

09 March 2018.

Dear Councillor,

A meeting of the **CABINET** will be held in the **Council Chamber** at these offices on **MONDAY, 19 MARCH 2018 at 4.00 p.m.**, when your attendance is requested.

Yours sincerely,

KATHRYN HALL

Chief Executive

A G E N D A

	Page No.
1. To receive Declarations of Interest from Members in respect of any matter on the Agenda.	
2. To receive apologies for absence.	
3. To confirm the Minutes of the meeting of the Committee held on 19 February 2018.	3 – 7
4. To consider any items that the Leader agrees to take as urgent business.	
5. Performance Monitoring for the 3 rd Quarter.	8 – 40
6. Strategic Risks 2018/19.	41 – 56
7. Annual Surveillance Report.	57 – 80

To: **Members of the Cabinet** – Councillors: Ash-Edwards (Deputy Leader), MacNaughton, Marsh, Thomas-Atkin, Wall (Leader) and Webster.

Minutes of the Meeting of the Mid Sussex District Council Cabinet held on 19 February 2018 from 4.00 p.m. to 4.47 p.m.

Present: Councillors: Jonathan Ash-Edwards, Andrew MacNaughton, Gary Marsh, Garry Wall (Leader), Mandy Thomas-Atkin and Norman Webster.

Also present: None.

Officers: Kathryn Hall, Judy Holmes, Tom Clark, Peter Stuart, Simon Hughes, Alex Austin and Hamish Evans.

1. DECLARATIONS OF INTEREST

Cllr Ash-Edwards declared a prejudicial interest in item 6, specifically the Capital Project of Hurst Farm, as he is a Governor at Warden Park Primary Academy which is expected to manage the proposed Primary School on the site. He stated that he would withdraw from the meeting and the vote on this item.

2. APOLOGIES

None.

3. MINUTES

The minutes of the meeting held on 15 January 2018 were agreed as a correct record and signed by the Leader.

4. URGENT BUSINESS

None.

5. BUDGET MANAGEMENT 2017/18 – PROGRESS REPORT APRIL TO DECEMBER 2017.

The Leader confirmed that Cabinet would discuss the item in two parts, discussing paragraphs 1 to 29 with the Deputy Leader present and then discussing paragraphs 30 to 66 once the Deputy Leader had withdrawn for the meeting.

Peter Stuart, Head of Corporate Resources, introduced paragraphs 1 to 29 of the report which outlined the Council's current expenditure and income. He confirmed that there is a forecast overspend of £14,000 by year end however it is expected that this would reduce and possibly change to an underspend through focussed financial management by the end of the financial year.

The Leader stated that it was a positive sign that the overspend had been greatly reduced.

The Cabinet Member for Service Delivery also expressed how he was pleased that the Council had reduced the overspend to just £14,000.

The Deputy Leader and Cabinet Member for Resources and Economic Growth said he was pleased to see progress to narrow the overspend. He added that he was also pleased to see the British Heart Foundation electric and textile recycling project.

He also mentioned that it was positive to see a good take-up of the Waste and Recycling projects listed in paragraph 25.

The Leader said that managing Council expenditure with changing customer demands and service pressures was a difficult task however the report shows that the Council is managing it effectively.

[Cllr Ash-Edwards withdrew from the meeting]

The Head of Corporate Resources introduced the rest of the report which detailed the current and projected Capital Spending and current Treasury Management Interest. Turning to paragraphs 46 to 49 it was mentioned that to date the Asset Management Reserve has been used to fund work needed to bring forward Hurst Farm for development.

The Head of Corporate Resources reminded Members that a Planning application was made in July 2017 and added that it would seem appropriate now to set up a dedicated capital project for the reasons given in para 51.

It was stated that paragraphs 46 to 49 set out the arrangements that have existed between the parties that own the land known as Hurst Farm and are now involved in bringing forward this site with the intention of delivering housing.

Members' attention was drawn to paragraph 49 particularly.

The Leader commended the officers as he felt there was much of merit in the report. He drew attention to Table 4 on Page 17 of the report illustrating the range of projects being undertaken. He also said that all Cabinet Members had received emails from a member of the public concerning Hurst Farm and that they had all carefully considered the contents of the emails.

The Cabinet Member for Service Delivery provided an update on the Worlds End Recreation Ground project which has finished its consultation stage. He stated that a huge amount of work had gone into the project where the aim is to improve the experience for the residents of Mid Sussex and he commended the work of officers in taking the projects forward.

The Cabinet Member for Community expressed how pleased he was to see that there had been an increase in funding the Disabled Facility Grants especially compared to when he first started as a Councillor. The funding allows for disabled individuals to be discharged from hospital sooner and allows them to become more independent in their own homes. He also drew attention to the Mount Noddy Pavilion which will have significant refurbishment in the near future, stating that these projects contribute to Mid Sussex being one of the best places to live.

The Cabinet Member for Customer Services stated that she recently attended a presentation by the Mid Sussex Wellbeing team which explained how people can access the Disabled Facility Grants.

The Cabinet Member for Housing and Planning said that it was heart-warming to see the benefits of the Finches Field project as it is located in his village. He found it positive that there were lots of volunteers ready to help and how a project like this draws the community together.

The Cabinet Member for Community said he had read carefully the emails from a member of the public concerning Hurst Farm and enquired how the Hurst Farm site came into the ownership of MSDC.

The Head of Corporate Resources confirmed that the site was acquired in 1996 and had since been used as farm meadow land and pasture by way of grazing licenses. He stated that there had been no public access to the land since that time

The Cabinet Member for Customer Services again referring to emails from a member of the public, sought reassurance about the procurement process.

The Head of Corporate Resources directed the Cabinet Member to paragraphs 47 to 49 of the report. This sets out the arrangements that exist between the various parties who own the land and who are involved in bringing the site forward for delivery of housing. He added that the Council is in a unique position that arises as one of the other owners is a property development company. The Cabinet is asked to agree to a joint approach on this project.

The Leader also referred to emails from the member of the public and enquired how work to date had been funded.

The Head of Corporate Resources confirmed that the Council has had an Asset Management Reserve since 2012 for the purpose of financing the cost of bringing sites forward for development. The initial sum of £100,000 was allocated to the reserve at Outturn 2011/12 and has been topped-up annually. He confirmed that the Council has expended roughly £134,000 in the current financial year. This has all been made in accordance with the Memorandum of Understanding (MoU) with Cross Stone and the other landowners as outlined in paragraph 47.

The Head of Corporate Resources added that for ease of administration, the Council arranged the payment of the Planning Application fee and this had then been recharged to the other land owners, again, in accordance with the MoU .

The Leader referred to email correspondence and supplemented his question by seeking reassurances about the governance and controls for expenditure and accounting for this work.

The Head of Corporate Resources confirmed that with regard to the seriousness of the statements in the email he must clarify that in previous years expenditure forms part of the overall statement of accounts which are of course audited each year. The External Auditor has given his opinion on those accounts which is 'unqualified' as is well known.

He added that all the transactions entered into the accounts are bona fide and have been accurately accounted for in previous financial years against the Reserve mentioned earlier. He stated that there is absolutely no question that Officers have acted improperly in so doing

The Leader then moved to the recommendation to approve which was agreed unanimously.

RESOLVED

Cabinet recommend to Council:

- i. That £28,675 be transferred to Specific Reserve as detailed in paragraph 22;

- ii. That £9,202 be transferred to Specific Reserve as detailed in paragraph 23;
- iii. That £37,930 be transferred to Specific Reserve as detailed in paragraph 24;
- iv. That £83,403 be transferred to Specific Reserve as detailed in paragraph 25;
- v. That windfall income as set out in paragraph 26 of this report be transferred to General Reserve;
- vi. That £14,176 be transferred to Specific Reserve as detailed in paragraph 27;
- vii. That £734,696 is transferred from the funds earmarked for 'SAMM in perpetuity' within General Reserve to the SAMM fees Specific Reserve as detailed in paragraphs 28 & 29;
- viii. The variations to the Capital Programme contained in paragraph 54 in accordance with the Council's Financial Procedure rule B4

To confirm agreement to:

- ix. The joint approach to bringing forward the housing site at Hurst Farm, Haywards Heath as detailed in paragraph 44 on;

To note:

- x. The remainder of the report

[Cllr Ash-Edwards returned to the meeting]

6. DRAFT CORPORATE PLAN AND BUDGET 2018/19

Peter Stuart, Head of Corporate Resources introduced the report which asks Cabinet to recommend to Council the Corporate Plan and Budget 2018/19. He confirmed that the report was scrutinised at the Scrutiny Committee for Leader, Resources and Economic Growth.

The Leader stated that the report builds on a long history of prudent financial management at Mid Sussex with one of the lowest Council Tax rates in Sussex. He added that he recently wrote to the local paper explaining why the Council intends to raise Council Tax rates for the 2018/19 year and received limited response to it. Following this, he believes that there is a good public understanding about the proposed Council Tax increase.

The Deputy Leader outlined that in the last few years revenue from central government has reduced from £6,000,000 to zero. However increasing income and controlling costs by the Council has allowed it to make wise investments such as granting funds for community projects, protecting the most vulnerable in society and expanding the Economic Growth team to cope with the service demands. He also said that a major challenge for the Council in the future will be negative Revenue Support Grant (RSG).

The Cabinet Member for Community was pleased that the negative RSG issue was mentioned and that the Secretary of State had indicated that the Government would be looking into the issue. He drew attention to the recent management re-structure which had improved efficiency and made better use of Council Tax money. He outlined that the Council has a strong economic position against difficult national challenges.

The Cabinet Member for Customer Services expressed her delight that the Council has been able to protect key front-line services whilst also improving them and stated that there are a growing number of people completing online forms on the Mid Sussex website which she gives her full support to.

The Leader stated that the Corporate Plan and Budget is something that the Council can be proud of. It shows that the Council is not only investing internally but also investing externally such as supporting the voluntary sector. He added that at a recent visit to the Secretary of State for Housing, Communities and Local Government, Mid Sussex District Council was commended as well managed.

The Leader then moved to the recommendation to approve which was agreed unanimously.

RESOLVED

Cabinet recommended the proposals for 2018/19 as set out in the report to the Scrutiny Committee and as amended by this report, to Council, specifically:

- i. The overall direction and service levels promoted within the draft Corporate Plan;
- ii. The proposed increase in Council Tax;
- iii. The proposed placements in the Specific Reserves;
- iv. The proposed Capital Programme; and
- v. The service commentaries and supporting summary budget tables for each business unit.

Meeting Closed at 4:47

Chairman.

5. PERFORMANCE MONITORING FOR THE THIRD QUARTER OF 2017/18

REPORT OF: HEAD OF CORPORATE RESOURCES
Contact Officer: Neal Barton, Policy and Performance Manager
Email: Neal.Barton@midsussex.gov.uk Tel: 01444 477588
Wards Affected: All
Key Decision: No
Report to: Cabinet
19 March 2018

Purpose of Report

1. This report provides Members with information about the Council's performance for the third Quarter from October to December 2017 using the bundle of performance indicators previously agreed by the Scrutiny Committee for Leader, Resources and Economic Growth. It also updates Cabinet on progress to the flagship activities for 2017/18 and changes to the bundle of performance indicators to be monitored by the Committee in 2018/19.

Summary

2. Performance in the third quarter of 2017/18 has been good overall, with most services performing at or close to target. In the small number of cases where service targets are not being fully met, the reasons for this are clearly understood and appropriate action is being taken.





Recommendations

3. **The cabinet is recommended to:**
 - (i) **note the Council's performance and progress with flagship activities in the third quarter of the year and identify any areas where further reporting or information is required; and**
 - (ii) **note the changes to the bundle of performance indicators to be monitored in 2018/19.**
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Introduction





4. This report has previously been considered by the Scrutiny Committee for Leader, Resources and Economic Growth on 7 March. Issues raised by the Committee are set out in paragraphs 64 to 70.
5. One of the functions of the Scrutiny Committee for Leader, Resources and Economic Growth is to regularly monitor the performance of the Council's services, with a view to determining whether any additional scrutiny is required of services, particularly if performance is not at a satisfactory level. To do this, the Committee is provided with performance information on a quarterly basis.
6. Performance information is presented in a standard format across all services. Performance measures have been developed to capture the core areas of each service. Where possible a target is set for the year against which performance is measured. Some performance measures do not have targets as these measures are "health checks" and for monitoring purposes only.

7. Performance information for the third quarter is provided at Appendix A. This is set out in tabular form using a traffic light system as explained below:

-  red – 10 percent or more off target
-  amber – slightly off target (less than 10 percent)
-  green – on or exceeding target
-  health check - indicator for information only

Overall Performance

8. Performance has continued to be good across the Council in the third quarter, with a small number of exceptions of which more details are provided later in the report. The third quarter position in comparison with the previous financial year is summarised below:

Quarter 3	 Green	 Amber	 Red	 Health check	Total
2017/18	32 (76%)	5 (12%)	5 (12%)	13	55
2016/17	29 (74%)	4 (10%)	6 (15%)	10	49

9. Not all aspects of the Council's work can be measured by formal indicators and in some cases the Council has little or no influence over performance. Therefore this work is measured using health check indicators which are included in Appendix A. These are intended to provide Members with a holistic view of the Council's work.

Performance meeting or exceeding targets (green)

9. Of the 42 indicators with targets, 32 met or exceeded their target. This section of the report provides more information about some of these performance achievements.

Percentage of undisputed invoices paid within 10 days of receipt

10. Performance in the third quarter of 2017/18 was 98.03% compared to the target of 95% with 1,274 invoices paid. Performance in the same quarter of last year was 98.12% out of the 1,436 invoices received paid within the target period. This indicator continues to be a high priority for the Council in supporting small businesses, where cash flow can be critical to their economic health.

Speed of processing – change of circumstances for Council Tax Support claims

11. Speed of processing of changes of circumstances for Council Tax Support claims was 9 days in the third quarter of 2017/18 against the target of 10 days and relating to 2,857 changes of circumstances processed. This compares to the same quarter last year when performance was at 8 days with 2,784 changes in circumstances. For further information on the performance of this service, please see paragraphs 51 – 54.

The percentage of rent due collected

12. In quarter three, 99% of the rent due from the Council's property portfolio was collected, compared to the target of 97% and with £384,849 collected. This

compares to the same quarter last year, when the collection rate was 98% with £371,598 collected.

Average waiting time to speak to a customer service officer

13. This indicator refers to the average waiting time in seconds to speak to a customer services officer for all services in the Customer Services Centre, including the switchboard. Calls are answered in the Centre for nine Council services direct lines, including Building Control, Electoral Services, Parking Services and Waste Management. Performance in the third quarter of 2017/18 was an average 17 seconds compared to the target of 30 seconds and with 18,959 calls answered. In the same quarter of 2016/17 the average waiting time was 19 seconds with 19,768 calls answered.
14. The focus for the further ongoing implementation of the Customer Relationship Management (CRM) system continues to be resolving more enquiries at the first point of contact. Customer Service staff are able to deal with more customers who need advice across a range of Council services. In addition to telephone callers, the Customer Services Centre dealt with 9,777 personal callers to reception in quarter 3 of 2017/18. This compares to 8,183 in the same quarter of last year. A new and improved reception desk has been installed at Oaklands. This will make it easier for both visitors and staff to use as well as providing more security for staff.

Percentage of enquiries resolved at first point of contact

15. Accessing the service at first point of contact is measured through the proportion of the automatic forms available on our website successfully submitted and telephone enquiries resolved first time. Performance in the third quarter of 2017/18 was 87% against the target of 75% and relates to analysis of forms only. Work is being undertaken to establish data to monitor the telephone calls. Improving our customer services with more enquiries dealt with at the first point of contact is one of the Council's flagship activities and further information is included at Appendix B.

Percentage of complaints responded to within published deadlines

16. 100% of complaints were dealt with within the deadline. Generally the deadline is to deal with complaints within 10 working days of sending an acknowledgement to the complainant. This relates to 38 complaints received in the 3rd quarter compared to 36 in the same period of the previous year. A breakdown of the main services in receipt of complaints in quarter 3 is as follows:

- Waste Management- 11
- Planning- 8
- Revenues- 4
- Building Control- 4

The Overview of Complaints Report for 2016/17 was considered by the Scrutiny Committee for Customer Services and Service Delivery at their meeting on 13 February 2018.

Monthly customer satisfaction scores and number of compliments received

17. Customer satisfaction is being measured by phoning back a sample of customers who had previously called the Customer Service centre to gain their feedback on how they felt that their call had been dealt with. Feedback from those surveyed was 98% positive. Callers had contacted the Council regarding a variety of services including waste, benefits, elections, parking, building control and taxi licensing. Further information concerning this indicator is included at Appendix B.
18. In addition to surveys of customers, the number of compliments received is also an indicator of customer satisfaction. There were 59 compliments received in the third quarter. The main services in receipt of compliments were:
 - Customer Services and Communications- 18
 - Development Control- 17
 - Waste Management – 9
 - Environmental Health- 3
 - Legal-3

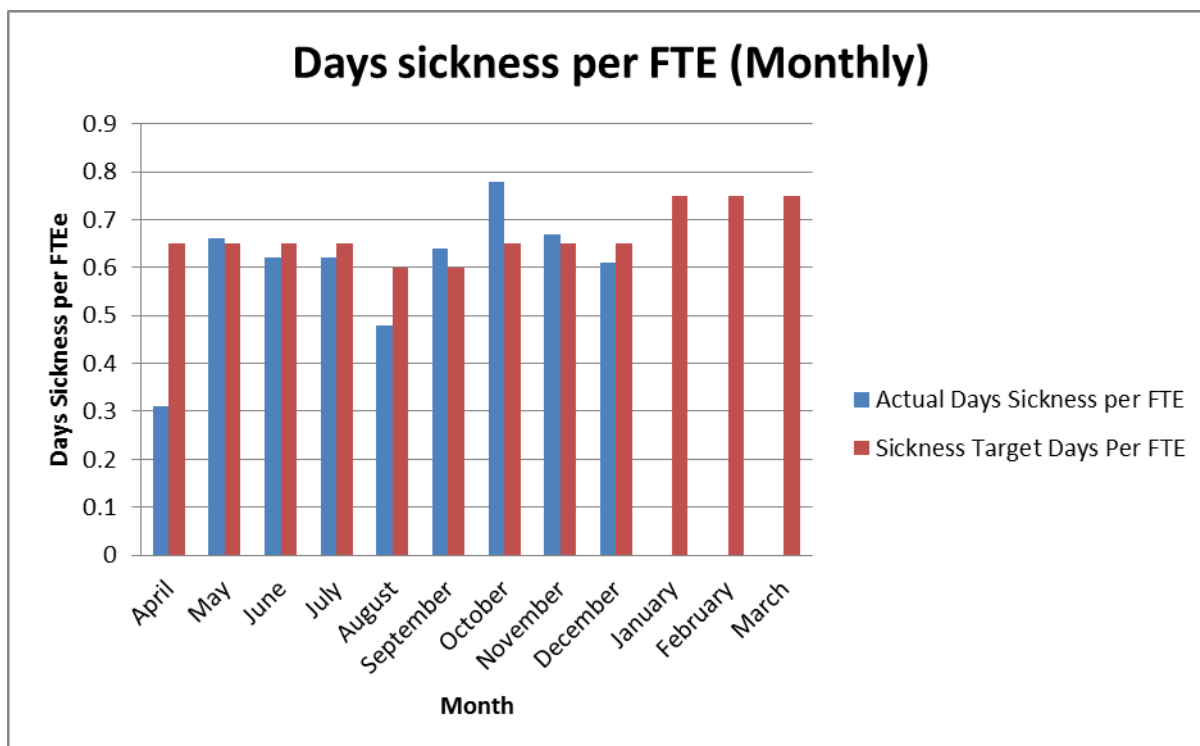
Staff turnover

19. Staff turnover can be affected by a number of factors, many of which are out of the control of the Council. Staff turnover in the year to December was 8.96% compared to the target of 11.25%. This relates to 8 voluntary leavers in the quarter.
20. Staff turnover is largely a reflection of the state of the local economy and job market. Exit interviews continue to indicate that there is a high level of satisfaction with being employed by Mid Sussex District Council.

Staff sickness absence rate

21. The cumulative staff sickness rate at the end of quarter 3 was 5.39 days per full-time equivalent (FTE), which is better than the target of 5.75 days. This compares to 6.28 days at the end of the same quarter last year. Improved performance reflects a reduction in the number of medium and long-term absences. It is also the result of back to work interviews and promoting the availability of support to staff through measures such as the Employee Assistance Programme.

Figure 2 below shows the monthly figures for sickness rates against the target.



The percentage of ICT help desk service requests completed within the target time agreed with the customer

22. During the third quarter of 2017/18, 95% of the 1,255 services requests to the ICT help desk service were dealt with in the target time, which was above the 85% target. This compares to 1,633 service requests and performance of 96% in the same quarter of last year. ICT staff are now employed directly by the Council, rather than through the Census ICT Partnership.

The number of visits made to the Leisure Centres and Civic Halls

23. The number of visits to the Council's Leisure Centres and halls continues to exceed targets, with 410,444 visits in the third quarter compared to the target of 392,024. Leisure Centre membership reached a record level of 13,416 at the end of January 2018, which is a reflection of the investment made by the Council and Places for People in improvements to the facilities. Members expressed an interest in the breakdown of membership across the 3 centres, which is as follows:

- Triangle- 5,857
- Dolphin- 5,040
- Kings 2,518

24. Further improvements to the Triangle leisure pool flumes and water play have been agreed for 2018/19, together with the expansion of the car parking available at the Dolphin Leisure Centre. Additional information is included at Appendix B.

Amount of waste per household which is disposed of in landfill sites (kilos)

25. In the third quarter of 2017/18, 107.82kgs of waste per household was sent to landfill compared to the target of 117 kgs. Further information relevant to this service is included in paragraphs 46 to 48 concerning the percentage of household waste sent for reuse, recycling and composting.

Proportion of Environmental Health service requests which are actioned and resolved within 3 months of receipt

26. Performance in the third quarter of this year was 97% against the target of 96%, with 703 requests actioned and resolved. This compares to the same quarter last year when performance was at 96%, with 774 service requests actioned and resolved. Additional staff resources have been allocated to Environmental Health this year and this has assisted in meeting performance targets, despite continued high levels of demand for the service.

Environmental Health service requests that are responded to within five working days

27. 99% of service requests were responded to within five working days in the third quarter of 2017/18 against the target of 97% and relating to 976 service requests. This compares to the same quarter last year when performance was at 97% with 1,004 service requests received. Requests for service cover the range of Environmental Health activities, including licensing, housing standards, environmental protection and food hygiene.

Number of health and wellbeing interventions

28. The Wellbeing service supports and advises people who wish to make improvement to their lifestyle, such as losing weight, taking more exercise, improving their diet, reducing alcohol consumption or stopping smoking. Across the third quarter the service delivered 437 interventions against the target of 350. October saw a record number of interventions at 236, but were lower than target in December due to the pre-Christmas period and transition between courses.
29. Of the people who responded to requests for feedback, 88% of those assisted by the Wellbeing service reported a health improvement against a target of 75%. These calls are made 3 months after the intervention to monitor whether the intervention has led to a sustained improvement. Further information is included in appendix B.
30. Public Health has announced an overall cut of 5.6% to the Wellbeing service in Mid Sussex for 2018/19. The Council will be entitled to an allocation amount of £274,850 which represents a reduction of £15,289 on 2017/18. The Annual Report on the Wellbeing Service will be considered by the Scrutiny Committee for Community, Housing and Planning on 21 March 2018.

Number of households accepted as homeless

31. At 8, the number of households accepted as homeless by the Council is below the target level of 15. For the financial year so far, there have been 24 households accepted as homeless, compared to 33 in the same period last year. The focus of the Housing Needs Team continues to be the prevention of homelessness. 690 households have been provided with face-to-face housing advice in the year to date compared to 637 in the same period in 2016/17. Please see the next paragraph and paragraph 57 for further information concerning this service.

Number of households living in temporary accommodation

32. The number of households in temporary accommodation was 54 at the end of December 2017, compared to the target of 65. At the end of 2016 the number was 47 households. Where households need to be placed into temporary accommodation, the priority is to limit their length of stay there. This means providing the necessary support to secure longer term housing. See paragraph 57 for further information.

Building Control site inspections carried out within 24 hours of date requested

33. This was at the target level of 98% for the third quarter and relates to 1,892 inspections. This compares to the same quarter of 2016/17 when there were 1,822 site inspections carried out.

The percentage of plans received by Building Control which are checked within 15 working days

34. Performance was at 89% for quarter 3 2017/18 compared to the target of 87%. This relates to 276 plans checked. In the same quarter of 2016/17 performance was 93% with 153 plans received. There has been a considerable improvement in this indicator since quarter 2. Demand for the Council's Building Control service continues to be high and income is currently well above the budgeted level.

Processing of planning applications

35. The speed of determining planning applications remains good, with performance exceeding targets in the third quarter for majors, minors and other planning applications. This is despite a continuing high level of planning applications with 2,045 received in the year to date compared to 2,057 in 2016/17.
36. During the third quarter of the year, performance in processing major planning applications within 13 weeks (or with an agreed extension of time) was 94% compared to the target at 79%. 17 out of 18 major applications were processed within the 13 week target. In the same quarter of last year all 14 major applications were processed in the target time.
37. For processing of minor applications, performance was at 95% compared to a target of 84%. This relates to 111 out of 117 applications within 8 weeks. In quarter 3 of 2016/17, performance was at 96% with 98 out of 102 minor applications processed within 8 weeks.
38. 286 out of 295 "other" applications were processed within 8 weeks, which represents performance of 97% compared to the target of 94%. "Other" planning applications refers mainly to residential development by householders. Performance in quarter 3 of 2016/17 was 98% with 278 out of 282 applications processed within target.
39. Given the continuing high level of planning applications being dealt with by Development Management, proposals are included in the Budget and Corporate Plan Report for next year to invest in the service to increase the number of technical and professional staff.

Validation of planning applications within 5 working days

40. In order to support Development Management in meeting their targets for processing planning applications, the Council aims to validate planning applications within 5 working days of submission in 98% of cases. Performance in the third quarter of 2017/18 was on target at 98%, with 697 applications received. This compares to the same quarter of last year when performance was 99% with 659 applications received.

The percentage of Local Authority Searches replied to within 5 working days

41. Performance in the third quarter of 2017/18 was at 100% compared to the target of 96%. This relates to 516 searches. Performance in the third quarter of 2016/17 was 100% with 690 searches received. The slight reduction in the number of searches is a reflection of the housing market. The Council's share of the searches market compared with the private sector has remained roughly constant.

Performance slightly below target (amber)

42. 5 of the indicators fell only slightly below their targets (within 10%) in the third quarter of 2017/18. Information about these is set out in this section of the report.

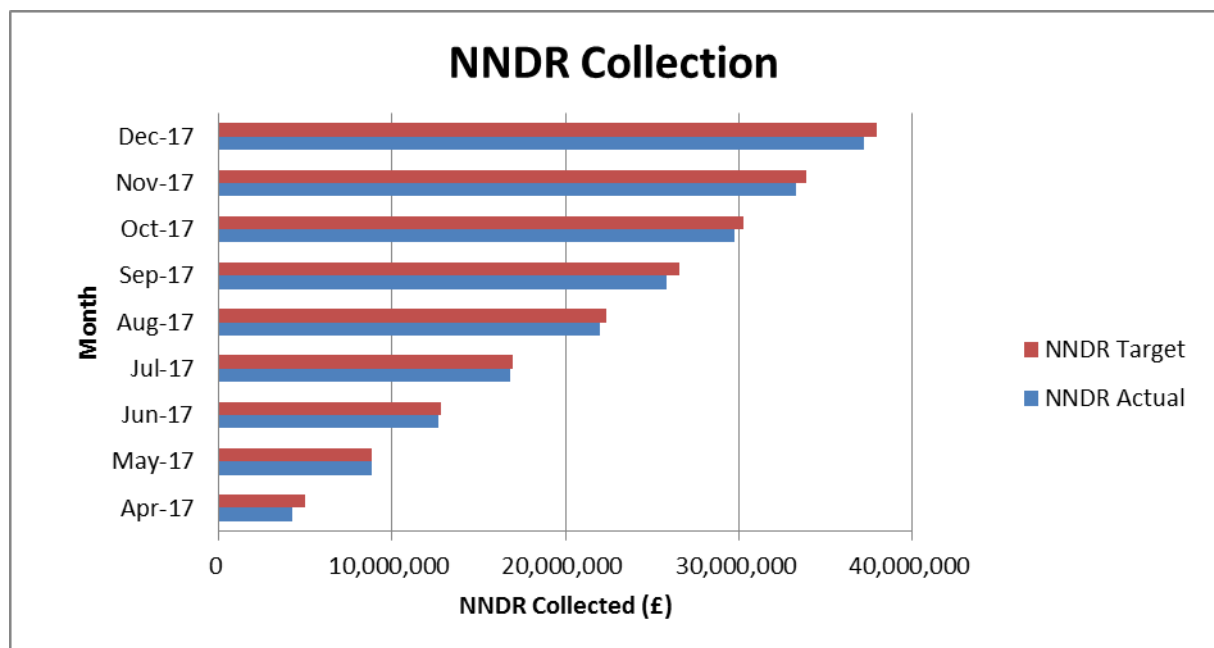
Council Tax Collection

43. The collection rate in quarter 3 was 85.95%, just below the target of 86.1%. The amount collected in cash terms has increased by £4.3 million from £79,915,280 at the same quarter last year to £84,247,984 in 2017/18.

Percentage of Non-Domestic Rates Collected

44. Collection of Non-Domestic Rates (NDR) at the end of the third quarter had reached 81.88% against the target of 83.40%. As reported previously, analysis of our collection procedures shows no obvious reasons for this and NDR collection is down across Sussex and large parts of the country. In monetary terms, 37,242,469 had been collected to the end of quarter 3, broadly comparable to the same period last year collection figure of £37,627,771. There has been a revaluation of business premises for 2017/18 and there are transitional relief scheme in place to limit the increases in bills that businesses will face.

Figure 1 below shows monthly collection against targets for the year to date



Number of e-forms submitted directly by the public

45. At the end of the third quarter there had been 6,724 e-forms submitted against the target of 7,374. There is a pattern of reduced levels of e-form activity in December and as reported previously, improved use of the Customer Relations Management (CRM) System is leading to more service requests going through the CRM, rather than requiring completion of an e-form. Please see the update on flagship activities at appendix B for further information regarding this indicator.

Percentage of household waste sent for reuse, recycling and composting

46. The third quarter performance was 40.2% compared to the target of 43%. This is largely due to the seasonal reduction in the amount of green waste collected. There has been an increase on the same quarter last year when the percentage of household waste sent for reuse, recycling and composting was 38%. The Council is working with the West Sussex Partnership to explore additional ways of improving recycling and reducing waste to meet the recycling target of 50% by 2020.
47. A pilot project is being undertaken with the British Heart Foundation to provide kerbside recycling of textiles and small electrical equipment to 20,000 Mid Sussex properties. The pilot commenced in November 2017 and properties will be provided with three kerbside collections over the period of the trial, which is due to run until the summer. The first collection round took in November and resulted in the collection of 3,500 bags with a weight of 16.8 tonnes. The next collection is due in April. If successful, the pilot will be rolled out further across the District.
48. An update on progress of the expansion of the green waste service is included in appendix B as it is a flagship activity. At the end of December 2017, the service had 17,637 subscriptions.

The percentage of enquiries relating to enforcement within Parking Services which are dealt with within 10 days

49. Performance in the third quarter was at 99%, close to the target of 100%. There were 651 out of 654 items of correspondence dealt with within 10 days over the three month period. The Council is implementing a new Parking ICT system that will allow for penalty charges notices to be challenged electronically. The system will also assist with the introduction of cashless payment of parking charges, which will be rolled out in the coming financial year.

Performance not achieving targets (red)

50. There were 5 performance indicators in the third quarter of 2017/18 that were 10% or more off target.

Speed of processing – new Housing and Council Tax Support claims

51. Information was requested at the last meeting of the Committee regarding the total number of benefit claimants. At December 2017, the total number of claimants was:

Housing Benefit Working Age-	3,648
Housing Benefit Elderly-	2,708
Total	6,356

Council Tax Support Working Age	3,089
Council Tax Support Elderly	2,581
Total	5,670

Universal Credit Claims	250
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52. The average speed of processing new Housing Benefit claims in the third quarter was 22 days against the target of 18 days with 414 claims processed. This compares to performance in the same quarter of last year of 20 days and with 851 claims processed. For new Council Tax Support claims, performance was at 25 days against the target level of 20 days with 398 claims processed. This compares to

Quarter 3 of last year when performance was 22 days with 363 claims processed. Latest figures from the Department of Works and Pensions (DWP) show that the national average performance for processing new Housing Benefit claims is 23 days.

53. As reported to the Committee previously, the CenSus Partnership is going through a period of transition, setting up separate Revenues and Benefits services for Horsham and Mid Sussex from 1 April 2018. This includes establishing new staff structures and procedures. Processing speeds have been affected in the third quarter and there has also been a conscious focus on improving accuracy of assessment in order to minimise losses of Housing Benefit Subsidy (please see paragraph 60 on proposed new indicators for next year). Mid Sussex District Council did not lose a penny from its Housing Benefit Subsidy Claim for 2016/17 following the annual external audit as a result of the improvements made in accuracy. This was the first such result in years. Once these issues have been resolved, the service will seek to improve processing performance to target levels.
54. The service has been working with the Department of Works and Pensions Performance Development Team during the transition and to prepare for the implementation of Universal Credit, which goes live in Mid Sussex on the 6 June 2018. Universal Credit will change the way that the benefits service works for people of working age, reducing the number of new claims and greatly increasing the number of changes in circumstances. At this point of time we are uncertain how gradual the changes will be as it will depend on the number of new people or those with changes who would previously have received one of the 6 legacy Benefits and now should receive Universal Credit

Speed of processing – changes of circumstances for Housing Benefit claims

55. Speed of processing change of circumstances for Housing Benefit claims was 9 days against the target of 7 days. This relates to 3,291 changes of circumstances claims processed in the third quarter. Performance in the same quarter of 2016/17 was 11 days, with 3,189 changes in details.

Ethnic Minority representation in the workforce

56. This was at 4.1% at the end on the third quarter against the target of 5.0%. The level of this indicator can be greatly affected by a small number of leavers and starters that the Council has little control over. There are a number of measures in place to ensure equal opportunities in the Council's recruitment, including the anonymising of application forms at the shortlisting stage and inclusive advertising of job vacancies.

Number of households assisted to access the private rented sector

57. Thirteen households were helped into private rent homes in the third quarter of 2017/18, compared to the target of 21. Assistance includes using the Council's Rent in Advance and Deposit Guarantee Scheme which helps those without access to sufficient funds to pay a deposit. It is becoming more difficult to gain access to the private rented sector as rents are increasingly unaffordable and less landlords and letting agents are willing to accept tenants who are on benefits. It is anticipated that this will be exacerbated by the introduction of Universal Credit from June 2018. The Council is recruiting a Private Sector Tenancy Negotiation and Sustainment Officer to focus on working with private landlords to increase the supply of private rented properties available to households the Council are assisting.

Progress to Flagship Activities for 2017/18

58. Progress with the flagship activities in the third quarter is reported in Appendix B. All of the flagship activities are progressing, although as explained further in the appendix, the target to deliver 200 new affordable units will not be met, with approximately half of this number delayed until 2018/19. At the end of the third quarter 71 new affordable homes had been delivered, 47 for rent and 24 shared ownership. 49 of these are located in the more rural areas of the District, with 20 in Lindfield Rural; 5 each in the parishes of Pease Pottage, Crawley Down and Hurstpierpoint; and 2 each in Pyecombe and Ansty. Two new wheelchair accessible affordable units have been provided.
59. A proposed new set of Flagship Activities for 2018/19 was included in the Budget and Corporate Plan Report and these are shown at Appendix C. The Committee will receive monitoring reports on progress to these activities starting at the next meeting on 13 June 2018, together with an end of year report on the 2017/18 flagships. These will also be reported to Cabinet on 9 July.
60. New indicators to be monitored
- Accuracy in benefits assessment- the percentage of applications and changes of circumstances correctly assessed.
 - Local Authority Overpayment Error- the aim is to stay below the Local Authority threshold in order to maximise the subsidy that the Council receives.

Performance of the Benefits Service has been the subject of discussion at the Committee and the new indicators reflect the change in emphasis from solely looking at speed of processing to the accuracy of the decisions made and the consequent subsidy implications. This is in the context of the cessation of the Census Partnership and transition to the Council's own Revenues and Benefits service from 1 April 2018.

61. Indicators to be amended
- "The number of newly opened anti-social behaviour cases"- change to "Resolved anti-social behaviour cases as a % of those referred."
- This seeks to measure the effectiveness of the Council's interventions to resolve anti-social behaviour, rather than merely recording their number. The volume of anti-social behaviour cases will still be included in the report to Members as contextual information.
- "The current number of families worked with by the early Intervention project"- change to "Proportion of closed cases of families worked with for the Early Intervention Project where the outcomes are met or partially met. "

Again, this seeks to measure the effectiveness of the Council's work with these families, rather than merely recording the numbers that our Early Intervention Officer works with.

62. Indicators to be deleted

- Number of legal cases opened each month.
- Number of legal cases closed each month.

These are designed to be health check indicators to monitor the change in workload of the Legal Team and are currently reported with a further indicator "The number of legal cases which are live each month." It was agreed that one indicator showing the number of live cases is sufficient to indicate the Legal team's workload.

63. Indicators to be changed to “health check” without targets

- Ethnic minority representation in the workforce
- Percentage of employees with a disability

Both of these indicators are important for gauging the “corporate health” of the Council in terms of its fair employment policies. Also in ensuring that the Council's workforce is broadly reflective of the characteristics of the District's working age population. The Council is committed to providing equality of opportunity, but has limited control over the numbers of staff from Black Minority Ethnic groups or with a disability. It was agreed that these indicators should continue to be reported but without a target.

Consideration of the Performance Report by the Scrutiny Committee for Leader, Resources and Economic Growth at its meeting on 7 March 2018

64. The Committee discussed progress in meeting the recycling, reuse and composting target of 50% by 2020, given the current level of performance. The Assistant Chief Executive mentioned the Waste Management and Recycling Contract Review report to Scrutiny Committee for Customer Services and Service Delivery on 13 March. This includes consideration of measures to meet the target, such as improving recycling quality and considering kerbside food waste collection.
65. The performance of the Benefits service was discussed and the proposals to introduce additional indicators to measure the accuracy of processing of applications as well as the speed. The Deputy Leader and Cabinet Member for Resources and Economic Growth stated that these were “two sides of the same coin” of customer service for benefit claimants in ensuring that claims are assessed accurately first time and payments made speedily. He highlighted that improved accuracy of assessment had meant that the Council did not lose any Housing Benefit Subsidy in 2016/17. The Head of Corporate Resources reported on good working relations with the local Job Centre Plus in preparing for Universal Credit.
66. The Assistant Chief Executive updated the Committee on progress with improving the delivery of affordable housing in the District. There are a large number of affordable housing units with planning permission that are not being built. The Council is working with Registered Providers and Homes England to improve the delivery of affordable housing, including exploring use of the Council's own land.
67. The relationship between the number of households accepted as homeless and numbers in temporary accommodation was discussed, given that there had been no acceptances in December. The Assistant Chief Executive explained that the Council has to assess whether to accept a duty to a household under the homelessness legislation. Although there were no acceptances in December, the Housing Needs Team were still providing households with housing advice, carrying out enquiries and where appropriate placing them in temporary accommodation pending further enquiries.
68. Progress with the flagship activity of providing economic development grants was discussed, specifically the Independent Retailers' Fund and grants available for shop front enhancements and the limited funding available of £21,000. The Deputy Leader and Cabinet Member for Resources and Economic Growth explained that the funding for the scheme came from the County Council. He mentioned the success of the Microbusiness Grants Scheme and that the allocation of further funding for shop front enhancements could be considered depending upon the number of applications. Methods for promoting the take up of the schemes across the District were discussed.

69. The Committee commented on the improvements to the Leisure Centres and consequent increase in attendances. Car parking pressures at the Kings Centre in East Grinstead were discussed, partly caused by the car park's use by non-leisure customers. The Assistant Chief Executive stated that the Chipside parking ICT system currently being implemented may be able to assist in enforcement of car parking in the leisure centre.
70. The Committee agreed the proposed changes to the bundle of indicators to be monitored in 2018/19. There was a discussion about the range of indicators to be monitored by Members through the Committee and those that might be regarded as more operational management information.

Conclusions

71. The Council's services continued to perform well in the third Quarter of 2017/18 despite sustained levels of demand in many services areas. Where performance is below target, corrective action aimed at improvement has been planned and is being delivered.

Risk Management Implications

72. There are no risk management implications. Performance across the Council was seen as a strategic risk in the past but the Council has a proven track record in performance management and it is no longer seen as a risk.

Equalities Implications

73. There are no direct equality implications contained within this report. Equality impact assessments are undertaken within each individual service when appropriate

Financial Implications

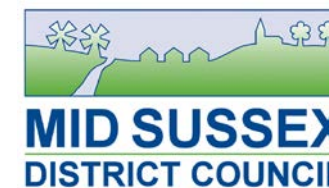
74. There are no direct financial implications contained within this report.

Background papers

None.

Quarter 3 2017-18 Performance Report to Cabinet

Appendix A



PI Status			
	OK – on target		Alert – off target (10% or more)
	Warning –slightly off target (up to 10%)		Data Only









Deputy Leader and Resources and Economic Growth Portfolio

Finance



Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Percentage of undisputed invoices paid within 10 days of receipt <i>There were 1,274 invoices paid in the quarter</i>	98.55%	95.00%	99.30%	95.00%	98.90%	95.00%	98.56%	95.00%		98.03%	95.00%	

Revenues and Benefits



Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Speed of processing - new Housing Benefit claims <i>414 new claims processed in quarter 3</i>	24	18	20	18	24	18	21	18		22	18	
Speed of processing - new Council Tax Support claims	28	20	21	20	25	20	24	20		25	20	

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
<i>398 new claims processed in quarter 3</i>												
Speed of processing - changes of circumstances for Housing Benefit claims <i>3,291 changes in details processed in the quarter</i>	10	7	8	7	7	7	10	7		9	7	
Speed of processing - changes of circumstances for Council Tax Support claims <i>2,857 changes in details processed in the quarter</i>	10	10	08	10	07	10	09	10		09	10	
Percentage of Council Tax collected <i>£84,399,102 collected at end of quarter 3</i>	67.32%	67.50%	76.80%	76.80%	85.95%	86.10%	57.67%	57.70%		85.95%	86.10%	
Percentage of Non-domestic Rates Collected <i>£37,933,209 collected at end of quarter 3</i>	64.84%	65.89%	72.94%	74.18%	81.88%	83.40%	56.06%	57.65%		81.88%	83.40%	

Economic Development











Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Non Domestic Rates (this is the net collectable figure after rates and exemptions have been applied)	£45.23m		£44.74m		£44.61m		Not measured quarterly			Not measured quarterly		

Property and Asset Maintenance

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The percentage of rent due collected												
The amount of rent collected in the quarter was <i>£384,849.46</i>	96%	97%	99%	97%	99%	97%	99%	97%		99%	97%	

Customer Services Portfolio

Customer Services and Communications

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Number of Complaints received	4		20		14		67			38		
Average waiting time (in seconds) to speak to a customer services officer for all services answered in the Customer Contact Centre, including switchboard. <i>18,959 calls answered in the quarter</i>	18	30	15	30	18	30	22	30		17	30	
Percentage of enquiries resolved at point of Contact	87%	75%	89%	75%	87%	75%	91%	75%		87%	75%	
Number of Compliments received	14		32		13		71			59		
Number of e-forms submitted directly by the	2623	2458	2631	2458	1470	2458	6999	7374		6724	7374	



Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
public												
Monthly customer satisfaction scores	100%	80%	100%	80%	94%	80%	96%	80%		98%	80%	
Percentage of complaints responded to within published deadlines	100%	100%	100%	100%	100%	100%	98%	100%		100%	100%	

Human Resources








Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Staff sickness absence rate (Cumulative)	4.11	4.45	4.78	5.10	5.39	5.75	3.33	3.80		5.39	5.75	
Staff turnover	1.89%	1.25%	0%	1.25%	0.63%	1.25%	6.35%	7.5%		8.96%	11.25%	
Ethnic Minority representation in the workforce – employees	4.1%	5.0%	4.1%	5.0%	4.1%	5.0%	4.1%	5.0%		4.1%	5.0%	
Percentage of Employees with a Disability	5.1%	4.0%	4.8%	4.0%	4.8%	4.0%	5.0%	4.0%		4.8%	4.0%	

ICT

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The percentage of ICT help desk service requests completed within the target time agreed with the customer <i>1,255 service requests received in the 3rd quarter</i>	96%	87%	96%	87%	93%	87%	95%	87%		95%	87%	



Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Percentage of ICT helpdesk calls outstanding	12%	20%	15%	20%	19%	20%	7%	20%		15%	20%	

Legal and Member Services



Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The percentage of agendas which are published on the website 5 days before a meeting	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Number of legal cases which are live as at the end of each month	266		262		289		281			289		
Number of legal cases opened each month	30		23		25		109			78		
Number of legal cases closed each month	43		18		9		70			70		

Service Delivery Portfolio





Landscapes




Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Adherence to the agreed work plan for all regular scheduled grounds maintenance work in the District	Not measured monthly.						95%	95%		95%	95%	

Leisure Operations

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The number of visits made to the Leisure Centres and Civic Halls	149,545	151,523	144,313	135,580	116,586	104,921	458,170	421,461		410,444	392,024	

Waste and Outdoor Services

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Amount of waste per household which is disposed of in landfill sites (kilos)	36.76	39	36.97	39	34.09	39	109.09	117		107.82	117	
Percentage of household waste sent for reuse, recycling and composting	42.97%	43%	40.72%	43%	37.01%	43%	42.66%	43%		40.23%	43%	





Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Dry recycling rate which goes towards the PI Percentage of household waste sent for reuse, recycling and composting	25.73%		27.04%		31.04%		24.92%			27.93%		
Composting rate which goes towards the PI Percentage of household waste sent for reuse, recycling and composting	17.24%		13.68%		5.97%		17.65%			12.29%		
Number of subscriptions to green waste composting	17,610		17,641		17,637							

Parking Services









Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The percentage of enquiries relating to enforcements within Parking Services which are dealt with within 10 days. There were 654 correspondence items received in quarter 3	99%	100%	100%	100%	99%	100%	99%	100%		99%	100%	
The percentage of car park machines repaired within 2 days (there are 55 parking machines in the District)	100%	97%	100%	97%	98%	97%	100%	97%		99%	97%	
Cancellation rate of Penalty Charge Notices	8%	9%	8%	9%	8%	9%	8%	9%		8%	9%	



Community Portfolio

Environmental Health

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Proportion of Environmental Health service requests which are actioned and resolved within 3 months of receipt <i>703 service request received in quarter 3</i>	97%	96%	98%	96%	96%	96%	93%	96%		97%	96%	
Percentage of Environmental Health service requests responded to within five working days <i>976 service requests received in quarter 3</i>	99%	97%	99%	97%	99%	97%	99%	97%		99%	97%	









Performance and Partnerships

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The number of newly opened anti-social behaviour cases	6		4		3		17			13		
Overall Crime Rate per 1000	03.96		03.64		3.62		11.05			11.21		
Number of health and wellbeing interventions delivered	236	117	133	117	68	117	433	350		437	350	
Proportion of health and wellbeing interventions resulting in health improvement	89%	75%	87%	75%	90%	75%	89%	75%		88%	75%	



Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The current number of families worked with by the Early Intervention Family Project	11		11		11		Not measured quarterly			Not measured quarterly		



Housing and Planning Portfolio

Housing







Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Number of households assisted to access the private rented sector	4	7	7	7	2	7	21	21		13	21	
Number of households accepted as homeless	03	05	05	05	00	05	09	15		08	15	
Number of households living in temporary accommodation	55	65	55	65	54	65	53	65		54	65	
The average time that households are spending in temporary accommodation (weeks)	31		31		32		33			32		

Building Control



Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The percentage of plans received by Building Control which are checked within 15 working days	88%	87%	81%	87%	100%	87%	64%	87%		89%	87%	

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18			
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18			
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status	
<i>276 plans checked in quarter 3</i>													
Building Control Site inspections carried out within 24 hours of date requested. <i>1,892 site inspections carried out in quarter 3</i>	98%	98%	98%	98%	98%	98%	98%	98%	98%		98%	98%	

Development Management

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
Validation of planning applications within 5 working day <i>697 applications validated in quarter 3</i>	98%	98%	98%	98%	98%	98%	99%	98%		98%	98%	
Costs awarded against the Council where the decision of the Council is overturned at Planning appeal	£00		£00		£00		£00			£00		
Processing of planning applications: Major applications <i>18 applications processed in quarter 3</i>	83%	79%	100%	79%	100%	79%	92%	79%		94%	79%	
Processing of planning applications: Minor applications <i>117 applications processed in quarter 3</i>	90%	84%	98%	84%	97%	84%	99%	84%		95%	84%	
Processing of planning applications: Other applications <i>295 applications processed in quarter 3</i>	98%	94%	98%	94%	95%	94%	98%	94%		97%	94%	
Planning appeals allowed	24%	33%	22%	33%	29%	33%	25%	33%		33%	33%	

Land Charges

Performance Indicator name	Monthly data						Q2 2017-18			Q3 2017-18		
	Oct 2017		Nov 2017		Dec 2017		Q2 2017/18			Q3 2017/18		
	Value	Target	Value	Target	Value	Target	Value	Target	Status	Value	Target	Status
The percentage of Local Authority Searches replied to within 5 working day <i>516 searches received in quarter 3</i>	100%	96%	100%	96%	99%	96%	99%	96%		100%	96%	

Cabinet 19 March 2018

Quarter 3 progress to Flagship Activities 2017/18 under the Council's Priorities

Council Priorities and Flagship Activities	Service Head	Cabinet Member	Monitoring arrangements
Effective and responsive services			
Improving our customer service with more enquiries dealt with at the first point of contact	Simon Hughes	Mandy Thomas-Atkin	New Performance Indicators are being monitored in 2017/18, including % of enquiries resolved at first point of contact and customer satisfaction scores.
<p><u>Progress</u> <i>For the performance indicator percentage of enquiries resolved at first point of contact, performance was up at 87% in the third quarter, well above the target of 75%. This only refers to successful submission of self-service on-line forms. Telephone calls that come into the Customer Services Team and are then dealt with by forwarding onto other parts of the council will form part of this performance indicator. Work is progressing to identify a new phone provider which will assist with establishing this performance information. We have met with 3 potential providers.</i></p> <p><i>For the customer satisfaction performance indicator, telephone surveys have been undertaken of a sample of customers who telephoned the customer contact centre to gauge the level of satisfaction. In the third quarter, feedback from those surveyed was 98% positive. Methods of sampling a larger customer base are being investigated by our Digital Team and this will include feedback on written interactions with the Customer Services Team. A more robust survey of telephone interactions with the Customer Services Team will be included as part of any future phone system as mentioned above.</i></p>			
Increasingly digitising our services to make them more customer friendly by improving efficiency	Simon Hughes	Mandy Thomas-Atkin	New Performance Indicators are being monitored for 2017/18, such as the number of e-forms submitted directly by the public.
<p><u>Progress</u> <i>The number of e-forms submitted directly by the public in the third quarter was 6,724, compared to the target of 7,374. Web forms have been improved, with frequently used web forms simplified and placed more prominently on our webpages. Improved procedures have been introduced in the Customer Services Centre for dealing with requests for services, which no longer requires the Customer Contact team to complete an e-form, with service requests now able to be loaded direct into the Salesforce Customer Relation Management (CRM) System. The overall effect is a time saving in the Customer Services Centre freeing up individuals to field more customer calls. This new process is ahead of schedule and moves the Customer Services Centre closer to full digitisation. More services will follow this same process in the future meaning the number of e-forms submitted is likely to drop further.</i></p> <p><i>These initiatives and the new CRM have helped to reduce the number of telephone calls received by the Customer Services Team. From 2014/15, baseline call volumes have decreased by over 20,000 calls, representing an estimated £51,200 efficiency gain. Efficiency has also been enhanced by several different services being able to be dealt with in one call at the first point of</i></p>			

contact.

Progress with the Council's Digital Programme was reported to the Scrutiny Committee for Customer Services and Service Delivery on 13 February.

Sustainable economic growth

Progressing the Town Centre redevelopment at Burgess Hill

Peter
Stuart

Jonathan
Ash-Edwards

Written report on progress.

Progress

New Lidl store, Leylands Road: demolition of the gas holder on Leylands Road was completed in Autumn 2017 and thereafter the decontamination works to ready the site for development have been taking place, which were completed this month (February 2018). The planning condition for the site requires a verification report on the works before final sign can be given, and that will take place before the end of February 2018. A construction management plan has been received, and construction on site will begin in March 2018 with an expected 29 week build time.

Closure of the Martlets Hall will take place on 30 June 2018 to allow for the redevelopment of the town centre by New River Retail. The Council is working to support the relocation of the remaining users to other local venues and negotiated a financial contribution from New River Retail to assist with this.

Development of the new store on Church Walk has been underway since the start of January 2018, with Iceland intend to move to their new premises on 20 March 2018.

Key dates for the Town Centre redevelopment are as follows:

- February - 2018 work begins to accommodate the temporary library adjacent to New Look, with move to be completed by the end of March 2018*
- Summer 2018 - construction to begin for the new complex featuring over 14,000m² of retail space, a 10 screen cinema, a 63 bed hotel, a new library, and 142 new homes.*
- Autumn 2020 completion and launch of new town centre complex.*

Redevelopment of the station quarter at Haywards Heath including the opening of the new Waitrose store and also work on East Grinstead Town Centre

Peter
Stuart

Jonathan
Ash-Edwards

Written report on progress.

Progress

Adjacent to the Station Quarter at Haywards Heath, planning permission has been granted for the former Perrymount House, Perrymount Road to be a 78 bed Premier Inn hotel and associated restaurant. The project is due to be completed in December 2018.

Work to redevelop the former Martell's site in Queens Walk, East Grinstead has commenced. The site will be redeveloped to provide 129 homes, 1,624 square metres of retail space and a new car park. Revisions to the agreed planning application of May 2017 were agreed at the District Planning meeting on 25 January 2018. Apart from some technical matters there were revisions to the internal layout of apartments, the external appearance, size and bulk of the structure and additional parking.

Working towards the provision of new business parks at Burgess Hill	Judy Holmes	Jonathan Ash-Edwards	Written report on progress.
<p><u>Progress</u></p> <p><i>The first reserved matters application for the Hub has now been approved and all pre-commencement conditions have been cleared. Work on site will start in spring.</i></p> <p><i>Monthly project meetings have been scheduled with the promoters of the Science and Technology Park and the scope of additional work to be undertaken has been identified. The Council has worked with the Coast to Capital Local Enterprise Partnership (LEP) and Department for International Trade (DIT) and the promoters to seek to secure support from DIT to promote the site.</i></p> <p><i>The Council has provided comments on an updated Masterplan for the Northern Arc and commissioned expert consultants to review costs and viability of the Northern Arc proposals. The Council continues to work closely with the Developers and Homes England regarding future planning applications for development.</i></p>			
Providing Economic Development Grants to support business	Judy Holmes	Jonathan Ash-Edwards	Written report on progress, including updates on awards under the Micro-Business Grants Scheme through the Cabinet Grants Panel.
<p><u>Progress</u></p> <p><i>A new microbusiness grants fund for 2018/19 has been approved – which will allocate £72,000 in 2017/18. The scheme is part of a County-wide initiative funded through the West Sussex Local Enterprise and Apprenticeship Platform (LEAP) programme. The scheme will be launched through a range of communication channels during March and April, with one of the first launch events taking place at the Haywards Heath Business Association AGM on 13 March.</i></p> <p><i>Under the scheme microbusiness (those with 10 or fewer employees) will be offered up to £2,000 to support growth or £1,500 to help employ an apprentice. The scheme offers match funding: bidders will need to match fund at least 50 per cent of total costs of each bid, and grant funding must be spent by December 2018.</i></p> <p><i>The scheme represents a continuation of the microbusiness grant scheme that ran throughout 2017/18, in which just over £83,000 was awarded to 48 bids. Take-up for the scheme was good, with the £71,400 originally received from West Sussex County Council supplemented by a further £12,286 from the Community and Economic Development Fund to meet demand.</i></p> <p><i>Alongside the microbusiness grants fund the Council will also launch the Independent Retailers' Fund. This programme is new for 2018/19. This is a West Sussex-wide initiative. It offers funding to help retailers enhance the impact of their shops on the high street using two approaches: staff training and shop front improvements.</i></p> <p><i>For Mid Sussex, a total of £18,200 is available for workshops and training, with individual awards of £500 for training and £1200 for workshops. A total of £21,000 is available for shop front enhancements, up to a maximum of £4,000 per bid to fund up to 75 per cent of the total cost. The programme will be launched alongside the new microbusiness grants scheme.</i></p> <p><i>The Council's Local Discretionary Business Rates Relief Scheme has been targeted at small and medium sized independent businesses in Mid Sussex facing an increase of £300 or more in their</i></p>			

bill from the revaluation of business premises. Funding of £379,000 has been allocated, with some 450 businesses benefitting from the cancelling out of 52% of their bill increases for 2017/18.

Production of a new Economic Development Strategy	Judy Holmes	Jonathan Ash-Edwards	Written report on progress with developing a new strategy. There may be new Performance Indicators coming out of the Strategy.
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Progress

The Council's refreshed Economic Development Strategy is currently being finalised and will be presented to full Council in March. The Strategy sets out the Council's vision for Mid Sussex to 2031, complementing the District Plan. The Strategy is accompanied by an Action Plan which sets out the specific outcomes the Council is seeking to deliver with partners. It will be updated every five years.

The draft Strategy has been considered by the Portfolio Member and the Economic Development Members' Working Group. It will be presented to the Scrutiny Committee for Leader, Resources and Economic Growth on 7 March 2018 and to Full Council on 28 March.

The delivery of the Strategy will be a collaborative enterprise with extensive involvement of partners at local, county, and regional level. With that in mind the Action Plan has been developed with extensive input from key partners including the three local business associations, the Town and Parish Councils, Economic Development Board, Gatwick Diamond and the LEP. Officers have also liaised closely with West Sussex County Council and Greater Brighton to maximise synergies and ensure alignment with their economic development strategies.

Strong and resilient communities

Continue to support our community through grants to local organisations	Peter Stuart	Norman Webster	Written report on progress from Community Leisure Officer, including Cabinet Grants Panel awards.
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Progress

The Cabinet Grants Panel met in April, June and August to and October to consider Corporate Grants and a further 26 grant applications have been received for consideration at the next meeting in March 2018.

To date, during the current financial year we have invested £483,094 in voluntary and community groups in the District through 32 Community & Economic Development Grants (£76,848) for equipment and activities, 11 Facility Grants (£172,252) for capital projects, 11 Small Grants for Silver Sunday Events (£2,750) and five Partnership Agreements (£231,244) to key voluntary sector partners which were awarded to Age UK West Sussex, Age UK East Grinstead, Horsham and Mid Sussex Voluntary Action, Action in Rural Sussex and Citizens Advice.

The awards were made to a diverse range of not for profit organisations including sports clubs, churches, charities and voluntary organisations, friends groups, uniformed groups for children and young people, Town and Parish Councils. The funding has contributed towards local projects to provide a playground and outdoor gym equipment, military history events, counselling services, dementia support, creative workshops, family activities, buildings and facilities improvements. The Silver Sunday Events, to celebrate the contributions of older people, were organised by community groups across the District. throughout October.

Ensure that the “Think Family” community initiatives are delivered and supported	Peter Stuart	Norman Webster	Written update from Partnerships Manager.
<p><u>Progress</u> <i>The Second meeting of the Strategic Joint Action Group (SJAG) in its new form took place on 14 December. The focus for the rest of this financial year continues to be to support the projects currently running, funded from the previous year, and to develop the Strategic Intelligence Assessment. Also to progress the Targeted Intervention Project, which supports families with the most needs through services supplied by the voluntary sector. These projects include:</i></p> <ul style="list-style-type: none"> • <i>Story bag literacy project – Bentswood Community Partnership.</i> • <i>Copes Family Outreach project – delivered through Action in rural Sussex.</i> • <i>Sparkle – Hope (anxiety and mental health project for women).</i> • <i>Mental Health Awareness – Bentswood Community Partnership</i> • <i>Volunteer Training - Bentswood Community Partnership.</i> • <i>Freedom Programme and Recovery Tool Kit – Safe In Sussex – Safe in Sussex have delivered two cycles of the Freedom Programme, a twelve week course, supporting women experiencing domestic abuse.</i> <p><i>The Early Intervention Project continues throughout this financial year funded by the Police and Crime Commissioner’s (PCC) Office. Funding has been reviewed with the PCC and will remain the same for 2018/19, but will be reduced for the subsequent two years. Discussions are taking place with the PCC to plan appropriately.</i></p> <p><i>The Council’s Early Intervention Officer is currently working with eleven families.</i></p>			
Providing an effective Wellbeing Service that helps residents to make healthy lifestyle choices.	Peter Stuart	Norman Webster	Existing PIs- Number of health and wellbeing interventions delivered and proportion of health and wellbeing interventions resulting in health improvements.
<p><u>Progress</u> <i>The Wellbeing Team delivered 437 interventions in the third quarter. 88% of those surveyed who provided feedback on the service reported a health improvement. The most common reasons for contacting the Wellbeing Service continue to be around healthy weight and being more active. Specific projects implemented in the quarter have included:</i></p> <p><u><i>Weight off Workshops</i></u> <i>Six Adult Weight of Workshops groups started in September and October at venues in Haywards Heath; East Grinstead, Burgess Hill and Balcombe.</i></p> <p><u><i>Health and Wellbeing Network</i></u> <i>A meeting of the Health and Wellbeing Network was held on 4 October. This is a Forum of health related community groups, charities and statutory services. The meeting focussed on Support to Access Community Services, including speakers on Community Transport Sussex, West Sussex Occupational Therapy and the CAB Financial Support Service.</i></p> <p><u><i>Health Event for Older People East Grinstead</i></u> <i>The Wellbeing Service organised an East Grinstead Health and Wellbeing Event at Chequer Mead Hall on 20th October providing older residents with information and advice on staying fit and well in later life. The event was provided in partnership with more than 20 partner groups including Mid Sussex Wellbeing, East Grinstead Town Council, Local Patient Participation Groups (PPGs)</i></p>			

and the NHS and featured:

- A free Wellbeing MOT
- The exploration of mindfulness with a free relax and breathe session
- The opportunity to take part in our free activity classes including Zumba, Tai Chi & Well-balanced, with over 50 older people taking part.
- A free 30 minute NHS Health Check, with 34 blood pressure checks carried out and 4 referred back to their GP for further checks.
- Information about local groups and activities in East Grinstead.

Pre-Diabetes

The service runs half day Pre-diabetes courses which have been booked out in advance for the next 3 months. The majority of the referrals have been via GP practices. Two extra courses were commissioned to run before the end of December to cope with demand.

Enable the provision of 200 new affordable homes	Judy Holmes	Andrew MacNaughton	Existing PI- Number of new affordable homes delivered.
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Progress

71 new affordable homes have been delivered to the end of December 2017. As reported previously, the number of units expected to be completed during 2017/18 currently fall short of the 200 target, with the shortfall units expected to be delivered in 2018/19. This is due to a delay to start on site on a number of the schemes. We continue to work closely with affordable housing providers to improve delivery rates.

The Scrutiny Committee for Community, Housing and Planning considered a comprehensive affordable housing report at their meeting on 14 November and agreed to an all Member Workshop, This was held on 12 December, when options for improving the delivery of affordable housing were set out, including exploring using the Council's own land to promote affordable housing.

Following the workshop Officers are working on developing initiatives in partnership with our key affordable housing partners to deliver additional affordable units. These units will be in addition to those secured through S106 sites and will improve affordable housing delivery. We are also working with a consultant on the provision of new temporary accommodation through acquisition and leasing arrangements to reduce our spend and reliance on guest house accommodation. Such provision will be accommodated within the district where possible and provide a better standard accommodation.

Supporting communities with new facilities and playgrounds, such as Ansty recreations ground, Hickmans Lane, Lindfield and Finches Field, Pease Pottage	Peter Stuart	Jonathan Ash-Edwards	Written report on progress with the capital programme and S106 contributions.
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Progress

The Council has awarded Facility Grants of £144,440 in total to Ansty Village Hall and the Ansty Village Hall Centre Trust toward the cost of rebuilding the village hall, sports and social facilities at Ansty Recreation Ground. The total project cost is estimated at approximately £1m (plus car park and landscaping works) and the partner organisations are currently fundraising to deliver the project which has planning approval (DM/16/4609). The Council will grant them an agreement for lease pursuant to a lease agreement to allow them to build on the recreation ground and extend the car park.

Slaugham Parish Council has been awarded a Facility Grant of £666,434 in total to construct a new community hall, sports changing facilities, ancillary access road and car park at Finches Field, Pease Pottage. The project has planning permission, the Parish Council has appointed a contractor and work commenced on site in January 2018. The Council has issued an agreement to lease in respect of the construction of the community building on the site.

Major improvements are planned to the Skatepark in Victoria Park, Haywards Heath which have been informed by consultation with the skater community in the design. The design has been finalised and work started in January removing the old equipment and creating the new Skatepark. It is expected to open in April.

Funding has been agreed with Lewes District Council for improvements to the play facilities at World's End Recreation Ground, Burgess Hill and consultation was completed over the summer. The next stage is design and procurement, with the project due for completion in the winter of 2018/19.

A new changing and toilet facility has been installed at Fairfield Recreation Ground, Burgess Hill

A new project has come forward to alter and extend Mount Noddy Pavilion costing £250,000. This is to be funded from S106s monies.

Options are being explored for the delivery of renewable energy improvements to the Council's pavilions in order to improve their sustainability and reduce energy costs.

Financial independence

The delivery of improvements to the leisure centres	Judy Holmes	Gary Marsh	Existing PI - The number of visits made to the Leisure Centres and Civic Halls. Written report on progress to the plan for implementation of leisure centre improvements.
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Progress

All of the Leisure Improvement Works planned for the programme to date have now been completed and are listed below:

Triangle

New Gym, offices and toilets; 600 new lockers across wet change, dry change and gym; new LED lighting in the sports hall, pool hall and wet change area; new reception and café; new Clip n Climb facility and new Exercise Studio; refurbished male and female Members' changing areas.

Dolphin

New LED lighting in wet change and sports hall; over 250 new lockers in wet and dry changing areas; refurbished male and female Members' changing areas; new Members' spa pool; steam room and sauna.

Kings Centre

LED lighting in sports hall and pool hall; wet changing rooms and poolside retiling; and toilet refurbishment.

Attendances

Attendance figures for the Centres and Halls continue to be above target with 1,528,541 visits from April 2017 – January 2018 inclusive against the target set of £1,406,881 which is 121,660 (8.65%) over target.

Membership Levels

In January 2018 membership levels reached their highest ever level of 13,416.

Future Improvements in 2018

A report was presented to Scrutiny Committee for Customer Services and Service Delivery on 22nd November 2017 and Full Council on 31 January 2018 recommending further improvement to the Dolphin and Triangle centres.

The required finance was approved and work will commence on enhancing The Triangle Pool facilities and increasing the car parking capacity of the Dolphin between February and August of this year.

Extension of the green waste service to a further 2,000 users

Judy Holmes

Gary Marsh

New Performance Indicator for monitoring - number of green waste service subscriptions.

Progress

There were 17,693 subscriptions to the green waste service as at 8 February 2018, 1,873 of which were new subscriptions for 2017/18. There is an ongoing marketing campaign in place to expand the customer base further and the average growth is now around 41 new subscriptions per week, which means the project remains on target to deliver 2,000 new subscriptions by the end of 2017/18.

Making best use of our land and commercial property holdings

Peter Stuart

Jonathan Ash-Edwards

Existing PIs the percentage of rental income collected and rate of return. Written report on progress.

Progress

99% of the rent due on the Council's commercial property was collected in the third quarter of the financial year, which amounted to £384,849.

The Council has brought in-house the management of the Orchards Shopping Centre in December 2017. This allows the use of our established contractors which results in efficiency savings for both the tenants and the Council.

Work is underway to design and install a changing place toilet at the Orchards Shopping Centre.

The Council has acquired the long leasehold interest of Flat 23 St Wilfrid's Way at The Orchards. The purchase will enhance the Council's capital share of the Orchards and is generating additional rental income.

Opportunities are being explored for the appropriate disposal of surplus land and buildings to generate capital receipts. Also to exploit opportunities to provide affordable housing on Council land through schemes at beyond the 30% affordable housing requirement.

Flagship Activities for 2018/19

Effective and responsive services

- Increase levels of recycling by completing a pilot project with the British Heart Foundation for the kerbside collection of textiles and small electrical equipment for 20,000 properties in the District.
- Help our disabled residents live more independently in their homes by implementing a new model for awarding more disabled facility grants.
- Introduce cashless parking as one of an increasing number of digital services.
- Celebrate the quality of our parks and green spaces by retaining Green Flag accreditation for Beech Hurst Gardens, Haywards Heath; and achieving accreditation for St Johns Park, Burgess Hill; and working towards accreditation for a site in East Grinstead in 2019/20.
- Deliver enhancements and new attractions to the Leisure Pool at The Triangle Leisure Centre, to increase the number of visits to our leisure facilities and inspire residents to be more active.

Sustainable economic growth

- Support the roll out of Full Fibre ultrafast broadband to homes and businesses in Mid Sussex by working with local and national partners.
- Help make Mid Sussex a vibrant and attractive place for businesses and people to grow and succeed by establishing an Economy and Inward Investment Team that proactively attracts significant external investment.
- Support Haywards Heath as an attractive retail destination by introducing new management arrangements and improved facilities at the Orchards Shopping Centre.

Strong and resilient communities

- Help our communities feel safer and aid the detection of crime by putting in place new and improved CCTV arrangements in partnership with Sussex Police and the town councils.
- Launch the Wellbeing service pilot at local GP practices to work with residents who need advice and support to lead and maintain healthier lifestyles.
- Engage and involve our communities in the development and delivery of community facilities and playgrounds, including the Skate Park refurbishment at Victoria Park, Haywards Heath; new community building for the Keymer Brick and Tile development at Burgess Hill; and improving recreational facilities for the Stone Quarry estate at East Grinstead.
- Install new electric vehicle charging points at key community locations, to expand and improve our sustainable transport network in the District.

Financial Independence

- Generate income from the sale of surplus land for the development of new homes, to support future investment in other community assets and infrastructure.
- Manage our costs effectively through a variety of projects, including providing a wider range of digital services.
- Increase planning fees to provide a more efficient and effective planning service to support economic growth and support financial independence.

6. STRATEGIC RISKS 2018/19

REPORT OF: Head of Corporate Resources
Contact Officer: Kate Wilson, Business Unit Leader, Community Services, Policy & Performance
Email: kate.wilson@midsussex.gov.uk Tel: 01444 477421
Wards Affected: All
Key Decision: No
Report to: Cabinet
19 March 2018

Purpose of Report

1. The purpose of this report is to consider the Council's key strategic risks for 2018/19 and the plans that have been developed for the mitigation and management of those risks.

Summary

2. Officers have identified three significant strategic risks for the Council in 2018/19. The risks have been assessed using the Council's Strategic Risk Management Policy which considers the likelihood of occurrence, and the level of impact on the organisation and/or the district should they occur. The small number of identified risks reflects the successful and careful management of risk that has taken place over recent years.
3. It is good practice that the Council's Strategic Risk Management Policy is reviewed on an annual basis. A copy of the current policy can be found at Appendix C.

Recommendations

4. **That Cabinet:**
 - (i) **Agrees the strategic risks for 2018/19 and management plans set out at appendices A and B; and**
 - (ii) **Agrees the existing Strategic Risk Management Policy, as set out at Appendix C with the only amendment being Officer and Member titles.**
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Background

5. Council approved the Corporate Plan and Budget for 2018/19 on 28 February 2018. This Plan is the outcome of a robust service and financial planning process. However, like all plans, it is based on best known assumptions at the time. If these assumptions prove inaccurate because circumstances change during the year, there could be a potential impact on the Council's ability to fully deliver its plans during the year or to be able to do so within budget. It is therefore prudent that the Council identifies what significant factors or events might occur and to ensure it has in place appropriate arrangements for mitigating 'strategic risks'.

2018/19 Strategic Risk Profile

6. Consideration has been given to possible risks across the full range of matters including, financial, legal, reputational, partnership and other risks. Three key strategic risks have been assessed as sufficiently significant that Cabinet may want to record them on the risk profile. These represent similar risks to those identified in 2017/18, with the exception of “Acceptable outcome of Planning Inspectorate Examination in Public of the District Plan” which has been recommended for removal in 2018/19. Subject to Cabinet’s views, these strategic risks will require specific arrangements to manage them. Suggested management plans for each of these are the focus of this report. The proposed Strategic Risk Profile for 2018/19 together with that for 2017/18 is set out as Appendix A.
7. The three proposed strategic risks for 2018/19 are:
 - Risk 1 - Changes to ICT Infrastructure
 - Risk 2 - Capacity of West Sussex County Council to support Mid Sussex District Council’s ambitions
 - Risk 3 - Partnership Projects
8. Fuller descriptions of each risk, together with the mitigating actions that are being undertaken to address them, and the relevant contingency plans should those risks materialise, are set out at Appendix B.

Risk Management through 2018/19

9. In order to ensure the on-going management of risks through the year, all committee reports contain a risk management section which highlights any associated strategic risks with the subject under examination in that report, and how these risks are being managed. Where reports are dealing with identified key strategic risk areas, the report will provide an update on the management of that risk and note any significant changes in likelihood or impact which may warrant a re-rating of the risk.
10. The individual risk assessments set out at Appendix B indicate what the main reporting mechanisms are for each of the risks over the coming year. It is the responsibility of the relevant Cabinet Portfolio Holder and Head of Service to regularly monitor each strategic risk throughout the year.

Strategic Risk Management Policy

11. In December 2006, Cabinet adopted a Strategic Risk Management Policy. This is reviewed on an annual basis to ensure it remains fit for purpose. The Policy is set out at Appendix C for Cabinet’s consideration.

Policy Context

12. The Council has a robust and effective approach to strategic risk management. Strategic Risk Management is an important aspect of every organisation’s service and budget processes and the achievement of its corporate priorities. Its application cannot fully insulate the Council from the impact of unexpected external events but it will ensure the Council is best placed to respond if such events occur

Financial Implications

13. There are no financial implications directly arising from this report.

Risk Management Implications

14. There are no other strategic risk implications aside from those set out in the report. However it should be noted that *operational* risk matters, such as specific business continuity issues, are handled separately through the Council's Corporate Safety and Risk Management Group.

Equalities Implications

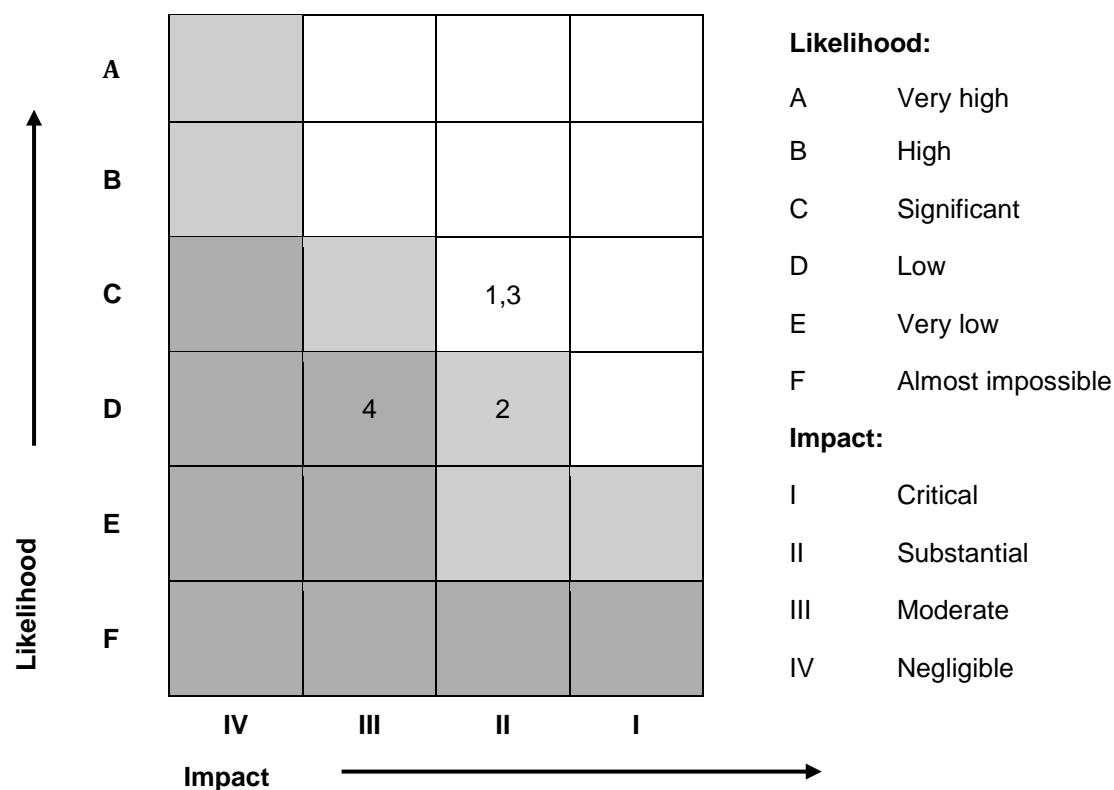
15. Effective management of risks is essential to protect those who are more vulnerable. Where appropriate, Equality Impact Assessments are undertaken where service or policy changes are taking place.

Background Papers

None.

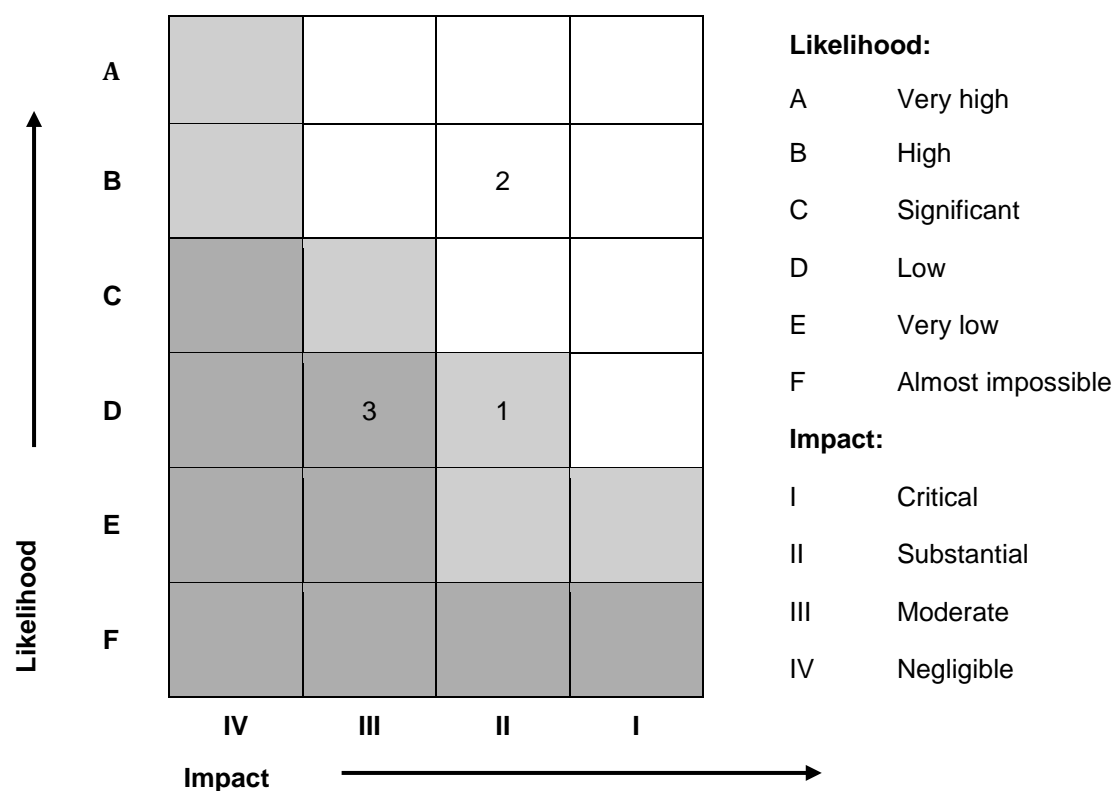
MSDC STRATEGIC RISK PROFILE

Current Risk Matrix 2017/18



Risk No.	Description of the Potential Strategic Risk / Vulnerability	Responsible Portfolio holder and Officer
1.	Acceptable outcome of Planning Inspectorate Examination in Public of the District Plan	Cllr Andrew MacNaughton Judy Holmes
2.	Changes to ICT Infrastructure	Cllr Mandy Thomas Atkin Simon Hughes
3.	Capacity of West Sussex County Council to support Mid Sussex District Council's ambitions	Cllrs Jonathan Ash Edwards and Andrew MacNaughton Judy Holmes
4.	Partnership Projects	Cllr Jonathan Ash Edwards Peter Stuart

Suggested Risk Matrix 2018/19



Risk No.	Description of the Potential Strategic Risk / Vulnerability	Responsible Portfolio holder and Officer
1.	Changes to ICT Infrastructure	Cllr Mandy Thomas Atkin Simon Hughes
2.	Capacity of West Sussex County Council to support Mid Sussex District Council's ambitions	Cllrs Jonathan Ash Edwards and Andrew MacNaughton Judy Holmes
3.	Partnership Projects	Cllr Jonathan Ash Edwards Peter Stuart

MID SUSSEX STRATEGIC RISK MANAGEMENT PLANS 2018/19

Risk 1 – Changes to ICT Infrastructure**Description of Risk:**

The Council has been part of the CenSus ICT partnership for 8 years and while some hardware and services are shared across all four partners, many more are still used only by the individual authorities and continue to be maintained locally. Assessing the risk of disruption is more complex without defining the system(s) potentially affected. Some risks are therefore shared and mitigated through the work of the CenSus ICT partnership and some are Mid Sussex specific.

This situation is changing as Mid Sussex develops and implements its Digital Strategy. The strategy focusses, in part, on simplifying the hardware and software estate and by adopting more flexible technologies, for example cloud hosting and low-code software. These are replacing some existing legacy software. To date this has been achieved in a measured and careful manner with no disruption to services. For example, the implementation of the new Customer Services system and Waste systems caused no service interruptions, and indeed the resilience and data quality of these services has significantly improved. It is possible that some implementation issues may be encountered during the transition as architecture information and documentation of existing legacy systems is poor and there are potentially data quality issues. While these should not be significant or lead to disruption, it is considered that the overall level of risk is heightened for that period.

In addition, with this gradual move to offsite infrastructure, internet connectivity assumes paramount importance. There is no history of this service failing, although recently our partners connectivity has been subject to a Distributed Denial of Service (DDOS) attack and slowed considerably. Fail safes are in place but again this reliance adds an element of risk albeit one that would be outweighed by the retention of legacy hardware with the consequent age-related failures. We have also invested in a separate connection to allow a fail over and also increased bandwidth to business-critical applications.

We also recognise that our ICT partners are both engaged in wholesale change; culturally and operationally which will impact upon the deployment of ICT resource. Balancing the application of finite resources across all clients does have the potential to lead to a shortfall to partners which may in turn threaten service delivery.

Assessment of Risk:**Likelihood: Low (D)****Impact: Substantial (II)****Consequences if Risk Occurs:**

a) In 2018/19;

- Loss of key systems or connectivity would lead to service interruption, perhaps for extended times. All services could be affected to varying degrees.
- Service interruption could mean the inability to recover sums due, pay customers and benefit recipients or communicate adequately or conduct Council business including the

Planning function, depending upon the length of time for which disruption occurred.

b) In future years;

- It is unlikely that system disruption would flow across years but the inevitable resource drain in dealing with system recovery would threaten the 'Business as Usual' workload of staff and thereby create a knock on effect for other system work. Likewise, there could be an ongoing threat to the reputation of the Council.

ACTION PLAN

PREVENTION

What we currently do to reduce likelihood of risk occurring during 2018/19:

Microsoft Office is being migrated to O365 which is cloud hosted. This means should internet connectivity fail at any site, emails and productivity applications can still be accessed using 3 and 4 G connections. Phase 2 will then move 'live' documents and data to be cloud hosted ensuring these are accessible at all times.

An additional 100MB connection has been installed to provide additional bandwidth and a fail over facility should other Wide Area Network connections fail or slow due to increased traffic of malicious attack.

Other key systems are shared across partners (for example, the IDOX planning system) and are held on servers in Horsham thus distributing the risk across multiple sites.

Single points of failure are being identified not only within the technical stack but also in expertise to support systems.

The ICT and Digital Programme monitors the progress of existing projects and the need to engage in new projects with the aim of rationalising the ICT estate. Principles have been established for agreeing projects that minimise the risks associated with 'on premise' applications.

MITIGATION

What we currently do to reduce the negative consequences if the risk does occur during 2018/19:

Backup processes consolidated to 1 system with cloud DR capabilities which will be established corporately as part of the Cloud project.

A recent audit of the backup arrangements has tested the current procedures.

The Wide Area Network should give us multiple paths to reach the internet to enable connectivity to be maintained.

As systems migrate to the cloud access will also be enabled through mobile devices and 3 and 4 G connections. This means should the LAN fail or be subject to a DDOS attack other routes can be used for most cloud based systems.

<p>What else are we going to do in 2018/19?</p> <p>Server migration is underway which will allow the system to be hosted in Private/Public Cloud to improve resilience and eliminate the risk of hardware failure. In turn this also reduces the reliance on ICT to manage a wide range of business systems. While some systems management will be required for cloud services these are typically guaranteed at 99.95% availability</p>	<p>What else are we going to do in 2018/19?</p> <p>We are proposing to work with external experts to build capabilities that will allow us to substantially replace the Waste management, HR, and Financial Management systems and to develop a roadmap for the Digital Strategy at Mid Sussex.</p> <p>We have also established an ICT Reserve to finance the implementation of Cloud-based platforms and managed withdrawal of local solutions.</p> <p>Further moves to software as a service (SaaS) reduce the risks associated with network infrastructure.</p>
<p>How and when will the risk be reviewed during 2018/19:</p> <p>This will be reviewed via the Management Team at Mid Sussex, at the ICT/Digital Team meetings. Responsibility for ensuring that the overall arrangements improve and the risks are properly managed lies with MSDC.</p>	
<p>Responsibility for the risk:</p> <p>Cabinet Member: Councillor Mandy Thomas Atkin Management Team Member: Simon Hughes</p>	
<p>Date of Assessment: 9th February 2018</p>	

Risk 2 - Capacity of West Sussex County Council to support MSDC's ambitions

Description of Risk:

West Sussex County Council (WSCC) is a key partner in progressing the Council's growth ambitions at Burgess Hill. In particular this Council is reliant on West Sussex County Council specialist advice and delivery of infrastructure requirements.

Whilst a new senior management team is in place and new working relationships are developing there remains capacity shortfalls in some of the key specialist teams, in particular highways and economic development.

The Council has successfully secured £39.5m funding from the LEP to support Burgess Hill growth area. This Council is reliant on West Sussex County Council to utilise this funding to deliver the supporting infrastructure.

Burgess Hill Growth Area, comprises

- Northern Arc
- Town Centre redevelopment
- The Brow redevelopment
- Science and Technology Park
- The Hub
- Sustainable Transport Package

There are a number of difficult risks associated with the Growth Area.

Northern Arc:

- Provision of 3,500 homes and associated infrastructure is not only crucial to the vitality of the area but is a key component of the Council's District Plan.
- Failure to deliver the housing would put pressure on other areas of Mid Sussex to make up the housing shortfall.
- Delivery of the housing without the necessary infrastructure at the right time would result in an unsustainable development, pressure on the local infrastructure, particularly the road network, and significant damage to the reputation of the Council and the appetite of the community to accept future growth plans.
- Failure to deliver the associated infrastructure such as the schools and road improvements will place unsustainable pressure on existing infrastructure.

Town centre redevelopment

- Failure to deliver the redevelopment will result in the loss of £65m of private investment into the town centre and would be a missed opportunity to significantly improve the shopping and recreational experience of users and night time economy of the town centre. Delivery of the town centre without improvements in transport infrastructure will jeopardise the levels of footfall required to make it successful.

The Brow

- Failure to deliver public sector partners aspirations will result in a lost opportunity to provide a community hub which would include provision for health, police and ambulance services and make better use of a strategic location.

Science Park

- Failure to deliver this would present a lost opportunity to create a unique and innovative park which could attract high value knowledge based industries such as bio

data, life sciences, bio tech etc. The location of such a park within Mid Sussex would attract other similar businesses to the surrounding area and ultimately result in a closer match between the highly skilled workforce in Mid Sussex and the workplace opportunities, leading to a decrease in out-commuting.

The Hub

- Failure to attract sufficient tenants of the type that will enhance the local economy will mean that the opportunity is lost to deliver sustainable and attractive jobs.

Assessment of Risk:

Likelihood: Significant (B)

Impact: Substantial (II)

Consequences if Risk Occurs:

- a) In 2018/19;
- If not well managed the capacity challenges facing WSCC could have implications for this Council’s growth ambitions.
 - Reputational risk with external funders resulting in a loss of confidence, putting future funding in jeopardy.
 - Timely good quality advice on planning applications, negotiations with developers for infrastructure such as schools, highways and sustainable transport.
 - Existing strong relationships may be significantly and negatively affected.
 - Future and new joint working may be under threat which may stifle innovative joint working for example; projects may be delayed or not progressed.
 - Sustained growth will not be delivered resulting in the growth at Burgess Hill being unsupported by infrastructure, undermining political and local support and ultimately as loss of much needed housing and supporting infrastructure.
- b) In future years;
- Opportunities for this Council to work in partnership with the County Council to provide sustainable planned growth.
 - Loss of housing or housing in less sustainable locations.
 - Loss of high value employment opportunities.
 - Loss of community provision.

ACTION PLAN

PREVENTION	MITIGATION
<p>What we currently do to reduce likelihood of risk occurring during 2018/19:</p> <ul style="list-style-type: none"> • Established close working relationships with the CC team and developers. • Established robust governance arrangements – set up an Officers Group, Development Board and Town and Parish Advisory group. • Developed close working relationships with the HCA. • Commissioned support from a number of 	<p>What we currently do to reduce the negative consequences if the risk does occur during 2018/19:</p> <ul style="list-style-type: none"> • During 2017/18 we strengthened the governance arrangements supporting key growth work. • Earlier identification of issues through governance and management arrangements. • Keep relationships, partnerships and arrangements under constant review.

<p>specialist external advisors to support both Councils to assist in negotiations with the developers and assist with delivering the required work.</p> <ul style="list-style-type: none"> • Invest Council resources in employing a team of specialists to assist in the delivery of the developments. • Monitor the County Council's financial position. • Build, utilise and strengthen existing good working relationships with County Council colleagues at all levels including with the Chief Executive and Senior Management Team. This Council's Chief Executive meets regularly with WSCC Chief Executive. • Continue to support and promote partnership working with the County Council to protect existing and new projects and initiatives. • Continue to ensure strong political relationships between senior members at the County and District Councils. 	<ul style="list-style-type: none"> • Be vigilant and alert to all risks and share intelligence. • Hold regular meetings with stakeholders to ensure a detailed understanding of positions and any fall back options they may have. • An agreed "District Deal" with WSCC confirming both Councils' commitment to the planned growth. • Be alert to the risks at all levels of the Council and share intelligence with Management Team. • The senior management teams from both the Councils will start to meet regularly to build and nurture working relationships. • Use established contacts at the County Council to deal with issues early. • Use of West Sussex Chief Executive's group to raise issues of concern.
<p>What else are we going to do in 2018/19?</p> <p>Continue to secure funding from external bodies Local Growth Fund and Housing Infrastructure Fund to forward fund critical infrastructure to unblock development where appropriate.</p> <p>Highlight difficulties as soon as they arise.</p> <p>Implement a coherent comms strategy to ensure all partners are fully engaged.</p> <p>Identify learnings from other complex projects delivered by local authorities through partnership working.</p> <p>We will keep an open dialogue and secure assurance from senior County Council colleagues.</p> <p>Use all our intelligence and contacts to keep information flowing.</p> <p>Use political networks to flag difficulties should they arise.</p>	<p>What else are we going to do in 2018/19?</p> <p>Use the governance arrangements and project management process to highlight risks and identify mitigations.</p> <p>Use our regular meetings with the CE at the County Council and relevant Councillors to discuss the risks and identify mitigations.</p> <p>Seek to influence the change to ensure WSCC supports delivery of the planned growth working is maintained.</p> <p>Where necessary, directly commission work to support the Council's growth ambitions.</p>

How and when will the risk be reviewed during 2018/19?

- Continually develop good working relationships with new members of the Senior Management Team.
- Encourage sharing intelligence at all levels of the Council with Management Team.
- Maintain regular meetings with senior colleagues (including Councillors) at the County Council.

Responsibility for the risk

Cabinet Members: Councillors Ash Edwards and MacNaughton
Management Team Member: Judy Holmes

Date of Assessment: February 2018

Risk 3: Partnership Projects

Description of Risk:

A great deal of the Council's work involves working in partnership with other bodies such as other Councils, Government and private developers. Partnership working can be resource intensive and presents a range of potential risks and opportunities. Some can be high risk due to outside influences which the Council has less control over than internal matters. However they can also be very productive, enabling the Council to access different skills and resources and achieve better results for Mid Sussex than the Council working alone.

Partnerships can also change form over their lifetime and some may end as individual service factors change for each of the partner authorities; i.e. the coincidence of needs may no longer be aligned.

In 2017/18 one partnership changed form. Census, the partnership between Adur DC, Worthing BC, Horsham DC and us, covering both ICT and Revenues and Benefits started to be dissolved, with the withdrawal of Adur DC in October 2017 from the Revs/Bens side.

The ICT partnership is being dismantled as the transition towards Cloud gathers pace. The staff originally TUPE transferred to Horsham DC will return to their previous authority and Census will consist only of a service administering those legacy systems that are shared. This is covered in another risk within the register.

From April 2018 Horsham DC will leave and join another shared service (LGSS) and from that date the Census Joint Committee and the Revenues and Benefits Partnership will cease to exist. Mid Sussex will operate its own service but due to the need to train staff in both service disciplines we are having to provide some staff resource to the LGSS benefits service and they are providing some revenues resource to us. This tailing-off or 'soft split' is expected to last a maximum of 6 months and will be a period of mutual cooperation in order to perform a smooth transition.

This change brings risks to the service over and above those inherent in a 'business as usual' environment. The main ramifications are that service levels are adversely affected.

Assessment of Risk:

Likelihood: Low (D)
Impact: Moderate (III)

Consequences if Risk Occurs:

a) In 2018/19;

Revenues and Benefits

- The main risk here is that the transition from two partners to a single service does not go smoothly and there is some service interruption for users. There is the potential for our service to be affected although careful system migration should mitigate that. Any 'turbulence' may disturb the award of Housing Benefit and the collection of Revenues.
- Housing Benefit awards some £33m to qualifying households each year to strict performance standards for new claims and changes of circumstance. Any significant variation in these standards brings the risk of hardship and, possibly, eviction for vulnerable people.

- Mid Sussex collects over £150m each year in council tax and business rates combined and it is imperative that this proceeds smoothly since payments to preceptors are fixed for the year and our cashflow would unduly suffer.

ACTION PLAN

PREVENTION	MITIGATION
<p>What we currently do to reduce likelihood of risk occurring during 2018/19:</p> <ul style="list-style-type: none"> • Established a Revs/Bens Officer Project Group to oversee the work streams relating to ICT, HR and Staffing and Finance. • Drawn up project plans to guide the transition. • Taken quality HR advice on dealing with staff transfers. • Engaged with software suppliers to commission disaggregation of joint systems. • Chosen to work together with the new provider to Horsham to ensure a smooth disaggregation process. • Keeping staff engaged in the process. 	<p>What we currently do to reduce the negative consequences if the risk does occur during 2018/19:</p> <p>The withdrawal date for Horsham DC leaving is formally set at 1st April 2018 but both parties acknowledge the need to work cooperatively together after that.</p> <p>Ultimately, mitigation is available through the withdrawal being put off or deferred although this will become difficult if prolonged.</p>
PREVENTION	MITIGATION
<p>What else are we going to do in 2018/19?</p> <p>The Mid Sussex structure for the service has been consulted on with a view to staff resources being in place by 1st April 2018. A degree of temporary resource is being retained in order that service levels are maintained for council tax and business rates collection where some training needs exist. Similarly, we will be providing some benefits administration to LGSS as they undergo a similar process for their staff.</p>	<p>What else are we going to do in 2018/19?</p> <p>In the event that service levels vary from those agreed, we have the option to add more temporary resource to get back on track. Experience has shown that this needs careful monitoring and quick action to have the greatest impact before any backlog starts to generate enquiry work from impacted customers.</p>
<p>How and when will the risk be reviewed during 2018/19:</p> <p>Regular reports to Management Team</p>	
<p>Responsibility for the risk</p> <p>Cabinet Member: Councillor Jonathan Ash Edwards Management Team Member: Peter Stuart</p>	
<p>Date of Assessment: February 2018</p>	

Strategic Risk Management Policy - Mid Sussex District Council

1. Purpose

This is the Mid Sussex District Council Strategic Risk Management Policy approved by Cabinet in December 2006. It sets out the Council's approach to Strategic Risk Management.

2. Definition

Strategic risk management is the way that the Council responds to uncertainty in the external environment. It allows the Council to:

- Identify key strategic risks in the context of the Corporate Plan's objectives.
- Assess risks to determine the potential likelihood and impact of each risk.
- Determine the response that should be made to each risk.
- Develop the necessary actions, controls and processes to implement the chosen response to each risk.
- Communicate its approach to risk management and the results of risk management activity.
- Deal with each risk – either avoid, reduce, share or accept it.

Please Note: In addition to its *strategic* risk management, the Council has a well established approach to *operational* risk management and the principles and tools used to manage this are set out in a more detailed operational risk management strategy.

3. Risk Culture

A strong business wide risk culture is an important aspect of strong corporate governance. Risk Culture is the shared values, attitudes and practices that characterise how the Council considers risk on a day to day basis. The Risk Culture has developed at the Council over recent years so that as an organisation it is less risk averse. Our experience since 2004 has been that this improved risk culture has been influenced by the following factors:

- Awareness of risks faced by the Council
- Understanding of the business and the relevance of risk
- Clear ownership of risks
- Clearly defined responsibilities for risk management activity
- Effective monitoring and reporting of the effectiveness of risk

Whilst the Council is not risk averse, the principles contained within this policy ensure that the Council strikes the right balance in its approach to strategic risk management.

4. Responsibility

Cabinet

Cabinet is the body responsible for the Council's strategic risk management. Cabinet will approve the Council's strategic risks on an annual basis. Cabinet members will work with

Heads of Service regarding the progress in managing risks that fall within their portfolio. In addition Cabinet will:

- Provide overall direction on strategic risk management.
- Promote a positive risk culture throughout the organisation including promoting its importance to other Members.
- Hold an annual workshop to agree the strategic risks for the following 12 months.
- Approve an annual Strategic Risk Profile.

The Cabinet Member for Finance and Service Delivery is recognised as the Member Risk Champion and works with the Officer Risk Champion to embed risk management into the organisation.

Management Team

Management Team is responsible for ensuring the Council's strategic risks are actively managed through the year. It will use its weekly meetings to monitor progress across all the risks and where it is found a risk has raised up the risk profile, a report will be submitted to Cabinet. In addition, Management Team has the following responsibilities:

- Implementing the strategic risk management policy.
- Reviewing the management of strategic risk.
- Monitoring the effectiveness of the controls developed to implement the chosen risk response.
- Integrating risk management into the service and budget planning process.
- Promoting a robust and proactive risk culture throughout the organisation.
- Ensuring that appropriate training is put in place for appropriate officers and that it is reflected in the Member Development programme.

The Assistant Chief Executive is recognised as the Officer Risk Champion and works with the Member Risk Champion to embed risk management into the organisation.

5. Reporting Framework

Report	Frequency	Responsible	Considered By
Risk Profile	Annual	Cabinet/Management Team	Cabinet
Management of Strategic Risks	Monthly	Management Team	Management Team
Review of Individual Risk Management	As required	Designated Lead Head of Service for each risk	Designated Committee

6. Review

This Policy will be reviewed on an annual basis by Cabinet.

7. Annual Surveillance Report

REPORT OF: Head of Regulatory Services
Contact Officer: Tom Clark
Email: tom.clark@midsussex.gov.uk Tel: 01444 477459
Wards Affected: All
Key Decision: No
Report to: Cabinet
19th March 2018

Purpose of Report

1. To report the activity under the Regulation of Investigatory Powers Act 2000 (RIPA) (as amended) in 2017.
2. The report also informs Cabinet of the outcome of the recent audit of the Council's surveillance activity by the Office of Surveillance Commissioners in January 2018. The report introduces a revised policy and guidance document that reflects the findings of the surveillance commissioner during his audit in late 2017.

Recommendations

3. **That Cabinet notes the Council's revised Regulation of Investigatory Powers Act policy and guidance set out in the report at Appendix 1.**
4. **The Cabinet notes that there has been no covert surveillance activity undertaken by the Authority in relation to criminal investigations since the previous inspection in January 2015.**

Background

5. The Regulation of Investigatory Powers Act 2000 (RIPA) is the law governing the use of covert surveillance technics by public authorities, including local authorities. RIPA was enacted as part of the suite of legislation flowing from the Human Rights Act 1998. RIPA requires that when public authorities need to use covert technics to obtain information about someone they must do so in a way compatible with the Human Rights Act.
6. RIPA regulates the interception of communications, directive and intrusive surveillance and the use of covert human intelligence sources (informants). Local authorities can only carry out direct surveillance, access certain communications data and use informants.
7. The Council has carried out no such surveillance activities since January 2015 and therefore none in 2017.
8. The Protection of Freedoms Act 2012 meant that any authorisation for such covert surveillance needs the approval of the Magistrates' Court. The Council has always worked in a transparent way to seek compliance and therefore covert surveillance has not been used. Such covert surveillance to collect evidence should be a last resort and only if investigations cannot be carried out transparently.

9. The 2012 legislation also requires directed surveillance only to be used where an offence carries a possible custodial sentence of 6 months or more save it may still be used for the investigation of underage sales of tobacco or alcohol. Frequently in its investigation work the Council works with third parties and when the police are involved they get the necessary authorisations.
10. The attached policy and guidance document reflects the recommendations of the recent audit. In particular paragraph 2.11 has been added to cover the use of social media as an investigation tool. It will also note there is a lot of control over authorisations and training to ensure staff do not accidentally fall into activities that will require authorisation.

Policy Context

11. While Mid Sussex District Council has not for some time used covert technics to investigate crime and is no longer the investigating authority for benefit fraud it is important the Council maintains a policy and guidance document and training to ensure that staff do not accidently breach the Act by carrying out activities that require authorisation by the Magistrates Court. Evidence collected inappropriately would not be admitted at Court to support any prosecution and this is likely to reflect badly on the Council.

Other Options Considered

12. The Council is required to comply with the legislation and there is audit every three years. The level of Council activity should be reported to a Committee of the Council pursuant to a Code of Practice issued under Section 71 of RIPA.

Financial Implications

13. Officer time is expended in complying with the Legislation and this is met from the budgets available.

Risk Management Implications

14. A failure to comply with the Legislation is likely to jeopardise any prosecution which relies on such evidence and is also is likely to attract bad publicity.

Equality and customer service implications

15. There is a high level of control on authorisations including a sign off by the Magistrates. This process should identify inappropriate authorisations that target minority groups in an inappropriate way.

Policy in relation to the Regulation of Investigatory Powers Act 2000

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1. Introduction to Regulation of Investigatory Powers

This policy document is based on the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) The Protection of Freedom Act 2012 and the Home Office's Code of Practices for Directed Surveillance, Covert Human Intelligence Sources (CHIS) and Acquisition and Disclosure of Communications data.

Links to the above documents can be found at:-

<http://www.legislation.gov.uk/ukpga/2000/23/contents>
<http://www.legislation.gov.uk/ukpga/2012/9/contents>
<https://www.gov.uk/government/collections/ripa-codes>

- 1.1 Surveillance plays a necessary part in modern life. It is used not just in the targeting of criminals, but also as a means of preventing crime and disorder.
- 1.2 In recent years the District Council has used its covert surveillance powers to investigate crime sparingly and only in the field of benefit fraud. Benefit fraud is now dealt with by the Department of Work and Pensions and the powers have not been used in the past 3 years.
- 1.3 Planning enforcement staff may need to observe the activities of person's acting without appropriate planning authority but such surveillance is done overtly.
- 1.4 Covert Directed Surveillance is undertaken in relation to a specific investigation or operation, where the person or persons subject to the surveillance are unaware that it is, or may be taking place. The activity is also likely to result in obtaining private information about a person, whether or not it is specifically for the purpose of the investigation.
- 1.5 Our investigations may also require the use of Covert Human Intelligence Sources (a CHIS). These may be under-cover officers, agents or informants. Such sources may be used by the Council to obtain and pass on information about another person, without their knowledge, as a result of establishing or making use of an existing relationship. This clearly has implications as regards the invasion of a person's privacy and is an activity, which the legislation regulates. A CHIS would be used only rarely and in exceptional circumstances and has not been used in the past 3 years. A CHIS must have an appointed controller to oversee their work.
- 1.6 The Regulation of Investigatory Powers Act 2000 (RIPA) introduced a system of authorisation and monitoring of surveillance activities, to ensure that the rights of the individual were not unnecessarily compromised, in the pursuance of regulatory compliance. The RIPA also requires a similar control and authorisation procedure to be in place in respect to the acquisition of telecommunications data. The Council would need to comply with these requirements should it be necessary to obtain telephone subscriber, billing and account information.
- 1.7 In addition, the Act put in place an Office of Surveillance Commissioners, and the Interception of Communications Commissioner whose duties are respectively to inspect those public bodies undertaking covert surveillance, and the acquisition of communications data, and introduced an Investigatory Powers tribunal to examine complaints that human rights have been infringed.

2. Policy Statement

- 2.1 Mid Sussex District Council will not undertake any activity defined within the Regulation of Investigatory Powers Act 2000 without prior authorisation or reauthorisation, from a trained, Head of Service, who is empowered to grant such consents subject to the approval of a Justice of the Peace. The Solicitor and Head of Regulatory Services has been appointed the Senior Responsible Officer (SRO) and, as such, has been given authority to appoint Authorising Officers (for surveillance activities) and Designated Persons and Single Points of Contact (for the purposes of access to communications data) under the Act. He has appointed the Chief Executive and the 3 other Heads of Service to be authorising officers.
- 2.2 Franca Currall, Solicitor and Deputy Monitoring Officer, is the RIPA Co-ordinating Officer responsible for maintaining the Central Record of Authorisations, acting as a gatekeeper by exercising oversight and quality control at the various stages of authorisation, organizing training and ensuring a high degree of RIPA awareness throughout the Council and arranging any authorisation hearings at the Magistrates Court.
- 2.3 The Authorising Officer or Designated Person will not authorise the use of directed covert surveillance techniques, human intelligence sources or access to communications data unless the authorisation can be shown to be necessary for the purpose of preventing or detecting crime but in the case of directed covert surveillance must involve the investigation of a crime which attracts a maximum custodial sentence of 6 months or more for criminal offences or relates to the underage sale of alcohol or tobacco.
- 2.4 In addition, the Authorising Officer or Designated Person must believe that the surveillance or obtaining of communications data is necessary, reasonable and proportionate to what it seeks to achieve. In making this judgment, the officer will consider whether the information can be obtained using other methods and whether efforts have been made to reduce the impact of the surveillance on other people, who are not the subject of the operation.
- 2.5 Applications for authorisation of surveillance, the use of a CHIS or the obtaining of communications data will, except in emergency where legislation permits, be made in writing on the appropriate up-to-date Home Office form (See annexes 1, 2 or 3).
- 2.6 Intrusive surveillance operations are defined as activities using covert surveillance techniques, on residential premises, or in any private vehicle, which involves the use of a surveillance device, or an individual, in such a vehicle or on such premises. MidSussex District Council officers are NOT legally entitled to authorise these types of operations.
- 2.7 However public bodies are permitted to record telephone conversations, where one party consents to the recording being made and a Directed Surveillance authorisation has been granted. On occasions, officers of the Mid Sussex District Council do need to record telephone conversations, to secure evidence and the other party is made aware of the possible recording. Where both parties are aware

such conversations may be recorded there is no need for an Authority.

- 2.8 It is the policy of this authority to be open and transparent in the way that it works and delivers its services. To that end, a well-publicized Corporate Complaints procedure is in place and information on how to make a complaint to the Investigatory Powers Tribunal will be provided on request by the RIPA Co-ordinator.
- 2.9 Publicly available social media may be used to collect evidence but officers must not use any false identity and must view a profile only on an ad hoc basis. Regular viewing of the same profile will need an authorisation. Officers should seek to verify the information collected by other means.
- 2.10 Where data has restricted access (eg. where access is restricted to “friends” on a social networking site) an application for CHIS and, if appropriate, directed surveillance should be made before any attempt to circumvent those access controls is made.
- 2.11 Access to open source material does not require RIPA authorisation unless there are repeated visits to the same site. These normally occur when an attempt is being made to build a profile of the account operator. In that case, directed surveillance authorisation is required. If the privacy controls are breached (eg by becoming a “friend”) and a pseudo account is used, ensuring that the Officers identity as a Council employee is hidden, then at least directed authorisation will be required. If direct contact is made with the account owner/operator, and a relationship commences, CHIS authorisation will be required. In the latter case, it is a statutory requirement of RIPA that a controller handler and record keeper are appointed to manage the operation and a risk assessment is created.

3. Obtaining Authorisation (Please refer to paragraph 11 and the need to obtain judicial approval)

- 3.1 The Council’s Constitution provides for Heads of Service to fulfil the role of Authorising Officer (for the purposes of Surveillance and CHIS authorisation) and Designated Person and Single Point of Contact (for the purposes of access to communications data). The RIPA Co-ordinator shall maintain a register of the names of such Officers. All such authorisations must now be signed off by a Justice of the Peace.
- 3.2 Where the Covert Human Intelligence Source is a juvenile or a vulnerable person, or there is the likelihood that the information acquired will be Confidential Information then the authorisation must be from the Chief Executive or, in her absence, the Assistant Chief Executive subject to the approval of a Justice of the Peace.
- 3.3 Authorisations from the Authorising Officer for directed surveillance or the use of a CHIS shall be obtained using the appropriate application form (see annexes 1 and 2) and shall be limited to one month for a Juvenile Covert Human Intelligence Source (CHIS).
- 3.4 Applications for access to communications data shall be made to the

Designated Person using the appropriate application form (see annex 3) Data can be accessed by a Notice (which is served on the Communications Service Provider (CSP) to produce the data) or by way of an authorisation (which enables persons within a Public Authority to obtain the data). The latter process is unlikely to be used by officers of the Council.

- 3.5 Guidance for completing and processing the application forms is attached (annexes 4, 5, or 6). The draft authorisations should be discussed with the RIPA Co-ordinating Officer, and the final wording should also be checked with her before authorisation is sought.

4. Duration of authorisations

- 4.1 All records shall be kept for at least 3 years and the original authorisations shall be submitted to and retained with the Central Record of Authorisation.
- 4.2 A written authorisation (unless renewed) will cease to have effect at the end of the following periods from when it took effect:
- a) Directed Surveillance - 3 months
 - b) Conduct and use of Covert Human Intelligence Source - 12 months or one month when the CHIS is a juvenile.
- 4.3 A notice issued for the production of communication data will remain valid for one month.

5. Reviews

- 5.1 Regular review of authorisations and notices shall be undertaken by the relevant Authorising Officer to assess the need for the surveillance or notice to continue. The results of the review shall be recorded on the central record of authorisations (see annexes 1, 2 or 3 for review forms). Where surveillance provides access to Confidential Information or involves collateral intrusion, particular attention shall be given to the review for the need for surveillance in such circumstances.
- 5.2 In each case, the Authorising Officer shall determine how often a review is to take place, and this should be as frequently as is considered necessary and practicable.

6. Renewals

- 6.1 If, at any time, an authorisation or notice would cease to have effect and the Authorising Officer considers it necessary for the authorisation or notice to continue for the purposes for which it was given, he or she may renew it, in writing, for a further period of (subject to the approval of a Justice of the Peace):-
- three months – directed surveillance
 - twelve months – use of a CHIS
 - one month – access to communications data

(see annexes 1, 2 or 3 for renewal forms)

- 6.2 A renewal takes effect at the time at which the authorisation would have ceased to have effect but for the renewal. An application for renewal should not be made

until

shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. authorisation may be renewed more than once provided they continue to meet the criteria for authorisation.

7. Cancellations

- 7.1 The Authorising Officer who granted or last renewed the authorisation or notice must cancel it if he/she is satisfied that the Directed Surveillance, the use or conduct of the Covert Human Intelligence Source or the access to communications data, no longer meets the criteria for which it was authorised (see annexes 1,2 or 3 for cancellation forms). When the authorising Officer is no longer available this duty will fall on the person who has taken over the role of authorising Officer or the person who is acting as Authorising Officer.
- 7.2 As soon as the decision is taken that Directed Surveillance should be discontinued or the use or conduct of the Covert Human Intelligence Source, no longer meets the criteria for which it was authorized the instruction must be given to those involved to stop all surveillance of the subject or use of the CHIS. The authorisation does not 'expire' when the activity has been carried out or is deemed no longer necessary. It must be either cancelled or renewed. The date and time when such an instruction was given should be recorded in the central register of authorisations and the notification of cancellation where relevant.

8. Central Register and Monitoring

8.1 The authorisation (including statements in respect of oral authorisations), any renewal or cancellation (together with any supporting information relevant to such authorisation or cancellation) and any application, notice or authorisation in respect of communications data shall be forwarded to the RIPA Co-ordinator within two working days of the date of the application, authorisation, notice, renewal or cancellation.

8.2 The RIPA Co-ordinator shall:

- (a) keep a register of the original documents referred to in paragraph 8.1 above and be involved in, the drafting of those documents and their approval at the Magistrates Court .

9. Training

9.1 The Authorising Officers, Designated Persons and Single Points of Contact shall be provided with training to ensure awareness of the legislative framework. Single Points of Contact can only be appointed following attendance at a training course accredited by the Home Office and passing a written examination.

10. Planned and Directed Use of Council CCTV Systems

10.1 The Council's CCTV surveillance systems shall not be used for Directed Surveillance, without the RIPA Co- Coordinator or other senior legal officer confirming to the relevant operational staff that a valid authorisation is in place.

10.2 Also, regard must be had to the provisions of the Protection of Freedoms Act 2012, which required a regulatory framework for surveillance camera systems comprising a code of practice and a surveillance camera commissioner – see the Protection of Freedoms Act 2012 (Code of Practice for Surveillance Camera Systems and Specification of Relevant Authorities) Order 2013.

11. Obtaining Judicial Approval of Authorisations

11.1 **Authorising Officers must, when making authorisations, be aware that each authorisation (or renewal of an authorisation) will be subject to judicial approval.** The Protection of Freedoms Act 2012 amended RIPA, to require that where a Authorizing Officer has granted an authorisation for the use of directed surveillance, acquisition of communication data or for the use of a CHIS, judicial approval will be required. The Council will be required to make an application, without giving notice, to the Magistrates' Court. The Magistrates will give approval if at the date of the grant of authorisation or renewal of an existing authorisation if and only if, they are satisfied that:

- (a) there were reasonable grounds for believing that obtaining the covert surveillance or use of a human covert intelligence source was necessary, reasonable and proportionate and that these grounds still remain.
the "relevant conditions" were satisfied in relation to the authorisation.
Relevant conditions are that:

- (i) the relevant person was designated as an Authorising Officer;

- (ii) it was necessary reasonable and proportionate to believe that using covert surveillance acquisition of communication data or a covert human intelligence source was necessary, reasonable and that the relevant conditions have been complied with;
- (iii) the grant or renewal of any authorisation or notice was not in breach of any restrictions imposed under section 25(3) of RIPA; and
- (iv) any other conditions provided for by an order made by the Secretary of State were satisfied.

If the Magistrates' Court refuses to approve the grant of the authorisation, then it may make an order to quash that authorisation.

11.2 Judicial approval will also review that the serious crime threshold has been met in relation to the carrying out of directed surveillance. This threshold is that the directed surveillance is for the purpose of preventing or detecting a criminal offence and meets the following conditions:

- a) that the criminal offence to be prevented or detected is punishable by a maximum term of a least six months' imprisonment: or
- b) constitutes an offence under sections 146, 147 or 147A of Licensing Act 2003 (sale of alcohol to children) or section 7 of the Children and Young Persons Act 1933 (sale of tobacco to children under 18 years old) or
- c) constitutes an offence under section 92 Children and Families Act 2014 (sale of nicotine inhaling products to children under 18 years old) or proxy purchasing of tobacco, including nicotine inhaling products to children under 18 years old under section 91 Children and Families Act 2014.

If the Magistrates' Court refuses to approve the grant of the authorisation, then it may make an order to quash that authorisation.

11.3 No activity permitted by the authorisation granted by the Authorising Officer may be undertaken until the approval of the Magistrates' Court to that authorisation has been obtained.

To ensure compliance with this requirement, any Authorising Officer who proposes to approve an application for the use of directed surveillance acquisition of communications data or for the use of a CHIS must immediately inform the RIPA Coordinating Officer by telephone or e-mail of the details of the authorisation. The RIPA Coordinating Officer will then make the necessary arrangements for an application for an order to approve the authorisation to be made to the Magistrates' Court. The Authorising Officer and the Investigating Officer may be required to attend the Magistrates' Court to support the application.

Glossary

"Confidential information" consists of matters subject to legal privilege, confidential personal information, or confidential journalistic material.

"Directed Surveillance" is defined in section 26 (2) of RIPA as surveillance which is covert, but not intrusive (i.e. takes place on residential premises or in any private vehicle), and undertaken:

(a) for the purpose of specific investigation or specific operation;

(b) in such a manner 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

(c) 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 Part II of RIPA to be sought for the carrying out of the surveillance.

"A person is a Covert Human Intelligence Source" if:

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

(See section 26 (8) of RIPA)

"Communications Data" is:-

(a) any traffic data comprised in or attached to a communication (whether by the sender or otherwise) for the purposes of any postal service or telecommunication system by means of which it is being or may be transmitted; **(NOT AVAILABLE TO LOCAL AUTHORITIES)**

(b) any information which includes none of the contents of a communication (apart from any information falling within paragraph (a)) and is about the use made by any person-

(i) of any postal service or telecommunications service; or

(ii) in connection with the provision to or use by any person of any telecommunications service, of any part of a telecommunication system;

(c) any information not falling within paragraph (a) or (b) that is held or obtained, in relation to persons to whom he provides the service, by a person providing a postal service or telecommunications service.

(See section 21(4) of RIPA)

Senior Responsible Officer (SRO) means the Solicitor and head of Regulatory Services, or such person as he shall from time to time designate with such role.

RIPA Co-ordinator means the Solicitor and Deputy Monitoring Officer.

CHIS Controller means an Officer appointed to oversee the work of a CHIS and ensure the risk assessments are kept up to date.

Annex 1 – Surveillance forms

- Application for Authorisation to Carry Out Directed Surveillance
- Review of Directed Surveillance Authorisation
- Cancellation of a Directed Surveillance Authorisation
- Application of Renewal of a Directed Surveillance Authorisation

(Always check the Home Office web site for the most up to date forms)

Annex 2 – Covert Human Intelligence forms

- Application for Authorisation of the use or conduct of a Covert Human Intelligence Source
- Review of a Covert Human Intelligence Source (CHIS) Authorisation
- Cancellation of an Authorisation for the use of or Conduct of a Covert Human Intelligence Source
- Application for renewal of a Covert Human Intelligence Source Authorisation

(Always check the Home Office web site for the latest forms)

Annex 3 – Access to data forms

- Application for access to Communications Data
- RIPA Section 22 Notice to obtain Communications Data from Communications Service providers

(Always check the Home office web site for the latest forms)

Annex 4 - Guidance on completing surveillance forms

Please refer to Covert Surveillance and Property Interference : Code of Practice (Pursuant to Section 71 of the Investigatory Powers Act 2000) issued by the Home Office

Details of Applicant

Details of requesting officer's work address and contact details should be entered.

Details of Application

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010; No. 521.

Fill in details of Authorising Officer (see paras 3.1 and 3.2 of Policy).

2. Purpose of the specific operation or investigation.

Outline what the operation is about and what is hoped to be achieved by the investigation. Indicate whether other methods have already been used to obtain this information. Give sufficient details so that the Authorising Officer has enough information to give the Authority e.g. Surveillance at Pelham House and Mr. X".

3. Describe in detail the surveillance operation to be authorized and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

Give as much detail as possible of the action to be taken including which other officers may be employed in the surveillance and their roles. If appropriate append any investigation plan to the application and a map of the location at which the surveillance is to be carried out.

4. The identities, where known, of those to be subject of the directed surveillance.

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

This information should only be obtained if it furthers the investigation or informs any future actions

6. Identify on which grounds the directed surveillance is necessary under section 28(3) of RIPA

The ONLY grounds for carrying out Directed Surveillance activity is for the purpose of preventing or detecting crime under the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 (SI 2012/1500) which came into force on 1 November 2012. It restricts Authorizing Officers in a local authority in England or Wales from authorizing the carrying out of directed surveillance unless it is for the purpose of preventing or detecting a criminal offence and meets the following conditions:

- **that the criminal offence to be prevented or detected is punishable by a maximum term of at least six months' imprisonment; or**
- **constitutes an offence under sections 146, 147 or 147A of Licensing Act 2003**

(sale of alcohol to children) or section 7 of the Children and Young Persons Act 1933 (sale of tobacco to children under 18 years old).

It is therefore essential that Investigating officers consider the penalty attached to the criminal offence which they are investigating, before considering whether it may be possible to obtain an authorisation for directed surveillance

This can be used in the context of local authority prosecutions, or where an employee is suspected of committing a criminal offence e.g. fraud.

7. Explain why this directed surveillance is necessary on the grounds you have identified (code paragraph 3.4).

Outline what other methods may have been attempted in an effort to obtain the information and why it is now necessary to use surveillance.

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable (code paragraphs 3.6 -3.10) Describe precautions you will take to minimize collateral intrusion.

Who else will be affected by the surveillance, what steps have been done to avoid this, and why it is unavoidable.

9. Explain why the Directed Surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? Why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? [Code paragraph 3.5]

If the Directed Surveillance is necessary and reasonable, is it proportionate to what is sought to be achieved by carrying it out? This involves balancing the intrusiveness of the activity on the target and others who may be affected by it against the need for the activity in operational terms. Reasons should be given why what is sought justifies the potential intrusion on the individual's personal life and his privacy. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. The following elements of proportionality should therefore be considered:

- Balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence
- Explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others
- Considering whether the activity is an appropriate use of the legislation and a responsible way, having considered all reasonable alternatives of obtaining the Evidence.
- Evidencing, as far as reasonably practicable, what other methods have been considered and why they were not implemented (Code para 3.6)

10. Confidential information. (Code paragraphs 2.1 to 2.12)

Will information of a confidential nature be obtained? (i.e. communications subject to legal privilege, or communications involving confidential personal information and confidential journalistic material) If so the appropriate level of authorisation must be obtained (see para 3.2 of the Policy).

12. Authorising Officer's Statement

13. Authorising Officer's comments

Must be completed outlining why it is proportionate and why he/she is satisfied that it is necessary.

Annex 5 - Guidance on completing Covert Human Intelligence forms

Please refer to Covert Human Intelligence Sources: Code of Practice (Pursuant to Section 71 of the Regulations of Investigatory Powers Act 2000) issued by the Home Office

1. Details of Application.

Authority Required

Fill in details of Authorizing Officer (see paras 3.1 and 3.2 of the Policy)

Where a vulnerable individual or juvenile source is to be used, the authorisation **MUST** be given by Chief Executive or in her absence the Assistant Chief Executive.

2. Describe the purpose of the specific operation or investigation.

Sufficient details so that the Authorizing Officer has enough information to give Authority. Outline what the operation is about and the other methods used already to obtain this information.

3. Describe in detail the purpose for which the source will be tasked or used.

Give as much detail as possible as to what the use of the source is intended to achieve.

4. Describe in detail the proposed covert conduct of the source or how the source is to be used.

Describe in detail the role of the source and the circumstances in which the source will be used

5. Identify on which grounds the conduct or the use of the source is necessary under Section 29(3) of RIPA.

The **ONLY** grounds for carrying out a CHIS activity is for the purpose of preventing or detecting crime or of preventing disorder

This is can be used in the context of local authority prosecutions, or where an employee is suspected of committing a criminal offence e.g. fraud.

6. Explain why this conduct or use of the source is necessary on the grounds you have identified (Code para 3.2).

Outline what other methods may have been attempted in an effort to obtain the information and why it is now necessary to use a CHIS for the investigation to proceed.

7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. (Code paras 3.8-3.11)

Who else will be affected, what steps have been done to avoid this, and why it is unavoidable?

8. Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source? (see Code 3.17)

Ensure that other authorities such as the police or other council departments are not conducting a parallel investigation or other activity which might be disrupted.

9. Provide an assessment of the risk to the source in carrying out the proposed conduct. (see Code 6.14)

A risk assessment will have to be carried out to establish the risks to that particular source, taking into account their strengths and weaknesses. The person who has day to day responsibility for the source and their security (the 'Handler') and the person responsible for general oversight of the use made of the source (the 'Controller') should be involved in the risk assessment.

10. Explain why this conduct or use of the source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means? [Code paragraph 3.5]

If the use of a Covert Human Intelligence Source is necessary, is it proportionate to what is sought to be achieved by carrying it out? This involves balancing the intrusiveness of the activity on the target and others who may be affected by it against the need for the activity in operational terms. Reasons should be given why what is sought justifies the potential intrusion on the individual's personal life and his privacy. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

11. Confidential information (Code para 4.17). Indicate the likelihood of acquiring any confidential information.

Will information of a confidential nature be obtained (i.e. communications subject to legal privilege, or communications involving confidential personal information and confidential journalistic material) if so the appropriate level of authorisation must be obtained (see para 3.2 of the Policy).

13. Authorizing Officer's comments.

Must be completed outlining why it is proportionate and why he/she is satisfied that it is necessary to use the source and that a proper risk assessment has been carried out.

Annex 6 – Guidance on completing access to data forms

1 - 7. Details of Applicant etc

Details of requesting officer's Department, Grade and contact details should be entered. The unique reference number at 4 would normally be entered by the SPOC.

1. Statutory Purpose

The ONLY grounds for accessing communications data is for the purpose of preventing or detecting crime or of preventing disorder

This can be used in the context of local authority prosecutions, or where an employee is suspected of committing a criminal offence e.g. fraud.

2. Communications Data

Describe the communications data, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s).

Indicate the time periods within which the data is required. For example subscriber details can change over relatively short periods of time. Also billing data can be expensive to retrieve and should only be requested for times relevant to the investigation. It is therefore important to be specific as to the relevant time otherwise there may be collateral intrusion, the data obtained may not be relevant or the cost may be prohibitive. Times should be specified as GMT or BST. If unsure as to whether the data can be obtained from a CSP the SPOC should be consulted.

3. Necessity

Outline brief details of the investigation, the circumstances leading to the application, the link between the communications data and the subject under investigation, the source of the data and how this data links to the offence or subject under investigation.

4. Proportionality

Explain what you expect to achieve by obtaining the requested data; what will be done with the data; how it will benefit the investigation and how the level of intrusion is justified when taking into consideration the benefit the data will give to the investigation Also explain why the specific date/timescale has been requested and how this is proportionate to what is trying to be achieved.

5. Collateral Intrusion

Collateral intrusion is intrusion into the privacy of innocent third parties. It is important to detail any plan to minimise collateral intrusion. If the subject has been contacted via the communication service (e.g. telephone number or e-mail) or if it has been used in business correspondence, advertising etc this should be explained as this demonstrates that it is being used by the subject and is therefore unlikely to result in collateral intrusion. Explain how data obtained which refers to third parties will be handled.

6. Timescale

Indicate whether the application is urgent. The Code of Practice requires CSPs to disclose the data within ten working days (The notice served by the SPOC will remain valid for one month).

The form should then be forwarded to the SPOC officer who will assess and quality control the application. If it meets the legal threshold for obtaining communications data the SPOC will forward it to the appropriate Designated Person.

If rejected, by the Designated Person or the SPOC, the SPOC will retain the application and inform the applicant in writing of the reason(s) for its rejection

Annex 7 – Guidance on Management of Covert Human Intelligence Sources

The Covert Human Intelligence Sources Code of Practice can be found on the Home Office website.

This guidance is taken from Chapter 6 of the Code of Practice.

1. Tasking

- 1.1 Tasking is the assignment given to the CHIS (i.e. to obtain, provide access to or disclose information). Where the CHIS's task involves establishing or maintaining a personal or other relationship for a covert purpose, authorisation for the use of the CHIS should be obtained in advance.
- 1.2 Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task. If the nature of the task changes significantly, then a new authorisation may need to be sought.
- 1.3 In the event of any unforeseen action or undertakings during the task, these must be recorded as soon as practicable after the event. If the existing authorisation is insufficient it should either be updated at a review (for minor amendments only) or it should be cancelled and a new authorisation should be obtained before any further such action is carried out.
- 1.4 Where it is intended to task a CHIS in a significantly greater or different way than previously identified, the Handler and the Controller must refer the proposed tasking to the Authorizing Officer and the details of such referrals must be recorded. The Authorizing Officer should consider whether the existing authorisation is sufficient or needs to be replaced, which must be done in advance of any tasking.

2. Handlers and controllers

- 2.1. For each authorized CHIS surveillance, the Authorizing Officer shall appoint an appropriate officer of the Authority ('the Handler') to have day to day responsibility for:
 - Dealing with the CHIS;
 - Directing the day to day activities of the CHIS;
 - Recording the information supplied by the CHIS; and
 - Monitoring the CHIS's security and welfare.
- 2.2. For each authorised CHIS surveillance, the Authorizing Officer shall appoint an appropriate officer of the Authority ('the Controller') to be responsible for the management and supervision of the Handler and general oversight of the use of the CHIS.

3. Joint working

- 3.1. There are many cases where the activities of a CHIS may provide benefit to more than a single public authority. For example, where a CHIS provides information relating to environmental health issues and offences of criminal damage, in a joint police/ local authority anti-social behavior operation on a housing estate.

4. Security and Welfare

- 4.1. Prior to authorizing the use or conduct of CHIS, the Authorizing Officer should be satisfied that a risk assessment has been carried out. The risk assessment should determine the risk to the CHIS of any tasking and the likely consequences should their identity become known; and should consider the ongoing security and welfare of the CHIS after the cancellation of the authorisation. Consideration should also be given to the management of any requirement to disclose information tending to reveal the existence or identity of the CHIS, or in court.

- 4.2. The Handler is responsible for bringing to the attention of the Controller any concerns about the personal circumstances of the CHIS, insofar as they might affect:
 - the validity of the risk assessment;
 - the conduct of the CHIS; and
 - the safety and welfare of the CHIS.