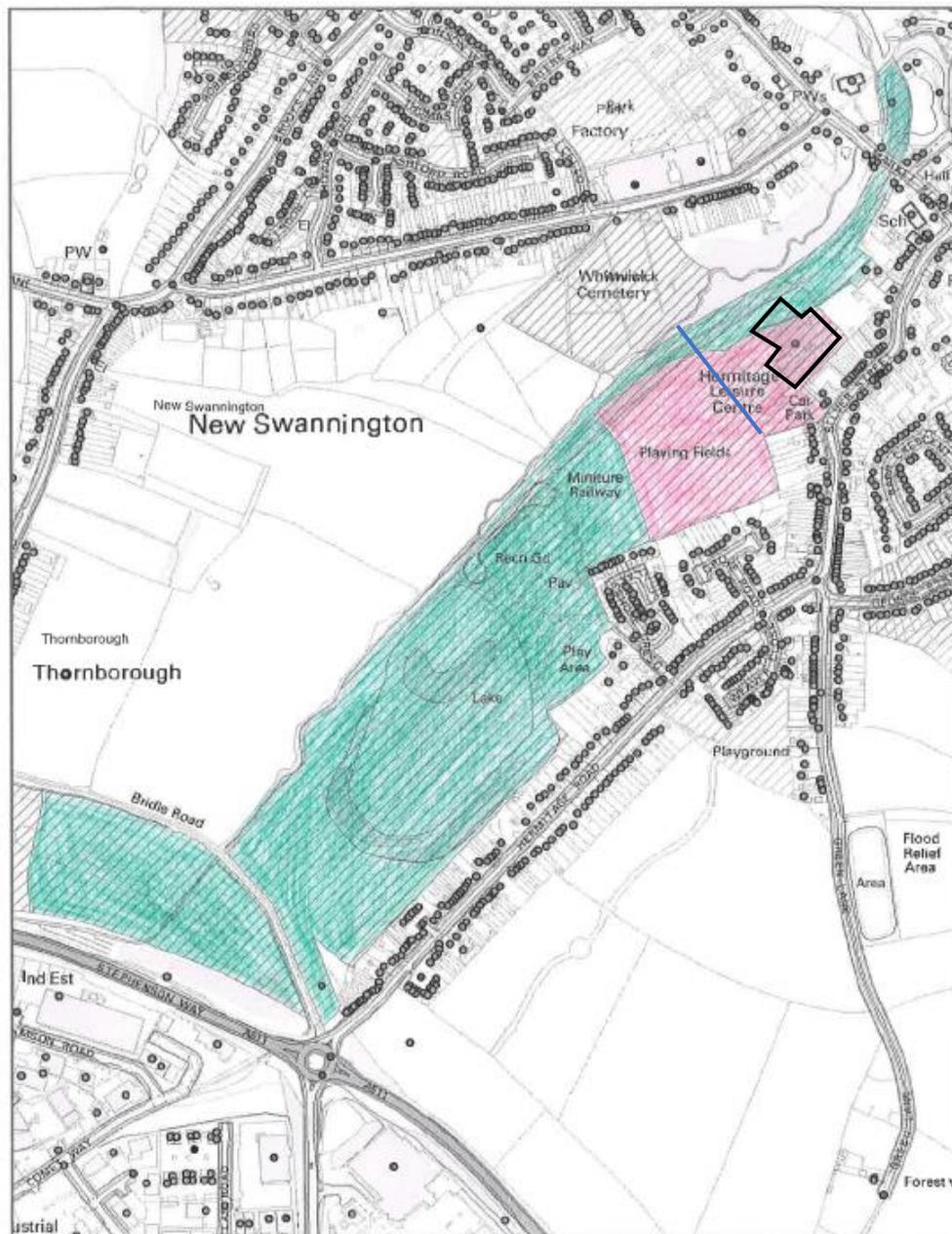
**Appendix 1**

**Plan Showing Hermitage Leisure Centre In Context Of Hermitage Recreation Ground.**

Area coloured Green is subject to restrictive covenant.

Blue line shows notional boundary between Leisure Centre and Recreation Grounds

**North West Leicestershire District Council**



Scale: 1:6,000

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## Appendix 2

### Technical Briefing On The Condition Of The Former Hermitage Leisure Centre Building



## **1.0 Introduction**

The purpose of this paper is to describe in simple language the current condition of the Hermitage Leisure Centre (HLC) buildings and to outline how this restricts the ease by which any refurbishment; remodelling or re-purposing works can be undertaken.

It is recognised that individual Members of the Council receiving and reviewing this technical report will have varying levels of knowledge of building and construction matters. To assist with understanding, the report has been broken down by commonly recognised building elements e.g. roof, walls, foundations etc. In addition, where possible the report uses photographs to illustrate key observations.

At the time of preparing this report (August 2022) it should be noted that the leisure centre building has been vacant for 6 months and during this period has been secured against vandalism and intruders. Internally electrical systems are energised, but heating is switched off (or to frost protection setting). Water storage tanks have been drained to inhibit bacteriological colonisation (legionella risk).

This report draws heavily on the Condition Survey report produced by CBRE in December 2021 and evidence from the Property Services Team who have managed the building on behalf of the authority since its closure as an operational leisure centre. CBRE are a Chartered Surveying company of national standing.

## **2.0 Background**

The HLC buildings are set within the wider and much larger Hermitage Recreation Grounds. The HLC buildings sit in the northern part of the recreation grounds and are adjacent to the built-up areas of Whitwick village.

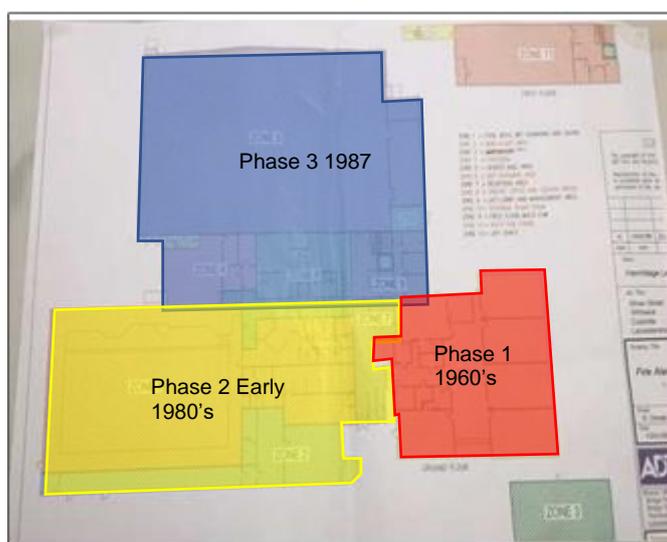


The council's records relating to the construction of Hermitage Leisure Centre are incomplete, however from the documents that are available and visual survey, it is clear that it was not completed in one phase of construction.

It appears that the squash courts were constructed first in the 1960's, with the pool and wetside facilities added in the early 1980's and the dryside sports hall towards the end of that decade (1987). See following image.

The squash courts and bar area are constructed from load bearing masonry under a flat roof covering. The swimming pool uses a concrete frame with brickwork and curtain glazing to create the external envelope, again under a flat roof. The sports hall uses a steel portal frame with part brickwork and part steel sheet clad walling and clad pitched roof.

These represent three distinct approaches to construction and it is likely that compromises were required in order to successfully integrate the three phases of build and create one structure.



The building was not designed initially for modular extension therefore extensive work to integrate the different phases was required . The inverse is likely to be true, to remove any phase would require extensive and expensive remodelling of the remainder.

The youngest parts of HLC were constructed 35 years ago, whilst some parts may be approaching 60 years old.

Whilst our homes are constructed with a life expectancy of around 100 years without (usually) the need for major structural repair, it should be recognised that commercial buildings are not built with such longevity in mind and that many elements of the building envelope may only have a design life of 25 to 30 years.

Regular refurbishment can add additional useful life to a commercial building, however there is no evidence of any significant refurbishment work having been completed at HLC (other than the introduction of a Combined Heat and Power (CHP) Unit). Expenditure on the building appears to have been restricted to either cosmetic, safety or operational focused maintenance (repairs).

The CBRE Building Condition Report has aided council officers in understanding the barriers to any continued long term safe and reliable use of the HLC buildings.

CBRE state that-

*“the property is considered to be in poor condition with significant defects evident to the structure, external envelope and engineering services, requiring either major work or replacement in the immediate to near future”*

To assist members in understanding the CBRE report I have broken down the findings in accordance with simple and recognisable elements of a building: roof, walls and windows, foundations and structure, heating, lighting and water.

### **3.0 Roof Structure**



Due to the way in which the building has been extended in phases over time, and the need to bring three phases of construction (pool, squash courts, sports hall) into one building envelope, it has been necessary to incorporate large areas of flat roof structure into the building.

A flat roof structure (as a general rule) does not perform as well as a pitched roof. The deterioration process of a flat roof typically follows the sequence of failure of the covering at seams and upstands allowing water penetration, breakdown of the roof covering due to the effects of UV light on covering materials and rotting of the deck and structural supports at which point collapse can occur.

At HLC there is clear evidence of the failure of the roof covering along a number of seams. Substantial areas of the covering have also begun to fail due to UV light induced breakdown of the bitumen based coverings. There is evidence that water (from rain and snow etc.) is finding its way through the flat roof covering. The problem has been compounded by the theft of lead flashings which has allowed further water ingress. It is highly likely that there is rotting of the roof deck and possibly the timber supports. The extent of any such decay cannot be determined however without substantial unpicking of the structure. Without renewal of the roof structure there will be a structural failure of the existing roof at some future date.

The following areas of HLC have flat roof structures:

- Squash Courts
- Bar
- Entrance and admin areas
- Swimming pool
- Wetside changing areas

All show signs of advanced failure and will require replacement in the short to medium term if continued use of the building is planned.



## Flat Roof Seams Showing Water Penetration



Breakdown of Bitumen Covering

From the key point summary in the CBRE Condition Report

*“The roof to the swimming pool is life expired and requires wholesale replacement”.*

The dryside sports hall constructed in 1987 does not have a flat roof covering it is covered by a pitched roof using a plastic-coated steel cladding panel covering. These systems generally perform well providing the plastic coating is undamaged. Unfortunately, during construction, it is necessary to drill through the panels to fix them to the structure below. This creates hundred of “weak points” within the roof system where over time corrosion will become establish. In addition the plastic coating at the edges of panels can become weathered after a number of years exposure to the elements. This can allow water to creep under the coating to corrode the panel edges.

From the key point summary from the CBRE Condition Report on Sports Hall, Café, Gym and Dry Changing;

*“The roof, however, is life expired, as the factory applied finish to the roof sheets has failed and is beginning to break down”.*

In addition, the same report on Squash Courts / Reception / Studios / Management Offices / Wet Changing roofs are summarised;

*“The roofs are generally poor and require either wholesale renewal or repair in the short term”.*

At HLC evidence of advanced corrosion of the edges of cladding panels can be observed. This gives rise to concern that fixing points may also be corroded and that panels could become detached in severe weather. This could only be disproved by a destructive survey involving the removal of areas of covering.

The CBRE condition survey reports that

*“the profiled metal roof covering to the sports hall, gym and dryside changing area is in poor condition. The roof sheets date from original construction in 1987 and are over 34 years old. The lap and gutter edges are suffering from cut edge corrosion. The corrosion is progressive and can be problematic if it extends to the fixing bolts for the roof sheets, which is likely to happen in the medium term without treatment”.*



Corroded Edges to Cladding

#### **4.0 Walls and Windows**

Beneath the roof structures, the building envelope is made up of brickwork, cladding and curtain walling (a window system that typically extends from ground level to the building eaves and forms a substantial element of the building enclosure).

Where the building envelope has been formed using traditional brickwork, this is generally in good condition.

For those elements of the envelope where cladding has been used as the covering, similar problems to those for the clad roof exist.

The most significant areas of building envelope failure are associated with the curtain walling. Almost all sections of curtain walling are exhibiting peeling of the protective coatings applied to the metal framework, whilst the seals on most glazing panels have also failed. The seals serve to keep an airtight gap between the two panes of glass in a double-glazed unit and to retain the glass unit in its surrounding frame. Seal failure is unsightly (the glass

appears misted with condensation) and significantly impacts thermal performance (building energy efficiency).



Pictures above show failed window seals allowing misting of panels and poor condition of timber doors

CBRE state

*“ The glazed curtain walling to the rear and left elevations of the indoor swimming pool and front elevation plant room is in poor condition. The pre-finished powder coating has been overpainted with a non-compatible decorative finish which has failed and is peeling. The double-glazed units have comprehensively failed with condensation built up between the panes. Moss growth is also evident to the seals of windows. The curtain walling is beyond economical repair and requires wholesale replacement.”*

## 5.0 Structure

The steel portal frame forming the dryside sports hall is in good repair. In contrast however the swimming pool basin which is supported on concrete supports shows significant signs of structural decay to an extent such that future collapse cannot be ruled out.

CBRE report

*“the concrete structure to the swimming pool is cracked and spalled in several areas most likely due to the high levels of humidity and chemical use”.*

*“large parts of the concrete basin itself have detached and are moving away from the main structure suggesting that the reinforcement steel is corroded and expanding”*

The following photographs show some of the structural issues at the HLC. It is worth noting that these areas of building decay appear to have accelerated since the CBRE report was produced in late 2021.



Left December 2021. Right August 2022

The above picture shows the Swimming Pool basin in the Plant Room. CBRE had concerns regarding the structural integrity of this area.

*“Given the extent of deterioration seen, we recommend that a package of concrete testing is undertaken to determine the condition of the concrete itself and embedded steelwork. The test results should be reviewed by a structural engineer and a package of remedial works undertaken prior to any proposed re- use being considered”.*



Structural Cracking To Pool Basin



Corrosion of Reinforcement Within Structural Concrete



Deterioration Of Supports to Health Suite



## Corrosion Of Steel Supports



The main incoming gas supply is via the Plant Room next to the Swimming pool at the wet side along with the incoming electrical and water supplies.

HLC uses gas as its main source of heating fuel. The squash courts utilise high level gas fired radiant heaters. The majority of the centre is heated by a traditional wet-based system using radiators. The poolside changing areas having a blown air heating. All ducting, pipework and heat outlets are life expired and require renewal and refurbishment.

The building was originally configured with four heating boilers. It is believed this was on the principle of two and two, whereby two boilers would be operational with two on standby. At a later date, these original boilers were supplemented with a Combined Heat and Power Plant (CHP), presumably in an attempt to lower running costs. The CHP unit generated the electricity required to power the building whilst the heat generated was used to heat the building and pool water.

A recent Electrical and Mechanical survey of the leisure centre has identified that only one of the original four boilers is currently working. The other three boilers have been cannibalised over time to provide spare parts to keep one boiler working and these are now beyond repair. The remaining functioning boiler is in relatively poor condition, with no ready source of spare parts. Any significant breakdown of the remaining boiler would likely result in the need for total replacement.

The CHP plant is also currently non-functional and is understood to have been in this condition for some years.

If the HLC building were required to provide a reliably comfortable environment for users then the building operator will need to set aside funds for a complete refurbishment of the heating system and replacement of existing boilers in the near future.

From the CBRE Report:

*“The mechanical services are dated and in a deteriorating condition with the vast majority being obsolete, reaching the end of their operational and serviceable life and beyond economical repair.*

*There are significant inefficiencies with the current controls set up and lack of pipework insulation.*

*The services are generally specific to the operation of a Leisure Centre. There is little or no economically viable scope to reutilise these systems for a re-purposed facility”.*

## **7.0 Cooling**

Air-conditioning units have been installed in a limited number of parts of the Leisure Centre building including the café and the gym. From the Electrical and Mechanical Survey, it is understood that whilst these systems are old, they continue to function.

Attention is drawn to the need to regularly maintain air-conditioning units to prevent the build up and spread of harmful bacteria such as those responsible for Legionella.

## **8.0 Potable Water Supply**

The HLC building contains a significant water storage tanks designed to ensure there was a ready supply of water within the building, particularly for wet-side operations (showers, toilets, steam-room etc). Since closure of the building as a leisure centre this tank has begun to present hazards to health due to bacteriological colonisation e.g Legionella. The problem has escalated to a point where the tank and the water supplies from it have had to be disconnected and drained down.

Unless any future reuse of the building proposes to require the same volumes of water as were used to support the leisure centre usage, then it will be necessary to replace the water tanks with one appropriately sized for the future use or wholesale reconfiguration of the water management system.

## **9.0 Power and Lighting**

The Electrical and Mechanical Survey of the building carried out in 2021 identifies that whilst the building has an adequate power supply for current or likely alternative uses, the wiring network in the building is at least 35 years old and has been the subject of numerous alterations and additions during that time.

Electrical fittings are again of varying age with a significant number in non-working condition

From the CBRE Report:

*“The current electrical services within the building appear to be functioning adequately for the building in its current form, however several services are past or approaching the end of their useful life expectancy.*

*Should the building use be changed and the layout amended these older systems will require replacement, along with considerable reconfiguration to all remaining systems to make them fit for purpose within a reconfigured layout”.*

## **10.0 Summary**

Hermitage Leisure Centre is a commercial building created in a number of phases.

The youngest parts of HLC are now 35 years old and the oldest 60 years old.

It is likely that the building was originally built with a 30 year design life.

Buildings constructed in phases inevitably require compromise of design. These compromises often lead to weaknesses in the structure and fabric which, as a building ages, require the concentration of maintenance on these areas. This approach also means that any disaggregation of elements of the building is very difficult to achieve and would require significant investment.

The headline condition issues with the HLC buildings are as follows:

- The flat roof structure covering most of the building is life expired and at risk of failure. Should the covering begin to allow significant water ingress then the deck and structure below is likely to deteriorate quickly leading to potential for collapse.
- The covering to the pitched roof over the sports hall is suffering from corrosion of both the covering and the fixings. There is a risk of sheeting becoming detached in the future if corrosion isn't arrested.
- Clad walls have similar corrosion issues to the pitched roofing. Curtain walling across the whole building has failed.
- There are the beginnings of structural failure under the pool the severity of which appears to have accelerated since the leisure centre was closed.
- The heating system within the building is end of life and will need replacement if the building is to be reused.
- There are bacteriological issues with the water supply to the building which would require addressing urgently to ensure occupiers aren't put at risk.
- Wiring and electrical fittings within the building need renewing. The security, CCTV and fire alarm systems are at the end of their operational life and require replacement.

- The costs to address the items identified in the Condition survey are as follows:  
(as of December 2021)

Immediate	£30,750
Year 1	£1,200,000
Years 2-5	£147,500
<b>Total</b>	<b>£1,378,250</b>

This does not include any work identified as a result of the structural survey of the Swimming pool or other works not identified in the report.

It is considered that CBRE's assessment that the HLC building is end of life is a fair reflection given the number of issues presenting.

## Appendix 3

# Hermitage Leisure Centre

## Making The Land Available For The Delivery Of Other Council Services.

### Context

The Hermitage Leisure Centre closed to the public in February 2022. The building has been “mothballed” since this date, but this arrangement cannot continue indefinitely for both practical (building condition) and financial reasons.

An assessment of options for the future of the HLC has been undertaken and whilst it is recognised that there is a desire from the public to see the buildings transferred into community ownership for the provision of broad community leisure uses, the Council is unable to comply with this for a number of reasons (legal and contractual).

The recommended option to be put to Cabinet is that initially the existing Hermitage Leisure Centre buildings should be demolished, and the site remediated and grassed over. Longer term, it is proposed that the site of the former Leisure Centre buildings should be used for the delivery of another council services with a particular emphasis on delivery of new Council Housing through the Council’s Housing Revenue Account (HRA).

The purpose of this paper is to describe the technical process that would need to be completed in order for the land to be made available to the Council’s Housing Department and some of the early identified benefits of this course of action.

### Legal and Accounting Process

The freehold title to the Hermitage Leisure Centre (HLC) is already vested in the Council. The property is held in the General Fund. Until recently the property has been allocated to Community Services for the delivery of Leisure facilities (via the contract with Everyone Active). Upon opening of the new Whitwick and Coalville Leisure Centre the HLC has been returned to the Corporate Property Portfolio. If the Council wishes to use the property for the delivery of any other Council service it may do so, by reallocating the property to any other internal service department. In doing so there is no sale or lease of the property.

Where the council chooses to transfer the property to one of its functions that sits outside of the General Fund then whilst there is no sale or lease involved there is an accounting

exercise known as an appropriation. This process simply moves the costs associated with the property (holding and development costs etc) to the correct financial account.

Appropriation within NWLDC most often occurs when a piece of property is moved from the General Fund to the Housing Revenue Account. This process is permitted under section 19(1) of the Housing Act 1985 without the need for approval from the Secretary of State.

In keeping with the principles of the HRA being a ringfenced account, the Local Government and Housing Act 1989 requires an accounting adjustment when transferring land and property between the general fund and HRA. The latest direction on this matter, as confirmed by the Chartered Institute of Public Finance and Accountancy (CIPFA), is the 2006-7 Housing Revenue Account Manual. This states that the Housing Revenue Account's Capital Financing Requirement should be increased by the "certified value" of the appropriated property (in this case the leisure centre), whilst the general fund's Capital Financing Requirement should be reduced. In effect, this means transferring of some of the General Fund's borrowing over to the HRA.

The appropriation of this land does not count as a capital receipt or payment, as there is no change in ownership. This means no changes will be needed to either the General Fund or HRA capital programmes as a result of the appropriation. Instead, Cabinet will be required to formally appropriate the land for housing purposes

This will then result in a proportion of the general fund's borrowing costs transferring to the HRA. The Council will then have a choice of what to do with the favourable movement in the General Fund; for instance, it could use the favourable movement to subsidise additional borrowing to enable further works on the Hermitage Recreation Ground. The additional costs falling to the HRA, depending on the size, would need initially need to be funded from the budget surpluses or budget savings until such a time that the site is developed, whereby it should be funded by the additional rental income from new properties on the site.

## Valuing the Land

There is no formal definition of the "certified value", and it is ultimately up to the Council to determine the appropriate valuation method. The generally agreed practice by industry experts is to use a valuation based on the lands intended use; i.e. the value of land as affordable housing in this context.

Whilst some work has been undertaken to assess the likely value of the HLC buildings and site in various scenarios (e.g. cleared with planning permission, as is etc) this work has not yet concluded and in many ways will be determined by the costs associated with putting the land to the proposed new use (a residual valuation).

## Asset of Community Value

Following a nomination from Whitwick Parish Council, the Hermitage Leisure Centre was listed as an asset of community value on 17 October 2021. This means that if the Council decided to sell the site (dispose of its freehold) within a five year period, community groups would need to be informed of the intention to sell and given time to prepare a bid for the site, should they wish to.

The Council's legal department has advised that the appropriation of the land to the HRA **does not** trigger the right to bid for the property, as no sale is taking place.

It is also worth noting that demolishing a building which is subject of an ACV registration does not remove the listing of the property from the council's Asset of Community Value listing, meaning it would be necessary to give the community group who made the registrations first refusal on any sale of the land. Again appropriation of the land does not constitute a sale.

The ACV registration will only impact on the Council should a decision be made to divest itself of the freehold or a long leasehold interest. It will not be an obstacle to appropriation.

## **The case for Retaining the Land and Allocating To Another Service Area Via Appropriation.**

### **Delivery of the Council's priorities**

The Council Delivery Plan lists increasing the number of affordable homes in the district as one of the Council's key priorities, with the New Supply programme one method of increasing the provision of affordable homes for rent in the district.

Identifying sites for building new homes remains a challenge for the Council in delivering the capital programme. If the Hermitage Leisure Centre and car park (all or part) were appropriated for housing use, at around 3.3 acres, it would be the largest new build site the Council has developed since it reintroduced its building programme. This would help ensure delivery of the New Supply programme in the medium term.

An initial review of the housing register shows that Whitwick is an area of demand, with 63 households on the housing register at the end of January 2022 indicating Whitwick as their preferred area, with the predominant need for one and two bed properties. It's proximity to Coalville also make it likely that new properties in this location would appeal to a wider variety of people.

### **Retaining control of the site**

By appropriating the land for housing use, the Council will maintain ownership of the land. This gives the Council greater control over the type of property, density of the site and the overall design and management of the scheme, giving greater scope to develop the area in a way that complements the wider plans for the hermitage recreation ground.

### **Ability to move quickly**

The leisure centre site would then become part of the Council's New Supply programme, for which there is already an agreed capital programme, although the phasing of the planned New Supply sites would need to be altered to provide this site with funding.

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# The Hermitage Project

**Concept Design Report**

February 2022





# Document Control

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Revision	Status	Date	By	Checked
P01	Draft	31/08/2021	NF	AA
P02	Updated in line with client feedback; document date amended.	09/09/2021	NF	AA
P03	Text corrections; Content amended.	10/09/2021	NF	AA
P04	Leisure strategy description amended.	13/09/2021	NF	AA
P05	Client Issue	19/01/2021	NF	AA
<b>P06</b>	<b>Appendices added.</b>	<b>22/02/2022</b>	<b>NF</b>	<b>AA</b>

Document prepared by: LA architects Ltd

# The Project Team

**Client**

North West Leicestershire District Council

**Leisure Consultant**

V4 Services Ltd

**Architect**

LA Architects Ltd

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## The Project Team

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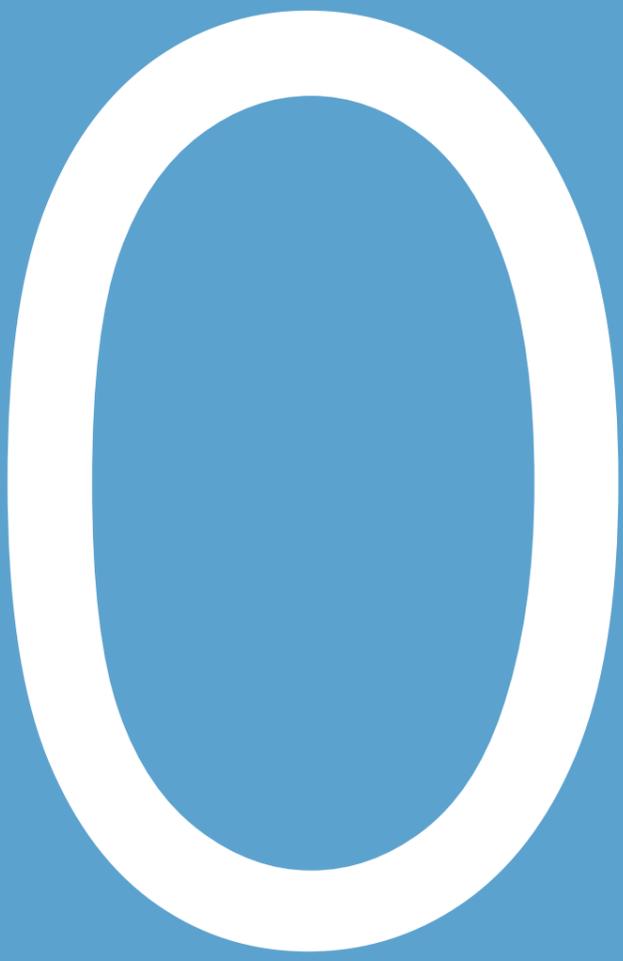
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# Introduction

## 0.01 Introduction

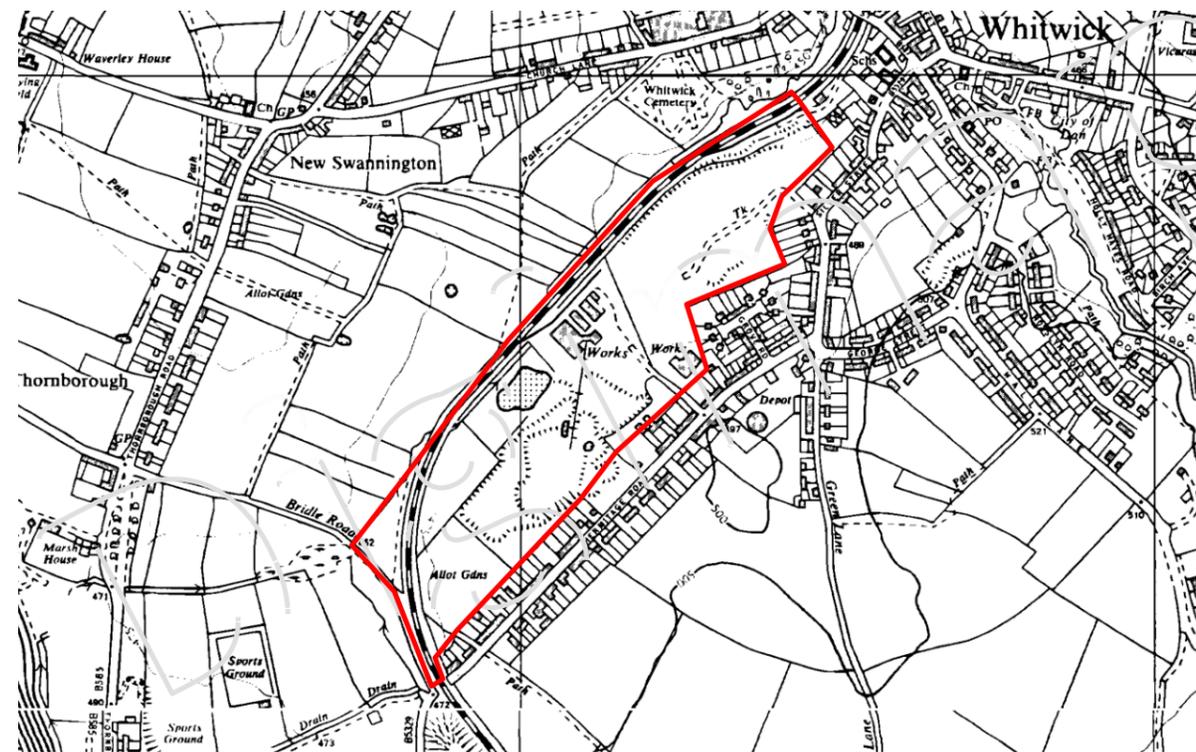
LA architects were commissioned through V4 Services to undertake a masterplanning feasibility study for the Hermitage and Recreation Ground and explore the repurposing potential of the existing Hermitage Leisure Centre site. The aim of the brief was to facilitate the councils objectives to develop complementary facilities within the recreation ground for the benefit of the local community

This concept design report provides an outline for the design journey undertaken to date, consultations that have taken place and includes suggestions for future steps.

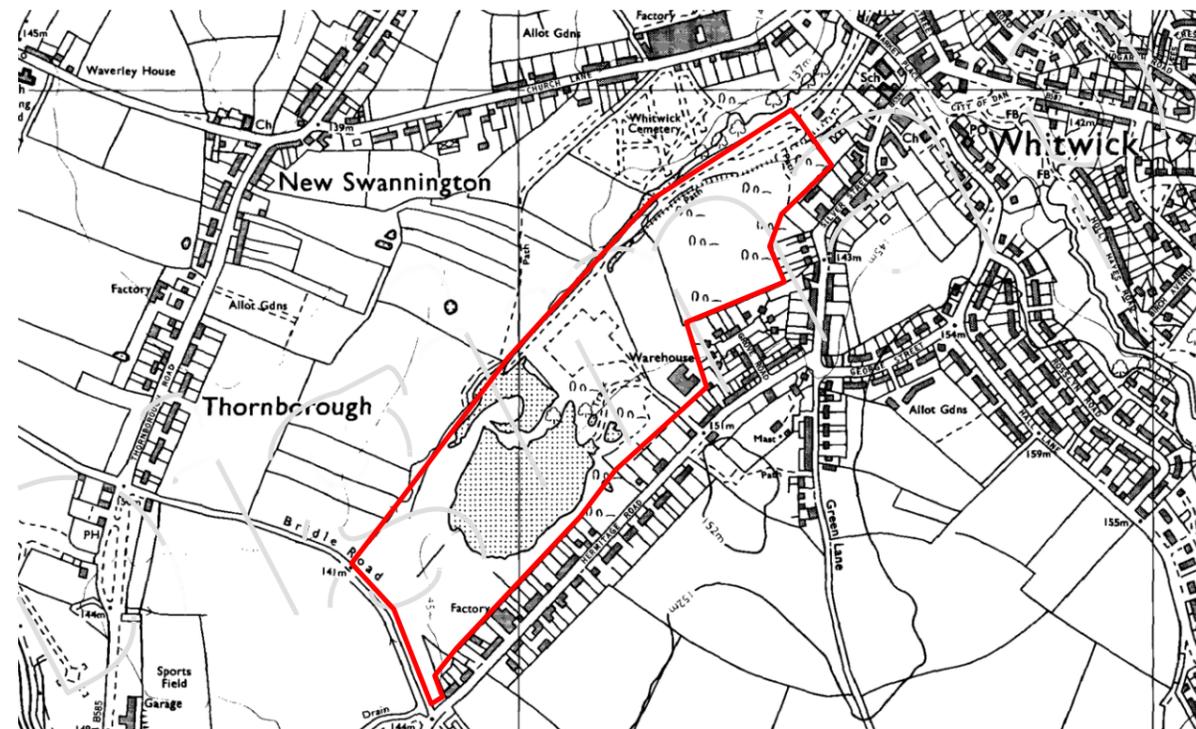
## 0.02 Background

Hermitage Recreation ground is located within the District Council of North West Leicestershire, between the town of Coalville to the south, and the village of Whitwick to the north. It is part of the National Forest, bordering the upland area of Charnwood Forest.

The site previously operated as a brickworks during the industrial revolution, with the existing lake formerly a clay extraction pit. Following the reshaping of the British railway network the adjacent railway track was removed, with the land repurposed for community use.



Hermitage Recreation Ground Site, Ca. 1960



Hermitage Recreation Ground Site, Ca. 1980

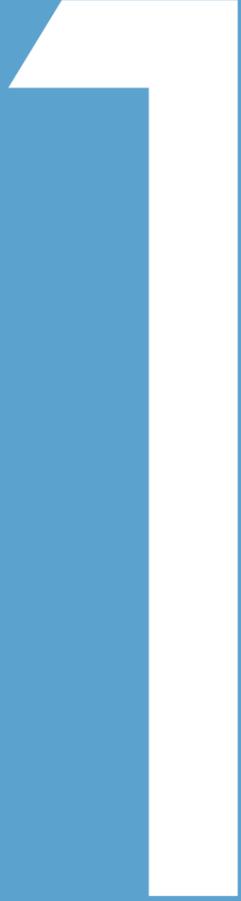
## 0.03 Location

Today, the site is bounded by residential development to the north and east, with farmland to the West. The southernmost boundary of the site is defined by the A511, Stephenson Way, and a band of commercial development.

The New Whitwick and Coalville Leisure Centre is being developed on the south west boundary of site, and is anticipated for completion in 2022. In addition to wet and dry leisure facilities this new facility will also include an external trim trail, and play equipment.

The site boasts good pedestrian and cycle links to Stephenson College and the wider area.





# Site Analysis

# 1.00 Site Analysis

## 1.01 The Site

In order to better understand the existing condition of the site, a drone survey was undertaken. Site images shown here demonstrate that whilst the park has some maturity and is an existing destination, it is somewhat fractured in its layout and use.

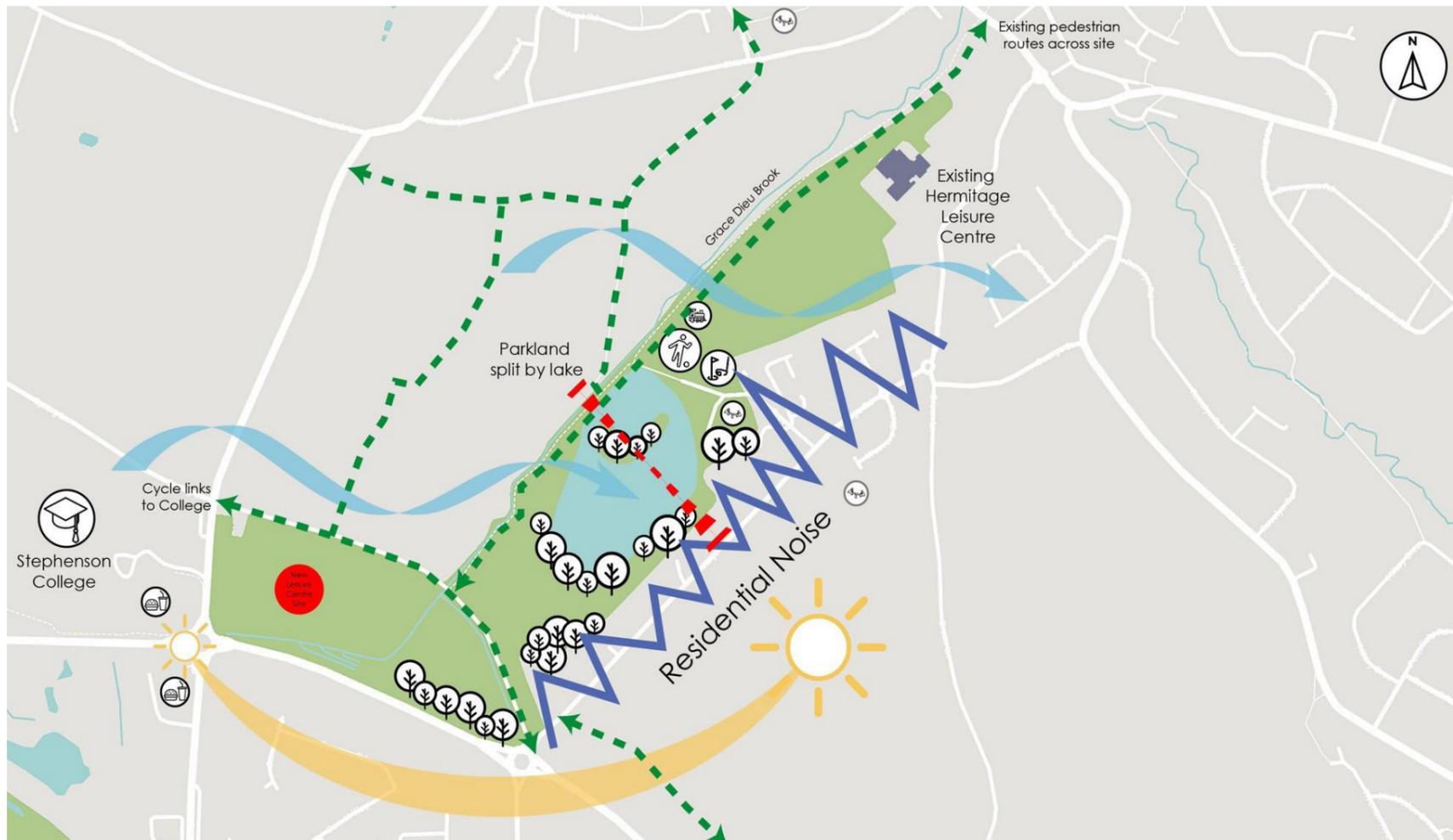
- The Synthetic Training Pitch (STP) dominates the main open area
- There are no communal facilities except a worn changing/toilet block
- The miniature railway is hidden by the STP
- The lake cuts this part of the site in half
- The existing Hermitage leisure centre could be considered as being disassociated with the lake and other community facilities



Drone Image looking south - over lake towards new leisure centre site.



Drone Image looking south - over miniature railway and synthetic training pitch



Opportunities Diagram

## 1.02 Opportunities

Following a process of desktop site analysis it became apparent that there are a number of opportunities for consideration:

- An established destination
- A semi-mature woodland with a good expanse of water
- Well established blue and green natural connections to the surrounding landscape
- Interconnecting footpaths and cycle routes
- Adjacencies to Stephenson College and the Whitwick and Coalville Leisure Centre.

### 1.03 Initial Diagram of Possibilities

In considering the possibilities of the existing site and buildings we also reviewed the results of the public consultation to understand the full extent of their concern along with any aspirations.

The matrix and diagram presented here takes that consultation, filters it through the opportunities of the site and proposes a possible approach that can provide an innovative, viable and deliverable long term solution.

Building upon existing uses it can be seen that a number of distinct but interrelated features can be brought together in a cohesive manner.

Central to this concept, is the opportunity for a lakeside community centre linking to the Synthetic Training Pitch (STP), Miniature Railway and other associated community facilities.

To the right is the existing Hermitage Leisure Centre, reused and re-energised and to the left a reconsidered park. It is a legacy of our time that we can provide a place for nature with enhanced biodiversity and ecology. Here we are suggesting that the existing park and lake provides just such an opportunity.

Possible Elements in The Scheme	Included within Proposals	Subject to further review	Not Included within Proposals	Notes
Indoor skatepark including special events, training and courses	●			Proposed within the repurposing of the existing Hermitage Leisure Centre Building
Martial arts & boxing including special events, training and courses			●	Conflict with Everyone Active facility provision – Not Provided.
Creche / Day care / Soft Play			●	Flexible nature of Visitor/Community Centre could accommodate creche/day care. However, such facilities tend to dominate operational model - dedicated facility to be considered subject to operator demand.
Video / Gaming / Board games area	●			Proposed within the repurposing of the existing Hermitage Leisure Centre Building.
Parkour including special events, training and courses	●			Proposed within the repurposing of the existing Hermitage Leisure Centre Building.
Dog Friendly Community Café space	●			Visitors/Community Centre to include café area. Dogs and responsible owners will be welcome.
Well being hub – with support	●			Proposed within the repurposing of the existing Hermitage Leisure Centre Building.
Safe place for LGBTQT & Neuro diverse groups	●			Gender neutral facilities to be provided in accordance with NWL guidance and Equality Act.
Flexible creative space for hiring – eg for dance, circus Skills, craft	●			Flexible Nature of Visitor/Community Centre can accommodate this use.
Music Studio & rehearsal Space	●			Proposed within the repurposing of the existing Hermitage Leisure Centre Building.
Enterprise Hub – with E commerce.		●		Not currently provided. Opportunity to considered for inclusion within existing reimagined Hermitage Leisure Centre building.
Retail Store		●		Not currently provided. Opportunity to considered for inclusion within existing reimagined Hermitage Leisure Centre building.
Mini Golf			●	Existing Mini golf not retained in current proposals. Alternative provision of Adventure golf to be considered within commercial leisure element.
Fishing Activities (on the lake)	●			Angling access to be retained. Enhancements in biodiversity will improve water quality. Perimeter landscaping may reduce areas of access.
Wild swimming (in the lake)		●		Opportunity To be considered. Enhancements in biodiversity will improve water quality. Possible use conflict with existing Angling Club lease.
Retention of the Mini Railway on site	●			Retained. The miniature railway is recognised as a major asset of the site.
Retention of the Synthetic Training Pitch (STP) 'caged' areas	●			Retained. Budget will not allow refurbishment. Relocation to northern end of site desirable to improve visibility of miniature railway and community activities.
Bike hire		●		Opportunity for cycle hire kiosk subject to further review.
Maintenance, repair & upcycle centre		●		Opportunity for cycle maintenance to be considered within cycle hire kiosk provided.

Public Consultation Feedback



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Possibilities Diagram

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# Proposed Strategy

## 2.00 The Proposed Strategy

### 2.01 Proposed Strategy

Progressing the initial concept diagram, led to the strategic design proposals shown here. Further specific details are provided later within this report.

The refined concept separates the plan into three significant areas:

#### **1. The 'Ecological Park'**

Enhancements to improve the ecology and biodiversity of the lake and woodland area, including:

- Indigenous tree planting
- Defined footpaths and boardwalks with activity nodes
- Perimeter fencing with gated access
- Lakeside Reed and Iris planting

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#### **2. The Active Community Zone**

A community focused centre to the site promoting physical and social activities including:

- Miniature Railway
- Synthetic Training Pitch (STP)
- Community Centre
- Active Play
- Car Park
- Orchard and picnic area
- Grass Football pitches

#### **3. A reimagined Hermitage centre\*:**

Repurposing of the existing Hermitage Leisure Centre to become a mecca for street/urban activities, including:

- Skateboarding
- Parkour
- Street Dance
- Music Production
- One on One Basketball/Football

\* This element will have the options; with or without appropriately scaled residential units for independent elderly living or starter homes for the young.

The existing access and car parking have all been maintained.



- Key:**
- 1. Existing Hermitage Leisure Facility
  - 2. Existing Grass Pitches
  - 3. Miniature Railway
  - 4. Toilets/Changing Pavilion
  - 5. Synthetic Training Pitch (STP)
  - 6. Car Park
  - 7. Pop-Up Food Stalls
  - 8. Visitor/Community Centre
  - 9. Active Play
  - 10. 100 Fruit Tree Orchard
  - 11. Activity Nodes
  - 12. Reedbed
  - 13. Lake
  - 14. Observation Platform
  - 15. Ecological Park
  - 16. Boundary Gate
  - 17. New Whitwick and Coalville Leisure Centre (By Others)
  - 18. Car Park (By Others)
  - 19. Trim Trail (By Others)

3

# Ecological Park

## 3.00 Ecological Park

### 3.01 The 'Ecological Park'

As has been stated earlier, the site falls within the upland area of the ancient Charnwood Forest, and falls within an area identified for replanted and regeneration as part of the National Forest. The proposals to provide an ecological park on the recreation ground, align with the aspirations of the National Forest regeneration scheme, and the district councils green agenda.

Discussions with the Councils Parks department and Head of Conservation at the Leicestershire and Rutland Wildlife Trust have assisted in formulation of a strategically deliverable and beneficial strategy.

By forming a regenerative solution around the existing attributes and by reducing the impact of people we will be able to create a park that enhances the ecological value and increases the biodiversity.

In its simplest form, it could mean allowing the grass and trees to grow. Introducing reeds and iris to the lake margins. Forming defined footpaths and boardwalks steer people into a route that they should follow rather than tread upon a landscape that is trying to recover.

We are suggesting a natural way forward but equally it should be controlled and managed. One critical aspect will be the possibility of fencing with controlled gates. These gates and fences will not restrict the use of the lake by the angling club but will protect some parts where wildlife can develop without disturbance.

We are recommending the planting of indigenous trees that will not only reinforce the increased biodiversity and ecological value but also improve the carbon reduction of any development on site. It is noted that a number of mature trees were removed during the construction of the new centre so this approach will assist in rebalancing the site. It is important that any planting is reflective of the Grace Dieu Site of Special Scientific Interest as indicators of the species mix (excluding ash species).

Constructed boardwalks and natural footpaths are proposed as routes but these could be punctuated with small points of interest or activity. These are marked 11 on the plan.

Ecological parks need not be large expanses. This proposal would be relatively small but if the ethos is embedded into the development of the whole site then this little enhancement can create a place of nature that will have a major impact upon the lives of its visitors.



### 3.02 Letting Nature Take Over

It is proposed that by simply managing a 'do less' conservation policy in terms of maintenance, a more natural environment can be created. These images illustrate that not only will that be more beneficial to wildlife but it can improve the health and wellbeing, including mental health of the visitors to the park.

In addition by working with the Wildlife Trust, Stakeholders and Universities/schools, it will be possible to utilise the park for educational as well as leisure pursuits.



**Key:**

- 1. Existing Hermitage Leisure Facility
- 2. Existing Grass Pitches
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- 19. Trim Trail (By Others)



### 3.03 Active Natural Walk

At various locations along the footpaths it is proposed that the park should include minor punctuations. This might only be, as an example, a log for a young child to balance and walk along.

We illustrate here larger and explorative work within an inherently natural environment, it may for example be a point at which the children (and adults) can name the trees or bird watch or identify birds by their songs.



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4

# Active Community Zone

## 4.00 Active Community Zone

### 4.01 Active Community Scheme

It is known that most people do not stay active by regularly visiting a leisure centre. In particular the current Covid 19 pandemic, with its highly virulent variants, has made more people realise the pleasures of being active in the external environment. It has also sadly been revealed that the UK faces an obesity and mental health crisis. Of course exercise is only part of the solution; others being good diet, reduced calorific intake and other changes in lifestyle of all ages, cultures and genders.

In this manner we are proposing conceptually a part of the park that builds upon 'the walk' in the ecological park. At its heart and in response to the public consultation we have placed a community centre with an active children's play park adjacent to it. To the south and at one of the gates to the ecological park is an orchard planted by the Royal British Legion to mark their 100 year anniversary. This could contain picnic areas, beehives amongst a wildflower grassland.

It is important that any proposal is practical and economic, so we have conceptually proposed maintaining the four grass football pitches and the artificial surface but with a new changing/public facilities block located centrally.

This will provide a base for management and operation whilst creating with new fences added security for the Synthetic Training Pitch (STP). In order to make these proposals stakeholder meetings were held with the Leicestershire FA and the district councils parks management and operational team.

The plan here illustrates that the existing miniature railway with its buildings are maintained but a detailed landscape design should be undertaken to improve the visitor experience. This should include screen planting to the STP and creating close views from the trains.

The existing footpaths that follow the Grace Dieu Brook should be retained and reinforced as these provide important connectivity.

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- 19. Trim Trail (By Others)

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## 4.02 A Destination For The Community

A key client driver for the site was to provide a destination for the community. This can simply be achieved by providing modest interventions that promote public activity. Inclusive design can provide places where families and friends come together. Whether viewing the lake, enjoying a picnic in the orchard or just walking and being in nature. It must be carefully designed to create a sense of place and developed with the Community, for the Community, so that they will identify with it.



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#### 4.03 The Community Centre

The desire to provide a focal point for the community led to the inclusion of a community centre. The design of this centre, should the Council decide to develop it, must create a building that is sustainable, flexible and unique to its environment. Being 'special' or even 'unique' will draw people to it.

In this illustration we are suggesting a simple timber biophilic design that provides a small food and beverage operation, controlled access to the everlasting pier, and a flexible event or exhibition space; all interconnected. The operation and management are to be considered in an Outline Business Case.



#### 4.04 Active Play

The proposal to include an active playground should not just cater for the very young by just providing standard swings, seesaws and merry-go-rounds, these have their place but more creative solutions will challenge all ages including adults.

They can be interconnected net climbing rigs, variable rigs and as shown adjustable height basketball hoops that can challenge yet assist in the development of skill. The Council should encourage designers to be expansive and creative utilising psychology and engaging with manufacturers in the development of a 'special' active play park.





#### 4.05 Nurturing Nature

The Park can be a legacy from one generation to the next. This is no better illustrated than in the creation of the British Legion orchard. Apple and pear trees planted to grow for another hundred years, in a natural landscape where the produce can be taken by the community. Where bees and people alike can enjoy the dappled shade and smell of blossom. It may also be considered that through expert advice the trees chosen can be from an array of native varieties rather than a single source such as cox or conference. The inherent need to create a rich landscape of biodiversity is critically important to the legacy of the park.



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- 19. Trim Trail (By Others)



#### 4.06 Community Spirit & Pop-up Food Stalls

A further enhancement for the sense of community that the concept is trying to generate is the inclusion of flexible space for 'pop-up' food stalls (marked 7 on the plan). It is hoped that these can provide an outlet for local allotment growers or small holders, start-ups or just a space for those who have a hobby worth sharing. Their inclusion must be qualitatively managed and directed but it will add to the sense of place and an event that again gives this part of the park a place in the community.



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5

# Reimagining Hermitage

## 5.00 Reimagining Hermitage

### 5.01 Reimagining Hermitage

Statistics commissioned by Sport England and Swim England demonstrated that after the age of approximately 12 only 15% of people regularly use a standard leisure centre. To that effect 85% of the population will not regularly use that approach to exercise.

Further to that there appears to be a significant drop off in young people starting in their teenage years. Research and development conducted by the LOA fonden in Denmark considered that teenagers and young people need to be considered in a different way.

They do not wish to participate generally in competitive sporting activities. They are more socially inclined and if the activity does not encourage that then they are less likely to be involved. Girls are less likely to be involved when there is any form of comparison or over-viewing by boys and there are now a whole gamut of activities that the young engage in that do not require a leisure centre. The LOA and others such as Game, describe this as street activities. These would include skateboarding, biking, parkour, street dance, even street art and one-on-one basketball or football. The social aspect of this can only be described as 'hanging out.' It does not require leisure centre cafes or bars but simply a space that can be described as their own; significantly different.

In reimagining the Hermitage it is proposed that it may be wrong to demolish the existing building to build something new, it could be considered as more appropriate to reimagine the existing building to provide the range of facilities that the youth require.

The creation of a new kind of activity centre built upon the needs of a young community seeking different values is not new. It can be seen in Denmark to have been successfully delivered and operating through Game, a not for profit social enterprise who are building and managing large scale building regenerative projects based upon the needs of the youth and 'street' activity.



Drone Image of Hermitage Leisure Centre, looking north.



Drone Image of Hermitage Leisure Centre, looking west.

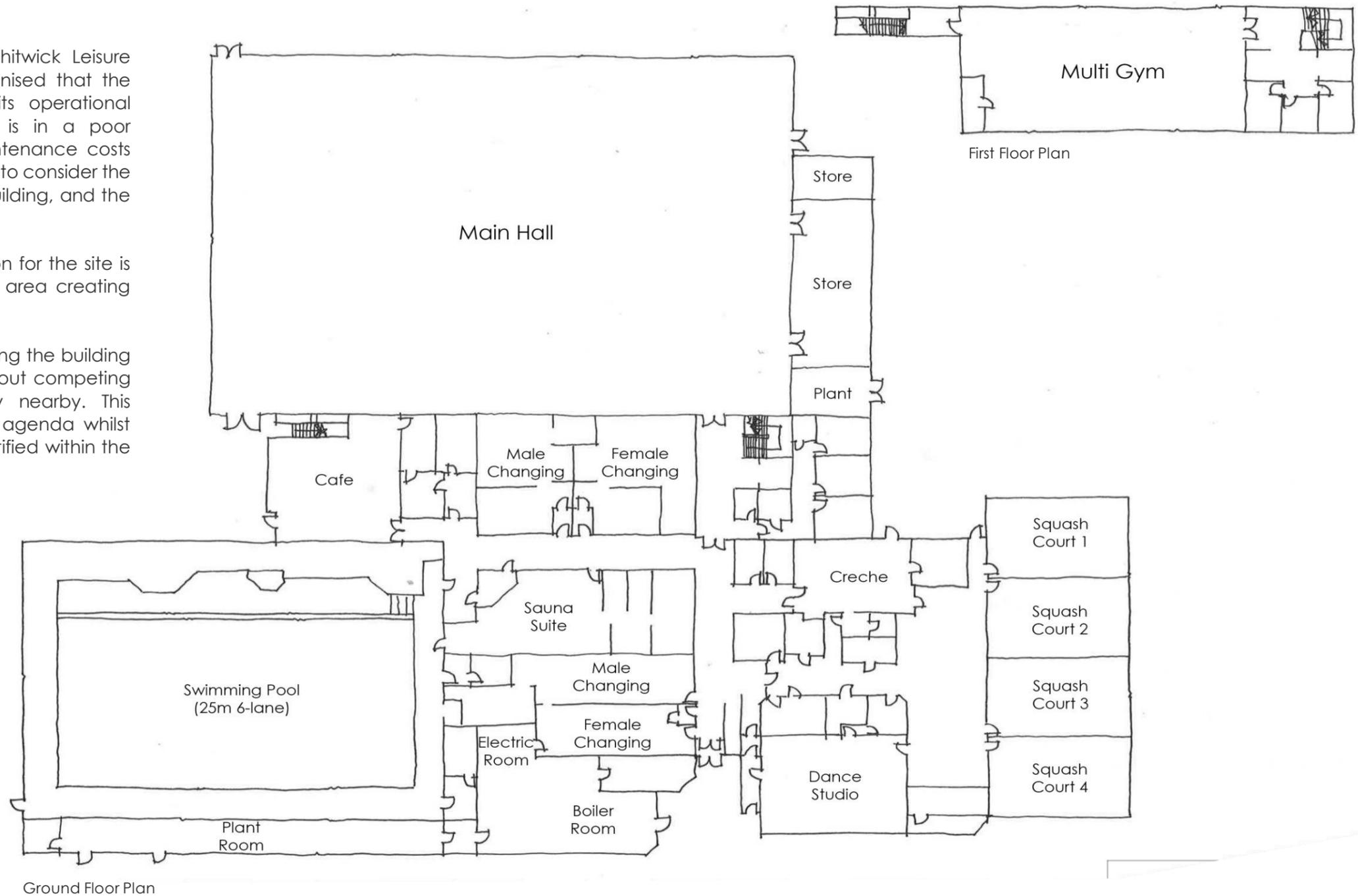
## 5.02 The Existing Hermitage

The existing Hermitage Leisure Centre was opened in its current form in 1981. The irregular sprawling layout highlights the fragmented addition of facilities to the original squash courts and bar area of the 1960s.

In commissioning the new Coalville and Whitwick Leisure Centre, North West Leicestershire has recognised that the existing hermitage building has exceeded its operational life expectancy. The ageing building fabric is in a poor state of repair with the operation and maintenance costs increasing each year. It is therefore necessary to consider the opportunities that exist for the future of the building, and the land that it sits on.

To avoid capital expenditure the base position for the site is to demolish the building and grass over the area creating additional public space.

However, for a modest capital cost, repurposing the building would allow it to maintain its leisure use, without competing with the operation of the new build facility nearby. This would align with the district councils green agenda whilst simultaneously addressing a social need identified within the local area.





Existing entrance



Roadside view to pool hall.



Squash courts, lounge and bar



Cafe



Pool Hall



Fitness Suite

### 5.03 Imagining the Possible

This plan reimagines the existing Hermitage. Few walls are constructed but much of the fabric can be stripped out to reveal a skeleton.

The pool tank is formed into two skate bowls, with Logs arranged around to form social decks or skateboard challenges.

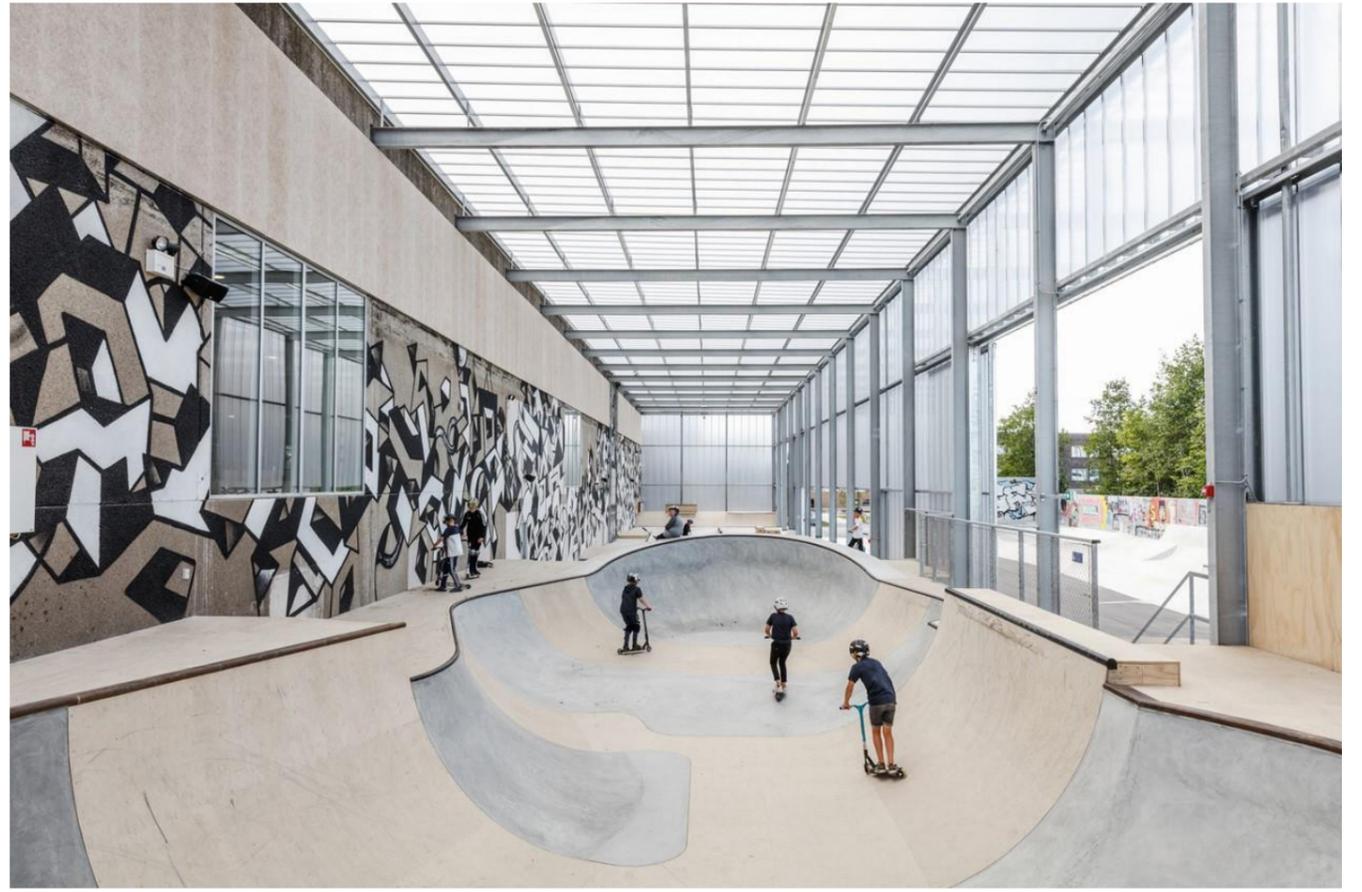
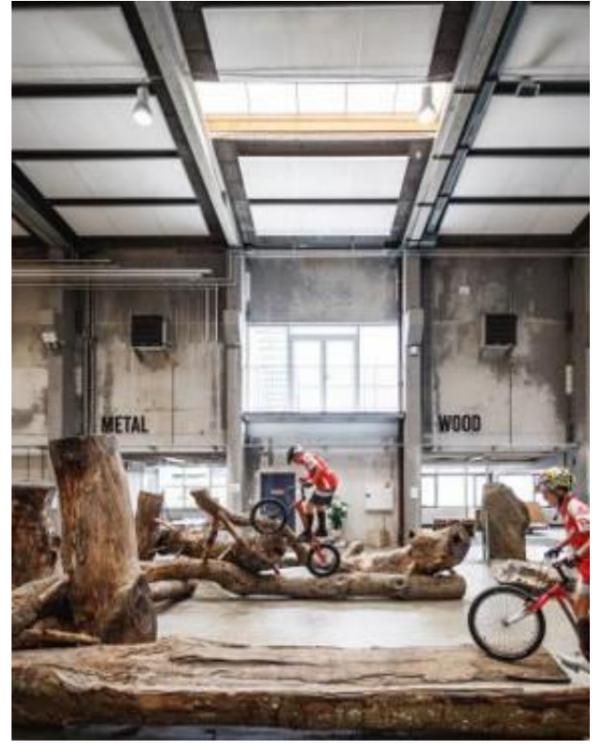
A central 'hang out space' contains a converted pick up truck to form a kitchen and servery for the youth with hangout circles. Books and games can be introduced. A good Wi-Fi signal is essential

Beyond this could be parkour, 'one on one' courts, bouldering and performance street dance decks with a recording facility and street art studios.

86 As in Danish examples, this may spill to the outside and would incorporate performance or even library and education rooms. In developing the designs further, the Council must engage fully with the young people and think differently in terms of development operation and funding.

The images here illustrate how the LOA fonden and Game have actively and effectively delivered similar facilities in Denmark. It would be advisable for the Council to visit these and consider what lessons could be applied to the hermitage,





5.04 The Skate Board in The Pool Tank

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## 5.05 Connecting All Ages

The proposals for the re-imagined hermitage, are intended to provide an intergenerational link for the people of Whitwick and Coalville. A venue to enable the younger generation to participate in urban activities whilst learning social etiquette including respect, discipline and perseverance through a process of mentoring. It should be a place that allows freedom of expression, without fear of judgement or failure.

If successful the facility will bring all ages together, and instil values that spread into the wider community to build a sense of pride in the area.





Commercial

Leisure

Opportunities

## 6.00 Commercial Leisure Opportunities

### 6.01 Commercial Leisure

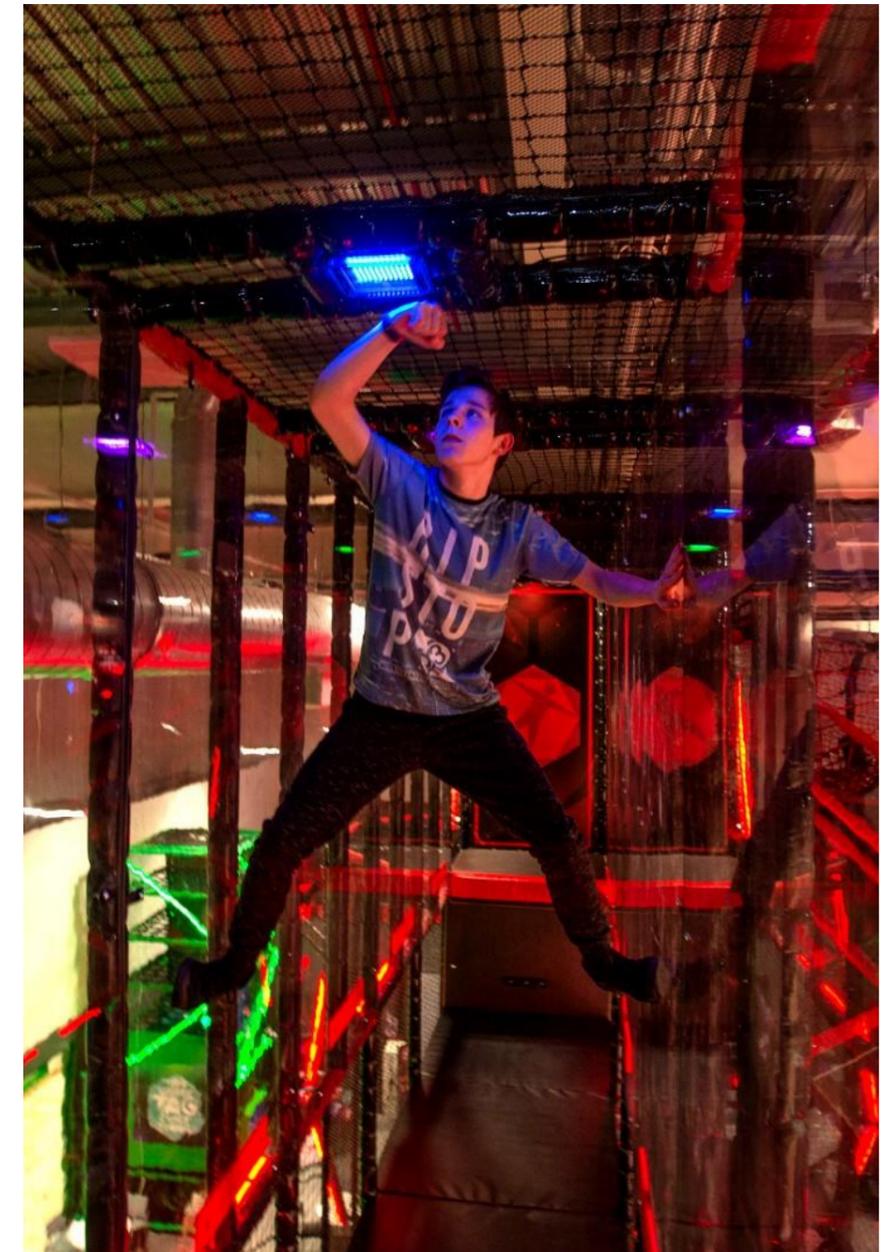
In order to supplement the social enterprise elements of the reimagined Hermitage, it will be necessary to include an element of commercial leisure.

The plan on page 37 contains a large section of the Hermitage building that is not needed for the social youth activity facilities. Whether new build or refurbished this could effectively be handed over to an active game use developed and managed by a commercial developer.

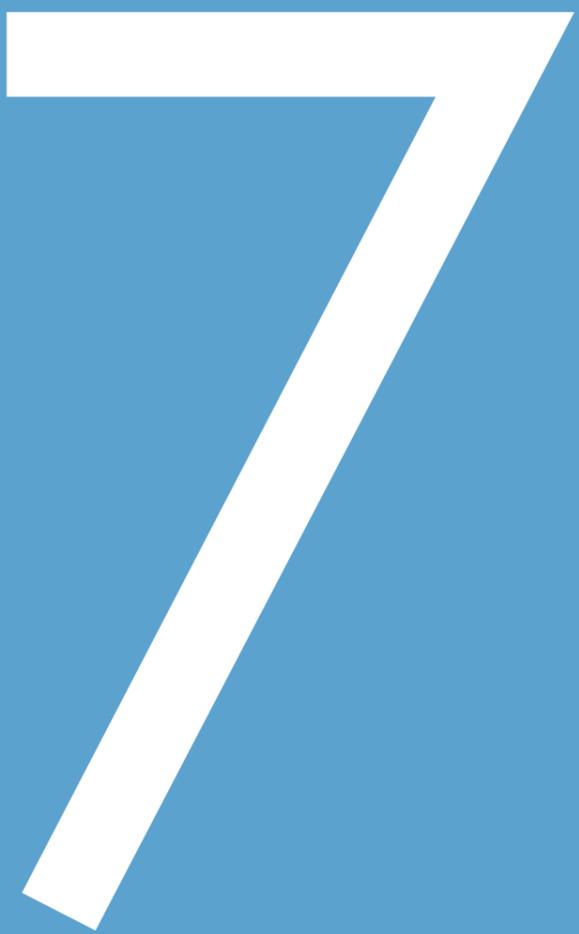
In line with recognised commercial leisure strategies, any franchise should be a destination substantial enough to draw visitors from outside of the district with a travel time of up to 60 minutes. Such attractions should encourage visitors to stay for several hours, promoting secondary spend. The success of this element, will be essential to ensure sufficient visitors to the recreation ground.

This strategy can be further explored in the Outline Business Case (OBC) and financial model so reference to the outline report is essential.

Here we illustrate just three of the opportunities identified at this stage, subject to considerable development and feasibility exploration.







# Residential Opportunity

## 7.00 Residential Opportunity

### 7.01 Independent Living Apartments for the Elderly - A Development Opportunity

Following early discussions with Council officers and based upon some current work by LA it would appear that some added financial value could be achieved by considering an appropriately scaled residential units of about 39 one- and two-bedroom apartments. These apartments could provide independent living units for the elderly, or market sale units for the young.

Here we illustrate the possible location whilst opposite we illustrate how the apartments form a street around mini squares. The roof in line with the biophilic approach contains allotments and greenhouses that provide winter gardens and common rooms/dining rooms/day lounges for the residents.

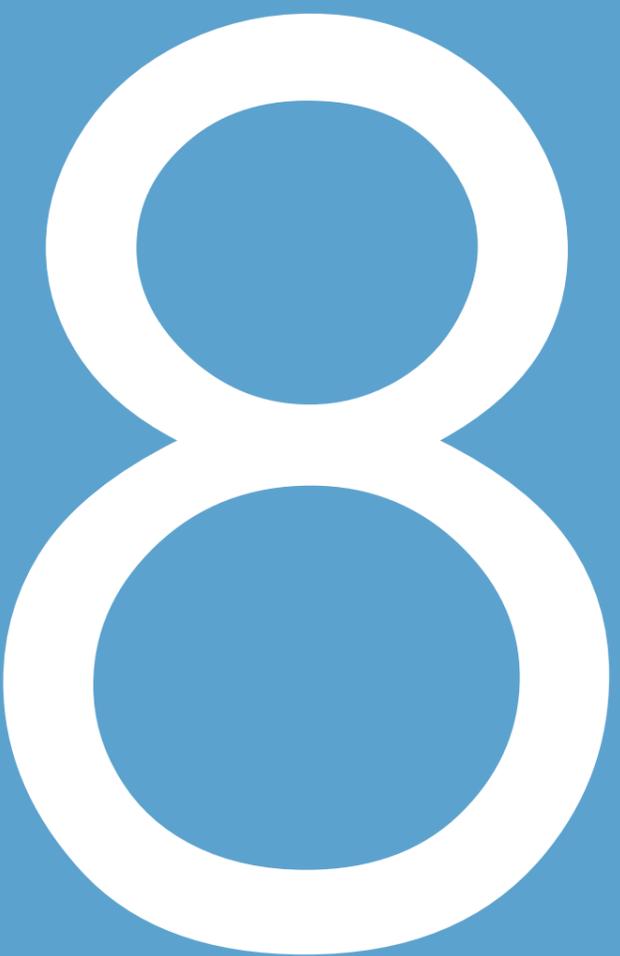
By commercially testing and developing a financial affordability model the OBC will be able to define whether the proposals are commercially viable. Early indications are that it will be, but this should be thoroughly explored in the next stage.

110



Visitor Parking & Ambulance Bay





# Implementation Plan

## 8.00 Implementation Plan

### 8.01 Strategy, Process, Action

The opportunities outlined within this document present an exciting community focused future for the Hermitage Recreation Ground. To ensure its success it will be necessary to prepare a strategic plan to outline the steps North West Leicestershire District Council will take to achieve the shared objective.

Any plan needs to be robust and include reference to budget, timeline and assign appropriately positioned personnel.

Element	Component	Operation model options/ recommendations
A - The Ecological Park	Trees and Community Orchard, with areas for people to enjoy the environment and learn about the natural world.	Essentially a care and maintenance requirement that can be delivered by the council, with a requirement for a level of interpretive media and signage
B - The active community scheme	Existing Grass Pitches	Licence granted to junior Football Club (incumbent), for predominant but non-exclusive use
	Synthetic Training Pitch(STP_	Maintenance and bookings via the council as at present or devolved to local team.
	Community Centre	Community Interest Company
	Active Play	Essentially a care and maintenance requirement that can be delivered by the Council;
	Car Park	Within the demise of the community centre, and including within the lease but with restrictions on charging and protection for local resident access
	The Train	Existing Operator
C - Re-imagined Hermitage LC	Orchard and Picnic area	Essentially a care and maintenance requirement that can be delivered by the Council
	Street activities including; <ul style="list-style-type: none"> <li>• Skateboarding</li> <li>• Biking</li> <li>• Parkour</li> <li>• Street dance</li> <li>• Street art</li> <li>• One on one Basketball or football</li> </ul>	Options appraisal/ technical paper provided separately as it contains commercially sensitive information.  Recommended is social enterprise procured through competition.

9

# Summary & Next Steps



## 9.00 Summary & Next Steps

### 9.01 Summary

It should be reinforced that this part of the report is an investigation into the opportunities within the Hermitage building and the park in which it sits.

It is in effect; Stage 0-1 of the RIBA work stages and identifies considered directions of travel.

- Whilst the next stage should include an OBC it is recommended that any future stages would benefit from full and detailed surveys topographic, asbestos, arboricultural, ecology, ground condition and structural etc.
- RIBA stage 1-2 should then be undertaken in line with the business model
- During this, local public engagement and stakeholder engagement should be undertaken. It is important to bend to strong and justifiable forces. The project shall contain stronger validity as a result.

### 9.02 Next Steps

It is recommended that the project is as shown considered and possible phased onto the three sections subject to funding and Council approvals.

1. The ecological park could commence almost immediately through dialogue with the parks department.
2. The active park could be developed in sections to create the greatest overall impact but it will need to be validated and effective cost programmed for success.
3. Reimagining the Hermitage will take the largest level of validation with operational management and business planning but it can be concurrent with the survey and building assessment permitting the design to be undertaken in alliance with an operational and business plan and funding assessment of commercial partnerships.

It is clear that there are considerable sequences of work that need to be undertaken but the holistic and considered approach to the design has been set out within this document.

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# Appendix 5 - Future of Hermitage Recreation Ground and former leisure centre site

## Feedback gathering exercise: June – August 2022

Following a community engagement exercise in 2019, consultants V4 used public feedback to create a ‘vision’ for the future of the Hermitage Recreation Ground and former leisure centre site, showing a range of options.

This summary details the community feedback opportunities carried out between June and August 2022, to gather public opinion on the V4 vision options.

Three opportunities to provide feedback were available to the community:

Feedback opportunity	Date	Details	Responses
<b>Community feedback event</b>	Thursday 9 June 2022	Held in person at Whitwick and Coalville Leisure Centre – paper surveys completed	45 attendees
<b>Paper survey</b>	Tuesday 14 June 2022	Hand delivered to 350 homes surrounding the Hermitage site	106 returned
<b>Online survey</b>	Live from 10 June to 15 August 2022	Live online	931 responses
<b>Total surveys return through all three methods:</b>			<b>1,082</b>

In addition, **Whitwick Parish Council** was provided with a summary document and supporting documents. Officers attended its meeting on Thursday 21 July 2022 and the parish council was asked to provide formal feedback by Friday 26 August 2022.

Officers also met with representatives of community enterprise **Coalville CAN** on 1<sup>st</sup> June 2022 to provide an overview of the current situation and to give them an opportunity to provide feedback, given their proposals for the former leisure centre. A representative of Sport England was in attendance too at the request of Coalville CAN. Officers presented a paper that outlined the outcome of the initial round of public consultation together with a

series of options for the leisure centre building and wider site following a comprehensive feasibility and options appraisal. Officers were keen to understand Coalville CAN's level of interest in working with the council to further develop the community zone aspect of the project, with a view to establishing some working principles thereafter. The capital investment and the (negative) affordability position was presented where Sport England confirmed they had no capacity to support the scheme although Coalville CAN summarised an alternative means by which the capital might be raised (through community and local business contributions).

## Summary of feedback

In regard to the **investment in the recreation ground**, people across the board support the development of an eco-park, and investment in play facilities, activity and nature trails, and habitat development.

When it comes to **residential development on the leisure centre footprint site**, the feedback shows between 50% and 60% of people are against the idea, with around 20% - 30% of people in support of the idea and around 20% of people who showed no preference. The exception to this is the community feedback event, where 82% (27 of the 45 people in attendance) stated that they were against the idea of residential development on the leisure centre footprint.

Engagement method	Against the idea of residential development on the leisure centre footprint	Support the idea of residential development on the leisure centre footprint	No preference in relation to the idea of residential development on the leisure centre footprint
Community feedback event	82% (27 people)	18% (6 people)	-
Online and paper survey	53% (546 people)	29% (305 people)	18% (184 people)
Paper survey only	57% (59 people)	25% (26 people)	18% (19 people)
<b>TOTAL (PEOPLE)</b>	<b>632 people</b>	<b>337 people</b>	<b>203 people</b>

## Community feedback event – Thursday 9 June 2022 – Whitwick and Coalville Leisure Centre

Specific people and / or organisations who have a particular interest in the recreation ground and / or leisure centre site were directly invited to the community feedback

event, including community organisations, sports and special interest groups with bookings on the recreation ground and neighbouring businesses.

Whitwick Parish Council	Hermitage Harriers
Park View TARA	Coalville Town Academy
Linford and Verdon TARA	Aspire Life Skills
Greenhill TARA	Coalville Town FC
Whitwick and Thringstone TARA	Shepshed United
Whitwick Historical Group	Whitwick Juniors
Whitwick Scouts	Belton Villa FC
Whitwick U3A	Bardon Hill Juniors
Hall Lane Methodist Church	Coalville RFC
Silver Oaks Residential Home	Monday FC
Royal British Legion	Whitwick Juniors Football Club
Woodstock In Whitwick	Ashby Angling Club
Coalville CAN	North West Leicestershire Society of Model Railway Engineers

The invite was shared with the wider public on the council’s social media platforms (Facebook and Twitter). A [news release outlining the V4 vision](#), summarising the condition report on the former leisure centre and promoting the community feedback event was issued on 1 June 2022. This was covered in the Leicester Mercury and Nub News.

At the community feedback event, the 45 attendees were shown a presentation detailing the V4 vision and presenting the budgetary requirements for this vision.

Officers explained that, within the current financial situation, the full vision was unaffordable, and introduced the idea that some residential development on the leisure centre footprint could provide additional funds to be invested in the recreation ground.

A number of attendees at the meeting showed strong feelings about the future of the site and did not agree with some aspects of the vision. Many were opposed to the idea of housing on the leisure centre footprint.

Attendees were asked to leave feedback at six different question tables. Some attendees chose not to leave any feedback at all, and others only left feedback at certain tables.

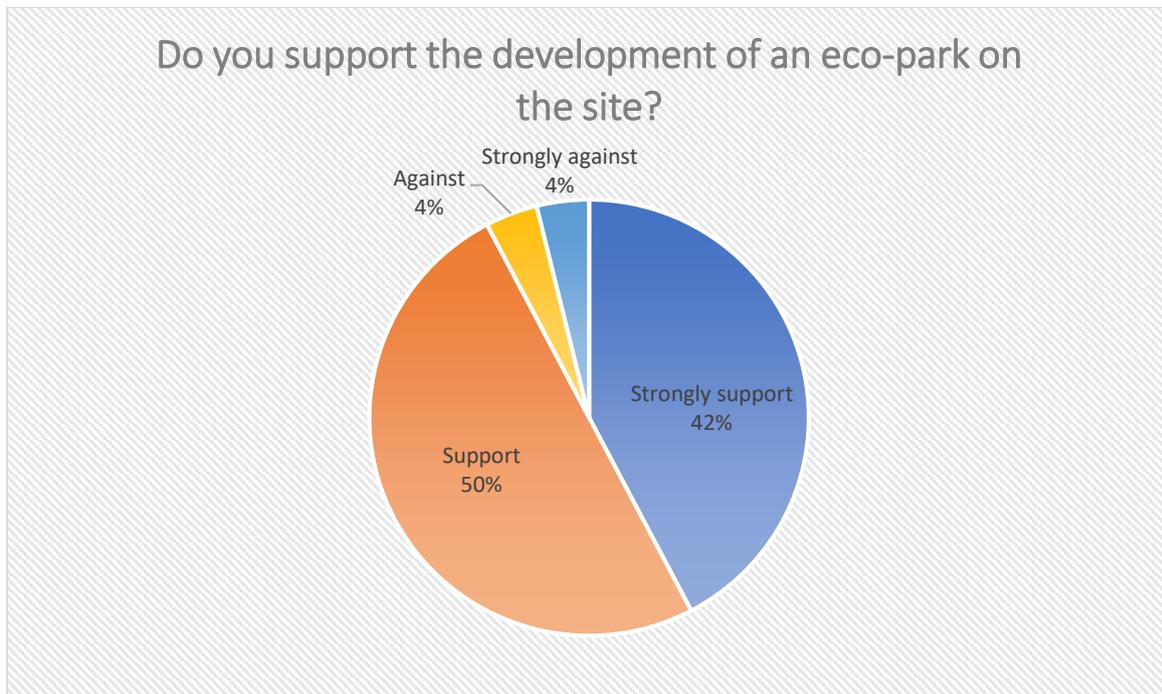
Analysis of the responses are shown below, along with written comments received during the event.

## Feedback analysis – community feedback event

### Q1. Do you support the development of an eco-park on the site?

Of the 26 people who chose to answer this question, 92% either supported (50%) or strongly supported (42%) the development of an eco-park.

8% of respondents were either against (4%) or strongly against (4%) the development of an eco-park.

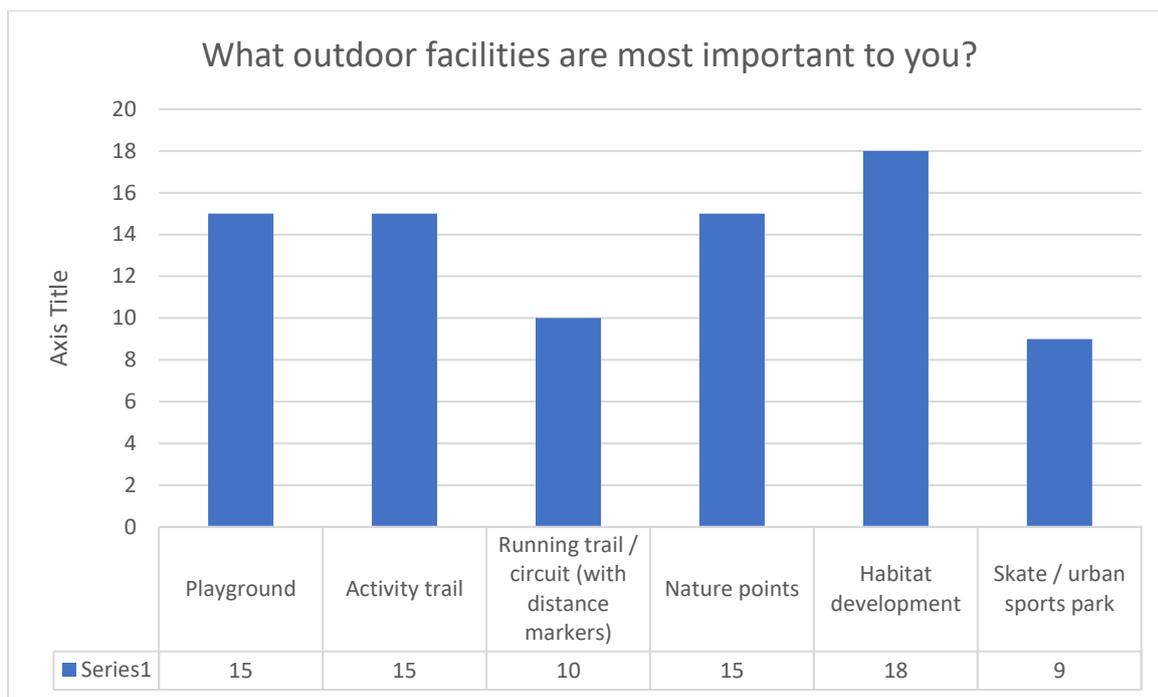


## Q2. What outdoor facilities are most important to you?

Respondents were asked to select three from a list, though some chose to select more. All selections have been counted. Some respondents chose to make suggestions or comments when responding to this question, they are listed below:

- Had all of these and half were removed for the new centre, or not maintained.  
Running trail was done last time - not used
- Football pitches (two respondents)
- I don't want houses to pay for facilities
- Keep runners off the roads

Voting was fairly evenly spread across all the options. 'Habitat development' received the most number of votes (18), followed by 'Playground', 'Activity Trail' and 'Nature points', which each received 15 votes. 'Running trail / circuit' received 10 votes, while 'Skate / urban sports park' received 9 votes.

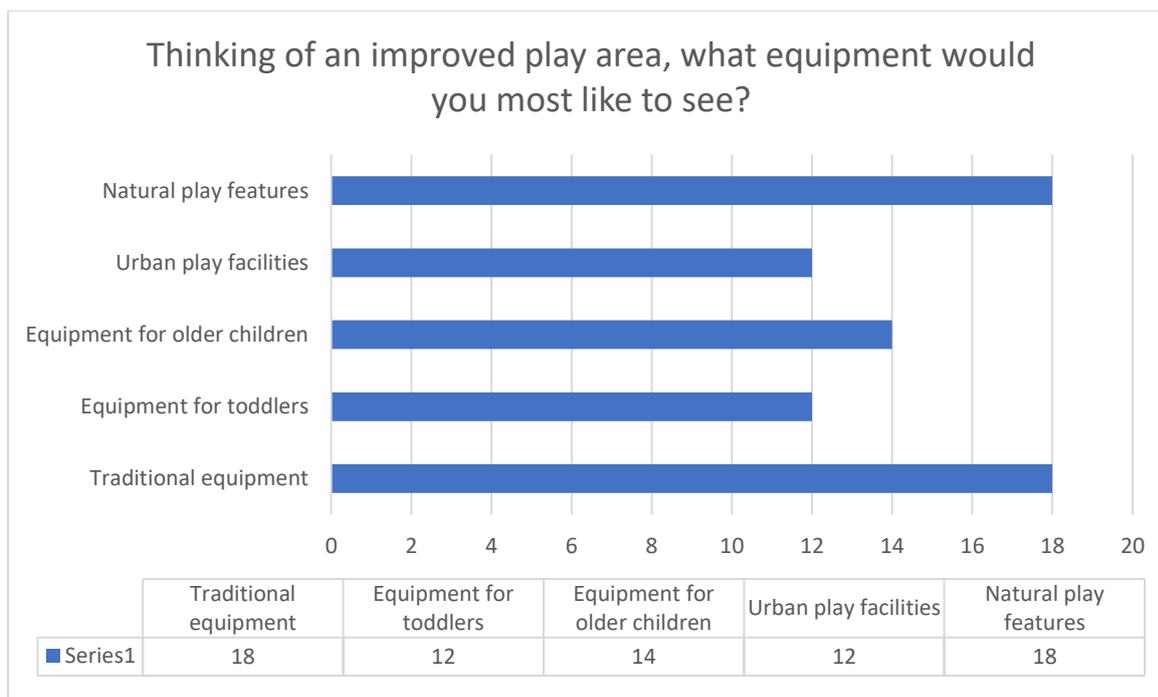


### Q3. Thinking of an improved play area, what equipment would you most like to see?

Respondents were asked to select three from a list, though some chose to select more. All selections have been counted. Some respondents chose to make suggestions or comments when responding to this question, they are listed below:

- Adventure play equipment
- Inclusive play for able / additional needs to play together
- Woodland equipment
- Urban play in a separate area to younger children
- Doesn't get maintained anyway

Voting was fairly evenly spread across all the options. 'Traditional play equipment' and 'Natural play features' each received the greatest number of votes (18), followed by 'Equipment for older children' (14 votes). 'Equipment for toddlers' and 'Urban play facilities' each received 12 votes.



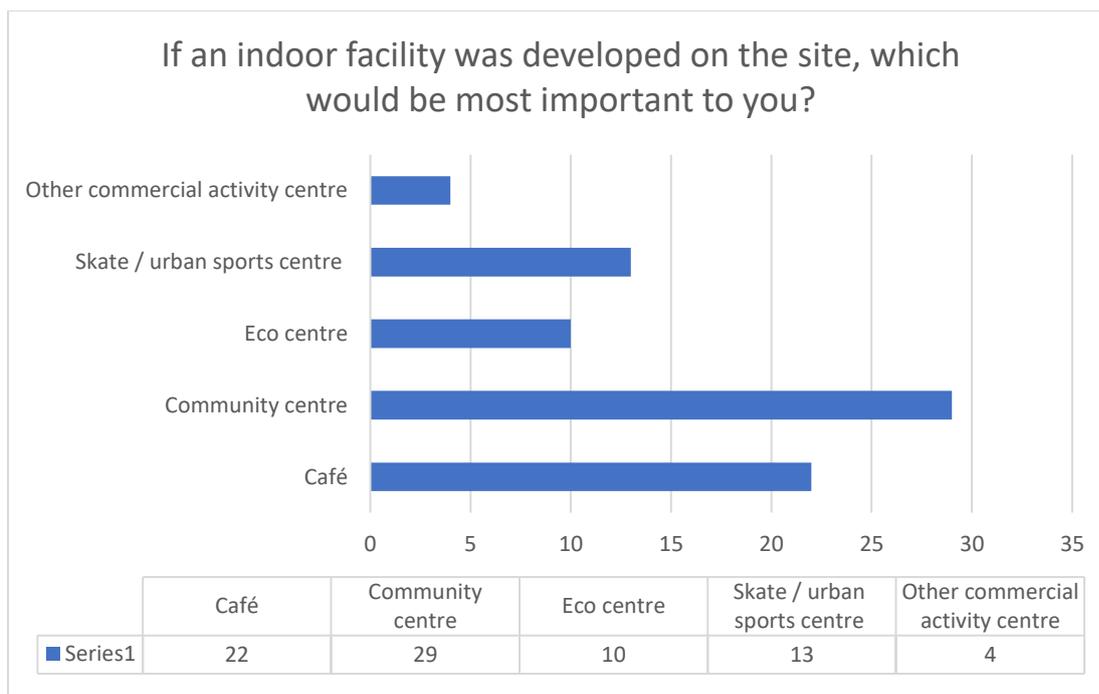
**Q4. If an indoor facility was developed on the site, which would be most important to you?**

Respondents were asked to select three from a list, though some chose to select more. All selections have been counted. Some respondents chose to make suggestions or comments when responding to this question, they are listed below:

- Not for profit community buildings with youth activities
- No to a skate park – don't put it near existing housing – put it away from residents in the eco-zone
- Why not use the already in place not too bad (in your words) sports hall and bar and café for music events or cinema - demolish the pool area but keep the sports hall
- Indoor football
- Indoor futsal
- Large community building
- Something run by the council for the community
- Community ownership needs to be considered
- Youth clubs / roller disco
- Creative arts facility for mental health - those who can't necessarily do physical activity
- Something supporting culture / arts

A 'Community centre' was the most popular choice, receiving 29 votes, with a 'Café' being second most popular with 22 votes.

Other options were fairly evenly spread, with 'Skate / urban sports centre' receiving 13 votes, 'Eco centre' receiving 10 votes and 'Other commercial activity centre' receiving 4 votes.



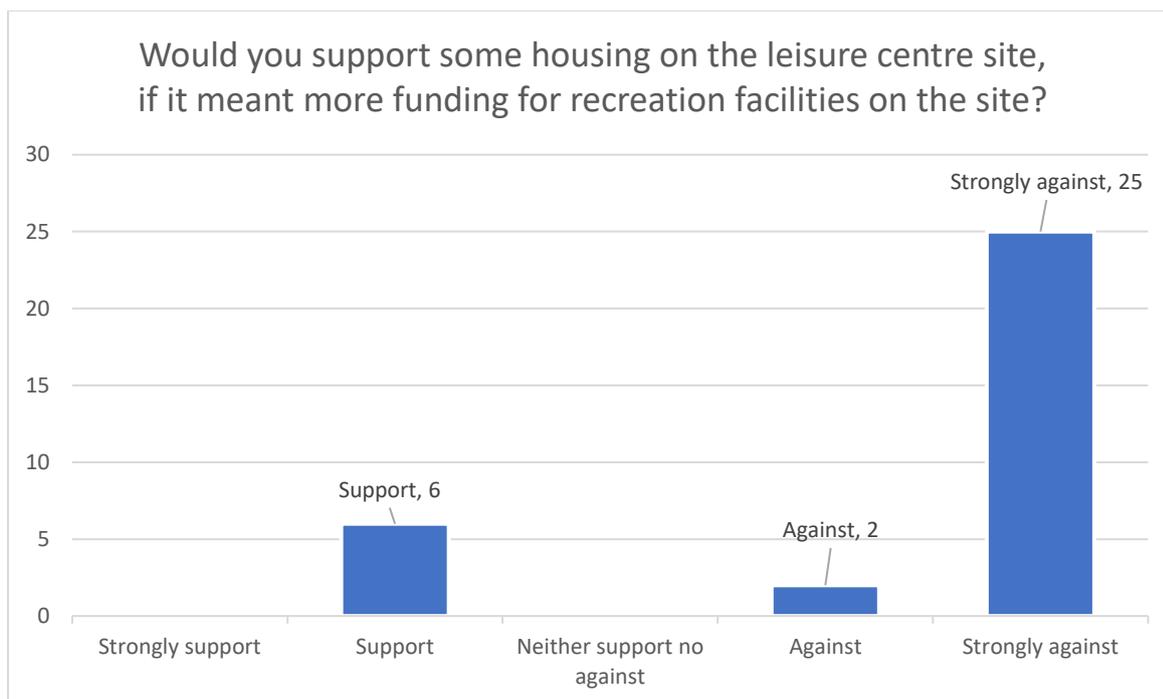
**Q5. Would you support some housing on the leisure centre site, if it meant more funding for recreation facilities on the site?**

Of the 33 people who chose to answer this question, 82% (27 people) were either against (6% - 2 people) or strongly against (76% - 25 people) the development of housing on the leisure centre site.

18% of respondents (6 people) supported housing on the site, if it meant more funding for recreation facilities on the site.

Some respondents chose to make comments when responding to this question, they are listed below:

- This is an eco site, you said so. Therefore trees are needed, not housing
- It is green wedge and should be returned to the community
- No way
- Never
- Grass it over and revisit later



**Q6. If a small amount of housing was developed on the site of the leisure centre, what would be most acceptable to you?**

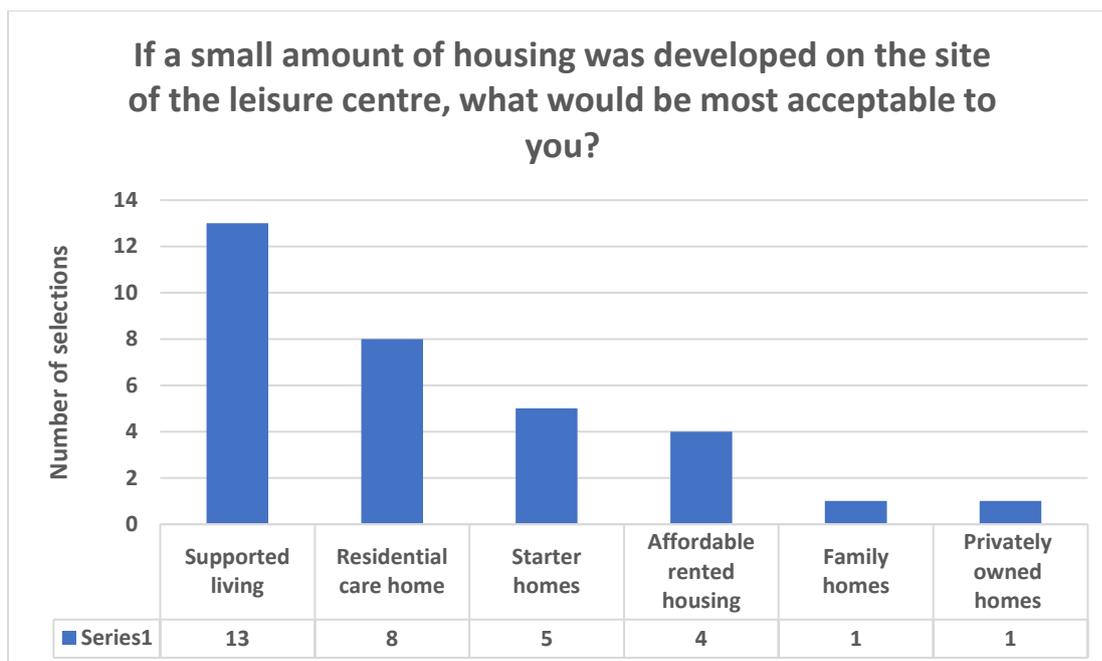
Respondents were asked to select three from a list, though some chose to select more. All selections have been inputted.

Of the 31 response cards returned, 17 were used to provide comments, rather than making selections. These comments are listed below, along with others received from those who made selections:

- None / None of these / None of the above / No housing / No way (14 respondents)
- It is green wedge and should not be built on
- No housing should be allowed
- Supported living or residential care home – should be only for the elderly, not mixed ages
- Local elderly (2 respondents)
- Grass it over and revisit at a later stage

Of the options available, ‘Supported living’ (13 votes) and ‘Residential care home’ (8 votes) were the most acceptable to respondents.

‘Affordable rented housing’ received 5 votes, ‘Starter homes’ received 4 votes and ‘Family homes’ and ‘Privately owned homes’ received 1 vote each.



**Postal survey – delivered on Tuesday 14 June 2022 to 350 homes surrounding the Hermitage Recreation Ground and former leisure centre site.**

Hard copy surveys were hand-delivered, along with an information sheet detailing the V4 vision and current situation, plus next steps, to 350 homes surrounding the Hermitage Recreation Ground site.

The hard copy survey received a 30% return rate, with 106 surveys returned in total. These surveys were inputted by officers into the online survey system, but for the purposes of this feedback appendix, they have been pulled out to show the responses from those properties neighbouring the site.

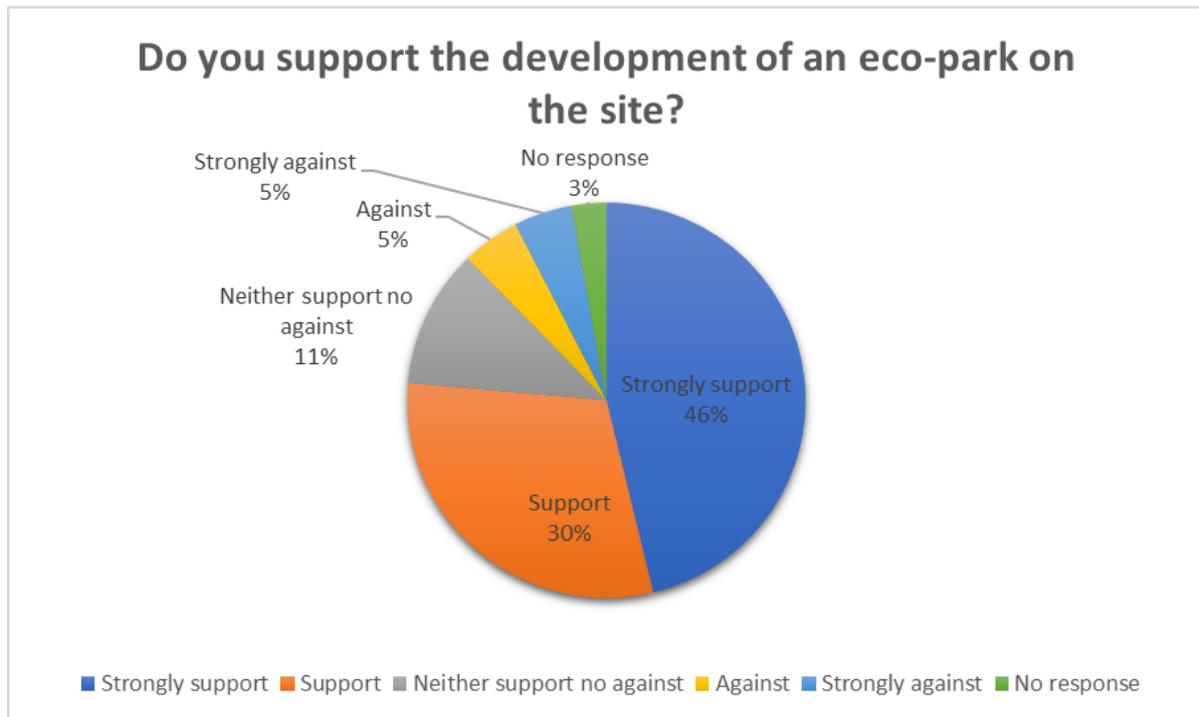
Of these respondents, the majority were in favour of the development of an eco-park, nature points, habitat development and improved play facilities, including natural play equipment and traditional equipment. A community centre and a café were top of the list for this group of respondents, in terms of indoor facilities.

On the topic of residential development on the former leisure centre footprint site, 57% of respondents in this group were against, 25% were in support and 18% were neither for nor against the principle of housing on the site.

Full analysis of the responses is shown below, along with written comments received on the hard copy survey.

## Feedback analysis – postal survey

### Q1. Do you support the development of an eco-park on the site?



Of the 81 people who chose to answer this question, 76% either supported (30%) or strongly supported (46%) the development of an eco-park.

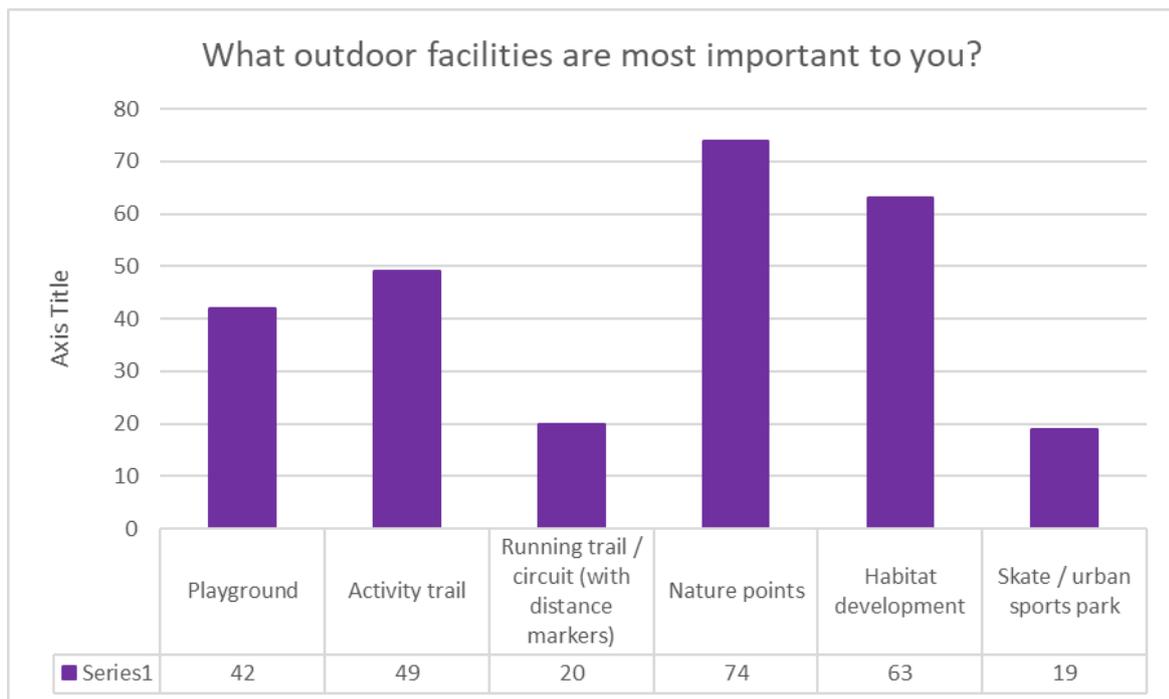
10% of respondents were either against (5%) or strongly against (5%) the development of an eco-park.

### Q2. What outdoor facilities are most important to you?

Respondents were asked to select three from a list, though some chose to select more. All selections have been counted. Some respondents chose to make suggestions or comments when responding to this question, they are listed below:

- To make the walkways round the lake better. Please make it safer for younger children (more bins needed)
- Tidy place up and get rid of some Canada geese
- Wild flower meadows to encourage bees
- Community gatherings/fairs/circus/fetes
- Walking tracks/routes
- Cycle tracks/routes
- Dog walking.

In this group, 'Nature points' received the most number of votes (74), followed by 'Habitat development' (63 votes), 'Activity Trail' (49 votes) and 'Playground' (42 votes). 'Running trail / circuit' received 20 votes and 'Skate / urban sports park' received 19 votes.

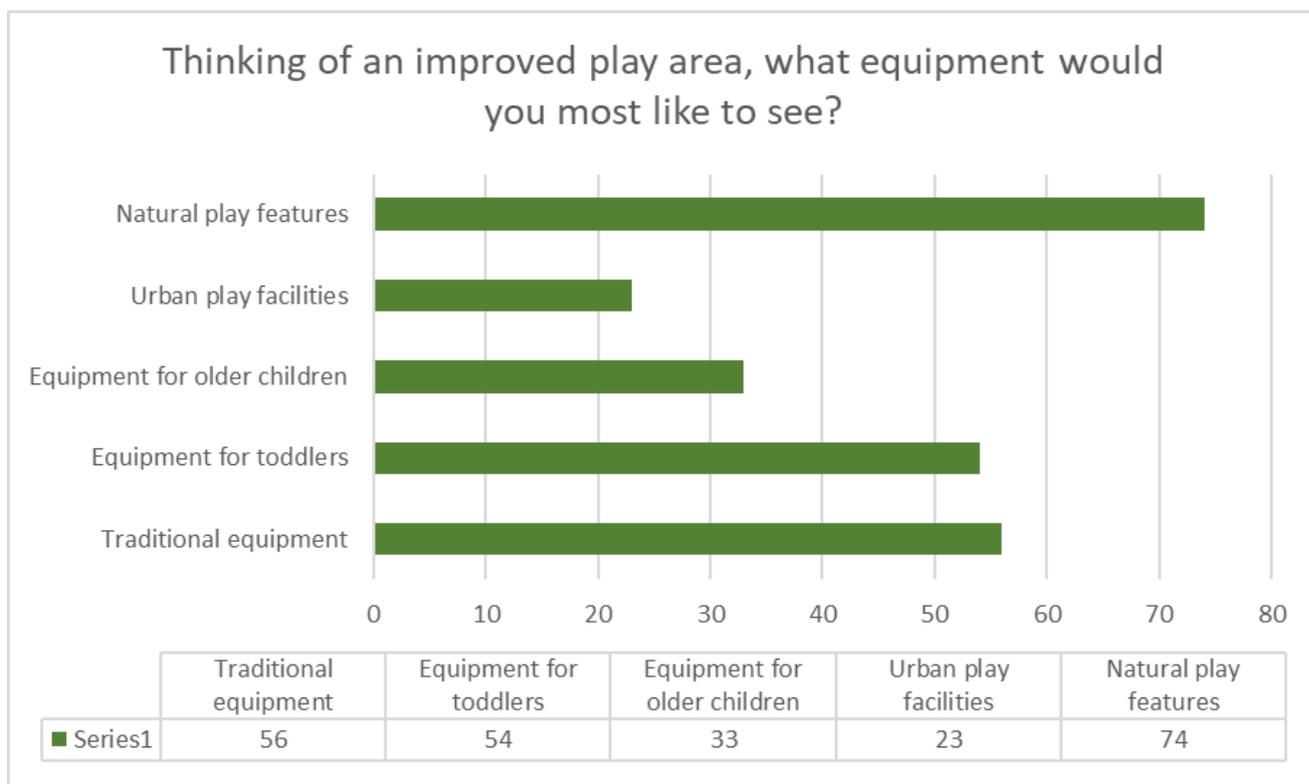


### Q3. Thinking of an improved play area, what equipment would you most like to see?

Respondents were asked to select three from a list, though some chose to select more. All selections have been counted. Some respondents chose to make suggestions or comments when responding to this question, they are listed below:

- Adventure play equipment
- Inclusive play for able / additional needs to play together
- Woodland equipment
- Urban play in a separate area to younger children
- Doesn't get maintained anyway

Voting was fairly evenly spread across all the options. 'Natural play features' was the most popular choice (74 votes), with 'Traditional play equipment' receiving 56 votes 'Equipment for toddlers' receiving 54 votes. 'Equipment for older children' received 33 votes and 'Urban play facilities' received 23 votes.



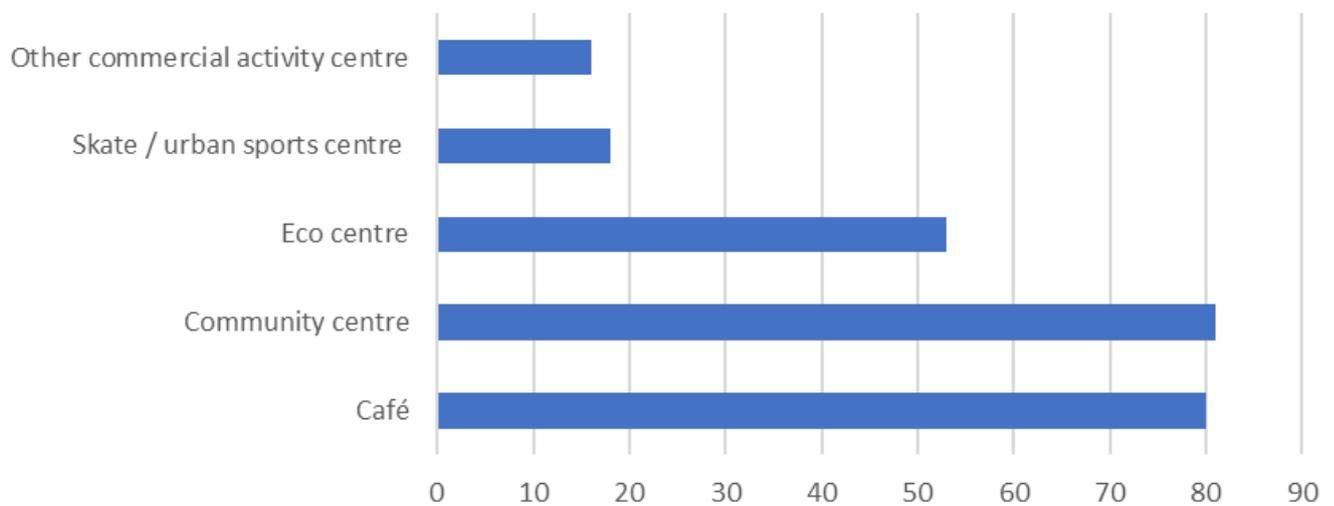
**Q4. If an indoor facility was developed on the site, which would be most important to you?**

Respondents were asked to select three from a list, though some chose to select more. All selections have been counted. Some respondents chose to make suggestions or comments when responding to this question, they are listed below:

- Theatre/cinema/arts centre. Whitwick Jubilee celebrations proved we need a community area. We feel isolated at moment. I spoke to people their 90% said no to houses – we need a large community hub
- None. Turn it into a nature reserve
- Bands/films nights/ roller disco/community get togethers
- Arts activities

A 'Community centre' (81 votes) and a 'Café' (80 votes) were the most popular choices, with 'Eco centre' receiving 53 votes, 'Skate / urban sports centre' receiving 18 votes and 'Other commercial activity centre' receiving 16 votes.

## If an indoor facility was developed on the site, which would be most important to you?



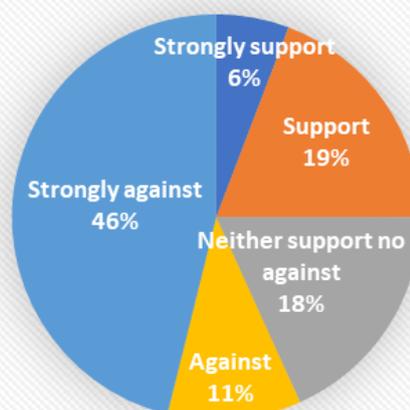
	Café	Community centre	Eco centre	Skate / urban sports centre	Other commercial activity centre
■ Series1	80	81	53	18	16

### Q5. Would you support some housing on the leisure centre site, if it meant more funding for recreation facilities on the site?

Of the 59 people who chose to answer this question, 57% were either against (11%) or strongly against (46%) the idea of residential development on the leisure centre site.

25% of respondents supported housing on the site, if it meant more funding for recreation facilities on the site, while 18% gave no preference.

## Would you support some housing on the leisure centre site, if it meant more funding for recreation facilities on the site?



■ Strongly support   
 ■ Support   
 ■ Neither support no against   
 ■ Against   
 ■ Strongly against

**Q6. If a small amount of housing was developed on the site of the leisure centre, what would be most acceptable to you?**

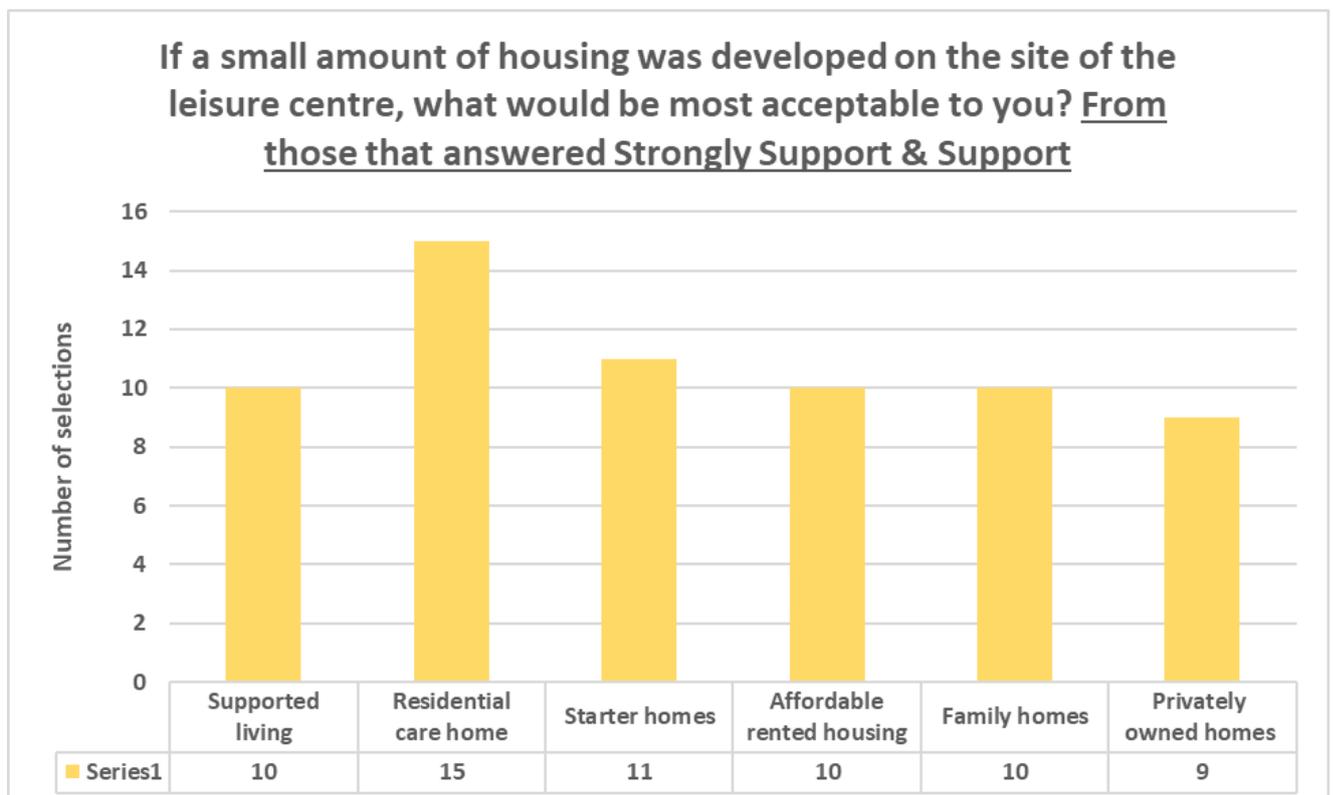
Respondents were asked to select three from a list, though some chose to select more. All selections have been inputted.

Of the 65 people who chose to answer this question, several chose to provide comments in addition to their answer. These are listed below:

- Old people bungalows rented. I would like to thank the council for consulting me and other residents on the future of the site
- For the older/elderly, residential and starter to be affordable for low income workers (JAMs). Please note I live opposite hermitage court which was for elderly now very much mixed living – some of whom are undesirable rowdy and possible habits. Living with elderly and middle aged persons on warden control
- It would be an ideal site for bungalows like the ones built on Loughborough Road

Of the options available, 'Residential care home' (15 votes) was the most acceptable to respondents, followed by 'Starter homes' (11 votes).

'Affordable rented housing', 'Family homes' and 'Supported living' each received 10 votes, while 'Privately owned homes' received 9 votes.



## Online survey – available at [www.nwleics.gov.uk/hermitage](http://www.nwleics.gov.uk/hermitage) from 10 June to 15 August 2022

An online survey was available between 10 June and 15 August 2022 on the council's website.

A [news release announcing the opening of the online survey](#) was issued on 10 June, a banner promoted the survey on the council's website and social media activity promoted the survey over the months that followed up to the closure date.

Media organisations, including the Leicester Mercury, Nub News, BBC Radio Leicester and BBC East Midlands Today covered the story and promoted the online survey.

In total, **1,037 responses were received to this survey (106 of these were inputted by council staff from the postal survey).**

It is not possible to extract the postal survey responses from the online responses once inputted, so the statistics shown below include both groups of respondents, though the postal-only responses are shown above.

### **In summary, of those responding to the online and postal surveys:**

- Most people support the development of an eco-park on the site
- Most people support investment in play facilities, an activity trail, nature trails and habitat development on the site
- There is a preference for traditional play equipment, using natural features
- There is a clear desire for community facilities, including a community centre and / or a café
- Opinion is split with regards housing on the former leisure centre footprint with 53% against housing, 29% in support of housing and 18% showing no preference
- If housing was development, most people would prefer supported living or a residential care home

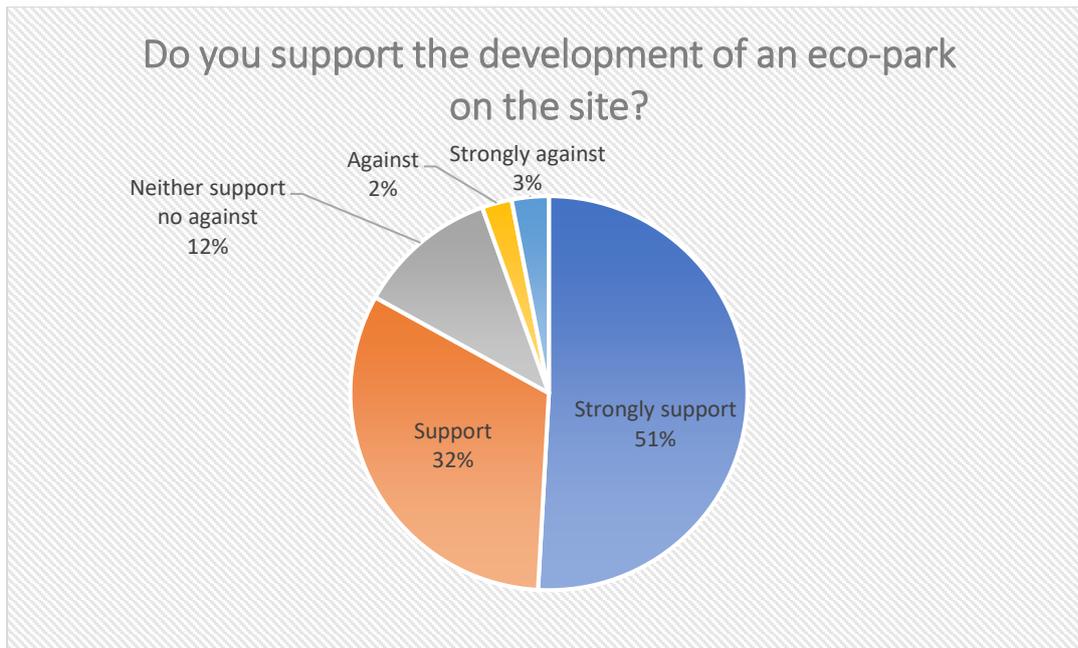
Full analysis of the responses is shown below, along with written comments provided.

## Feedback analysis – online survey

### **Q1. Do you support the development of an eco-park on the site?**

Of the 1,022 people who chose to answer this question, 82% either supported (50%) or strongly supported (32%) the development of an eco-park.

6% of respondents were either against (3%) or strongly against (3%) the development of an eco-park.

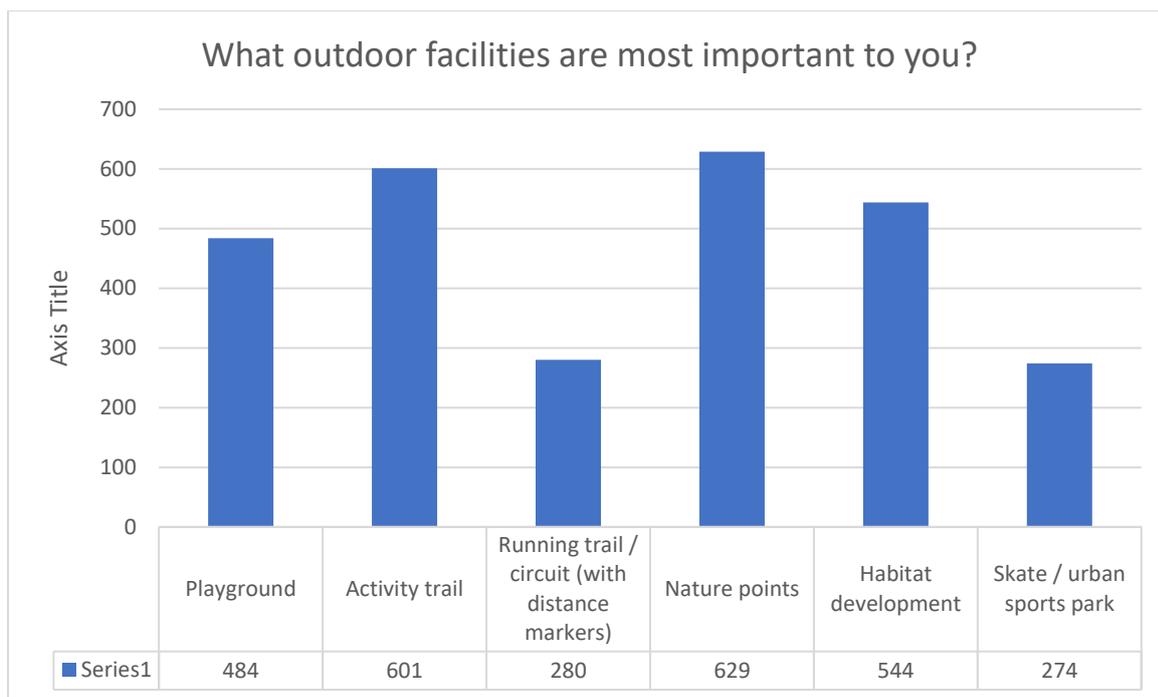


## Q2. What outdoor facilities are most important to you?

997 respondents chose to answer this question. Respondents were asked to select three from a list, though some chose to select more. All selections have been shown in the data. 132 respondents chose to make suggestions or comments when responding to this question; a selection is shown below:

- Whitwick Park play equipment is run down. Snibston isn't suitable for under 4s. Coalville Park is lovely now. We need a park to keep all ages entertained
- Would also love a small bird watching hide to watch a quiet area of the lake/eco zone
- Fun cycle routes like Snibston
- Smooth concrete
- Cycling access
- Leave it as it is
- Sports field
- No housing
- Nice place to walk with dogs and off lead. The current site is used a lot by dog walkers. I would be very against losing this green space in any way and prefer more social facilities like cafe etc. There is nothing like this in Whitwick all development seems to be focused on Coalville
- Education / forest school area
- Affordable housing. We already have parks and the hermitage lake area. Young people need somewhere affordable to live such as one bedroom flats
- Green space for mental well-being and wildlife, sculpture park, just somewhere to walk (no Woodstock in Whitwick though, they can't control the noise).

Voting was fairly evenly spread across all the options. 'Nature points' received the most number of votes (629), followed by 'Activity Trail' (601 votes) and 'Habitat development' (544 votes). 'Running trail / circuit' received 280 votes, while 'Skate / urban sports park' received 274 votes.

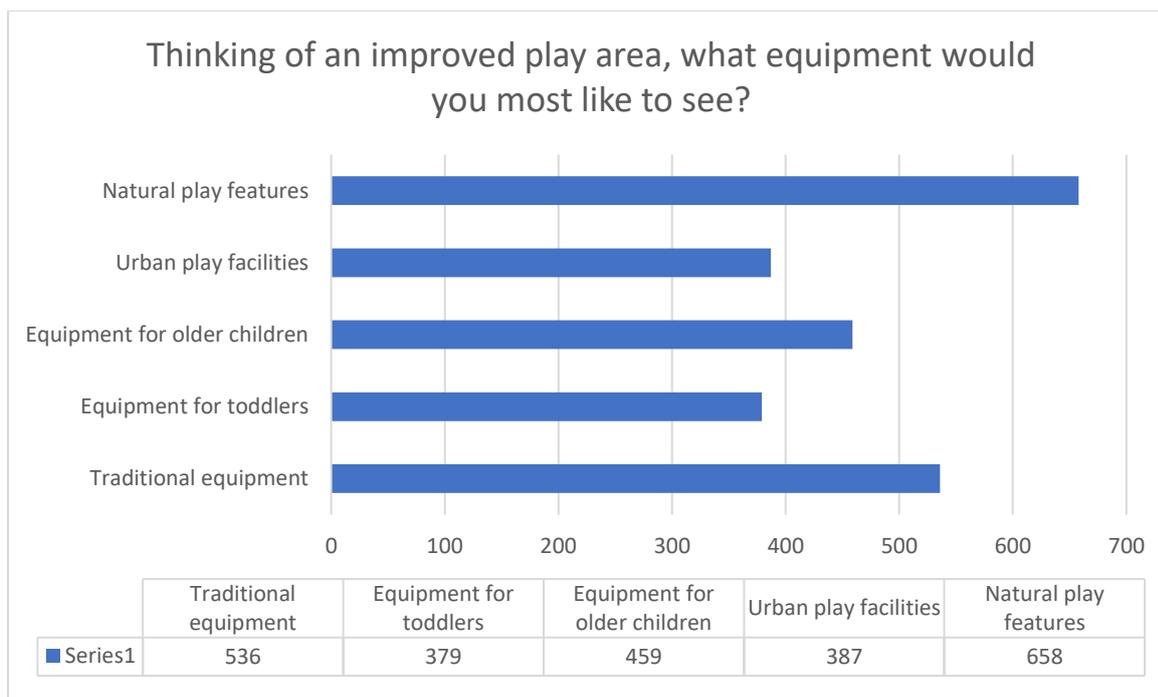


### Q3. Thinking of an improved play area, what equipment would you most like to see?

973 respondents chose to answer this question. Respondents were asked to select three from a list, though some chose to select more. All selections have been inputted. 102 respondents chose to make suggestions or comments when responding to this question; a selection is shown below:

- There needs to be more of all. There is nothing else in Coalville for teenagers
- You could have a lovely tarmac cycle route for beginners it's hard to find a place to teach the younger generation to cycle without doing it on a over-crowded road.
- Outdoor gym
- Equipment for SEN
- Keep original park area... always popular for families
- Little boat rides
- More eco-friendly or educational, could even consider a community garden and learning new skills how to make things etc.
- We already have a playground by the lake, the children love it there
- Accessible equipment for people who are in large wheelchairs
- Seating and picnic tables so mums / families can meet up
- Non plastic play equipment
- Accessible play equipment for children of all abilities and disabilities
- Concerned a play area may attract youths and littering like the one at Hermitage lake.

Voting was fairly evenly spread across all the options. 'Natural play features' received the most number of votes (658), followed by 'Traditional play equipment' (536 votes) and 'Equipment for older children' (459 votes). 'Urban play facilities' received 387 votes and 'Equipment for toddlers' received 379 votes.



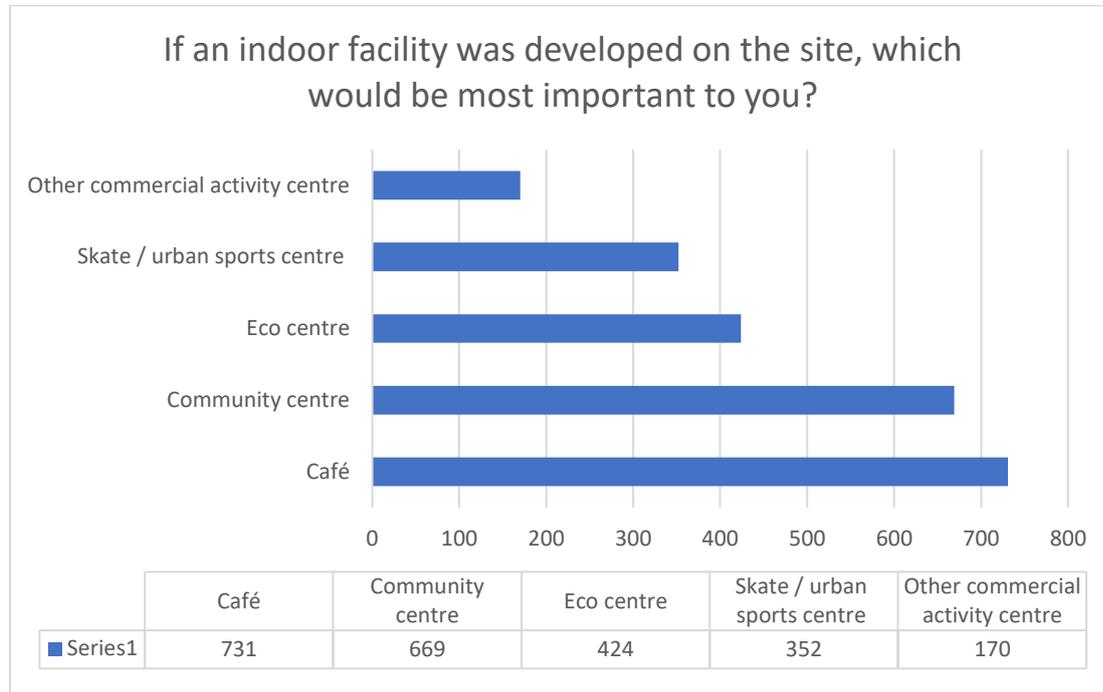
**Q4. If an indoor facility was developed on the site, which would be most important to you?**

973 respondents chose to answer this question. Respondents were asked to select three from a list, though some chose to select more. All selections have been inputted. 159 respondents chose to make suggestions or comments when responding to this question; a selection is listed below:

- Indoor roller skate park. There is nowhere like Granby Halls back in the day
- Soft play
- Nothing! That building needs to be demolished! Hasn't been suitable for its purpose for years now
- Leave it as it is
- Museum and gallery
- Whatever the greatest community need is
- Somewhere that could be hired to hold dance / sport clubs / competitions / tea dances etc.
- No housing
- A day centre for mature people for activities
- Youth centre
- Roller skating / ice skating
- Toilets
- Nothing to encourage motor bike racing or any substance use
- Not like Hicks Lodge which only offers for a certain interest. We need versatile activities and areas for all ages. Plus somewhere for teens to go to keep them off the streets
- Wildlife centre, concert hall / arts centre.

A 'Café' was the most popular choice, receiving 731 votes, with 'Community centre' being second most popular with 669 votes.

Other options were fairly evenly spread, with 'Eco centre' receiving 424 votes, 'Skate / urban sports centre' receiving 352 votes. 'Other commercial activity centre' received 170 votes.



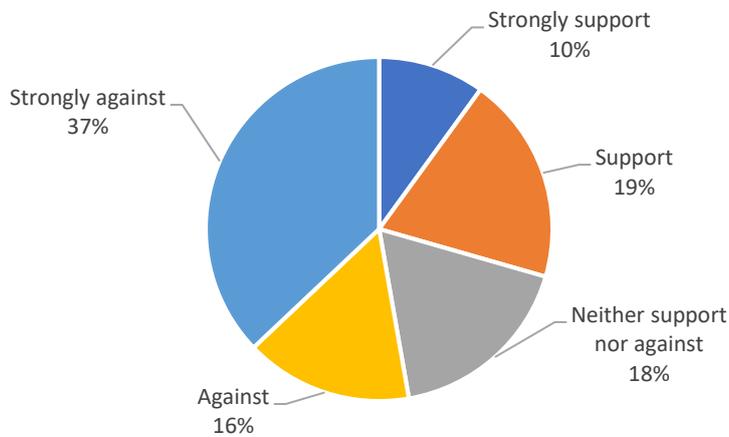
**Q5. Would you support some housing on the leisure centre site, if it meant more funding for recreation facilities on the site?**

Of the 1,027 respondents who chose to answer this question, 53% were either against (16% - 162 people) or strongly against (37% - 384 people) the development of housing on the leisure centre site.

29% of respondents (305 people) supported housing on the site, if it meant more funding for recreation facilities on the site.

18% (184 people) gave no preference.

Would you support some housing on the leisure centre site, if it meant more funding for recreation facilities on the site?



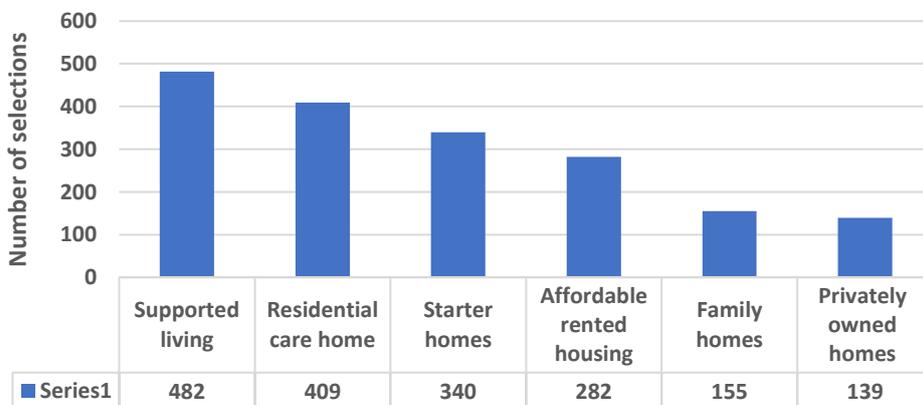
**Q6. If a small amount of housing was developed on the site of the leisure centre, what would be most acceptable to you?**

854 respondents chose to answer this question. Respondents were asked to select three from a list, though some chose to select more. All selections have been inputted. 18% of respondents (183 people) chose not to answer this question.

Of the options available, 'Supported living' (46%, 482 votes) and 'Residential care home' (39%, 409 votes) were the most acceptable to respondents.

'Starter homes' received 340 votes, 'Affordable rented housing' received 282 votes, 'Family homes' received 155 votes and 'Privately owned homes' received 139 votes.

**If a small amount of housing was developed on the site of the leisure centre, what would be most acceptable to you?**



## **Whitwick Parish Council – formal response**

The formal response provided by Whitwick Parish Council to NWLDC on 9 August 2022, is shown below.

In summary, Whitwick Parish Council would like NWLDC to consider transferring the former leisure centre building into community ownership for the purposes of providing services for young people.

## **Whitwick Parish Council Option for the future of Hermitage Leisure Centre**

Thanks are given to Mr Sanders and the team for finally attending our Parish Council meeting on 21 July with an update about the future of the Hermitage Leisure Centre (HLC). Whitwick Parish Council (WPC) are, however, disappointed that, despite us having a standard agenda item every month to allow for updates, these were not forthcoming. The parish council was left as an afterthought in the consultation process. We are also disappointed to learn that tenders have already been invited for the demolition of the HLC, this also seems rather presumptive, unless we are actually not being given any consideration in this process.

WPC are a significant stakeholder in this and made the HLC an Asset of Community Value This was listed on NWLDC website 14/11/2016. This was taken back for full council to consider before it expired and it was renewed in 2021, yet we are now presented with the options already decided upon. **We would like to propose another option - that of Community Ownership.**

NWLDC have commissioned a whole raft of consultation and advice and through that have produced their 'vision'. The only reason for not going with this aspirational option is financial. We believe that through community ownership the 'vision' can be delivered.

The structural report by CBRE, commissioned by NWLDC, states that poolside and the plant are in no fit state to repair but that phase of the building could be demolished, leaving the gym, sports hall, cafeteria areas. This same report indicates that with minimal roof repairs this remaining structure has approximately 10 years of life, with more substantial roof repairs, another 25 years of life.

This is a substantial structure of great community value that could be salvaged and repurposed, saving much environmental damage. The only truly GREEN building is one that is already built. Destroying a reusable building would be tantamount to environmental vandalism. If a community group had ownership of the building for two years, this would help NWLDC to deliver their aspirational vision. If it fails, they've lost nothing because the plans can be reviewed. At the meeting of Whitwick Parish Council on 4 August 2022, members voted to trigger the Asset of Community Value and WPC intends to express an interest in it.

There are many ways forward including, but not limited to: The Community Ownership Fund, which works alongside existing Community Asset Transfer frameworks to support these transfers and fund renovation and refurbishment; Lottery Funding; a Community Share issue; Community Co-operatives, youth funding and Shared operating options.

**We urge the Scrutiny Committee to allow our option to be presented to cabinet and to seriously consider this option as the way forward with the Hermitage Leisure Centre.**

This option will provide an amazing community asset with safe affordable spaces for disaffected young people within our community to feel welcomed in. Youth workers could be on site who can identify any potential exploitation issues before they get out of hand. This would be useful to counter antisocial behaviour. When young people have nothing to do except congregate in large groups, ASB often develops within that environment. None of the proposals conflict with the new Whitwick and Coalville Leisure Centre. The two could operate in a complimentary fashion to enhance our leisure infrastructure.

**NWLDC has stated that it can demolish this building without it affecting the registration status of being an Asset of Community Value. The parish council would challenge that view and would take our own legal advice.**

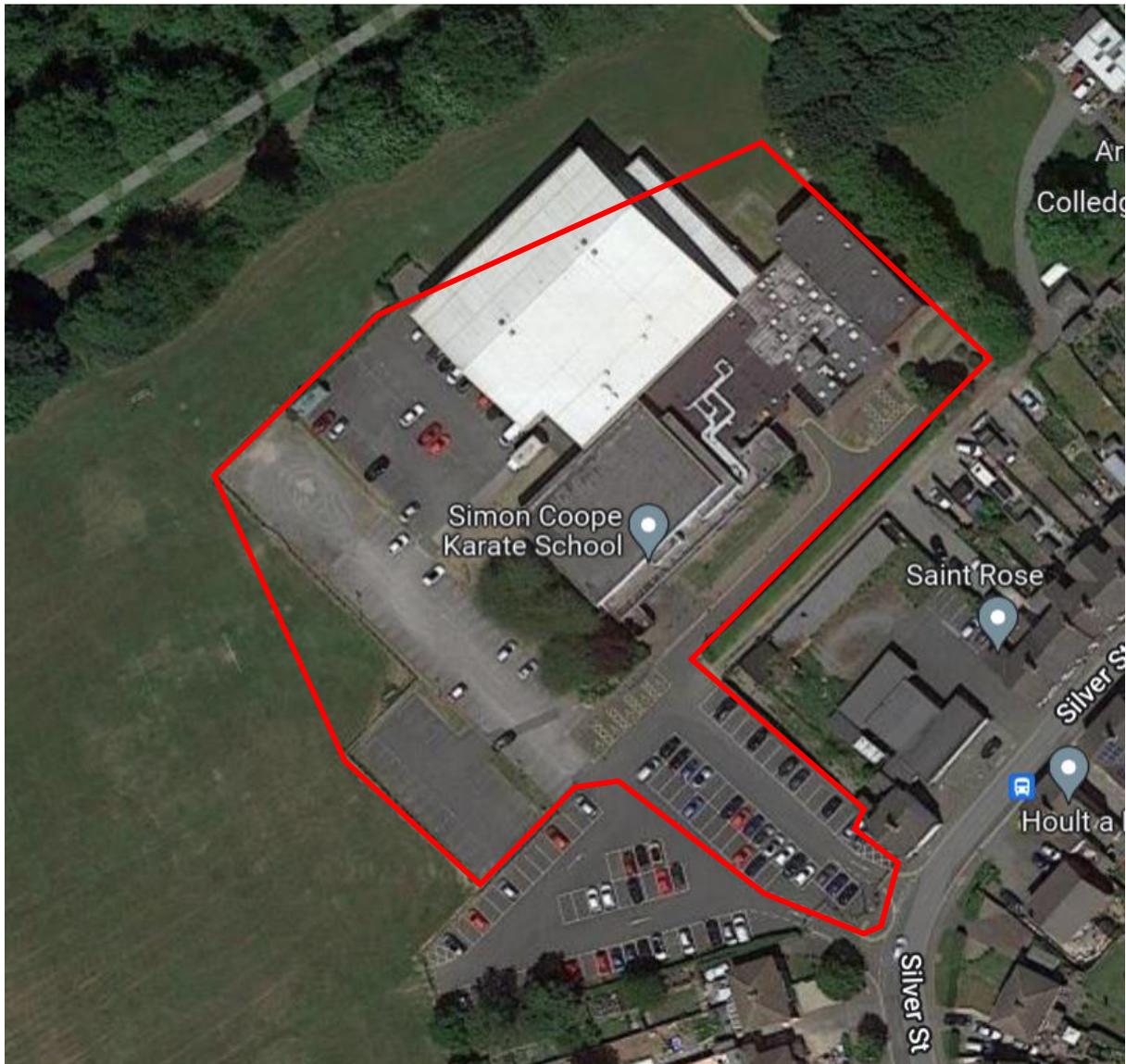
9 August 2022

Cathy Tibbles, Parish Manager.



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Appendix 6 – Land To Be Appropriated



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MINUTES of a meeting of the COMMUNITY Scrutiny Committee held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 7 September 2022

Present: Councillor J Hault (Chairman)

Councillors R L Morris, C C Benfield, J Clarke (Substitute for Councillor A J Bridgen), T Eynon, J Geary, M D Hay, G Hault, J G Simmons and M B Wyatt

In Attendance: Councillors J Legrys and S Sheahan

Portfolio Holders: Councillors R Bayliss and A Woodman

Officers: Mr J Arnold, Mr A Barton, Ms R Haynes, Mr J Knight, Mr K Stevens, Mrs R Wallace, Miss E Warhurst and Mr P Wheatley

## **52. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor A Bridgen.

## **53. DECLARATION OF INTERESTS**

Councillors C Benfield, T Eynon, J Geary, Hays and Morris declared that they had entered conversations with public organisations and residents in relation to item 3 – Former Hermitage Leisure Centre Building Future Direction, however maintained an open mind.

Councillor M B Wyatt declared a registerable interest in item 3 - Former Hermitage Leisure Centre Building Future Direction as member of Whitwick Parish Council.

## **54. FORMER HERMITAGE LEISURE CENTRE BUILDING FUTURE DIRECTION**

The Chair welcomed Members to the meeting and due to the complex nature of the item, explained the process to be followed. Reference was made to the petition received as detailed within the report and it was noted that in accordance with the petition scheme, as the lead petitioner was not in attendance, the matter would not be considered at the meeting.

The Chair invited Ms S Colledge, Whitwick Parish Councillor, to address the committee in relation to the Parish Council's submission detailed within the report and additional papers. She expressed concerns that as a significant stakeholder, Whitwick Parish Council were not involved early enough in the consultation process. The Committee were reminded that the Hermitage Leisure Centre was designated as an Asset of Community Value following the applications from Whitwick Parish Council and it was concerning to see the proposed demolition of the site coming forward. Members were referred to the additional papers which detailed alternative proposals from Whitwick Parish Council for community ownership of the building. The Committee were urged to support and recommend Whitwick Parish Council's proposals to Cabinet.

The Chair invited the Committee to ask any questions of Ms Colledge and the following responses were received:

- It was estimated that it would take approximately two years to establish the Community Ownership Fund and to have the building successfully operational.
- Whitwick Parish Council understood that it was the structural building that had been listed as an Asset of Community Value rather than the land as detailed within the report.

- The high costs of the works as proposed within the report was concerning when compared to the considerably lower costings detailed within Whitwick Parish Council's proposals for the building.
- The accuracy of the report was questionable as the dates for the original construction of the building seemed incorrect.
- In relation to the suggested lack of consultation with Whitwick Parish Council, Ms Colledge explained that officers were regularly asked for updates as it was a standing item on the parish monthly meeting agenda and information was not available. The parish council were not involved in the consultation until the community feedback event.

The Chair invited Mr R Woodward, representative of the Whitwick Action Group, to address the Committee. He highlighted the work of the group in recent years to protect the green wedge in Whitwick from development, this included campaigning, lobbying, planning appeals and judicial reviews which had all been successful. He reminded Members that the development of the new leisure centre meant the loss of some of the green wedge and therefore the Whitwick Action Group were opposed to any development on the former Hermitage Leisure Centre site and requested that the land be retained as part of the green wedge and protected for leisure use only. He felt that any development would set a dangerous precedent and urged the Committee to not make the mistake of supporting the draft Cabinet recommendations to demolish a much-needed community asset.

The Chair invited the Committee to ask any questions of Mr Woodward and the following responses were received:

- The Whitwick Action Group understood that it was the structural building that had been listed as an Asset of Community Value rather than the land as detailed within the report. Mr Woodward felt that community should be given the option to use the building.
- In relation to the site access, it was Mr Woodward's opinion that the current access would make it easier to develop the rest of the green wedge.
- It was Mr Woodward's opinion that importance was not being placed on protecting the green wedge but rather on building houses.
- Mr Woodward defended his statement that the situation had changed dramatically as it had been agreed to not develop the green wedge and the proposal was now to build housing.

The Head of Property and Regeneration presented the report to Members.

Members asked several questions of clarity and received answers on the following matters:

- A 30-year lifespan was the usual timeframe for a leisure building such as the former Hermitage Leisure centre.
- Separating the leases for the building and the land so that the building could be gifted to the Parish Council was problematic due to the legalities involved. It also meant the loss of control of a Council asset.
- Members were referred to the breakdown of costings as detailed within the additional papers and a full explanation was given on options of both full and partial demolition, and the difficulties involved in partial demolition.

- An explanation was given on the process taken to get to the current position in accordance with the Asset Management Policy. Members were informed that the Asset of Community Value would not be triggered as the land was not being disposed of.
- In relation to the covenant on the site to protect the land for leisure use only, officers confirmed that this only included the land surrounding the building and a small part of the building footprint. Therefore, this would be retained for leisure use.
- There was no legal reason why the costs for demolition and clearing of the site could not be funded by the Coalville Regeneration budget provision. It was also deemed appropriate as the service to be delivered on the site would benefit residents across the district.

During discussion on the current state of the building, reference was made to the recent site visit with several Members believing that the dry side of the building was still structurally sound and watertight. The poor condition of the wet pool side was acknowledged however, therefore some Members were of the opinion that the best option would be partial demolition to retain a building that could be used by the community.

At the request of a Member, the Head of Property and Regeneration agreed to provide the full cost to the council for the structural report provided by CBRE, outside of the meeting to all Committee Members.

A Member raised concerns that the cost estimations within the report could be too low due to the cladding on the building. It was also queried as to why the Whitwick Parish Council should take ownership when it was a wider community asset.

Some Members felt that the economic case was a strong one and it was difficult to agree any other remediation. It was felt that it would be better financially to build a new community building that would meet all regulations, carbon targets and community needs, rather than retaining an uneconomical building.

Members acknowledged the views of the speakers in attendance at the meeting and appreciated their objections as they agreed there was a need for a leisure building in Whitwick. The Head of Property and Regeneration concurred with the need for a leisure facility as this was something he was working on in relation to the regeneration of the area, however it was important to look at the long-term future and that was not with an old building that was unfit for purpose.

Reference was made to the monthly costs to the council to maintain the building in its current state, as it calculated as approximately £450 per day. A request was made to receive a more detailed breakdown of these costs. The Head of Property and Regeneration summarized that the headline costs were for security, maintenance/repairs and business rates provision, however he would provide a detailed breakdown to Members outside of the meeting.

A discussion was had on the site in relation to how it fit into the green wedge and the Council's Local Plan. It was noted that the footprint of the building did not form part of the green wedge and was not included under Local Plan Policy.

It was commented that although the points in relation to the leisure covenant on the land and the appropriation of the asset were technically correct, it did not make it any easier for the public to agree and caused frustration. A Member challenged the opinion that the partial demolition was unviable when the Council would still have an asset worth an estimated £750,000 once completed. It was suggested that there were other ways to hand over the building to the community, such as a partial demolition and then rather than gifting the building, a peppercorn rent be offered for a specific amount of time to allow funds to be raised before establishing a formal lease agreement. It was felt that too much

emphasis had been placed on receiving as much money as possible for this asset and it would be a shame for the community to miss out due to financial reasons. The Strategic Director for Housing and Customer Services reminded Members that it was a statutory responsibility to achieve the highest funds available from a council asset.

In relation to the draft recommendations to Cabinet, a Member felt that it was hard to support recommendation 4 due to the appropriation of the site from the General Fund to the Housing Revenue Account, this was deemed inappropriate.

At the request of a Member further clarification was provided on the accounting and appropriation process, in particular how the debt involved was balanced.

A Member raised concerns that two major stakeholder groups within the community seemed to have been ignored during the consultation process and it was clear that the public believed that decisions had already been made regardless of the outcome of the consultations. The business case for the proposed option of demolition was also questioned as the draft recommendations to Cabinet were asking for approval before business cases had been received. The Strategic Director for Housing and Customer Services assured Members that the correct procedure had been followed and a preliminary business case had been produced to show that the proposals were viable. It was the finer details that would now be worked through and included in the full business case, as was usual practice.

Councillor J Geary proposed that the committee recommend to Cabinet that the former leisure centre building be retained and leased out to be used as a community asset. It was seconded by Councillor M B Wyatt.

At the request of a Member the meeting was adjourned at 8.13pm and reconvened at 8.20pm.

Further discussion was had on the motion in front of Members, and some comments were made in reference to the difficulty in separating the land and the building for leasing.

A Member reminded the Committee that they were considering a building that was no longer fit for purpose which was a drain on council funds, it was his opinion that retaining the building was not the right action to take as it was the Members duty to protect the public funds.

The following amended motion, agreed by Councillor J Geary as proposer and Councillor M B Wyatt as seconder was put to the vote:

'Along with the comments made by the Committee, a recommendation be made to Cabinet that phase 3 of the former Hermitage Leisure Centre building be retained as a community asset and gifted with the lease of the land to a charitable group.'

A recorded vote being requested, voting was as detailed below:

<b>Along with the comments made by the Committee, a recommendation be made to Cabinet that phase 3 of the former Hermitage Leisure Centre building be retained as a community asset and gifted with the lease of the land to a charitable group. (Motion)</b>	
Councillor Jim Houlton	Against
Councillor Ray Morris	Against
Councillor Carl Benfield	For
Councillor John Clarke	Against
Councillor Dr Terri Eynon	For
Councillor John Geary	For
Councillor Michael Hay	For
Councillor Gill Houlton	Against
Councillor Jenny Simmons	Against
Councillor Michael Wyatt	For
Councillor Jim Houlton	Against (Casting Vote)
<b>Rejected</b>	

Following a discussion on the voting procedure, the Head of Legal and Commercial Services confirmed that as the officers' recommendations were to provide comments on the report and draft Cabinet recommendations, the Committee did not have to come to a consensus, all comments would be noted and presented to Cabinet.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.33 pm

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**EXTRAORDINARY MEETING OF COMMUNITY SCRUTINY COMMITTEE  
FORMER HERMITAGE LEISURE CENTRE BUILDING FUTURE DIRECTION**

**PETITION UPDATE**

Following the publication of the agenda, a further 14 signatures have been received taking the final number of signatories to 140.

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**EXTRAORDINARY MEETING OF COMMUNITY SCRUTINY COMMITTEE  
FORMER HERMITAGE LEISURE CENTRE BUILDING FUTURE DIRECTION**

**ADDITIONAL SUBMISSION FROM WHITWICK PARISH COUNCIL**

Whitwick Parish Council have commissioned a report into the future use of the former leisure centre site which was unfortunately not available prior to the publication of the agenda. It has now been submitted as an appendix to the formal consultation response and is included in the additional papers for information.

23<sup>rd</sup> August 2022

Ref 2022027 JAE

Whitwick Parish Council  
3a Market Street  
Whitwick  
Leicestershire  
LE67 5DT

For the attention of Cathy Tibbles

Dear Madam

### **Proposal for Hermitage Leisure Centre, Whitwick**

Further to your recent instruction to undertake a feasibility report to maintain the main sports hall, café, gym and dry changing areas, we have engaged with a local Architectural company, David Granger Architectural Services Limited to consider the options and our report below is based upon their drawings reference 22\_4198.01 & 02 together with an image, all of which are included with this report.

We understand that the original swimming pool and associated areas are to be demolished and therefore, these areas are not included in this report, however, in our opinion, there should be some consideration whether the basement to the pool area could be used to create a skate park.

From our research and having visited the existing building prior to closing, the building to remain was constructed in 1986/87 and therefore some maintenance will be needed to the external fabric. A new entrance will be formed into the café area. The interior finishes are in reasonable condition but would benefit from some refurbishment to modernise the area.

The mechanical service installations are dated and beyond economical repair but the majority of these serve the building to be demolished and therefore do not need to be considered at this stage. The remaining mechanical services can be refurbished or replaced to suit the type of occupancy that will be generated.

Prior to the closure of the building, the electrical service installations were functioning adequately, and some maintenance and adaptation work will be needed to suit the type of occupancy that will be generated.

The electric and gas mains would need to be extended from the demolished building to the building to remain. The water and data supplies are contained within the building to remain, entering in the café and office areas respectively.

We are not aware of the energy efficiency of the building and an allowance has been allowed to ensure that an Energy rating of E is achieved.

For this report, we have assumed that the building to remain would be used to benefit the community but would not have any classes or events to compete against the recently opened Leisure Centre or activities undertaken by Everyone Active.

Our cost estimate and summary of the works are set out below:

- Create new entrance area and signage - £7,500
- Carry out repairs to roof and gutters - £15,000
- Test and certify existing mansafe system - £1,000
- Carry out repairs to external façade/wall cladding - £5,000
- Making good retained wall between the two buildings - £12,500
- Brickwork cleaning and repairs - £1,000
- Carry out internal finishes upgrades - £5,000
- Alterations and adaptations to mechanical service installations - £6,000
- Alterations and adaptations to electrical service installations – £4,000
- Extend electric and gas supplies - £10,000
- External areas including landscaping - £5,000 (Optional at this stage)
- Professional fees - £8,000

The total cost of the above equates to a sum of £80,000

VAT will be applicable at a rate of 20%.

Demolition costs of the original building and retaining a dividing wall between the buildings is not included and we assume that these works will be undertaken by the Local Authority, however we have allowed for an element of making good after demolition works, the extent will need further review accordingly.

We have assumed that any fit out costs will be borne by the company/party that will use the facilities and these are not included in the costs above.

Once the initial works are completed and the building occupied, then due to the age of the building a maintenance schedule will need to be prepared and budgets set aside.

The works will be carried out by local trade package companies, procured through competitive tendering and managed on site by Emmerson (Construction Services) Ltd.

Our conclusion is that the cost to initially refurbish the remaining part of the building would cost less than the demolition cost. In addition, the Local Authority would have a functioning building, and recommend that a commercial valuation is undertaken, to understand the asset value and that the use of the building would benefit the surrounding community.

Therefore, we would recommend that a more detailed analysis is carried out to fully understand the true potential for this project.

We trust that you find the content of this report and drawings satisfactory for your current requirements, in the meantime, should you need any further information, then please do not hesitate to contact us.

Yours faithfully

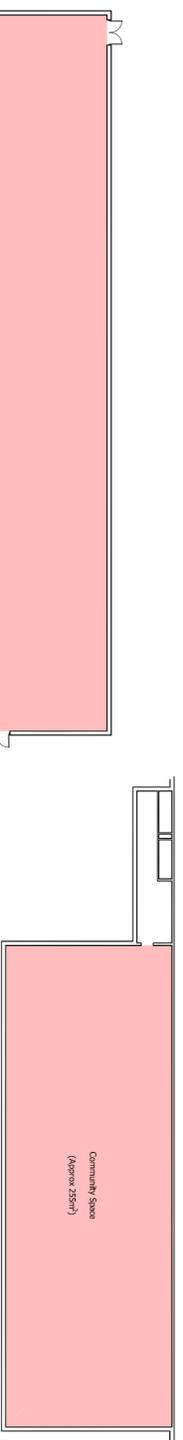


Jon Emmerson  
Director



This drawing based on OS data map and is subject to:

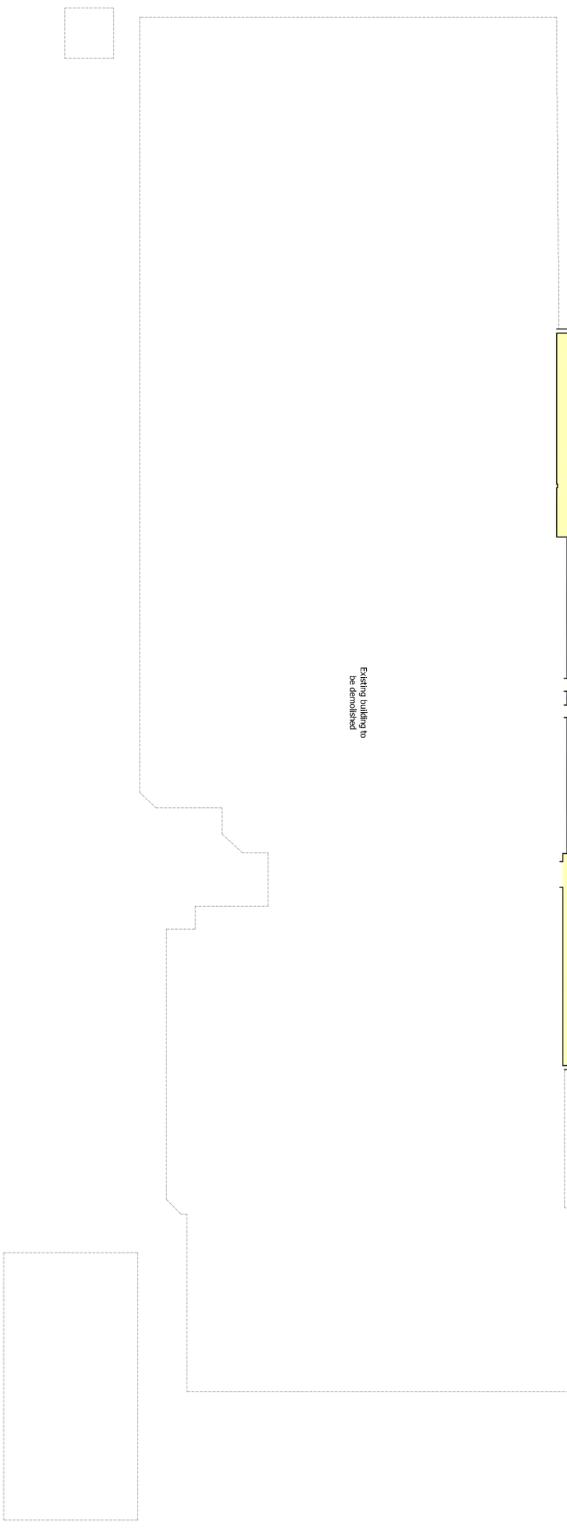
- Topographical Survey
- Building Survey



**Proposed First Floor Plan**  
Scale 1:200

**Development Schedule**

- Community Space**
  - remodelling and modernisation for proposed community use
- Store**
  - area retained for storage purposes
- Cafe/Changing/WC**
  - existing cafe area retained
  - existing areas retained to provide changing for community hall activities
  - existing wc facilities retained



**Proposed Ground Floor Plan**  
Scale 1:200

**Revisions :**

Figured dimensions must be taken in preference to scaled dimensions and any discrepancies are to be referred to David Granger Architectural Design Limited. Contractors, sub-contractors and suppliers must verify all dimensions and details against the drawings and specifications. All drawings are copyright of David Granger Architectural Design Limited. Ordnance Survey Data. © Crown Copyright. All rights reserved. Licence No. AR10020447, Landmark Ref: 1005 0



**DAVID GRANGER**  
ARCHITECTURAL DESIGN LIMITED

Project  
**Hermitage Leisure Centre**  
Silver Street  
Whitwick  
Leicestershire

Drawing Title  
**Feasibility Proposals**  
Sheet 2 of 2

Client  
**Whitwick Parish Council**

Drawing No.  
**22.4198.02**

Date  
August 2022

Scale (A1 Size)  
As Shown

Drawn by  
MP

Checked by  
MP

The Old Cottage Hospital, Leicester Road,  
Ashby-de-la-Zouch, Leicestershire, LE65 1DB

Tel: 01530 560939  
www.davidgrangerdesign.com  
Email: info@dg.co.uk

**FEASIBILITY PROPOSALS**  
PROPOSED REDEVELOPMENT ~ HERMITAGE LEISURE CENTRE ~ SILVER STREET ~ WHITWICK ~ COALVILLE





## A little background on the companies who have provided our report

ECS , Emerson Construction Services team members are specialists in their respective disciplines. They have experience working for large blue chip global clients, developers and general building contractors, resulting in them successfully delivering a full range of construction projects in different sectors.

Emmerson (Construction Services) Ltd focus on three sectors - Manufacturing & Industrial, Residential and Sport. By being focused, they provide expert advice and services to their clients.

ECS owner is Jon Emmerson, who has over 30 years' experience in the construction industry. They are based in Ashby-de-la-Zouch, Leicestershire and the central location in the UK, gives an ideal platform to serve their clients and means they have a wealth of local knowledge and experience.

Their management strategy is focused on key clients, who receive a high-quality level of service. By delivering excellent service, they work with a number of clients on a regular basis in a trusted advisor role.

**David Granger Architectural Design Ltd** has been in business for over 30 years. Over those years this well respected architectural design company has built an enviable reputation for excellence of design and quality of service.

The company now operates from The Old Cottage Hospital in Ashby de la Zouch which was converted specifically for the business.

The company works regularly over several local counties, but also on occasion by recommendation as far afield as the Lake District and Cornwall, and even in the heart of London.

They are an independent award-winning design practice that undertakes a full spectrum of architectural commissions from feasibility and master planning work through the design and building regulation stages to project management, certification and final account planning.

### NORTH WEST LEICESTERSHIRE DESIGN AWARDS

On 21st September 2018, Mark and Simon attended the 'Good Design for North West Leicestershire: Ten Years on' awards event, held at the Radisson Blu Hotel at East Midlands Airport . They were the recipients of 4 awards

LABC AWARDS 2020 We were delighted to be acknowledged as Finalists in the East Midlands Region LABC Building Excellence Awards 2020 in 5 categories as follows:

- Best Small New Housing Development – Meadow View, Coleorton
- Best Small New Housing Development – Cottage Row, Ashby de la Zouch

- Best Change of Use of an Existing Building – The Old Cottage Hospital, Ashby de la Zouch
- Best Change of Use of an Existing Building – Quorn Lodge Farm, Quorn
- Best Small Commercial Project – The Old Cottage Hospital, Ashby de la Zouch

All projects were Lychgate Homes Ltd developments and were made possible by our fantastic team including a number of external consultants

**Assessment Of Repair Costs To**  
**Hermitage Leisure Centre**

By CBRE - Based  
on Q3 Prices  
2021/22

101

<b><u>Budget Cost Items</u></b>	<b><u>IMMEDIATE</u></b>	<b><u>Within 1 Year</u></b>	<b><u>Within 2 Years</u></b>	<b><u>Within 3 Years</u></b>	<b><u>Within 4 Years</u></b>	<b><u>Totals</u></b>
1.00 BUILDING STRUCTURE & FABRIC						
1.01 Concrete Testing and Structural Engineer Review (No allowance for repairs)	£20,000					£20,000
2.00 ROOFS						
2.01 Replace swimming pool and plant room roofs with new		£90,000				£90,000
2.02 Re-treat sports hall roof with proprietary repair system				£65,000		£65,000
2.03 Cut edge corrosion repairs				£10,000		£10,000
2.04 Re-line sports hall gutters				£5,000		£5,000
2.05 Test and certify man safe cable system	£1,000					£1,000
2.06 Replace roofs to wet changing, reception and studio areas with new		£91,000				£91,000
2.07 Replace roof to squash court					£30,000	£30,000
2.08 Replace solar degraded roof lights		£15,000				£15,000
2.09 Repair or replace timber louvres to squash courts	£3,750					£3,750
2.10 Overhaul rainwater goods - all areas	£3,000					£3,000
2.11 Replace missing lead flashing and re-fix cowls (Vandalism repairs)	£3,000					£3,000
3.00 ELEVATIONS						



## CABINET – 20 SEPTEMBER 2022

<b>Title of Report</b>	<b>INTERIM POSITION STATEMENT IN RESPECT OF FIRST HOMES – CONSULTATION DRAFT</b>	
<b>Presented by</b>	Councillor Keith Merrie Planning and Infrastructure Portfolio Holder <a href="mailto:keith.merrie@nwleicestershire.gov.uk">keith.merrie@nwleicestershire.gov.uk</a>	
<b>Background Papers</b>	<a href="#">Written Ministerial Statement</a> of 24 May 2021	<b>Public Report:</b> Yes
	<a href="#">Planning practice guidance</a> First Homes published 24 May 2021  <a href="#">National Planning Policy Framework</a>  <a href="#">Affordable Housing Supplementary Planning Document</a>	<b>Key Decision:</b> Yes
<b>Financial Implications</b>	The implementation of the interim policy will be resourced from existing staffing and will form part of existing workloads. The Government recognises that the mandatory provision and administration of First Homes may have resource implications for local authorities and is monitoring the impact. Local authorities may, in the future, be able to make a charge for the administration work associated with First Homes tenure.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The establishment of local connection test is a locally set requirement. The publication on an interim policy statement will ensure the Council meets its statutory obligations with regard to the provision of new affordable housing across the district.	
	<b>Signed off by the Deputy Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	There are no direct staffing implications.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To outline the benefit of the features of the First Homes scheme and to establish an interim policy statement in respect of eligibility criteria.	
<b>Recommendations</b>	<b>THAT CABINET:</b> (i) <b>AGREES TO CONSULTATION BEING CARRIED OUT ON THE INTERIM POLICY STATEMENT IN RESPECT OF FIRST HOMES AS SET OUT AT APPENDIX B OF THIS REPORT; AND</b> (ii) <b>NOTES THAT THE OUTCOME FROM THE CONSULTATION WILL BE REPORTED TO A FUTURE MEETING OF CABINET FOR CONSIDERATION TO ADOPT</b>	

## 1. BACKGROUND

- 1.1 First Homes are a type of discount market sale housing that are considered affordable housing for planning purposes. First Homes were introduced in 2020 and following

consultation introduced into policy on 24 May 2021 via a Written Ministerial Statement which can be viewed from the link above.

1.2 The purpose of this report is to:

- Outline the benefit of the features of the First Homes scheme and
- Seek agreement to an interim policy statement in respect of eligibility criteria, to be put to consultation, with the resulting interim policy then returning to Cabinet for consideration to adopt.

## 2 FEATURES OF THE FIRST HOMES SCHEME

### What is a First Home?

2.1 The Government's First Homes scheme is designed to help first-time buyers and key workers in England purchase a discounted new-build property.

2.2 The scheme has the following key features:

- First Homes are discounted by a minimum of 30% against the market value, but local areas (local authorities and neighbourhood planning groups) might require a larger minimum discount of 40% or 50% to ensure the homes are affordable to local people. This can be established as part of the plan making process.
- The discount will apply in perpetuity, meaning it will be passed on to the next buyer each time the home is sold. Subsequent buyers must meet the First Homes eligibility criteria (see below). On the first sale, a restriction will be registered on the property's title at HM Land Registry to ensure the discount and other restrictions apply to future sales.
- The first sale must be at a price no higher than £250,000 (or £420,000 in London) after the discount is applied. Local areas have discretion to set lower price caps if they can demonstrate a need as part of the Local Plan making process. The price cap will not apply to any subsequent sales.
- First Homes are intended to be used as a person's sole or primary residence.

### Who is eligible to buy a First Home?

2.3 Purchasers must be first-time buyers (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003) and have a household income not exceeding £80,000 (£90,000 in London).

2.4 Purchasers must use a mortgage or home purchase plan (if required to comply with Islamic law) to fund at least 50% of the discounted purchase price.

2.5 In addition, local areas have discretion to apply their own eligibility criteria. This may involve lower income caps, a local connection test, or criteria based on employment status. The Government has encouraged authorities to prioritise key workers, especially if they have identified a local need for certain professions.

2.6 In recognition of the unique circumstances of the Armed Forces, the Government has advised that local connection criteria should be disapplied for all active members of the Armed Forces, divorced/separated spouses or civil partners of current members of the Armed Forces, spouses or civil partners of a deceased member of the armed forces (if their death was wholly or partly caused by their service) and veterans within five years of leaving the armed forces.

- 2.7 To ensure that First Homes work effectively locally, the guidance sets out a number of mechanisms for adopting local requirements including publishing an interim policy statement or updating local plan policies.
- 2.8 As noted above some of the criteria can only be considered as part of the plan making process (i.e. the Local Plan review). However, eligibility criteria do not need to wait for the Local Plan review and it is this aspect of the First Homes policy that this report is concerned with.
- 2.9 Where local eligibility criteria are applied it is for a maximum of three months from when a home is first marketed. If a suitable buyer has not reserved a home after three months, the eligibility criteria will revert to the national criteria set out above, to widen the consumer base.

### **3 APPLICATION OF FIRST HOMES POLICY**

- 3.1 The First Homes guidance sets out which sites are exempt from the application of the First Homes policy, namely:
- sites with full or outline planning permissions already in place or determined (or where a right to appeal against non-determination has arisen) before 28 December 2021
  - applications for full or outline planning permission where there has been significant pre-application engagement which are determined before 28 March 2022; and
  - sites where local and neighbourhood plans are adopted/made under the transitional arrangements, as detailed in [paragraphs 18 and 19](#). These transitional arrangements will also apply to permissions and applications for entry-level exception sites.
- 3.2 Furthermore Local Authorities are encouraged to be flexible with existing planning permissions if an applicant requests to substitute the existing affordable housing requirement for First Homes.
- 3.3 As a result of the above the Council is now at the point where First Homes are being discussed as a part of the affordable housing contribution on planning applications currently under consideration. Until a decision is made regarding local policies as part of the Local Plan review these negotiations will be based on national criteria, namely:
- a discount level of 30%
  - a price cap of £250,000 after discount
  - a combined annual household income not exceeding £80,000.
- 3.4 Members will recall that a new Affordable Housing Supplementary Planning Document (SPD) was agreed in 2021. This established how the First Homes provision would be applied alongside policy H4 of the adopted Local Plan and the requirement in the National Planning Policy Framework that 10% of all homes on a site be affordable properties.
- 3.5 The inclusion of First Homes as 25% of all affordable homes on qualifying sites is mandatory and will almost certainly result in a reduction in other affordable housing tenures. In order to minimise the impact, the Council will ensure that Local Plan policies are applied for the remainder of the affordable housing delivered on these sites, with emphasis on delivery of social rented homes for those on lowest incomes wherever possible and financially viable consistent with the Council's adopted Affordable Housing SPD.

## 4 ESTABLISHING ELIGIBILITY CRITERIA

- 4.1 As noted above, the guidance allows for an authority to apply a local connection test, or criteria based on employment status within a Section 106 agreement.
- 4.2 First Homes are intended to allow people to get on the housing ladder in their local area. The use of a local connection test can assist this. Local connections may include (but are not limited to) current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. Authorities should consider the application of these discretions carefully and ensure they do not limit the eligible consumer base to the point that homes become difficult to sell.
- 4.3 The Council has an established connection test as part of its housing allocations policy. This is also used within Section 106 agreements in relation to affordable home ownership properties. It also reflects the special arrangements required to address the circumstances of those connected with the armed forces. The current criteria are set out at Appendix A of this report. It also highlights those people who are exempt from the local connection rules.
- 4.4 Applying a local connection test will help to prioritise First Time buyers from within North West Leicestershire, although any exclusivity would only be applied for a three month period after which if there were no purchasers it would be opened up more generally. It is, therefore, recommended that the existing local connection test should be used in respect of First Homes, at least until such time as the issue has been addressed as part of the Local Plan review.
- 4.5 The local connection test does refer to people employed in the District but does not make any specific provision for key workers. The guidance allows for the definition of key worker to be defined locally and that it “could be any person who works in any profession that is considered essential for the functioning of a local area”. This is a matter which will require further investigation and so it is suggested that the interim policy does not include provision for key workers, but that this be considered as part of the Local Plan review.

## 5 INTERIM POLICY STATEMENT

- 5.1 As noted above, an Interim Policy Statement is a mechanism for setting out local requirements in respect of First Homes. The proposed Interim Policy Statement is attached at Appendix B of this report and members are recommended to approve it for consultation purposes.
- 5.2 The Interim Policy Statement sets out a local connection test. This is based upon the Council’s established connection test as referred to in paragraph 4.3 above and as set out at Appendix A of this report.
- 5.3 The Interim Policy Statement will be published on the Council’s website. In addition, it will also be brought to the attention of those who are likely to have interest in or potentially be affected by the Interim Policy Statement (for example, housebuilders).
- 5.4 Following the public consultation a further report considering the responses to the consultation will then need to be brought back to Cabinet for consideration to adopt.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Local people live in high quality, affordable homes
Policy Considerations:	The proposed Interim Policy Statement is intended to complement further the use of the Affordable Housing SPD

Safeguarding:	None specific.
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	Having an interim policy which establishes a local connection test will provide social and economic benefits as it will enable local people to remain in the District and will also potentially assist employers with the retention and attraction of workers.
Environment and Climate Change:	None specific
Consultation/Community Engagement:	The draft Interim Policy Statement will be published for consultation. The consultation arrangements will be governed by the Council's Statement of Community Involvement.
Risks:	First Homes are governed by national regulations, but these allow for the establishment of a local connection test. The inclusion of First Homes as 25% of all affordable homes on qualifying sites is mandatory and will result in a reduction in other affordable housing tenures. In order to minimise the impact, the Council will ensure that Local Plan policies are applied for the remainder of the affordable housing delivered on these sites, with emphasis on delivery of social rented homes for those on lowest incomes wherever possible and financially viable.
Officer Contact	Ian Nelson Planning Policy & Land Charges Manager 01530 454677 <a href="mailto:IAN.NELSON@nwleicestershire.gov.uk">IAN.NELSON@nwleicestershire.gov.uk</a>  David Scruton Housing Strategy & Systems Team Manager 01530 454612 <a href="mailto:DAVID.SCRUTON@nwleicestershire.gov.uk">DAVID.SCRUTON@nwleicestershire.gov.uk</a>

## APPENDIX A

A local connection is established by a home seeker demonstrating one or more of the following:

- (a) They have normally resided in settled accommodation in the District for at least six months at the time of application
- (b) They have lived in the District for at least six months in the last twelve months, **OR** for at least three out of the last five years
- (c) They, or a member of their household is employed on a permanent basis or a temporary contract running for a minimum of twelve months, within the District (confirmation will be required from the employer)
- (d) They have parents (including Guardians), brothers, sisters, or adult children who have been living within the District for at least 5 years with whom they have an ongoing close relationship. The applicant will need to provide evidence to support this connection. Step equivalents will be allowed.
- (e) They have children under 18 years of age for whom they are not the primary carer but where there are formal access arrangements in place and living closer to the child(ren) would be in the child(ren)'s best interest. The applicant will need to provide evidence to support this connection.

The following groups of people are exempt from the rules on local (District) connection, people with:

- (a) No local connection but are owed a relief duty under the homelessness legislation and the Council is not intending to make a local connection referral to another Local Authority.
- (b) Armed Forces and former service personnel where the application is made within five years of discharge.
- (c) Bereaved spouse/civil partners of members of the Armed Forces leaving services accommodation following the death of their spouse partner; or
- (d) Serving or former members of the Reserve Forces suffering from a serious injury, medical condition or disability sustained (wholly or partly) as a result of their service
- (e) divorced or separated spouses or civil partners of Service personnel who need to move out of accommodation provided by the Ministry of Defence where a move into the district enables them re-engage with family and support networks.
- (f) Care Leavers who were accommodated by Leicestershire County Council where LCC owes them duties as a former relevant child regardless of the locality in which they were placed will be deemed to have a local connection to NWLDC. This local connection category will apply until the care leaver's 21st birthday or they are pursuing a course of education set out in their pathway plan, until that course of education is finished

The following is not accepted as evidence of a local connection:

- Time spent in any prison or secure unit in the district
- Time spent in hospital in the district
- Time spent in any institution such as a refuge or rehabilitation centre in the district
- Time spent in any other accommodation that is not at the choice of the Home Seekers

## APPENDIX B

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# First Homes: Interim Policy Statement

## 1. Introduction

First Homes are an affordable home ownership product introduced by the Government that allows first time buyers to get onto the housing ladder at a reduced price.

On 24 May 2021, a [Written Ministerial Statement](#) and [Planning Practice Guidance](#) were published setting out further details on the First Homes policy and procedures, and confirmed an implementation date of 28 June 2021.

This Interim Policy Statement is based on this guidance. It sets out how the Council will implement First Homes in its planning decisions until such time as the policy approach for First Homes is established through the Local Plan Review. The Statement will;

- Enable developers, councillors and officers to understand how the First Homes policy will work in practice;
- Help the Housing Team to maintain the affordability of the First Homes for the appropriate customer group, and to limit the impact that the delivery has on the affordable and social rented tenures; and
- In particular, it will clarify the Council's application of a local connection criteria

## 2. Key details of First Homes

Although the definition of affordable housing in Annex 2 of the [National Planning Policy Framework 2021 \('the Framework'\)](#) has not been updated, the guidance states that First Homes should be considered as meeting the definition of affordable housing for planning purposes.

The Government's policy on First Homes, as set out in the Written Ministerial Statement and Planning Practice Guidance, is a material consideration for the Council when determining planning applications and in relation to the provision and type of affordable housing on market-led sites.

### Scheme requirements

1. At least 25% of affordable homes delivered on each qualifying site must be delivered as First Homes. (see exemptions in Section 3); and
2. The discount must be at least 30% of open market value. Local authorities can set policies that seek discounts of 40% or 50% if they

can evidence the need and viability through their Local Plan process;  
and

3. There will be a price cap for qualifying properties, and the maximum purchase price after the discount will be £250,000. Lower price caps can be applied through Local Plans or Neighbourhood Plans where supported by evidence; and
4. Local authorities can apply their own local connection criteria and other criteria such as giving priority to keyworkers, subject to providing evidence of the need to include such restrictions; and
5. First and subsequent sales must be to households meeting national eligibility criteria, with optional local criteria (e.g. local connection or occupation criteria); and
6. The discount and first time buyer eligibility requirement will be held in perpetuity and secured through a restriction on the title with the Land Registry and through Section 106 agreements, i.e. when any First Homes are sold to subsequent purchasers the same level of discount and first time buyer eligibility criteria will apply. It is expected that the Government model s106 agreement template will be used; and
7. A Mortgagee Exclusion Clause is set out to protect lenders to encourage competitive lending against First Homes; and
8. Local connection criteria can only be applied for the first 3 months of marketing, after which a property can be sold to any purchaser from anywhere in England, subject to meeting the criteria around household income, first time buyer eligibility, and with the discount still being held in perpetuity; and
9. In the event that a First Home cannot be sold to a qualifying purchaser within 6 months of marketing, the property can be sold as an open market home and the seller pays the Council a cash contribution in lieu of the 30% discount. This requirement will be secured in the S106 agreement.

### Household Requirements

- Purchasers must be first time buyers. In the case of joint purchasers both must be first time buyers; and
- Purchasers are eligible to purchase a First Home if they have household income of less than £80,000 (this is the same as the qualifying criteria for shared ownership housing); and
- A First Home must be a purchaser's only home; and

- At least 50% of the discounted value of the property must be financed via a mortgage or other similar form of finance;

### 3. Exemptions from requirements to deliver First Homes

Paragraph 65 of the National Planning Policy Framework sets out that for major development involving the provision of housing, 10% of all homes on site should be affordable home ownership products, unless the site or proposed development:

- Provides solely for Build to Rent homes;
- Provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
- Is proposed to be developed by people who wish to build or commission their own homes; or
- Is exclusively for affordable housing, an entry-level exception site or a rural exception site.

First Homes are an affordable home ownership product. Where specific developments are exempt from delivering affordable home ownership products under paragraph 65 of the Framework, in accordance with Government policy they shall also be exempt from the requirement to deliver First Homes.

### 4. Principles for First Homes in North West Leicestershire

The Council has an [Affordable Housing Supplementary Planning Document \(SPD\)](#) agreed in 2021. Amongst other things, this establishes how the First Homes provision is applied alongside Policy H4 of the adopted Local Plan and also the requirement in the National Planning Policy Framework that 10% of all homes on a site should be for affordable home ownership.

As highlighted above, in addition to the national criteria local authorities can set their own eligibility criteria.

Until a decision is made regarding local policies as part of the current review of the Local Plan, negotiations will be based on the following criteria.

#### a. Discount level of 30%

The government Guidance sets out a requirement for a minimum 30% discount from open market value, but higher discounts of 40% or 50% may be applied where a need is demonstrated through evidence and confirmed in a Local Plan policy.

At this stage, the Council is applying the national minimum discount of 30%. This applies across all settlements and locations in the District

**Until such time as evidence is available to suggest differently, and taking into account the impact on site viability NWLDC will apply the national discount of 30%**

b. A price cap of £250,000 after discount

The maximum purchase price for a First Home for the initial sale only is £250,000 after discount. Assuming that discount is capped at 30%, the maximum open market value before discount would be in the region of £357,000. Whilst the 30% discount will apply when a First Home is sold on in the future, the price cap does not apply to resales.

Local Authorities have discretion to set lower price caps if they can demonstrate a need for this. Any local price caps can be determined through the local plan making process with regard to local income levels, related to local house prices and mortgage requirements.

**Until such time as evidence is available to suggest differently, and taking into account the impact on site viability, NWLDC will apply the national price cap of £250,000 after discount**

c. A combined annual household income not exceeding £80,000

The household income limit of £80,000 proposed by government is in line with the existing criteria for all other low cost home ownership products, and the data available to us via the Help to Buy Agent is based on that limit.

North West Leicestershire has been designated as an area of high affordability issues by Homes England. Therefore, at this time there is not a justification for having a lower income cap, particularly as such a reduction would reduce the number of purchasers who can afford to buy a First Home.

**Until such time as evidence is available to suggest differently, and taking into account the impact on site viability NWLDC will apply the national household income level of £80,000**

d. Local Connection

Local Authorities can set their own local connection criteria for the sale of First Homes. The Council has an established connection test as part of our housing allocations policy.

**NWLDC will apply the following Local Connection criteria to all First Homes to ensure that residents and people with a connection to the District are prioritised.**

**NWL local connection criteria mean an individual or individuals who satisfy any one or more of the following circumstances;**

- a) they currently reside on a permanent basis within the District;

- b) they have lived in the District for at least 6 months in the last 12 months or for at least three out of the last five years;**
- c) they or a member of their household are employed on a permanent basis for a minimum of twelve months within the District (with confirmation from their employer);**
- d) they have parents brothers sisters or adult children living within the District for at least five years (including step-family equivalents);**
- e) they have no local connection but are fleeing violence or threats of violence and have been accepted as priority homeless by the District Council; or**
- f) such other special circumstances approved from time to time on an individual basis by the District Council in writing**

**In recognition of the unique nature of their circumstances, members of the Armed Forces, the divorced or separated spouse or civil partner of a member of the Armed Forces, the spouse or civil partner of a deceased member of the Armed Forces (if their death was caused wholly or partly by their service) or veterans within five years of leaving the Armed Forces, are exempt from any local connection testing restrictions.**

Local connection criteria can only be applied for the first three months of advertisement. After 3 months, if the property has not sold to someone meeting the local criteria, the seller can sell the property to someone with no local connection, provided that they still qualify as a first time buyer, and are within the household income limit. Marketing to a household without a local connection will again be for 3 months.

#### e. Key Workers

The local connection test refers to people employed in the district but does not make any specific provision for key workers. The guidance allows for the definition of key worker to be defined locally and that it “could be any person who works in any profession that is considered essential for the functioning of a local area”. This is a matter which will require further investigation and so it is suggested that the interim policy not include provision for key workers, but that this be considered as part of the Local Plan review.

**North West Leicestershire District Council will consider key worker requirements as part of the Local Plan review. In the meantime, NWLDC will not attach specific priority to key workers or other specific client groups.**

## **5. Housing Mix**

The Affordable Housing SPD establishes how the First Homes provision would be applied alongside Policies H4 (Affordable housing) and H6 (Housing mix) of the adopted Local Plan and the requirement in the National Planning Policy Framework that 10% of all homes on a site be affordable properties. Further details can be found in Section 2 of the SPD.

The mandatory inclusion of First Homes as 25% of all affordable homes on qualifying sites will almost certainly result in a reduction in other affordable housing tenures particularly rented properties. In order to minimise the impact, the Council will ensure that Local Plan policies are applied for the remainder of the affordable housing delivered on these sites, with emphasis on delivery of social rented homes for those on lowest incomes wherever possible and financially viable, consistent with the Council's adopted Affordable Housing SPD.

## **7. Other Matters**

First Homes are intended to be used as a person's sole or primary residence and should not be used for investment or commercial gain. However, there are occasions when it may be necessary for owners of First Homes to let out their property for short periods of time, especially in response to unexpected life events.

Therefore, in accordance with the Government's policy, a First Home owner can only rent out their home for a maximum period of two years, as long as the local authority is notified. Longer rental periods will be considered under the following circumstances:

- deployment elsewhere (for members of the Armed Forces);
- primary caring responsibilities for relative/friend;
- short job posting elsewhere;
- redundancy; domestic abuse;
- and relationship breakdown.

This will not affect restrictions on letting a property prescribed by a mortgage lender and permission from them would likely also be required.

## **8. Section 106 agreements**

The PPG sets out that the landowner should enter into a planning obligation under section 106 of the Town and Country Planning Act 1990 that:

- a) secures the delivery of the First Homes; and,
- b) ensures that a legal restriction is registered onto a First Home's title on its first sale

The Government has published [Model Section 106 Agreement for First Homes](#) and recommends that this model agreement is used. The Council will use these clauses

in relation to the First Homes on a scheme and any other affordable housing in the same scheme will be covered by the Council's standard S106 agreement wording for affordable housing.

## **Further Sources of Information**

[Written Ministerial Statement 24th May 2021](#)

[Planning Practice Guidance – First Homes](#)

[North West Leicestershire Affordable Housing Supplementary Planning Document \(2021\)](#)

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## CABINET – 20 SEPTEMBER 2022

<b>Title of Report</b>	<b>DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT (SPD)</b>	
<b>Presented by</b>	Councillor Keith Merrie Planning and Infrastructure Portfolio Holder <a href="mailto:keith.merrie@nwleicestershire.gov.uk">keith.merrie@nwleicestershire.gov.uk</a>	
<b>Background Papers</b>	<a href="#">National Planning Policy Framework</a> <a href="#">National Planning Practice Guidance</a> <a href="#">North West Leicestershire Local Plan</a> <a href="#">Statement of Community Involvement (February 2019)</a>	<b>Public Report:</b> Yes  <b>Key Decision</b> Yes
<b>Financial Implications</b>	The cost of preparing the SPD is being met through existing budgets. <b>Signed off by the Section 151 Officer: Yes</b>	
<b>Legal Implications</b>	None from the specific content of this report. The preparation of the SPD will need to comply with the Town and Country Planning (Local Planning) (England) Regulations 2012. <b>Signed off by the Deputy Monitoring Officer: Yes</b>	
<b>Staffing and Corporate Implications</b>	No staffing implications associated with the specific content of this report. Links with the Council's Priorities are set out at the end of the report. <b>Signed off by the Head of Paid Service: Yes</b>	
<b>Purpose of Report</b>	This report presents a draft Air Quality Supplementary Planning Document for Cabinet's consideration with a recommendation that it be referred on to Local Plan Committee. The SPD will provide additional guidance about the application of the Council's planning policies for air quality.	
<b>Recommendations</b>	<b>THAT CABINET REQUESTS THE LOCAL PLAN COMMITTEE APPROVES THE DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT IN APPENDIX A FOR PUBLIC CONSULTATION.</b>	

**1. BACKGROUND**

- 1.1 At its meeting of 8 December 2020, Cabinet approved an Air Quality Delivery Plan. Amongst the actions included for undertaking within 24 months was the preparation of a Supplementary Planning Document "to recognise the importance of air quality as a material planning consideration and to help ensure consistency in the approach to dealing with air quality when determining planning applications in the District, including the approach to mitigation".
- 1.2 A Supplementary Planning Document (SPD) is a document which provides further information about a policy or policies in a development plan. An SPD can be a helpful way to provide guidance on such matters as how a policy should be interpreted in development control decisions, what information applicants need to supply to meet the requirements of a policy and procedural arrangements. Importantly an SPD is not itself part of the development plan, but it is capable of being a material consideration in planning decisions. In addition, an SPD cannot be used to change or add to the policies in the adopted Local Plan. Such policy changes can only be made through the Local Plan Review.

## 2. DRAFT AIR QUALITY SPD

2.1 As outlined, the primary instigation for the SPD was the need to recognise the importance of air quality when considering proposed developments.

2.2 Policy D2 of the adopted Local Plan states:

*Proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:*

- 1) *They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact.*
- 2) *They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.*

*Development which is sensitive to noise or unpleasant odour emissions will not be permitted where it would adversely affect future occupants.*

*Proposals for external lighting schemes should be designed to minimise potential pollution from glare or spillage of light. The intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.*

*The Council will prepare a Supplementary Planning Document which will include new Development Guidelines.*

2.3 The SPD has been prepared on behalf of the Council by the same consultant who has previously provided advice to the Council on its Air Quality Action Plan.

2.4 As such the SPD seeks to:

- Aid consideration of air quality in the planning process as required by Policy D2;
- Assist with the delivery of the Council's Air Quality Action Plan;
- Contribute to sustainable development in air quality terms
- Outline when an air quality assessment is necessary to support a planning application and the requirements for assessing the air quality impacts of a development including:
  - the determination of impacts
  - calculation of damage costs; and
  - identification of measures to be implemented to reduce, minimise or mitigate the impact of development on air quality
- Provide clarity and consistency to developers and their consultants, on the consideration of air quality by the Council; and

- Outline good practice to reduce emissions and exposure for all developments at the outset, at a scale commensurate with the emissions.

2.3 SPDs do not require a Sustainability Appraisal. A Strategic Environmental Assessment screening is not required for this SPD as the environmental effects of the Local Plan policies to which the SPD relate, have previously been tested through the Local Plan process.

### 3. NEXT STEPS

3.1 Formulation of an SPD is an Executive function, but adoption is a Council function which has been delegated to the Local Plan Committee.

3.2 Therefore, Cabinet is asked to request the Local Plan Committee of 27 September 2022 to approve the draft SPD go out to public consultation. The Town and Country Planning (Local Planning) (England) Regulations 2012 require a minimum of four weeks for consultation, but it is the Council's established practice as set out in the Statement of Community Involvement to undertake consultation over a six week period.

3.3 Following the public consultation, a further report considering the responses to the consultation and amending the draft SPD as necessary will then need to be brought back to Cabinet and then to the Local Plan Committee for final approval.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	The preparation of the Air Quality SPD will be particularly relevant for the following Council Priority; - Our communities are safe, healthy and connected
Policy Considerations:	Adopted Local Plan National Planning Policy Framework
Safeguarding:	None specific
Equalities/Diversity:	None specific
Customer Impact:	None specific
Economic and Social Impact:	The decision, of itself, will have no specific impact. The SPD, if approved, will have social benefits by supporting the delivery of affordable housing in the District
Environment and Climate Change:	The decision, of itself, will have no specific impact.
Consultation/Community Engagement:	The draft SPD will be published for consultation. The consultation arrangements will be governed by the Council's Statement of Community Involvement.
Risks:	None specific.
Officer Contact	Ian Nelson Planning Policy & Land Charges Manager 01530 454677 <a href="mailto:IAN.NELSON@nwleicestershire.gov.uk">IAN.NELSON@nwleicestershire.gov.uk</a>

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# **DRAFT AIR QUALITY SUPPLEMENTARY PLANNING DOCUMENT**

**September 2022**

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# 1 Introduction

- 1.1 The objectives of the adopted North West Leicestershire Local Plan 2011-2036 (as amended by the Partial review)<sup>1</sup> are to promote the health and wellbeing of the District's population, whilst also supporting the delivery of new homes, ensuring high quality new development, reducing the need to travel and supporting economic growth.
- 1.2 The Council must balance economic, social and environmental factors when deciding to grant or refuse planning permission or decide if conditions are required to achieve sustainable development. Air quality is one of the material considerations that the Council is required to consider when preparing plans and taking planning decisions.
- 1.3 Air quality is the largest environmental health risk in the UK<sup>2</sup>. It shortens lives and contributes to chronic and acute health effects. Health can be affected both by short-term, high pollution episodes and by long-term exposure to lower levels of pollution. Air pollution can arise from a variety of sources and can travel long distances. Emissions from both distant and local sources can build up into high, local concentrations of pollutants.
- 1.4 At present, air pollution policy is mainly driven by exceedances of the nitrogen dioxide (NO<sub>2</sub>) annual average objective or limit value, although the greater health impact of particulate matter (specifically PM<sub>2.5</sub><sup>3</sup>) is acknowledged. PM<sub>2.5</sub> is currently not a statutory air quality monitoring requirement for the District Council under the Local Air Quality Management (LAQM) regime. At present, the legal limits for PM<sub>2.5</sub> are higher than the World Health Organisation's (WHO) health-based guideline and are met in most places in the UK. However, as WHO recognises, there is no safe level of PM<sub>2.5</sub>, so any concentration-based target does not fully reflect the health evidence. The Environment Act 2021, however, now requires government to set new environmental targets, including an annual mean PM<sub>2.5</sub> target, which is likely to be more stringent than current objectives<sup>4</sup>. Therefore, the focus of air pollution policy is shifting to also include particulate matter. Defra is intending to make changes to the LAQM regime and is currently considering what role local authorities will be required to implement with regards to PM<sub>2.5</sub>. There are many more sources of particulate matter, which include industrial sources, road transport, domestic heating, agriculture, secondary particulate generation and transboundary sources.
- 1.5 The planning system has an active role in improving air quality and reducing exposure to air pollution (which will improve health) as well as considering the impact of new development and finding sustainable solutions. Both the development of local planning policies and the determination of

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1 North West Leicestershire Local Plan (as amended by Partial Review) March 2021

2 Defra 2020. Air Pollution in the UK 2019 [https://uk-air.defra.gov.uk/assets/documents/annualreport/air\\_pollution\\_uk\\_2019\\_issue\\_1.pdf](https://uk-air.defra.gov.uk/assets/documents/annualreport/air_pollution_uk_2019_issue_1.pdf)

3 The fractions of particulate matter (PM) where particles are less than 2.5 micrometres in diameter

4 Consultation on the new targets is expected by October 2022.

individual planning applications are important, the former setting the framework for the latter. There is industry standard guidance already available from Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM)<sup>5</sup>, which has been developed to provide a methodology to assess the significance of proposals in terms of their effects on air quality. It is not intended that this document either replaces or supersedes this guidance, but that it provides a local context, as well as further information on the level of assessment and the mitigation measures expected in North West Leicestershire.

1.6 As such, this document has been developed to provide guidelines for new development and to assist the application of **Policy D2** of the North West Leicestershire Local Plan<sup>1</sup>. The Supplementary Planning Document (SPD) aims to:

- Aid consideration of air quality in the planning process, including assisting with the delivery of the Council's Air Quality Action Plan<sup>6</sup>;
- Contribute to sustainable development in air quality terms;
- Outline when an air quality assessment is necessary to support a planning application and the requirements for assessing the air quality impacts of a development including:
  - the determination of impacts;
  - calculation of damage costs; and
  - identification of measures to be implemented to reduce, minimise or mitigate the impact of development on air quality;
- Provide clarity and consistency to developers and their consultants, on the consideration of air quality by the Council; and
- Outline good practice to reduce emissions and exposure for all developments at the outset, at a scale commensurate with the emissions.

1.7 There are several acronyms included in the document, which are described in full for their first citation, and also covered by the Glossary at end of the document.

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<sup>5</sup> Moorcroft and Barrowcliffe *et al* 2017. Land-Use Planning & Development Control: Planning for Air Quality. Institute of Air Quality Management and Environmental Protection UK.

<sup>6</sup> North West Leicestershire District Council. Air Quality Action Plan May 2021  
[https://www.nwleics.gov.uk/files/documents/draft\\_air\\_quality\\_action\\_plan\\_for\\_castle\\_donington/Draft%20AQAP%20.pdf](https://www.nwleics.gov.uk/files/documents/draft_air_quality_action_plan_for_castle_donington/Draft%20AQAP%20.pdf)

## 2 Air Quality in North West Leicestershire

- 2.1 There are several sources of air pollutants within North West Leicestershire. As already noted, air pollution policy has been mainly driven by exceedances of the nitrogen dioxide objective, with the principal source of emissions being road traffic, including that on the strategic road network with the M1 and A42 passing through the district. East Midlands Airport (EMA), one of the UK's major freight airports and its associated infrastructure will also contribute to both nitrogen dioxide and particulate emissions. The District also has a long history of mining for coal and other minerals, such as brick clay, and there are a number of mineral extraction sites across the District which are potential sources of particulate matter. Other sources within the District also include domestic and industrial sources as well as 'background pollution' from locations outside the District.
- 2.2 Air quality is improving in North West Leicestershire with fewer locations exceeding the air quality objectives, although health effects do still occur even at concentrations below current objective levels. The Environment Act 2021, however, requires government to set new environmental targets including an annual mean PM<sub>2.5</sub> target, which is likely to be much more stringent than current objective.

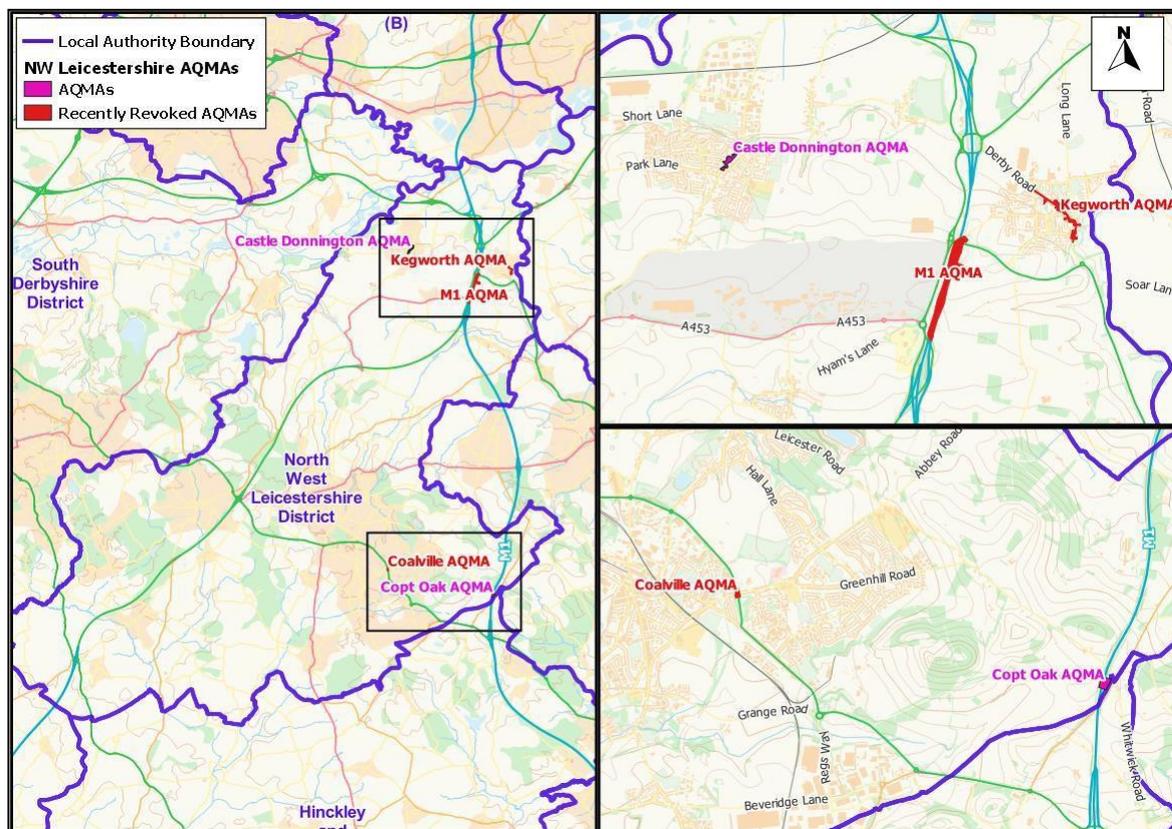
### Air Quality Management Areas (AQMA)

- 2.3 Where health-based air quality objectives are not met, the LAQM regime requires local authorities to declare an AQMA and put in place an Air Quality Action Plan to improve air quality. Since the inception of the LAQM regime, several AQMAs have been declared and subsequently revoked in North West Leicestershire. There are two remaining AQMAs in the District (as shown in **Figure 1**). The previously-declared AQMAs on the M1, Kegworth and Coalville, were revoked in 2020 and 2022 respectively, due to improvements in air quality, likely due mainly to a reduction in emissions from new vehicles.
- 2.4 All of the District's AQMAs have been declared in relation to traffic-related nitrogen dioxide concentrations (annual mean objective). No exceedances of any of the other regulated pollutants, including Particulate Matter (PM<sub>10</sub>), have been identified in the District. Particulate Matter has a much wider range of pollutants than nitrogen dioxide and has the strongest evidence of a range of health effects. Even if concentrations of Particulate Matter are below air quality objectives, health effects will still occur.
- 2.5 The remaining AQMAs are at a narrow, congested locations encompassing the High Street and Bondgate in Castle Donington and an area around Copt Oak close to the M1. Further information on air quality in the District can be found in the latest Annual Status Report<sup>7</sup>. This Supplementary

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<sup>7</sup> North West Leicestershire Annual Status Report 2021.  
[https://www.nwleics.gov.uk/pages/local\\_air\\_quality\\_review\\_and\\_assessment](https://www.nwleics.gov.uk/pages/local_air_quality_review_and_assessment)

Planning Document is designed to ensure that both nitrogen dioxide and Particulate Matter are considered within the planning process.



**Figure 1: North West Leicestershire Air Quality Management Areas (AQMAs)**

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## Exceedances of Limit Values

- 2.6 EU Directive 2008/50/EC<sup>8</sup> sets limit values for nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>, and is implemented in UK law through the Air Quality Standards Regulations<sup>9</sup>. The limit values for nitrogen dioxide are the same numerical concentrations as the UK objectives but achievement of these values is a national obligation rather than a local one. How they are assessed and interpreted is different to that of the air quality objectives. North West Leicestershire does not have any Limit Value exceedance.

<sup>8</sup> The European Parliament and the Council of the European Union 2008. Directive 2008/50/EC of the European Parliament and of the Council

<sup>9</sup> HMSO 2010 The Air Quality Standards Regulations 2010 Statutory Instrument 1001

## Future Air Quality in North West Leicestershire

- 2.7 PM<sub>2.5</sub> is not a statutory air quality monitoring requirement under the Local Air Quality Management regime and current objectives are met, however, the Environment Act 2021<sup>10</sup> introduces the requirement for additional targets for PM<sub>2.5</sub> to be set. These may introduce targets closer to (or equivalent to) the World Health Organization's (WHO) health-based guideline<sup>11</sup>. However, as the WHO recognises, the health evidence shows that there is no safe level of PM<sub>2.5</sub>, so any concentration-based target for PM<sub>2.5</sub> does not fully reflect the health evidence. Any reductions in concentrations of PM<sub>2.5</sub> will bring health benefits to the local population.
- 2.8 For the purpose of improving air quality and reducing health impacts this SPD is concerned with achieving and maintaining compliance with Air Quality Objectives and with improving air quality further, particularly in relation to PM<sub>2.5</sub> concentrations.

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<sup>10</sup> HMSO The Environment Act 2021

<sup>11</sup> The WHO Guideline (2005) for PM<sub>2.5</sub> is an annual mean of 10 µg/m<sup>3</sup>. This was revised down to 5 µg/m<sup>3</sup> in 2021. It is generally considered highly unlikely that Defra would adopt the 2021 guideline.

### 3 Policy Context

#### National Policy and Practice Guidance

3.1 The consideration of air quality impacts is a material consideration within the planning process.

#### **National Planning Policy Framework**

3.2 The National Planning Policy Framework (NPPF)<sup>12</sup> sets out planning policy for England and the overarching objectives relating to air quality and development. It states that the purpose of the planning system is to contribute to the achievement of sustainable development, and that the planning system has three overarching objectives, one of which (Paragraph 8c) is an environmental objective:

*“to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.*

3.3 It also states in paragraph 174:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality(...)”*

More specifically on air quality, Paragraph 186 makes clear that:

*“Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.*

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<sup>12</sup> Ministry of Housing, Communities & Local Government. National Planning Policy Framework [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1005759/NPPF\\_July\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

### **National Planning Practice Guidance**

3.4 The NPPF is supported by Planning Practice Guidance (PPG)<sup>13</sup>, which includes guiding principles on how planning can take account of the impacts of new development on air quality.

3.5 Regarding plan-making, the PPG states:

*“It is important to take into account air quality management areas, Clean Air Zones and other areas including sensitive habitats or designated sites of importance for biodiversity where there could be specific requirements or limitations on new development because of air quality”.*

3.6 It also states that plans need to consider (Paragraph: 002 Reference ID: 32-002-20191101):

- *“what are the observed trends shown by recent air quality monitoring data and what would happen to these trends in light of proposed development and / or allocations;*
- *the impact of point sources of air pollution (pollution that originates from one place);*
- *the potential cumulative impact of a number of smaller developments on air quality as well as the effect of more substantial developments, including their implications for vehicle emissions;*
- *ways in which new development could be made appropriate in locations where air quality is or is likely to be a concern, and not give rise to unacceptable risks from pollution. This could, for example, entail identifying measures for offsetting the impact on air quality arising from new development including supporting measures in an air quality action plan or low emissions strategy where applicable; and*
- *opportunities to improve air quality or mitigate impacts, such as through traffic and travel management and green infrastructure provision and enhancement.”*

3.7 The role of the local authorities through the LAQM regime is covered, with the PPG stating that a local authority Air Quality Action Plan *“identifies measures that will be introduced in pursuit of the objectives and can have implications for planning”* (Paragraph: 001 Reference ID: 32-001-20191101).

3.8 Regarding the need for an air quality assessment, the PPG states that:

*“Whether air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to have an adverse effect on air quality in areas where it is already known to be poor, particularly if it could affect the implementation of air quality strategies and action plans and/or breach legal obligations (including those relating to the conservation of habitats and species). Air quality may also be a material consideration if the*

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<sup>13</sup> Ministry of Housing, Communities & Local Government Planning Practice Guidance 2019

*proposed development would be particularly sensitive to poor air quality in its vicinity” Paragraph: 005 Reference ID: 32-005-20191101.*

- 3.9 The PPG sets out the information that may be required in an air quality assessment, making clear that:

*“Assessments need to be proportionate to the nature and scale of development proposed and the potential impacts (taking into account existing air quality conditions), and because of this are likely to be locationally specific” Paragraph: 007 Reference ID: 32-007-20191101.*

- 3.10 Regarding sites that will operate under an Environmental Permit, PPG states that:

*“It is not necessary for air quality assessments that support planning applications to duplicate aspects of air quality assessments that will be done as part of non-planning control regimes, such as under Environmental Permitting Regulations” Paragraph: 007 Reference ID: 32-007-20191101.*

- 3.11 The PPG also provides guidance on options for mitigating air quality impacts, as well as examples of the types of measures to be considered. It makes clear that:

*“Mitigation options will need to be locationally specific, will depend on the proposed development and need to be proportionate to the likely impact. It is important that local planning authorities work with applicants to consider appropriate mitigation so as to ensure new development is appropriate for its location and unacceptable risks are prevented” Paragraph: 008 Reference ID: 32-008-20191101.*

Examples of mitigation include:

- *“maintaining adequate separation distances between sources of air pollution and receptors;*
  - *using green infrastructure, in particular trees, where this can create a barrier or maintain separation between sources of pollution and receptors;*
  - *appropriate means of filtration and ventilation;*
  - *including infrastructure to promote modes of transport with a low impact on air quality (such as electric vehicle charging points);*
  - *controlling dust and emissions from construction, operation and demolition; and*
  - *contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.”*
- Paragraph: 008 Reference ID: 32-008-20191101.

## **Environment Act 2021**

- 3.12 The UK’s new legal framework for protection of the natural environment, the Environment Act 2021 passed into UK law on 9<sup>th</sup> November 2021. The Act gives the Government the power to set long-

term, legally binding environmental targets. It also establishes an Office for Environmental Protection (OEP), responsible for holding the government to account and ensuring compliance with these targets.

- 3.13 The Act requires the government to set at least one long-term target (spanning a minimum of 15 years), supported by interim targets set in a five-year cycle, in each of four identified areas: Air Quality, Biodiversity, Water and Resource Efficiency and Waste Reduction. An additional target for mean levels of PM<sub>2.5</sub> is also required. These targets must be set before November 2022 – a scope for what these targets will involve has been outlined but they are not yet precisely defined<sup>14</sup>. Once new targets are set, it is likely that these will need to be addressed, at least to some extent, through the planning system, and there is potential for PM<sub>2.5</sub> to become more prominent within in air quality assessments.

### Local Policy

- 3.14 The North West Leicestershire Local Plan 2011-2036 (as amended by the Partial review)<sup>1</sup> provides the current planning policies for the District. The Local Plan was adopted in November 2017 and the partial review was adopted in March 2021. The Council has two policies relating to air quality and one relating to Green Infrastructure which benefits air quality.

#### Policy D2 Amenity

Proposals for development should be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents within the development and close to it. As such, development proposals will be supported where:

- 1) They do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing and overbearing impact.
- 2) They do not generate a level of activity, noise, vibration, pollution or unpleasant odour emission, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.

Development which is sensitive to noise or unpleasant odour emissions will not be permitted where it would adversely affect future occupants. Proposals for external lighting schemes should be designed to minimise potential pollution from glare or spillage of light. The intensity of lighting should be necessary to achieve its purpose, and the benefits of the lighting scheme must be shown to outweigh any adverse effects.

<sup>14</sup> [https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/#:~:text=The%20Environment%20Act%202021%20requires,5\)%20and%20species%20abundance.](https://consult.defra.gov.uk/natural-environment-policy/consultation-on-environmental-targets/#:~:text=The%20Environment%20Act%202021%20requires,5)%20and%20species%20abundance.)

### **Policy EN6 Land and Air Quality**

Proposals for development on land that is (or is suspected of being) subject to land instability issues or contamination, or is located within the defined Development High Risk Area or within or close to an Air Quality Management Area or close to a known source of noise will be supported where:

- (a) A planning application is accompanied by a detailed investigation and assessment of the issues; and
- (b) Appropriate mitigation measures are identified which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

Development should avoid any unacceptably adverse impact upon soils of high environmental value (for example wetland and other specific soils) and ensure that soil resources are conserved and managed in a sustainable way.

### **Policy IF1 Development and Infrastructure**

Development will be supported by, and make contributions to as appropriate, the provision of new physical, social and green infrastructure in order to mitigate its impact upon the environment and communities. Contributions may be secured by means of planning obligations and/or a Community Infrastructure Levy charge, in the event that the Council brings a Charging schedule in to effect. The type of infrastructure required to support new development includes, but is not limited to:

(...)(d) Green infrastructure including open space, sport and recreation, National Forest planting (either new provision or enhancement of existing sites) and provision of or improvements to sites of nature conservation value; (...)

The infrastructure secured (on or off-site) will be provided either as part of the development or through a financial contribution to the appropriate service provider and may include the long-term management and maintenance of the infrastructure. (...)

- 3.15 The Leicestershire Minerals and Waste Local Plan<sup>15</sup> was adopted in 2019 and this has one policy relating to air quality and the need to safeguard minerals and waste sites.

#### **Policy W9: Safeguarding Waste Management Facilities**

Planning permission will be granted for the redevelopment of existing and permitted waste management facilities to a non-waste use where it is demonstrated that the loss of the facility does not prejudice the County's implementation of the waste hierarchy either through the provision of a new waste facility in the vicinity of that to be lost or that there is no longer a need for the waste facility at that location.

Planning permission will be granted for development which adjoins, is adjacent to or would locate a potentially sensitive receptor in closer proximity to an existing or permitted waste management facility where it is demonstrated that there would be no adverse effect upon amenity and the development would not prejudice the current and future operation of the facility.

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<sup>15</sup> Leicestershire Minerals and Waste Local Plan Up to 2031 (2019)  
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf>

## 4 Development Classification and Air Quality Assessment Requirements

- 4.1 New development may lead to the worsening of air quality if the development increases emissions, from, for example, road traffic, energy plant, dust emissions during construction or through fugitive<sup>16</sup> emissions of dust, odour or industrial/commercial sources of pollutants. Development may also introduce sensitive receptors<sup>17</sup> into an area of potentially poor air quality and therefore the suitability of the site for the proposed uses requires assessment.
- 4.2 The consideration of air quality to support planning applications for new development should determine:
- the classification of the development;
  - the suitability of the site in air quality terms;
  - the air quality assessment scope; and
  - the measures needed to minimise emissions and where required, mitigate any adverse impacts.
- 4.3 The scope of the air quality assessment should be proportionate to the size of the development, the potential impacts of the scheme, and whether it will introduce receptors into an area of poor air quality.
- 4.4 A summary of the requirements for an assessment for different classifications of development are summarised in

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<sup>16</sup> Fugitive Dust is defined as small particles suspended in the air, primarily mineral dust. Sources include but are not limited to: Quarrying and mineral extraction sites; landfill sites; coal and material stockyards, or materials handling; major construction works; and waste management sites.

<sup>17</sup> The Air Quality Objectives only apply where 'receptors' (people) are exposed for a period of time relevant to the objective in question (for example for an annual mean the objectives apply at the facades of residential properties, schools etc). Therefore, introduction of people into an area which already has concentrations above objectives, could require an AQMA to be declared.

4.5 **Table 1** and explained further in Step1 to Step 3 below.

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**Table 1: Summary of Development Classification and Assessment Requirements**

Assessment Requirements		Development Classification		
		Minor	Major	Major + (larger scale development as defined in Table 2)
Assessment Scope	Site Suitability Assessment	Yes (Where applicable)	Yes (Where applicable)	Yes (Where applicable)
	Impact Assessment	No	No	Yes
	Damage Cost Calculation	No	Yes	Yes
	Construction Dust Assessment	No	Yes	Yes
Good Practice Measures Statement		Yes	Yes	Yes
Mitigation/Minimum Measures		No	Additional Measures	Not Significant Effects
				Additional Measures
				Additional Measures
				Onsite Mitigation Measures
				Offsetting

**Step 1: Determination of Minor or Major Development**

4.6 The first step is to determine whether the proposed development is a Minor or Major Development. This stage is intended to screen out smaller developments, or developments where impacts can be considered to have insignificant effects. The criteria outlined is based on the EPUK and IAQM Guidance on Planning and Air Quality<sup>5</sup> with reference to the Town and Country Planning Act<sup>18</sup> definition for ‘major development’.

<sup>18</sup> Central Government Town and Country Planning (Development Management Procedure) (England) Order 2015 Statutory Instrument 2015 No. 595

**A development is Major if:**

- For residential development, the number of dwellings is 10 or where the number of dwellings is unknown, the site is more than 0.5ha
  - For all other uses, the floorspace is 1000 m<sup>2</sup> or more or the site area is greater than 1ha
- AND**
- The development has more than 10 parking spaces
- OR**
- The development is a centralised energy facility or other centralised combustion process

4.7 If the scheme does not meet the above criteria, it is a 'Minor' Development. Applicants for minor development will need to:

- Review the need for a Site Suitability Assessment (Step 2)
- Provide a Good Practice Measures Statement (see Section 5)

4.8 Applicants for minor development **will not** need to prepare the Air Quality Impact Assessment described at Step 3.

**Step 2: Site Suitability Assessment**

4.9 The second step is for the applicants of both minor and major development to consider whether they need to carry out a Site Suitability Assessment. Site Suitability Assessments will be required in locations which exceed the air quality objectives and locations where receptors could be subject to environmental nuisance.

**A Site Suitability Assessment is required if:**

- The proposed development is in an Air Quality Management Area (AQMA) and includes 'relevant exposure'
- It introduces new receptors representing relevant exposure within 30m of A Roads (M1, A42, A50, A6, A444, A453, A511)
- It introduces new receptors within 1km of Safeguarded Sites<sup>20</sup> and/or there are no existing sensitive receptors between the application site and the Safeguarded Site or an industrial source/East Midlands Airport.

- 4.10 'Relevant exposure' refers to locations where members of the public are likely to be regularly present and are likely to be exposed over the averaging period of the objective. If the AQMA is designated only for exceedances of an annual mean objective (which is currently the case in North West Leicestershire) then relevant exposure comprises the façades of residential properties, schools, hospitals and care homes etc.
- 4.11 Site Suitability Assessments can be submitted either as part of a wider air quality assessment, or as a standalone report to accompany the planning application, will include a judgement as to whether there are any risks of introducing relevant receptors into locations which are unsuitable from an air quality perspective. This judgement will be accompanied by evidence as required. More information on the expected content of Site Suitability Assessments is at Section 6.

### **Step 3: Scope of Air Quality Impact Assessment**

- 4.12 This step is only for those identified in Step 1 as major developments. At this stage, it is necessary to ascertain if a scheme is **major** or **major+** as this will determine the scope of the Air Quality Assessment required to support the planning application.
- 4.13 If any of the criteria in Table 2 are met, then the scheme is classified as Major+. These criteria are based on the EPUK and IAQM Guidance on Planning and Air Quality<sup>4</sup>. If none of the criteria are met, then the scheme is 'Major'.
- 4.14 All Major schemes are required to provide a Damage Cost Calculation, a Construction Dust Risk Assessment, a Good Practice Measures Statement and the consideration of Additional Measures.
- 4.15 In addition to the above requirements for Major schemes, Major+ schemes will be required to provide an Impact Assessment. Where the Impact Assessment concludes that impacts are significantly adverse, development proposals will need to either include mitigation to reduce the impacts or offset where onsite mitigation is not possible.
- 4.16 Where it is not clear cut, the final decision as to whether an impact assessment will be required will be made by the relevant local authority officer. A flow chart and Checklists to assist in identifying the Assessment Scope are provided in

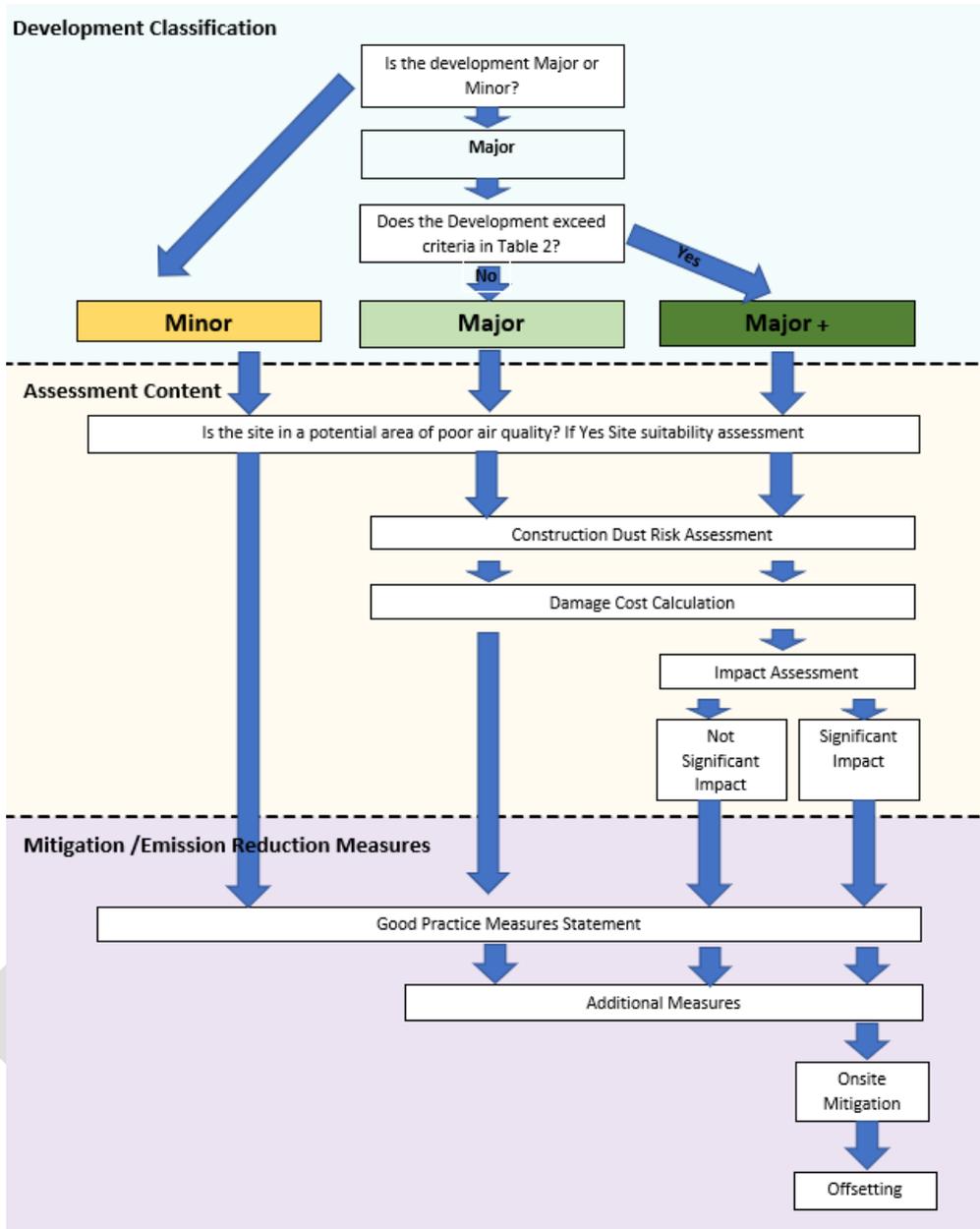
4.17 Figure 2 and in Appendix A1 respectively.

**A development is Major + if it:**

- requires an EIA (Environmental Impact Assessment)
- increases Light Duty Vehicle (LDV) flows of more than 100 Annual Average Daily Traffic (AADT) within or adjacent to an AQMA, or more than 500 AADT elsewhere
- increases Heavy Duty Vehicles (HDV) flows of more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT elsewhere
- realigns a road by 5 m or more if the road is within an AQMA (i.e. change the proximity of receptors to traffic lanes)
- introduces a new junction or removes an existing junction near to relevant receptors
- introduces or changes a bus station (increase bus movements by more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT elsewhere)
- has an underground car park with extraction system (within 20m of a relevant receptor and with more than 100 movements per day, in and out)
- has one or more substantial combustion processes, where there is a risk of impacts at relevant receptors (this includes combustion plant associated with standby emergency generators (typically associated with centralised energy centres)).<sup>19</sup>
- potentially impacts ecologically sensitive locations (e.g. Special Area of Conservation (SAC), Site of Special Scientific Interest (SSSI), Local Nature Reserve (LNR) etc) or
- it includes a regulated process under the Environmental Permitting (Amendment) Regulations 2018 with emissions to air.<sup>20</sup>

**Table 2: Indicative Criteria for Major+ Development**

Figure 2 Air Quality Assessment Requirements Flow Chart



## 5 Good Practice Measures – All Schemes

- 5.1 Achieving compliance with the air quality objectives is a principal target to protect public health and to comply with national and local policy. However, measures to minimise air quality impacts, particularly in relation to particulate concentrations have beneficial impacts for society in general and are also important to assist in achieving sustainable development. The early consideration of air quality within the design of a scheme will ensure the air quality benefits are maximised.
- 5.2 Good practice principles should, therefore, be applied to **ALL** developments, even those that have been screened out of requiring an air quality assessment. Good practice measures incorporated into a scheme should be set out in either a stand-alone Good Practice Statement, or as a section within the Air Quality Assessment, and accompany the planning application.

### ***Principles of Good Practice***

#### *Design Phase*

- 5.3 The design of new development should consider air quality constraints and opportunities to minimise exposure of users to air pollution and reduce the impacts of development on air quality. Adopting good design at an early stage has the potential to reduce the need to mitigate the impact of the development. Delivering sustainable development should be the key theme of any application;
- New development should be designed to minimise public exposure to pollution sources, for example by:
    - locating habitable rooms, schools, hospitals and playgrounds away from busy roads;
    - directing combustion generated pollutants through well sited flues;
    - separating pedestrians from vehicles by providing separate access routes into the development or using green infrastructure to provide a barrier between the two; and
    - separating areas of the public realm from areas of poor air quality such as busy roads.
  - Wherever possible, a new development should not create a new “street canyon”<sup>19</sup>, or a building configuration that inhibits effective pollution dispersion;
  - Green infrastructure should be integrated into the design from the beginning, for example, through the use of appropriate tree planting, green roofs and walls and soft landscaping. This supports Policy IF1 of the Local Plan. Advice on the use of green infrastructure to protect people

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<sup>19</sup> A street canyon is defined as a relatively narrow street with buildings on both sides where the height of the buildings is generally greater than the width of the road

from air pollution has been provided within the 6 C's Green Infrastructure Strategy<sup>20</sup>. Examples include:

- locating evergreen hedges between roads and receptors; and
- locating hedges and trees around outdoor play areas or amenity space.

### *Construction and Demolition Phase*

- 5.4 For major sites recommended mitigation measures should be based on IAQM Guidance<sup>21</sup> and the risk of dust emissions during the construction works identified through the construction dust risk assessment. Further information on this assessment is outlined in section 6. For major sites a Dust Management Plan would be necessary which may be integrated into a Code of Construction Practice (COP) or a Construction Environmental Management Plan (CEMP), and compliance monitoring, undertaken by the developer, may be required.
- 5.5 The latest version of this guidance<sup>31</sup> should be used to determine the measures that should be employed to reduce the impacts, along with guidance on monitoring during demolition and construction<sup>22</sup>.

### *Operational Phase*

- 5.6 A key theme of the NPPF is that developments should enable future occupiers to make “green” vehicle choices and “*incorporate facilities for charging plug-in and other ultra-low emission vehicles*” (paragraph 35). The Government plans to phase-out the sale of new petrol and diesel car and vans by 2030<sup>23</sup> and an ambition “*By 2050, we want virtually every car and van on the road to be zero emission*”. Electric Vehicle (EV) charging provision will be provided in accordance with the Building Regulations.
- 5.7 The provision of heat and hot water to new development is often provided by either domestic boilers or through the use of centralised heating systems and biomass fuels. The use of low or zero emission technology to provide heat and hot water is encouraged. Should combustion plant be included within a scheme, due to the potential for a significant increase in polluting emissions in built up areas, minimum default standards are also included in the list below. This includes a requirement for low NOx domestic boilers.

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<sup>20</sup> North West Leicestershire 6 C's Green Infrastructure Strategy  
[https://www.nwleics.gov.uk/files/documents/6\\_cs\\_gi\\_strategy\\_volume\\_1\\_sub\\_regional\\_strategic\\_framework\\_july\\_2010/6C%27s%20GI%20Strategy%20Volume%201%20-%20Sub-Regional%20Strategic%20Framework%20-%20July%202010.pdf](https://www.nwleics.gov.uk/files/documents/6_cs_gi_strategy_volume_1_sub_regional_strategic_framework_july_2010/6C%27s%20GI%20Strategy%20Volume%201%20-%20Sub-Regional%20Strategic%20Framework%20-%20July%202010.pdf)

<sup>21</sup> Environmental Protection UK and the Institute of Air Quality Management (2017) Land Use Planning and Development Control: Planning for Air Quality. Available at: <https://www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>

<sup>22</sup> IAQM Air Quality Monitoring in the Vicinity of Demolition and Construction Sites 2018

<sup>23</sup> Office for Low Emission vehicles Reducing Emissions from Road Transport: Road to Zero Strategy. 2018  
<https://www.gov.uk/government/publications/reducing-emissions-from-road-transport-road-to-zero-strategy>

**Table 3: Good Practice Measures for all Developments**

Good Practice Measures for all Developments	
<b>Design Measures</b>	
<p>New development should be designed to minimise public exposure to pollution sources,</p> <p>Wherever possible, new developments should not create a new “street canyon”, or a building configuration that inhibits effective pollution dispersion; and</p> <p>Green infrastructure should be integrated into the design from the beginning</p>	
<b>EV Charging Points<sup>24</sup></b>	<b>Residential</b>
	<b>Non-residential building (with more than 10 parking spaces)</b>
<p>EV charging infrastructure 1 charging point per unit (dwelling with associated parking) with cable route provided for all spaces</p> <p>EV charging infrastructure minimum of 1 charging point with cable routes for 20% of total spaces</p>	
<b>Construction Dust Mitigation</b>	
<p>Implement dust management procedures and for Major Development adhere to dust management guidance and best practice for all demolition and construction works</p>	
<b>Heating</b>	
<p>All gas-fired boilers to meet a minimum standard of &lt;40mgNOx/kWh</p>	
<b>Centralised Plant and Generators</b>	
<p>All gas-fired CHP plant to meet minimum emission standard of:</p> <ul style="list-style-type: none"> <li>• Spark ignition engine 250mgNOx/Nm<sup>3</sup></li> <li>• Compression ignition engine 400mgNOx/Nm<sup>3</sup></li> <li>• Gas turbine: 50 mgNOx/ Nm<sup>3</sup></li> </ul> <p>All Biomass boilers to meet minimum emission standard of 275mgNOx/Nm<sup>3</sup> &amp; 25mgPM/Nm<sup>3</sup></p> <p>Running of the flue for centralised and generator plant to a specified height above roof level to ensure the best possible dispersion environment.</p> <p>Use of exhaust flues for the CHP/Emergency generators and boilers that discharge vertically upwards, unimpeded by any fixture on top of the stack (e.g. rain cowls)</p>	

<sup>24</sup> Summary provided but see regulations for further details in relation to connection price cap, covered spaces, mixed-use building and buildings subject to major renovation.

## 6 Content of Site Suitability Assessment

- 6.1 A site suitability air quality assessment will comprise either:
- a simple qualitative assessment; or
  - a detailed quantitative assessment.
- 6.2 The air quality assessment should provide evidence to enable a sound conclusion of the suitability of the site for its intended use from an air quality perspective.
- 6.3 A simple qualitative assessment may be appropriate if there is sufficient evidence to demonstrate this; for instance, using local monitoring data within an AQMA to determine whether air quality is poor. The proposed assessment approach should be agreed with the local authority prior to submission of the planning application.
- 6.4 For proposals where a detailed air quality assessment is required, this may require modelling using an atmospheric dispersion model such as ADMS or AERMOD. The air quality assessment should predict concentrations at the façade of the receptor to determine compliance with air quality objectives (including revised targets as a result of the Environmental Act 2021). This will identify whether scheme re-design or mitigation to protect future occupiers from poor air quality is necessary. Further details on appropriate mitigation measures are provided in paragraph **Error! Reference source not found.**
- 6.5 For developments close to sources of fugitive dust or odours which have the potential to cause a nuisance, assessment should be undertaken in accordance with appropriate IAQM guidance, such as for Mineral Extraction sites<sup>25</sup> or odours<sup>26</sup>.
- 6.6 In some circumstances, a model might not accurately reflect the local situation (for example in a complex street canyon, or at a junction within a street canyon), and in this case a short monitoring study using diffusion tubes may be more appropriate, and less costly. Before undertaking this approach, the specific location for monitoring should be discussed with the Council.

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<sup>25</sup> IAQM Guidance on the Assessment of Mineral Dust Impacts for Planning 2016

<sup>26</sup> IAQM Guidance on the Assessment of Odour for Planning 2018

## 7 Content of Air Quality Assessment

7.1 For those proposals where a detailed air quality assessment is required, this may require modelling using an atmospheric dispersion model such as ADMS Roads ADMS 5 or AERMOD.

7.2 The impact assessment should:

- determine the impact of any changes in air quality (particularly nitrogen dioxide, PM<sub>10</sub> and PM<sub>2.5</sub>) at sensitive receptor locations;
- determine compliance with air quality objectives (including revised targets as a result of the Environmental Act 2021); and
- determine the overall significance of the development on air quality.

7.3 The assessment needs to consider:

- impacts during the demolition/construction phases<sup>27</sup>;
- impacts during the operational phase; and
- cumulative impacts with other projects.

7.4 The determination of the magnitude of impacts as a result of changes in pollutant concentrations at individual receptors and also the overall judgment of significance should be based on EPUK and IAQM Guidance<sup>5</sup>. This should also take account of the fact that development should not contravene the Council's Air Quality Action Plan, or render any of the measures unworkable. In accordance with this guidance a binary judgement of 'significant' or 'not significant' is required.

7.5 In some cases, for large scale developments, construction may be phased over a number of years, with residents or businesses occupying part of the development before the whole development is finished. In these cases, careful consideration should be given to what future assessment year should be applied. In some cases more than one future year may be required to fully assess the impacts. Further consideration for schemes which are subject to the Environmental Permitting Regulations or provide standby power generation are outlined in **Section 8**.

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<sup>27</sup> Schemes subject to an Environmental Impact Assessment will need to consider the impacts of emissions from construction traffic as well as construction dust. This should follow the approach outlined in section 0 which outlines the required content of an Impact Assessment.

- 7.6 If the air quality assessment does not meet the requirements set out in this SPD, the Council may request that the applicant amends, or undertakes the assessment again. If the assessment does not meet the required standards, the application may be refused.

Where a Detailed Air Quality Assessment is needed, the most up to date relevant guidance documents should be used. Currently these are EPUK/ IAQM Guidance (Land-use Planning & Development Control: Planning for Air Quality) and LAQM Technical Guidance TG(16)

### **Damage Cost Calculation (All Major Schemes)**

- 7.7 All major schemes are required to provide a Damage Cost Calculation. See Box 1 for more information regarding the background to Damage Costs including how they were derived and how they are used. The pollutant emission cost calculation will assist the Council in the assessment of the overall impacts on air quality from major developments (not in defining the cost of mitigation to reduce significant impacts). The costs may be used by the Council as a guide in considering the appropriate scale and kind of 'additional measures' that are required to make certain major schemes acceptable in terms of air quality or to minimise emissions from the scheme. The Council acknowledges the limitations of damage costs as set out in Box 1.

#### **Box 1: Background to Damage Costs**

Defra developed the damage cost approach to enable proportionate analysis when assessing relatively small impacts on air quality. The damage costs are a set of impact values which were derived using the more detailed Impact Pathway Approach. These values estimate the societal costs associated with small changes in pollutant emissions. Combined with emission change estimates, they provide an approximate valuation of the aggregate societal impacts of a policy. Such impacts can then be set against the direct monetary costs of a scheme to provide a cost-benefit calculation. Thus, damage costs do not provide a figure for the abatement of emissions to a given level.

Abatement costs are usually derived from a marginal abatement cost curve (MACC) which gives the incremental cost of measures to achieve a certain outcome, such as the removal of an exceedance of the air quality objectives. However, the measures available and their associated costs are quite time-specific which means that they need to be updated in a regular basis. Defra's last MACC for NO<sub>2</sub> exceedances was produced several years ago and has now been withdrawn. There are therefore no Defra approved abatement costs for air quality currently available. Thus, while damage costs are not the same as abatement costs, they provide a current, available and regularly used resource by Councils for assigning value to air pollution emissions.

- 7.8 The calculation of the additional pollutant emissions from a proposed development should utilise either the most recent Department for the Environment, Food and Rural Affairs (DEFRA Emissions)

Factor Toolkit<sup>28</sup> for road traffic emissions, or calculate emissions from centralised or permitted combustion plant, based on emission rate and energy usage.

7.9 The latest DEFRA Air Quality appraisal Damage Costs approach for the specific pollutant of interest, should be used to calculate the resultant damage cost<sup>29</sup>. The calculation process currently comprises the following steps:

1. Calculate the additional pollutant emissions:
  - Road transport:
    - identify the additional trips generated by the proposed development;
    - calculate the emissions from these trips for the pollutants of concern (NO<sub>x</sub> and PM<sub>2.5</sub>) using the EFT, for five years, with the five years commencing at the year of opening. This calculation should assume a 10 km<sup>30</sup> trip length and a 48 kph average speed;
  - Point Sources
    - calculate the annual emissions from the combustion plant for the pollutants of concern based on emission rate and annual fuel or energy usage, These emissions are likely to be the same for the five years assessed.
2. calculate the damage costs for the specific pollutant emissions using the damage cost toolkit. The toolkit allows for reductions in emissions over time, applies a discount in line with HM Treasury's Green Book and also adjusts for inflation; and
3. extracting the 'Central' total value for each pollutant and summing these for use as the damage cost total for the scheme.

7.10 The Council **may use** the calculated damage costs to consider the appropriate scale and kind of 'additional measures' that are required to minimise emissions from the scheme ensuring they are proportionate to the likely impact and also to make certain major schemes acceptable in terms of air quality.

7.11 For Major+ schemes with significant impacts, the priority is to mitigate these impacts at the location where they occur, however where mitigation cannot be implemented onsite, the damage costs may also be used to determine the appropriate level of planning contribution required to implement mitigation offsite, through offsetting. This is discussed further in paragraph 8.11 8.11 to 8.12.

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<sup>28</sup> Defra Emissions Factor Toolkit Defra LAQM Support <https://laqm.defra.gov.uk/air-quality/air-quality-assessment/emissions-factors-toolkit/>

<sup>29</sup> Defra Air quality appraisal: damage cost guidance <https://www.gov.uk/government/publications/assess-the-impact-of-air-quality/air-quality-appraisal-damage-cost-guidance>

<sup>30</sup> If a different trip length is deemed to be appropriate for the development, this would need to be justified.

## **Construction Dust Assessment (All Major Schemes)**

7.12 The demolition/ construction phase is a source of dust emissions. Any Major scheme should consider the impact of dust emissions during the demolition and construction phase. A Dust Assessment should follow the most up to date relevant methodology provided by IAQM<sup>31</sup>Error! Bookmark not defined.. It may be possible to screen out construction dust assessment using this guidance if there are no receptors within 350m of the site boundary or 50m of routes used by construction traffic. For major schemes the dust risk assessment should inform the measures outlined within the Good Practice Statement.

## **Content of Impact Assessment (Major + Schemes)**

7.13 An impact assessment will comprise either:

- a simple qualitative assessment; or
- a detailed quantitative assessment

7.14 The air quality assessment should provide enough evidence to enable a sound conclusion of the presence, or otherwise, of a significant air quality impact. Most developments that require an impact assessment are likely to need a detailed assessment. A simple qualitative assessment may be appropriate if there is sufficient evidence to demonstrate the potential for significant effects; for instance the use of monitoring data or absence of sensitive receptors. The proposed assessment approach should be agreed with the local authority prior to submission of the planning application.

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<sup>31</sup> IAQM Assessment of dust from demolition and construction 2014

## 8 Emission Reduction/ Mitigation Measures

### Additional Measures for Major Schemes (All Major Schemes)

- 8.1 Major developments will often result in increases in emissions<sup>32</sup>. All Major Schemes should minimise emissions to achieve sustainable development in air quality terms, therefore, further measures over and above Good Practice Measures should be implemented.
- 8.2 Measures to minimise emissions from a scheme should be considered within the following hierarchy, with preference given to measures which prevent emissions rather than reduce:
- Prevent:
    - measures that reduce number of vehicle movements, for example by encouraging modal shift to active travel; and
    - the use of heating systems with no emissions; avoiding the use of onsite combustion plant or backup emergency diesel generators.
  - Reduce
    - measures that reduce vehicle emissions, for example by encouraging low emission vehicles;
    - measures to support improved public transport;
    - measures to support the development of alternative technologies; and
    - measures to reduce emissions from energy plant through the use of Low NOx plant.
  - Protect
    - Protect receptors from existing poor air quality; and
    - flue design to maximise dispersion and distance to sensitive receptors.
- 8.3 Measures which could be considered by the applicant to minimise emissions from a new development are provided in Table 4. This is not an exhaustive list, but rather a suggested suite of measures for consideration. The Council also welcomes the opportunity to work with developers to devise innovative measures that will lead to improving local air quality. Applicable measures will be dependent on the type of development, and the development emissions, location and impact.
- 8.4 The Council will review the Additional Measures outlined within the assessment to determine whether these are appropriate for the scale, emissions and impact of the development (note these measures are not to mitigate adverse effects but to minimise emissions from the scheme, although if mitigation for Major + schemes are necessary some measures maybe the same).

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<sup>32</sup> There are exceptions such as a scheme will result in changes to the road geometry and therefore will not itself increase emissions or where there are no sources of emissions, or if the development will lead to reduction compared to an existing use.

- 8.5 The Council **may use** the calculated damage costs to consider whether the measures proposed are appropriate to minimise emissions from the scheme, ensuring they are proportionate to the scale of the development. If these are not deemed to be sufficient, additional measures may be necessary.

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**Table 4: Examples of Suggested Additional Measures**

- Implement a travel plan to encourage active travel and minimise vehicle movements;
- Improved infrastructure and layouts to improve accessibility and safety and link to existing infrastructure
- Prioritise walking and cycling in new junctions and crossings or by improving existing junctions and crossings
- Provide high quality and secure covered cycle parking and cycling infrastructure such as lockers or showers and changing facilities
- Provide Car Club parking spaces (prioritising the use of electric vehicle)
- Provide a direct connection to existing cycle and walking infrastructure to facilitate active travel
- Include designated parking spaces or differentiated parking charges for low emission vehicles
- Encourage sustainable means of transport (public, cycling and walking) for instance through subsidised ticketing
- Provide shared mobility schemes cycle/ e-cycle/scooter hire schemes, or provide hubs for existing schemes
- Encourage commercial fleets to meet the latest European emission standards
- Provide a commercial fleet emission reduction strategy/low emission strategy to encourage the update of low emission fuels and technologies
- Use of freight consolidation schemes/ last mile zero emission deliveries
- Provide parcel lockers to minimise redeliveries
- Encourage the use of ultra-low NOx boilers (less than 15mgNOx/kWh)
- Request Construction Traffic Management Plans (CTMP) outlining measures to reduce emissions such as meeting highest Euro standard, steps to reduce the number and length of journey, or timing and routing of journeys to avoid congestion
- Avoid the use of onsite combustion plant, such as gas-fired boilers, Combined Heat and Power Plant (CHP) or backup diesel emergency generators
- Define 'engine off' areas, such as bus stands, taxi ranks, tourist coach parking and outside of schools
- Improve traffic flow by reducing congestion, stop-start traffic and traffic queues and the consequent emission 'spikes'

## **Mitigation of Adverse Impacts**

- 8.6 All Major+ Developments which are predicted through the impact assessment to have significant air quality effects, are expected to mitigate these impacts.
- 8.7 The implementation of mitigation is expected to be in accordance with the following hierarchy:
- redesign to eliminate or reduce the impact;
  - implement mitigation measures onsite (these measures should not be considered as an alternative to fundamental redesign);
  - if mitigation measures cannot be implemented onsite, then offsetting may be necessary.
- 8.8 The mitigation required will need to be specific to the development's impact, taking into account local air quality issues, but also be proportional to the impact of the development. The design and mitigation package should be presented with the planning application.
- 8.9 Applicants must demonstrate that proposed mitigation is likely to effectively address the adverse impact of development in air quality terms. Where adverse impacts are not appropriately mitigated, this may result in the application being refused. The Council will evaluate all material considerations in determining the acceptability of a scheme.
- 8.10 Where mitigation is not integrated into a proposal, the Council will require this to be secured through a planning condition or through Section 106 agreements. If on-site mitigation is not possible then the Council will seek contributions for offsetting the identified air quality impacts offsite through a Section 106 or similar agreement (see paragraph 8.21) where planning permission would otherwise be refused on air quality grounds. The cost of the mitigation necessary may not be related to the damage cost of the scheme (see Box 1).

### ***Offsetting***

- 8.11 Where impacts cannot be mitigated onsite, it may be necessary to offset emissions offsite. This may be provided as a financial contribution to the Council from the developer. The Council may seek this funding through a Section 106 agreement which will be used to offset the impact on air quality arising from new development.
- 8.12 NPPG suggests measures to offset the air quality impact of a development by supporting measures including those identified in air quality action plans and low emission strategies, would be appropriate.
- 8.13
- 8.14
- 8.15 Table provides examples of what the Council may seek contributions towards.

**Table 5: Examples of Measures for Offsetting Contributions**

<p><b>Financial Contributions may be requested by the Council for:</b></p> <ul style="list-style-type: none"> <li>• Implementing measures within the Air Quality Action Plan</li> <li>• Implementing Low Emission Strategies</li> <li>• Growth in low and ultra-low emission public transport, including buses</li> <li>• Electric Vehicle infrastructure</li> <li>• Car Clubs (including electric) and car sharing schemes</li> <li>• Micro mobility hubs include bike, e-bike and scooter hire</li> <li>• Plugged- in development and demonstration schemes e.g. new occupants given demonstration use of plug-in vehicles</li> <li>• Low emission waste collection services</li> <li>• Infrastructure for low emissions, alternative fuels, e.g. refuse collection and community transport services</li> </ul>
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***Mechanical Ventilation***

8.16 The site suitability assessment outlined in Section 6.1 may identify the need for mitigation, to ensure users of a scheme experience acceptable air quality.

8.17 Mechanical ventilation is the intentional fan driven flow of outdoor air into a building. Mechanical ventilation systems may include supply fans (which push outdoor air into a building), exhaust fans (which draw air out of building and thereby cause equal ventilation flow into a building), or a combination of both. Mechanical ventilation is an option to ensure users are not exposed to concentrations above the air quality objectives because the inlets can be situated away from pollution sources. This also may involve sealed windows / triple glazing and a forced ventilation system, incorporating filters to remove pollutants such as NOx and particulates.

8.18 Mechanical ventilation increases the energy requirements of developments and are not ideal if users are not able to open windows for purge ventilation when desired. Therefore, mechanical ventilation is not necessarily a satisfactory solution to mitigating against exposure, particularly in the event of mechanical failure.

- 8.19 It is expected that first the design of the scheme is revisited with the aim of eliminating exceedances of the objective (see Good Practice Measures outlined in section 5.2), followed by a pragmatic review of the risk to occupiers considering the period of exceedance and assumptions within the assessment.
- 8.20 Where the above considerations cannot achieve acceptable exposure for a sensitive development, then consideration will be given to a refusal of the scheme.

### **Section 106 Payments/ Planning Contributions**

- 8.21 The Council may seek Section 106 Agreements and other relevant obligations with developers to secure mitigation, including off-set, on larger schemes, where appropriate, to make the scheme environmentally acceptable.
- 8.22 Section 106 Agreements will only be sought where the following tests are satisfied in accordance with national requirements:
- necessary to make the development acceptable in planning terms;
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 8.23 Where the Council specifies contributions towards air quality infrastructure then this will be considered as part of negotiating wider developer contributions to avoid any issue of double counting and consideration of viability of the scheme.

## 9 Glossary

<b>AADT</b>	Annual Average Daily Traffic
<b>ADMS-Roads</b>	Atmospheric Dispersion Modelling System model for Roads
<b>ADMS-5</b>	Atmospheric Dispersion Modelling System model for point sources
<b>AQC</b>	Air Quality Consultants
<b>AQAL</b>	Air Quality Assessment Level
<b>AQMA</b>	Air Quality Management Area
<b>AURN</b>	Automatic Urban and Rural Network
<b>CDRA</b>	Construction Dust Risk Assessment
<b>CEMP</b>	Construction Environmental Management Plan
<b>CTMP</b>	Construction Traffic Management Plan
<b>CHP</b>	Combined Heat and Power
<b>Defra</b>	Department for Environment, Food and Rural Affairs
<b>DfT</b>	Department for Transport
<b>DMP</b>	Dust Management Plan
<b>EFT</b>	Emission Factor Toolkit
<b>EPUK</b>	Environmental Protection UK
<b>Exceedance</b>	A period of time when the concentration of a pollutant is greater than the appropriate air quality objective. This applies to specified locations with relevant exposure
<b>EU</b>	European Union
<b>EV</b>	Electric Vehicle
<b>HDV</b>	Heavy Duty Vehicles (> 3.5 tonnes)
<b>HMSO</b>	Her Majesty's Stationery Office
<b>IAQM</b>	Institute of Air Quality Management
<b>kph</b>	Kilometres Per hour
<b>kW</b>	Kilowatt
<b>LAQM</b>	Local Air Quality Management
<b>LDV</b>	Light Duty Vehicles (<3.5 tonnes)

<b>LNR</b>	Local Nature Reserve
<b>µg/m<sup>3</sup></b>	Microgrammes per cubic metre
<b>MACC</b>	Marginal Abatement Cost Curve
<b>NO<sub>2</sub></b>	Nitrogen dioxide
<b>NO<sub>x</sub></b>	Nitrogen oxides (taken to be NO <sub>2</sub> + NO)
<b>NPPF</b>	National Planning Policy Framework
<b>NRMM</b>	Non-road Mobile Machinery
<b>Objectives</b>	A nationally defined set of health-based concentrations for nine pollutants, seven of which are incorporated in Regulations, setting out the extent to which the standards should be achieved by a defined date. There are also vegetation-based objectives for sulphur dioxide and nitrogen oxides
<b>OEP</b>	Office for Environmental Protection
<b>PM<sub>10</sub></b>	Small airborne particles, more specifically particulate matter less than 10 micrometres in aerodynamic diameter
<b>PM<sub>2.5</sub></b>	Small airborne particles less than 2.5 micrometres in aerodynamic diameter
<b>PPG</b>	Planning Practice Guidance
<b>SAC</b>	Special Area of Conservation
<b>SPD</b>	Supplementary Planning Document
<b>SSSI</b>	Site of Special Scientific Interest
<b>Standards</b>	A nationally defined set of concentrations for nine pollutants below which health effects do not occur or are minimal
<b>WHO</b>	World Health Organisation

## 10 Appendices

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## A1 Checklists

### Checklist 1: Screening Assessment to Determine is Major or Minor Scheme

Question	Screening Checklist	Yes	No	Next Step
A	Does the proposed development comprise:  A residential development of 10 or more dwellings or a site area of 0.5ha where the number of dwellings is unknown; or  More than 1000m <sup>2</sup> floor space / a site area greater than 1ha for all other uses?			If <b>yes</b> - go to <b>Question B</b>  If <b>no</b> , the development is <b>minor</b> - go to <b>Question D</b>
B	Does it have more than 10 car parking spaces or include any centralised energy plant?			If <b>yes</b> , the development is <b>major</b> - go to <b>Question C</b>  If <b>no</b> , the development is <b>minor</b> - go to <b>Question D</b>

### Checklist 2: To Determine whether Site Suitability Assessment is Required

Question	Site Suitability Checklist	Yes	No	Next Step
C	Is the proposed development within, or close to an Air Quality Management Area (AQMA), within 30m of an A road or within 1km of a safeguarded site?			If <b>yes</b> , a Site Suitability Assessment <b>is</b> required. Proceed to <b>Checklist 3</b> .  If <b>no</b> , a Site Suitability Assessment <b>is not</b> required. Proceed to <b>Checklist 3</b> .
D	Is the proposed development within, or close to an Air Quality Management Area (AQMA), within 30m of an A road or within 1km of a safeguarded site?			If <b>yes</b> , a Site Suitability Assessment <b>is</b> required.  If <b>no</b> , a Site Suitability Assessment <b>is not</b> required.

### Checklist 3: To Determine What Level of Impact Assessment is Required

	Yes	No	Next Step
Does the development require an Environmental Impact Assessment (EIA)?			If all questions are answered "no", development is <b>'Major'</b>
Does the development increase Light Duty Vehicle (LDV) flows of more than 100 AADT within or adjacent to an AQMA, or more than 500 AADT elsewhere?			Construction Dust Risk Assessment (CDRA), 'damage cost calculation, good practice measures and additional measures are required  "If any question is answered "yes", development is <b>Major +</b>  Construction Dust Risk Assessment (CDRA), damage cost calculation, impact assessment (to assess whether any further specific mitigation required), 'good practice measures and also additional measures are also required
Does the development increase Heavy Duty Vehicle (HDV) flows of more than 25 AADT within or adjacent to an AQMA, or more than 100 AADT elsewhere			
Proposals that would realign a road by five metres or more if the road is within an AQMA (i.e. change the proximity of receptors to traffic lanes)			
Proposals that would introduce a new junction or remove an existing junction near to relevant receptors			
Proposals that would introduce or change a bus station (increase bus movements by more than 25 AADT within or adjacent to an AQMA, or more than			

100 AADT elsewhere)			
Proposals that have an underground car park with extraction system (within 20m of a relevant receptor and with more than 100 movements per day, in and out)			
Have one or more substantial combustion processes, where there is a risk of impacts at relevant receptors (this includes combustion plant associated with standby emergency generators (typically associated with centralised energy centres).			
Is the development likely to impact on ecologically sensitive locations (eg SSSI's, LNRs etc)?			
Proposals that include a power generation facility that qualifies as a regulated process under the Environmental Permitting (Amendment) Regulations 2018?			

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 20 SEPTEMBER 2022



<b>Title of Report</b>	<b>AWARD OF HOUSING MATERIALS SERVICES CONTRACT</b>	
<b>Presented by</b>	Councillor Roger Bayliss Housing, Property and Customer Services Portfolio Holder	
<b>Background Papers</b>	None	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	The direct procurement will have no financial implications. The proposed value of the final award contract is within existing budget envelopes of the HRA.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	Advice on procurement has been sought from Corporate Procurement and Legal Services. A dynamic purchasing system is a permitted form of procurement under the Public Contract Regulations 2015. The proposed call-off contract has been reviewed.	
	<b>Signed off by the Monitoring Officer:</b> Yes/No	
<b>Staffing and Corporate Implications</b>	There are no direct staffing implications. This proposal supports Council Priorities.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To seek Cabinet approval to for the delegation of authority to the Strategic Director to award the Housing Materials Services Contract.	
<b>Reason for Decision</b>	The level of expenditure on the proposed contract exceeds the authority level in the Scheme of Delegation.	
<b>Recommendations</b>	<b>THAT CABINET:</b>  <b>APPROVES THE DELEGATION OF AUTHORITY TO THE STRATEGIC DIRECTOR TO AWARD THE HOUSING MATERIALS SERVICES CONTRACT IN CONSULTATION WITH THE SECTION 151 OFFICER AND PORTFOLIO HOLDER.</b>	

## **1.0 BACKGROUND**

- 1.1 The Council has circa 4,200 homes. In 2022-23, the Housing Asset Management and Compliance and Commercial Services Teams are budgeted to spend nearly £19,000,000 on repair, maintenance, improvement or replacement (New Build) programmes.  
£7,163,000 of this sum will be by Commercial Services' In House Repair Team (IRT), £4,500,000 will be under the Home Improvement Programme (HIP) and £2,663,000 on responsive and empty homes repairs.
- 1.2 Current IRT establishment is 58 operatives and six apprentices. Materials used by IRT are provided under a materials services contract where the vast majority of materials are supplied by a sole provider. The current contract is with Travis Perkins Trading Company Ltd, let on a three-year plus one plus one managed service basis and which expires on 1 April 2023. The contract was procured and drafted through a framework managed by The Procurement Partnership Limited (TPPL). TPPL has also provided price and contract management services throughout the life of the contract.
- 1.3 When the contract was let in 2018 the expenditure on materials over the five-year term was estimated to be between £5 and £10million. This broad spectrum of expenditure covered materials required for repairs to tenanted properties and empty homes but also provided for the potential growth of the IRT to undertake future HIP works although there were no guarantees of the latter to the supplier.
- 1.4 Based on the forecast expenditure on materials required over the next five years for repairs and HIP (some of which may be substituted if the IRT undertakes work in future years under proposed Energy Efficiency programs) the value of the new contract is £15.5million.

## **2.0 PROPOSED AWARD**

- 2.1 It is proposed to award a five-year contract to a single supplier procured as a call-off under the TPPL-managed NEPO219 Building Materials and Modular Buildings Dynamic Purchasing System (DPS). The DPS commenced 3 February 2020 and is a procurement route compliant with all relevant UK and EU Regulations and the Council's own procedure rules.
- 2.2 A DPS (unlike a framework) allows new approved suppliers to join the DPS at any time during its lifetime. On 19 July, the 10 suppliers listed under DPS Category 1: Managed Store/One-Stop Shop/Dedicated Store received our mini-competition documentation via the secure NEPO Portal. The 10 suppliers are:
  - Bradfords
  - City Plumbing Supplies
  - Crown Paints
  - Huws Gray
  - JT Dove
  - Jewsons
  - Sovini Trade
  - Stax Trade Centres
  - Wolseley
  - Travis Perkins

2.3 The contract specification seeks provision of a one-stop shop stores service from a site opened and managed by the successful merchant (“Primary Location”). It covers (but is not limited to) provision or supply of the following from the Primary Location:

- General material, e.g. including (but not limited to) timber, aggregates, ironmongery, windows, doors, paints, solvents.
- Plumbing, heating and gas spares, e.g. sanitaryware, plastics, copper fitting, drainage, waste, brassware.
- Electrical components, e.g. wiring/cables, sockets, consumer units, lighting, fire/CO2 detection.
- All other required materials, e.g. any material required to support operational activities including (but not limited to) reactive repairs, empty homes and capital/planned works.
- IT Integration, for the purpose of operative/job validation at the point of sale and streamlined transaction processing for invoice payment.
- Counter collection & stockholding of core materials (from a dedicated facility).
- Delivery services e.g. to site and/or direct to operatives.
- Engagement with local suppliers (on a nominated basis) e.g. ready-mix concrete supplier.
- Social value
- Access to other existing locations/branches (if operationally required).

2.4 The following table shows the dates of all key stages in our Procurement Plan.

KEY STAGE	DATE(S)
Commencement of mini-competition issued	19 July 2022
Deadline for queries/clarifications	5pm 23 August 2022
Deadline for submissions (via NEPO Portal)	12 noon 30 August 2022
Evaluation and clarifications	30 August – 15 September 2022
Notification of Intention to Award	3 October 2022
Standstill period	3-13 October
Award,	17 October 2022
Mobilisation	28 Nov. 2022 -31 March 2023
Contract commencement	1 April 2023

2.5 Award Criteria:

AWARD CRITERIA WEIGHTINGS	
ITEM	CRITERION / %
Qualitative Questionnaire	70%
Service levels	Pass / Fail

Call-off Contract -T&Cs	Pass / Fail
Cost Submission	30%
Submission declarations	Pass / Fail

### 3.0 FINANCIAL IMPLICATIONS

3.1 The anticipated contract spend for the five-year contract period is £15,500,000 (£3,100,000 per annum). The contract will commence 1 April 2023 and will be funded from within 2023-2028 Housing Revenue Account (HRA) and indicative HRA Capital Programme budgets.

3.2 The majority of anticipated spend will be from the HIP allocation within the HRA Capital Programme Budget. The indicative HIP budget within the Council's Budget Reports 2022-23 is £4,500,000 for each of the first four years of the contract 2023-24, 2024-25, 2025-26 and 2026-27.

3.3 The 2022-23 HRA Total Routine Repairs budget allocation is £2,662,880 and although demand-led, is expected to remain static during the contract period other than for an allowance for inflation as included within the Council's Medium-Term Financial Plan.

Financial Implications Table	Current Year Budget	Impact of Proposals	Forecast		
	2022/23		2023/24	2024/25	2025/26 & beyond
	£000	£000	£000	£000	£000
<b>Capital Investment</b>					
Costs		0	2,270,000	2,270,000	2,270,000
Funded by		0	HRA HIP Allocation		
<b>On-going costs (revenue)</b>					
Costs - Staffing		0	0	0	0
Other		0	830,000	830,000	830,000
Total on-going costs		0	830,000	830,000	830,000
Funding by			HRA Total Routine Repairs Allocation		

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family-friendly town Developing a clean and green district Local people live in high quality, affordable homes
Policy Considerations:	Contract Procurement Rules within Constitution
Safeguarding:	Suppliers will be required to follow the Council's Safeguarding Policy and procedures.
Equalities/Diversity:	No direct implications identified.
Customer Impact:	Successful procurement of a supplier will ensure essential Housing operations proceed without interruption.

Economic and Social Impact:	<p>The procurement will support IRT operations to maintain and improve the Council's housing stock to a high standard.</p> <p>Such activities include Improvements to the energy efficiency of tenants homes, which reduces potential bills and therefore provides tenants an opportunity to spend more money on other essentials such as an improved diet and the prospect of better health.</p>
Environment and Climate Change:	<p>Specifications for materials supplied under this contract will contribute to local and National initiatives towards a sustainable and carbon net zero economy.</p>
Consultation/Community/Tenant Engagement:	<p>None identified.</p>
Risks:	<p>All risks have been mitigated by officers.</p>
Officer Contact	<p>Karen Connell  Interim Head of Housing  <a href="mailto:Karen.connell@nwleicestershire.gov.uk">Karen.connell@nwleicestershire.gov.uk</a></p>

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 20 SEPTEMBER 2022



<b>Title of Report</b>	<b>COVID-19 ADDITIONAL RELIEF FUND (CARF) POLICY 2021/22</b>	
<b>Presented by</b>	Councillor Nicholas Rushton Cabinet Member for Corporate Portfolio	
<b>Background Papers</b>	Appendix 1 - CARF Policy	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	The financial implications of the relief scheme will be addressed via direct government funding which the Council is in receipt of. As such there is no direct impact on net budgets.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The process for agreeing the Council's policy on CARF has followed the correct process and is in accordance with the Constitution.	
	<b>Signed off by the Deputy Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	None	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	For Cabinet to agree the Council's CARF policy and scheme to enable reliefs to be applied to business rate accounts.	
<b>Reason for Decision</b>	To comply with the constitution.	
<b>Recommendations</b>	<b>THAT CABINET</b>  <b>1. AGREE THE COUNCIL'S CARF POLICY AND OPERATION AS SET OUT IN THE REPORT AND ACCOMPANYING FULL POLICY TERMS AND CONDITIONS IN APPENDIX 1.</b>  <b>2. DELEGATE AUTHORITY TO THE COUNCIL'S SECTION 151 OFFICER TO MAKE ANY SUBSEQUENT CHANGES TO THE RELIEF AWARD PERCENTAGES AND TO AWARD/APPLY RELIEFS TO BUSINESS RATE ACCOUNTS.</b>	

## **1.0 BACKGROUND**

- 1.1** On 25 March 2021, the Government announced plans to provide an additional business rates support package, worth £1.5 billion nationwide, to support businesses in England affected by COVID-19 but not eligible for existing support linked to business rates. North West Leicestershire District Council received an allocation of £3,704,521 in funding.
- 1.2** The Department for Levelling Up, Housing and Communities (DLUHC) issued guidance for the scheme on the 15 December 2021 and payments of the funding allocations were made to Local Authorities at the end of March 2022.
- 1.3** Although the Government have set national criteria for eligibility, it recognises that economic need will vary across the country, and therefore instructed Local Authorities to exercise their local knowledge and discretion to design a local scheme/policy to operate in its geographical area.

## **2.0 ELIGIBILITY EXCLUSIONS**

- 2.1** The Government set out a range of categories of businesses that are excluded from receiving CARF funding. These are:
- a) Businesses/ratepayer who for the same period of the relief are or would have been eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS)
  - b) Businesses/ratepayer for periods when their hereditament is unoccupied (other than hereditaments which have become unoccupied temporarily due to the government's advice on COVID-19)
  - c) In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, to a precepting authority, or to a functional body within the meaning of the Greater London Authority Act 1999
  - d) Businesses/ratepayer that have exceeded the Government subsidy limits
  - e) Businesses/ratepayer in administration, liquidation, dissolved, struck off or subject to a striking off notice at the date of award are not eligible for the discretionary CARF scheme
  - f) A business/ratepayer that has entered a Company Voluntary Arrangement (CVA) or Individual Voluntary Arrangement (IVA) during 2020/21 or 2021/22.
  - g) Must not be a public organisation, including government departments, legislative bodies, local government (or local government owned companies), NHS (NHS and Foundation Trusts, practitioners who provide services under contract to the NHS), maintained schools, academy schools and further or higher education, fire and rescue, police, or ambulance service.

**2.2** Full details of the Government guidance can be found at:

<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>

### **3.0 NWLDC Scheme**

**3.1** To be eligible to apply for relief under this main scheme organisations must be a ratepayer liable and occupying a hereditament for business rates in the boundary of North West Leicestershire District Council during the financial year 2021/22 (for a period of a day or more).

**3.2** A ratepayer must not be a business which does not directly employ anyone in respect of the rateable property, for example advertising boards, ATM, telephone masts and unmanned carparks/car spaces. A full list of exempt classifications under the scheme can be found within the full policy in appendix 1.

### **4.0 Relief Awards**

**4.1** The amount of relief awarded will be 14.2% of the 2021/22 charge after all other eligible reliefs have been considered/applied to the business rate account. This is subject to a maximum award per hereditament of £20,000 to ensure that the grant is distributed throughout North West Leicestershire to support as many businesses as possible.

**4.2** All awards of relief will be by a credit against the Business Rates bill. No cash payments will be made. If a business has paid its rates and subsequently gone into credit, due to the awarding of relief, the credit will be allocated to the 2022/23 business rate account.

**4.3** If after processing all applications and awards, there is funding remaining the Council will increase the percentage relief awarded (capped at a maximum 100%) for those properties which have been successful to ensure the government funding is allocated (retaining the £20,000 maximum payment).

### **5.0 Applications and Timelines**

**5.1** Initial modelling of business rate payers in North West Leicestershire indicate that there are a potential 896 individual hereditaments that could be eligible to receive rate relief as part of the Council's CARF scheme.

**5.2** Following an approval in principle of the draft policy by the Council's Chief Executive and Cabinet Portfolio Holder for Corporate the Council was able to initiate the start of the application process. Delaying this initial application process until Cabinet approval would not have enabled the Council sufficient time to open and close the application window and then review qualifying applications to meet the deadline of the end of September for relief awards to be applied. The application window therefore opened on the 1<sup>st</sup> August 2022 and will close on the 31<sup>st</sup> August 2022.

**5.3** It should be noted that no relief awards from the scheme will be applied to accounts or notifications of successful awards be sent until Cabinet have considered the policy and agreed it.

- 5.4** Through the Local Revs and Bens Partnership, the Council has written to all the organisations occupying the 896 hereditaments inviting them to apply for funding from the scheme. The scheme is not open to business rate payers beyond these initial organisations.
- 5.5** The application invite process is no guarantee of award and organisations will need to declare and provide if necessary documentation to prove eligibility and therefore possible access to the fund.
- 5.6** Organisations are asked to apply through the Council's Ascendent IT system and they will be notified of the outcome of their applications in September with reliefs applied to accounts through the Local Revs and Bens Partnership administration process.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	<ul style="list-style-type: none"> <li>- Local people live in high quality, affordable homes</li> <li>- Our communities are safe, healthy and connected</li> </ul>
Policy Considerations:	Existing Business Rate guidance
Safeguarding:	None
Equalities/Diversity:	The scheme attempts to further target support to those businesses not supported in the past.
Customer Impact:	None
Economic and Social Impact:	The CARF scheme will aim to focus those businesses who have not received previous Covid support in line with the Government guidance of the grant award.
Environment and Climate Change:	None
Consultation/Community/Tenant Engagement:	None
Risks:	None - wider that the risk and fraud issues associated with a grants process, which are and will be address in scheme design and future audit processes.
Officer Contact	Mark Walker Head of Finance & Customer Services <a href="mailto:Mark.Walker@nwleicestershire.gov.uk">Mark.Walker@nwleicestershire.gov.uk</a>



## **North West Leicestershire District Council**

### **Covid-19 Additional Relief Fund (CARF) Policy 2021/22**

#### **1. Introduction**

- 1.1. On 25 March 2021, the Government announced plans to provide an additional business rates support package, worth £1.5 billion nationwide, to support businesses in England affected by COVID-19 but not eligible for existing support linked to business rates. North West Leicestershire District Council received an allocation of £3,704,521 in funding.
- 1.2. The Rating (Coronavirus) and Directors Disqualification (Dissolved Companies) Act 2021 received royal assent recently, which provided the legislation for the introduction of Covid-19 Additional Relief Fund (CARF). The Department for Levelling Up, Housing and Communities (DLUHC) issued guidance for the scheme on the 15 December 2021 and payments of the funding allocations were made to Local Authorities at the end of March 2022.
- 1.3. As this is a temporary relief fund for 2021/22, the Government is not changing legislation relating to Business Rates relief available to properties. Instead, the Government will, in line with the eligibility criteria, reimburse Local Authorities where relief is granted using discretionary powers under Section 47 of the Local Government Finance Act 1998.
- 1.4. Although the Government has set national criteria, it recognises that economic need will vary across the country, so wants Local Authorities to exercise their local knowledge and discretion to design a local scheme to operate in its area.
- 1.5. North West Leicestershire District Council will adopt the scheme as set out in this policy document.

#### **2. Scope and eligibility**

- 2.1. The Government guidance provides the Council discretion over the relief scheme, and the Council's decisions regarding the scheme will be final.
- 2.2. Full details of the Government guidance can be found at:

<https://www.gov.uk/government/publications/covid-19-additional-relief-fund-carf-local-authority-guidance>

- 2.3. To be eligible to apply for relief under this main scheme you must be a ratepayer liable and occupying a hereditament for business rates in the boundary of North West Leicestershire District Council during the financial year 2021/22 (for a period of a day or more).
- 2.4. You must also be able to demonstrate that you have been adversely affected by the pandemic (in a way that prevents success and development; harmfully or unfavourably) and have been unable to adequately adapt to that impact.
- 2.5. A ratepayer must not be a business which does not directly employ anyone in respect of the rateable property, for example advertising boards, ATM, telephone masts and unmanned carparks/car spaces. A full list of exempt classifications can be found in appendix 1 of this policy.
- 2.6. The Council also considers that in order to be able to demonstrate that a ratepayer has been adversely affected by the pandemic, it will be necessary for the business to show that it has traded continuously from either the current rateable property or continuously from different properties since before the first lockdown of 23 March 2020.

### **3. Exclusions**

- 3.1. The Government set out a range of categories of businesses that are excluded from receiving CARF funding.
  - a) Businesses/ratepayer who for the same period of the relief are or would have been eligible for the Extended Retail Discount (covering Retail, Hospitality and Leisure), the Nursery Discount or the Airport and Ground Operations Support Scheme (AGOSS)
  - b) Businesses/ratepayer for periods when their hereditament is unoccupied (other than hereditaments which have become unoccupied temporarily due to the government's advice on COVID-19)
  - c) In line with the legal restrictions in section 47(8A) of the Local Government Finance Act 1988, billing authorities may not grant the discount to themselves, to a precepting authority, or to a functional body within the meaning of the Greater London Authority Act 1999
  - d) Businesses/ratepayer outside the North West Leicestershire District Council boundary
  - e) Businesses/ratepayer that have exceeded the Government subsidy limits
  - f) Businesses/ratepayer in administration, liquidation, dissolved, struck off or subject to a striking off notice at the date of award are not eligible for the discretionary CARF scheme

- g) A business/ratepayer that has entered a Company Voluntary Arrangement (CVA) or Individual Voluntary Arrangement (IVA) during 2020/21 or 2021/22.
- h) Must not be a public organisation, including government departments, legislative bodies, local government (or local government owned companies), NHS (NHS and Foundation Trusts, practitioners who provide services under contract to the NHS), maintained schools, academy schools and further or higher education, fire and rescue, police, or ambulance service.
- i) A full list of excluded hereditaments types can be found in appendix A.
- j) Businesses that occupy premises that are not contained in the Business Rate rating list.

#### **4. Evidence Required**

- 4.1. To be considered for this relief, the Council will require businesses to provide a statement and any supporting evidence demonstrating how the business has been adversely affected by the pandemic and that they have been unable to adapt adequately to the impact.
- 4.2. Since the CARF is a financial relief scheme, the Council has determined that the test applied will relate to an adverse financial effect.
- 4.3. The impact will be assessed from the change in turnover from 2019/20 to 2020/21, the figures for which will need to be provided via the application form and validated by an accountant's confirmation or audited accounts filed at Companies House.
- 4.4. If businesses are unable to provide satisfactory evidence, your application will not be considered.

#### **5. Application Process**

- 5.1. The electronic form, one per hereditament, will be required to be completed, which will include a self-assessment declaration along with all the required evidence.
- 5.2. No paper applications will be made available or considered.
- 5.3. The application window will open 01/08/2022 and close midnight on 31/08/2022. This will be followed by an assessment period that will be completed as soon as practically possible.

- 5.4. As a condition of relief being awarded, businesses will need to sign a declaration stating that: they are eligible for the relief scheme; have been adversely affected by the pandemic and that they have been unable to adapt adequately; the information provided on their application form is true and accurate; they are fully compliant with the subsidy allowance limits; as well as giving the Council the permission to share data to check such compliance and that the other scheme conditions are complied with.

## **6. Application evidence**

- 6.1. Applicants will need to provide:

- a) Business rates reference number
- b) Unique identifier, such as company registration number
- c) Declaration of turnover figures for 2019/20 and 2020/21 from your accountant (or equivalent) confirming these and/or copies of audited accounts filed at Companies House. Estimated figures for 2020/21 can be stated if the actual figure is not available at the time of the application.
- d) Confirmation of Subsidy Allowance compliance and details (type and amount) of any subsidy received.
- e) Declaration that the businesses/ratepayer is not in administration, liquidation, dissolved, struck off or subject to a striking off notice at the date of award.
- f) Declaration that the business/ratepayer has not entered a Company Voluntary Arrangement (CVA) or Individual Voluntary Arrangement (IVA) during 2020/21 or 2021/22.

## **7. Amount of Relief**

- 7.1. The amount of relief awarded will be 14.2% of the 2021/22 charge after all other eligible reliefs have been considered/applied to the account. This is subject to a maximum award per hereditament of £20,000.
- 7.2. All awards of relief will be by a credit against the Business Rates bill. No cash payments will be made. If a business has paid its rates and subsequently gone into credit, due to the awarding of relief, the credit will be allocated to the 2022/23 business rates.

- 7.3. The Council reserves the right to close or vary the terms of the policy at any time, and without notice, should it be necessary to do so (for instance if the schemes are fully subscribed).
- 7.4. If after processing all applications and awards, there is funding remaining the Council will increase the percentage relief awarded (capped at a maximum 100%) for those properties which have been successful to ensure the government funding is allocated (retaining the £20,000 maximum payment).
- 7.5. Valuation Office Agency changes to the rateable value of a premises made after the award of CARF will be disregarded for the purposes of this award.

## **8. Subsidy Control**

- 8.1. There is a requirement for all relief made under this policy to comply with Subsidy Allowance guidelines. Further Government guidance is available at:

[Guidance on the UK's international subsidy control commitments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/guidance-on-the-uk-s-international-subsidy-control-commitments)

The BEIS guidance for public authorities explains the subsidies chapter of the UK-EU Trade and Cooperation Agreement (TCA), World Trade Organisation rules on subsidies, and other international subsidy control commitments

## **9. Duration of awards**

- 9.1. The award of the relief will be made for a one-off fixed period ending on 31 March 2022.

## **10. Managing the risk of fraud**

- 10.1. Neither the Council, nor the Government will accept deliberate manipulation of the scheme of fraud. Any application caught falsifying information to gain relief will face prosecution and any funding will be recovered from them through appropriate measures the Council sees fit.
- 10.2. All information is subject to internal and external audit check, as well as Government body check.

## **11. Data Protection and use of data**

- 11.1. All information and data provided by application shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available to view on the Council's website.

## **12. Right of appeal**

- 12.1. There is no statutory right of appeal against a decision made by the Council in respect of discretionary Covid-19 Additional Relief Fund (CARF) policy. However, the Council will in keeping with good practice review the decision if the ratepayer is dissatisfied with the outcome, only if sufficient funding is available under this scheme. This review will be carried out independently by the Strategic Director for Housing and Corporate in consultation with the Council's Section 151 Officer.
- 12.2. If an unsuccessful applicant decides to request a review, they will still need to continue to pay their rates bill. Once the review has been conducted, the ratepayer will be informed in writing whether the original decision has been revised or upheld. Notification of the decision will be made within 28 days, or as soon as reasonably practicable.
- 12.3. The right of appeal process does not affect a ratepayer's legal right to challenge the decision by way of a judicial review.

## Appendix A

Appendix A provides a full list of excluded hereditaments. These are hereditaments that a ratepayer does not directly employ anyone in respect of the rateable property and/or hereditaments that the Councils CARF policy does not support. List of classifications:

ADVERTISING RIGHT AND PREMISES  
BANK AND PREMISES  
BUILDERS SITE COMPOUND  
Bureau de Change  
Car Parking Space and Premises  
CHIRPRACTORS SURGERY  
COMMUNICATION STATION AND PREMISES  
Contractors Huts & Premises  
CONTRACTORS HUTS AND COMPOUND  
CONTRACTORS SITE OFFICES  
DENTAL SURGERY & PREMISES  
DENTIST PRACTICE  
ELECTRICITY GENERATING PLANT AND PREMISES  
FLIGHT SIMULATOR BLOCK AND PREMISES  
GARAGE AND PREMISES  
HANGAR AND PREMISES  
HEALTH CENTRE AND PREMISES  
Independent Distribution Network Operator  
Independent Gas Transporter  
Land Used for Storage, Offices and Premises  
LAND USED FOR WASTE COMPOSTING  
Lorry Park and Premises  
OIL STORAGE DEPOT AND PREMISES  
PHOTOVOLTAIC INSTALLATION AND PREMISES  
QUARRY AND PREMISES  
Rail Freight Terminal and Premises  
RAIL FREIGHT TERMINAL & PREMISES  
ROAD HAULAGE DEPOT, OFFICE AND PREMISES  
SCRAPYARD AND PREMISES  
Showhome & Sales Office & Premises  
Showhouse & Premises  
SITE COMPOUND & PREMISES  
SITE COMPOUND AND HUTS  
SITE HUT AND PREMISES  
STORAGE DEPOT AND PREMISES  
Tipping Site and Premises  
WASTE TRANSFER STATION AND PREMISES  
WEATHER STATION



WIND TURBINE AND PREMISES

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 20 SEPTEMBER 2022



<b>Title of Report</b>	<b>ANNUAL REVIEW OF CORPORATE GOVERNANCE POLICIES</b>	
<b>Presented by</b>	Councillor Nick Rushton Corporate Portfolio Holder	
<b>Background Papers</b>	<a href="#">Audit and Governance Committee report and minutes – 27 July 2022</a>	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	The update of policies will protect the Council's finances.	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	The update of policies will ensure compliance with current legislation.	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	Any staffing or corporate implications are detailed in the policies.	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To seek Cabinet's comments on the Council's Revised Governance Policies.	
<b>Reason for Decision</b>	To ensure that the Council has an up to date suite of governance policies in place reflecting the law and best practice.	
<b>Recommendations</b>	<b>THAT CABINET:</b>  <b>1. NOTES THE COMMENTS FROM THE AUDIT AND GOVERNANCE COMMITTEE MADE AT ITS MEETING ON THE 27 JULY 2022</b>  <b>2. APPROVES THE CORPORATE GOVERNANCE POLICES LISTED IN PARAGRAPH 2.</b>	

**1.0 BACKGROUND**

- 1.1 The Council is responsible for ensuring that its business is conducted in accordance with the law and appropriate standards. In discharging this responsibility, the Council has in place arrangements for governance of its affairs and staff.

1.2 The following documents constitute the Council's suite of Corporate policies:

<b>Policy</b>	<b>Last Reviewed</b>
Anti-Fraud and Corruption Policy	2021
Anti-Money Laundering Policy	2021
Confidential Reporting (Whistleblowing Policy)	2021
Risk Management Policy	2021
RIPA Policy	2021
Information Management Policy	2021
Data Protection Policy	2021
ICT & Cyber Security Policy	2021
Local Code of Corporate Governance	2021

## **2.0 POLICY REVIEW**

2.1 The policies have been reviewed by a team comprising Legal Services, Internal Audit, ICT, the Monitoring Officer, the Strategic Director of Housing and Customer Services, the Data Protection Officer and the Section 151 Officer.

The main changes to each policy are summarised below:

### **2.2 Anti-Fraud and Corruption Policy**

There have been no changes in legislation that affect this Policy since the previous review, therefore, only minimum amendments have been made, namely, the updated officer details.

### **2.3 Anti-Money Laundering Policy**

There have been no changes in legislation that affect this Policy since the previous review, therefore, only minimum amendments have been made, namely, the updated officer details.

### **2.4 Confidential Reporting (Whistleblowing Policy)**

There have been no changes in legislation that affect this Policy since the previous review, therefore, only minimum amendments have been made, namely, the updated officer details.

### **2.5 Risk Management Policy**

The Policy remains substantively unchanged. Minor updates to reflect current practise have been made. Following the audit earlier in 2022 which was agreed by Audit and Governance Committee, the outstanding actions regarding risk appetite, tolerance and detailing roles of particular officers have been added in the form of a new section 5 and additional detail to the annex to the policy.

### **2.6 RIPA Policy**

There have been no changes to this Policy.

## 2.7 Information Management Policy

There have been no changes to this Policy.

## 2.8 Data Protection Policy

There have been no changes to this Policy.

## 2.9 ICT & Cyber Security Policy

There have been no changes to this Policy.

## 2.10 Local Code of Corporate Governance

The table in section 1.3 has been updated to reflect the current Chartered Institute of Public Finance and Accountancy (CIPFA) guidance. Only presentational changes have been made to the narrative in terms of format and colours.

Section 1.7. has been included and references the Nolan Principles regarding standards in public life. These are the same seven principles on which the Code is based, however, the previous version did not include any reference to Nolan. A link to the Government website has also been incorporated for reference.

## 3.0 **COMMENTS FROM AUDIT AND GOVERNANCE COMMITTEE**

3.1 This Report along with the appended policies were presented to the Audit and Governance Committee on the 27 July 2022. The minutes of this Committee can be found by following the link in the background papers.

3.2 The Audit and Governance Committee did not propose any amendments to the policies and resolved that they be noted ahead of consideration by Cabinet.

## 4.0 **FINANCIAL IMPLICATIONS**

4.1 There are no direct financial implications as a result of the review of these corporate policies.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Our communities are safe, healthy and connected.
Policy Considerations:	All those detailed within this report.
Safeguarding:	Whistleblowing, surveillance using Regulation of Investigatory Powers Act (RIPA) and Protecting people's data are both considered to be safeguarding our communities.
Equalities/Diversity:	The opportunity for whistleblowing helps to ensure any risk of inequality or lack of diversity can be highlighted.
Customer Impact:	Anti-fraud, anti-money laundering and corruption

	will protect the customer from financial impact.
Economic and Social Impact:	Anti-fraud, anti-money laundering and corruption will protect the customer from economic impact.
Environment and Climate Change:	N/A
Consultation/Community/Tenant Engagement:	N/A
Risks:	Risk Management Policy.
Officer Contact	Mark Walker Head of Finance <a href="mailto:MARK.WALKER@nwleicestershire.gov.uk">MARK.WALKER@nwleicestershire.gov.uk</a>

# ANTI-FRAUD AND CORRUPTION POLICY

**A guide to the Council's approach to preventing fraud and corruption and managing suspected cases**

## Version Control

Version No.	Author	Date
2.1	Anna Wright, Senior Auditor	September 2015
2.2	Lisa Marron, Audit Manager	October 2019
2.3	Kerry Beavis, Senior Auditor	May 2020
2.4	Kerry Beavis, Senior Auditor	June 2021
2.5	Kerry Beavis, Audit Manager	June 2022

**Version 2.5  
June 2022**

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# ANTI-FRAUD AND CORRUPTION POLICY

## 1. INTRODUCTION

- 1.1 North West Leicestershire District Council has a duty to ensure that it safeguards the public money that it is responsible for. The Council expects the highest standards of conduct and integrity from all that have dealings with it including staff, members, contractors, volunteers and the public. It is committed to the elimination of fraud and corruption and to ensuring that all activities are conducted ethically, honestly and to the highest standard of openness and accountability so as to protect public safety and public money.
- 1.2 All suspicions or concerns of fraudulent or corrupt practise will be investigated. There will be no distinction made in investigation and action between cases that generate financial benefits and those that do not. Any investigations will not compromise the Council's commitment to Equal Opportunities or the requirements of the Human Rights Act or any other relevant statutory provision.

## 2. SCOPE

- 2.1 This policy provides an overview of the measures designed to combat any attempted fraudulent or corrupt act, whether attempted internally or externally. The policy is designed to:
- encourage prevention;
  - promote detection;
  - ensure effective investigation where suspected fraud or corruption has occurred;
  - prosecute offenders where appropriate; and
  - recover losses in all instances of fraud or financial irregularity where possible.

## 3. DEFINITIONS

### 3.1 Fraud

The Fraud Act 2006 is legislation that has been introduced in order to provide absolute clarity on the subject of fraud. Section 1 of the Act introduced a new general offence of fraud and three ways of committing it:

- fraud by false representation;
- fraud by failing to disclose information; and
- fraud by abuse of position.

Fraud by false representation requires:

- dishonesty;
- an intent to make gain or cause loss; and
- the person makes the representation knowing that it is or might be untrue or misleading.

Fraud by failing to disclose information requires:

- dishonesty;
- an intent to make gain or cause loss; and

- failure to disclose information where there is a legal duty to disclose.

Fraud by abuse of position requires:

- dishonesty;
- an intent to make gain or cause loss; and
- abuse of a position where one is expected to safeguard another person's financial interests.

### 3.2 Corruption

Corruption is a form of dishonesty or criminal activity undertaken by a person or organisation entrusted with a position of authority, often to acquire illicit benefit.

### 3.3 Bribery

Broadly the Bribery Act 2010 defines bribery as giving or receiving a financial or other advantage in connection with the "improper performance" of a position of trust, or a function that is expected to be performed impartially or in good faith.

### 3.4 Money Laundering

Money laundering describes offences involving the integration of the proceeds of crime, or terrorist funds, into the mainstream economy. Whilst the risk of money laundering to the Council is relatively low and the provision of The Money Laundering Regulations 2007 do not strictly apply to the Council, the Council has adopted an Anti Money Laundering policy as good practice. This policy supports staff in complying with the money laundering provisions included within the Proceeds of Crime Act 2002 and the Terrorism Act 2000.

## 4. **CULTURE**

- 4.1 We have determined that the culture and tone of the organisation will be one of honesty and opposition to fraud and corruption. We will not tolerate malpractice or wrongdoing in the provision of our services and are prepared to take vigorous action to stamp out any instances of this kind of activity. The fight against fraud and corruption can only be truly effective where these acts are seen as anti-social unacceptable behaviour and whistle blowing is perceived as a public-spirited action.
- 4.2 The prevention/detection of fraud/corruption and the protection of public money are responsibilities of everyone, both internal and external to the organisation. The Council's elected members and employees play an important role in creating and maintaining this culture. They are positively encouraged to raise concerns regarding fraud and corruption, immaterial of seniority, rank or status, in the knowledge that such concerns will wherever possible be treated in confidence. The public also has a role to play in this process and should inform the Council if they feel that fraud/corruption may have occurred. The Nolan Committee on Standards in Public Life set out the seven guiding principles (Appendix A) that apply to people who serve the public.
- 4.3 Concerns must be raised when members, employees or the public reasonably believe that one or more of the following has occurred or is in the process of occurring or is likely to occur:
- a criminal offence;
  - a failure to comply with a statutory or legal obligation;
  - improper or unauthorised use of public or other official funds;
  - a miscarriage of justice;
  - maladministration, misconduct or malpractice;

- endangering an individual's health and/or safety;
  - damage to the environment; and
  - deliberate concealment of any of the above.
- 4.4 The Council will ensure that any allegations received in any way, including by anonymous letter or telephone call, will be taken seriously and investigated in an appropriate manner. The Council has a [Confidential Report \(Whistleblowing\) policy](#) that sets out the approach to these types of allegation in more detail.
- 4.5 The Council will take action against those who defraud the Council or who are corrupt or where there has been financial malpractice. There is, of course, a need to ensure that any investigation process is not misused and, therefore, any abuse (such as employees raising malicious allegations) may be dealt with as a disciplinary matter.
- 4.6 Where fraud or corruption has occurred due to a breakdown in the Council's systems or procedures, the Head of Service will ensure that appropriate improvements in systems of control are implemented in order to prevent re- occurrence.

## **5. RESPONSIBILITIES**

### **5.1 Responsibilities of Elected Members**

As elected representatives, all members of the Council have a duty to protect the Council and public money from any acts of fraud and corruption. This is done through existing practice, compliance with the Members' Code of Conduct, the Council's Constitution including Financial Regulations and Standing Orders and relevant legislation.

### **5.2 Responsibilities of the Monitoring Officer**

The Monitoring Officer is responsible for ensuring that all decisions made by the Council are within the law. The Monitoring Officer's key role is to promote and maintain high standards of conduct throughout the Council by developing, enforcing and reporting appropriate governance arrangements including codes of conduct and other standards policies.

### **5.3 Responsibilities of the Section 151 Officer**

The Head of Finance has been designated as the statutory officer responsible for financial matters as defined by s151 of the Local Government Act 1972. The legislation requires that every local authority in England and Wales should 'make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has the responsibility for the administration of those affairs'.

Under the Head of Finance's responsibilities, 'proper administration' encompasses all aspects of local authority financial management including:

- compliance with the statutory requirements for accounting and internal audit;
- managing the financial affairs of the Council;
- the proper exercise of a wide range of delegated powers both formal and informal;
- the recognition of the fiduciary responsibility owed to local tax payers.

Under these statutory responsibilities the Section 151 Officer contributes to the antifraud and corruption framework of the Council.

#### 5.4 Responsibilities of Employees

Each employee is governed in their work by the Council's Standing Orders and Financial Regulations, and other codes on conduct and policies (Employee Code of Conduct, Health and Safety Policy, ICT and Cyber Security Policy). Included in the Employee Code of Conduct are guidelines on Gifts and Hospitality, and advice on professional and personal conduct and conflicts of interest. These are issued to all employees when they join the Council. Appropriate disciplinary procedures will be invoked where there is a breach of policy.

Employees are responsible for ensuring that they follow instructions given to them by management, particularly in relation to the safekeeping of the assets of the Council.

Employees are expected always to be aware of the possibility that fraud, corruption and theft may exist in the workplace and be able to share their concerns with management.

#### 5.5 Role of the Leicestershire Revenues and Benefits Partnership Fraud Investigation Team

The Fraud Team based at the Leicestershire Revenues and Benefits Partnership are responsible for the investigation of all revenues and benefit related alleged/suspected fraud cases. Due to the specialised nature of these investigations, a separate sanctions policy has been developed that covers all aspects of the investigation process.

#### 5.6 Role of the External Auditors

Independent external audit is an essential safeguard of the stewardship of public money. This is currently carried out by Mazars LLP through specific reviews that are designed to test (amongst other things) the adequacy of the Council's financial systems and arrangements for preventing and detecting fraud and corruption. It is not the external auditor's function to prevent fraud and irregularities, but the integrity of public funds is at all times a matter of general concern. External auditors are always alert to the possibility of fraud and irregularity, and will act without undue delay if grounds for suspicion come to their notice.

#### 5.7 Role of the Public

This policy, although primarily aimed at those within or associated with the Council, enables concerns raised by the public to be investigated, as appropriate, by the relevant person in a proper manner.

#### 5.8 Conflicts of Interest

Both elected members and employees must ensure that they avoid situations where there is a potential for a conflict of interest. Such situations can arise with externalisation of services, internal tendering, planning and land issues etc. Effective role separation will ensure decisions made are seen to be based on impartial advice and avoid questions about improper disclosure of confidential information.

## **6. PREVENTION AND DETERRENCE**

### **6.1 Responsibilities of the Senior Management Team**

Managers at all levels are responsible for the communication and implementation of this policy. They are also responsible for ensuring that their employees are aware of the Council's policies and procedures relating to financial management and conduct and that the requirements are being met. Managers are expected to create an environment in which their staff feel able to approach them with any concerns they may have about suspected irregularities. Special arrangements may be applied from time to time for example where employees are responsible for cash handling or are in charge of financial systems and systems that generate payments, for example payroll or the Council Tax system. These procedures should be supported by relevant training.

Management has responsibility for the prevention of fraud and corruption within all departments. It is essential that managers understand the importance of soundly designed systems which meet key control objectives and minimise opportunities for fraud and corruption. They are responsible for assessing the potential for fraud and corruption within their own department's activities and for implementing appropriate strategies to minimise this risk.

The Council recognises that a key preventative measure in dealing with fraud and corruption is for managers to take effective steps at recruitment stage to establish, as far as possible, the honesty and integrity of potential employees, whether for permanent, temporary or casual posts and agency staff. The Council's formal recruitment procedures contain appropriate safeguards in the form of written references, the verification of qualifications held and employment history. Disclosure and Barring Service (DBS) checks are undertaken for employees working with or who may have contact with children and vulnerable adults.

### **6.2 Role of Internal Audit**

Internal Audit plays a preventative role in trying to ensure that systems and procedures are in place to prevent and deter fraud and corruption. Internal Audit may be requested to investigate cases of suspected financial irregularity, fraud or corruption, except Benefit fraud investigations and Single Person Discount fraud, in accordance with agreed procedures. Within the Financial Procedures Rules in the Constitution, representatives of Internal Audit have the authority to:

- enter any Council owned or occupied premises or land at all times (subject to any legal restrictions outside the Council's control);
- have access at all times to the Council's records, documents and correspondence;
- require and receive such explanations from any employee or member of the Council as he or she deem necessary concerning any matter under examination; and
- require any employee or member of the Council to produce cash, stores or any other Council owned property under their control.

Internal Audit liaises with management to recommend changes in procedures to reduce risks and prevent losses to the Authority.

### **6.3 Working with Others and Sharing Information**

The Council is committed to working and co-operating with other organisations to prevent fraud and corruption and protect public funds. The Council may use personal

information and data-matching techniques to detect and prevent fraud, and ensure public money is targeted and spent in the most appropriate and cost-effective way. In order to achieve this, information may be shared with other bodies for auditing or administering public funds including the Cabinet Office, the Department of Work and Pensions, other local authorities, National Anti-Fraud Network, HM Revenues and Customs, and the Police.

#### 6.4 National Fraud Initiative (NFI)

The Council participates in the National Fraud Initiative (NFI). This requires public bodies to submit a number of data sets, for example payroll, Council Tax, and accounts payable (but not limited to these) which is then matched to data held by other public bodies. Any positive matches (e.g. an employee on the payroll in receipt of housing benefit) are investigated.

#### 6.5 Data Sharing

In the interests of protecting the public purse and the prevention and detection of fraud, members of staff are actively encouraged to report any instances of fraud. We have published fair processing notices on our website and also display this information in our public areas, notifying members of the public that we will share information held between departments and other third party organisations as appropriate in order to prevent and detect crime.

#### 6.6 Training and Awareness

The successful prevention of fraud is dependent on risk awareness, the effectiveness of training and the responsiveness of staff throughout the Council. The Council recognises that the continuing success of this policy and its general credibility will depend in part on the effectiveness of training and awareness for members and employees and will therefore take appropriate action to raise awareness levels.

#### 6.7 Disciplinary Action

The Council's Disciplinary Procedures will be used to facilitate a thorough investigation of any allegations of improper behaviour by employees. Theft, fraud and corruption are serious offences which may constitute gross misconduct against the Council and employees will face disciplinary action if there is evidence that they have been involved in these activities, including benefit fraud. Disciplinary action will be taken in addition to, or instead of, criminal proceedings depending on the circumstances of each individual case.

Members will face appropriate action under this policy if they are found to have been involved in theft, fraud or corruption against the Authority. Action will be taken in addition to, or instead of criminal proceedings, depending on the circumstances of each individual case but in a consistent manner. If the matter is a breach of the Members' Code of Conduct then it will be dealt with under the arrangements agreed by the Council in accordance with the Localism Act 2011.

#### 6.8 Prosecution

In terms of proceedings the Council will endeavour to take action in relevant cases to deter others from committing offences against the Authority. Any prosecution will be in accordance with the principles contained within The Code for Crown Prosecutors.

## 6.9 Publicity

The Council will optimise the publicity opportunities associated with anti-fraud and corruption activity within the Council. Wherever possible, where the Council has suffered a financial loss action will be taken to pursue the recovery of the loss.

All anti-fraud and corruption activities, including the update of this policy, will be publicised in order to make employees and the public aware of the Council's commitment to taking action on fraud and corruption when it occurs.

## 7. **DETECTION AND INVESTIGATION**

7.1 Although audits may detect fraud and corruption as a result of the work that they are undertaking, the responsibility of the detection of financial irregularities primarily rests with management. Included within the audit plans are reviews of system controls including financial controls and specific fraud and corruption tests, spot checks and unannounced visits.

In addition to Internal Audit, there are numerous systems and management controls in place to deter fraud and corruption but it is often the vigilance of employees and members of the public that aids detection. In some cases frauds are discovered by chance or 'tip-off' and the Council will ensure that such information is properly dealt with within its Confidential Reporting (Whistleblowing) policy.

The Council is committed to the investigation of all instances of actual, attempted and suspected fraud committed by employees, members, consultants, suppliers and other third parties and the recovery of funds and assets lost through fraud.

Any suspected fraud, corruption or other irregularity should be reported to Internal Audit. The Audit Manager will decide on the appropriate course of action to ensure that any investigation is carried out in accordance with Council policies and procedures, key investigation legislation and best practice. This will ensure that investigations do not jeopardise any potential disciplinary action or criminal sanctions.

Action could include:

- investigation carried out by Internal Audit staff;
- joint investigation with Internal Audit and relevant directorate management;
- directorate staff carry out investigation and Internal Audit provide advice and guidance;
- referral to the Police.

The responsibility for investigating potential fraud, corruption and other financial irregularities within the Council lies mainly (although not exclusively) with the Internal Audit section.

## 8. RAISING CONCERNS

8.1 All suspected or apparent fraud or financial irregularities must be raised, in the first instance, directly with the manager or if necessary in accordance with the Council's [Confidential Reporting \(Whistleblowing\) Policy](#). Advice and guidance on how to pursue matters of concern may be obtained from the Council's nominated contact points who are:

- Chief Executive: [Allison.thomas@nwleicestershire.gov.uk](mailto:Allison.thomas@nwleicestershire.gov.uk)  
Telephone 01530 454500
- Monitoring Officer: [elizabeth.warhurst@nwleicestershire.gov.uk](mailto:elizabeth.warhurst@nwleicestershire.gov.uk)  
Telephone 01530 454762
- Section 151 Officer: [mark.walker@nwleicestershire.gov.uk](mailto:mark.walker@nwleicestershire.gov.uk)  
Telephone 01530 454707
- Audit Manager: [kerry.beavis@nwleicestershire.gov.uk](mailto:kerry.beavis@nwleicestershire.gov.uk)  
Telephone 01530 454728

## 9. Review

9.1 This policy will be reviewed annually or if legislation changes if this is sooner,

## APPENDIX A

### THE SEVEN PRINCIPLES OF PUBLIC LIFE

#### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

#### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisation that might influence them in the performance of their official duties.

#### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

#### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

#### **Openness**

Holders of public office should be as open as possible about all the decisions and action that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

#### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

#### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

*Committee on Standards in Public Life - The Nolan Report (1995)*

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# ANTI-MONEY LAUNDERING POLICY

**A guide to the Council's anti-money  
laundering safeguards and reporting  
arrangements**

## Version Control

Version No.	Author	Date
2.1	Anna Wright, Senior Manager	September 2015
2.2	Kerry Beavis, Senior Auditor	May 2020
2.3	Kerry Beavis, Senior Auditor	June 2021
2.4	Kerry Beavis, Audit Manager	June 2022

**Version 2.4  
June 2022**

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# ANTI-MONEY LAUNDERING POLICY

## 1. INTRODUCTION

- 1.1 The Council is committed to the highest possible standards of conduct and has, therefore, put in place appropriate and proportionate anti-money laundering safeguards and reporting arrangements. Although local authorities are not directly covered by the requirements of the Money Laundering and Terrorist Financing (Amendment) Regulations 2019, they are bound by the Proceeds of Crime Act 2002 and the Terrorism Act 2006, both of which place a number of duties and responsibilities on local authorities and employees and members of the same, in order that they do not find themselves subject to criminal prosecution.

## 2. SCOPE OF THE POLICY

- 2.1 This policy applies to all employees, whether permanent or temporary, and members of the Council. Its aim is to enable employees and members to respond to a concern they have in the course of their dealings for the Council. Individuals who may have a concern relating to a matter outside work should contact the Police.

## 3. DEFINITION OF MONEY LAUNDERING

- 3.1 Money laundering is a term designed to cover a number of offences. These offences relate to the improper handling of funds that are the proceeds of criminal acts, or terrorist acts, so that they appear to come from a legitimate source. It relates to both the activities of organised crime but also to those who benefit financially from dishonest activities such as receiving stolen goods. The Proceeds of Crime Act 2002 (POCA), as amended by the Serious Organised Crime and Police Act 2005, creates a range of criminal offences arising from dealing with proceeds of crime.

The four main offences that may be committed under money laundering legislation are:

- concealing, disguising, converting, transferring or removing criminal property from anywhere in the UK;
- entering into or becoming concerned in an arrangement which a person knows, or suspects facilitates, the acquisition, retention, use or control of criminal property by or on behalf of another person;
- acquiring, using or possessing criminal property\*;
- entering into or being concerned in an arrangement which facilitates the retention or control by or on behalf of another person of terrorist property \*\* by concealment, removal, transfer or in any other way.

It is also an offence to attempt, conspire or incite to commit any of the above offences and to aid, abet, counsel, or procure the commission of any of the above offences.

\* Criminal property is something which constitutes a person's benefit from criminal conduct or represents such benefit; it is not limited to money and there is no minimum amount.

\*\* Terrorist property includes money or other property likely to be used for terrorism, proceeds of terrorist acts, and proceeds of acts carried out for the purposes of terrorism.

There are also two 'third party' offences:

- failing to disclose information relating to money laundering offences (in respect of both criminal property and terrorist property) where there is reasonable grounds for knowledge or suspicion \*\*\*; and,
- tipping off or informing someone who is, or is suspected of, being involved in money laundering activities, in such a way as to reduce the likelihood of or prejudice an investigation.

\*\*\* It is important to note that whilst the disclosure obligations and tipping off offences in relation to criminal property will not always strictly apply to local authorities all individuals and businesses have an obligation to report knowledge, reasonable grounds for belief or suspicion about the proceeds from terrorism, proceeds of acts carried out for the purposes of terrorism or likely to be used for terrorism, where that information has come to them in the course of their business or employment.

3.2 The Terrorism Act made it an offence of money laundering to become concerned in an arrangement relating to the retention or control of property likely to be used for the purpose of terrorism or resulting from acts of terrorism.

3.3 Although the term 'money laundering' is generally used to describe the activities of organised crime for most people it will involve a suspicion that someone they know, or know of, is benefiting financially from dishonest activities.

3.4 Potentially very heavy penalties (unlimited fines and imprisonment up to fourteen years) can be handed down to those who are convicted of one of the offences above.

#### **4. REQUIREMENTS OF THE MONEY LAUNDERING LEGISLATION**

4.1 The main requirements of the legislation are:

- to appoint a money laundering reporting officer;
- maintain client identification procedures in certain circumstances;
- implement a procedure to enable the reporting of suspicions of money laundering;
- maintain record keeping procedures.

#### **5. THE MONEY LAUNDERING REPORTING OFFICER (MLRO)**

5.1 The Council has designated the Section 151 Officer as the Money Laundering Reporting Officer (MLRO). He can be contacted on 01530 454707 or at [mark.walker@nwleicestershire.gov.uk](mailto:mark.walker@nwleicestershire.gov.uk).

In the absence of the MLRO or instances where it is suspected that the MLRO themselves are involved in suspicious transactions, concerns should be raised with the Deputy Section 151 Officer. She can be contacted on 01530 454492 or at [anna.crouch@nwleicestershire.gov.uk](mailto:anna.crouch@nwleicestershire.gov.uk).

## **6. CLIENT IDENTIFICATION PROCEDURES**

- 6.1 Although not a legal requirement, the Council has developed formal client identification procedures which must be followed when Council land or property is being sold. These procedures require individuals and, if appropriate, companies to provide proof of identity and current address.

If satisfactory evidence is not obtained at the outset of a matter, then the transaction must not be progressed and a disclosure report, available on the intranet, must be submitted to the Money Laundering Reporting Officer.

All personal data collected must be kept in compliance with the Data Protection Act 2018.

## **7. REPORTING PROCEDURE FOR SUSPICIONS OF MONEY LAUNDERING**

- 7.1 Where you know or suspect that money laundering activity is taking/has taken place or become concerned that your involvement in a matter may amount to a prohibited act under the Act, you must disclose this as soon as practicable to the MLRO. The disclosure should be within 'hours' of the information coming to your attention, not weeks or months.

- 7.2 Your disclosure should be made to the MLRO using the disclosure form, available on the intranet.

The report must include as much detail as possible including:

- full details of the person involved;
- full details of the nature of their/your involvement;
- the types of money laundering activity involved;
- the dates of such activities;
- whether the transactions have happened, are ongoing or are imminent;
- where they took place;
- how they are undertaken;
- the (likely) amount of money/assets involved; and
- why, exactly, you are suspicious.

Along with any other available information to enable the MLRO to make a sound judgement as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable them to prepare their report to the National Crime Agency (NCA), where appropriate. You should also enclose copies of any relevant supporting documentation.

- 7.3 If you are concerned that your involvement in the transaction would amount to a prohibited act under sections 327-329 of the Proceeds of Crime Act 2002, then your report must include all relevant details, as you will need consent from the NCA, via the MLRO, to take any further part in the transaction – this is the case even if the client gives instructions for the matter to proceed before such consent is given. You should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline.

- 7.4 Once you have reported the matter to the MLRO you must follow any directions they may give you. You must NOT make any further enquiries into the matter yourself, any necessary investigation will be undertaken by the NCA. Simply report your suspicions to the MLRO who will refer the matter on to the NCA if appropriate. All members of staff will be required to co-operate with the MLRO and the authorities during any subsequent money laundering investigation.
- 7.5 Similarly, at no time and under no circumstances should you voice any suspicions to the person(s) whom you suspect of money laundering, even if the NCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise, you may commit a criminal offence of 'tipping off'.
- 7.6 Do not, therefore, make any reference on a client file, to a report having been made to the MLRO - should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render you liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

## **8. CONSIDERATION OF THE DISCLOSURE BY THE MONEY LAUNDERING REPORTING OFFICER**

- 8.1 Upon receipt of a disclosure report, the MLRO must note the date of receipt on their section of the report and acknowledge receipt of it. They should also advise you of the timescale within which they expect to respond to you.
- 8.2 The MLRO will consider the report and any other available internal information they think is relevant, e.g.
- reviewing other transaction patterns and volumes;
  - the length of any business relationship involved;
  - the number of any one-off transactions and linked one-off transactions;
  - any identification evidence held;

and undertake such other reasonable enquiries they think appropriate in order to ensure that all available information is taken into account in deciding whether a report to the NCA is required (such enquiries being made in such a way as to avoid any appearance of tipping of those involved). The MLRO may also need to discuss the report with you.

- 8.3 Once the MLRO has evaluated the disclosure report and any other relevant information, they must make a timely determination as to whether:
- there is an actual or suspected money laundering taking place; or
  - whether there are reasonable grounds to know or suspect that this is the case; and
  - whether they need to seek consent from the NCA for a particular transaction to proceed.
- 8.4 Where the MLRO does so conclude, then they must disclose the matter as soon as practicable to the NCA on their standard report form and in the prescribed manner, unless they has a reasonable excuse of non-disclosure to the NCA (for example, if you are a lawyer and you wish to claim legal professional privilege for not disclosing the information).

- 8.5 Where the MLRO suspects money laundering but has a reasonable excuse for nondisclosure, then they must note the report accordingly, they can then immediately give their consent for any ongoing or imminent transactions to proceed. In cases where legal professional privilege may apply, the MLRO must liaise with the Council's Monitoring Officer to decide whether there is a reasonable excuse for not reporting the matter to the NCA.
- 8.6 Where consent is required from the NCA for a transaction to proceed, then the transaction(s) in question, must not be undertaken or completed until the NCA has given specific consent, or there is deemed consent through the expiration of the relevant time limits in which the NCA must respond, and no response has been received.
- 8.7 Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then they shall mark the report accordingly and give their consent for any ongoing or imminent transaction(s) to proceed.
- 8.8 All disclosure reports referred to the MLRO and reports made by them to the NCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.
- 8.9 The MLRO commits a criminal offence if they know or suspect, or have reasonable grounds to do so, through a disclosure being made to them, that another person is engaged in money laundering and does not disclose this as soon as practicable to the NCA.

## **9. TRAINING**

- 9.1 Officers considered likely to be exposed to suspicious situations, will be made aware of these by their senior officer and provided with appropriate training.
- 9.2 Additionally, all employees and members will be familiarised with the legal and regulatory requirements relating to money laundering and how they affect both the Council and themselves.
- 9.3 Notwithstanding the paragraphs above, it is duty of officers and members to report all suspicious transactions whether they have received their training or not.

## **10. REVIEW**

- 10.1 This policy will be reviewed annually and whenever the relevant legislation changes.

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# **CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY**

## **Policy Statement**

### **Version Control**

<b>Version No.</b>	<b>Author</b>	<b>Date</b>
2.1	Kerry Beavis, Senior Auditor	May 2020
2.2	Kerry Beavis, Senior Auditor	June 2021
2.3	Kerry Beavis, Audit Manager	June 2022

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June 2022**

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# CONFIDENTIAL REPORTING (WHISTLEBLOWING) POLICY

“North West Leicestershire District Council is committed to the prevention, deterrence, detection and investigation of fraud, corruption and malpractice in all forms. It encourages employees and members of the Council and its contractors who have serious concerns about any aspect of its work, including matters of health and safety, to voice those concerns.”

## 1. INTRODUCTION

1.1 The Council is committed to the highest possible standards of openness, probity and accountability. In line with that commitment we expect employees, members and others that we deal with, who have serious concerns about any aspect of the Council's work to come forward and voice those concerns. This Confidential Reporting Policy is intended to encourage and enable employees, members, contractors or suppliers to raise serious concerns **within** the Council rather than overlooking a problem or “blowing the whistle” outside.

1.2 This Policy provides guidance on the way in which concerns may be raised.

This Policy also sets out how matters can be taken further if a person remains dissatisfied with the Council's response to any concerns raised.

1.3 Employees, members, contractors and suppliers are often the first to realise that there may be something seriously wrong within the Council. However, they may not express their concerns because they feel that speaking up would be disloyal to their colleagues or to the Council, or they perceive that it could harm their chances of future business or their career prospects. They may also fear harassment or victimisation. In such circumstances individuals may consider it to be easier to ignore the concern rather than report what may only be a suspicion of malpractice. This Policy document makes it clear that individuals raising concerns will do so without fear of victimisation, subsequent discrimination or disadvantage.

1.4 It is recognised that, where concerns are raised, most cases will have to proceed on a confidential basis. The Council will do everything it can to protect the confidentiality of those individuals raising concerns. However, there may be times when the person making the complaint can be identified due to the nature of the allegation made and in such cases it will not be possible to keep the identity of the complainant confidential. In addition, there may be times when the Council will believe it is appropriate to let the subject of a complaint know who made any allegation.

1.5 The Council recognises that individuals raising concerns, termed “qualifying disclosures” under the Public Interest Disclosure Act 1998 are entitled to protection under that Act and/or this Policy and may be eligible to compensation if they subsequently suffer victimisation, discrimination or disadvantage. Under the Enterprise and Regulatory Reform Act 2013, any disclosure using the Whistleblowing Policy, within reasonable belief of the worker making the disclosure will only be protected if it is made in the public interest. It must also show one or more of the following:

- (a) that a criminal offence has been committed, is being committed or is likely to be committed,
- (b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,
- (c) that a miscarriage of justice has occurred, is occurring or is likely to occur,

- (d) that the health or safety of any individual has been, is being or is likely to be endangered,
- (e) that the environment has been, is being or is likely to be damaged, or
- (f) that information tending to show any matter falling within any one of the preceding paragraphs has been, is being or is likely to be deliberately concealed.

1.6 This policy is designed for workers. Workers include:

- Employees;
- Agency workers;
- People that are training with an employer;
- Self-employed workers, if supervised or working on site.

1.7 The procedures outlined in this Policy **are in addition to** the Council's complaints procedures and other statutory reporting procedures applying to some divisions.

1.8 This Policy has been discussed with the relevant trade unions and has their support.

1.9 The principles of this Policy also apply to concerns of the general public.

## **2. AIMS AND SCOPE OF THE POLICY**

2.1 This Policy aims to:

- encourage you to feel confident in raising concerns that are in the public interest and to question and act upon your concerns;
- provide avenues for you to raise those concerns and receive feedback on any action taken;
- ensure that you receive a response to your concerns and that you are aware of how to pursue matters if you are not satisfied;
- reassure you that you will be protected from the risk of reprisals or victimisation if you have a reasonable belief that you have made any disclosure in good faith.

2.2 If Council employees have concerns relating to their employment with the organisation, these should be raised under the Council's Grievance Policy. This Policy is intended to cover major concerns that fall outside the scope of other policies and procedures. As stated in paragraph 1.5, these include:

- conduct which is an offence or a breach of law,
- disclosures related to miscarriages of justice,
- health and safety risks, including risks to the public as well as other employees,
- damage to the environment,
- the unauthorised use of public funds,
- possible fraud and corruption, □ sexual or physical abuse of clients, or
- other unethical conduct.

## **3. SAFEGUARDS - HARASSMENT OR VICTIMISATION**

3.1 The Council is committed to good practice and high standards and aims to be supportive of employees and others using this policy.

3.2 The Council recognises that the decision to report a concern can be a difficult one to

make. You are legally entitled to protection from unfair treatment if:

- (a) you honestly think what you are reporting is true,
- (b) you believe that you are telling the right person,
- (c) you believe that raising your concerns is in the public interest.

Put simply, if you are acting in good faith when raising any concerns, you should have nothing to fear because you will be doing your duty to your employer, and/or the Council and those for whom the Council provides a service. In the event that the concerns raised are substantiated, you will be ensuring that bad practice / unethical behaviour / illegal conduct is curtailed.

- 3.3 The Council will not tolerate any harassment or victimisation (including informal pressures) against individuals who raise concerns in good faith under this Policy and will take appropriate action to protect those who raise a concern in good faith and, where necessary, will take action against those subjecting any complainant to harassment, victimisation or any other pressures as a result of raising concerns.
- 3.4 Any investigation into allegations of matters listed in paragraph 2.2 of this Policy will not influence, or be influenced by, any disciplinary, redundancy or similar procedures which may already affect either the person raising the concerns or the individual(s) who are the subject of those concerns.

#### **4. CONFIDENTIALITY**

- 4.1 All attempts will be made to ensure any concerns raised will be treated in confidence and to protect your identity if you so wish. The Council cannot ensure your confidentiality if you have informed others of any alleged concerns.
- 4.2 In addition, there may be times when the identity of the person making the complaint is clear due to the nature of any allegations made. In such cases, the Council cannot take any steps to protect your identity. You will, however, still be entitled to the same protection against harassment, victimisation and other pressures as if your identity remained confidential.
- 4.3 In a small number of cases, the Council may find it is appropriate to disclose your identity to the person who is the subject of any complaint. It will, however, inform you of this before doing so. Again, you will receive the same protection against harassment, victimisation and other pressures as if your identity had remained confidential.
- 4.4 You should note that, whilst every effort will be made to protect your identity, the Council may, at an appropriate time ask you to come forward as a witness. If you do become a witness in any case, you will be entitled to the same protection against harassment, victimisation and other pressures that you are entitled to when making the initial complaint under this Policy.

#### **5. ANONYMOUS ALLEGATIONS**

- 5.1 This Policy aims to protect those raising concerns and, therefore, it is hoped that any person raising concerns will do so in their own name whenever possible.
- 5.2 Whilst any concern will be taken seriously, those expressed anonymously will carry

less weight but will be given consideration by the Council; an investigation into the matters raised will be investigated at the discretion of the Council.

5.3 In exercising this discretion the factors to be taken into account will include:

- the nature and seriousness of the issues raised,
- the apparent credibility of the concern, and
- the probable likelihood of being able to confirm the allegation from attributable sources.

5.4 If the Council does not know who has made an allegation, it will not be possible for the Council to offer reassurance and protection to the individual.

## 6. UNTRUE ALLEGATIONS

6.1 If an allegation is made in good faith, but is not confirmed following an investigation by the Council, no action will be taken against the person making the allegation. This should encourage those who have concerns to raise it in the appropriate manner without fear of any reprisals.

6.2 If, however, an allegation is made frivolously, maliciously or for personal gain, disciplinary action may be taken against the person making that allegation where appropriate.

## 7. HOW TO RAISE A CONCERN

7.1 Advice and guidance on how to pursue matters of concern may be obtained from the Council's nominated contact points who are:

- Chief Executive: [Allison.thomas@nwleicestershire.gov.uk](mailto:Allison.thomas@nwleicestershire.gov.uk)  
Telephone 01530454500
- Monitoring Officer: [elizabeth.warhurst@nwleicestershire.gov.uk](mailto:elizabeth.warhurst@nwleicestershire.gov.uk)  
Telephone 01530 454762
- Section 151 Officer: [mark.walker@nwleicestershire.gov.uk](mailto:mark.walker@nwleicestershire.gov.uk)  
Telephone 01530454707
- Audit Manager: [kerry.beavis@nwleicestershire.gov.uk](mailto:kerry.beavis@nwleicestershire.gov.uk)  
Telephone 01530 454378

7.2 Concerns may be raised verbally or in writing, to any of the above named individuals. If raising a concern in writing, it should be addressed to the named individual at the:

Council Offices  
North West Leicestershire District Council  
Whitwick Road  
Coalville  
Leicestershire  
LE67 3FJ

Clearly mark the envelope "Confidential".

If you wish to make a written report you are invited to use the following format:

- the background and history of the concern (giving relevant dates);
- the reason why you are particularly concerned about the situation.

7.3 If you wish to make a verbal report of any concerns that you have identified, you are invited to contact one of the officers named at paragraph 7.1 above to arrange a mutually convenient appointment. When arranging an appointment, it would be helpful if you could mention that you would like to speak to them about a matter under the Confidential Reporting Policy.

7.4 When making a verbal report, you are invited to set out the facts using the same format identified at paragraph 7.2 above.

7.5 The earlier you express any concerns the easier it is for the Council to investigate and take any relevant action.

7.6 Although you are not expected to prove beyond doubt the truth of an allegation, you will need to demonstrate to the person contacted that there are reasonable grounds for your concern.

7.7 You may wish to consider discussing your concern with a colleague or trade union representative first and you may find it easier to raise the matter if there are two (or more) of you who share any concerns.

7.8 You may invite your trade union, professional association representative or a member of staff to be present during any meetings or interviews in connection with the concerns you have raised.

7.9 If you feel unable to raise your concerns directly with the Council, you should report the matter to a "prescribed person". This will ensure that your legal rights are protected. The list of prescribed persons can change and so up to date information can be obtained by accessing an online brochure entitled

"Whistleblowing: list of prescribed people and bodies"  
available at [www.gov.uk](http://www.gov.uk)

## **8. HOW THE COUNCIL WILL RESPOND**

8.1 The Council will respond to your concerns but within the constraints of maintaining confidentiality or observing any legal restrictions. In any event, a confidential record of the steps taken will be kept in accordance with the Data Protection Act 2018.

8.2 The Council may also ask to meet with you in order to gain further information from you. Do not forget that testing out your concerns is not the same as either accepting or rejecting them. It is sometimes necessary to test out any concerns raised in order to identify how strong any evidence may be.

8.3 Where appropriate, the matters raised may be:

- investigated internally,
- referred to the police,
- referred to the external auditor,
- made the subject of an independent enquiry.

Following any of the action above, a concern may be upheld or may be dismissed.

- 8.4 In order to protect individuals and those accused of misdeeds or possible malpractice, the Council will undertake initial enquiries to decide whether an investigation is appropriate and, if so, what form it should take. In most cases, it is anticipated that these initial enquiries will be completed within ten working days of an allegation being made. The overriding principle which the Council will have in mind when deciding what steps to take is whether the matter falls within the public interest. Any concerns or allegations which fall within the scope of any other specific procedures (for example, misconduct or discrimination issues) will normally be referred to the relevant service area for consideration under those procedures.
- 8.5 Some concerns may be resolved by agreed action without the need for investigation. If urgent action is required this will be taken before any investigation is conducted.
- 8.6 Within seven working days of a concern being raised, the nominated contact will write to you:
- acknowledging that the concern has been received,
  - indicating how we propose to deal with the matter,
  - giving an estimate of how long it will take to provide a final response,
  - telling you whether any initial enquiries have been made,
  - supplying you with information on staff support mechanisms, and
  - telling you whether further investigations will take place and if not, why not.
- 8.7 The amount of contact between the officers considering the issues and you will depend on the nature of the matters raised, the potential difficulties involved and the clarity of the information provided. If necessary, the Council will seek further information from you.
- 8.8 Where any meeting is arranged, off-site if you so wish, you can be accompanied by a trade union or professional association representative or a friend.
- 8.9 The Council will take steps to minimise any difficulties which you may experience as a result of raising a concern. For instance, if you are required to give evidence in criminal or disciplinary proceedings the Council will arrange for you to receive advice about the procedure.
- 8.10 The Council accepts that you need to be assured that the matter has been properly addressed. Thus, subject to legal constraints, we will inform you of the outcome of any investigation.

## **9. THE RESPONSIBLE OFFICER**

- 9.1 The Chief Executive has overall responsibility for the maintenance and operation of this Policy. That officer maintains a record of concerns raised and the outcomes (but in a form which does not endanger your confidentiality) and will immediately notify the Monitoring Officer and Section 151 Officer of all issues raised under this Policy and will report as necessary to the Council.

## **10. HOW THE MATTER CAN BE TAKEN FURTHER**

- 10.1 This Policy is intended to provide you with an avenue within the Council to raise concerns. The Council hopes you will be satisfied with any action taken. If you are not, and if you feel it is right to take the matter outside the Council, the following are possible contact points:

- one of the “prescribed persons”
- your trade union
- your local Citizens Advice Bureau
- relevant professional bodies or regulatory organisations
- a relevant voluntary organisation (Public Concern at Work - 020 7404 6609)
- the Police.

10.2 If you take the matter outside the Council, you should ensure that you do not disclose confidential information. Check with one of the Council’s nominated contact points about that (see 7.1).

## **11. Review**

11.1 This policy will be reviewed annually and whenever the relevant legislation changes

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# RISK MANAGEMENT POLICY

## Policy Statement

### Version Control

Version No.	Author	Date
1		December 2014
2		May 2016
3	Andy Barton	May 2020
<b>4</b>	<b>Andy Barton</b>	<b>May 2022</b>

**May 2022**

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# **RISK MANAGEMENT POLICY**

## **1. INTRODUCTION**

1.1 The Council has adopted the principles of risk management in order to meet the following objectives:

- to protect the health, safety and welfare of its employees and the communities it serves;
- to protect its property, assets and other resources;
- to protect the services it provides; to main its reputation and good standing in the wider community; and
- to deliver its overall objectives and priorities.

## **2. RISK MANAGEMENT STRUCTURE**

2.1 Risk Management is co-ordinated corporately by the Health and Safety Officer and through the Corporate Risk Scrutiny Group (RSG) chaired by a Strategic Director. It also refers and reports to Corporate Leadership Team thereby reaching all services in the Council and ensuring senior management oversight and involvement. Progress on Corporate Risk Management will be reported to members through performance reports to the Audit and Governance Committee. The Corporate Portfolio Holder is the Cabinet member with overall responsibility for risk management, the Leader of the Council.

2.2 Risk management is embedded in the culture of the authority through:

- the continued adoption of the Council's risk management policy statement;
- a nominated officer lead, currently Strategic Director.
- the Corporate Risk Scrutiny Group and Corporate Leadership Team accountability;
- an established uniform procedure for the identification, analysis, management and monitoring of risk;
- training and briefings in conjunction with appropriate third parties and
- regular monitoring and reporting through the corporate performance management system and control mechanisms.

2.3 The Council is responsible for establishing and maintaining appropriate risk management processes, control systems, accounting records and governance arrangements. Internal Audit play a vital role in advising the Council that these arrangements are in place and operating effectively. Each year the Audit Manager produces a risk-based annual Audit Plan. This is informed by a risk assessment which includes a review of corporate and service risk registers, and consultation with key stakeholders and senior management. The Plan is developed to deliver a programme of internal audits to provide independent assurance to senior management and members. Internal audit undertake a risk based approach for individual assignments and gives a rating of the level of assurance that be awarded within each system / business area. This demonstrates the extent to which controls are operating effectively to ensure that significant risks to the achievement of the Council's priorities are being addressed.

## **3. AIMS OF THE POLICY**

3.1 The Council will strive to maintain its diverse range of services to the community and visitors to the North West Leicestershire area. It will protect and continue to provide

these services by ensuring that its assets, both tangible and intangible, are protected against loss and damage. The Council is committed to a programme of risk management to ensure its ambitions for the community can be fulfilled through:

*“The identification, analysis, management and financial control of those risks which can most impact on the Council’s ability to pursue its approved delivery plan”.*

3.2 The Council is committed to using risk management to maintain and improve the quality of its own services as well as any contribution by partnerships through its community leadership role. The Risk Management Policy has the following aims and objectives:

- to continue to embed risk management into the culture of the Council;
- to promote the recognition of risk within the Council’s defined corporate aims and objectives;
- continue to raise risk awareness within the Council and its partners;
- to manage risk in accordance with best practice;
- to comply with legislation and guidance;
- to improving safety and increase safety awareness;
- to protect Council property, services and public reputation;
- to reduce disruption to services by having effective contingency or recovery plans in place to deal with incidents when they occur;
- to minimise injury, damage, loss and inconvenience to residents, staff, service users, assets, etc arising from or connected with the delivery of Council services;
- to review robust frameworks and procedures for the identification, analysis, assessment and management of risk, and the reporting and recording of events, based on best practice;
- to maximise value for money.

3.3 Regularly through the Risk Scrutiny Group, the Council’s Corporate Leadership Team (CLT) will review the Risk Management Policy and its risk management processes to ensure their continued relevance to the Council. The annual review will also assess performance against the aims and objectives set out above. Completion of the self-evaluation matrix will be a key monitoring tool and a central part of this review. CLT will be accountable to members for the effective management of risk within the Council. This will be achieved through the quarterly reporting of corporate risks to Audit and Governance Committee and at least annually to Cabinet.

#### **4. RISK MANAGEMENT POLICY**

4.1 The overall objective of the Council’s risk management Policy is to ensure that risks to the Council’s objectives, services, employees, partnerships and contractors are identified, recorded, amended, prioritised and then addressed by being treated, tolerated, transferred or terminated. The Policy incorporates:

##### (a) Identification / Consideration of Risks

- Identifies corporate and operational risks, assesses the risks for likelihood and impact, identifies mitigating controls and allocates responsibility for the mitigating controls.
- Requires the consideration of risk within all service plans and reviews and the regular review of existing risks as identified in the risk register.
- Requires, reports supporting strategic policy decisions and project initiation documents, to include a risk assessment.

- Externally horizon scan for impending risks that may impact the council, communicate the risk to the appropriate risk owner so they can assess for likelihood and impact, identify mitigating controls and allocate responsibility for themitigating controls.

(b) Development Delivery

- Allocates responsibility for embedding risk management to a senior officer and Member, to jointly champion.
- Embeds risk management into; strategic planning, financial planning, policy making and review, and performance management.
- Requires that an update report arising from the work of the Risk Scrutiny Group is presented to Corporate Leadership Team for discussion and information on a quarterly basis.
- Develops arrangements to monitor and measure performance of risk management activities against the Council's strategic aims and priorities.
- Considers risks in relation to significant partnerships, which requires assurances to be obtained about the management of those risks.

(c) Member Involvement / Responsibility

- Quarterly reports will be produced for Audit and Governance Committee on the management of business risks together with recommendation of appropriate actions.
- Reporting to Cabinet and Portfolio members where necessary.

(d) Training / Awareness

- Requires relevant training and tool kits to be given to appropriate staff to enable them to take responsibility for managing risks within their environment.
- Requires the maintenance of documented procedures for the control of risk and the provision of suitable information, training and supervision.
- Develops appropriate procedures and guidelines.
- Considers positive risks (opportunities) and negative risks (threats).
- Facilitates risk management awareness training for all members.

(e) Review

- Maintains and reviews a register of corporate business risks linking them to strategic business objectives and assigning ownership for each risk.
- Requires an annual review of the risk management process, including a report to CLT, localised Risk Registers where necessary and quarterly reporting to the Audit and Governance Committee.
- In the case of new or changing strategic risks, report to Audit and Governance Committee and/or Cabinet through the quarterly performance reporting process.
- Requires each team / department to review their individual Risk Registers as and when required (but no less than quarterly) managed by the respective CLT member.

(f) Business Continuity

- Develops contingency plans in areas where there is a potential for an occurrence having a catastrophic effect on the delivery of the Council's services.

(g) Insurance

- Ensures the appropriate officer responsible for insurance is notified of any new risks.
- Ensures adequate records are maintained and retained to support the Council's defence against disputed insurance claims.

(h) Controlling the Risks

Traditionally in risk management there are four ways to mitigate the risks to the organisation, these being typically referred to as **Treat, Tolerate, Transfer and Terminate** and are known collectively as the "4 Ts".

- **Tolerate** means the risk is known and accepted by the organisation. In such instances the senior management team should formally sign off that this course of action has been taken.
- **Transfer** means the risk mitigation is transferred i.e. it is passed to a third party such as an insurer or an outsourced provider, although it should be noted that responsibility for the risk cannot be transferred or eliminated.
- **Terminate** means we stop the process, activity, etc or stop using the premises, IT system, etc which is at risk and hence the risk is no longer relevant.
- **Treat** means we aim to reduce the likelihood of the threat materialising or else reduce the resultant impact through introducing relevant controls and continuity strategies.

## 5. RISK APPETITE

- 5.1 Our risk appetite guides how much risk we are willing to seek or accept to achieve our objectives. We recognise we will need to take risks, both in our ordinary business and to achieve the priorities set out in our Council Delivery Plan. Good risk management ensures we make well informed decisions, and we understand the associated risks. By ensuring that we properly respond to risks we will be more likely to achieve our priorities. It also provides control and a high level of due diligence consistent with our responsibilities in managing public money.
- 5.2 We recognise effective risk management considers not just threats but also opportunities. So, our approach to risk is to seek the right opportunities and, where possible, minimise threats. By encouraging managed risk taking and considering all of the available options we seek a balance between caution and innovation.
- 5.3 Our risk appetite reflects our current position; encouraging managed risk taking for minor to moderate level risks but controlling more closely those risks that come further up the scale. Our appetite for risk will vary over time depending on our ambitions and priorities and the environment we work in. Resources are aligned to priorities and arrangements are in place to monitor and mitigate risks to acceptable levels.
- 5.4 Beyond our risk appetite is our risk tolerance. This sets the level of risk that is unacceptable, whatever opportunities might follow. In such instances we will aim to reduce the risk to a level that is within our appetite. Whilst appetite may be lower, tolerance levels may be higher, and the Council recognises that it is not possible or necessarily desirable to eliminate some of the risks inherent in its activities. In some instances, acceptance of risk within the public sector is necessary due to the nature of services, constraints within operating environment and a limited ability to directly influence where risks are shared across sectors.
- 5.5 We illustrate our risk appetite and tolerance in our grading of risks within the risk

register. Risks that are red represents the outer limit of our risk appetite, and those amber or green indicates the tolerance. Where risks are identified as red we will seek to reduce these risks through the 4 T's identified above. As a Council we are unlikely to take risks that will cause a significant negative consequence for our objectives, and only would consider doing so where this is a clear and overarching need to do so.

## **6. CORPORATE RISK SCRUTINY GROUP**

6.1 The Corporate Risk Scrutiny Group is made up of technical experts and corporate leads from the Council's Service Areas. Members of the Group act as "champions" for risk within their services and the Group provides a link into the CLT.

6.2 The role of the Group is to maintain a formal framework that will assist with the management of risk and business continuity, by developing the corporate lead and advising CLT on the expected outcome. The objectives of the Group are:

- to assess and advise on the reduction of prevailing risks within the Council's services, to the benefit of staff and the public;
- to discuss, agree and recommend as appropriate, on matters relating to corporate risk policy;
- to make reports and recommendations to CLT;
- to discuss operational risks insofar as they relate to matters of cross-directorate interest;
- to oversee the implementation of the Council's risk management Policy, and to promote a holistic approach to its ongoing management;
- to promote good risk management practices with the aim of reducing potential liabilities;
- to consider and identify new risks, and ideas / schemes for risk reduction;
- to provide a forum to discussion on risk management issues.

These will be achieved through the following:

- the use of the Council's Risk Management reporting system;
- monitoring the Risk Management Policy;
- reviewing the Council's risk register and associated action plans, acting as a forum for examining and rating risks and making recommendations to CLT;

- developing a comprehensive performance framework for risk management, and developing and using key indicators capable of showing improvements in risk management and providing early warning of risk;
- supporting the development and review of internal standards and procedures regarding significant risk areas;
- supporting the development and implementation of relevant training, awareness and education programmes;
- supporting the development and implementation of adequate, relevant and effective reporting, communication and information dissemination systems with managers and staff;
- supporting the effective monitoring and review of near misses, untoward incidents and accidents, legal and insurance claims and verifying that appropriate management action has been taken promptly to minimise the risk of future occurrence;
- supporting the review of the risk register and action plans to ensure that appropriate management action is taken appropriately to tolerate, treat, transfer or terminate the risk;
- monitoring compliance with legal and statutory duties;
- providing progress reports to CLT and members, drawing to their attention significant business risks;
- encouraging localised Risk Registers to be created where necessary, as well as supporting dynamic risk assessment.

## **7. PROCEDURES**

- 7.1 The Council will adopt uniform procedures for the identification, analysis, management and monitoring of risk. These will be embodied in a formal risk management framework, which will be subject to annual review by the Audit and Governance Committee, following consideration by CLT.

The approved framework is set out in Appendix A to this Policy document.

## **8. FUNDING FOR RISK MANAGEMENT**

- 8.1 The annual Service and Financial Planning process will include a review of operational risks and consider the allocation of funds for risk management initiatives as part of the annual budget process. If additional funds are required approval will be sought initially from CLT.

## **9. BENEFITS OF EFFECTIVE RISK MANAGEMENT**

- 9.1 Effective risk management will deliver a number of tangible and intangible benefits to Individual services and to the Council as a whole e.g.

### Improved Strategic Management

- Greater ability to deliver against objectives and targets
- Increased likelihood of change initiatives being delivered effectively
- Improved reputation, hence support for regeneration
- Increased confidence to take controlled risks

### Improved Operational Managements

- Reduction in interruptions to service delivery: fewer surprises!

- Reduction in managerial time spent dealing with the consequences of a risk event occurring
- Improved health and safety of employees and others affected by the Council's activities
- Compliance with legislation and regulations

#### Improved Financial Management

- Better informed financial decision-making
- Enhanced financial control
- Reduction in the financial costs associated with losses due to service interruption, litigations, etc.
- Improved containment of insurance premiums

#### Improved Customer Service

- Minimal service disruption to customers and a positive external image

## RISK MANAGEMENT FRAMEWORK

### (A) What is the framework?

This framework promotes a set of uniform risk management procedures through which directorates will identify, analyse, monitor and manage the risks faced by the Council.

For the purposes of the framework, risk management is defined as *“the identification, analysis, management and financial control of those risks that can impact on the Council’s ability to deliver its services and priorities.”*

Risk management is therefore concerned with better decision making, through a clear understanding of all associated risks before final decisions are made by either members or officers. When risks are properly identified, analysed and prioritised it is possible to formulate action plans that propose management actions to reduce risk or deal adequately with the consequences of the risks should they occur. The underlying aim is to treat, terminate or transfer risk to bring them to an acceptable manageable level within the Council, monitor tolerated risk, ensuring services to the public can be maintained, and that the Council’s priorities can be fulfilled.

Risk management therefore supports the Council’s service planning process by positively identifying the key issues that could affect the delivery of the service objectives.

### (B) Why does the Council need to consider risk management as part of its service planning?

All organisations have to deal with risks, whatever their nature. As a general principle the Council will seek to reduce or control all risks that have the potential to:

- harm individuals;
- affect the quality of service delivery or delivery of the council’s priorities;
- have a high potential of occurrence;
- would affect public confidence;
- would have an adverse effect on the council’s public image;
- would have significant financial consequences;
- have a potential for litigation in line with exposure detailed below.

Risk Management cannot therefore be considered in isolation, but needs to be an integral part of decision-making and service planning processes of the Council. Risk management must be fully embedded in:

- service planning,
- performance management,
- best value,
- committee reports.

For this reason risk management is located within the HR and Organisation Development team of the Council, with high level commitment by the Chief Executive to integrate risk management in everything the Council does.

### (C) Assessing risk

Once risks have been identified, an assessment of their significance is required. This requires a robust and transparent scoring mechanism to be used uniformly across Council directorates.

Scoring should be a group exercise including managers and frontline employees. This is because people's perceptions vary and this can have an effect on scoring the risk. Employees who experience a risk every day can become complacent and fail to see how serious it may actually be, whilst a group will usually see the wider impact.

A decision on risk ownership is also required. The owner should be at management level and be responsible for ensuring that controls identified to manage the risk are in place and that they are effective. Delegation of responsibility for particular actions to other employees is acceptable, but overall control of risk must remain with management.

Tables 1 and 2 below set out a scoring mechanism for assessing the likelihood and the impact of exposure to risk.

**Table 1 - assessing the likelihood of exposure**

<b>1. Low</b>	Likely to occur once in every ten years or more
<b>2. Medium</b>	Likely to occur once in every two to three years
<b>3. High</b>	Likely to occur once a year
<b>4. Very High</b>	Likely to occur at least twice in a year

**Table 2 - assessing the impact of exposure**

<b>1. Min or</b>	Loss of a service for up to one day. Objectives of individuals are not met. No injuries. Financial loss over £1,000 and up to £10,000. No media attention. No breaches in Council working practices. No complaints / litigation.
<b>2. Medium</b>	Loss of a service for up to one week with limited impact on the general public. Service objectives of a service unit are not met. Injury to an employee or member of the public requiring medical treatment. Financial loss over £10,000 and up to £100,000. Adverse regional or local media attention - televised or news paper report. Potential for a complaint litigation possible. Breaches of regulations / standards.

<b>3. Serious</b>	<p>Loss of a critical service for one week or more with significant impact on the general public and partner organisations.</p> <p>Service objectives of the directorate of a critical nature are not met.</p> <p>Non-statutory duties are not achieved.</p> <p>Permanent injury to an employee or member of the public</p> <p>Financial loss over £100,000.</p> <p>Adverse national or regional media attention - national newspaper report.</p> <p>Litigation to be expected.</p> <p>Breaches of law punishable by fine.</p>
<b>4. Major</b>	<p>An incident so severe in its effects that a service or project will be unavailable permanently with a major impact on the general public and partner organisations.</p> <p>Strategic priorities of a critical nature are not met.</p> <p>Statutory duties are not achieved.</p> <p>Death of an employee or member of the public.</p> <p>Financial loss over £1m.</p> <p>Adverse national media attention - national televised news report.</p> <p>Litigation almost certain and difficult to defend.</p> <p>Breaches of law punishable by imprisonment.</p>

**(D) Prioritisation of risk**

Table 3 brings together in a matrix the likelihood and impact of risk.

**Table 3 - a risk matrix**

		Likelihood			
		1	2	3	4
Impact	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4

Based on this matrix, the Council must decide on the level of risk it is prepared to accept as part of its ongoing operations. Any risk above the agreed level should be considered unacceptable and will therefore need to be managed. The risks in the above matrix fall into three zones; red, amber and green. Table 4 sets out the Councils intended response to these risks.

**Table 4 - intended responses to risk**

<b>Red</b>	<p>Controls and/or mitigating actions are required to reduce the risk to an acceptable level. Effort should be focused on reducing the risk of any items appearing in this zone, hence moving them to the amber or green zone.</p>
<b>Amber</b>	<p>Risks will require ongoing monitoring to ensure they do not move into the red zone. Depending on the resources required to address</p>

	the red risks, it may be appropriate to develop controls/mitigating actions to control these risks.
<i>Green</i>	Existing controls and/or mitigating actions are sufficient and may be excessive. More resource committed to reduce these risks is likely to be wasted. Consideration should be given to relaxing the level of control to release resources for mitigating higher level risks.

**(E) Format of the risk register**

Annex 1 to this framework provides a standard format.

Corporate Risk Register													
Ref No.	Risk Description	Consequence	Cause	Inherent Risk			Responsibility of	Responsible to	Control Measures	Residual Risk			Movement of Risk
				Impact	Likelihood	Rating				Impact	Likelihood	Rating	

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**(F) Roles of Officers**

The Council's work is delivered largely through its officers. Set out below is a summary of the roles of different groups of officers in the risk management process:

**Lead officer** – to oversee the overall risk management process and ensuring reporting to Audit & Governance Committee, Cabinet and if necessary, Council. Keep this Risk Management Policy under annual review.

**CLT Members** – to instil the importance of Risk Management as set out in this policy, to ensure that risk registers etc as set out in this policy are addressed in their areas of responsibility, and to take part in the overall management of risk across the authority.

**Head of Human Resources & Organisational delivery** – to address training needs related to the management of risk as they arise through Team Management plans and the coverage of risk training plan for the organisation as a whole.

**Project sponsors** – to ensure the projects under their sponsorship comply with the Risk Management Policy

**Team Managers** – to ensure risk management is instilled into Team Plans as they are developed and ensure that risk management is taken forward as part of the operation of their respective areas of control.

**Members of Corporate Risk Scrutiny Group** – to act as champions of risk in their service areas, and deliver the objectives of the group as set out in this policy.

**All staff** – to ensure that they are aware of risk management, the corporate policy regarding risk, and identify, report or manage risk as appropriate within their control.

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# **CORPORATE POLICY AND PROCEDURE ON THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND THE INVESTIGATOR POWERS ACT 2016**

<b>Version No.</b>	<b>Author</b>	<b>Date</b>
See Page 19		
1.1	Kerryn Woolett	May 2020
1.2	Kerryn Woolett	June 2021

**Version 1.2  
June 2021**

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## CORPORATE POLICY AND PROCEDURE ON THE REGULATION OF INVESTIGATORY POWERS ACT 2000 AND THE INVESTIGATORY POWERS ACT 2016

### 1. INTRODUCTION

- 1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) is concerned with the regulation of surveillance and other intelligence gathering by public authorities in the conduct of their legitimate business.
- 1.2 The Investigatory Powers Act 2016 (IPA) sets out the extent to which certain investigatory powers may be used to interfere with privacy. In particular about the interception of communications, equipment interference and the acquisition and retention of **communications data**.
- 1.3 Section 6 of the Human Rights Act 1998 provides that it is unlawful for a public authority to act in a way which is incompatible with a European Convention right. Article 8 of the European Convention on Human Rights says that everyone has the right to respect for their private and family life, their home and their correspondence.
- 1.4 The use of surveillance and other intelligence gathering techniques may amount to an interference with rights protected by Article 8 of the European Convention on Human Rights and could amount to a violation of those rights unless the interference is in accordance with the law.
- 1.5 The aim of RIPA and the IPA is to provide a balance between preserving people's right to privacy and enabling enforcement agencies to gather evidence for effective enforcement action. RIPA provides a statutory framework for the authorisation of certain types of **covert** intelligence gathering which is consistent with the Human Rights Act 1998 and the European Convention on Human Rights. Similarly, the IPA provides a statutory framework for the lawful interception and use of **communications data**.
- 1.6 The Council has approved a policy for tackling fraud and corruption. In limited circumstances the Council may wish to use surveillance techniques or **communications data** for the purpose of enforcing this policy or other of its statutory functions. The requirements of RIPA and the IPA are most likely to apply to those sections of the Council with enforcement / investigatory functions.
- 1.7 Section 27 of RIPA provides that conduct authorised under RIPA will be "lawful for all purposes." This means a person authorised under RIPA is entitled to engage in the conduct which has been authorised under RIPA and the Council will be protected from challenges to both the gathering of, and the subsequent use of, covertly obtained information enabling the Council to show that it has acted lawfully.
- 1.8 RIPA also provides a statutory mechanism for authorising the use of a "**covert human intelligence source**", e.g. undercover agents.
- 1.9 The IPA permits access to **communications data** in specific circumstances.
- 1.10 Non-compliance with RIPA or the IPA may result in:
  - 1.10.1 evidence being disallowed by the courts;
  - 1.10.2 a complaint to the Investigatory Powers Commissioner's Office;

- 1.10.3 a complaint to the Local Government and Social Care Ombudsman; and/or
- 1.10.4 the Council being ordered to pay compensation.

It is essential therefore that the Council's policies and procedures, as set out in this document, are followed. A flowchart of the procedures to be followed is at Appendix 1.

## 2. TYPES OF SURVEILLANCE

- 2.1 Surveillance includes monitoring, observing, listening to persons, watching or following their movements, listening to their conversations and other such activities or communications. It also includes recording any of the aforementioned activities.
- 2.2 Surveillance may be "**overt**" or "**covert**".
- 2.3 Surveillance will be "**overt**" if the act of surveillance is not calculated to be hidden from view, even if the motives of the person undertaking the surveillance remain concealed.
- 2.4 Most of the surveillance carried out by the Council is done overtly – there is nothing secretive, clandestine or hidden about it. In many cases, officers will be behaving in the same way as a normal member of the public, and/or will be going about Council business openly. Similarly, surveillance will be **overt** if the subject has been told it will happen (e.g. where a noisy householder is warned that noise will be recorded if it continues).
- 2.5 Surveillance is "**covert**" if, and only if, it is carried out in a manner that is calculated to ensure that persons who are subject to the surveillance are unaware that it is or may be taking place. RIPA regulates two types of **covert** surveillance.
- 2.6 The first type of **covert** surveillance is "**directed surveillance**". "**Directed surveillance**" means surveillance that is:
  - 2.6.1 **covert**;
  - 2.6.2 not intrusive;
  - 2.6.3 undertaken for the purposes of a specific investigation or specific operation;
  - 2.6.4 undertaken in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
  - 2.6.5 undertaken otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation under RIPA to be sought for the carrying out of the surveillance.
- 2.7 RIPA states that "**private information**" includes any information relating to a person's private or family life. The Home Office Covert Surveillance and Property Interference Revised Code of Practice (latest edition at time of writing was August 2018) states that as a result, "**private information**" is capable of including any aspect of a person's private or personal relationship with others, such as family (which should be treated as extending beyond the formal relationships created by marriage or civil partnership) and professional or business relationships.

- 2.8 RIPA sets out a number of grounds on which an authorisation for **directed surveillance** can be considered necessary. In the case of a Local Authority, only one of these grounds is applicable, that ground is that **directed surveillance** is necessary “for the purpose of preventing or detecting crime or of preventing disorder”.
- 2.9 The fact that **covert** surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will usually result in the obtaining of private information about that person as well as others that he or she comes into contact or associates with.
- 2.10 An example of **directed surveillance** would be when officers follow a person over a period of time to find out whether they are working at the same time as claiming benefit. Similarly, although town centre CCTV cameras will not normally require a RIPA authorisation, if a camera is directed in such a way as to observe a particular individual, this would amount to **directed surveillance** and an authorisation would be required.
- 2.11 The second type of **covert** surveillance is “**intrusive surveillance**”. Surveillance is intrusive if, and only if, it is **covert** surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle and involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.
- 2.12 A Local Authority cannot carry out **intrusive surveillance** under RIPA. **Intrusive surveillance** can only be carried out by the police and other law enforcement agencies.

### 3. CONDUCT AND USE OF COVERT HUMAN INTELLIGENCE SOURCES

- 3.1 A person is a **Covert Human Intelligence Source (CHIS)** if he or she establishes or maintains a personal or other relationship with another person in order to covertly obtain or disclose information.
- 3.2 RIPA sets out special rules relating to the management and use of information supplied by a **CHIS** and a duty of care is owed to the **CHIS** in how the information is used.
- 3.3 The conduct or use of a **CHIS** requires prior authorisation. Again, the ground on which a **CHIS** may be used by a Local Authority is “for the purpose of preventing or detecting crime or of preventing disorder.”
- 3.4 A RIPA authorisation may not be required in circumstances where members of the public volunteer information to the Council as part of their normal civic responsibilities, however, this will depend on how the information has been obtained. If the person has obtained the information as an ‘insider’ i.e. in the course of a personal or other relationship or “as a result of the existence of such a relationship” then the person is likely to be a **CHIS**, even if the relationship was not formed or maintained for that purpose.
- 3.5 If the person has obtained the information as an outside observer then he or she is not a **CHIS**.
- 3.6 Where contact numbers are set up by the Council to receive information then it is unlikely that persons reporting information will be **CHISs** and similarly, people who complain about anti- social behaviour, and are asked to keep a diary, will not normally

be **CHISs** because they are not being required to establish or maintain a relationship for a **covert** purpose.

#### Juvenile CHISs

- 3.7 Special safeguards apply to the use or conduct of juveniles, that is, those under 18 years old, as a **CHIS**. On no occasion should the use or conduct of a **CHIS** under 16 years of age be authorised to give information against their parents or any person who has parental responsibility for them. In other cases, authorisations should not be granted unless the special provisions, contained within the Regulation of Investigatory Powers (Juveniles) Order 2000 (as amended), are satisfied.
- 3.8 Authorisations for juvenile sources should be granted by those listed in the table at Annex A of the Home Office Covert Human Intelligence Sources Revised Code of Practice (latest edition at time of writing was August 2018). In this Council, only the Chief Executive may authorise the use of a juvenile or vulnerable individual as a CHIS. The duration of such an authorisation is four months from the time of grant or renewal (instead of twelve months), and the authorisation should be subject to at least monthly review. For the purpose of these rules, the age test is applied at the time of the grant or renewal of the authorisation.

#### **4. OPEN SOURCE (ONLINE) COVERT ACTIVITY**

- 4.1 The use of the internet may be required to gather information during an operation, which may amount to **directed surveillance**. The Home Office Covert Surveillance and Property Interference Revised Code of Practice (latest edition at time of writing was August 2018) advises that simple reconnaissance of websites, that is, preliminary examination with a view to establishing whether a site or its contents are of interest, is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a **directed surveillance** authorisation. However, where there is an intention to use the internet as part of an investigation and private information is likely to be obtained, a RIPA authorisation should be considered. When conducting an investigation which involves the use of the internet factors to consider are:
- officers must not create a false identity in order to "befriend" individuals on social networks without an authorisation under RIPA;
  - officers viewing an individual's public profile on a social network should do so only to the minimum degree necessary and proportionate in order to obtain evidence to support or refute the suspicions or allegations under investigation;
  - repeated viewing of open profiles on social networks to gather evidence or to monitor an individual's status, must only take place once a RIPA authorisation has been granted and approved by a Magistrate; and
  - officers should be aware that it may not be possible to verify the accuracy of information on social networks and, if such information is to be used as evidence, take reasonable steps to ensure its validity.
- 4.2 Further, where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites without disclosing his or her identity, a **CHIS** authorisation should be considered.

## 5. USE OF PERSONAL DEVICES FOR BUSINESS USE

- 5.1 Use of a personal device to access the internet or social media for business use, for example, as part of investigation, is still captured by RIPA. Consequently, officers are advised not to use personal devices for business use, particularly using a personal device to access the internet and social media for business use.

## 6. THE COUNCIL OWNED DRONE

- 6.1 Use of a drone has the potential to capture **private information**. **Collateral intrusion** is also highly likely when using a drone. Therefore, consideration should be given to whether a RIPA authorisation is required. A drone can be a very useful tool to use in an investigation, however, if there is the potential to gather **personal information** the subject of the investigation and/or the landowner will either need to be notified of the use of the drone (such that any use of the drone is not covert) or a RIPA authorisation will be needed. If the drone is to be flown over a residential area or highly populated area, where the potential for **collateral intrusion** is high, notification that the drone will be used will be published on the Council's website prior to the flight.

## 7. LOCAL AUTHORITY DIRECTED SURVEILLANCE CRIME THRESHOLD

- 7.1 A **Crime Threshold** applies to the authorisation of **directed surveillance** by Local Authorities under RIPA (see article 7A of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010). This **Crime Threshold** does not apply to the authorisation of a **CHIS** by a Local Authority.
- 7.2 Local Authorities can only authorise use of **directed surveillance** under RIPA for the purpose of preventing or detecting criminal offences or disorder associated with criminal offences that are:
- 7.2.1 punishable, whether on summary conviction or on indictment, by a maximum term of at least six months imprisonment; or
- 7.2.2 relate to the underage sale of alcohol or tobacco.
- 7.3 If the **Crime Threshold** is not met, though surveillance is still required, a Non-RIPA form should be completed. A Non-RIPA form requires the applicant officer to consider necessity and proportionality as per a RIPA authorisation, however, there is no requirement for approval by a Justice of the Peace.

## 8. AUTHORISATION PROCESS - DIRECTED SURVEILLANCE AND USE OF A CHIS

### Stage 1 - Request for Authorisation

- 8.1 **Directed surveillance** or the use of a **CHIS** can only be authorised by a Local Authority if the authorisation is *necessary* for the purpose of preventing or detecting crime or preventing disorder and the authorised surveillance is *proportionate* to what is sought to be achieved by carrying the surveillance out. When authorising the use of a **CHIS** arrangements also need to be in place for management of the **CHIS** and to ensure the security and welfare of the **CHIS**.
- 8.2 For **directed surveillance** or the use of a **CHIS**, only the approved RIPA forms, available on the Home Office website

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

may be used. Any other form will be rejected by the Authorising Officer. The applicant officer should complete the appropriate form providing as much detail as possible then submit to the appropriate Authorising Officer for authorisation.

- 8.3 If in doubt about the process to be followed or the information required in the form, an applicant officer should always seek the advice of the Head of Legal and Commercial Services or the Audit Manager before applying for an authorisation under RIPA.
- 8.4 The applicant officer will be responsible for ensuring that copies of all forms are forwarded to the Audit Manager within seven days of issue. As a control measure the Audit Manager will supply the applicant officer with a referenced copy of the authorisation which they should keep in their department in secure storage. Officers should ensure that material passing between them is sent in such a way that it cannot be read or intercepted by other people.

#### Stage 2 - Considering an Application for Authorisation

- 8.5 **Directed surveillance** or use of a **CHIS** can only be lawfully carried out if properly authorised and carried out in strict accordance with the terms of the authorisation.
- 8.6 The Secretary of State has specified by statutory instrument (the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010) that, for any district council in England, Directors, Heads of Service or Service Managers or equivalent are designated persons for the purpose of s.28 and s.29 of RIPA, that is, they may act as Authorising Officers for the purpose of authorising applications for **directed surveillance** or the use of a **CHIS**. In this Council, the Chief Executive and the Directors are designated to act as Authorising Officers under the Constitution (Part 3, Sec 7, Para 3.3). The Chief Executive or Monitoring Officer may designate other officers to act as Authorising Officers, provided these officers are of the level specified by the Secretary of State in the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010.
- 8.7 Before signing a form seeking authorisation, the Authorising Officer must have regard to this Policy and Procedure, to any relevant Code of Practice, to any advice from the Head of Legal and Commercial Services or the Audit Manager and to any other relevant guidance.
- 8.8 The Authorising Officer must also satisfy himself / herself that the surveillance proposed in the application is:
  - 8.8.1 *in accordance with the law;*
  - 8.8.2 *necessary* in the circumstances of the particular case on the ground of preventing or detecting crime or preventing disorder; and
  - 8.8.3 *proportionate* to what it seeks to achieve.
- 8.9 In considering whether or not the proposed surveillance is proportionate, the Authorising Officer will need to consider:
  - 8.9.1 The seriousness of the crime or disorder which the surveillance seeks to detect and weigh this against the type and extent of surveillance proposed. For minor offences, it may be that surveillance is never proportionate; and

- 8.9.2 whether there are other more non- intrusive ways of achieving the desired outcome. If there are none, the Authorising Officer will need to consider whether the proposed surveillance is no more than necessary to achieve the objective, as the least intrusive method will be considered proportionate by the courts.
- 8.10 The Authorising Officer will also need to take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance. This is known as “**collateral intrusion**”. Measures must be taken whenever practicable to avoid or minimise, so far as practicable, **collateral intrusion**.
- 8.11 When authorising the conduct or use of a **CHIS** the Authorising Officer must also be satisfied that appropriate arrangements are in place for the management and oversight of the **CHIS**. This must address health and safety issues through a risk assessment. The Authorising Officer must also have regard to any adverse impact on community confidence that may result from the use or conduct of the information obtained.
- 8.12 The authorisation does not take effect until a Justice of the Peace has made an order approving the grant of the authorisation.

### Stage 3 - Judicial Approval

- 8.13 If the Authorising Officer is satisfied that the surveillance is *necessary and proportionate*, they will instruct Legal Services to seek approval from a Justice of the Peace sitting at the Magistrates’ Court.
- 8.14 Legal Services will request a hearing date from the Court. The time taken to obtain a hearing date from the Court will need to be taken into account when scheduling any proposed surveillance.
- 8.15 Urgent approvals should not be necessary.
- 8.16 If the approval is urgent and cannot be handled the next working day then the applicant officer should:
  - 8.16.1 phone the Court’s out of hours legal staff contact. You will be asked about the basic facts and urgency of the authorisation. If the police are involved in the investigation you will need to address why the police cannot authorise the application.
  - 8.16.2 If urgency is agreed, then arrangements will be made for a suitable Magistrate to consider the application. You will be told where to attend and give evidence.
  - 8.16.3 Attend the hearing as directed with two copies of the signed RIPA authorisation form.
- 8.17 At the hearing the Council will provide the Court with a copy of the authorisation signed by the Authorising Officer, together with any supporting documents relevant to the matter showing the necessity and proportionality of the authorisation and which contain all the information relied upon. Also included will be a summary of the circumstances of the case.
- 8.18 The hearing will be in private heard by a single Justice of the Peace (Magistrate / District Judge) who will read and consider the application.
- 8.19 On reviewing the papers and hearing the application the Justice of the Peace will determine whether they are satisfied that there were, at the time the authorisation was granted, and continue to be reasonable grounds for believing that the authorisation is

*necessary and proportionate*. In addition they must also be satisfied that the Authorising Officer had the relevant authority to authorise the Council's own internal authorisation prior to it passing to the Court.

- 8.20 For authorisations for the use of a **CHIS** the Justice of the Peace will also need to be satisfied that there were and are reasonable grounds for believing appropriate arrangements are in place for the management and oversight of the **CHIS**.
- 8.21 The Justice of the Peace may ask questions of the Council in order to satisfy themselves of the necessity and proportionality of the request.
- 8.22 In considering the application the Justice of the Peace may decide to:
  - 8.22.1 grant an Order approving the authorisation or renewal. The authorisation or renewal will then take effect and the Local Authority may proceed to use surveillance in accordance with the authorisation;
  - 8.22.2 refuse to approve the authorisation or renewal. The RIPA authorisation will not take effect and the Local Authority may not use the proposed surveillance. Where an application has been refused the Council may wish to consider the reasons for that refusal. For example, a technical error in the form may be remedied without the need to go through the internal authorisation process again. The Council may then wish to reapply for judicial approval once those errors have been remedied;
  - 8.22.3 refuse to approve the grant or renewal and quash the authorisation or notice. A Justice of the Peace must not exercise its power to quash an authorisation unless the applicant (the Council) has had at least two business days' notice from the date of the refusal in which to make representations.

#### Stage 4 - Duration and Review

- 8.23 If the Justice of the Peace approves the authorisation, the authorisation will last, in the case of **directed surveillance**, a period of 3 months and, in the case of a **CHIS**, a period of 12 months.
- 8.24 Authorising Officers must then conduct regular reviews of authorisations granted in order to assess the need for the surveillance to continue. Reviews should be conducted on a monthly basis as a minimum. The Authorising Officer may decide that reviews should be conducted more frequently, particularly where a high level of collateral intrusion is likely.
- 8.25 A review involves consultation with the applicant officer and any other persons involved in the surveillance. The applicant officer must give sufficient information about the surveillance and any information obtained by the surveillance for the Authorising Officer to be satisfied that the authorised surveillance should continue. Applicant officers should be pro-active in preparing reports to assist Authorising Officers carry out reviews.

#### Stage 5 - Renewals

- 8.26 If it appears that the surveillance will continue to be *necessary* and *proportionate* beyond the 3 month period for **directed surveillance** or 12 months for use of a **CHIS**, the authorisation must be renewed.
- 8.27 An application for renewal should be made by the applicant officer by completing the appropriate form which is available from the Home Office website (<https://www.gov.uk/government/collections/ripa-forms--2>). This form should then be submitted to the Authorising Officer who must then consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.
- 8.28 The Authorising Officer must be satisfied that it is *necessary* and *proportionate* for the authorisation to continue and that the **Crime Threshold** continues to be met. The authorisation for renewal must then be approved by a Justice of the Peace for it to take effect.
- 8.29 An authorisation may be renewed and approved before the initial authorisation ceases to have effect but the renewal takes effect from the time at which the authorisation would have expired. If necessary, a renewal can be granted more than once.

#### Stage 6 - Cancellations

- 8.30 The Authorising Officer who granted or last renewed the authorisation must cancel the authorisation if the grounds for granting (or renewing) no longer apply or if the authorisation is no longer *necessary* or *proportionate*.
- 8.31 An authorisation can be cancelled on the initiative of the Authorising Officer following a periodic review or after receiving an application for cancellation from the applicant officer. Forms for the cancellation of **directed surveillance** and use of a **CHIS** are available on the Home Office website

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

### **9. COMMUNICATIONS DATA**

- 9.1 The term "**communications data**" includes the "who", "when", "where", and "how" of a communication but not the content i.e. what was said or written. It includes the way in which, and by what method, a person or thing communicates with another person or thing. It excludes anything within a communication including text, audio and video that reveals the meaning, other than inferred meaning, of the communication.
- 9.2 It can include the address to which a letter is sent, the time and duration of a communication, the telephone number or e-mail address of the originator and recipient, and the location of the device from which the communication was made. It covers electronic communications including internet access, internet telephony, instant messaging and the use of applications. It also includes postal services.
- 9.3 The acquisition of **communications data** is permitted under Part 3 of the IPA and will be a justifiable interference with an individual's human rights under the European Convention on Human Rights only if the conduct being authorised or required to take place is *necessary* for the purposes of a specific investigation or operation, *proportionate* and *in accordance with law*.
- 9.4 Training should be made available to all those who participate in the acquisition and disclosure of **communications data**.

- 9.5 The Home Office has published the “Communications Data Code of Practice” (latest edition at time of writing was November 2018). This code should be readily available to persons involved in the acquisition of **communications data** under the IPA and persons exercising any functions to which this code relates must have regard to the code.
- 9.6 The IPA stipulates that conduct to be authorised must be *necessary* for one or more of the purposes set out in the IPA. For Local Authorities this purpose is “for the applicable crime purpose” which means:
- 9.6.1 where the **communications data** is wholly or partly events data (events data covers information about time-bound events taking place across a telecommunication system at a time interval, for example, information tracing the origin or destination of a communication that is, or has been, in transmission), the purpose of preventing or detecting serious crime; or
- 9.6.2 in any other case, the purpose of preventing or detecting crime or of preventing disorder.
- 9.7 “Serious Crime” means:
- 9.7.1 an offence for which an adult is capable of being sentenced to one year or more in prison;
- 9.7.2 any offence involving violence, resulting in a substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal;
- 9.7.3 any offence committed by a body corporate;
- 9.7.4 any offence which involves the sending of a communication or a breach of privacy; or
- 9.7.5 an offence which involves, as an integral part of it, or the sending of a communication or breach of a person’s privacy.
- 9.8 A Local Authority may not make an application that requires the processing or disclosure of internet connection records for any purpose.

## 10. AUTHORISATION PROCESS - COMMUNICATIONS DATA

- 10.1 Acquisition of **communications data** under the IPA involves four roles:
- 10.1.1 The Applicant Officer - The applicant officer is a person involved in conducting or assisting an investigation or operation within a relevant public authority who makes an application in writing or electronically for the acquisition of **communications data**;
- 10.1.2 The Single Point of Contact (SPoC) - The SPoC is an individual trained to facilitate the lawful acquisition of **communications data** and effective co-operation between a public authority, the Office for Communications Data Authorisations (OCDA) and telecommunications operators and postal operators. To become accredited an individual must complete a course of training appropriate for the role of a SPoC and have been issued the relevant SPoC unique identifier. The Home Office provides authentication services to enable telecommunications operators and postal operators to validate SPoC credentials;

- 10.1.3 The Senior Responsible Officer - Within every relevant public authority there should be a Senior Responsible Officer. The Senior Responsible Officer must be of a senior rank in a public authority. This must be at least the same rank as the designated senior officer specified in Schedule 4 of the IPA. Where no designated senior officer is specified the rank of the senior responsible officer must be agreed with the Home Office; and
- 10.1.4 The Authorising Individual - **Communications data** applications can be authorised by three separate categories of individual depending on the circumstances of the specific case. The Authorising Individual for Local Authorities is the authorising officer in the OCDA. Section 60A of the IPA confers power on the IPC to authorise certain applications for **communications data**. In practice the IPC will delegate these functions to his staff. These staff will sit in a body which is known as the OCDA.
- 10.2 An authorisation provides for persons within a public authority to engage in conduct relating to a postal service or telecommunication system, or to data derived from such a telecommunication system, to obtain **communications data**. The following types of conduct may be authorised:
- 10.2.1 conduct to acquire **communications data** - which may include the public authority obtaining **communications data** themselves or asking any person believed to be in possession of or capable of obtaining the **communications data** to obtain and disclose it; and/or
- 10.2.2 the giving of a notice - allowing the public authority to require by a notice a telecommunications operator to obtain and disclose the required data.

#### Stage 1 - Making an Application

- 10.3 Before public authorities can acquire **communications data**, authorisation must be given by an Authorising Individual. An application for that authorisation must include an explanation of the necessity of the application.
- 10.4 Necessity should be a short explanation of the investigation or operation, the person and the **communications data** and how these three link together. The application must establish the link between the three aspects to be able to demonstrate the acquisition of **communications data** is necessary for the statutory purpose specified.
- 10.5 When granting an authorisation the authorising individual must also believe that conduct to be proportionate to what is sought to be achieved by obtaining the specified **communications data** – that the conduct is no more than is required in the circumstances. This involves balancing the extent of the interference with an individual's rights and freedoms against a specific benefit to the investigation or operation being undertaken by a relevant public authority in the public interest.
- 10.6 As well as consideration of the rights of the individual whose data is to be acquired consideration must also be given to any actual or potential infringement of the privacy and other rights of individuals who are not the subject of the investigation or operation.
- 10.7 The applicant officer will complete an application form setting out for consideration the necessity and proportionality of a specific requirement for acquiring **communications data**.

- 10.8 The application should record subsequently whether it was authorised by an authorising individual and when that decision was made. Applications should be retained by the public authority and be accessible to the SPoC.

#### Stage - 2 Consultation with the Single Point of Contact

- 10.9 A SPoC must be consulted on all Local Authority applications before they are authorised.
- 10.10 Amongst other things the SPoC will:
- 10.10.1 assess whether the acquisition of specific **communications data** from a telecommunications operator or postal operator is reasonably practicable or whether the specific data required is inextricably linked to other data; and
- 10.10.2 advise applicants on the most appropriate methodology for acquisition of data where the data sought engages a number of telecommunications operators or postal operators.
- 10.11 The National Anti-Fraud Network ('NAFN') is hosted by Tameside Metropolitan Borough Council.
- 10.12 In accordance with section 73 of the IPA, all Local Authorities who wish to acquire **communications data** under the IPA must be party to a collaboration agreement. In practice this means they will be required to become members of NAFN and use NAFN's shared SPoC services. Applicant officers within Local Authorities are therefore required to consult a NAFN SPoC throughout the application process. The accredited SPoCs at NAFN will scrutinise the applications independently. They will provide advice to the Local Authority ensuring it acts in an informed and lawful manner.
- 10.13 In addition to being considered by a NAFN SPoC, the local authority making the application must ensure someone of at least the rank of the senior responsible officer in the local authority is aware the application is being made before it is submitted to an authorising officer in OCDA. The local authority senior responsible officer must be satisfied that the officer(s) verifying the application is (are) of an appropriate rank and must inform NAFN of such nominations. In this Council the Chief Executive is the Senior Responsible Officer and the officers notified to the NAFN (notified in March 2019) as able to verify applications are the Head of Legal and Commercial Services and the Audit Manager.
- 10.14 NAFN will be responsible for submitting the application to OCDA on behalf of the local authority.

#### Stage 3 - Authorisation of Applications

- 10.15 The (OCDA) performs this function on behalf of the IPC. An authorising officer in OCDA can authorise requests from Local Authorities.
- 10.16 The authorising individual is responsible for considering and, where appropriate, authorising an application for **communications data**. It is their responsibility to consider the application and record their considerations at the time, in writing or electronically in order to show that they have understood the need for the application and considered necessity and proportionality to a standard that will withstand scrutiny. Comments should be tailored to a specific application as this best demonstrates the application has been properly considered.

- 10.17 If the authorising individual believes the acquisition of **communications data** meets the requirements set out in the IPA and is necessary and proportionate in the specific circumstances, an authorisation will be granted. If the authorising individual does not consider the criteria for obtaining the data have been met the application should be rejected and/or referred back to the SPoC and the applicant officer.

#### Stage 4 - Refusal to Grant an Authorisation

- 10.18 Where a request is refused by an authorising officer in OCDA, the public authority has three options:
- 10.18.1 not proceed with the request;
- 10.18.2 resubmit the application with a revised justification and/or a revised course of conduct to acquire **communications data**; or
- 10.18.3 resubmit the application with the same justification and same course of conduct seeking a review of the decision by OCDA. A public authority may only resubmit an application on the same grounds to OCDA where the senior responsible officer or a person of equivalent grade in the public authority has agreed to this course of action. OCDA will provide guidance on its process for reviewing such decisions.

#### Stage 5 - Duration of Authorisations and Notices

- 10.19 An authorisation becomes valid on the date upon which the authorisation is granted. It is then valid for a maximum of one month. This means the conduct authorised should have been commenced, which may include the giving of a notice, within that month.
- 10.20 Any notice given under an authorisation remains in force until complied with or until the authorisation under which it was given is cancelled.
- 10.21 All authorisations should refer to the acquisition or disclosure of data relating to a specific date(s) or period(s). Any period should be clearly indicated in the authorisation. The start date and end date should be given, and where a precise start and end time are relevant these must be specified.
- 10.22 Where an authorisation relates to the acquisition or obtaining of specific data that will or may be generated in the future, the future period is restricted to no more than one month from the date upon which the authorisation was granted.
- 10.23 Authorising individuals should specify the shortest possible period of time for any authorisation. To do otherwise would impact on the proportionality of the authorisation and impose an unnecessary burden upon the relevant telecommunications operator(s) or postal operator(s).

#### Stage 6 - Renewal of Authorisations

- 10.24 Any valid authorisation may be renewed for a period of up to one month by the grant of a further authorisation. A renewed authorisation takes effect upon the expiry of the authorisation it is renewing.
- 10.25 Renewal may be appropriate where there is a continuing requirement to acquire or obtain data that will or may be generated in the future. The reasons for seeking renewal

should be set out by the applicant officer in an addendum to the application upon which the authorisation being renewed was granted.

10.26 Where an authorising individual is granting a further authorisation to renew an earlier authorisation, they should:

10.26.1 consider the reasons why it is necessary and proportionate to continue with the acquisition of the data being generated; and

10.26.2 record the date and, when appropriate to do so, the time when the authorisation is renewed.

### Stage 7 - Cancellations

10.27 An authorisation may be cancelled at any time by the Local Authority or OCDA and must be cancelled if, at any time after the granting of the authorisation, it is no longer necessary for a statutory purpose or the conduct required by the authorisation is no longer proportionate to what was sought to be achieved.

10.28 In practice, it is likely to be the public authority that is first aware that the authorisation is no longer necessary or proportionate. In such cases the SPoC (having been contacted by the applicant officer, where appropriate) must cease the authorised conduct.

10.29 A notice given under an authorisation (and any requirement imposed by a notice) is cancelled if the authorisation is cancelled but is not affected by the authorisation ceasing to have effect at the end of one month period of validity.

## **11. CENTRAL CO-ORDINATION**

11.1 The Chief Executive will be the Senior Responsible Officer for the overall implementation of RIPA and the IPA.

11.2 The Head of Legal and Commercial Services will be responsible for:

11.2.1 giving advice and assistance to all staff concerned with the operation of RIPA and the IPA;

11.2.2 arranging training for all staff concerned with the operation of RIPA and the IPA; and

11.2.3 maintaining and keeping up to date this corporate policy and procedure.

11.3 The Audit Manager will be responsible for:

11.3.1 maintaining a central and up to date record of all authorisations;

11.3.2 along with the Head of Legal and Commercial Services, giving advice and assistance to all staff concerned with the operation of RIPA and the IPA; and

11.3.3 allocating reference numbers to authorisations.

## **12. WORKING WITH OTHER AGENCIES**

12.1 When another agency has been instructed on behalf of the Council to undertake any action under RIPA, this Council will be responsible for obtaining a RIPA authorisation and therefore this Policy and Procedure must be used. The other agency must then be given explicit instructions on what actions it may undertake and how these actions are to be undertaken.

12.2 When another agency (e.g. Police, HMRC, etc):

12.2.1 wish to use the Council's resources (e.g. CCTV surveillance systems) for RIPA purposes, that agency must use its own RIPA procedures and, before any officer agrees to allow the Council's resources to be used for the other agency's purposes he or she must obtain a copy of that agency's RIPA form, a copy of which must be passed to the Audit Manager for inclusion on the central register;

12.2.2 wish to use the Council's premises for their own RIPA action, and is expressly seeking assistance from the Council, the request should normally be granted unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the other agency's activities. Suitable insurance or other appropriate indemnities may need to be sought. In such cases, the Council's own RIPA forms should not be used as the Council is only assisting and not involved in the RIPA activity of the other agency.

### **13. OTHER SOURCES OF INFORMATION**

13.1 The Home Office has issued Codes of Practice on **directed surveillance, CHISs and communications data**. These Codes of Practice supplement this policy and procedure document and should be used as a source of reference by all officers whose task it is to apply the provisions of RIPA and the IPA and their subordinate legislation.

### **14. RECORDS MANAGEMENT**

14.1 The Council must keep a detailed record of all authorisations, judicial approvals, reviews, renewals, cancellations and rejections in the relevant services. A central record of all authorisation forms, whether authorised or rejected, will be maintained and monitored by the Audit Manager.

14.2 All Authorising Officers must send all original applications for authorisation to the Audit Manager. Each document will be given a unique reference number, the original will be placed on the central record and a copy will be returned to the applicant officer.

14.3 Copies of all other forms used and the judicial approval form must be sent to the Audit Manager bearing the reference number previously given to the application to which it refers.

#### Service Records

14.4 Each service must keep a written record of all authorisations issued to it, and any judicial approvals granted, to include the following:

14.4.1 a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;

14.4.2 a record of the period over which the operation has taken place;

- 14.4.3 the frequency of reviews prescribed by the Authorising Officer;
- 14.4.4 a record of the result of each review;
- 14.4.5 a copy of any renewal of an authorisation and any supporting documentation submitted when the renewal was requested;
- 14.4.6 the date and time when any instruction was given by the Authorising Officer, including cancellation of such authorisation;
- 14.4.7 a copy of the order approving or otherwise the grant or renewal of an authorisation from a Justice of the Peace; and
- 14.4.8 the required date of destruction and when this was completed.

Central Record Maintained by the Audit Manager

- 14.5 A central record of all authorisation forms, whether authorised or rejected, is kept by the Audit Manager. The central record must be readily available for inspection on request by the Investigatory Powers Commissioner.
- 14.6 The central record must be updated whenever an authorisation is granted, reviewed, renewed or cancelled. Records will be reviewed after a period of 6 years from the date on which the relevant criminal or civil proceedings file is closed for archive and deleted when no longer necessary.
- 14.7 The central record must contain the following information:
  - 14.7.1 the type of authorisation;
  - 14.7.2 the date on which the authorisation was given;
  - 14.7.3 name / rank of the Authorising Officer;
  - 14.7.4 details of attendances at the Magistrates' Court to include date of attendances at court, the determining Justice of the Peace, the decision of the Justice of the Peace and the time and date of that decision;
  - 14.7.5 the unique reference number (URN) of the investigation / operation. This will be issued by the Audit Manager when a new application is entered in the Central Record. The applicant officer will be informed accordingly and should use the same URN when requesting a renewal or cancellation;
  - 14.7.6 the title of the investigation / operation, including a brief description and names of the subjects, if known;
  - 14.7.7 if the authorisation was renewed, when it was renewed and who authorised the renewal, including the name and rank / grade of the Authorising Officer;
  - 14.7.8 whether the investigation / operation is likely to result in the obtaining of **confidential information** (information is confidential if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or an obligation of confidentiality contained in existing legislation. Examples might include consultations between a health professional and a patient, information from a patient's medical records; or matters subject to legal privilege);

- 14.7.9 if the authorisation was reviewed, when it was reviewed and who authorised the review, including the name and rank / grade of the Authorising Officer;
- 14.7.10 the date and time that the authorisation was cancelled.
- 14.8 It should also contain a comments section enabling oversight remarks to be included for analytical purposes.
- 14.9 The Audit Manager co-ordinating RIPA and IPA applications ensures that there is an awareness of the investigations taking place. This would also serve to highlight any unauthorised **covert** surveillance being conducted.

#### Retention and Destruction of Material

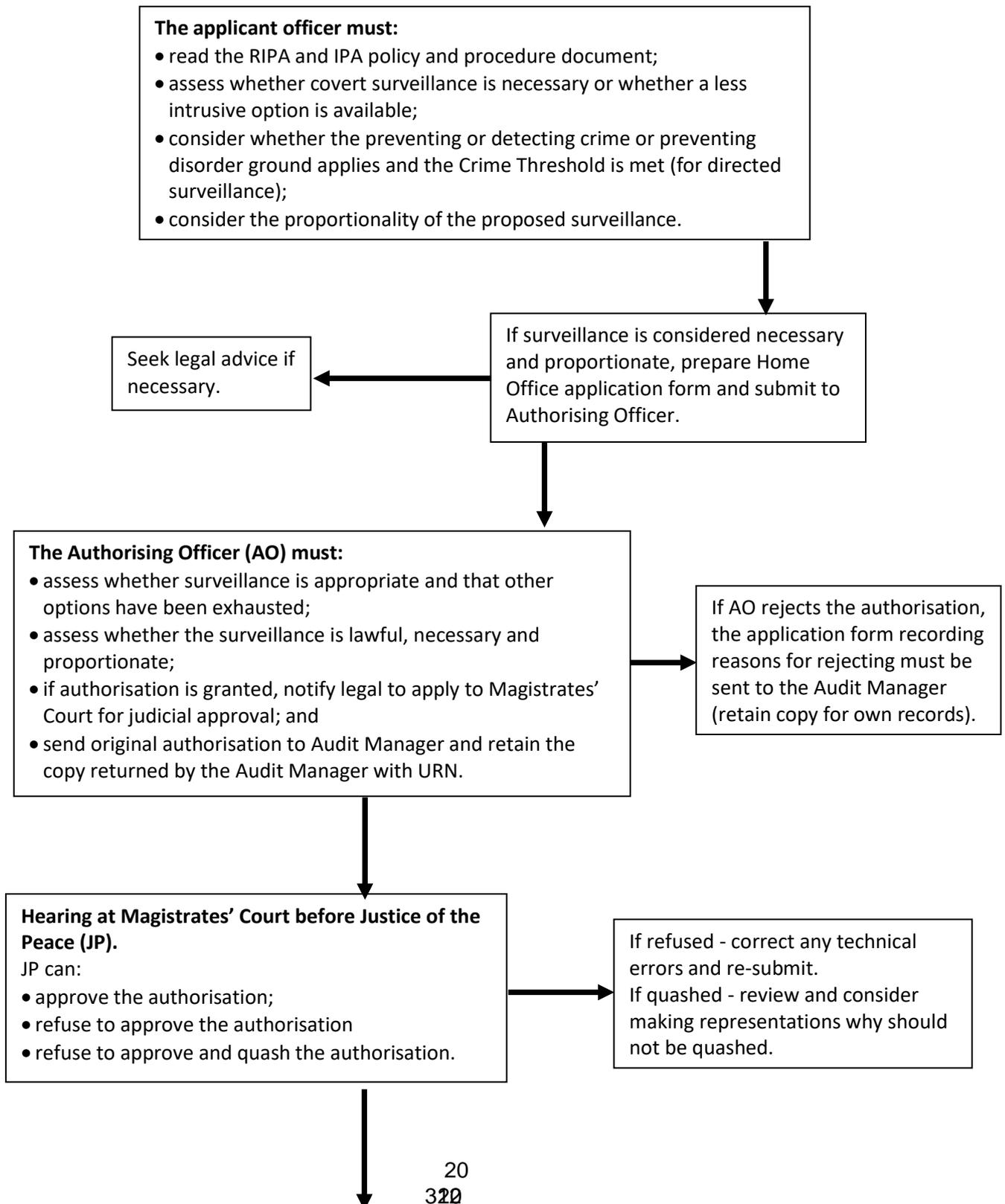
- 14.10 Departments must ensure that arrangements are in place for the handling, storage and destruction of material obtained through the use of **covert** surveillance, a CHIS and/or the acquisition of communications data which accord with the Council's Information Management Policy. Records will be reviewed after a period of 6 years from the date on which the relevant criminal or civil proceedings file is closed for archive and must be destroyed as soon as they are no longer necessary. **Confidential material must be destroyed as soon as it is no longer necessary.** It must not be retained or copied unless it is necessary for a specified purpose. Where there is doubt, advice must be sought from the Head of Legal and Commercial Services or the Senior Responsible Officer.

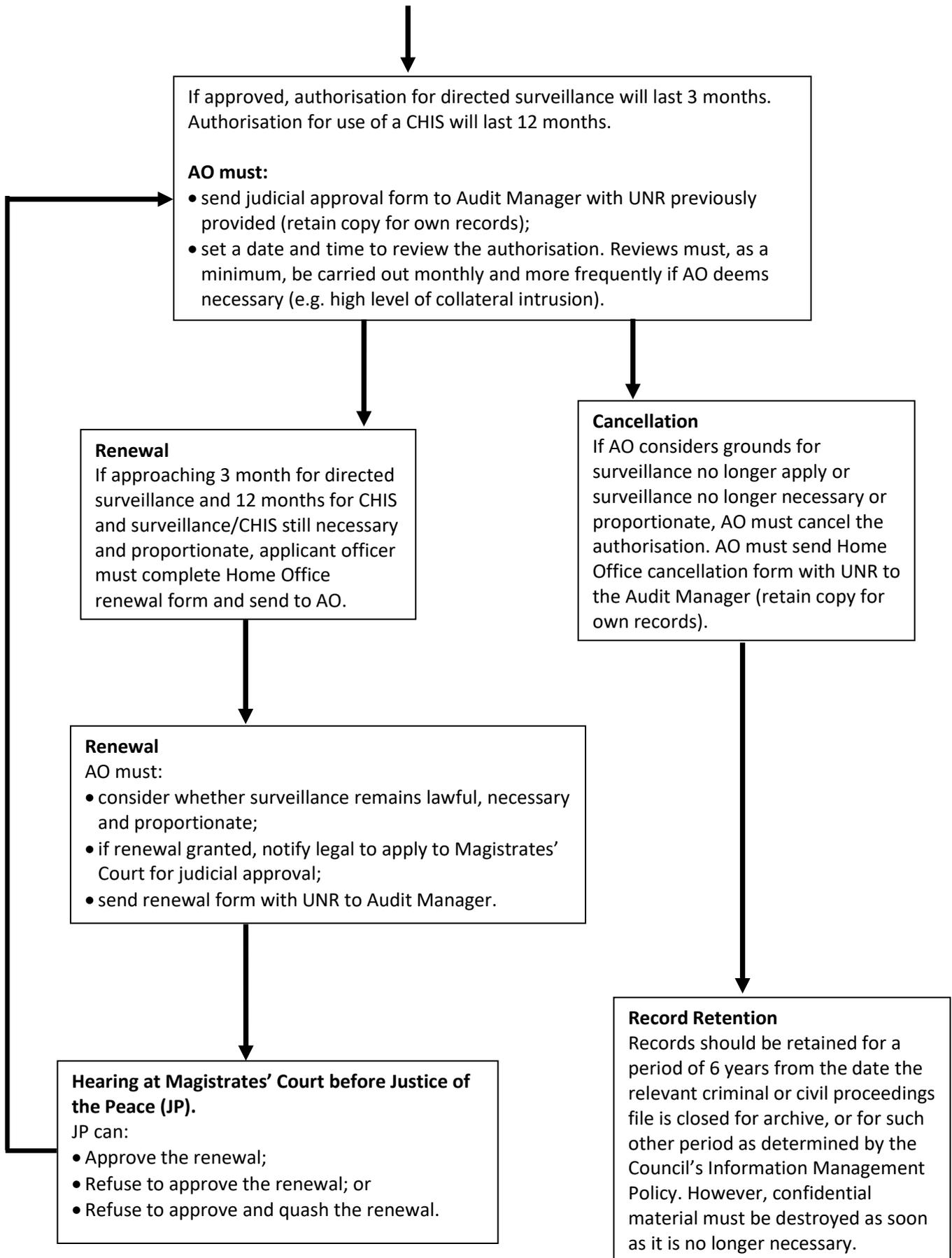
## 15. REVISION HISTORY

Date	Action
December 2006	ASG Revised
May 2009	ASG Reviewed
June 2010	AW Reviewed and updated
March 2012	ASG Revised
October 2012	HO Guidance issued
September 2013	RH Reviewed and updated
October 2015	DMG Reviewed and updated
9 December 2015	Approved by Audit and Governance Committee
12 January 2016	Approved by Council

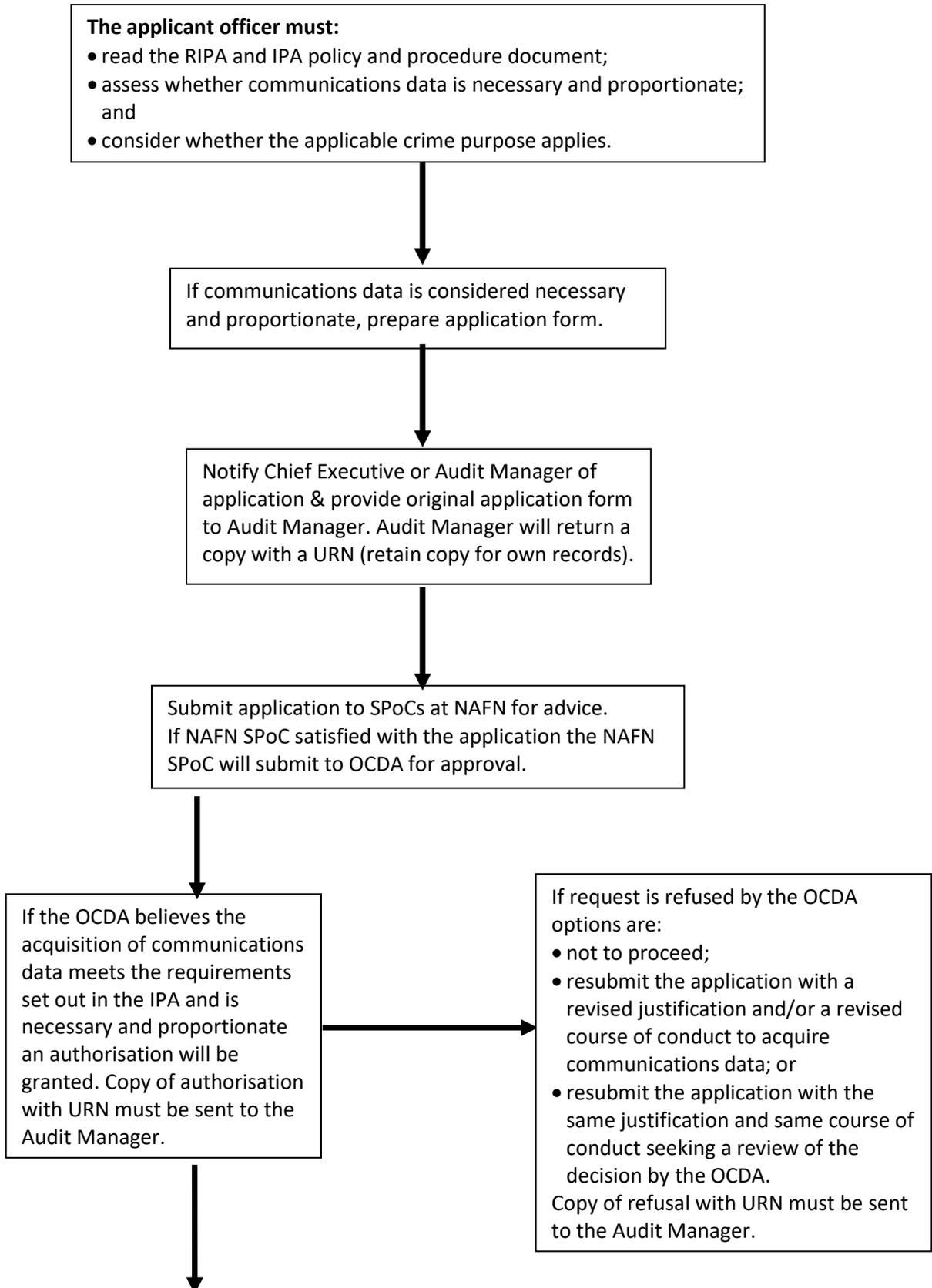
**RIPA - AUTHORISATION OF DIRECTED SURVEILLANCE / USE OF A CHIS PROCEDURE**

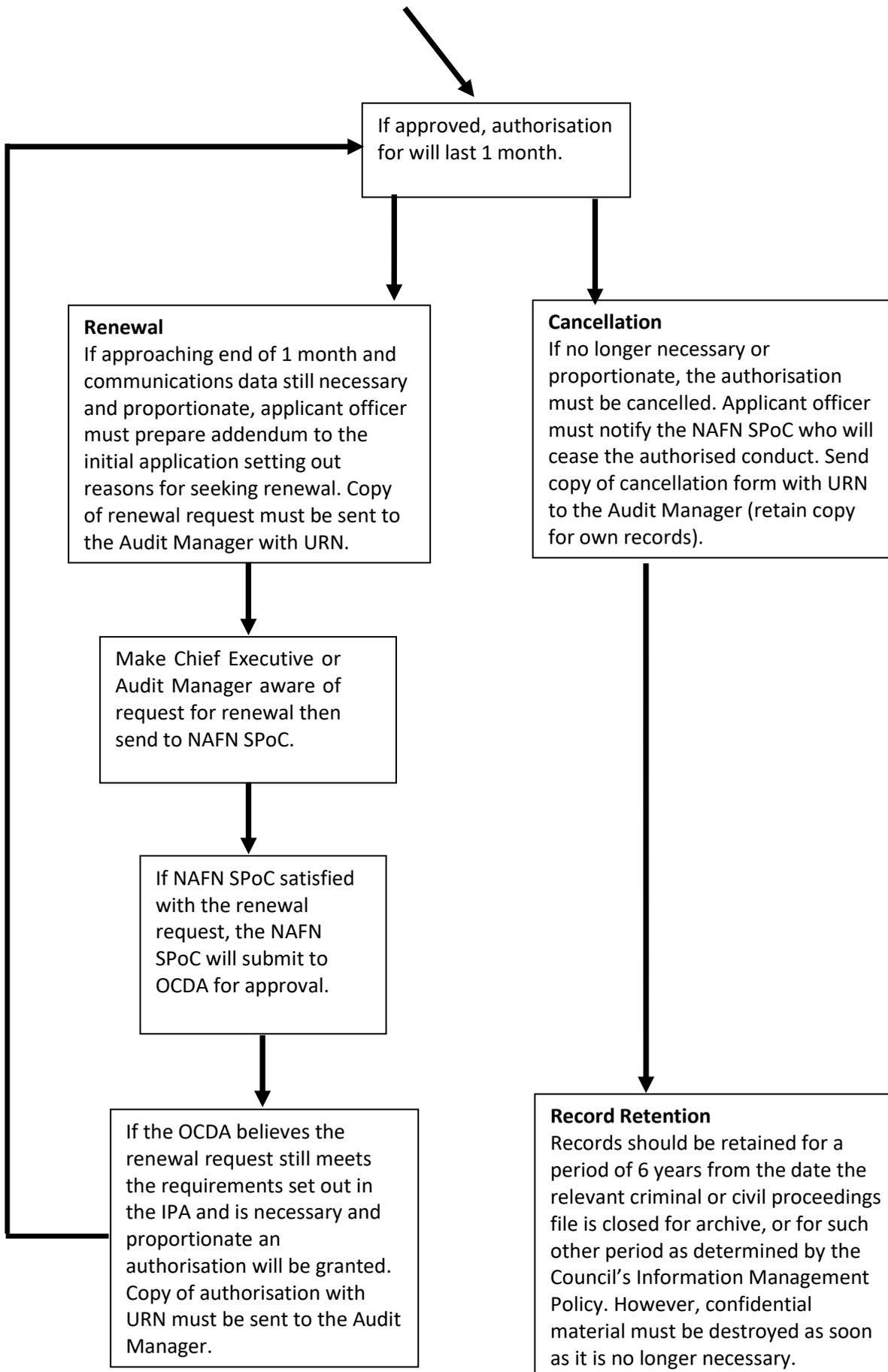
(Note: Note: Only the Chief Executive may authorise the use of a juvenile or vulnerable individual as a CHIS)





IPA - COMMUNICATIONS DATA AUTHORISATION PROCESS





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# INFORMATION MANAGEMENT POLICY

## Version Control

Version No.	Author	Date	Update Information
V1.0	Lynn Wyeth	20.11.2015	Original Draft
V1.1	Lynn Wyeth	04.12.2015	Amendments by NWLDC incorporated
V1.2	Lee Mansfield	15.12.2015	Amendment made following CLT decision - SIRO
V1.3	Lee Mansfield	02.02.2016	To reference legal as location of the IM team
V1.4	Sabrina Doherty	23.02.2017	Changes made to team structures, functions, roles and responsibilities
V1.5	Andrew Hickling / Louis Sebastian	09.05.2018	Changes made to team structures, functions, roles and responsibilities
V1.6	Nicola Taylor / Mackenzie Keatley	01.07.2020	Change made to team structures, roles and responsibilities, training and support, legislation update

June 2020

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# INFORMATION MANAGEMENT POLICY

## POLICY STATEMENT

“Information is a vital corporate asset of the Council which is of extremely high value. North West Leicestershire District Council is committed to ensuring that information is efficiently managed and that appropriate policies, procedures, management accountability and structures provide a robust governance framework for information management.”

## 1. INTRODUCTION

1.1 The key areas of Information Management are:

- Records Management;
- Information Risk;
- Information Security;
- Environmental Information Regulations 2004;
- Freedom of Information Act 2000;
- Data Protection Act 2018;
- General Data Protection Regulations;
- Local Government Transparency Code 2015;
- Privacy and Electronic Communication Regulations;
- Public Services Network Code of Connection;
- Payment Card Industry Security Standards;
- Confidentiality.

1.2 This policy is part of a set of information management policies and procedures that support the delivery of an Information Management framework, and should be read in conjunction with these associated documents, listed at section 4.

## 2. PURPOSE OF THE POLICY

2.1 This Information Management policy provides an overview of the Councils approach to information management, a guide to the procedures in use, and details about the management structures within the organisation.

2.2 This policy enables the Council to ensure that all information is dealt with legally, fairly, securely, efficiently, and effectively.

2.3 This policy ensures that the provisions of the Freedom of Information Act 2000 (FOI), the Environmental Information Regulations 2004 (EIRs), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (GDPR) and the Public Services Network Code (PSN CoCo) are complied with.

## 3. SCOPE OF THIS POLICY

3.1 This policy, framework and supporting policies apply to:

- all information systems within the organisation (both electronic and paper based);
- all data, information, and records owned by the Council, but also including those held by contractors or partner organisations on behalf of, or as a result of their relationship with, the Council);

- any information that is owned by other organisations, but may be accessed and used by Council employees;
- information in whatever storage format and however transmitted (i.e., paper, voice, photo, video, audio or any digital format. It will also cover formats that are developed and used in the future.);
- all employees of the Council, Council members, temporary workers, volunteers, student placements, etc;
- the employees of any other organisations having access to Council information, for example, auditors, contractors, and other partner agencies where there is no specific information sharing protocol in place,

3.2 The procedures outlined in this Policy are in addition to the Council's complaints procedures and other statutory reporting procedures applying to some divisions.

3.3 This Policy has been discussed with the relevant trade unions and has their support.

#### **4. PROCEDURES AND GUIDANCE**

4.1 This Information Management Policy will be strengthened by other associated Council policies / procedures / material including but not limited to:

- ICT Security Policy;
- Request for Information Procedure;
- Security Incident Procedure;
- Records Management Procedure;
- Information Sharing Procedure;
- Whistleblowing Policy;
- RIPA Policy;
- Anti-Money Laundering Policy;
- Employment Practices Code - Information Commissioner's Office.

#### **5. PRINCIPLES OF INFORMATION MANAGEMENT**

5.1 The Council understands the need for an appropriate balance between openness and confidentiality in the management and use of information. The Council also understands the need to share information with others in a controlled manner.

5.2 To maximise the value of organisational assets the Council will endeavour to ensure that data is:

- held securely and confidentially;
- obtained fairly and lawfully;
- recorded accurately and reliably;
- used effectively and ethically;
- shared and disclosed appropriately and lawfully;

5.3 To protect the organisation's information assets from all threats, whether internal or external, deliberate or accidental, the Council will ensure:

- information will be protected against unauthorised access;
- confidentiality of information will be assured;
- integrity of information will be maintained;
- information will be supported by the highest quality data;

- regulatory and legislative requirements will be met;
- business continuity plans will be produced, maintained and tested;
- information security training will be mandatory for all staff;
- all breaches of information security, actual or suspected, will be reported via the Security Incident Procedure and investigated by the Data Protection Officer or Information Management Officer;
- significant breaches will be handled with support from Human Resources and/or ICT Manager and/or Legal Services;

## **6. ROLES AND RESPONSIBILITIES**

### **6.1 Information Asset Owners**

6.1.1 Information Asset Owners (IAOs) are Heads of Service who are the nominated owners for one or more identified information assets within the Council. Their role is to understand what information is held, added, removed, how information is moved and who has access and why.

6.1.2 Information Asset Owners will:

- know what information comprises or is associated with the asset, and understand the nature and justification of information that flows to and from the asset;
- know who has access to the asset, whether system or information, why access is required, and ensures access is monitored and compliant with policy;
- understand and address risks to the asset, providing assurance to the Senior Information Risk Owner;
- ensure there is a legal basis for processing data and for any disclosures made;
- refer queries about any of the above to the Information Governance Team.

### **6.2 Senior Information Risk Owner**

6.2.1 From 1 July 2016 the Head of Legal and Commercial Services will become the SIRO.

The SIRO will report to the CLT on all matters relating to Information Management. The SIRO is an executive who is familiar with and takes ownership of the organisation's information risk policy, and acts as advocate for information risk.

### **6.3 Data Protection Officer**

6.3.1 As of the 4 November 2018 the Council appointed a Data Protection Officer.

Under GDPR it is mandatory that a public authority appoint a Data Protection Officer (DPO).

The DPO's tasks are defined in Article 39 of the GDPR.

The DPO Information Management responsibilities include:

- implementing information management procedures and processes for the organisation;
- raising awareness about information management to all staff;
- ensuring that training is provided annually and is completed by all staff;

- co-ordinating the activities of any other staff given responsibilities for data protection, confidentiality, information quality, records management and Freedom of Information;
- conducting internal audits to ensure compliance on an ad-hoc basis;
- ensures the Council is responsible for the continued integrity of datasets and maintains and enforces applications of policies and standards;
- to co-operate with the supervisory authority (ICO).

#### 6.4 Information Governance

6.4.1 Information management is co-ordinated and managed by the Information Governance Team. The Team will:

- assist the Senior Information Risk Owner in the implementation of their key responsibilities and any other matters as deemed appropriate and necessary;
- maintain an awareness of information management issues within the Council;
- review and update the information management policy in line with local and national requirements;
- review and audit all procedures relating to this policy where appropriate on an ad-hoc basis;
- ensure that line managers are aware of the requirements of the policy.

#### 6.5 ICT Team Manager

6.5.1 The ICT Team Manager is responsible for:

- the formulation and implementation of ICT related policies and the creation of supporting procedures;
- developing, implementing and managing robust ICT security arrangements in line with best industry practice, legislation, and statutory requirements;
- effective management and security of the Council's ICT infrastructure and equipment;
- developing and implementing a robust IT Disaster Recovery Plan;
- ensuring that ICT security requirements for the Council are met;
- ensuring the maintenance of all firewalls, secure access servers and similar equipment are in place at all times.

#### 6.6 Head of Service / Team Managers

6.6.1 Heads of Service / Team Managers will take responsibility for ensuring that the Information Management Policy is implemented within their team. All managers will ensure that:

- the requirements of the information management policy framework are met and its supporting policies and guidance are built into local procedures;
- there is compliance with all relevant information management policies within their area of responsibility;
- information management issues are identified and resolved whenever there are changes to services or procedures;
- their staff are properly supported to meet the requirements of information management and security policies and procedures, by ensuring that they are aware of:
  - the policies and procedures that apply to their work area;
  - their responsibility for the information that they use;

- where to get advice on security issues and how to report suspected security incidents.

## 6.7 Staff

6.7.1 It is the responsibility of each employee to adhere to this policy. Staff will receive instruction and direction regarding the policy from a number of sources, including:

- policy / strategy and procedure manuals;
- their line manager;
- the legal team;
- specific training courses;
- other communication methods, for example, team meetings; and staff intranet.

6.7.2 All staff (whether permanent, temporary, voluntary or on any type of placement / training scheme) and members must make sure that they use the Council's IT systems appropriately and adhere to the relevant ICT Policies of the Council. All members of staff are responsible for:

- ensuring that they comply with all information management policies and information security policies and procedures that are relevant to their service;
- seeking further advice if they are uncertain how to proceed;
- reporting suspected information security incidents.

6.7.3 Staff awareness is a key issue in achieving compliance with Information Management policies. Accordingly there will be:

- mandatory base line training in key information management competencies for all staff;
- additional support for all employees routinely handling 'personal data' as defined by the Data Protection Act 2018;
- all information management policies and procedures available on the intranet;
- staff with specialist knowledge available to advise across the full range of information management areas;
- communication and updates will be provided to staff regularly;
- services are encouraged to have an Information Champion to represent their service. Key messages, training and support are provided to the Information Champions who feed this back to their service. Information Champions can raise issues with the group to identify and remedy problems.

## 7. **MAIN THEMES**

### 7.1 Openness

7.1.1 Non-confidential information which the Council hold will be made available to the public through the Council's website wherever feasible and appropriate.

### 7.2 Legal Compliance

7.2.1 The main legislation applying to information management is the Data Protection Act 2018 and the Freedom of Information Act 2000. The Council will establish and maintain procedures to ensure compliance with the Data Protection Act 2018, the Freedom of Information Act 2000, the Environmental Information Regulations 2004, and the Human Rights Act 1998.

### 7.3 Information Security

7.3.1 Information security is concerned with the confidentiality, integrity, and availability of information in any format, and the Council must comply with the requirements of the Public Services Network.

### 7.4 Information and Records Management

7.4.1 To ensure that information and records are effectively managed, and that the Council can meet its information management objectives, there will be a Records Management Policy that sets out the Council's standards for handling information during each phase of the information lifecycle.

### 7.5 Information Quality Assurance

7.5.1 The Council will undertake or commission regular assessments and audits of its information quality and records management arrangements.

7.5.2 Managers are expected to take ownership of, and seek to improve, the quality of data within their services. Training and awareness-raising sessions appropriate to staff groups will be provided.

### 7.6 Partnerships and Information Sharing

7.6.1 Any sharing of personal or confidential information with partner agencies or involving individual large transfers of such information will be the subject of a written Information Sharing Agreement (ISA). This will set out the expected process, the standards of security and information handling.

## **8. RISK**

8.1 The Council must ensure it operates within a robust information management framework to reduce the risk of threats such as potential litigation, breach of legislation, or enforcement action from the ICO for failure to respond to information requests adequately.

## **9. TRAINING**

9.1 Appropriate training will be mandatory for all staff.

9.2 All staff will be made aware of their obligations for information management through effective communication programmes.

9.3 Each new employee will be made aware of their obligations for information management during an induction-training programme and will be required to undergo mandatory data protection training before they can pass their probation period.

9.4 Training requirements will be reviewed annually to ensure that staff are adequately trained.

## **10. COMPLIANCE**

- 10.1 Failure to observe the standards set out in this policy may be regarded as serious and any breach may render an employee liable to action under the Council's Disciplinary Procedure, which may include dismissal.

## **11. FEES AND CHARGES**

- 11.1 The Council aims to provide as much information free of charge on the website for customers to download or view at home. The Council may charge in accordance with the charges set out in legislation or statutory guidance and for the cost of disbursements such as photocopying and postage.

## **12. COMPLAINTS**

- 12.1 Any person who is unhappy with the way in which the Council has dealt with their request for information, or how their personal data has been handled, may ask for the matter to be reviewed. All complaints should be in writing to:

- [DPO@NWLeicestershire.gov.uk](mailto:DPO@NWLeicestershire.gov.uk) (personal data requests)
- [FOI@NWLeicestershire.gov.uk](mailto:FOI@NWLeicestershire.gov.uk) (non-personal information request)
- Data Protection Officer  
North West Leicestershire District Council  
Whitwick Road  
Coalville  
Leicestershire  
LE67 3FJ

- 12.2 Should the requester / complainant still be unhappy with the outcome of this review they have the right to pursue their complaint to the Data Protection Officer for a formal review. Following the Internal Review, the requester can contact the Information Commissioners Office (ICO, [www.ico.org.uk](http://www.ico.org.uk)) by writing to:

- [accessicoinformation@ico.org.uk](mailto:accessicoinformation@ico.org.uk)
- Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

## **13. EQUALITIES IMPACT ASSESSMENT**

- 13.1 Equality and diversity issues have been considered in respect of this policy and it has been assessed that a full Equality Impact Assessment is not required as there will be no adverse impact on any particular group.

## **14. REVIEW OF POLICY**

- 14.1 This policy will be reviewed as deemed appropriate, especially in light of any legislative changes, but no less frequently than every 12 months.

14.2 Policy review will be undertaken by the Information Governance Team.

# DATA PROTECTION POLICY

## Version Awareness

The audience of this document should be aware that a physical copy may not be the latest available version. The latest version, which supersedes all previous versions, is available on our website. Those to whom this policy applies are responsible for familiarising themselves periodically with the latest version and for complying with policy requirements at all times.

## Version Control

Version No.	Author	Date Issued	Update Information
V1.0	B Wilson	21.05.2018	Original approved version.
V1.1	N Taylor	28.01.2019	Amended to reflect updated policy.
V1.2	N Taylor	28.05.2020	Updated Sections 4.2, 8.1 and 9.1

May 2020

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# DATA PROTECTION POLICY

## 1. INTRODUCTION

### Background

- 1.1 North West Leicestershire District Council (NWLDC) needs to collect person-identifiable information about individuals in order to carry out its functions and fulfil its objectives. Personal data is defined as 'information which relates to a living individual and from which they can be identified, either directly or indirectly'.
- 1.2 Personal data at NWLDC can include employees (present, past and prospective), service users, contractors and third parties, private and confidential information as well as sensitive information, whether in paper, electronic or other form.
- 1.3 Irrespective of how information is collected, recorded and processed person-identifiable information must be dealt with properly to ensure compliance with the Data Protection Act 2018 (DPA) and the General Data Protection Regulations 2018 (GDPR).
- 1.4 The DPA and the GDPR requires NWLDC to comply with the key Data Protection Principles (see Appendix A below) and to notify the Information Commissioner about the data that we hold and why we hold it. This is a formal notification and is renewed annually.
- 1.5 The DPA and the GDPR gives rights to data subjects (people that we hold information about) to access their own personal information, to have it corrected if wrong, in certain permitted circumstances to ask us to stop using it and to seek damages where we are using it improperly (see Appendix C below).
- 1.6 The lawful and correct treatment of person-identifiable information by NWLDC is paramount to the success of the organisation and to maintaining the confidence of its service users and employees. This policy will help NWLDC ensure that all person-identifiable information is handled and processed lawfully and correctly.

### Data Protection and the GDPR Principles

- 1.7 NWLDC has a legal obligation to comply with all relevant legislation in respect of data protection and information / IT security. The organisation also has a duty to comply with guidance issued by the Information Commissioners Office.
- 1.8 All legislation relevant to an individual's right to the confidentiality of their information and the ways in which that can be achieved and maintained are paramount to the Council. Significant penalties can be imposed upon the organisation or its employees for non-compliance.
- 1.9 The aim of this policy is to outline how the NWLDC meets its legal obligations in safeguarding confidentiality and adheres to information security standards. The obligations within this policy are principally based upon the requirements of the DPA and GDPR, as the key legislative and regulatory provisions governing the security of person-identifiable information.

- 1.10 Other relevant legislation and guidance referenced and to be read in conjunction with this policy, is outlined together with a brief summary at Appendix B (below).
- 1.11 GDPR requires Public Authorities to appoint a Data Protection Officer. A Data Protection Officer (DPO) is an enterprise security leadership role required by the General Data Protection Regulation (GDPR). Data Protection Officers are responsible for overseeing data protection strategy and implementation to ensure compliance with GDPR requirements.

## **2. WHAT INFORMATION IS COVERED**

- 2.1 Personal data within the respective legislative and regulatory provisions covers 'any data that can be used to identify a living individual either directly or indirectly'. Individuals can be identified by various means including but not limited to, their address, telephone number or e-mail address. Anonymised or aggregated data is not regulated by the provisions, providing the anonymisation or aggregation of the data is irreversible.

## **3. POLICY STATEMENT**

- 3.1 This document defines the data protection policy for NWLDC. It applies to all person-identifiable information obtained and processed by the organisation and its employees.

It sets out:

- the organisation's policy for the protection of all person-identifiable information that is processed;
- the responsibilities (and best practice) for data protection;
- the key principles of the DPA and the GDPR.

## **4. PRINCIPLES**

- 4.1 The objective of this policy is to ensure the protection of information NWLDC keeps in accordance with relevant legislation, namely:

- **To ensure notification;**

Annually notified the Information Commissioner about the NWLDC's use of person-identifiable information.

- **To ensure professionalism;**

All information is obtained, held and processed in a professional manner in accordance with the provisions of the DPA 2018 and the GDPR.

- **To preserve security;**

All information is obtained, held, disclosed and disposed of in a secure manner.

- **To ensure awareness;**

Provision of appropriate training and promote awareness to inform all employees of their responsibilities.

- **Data Subject Access;**

Prompt and informed responses to subject access requests.

4.2 The policy will be reviewed periodically by the NWLDC Information Governance Team. Where review and update is necessary due to legislative changes this will be done immediately.

4.3 In accordance with the council's equality and diversity policy statement, this procedure will not discriminate, either directly or indirectly, on the grounds of gender, race, colour, ethnic or national origin, sexual orientation, marital status, religion or belief, age, union membership, disability, offending background or any other personal characteristic.

## **5. SCOPE OF THIS POLICY**

5.1 This policy will ensure that person-identifiable information is processed, handled, transferred, disclosed and disposed of lawfully. Person-identifiable information should be handled in the most secure manner by authorised staff only, on a need to know basis.

5.2 The procedures cover all person identifiable information, electronic or paper which may relate to employees, contractors and third parties about whom we hold information.

## **6. POLICY**

6.1 NWLDC obtains and processes person-identifiable information for a variety of different purposes, including but not limited to:

- staff records and administrative records;
- Service Users records including the administering of benefits, council tax, housing records, elections, grants, planning applications, licensing applications, etc;
- matters relating to the prevention, detection and investigation of offences, fraud and corruption;
- matters relating to the enforcement of primary and secondary legislation;
- complaints and requests for information.

6.2 Such information may be kept in either computer or manual records. In processing such personal data, NWLDC will comply with the data protection principles within the DPA and GDPR.

## **7. DATA PROTECTION RESPONSIBILITIES**

### Overall Responsibilities

7.1 The Council is the 'data controller' and permits the organisation's staff to use computers and relevant filing systems (manual records) in connection with their duties. The Council has legal responsibility for the notification process and compliance with the DPA and the GDPR.

7.2 The Council whilst retaining its legal responsibilities has delegated data protection compliance to the Data Protection Officer.

### Data Protection Officer's (DPO) Responsibilities

7.3 The Data Protection Officer's responsibilities include:

- ensuring that the policy is produced and kept up to date.
- Ensuring that the appropriate practice and procedures are adopted and followed by the Council.
- Provide advice and support to the Senior Management Team on data protection issues within the organisation.
- Work collaboratively with Human Resources, the Head of Law and Governance and the Compliance Team to help set the standard of data protection training for staff.
- Ensure data protection notification with the Information Commissioner's Office is reviewed, maintained and renewed annually for all use of person identifiable information.
- Ensure compliance with individual rights, including subject access requests.
- Act as a central point of contact on data protection issues within the organisation.
- Implement an effective framework for the management of data protection.
- Review Retention Schedule annually in January to ensure that it is accurate and up to date.
- Conduct department reviews to ensure that all departments are compliant and act in accordance with the retention schedule.

#### Line Managers' Responsibilities

7.4 All line managers across the Council's service areas are directly responsible for:

- ensuring their staff are made aware of this policy and any notices;
- ensuring their staff are aware of their data protection responsibilities;
- ensuring their staff receive suitable data protection training.

#### General Responsibilities

7.5 All NWLDC employees, including temporary and contract staff are subject to compliance with this policy. Under the GDPR individuals can be held personally liable for data protection breaches.

7.6 All NWLDC employees have a responsibility to inform their line manager and the Data Protection Officer of any new use of personal data, as soon as reasonably practicable after it has been identified.

7.7 All NWLDC employees will, on receipt of a request from an individual for information held, known as a subject access request or concerns about the processing of personal information, immediately notify the Compliance Officer.

7.8 Employees must follow the subject access request procedure (see Appendix C below).

### **8. MONITORING**

8.1 Compliance with this policy will be monitored by the Corporate Leadership Team, together with internal audit reviews where necessary.

8.2 The Data Protection Officer is responsible for the monitoring, revision and updating of this policy document on an annual basis or sooner, should the need arise.

**9. VALIDITY OF THIS POLICY**

- 9.1 This policy will be reviewed at least annually by the Information Governance Team. Associated data protection standards will be subject to an ongoing development and review programme.

## APPENDIX A

### GENERAL DATA PROTECTION REGULATION 2018 - THE DATA PROTECTION PRINCIPLES

1. Lawfulness, Fairness and Transparency: Personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals.
2. Purpose Limitation: Personal data shall be collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes.
3. Data Minimisation: Personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed.
4. Accuracy: Personal data shall be accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay.
5. Storage Limitation: Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals.
6. Integrity and Confidentiality: Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.
7. Accountability: The controller shall be responsible for, and be able to demonstrate compliance with, the previous six principles.

## **APPENDIX B**

### **SUMMARY OF RELEVANT LEGISLATION AND GUIDANCE**

#### **General Data Protection Regulations (GDPR)**

A legal basis must be identified and documented before personal data can be processed. 'Controllers' and 'Processors' will be required to document decisions and maintain records of processing activities.

#### **Human Rights Act 1998**

This Act binds public authorities to respect and protect an individual's human rights. This will include an individual's right to privacy (under Article 8) and a service user's right to expect confidentiality of their information at all times.

Article 8 of the Act provides that "everyone has the right to respect for his private and family life, his home and his correspondence". However, this article also states "there shall be no interference by a public authority with the exercise of this right except 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 or disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others".

Each organisation must act in a way consistent with these requirements. It must take an individual's rights into account when sharing personal information about them.

#### **Freedom of Information Act 2000**

This Act gives individuals rights of access to information held by public authorities.

#### **Regulation of Investigatory Powers Act 2000**

This Act combines rules relating to access to protected electronic information as well as revising the "Interception of Communications Act 1985". The aim of the Act was to modernise the legal regulation of interception of communications, in the light of the Human Rights laws and rapidly changing technology.

#### **Crime and Disorder Act 1998**

This Act introduces measures to reduce crime and disorder, including the introduction of local crime partnerships around local authority boundaries to formulate and implement strategies for reducing crime and disorder in that local area. The Act allows disclosure of person-identifiable information to the Police, Local Authorities, Probation Service or the Health Service but only if the purposes are defined within the Crime and Disorder Act. The Act does not impose a legal requirement to disclose person identifiable information and responsibility for disclosure rests with the organisation holding the information.

#### **The Computer Misuse Act 1990**

This Act makes it a criminal offence to access any part of a computer system, programs and/or data that a user is not entitled to access. NWLDC issues each employee with an individual user id and password, which will only be known to the individual and must not be divulged to other staff. This is to protect the employee from the likelihood of their inadvertently contravening this Act. NWLDC will adhere to the requirements of the Computer Misuse Act 1990, by ensuring that its staff are aware of their responsibilities regarding the misuse of

computers for fraudulent activities or other personal gain. Any member of staff found to have contravened this Act will be considered to have committed a disciplinary offence and be dealt with accordingly.

**The Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000**

This Act allows employers to intercept and record communications in certain prescribed circumstances for legitimate monitoring, without obtaining the consent of the parties to the communication.

## APPENDIX C

### INDIVIDUAL RIGHTS OF THE DATA SUBJECT

1. The Right to be Informed: Individuals have the right to be provided with clear and concise information about what an organisation does with their personal data. NWLDC has published Privacy Notices for each of its departments that outline in detail what data we collect, how that data is used, the lawful basis for processing the data and for how long we will retain that data. These can be found on our website at:  
  
[https://www.nwleics.gov.uk/pages/data\\_protection\\_notice](https://www.nwleics.gov.uk/pages/data_protection_notice)
2. The Right of Access: Individuals have the right to access their personal data that is held by an organisation (commonly referred to as Subject Access). You have the right to obtain a copy of your personal data by making a Subject Access Request as detailed below.
3. The Right to Rectification: Individuals have the right to have inaccurate personal data rectified, or completed if it is incomplete. You can make a request for rectification as detailed below.
4. The Right to Erasure: Individuals have the right to have their personal data erased or 'forgotten' in certain circumstances. These include when the data is no longer necessary for the purpose in which we originally collected or processed it, when we are relying on your consent to process the data and you choose to withdraw that consent, when we are relying on legitimate interests as our basis for processing and you object to this processing (so long as there is no overriding legitimate interest to continue this processing), we have processed the personal data unlawfully, we have to do it to comply with a legal obligation or we have processed the personal data to offer information society services to a child. The Right to Erasure is not an absolute right and only applies in these circumstances listed; however, we will make every effort to assist you. You can make a request for erasure as detailed below.
5. The Right to Restrict Processing: Individuals have the right to restrict or suppress the processing of their personal data where they have a particular reason for wanting the restriction. This is not an absolute right and only applies in certain circumstances. When processing is restricted, we are permitted to store the data, but not to use it. This right may apply if you are contesting the accuracy of your data and we are verifying that accuracy, if the data has been unlawfully processed and rather than invoking the Right to Erasure you request restriction instead, if we no longer need the personal data but you need NWLDC to keep it in order to establish, exercise or defend a legal claim, or you object to our processing of your data and we are considering whether our legitimate grounds for processing override your request. You can request the restriction of data processing as detailed below.
6. The Right to Data Portability: Individuals have the right to obtain and reuse their personal data for their own purposes across different services. This allows you to move, copy or transfer personal data easily from one IT environment to another in a safe and secure way, without affecting its usability. You have the right to request that we transfer the data you have provided to NWLDC directly to another Data Controller. This right only applies when the lawful basis for processing the information is consent or for the performance of a contract and we are carrying out the processing by automated means (in other words, it excludes paper files). You can make a data portability request as detailed below.

7. The Right to Object: Individuals have the right to object to the processing of their data in certain circumstances. You have the absolute right to stop your data being used for direct marketing. You may also object to processing if it is for a task carried out in the public interest, the exercise of official authority vested in us or our legitimate interests (or those of a third party); however, the right to object is not absolute in these circumstances. You can make an objection as detailed below.
8. Rights in Relation to Automated Decision Making and Profiling: The GDPR has provisions on making a decision solely by automated means without any human involvement and the automated processing of personal data to evaluate certain things about an individual. All automated decision-making and profiling is subject to the GDPR and NWLDC will identify, when applicable, whether any of our data processing relies solely on automated decision-making or whether we use profiling of any kind. This information is available on our website at:

[https://www.nwleics.gov.uk/pages/data\\_protection\\_notice](https://www.nwleics.gov.uk/pages/data_protection_notice)

To invoke these rights, simply submit your request to us in writing either by email at [dpo@nwleicestershire.gov.uk](mailto:dpo@nwleicestershire.gov.uk) or to:

North West Leicestershire District Council  
Council Offices  
Whitwick Road  
Coalville  
Leicestershire  
LE67 3FJ

For all requests, NWLDC will have one calendar month in which to respond.

## Document Control

<b>Prepared By</b>	Data Protection Officer
<b>Original Authorisation By</b>	Senior Management
<b>Review Period</b>	One year
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# ICT AND CYBER SECURITY POLICY

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# ICT AND CYBER SECURITY POLICY

## FORWARD

North West Leicestershire District Council is dependent upon its Information and Communications Technology (ICT) systems for its normal day to day business activities. It is therefore essential for the continued successful operation of the Council that the confidentiality, integrity and availability of its ICT systems and data are maintained at a high level at all times. There is also an obligation on the Council and all employees to comply with relevant legislation such as the General Data Protection (GDPR) Acts, the Copyright, Designs and Patents Act and the Misuse of Computers Act.

The majority of information used by the Council is now available and kept in an electronic format and this policy is centred on the need to ensure that our technology and IT systems are sufficiently secure to protect the underlying information and suitably protected. This does, however, need to be backed by a wider culture of confidentiality and security of information in any form including direct conversations, telephone conversations and the written word.

It follows that the highest standard of IT security is required within the Council. To achieve this, the ICT Security and Cyber Security Policy has been introduced and everyone who uses IT equipment is expected to read it and ensure that its provisions are complied with. There is also a short summary of this policy containing the main aspects affecting the average user.

The key to ensuring that the Council's data and systems remain secure is to ensure that all staff are aware of their own responsibilities they will be required to:

- acknowledge receipt and understanding of this policy document;
- in the case of staff having access to RESTRICTED data via the Government Connect Secure Extranet (GCSx) or Government Secure Intranet (GSi) will agree to abide by specific ICT security rules regarding such information (see Appendix 2).

**Wilful failure to follow the procedures stated in this policy may lead to disciplinary action, prosecution and may also render the person personally liable for the cost of replacing or reinstating damaged or corrupt equipment and data.**

The policy will be reviewed periodically (at least annually) and updated by the ICT Manager. If you have any doubts about the meaning of any part of this policy, or believe that it could be improved in any way, please contact the ICT Manager.

## POLICY OBJECTIVES

This policy also sets out the overall objective and principles underlying ICT and cyber security at North West Leicestershire District Council and specifies the management arrangements and key responsibilities.

The objective of this ICT and Cyber Security Policy and its supporting policies is to ensure the highest standards are maintained across the Council at all times so that:

- (a) the public and all users of the Council's information are confident of the confidentiality, integrity and availability of the information used and produced.
- (b) Business damage and interruption caused by cyber security incidents are minimised.

- (c) All legislative and regulatory requirements are met.
- (d) The Council's information is used responsibly, securely and with integrity at all times and that this applies to manual and electronic information.

The main objectives of this policy are:

- to ensure adequate protection of all the Council's assets, locations, people, programs, data and equipment, on a cost-effective basis, against any threat which may affect their security, integrity and/or the level of IT service required by the Council to conduct its business;
- to ensure awareness amongst the Council's officers and members of all relevant legislation and that they fully comply with such legislation;
- to ensure awareness within the Council of the need for IT and cyber security to be an integral part of the day to day operation of the Council's business;
- to ensure user security awareness training is in place and all staff have access to that training.

The strategic approach to cyber security is based on:

- consistency of approach with the implementation of key processes and procedures
- the application of recognised security management good practice such as the Cyber Essentials PLUS and ISO/IEC 27000 family of information management systems standards;
- implementation of physical, personal, procedural and technical counter and mitigation measures;
- annual cyber security assessments and risk mitigations of external and internal threats, commonly called ICT security penetration test carried out by a third party CREST/IASME accredited supplier;
- the continuing availability of specialist security advice;
- cyber security is a vital area of concern, with ever increasing threat vector, that will receive the regular attention of senior management, through the risk and management committee and the Corporate Leadership team;
- all users have an essential role to play in maintaining sound IT and cyber security and will be fully supported by attending QTRLY user awareness security training;
- yearly IT audits conducted by an external supplier, to provide assurance on key ICT controls.

## **SCOPE**

This Information Technology and Cyber Security Policy will apply to:

- all the Council's employees, members, contractors, partners and agents;
- all assets owned by the Council;
- information held or owned by North West Leicestershire District Council, any ICT equipment and infrastructure used, and the physical environment in which the information and/or supporting ICT is used;
- all members of the Council who use the Council's ICT facilities;
- employees and agents of other organisations who directly or indirectly support the Council's IT services;
- members of the public using IT resources to access data on Council premises;
- Council's systems in a hosted / cloud environment.

Where access is to be granted to any third party (e.g. contractors, service providers, voluntary agencies, and partners) compliance with this policy must be agreed and documented, following the third party code of connections policy in Appendix 3. A copy of this policy and the summary document will be issued to all the above.

## 1. SECURITY ORGANISATION

### Objective:

To manage information and cyber security within North West Leicestershire District Council to the highest level.

### 1.1 Responsibilities

The ICT Manager is responsible for:

- assigning security roles and responsibilities;
- co-ordinating the implementation of the security policy across the Council;
- reviewing and if appropriate updating the Security Policy;
- reviewing and monitoring security incidents;
- reviewing third party access and security arrangements;
- monitoring exposure to major threats to information assets;
- agreeing and supporting Council-wide security initiatives;
- ensuring patch management of devices is performed on a monthly basis and monitored.

The security of all hardware situated in departments and sections is the responsibility of the departmental or service manager.

The security of all other hardware, operating systems, PC application, networking, infrastructure and corporate software is the responsibility of the ICT Manager.

Departmental application software is the responsibility of:

<b>Application</b>	<b>System Administrator</b>	<b>System and Data Owner</b>
General Ledger	Financial Planning	Head of Finance
Creditors and Debtors	Exchequer Services	Head of Finance
Payroll	HR	Head of HR and Organisation Development
Revenues and Benefits	Partnership	Head of Customer Services
Housing Management	Strategic Housing	Head of Housing
Housing repairs	Strategic Housing	Head of Housing
Cash Receipting	Exchequer services	Head of Finance
Planning, Building Control	ICT	Head of Planning and Regeneration

Geographic Information System	ICT	Head of Planning and Regeneration
Environmental Health and Licensing	ICT	Head of Community Services
Electoral Registration and Elections	Elections Officer	Head of Legal and Commercial Services
Personnel	HR and Organisation Development	Head of HR and Organisation Development
Land Charges	ICT	Head of Planning Services and Regeneration
Electronic Document Management	ICT	Head of Planning services and Regeneration
Leisure Services Bookings	Business Development manager (Leisure)	Head of Community Services

## 1.2 Acquisition of Information and Communications Technology

All acquisitions of Information and Communications Technology (ICT) shall be in accordance with Council Procurement Procedures and be co-ordinated by the ICT Manager who shall obtain specialist advice if he considers it appropriate.

All new acquisitions of a corporate nature shall be agreed by the Corporate Leadership Team.

Departmental acquisitions shall be agreed between the appropriate Head of Service and the ICT Manager.

The ICT Manager has delegated authority to replace obsolete equipment in accordance with an agreed replacement program and to upgrade/replace office productivity tools and software within an agreed programme.

All new projects will be in accordance with the Council's corporate project management policies, have associated business case / justification documents and be in accordance with the current ICT strategy / road map.

## 1.3 Security Information Advice

Specialist advice on information security is available internally from the ICT Manager or Internal Audit.

## 1.4 Security Incidents

All suspected and actual security incidents shall be reported immediately to the ICT Service desk. Each incident will be recorded, investigated and corrective action implemented where appropriate. If the incident is perceived to be of a serious or urgent nature it will be escalated to the ICT manager or the Head of Customer Services.

The Council has a separate ICT Security Incident Reporting Procedure which gives full details on how to report any security incidents and this includes a copy of the reporting form which you may be asked to complete by the ICT Service desk.

This document is available from within the IT section of the Council Intranet

#### 1.5 Independent Review of Information Security

The content, implementation and practice of this policy will be reviewed independently to provide assurance that organisation practices properly reflect the policy and that the policy is feasible and effective. Independent reviews will be carried out by the internal Audit team and External Auditors (KPMG) or one that has been appointed.

## 2. **SECURITY OF THIRD PARTY ACCESS**

### Objective:

To maintain the security of organisational ICT facilities and information assets accessed by third parties. Either on premise or hosted environment.

#### 2.1 Identification of Risks from Third Party Connections

Where there is a business need for third party access to ICT facilities and information assets the security implications and requirements will be determined, and controls agreed with the third party.

All new systems will be assessed for risks from third party connections and, where appropriate, controls will be defined in a contract with the third party, as described in Appendix 3.

Arrangements involving third party access, e.g. Support engineers, subcontractors, consultants will be based on a formal contract or security agreement containing, or referring to, all of the necessary security conditions to ensure compliance with the Council's security policy including obtaining an indemnity in respect of any loss caused by erasure or alteration of data or incorrect alteration of programs. The contract should be in place before access to the ICT facilities is provided.

See Appendix 3 for sample security agreement for use by third parties.

The implementation of any changes to systems should be strictly controlled using formal change control procedures. Any third party organisation carrying out work for the Council will be expected to comply with these change control procedures and will ensure that all system changes are documented. The ICT change control policy is available via the ICT intranet page.

All third party access will be controlled and is available to service providers via a secure internet connection using an SSL (secured sockets layer) VPN appliance, or an application such as Team Viewer.

Where reasonably possible, for all access will use multi factor authentication using a soft token delivered via SMS to the user's mobile phone or a mobile app. The remote support user will be given an access code and a onetime use password for that session.

All systems have passwords enabled to ensure only authorised parties can access the Council's ICT, at agreed times and that each third party can only access the relevant systems.

All contractors, consultants or other temporary staff will be issued with a unique user code and password in line with current procedures for the particular system being used. **Under no circumstances should Council staff allow their own user code or password to be used by anyone else.**

In certain circumstances it may be necessary to divulge a password for access by technical support staff and in such cases, it must be changed immediately after the authorised activities are completed. A log of such activity is maintained by the ICT department.

A log of all third party access will be recorded on the Service Desk management system, with a copy of the completed third party access control form. All third parties accessing Council systems or data must have had their own IT Security tested by a trusted third party or hold a valid accreditation such as Cyber Essentials or ISO 27001.

### **3. ASSETS CONTROL**

Objective:

To maintain appropriate protection of organisational assets:

#### **3.1 Inventory of Assets**

An inventory of ICT assets shall be maintained by the ICT Manager who shall promptly update it for all acquisitions, disposals, updates and management of our cyber assets (this include transfer of assets to another user).The accuracy of the inventory shall be verified annually in accordance with Financial Procedure Rules. This includes equipment at staff homes for those who are working in an agile manner.

All users must notify ICT if they move an asset to another location, within the Council Offices or a remote site.

### **4. PERSONNEL SECURITY**

Objective:

To reduce the risks of human error, theft, fraud or misuse of facilities:

#### **4.1 General**

Security roles and responsibilities for all staff using ICT facilities will be included in job descriptions and contracts where appropriate by the relevant manager. Managers are responsible for ensuring job descriptions or codes of conduct address all relevant security responsibilities.

All potential recruits will be screened by:

- obtaining two satisfactory references;
- confirming academic and professional qualifications.

All employees and third party users of ICT facilities will be required to sign a confidentiality (non-disclosure) undertaking. Revenue Services benefits staff will be subject to recruitment procedures included in the Benefits Anti-Fraud Strategy.

The appointment of employees with access to information classified as PROTECT or RESTRICTED (see Appendix 1) will be subject to the specific Baseline Personnel Security Standards available on request from the Human Resources department.

All users are responsible for the equipment issued to them and information that they have access to. Third party access to ICT equipment and data, without prior arrangement with IT is prohibited. When accessing Council information, they must ensure that they do so in a secure environment and that persons who are not authorised to view said information cannot view it.

#### 4.2 ICT and Cyber Security Training

##### Objective:

To ensure that users are aware of information security and cyber threats and concerns, and are equipped to comply with and support the Council's security policy in the course of their work:

All users will need to undertake a cyber security user awareness e-learning training module.

All ICT users will be briefed in security procedures and the correct use of ICT facilities by IT staff in order to minimise possible security risks to the confidentiality, integrity and availability of data or services through user error. Managers are responsible for ensuring such training is provided to their staff.

New user accounts will only be established and issued to staff who have received appropriate ICT induction and have been authorised by the relevant Head of Service or Director. All new ICT users will be issued with either a paper copy of the current ICT and Cyber Security Policy or given access to the document on the Council's intranet. They must read the document and sign to acknowledge the terms and conditions within 2 working weeks otherwise network access will be denied.

All new ICT users who will have access to the Government Connect Secure Extranet (GCSx) or Government Secure Internet (GSi) networks will be also be required to comply with a Personal Commitment Statement pertaining to those services.

Access levels to review / amend / delete data will be determined by the relevant Head of Service in association with the system owner(s) of any ICT applications which the new user intends to use.

All third party suppliers, contractors and temporary staff will be required to read and acknowledge the terms and conditions before being granted access to Council ICT resources.

In the case of third party support companies where individual users may not be easily identifiable a board level representative of the company will be required to acknowledge the terms and conditions.

#### 4.3 Responding to Incidents

##### Objective:

To minimise the damage from security incidents and malfunctions, and to monitor, learn from and reinforce procedures in the light of such incidents:

A security incident shall mean:

- any event arising from negligence or deliberate default that has, or could have, resulted in loss or damage to the Council's IT systems or data;
- a compromise to the confidentiality, integrity or availability of IT systems or data;
- an action that is in breach of the security policy;
- any cyber security threat or incident.

All security incidents shall be reported immediately to the ICT Service Desk who will pass the calls to the ICT Security Officer or ICT Manager who will instigate an investigation and report any incidents that cause serious loss or damage to the Head of Customer services and the Data protection officer. Any security incident that may have the potential to lead to disciplinary action will involve the appropriate involvement and consultation with the Head of Human Resources and Organisation Development and/or (depending upon the nature of the incident) the Audit Services Manager.

The Council has a separate ICT Security Incident Reporting Procedure which gives full details on how to report any incidents and this includes a copy of the reporting form which you may be asked to complete by the ICT Service desk. This document is available from within the IT section of the Council Intranet. The security incident will also be logged on the ICT Service Desk system.

Any security incident which leads to loss or damage, or wilful abuse of the conditions of this policy may be cause for investigation and, where appropriate, formal action, in accordance with the Council's agreed disciplinary policy.

Any incident or suspected incident must be handled in the manner as laid out in the Council's Incident and Response Policy and Procedures. The above Incident Response Policy and Procedures will be reviewed on a yearly basis.

#### 5. **PHYSICAL AND ENVIRONMENTAL SECURITY**

##### Objective:

To prevent unauthorised access, damage and interference to ICT services to prevent loss, damage or compromise to assets and to the confidentiality, integrity or availability of IT systems or data, and interruption to business activities:

##### 5.1 Secure Areas

ICT facilities such as servers, server rooms and hosting facilities, hubs and routers supporting critical or sensitive business activities shall be housed in secure areas, i.e. protected from unauthorised access, damage and interference.

Except for systems specifically intended for public use, ICT facilities should only be available to authorised persons, and wherever possible should be kept away from

public access, and preferably view. Specialised IT equipment should be further restricted to authorised staff only in areas of extra security.

The following specific conditions will apply to such secure areas:

- server rooms will be protected by electronic locking systems or digital locks on all entry points and will always be kept locked;
- access to any hosted / Data Centre facility is only for NWLDC ICT staff, with proof of identification and access granted via a request system or logging portal;
- access to server rooms will be only to ICT support staff or to others acting under their close supervision;
- server rooms will be protected with fire detection and control equipment (FM200 Gas). Such equipment will be integrated into the Council's overall fire detection system;
- servers will be protected by Uninterruptible Power Supplies (UPS) enough to allow continuous working of equipment for a minimum of 2 hours in the event of loss of electrical supply to the rooms;
- server rooms will be regularly monitored to ensure an adequate operating environment for the equipment contained;
- network distribution cabinets will be protected with UPS enough to allow continuous working for a minimum of one hour;
- network distribution cabinets will always be kept locked and access granted only to ICT network support staff or others acting under their close supervision;
- remote access may be allowed to server, network and telephony equipment but will be limited to ICT support staff and specified third party support organisations. (Access by third parties will be subject to agreements specific to the software / equipment concerned and, always, will be with the express permission of ICT staff). This includes completing the Permit to work and Risk assessment documents, for all external contractors requiring access to the server room;
- A complete log of remote access by third party support organisations will be maintained.

## 5.2 Equipment Security

ICT equipment and cabling should be protected from spillage or leaks and must be sited away from where staff or the public walk and also to minimise opportunities for unauthorised access or removal. Staff should also be warned of the dangers of spilling liquids or food on IT equipment. **Except for laptop and portable computers only IT staff should move, or supervise the moving, of IT equipment.**

All critical ICT equipment shall be protected by an uninterruptible power supply (UPS). UPS equipment should be self-testing and shall also be manually tested by IT staff at least every six weeks and serviced as necessary.

Officers and members should always ensure that computer equipment and screens are positioned to prevent unauthorised viewing of data.

Any faulty ICT equipment shall be reported to the IT section who will arrange for its repair or replacement. **Under no circumstances shall members of staff attempt to repair, move, change equipment or open casings except for printers to replace consumables or clear a paper jam.**

Computers provided by the Council for use at home are for the sole use of that officer or member, no unauthorised third party is allowed access to the computer equipment

for any reason. **The officer or member will be responsible for ensuring that computer is, always, used in accordance with Council conditions of use.**

Laptop, portable computers and smart phones (unless permanently assigned to an officer or member) may be borrowed, with the permission of the officer's manager, from the IT section who will maintain a record of issue and returns. Such equipment must be transported in appropriate carrying cases, such equipment must be transported in appropriate carrying cases and must not be left in clear view. If left in a vehicle it **MUST** be out of sight. **Officers should treat laptop, smart phones and portable computers as if it were their own possession and uninsured.**

Any laptops, smart phones or computers currently assigned on a permanent basis to an officer or member can be recalled for a software audit on a one-week notice. The officer or member must arrange a mutually convenient time when the computer can be returned to the IT department within that week period. Once the audit has been conducted the IT department will either return the computer or inform the officer or member and arrange a collection time and date.

### 5.3 Equipment and Data Destruction

Obsolete equipment shall be checked by IT staff and all hard disks will be thoroughly cleansed of data before disposal, whether by sale, donation or destruction. Equipment will normally be disposed of via a third party accredited data disposal organisation who will ensure recycling, where possible. Any PCs disposed of by sale / donation will not include the operating system installed and no application software.

All ICT equipment will be disposed of in accordance with the relevant environmental legislation e.g. WEEE Directives.

A separate procedure document "Managing, Tracking and disposing of ICT assets", is available on the ICT intranet page.

### 5.4 Remote Access to Systems and Data

Where there is a business need, the Council will allow employees and members to have remote access to data and systems from locations not covered by the Council local and wide area networks. This will include 'roaming' users who with suitable technology are able to access data anywhere and 'fixed point' users such as home workers. Access to systems from non-council devices, will be controlled via multi factor authentication.

The Council will allow such remote users to make use of their own PC equipment subject to meeting minimum security standards including having up to date anti-virus and firewall software.

Remote access to Council systems will only be granted on the Authority of the relevant Head of Service or Director

Remote access will be only available by using multi factor authentication (i.e. the use of a 2 part password). NWLDC operates soft tokens which require the use of a unique personal PIN either sent to the work mobile combination with a dynamically generated pass code or generated with a mobile app.

Specific conditions and responsibilities will apply to those users:

- data must not be stored on non-Council devices used for remote access;
- confidential data must be encrypted on storage devices supplied by the ICT department;
- particular care should be taken with removable storage devices such as USB sticks, etc and if these are used to move or transfer data it must be stored in encrypted format using supplied "Safe Sticks";
- any Council data downloaded or stored on employees' remote users' PC equipment must be kept secure and inaccessible to others. Data must be removed as soon as is practicable when it is no longer required;
- any loss of equipment (own or Council) must be reported immediately to the ICT Service Desk;
- any actual or perceived security threat relating to remote use of Council IT systems must be reported immediately to the ICT Service Desk;
- no RESTRICTED information should ever be used on employees / members own equipment.

When undertaking video or conference calls discussing or displaying Council information, they must ensure that no unauthorised person are privy to that information.

## **6. COMPUTER AND NETWORK MANAGEMENT**

### **6.1 Operational Procedures and Responsibilities**

#### Objective:

To ensure the correct and secure operation of computer and network facilities:

The ICT Manager is responsible for the management and operation of all servers and networks and associated specialised hardware. Departmental managers are responsible for the safe day to day operation of portable and desktop computers and printers issued to them or their staff.

Appropriate documented procedures for the management and operation of all servers and networks will be established by computer staff.

Clearly documented procedures shall be prepared by computer staff and/or the system administrator for all operational computer systems to ensure their correct, secure operation.

### **6.2 System Planning and Acceptance**

#### Objective:

To minimise the risk of systems failure:

Advance planning and preparation are required to ensure the availability of adequate capacity and resources.

Acceptance procedures for new systems will include the following:

- performance and computer capacity;
- preparation of error recovery and restart procedures;

- preparation and testing of routine operating procedures;
- evidence that the new system will not adversely affect existing systems, particularly at peak processing times;
- training in the operation or use of new systems;
- formal consideration of the need for ongoing maintenance and support by a third party.

Emergency fall back arrangements should be identified for each system and adequate fall-back arrangements made wherever possible. Fall back arrangements for each system should be fully documented and responsibility for this lies with the relevant system administrator.

### 6.3 Configuration and Change Management

#### Objective:

To document and manage the ICT structure and any changes thereto:

Operational changes must be controlled to reduce the risk of system or security failures. The ICT Manager is responsible for ensuring that changes to software or hardware are carried out in a controlled manner and appropriately documented.

A formal change control (and authorisation) is in place which requires significant changes to software and hardware to be assessed, tested and verified before completion. This procedure will apply to anyone making such changes including permanent staff, temporary and contract staff, suppliers and third party support organisations.

All PCs and servers are configured and installed with a standard security configuration, which may be changed only on the authority of the ICT Manager. Any attempts to amend the standard configuration will be logged and monitored.

Specific protective measures are applied to servers accessed by users outside the Council's main network. Such servers are in a separate secure zone of the network known as a de-militarised zone or DMZ.

Please refer to "ICT Server Build Policy" and "ICT PC Build Policy" for full details.

Changes to software and hardware will, wherever possible, be applied in a test environment before being applied to operational systems.

### 6.4 Protection from Malicious and Unauthorised Software

#### Objective:

To safeguard the integrity of software and data:

It is essential that special measures, as detailed below, are implemented to prevent the introduction of malicious software such as computer viruses, ransomware and malware or the use of unauthorised software. Using unlicensed software can result in a raid (authorised by the courts) to identify the use of such unlicensed software which can result in a fine, adverse publicity and a block on the use of ANY computers until the licences are paid for or the offending software is removed, resulting in very serious disruption to the organisation's activities.

In extreme cases staff could face imprisonment. A computer virus or similar can cause severe damage to data and hence serious disruption. Every precaution must be taken to protect Council data and programs.

Unauthorised software is software that has not been purchased by, or whose purchase or use has not been agreed by the ICT Manager.

To reduce the risks of infection or use of unauthorised software the following preventive, detective and corrective measures will be instituted:

- **the introduction and/or use of unauthorised software, including screensavers, is prohibited and may lead to the application of relevant, formal disciplinary action;**
- software licences will be complied with at all times;
- Reputable, up to date anti-virus software will be used to detect and remove or isolate viruses and malware;
- **staff or members must not transfer data from their home PC to the Council computers, whether by removable storage media or e-mail, unless their home PC has up to date (i.e. definitions updated within the previous week) anti-virus software and firewall installed. The anti-virus software used must be one verified by the Council's ICT support staff;**
- **removable storage media devices are blocked from being connected to corporate devices;**
- any suspected viruses must be reported immediately to the computer section and, where appropriate, logged as a security incident;
- except where there is a justifiable business reason that has been expressly agreed with the ICT Manager, users should not open unsolicited e-mails from unverifiable sources and especially any attachments as there is a significant risk, they may contain a virus;
- **users must not attempt to download executable files, i.e. program software, from the Internet without prior specific clearance from IT staff;**
- any incoming e-mail that contains executable or compressed attachments will be automatically quarantined and routed to IT staff for checking before delivery to the intended recipient.

USB devices and removable media are not allowed on any machine. Device management software is in place to detect and block this type of activity. ICT can provide encrypted USB "safe sticks" for transfer of data, which is prohibited on all machines.

## 6.5 Housekeeping

### Objective:

To maintain the integrity and availability of IT services:

Housekeeping measures are required to maintain the integrity and availability of services.

Routine procedures will be established by computer staff for taking back-up copies of data, logging events and, where appropriate, monitoring the equipment environment.

Documented procedures for each system shall include:

- data back-up,
- operator logs,
- fault logging,
- environmental monitoring,
- network and application restart procedures,
- change request logs,
- system updates / upgrades.

## 6.6 Network Management

### Objective:

To ensure the safeguarding of information in networks and the protection of the supporting infrastructure:

Appropriate controls must be implemented to ensure the security of data in networks and the protection of connected services from unauthorised access.

Each authorised user will be allocated a unique logon identifier by ICT Support staff and a password that the user must change at least every 90 days. The password must contain at least eight characters including a mixture of three of the following four elements (a complex password):

- lower case alpha characters,
- upper case alpha characters,
- numbers,
- special characters.

The password policy is to be reviewed on a yearly basis following guidance issued by NCSC.

Access to the network is automatically barred after four successive unsuccessful attempts to logon. Users are responsible for ensuring the secrecy and quality of their password and shall be held responsible for all actions recorded against their unique logon identifier.

The ICT Manager is responsible for ensuring the security of the networks.

A separate procedure document is available “Starters and Leavers Process Including Domain Account Administration” on the ICT intranet page.

## 6.7 Media Handling and Security

### Objective:

To prevent damage to assets and interruptions to business activities:

Computer media containing data shall be controlled and physically protected.

Appropriate operating procedures will be established to protect computer media (tapes, disks, cassettes) input / output data and system documentation from damage, theft and unauthorised access.

At least one copy of all computer media containing data or critical software will be stored in media fire safes. A copy of all such media should also be kept securely offsite.

Computers that rarely physically connect to the network such as laptops or computers provided to members and some officers are not covered under our backup policy and data backups of these computers is the responsibility of the member or officer. A means of backing up the computer and a lesson on how to backup data will be provided by the ICT department

## 6.8 Data and Software Exchange

### Objective:

To prevent loss, modification or misuse of data:

Exchanges of data or software between the Council and third parties should be managed in accordance with the data classification table in Appendix 1.

For critical or sensitive data and software, formal agreements, (including software escrow agreements where appropriate) for exchange of data and software (whether electronic or manual) between organisations should be established. These agreements should specify appropriate security conditions which reflect the sensitivity of the information involved, including:

- management responsibilities for controlling and notifying transmission, despatch and receipt,
- minimum technical standards for packaging and transmission,
- courier identification standards,
- responsibilities and liabilities in the event of loss of data,
- data and software ownership and responsibilities for data protection, software copyright compliance and similar considerations,
- technical standards for recording and reading data and software,
- any special measures required to protect very sensitive items
- The use of personal e-mails for sharing of data is prohibited

In order to ensure security of physical media in transit reliable transport couriers should always be used. Packaging should be sufficient to protect the contents from any physical damage during transit and should be in accordance with manufacturers' instructions.

Data in transit should be sealed with tamper proof or evidence devices and have accompanying documentation to list package contents.

All electronic commerce should be in accordance with the Council's Contract Procedure Rules / Financial Procedure Rules and subject to formal contract(s) drawn up between the Council and the trading partner(s), including the specialised areas of communication processes, transaction message security and data storage. Managers will need to obtain the appropriate specialised advice upon, identify and take into account all external and internal requirements affecting this activity. These requirements are likely to include the acts and directives listed in section 9.1 of this policy. Also relevant will be international and local (to other countries) laws and directives, any national or international professional regulations such as accounting practice and tax regimes, any conditions specified by the Council's insurers, fair trade and human rights standards, and the requisite information and technology standards

and controls to preserve the timeliness, accuracy and integrity, security, recoverability and processing of this activity.

#### 6.9 Connection to Other Networks

##### Objective:

To facilitate use of this means of communication while preventing risks to the Council from inappropriate use:

For operational purposes, the Council will sometimes require access to external networks both to make use of business applications and to exchange data. Access to such networks is only allowed under the following conditions:

- must be authorised by the relevant Head of Service;
- must be agreed by the ICT manager or ICT Security Officer;
- must be protected by a firewall configured to provide protection of all networks concerned;
- must be subject to a suitable data sharing agreement / contract;
- must have protocols in place to protect data in transit and at rest.

#### 6.10 Electronic Mail

##### Objective:

To facilitate use of this means of communication while preventing risks to the Council from inappropriate use:

Controls to reduce the security risks associated with electronic mail (e-mail) should be implemented covering:

- vulnerability to unauthorised interception or modification. Confidential data should only be sent in encrypted form;
- vulnerability to error, for example incorrect addressing;
- legal considerations such as the need for proof of origin, despatch, delivery and acceptance;
- publication of directory entries;
- remote access to e-mail accounts.

All staff have internal e-mail facilities, and external e-mail will be made available to all members and those officers with the authorisation of their director or head of service.

All use of e-mail shall be in accordance with the Electronic Communications Policy and Guidelines. Users shall avoid responding to unsolicited e-mails from unverifiable sources, and in particular, except where there is a justifiable business reason that has been expressly agreed with the ICT Manager, shall not open such mail or any attachments in such circumstances as there is a significant risk they may contain a virus. IT staff shall monitor usage of e-mail and report any concerns to the appropriate director or head of service.

All e-mail sent to external parties shall contain a standard disclaimer inserted by the e-mail system and in a form approved by the Council's Legal Officer.

All e-mail inbound and outbound will be subject to security scans for spyware, malware and viruses.

Electronic e-mail is not to be used via the Outlook App installed on personal devices.

Forwarding of e-mails to personal e-mail accounts is prohibited.

The use of personal e-mails for sharing of data is prohibited.

#### 6.10.1 Confidential or RESTRICTED Information

Specific conditions apply to the use of RESTRICTED information:

- mail must not be forwarded to lower classification domains i.e. to organisations not within the government secure intranet network (GCSi) or government secure extranet (GCSx)

#### 6.10.2 Use of E-mail Outside the UK

- **Due to the inherent increased security risk of accessing data via non-UK networks mail must not be accessed from outside the UK without the specific authorisation of the relevant Director.**
- Any user planning to do so must be aware of the relevant guidelines issued by FCO regarding the use of mobile telephones and IT services outside the UK.

#### 6.11 Internet

Objective:

To facilitate use of this major source of information while preventing risks to the Council from inappropriate use:

The use of the Internet on the Council's computer systems shall be controlled and monitored to prevent:

- users wasting time and public resources by playing or "surfing" when they are paid to work;
- users accessing sites and importing material which the Council, as a matter of policy, may find unacceptable;
- users accessing sites and importing illegal material;
- users importing a virus or other malicious software and hence compromising the accuracy, availability and confidentiality of Council systems;
- users committing the Council to expenditure in an unauthorised fashion.

Internet access is to be used only for access to sites relevant to work or vocational training during an individual's working hours (this does not apply to members).

For staff in the main Council Offices this will be from 08:00 to 18:00 Monday to Friday. Officers using remote access facilities from home may use the Council's central internet connection between 07:00 and 22:30 on any day.

**Personal use of the internet is permitted outside of staff's working hours and is subject to compliance with the Council's "Internet and E-mail Access - Conditions of Use" policy document.**

This "Conditions of Use" policy will apply to those Members and Officers accessing the internet to view Web pages or to send / receive e-mails.

Internet access and e-mail is provided via a central connection to the internet which incorporates security features (intrusion detection and intrusion prevention) to safeguard the security and integrity of the Council's IT systems and data. This connection will always be used by Officers and members located at Council offices unless specifically authorised to use other methods. The key terms and conditions are as follows:

- Authority to use the Internet and/or e-mail facility will only be granted by the Chief Executive, Directors, Heads of Service or Service Managers.
- All Officers and Members using the facility will be required to sign the "Conditions of Use" document to confirm that they have read and agree to abide by its conditions. A breach of the conditions of use may result in disciplinary action and/or criminal proceedings.
- All "Conditions of Use" forms must be countersigned electronically or manually, by a designated authorising supervisor and completed documents will be held by the IT section and Human Resources section.
- All users of the facility will be issued with their own unique User ID and password and users will be deemed responsible for any activity logged against the user ID so User IDs and passwords should not be disclosed to other persons.
- The Council maintains logs of activity on our central Internet connection and may analyse and monitor those logs and all internet traffic.

Copies of the 'conditions of use' form are available on the Council's intranet or are available from the ICT department.

All access to the Internet will be traceable to an originating user ID, both currently and retrospectively.

All access and attempted access to the Internet will be logged by the IT section, and comprehensive information on usage, including the time and length of visits, will be supplied on request or in the event of concerns by the ICT Manager, to a user's director or head of service or Chief Executive in the case of members.

The IT section has implemented and maintains an automatic method for restricting which Internet sites may be accessed. No user shall attempt to access an Internet site which, from its address, may reasonably be considered to contain pornographic material or any other material prohibited by the "Conditions of use" policy. The corporate leadership team will define which sites are not to be accessed and any deliberate attempt to access such site/s will be considered in accordance with the disciplinary procedure.

Intrusion protection system (IPS) is in place, to detect, monitor, analyse and alert on attempted cyber-attacks.

Access to restricted and prohibited sites is automatically monitored and reports of activity will be made available to the user's director or head of service. A monthly security review will be conducted to ensure security and compliance, led by the ICT security officer.

The IT section has implemented and maintains a resilient security gateway device or “firewall” (software and hardware facilities) to control and vet and filter, incoming data to guard against recognised forms of Internet assaults and malicious software.

Only IT staff may download software, including freeware from the Internet. This does not apply to documents, i.e. Word, Excel, PDF format.

## **7. SYSTEM ACCESS CONTROL**

### **7.1 Business Requirements for System Access**

#### Objective:

To control access to business information:

Access to computer services and data should be controlled on the basis of business requirements, but accesses granted to a system should not compromise situations where separation (segregation) of duties is important.

Each system administrator will set up the system access rights of each user or group of users according to authorised business needs. Update access rights should be restricted to the minimum number of people commensurate with the need to maintain service levels.

System access controls are reviewed by Internal Audit during their routine systems audit work programme.

Domain privileged access will be reviewed periodically.

### **7.2 User Access Management**

#### Objective:

To prevent unauthorised computer access:

Formal procedures will be developed for each system by the system administrator to cover the following:

- formal user registration and de-registration procedure for access to all multi-user IT services;
- restricted and controlled use of special privileges;
- Allocation of passwords securely controlled;
- ensuring the regular change and where appropriate quality and complexity of passwords;
- regular review of user access rights and privileged access rights;
- controlled availability of master passwords in emergencies.

A separate procedure document is available “Starters and Leavers Process Including Domain Account Administration” on the ICT intranet page.

User access will be suitably administered to ensure that the type of account granted to employees is such that it allows them to perform their day-to-day user activities and prevents access to any sensitive information not required for the purpose of undertaking their duties.

Ensuring members of staff, contractors and third party access to information systems does not exceed the needs of the role on a 'need to know' basis; that their use of ICT is appropriate and the starter, leaver and amendments changes are properly processed and authorised.

Network accounts which have not been logged into for 90 days will be reviewed and actioned taken. This activity will occur every 90 days to ensure accounts are disabled in quick and secure manner.

### 7.3 User Responsibilities

#### Objective:

To prevent unauthorised computer access:

Effective security requires the co-operation of authorised users. Users must comply with Council policies, standards and procedures regarding access controls, in particular the use of passwords and the security of equipment.

#### **In order to maintain security users must:**

- **not** write passwords down where others may readily discover them;
- **not** tell anyone else their password/s;
- **not** use obvious passwords such as their name;
- **not** let other people observe when entering their password;
- use a password with at least eight characters in it including numeric or special characters;
- promptly change their password if they suspect anyone else may be aware of it;
- log out of applications if they will be away from their desk for any length of time;
- 'lock' their PC when away from their desk to prevent it being used by others (by using Ctrl + Alt + Del keys or the Windows key + L key);
- if working at home the device must be shut down at the end of the day, so that security polices can be applied on next start up and stored in a secure location, when not in use;
- follow the Council's ICT security policy (including reading and signing confidentiality and conditions of use agreements);
- restart PCs and laptops as required after the application of security updates;
- report security incidents to the ICT Service Desk;
- not to open e-mails containing suspicious attachments;
- check e-mail and names of people they received a message from to ensure they are legitimate;
- report scams, privacy breaches and hacking attempts;
- do not re-use password from other systems.

**Staff will be held responsible for all activities logged to their unique user ID.**

### 7.4 Network Access Control

#### Objective:

Protection of networked services:

Connections to networked services shall be controlled in order to ensure that connected users or services do not compromise the security of any other networked services.

The ICT Manager is responsible for the protection of networked services.

All machines including servers are patched every month, this is the patch management cycle, to keep our estate up to date and protected.

A daily operations check is carried out as part of the daily checks procedure to ensure Antivirus, Antimalware and Anti Spyware updates are up to date on all PCs laptops and desktops

Devices not purchased by the ICT department are not to be plugged into or connected wirelessly to the Council's corporate network unless authorised by the ICT Manager or ICT Security officer.

All mobile devices and including tablets, laptops and smartphones will be encrypted using device management software.

## 7.5 Computer and Application Access Control

### Objective:

To prevent unauthorised access to computers and information held:

Access to computer facilities should be restricted to authorised users. Computer facilities that serve multiple users should be capable of:

- identifying and verifying the identity of each authorised user, particularly where the user has update access;
- recording successful and unsuccessful attempts to access the system including files and folders;
- providing a password management system which ensures quality passwords;
- where appropriate restricting the connection times of users;
- controlling user access to data and system functions;
- restricting or preventing access to system utilities which override system or application controls;
- complete 'lock out' of user access after a pre-agreed number of unsuccessful attempts to access data.

## **8. SYSTEMS DEVELOPMENT AND MAINTENANCE**

### 8.1 Security Requirements in Systems

#### Objective:

To ensure that security is built into IT systems and applications:

All security requirements, including a risk analysis and the need for fall back arrangements, should be identified at the requirements phase of a project by the officer requesting the system in consultation with computer and audit staff. Security requirements should be justified, agreed and documented.

The analysis of security requirements should:

- consider the need to safeguard the confidentiality, integrity and availability of information assets;
- identify controls to prevent, detect and recover from major failures or incidents;
- when specifying that a system requires a particular security feature, the quality of that feature must be specified, e.g. Password controlled - *“the password must be held in encrypted format. Passwords must expire after a number of days set by the system administrator, passwords should not be reusable, the system administrator should be able to specify a minimum length and other rules concerning password composition”*.

In order to ensure IT staff and users are aware of security controls in place, controls must be explicitly defined by the relevant system administrator in all relevant documentation.

## 8.2 Security of Application System Files

### Objective:

To ensure that IT projects and support activities are conducted in a secure manner:

Access to application software, data files and system management files should be formalised and documented according to the sensitivity and importance of the system.

Maintaining the integrity of applications is the responsibility of the system administrator who will ensure that:

- strict control is exercised over the implementation of software on the operational system;
- test data is protected and controlled.

## 8.3 Security in Development and Support Environments

### Objective:

To maintain the security of application systems software and data:

All proposed system changes must be reviewed to ensure they do not compromise the security of either the system or operating environment. The ICT Manager is responsible for all operating systems and the appropriate system administrator is responsible for the application. It is essential that both parties work together to ensure the security of application software and data is maintained.

Unsupported modifications to packaged software will only be authorised in exceptional circumstances. Wherever possible the required changes should be obtained from the vendor as standard program updates.

The implementation of any changes to systems should be strictly controlled using formal change control procedures. All system changes will be documented.

It should be a standard that any operational system has separate and secure test, training and development environments.

## 9. COMPLIANCE

### 9.1 Compliance with Legal Requirements and Codes of Practice

#### Objective:

The Council's statutory obligation to have sound information and cyber security arrangements in place originates in the Data Protection Act 1998, which states:

“Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and accidental damage or destruction of personal data.”

The Council depends on the confidentiality, integrity and availability of its information and ICT to such an extent however, that a serious breach of information security could impact on the Council's ability to deliver a wide range of statutory services.

In addition the Council has contractual obligations to ensure sound security if it is to use the Government Public Services Network (PSN) or receive or share information with partner agencies under information sharing arrangement

There are a number of laws which relate directly or indirectly to IT and its use and it is essential that these statutory requirements are met. Legislation which applies includes:

- The Copyright, Designs and Patents Act 1988
- The Data Protection Act 1998
- The Computer Misuse Act 1996
- Regulation of Investigatory Powers Act 2000
- The Human Rights Act 1998
- Telecommunications (Lawful Business Practice)(Interception of Communications) Regulations 2000
- Health and Safety at Work etc Act 1974
- EC Directives.

In order to ensure security and integrity of data held and shared within both central government departments and local government the Council is obliged to adhere to set of standards defined in the 'code of connection' document issued by Department of Work and Pensions April 2008. The standard must be met before government departments such as Department of Work and Pensions will share data with the Council

Note: Failure to adhere to the required standard will result in electronic data sharing with government departments being suspended.

#### 9.1.1 Control of Proprietary Software Copying

##### Objective:

To ensure that the Council complies with current legislation:

Proprietary software is usually supplied under a licence agreement which limits the number of users and/or limits the use to a specified machine. Copyright infringement can lead to legal action, fines and adverse publicity.

It is Council policy that no copyright material is copied without the owner's consent.

#### 9.1.2 Use of Unlicensed Software

Except for freeware, the use of unlicensed software amounts to theft and the Council's policy is only to use licensed software. The Federation Against Software Theft (FAST) and the Business Software Alliance are particularly active in detecting and prosecuting organisations (especially councils) who use unlicensed software.

The introduction and/or use of unlicensed software is prohibited and may be treated as gross misconduct.

#### 9.1.3 Safeguarding of the Council's Records

Important records must be protected from loss, destruction and falsification. All financial records need to be retained for seven years or more to meet audit requirements.

All historic data should be periodically archived by the relevant system administrator with copies being retained in media fire safes on and off site, in accordance with GDPR regulations.

#### 9.1.4 Auditing and logging the use of ICT resources

The Council maintains audit logs of events taking place across its complete network. This includes, but not limited to:

- user login times;
- details if failed login attempts;
- details of access to data files and software applications (user ID, times);
- details of any privileged access to system;
- software and hardware configuration changes;
- details of internet web usage and restricted access reports;
- details of files, folder and network access to objects.

#### 9.1.5 Data Protection

Personal information on living individuals who can be identified from the information that is stored or processed on a computer is subject to data protection legislation. The Data Protection Act 2018 extended this to information held in certain paper based systems. Disclosure of information is also governed by the Freedom of Information Act 2000.

The officer responsible within the Council for data protection is the Records Management Officer who will provide guidance to managers and other staff on their individual responsibilities and the specific procedures that should be followed.

It is a manager's responsibility to inform either the ICT Manager or the Records Management Officer of any proposals to keep personal information on a computer and any changes in the use for which data is kept. With the assistance of the Records Management Officer, managers must ensure that the relevant staff are made aware of the data protection principles defined in the legislation.

The Council is required to register details of the data kept, the purposes to which it is applied and to whom it may be disclosed. It is a manager's responsibility to ensure that the registration is accurate and amended when necessary and to take note of any advice from the Information Commissioner before undertaking any data matching exercise.

Under the Act staff could be held legally responsible for the confidentiality of personal data. Staff must be very careful as to whom they disclose information to and be aware of the need for security of information in any format including printed documents and electronic mail. **Particular care must be taken in disclosing personal data on the telephone, if in any doubt as to the identity of a caller personal data must not be disclosed on the telephone.**

The six principles of the Data Protection Act are that personal data should be:

- processed lawfully, fairly, and in a transparent manner relating to individuals;
- collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- accurate and, where necessary, kept up to date;
- kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- processed in a manner that ensures appropriate security of personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

#### 9.1.6 Prevention of Misuse of IT Facilities

The Council's computer facilities are provided for Council business or in connection with approved study courses. Staff and members are allowed to use the Council's computer facilities for personal use for the following:

- personal use of e-mail in accordance with the "Internet and E-Mail Access – Conditions of Use" policy document;
- access to the Internet, if granted for work purposes, in accordance with the Internet and E-Mail Access - Conditions of Use" policy document;
- limited use of PC software, particularly word processing, in their own time.

The following conditions will apply:

- all private printing must be paid for unless an agreement has been reached with the ICT Manager or the printing service;
- unauthorised or excessive personal use may be subject to disciplinary action;
- The Computer Misuse Act 1990 introduced three criminal offences:
  1. unauthorised access;
  2. unauthorised access with intent to commit a further serious offence;
  3. unauthorised modification of computer material, i.e. alteration, erasure or addition to programs or data.

**Users should not attempt to gain access to systems they are not authorised to use or see, as they could face criminal prosecution.**

## 9.2 Security Reviews of IT Systems

### Objective:

To ensure compliance of systems with the Council's ICT and Cyber Security Policy and standards:

The internal and external security of IT systems including external penetration testing, will be regularly reviewed and subject to cyber security and penetration testing

This will be carried out by an approved CREST/IASME

The review of security processes will be carried out by Internal Audit, External Audit and managers

ICT will use specialist third parties to perform external and internal security and cyber security health checks, annually in order to maintain the Cyber Essential PLUS accreditation as well as meeting out PSN security obligations.

Annual reviews will ensure compliance and assurance with the security policy, standards and best practice.

## 9.3 System Audit Considerations

### Objective:

To minimise interference to / from the system audit process:

Audit requirements and activities involving checks on operational systems shall be carefully planned and agreed to minimise the risk of disruptions to business processes.

There should be controls to safeguard operational systems and audit tools during system audits.

The following are to be observed:

- audit requirements to be agreed with the appropriate manager;
- the scope of any checks to be agreed and controlled;
- checks to be limited to read only access to software and data wherever possible;
- access, other than read only, only to be allowed for isolated copies of system files which must be erased when the audit is completed;
- IT resources for performing checks should be identified and made available;
- requirements for special or additional processing should be identified and agreed with service providers;
- wherever possible access should be logged and monitored;
- all procedures and requirements should be documented.

Access to system audit tools should be controlled.

## THE NATIONAL PROTECTIVE MARKING SCHEME FRAMEWORK

The National Protective Marking System provides a framework for users to share and protect information in an appropriate manner. As can be seen from the table, each protective marking is allocated an appropriate Impact Level (IL). Each IL describes a severity of impact to the UK of protectively marked information being released outside of normal government handling channels.

The IL value is used by security officers when performing a risk assessment on protectively marked information in order to determine how much protection these assets should be given.

Protective Marking	Impact Level
TOP SECRET	6
SECRET	5
CONFIDENTIAL	4
RESTRICTED	3
PROTECT	2 1
Unclassified	0

On 28 February 2007 the new sub-national caveat, PROTECT, was introduced. The purpose of PROTECT is to provide a difference in terms of the handling official information which needs to be protected from compromise of confidentiality, integrity and availability to a known level of assurance, but for which the measures required to safeguard National Security information at RESTRICTED are considered not to always meet the direct business need of the organisation. It is envisaged that in some organisations the use of RESTRICTED will be reduced as a consequence.

**At the Local Authority level and for users of GCSx it is envisaged that most protectively marked information will be of 'PROTECT' in nature.**

At a working level the baseline security objectives for PROTECT will be the same as for RESTRICTED, which are:

- handle, use and transmit with care;
- take basic precautions against accidental compromise or opportunist attack.

The distinction between the two markings is that PROTECT is not a National Security marking, and there is a revised calculation for asset value, or consequence of compromise. Depending on the severity of the circumstances either RESTRICTED or PROTECT may apply where compromise would be likely to:

- cause financial loss or loss of earning potential to, or facilitate improper gain or advantage for, individuals or companies;

- prejudice the investigation or facilitate the commission of crime;
- disadvantage government in commercial or policy negotiations with others.

N.B. Within the UK Government, CONFIDENTIAL is an explicit marking with clearly defined handling requirements. Sometimes, within certain local authorities 'Confidential' is used as a marking to indicate that information has a requirement for protection (in UK Government terms it is protectively marked). Care should be taken to ensure that information protectively marked with the national CONFIDENTIAL marking should be handled accordingly.

### The PROTECT Classification

Guidelines	<ul style="list-style-type: none"> <li>• Cause substantial distress to individuals.</li> <li>• Breach proper undertakings to maintain the confidence of information provided by third parties.</li> <li>• Breach statutory restrictions on the disclosure of information.</li> </ul>
Principles and Clearance Levels	<ul style="list-style-type: none"> <li>• Information classified as PROTECT should be held, processed, transmitted and destroyed with discretion to make compromise highly unlikely.</li> <li>• Only staff cleared by the organisation to access PROTECT level or above are authorised to handle the information. This includes all staff involved with transmission, storage and disposal.</li> </ul>
Electronic Transmission	PROTECT information transmitted across public networks within the UK or across any networks overseas should be encrypted using an approved system.
Electronic Storage	<p>Electronic files (including databases) must be protected against illicit internal use or intrusion by external parties through a judicious selection of two or more of the following mechanisms:</p> <ol style="list-style-type: none"> <li>a. User challenge and authentication (username / password or digital ID / Certificate).</li> <li>b. Logging use at level of individual.</li> <li>c. Firewalls and intrusion-detection systems and procedures; server authentication.</li> <li>d. OS-specific / application-specific security measures.</li> </ol>
Electronic Disposal	Electronic files should be disposed of in a way that makes reconstruction highly unlikely.
Voice Telephone Conversation	Information protectively marked with PROTECT can be spoken about over the telephone.
Manual Transmission	<ul style="list-style-type: none"> <li>• Within a single physical location. As determined by the information security officer.</li> <li>• Transfer between establishments within or outside UK: <ol style="list-style-type: none"> <li>a. May be carried by ordinary postal service or commercial courier firms, provided the envelope / package is closed and the word PROTECT is not visible.</li> <li>b. The outer envelope should be addressed to an individual by name and title. PROTECT mail for / from overseas posts should be carried by diplomatic airfreight.</li> </ol> </li> </ul>

	c. The outer envelope must clearly show a return address in case delivery is unsuccessful. In some cases due to the nature of the contents, identifying the originating organisation may be inappropriate and a return PO Box alone should be used.
Manual Storage	<ul style="list-style-type: none"> <li>• In an office environment, PROTECT material should be held in a lockable storage area or cabinet.</li> <li>• In a storage facility, all material should be protected through controlled access to the storage areas, and through a secure physical environment.</li> </ul>
Manual Disposal	Disposed of or destroyed in a way that makes reconstruction highly unlikely.

### The RESTRICTED Classification

Guidelines	<ul style="list-style-type: none"> <li>• Affect diplomatic relations adversely.</li> <li>• Hinder the operational effectiveness or security of the UK or friendly forces.</li> <li>• Affect the internal stability or economic well-being of the UK or friendly countries adversely.</li> </ul>
Principles and Clearance Levels	<ul style="list-style-type: none"> <li>• Information classified as RESTRICTED should be held, processed, transmitted and destroyed with discretion to make compromise highly unlikely.</li> <li>• Only staff cleared by the organisation to access RESTRICTED level or above is authorised to handle the information. This includes all staff involved with transmission, storage and disposal.</li> </ul>
Electronic Transmission	All RESTRICTED information transmitted across public networks within the UK or across any networks overseas must be encrypted using an approved system.
Electronic Storage	Electronic files (including databases) must be protected against illicit internal use or intrusion by external parties through a judicious selection of two or more of the following mechanisms: <ol style="list-style-type: none"> <li>a. User challenge and authentication (username / password or digital ID / Certificate).</li> <li>b. Logging use at level of individual.</li> <li>c. Firewalls and intrusion-detection systems and procedures, server authentication.</li> <li>d. OS-specific / application-specific security measures.</li> </ol>
Electronic Disposal	Electronic files should be disposed of in a way that makes reconstruction highly unlikely.
Voice Telephone Conversation	Telecommunications made at RESTRICTED (Confidentially IL 3) level can no longer be guaranteed as secure. Appropriate secure communications should be used.
Manual Transmission	<ul style="list-style-type: none"> <li>• Within a single physical location. As determined by the information security officer.</li> </ul>

	<ul style="list-style-type: none"> <li>• Transfer between establishments within or outside UK: <ul style="list-style-type: none"> <li>a. May be carried by ordinary postal service or commercial courier firms, provided the envelope / package is closed and the word RESTRICTED is not visible.</li> <li>b. The outer envelope should be addressed to an individual by name and title</li> <li>c. The outer envelope must show clearly a return address in case delivery is unsuccessful. In some cases, due to the nature of the contents, identifying the originating organisation may be inappropriate and a PO box should be used.</li> </ul> </li> </ul>
Manual Storage	<ul style="list-style-type: none"> <li>• In an office environment, RESTRICTED material should be held in a lockable storage area or cabinet.</li> <li>• In a storage facility, all material should be protected through controlled access to the storage areas, and through a secure physical environment.</li> </ul>
Manual Disposal	Disposed of or destroyed in a way that makes reconstruction highly unlikely.

### **Major Differences Between PROTECT and RESTRICTED**

For Local authorities such as NWLDC the two protective markings which will be most commonly seen in the workplace are PROTECT and RESTRICTED. Out of these two protective markings it is anticipated that PROTECT will be the most common.

Information with the PROTECT protective marking will be handled in the same way as RESTRICTED in most circumstances. The primary difference is that Council Staff will be allowed to have telephone conversations with regard to information protectively marked as PROTECT. Information protectively marked as RESTRICTED is not allowed to be passed over the telephone.

**SIGN BELOW TO ACCEPT THE ICT SECURITY POLICY AND HAND THE FORM TO THE ICT DEPARTMENT**

**North West Leicestershire District Council  
Information and Communications Technology (ICT) and Cyber  
Security Policy**

North West Leicestershire District Council is dependent upon its Information and Communications Technology (ICT) systems for its normal day to day business activities. It is therefore essential for the continued successful operation of the Council that the confidentiality, integrity and availability of its ICT systems and data are maintained at a high level. There is also an obligation on the Council and all employees, contractors and advisors to comply with the relevant legislation such as the Data Protection Acts, the Copyright, Designs and Patents Act and the Misuse of Computers Act.

It follows that a high standard of information security is required within the Council. To achieve this, the ICT and Cyber Security Policy has been adopted and everyone who uses IT equipment or accesses Council information must read the policy and ensure that they understand the obligations contained within it.

Once you have **read** and **understood** the ICT and Cyber Security Policy please sign and return the slip below to the ICT Service Desk.

North West Leicestershire District Council ICT and Cyber Security and Policy can be found on our intranet site

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**North West Leicestershire District Council  
Information and Communications Technology (ICT) and Cyber  
Security Policy**

I have read and understand the North West Leicestershire District Council's ICT Security Policy.

Print Name \_\_\_\_\_ Signed \_\_\_\_\_ Date \_\_\_\_\_

**(Note: When completed, this should be forwarded to the IT Section, who will copy it to the Human Resources Section)**

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL -  
GCSx PERSONAL COMMITMENT STATEMENT**

I understand and agree to comply with the security rules of my organisation as well as the GCSx Code of Connection.

For the avoidance of doubt, the security rules relating to secure e-mail and IT systems usage include:

1. I acknowledge that my use of the GCSx may be monitored and/or recorded for lawful purposes.
2. I agree to be responsible for any use by me of the GCSx using my unique user credentials (user ID and password, access token or other mechanism as provided) and e-mail address.
3. I will not use a colleague's credentials to access the GCSx and will equally ensure that my credentials are not shared and are protected against misuse.
4. I will protect such credentials at least to the same level of secrecy as the information they may be used to access, (in particular, I will not write down or share my password other than for the purposes of placing a secured copy in a secure location at my employer's premises).
5. I will not attempt to access any computer system that I have not been given explicit permission to access.
6. I will not attempt to access the GCSx other than from IT systems and locations which I have been explicitly authorised to use for this purpose.
7. I will not transmit information via the GCSx that I know, suspect or have been advised is of a higher level of sensitivity than my GCSx domain is designed to carry.
8. I will not transmit information via the GCSx that I know or suspect to be unacceptable within the context and purpose for which it is being communicated.
9. I will not make false claims or denials relating to my use of the GCSx (e.g. falsely denying that an e-mail had been sent or received).
10. I will protect any sensitive or not protectively marked material sent, received, stored or processed by me via the GCSx to the same level as I would paper copies of similar material.
11. I will not send Protectively Marked information over public networks such as the Internet.
12. I will always check that the recipients of e-mail messages are correct so that potentially sensitive or protectively marked information is not accidentally released into the public domain.
13. I will not auto-forward e-mail from my GCSx account to any other non-GCSx e-mail account.

14. I will disclose information received via the GCSx only on a 'need to know' basis.
15. I will not forward or disclose any sensitive or protectively marked material received via the GCSx unless the recipient(s) can be trusted to handle the material securely according to its sensitivity and forwarding is via a suitably secure communication channel.
16. I will seek to prevent inadvertent disclosure of sensitive or protectively marked information by avoiding being overlooked when working, by taking care when printing information received via the GCSx (e.g. by using printers in secure locations or collecting printouts immediately they are printed, checking that there is no interleaving of printouts, etc) and by carefully checking the distribution list for any material to be transmitted.
17. I will securely store or destroy any printed material.
18. I will not leave my computer unattended in such a state as to risk unauthorised disclosure of information sent or received via the GCSx (this might be by closing the e-mail program, logging-off from the computer, activate a password-protected screensaver, etc, so as to require a user logon for activation).
19. Where my organisation has implemented other measures to protect unauthorised viewing of information displayed on IT systems (such as an inactivity timeout that causes the screen to be blanked or to display a screensaver or similar, requiring a user logon for reactivation), then I will not attempt to disable such protection.
20. I will make myself familiar with the security policies, procedures and any special instructions that relate to the GCSx.
21. I will inform my manager immediately if I detect, suspect or witness an incident that may be a breach of security.
22. I will not attempt to bypass or subvert system security controls or to use them for any purpose other than that intended.
23. I will not remove equipment or information from my employer's premises without appropriate approval.
24. I will take precautions to protect all computer media and portable computers when carrying them outside my organisation's premises (e.g. leaving a laptop unattended or on display in a car such that it would encourage an opportunist thief).
25. I will not introduce viruses, Trojan horses or other malware into the system or GCSx.
26. I will comply with the Data Protection Act 1998 and any other legal, statutory or contractual obligations that my employer informs me are relevant.
27. If I am about to leave my employer, I will inform my manager prior to departure of any important information held in my account.
28. The GCSx Acceptable Usage Policy specifically states that all PROTECT and RESTRICT information will be appropriately labelled when sent over the GCSx and that public networks will not be used to send RESTRICT or PROTECT information.

29. I understand that use of GCSx / PSN services is subjected to Criminal conviction checks and I will declare any unspent convictions including cautions, reprimands, warnings, investigations or pending prosecutions to Human Resources.

**PLEASE SIGN BELOW TO ACCEPT THE GCSx SECURITY POLICY  
AND HAND THE FORM TO THE ICT DEPARTMENT**

Name: ..... Dept: .....

Signed: .....Date: .....

Authorised: ..... Date: .....

This form can only be authorised by Team Managers or members of  
CLT.

**(Note: When completed, this should be forwarded to the IT Section, who will copy it to the Human Resources Section)**

## THIRD PART NETWORK ACCESS AGREEMENT

### 1. Purpose

The purpose of this agreement is to outline the specific terms and conditions governing the access and use of the North West Leicestershire District Council (NWLDC) network and information technology resources by the Third Party.

This agreement is dated and made between **North West Leicestershire District Council** and the following Third Party:

Company name:	
Address:	
Contact Name:	
Phone number:	
E-mail address:	

### 2. Definitions

**Third parties** are defined as any individual, consultant, contractor, vendor or agent not registered as a NWLDC employee.

**Third party access** is defined as all local or remote access to the NWLDC network for any purpose.

**NWLDC network** includes all data, applications, systems, services, infrastructure and computer devices which are owned or leased by the NWLDC.

**Mobile computer devices** are defined as any handheld computer device, including but not limited to laptops, notebooks, tablet computers, smartphone devices (e.g. PDA, iPhone and Blackberry enabled devices, etc).

**Removable storage devices** are defined as any optical or magnetic storage device or media, including but not limited to floppy disks, CD, DVD, magnetic tapes, ZIP disk, USB flash drive (i.e. memory stick / pen / keys), external / portable hard drives and SD Cards.

### 3. Terms and Conditions

In consideration of NWLDC engaging the Third Party for services requiring third party access and allowing such third party access, the Third Party agrees to the following:

- (a) The Third Party may only use the network connection for approved business purposes as specified by NWLDC and in accordance with NWLDC ICT policies. The use of the network connection for unapproved purposes, including but not limited to personal use or gain is strictly prohibited.
- (b) The Third Party may only use access methods which have been defined by the NWLDC ICT Services.

- (c) The Third Party must ensure that only their employees that have been nominated by the Third Party and approved by the NWLDC in advance, have access to the network connection or any NWLDC owned equipment.
- (d) The Third Party shall be solely responsible for ensuring its nominated employees are not security risks, and upon request from the NWLDC, the Third Party will provide the NWLDC with any information reasonably necessary for the NWLDC to evaluate security issues.
- (e) The Third Party will promptly inform the NWLDC in writing of any relevant employee changes. This includes the rotation and resignation of employees so that NWLDC can disable their usernames and remove / change passwords in order to secure its resources.
- (f) As part of any service agreement review the Third Party will provide the NWLDC with an up to date list of their employees who have access to the network connection or any NWLDC owned equipment.
- (g) The Third Party is solely responsible for ensuring that all usernames and passwords issued to them by the NWLDC remain confidential and are not used by unauthorised individuals. The Third Party must immediately contact NWLDC if they suspect these details have been compromised.
- (h) The Third Party will be held responsible for all activities performed on the NWLDC network while logged in under their usernames and passwords.
- (i) The Third Party must ensure at all times that all computer devices used by them to connect to the NWLDC network have reputable up to date anti-virus software and the appropriate security patches installed.
- (j) Only in exceptional circumstances and with the prior written approval of the NWLDC should the Third Party hold NWLDC information on mobile computer devices or removable storage devices. Should the business requirements necessitate the Third Party to store NWLDC information on mobile computer devices or removable storage devices, the Third Party must ensure that only the absolute minimum amount of information as is absolutely necessary is stored on the mobile computer device or removable storage device and the information is securely deleted when it is no longer required. The Third Party must ensure that all NWLDC information stored on mobile computer devices and removable storage devices belonging to the Third Party is encrypted to standards approved by NWLDC. Under no circumstance encrypted or otherwise should NWLDC information be stored by the Third Party on USB memory keys / sticks.
- (k) The Third Party must ensure that all mobile computer devices used by them to connect to the NWLDC network, are used in such a way that information belonging to the NWLDC is not displayed to unauthorised individuals or the general public.
- (l) The Third Party must ensure that all their computer devices connected to the NWLDC network are not connected to any other network at the same time, with the exception of networks that are under the complete control of the Third Party.
- (m) When the Third Party is connected to the NWLDC network they should not leave their computer devices unattended.

- (n) The Third Party must ensure that when they are connected to NWLDC network their activity does not disrupt or interfere with other non-related network activity.
- (o) All Third Party computer devices used to connect to the NWLDC network must, upon request by NWLDC be made available for inspection.
- (p) The Third Party network connection will by default be granted read / execute privileges only. All requests for increased privileges must be submitted in writing to the NWLDC where they will be considered on a case by case basis.
- (q) For security reasons all Third Party remote access accounts except those providing 24\*7 support may be switched off (de-activated) by default. The Third Party will be required to e-mail (can be followed by phone) NWLDC ICT Services requesting that their account be switched-on (activated) for a stipulated period.
- (r) The Third Party must obtain the written consent of the NWLDC before implementing any updates or amendments to the NWLDC network, information systems, applications or equipment. All approved updates and amendments implemented by the Third Party must be made in line with NWLDC policies and procedures.
- (s) The Third Party must ensure all software is scanned and cleared of all viruses and other forms of malicious software before it is installed on any NWLDC information systems, applications or equipment. The Third Party will be held responsible for all disruptions and damage caused to the NWLDC network, information systems, applications or equipment which is traced back to infected software installed by the Third Party.
- (t) The Third Party and their employees must comply with all UK, European and NWLDC rules and regulations concerning safety, environmental and security operations while on-site at an NWLDC site. All Third Party personnel must carry photographic identification with them when they are on-site at an NWLDC facility.
- (u) Where the Third Party has direct or indirect access to NWLDC information, this information must not be copied, divulged or distributed to any other party without the prior written approval of the NWLDC.
- (v) The Third Party must report all actual and suspected security incidents to the NWLDC immediately.
- (w) The Third Party must manage and process all NWLDC information which they acquire from the NWLDC in accordance the Data Protection Act 1998 (as amended or replace) and any associated guidance.
- (x) The NWLDC reserves the right to:
  - Monitor all Third Party activity while connected (local and remote) to the NWLDC network.
  - Audit contractual responsibilities or have those audits carried out by an NWLDC approved third party
  - Revoke the Third Party's access privileges at any time.
- (y) On completion of the services requiring third party access, the Third Party must return all equipment, software, documentation and information belonging to the NWLDC.

- (z) Any violations of this agreement by the Third Party, may lead to the withdrawal of NWLDC network and information technology resources to that Third Party and/or the cancellation of any contract(s) between the NWLDC and the Third Party.

The Third Party agrees to abide by the terms and conditions of this agreement at all times.

**Signed (On behalf of the Third Party):**

Authorised Signature: .....

Name (Printed): .....

Title or Position: .....

Date: .....

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# LOCAL CODE OF CORPORATE GOVERNANCE

## Policy Statement

### Version Control

Version No.	Author	Date
1		2009
2	Tracy Bingham	October 2017
3	Tracy Bingham	May 2020
4	Mark Walker	May 2022

May 2022

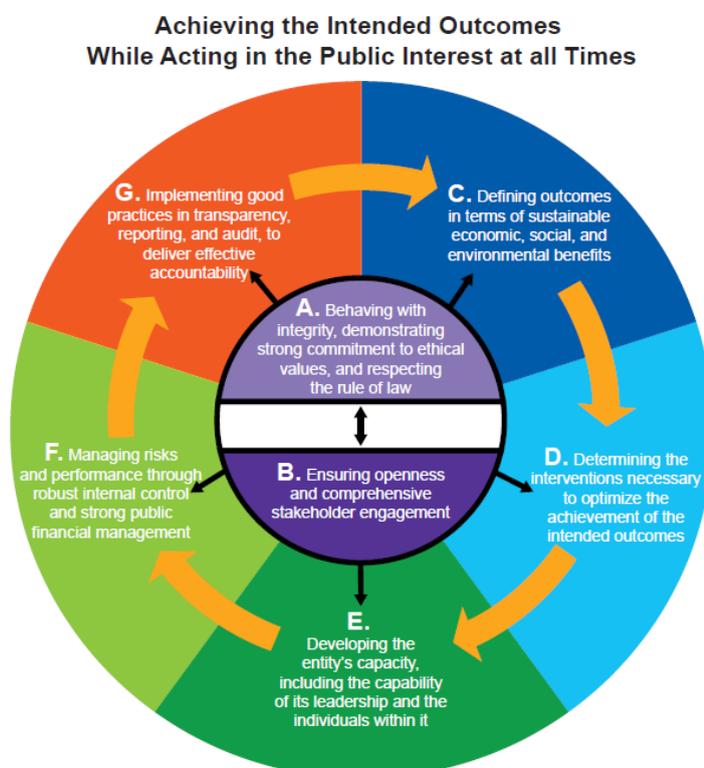
	<b>Contents</b>	<b>Page No.</b>
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3.	Fundamental Principles of Corporate Governance	4

## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL Local Code of Corporate Governance

### 1 INTRODUCTION

- 1.1 In 2014, the Chartered Institute of Public Finance and Accountancy (CIPFA) and the International Federation of Accountants (IFAC) collaborated to produce The International Framework: Good Governance in the Public Sector. The International Framework defines governance as comprising the arrangements put in place to ensure that intended outcomes for stakeholders are defined and achieved. It states that in order to deliver good governance in the public sector, both governing bodies and individuals working for public sector entities must try to achieve their entity's objectives while acting in the public interest at all times.
- 1.2 The Chartered Institute of Public Finance and Accountancy in association with SOLACE have published their Framework entitled 'Delivering Good Governance in Local Government 2016'.
- 1.3 The diagram below<sup>1</sup> illustrates the core principles of good governance in the public sector and how they relate to each other: Principles A and B permeates implementation of principles C to G.

#### Achieving the Intended Outcomes While Acting in the Public Interest at all Times



<sup>1</sup> CIPFA/SOLACE Delivering Good Governance in Local Government Framework 2016

- 1.4 In North West Leicestershire, good governance is about how the Council ensures that it is doing the right things, in the right way and for the benefit of the communities it serves. The starting place for good governance is having shared values and culture and a framework of overarching strategic policies and objectives underpinned by robust systems and processes for delivering these.
- 1.5 By ensuring good governance is in place, the Council will ensure it has high standards of management, strong performance, the effective use of resources and good outcomes which in turn will lead to increased public trust.
- 1.6 The Council is committed to the seven core principles of good practice contained in the CIPFA framework and will test its governance arrangements against this framework and report annually (via its annual assurance review and Annual Governance Statement).
- 1.7 These seven core principles, also known as the Nolan Principles - The Seven Principles of Public Life, apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. A link to the Government website setting out the principles is below:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

## **2 SUMMARY OF COMMITMENT**

- 2.1 By adopting this Local Code of Corporate Governance, we are responding to the CIPFA/SOLACE Joint Working Group Guidance and Framework entitled 'Delivering Good Governance in Local Government'.
- 2.2 In doing so we will:
  - Accept the core principles set out in section 3 below as the basis for our Corporate Governance arrangements.
  - Publish an Annual Governance Assurance Statement with the Council's Statement of Accounts.
  - Draw up Action Plans of improvements to our corporate governance arrangements, such plans to be monitored by the Audit and Governance Committee.

## **3 FUNDAMENTAL PRINCIPLES OF CORPORATE GOVERNANCE**

- 3.1 Set out in this document is the Council's proposed Local Code of Corporate Governance which is based on the seven core principles (as set out in the illustration above) adopted for local government from the report of the Independent Commission on Good Governance in Public Services.

## **Principle A - Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law**

The Council is committed to:

### **Behaving with Integrity**

- Ensuring members and officers behave with integrity and lead as a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organisation.
- Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life (The Nolan Principles).
- Leading by example and using these standard operating principles or values as a framework for decision making and other actions.
- Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure they are operating effectively.

### **Demonstrating strong commitment and ethical values**

- Seeking to establish, monitor and maintain the organisation's ethical standards and performance
- Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation
- Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values
- Ensuring that external providers of services on behalf of the organisation are required to act with integrity and in compliance with high ethical standards expected by the organisation

### **Respecting the rule of law**

- Ensuring members and staff demonstrate a strong commitment to the rule of the law as well as adhering to relevant laws and regulations
- Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements
- Striving to optimise the use of the full powers available for the benefit of citizens, communities and other stakeholders
- Dealing with breaches of legal and regulatory provisions effectively
- Ensuring corruption and misuse of power are dealt with effectively

## **Principle B – Ensuring openness and comprehensive stakeholder engagement**

The Council is committed to:

### **Openness**

- 3
- Ensuring an open culture through demonstrating, documenting and communicating the organisation's commitment to openness
  - Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided
  - Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear
  - Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action

### **Engaging comprehensively with institutional stakeholders**

- Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are achieved successfully and sustainably
- Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively
- Ensuring that partnerships are based on: trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit

### **Engaging stakeholders effectively, including individual citizens and service users**

- Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes.
- Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement
- Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs
- Implementing effective feedback mechanisms in order to demonstrate how their views have been taken into account
- Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity
- Taking account of the interests of future generations of tax payers and service users

## **Principle C – Defining outcomes in terms of sustainable economic, social, and environmental benefits**

The Council is committed to:

### **Defining outcomes**

- 4
- Having a clear vision which is an agreed formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provides the basis for the organisation's overall strategy, planning and other decisions
  - Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer
  - Delivering defined outcomes on a sustainable basis within the resources that will be available
  - Identifying and managing risks to the achievement of outcomes
  - Managing service users expectations effectively with regard to determining priorities and making the best use of the resources available

### **Sustainable economic, social and environmental benefits**

- Considering and balancing the combined economic, social and environmental impact of policies, plans and decisions when taking decisions about service provision
- Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints
- Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs
- Ensuring fair access to services

## **Principle D – Determining the interventions necessary to optimise the achievement of the intended outcomes**

The Council is committed to:

### **Determining interventions**

- Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and including the risks associated with those options. Therefore ensuring best value is achieved however services are provided
- Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts

### **Planning interventions**

- Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets
- Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered
- Considering and monitoring risks facing each partner when working collaboratively including shared risks
- Ensuring arrangements are flexible and agile so that the mechanisms for delivering outputs can be adapted to changing circumstances
- Establishing appropriate key performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured
- Ensuring capacity exists to generate the information required to review service quality regularly
- Preparing budgets in accordance with organisational objectives, strategies and the medium term financial plan Informing medium and long term resource planning by drawing up realistic estimates of revenue and capital expenditure aimed at developing a sustainable funding strategy

### **Optimising achievement of intended outcomes**

- Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints
- Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term
- Ensuring the medium term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage
- Ensuring the achievement of 'social value' through service planning and commissioning.

## **Principle E – Developing the entity’s capacity, including the capability of its leadership and the individuals within it**

The Council is committed to:

### **Developing the entity’s capacity**

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- Reviewing operations, performance use of assets on a regular basis to ensure their continuing effectiveness
  - Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how the authority’s resources are allocated so that outcomes are achieved effectively and efficiently
  - Recognising the benefits of partnerships and collaborative working where added value can be achieved
  - Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources

### **Developing the capability of the entity’s leadership and other individuals**

- Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained
- Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body
- Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads the authority in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for each other’s authority
- Developing the capabilities of members and senior management to achieve effective shared leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks by:
  - ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged
  - ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis
  - ensuring personal, organisational and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and
- Ensuring that there are structures in place to encourage public participation
- Taking steps to consider the leadership’s own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections
- Holding staff to account through regular performance reviews which take account of training or development needs Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing

## **Principle F – Managing risks and performance through robust internal control and strong public financial management**

The Council is committed to:

### **Managing risk**

- Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making
- Implementing robust and integrated risk management arrangements and ensuring that they are working effectively
- Ensuring that responsibilities for managing individual risks are clearly allocated

### **Managing performance**

- Monitoring service delivery effectively including planning, specification, execution and independent post implementation review
- Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook
- Ensuring an effective scrutiny or oversight function is in place which encourages constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible (OR, for a committee system) Encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making
- Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement
- Ensuring there is consistency between specification stages (such as budgets) and post implementation reporting (e.g. financial statements )

### **Robust internal control**

- Aligning the risk management strategy and policies on internal control with achieving the objectives
- Evaluating and monitoring the authority's risk management and internal control on a regular basis
- Ensuring effective counter fraud and anti-corruption arrangements are in place
- Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor
- Ensuring an audit committee or equivalent group or function which is independent of the executive and accountable to the governing body: provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment that its recommendations are listened to and acted upon

### **Managing Data**

- Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data
- Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies
- Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring

### **Strong public financial management**

- Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance
- Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls

## **Principle G – Implementing good practices in transparency, reporting, and audit to deliver effective accountability**

The Council is committed to:

### **Implementing good practice in transparency**

- Writing and communicating reports for the public and other stakeholders in an understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate
- Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand

### **Implementing good practice in reporting**

- Reporting at least annually on performance, value for money and the stewardship of its resources
- Ensuring members and senior management own the results
- Ensuring robust arrangements for assessing the extent to which the principles contained in the Framework have been applied and publishing the results on this assessment including an action plan for improvement and evidence to demonstrate good governance (annual governance statement)
- Ensuring that the Framework is applied to jointly managed or shared service organisations as appropriate
- Ensuring the performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparison with other similar organisations

### **Assurance and effective accountability**

- Ensuring that recommendations for corrective action made by external audit are acted upon
- Ensuring an effective internal audit service with direct access to members is in place which provides assurance with regard to governance arrangements and recommendations are acted upon
- Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations
- Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement
- Ensuring that when working in partnership, arrangements for accountability are clear and that the need for wider public accountability has been recognised and met

- 4.1 The contents of this Local Code will be reviewed when necessary usually on an annual basis.

NWLDC

REVIWED AND UPDATED – MAY 2022

REVIEWED AND UPDATED – FEBRUARY 2008

REVIEWED – JUNE 2009

REVIEWED AND UPDATED – SEPTEMBER 2017

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## NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – TUESDAY, 20 SEPTEMBER 2022



<b>Title of Report</b>	<b>FORMER TENANT RENT ARREARS, CURRENT TENANT RENT ARREARS, COUNCIL TAX, NON DOMESTIC RATES AND SUNDRY DEBTOR WRITE OFFS FOR APPROVAL IN FINANCIAL YEAR 2022/23</b>	
<b>Presented by</b>	Councillor Nick Rushton Corporate Portfolio Holder	
<b>Background Papers</b>	All information used in compiling the report contain exempt information under paragraph 3 of Part 1 to Schedule 12A Local Government Act 1972	<b>Public Report:</b> Yes
		<b>Key Decision:</b> Yes
<b>Financial Implications</b>	There is no additional financial effect as all the debts are met from the Council's bad debt provision for previous years arrears or from in year income if the debts relate to the current financial year	
	<b>Signed off by the Section 151 Officer:</b> Yes	
<b>Legal Implications</b>	None identified	
	<b>Signed off by the Monitoring Officer:</b> Yes	
<b>Staffing and Corporate Implications</b>	None identified	
	<b>Signed off by the Head of Paid Service:</b> Yes	
<b>Purpose of Report</b>	To approve write offs over £10,000	
<b>Reason for Decision</b>	To comply with proper accounting practices.	
<b>Recommendations</b>	<b>THAT CABINET APPROVES THE NON-DOMESTIC RATES WRITE OFFS THAT ARE OVER £10,000.</b>	

**1.0 WRITE OFFS**

- 1.1 The purpose of this report is to seek approval to write off debts over £10,000.
- 1.2 Details of overall write offs will be circulated annually.
- 1.3 Writing off debts is only considered where appropriate recovery and enforcement options have been taken, or, where the Council is legally prohibited from pursuing the debt. These include:

- bankruptcy or a Debt Relief Order is in place;
- deceased – No assets within the estate;
- debtor Absconded / No Trace;
- company in liquidation/dissolved or ceased trading with no assets;
- severe hardship and/or serious health issues; or Statute barred i.e. the Council cannot legally pursue the debt as there has been six years since the debt fell due and no action has been taken to collect the debt;
- uneconomical to collect i.e. it is not financially viable to take further action for example due to the low level of the debt or they have gone abroad.

## 2.0 NON DOMESTIC RATES (NNDR)

- 2.1 There are two Non Domestic Rate debts over £10,000 for which Cabinet approval is sought amounting to £38,906.99.

Company	Financial Year	Status on Account	Amount to be Written Off
Company	2019/20- £9,807.50 2020/21- £14,319.74	Insolvency	£24,127.24
Company	2021/22- £8,961.19 2021/22- £5,818.56	Insolvency	£14,779.75
<b>TOTAL</b>			<b>£38,906.99</b>

- 2.2 For Business Rates, writing off debt is only ever considered as a last resort. In the above instances when companies, sole traders or partnerships become insolvent the Council is prohibited from taking any further action as all of their outstanding debts are included within the Administration, Liquidation or personal bankruptcy.
- 2.3 There are no write offs for consideration for any other funds that have a value of over £10,000.00.

<b>Policies and other considerations, as appropriate</b>	
Council Priorities:	Value for Money
Policy Considerations:	Not applicable.
Safeguarding:	Not applicable.
Equalities/Diversity:	Not applicable.
Customer Impact:	Not applicable.
Economic and Social Impact:	Not applicable.
Environment and Climate Change:	Not applicable.
Consultation/Community Engagement:	Not applicable.
Risks:	Regular reviews of debts for write off mitigates the risk that the Council's accounts do not reflect the true level of recoverable income. It is also part of an effective arrears management strategy.
Officer Contact	Andy Gould Exchequer Services Team Leader <a href="mailto:andy.gould@nwleicestershire.gov.uk">andy.gould@nwleicestershire.gov.uk</a>

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Likely to contain exempt information under paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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