

# Swindon Borough Council

## Cabinet

**Wednesday, 16 March 2016**

Committee Room 6, Civic Offices

At 6.00 p.m. or at the Conclusion of the Cabinet Open Forum

### **Conservative Councillors**

David Renard (Chair)

Brian Mattock (Vice-Chair)

Toby Elliott

Emma Faramarzi

Fionuala Foley

Brian Ford

Dale Heenan

Russell Holland

Mary Martin

Garry Perkins

**Committee Officer:** Steve Jones (Telephone 01793 463602)

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**Access Arrangements** - The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you have any special requirements to enable you to attend the meeting or would like to receive any of the pages contained in this agenda in a larger print size, please contact the Committee Officer as soon as possible prior to the date of the meeting.

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## **AGENDA**

### **NOTE:**

**A Cabinet Open Forum is held at 6:00 p.m. prior to the start of each scheduled Cabinet Meeting. The Open Forum is similar to the 'public question time' that happens at most Council meetings but without the need for questions. It provides the chance to meet with Cabinet Members as well as Board Directors and Directors to discuss matters relevant to the Cabinet and its responsibilities. It provides an opportunity to raise issues and give views. The Forum will normally close at 6.30 pm and the Cabinet will then reconvene for the start of the formal Cabinet meeting. If the Open Forum completes its business earlier than anticipated then the Cabinet Meeting will commence at 6:15pm or at the Forum's conclusion.**

1. **Apologies for Absence.**
2. **Declarations of Interest.**  
Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.
3. **Minutes.** (Pages 5 - 20)  
To receive the minutes of the meeting held on 10<sup>th</sup> February 2016.
4. **Public Question Time.**  
See explanatory note below. Please phone the Committee Officer whose name and number appears at the top of this agenda if you need further guidance.
5. **Update on Fire Combination and Fire-Police Collaboration** (Pages 21 - 30)  
*(The Chief Fire Officer (Designate), Dorset & Wiltshire Fire and Rescue Service, Darran Gunter, will attend to introduce this report.)*
6. **Free Schools Update** Head of Education Services (CM: FF) (Pages 31 - 36)
7. **Budget Management 2015/16** BDR (CM: RH) (Pages 37 - 48)
8. **Capital Programme Monitoring 3rd Quarter 2015/16** BDR (CM: RH) (Pages 49 - 58)
9. **Treasury Strategy Statement 2016/17** BDR (CM: RH) (Pages 59 - 82)
10. **Future of Swindon Borough Council Operated Nurseries** HCSCCH&FS (CM: FF) (Pages 83 - 102)
11. **Swindon Cycling Framework** HHT (CM: DH) (Pages 103 - 154)
12. **Regionalising Adoption Agencies** (CM: FF) (Pages 155 - 162)
13. **Regulation of Investigatory Powers Act 2000** DLDS (CM: DR) (Pages 163 - 204)

**Date of Despatch:** 08 March 2016

**Key:**

**Officers:**

BDR	-	Board Director Resources (Section 151 Officer)
DLDS	-	Director of Law and Democratic Services (Monitoring Officer)
HES	-	Head of Education Services
IDCS	-	Interim Director Children's Services
HCFC	-	Head of Children, Families and Community Health

**Wards**

None

**Cabinet Members Responsible for the Service Area concerned:**

DR	-	David Renard	Leader of the Council and Chair of Cabinet
BM	-	Brian Mattock	Deputy Leader of the Council, Vice-Chair of Cabinet, Cabinet Member for Adult Health and Social Care
TE	-	Toby Elliott	Cabinet Member for Communities and Strategic Planning
EF	-	Emma Faramarzi	Cabinet Member for Housing and Public Safety
FF	-	Fionuala Foley	Cabinet Member for Children's Services
BF	-	Brian Ford	Cabinet Member for Streetsmart
DH	-	Dale Heenan	Cabinet Member for Sustainability and Transport
RH	-	Russell Holland	Cabinet Member for Finance, People and Performance
MM	-	Mary Martin	Cabinet Member for Corporate, Customer and Digital Services
GP	-	Garry Perkins	Cabinet Member for the Economy, Regeneration and Skills

**Public Question Time** - Swindon Borough Council remains committed to increasing its accountability to the public and to promoting active citizenship. 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from the public about the work of the Committee (except for confidential matters, and matters relating to planning and licensing applications). We will give priority to those who submit questions in writing at least two days before the meeting. Questions must be relevant, clear, and concise. You may not use Public Question Time as an opportunity to make speeches or statements.

Questions in writing should be sent to the Committee Officer whose contact details appear on the agenda above or to the Director of Law and Democratic Services, we will publish it, along with the answer, alongside the Minutes. The process associated with asking a public question is set out in the "Public Question Time at Council Meetings Protocol and Guidance" available on the Council's Website.

(<http://ww5.swindon.gov.uk/moderngov/ecCatDisplay.aspx?sch=doc&cat=13338&path=0>) or from the Committee Officer named above.

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## CABINET

**WEDNESDAY, 10 FEBRUARY 2016**

PRESENT:- Councillors David Renard (Chair), Brian Mattock (Vice-Chair), Toby Elliott, Emma Faramarzi, Fionuala Foley, Brian Ford, Dale Heenan, Russell Holland, Mary Martin and Garry Perkins

Councillors Jim Grant attended the meeting in respect of Minute 57 and 59.  
Councillor Stan Pajak attended the meeting in respect of Minutes 57, 58 and 59.  
Councillor Jim Robbins attended the meeting in respect of Minute 58.

### **54. Declarations of Interest.**

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting.

Councillor Brian Mattock made a personal declaration in respect of Cabinet's consideration of agenda item no. 5 ("SEQOL contract") in that his daughter is a social worker employed by SEQOL.

### **55. Minutes.**

Resolved – That the minutes of the meeting held on 9<sup>th</sup> December, 2015, be confirmed and signed as a correct record.

### **56. Public Question Time**

The Reverend Linda Fletcher, Priest-in-charge, St. John's, Walcot, asked a question regarding the level and nature of the consultation undertaken by the Council in relation to its proposed changes to children's centre provision and the report's summary of that consultation.

The Chair thanked Reverend Fletcher for her question and advised that a written answer had been provided and circulated at the meeting. Councillor Fionuala Foley, Cabinet Member for Children's Services provided additional information in response to Reverend Fletcher's question at the meeting.

Reverend Fletcher took the opportunity of Public Question Time to present to Cabinet a petition of 576 signatures requesting that the Council keep children's centres open. The petition was handed to the Council's Petitions Officer.

Ms Shirley Burnham, a resident of Arundel Close, Swindon, asked questions regarding the Council's intention to achieve a reduction in its libraries budget and its engagement process for the development of a Libraries strategy.

The Chair thanked Ms Burnham for her questions and advised that a written answer had been provided and circulated at the meeting. Councillor Garry Perkins responded to supplementary questions put by Ms Burnham at the meeting on the same, general, topic and on her understanding of additional funding that had been made available to local authorities by Central Government.

Mr Tim French, a local resident, asked questions regarding (i) problems with the entry doors at the Central Library, and (ii) the future of the Liden library. The Chair thanked Mr French for his questions, both of which were answered by Councillor Perkins at the meeting.

Ms Talis Kimberley Fairbourne, a local resident, asked a question regarding the future of the Wroughton library and a supplementary question regarding libraries as a source of community access to computer facilities and the internet and for the provision of a wide range of other community benefits. The Chair thanked Mr French for his questions, both of which were answered by Councillor Perkins at the meeting.

## **57. SEQOL contract**

Councillor Brian Mattock, the Cabinet Member for Adult Health and Social Care, and the Interim Director of Adult Social Services (DASS) submitted a joint report reviewing the existing community health and social care model in Swindon, currently provided by SEQOL, in the light of national and local policies.

Councillor Mattock introduced the report, explaining that the SEQOL contract was due to end in March 2016 and that it was necessary to consider the future options for Swindon Borough Council and the Clinical Commissioning Group (CCG), successor of the Primary Care Trust, in managing future demand for adult social care and achieving financial balance. It was noted that the changes were also required in order to support reducing the demand for specialist adult social care services whilst also contributing to the Council Budget 2016/17 savings and beyond.

Councillor Mattock advised that the CCG had considered a report on the issue of future service provision and had subsequently issued the requisite 12 months' notice to SEQOL of its intention to terminate the contract. It was noted that the CCG would be considering a further report, in March, referencing NHS England's Five Year Forward View, on its proposals for a new care model for the commissioning of provider services across the acute and community health services sectors. Councillor Mattock added that both the Council and the CCG recognised the necessity for a shift in service provision from expenditure on acute services to support for preventative services and independent living and also the opportunity the proposed change in service commissioning arrangements presented for the pooling of Council and CCG health care budgets to facilitate the integration of health and social care to significantly improve the health, wellbeing and care of Swindon residents.

Following his introduction of the report, Councillor Mattock responded to questions put by Councillors Jim Grant (JG) and Stan Pajak (SP) on the following issues:

- The success of the commissioning arrangement with SEQOL in resolving the challenge of the integration of health and social care services. (JG)
- The possibility that health and social care services brought "in-house" might be de-centralised at some future time. (JG)
- The potential redundancy costs associated with the revised service commissioning proposals. (JG)
- SEQOL's sponsorship of the Swindon Half-Marathon and the implications of

the proposal for the future staging of that event. (SP)

Resolved – (1) That the approach set out in the report, to give notice to SEQOL on the contract to deliver community health and social care services and make significant savings for Swindon Borough Council through reduction in management, cost of services and control over Older People's care packages of £1m, be endorsed and that it be noted that this would also assist in managing demand for older people's care packages, which is currently predicting an overspend of £1.7m in 2015/16.

(2) That, with regard to (1) above, the Director of Law and Democratic Services, in consultation with the Cabinet Member for Adult Health and Social Care and the Interim Director of Adult Services, be authorised to issue the requisite notice to SEQOL in respect of the termination of the current contract for the delivery of community health and social care services.

(3) That Cabinet agrees with the decision of the Governing Body of the Clinical Commissioning Group for a 12-month notice period to be issued to the current provider to enable the CCG, as commissioners, to develop and implement a managed process to assess the capability of existing local providers to deliver the new model of care.

(4) That it be noted that a further paper will be presented to the CCG's March Governing Body meeting which will describe next steps required to put in place a managed process, the options for contractual models and payment mechanisms.

(5) That, for the reasons detailed in the body of the report, the Council's Head of Commissioning, Children and Adults, be authorised to:

- a) Work with the CCG to develop arrangements for a pooled budget for the commissioning of health and social care services, to maintain integration of commissioning of services in line with the intentions of the Better Care Fund (BCF) and NHS 5 Year Forward View, and to bring detailed proposals to a future meeting of the Cabinet.
- b) Insource social work services for adults and hospital social work whilst maintaining co-location of hospital social work services within Great Western Hospital, with the option of moving to a future Section 75 Agreement with a future integrated health provider.
- c) Work with SEQOL to reshape the remaining services that do not easily fit into the model of an integrated acute and community health service and retender such as Shared Lives (Adult Placement Team), day services for those with a learning disability and older people and housing support whilst achieving savings. SEQOL would be able to tender for these services.
- d) Commission and tender tele care, telehealth, equipment and Rapid Response and Reablement services as part of the commissioning of domiciliary care and community support services.
- e) Commission Single Point of Access jointly with CCG as part of the Accountable Care Organisation.
- f) Re-tender the existing residential care homes, modelling Fessey as a facility for individuals with dementia and reviewing the long-term options for Whitbourne House.
- g) Facilitate SEQOL to continue to provide supported employment and Building Futures (Supported Housing for individuals) services.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **58. Securing a Sustainable Future for Swindon's Cultural Assets, Libraries and Community Services**

Councillor Garry Perkins, the Cabinet Member for the Economy, Regeneration and Skills, and the Board Director Resources, submitted a joint report that (i) provided an update on progress towards achieving a sustainable future for Lydiard House and Park, within the medium-term financial context set out in the report to Cabinet on 9th December 2015, (ii) responded to Cabinet's request to develop a draft service strategy for libraries that would achieve a reduction in the budget for that service of at least £1.5m by 2020, this in the context of a review of community-based assets and services across the Borough, and (iii) proposed the transfer of Richard Jefferies Museum to the Richard Jefferies Museum Trust and the Railway Cottage to the New Mechanics Institution Preservation Trust Limited.

Councillor Perkins introduced the report, expanding on the principles behind the proposals, to secure a sustainable future for Swindon's cultural assets, its libraries and its community services, and placed the report's recommendations in the context of the medium-term financial position set out in the report to Cabinet on 9<sup>th</sup> December 2015 (Cabinet Minute 45(3), 2015/16 refers), which authorised further work in a range of areas that would help ensure a financially sustainable position by 2020. In particular, and regarding the objective of finding an acceptable, sustainable future for Lydiard House and Park, within the Council's ownership, while reducing the annual cost to the Council Tax Payer, Councillor Perkins drew the meeting's attention to the following elements to be considered integral to any successful bid for the future operation of the House and Park, that it should:

- Secure a sustainable future for Lydiard House and Park within the Council's ownership that does not rely on an on-going Council subsidy.
- Safeguard the historical importance of the Lydiard House Museum and its collections and the Walled Garden and ensure they remain accessible to the general public.
- Protect the historic landscape and structures within the Park, which were restored as part of the £5.1m Heritage Lottery Fund Project, and reflect the long-term plans for Lydiard Park submitted to the Heritage Lottery Fund in 2005.
- Allow the continuation of public access to the park and grounds.
- Address the on-going maintenance and repair of the House and Park.

Following his introduction of the report, Councillor Perkins, with Councillor Russell Holland, Cabinet Member for Finance, People and Performance, responded to questions put by Councillors Jim Robbins (JR) and Stan Pajak (SP) on the following matters:

- The "reverse premium" proposed to be offered to any preferred bidder for the future operation of Lydiard House and Park to address current backlog maintenance issues and the options open to the bidder with regard to the application of that resource. (JR)
- The Government's announcement of the availability of "transitional funding" for local authorities, amounts that might be available for use in Swindon, and the allocation of any such funding. (JR)
- The implications of introducing car parking charges at Lydiard Park and the Council's other country parks. (SP)



- The proposed models of delivery for library and community services and the projected level of savings that might be achieved. (SP)

Resolved – (1) That the key findings from the Expressions of Interest received for the future operation of Lydiard House and Park, as set out in paragraphs 3.10 to 3.12, of the report, be noted.

(2) That potential bidders be offered a “reverse premium” of £0.85m as a contribution to current backlog maintenance needs, recognising that this was a key factor for parties who responded to the Council’s request for expressions of interest.

(3) That the Board Director, Service Delivery, in consultation with the Cabinet Member for the Economy, Regeneration and Skills, the Board Director, Resources and the Head of Property Assets, be authorised to request the submission of formal tenders from organisations that will help secure the overall objective of finding an acceptable, sustainable future for Lydiard House and Park within the Council’s ownership while reducing the annual cost to the Council Tax Payer by at least £450,000, within the clear parameters set out under paragraph 3.18 of the report.

(4) That interested parties be requested to develop and submit formal bid proposals for Lydiard House and Park by early May, as part of the delay requested by Council’s resolution of 21<sup>st</sup> January 2016, and that a further report be brought to Cabinet in June 2016 to recommend a future model for the site’s on-going operation to Council.

(5) That the Board Director, Service Delivery, be authorised to commence a consultation with users to understand any specific concerns around how they could be affected by future changes, based on the principles that successful bids for Lydiard House and Park will need to meet, so that the consultation response can inform Cabinet Members as part of their decision-making in June 2016.

(6) That the views of users, local residents and stakeholders be sought on the introduction of car parking charges at Lydiard Park and the Council’s other country parks that, once implemented, would raise at least £400,000 across all facilities in a full year and would inform the assessment of proposals to secure their sustainable future within the Council’s ownership.

(7) That, recognising the extension to the bidding process and the pressing need to reduce the subsidy for Lydiard, subject to reflecting the findings of the consultation referred to in the report and necessary statutory approvals being granted, the introduction of car parking charges for trial periods between June to September at the Council’s country parks in the short term, reducing the Council’s subsidy of Lydiard and enabling future partners to understand the scale of the contribution that income from this source can play in future plans for Lydiard, be approved.

(8) That the key findings of the Libraries Needs Assessment, attached as Appendix 1 to the report, be noted and the Council’s proposed definition of need, set out in paragraph 3.38, reflecting the focus and ambition of the Vision for Swindon and the key priorities that underpin this, be confirmed.

(9) That, within the context of the intention to achieve a reduction in the Libraries budget of at least £1.5m by 2020, and the agreed definition of need, the emerging model for the delivery of Libraries and Community Services, attached as Appendix 2 to the report, be approved as the basis for engagement.

(10) That the Board Director, Service Delivery, in consultation with the Cabinet Member for the Economy, Regeneration and Skills and the Head of Localities, Community Involvement and Volunteering, be authorised to use the Emerging Model outlined in Appendix 2 to the report as the basis to initiate engagement with Ward Members, users, residents, community groups, and other stakeholders in defining a Libraries strategy.

(11) That a further report be brought to Cabinet in June 2016 setting out a proposed Libraries and Community Services strategy for adoption by Cabinet and Council.

(12) That, as part of the engagement process, work be continued with Ward Members, community groups and other stakeholders in the six pilot areas referred to in paragraph 3.53 and 3.54 of the report, and in other areas where interest emerges, in order to develop and, where possible, implement new models of delivery for library and community services that can both test and inform the development of the strategy and, alongside other service changes, help achieve savings of at least £300,000 in Libraries and Community Services in these areas in 2016/17, noting that one-off resources are likely to be required to pump prime the service changes and cashflow, the effect of savings not being achieved from 1st April 2016.

(13) That the Head of Economy, Skills and Property Development, in consultation with the Cabinet Member for the Economy, Regeneration and Skills, be authorised to (i) agree the terms of the transfers of the Richard Jefferies Museum to the Richard Jefferies Museum Trust and the Railway Cottage to the New Mechanics Institution Preservation Trust Limited and (ii) endorse the principles of the terms of the transfers, as set out in paragraph 3.58 of the report, covering the proposed Lease: Object Loans and Monitoring Agreements.

(14) That the Director of Law and Democratic Services be authorised to enter into all necessary legal documentation to enable the transfers detailed in paragraph 2.13 of the report to be effected, on such detailed terms and conditions as are necessary in order to protect the Council's interests.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **59. Budget 2016/17 and Beyond (Minute for Confirmation)**

Councillor Russell Holland, Cabinet Member for Finance, People and Performance, and the Council's Board Director, Resources, submitted a joint report proposing a Budget for 2016-17. It was noted that, in accordance with the Council's Constitution, the Cabinet was required to recommend a budget and level of Special Expenses to Council as part of its formal Council Tax Setting responsibilities.

The report specifically addressed:

- a) The Forecast Out-turn 2015-16.
- b) The 2016-17 Finance Settlement.
- c) Council Tax 2016/17.
- d) Public Power Solution Limited (PPS) (formerly Swindon Commercial Services (SCS)) Business Plan 2016-17.
- e) Specific feedback on the budget setting process received from the Scrutiny Committee.
- f) Consultation Feedback.
- g) The Proposed Budget 2016-17.
- h) Business Rates Discounts 2016-17.
- i) The relationship between Revenue and Capital Budgets.
- j) Members' Allowances.
- k) Special Expenses (charges for services provided in the non-parished area).
- l) The reflection in the budget proposals of the adoption of the motion agreed at Council on 21<sup>st</sup> January 2016 that all staff will be paid at or above the Government's National Living Wage in 2016-17.

- m) Contingencies and Risk.
- n) One-off Resources commitments.
- o) Fees and Charges.
- p) General Reserves.
- q) The Schools Budget 2016-17.
- r) The outcome of Budget consultations.

Councillor Holland introduced the report, placing the budget proposals within the financial context for 2017-18 and beyond, most particularly the projected level of savings required to be made by the Council in the period of the next three years against a background of an unprecedented reduction in the Revenue Support Grant and a reduction in New Homes Bonus. Councillor Holland commented that this significant decrease in Central Government funding was, almost inevitably, occurring at a time when inflation, particularly in relation to social care, continued to increase. He advised that there would be an increased level of funding available to the Council from changes in Business Rates but that the details remained to be confirmed.

Councillor Holland referred to the Final Local Government Finance Settlement, which was announced on 8<sup>th</sup> February 2016, sooner than expected but after the Cabinet agenda was published. He advised that, although a number of small adjustments were made to the provisional settlement announced in December, most of which did not affect Swindon, the Government had also announced £150m of additional one-off funding in the form of transitional grant, in both 2016-17 and 2017-18, for those councils most adversely affected by the change in Revenue Support Grant (RSG), and that Swindon would receive £826k and £827k respectively over the two years.

Councillor Holland commented that, in the context of the overall savings required to be made, the additional funding did not significantly change the Council's financial position but it did, however, present an opportunity to provide additional financial resource for existing programmes to achieve outcomes for the long term sustainability for the organisation and its services. Councillor Holland advised that additional recommendations, proposing how the additional funding might be utilised, had been tabled at the meeting.

The Director of Law and Democratic Services advised the meeting of members' equality duties under the Equality Act 2010 (the Act), in relation to decision making, covering the following nine protected characteristics:

Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

It was also noted that, under the Act, the Council must, when exercising its functions, have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- advance equality of opportunity between people who share a protected characteristic and those who do not.
- foster good relations between people who share a protected characteristic and those who do not.

In concluding his advice, the Director of Law and Democratic Services advised that Cabinet must, therefore, in reaching its decision on the matter of its budget for 2016/17, consider its duties as set out above under the Equality Act. It was noted that the duty is a “have regard duty”, and the weight to be attached to it is a matter for Cabinet, bearing in mind the issues of relevance and proportionality. It is not an absolute requirement to eliminate unlawful discrimination, advance equality of opportunity or foster good relations.

Following Councillor Holland’s introduction of the report, members were given the opportunity to put questions on the issues raised. Councillor Holland, with the Leader of the Council, Councillor Brian Mattock, Cabinet Member for Adult Health and Social Care, Councillor Dale Heenan, Cabinet Member for Sustainability and Transport, Councillor Garry Perkins, Cabinet Member for the Economy, Regeneration and Skills, and Councillor Fionuala Foley, Cabinet Member for Children’s Services, responded to questions put by Councillors Jim Grant (JG) and Stan Pajak (SP) on the following issues:

- The exploration of partnership opportunities to operate the Shopmobility service. (JG)
- The review of community transport service provision in order to achieve value for money whilst minimising impact on service users. (JG)
- The proposed street lighting electricity cost reductions. (JG)
- The potential net income from the introduction of car parking charges at Lydiard Park and House and Coate Water Country Park and the reduction in the overall subsidy for Lydiard Park and House. (JG)
- The proposed employment by the Council of a Communications Manager. (JG)
- The proposed use of the Government’s additional one-off funding in the form of transitional grant in both 2016-17 and 2017-18. (SP)
- Additional income from planning, licencing and car parking enforcement. (SP)
- The enforcement of the town centre public service protection order. (SP)
- One-off resources commitments. (SP)
- Members allowances. (SP)

Resolved – (1) That the Cabinet notes:

- a) The medium term financial context and impact on Swindon of the Local Government Finance settlement.
- b) The projected out-turn for 2015-16 and that savings arising from the early delivery of 2016-17 Budget Proposals will be used to partly finance one-off costs incurred in-year to deliver the 2017-18 Budget, thus helping to preserve the level of funding held in reserves for future years’ transformation.
- c) The Council does not expect to need to replenish General Reserves as part of the 2016-17 Budget Setting process.
- d) The consultation feedback set out in Appendix 11 to the report, in relation to the Budget proposals presented to Cabinet in December 2015.
- e) The minutes of a consultation meeting with business representatives from Swindon, on behalf of non-domestic rate payers, held on 27<sup>th</sup> January 2016 (Appendix 6 to the report, tabled at the meeting).
- f) That the detailed Dedicated Schools budget for 2016-17 has been set by the Interim Director of Children Services under her delegated powers, within the provisional funding envelope of £163.550m.
- g) That the proposed budget includes provision to pay all Council staff in line

with or above the Government's National Living Wage, in accordance with the resolution at Council on 21<sup>st</sup> January 2016.

- h) That in line with the requirements of the Local Government Act 2003, the Board Director, Resources, in his Section 151 capacity, confirms the robustness of the estimates underlying the recommended Budget and having reviewed the financial risks being faced by the Council concludes that the proposed level of General Reserves (£6m) is adequate in the context of the earmarked reserves held, specific contingencies and the proposed general contingency of £0.5m.

(2) That, in respect of Children Centres:

- a) The responses to the consultation carried out on the proposals to changes to children's centre provision, set out in Appendix 11 to the report, be noted.
- b) It be noted that there have been initial discussions with the providers of early years' education currently in the children's centre buildings and they would all be interested in providing additional early years' places and can also see the benefit of having protected space for parents of 0 – 5 year olds and health provision.
- c) The approach set out in this report, in relation to improving children's lives in those areas with the most vulnerable children and families, through the development of a Family Service 0 – 18 delivered out of Penhill Sure Start Children's Centre building at an investment of £672k, be endorsed.
- d) That the children's centres at Penhill & Pinehurst, Drove, Moredon, Gorse Hill and Parks & Walcot East be de-registered.
- e) It be noted that, in response to the specific consultation issues, the Council is committed to the on-going conversation with parents and carers and will be making funding available of £76k per annum for two years for staffing (£66k) and premises costs (£10k) to facilitate parent groups for parents of 0 – 3 year olds. That the staff will be working three-fifths of the time in Goddard Park (Parks and Walcot East), one-fifth in Drove (Central) and one-fifth in Swindon Academy (Pinehurst). That this will be funded from the £826k 2016-17 Transition Grant.
- f) The Board Director Commissioning (DCS/DASS) be authorised to implement the proposals after giving notice to existing providers of three months from 1<sup>st</sup> April 2016.
- g) The Director of Law and Democratic Services, in consultation with the Cabinet Member for Children's Services, the Head of Property Services and the Interim Directors of Children Services (DCS) and Adult Social Care (DASS), be authorised to agree terms and conditions on which any changes to lease arrangements would be made to protect the Council's interests and ensure continued use of children's centre buildings for services for children and families.

(3) That the 2015-16 virements set out in Appendix 5 to the report be approved.

(4) That the Medium Term Financial Strategy, set out in Appendix 9 to the report, be endorsed and that it be noted that this will be updated and presented to Cabinet before submission to the Secretary of State before the deadline of 14<sup>th</sup> October 2016.

(5) That no changes be made to the proposed fees and charges set out in Appendix 1 to the report to Cabinet on 9th December 2015 but that it be noted that the HMRC is exploring the possibility of requiring councils to charge VAT on land charges "Con29 - Standard Enquiries relating to information pending or not disclosed on LLC1".

- (6) That the Specific Reserves held in support of the 2016-17 Revenue Budget, set out in Appendix 7 to the report, be agreed.
- (7) That it be agreed that one-off funding of £2m is earmarked to support delivery of the 2016-17 Budget, as set out in paragraph 16.1 of the report.
- (8) That the detailed budget proposals set out in Appendix 4 to the report, and summarised in Table 3 of the report, as amended by the proposals under paragraph 1.4 in the tabled update Paper, that the £826k 2016-17 Transition Grant is used to smooth the implementation of planned services changes, including for Libraries, to allow more time and/or increased pump-priming capacity to ensure that the transition to new service models is managed as effectively as possible, be agreed.
- (9) That the previous decision of Cabinet to cease the business rates scheme under which small business rate discounts are doubled from 31<sup>st</sup> March 2016, be endorsed.
- (10) That the Council be recommended:
- a) That the level of Special Expenses for 2016-17 shall be £1,770,000 and that the areas of land and services that will be charged as special and general expenses be as set out in Appendix 10 to the report.
  - b) That the 2016-17 Budget be set at £135.226m and the Budget Requirement for tax setting purposes be set at £133.632m, with the difference being the Adult Social Care precept.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **60. Capital Programme 2016/17 (Minute for Confirmation)**

The Cabinet Member for Finance, People and Performance and the Board Director, Resources, submitted a joint report concerning new Capital Programme requirements for the period 2016/17 to 2017/18 and beyond, including:

- a) Children's Services schemes.
- b) Local Priority Highways and Transport Schemes.
- c) Property and Assets.
- d) Older People and Other Proposals.
- e) The Waterside depot.

Resolved – That the Council be recommended:

- a) That the position and future budget requirement for the additional Children's Services schemes, referred to at paragraphs 3.7 of the report, be noted.
- b) That a budget of £2.090m for the schemes referred to at paragraph 3.8 in the report and detailed in Appendix 1 to the report, be approved.
- c) That a total budget of £3.944m for the 2016/17 local priority Highways and Transport schemes, referred to at paragraph 3.9 in the report and detailed at Appendix 2 to the report, be approved.
- d) That a total budget of £2.391m for 2016/17 for Repairs and Maintenance on Corporate Property, as referred to in paragraphs 3.11 and detailed at Appendix 3 to the report, be approved.
- e) That a total budget requirement of £1.188m for Older Peoples and other capital schemes, referred to in paragraph 3.15 and detailed at Appendix 4 to the report, be approved.
- f) That a budget of £38,507 for refurbishment work to the Highdown play area, funded from Abbey Stadium S106 monies, as detailed at paragraph 3.18 in the report, be approved.

- g) That an increase in the budget for Waterside improvement works, from £3.8m to £4.0m, as detailed at paragraphs 3.19 to 3.21 of the report, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **61. Housing Revenue Account - Rents and Charges 2016/17 (Minute for Confirmation)**

The Cabinet Member for Housing and Public Safety and the Board Director, Service Delivery, submitted a joint report presenting to Cabinet the proposed rents, service charges and support charges for 2016/17 and the proposed Housing Revenue Account (HRA) budget for 2016/17.

Resolved – That Council be recommended:

- a) That the proposed average rent for Housing Revenue Account (HRA) dwellings for 2016/17, of £80.76 per week (52 week basis), which is a decrease of 1.0%, be approved, subject to confirmation from the Government as mentioned in paragraph 3.6 of the report. This would be an average decrease of £0.81 per week (52 week basis). The range of increases is shown in paragraph 3.10 of the report.
- b) That the Board Director, Service Delivery, be authorised to seek authority from the Secretary of State to extend the permission for the use of the Housing Revenue Account for payments to the Council's tenants under the Discretionary Housing Payments scheme, and provide a budget of £300k in 2016/17 as detailed at paragraph 3.27 of the report.
- c) That the housing related support charges for 2016/17 and service charges for 2016/17 as outlined in Appendix 2 to the report, be approved.
- d) That Leaseholder service charges are set for 2016/17, as shown in Appendix 3 to the report.
- e) That, based on the proposals set out within this report, the Housing Revenue Account (HRA) proposed budget 2016/17, shown in Appendix 4 to the report, be approved and that the HRA Capital Budget and Funding be approved as shown in Appendix 5 to the report.
- f) That a budget of £1m be approved to acquire properties as detailed at paragraph 3.36 of the report and that the Board Director, Service Delivery, in consultation with the Board Director, Resources, be authorised to commit this expenditure.
- g) That the draft 3 year capital projects and planned maintenance programme be approved, at an indicative funding level of £15.7m (2015/16 prices) for 2016/17 onwards, as shown in Appendix 6 to the report.
- h) That rents charged on General Fund properties be increased by an average increase of 0.9% and the service charges for Christopher House and the David Murray John Apartments, as shown in Appendix 7 to the report, be approved.
- i) That rents charged for plots at the Hay Lane Residential Gypsy Site be increased by £0.45 per week (0.9%) to £50.26 per week (52 week basis) and the rents for workpens, as shown in Appendix 7 to the report, be approved.
- j) That the charges for Private Sector Leased (PSL) accommodation for those accepted as homeless, outlined in Appendix 7 to the report, be approved.
- k) That any underspend on the 2015-16 Housing Revenue Account be added to revenue reserves.

- l) That Housing Revenue Account rents in supported housing be increased by 0.9% subject to a further tenant consultation to be held on 15 February 2016.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **62. School Place Planning Update 2016.**

The Cabinet Member for Children's Services and the Head of Education Services submitted a joint report identifying the number of school places required to meet Swindon's long-term educational place planning needs until 2026. The report addressed the expected demographic projections, proposed housing development areas, and the need to support attainment and opportunities for young people across the Town and Borough. Summarising information from a range of sources, the report set out the issues the Borough will face in meeting its statutory duties for providing school places until 2026. It was noted that the strategy includes present and predicted future pupil numbers on roll, together with information about birth rates, school capacity and new housing.

Resolved – (1) That the education place planning demand arising across the Borough for Primary and Secondary school places and changes to national legislation be noted.

(2) That the Head of Education Services be authorised to conduct a consultation on the school place planning study attached at Appendix 1 to the report, as set out in paragraphs 3.10 to 3.16 of the report.

(3) That the basic principles on new school provision, as set out in paragraph 3.35 of the report, be approved.

(4) That, in order to start meeting the demand for additional places, the Head of Education Services be authorised to commence processes for seeking a free school for the new provision, as set out in paragraphs 3.7 and 3.8 of the report, and report back on progress at the next Cabinet meeting on the 16<sup>th</sup> March 2016.

The reasons for the decision and alternative options are as set out in the report to the meeting.

## **63. School Admission Arrangements 2017-18.**

The Cabinet Member for Children's Services and the Head of Education Services submitted a joint report on the establishment of co-ordinated admission arrangements for the normal point of entry (Reception, Year 3, Year 7 and Year 10 (UTC)) and In-year admission arrangements for all Swindon Schools and Published Admission Numbers (PAN) for Community and Voluntary Controlled Schools in Swindon for September 2017.

Resolved – (1) That the response to the public consultation on admission arrangements, as set out in the report and in Appendix 3 to the report, be noted.

(2) That the co-ordinated scheme of admission arrangements for the normal point of entry (Reception Year, Year 3 and Year 7 and Year 10 (University Technical College)) and In Year admissions for all primary schools and secondary schools in Swindon from September 2017, as set out at Appendix 2 to the report, be approved.

(3) That the admission numbers and arrangements for Community and Voluntary Controlled schools from September 2017, as set out in Appendix 1 to the report, be



approved.

(4) That it be noted that these proposals will be determined by 28<sup>th</sup> February 2016 and will be implemented by the Head of Education Services for admission from September 2017 for all applicants.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **64. Swindon Pay Policy Statement 2016 (Minute for Confirmation)**

The Cabinet Member for Finance, People and Performance and Head of People, Performance and Engagement, submitted a joint report concerning the proposed Swindon Borough Council Pay Policy Statement for 2016/17.

It was noted that Section 38 of the Localism Act 2011 placed a requirement on local authorities to prepare a Pay Policy Statement for each new financial year, setting out the Council's policies relating to the following:

- Remuneration of its Chief Officers;
- Remuneration of its lowest paid employees;
- The relationship between the remuneration of its Chief Officers and the remuneration of its employees who are not Chief Officers; and
- The Pay Policy Statement does not cover or include school employees and is not required to do so.

It was also noted that the Statement was required to be approved by Full Council before 31<sup>st</sup> March 2016 and to be published as soon as is reasonably practicable after approval, including being made available on the authority's website.

Resolved – That the Council be recommended that the Council's proposed Pay Policy Statement for 2016/17, as set out in Appendix 1 to the joint report, be approved.

The reasons for the decision and alternative options are as set out in the report to the meeting.

#### **65. Measuring the Success of the Vision**

The Cabinet Member for Finance, People and Performance and Head of People, Performance and Engagement, submitted a joint report setting out a proposed Performance Framework, to enable Members, residents and stakeholders to measure the success of the Council's Vision, Priorities and Pledges. It was noted that the framework was required in order to provide transparency and accountability to Councillors, residents and stakeholders and that the success measures outlined in the Performance Framework would be a fundamental part of the Council's new Corporate Plan providing measurable evidence of progress.

Resolved – (1) That the implementation of the Performance Management Framework, outlined in the report, be agreed and that the success measures

detailed in Appendix 1 to the report, be adopted.

(2) That the Chief Executive Designate, in consultation with the Leader of the Council and the Cabinet Member for Finance, People and Performance, be authorised to introduce the performance framework throughout the Council.

(3) That the Head of Performance, People and Engagement, in consultation with the appropriate Cabinet Member and Head of Service, be authorised to amend specific performance measure in the event of any changes in local or national policy.

(4) That Cabinet's thanks to Sam Mowbray, the Council's Head of Performance, People and Engagement, for the significant amount of time and work she has invested in developing the Performance Framework, be recorded.

## **66. Superfast Broadband**

The Cabinet Member for Corporate, Customer and Digital Services and Board Director, Resources, submitted a joint report responding to Motions agreed by Council in March 2015 and November 2015 relating to the improvement of Superfast Broadband coverage across the Borough (Council Minutes 96 2014/15 and 48 2015/16 refer).

Resolved – (1) That the report be noted and that the Council's support for the existing contract with UK Broadband Networks (UKBN) as the best available means of securing Superfast Broadband coverage for the Borough of Swindon be confirmed.

(2) That it be agreed that the £0.5m budget previously allocated for Superfast Broadband from the New Homes Bonus remain available for this purpose.

(3) That the Cabinet Member for Corporate, Customer and Digital Services report the outcome of this report to the next meeting of Council.

## **67. Wichelstowe Joint Venture**

The Cabinet Member for Adult Health and Social Care and the Board Director, Resources, submitted a joint report providing an update on the due diligence works associated with the establishment of the Wichelstowe Joint Venture.

The report also set out the detail of a financially beneficial change being sought to be made to the current proposed Joint Venture structure, as presented to the Cabinet on 17<sup>th</sup> June 2015 (Cabinet Minute 5, 2015/16 refers).

Councillor Toby Elliott, Cabinet Member for Communities & Strategic Planning, welcomed the report and emphasised the importance of the delivery of housing in Wichelstowe in meeting the Swindon Local Plan's new homes and 5 year land supply commitments.

Resolved – (1) That the change to the proposed Joint Venture structure, from two tiers to a single tier, as detailed in paragraphs 3.6 to 3.11 of the report, be approved.

(2) That the Board Director, Resources, in consultation with the Cabinet Member for Adult Health and Social Care, be authorised to take such steps as are necessary to implement the change agreed in (1) above.

(3) That the Board Director, Resources, and his officer team, be thanked for their hard work in support of the development of the Wichelstowe Joint Venture project.

## **68. Community Investment in solar developments on Council land**

The Cabinet Member for Sustainability and Transport, the Chief Executive Designate and the Head of Economy, Skills and Property Development submitted a joint report inviting Cabinet to agree the method by which the Council would enable community investment in renewable energy projects on its land and how this function would be managed. In addition, the report provided an update on solar schemes proposed on the Barnfield and Mannington sites, a scheme to place solar panels on canopies in several Swindon Borough Council (SBC) owned car parks and the M4/A419 solar noise barriers.

Resolved – (1) That the Director of Law and Democratic Services, be authorised to undertake the necessary steps to secure ownership of the Community Interest Company (“the CIC”) currently owned by Public Power Solutions (PPS), so as to enable the Council to become the sole shareholder of the CIC.

(2) That the Director of Law and Democratic Services be authorised to present to the Special Committee of the Council a report approving the appointment of a minimum of three Council Officers as Directors of the CIC, and one Council Officer as its Company Secretary.

(3) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Communities and Strategic Planning, be authorised to agree an appropriate governance arrangement for purposes which include (but are not limited to) the involvement of elected members in the disbursement and distribution of funding from the proceeds of the CIC for the benefit of Swindon communities.

(4) That the Board Director, Resources, be authorised to facilitate, on behalf of the Council as sole shareholder of the CIC, all necessary steps to enable “Abundance” to undertake and complete the community investment offer as detailed in this report.

(5) That it be noted that, in the event that the community investment offer is unsuccessful, the Council, in its capacity as sole shareholder of the CIC, would need to make a decision as to how the required investment should be raised.

(6) That the Board Director, Resources, in consultation with the Cabinet Member for Finance, People and Performance, be authorised to invest £3m in the CIC (£2,987,500 by way of a loan to the CIC and £12,500 as minimum Equity to meet the requirement of a Public Limited Company).

(7) That the Director of Law and Democratic Services, in consultation with the Cabinet Member for Sustainability and Transport and the Head of Property Assets, be authorised to conclude all the necessary legal documentation in relation to the project at Common Farm and sites benefitting from the Local Development Order mentioned in Part 2 of this report, on such terms that are required to protect the interests of the Council.

(8) That the profits of the CIC be apportioned as follows: 65% distributed for community benefit and 35% to the Council as the sole shareholder.

(9) That this CIC model be used as a model for future community investment in Swindon renewable energy schemes, ensuring that such schemes meet Council requirements for financial viability.

## **69. References from Other Council Bodies - Streetsmart Overview and Scrutiny Committee / Health and Wellbeing Board.**

The Cabinet Member for Sustainability and Transport, the Cabinet Member for Housing and Public Safety, the Cabinet Member for Adult Health and Social Care and Director of Law and Democratic Services submitted a joint report concerning the following recommendations arising from meetings of the Streetsmart and

Highways Overview and Scrutiny Committee held on 18<sup>th</sup> November 2015 and the Health and Wellbeing Board held on 9<sup>th</sup> December 2015:

- a) That Cabinet look at options for reducing street lighting energy use by 40% (*Streetsmart Overview and Scrutiny Committee*).
- b) That Cabinet be recommended that (i) the draft Homelessness Strategy for Swindon 2016 to 2021 be approved and the Allocations Policy be amended to offer a proportion of social housing voids in a targeted way to homeless households, as set out in Priority 4 of the Draft Strategy, and (ii) the new Sexual and Reproductive Health Strategy 2015 – 2020 be adopted (*Health and Wellbeing Board*).

Resolved – (1) That, further to Minute 15 of the Streetsmart Overview and Scrutiny Committee, the Cabinet Member for Sustainability and Transport report to a future meeting on the options for reducing street lighting energy usage by 10%, 20%, 30% and 40%.

(2) That, further to Minutes 34 and 35 of the Health and Wellbeing Board, (i) the draft Homelessness Strategy for Swindon 2016 to 2021 be approved and the Allocations Policy be amended to offer a proportion of social housing voids in a targeted way to homeless households, as set out in Priority 4 of the Draft Strategy, and (ii) the new Sexual and Reproductive Health Strategy 2015 – 2020 be adopted.

## **70.**

### **Devolution - Moving Forward**

The Leader of the Council and the Chief Executive Designate submitted a joint report providing Cabinet with an update on the ongoing discussions that the Council is having with Wiltshire Council, other local authorities, and the Government in respect of the Government's devolution proposals.

Resolved – (1) That the action taken to date in furtherance of the Government's initiative to enable local authorities to explore opportunities for further devolution to groupings of local authorities, be noted and endorsed.;

(2) That the Chief Executive Designate, in consultation with the Leader of the Council, be authorised to continue discussions with other Councils and the Government in relation to the devolution agenda and to develop proposals for submission to Cabinet and Council in due course.

## Update on Fire Combination and Fire-Police Collaboration

Cabinet

Date: 16<sup>th</sup> March 2016

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Author:	Darran Gunter, Chief Fire Officer (Designate), Dorset & Wiltshire Fire and Rescue Service
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### 1. Purpose and Reasons

- 1.1 The purpose of this report is to provide an update as requested by the Cabinet on the new structural and political arrangements in the Dorset and Wiltshire Fire and Rescue Service to support Swindon communities, and also to provide an explanation on the current legislation relating to Police/Fire collaboration and governance.

### 2. Recommendations

Cabinet is recommended to:

- 2.1 Consider the report and provide any necessary steer to the CFO (Designate).

### 3. Details

Introduction

- 3.1 Following a number of discussions with the Leader of Swindon Borough Council and Swindon Members, I have been asked to provide a brief report that allows for a discussion on two specific issues. These are the new management and political arrangements for the Service as they relate to Swindon Borough Council and also the emerging legislation pertaining to Police - Fire collaboration and the potential governance role of Police and Crime Commissioners within fire and rescue services.
- 3.2 Before each of these items are discussed separately, it is perhaps worth reflecting on the reasons for and progress with the combination.

Background and Progress in Respect of the Development of a new Combined Fire and Rescue Authority

- 3.3 Dorset Fire and Rescue Service and Wiltshire Fire and Rescue Service, in addition to being neighbouring Services, also share many common characteristics. Firstly, they are combined fire authorities, which means in terms of governance the Board or Authority is drawn proportionately from their constituent councils. Currently Dorset has a Fire Authority of 15 Members where eight, four and three Members are nominated by the constituent councils of Dorset, Bournemouth and Poole respectively. Similarly for Wiltshire and

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Further information on the subject of this report can be obtained from Stephen Taylor, (01793) 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Update on Fire Combination and Fire-Police Collaboration

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- Swindon Fire Authority, they currently have a Fire Authority of 13 that consists of nine and four Members from Wiltshire and Swindon respectively.
- 3.4 During discussions on the combination, concern was raised predominantly from Wiltshire Council regarding the potential imbalance of 15 Members from Dorset and 13 from Wiltshire and Swindon. It was therefore agreed that initially the new Combined Fire Authority would have a membership of 30 allowing Dorset to retain its current quotas and that the membership from Wiltshire and Swindon would each increase by one to ten and five respectively.
- 3.5 Whilst this increase has been approved to quell perceptions in respect of voting rights, it is widely acknowledged by the Shadow Fire Authority that this number is too large and that a governance review of membership will need to be undertaken over the next two years.
- 3.6 In terms of the business case for combination, both fire and rescue services are funded by a fire precept which is collected with council tax and government grant. They are and remain two of the lowest funded fire and rescue services both in terms of grant and have a below average fire precept. Between 2010 and 2015, both Services experienced reductions in grant of between 22% and 25% and at the same time they were constrained by the same referendum and capping principles for fire precept as local authorities.
- 3.7 During this period, there were a number of reports developed in respect of further efficiencies for fire and rescue services with a key suggestion being to increase the use of retained firefighters to a national average of between 40-50%. Of course, in both Dorset and Wiltshire over 85% of our fire engines and over 65% of our operational firefighters are in fact retained firefighters and operate on a pay as you go basis. Due to the large use of retained staff, wide scale efficiencies in terms of changes to wholetime crewing arrangements are not available in Dorset and Wiltshire.
- 3.8 During early 2013, both Services entered into discussions predominantly focused on the impact of the same trajectory of grant reductions between 2015 to 2020 that we were individually managing between 2010 to 2015. With forecasted deficits of between £3-4m per annum for each Service from 2015 onwards, it was obvious that these reductions would mean a detrimental impact on frontline services and further salami slicing of internal budgets resulting in dysfunctional corporate teams. Both Services therefore began to look at collective business cases regarding options associated to working more closely with local authorities, police, ambulance and a potential combination between the two Services.
- 3.9 In 2014, a comprehensive public consultation exercise was undertaken where there was overwhelming, almost unanimous, support for our Services to combine which would protect front-line services and provide a more sustainable and safer new Fire and Rescue Service.
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- 3.10 In December 2014, the Secretary of State signed the Combination Order, which allowed the Shadow Fire Authority to come into effect from 1<sup>st</sup> April 2015 and the new Combined Dorset and Wiltshire Fire and Rescue Authority to come into effect from 1<sup>st</sup> April 2016.
- 3.11 Over the last two years, on the back of some significant ambitions developed by both Members and officers, there has been significant progress in terms of the convergence, legal and financial issues associated with the establishment of a completely new legal entity and the transfer of staff and functions to a new Service. Of course, at the same time both Services have had to maintain the day job in terms of our prevention, protection and response activities.
- 3.12 More recently, we have received significant praise from both internal and external auditors on our diligence and readiness, and also positive feedback from the Chief Fire and Rescue Adviser. Whilst there is work left to do in terms of convergence and cultural issues of a new organisation, both Members and officers are pleased with our progress and our readiness for 1<sup>st</sup> April 2016.

## The New Service Structure - Supporting our Constituent Authorities

- 3.13 During the period of consultation and discussions with stakeholders, a common theme that was often fed back, in particular from councils and Members, was the dilemma of achieving economies of scale from a larger organisation, but at the same time retaining and indeed strengthening a local focus on community risk and the services/resources we provide to reduce this risk. We believe that both in terms of the professional command and management arrangements and the political structures that we plan to have in place, we will strengthen the relevance, transparency and assurance of the service we provide to our local communities.
- 3.14 In terms of the new Service, the key corporate functions will be based at a hub/headquarters at Fire Rivers Health and Wellbeing Campus in Salisbury. The makeup of the top team include Assistant Chief Fire Officer Ben Ansell who is responsible for operational service delivery. Ben has developed a command and management structure where there are three operational command/management areas; Dorset, Wiltshire and Swindon, Bournemouth and Poole. The command area of Swindon, Bournemouth and Poole is predominantly for management purposes and brings together our respective conurbations that have many similarities including fire engines predominantly crewed by wholetime firefighters. Whilst each Command Area will have one Area Manager responsible for the oversight of prevention, protection and response activities in their areas, both conurbations of Swindon, and Bournemouth and Poole will also have a separate Group Manager who will support the Area Manager. Within each Command area, further structures and individual responsibilities for subsequent District Commanders have been best aligned to reflect other political boundaries, including localities. The balance of managerial responsibility has also been

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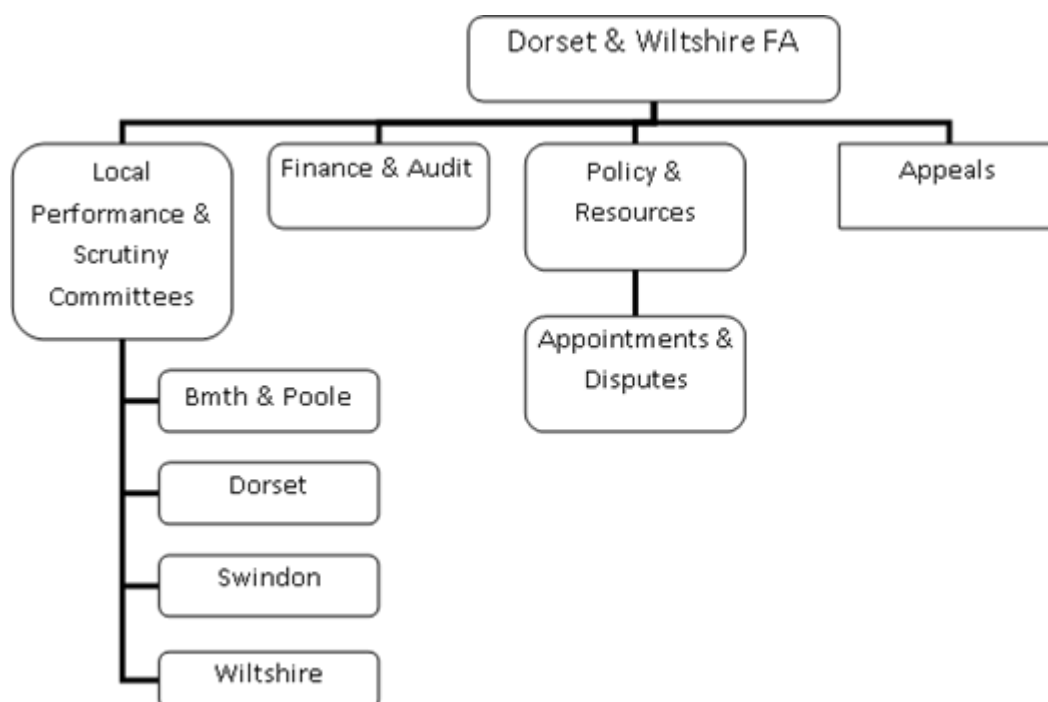
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aligned to ensure that no District Commander is responsible for more than three stations. In the new Service going forward, the local District Commanders will very much be the local 'Chief Fire Officer' who will be responsible for day to day liaison and unblocking of local issues. These District Commanders will be supported by a Group and an Area Commander who will play key roles in necessary partnerships at a local level. ACFO Ben Ansell will be a key point of contact in terms of strategic and political issues and partnerships. A depiction of these structures is outlined in Appendix A.

- 3.15 In terms of the political arrangements to support the new larger Service, whilst the statutory committees are fairly familiar, Members have agreed to four Local Performance and Scrutiny Committees that will ensure that there is transparent scrutiny of the performance relevant to the specific risk in that area. The four Local Performance and Scrutiny Committees will look specifically at Bournemouth, Dorset, Poole, Swindon and Wiltshire. Each of these Local Performance and Scrutiny Committees will be aligned to an Assistant Chief Fire Officer where for Swindon this is again ACFO Ben Ansell. The committee governance arrangement is depicted below.



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# **Update on Fire Combination and Fire-Police Collaboration**

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- 3.16 In respect of the terms of reference for the Local performance and Scrutiny Committees, whilst these will be reviewed once the committees are in a steady state, these are currently as follows:
- 3.16.1 To monitor the effectiveness and use of local information to best target prevention, protection and response activities and resources to the needs of local communities.
  - 3.16.2 To recommend to the Fire and Rescue Authority local targets for emergency response and to monitor the effectiveness appropriate to its area.
  - 3.16.3 To monitor the effectiveness of the discharge of fire safety statutory duties and wider fire protection initiatives appropriate to the build environment.
  - 3.16.4 To monitor and periodically review the effectiveness of the approach and initiatives associated with fire safety education and prevention.
  - 3.16.5 To monitor the outcomes of partnership working and the effectiveness of engagement with local partners.
  - 3.16.6 To monitor the effectiveness of planning, preparedness and local community resilience plans appropriate to their area developed by the Local Resilience Forum.
  - 3.16.7 To examine and thereafter approve quarterly assurance reports in respect of the key statutory duties (prevention, fire safety and response) to be considered by the full Fire Authority.
  - 3.16.8 To recommend to the Fire and Rescue Authority proposals for whole Authority performance monitoring or scrutiny.
- 3.17 Membership for the Swindon Local Performance and Scrutiny Committee will include but not be limited to all of the Swindon Members who are on the Combined Fire Authority. An independent remuneration panel has recommended that the Chair of each Local Performance and Scrutiny Committee has a small allowance as they will be acting as the key political conduit to their local constituent authority.
- 3.18 It should also be noted that in keeping with other significant committees, meetings of the Local Performance and Scrutiny Committees will be open public meetings and follow the convention of published papers and minutes, etc. We will of course look to ensure that the meeting schedule of Local Performance and Scrutiny Committees aligns where possible to our constituent authorities and the dates are contained within Member calendars and handbooks. The provisional

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dates of the Swindon Local Performance and Scrutiny Committees for 2016 are as follows:

- 1 June
- 2 September
- 24 November
- 2 March

## Police and Crime Commissioners and Emergency Services Collaboration

- 3.19 Within their 2015 election manifesto, the Conservative Party indicated an intent to enable closer collaboration between emergency services. On 11<sup>th</sup> September 2015, the Government released a consultation document 'Enabling closer collaboration between emergency services'. This consultation document was more extensive than originally anticipated and covered the following areas:
- 3.20 Introducing a new duty on all three emergency services to actively consider collaboration opportunities with one another to improve efficiency and effectiveness.
- 3.21 Enabling PCCs to take on the duties and responsibilities of fire and rescue authorities (FRAs), where a local case is made.
- 3.22 Where a PCC takes on the responsibilities of a FRA, enabling them to create a single employer for police and fire staff, facilitating the sharing of back office functions and streamlining management.
- 3.23 In areas where a PCC has not become responsible for the FRS, enabling them to have representation on their local fire and rescue authority.
- 3.24 Abolishing the London Fire and Emergency Planning Authority (LFEPA) and giving the Mayor of London direct responsibility for the FRS in London, as will be the case in Greater Manchester.
- 3.25 On 23<sup>rd</sup> October 2015, the Shadow Dorset and Wiltshire Fire and Rescue Authority agreed its response (refer to link within background reports). This response predominantly opposed fire and rescue services moving within the remit of the PCC and also questioned the limited vision on collaboration pertaining to blue light services. Whilst the Authority response did not overplay the issue, the initial consultation made no mention of how the governance arrangements from a fire and rescue authority would move to a PCC where there is no coterminosity of boundary. Of course, this is now the case with the new Fire Authority as there are effectively two PCCs within our area. It is also interesting that in terms of current collaboration the Dorset Police have a strategic alliance with Devon and Cornwall and Wiltshire Police are working increasingly with Avon and Somerset.
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# Update on Fire Combination and Fire-Police Collaboration

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- 3.26 On 26<sup>th</sup> January 2016, the Government published its response to the emergency services collaboration consultation (refer to link within background reports). In essence the Government intends to legislate to:
- 3.26.1 Introduce a high level duty to collaborate on all three emergency services to improve efficiency or effectiveness.
  - 3.26.2 Enable PCCs to take on the functions and duties of fire and rescue authorities, where a local case is made.
  - 3.26.3 Further enable PCCs to create a single employer for police and fire staff where they take on the responsibilities of their local fire and rescue service, and where a local case is made.
  - 3.26.4 Enable PCCs to have representation on their local fire and rescue authority with voting rights in areas where they have not become responsible for fire and rescue and where the fire and rescue authority agrees.
  - 3.26.5 Abolish the London Fire and Emergency Planning Authority and give the Mayor of London direct responsibility for the fire and rescue service in London.
- 3.27 The Police and Crime Commissioner Bill is currently progressing through Parliament and it is anticipated that this will come into effect in the summer of 2016. This will also be supported by guidance in respect of the transition and we also anticipate guidance in respect of what constitutes a business case and local support for such business cases. It will be interesting as to whether the guidance also addresses the issue mentioned above in respect of a lack of shared boundaries or coterminosity between Police and Fire.
- 3.28 Any changes to the governance is complicated by the fact that, whilst there are currently 46 fire authorities in England, they have a range of governance models which include:
- 3.28.1 Six stand-alone metropolitan fire authorities, for example Greater Manchester, West Midlands.
  - 3.28.2 24 combined fire authorities which are stand-alone authorities covering areas where there is more than one county and unitary council, for example Durham and Darlington, Devon and Somerset.
  - 3.28.3 15 county fire authorities, where the service is provided by the County Council, for example, Norfolk, Hertfordshire.
  - 3.28.4 The London Fire and Emergency Planning Authority (LFEPA), a functional body of the Greater London Authority. Whilst it has responsibility in respect of decisions relating to fire provision, it does not, like other
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# Update on Fire Combination and Fire-Police Collaboration

Cabinet

Date: 16<sup>th</sup> March 2016

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metropolitan fire authorities, set the annual budget for fire - that is the responsibility of the Mayor of London.

- 3.29 At the last count, in England, excluding London, there were 30 Police/PCC areas that have coterminous boundaries with fire authorities and seven that do not. This will obviously change with the new Dorset and Wiltshire Fire Authority, to 29 that have coterminous boundaries and eight that do not. As mentioned above, the Bill will provide the opportunity for PCC to have representation and voting rights on their respective Fire Board/Committee. Again, the final guidance notes associated to Bill should provide clarity as to the boundaries of any voting rights.
- 3.30 Currently, whilst both PCCs for Dorset and Wiltshire have openly acknowledged potential benefits of greater collaboration, the Wiltshire PCC has perhaps been more positive about a combined role for police and fire. It will of course be interesting as we move towards the PCC elections in May as to the manifesto contents of potential candidates.

## 4. Alternative Options

- 4.1 No alternative options are proposed as the purpose of this report is to inform Cabinet.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 There are no financial implications from the report's recommendations.

### Legal and Human Rights Implications

- 5.2 Legal and human rights implications were taken into account in preparing this report. It is considered that the report's recommendations are consistent with Convention Rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 None.

### Diversity Impact Assessment

- 5.4 No Diversity Impact Assessment (DIA) was undertaken as this report does not propose service changes.

### Risk Management

- 5.5 None.

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Further information on the subject of this report can be obtained from Stephen Taylor, (01793) 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Update on Fire Combination and Fire-Police Collaboration

Cabinet

Date: 16<sup>th</sup> March 2016

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## 6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## 7. Background Papers

- 7.1 Report and approved response considered by Shadow Policy and Resources Committee (Dorset and Wiltshire Fire and Rescue Authority) on Government Consultation 'Enabling Closer working between Emergency Services'.
- 7.2 [http://www.dorsetfire.gov.uk/files/6514/4498/0861/Item\\_5\\_-\\_Response\\_to\\_Emergency\\_Services\\_Consultation.pdf](http://www.dorsetfire.gov.uk/files/6514/4498/0861/Item_5_-_Response_to_Emergency_Services_Consultation.pdf)
- 7.3 Government response to consultation document 'Enabling Closer working between Emergency Services'
- 7.4 [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/495371/6.1722\\_HO\\_Enabling\\_Closer\\_Working\\_Between\\_the\\_Emergency\\_Services\\_Consult....pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/495371/6.1722_HO_Enabling_Closer_Working_Between_the_Emergency_Services_Consult....pdf)

## 8. Appendices

- 8.1 Appendix A - structure of command area of Swindon, Bournemouth and Poole.

## 9. Key Decision/Decision in Cabinet Work Programme and Forward Plan

- 9.1 This is not a Key Decision and is included in the Cabinet Work Programme and Forward Plan for February 2016.

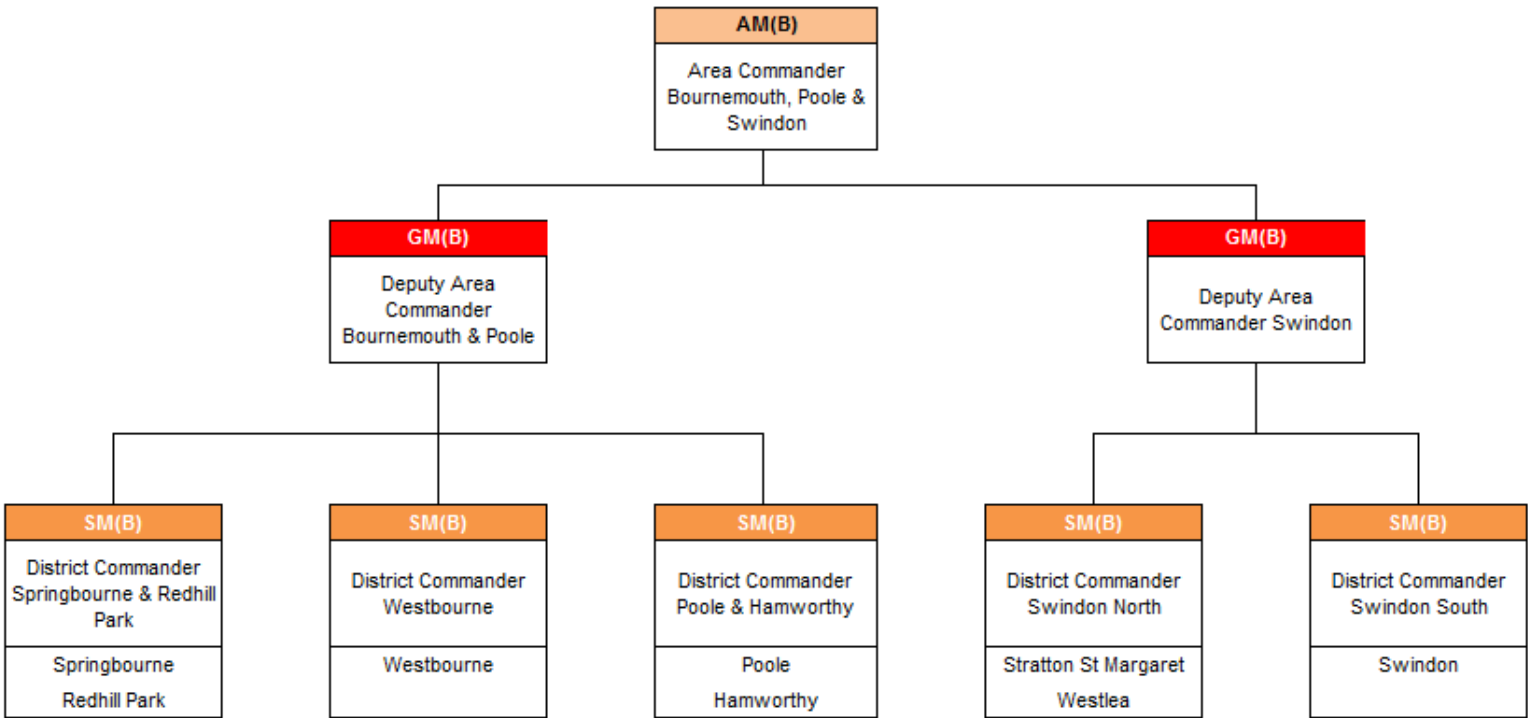
# Update on Fire Combination and Fire-Police Collaboration

Cabinet

Date: 16<sup>th</sup> March 2016

Appendix A

## Structure for command area of Swindon, Bournemouth and Poole



Further information on the subject of this report can be obtained from Stephen Taylor, (01793) 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

## Free Schools – Wave 11 update

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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Author: Cabinet Member for Children Services  
Head of Education

Wards: All

Locality Affected: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 The purpose of the report is to update Cabinet on the applications for new free schools that were submitted by 2<sup>nd</sup> March 2016.
- 1.2 The report brings together information from a range of education providers for new primary school, special school and alternative provision.
- 1.3 This report supports the Priority Two of the Vision to “Offer education opportunities that lead to the right skills and right jobs in the right places” and in specifically pledge 15 “in addition to two new Free secondary schools, build one secondary and 12 primary schools to meet the needs of our increasing population”.

### **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the four applications submitted in wave 11 for education provision opening from September 2017 and later and two applications for wave 12 for education provision opening in September 2018 and later;
- 2.2 Authorise the Head of Education to support the applications from Great Western Academy, Diocese of Bristol Academies Trust, The White Horse Federation, Uplands School and Schools Company;

### **3. Detail**

- 3.1 It is the Local Authority’s statutory duty to ensure there are sufficient school places in Swindon.
- 3.2 In September 2015 the Department for Education announced a new presumption that requires every new school to be a Free School. Swindon has had two successful bids for secondary free schools, they are the Great Western Academy opening in north Swindon for September 2018 and The Swindon Church of England Academy opening in Wichelstowe also for September 2018.
- 3.3 The Department for Education runs a process that has two application “waves” per year for sponsors wishing to set up a new free school. This process is

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Further information on the subject of this report can be obtained from Gareth Cheal, Direct Dial 01793 465802, gcheal@swindon.gov.uk.

## Free Schools – Wave 11 update

Cabinet

Date: 16<sup>th</sup> March 2016

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determined by the Department for Education and is outside of Local Authority control. The current Wave (11) closed on 2<sup>nd</sup> March 2016, for schools opening in September 2017 at the earliest.

- 3.4 Once an application from a sponsor has been submitted, it is assessed by the government on the need for places it meets. The sponsor is invited to interview and an announcement on approved new schools is expected in June/July 2016.
- 3.5 Swindon has adopted an approach to work with education providers to identify need for places and support free school applications with access to data. On the 10<sup>th</sup> November 2015, the Local Authority hosted an event at the University Technical College Swindon to advertise to potential academy and free school sponsors the characteristics of Swindon, the education strategy and our place planning pressures. The event was attended by about 40 providers and representatives from the Regional Schools Commissioners office
- 3.6 As a result of the engagement work that has been conducted there have been four free school applications submitted during the recently closed wave and two expected in the next wave (September 2016). These are summarised below.

### Diocese of Bristol Academies Trust (DBAT)

- 3.7 DBAT submitted a successful application for a secondary free school to open for September 2018 in Wichelstowe. The Swindon School Place Planning update identified a need for additional primary schools Wichelstowe and the New Eastern Villages.
- 3.8 DBAT are planning to submit two applications in wave 11, they are:
  - 3.8.1 A Church of England primary school and nursery located in Middle Wichel required as part of the new housing development, which will be partnered with St Mary's Church of England Primary School in Purton.
  - 3.8.2 A Church of England primary school and nursery located in the New Eastern Villages required as part of the new housing development, which will be partnered with St Francis Church of England Primary School in Taw Hill.

### Uplands School

- 3.9 Uplands School is an 11 to 19 generic special school in Swindon. Uplands is rated as 'outstanding' by Ofsted and was the winner of both the TES Alternative Provision of the Year as well as Overall School of the Year in June 2015.
- 3.10 The proposed Brunel Autistic Free School will provide a curriculum for 50 boys and girls aged between 11 and 19, with autism as their primary Special Educational Need, who live in Swindon and its surrounding areas.

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Further information on the subject of this report can be obtained from Gareth Cheal, Direct Dial 01793 465802, gcheal@swindon.gov.uk.



## Free Schools – Wave 11 update

Cabinet

Date: 16<sup>th</sup> March 2016

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- 3.11 The expected growth of the Brunel Free School will be phased over 4 years commencing at 20 in September 2017 and reaching a maximum of 50 in September 2021. There will be the capacity for further growth to a total of 70 places, after September 2021, should additional capacity across Swindon be required for ASC students.

### SchoolsCompany

- 3.12 SchoolsCompany is an educational consultancy, school management and training company and an academy sponsor through the SchoolsCompany Trust.
- 3.13 The proposal is to establish an 11 to 16 aged alternative provision for 50 pupils offering a skill based curriculum and therapeutic services as an alternative pathway to mainstream education.

### Great Western Academy Primary (New College)

- 3.14 Great Western Academy submitted a successful application for a secondary free school to open for September 2018 in Tadpole Farm. The Swindon School Place Planning update identified a need for an additional primary school in North Swindon (Tadpole Farm) for 2018.
- 3.15 The application in wave 12 is to provide a primary school with nursery adjacent to the approved secondary school.

### White Horse Federation (WHF)

- 3.16 The White Horse Federation has notified the Local Authority of their intention to submit a free school application to the Department for Education in September 2016 (wave 12). The proposal is to establish a new setting that will offer places for secondary aged children with Social, Emotional and Mental Health difficulties.
- 3.17 The setting will also offer residential and respite facilities in order to further reduce the number of Swindon children attending settings in other Local Authority areas by offering the relevant provision within the town.
- 3.18 Included within the application is a proposal similar to the Oakfield Project with a registered alternative provision to support pupils who find it difficult to access mainstream secondary education.

### Summary

- 3.19 The information above provides a brief summary of the proposals. All six applications meet either a basic need for places or a gap in the education offer in Swindon. Therefore, the recommendation above is to provide continual support to the providers through the application process.

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Further information on the subject of this report can be obtained from Gareth Cheal, Direct Dial 01793 465802, gcheal@swindon.gov.uk.

# Free Schools – Wave 11 update

Cabinet

Date: 16<sup>th</sup> March 2016

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## 4. Alternative Options

- 4.1 Alternative options for school provision have been considered with the School Place Planning study.
- 4.2 In some new areas the location of a new school will be determined through negotiation with the relevant land owner or developer.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 Government capital grant allocations for capital spending on schools have been significantly reduced in recent years and are highly unlikely to be sufficient to meet the needs of existing schools and the requirement to fund new ones. Any shortfall will result in the Council entering into additional borrowing to support identified needs as has been the case over recent years. Options for expansion of schools should, therefore, consider all possible options in order to try to minimise the effect on the revenue budget of increased debt.
- 5.2 All capital proposals will affect the Dedicated Schools Grant (DSG) although DfE are recognising pupil growth in annual grant settlements albeit on a lagged basis for mainstream pupils. This means that the LA has to top slice the DSG each year in relation to “pre-opening start-up costs”, “trigger” funding (the increased revenue funding provided to schools that have an in-year increase in pupil numbers over a certain threshold) and “set-up” costs (the provision of furniture and equipment for additional classrooms). As the number of new and growing schools increase, the amount of growth funding required increases and reduces the amount of funding that is available to be distributed to established schools.
- 5.3 As a consequence of the DfE’s school funding reform programme, the Local Authority need to consult formally with each sector of the Schools Forum to seek agreement to the policies by which funding is allocated and the levels of funding proposed in advance of each financial year.

### Legal and Human Rights Implications

- 5.4 The Council has a responsibility to ensure that there are sufficient school places available. The Education and Inspections Act 2006 requires Local Authorities to promote choice and diversity when carrying out their strategic duties in relation to the provision of new school places.
- 5.5 Human rights considerations have been taken into account fully in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

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Further information on the subject of this report can be obtained from Gareth Cheal, Direct Dial 01793 465802, gcheal@swindon.gov.uk.

# Free Schools – Wave 11 update

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.6 Implications relating to sustainability and health are included within the school site selection criteria.

## Diversity Impact Assessment

- 5.7 A DIA for the School Place Planning Strategy was attached to February 2016 Cabinet report. No further implications have been identified.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 Swindon School Place Planning Study Update 2015

## **8. Appendices**

- 8.1 None

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for March 2016

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## Budget Management 2015-16

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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Authors:	Cabinet Member for Finance, People and Performance and Board Director, Resources
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 This report presents the 2015-16 Revenue Budget forecast out-turn at the end of January 2016.
- 1.2 The effective management of financial resources through robust financial management processes underpins the Council's ability to achieve its plans and priorities.
- 1.3 Responsible budget management underpins the Council's Strategic Objective of consistently making the best use of all available resources as well as providing focus for the Change Programmes.

### **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the projected Revenue Budget out-turn position for 2015-16 set out in Table 1 and Appendices 1 and 2;
- 2.2 Approve the virements set out in Appendix 3.

### **3. Detail**

#### **2015-16 Projected Out-turn**

- 3.1 The projected budget out-turn as at the end of January 2016 is an overspend of £182k, an adverse variance of £129k since the last report. The Finance team are working with Budget Managers to identify savings to mitigate this overspend and a communication has been sent out asking them to ease off non-essential expenditure until the new Financial Year. Within that context, it is anticipated that a balanced position will be achieved by the end of the financial year.
- 3.2 The budget and projected out-turn by Department is set out in Table 1 below and a more detailed analysis is set out in Appendices 1 and 2.

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Further information on the subject of this report can be obtained from Kirsty Cole on Direct Dial No. 464610 or Email [kcole@swindon.gov.uk](mailto:kcole@swindon.gov.uk)

# Budget Management 2015-16

Cabinet

Date: 16<sup>th</sup> March 2016

Table 1 – Projected Out-turn By Department

Department	Budget 2015/16 £'000	Full-Year Projected Out-turn £'000	Projected Variance £'000	Movement since last report £'000
Chief Executive	3,246	2,970	(276)	0
Resources	19,662	19,474	(188)	(36)
Corporate	(14,039)	(15,372)	(1,333)	(208)
Commissioning	98,063	100,527	2,464	373
Service Delivery	29,808	29,323	(485)	0
<b>Total General Fund</b>	<b>136,740</b>	<b>136,922</b>	<b>182</b>	<b>129</b>

## 4. Department Summaries and Explanation of Key issues

### Chief Executive

- 4.1 The Chief Executive's Department continues to project a balanced position. Income from court costs and one-off property income from covenant surrenders linked to property disposals continues to be closely monitored.

### Resources and Corporate

- 4.2 The Resources and Corporate budgets are currently projecting an underspend of £1.521m, a further improvement of £244k since the last report. The main reasons for this movement are the receipt of one off income for interest on VAT due to a delay in the repayment of VAT from HMRC following a routine audit and the release of the balance of the utilities inflation held to mitigate against fluctuating prices.

### Commissioning

- 4.3 The Commissioning budgets are currently projecting an overspend of £2.464m, an adverse variance of £373k since the last report. The main reasons for this are pressures within the Children and Adult's service partly mitigated with an improvement in the position on Children, Families and Health.
- 4.4 The Children and Adults service is experiencing a combination of demand pressures and slippage in the Adult Demand savings programme which resulted in an adverse variance of £616k since the last report. The restructure of the Learning Disability team transferred back from SEQOL, development of new ways of working, vacant posts and recruitment of new managers with the right skills to take the service forward has taken longer than envisaged. The service is still projected to underspend by £500k this year and has achieved £2.5m savings in year but this is lower than predicted earlier in the year. There is growing

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# Budget Management 2015-16

Cabinet

Date: 16<sup>th</sup> March 2016

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confidence that the 2016-17 savings targets will be met but the delay in the timetable is adversely affecting the 2015-16 outturn forecast.

- 4.5 The above cost pressures are partly mitigated by an improvement of £282k in the projections for Children's, Families and Health with improvements being seen in agency costs and placement costs for Looked After Children. These improvements are mitigating a further increase in Legal costs.

## Service Delivery

- 4.6 The Department is projecting a net underspend of £485k, within this there has been improvements in the projected overspends on Steam Museum and Lydiard House and Park. Updated projections by managers across all service areas for staffing, operational expenditure and income budgets have left the net underspend at £485k.

## **5. Virements**

- 5.1 Since setting the 2015-16 Budgets, there have been some virements to reflect changes to the allocation of costs across business units. Members are asked to agree these virements as set out in Appendix 3.

## **6. Housing Revenue Account (HRA)**

- 6.1 Budget managers are forecasting a net underspend of £981k as at the end of January 2016. The key areas are a forecast underspend of £475k in Supervision and Management due to staff savings across various areas, a forecast £317k underspend on Special Services mainly due to savings in utilities costs, and a forecast £359k underspend on Repairs which is due to a combination of staff savings and a significantly lower spend on void properties than was expected. There is a forecast overspend in financing costs of £170k due to an increase in depreciation costs of £470k partly offset by a reduction in the bad debt provision of £300k.

## **7. Dedicated Schools Grant (DSG)**

- 7.1 The DSG budget is predicting a net overspend of £723k, an improvement of £36k since the last report. The main changes are detailed below.
- 7.2 The High Needs Top-Ups budget is forecasting an increase in its overspend of £20k, this is primarily due to an increasing number of students being referred to the Special Education Needs (SEN) assessment panel for additional assistance. A High Needs Contingency budget of £315k is available to help offset any overspends within the High Needs block and as such will assist with mitigating part of the overspend.

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# Budget Management 2015-16

Cabinet

Date: 16<sup>th</sup> March 2016

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- 7.3 The External Placement budget is currently predicting an increase of £33k in its underspend. This is due to a number of placement changes that have occurred since the last reported figure.
- 7.4 The Post 16 High Needs Top-ups budget is showing an increase of £41k in its underspend, (projected underspend £64k). Four pupils have not registered with a post 16 provider and 1 pupil has moved away from Swindon.
- 7.5 The Growth Funding is showing an overspend of £28k due to additional funding for expanding schools being payable following the October 2015 census.
- 7.6 Officers are continuing to review budgets to identify any further savings that can be used to offset the current predicted overspend. In the event that further mitigating savings cannot be identified then the overspend will need to be funded from the retained DSG reserves.

## 8. Alternative Options

- 8.1 Cabinet could choose not to approve the virements as set out in Appendix 3.

## 9. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 9.1 Where there are specific financial implications these have been reflected in the body of the report.

### Legal and Human Rights Implications

- 9.2 All legal and human rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 9.3 There are no such direct implications.

### Diversity Impact Assessment

- 9.4 A Diversity Impact Assessment (DIA) has not been done as this report does not make any new recommendations.

### Risk Management

- 9.5 None other than those highlighted in the body of the report. Individual schemes will have individual Risk Assessments and DIAs.

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Further information on the subject of this report can be obtained from Kirsty Cole on Direct Dial No. 464610 or Email [kcole@swindon.gov.uk](mailto:kcole@swindon.gov.uk)



# Budget Management 2015-16

Cabinet

Date: 16<sup>th</sup> March 2016

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## **10. Consultees**

- 10.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **11. Background Papers**

- 11.1 None

## **12. Appendices**

- 1.1. Appendix 1 – Forecast Out-turn by Directorate 2015-16
- 1.2. Appendix 2 – Forecast Out-turn by Service 2015-16
- 12.1 Appendix 3 – Proposed Budget Virements 2015-16

## **13. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 13.1 This is not a key decision and is included in the Cabinet Work Programme / Forward Plan for March 2016.

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Fund	Tier 1 Pillar	Tier 2 Function	Budget 2015/16 £'000	Full-Year Projected Out-turn £'000	Projected Variance £'000	Projected Variance - last report £'000	Movement since last report £'000	Commentary on Reasons for Variance
General Fund	Chief Executive	Internal Audit	399	374	(25)	(25)	0	
		Law & Democratic Services	3,714	3,522	(192)	(192)	0	
		Localities	779	779	0	0	0	
		Economy & Regeneration	(1,646)	(1,705)	(59)	(59)	0	
	Resources		<b>3,246</b>	<b>2,970</b>	<b>(276)</b>	<b>(276)</b>	<b>0</b>	One off interest receipt of £46k from HMRC following an audit of our VAT return which delayed their repayment to us. Release of balance of excess utilities inflation previously kept back in the event of price fluctuations £162k.
		Finance & Change	4,821	4,804	(17)	(17)	0	
		Corporate	(14,039)	(15,372)	(1,333)	(1,125)	(208)	
	Commissioning	IT	5,677	5,677	0	0	0	Further savings on vacancies and general office expenses.
		Performance, People & Engagement	1,889	1,869	(20)	(20)	0	
		Business Services & Support	7,275	7,124	(151)	(115)	(36)	
			<b>5,623</b>	<b>4,102</b>	<b>(1,521)</b>	<b>(1,277)</b>	<b>(244)</b>	A combination of demand pressures and slippage in the Adult Demand savings programme has created a change in the forecast. The restructure of the Learning Disability (LD) team transferred back from SEQOL, development of new ways of working, vacant posts and recruitment of people with the right skills has taken longer than hoped. LD is still projected to underspend by £500k this year and has achieved £2.5m savings in year. There is growing confidence that the 2016-17 savings targets will be met but the delay in the timetable is adversely affecting the 2015-16 outturn forecast.
		Management	576	576	0	0	0	
		Children & Adults	63,338	63,512	174	(443)	617	
		Skills & Attainment	2,212	2,149	(63)	(58)	(5)	Minor variances
		Public Health	10,575	10,520	(55)	(52)	(3)	Minor variances
		Children, Families and Community Health Services	20,932	23,353	2,421	2,703	(282)	£83k reduction in agency staffing costs due to improvement in appointment of permanent posts, £317k reduction in Children Looked After placement costs including review of contingency held for remaining weeks of 2015/16 and other minor variances £8k. These underspends are offset by £105k further increase to Legal costs including an increase in pre-proceedings costs and £21k of other costs.
		Housing Services	430	417	(13)	(59)	46	Pressure on Community Safety Partnership due to staff costs not attributable to the HRA
			<b>98,063</b>	<b>100,527</b>	<b>2,464</b>	<b>2,091</b>	<b>373</b>	
	Service Delivery	Streetsmart	14,616	14,854	238	302	(64)	A review of budgets has identified additional savings on staffing and operational expenditure.
		Infrastructure Assets excluding HRA	11,358	10,543	(815)	(935)	120	Various changes across Infrastructure assets, including projected additional costs for car park maintenance.

Fund	Tier 1 Pillar	Tier 2 Function	Budget 2015/16 £'000	Full-Year Projected Out-turn £'000	Projected Variance £'000	Projected Variance - last report £'000	Movement since last report £'000	Commentary on Reasons for Variance
		Planning & Regulatory	3,834	3,926	92	148	(56)	Updated forecasts from managers across the service area have reduced the previous levels of anticipated overspend, including Steam Museum and Lydiard House & Park.
			29,808	29,323	(485)	(485)	0	
General Fund Total			136,740	136,922	182	53	129	
Health	Health Commissioning	CCG Other Adults	20,738	20,667	(71)	(159)	88	Agency costs and additional staffing needed to meet demand for Child Health Care assessments.
		CCG Mental Health	16,718	16,698	(20)	0	(20)	Interest earned on balances are higher than estimated at start of the financial year.
		CCG Children & Families	3,627	3,553	(74)	(109)	35	Rise in cost of clinical negligence cover and fall in fee income at Bright Start day nursery.
		Funding for Health Commissioning	(41,083)	(40,918)	165	268	(103)	Clinical Commissioning Group (CCG) funding adjusted to reflect savings identified above.
	Health Service Delivery	Children's Health Delivery Services - CCG Funded	1,406	1,436	30	0	30	Bright Start Nursery shortfall in income due to low numbers, Other minor variances
		Funding from CCG	(1,406)	(1,436)	(30)	0	(30)	Additional income from CCG Commissioning
Health Total			0	0	0	0	0	
Dedicated Schools Grant	DSG Commissioning	DSG Skills and Attainment	82,453	81,679	(773)	(875)	101	Underspend on external placements due to changes in placement costs & ending of one placement, further underspend in Post 16 one pupil moved away & four placements did not start. These savings are mitigating an increase in expenditure for additional high needs costs for some mainstream & special pupils and payments made to schools following the October census for growth and expansions. Adjustments by the Education funding agency to academy recoupment for growth in academies affects the grant receivable.
Dedicated Schools Grant	DSG Commissioning	DSG Skills and Attainment	(82,453)	(80,957)	1,496	1,634	(138)	Grant receivable increased for Education Funding Agency recoupment for growth for academies
Dedicated Schools Grant Total			0	723	723	759	(36)	
Housing Revenue Account	Housing Revenue Account	Supervision & Management	(37,487)	(37,962)	(475)	(429)	(46)	Additional staff savings relating to the Estate Management team.
		Special Services	90	(227)	(317)	(236)	(81)	Further reduction in costs for utilities across housing schemes
		Repairs	10,536	10,177	(359)	(445)	86	Reduction in the forecast revenue funded repairs to be capitalised, offset by increased rechargeable works to corporate property.
		HRA Capital Financing	26,861	27,031	170	170	0	
Housing Revenue Account Total			0	(981)	(981)	(940)	(41)	
Grand Total			136,740	136,664	(76)	(128)	52	

# Budget Management 2015-16 - Projected Out-turn By Service

## Appendix 2

Service Area Summary 2015/16	Budget 2015/16 £'000	Full-Year Projected Out- turn £'000	Projected Variance £'000	Projected Variance - last report £'000	Movement since last report £'000
Culture, Leisure & Libraries	4,831	4,996	164	220	(56)
Education and Other Children Services	8,994	8,522	(472)	(496)	24
Environmental & Regulatory	17,331	17,596	265	255	11
Highways & Transport	1,130	946	(184)	(366)	183
Housing GF	3,468	3,421	(47)	(36)	(11)
Planning & Development	(3,067)	(3,195)	(128)	(126)	(2)
Public Health	10,575	10,520	(55)	(53)	(2)
Revenues & Benefits	1,444	1,322	(122)	(128)	6
Social Care - Adults	58,237	58,474	237	(380)	617
Social Care - Children	20,623	23,245	2,622	2,941	(319)
<b>Corporate &amp; Support:</b>					
Central Services	2,579	988	(1,592)	(1,270)	(321)
Contingency Split out	507	0	(507)	(507)	0
Debt Management (Debt Charges & Investments)	10,087	10,087	0	0	0
<b>Total General Fund</b>	<b>136,740</b>	<b>136,922</b>	<b>182</b>	<b>53</b>	<b>129</b>
Total DSG	0	723	723	759	(36)
Total Health	0	0	0	(0)	0
Total HRA	0	(981)	(981)	(940)	(41)
<b>Grand Total</b>	<b>136,740</b>	<b>136,664</b>	<b>(76)</b>	<b>(128)</b>	<b>52</b>

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Virements 2015-16 - Movements since the last report

Appendix 3

	Chief Executive	Resources & Corporate	Commissioning	Delivery	Contingency Fund	Total General Fund
	£'000	£'000	£'000	£'000	£'000	£'000
<b>Cabinet 10/02/2016</b>	<b>3,246</b>	<b>5,121</b>	<b>98,063</b>	<b>29,803</b>	<b>507</b>	<b>136,740</b>
<u>New Virements</u>						
Further one-off funding for Stock Controller post		(5)		5		
<b>Cabinet 16/03/2016</b>	<b>3,246</b>	<b>5,116</b>	<b>98,063</b>	<b>29,808</b>	<b>507</b>	<b>136,740</b>

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## Capital Programme Monitoring 3<sup>rd</sup> Quarter 2015-16

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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Author: Cabinet Member for Finance, People and Performance  
Board Director, Resources

Wards: All

Locality Affected: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1 This report sets out the 2015/16 Capital Programme position as at the end of December 2015.
- 1.2 The effective management of financial resources through robust financial management processes underpins the Council's ability to achieve its plans and priorities.

### **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the latest 2015/16 Capital Programme position;
- 2.2 Note the positions on the schemes detailed at paragraph 3.2;
- 2.3 Approve the additions to the Capital Programme detailed in paragraph 3.3;
- 2.4 Note the changes to the Disabled Facilities Grant detailed in paragraph 3.4.

### **3. Detail**

Capital Programme 2015/16

- 3.1 Table 1 below provides a summary of the forecast out-turn position of the Capital Programme compared with the remaining scheme budgets, as at the start of the financial year. The projected out-turn position represents the expected total expenditure for the scheme to completion over all remaining years.

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Further information on the subject of this report can be obtained from Ian Burbidge on Direct Dial No.464384, or Email [iburbidge@swindon.gov.uk](mailto:iburbidge@swindon.gov.uk).

# Capital Programme Monitoring 3<sup>rd</sup> Quarter 2015-16

Cabinet

Date: 16<sup>th</sup> March 2016

Table 1 – Budget Forecasts and Variances

<b>Group</b>	<b>Remaining Budget 15/16 £000s</b>	<b>Forecast Spend to completion £000s</b>	<b>Forecast Variance £000s</b>
Community Works	4,285	4,134	(150)
Corporate Projects	40,973	41,053	80
Section 106 (S106)	13,822	13,822	0
Schools	19,280	19,382	102
Social Care	2,154	2,154	0
Transport	19,351	19,351	0
<b>GF Services</b>	<b>99,865</b>	<b>99,896</b>	<b>31</b>
Housing Revenue Account (HRA)	36,982	36,982	0
<b>Service Totals</b>	<b>136,847</b>	<b>136,878</b>	<b>31</b>

3.2 Appendix 1 provides a full scheme-by-scheme breakdown of variances by project. There are a number of issues with current schemes that Cabinet is asked to note also that the following have been reported to Cabinet for the 2<sup>nd</sup> Quarter and have not changed:

3.2.1 Savings of £150k have been achieved for the replacement of cremators completed under budget. (Appendix 1 Line No. 4)

3.2.2 Overspend for the Thamesdown Transport Project (purchase of Thamesdown Transport Depot) is for stamp duty costs that were not included in the budget approval. (Appendix 1 Line No. 42)

3.2.3 An overspend of £152k relating to the refurbishment at Crowdy's Hill School – part of the new buildings were changed to accommodate Sport England requirements which resulted in additional ground works being required to provide the necessary foundations for the school. (Appendix 1 Line No. 129)

3.2.4 Savings of £50k have been achieved on the scheme at Haydon Leigh School – the saving is as a result of negotiations with the contractor around the settlement of the final account to reflect the value engineering undertaken during the construction process. (Appendix 1 Line No. 135)

## Changes to the Programme

3.3 Cabinet is asked to approve the following changes to the programme:

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## Capital Programme Monitoring 3<sup>rd</sup> Quarter 2015-16

Cabinet

Date: 16<sup>th</sup> March 2016

- 3.3.1 A budget of 77k for Refurbishment to the Wroughton War Memorial funded from S106 contributions. The refurbishments need to be completed ahead of the organised event of the unveiling of the Victoria Cross Stone in April 2017.
- 3.3.2 A budget of 20k for a School Safety Zone at the entrance of St. Francis School, Taw Hill, to be funded by S106 contributions.
- 3.3.3 A budget of 25k for HGV Redirection Signs (part of the planning conditions) on the entrance to Europa Business Park, Stratton, to be funded by S106 contributions.
- 3.3.4 A budget of £42k to improve the highways at Kingsdown Crossroads, by repairing and widening of footways, to be funded by S106 contributions.
- 3.3.5 A budget of £67k for Cycle improvement to Dorcan Way & Eldene Drive in the vicinity of the Morrison's Store, to be funded by S106 contributions.
- 3.3.6 A budget of £16k for bus service improvements of a shelter to the bus stop on Eldene Drive, to be funded by S106 contributions.
- 3.4 The Government announced a change to the Disabled Facilities Grant for 2016/17 on the 10<sup>th</sup> February 2016. The grant for 2016/17 has been confirmed at £897k (budget had assumed a grant of £498k), however the Adult Social Care Capital grant has been removed (2015/16 grant £426k). Officers are awaiting detailed guidance on how the 2016/17 Disabled Facilities Grant can be used.
- 3.5 Table 2 below shows how the current approved programme identified at Table 1 is being funded:

Table 2: Capital Programme funding

	Current Budget Requirement £000s	New Additions £000s	Future Budget Requirement £000s
<b>Budget to be financed:</b>	<b>137,692</b>	<b>248</b>	<b>137,940</b>
Capital Receipts	5,551		
S106 Deposits	24,230	247	
Grant Funding	38,933	1	
Revenue Contributions	4,148		
HRA balances	36,499		
Borrowing Requirement – CFR increase	28,331		
<b>Total</b>	<b>137,692</b>	<b>248</b>	<b>137,940</b>

Further information on the subject of this report can be obtained from Ian Burbidge on Direct Dial No.464384, or Email [iburbidge@swindon.gov.uk](mailto:iburbidge@swindon.gov.uk).

# Capital Programme Monitoring 3<sup>rd</sup> Quarter 2015-16

Cabinet

Date: 16<sup>th</sup> March 2016

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## 4. Alternative Options

- 4.1 Any alternative options for specific areas are set out within the report.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 These have been reflected in the body of the report.

### Legal and Human Rights Implications

- 5.2 All legal and human rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 There are no such direct implications.

### Diversity Impact Assessment (DIA)

- 5.4 A Diversity Impact Assessment (DIA) on the scheme noted at 3.3.1 of this report have not been completed because the nature of the projects do not materially change any existing provision.

- 5.5 Highways schemes developed under the Local Transport Plan are designed in accordance with the appropriate national accessibility standards taking account local circumstances. The schemes to improve access and safety for pedestrians, cyclists and bus users reflect the priority given in the Local Transport Plan to prioritise interventions that benefit non car users as they tend to be over represented amongst diversity groups compared to car users.

### Risk Management

- 5.6 There are no direct risks arising from this report.

## 6. Consultees

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## 7. Background Papers

- 7.1 None

## 8. Appendices

- 8.1 Appendix 1 – Capital Monitoring scheme forecast detail

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Further information on the subject of this report can be obtained from Ian Burbidge on Direct Dial No.464384, or Email [iburbidge@swindon.gov.uk](mailto:iburbidge@swindon.gov.uk).

# **Capital Programme Monitoring 3<sup>rd</sup> Quarter 2015-16**

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is not a key decision and is included in the Cabinet Work Programme / Forward Plan for March 2016.

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Line No	Service Area	Scheme Name	15/16 Budget Remaining £	15-16 Actual Spend £	Projected Outturn for Report £	Projected Variance for Report £
1	Community Works	Asset Liability Management	112,456	-	112,456	0
2	Community Works	Clive Parade re-surfacing	11,065	2,144	11,065	0
3	Community Works	Crematorium Replace Cremators	169,652	- 17,307	19,000	-150,652
4	Community Works	Cricklade Road Footway Reconstruction	202,541	-	202,541	0
5	Community Works	East Wichel Community Centre	10,582	28,234	10,582	0
6	Community Works	Flood Defence Grant	124,047	-	124,047	0
7	Community Works	Hay lane Caravan Site	256,624	51,515	256,624	0
8	Community Works	Hodson Road embankment stabilisation	341,059	430	341,059	0
9	Community Works	Kingsdown Cemetery	11,133	-	11,133	0
10	Community Works	Lydiard Site traffic management	31,101	-	31,101	0
11	Community Works	Playground Refurb	615,019	275,990	615,019	0
12	Community Works	Private Sector Renewal Grants	161,752	126,814	161,751	0
13	Community Works	Reinvestment in Allotments	107,554	-	107,554	0
14	Community Works	Rodbourne Lagoon	1,140,509	987,772	1,140,509	0
15	Community Works	S106 Redhouse Community Centre	843,357	843,357	843,357	0
16	Community Works	Street Smart IT	5,433	-	5,433	0
17	Community Works	Town Centre surplus street furniture removal	30,428	-	30,428	0
18	Community Works	Village Centres 13/14	110,580	1,327	110,580	0
		<b>Total Community Works</b>	<b>4,284,893</b>	<b>2,300,276</b>	<b>4,134,239</b>	<b>-150,652</b>
19	Corporate Projects	Asbestos Management	268,100	80,686	268,100	0
20	Corporate Projects	Aspen House Public Realm	500,000	7,842	500,000	0
21	Corporate Projects	Barbury Castle	0	-	0	0
22	Corporate Projects	Capital Repairs and Maintenance	3,253,665	999,818	3,253,665	0
23	Corporate Projects	Contact point, Clarence House Refurbishment	272,452	230,844	272,452	0
24	Corporate Projects	Contribution to Superfast Broadband	2,139,958	-	2,139,958	0
25	Corporate Projects	Disability Discrimination Act Related Works	91,315	565	91,315	0
26	Corporate Projects	Disabled Facilities Grant	795,255	594,090	795,255	0
27	Corporate Projects	Dynamics	700,000	3,095	700,000	0
28	Corporate Projects	Equity Share Properties	250,000	-	250,000	0
29	Corporate Projects	Feasibility Studies	286,365	- 177,772	286,365	0
30	Corporate Projects	Growth Feasibility	1,593,879	59,468	1,593,879	0
31	Corporate Projects	Localities - buildings	64,890	704	64,890	0
32	Corporate Projects	Localities - IT element	188,642	-	188,642	0
33	Corporate Projects	Museum Artefacts Storage	190,152	21,188	190,152	0
34	Corporate Projects	Non Highways Structures (bridges within parks etc.)	193,523	75,909	193,523	0
35	Corporate Projects	NWOW IT	123,773	-	123,773	0
36	Corporate Projects	Pollution Control - Borough Farms	26,368	-	26,368	0
37	Corporate Projects	Redevelopment of Dorcan House / Eldene Shopping Centre	496,941	53,982	496,941	0
38	Corporate Projects	'SCS Fleet' 7 Vehicles	5,802,021	-	5,802,021	0
39	Corporate Projects	SMAG	5,000,000	-	5,000,000	0
40	Corporate Projects	Strategic Acquisition (Aspen)	70,461	5,577	70,461	0
41	Corporate Projects	Stronger Together	265,267	5,852	265,267	0
42	Corporate Projects	Thamesdown Transport	2,000,000	2,080,000	2,080,000	80,000
43	Corporate Projects	Town Gardens	100,000	-	100,000	0
44	Corporate Projects	Universal Technical College	252,340	- 297,635	252,340	0
45	Corporate Projects	Waterside Depot - New Lift (DDA Requirement)	70,000	-	70,000	0
46	Corporate Projects	Waterside Depot - Proposed New Road Layout	3,553,323	1,109,449	3,553,323	0
47	Corporate Projects	Wellington Street	155,055	-	155,055	0
48	Corporate Projects	Wichelstowe - District Centre associated works	305,245	226,264	305,245	0
49	Corporate Projects	Wichelstowe - East Wichel	377,744	-	377,744	0
50	Corporate Projects	Wichelstowe Infrastructure Expenditure	485,610	236,611	485,610	0
51	Corporate Projects	Wichelstowe J16 Improvements	10,612,194	220,221	10,612,194	0
52	Corporate Projects	Wichelstowe play area	28,600	-	28,600	0
53	Corporate Projects	Windmill Hill - Self Build	460,000	3,000	460,000	0
		<b>Total Corporate Projects</b>	<b>40,973,139</b>	<b>5,539,760</b>	<b>41,053,138</b>	<b>80,000</b>
54	HRA	HRA - Aids & Adaptations (was contingency)	1,177,410	885,026	1,177,410	0
55	HRA	HRA - Bathrooms	1,067,625	378,605	1,067,625	0
56	HRA	HRA - Central heating	3,385,103	1,974,108	3,385,103	0
57	HRA	HRA - Contingent Major Repairs	1,176,949	36,259	1,176,949	0
58	HRA	HRA - Conversion Baileys Farm Gardens	60,000	-	60,000	0
59	HRA	HRA - Electrics	1,971,085	527,562	1,971,085	0
60	HRA	HRA - Environmental & Communal Areas	318,472	50,858	318,472	0
61	HRA	HRA - Exceptional Extensive	2,962,160	-	2,962,160	0
62	HRA	HRA - External Walls	378,490	181	378,490	0
63	HRA	HRA - External/Entrance Doors	1,641,082	115,090	1,641,082	0
64	HRA	HRA - Improvements	895,710	462,740	895,710	0
65	HRA	HRA - Kitchens	3,289,361	1,236,910	3,289,361	0
66	HRA	HRA - Planned Maintenance	3,344,255	1,435,715	3,344,255	0
67	HRA	HRA - Regeneration and Acquisition Programme	1,753,716	317,417	1,753,716	0
68	HRA	HRA - Related assets	259,124	44,575	259,124	0
69	HRA	HRA - Roofs	2,711,147	1,023,540	2,711,147	0
70	HRA	HRA - Scooter stores sheltered	360,250	46,172	360,250	0
71	HRA	HRA - Sussex Square	8,377,571	2,407,202	8,377,571	0
72	HRA	HRA - Upgrade St Ives Court	598,539	-	598,539	0

Line No	Service Area	Scheme Name	15/16 Budget Remaining £	15-16 Actual Spend £	Projected Outturn for Report £	Projected Variance for Report £
73	HRA	HRA - Windows.	1,253,605	1,216,856	1,253,605	0
		<b>Total HRA</b>	<b>36,981,656</b>	<b>12,158,816</b>	<b>36,981,654</b>	<b>0</b>
74	S106	All Weather Grass Pitch at Stratton Leisure Centre	14,640	-	14,640	0
75	S106	Angel Ridge Play Area	57,984		57,984	0
76	S106	Community facilities at Southfield School	19,330		19,330	0
77	S106	County Ground Athletics Track Resurface and Clubhouse	253,000	17,243	253,000	0
78	S106	Europa Business Park - Signage	0		0	0
79	S106	Even Swindon School - Highway Works	14,421	-	14,421	0
80	S106	Great Western Community Forest	512,490	4,500	512,490	0
81	S106	Havelock Square - Public Realm	781,881	20,249	781,881	0
82	S106	Hesketh Crescent play area improvements	152,453	2,622	152,453	0
83	S106	Highworth Rec - Refurbishment	31,557	-	31,557	0
84	S106	Holy Cross School Safety Zone	15,000	185	15,000	0
85	S106	Library IT infrastructure	197,000	5,350	197,000	0
86	S106	Locomotive Exhibits at the Steam Museum	50,000		50,000	0
87	S106	S106 Alley Gate Public Art	10,500	-	10,500	0
88	S106	S106 Angel Ridge Public Open Space	14,455	13,913	14,455	0
89	S106	S106 Bruce Street Bridges and Baileys Corner	895,461	1,947,543	895,461	0
90	S106	S106 Catalint UK Ltd Blagrove	16,935	-	16,935	0
91	S106	S106 Cavendish Square - Public Open Space and Play Facilities	72,716	77,724	72,716	0
92	S106	S106 Croft School S106 Highways Works	500,000	-	500,000	0
93	S106	S106 Drove Rd / Upham Rd Junction	13,844	-	13,844	0
94	S106	S106 East Wichel Local Open Space	21,108	420	21,108	0
95	S106	S106 East Wichel Major Open Space	388,479	325	388,479	0
96	S106	S106 Enforcement of bus lanes at Mead	14,421	-	14,421	0
97	S106	S106 Ermin Street Traffic Management	11,983	-	11,983	0
98	S106	S106 Green Spine	4,536	-	4,536	0
99	S106	S106 Lawn Park - Improvements to High St Entrance	55,020	-	55,020	0
100	S106	S106 LSTF Work Package 4	50,214	1,274	50,214	0
101	S106	S106 Mannington Subway Lighting	3,364	-	3,364	0
102	S106	S106 Mead Roundabout	1,128,970	-	1,128,970	0
103	S106	S106 Moulden Country Park - Provision of Car Park	9,900	-	9,900	0
104	S106	S106 Mouldon Hill Country Park	226,377	-	226,377	0
105	S106	S106 NDA - Management of Protected Species Reserve	43,422	-	43,422	0
106	S106	S106 New College 2001/02 Open Space and play area	25,000	-	25,000	0
107	S106	S106 North Star roundabout and Cocklebury Roundabout Great	3,464,940	-	3,464,940	0
108	S106	S106 Pre-adoption maintenance period for playgrounds	61,798	4,167	61,798	0
109	S106	S106 St Marks Recreation Ground	178,849	18,295	178,849	0
110	S106	S106 Stratton & Stanton Woods Access Project	226,038	-	226,038	0
111	S106	S106 Swindon Urban tree planning programme	52,170	-	52,170	0
112	S106	S106 Thamesdown Drive Speed Amelioration	123,475	8,106	123,475	0
113	S106	S106 Transfer Bridges	3,525,055	25,005	3,525,055	0
114	S106	S106 Tree and Landscape Improvements	40,000	19,700	40,000	0
115	S106	S106 Wichelstowe Conservation Project	20,000	-	20,000	0
116	S106	S106 Wichelstowe Off Site Landscape and Nature Conservation	184,264	1,689	184,264	0
117	S106	St Francis - SSZ	0		0	0
118	S106	St Michaels Ave Lighting	10,309	-	10,309	0
119	S106	Stratton Woods Public Art	64,277	-	64,277	0
120	S106	Thamesdown Drive Extension	17,750	-	17,750	0
121	S106	The Street & Thames Ave - Pedestrian crossing	81,325	-	81,325	0
122	S106	Toothill Telford Way to Bodiam Subway Path Upgrade	35,557	17,353	35,557	0
123	S106	Whitworth Road safety scheme	130,000	-	130,000	0
124	S106	Wroughton War Memorial	0		0	0
		<b>Total S106</b>	<b>13,822,268</b>	<b>2,185,663</b>	<b>13,822,268</b>	<b>0</b>
125	Schools	Aiming High Short Breaks	37,981	33,906	37,981	0
126	Schools	Catherine Wayte - infrastructure works 12/13	6,437	15,284	6,437	0
127	Schools	Complex Needs 11-25 provision	0	-		0
128	Schools	Condition Works Identified within the Asset Management Plan	924,907	180,504	924,907	0
129	Schools	Crowdy's refurbishment	1,717,638	590,533	1,870,000	152,362
130	Schools	Devolved Formula Capital	0	298,818	0	0
131	Schools	Disadvantaged 2-year Old's Nursery at Tadpole Farm School	386,000	168,112	386,000	0
132	Schools	Early Years places - Tick Tock Nursery - Mobile Replacement	100,000	2,200	100,000	0
133	Schools	Early Years provision - Grow 2gether dis-advantaged 2 Year Olds	100,000	-	100,000	0
134	Schools	Expansion of the Chalet Special School	15,000	-	15,000	0
135	Schools	Haydonleigh School expansion	61,274	- 76,911	11,000	- 50,274
136	Schools	Headlands School	511,970	-	511,970	0
137	Schools	Highworth Warneford School	91,660	91,660	91,660	0
138	Schools	Infant Free School Meals	1,093	-	1,093	0
139	Schools	North Swindon Primary School 1FE - Orchid Vale PFI Expansion	288,855	23,363	288,855	0
140	Schools	North Swindon Primary School 2FE - New build Tadpole Farm	1,487,253	1,384,533	1,487,253	0
141	Schools	Plas Pencelli Lodge Extension	167,000	-	167,000	0
142	Schools	Post 16 provision at Crowdys Hill Special School	818,750	-	818,750	0
143	Schools	Primary and Early Years provision to serve Commonhead development	3,203,500	-	3,203,500	0



Line No	Service Area	Scheme Name	15/16 Budget Remaining £	15-16 Actual Spend £	Projected Outturn for Report £	Projected Variance for Report £
144	Schools	Primary BESD	265,000	-	265,000	0
145	Schools	Primary Complex Needs SRP (Specialist Resource Provision)	636,500	-	636,500	0
146	Schools	Secondary School Places 1 - 6 FE by Sept 18	125,000	-	125,000	0
147	Schools	South Marston Primary School Expansion	3,198,500	12,950	3,198,500	0
148	Schools	St Lukes Special School	350,000	199,481	350,000	0
149	Schools	Swindon Academy - DFE Loan Repayment	1,128,189	383,000	1,128,189	0
150	Schools	Tadpole Farm Primary School	153,000	-	153,000	0
151	Schools	Town Centre Primary School - Holy Cross 2FE	3,351,159	2,200,551	3,351,159	0
152	Schools	Town Centre Primary School Places	0	-		0
153	Schools	Wichelstowe Primary School - Middle Wichel	153,000	-	153,000	0
		<b>Total Schools</b>	<b>19,279,664</b>	<b>5,507,986</b>	<b>19,381,754</b>	<b>102,088</b>
154	Social Care	ASC Equipment	398,378	-	398,378	0
155	Social Care	Assistive Technology	61,671	-	61,671	0
156	Social Care	Estate Rationalisation - CSS systems upgrade	327,975	39,494	327,975	0
157	Social Care	Extra care sheltered accommodation	132,891	20,946	132,891	0
158	Social Care	H&SC Joint Working Projects	571,078	- 23,083	571,078	0
159	Social Care	On line care assessment tool	133,526	108,026	133,526	0
160	Social Care	Wheelchairs & Other Equipment	528,456	-	528,456	0
		<b>Total Social Care</b>	<b>2,153,975</b>	<b>145,384</b>	<b>2,153,975</b>	<b>0</b>
161	Transport	Bus lane enforcement infrastructure	110,000	61,121	110,000	0
162	Transport	Car Parks - Major Maintenance of MSCP	223,343	103,852	223,343	0
163	Transport	Concrete Light Column replacement	337,255	200,503	337,255	0
164	Transport	Demolition of MSCP	834,566	669,829	834,566	0
165	Transport	Drainage Schemes	915,451	135,248	915,451	0
166	Transport	Gateway signage (incl car park directions)	385,921	25,599	385,921	0
167	Transport	Highways Asset Management Grant Elements 1 and 2	216,500	-	216,500	0
168	Transport	Local Sustainable Transport Fund - Access to Stations	1,250,000	178,110	1,250,000	0
169	Transport	LTP Bus Priority & Infrastructure 12/13	73,713	16,650	73,713	0
170	Transport	LTP Integrated - Traffic Management	512,919	71,943	512,919	0
171	Transport	LTP Maintenance	3,352,146	1,400,492	3,352,146	0
172	Transport	LTP Safety Schemes 12/13	862,979	310,410	862,979	0
173	Transport	LTP Sustainable Transport 12/13	199,144	- 10,238	199,144	0
174	Transport	NEV A420 Corridor	500,000	-	500,000	0
175	Transport	NEV Dft Business Case	500,000	79,220	500,000	0
176	Transport	NEV Greenbridge Roundabout	5,300,000	145,182	5,300,000	0
177	Transport	NON LTP Bridge Maintenance	99,144	2,188	99,144	0
178	Transport	NON LTP Maintenance	3,179,768	2,854,122	3,179,768	0
179	Transport	NON LTP Traffic Signals	234,386	39,373	234,386	0
180	Transport	Public Realm at Wyvern MSCP Site	17,135	- 31,258	17,135	0
181	Transport	Strategic Highways Model update (£200k/£200k/Nil)	129,075	54,297	129,075	0
182	Transport	Street Lighting - NON LTP	0	80,162	0	0
183	Transport	Winter Damage Various Schemes	0	- 146,053	0	0
184	Transport	Wroughton Park and Ride bus entrance Traffic Signals Removal and other entry modifications	117,750	4,500	117,750	0
		<b>Total Transport</b>	<b>19,351,196</b>	<b>6,245,252</b>	<b>19,351,195</b>	<b>0</b>
			<b>136,846,791</b>	<b>34,083,136</b>	<b>136,878,223</b>	<b>31,437</b>

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## Treasury Strategy Statement 2016/17

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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Author: Cabinet Member for Finance, People and Performance  
Board Director, Resources

Wards: All

Locality Affected: All

Parishes Affected: All

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### **1. Purpose and Reasons**

- 1.1. To report the Treasury Management Strategy for 2016/17, including Prudential Indicators up to 2017/18, the Annual Investment Strategy, and the Minimum Revenue Provision Policy Statement.
- 1.2. The effective management of financial resources through robust financial management processes underpins the Council's ability to achieve its plans and priorities.

### **2. Recommendations**

Cabinet is recommended to:

- 2.1. Recommend the Treasury Management Strategy, Minimum Revenue Provision Policy and Prudential Indicators, as set out in Appendix 1, for approval by Full Council on 14<sup>th</sup> April 2016,

### **3. Detail**

Treasury Strategy

- 3.1. The Council is required to operate a balanced budget, which broadly means that cash raised during the year will meet cash expenditure. Part of the treasury management operation is to ensure that this cash flow is adequately planned, with cash being available when it is needed. Available cash (resulting from the Council's day-to-day cash management processes) is invested in low risk counterparties or instruments commensurate with the Council's low risk appetite, providing adequate liquidity initially before considering investment return.
- 3.2. The second main function of the treasury management service is the funding of the Council's Capital plans. These capital plans provide a guide to the borrowing needs of the Council, essentially the longer-term cash flow planning to ensure that the Council can meet its capital spending obligations. This management of longer-term cash may involve arranging long or short-term loans, or using longer-term cash flow surpluses temporarily in lieu of new loans.
- 3.3. Treasury management is defined by the CIPFA Code of Practice for Treasury Management as the:

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Further information on the subject of this report can be obtained from Paul Smith on Direct Dial No.463976, or Email psmith2@swindon.gov.uk.

# Treasury Strategy Statement 2016/17

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*“management of the local authority’s investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks”.*

- 3.4. The strategy for 2016/17 has not altered significantly from the 2015/16 strategy, which was reviewed and agreed by Council in February 2015 then reported to Cabinet mid-year (Council Minute .81, 2014/15 and Cabinet Minute 7, 2015/16 refer).
- 3.5. The Council is required to receive and approve, as a minimum, three main reports each year, which incorporate a variety of policies, estimates, and actuals. Under the Council’s Constitution, the Audit Committee scrutinises the treasury management activities undertaken by the Board Director Resources and his team, including compliance with agreed policies.
- 3.6. **A Treasury Management Strategy Statement** (This report) - The first, and most important report covers:
- 3.6.1. The Capital spending plans (including prudential indicators) based on Cabinet and Council decisions;
- 3.6.2. A Minimum Revenue Provision (MRP) Policy (which details how capital expenditure funded by borrowing is charged to the revenue budget over time);
- 3.6.3. The Treasury Management Strategy, as set out in **Appendix 1**, which details how the investments and borrowings are managed overall, including treasury indicators; and
- 3.6.4. An Investment Strategy, which sets the parameters around how investments are to be managed on a day-to-day basis.
- 3.7. **A Mid-Year Treasury Management Report** – This updates Members on Treasury Management performance for the first half of the financial year.
- 3.8. **An Annual Treasury Management Report** – This details the full year Treasury activity and performance.
- 3.9. The Treasury Management Strategy for 2016/17 covers three main areas:
- Capital Issues:
  - the capital plans and the prudential indicators;
  - the MRP strategy.
- 3.10. Treasury Management issues covered are:
- 

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# Treasury Strategy Statement 2016/17

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- the current treasury position;
- the treasury indicators which will limit the treasury risk and activities of the Council;
- the prospect for interest rates;
- the borrowing strategy;
- the policy on borrowing in advance of need;
- debt rescheduling;
- the investment strategy;
- the creditworthiness policy; and
- the policy on use of external service providers.

3.11. These elements cover the requirements of the Local Government Act 2003, the CIPFA Prudential Code, the CLG MRP Guidance, the CIPFA Treasury Management Code and the CLG Investment Guidance.

## Investment Returns

3.12. The annual Investment Strategy details priorities when making Investments of surplus funds as

- security first (i.e ensuring we get our money back),
  - liquidity second (we get it back when we need it),
  - return on investment (we get the best possible return on our money).
- These priorities follow both CIPFA and DCLG guidance.

3.13. The impact of this guidance is that the potential return on investments is secondary to security and liquidity and these parameters have a significant impact on the interest rate achieved by the Council in comparison with some other bodies and individuals as it restricts both to whom the Council can lend, and for how long.

3.14. The current Investment Strategy currently restricts investments to a maximum of two years. The Policy also recommends that investments greater than 1 year are limited to £20m in total and £10m to any one Counterparty. The exact length of any investment will, as always, be based on rates available at that time, interest rate forecasts, and forward liquidity requirements.

3.15. The Council is part of a benchmarking club, which consists of around 12 to 13 other public bodies in the West and Wales, including a variety of Local

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Authorities, Fire Authorities etc. Investment returns are regularly checked against the other public bodies in this group.

## **4. Alternative Options**

- 4.1. Any alternative options for specific areas are set out within the report.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

- 5.1. These have been reflected in the body of the report.

### Legal and Human Rights Implications

- 5.2. All legal and human rights considerations have been taken fully into account in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3. There are no such direct implications.

### Diversity Impact Assessment

- 5.4. A Diversity Impact Assessment (DIA) is not relevant to this report as this is a regulatory report, which covers the Councils treasury management processes and doesn't directly affect any services.

## **6. Consultees**

- 6.1. The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers and Appendices**

- 7.1. Appendix 1 – Treasury Management Strategy

## **8. Key Decision/Decision in Forward Plan**

- 8.1. This is not a key decision for the Cabinet (as the approval of the full Council is required) it is included in the Cabinet Work Programme and Forward Plan for February 2016.

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**TREASURY MANAGEMENT STRATEGY  
2016/17**

# **Appendix 1- Treasury Management Strategy 2016/17**

**Cabinet**

**Date:** 16<sup>TH</sup> March 2016

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## **Contents:**

- 1. Current Portfolio Position**
  - 2. Prospect for Interest Rates and Economic Outlook**
  - 3. Minimum Revenue Provision Policy Statement**
  - 4. Borrowing Strategy**
  - 5. Investment Policy, Creditworthiness Policy and Investment Strategy**
- 
- **Annex 1 – Prudential Indicators**
  - **Annex 2 - Credit and Counterparty Risk Management, Specified and Non- Specified Investments**



# Appendix 1- Treasury Management Strategy 2016/17

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## 1 Current Portfolio Position

1.1 The capital expenditure plans set in Annex 1 to Appendix 1 summarises the Councils current and future plans. The treasury management function ensures that the Council's cash is organised in accordance with the relevant professional codes, so that sufficient cash is available to meet this service activity. This will involve both the organisation of the cash flow and, where capital plans require, the organisation of appropriate borrowing facilities.

1.2 The Council's actual treasury portfolio position at 31 March 2015, with forward projections are summarised below. The table shows the actual external borrowing (both relating to the general fund and the HRA), against the borrowing requirement (shown through the Capital Financing Requirement or "CFR"), highlighting any over or under borrowing. The CFR represents the amount of long term borrowing required to fund capital expenditure, but not yet taken out.

<b>Table 1 - Portfolio position forecasts</b>				
	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>
	£'000's	£'000's	£'000's	£'000's
Gross Borrowing b/fwd	266,564	310,063	323,562	342,061
New Borrowing	50,000	20,000	20,000	20,000
Maturing Debt	- 6,501	- 6,501	- 1,501	- 11,501
<b>Gross Borrowing c/fwd</b>	<b>310,063</b>	<b>323,562</b>	<b>342,061</b>	<b>350,560</b>
Net Investments c/fwd	- 80,000	- 70,000	- 60,000	- 50,000
<b>Net Borrowing c/fwd</b>	<b>230,063</b>	<b>253,562</b>	<b>282,061</b>	<b>300,560</b>
CFR	452,062	451,133	441,855	432,332
Less PFI liabilities	- 52,810	- 51,280	- 49,555	- 47,632
<b>Net Borrowing Requirement</b>	<b>399,252</b>	<b>399,853</b>	<b>392,300</b>	<b>384,700</b>
<b>(Under)/Over borrowing</b>	<b>- 169,189</b>	<b>- 146,291</b>	<b>- 110,240</b>	<b>- 84,140</b>

## 2 Prospects for Interest Rates and Economic Outlook

2.1 The Council has appointed Capita Asset Services (formerly Sector Group) as its treasury advisor and part of their service is to assist the Council to formulate a view on interest rates. The following table gives the Capita central view.

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Table 2 – Prospects for Interest Rates

	Mar-16	Jun-16	Sep-16	Dec-16	Mar-17	Jun-17	Sep-17	Dec-17	Mar-18	Jun-18	Sep-18	Dec-18	Mar-19
Bank rate	0.50%	0.50%	0.50%	0.75%	0.75%	1.00%	1.00%	1.25%	1.25%	1.50%	1.50%	1.75%	1.75%
5yr PWLB rate	2.00%	2.10%	2.20%	2.30%	2.40%	2.50%	2.60%	2.70%	2.80%	2.90%	3.00%	3.10%	3.20%
10yr PWLB rate	2.60%	2.70%	2.80%	2.90%	3.00%	3.10%	3.20%	3.30%	3.40%	3.50%	3.60%	3.60%	3.70%
25yr PWLB rate	3.40%	3.40%	3.50%	3.60%	3.70%	3.70%	3.80%	3.90%	4.00%	4.00%	4.10%	4.10%	4.10%
50yr PWLB rate	3.20%	3.20%	3.30%	3.40%	3.50%	3.60%	3.70%	3.80%	3.90%	3.90%	4.00%	4.00%	4.00%

2.2 UK GDP (Gross Domestic Product) growth rates in 2013 of 2.2% and 2.9% in 2014 were the strongest growth rates of any G7 country; the 2014 growth rate was also the strongest UK rate since 2006 and although the 2015 growth rate is likely to be a leading rate in the G7 again, it looks likely to disappoint previous forecasts and come in at about 2.2%. Quarter 1 of 2015 was weak at +0.4% (+2.9% year on year) though there was a slight increase in quarter 2 to +0.5% (+2.3% y/y) before weakening again to +0.4% (2.1% y/y) in quarter 3 followed by a slight recovery in quarter 4 to an initial reading of +0.5%.

2.3 The February Bank of England Inflation Report included a forecast for growth to remain around 2.2 – 2.4% over the next three years, driven mainly by strong consumer demand as the squeeze on the disposable incomes of consumers has been reversed by a recovery in wage inflation at the same time that CPI inflation has fallen to, or near to, zero since February 2015. However, these forecasts are approximately 0.2% lower than those of the November Inflation Report. Investment expenditure is also expected to support growth. However, since the second half of 2015, most worldwide economic statistics have been weak and financial markets have been particularly volatile. The November Inflation Report flagged up particular concerns for the potential impact of these factors on the UK and this theme was maintained in the February Inflation Report.

2.4 The February Inflation Report was notably subdued in respect of the forecasts for inflation in the near-term; this was expected to barely get back up to the 1% level within the next 12 months but was expected to marginally exceed the 2% target on the 2-3 year time horizon. The increase in the November Inflation Report forecast for inflation at the three year horizon was the biggest in a decade and at the two year horizon was the biggest since February 2013. However, the first round of falls in oil, gas and food prices over late 2014 and also in the first half 2015, will fall out of the 12 month calculation of CPI during late 2015 / early 2016 but a second, more recent round of falls in fuel and

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commodity prices will delay a significant tick up in inflation from around zero. There is, therefore, considerable uncertainty around how quickly pay and CPI inflation will rise in the next few years and this makes it difficult to forecast when the MPC will decide to make a start on increasing Bank Rate. There is also the uncertain impact of the EU referendum which may take place as early as June 2016.

2.5 The weakening of UK GDP growth during 2015 and the deterioration of prospects in the international scene, especially for emerging market countries, have consequently led to forecasts for when the first increase in Bank Rate would occur being pushed back to quarter 4 of 2016. There is downside risk to this forecast i.e. it could be pushed further back and the markets are currently betting on a mid 2017 increase.

2.6 In summary:

- Investment returns are likely to remain relatively low during 2016/17 and beyond;
- Borrowing interest rates have been highly volatile during 2015 as alternating bouts of good and bad news have promoted optimism, and then pessimism, in financial markets. Gilt yields have continued to remain at historically phenomenally low levels during 2015. The policy of avoiding new borrowing by running down spare cash balances, has served well over the last few years. However, this needs to be carefully reviewed to avoid incurring higher borrowing costs in later times, when authorities will not be able to avoid new borrowing to finance new capital expenditure and/or to refinance maturing debt;
- There will remain a cost of carry to any new borrowing which causes an increase in investments as this will incur a revenue loss between borrowing costs and investment returns.

## **3 Minimum Revenue Provision Policy Statement**

3.1 The Council is required to charge an element of the accumulated General Fund capital spend each year (measured through the CFR) to revenue (the minimum revenue provision or "MRP"), although it is also allowed to undertake additional voluntary payments if required.

3.2 CLG Regulations have been issued which require the full Council to approve an MRP Statement in advance of each year. A variety of options are provided to Councils, as long as there is a prudent provision. The Council is recommended to approve the following MRP Statement, which is unchanged from last year:

*"For capital expenditure incurred before 1 April 2008 or which in the future will be Supported Capital Expenditure, the MRP will be based on the CFR. This option provides for an approximate 4% reduction in*

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*the borrowing need (CFR) each year. From 1 April 2008 for all unsupported borrowing the MRP will be based on the estimated life of the assets, in accordance with the regulations.*

*MRP in relation to capital expenditure funded through borrowing incurred on the Wichelstowe project, will be deferred and the liability repaid through future capital receipts from the site. Should there be a shortfall between the debt and eventual receipts, the balance will incur an annual MRP charge.*

*This methodology will also be applied to other capital expenditure funded from borrowing where there is an intention to repay the borrowing from future receipts and where there is a strong likelihood that this will happen”*

3.3 No revenue charge is currently required for the HRA, although the existing voluntary policy is to repay £5m per annum.

### **4 Borrowing Strategy**

4.1 The Council is currently maintaining an under-borrowed position. This means that there is a shortfall between the amount of long-term loans required, and the actual level of long term loans taken out. Long term loans are required to fund capital expenditure which Cabinet has approved as “funded through borrowing”, but there is a timing difference between when the expenditure is made and when the long term loan is taken out. The timing of the taking of long term loans is part of the wider cash management strategy.

4.2 The difference between long term borrowing required and what has actually been taken out is known as “Internal Borrowing” and represents the temporary use of cash reserves and working capital to bridge the timing difference. As cash from reserves and working capital is currently invested at historically low rates, then the policy of delaying long-term borrowing and using existing cash balances as an interim measure is currently a cheaper option for the Council.

4.3 While the council will maintain an under borrowed position on the General Fund (the HRA is fully borrowed up to the CFR), future movements in interest rates will dictate the future policy and the timing of taking out long-term loans, and will be kept under careful review.

4.4 Against this background and the risks within the economic forecast, caution will continue be adopted with the 2016/17 treasury operations. The Board Director Resources will monitor interest rates in financial markets and adopt a pragmatic approach to changing circumstances:

- if it was felt that there was a significant risk of a sharp FALL in long and short term rates (e.g. due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings will be postponed, and potential rescheduling

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from fixed rate funding into short term borrowing will be considered.

- if it was felt that there was a significant risk of a much sharper RISE in long and short term rates than that currently forecast, perhaps arising from an increase in world economic activity or a sudden increase in inflation risks, then the portfolio position will be re-appraised with the likely action that fixed rate funding will be drawn whilst interest rates are still lower than they will be in the next few years

### **Borrowing in Advance of Need**

4.5 The Council will not borrow more than or in advance of its needs, purely in order to profit from the investment of the extra sums borrowed. Any decision to borrow in advance will be within forward approved Capital Financing Requirement estimates, and will be considered carefully to ensure that value for money can be demonstrated and that the Council can ensure the security of such funds.

### **Loan Re-scheduling**

4.6 Opportunities from rescheduling loans to generate savings will be monitored through the year but need to be considered in the light of the current treasury position and the size of the cost of debt repayment (premiums incurred).

4.7 The reasons for any rescheduling to take place will include:

- the generation of cash savings and / or discounted cash flow savings;
- helping to fulfil the treasury strategy;
- amending the balance of the portfolio (amend the maturity profile and/or the balance of volatility).

4.8 Consideration will also be given to identify if there is any residual potential for making savings by running down investment balances to repay debt prematurely as short term rates on investments are likely to be lower than rates paid on current debt.

4.9 All rescheduling will be reported to the Cabinet at the earliest meeting following its action

## **5 Investment Policy, Creditworthiness Policy and Investment Strategy**

### **Investment Policy**

5.1 The Council's investment policy has regard to the CLG's Guidance on Local Government Investments ("the Guidance") and the revised CIPFA Treasury Management in Public Services Code of Practice and

## Appendix 1- Treasury Management Strategy 2016/17

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Cross Sectoral Guidance Notes (“the CIPFA TM Code”). The Council’s investment priorities will be security first, liquidity second, then return.

- 5.2 In accordance with the above guidance from the CLG and CIPFA, and in order to minimise the risk to investments, the Council applies minimum acceptable credit criteria in order to generate a list of highly creditworthy counterparties which also enables diversification and thus avoidance of concentration risk. The key ratings used to monitor counterparties are the Short Term and Long Term ratings.
- 5.3 Ratings will not be the sole determinant of the quality of an institution; it is important to continually assess and monitor the financial sector on both a micro and macro basis and in relation to the economic and political environments in which institutions operate. The assessment will also take account of information that reflects the opinion of the markets. To this end the Council will engage with its advisors to maintain a monitor on market pricing such as “credit default swaps” and overlay that information on top of the credit ratings.
- 5.4 Other information sources used will include the financial press, share price and other such information pertaining to the banking sector in order to establish the most robust scrutiny process on the suitability of potential investment counterparties.
- 5.5 Investment instruments identified for use in the financial year are listed in Annex 2 under the ‘specified’ and ‘non-specified’ investments categories. Counterparty limits will be as set through the Council’s treasury management practices – schedules.

### **Creditworthiness Policy**

- 5.6 This Council applies the creditworthiness service provided by Capita Asset Services. This service employs a sophisticated modelling approach utilising credit ratings from the three main credit rating agencies - Fitch, Moody’s and Standard and Poor’s. The credit ratings of counterparties are supplemented with the following overlays:
- credit watches and credit outlooks from credit rating agencies;
  - CDS spreads to give early warning of likely changes in credit ratings;
  - sovereign ratings to select counterparties from only the most creditworthy countries.
- 5.7 This modelling approach combines credit ratings, credit Watches and credit Outlooks in a weighted scoring system which is then combined with an overlay of CDS spreads for which the end product is a series of colour coded bands which indicate the relative creditworthiness of counterparties. These colour codes are used by the Council to determine the suggested duration for investments.

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- 5.8 The Capita Asset Services' creditworthiness service uses a wider array of information than just primary ratings. Furthermore, by using a risk weighted scoring system, it does not give undue preponderance to just one agency's ratings.
- 5.9 Typically the minimum credit ratings criteria the Council use will be a Short Term rating (Fitch or equivalents) of F1 and a Long Term rating of A-. There may be occasions when the counterparty ratings from one rating agency are marginally lower than these ratings but may still be used. In these instances consideration will be given to the whole range of ratings available, or other topical market information, to support their use.
- 5.10 All credit ratings will be monitored daily. The Council is alerted to changes to ratings of all three agencies through its use of the Capita Asset Services' creditworthiness service.
- if a downgrade results in the counterparty / investment scheme no longer meeting the Council's minimum criteria, its further use as a new investment will be withdrawn immediately.
  - in addition to the use of credit ratings the Council will be advised of information in movements in credit default swap spreads against the iTraxx benchmark and other market data on a daily basis via its Passport website, provided exclusively to it by Capita Asset Services. Extreme market movements may result in downgrade of an institution or removal from the Council's lending list.
- 5.11 Sole reliance will not be placed on the use of this external service. In addition this Council will also use market data and market information, information on any external support for banks to help support its decision making process.

### **Country limits**

- 5.12 The Council has determined that it will only use approved counterparties from countries with a minimum sovereign credit rating of AA- from Fitch (or equivalent). This list will be amended by officers should ratings change in accordance with this policy.

### **Investment Strategy**

- 5.13 **In-house funds.** Investments will be made with reference to the core balance and cash flow requirements and the outlook for short-term interest rates (i.e. rates for investments up to 12 months).
- 5.14 **Investment returns expectations.** Bank Rate is forecast to remain unchanged at 0.5% before starting to rise around late 2016. Bank Rate forecasts for financial year ends (March) are:
- 2016/17      0.75%

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- 2017/18 1.25%
- 2018/19 1.75%

The estimated budgeted investment earnings rates for returns on cash investments placed for periods up to 100 days during each financial year for the next three years are as follows:

- 2016/17 0.60%
- 2017/18 1.25%
- 2018/19 1.75%

### **Investment Periods**

5.15 Investment periods are currently restricted to no longer than 24 months. Lending to counterparties is in line with the creditworthiness policy detailed above and recommended by Capita and these are limited to a total of £20m. Any investments to banks and building societies for a period in excess of 365 days would be classed as a “non-specified investment” as detailed in Annex 2 to this strategy.

## **6 Policy on the use of external service providers**

6.1 The Council uses Capita Asset Services as its external treasury management advisors. The Council recognises that responsibility for treasury management decisions remains with the Council at all times and will ensure that undue reliance is not placed upon our external service providers. It also recognises that there is value in employing external providers of treasury management services in order to acquire access to specialist skills and resources. The Council will ensure that the terms of their appointment and the methods by which their value will be assessed are properly agreed and documented, and subjected to regular review.

### **Annexes**

- Annex 1 - Prudential Indicators.
- Annex 2 - Credit and Counterparty Risk Management, Specified and Non- Specified Investments

### **Key Decision / Decision in Forward Plan**

This is not a key decision for the Cabinet (as the approval of the full Council is required) and is included in the Cabinet Forward Plan



# Treasury Management Strategy 2016/17 Appendix 1- Annex 1

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## Annex 1 – Prudential Indicators

### 1 Capital Indicators

1.1 The Council's capital expenditure plans are a key driver of treasury management activity. The outputs from capital expenditure plans are reflected in prudential indicators, which are designed to assist the Members overview and confirm capital expenditure plans.

**Table 1 - Capital Expenditure Projections**

Capital Expenditure	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
General Fund Approved	90,570			
General Fund New		8,951	7,587	7,587
HRA Approved	36,547			
HRA Estimated New		15,700	15,700	15,700
<b>Total</b>	<b>127,117</b>	<b>24,651</b>	<b>23,287</b>	<b>23,287</b>

1.2 The figures in this indicator (General Fund approved) represent the level of current scheme approvals as reported to Cabinet in December 2015 as part of the quarterly capital monitoring process. Figures in the "general fund new" row represent approvals at Cabinet in February 2016 for 2016/17 and 2017/18, and an estimate for 2018/19 assumed at the same level as 2017/18. These represent total approvals, irrespective of funding source.

1.3 The second prudential indicator is the **Council's Capital Financing Requirement (CFR)**. The CFR represents the total long term borrowing requirement (ie borrowing required to finance capital approvals), regardless of whether the borrowing has been undertaken or not.

1.4 Details of the Council's projections for actual external debt compared to the CFR are contained in table 1 of the main Strategy. Note the figures are estimates, not commitments.

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<b>Table 2 Capital Financing Requirement</b>				
<b>General Fund</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>
	<b>£'000's</b>			
CFR b/fwd	265,380	268,720	274,321	271,768
Spend from borrowing	8,217	10,608	2,614	2,614
Less MRP	- 4,877	- 5,006	- 5,167	- 5,215
Sub-total	268,720	274,321	271,768	269,168
Add PFI Liability	52,810	51,280	49,555	47,632
Closing CFR incl PFI	321,530	325,601	321,323	316,800
<b>HRA</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>
CFR b/fwd	135,532	130,532	125,532	120,532
Spend from borrowing	-	-	-	-
Less MRP	- 5,000	- 5,000	- 5,000	- 5,000
Closing CFR	130,532	125,532	120,532	115,532
<b>Total CFR</b>	<b>452,062</b>	<b>451,133</b>	<b>441,855</b>	<b>432,332</b>

## 2 Affordability Indicators

- 2.1 Prudential indicators are required to assess the affordability of the capital investment plans. These provide an indication of the impact of the capital investment plans and subsequent finance costs on the Council's overall finances.
- 2.2 Table 3 below shows the estimated financing costs (interest and debt repayment) as a proportion of the General Fund and HRA budgets.

<b>Table 3 - Estimate of the ratio of financing costs to net revenue stream</b>				
	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>	<b>18/19</b>
General Fund	10.0%	11.0%	11.3%	11.5%
HRA	38.0%	38.0%	37.9%	37.9%

- 2.3 Table 4 calculates the impact of new approvals funded from borrowing on the tax payer, based on approvals from the February Cabinet Report. It is effectively the increase in debt charges (interest and debt repayment) divided by the estimated tax base. The 2018/19 estimate is based on the assumption that approvals are at the same level as 2017/18.

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**Table 4 - Incremental impact of capital investment decisions on the band D Council Tax**

	2015/16 Estimate	2016/17 Estimate	2017/18 Estimate	2018/19 Estimate
Current Approved Programme	£4.31	£13.19	£13.01	£12.83
New Proposals	Nil	£0.60	£2.51	£4.49

## 3 Borrowing Indicators

**3.1 The Operational Boundary.** This is the limit beyond which external borrowing is not normally expected to exceed. This limit reflects the Councils current estimated debt position, with the assumption that internal borrowing will be reduced as new external borrowing is undertaken. Other long term liabilities represent PFI and finance leases.

**Table 5 - Operational Boundary**

Op Boundary	16/17	17/18	18/19
Debt	343,562	362,061	370,560
Other Long Term Liabilities	51,280	49,555	47,632
<b>Total</b>	<b>394,842</b>	<b>411,616</b>	<b>418,192</b>

**3.2 The Authorised Limit for external borrowing.** A further key prudential indicator, this represents a control on the maximum level of borrowing. This represents a limit beyond which external borrowing is prohibited. This has been set to reflect the Council's estimate of the Capital Financing Requirement for borrowing, and for other long term liabilities (PFI and other leases) at £5m above the Operational Boundary (i.e. the expected level)

**Table 6 - Authorised Limit**

Authorised Limit for External Debt	16/17	17/18	18/19
Borrowing	383,420	375,867	365,652
Other Long Term Liabilities	56,280	54,555	52,632
<b>TOTAL</b>	<b>439,700</b>	<b>430,422</b>	<b>418,284</b>

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3.3 Separately, the Council is also limited to a maximum HRA CFR through the HRA self-financing regime. This limit is currently:

HRA Debt Limit £m	2015/16 Estimate £'000's	2016/17 Estimate	2017/18 Estimate	2018/19 Estimate
HRA debt cap	172,600	172,600	172,600	172,600
HRA CFR 31 <sup>st</sup> March	130,532	125,532	120,532	115,532
HRA headroom	42,068	47,068	52,068	57,068

## 4 Activity Limit Indicators

4.1 There are three debt related treasury activity limits. The purpose of these are to restrain the activity of the treasury function within certain limits, thereby managing risk and reducing the impact of any adverse movement in interest rates. However, if these are set to be too restrictive they will impair the opportunities to reduce costs / improve performance. The indicators are:

- Upper limits on variable interest rate exposure. This identifies a maximum limit for variable interest rate loans ( based upon the debt position net of investments)
- Upper limits on fixed interest rate exposure. This is similar to the previous indicator and covers a maximum limit on fixed interest rates loans;
- Maturity structure of borrowing. These gross limits are set to reduce the Council's exposure to large fixed rate sums falling due for refinancing in a single period;

**Table 7-Treasury Management Activity Limits**

£m	2016/17	2017/18	2018/19
<b>Interest rate Exposures</b>			
	<b>Upper</b>	<b>Upper</b>	<b>Upper</b>
Limits on fixed interest rates based on net debt	100%	100%	100%
Limits on variable interest rates based on net debt	30%	30%	30%
<b>Maturity Structure of fixed interest rate borrowing 2016/17</b>			
	<b>Lower</b>	<b>Upper</b>	
Under 12 months	0%	15%	
12 months to 2 years	0%	30%	
2 years to 5 years	0%	40%	
5 years to 10 years	0%	40%	
10 years and above	0%	80%	
In any 10 year period above 10 years	0%	50%	

Further information on the subject of this report can be obtained from Paul Smith on Direct Dial No. 463976 or Email [psmith2@swindon.gov.uk](mailto:psmith2@swindon.gov.uk)

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4.2 The maximum amount the council will invest for more than 1 year is set out in the table below/;

Maximum principal sums invested > 364 days			
£m	2016/17	2017/18	2018/19
Principal sums invested > 364 days	£20m	£20m	£20m

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## Annex 2 – Credit and Counterparty Risk Management, Specified and Non- Specified Investments

### 1 Treasury Management Practices

- 1.1 The CLG issued Investment Guidance in 2010, and this forms the structure of the Council's policy.
- 1.2 The key intention of the Guidance is to maintain the current requirement for councils to invest prudently, and that priority is given to security and liquidity before yield. In order to facilitate this objective the guidance requires this Council to have regard to the CIPFA publication Treasury Management in the Public Services: Code of Practice and Cross-Sectoral Guidance Notes. This Council adopted the Code on the 1<sup>st</sup> April 2008 and will apply its principles to all investment activity. In accordance with the Code, the Board Director – Resources has produced its Treasury Management Practices (TMPs). This part covering investment counterparty policy requires approval each year.
- 1.3 The key requirements of both the Code and the investment guidance are to set an annual investment strategy, as part of its annual treasury strategy for the following year, covering the identification and approval of following:
  - The strategy guidelines for choosing and placing investments, particularly non-specified investments.
  - The principles to be used to determine the maximum periods for which funds can be committed.
  - Specified investments that the Council will use. These are high security (i.e. high credit rating, although this is defined by the Council, and no guidelines are given), and high liquidity investments in sterling and with a maturity of no more than a year.
  - Non-specified investments, clarifying the greater risk implications, identifying the general types of investment that may be used and a limit to the overall amount of various categories that can be held at any time.

### 2 Specified/Non-Specified Investments

- 2.1 The main Investment guidelines are contained in the body of the Treasury Strategy statement. The paragraphs below detail the Council's use of Specified and Non Specified Investments
- 2.2 **Specified Investments** – These investments are sterling investments of not more than one-year maturity, or those which could be for a

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longer period but where the Council has the right to be repaid within 12 months if it wishes. These are considered low risk assets where the possibility of loss of principal or investment income is small. These would include sterling investments which would not be defined as capital expenditure with:

- The UK Government (such as the Debt Management Account deposit facility, UK Treasury Bills or Gilt with less than one year to maturity).
- Supranational bonds of less than one year's duration.
- A local authority, parish council or community council.
- Pooled investment vehicles (such as money market funds) that have been awarded a high credit rating by a credit rating agency. This covers pooled investment vehicles, such as money market funds, rated AAA by Standard and Poor's, Moody's or Fitch rating agencies.
- A body that is considered of a high credit quality (such as a bank or building society) in accordance with the Councils creditworthiness Policy.

**2.3 Non-Specified Investments** – Non-specified investments are any other type of investment (i.e. not defined as Specified above). The Council holds 2 types of non-specified investments:

- Cash deposits > 1 year (Category (e) below)
- The Local Authority Property Fund (Category (j) below).

Other Non specified investments that the Council could make would include any investments with:

<b>Non Specified Investment Category</b>
<b>Supranational Bonds greater than 1 year to maturity</b> <b>(a) Multilateral development bank bonds</b> - These are bonds defined as an international financial institution having as one of its objects economic development, either generally or in any region of the world (e.g. European Investment Bank etc.). <b>(b) A financial institution that is guaranteed by the United Kingdom Government</b> (e.g. The Guaranteed Export Finance Company {GEFCO}) The security of interest and principal on maturity is on a par with the Government and so very secure. These bonds usually provide returns above equivalent gilt edged securities. However the value of the bond may rise or fall before maturity and losses may accrue if the bond is sold before maturity. <b>(c) Gilt edged securities</b> with a maturity of greater than one year. These

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are Government bonds and so provide the highest security of interest and the repayment of principal on maturity. Similar to category (a) above, the value of the bond may rise or fall before maturity and losses may accrue if the bond is sold before maturity.
<b>(d) The Council's own banker if it fails to meet the basic credit criteria.</b> In this instance any balances will be maintained on an instant access basis
<b>(e) Any bank or building society</b> that complies with the Council's creditworthiness policy for deposits with a maturity of greater than one year (including forward deals in excess of one year from inception to repayment).
<b>(f) Building societies not meeting the basic security requirements under the specified investments.</b> The operation of some building societies does not require a credit rating, although in every other respect the security of the society would match similarly sized societies with ratings. The Council may use such building societies but will take specific advice before doing so.
<b>(g) Share capital</b> in a body corporate – The use of these instruments will be deemed to be capital expenditure, and as such will be an application (spending) of capital resources. Revenue resources will not be invested in corporate bodies. See note 1 below.
<b>(h) Loan capital</b> in a body corporate. See note 1 below.
<b>(i) Bond funds.</b> See note 1 below.
<b>(j) Pooled property funds</b> – The use of these instruments can be deemed to be capital expenditure, and as such will be an application (spending) of capital resources. This Authority will seek guidance on the status of any fund it may consider using.

**Note 1: This Authority will seek further advice on the appropriateness and associated risks with investments in these categories.**

*The monitoring of investment counterparties - The credit rating of counterparties will be monitored regularly. The Council receives credit rating information (changes, rating watches and rating outlooks) from Capita Asset Services as and when ratings change, and counterparties are checked promptly. On occasion ratings may be downgraded when an investment has already been made. The criteria used are such that a minor downgrading should not affect the full receipt of the principal and interest. Any counterparty failing to meet the criteria will be removed from the list immediately and if required new counterparties which meet the criteria will be added to the list.*

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## Future of Swindon Borough Council Operated Nurseries

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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Author:	Cabinet Member for Children's Services Interim Director Children's Services / Head of Children, Families and Community Health
Wards:	Eastcott, Penhill and Upper Stratton
Locality Affected:	Town Centre and North East
Parishes Affected:	None

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### **1. Purpose and Reasons**

- 1.1 To report on the consultation process and responses received on the future provision of the Children's Nursery and Bright Start currently operated by the Council.
- 1.2 To provide a clear way forward on the future of the Children's Nursery and Bright Start Nursery.
- 1.3 The recommendations of this report support the Council's priority to 'offer education opportunities that lead to the right skills and right jobs in the right place and the delivery of One Swindon Outcome 'We can all benefit from a growing economy and a better Town Centre'. The recommendations support the School Place Planning Strategy by providing additional education places where identified.

### **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the feedback obtained from service users documented in the consultation analysis (**Appendix 1**)
- 2.2 Authorise the Interim Director of Children's Services (DCS);
  - 2.2.1 To market Bright Start Nursery to seek a new provider to operate the provision under a lease for the building from September 2016
  - 2.2.2 To close the Children's Nursery by September 2016 and provide assistance to parents seeking alternative nursery places and to nursery staff to seek new positions of employment for the reasons provided in paragraph 3.4.
- 2.3 Authorise the Director of Law and Democratic Services, in consultation with the Interim Director of Children's Services and the Board Director Resources, to enter into a lease with the new provider on such terms as he considers necessary to protect the Council's interests.

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Further information on the subject of this report can be obtained from Karen Reeve, 01793 463200 kreeve@swindon.gov.uk.

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- 2.4 Acknowledge the high quality service and professionalism shown throughout the consultation period by the staff at the Children's Nursery and at Bright Start and to emphasise that the quality of the provision is not the reason for these proposals.

## 3. Detail

### Background

- 3.1 Across the Borough, the early year's education and childcare places are provided by a total of 254 small and large nursery chains, independent nurseries, preschools, maintained primary schools and childminders.
- 3.2 At present, the Council directly operates two settings known as The Children's Nursery, Euclid Street and The Bright Start Nursery, Penhill. They both deliver early year's education and childcare (0.008%) of the total provision available in Swindon).
- 3.3 The details about the provision delivered from these two facilities are set out below;
- 3.3.1 The Children's Nursery is located next to the Civic Campus on Euclid Street. The nursery is currently rated as 'good' by Ofsted and has 8 places for 2-year old funded children and 68 places for 3 and 4 year old funded children receiving early education on a part time basis. The provision has further capacity to provide childcare for a total of 92 children at any one time (including the 76 places previously referred to). This childcare is offered flexibly 8am-6pm to meet the demands of working families and parents pay for sessions based on their individual requirements. The provision is run from 5 prefabricated buildings which have been adapted but are past their useful lifespan and for this reason Officers in the Council's property team have advised against further investment in these buildings;
- 3.3.2 Bright Start Nursery in Penhill is also currently rated as 'good' by Ofsted. The nursery has at this time 17 places filled by 2-year old funded children and 26 places filled by 3 and 4 year old funded children receiving early education on a part time basis. The provision has further capacity to provide childcare for a total of 34 children at any one time. This childcare is offered 8am-6pm to meet the demands of working families and parents who pay for sessions based on their individual requirements.
- 3.4 The reasons for the proposals are:
- 3.4.1 The Council has a statutory duty to ensure there are sufficient early years places in Swindon, however there are no requirements to operate them directly.
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- 3.4.2 As such the operation of the nursery is not part of the Council's core function and there is no longer the management capacity or expertise within the organisation to continue to run this provision.
- 3.4.3 The private and voluntary sector are providing sufficient places and new settings are now open locally.
- 3.4.4 The temporary nature of the buildings housing The Children's Nursery and the length of their usage now means they are in poor condition and of a poor standard. The buildings are past their useful life and will require significant capital investment to make fit for purpose.
- 3.5 In December 2015, Cabinet considered a report that summarised the outcome of soft market testing that had taken place to inform officers and elected members about options for the future of the Council operated nurseries. Cabinet members authorised consultation to commence on the marketing of Bright Start Nursery and the closure of the Childrens Nursery (Cabinet minute 2015/16 48 refers)

## Consultation

- 3.6 There is no prescribed statutory process set out for changes to early year's provision and the Department for Education (DfE) does not identify who should be consulted, but as per the decision taken by Cabinet in December 2015, a full and detailed consultation was undertaken with service users who would be directly affected as a result of the proposals.
- 3.7 Although there are two settings included in the proposals and two different proposals, the consultation responses and the rest of this report particularly focus on the proposed closure of The Children's Nursery as no comments were received re Brightstart. .
- 3.8 The purpose of the consultation was to inform service users and staff and to gauge the potential impact on individuals. An analysis of the consultation has been prepared and is attached at **Appendix 1**. There were a number of responses relating to changes to individual circumstances as a result of the proposal. Whilst the general themes have been captured in the analysis, all individual responses have been provided in a separate folder to the Cabinet.
- 3.9 A consultation session was held on the 18<sup>th</sup> January 2016 inviting service users to hear the reasons for the two different recommendations and to give the opportunity to ask any questions. A summary of this session is included as **Appendix 2**.

## Consultation feedback and issues raised

- 3.10 Responses to the consultation requested a new building be provided by SBC for the Children's Nursery to be funded through the income generated by the setting. However, levels of overall debt for SBC have increased considerably over the

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last few years, with overall Council general fund debt currently £89m (although an underlying borrowing requirement is £261m) and net debt charges of £9.7m per annum. Options for capital funding of new facilities should, therefore, consider all possible options in order to try to minimise the effect on the revenue budget of increased debt for the Council.

- 3.11 An internal study was commissioned in late 2014/early 2015 to assess the feasibility of relocating The Children's Nursery building to an alternative location within the Civic campus, However, the income generated at the time would not cover the revenue impact of Capital Borrowing and the income is not set at a guaranteed level. The proposal was consider unfeasible.
- 3.12 A condition survey was carried out in September 2014 to estimate costs to bring the building up to current Ofsted standards of approximately £277K. These figures have come under scrutiny during the consultation process and the Council has been wrongly accused of deliberate under investment in the Childrens Nursery to bring about a proposal to close.
- 3.13 Over the last 2.5 years, there has been £15K investment in the facility in addition to £23K annually to cover utilities, National Non-Domestic Rates, cleaning and services. However, advice from property colleagues is that further investment would not be advised as the facility has in their professional view, exceeded its useful life span and is no longer fit for purpose.
- 3.14 In June 2015, a Cabinet Briefing Note authorised officers to conduct a soft market testing exercise during the summer 2015. Before undertaking the exercise, officers held meetings with the staff at both nurseries. The meetings focused on the reasons for the testing, the proposed questions and also provided an opportunity for them to contribute to the exercise.
- 3.15 Early years providers and developers were also consulted in order to gain an understanding and overview of the current early year's market in Swindon and to determine the likelihood of potential interest in both settings. A copy of the soft market testing document was included as an appendix to the December 2015 Cabinet report.
- 3.16 As reported in the report to Cabinet in December 2015, feedback obtained from the exercise suggested that whilst the location and capacity of The Children's Nursery's is appealing to providers, the amount of estimated capital needed to complete the immediate maintenance needs or provide a new facility is considered unattractive in business terms.
- 3.17 During the process, concern was expressed by a small number of service users about the process of consultation and in particular that the target audience did not include all Council staff members who could be impacted now or in the future by the potential closure of the Childrens Nursery. As a result all SBC staff were alerted to the Cabinet paper and its recommendations and to the opportunity to

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# Future of Swindon Borough Council Operated Nurseries

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express their views through the consultation process via Newsround and the intranet.

- 3.18 In addition parents expressed concern that they had entered into an agreement with the Children's Nursery that includes a 6 month notice period" in the event of a change in circumstances, such as closure". However, officers are confident that the proposed date of closure allows adequate time to seek alternative provision and for school transition to take place.
- 3.19 The consultation also highlighted that 16 families who are Council staff use The Children's Nursery for their own childcare needs. Of these 16 there are 10 families that access a fees direct scheme which offers a tax saving to these individuals on their childcare costs. 6 use the child care voucher scheme.
- 3.20 Individual meetings with all of these staff members and Human Resources were held to enable these individuals the opportunity to discuss their own personal circumstances should the nursery close. Alternative benefits for those using the fees direct scheme, such as childcare vouchers are available and widely used by the majority of 489 families within the Council that access other childcare providers.
- 3.21 The fees direct scheme can be offered at any nursery provision, which is operated from a Council owned building or on Council land and this comprises approximately 75% of the current Swindon private childcare market. Therefore, there is great potential to offer fees direct more widely. Conversations are taking place with private providers to see if this can be offered. Further childcare discounts and benefits for Council staff are also being explored as a result of the consultation and feedback from staff members in relation to childcare costs.
- 3.22 During the consultation period, the Government announced that Swindon had been successful in bidding to be a pilot area for the national scheme to increase free childcare from 15 hours to 30 hours from September 2016 for working families. Parent using The Children's Nursery asked during the consultation if this would change the proposal to close the Children's Nursery.
- 3.23 The Government intended to bring the new entitlement into force from September 2017 and this was factored into the consideration of the proposal. The pilot would affect a small number of families and the Council is confident that there is existing capacity to meet the current and new entitlement in September 2016 and September 2017 without the Children's Nursery.
- 3.24 Throughout the period of consultation service users reported on many occasions that both the staff and the service they delivered at the children's nursery are of an excellent quality. Nursery staff have demonstrated professional behaviour throughout the consultation period and service users asked that this be acknowledged by Cabinet. Cabinet are reminded that the quality of the provision isn't the reason for the proposal.

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- 3.25 Whilst the majority of responses received during the consultation were from service users at the Children's nursery and were against the proposal, they represented a small number of service users and are a small percentage of the total number of SBC staff who access child-care and early year's services. There is no evidence received during the consultation of any impact on service users that could not be mitigated by provision in the existing early years and childcare market locally in Swindon.
- 3.26 The recommendation following consideration of all of the information is to close The Children's Nursery by September 2016 and to market the Bright Start nursery in the same time frame for the following reasons;
- 3.28.1 The Council has a statutory duty to ensure there are sufficient early years places in Swindon, however there are no requirements to operate them directly.
- 3.28.2 The operation of the nurseries is not part of the Council's core function and there is no longer the management capacity or expertise within the organisation to continue to run this provision.
- 3.28.3 The private and voluntary sector are providing sufficient places and new settings are open locally.
- 3.28.4 The temporary nature of the facilities at the Children's Nursery and their poor condition mean the buildings are considered to be past their useful life and will continue to present on-going and costly maintenance problem.

## Next Steps

- 3.27 To follow the relevant SBC policies and procedures to implement the decision of cabinet as follows:
- 3.28 To put Bright Start Nursery out to tender to seek a new provider. Marketing particulars will be distributed and a clear and transparent criteria set to select a high quality provider who will continue to offer flexible early education and childcare.
- 3.29 Staff at Bright Start Nursery would be protected under TUPE terms and conditions, support will be provided by Human Resources to ensure this.
- 3.30 It should be noted that the proposed timing to close The Children's Nursery at the end of August 2016 is suggested to minimise the impact for parents and children who will transition between nursery and school.
- 3.31 As stated above discount and benefits are being negotiated for Council staff members who would like to use nursery provision. There are also multiple preschool provisions locally, should parents not require the option of full day care provision.

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- 3.32 The Local Authority is confident that there are sufficient places available locally and will be keen to ensure assistance is provided to parents to seek alternative provision to suit their individual family requirements.
- 3.33 Some parents have already begun to seek alternative provision. The numbers of funded children accessing the provision have fallen by 40% since the original proposal was made in December 2015 and the decision to enter into consultation with service users was made.
- 3.34 To note, numbers of funded children at Bright Start Nursery have risen by 12% since December 2015. This may have a positive impact on attractiveness of the provision to potential new providers.

## 30 hours entitlement for 3 and 4 year olds

- 3.35 The Government have announced an increase in funded hours for 3 and 4 year olds from September 2017. Families where both parents are working 16 or more hours per week will be entitled to 30 hours funding per week, where at the moment the entitlement is capped at 15 hours per week.
- 3.36 Swindon has been selected as one of eight early implementer Local Authorities. This will enable the Council to offer the additional hours a year early to around 10% of all 3 and 4 year olds as part of a pilot in collaboration with the Department for Education.
- 3.37 The criteria has not yet set, however should not impact on the availability of spaces in the current market as many families are already accessing additional hours over and above their free funding entitlement.

## **4. Alternative Options**

- 4.1 The consultation that was authorised by Cabinet in December 2015 focused on the impact of the proposal to market Bright Start and of the proposed closure of the Children's Nursery.
- 4.2 Some responses to the consultation requested a new building be provided by SBC for the Children's Nursery to be funded through the income generated by the setting. However for the reasons set out in this report at 3.10 -3.13 that option would not be feasible
- 4.3 The consultation undertaken has identified a range of needs and issues from service users that have been identified and addressed within the main body of the report. We acknowledge that the decision to close a service accessed by babies and young children has an emotional impact on those involved and this cannot be mitigated by alternative practical options. We are confident that staff and parents will work together to ensure this is managed carefully.

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- 4.4 Alternative options for the nurseries were considered during the soft market testing exercise and informed the recommendations to Cabinet in December 2015.

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 The Children's Nursery is budgeted to make a £74k contribution towards Children Services overheads for the 2016/17 financial year and Bright Start is forecasting to break even for the same period. Repair, maintenance and compliance for the buildings for the past two years indicates there is an on-going financial implication in the region of £14K per annum for the Childrens Nursery and £13k for Bright Start. If the Children's Nursery is closed and Bright Start leased to an alternative provider there would be a saving to the Repairs and Maintenance budget of £27k to partly offset the loss of profit.
- 5.2 The preferred option is for the Children's Nursery to close in September 2016 and therefore there will be a part year net impact of £23.5k in 2016/17. This has been included in the Council budget for 2016/17.
- 5.3 There is a substantial backlog of maintenance on the Children's Nursery site in the region of £250K, which if the Council were to retain the site would need to be addressed. However, as stated paragraph 3.7 additional significant investments would also be required to bring the building up to modern standards. The £250k just for immediate repairs would not resolve the suitability issues.
- 5.4 The staff at the Children's Nursery will be entitled to redundancy payments should the nursery close. It is estimated that this will be approximately £30K.

### Legal and Human Rights Implications

- 5.5 The Council has a responsibility to ensure that there are sufficient early education places available.
- 5.6 Legal and Human Rights considerations have been taken into account fully in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.7 All staff at Bright Start Nursery will be protected by the TUPE terms and conditions if the Council is successful transferring to a new provider.
- 5.8 All staff at The Children's Nursery will be protected under employment law and entitled to redundancy payments where applicable. Full support will be offered if the decision is made to close the nursery to seek new employment opportunities.
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Further information on the subject of this report can be obtained from Karen Reeve, 01793 463200 kreeve@swindon.gov.uk.

# Future of Swindon Borough Council Operated Nurseries

Cabinet

Date: 16<sup>th</sup> March 2016

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- 5.9 SBC staff who are using The Children's Nursery will continue to be offered support and to seek new provision and to make choices to minimise impact on their own personal financial circumstances.

## Diversity Impact Assessment

- 5.10 A revised Diversity Impact Assessment (DIA) has been completed and is available on request from the author of this paper.
- 5.11 There deemed to be no potential adverse impact on the basis of religion, sexual orientation, marital/civil partnership status or pregnancy/maternity.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 Future of Swindon Borough Council Operated Nurseries – report dated 9<sup>th</sup> December 2015

## **8. Appendices**

- 8.1 Appendix 1 – Consultation Analysis Document
- 8.2 Appendix 2 – Record of consultation meeting (18<sup>th</sup> January 2016)

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for Month Year.

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### Consultation Analysis

A full and detailed consultation has been carried out with all service users who would be directly impacted by the proposals, particularly the closure of The Children's Nursery. The purpose of this consultation was to inform service users and to gauge impact on individuals. A consultation session was held inviting service users to hear the reasons for the proposed closure and to give the opportunity to ask any questions they may have. We had a total of 17 attendees to this meeting, including 2 members of staff from The Children's Nursery.

We have received responses from 11 service users as part of the consultation, all of which attend The Children's Nursery. This equates to 14% of all those families who are accessing the provision. There have been no responses from those service users of Bright Start Nursery.

#### Swindon Borough Council staff members who use the service

All staff members of Swindon Borough Council have been made aware of the consultation taking place in the form of Newsround Communication twice; 27<sup>th</sup> January and 10<sup>th</sup> February 2016. To date we have had no feedback from the wider SBC workforce who are not themselves using the provision at The Children's Nursery.

Individual meetings between Council staff members who access the provision, Human Resources and Early Years Officer were offered to discuss individual circumstances and discuss options.

To date:

- 4 staff members have rejected the invite as alternative arrangements have already been made
- 7 staff members have taken up the offer to meet and we have taken into account their feedback
- 5 staff members are yet to respond to the invite

Throughout the consultation it has been highlighted that 10 members of staff access fees direct.

- This equates to 0.0041% of the Council workforce.
- Childcare vouchers are the favoured option, being accessed by 18% of the Council workforce, however only 0.013% of those utilising childcare vouchers are accessing them at The Children's Nursery.
- A total of 0.007% of the Council workforce use The Children's Nursery, from September this is due to decrease to 0.005%.

Human Resources have stated that although it is acknowledged that The Children's Nursery is viewed by members of staff as a staff benefit in means of a workplace nursery, it is not a term and condition of employment and therefore SBC are not legally obliged to consult on a staff benefit or normally wouldn't consult on the removal of a staff benefit.

However, although the impact on the whole workforce is minimal, the impact on those individuals affected is significant. The main issues highlighted from service users who are both staff and from the local community have been highlighted below;

#### Transition for children/Loss of Keyworker relationships.

Parents feel strongly that by moving children to a new setting it will negatively impact on their development and cause distress as they are settled in their current provision and have built relationships with their children's keyworker. Parents will be offered support to make appropriate choices for alternative high quality provision. *It will be the responsibility of the nursery Manager to ensure that each child's Key Person plans an effective and smooth transition according to the individual needs of each child and prepares each child for the move. This process should involve the parents and carers and will be closely monitored by the Local Authority Early Years Advisors* Financial implications

The Children's Nursery currently charges £43 per day which is cheaper than many other private providers. Parents who access fees direct are able to access an additional tax saving which makes the childcare fees much more affordable. All private providers accept childcare vouchers, so parents would still be able to take advantage of a tax saving elsewhere. Officers are working to negotiate a discount for Council staff members at the nearest alternative day nursery; Trinity Day Nursery, in the hope that fees will be comparable to what they are paying now.

Officers are also exploring options to offer fees direct elsewhere, by definition any provision operating from Council owned building or land can offer fees direct and a desktop study of all our providers has highlighted 75% fit this criteria. Providers must approach the Council directly to offer this however work is being done, particularly with maintained providers, to explore this option.

#### Practical issues around seeking alternative provision

Some parents are concerned about the amount of time they will need off work to visit alternative settings and the impact this may have on their current roles and colleagues.

HR have offered to liaise with managers if there are individual difficulties with this and staff are reminded they are on a flexible contract whereby time needed to visit settings shouldn't be a problem.

### Loss of valuable SBC resources

Some parents have highlighted that the staff at The Children's Nursery are experienced and of high quality. If the nursery were to close the Council could lose these staff members which are a valuable asset.

There are many private providers in Swindon seeking high quality staff members so it is hoped staff would be supported to seek new employment either internally or in Swindon's childcare sector where they would continue to be a huge asset to early years in Swindon.

### Timing of proposed closure

Some parents have stated that the proposed timescale doesn't allow sufficient time to find alternative provision. Unfortunately nursery providers have closed with as little as a days' notice. In all circumstances whereby a nursery closes Council Officers have been able to fully support parents to seek new provision. There are 255 providers in Swindon who accept early years funding so there is a great deal of choice for parents. Officers are confident there are sufficient places in Swindon for childcare, however appreciate demand for some settings does outnumber spaces available.

### Provision for local families from ethnic minorities

Parents have highlighted that the provision is accessed by a number of children from ethnic minorities. This is common across a number of Swindon's providers, 45% of all under 5's in the town centre are of Black and Minority Ethnicity (BME) and therefore many of our provisions meet this need and are unable to refuse entry based on BME.

### Communication throughout the consultation

It has been highlighted by parents that they feel as though communication could have been improved throughout this process. The original letter that was first disseminated to parents went without a signature due to an administrative error which has been apologised for.

Parents were concerned that the staff from the Children's Nursery were only told on the morning they were expected to hand out letters to parents. The staff were briefed prior to the soft market testing and were involved and given the opportunity to contribute to the questions included. Staff were then all briefed by Officers a week prior to the report was published and have been offered support throughout the process. It was been highlighted multiple times that staff have remained professional throughout the process and are thanked for this.

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## **Childrens Nursery & Bright Start Consultation**

**18<sup>th</sup> January 2016 at 5.45pm  
Civic Offices Committee Room 2**

The aim of the meeting was to communicate the steps in the process and to hold an informal question and answer session to gather views. The main recommendation under discussion was the proposed closure of the Children's Nursery. A formal decision will be made by cabinet at the meeting on March 16<sup>th</sup> 2016.

### Background

- Options for outsourcing the two borough nurseries have been attempted before
- The borough is in a different financial position and doesn't have the capacity or expertise to continue delivering the nursery services. There is a statutory requirement for the council to provide early education spaces but it is not a requirement to supply a workplace nursery.
- A working party was set up to reconsider the future of the borough run nurseries
- A soft market test exercise was carried out in the summer of 2015 and the feedback obtained suggests that the Children's Nursery location and capacity is appealing to providers.
- However, the amount of capital needed to maintain the facility which is estimated at £250K, following a condition survey carried out in September 2014 is a barrier to future providers. The advice received is that the buildings are past their useful life and investment is not recommended.
- There is increased competition in the early year's market that can meet the need for places. There are significant numbers of vacancies for EY staff in the early years workforce locally.
- There is no plan for the land at Euclid Street at present, but the building would be disposed of by SBC if the proposal is approved.
- With regards to Bright Start Nursery, it is recommended that another provider will take over the setting. A tender process would be carried out to seek a high quality provider to take over the provision.

### Feedback

Parents expressed how fantastic the nursery is and made glowing comments about the dedication of the staff and how well their children are taken care of. They strongly expressed how happy and settled their children are with their keyworkers and how well their children's individual needs are met. Parents feel let down by Swindon Borough Council. One of the reasons they take their children to the nursery is because it is run by the council and staff who work at the nursery are also employees of Swindon Borough Council. A service user said that the council are putting a price tag on the emotional wellbeing of her child/other children.

*Parents implied that the Childrens Nursery is a workplace nursery, benefit to staff and places are allocated to the children of SBC employees as a priority.*

HR had confirmed that the nursery is not a staff benefit and is not in the employees' terms and conditions of employment. The salary sacrifice scheme is not unique to the Children's Nursery and

any provision operating within SBC owned premises can offer this scheme. The nursery is open to all members of the public.

*Parents felt that they were the last to hear about the recommendation of the closure of the nursery and that the soft market testing was noted in the June Cabinet report available on the internet before they had been informed. One parent had heard the news via another provider. Also, there was concerns raised that the staff at the nursery were told after the cabinet minutes had been released. Another rumour was that the land that the nursery sits on would be sold for a housing development. A parent also said that when they received their letter about the proposal it was too late to attend the cabinet meeting and raise their concerns.*

All correct procedures have been followed by the SBC officers leading this work and this is the opportunity to inform parents about the process and gather their concerns.

*The majority of parents attending the meeting are council employees, what do you want from us?*

We want to help support you and take into account your thoughts and feelings and assess the impact potential closure would have. It was explained that, unfortunately, there have been some cases whereby nurseries have closed overnight, but this is not the case. We would be looking at a summer closure to lessen the impact on children that will be going on to primary school and to give plenty of notice to parents and to offer support to seek alternative provision if needed.

*A parent explained that in the event of closure of the nursery it is written in their terms and conditions that 6 months notice was to be given.*

This was confirmed by the manager of the nursery. Officers agreed to take this issue back to legal to be investigated.

(Update: The notice period exists within the contract, but Legal are confident that no loss would be incurred by families should the nursery close by August 2016. Therefore, no claim can be made against the Council, except for any fees that were paid upfront.)

*Has outsourcing been considered?*

Yes, this was investigated when doing the soft market test however the temporary nature of the buildings and backlog of repairs was a barrier to anybody wishing to proceed with this.

*The nursery has been rated "good" by OFSTED would they not have this rating if they felt that the mobile units were inadequate and why was a government grant given to another provider (Trinity) and not to the Childrens Nursery for the repairs?*

The mobile units at the Childrens Nursery were rated "met requirement" by OFSTED as they are classed as temporary buildings. The capital grant funding was specifically for the creation of 2 year old places and it would have been inappropriate to invest money into temporary buildings which are at the end of their life span, as advised by our property team.

*Parents felt that this was a conflict of interest and their nursery is being undermined.*

We are not here to push a particular provider on parents or undermine the Children's Nursery.

*A parent asked about plans for expansion for early years and primary schools with a view to the housing developments planned for the town?*

There is a school place planning strategy which is going to cabinet in February 2016, which will outline all plans for school expansion and will be available online. School expansion is based around catchment area and early year's provision is more difficult to determine as many parents opt for provision close to work as opposed to close to their home address. There are approximately 3000 births a year in Swindon and this information is used for projection of increase in early year's places. Currently, there is a sufficient amount of places/provision in the town centre.

*Concerns were raised by parents about their positions within the workplace if they have to change provision. The concerns are:-*

- *There is no access to after school clubs for children under the age of 4.*
- *If they are forced to use another provider this could affect their contractual hours and use of annual leave*
- *Parents may have to stop work*
- *They will need time off work to visit other providers*
- *Impact on other work colleagues*
- *Not being able to use their childcare vouchers*
- *Difficulty in speaking to their employers about childcare issues*
- *Making up the time whilst out during work hours visiting nurseries*
- *Settling in visits*

*Parents felt that they were being influenced into using Trinity which is more expensive and there were overall concerns about financial implications, disruption to their children and family life.*

*A concern was also expressed that the 3 & 4 year olds development will suffer through having to make a transition to an alternative provider and maybe held back.*

Officers acknowledged the changes in transition and agreed that it would not be without it's challenges but mostly it works well for children of this age.

*Nursery staff leaving before closure, what provision will be in place?*

The borough and the nursery manager are meeting on a regular basis and that they have been working hard on contingency plans and flexibility. They will keep parents informed and run within OFSTED ratio guidelines. There is also, the option of employing good standard of agency staff.

*Who will pay for the agency staff?*

The expectation is the loss of the member of staff salary will cover payment of the cover staff.

*A parent raised the issue of medical needs and would staff in Trinity be trained to use specialist equipment?*

The provider operating Trinity Day Nursery is not new to early years and that the company operate a numbers of provisions in Oxfordshire. (Abingdon Kindergarten Group).

*Would the council consider a relocation of the nursery and staff i.e. Childrens Centre?*

We are looking at every building that becomes available for possible use of early years provision.

*It was felt that communication had been very poor and the parents would like this to be reported back to cabinet. It would have been a good idea to put the recommendation on the intranet so wider coverage before the cabinet meeting, this would have allowed parents to send written submissions.*

It is planned to hold individual meetings for council workforce that are using the nursery to see how we can help support and reduce the impact. We will follow up parents that are currently on maternity leave.

*Have any cabinet members had any experience with early year's childcare?*

Officers with expertise in this area are in place to inform the cabinet members.

*If a provider was to put an offer on the table to save the Childrens Nursery and make the necessary repairs, would the decision to close be reversed?*

Yes consideration would be given

What parents would like considered by Cabinet in March 2016

- Lack of communication
- Challenge figures for work that needs to be carried out and provide breakdown of costs
- Challenge estimates
- Provide historical information
- To consider parents having to pay extra for childcare costs

Meeting closed at 8.30 pm

#### Repairs and maintenance

A commitment was given by officers to follow up on the estimates provided in the Cabinet report on the estimated investment required at the Childrens Nursery. As requested, a breakdown of the estimate repair costs is as follows;

<b>Identified Works</b>	<b>Estimated repair/replacement Cost</b>
Rewire	55,000
Upgrade of heating & pipework	40,000
Upgrade of Lighting	20,000
Backlog building fabric works	122,000
Re design to meet Ofsted requirements	40,000
<b>Total</b>	<b><u><u>277,000</u></u></b>

These have been provided by colleagues in our property team following a condition survey in 2014 which estimated the work involved in bringing the building up to a standard which would enable the provision to continue to meet Ofsted standards.

The Childrens Nursery is a prefabricated property (a mobile) that is long past its useful life, therefore the proposal is about suitable use of funds. Property would not recommend that we undertake the indicative backlog works to walls/windows/ceilings and services when the cost of this would be a significant amount of the cost of a replacement property and what we will end up with would still be considered an unsuitable provision in terms of layout and efficiency for its use. It will also not address the fact that we will still have a property that is poorly insulated and costs more than a new building to run.

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## Swindon Cycling Framework

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

Author: Cabinet Member for Sustainability and Transport, and Board Director, Service Delivery.

Wards: All

Locality Affected: All

Parishes Affected: All

### **1. Purpose and Reasons**

- 1.1 This report outlines the conclusions and major issues arising from the recent public consultation on the Borough's draft Cycling Framework and seeks Cabinet support for the priority corridor approach.
- 1.2 The report describes the recently launched Department for Transport "Sustainable Travel Transition Year revenue competition for 2016/17" and seeks approval for submission of a bid by 29<sup>th</sup> March 2016.
- 1.3 The Cycling Framework seeks to address the obligations under Priority One of the Council's Vision: "Improve Infrastructure and housing to support a growing, low carbon economy." It also supports the Swindon Borough Local Plan 2015, which contains a number of references to transport as part of an overall vision towards sustainable economic growth and building upon the aspirations agreed in the Local Transport Plan

### **2. Recommendations**

Cabinet is recommended to:

- 2.1 Note the responses to the consultation and approve the draft Cycling Framework as a basis for development of a Delivery Plan to bring forward specific proposals emerging from the Framework, including identification of appropriate funding opportunities.
- 2.2 Agree the priority corridor approach as shown on the plan on page 21 of the Framework as the basis for the next stage of the Delivery Plan process.
- 2.3 Authorise the Head of Highways and Transport, in consultation with the Cabinet Member for Sustainability and Transport, to submit a revenue funding bid to the Department for Transport "Sustainable Travel Transition Year revenue competition for 2016/17 by the closing date of 29 March 2016.
- 2.4 Authorise the Board Director Resources, as Section 151 Officer, to sign any agreed bid in accordance with the bidding requirements.

Further information on the subject of this report can be obtained from Anne Stevens, Direct Dial Telephone Number 01793 466539, [astevens2@swindon.gov.uk](mailto:astevens2@swindon.gov.uk).

# Swindon Cycling Framework

Cabinet

Date: 16<sup>th</sup> March 2016

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## 3. Detail

### Background

- 3.1 The draft Cycling Framework was developed during the course of 2015 and was the subject of collaboration across Council departments, (with input from the Public Health and Sports Development sections) and with a range of stakeholder groups with an interest in cycling whether for sport, health, recreation or utility purposes. This was in recognition of the fact that the focus behind such strategies has now moved beyond a traditional highway and transport one to a wider remit involving encouragement for increased activity levels, as highlighted in the Get Swindon Active Strategy 2015-2020.
- 3.2 There was considerable liaison and discussion with the Bicycle Users Group (BUG) through a number of public meetings, which included a stakeholder workshop to discuss the emerging Framework in December 2014. Meetings were attended by the Cabinet Member for Sustainability and Transport and by Councillor Keith Williams as the Council's "Cycling Champion".
- 3.3 The Framework is intended to be a high-level document showing the Council's support for the development of cycling in the borough in conjunction with the relevant stakeholder groups. It is not intended as an implementation plan with specific schemes for delivery, but will be used to devise and prioritise such projects in a Delivery Plan that will in turn be used to support funding bids to Government and other bodies for cycling related projects and initiatives.
- 3.4 The Swindon Cycling Framework sets out a blueprint for the future development of all aspects of cycling in the borough, and places emphasis on the need for joint working within the Council, as highlighted in paragraph 3.1 above, and other partners. It seeks to establish best practice and paves the way for a Delivery Plan of specific schemes with sound business cases, designed to achieve the aims of the Framework and based initially on the priorities identified in the Movement Corridors (page 21 of the framework). The aims of the Framework are to:
- Double the number of cycle trips by 2026
  - Reinforce support from politicians, the Swindon and Wiltshire Local Enterprise Partnership, private and public sector employers and the public to champion cycling in Swindon
  - Provide people with the skills and confidence to cycle for a variety of purposes
  - Normalise cycling as an everyday activity

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Further information on the subject of this report can be obtained from Anne Stevens, Direct Dial Telephone Number 01793 466539, [astevens2@swindon.gov.uk](mailto:astevens2@swindon.gov.uk).



# Swindon Cycling Framework

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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- 3.5 In addition, the opportunities for improving cycling in Swindon will be aligned with the following six objectives:
- 3.5.1 Create a safe and convenient cycle route network that links people to places in Swindon and beyond
  - 3.5.2 Develop and promote the role of cycling within initiatives aimed at improving health and wellbeing
  - 3.5.3 Ensure that cycling is a safe and convenient way to travel to school and work, or as part of a work journey
  - 3.5.4 Promote cycling as a realistic choice for an array of everyday trips and as a great activity in general
  - 3.5.5 Support and encourage cycling as a sport in Swindon
  - 3.5.6 Ensure that cycling is a consideration in all development proposals
- 3.6 The Framework has come forward in parallel with various initiatives at national Government level. In October 2014 the Department for Transport (DfT) published a draft Cycling and walking Delivery Plan for consultation. This is the Government's ten-year strategy for increasing cycling and walking across England. There are two main ambitions in this document:- to double the cycling level by 2025 and to increase the percentage of schoolchildren aged 5-10 years that usually walk to school from 48% (2013) to 55%.
- 3.7 As a result of concern expressed over the lack of funding commitment, a section was added to the Infrastructure Act 2015 which requires Government to produce a walking and cycling Investment strategy. This will set out the financial resources the Government intends to make available to meet their cycling and walking objectives and is expected sometime in spring 2016. Funding already allocated includes that from the Roads Investment Strategy, which provides £100 million between 2015 and 2021 to improve conditions for cyclists and walkers traveling alongside and crossing the strategic road network.
- 3.8 On 15th February 2016 the DfT invited local authorities to submit bids to the "Sustainable Travel Transition Year revenue competition for 2016/17". This "Access" fund will see the DfT spending £20 million of the £80 million revenue allocated to it under the Spending Round settlement last November 2015. The remaining £60m revenue will deliver the future "Access" fund, which will be formally launched later in 2016 for award in 2017/18; it will focus on access to employment, education and services, and improving walking and cycling.
- 3.9 For 2016/17, this £20m "Sustainable Travel Transition Year" enables the DfT time to publish the Cycling and Walking Investment Strategy; time to work with the Department of Communities and Local Government (CLG) to understand the
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Further information on the subject of this report can be obtained from Anne Stevens, Direct Dial Telephone Number 01793 466539, [astevens2@swindon.gov.uk](mailto:astevens2@swindon.gov.uk).

# Swindon Cycling Framework

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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future approach for the Local Growth Fund; and time to identify the highest value for money approach to launching the formal “Access” fund.

- 3.10 The competition will support highly deliverable, ‘ready to go’ schemes. To be considered for funding, bids must demonstrate evidence of building on previously successful sustainable transport initiatives; must demonstrate support for boosting the numbers of people cycling and walking; and must articulate a future strategic vision for sustainable travel in relation to accessing jobs, skills, education and training. Bids that receive the highest scores against the assessment criteria will be awarded funding.
- 3.11 The DfT will look favourably on bids that support cycling and walking in the context of the manifesto commitments to double cycling and reduce the numbers of cyclists killed or seriously injured; and sustainable transport schemes, which support access to work, skills, education and training.
- 3.12 The objectives of this competition are as follows:
  - 3.12.1 Support the local economy and facilitate economic development, for example by reducing congestion, improving the reliability and predictability of journey times or enhancing access to employment and other essential services; and
  - 3.12.2 Reduce carbon emissions, for example by bringing about an increase in the volume and proportion of journeys made by low carbon sustainable modes including walking and cycling. be economic growth and carbon reduction.
  - 3.12.3 Help to deliver wider social and economic benefits (e.g. access to employment, education and services); and
  - 3.12.4 Actively promote increased levels of physical activity through walking and cycling.
- 3.13 Bids need to express a minimum interest of £350,000 and a maximum of £500,000 and must be submitted by 29<sup>th</sup> March 2016. A local contribution of 10% is required and delivery must be completed by March 2017. It is proposed that Cabinet authorises the Head of Highways and Transport to submit an appropriate bid in consultation with the Cabinet Member for sustainability and Transport.
- 3.14 It is envisaged that the capital schemes to be brought forward for the Swindon Cycling Framework will build on the success of the strategic cycling corridors (Western Flyer and Southern Flyer) developed between 2013 and 2016 using grant funding from DfT and the Local Growth Fund. Both these schemes are designed to accommodate the aspiration for longer distance, quick, continuous and convenient routes.

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Further information on the subject of this report can be obtained from Anne Stevens, Direct Dial Telephone Number 01793 466539, [astevens2@swindon.gov.uk](mailto:astevens2@swindon.gov.uk).

# Swindon Cycling Framework

Cabinet

Date: 16<sup>th</sup> March 2016

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## Cycling Framework Consultation response

- 3.15 Following approval by the stakeholder groups, wider public consultation commenced in October 2015. The draft framework and questionnaire survey were published online in October 2015 with a six-week consultation period ending on 30<sup>th</sup> November 2015. Consultation was publicised through a press release, local coverage in the press and media as well as on-line and through social media. The consultation was included in the agenda for the regular Parish Clerks Forum and the consultation was sent to each town and Parish Council.
- 3.16 A total of 48 responses were received to the on-line questionnaire with an additional four responses separately – two from the sustainable transport charity Sustrans, one from the Bike Users Group and one from an individual. The Framework contained six objectives relating to different aspects of cycling development and the questionnaire asked whether they were supported. There were also opportunities for comments and additional suggestions on how cycling can continue to be encouraged in Swindon. The six objectives are listed below with the number of respondents in favour in brackets.
- 3.16.1 Create a safe and convenient cycle route network that links people to places in Swindon and beyond (47 responses /47 in favour)
- 3.16.2 Develop and promote the role of cycling within initiatives aimed at improving health and wellbeing (46 responses/43 in favour/3 against)
- 3.16.3 Ensure that cycling is a safe and convenient way to travel to school and work, or as part of a work journey (48 responses/26 in favour/22 no comment)
- 3.16.4 Promote cycling as a realistic choice for an array of everyday trips and as a great activity in general (47 responses/43 yes/4 no )
- 3.16.5 Support and encourage cycling as a sport in Swindon (47 responses/42 yes/5 no)
- 3.16.6 Ensure that cycling is a consideration in all development proposals (47 responses/46 yes/1 no)
- 3.17 All the questionnaire comments, with officer response, are shown in Table 1 of the consultation report. The comments most frequently made were:-
- requests for better lighting,
  - dislike of shared cycle/pedestrian paths,
  - lack of parking for cycles at supermarkets & in the town centre, and that some supermarket facilities were inadequate in terms of numbers of spaces or their position,
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Further information on the subject of this report can be obtained from Anne Stevens, Direct Dial Telephone Number 01793 466539, [astevens2@swindon.gov.uk](mailto:astevens2@swindon.gov.uk).

# Swindon Cycling Framework

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- children should be encouraged to cycle to school,
- traffic speeds should be enforced and there should be more education for both cyclists and drivers,
- cycle links through the town centre are urgently required,
- better communication with residents on availability of cycle facilities is needed,
- cycle routes should be continuous, not stop/start
- flooding is a problem, particularly in subways
- more attention should be paid to providing connections between town centre and outlying villages, particularly Highworth and Wroughton.

3.18 Table 2 in the consultation report (Appendix one) lists the missing cycle links identified in the questionnaire responses. The comments made in the individual responses have been noted and incorporated into the document where possible.

3.19 The revised Cycling Framework is attached as Appendix two and Cabinet is asked to approve this document as the framework to underpin further work with stakeholders to develop a delivery plan. This will act as the business case to support funding bids as opportunities arise either through the LEP, from central government or through other agencies or partners.

## **4. Alternative Options**

4.1 Failure to produce a cycling strategy would prove harmful to the Council's case in securing Partnership status with the DfT and would leave the Council in a weakened position when bidding for scheme funding. Approval of the framework will enable a strong foundation on which to develop the schemes put forward in the forthcoming Delivery Plan.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

5.1 There are no direct financial implications arising from the Framework as future commitments will be entirely dependent on the availability of funding. Page 9 of the Framework details information relating to potential funding sources for cycling projects. Any measures identified in the Delivery Plan will be progressed to a stage sufficiently advanced to establish feasibility, with progression thereafter being dependent on the availability of funding from appropriate sources.

# Swindon Cycling Framework

Cabinet

Date: 16<sup>th</sup> March 2016

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## Legal and Human Rights Implications

- 5.2 Legal and Human Rights implications have been taken fully into account in the preparation of this report and it is believed that the recommendations are compatible with convention rights.

## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.3 It is not anticipated that the recommendations in this report will adversely affect existing teams or roles. Development of cycling will achieve both environmental benefits, in the form of carbon reduction, and assist in the achievement of aims relating to improved public health. The Government's response to the Cycling Plan consultation stressed that the best way for people to become more active is to incorporate activity into their everyday life, with walking and cycling being the interventions considered the most realistic options. No crime and disorder implications have been identified.

## Diversity Impact Assessment

- 5.4 A Diversity Impact Assessment (DIA) has been produced for this report and is available from the report author. The beneficial effect of increased activity will be felt particularly in lower income groups, where health outcomes are currently poorer than in more affluent households. The future design of schemes as part of the Delivery Plan will take account of the needs of groups such as disabled, black and minority ethnic (BME) and womens' groups as well as the elderly and other more vulnerable sectors of society.

## Risk Management

- 5.5 As outlined earlier in this report, the risk of failing to agree and build on a strategy for cycling would compromise the Council's ability to obtain funding for future schemes. Lack of provision and support for cycling will continue to inhibit growth in cyclist numbers and prevent the attendant health and environmental benefits in terms of reduced congestion, for example, from being fully realised.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 In addition to the relevant DfT publications, there were four background documents used in the preparation of this report and which underpin the Framework document: a Literature Review, a Review of Demographic Data, a note on Development of Priority Corridors and a note on Funding Opportunities.

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Further information on the subject of this report can be obtained from Anne Stevens, Direct Dial Telephone Number 01793 466539, [astevens2@swindon.gov.uk](mailto:astevens2@swindon.gov.uk).

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## **8. Appendices**

8.1 Appendix One: Report of Consultation

8.2 Appendix Two: Cycling Framework

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

9.1 This is a Key Decision and is included in the Cabinet Work Programme and Forward Plan for March 2016.

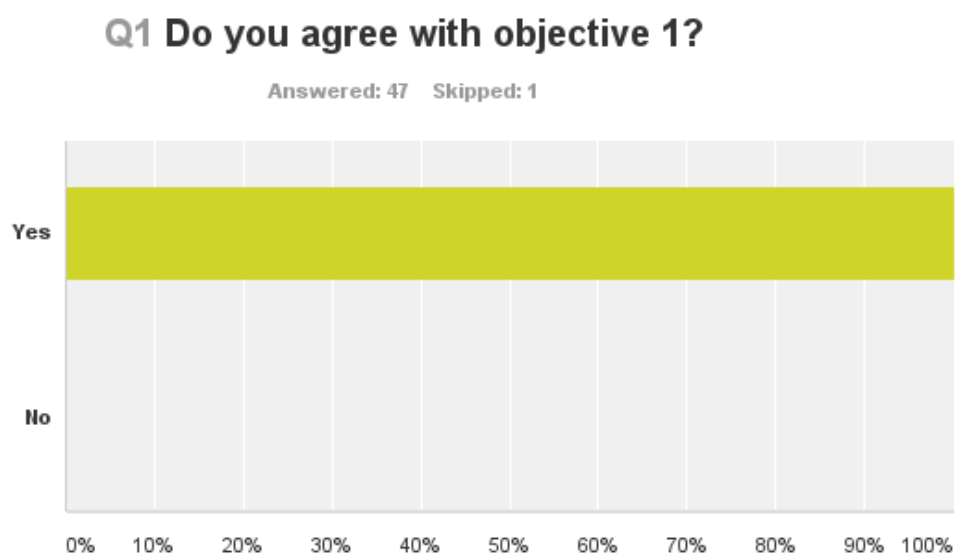
**Swindon Cycling Framework – Report of Consultation**

Consultation on the Swindon Cycling Framework was launched on 19<sup>th</sup> October 2015 and involved –

- Issue of a press release
- News item on the Borough Council web site
- News item on Swindon Travel Choices web site
- Facebook and Twitter coverage by Swindon Travel Choices team
- Article in the Swindon Advertiser
- Draft document placed on Borough Council web site
- On-line “Survey Monkey” response form
- e-mail circulation to mailing list of stakeholders
- Agenda item and Town and Parish Clerks Forum on 7<sup>th</sup> October 2015
- Circulation to Town and Parish Councils

Consultation ended on 30<sup>th</sup> November 2015

The following charts are taken from the summary information from the questionnaire survey carried out Oct-Nov. 2015 and show the level of support for each of the objectives contained in the strategy.

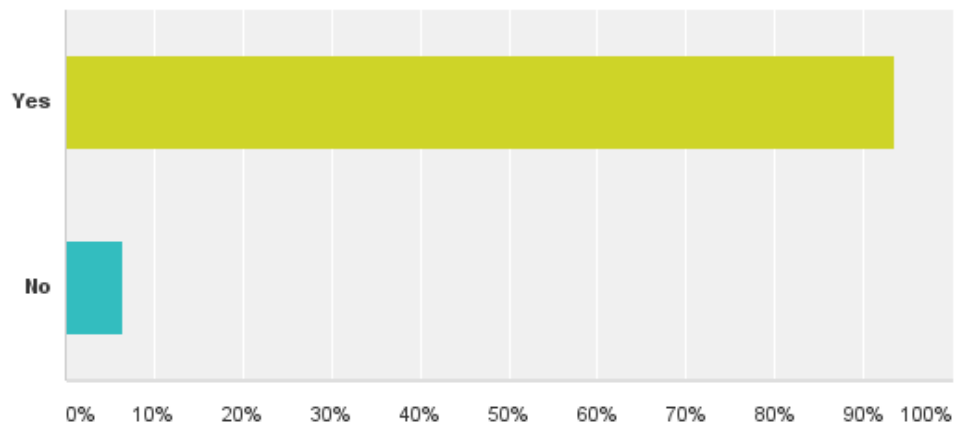


**Objective 1: Create a safe and convenient cycle route network that links people to places in Swindon and beyond**



## Q2 Do you agree with Objective 2?

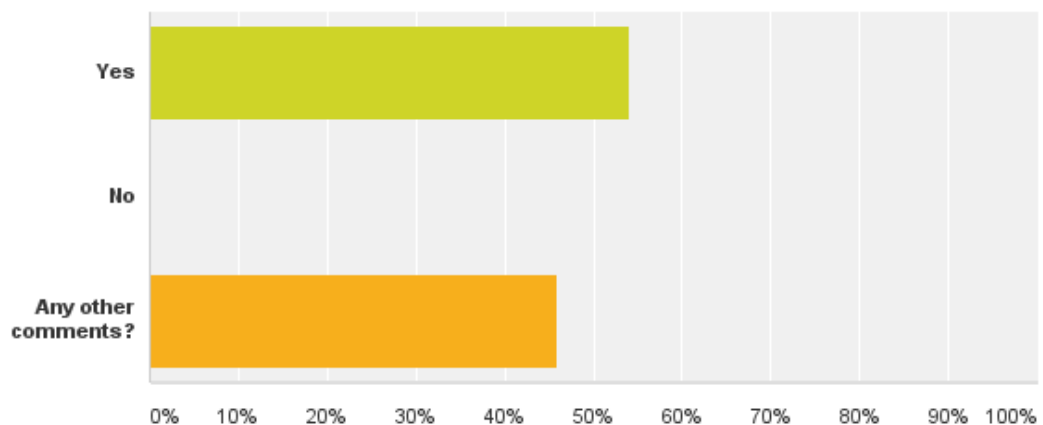
Answered: 46 Skipped: 2



**Objective 2: Developing and promoting the role of cycling within initiatives aimed at improving health and wellbeing**

## Q3 Do you agree with Objective 3?

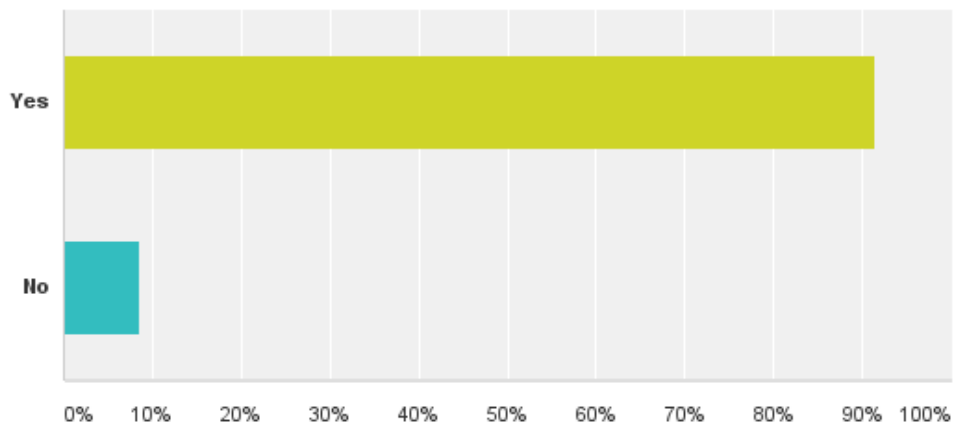
Answered: 48 Skipped: 0



**Objective 3: Ensuring that cycling is a safe and convenient way to travel to school and work, or as part of a work journey**

#### Q4 Do you agree with objective 4?

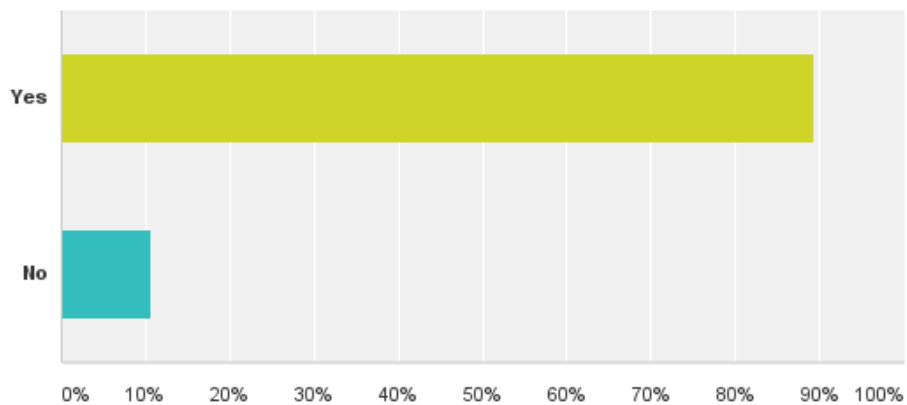
Answered: 47 Skipped: 1



**Objective 4: promoting cycling as a realistic choice for an array of everyday trips and as a great activity in general**

#### Q5 Do you agree with Objective 5?

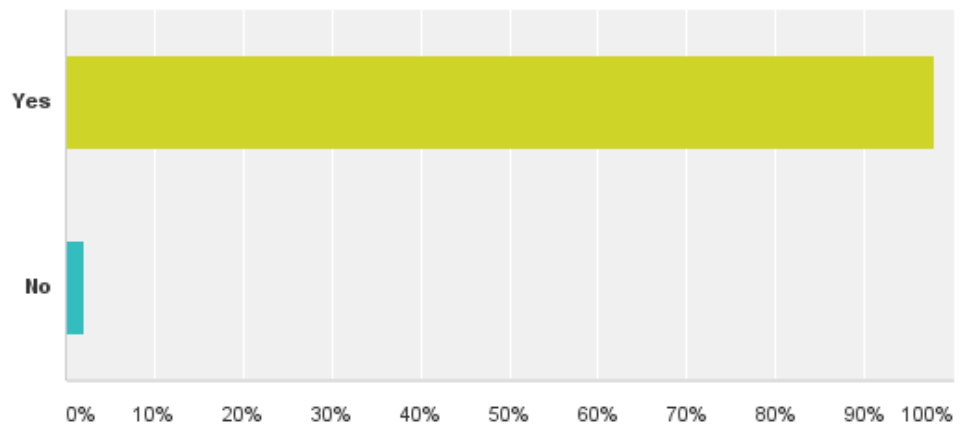
Answered: 47 Skipped: 1



**Objective 5: Supporting and encouraging cycling as a sport in Swindon**

## Q6 Do you agree with Objective 6?

Answered: 47 Skipped: 1



**Objective 6: Ensuring that cycling is a consideration in all development proposals**

**Table 1**

**Swindon Cycling Framework – summary of responses to public consultation**  
**12th Oct. to 30th Nov 2015**

<b>COMMENT</b>	<b>NO. RESPONDANTS MAKING COMMENT</b>	<b>OFFICER RESPONSE</b>
Public health issue – encouraging cycling will save money	2	Agreed.
More lighting needed on existing cycle paths- autumn/winter problem. Frankland Rd- Mannington route highlighted	4	Agreed, though can prove costly even where appropriate provision nearby exists.
Paths should be tarmac, not gravel	1	Agreed.
Cycle signage needs to be clearer & easily distinguishable from other road signs	2	Noted. Review of signage to take place to ensure that where cycle use permitted in e.g. bus lanes this is clearly indicated. Borough cycle map also to be amended at next review to indicate all cycle facilities.
Need to ensure prompt repairs/maintenance	5	Agreed. Need to ensure inspection and maintenance regime
Shared use (cyclist/ped) doesn't work well. Separate facilities needed, not dual use,	6	Might be only solution if space is limited but operation depends on the satisfactory level of both cyclist & pedestrian behaviour.
Some existing cycle measures, (e.g. Crombey St & Stratton-Honda route & s end of Western Flyer) perceived as dangerous	3	Risk may be perceived rather than actual. However, agreed that issues need to be addressed, as will deter use. Acknowledged that further work at s. end of Western Flyer is needed to alleviate safety concerns.

Need cycling provision in new developments at early/planning stage	3	Agreed – objective 6 of strategy deals with this.
Proposed links map pays too little attention to topography eg Okus - E Wichel won't be used as there is steep hill.	1	Map shows indicative movement corridors where greater cycle use is viable given data from the 2011 Census and National Travel Survey. Further detailed work will be undertaken in terms of initial feasibility and design of schemes to increase cycling to ensure that proposals are practical and likely to be used.
Proposed Southern flyer has interruptions	1	Noted.
Southern flyer should be shown on plan	2	Noted. Movement Corridor plan is focussed on future needs.
Too little cycle parking in town centre or at supermarkets & some supermarket parking inadequate – e.g. not enough, too far from entrance, difficult to use.	5	Noted. Adequate parking for bikes at appropriate locations in shopping areas/leisure facilities & at work is part of Strategy & highlighted in Objectives 1 and 3 in particular. Officers will ensure similar developments in future have a reasonable level of cycle parking & that it is properly positioned close to e.g. store entrance or, if provided as part of shopping centre car park, is placed close to access points wherever possible.
Restricted car parking provision in new residential developments leads to on street congestion and conflict	1	Parking provision will be in line with adopted standards for new developments.
Advice of cycling groups not representative	1	Noted

Closed road circuit – not supported – will be burden on taxpayer.	2	Noted. Project being managed independently of Cycling Framework.
Bike repair kits need to be more widely available & mobile repair & emergency service should be available during peak hours. Bike service/repair/cleaning should be available in town.	1	Need to consider suggestions for locations, practicalities of suggestion. Council funded repair service unlikely given budgetary constraints, poss. liaise with bike shops in town to see whether any co-ordinated service could be offered.
Newer residential areas (eg Taw Hill, Haydon End, Oakhurst, St Andrews Ridge) & both primary (e.g. Gt Western Way, Whitehill Way) and residential roads lack facilities	3	Agreed cul de sac basis of much post 1980 housing development designed to maximise no. of units and not prioritise ease of either cycling or pedestrian access. Retrofitting may be of limited success but have to accept that wholesale redress unlikely. These design criteria no longer apply.  Cycle provision on main road corridors will come under scrutiny as part of Delivery Plan following adoption of the Cycle Strategy.
Traffic calming positive hazard to cyclists	1	Fewer traffic calming schemes now being installed. Design checked to ensure safe use by all modes.
Prioritise cycling over motor traffic & provide separate facilities wherever possible	2	Noted.
Encourage employers to increase cycle parking & to provide changing facilities	4	Agreed – commitment in objective 3 of Strategy proposes collaborative working with employers to ensure cycling is promoted.
Cycle racks on buses	1	Not supported – limited use in UK.

Support for sport cycling eg Velodrome, traffic free time trial, range of training & ancillary services & cyclo-cross facility. Leads to more cycling activity & promotion of Swindon.	2	Noted but would require extensive third party financial support & assistance with land etc.  Proposed cycling hub will address some of these issues.
Cycle facilities to meet high design standards e.g 2.1m min width for cycle lanes	2	Agreed, SBC will aim to provide facilities to highest possible standards; where circumstances & finance force compromise this should never be allowed to adversely affect safety. Will adhere to appropriate design standards.
Should do more to prevent bike thefts at shopping centres eg Link Centre.	1	Agreed, should work with shopping centres & supermarkets to ensure cycle parking provision is located in busy/overlooked areas & can be used with confidence.
Dorcan Way & Marlborough Rd both wide enough for cycle lanes that could be extended to Coate & Pipers Way respectively.	2	Parts of these roads have wide verges that could be utilised for cycle paths. Suggested links shown on Movement Corridor map.
Cycle paths should be treated when icy.	1	Agreed this would be desirable, but budgetary & feasibility constraints may limit this – gritting needs to be concentrated where most needed – generally busier/major roads & footways. Gritting vehicles would not be able to access paths away from major carriageways.
Too much focus on cyclists at the expense of other road users.	2	Noted.
No cycle parking at	1	Racks have been provided.

Regent Circus car park		
Important to encourage children to cycle to school. Distribute info at Parents Evenings etc.	4	Good access to education and training opportunities is major component of Strategy and specifically addressed in Objective 3. Agreed to continue to work with post 11 schools to encourage cycling to school and support Bikeability training.
Build infrastructure first and cyclists will come	1	Noted.
Enforce traffic speeds properly. Road safety education for both cyclists & other road users should be improved.	11	Agreed but should note enforcement of moving traffic offences not Council responsibility.
Promote quiet roads for rural parts of the borough	1	Links to outlying villages lie on main roads. More of an issue for Wilts CC.
Cycle links through town centre required, including safe routes within one way system	9	Could examine cycle use of quieter pedestrianised streets such as Bridge St & Fleet St. Cycle use of busier pedestrian areas such as The Parade likely to be problematic. V little of this type of mixed use elsewhere in UK. Could look to allow access to main pedestrianised streets after 7pm.
Better communication with local residents on cycling initiatives e.g. App with turn by turn route guidance	5	Regular consultation initiatives/behaviour change events held & support sought for continuation..
Cyclists use footway	1	Noted. Police responsibility to deal with this.
Get cyclists off main	1	Noted comment.



roads – too slow		
Reduce stop-start nature of cycle paths. Routes should be continuous.	4	Direct & continuous paths always preferred. However, unavoidable in some cases, but existing facilities could be reviewed to ensure they perform as well as they can.
Spend money on establishing better network of cycle paths, not promotion activities & groups. Cycle loan scheme not required.	2	To date, mixture of infrastructure and behaviour change has been preferred strategy for encouraging & developing cycle use. However, funding for behaviour change was always time-limited and unlikely to be so widely available in future.
Warneford school in Highworth does not have good cycle access	1	Noted. Will investigate as part of Objective 3, enabling access to schools and colleges.
Need to change culture – should be presumed liability of other road user in event of accident	1	Noted.
Network lacks ambition – eg all one way streets should have two way cycle facilities. Infrastructure should come first – promoting waste of money. Cyclists of all ages need enabling not encouragement.	2	Noted. Delivery Plan will investigate measures to increase cycle access to town centre. Support for behaviour change initiatives to be continued.
Don't provide facilities where people already cycle but where potential is greatest – lack of cyclists should be taken as fear, not lack of demand	1	Noted, though difficult to substantiate this assertion. Movement Corridor plan shows links based on potential for cycling.
Sky Rides etc perpetuate myth of	2	Noted. Strategy aims to address wide range of cycling abilities and

“lycra cyclist”. Not v illustrative of “normal” cycling that is aim of Strategy		interests.
Need safe routes for crossing the main rail line	2	Noted. Severance caused by rail line affects all traffic & other vehicular movements across town. New proposals to address this will come forward as part of Oasis & North Star developments.
Flooding, particularly routes through subways, needs to be dealt with.	4	Noted. Bruce St bridges included flood alleviation measures but whilst problem acknowledged remedial works can be very costly.
Officers to make most journeys incl. to work by bike	2	Noted.
Photos in Strategy document should show more diversity and should be more urban focussed.	1	Limited store of photographs, many with obvious borough connotations have already been used in public documents. Selection was taken from best available, but another review will be undertaken prior to publication of final strategy & if more appropriate photos are found they will replace those currently in use.
Query statements made in document – factual statements or use of stats	1	Noted, all statistical and information of a factual nature will be double checked & any ambiguities addressed.
Need more support for people cycling for domestic purposes e.g. shopping, esp. with growth of top up shopping (buying less but more frequent trips)	1	Noted

More attention to providing connections with outlying villages, esp. Highworth & Wroughton	9	Noted on New Routes in Table 2 below.
Need better enforcement of parking in cycle lanes	3	Noted and agreed
Led Rides are good way of introducing people to cycling & gaining confidence	1	Noted and agreed.

## **Table 2**

### **New Routes suggested in response to Cycling Strategy**

#### **1. Fast routes across Swindon**

- NE-SW following rail line from Ermin St bridge to Blagrove Industrial Park & along A3102 to Jct 16 of M4.
- NW-SE route following Thamesdown Drive from Lady Lane junction to junc of existing NCN route 45 & via Fleming Way to Queens Drive & A4259 to Commonhead roundabout,
- N-S route following Thamesdown Drive from Lady Lane junc & following A4311 to Cricklade Rd junc. Then A4289 Drove Rd to B4289 & A4361 to Wroughton.

#### **2. Fast routes to villages**

- Highdown 1 - B4109 between Blunsdon & Highworth with dedicated cycle bridge over A419
- Highworth 2 - Swindon-Highworth following disused rail line
- Swindon to Shrivenham following A420 from White Hart roundabout
- Swindon to Wooton Bassett on A3102 from junc 16 of M4 to join with 2 route above, with dedicated cycle bridge over M4

#### **3. Other Routes**

- Barnfield to East Swindon
- Route from Dorcan area to Coate Water, Marlborough Rd & Pipers Way.
- Missing link – between Tadpole Farm cycle lane from roundabout past railway to Hayes Knoll junction.
- Swindon to Lydiard
- Swindon to Purton
- Swindon to Lechlade
- Link needed to Stratton St Margaret (no further details, assume town centre?)
- Swindon to Chiseldon
- Wharf Rd & Mill Lane to Waitrose (alt route to Wroughton)



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# SWINDON CYCLING FRAMEWORK

Everyday Cycling for Everybody

2016—2026





## Foreword—Dale Heenan, Cabinet member for Sustainability and Transport



Swindon is a vibrant, growing town and one where I believe everyone should have the opportunity to live healthy, safe, fulfilling and independent lives supported by thriving and connected communities.

The Swindon Cycling Framework aims to bring together a number of policy sectors such as transport, health and sport. Encouraging cycling will help to achieve joint aims of economic development, improved public health, a reduction in social inequalities, and environmental improvements whilst helping to cut congestion and build liveable neighbourhoods.

We must understand and address the barriers preventing people from getting on their bikes with a recognition that people want to cycle for a variety of purposes other than commuting. Whilst the journey to work is important, providing places for people to cycle safely for leisure and sport is equally important. Providing people with the right environment and confidence to cycle is paramount.

The Swindon Cycling Framework provides the foundations to take a cycling step-change and will help to attract vital funding for future cycling projects. This will, in turn, create the conditions for ***everyday cycling for everybody***.





# The Aims of the Swindon Cycle Framework

The 4 main aims of the Framework are to:

- Double the number of bicycle trips (including leisure trips) to coincide with recommendations in the DfT's Cycling Delivery Plan, by 2025.
- Reinforce support from politicians, the SWLEP, private and public sector employers and the public to champion cycling in Swindon Borough.
- Provide people with the skills and confidence to cycle for a variety of purposes.
- Normalise cycling as an *everyday* activity.





## Introduction

The Swindon Cycling Framework brings together an array of multi-disciplinary goals not traditionally associated with cycle planning. Although goals of reducing congestion and accessibility remain integral to the Framework, the acceptance that cycling can achieve other policy targets is now recognised.

The link between poor health, inactivity and deprivation is a particular example of how cycling contributes to other policy goals. However, cycling also meets ambitions related to environment, economic development, sport, leisure and land use planning disciplines. This relationship builds a stronger platform to garner significant support for cycling and, critically, help secure funding.

Promoting active and healthy lifestyles will facilitate a step change in the quality of life in Swindon Borough. Cycling has the ability to reduce the environmental impact of transport, the burden on health authorities, and economic inequalities. It aids the creation of a joined-up planning approach and sustainable economic growth whilst at the same time establishing liveable neighbourhoods, connecting people with places and enhancing Swindon as a pleasant and prosperous place to live and visit.

The long term aim is to normalise cycling as an activity for a variety of purposes for everybody - a normal, everyday activity.

A range of supporting documents provides technical detail, background and references to the content within the Framework.



# Setting the scene

Swindon may not automatically be regarded as a cycling utopia with its hilly topography and its famous roundabouts. Despite this, the number of people cycling to work should be celebrated – more than **4% of work trips** in Swindon are **made by bike**, almost **double the national average** (Census data 2011). Much can be done to build on this success and create a 'bicycle culture' within Swindon and normalise cycling as an 'everyday' activity.

Cycling to school is also on the rise – In 2007 5.5% of secondary pupils cycled to school in Swindon but this figure had reached almost **14% in 2011**. This compares favourably to 3.2% nationally (11 to 15 year olds) and bodes well for the future of cycling.

Cycling is much more than transport. The British cycling successes at the Olympics and Tour de France has seen a new vigour and interest, across the country, in cycling for leisure, sport and fitness. This is evident in Swindon with fantastic support and participation in Sky Ride's guided rides and membership of clubs such as Swindon road cycling clubs and Mountain Biking Swindon. The Borough has many different areas to cycle whether you are a serious road racer or just hopping back onto the saddle for the first time since childhood. There is something for everybody.

A range of co-ordinated projects, such as the Western Flyer, and the new Southern Flyer, combine to help Swindon residents to travel by bike, around the Borough, for a variety of purposes. The Swindon Travel Choices project has provided funding from the Local Sustainable Transport Fund (LSTF) over the past four years for cycling activity and initiatives. The Swindon Cycling Framework will provide the vehicle to build on this work.



# Cycling in Swindon – A Vision for 2026



The population of Swindon is expected to grow from the current 209,000 (2011 census) to over £220,000 by 2026. Growth in Swindon will undoubtedly lead to additional pressure on the highway network. Cycling, alongside other sustainable modes, is a critical part of achieving sustainable and economic growth.

The planned growth provides an ideal opportunity to set the tone for cycling in the borough and its vision for 2026. The cycle network should provide a seamless door to door journey with a network of primary, secondary and tertiary interlinked routes.

The vision of cycling in 2026 will be of new homes with appropriate places to store cycles. Residents will be able to cycle in safety and confidence along residential streets where 20mph zones are the norm. These connect to a secondary route network of quiet residential streets with appropriate speed controls. The secondary routes will connect to the primary routes with good quality and continuous cycle provision to get people to places of work, education, shops and leisure. Once at the place of work, secure cycling parking and changing/shower facilities will normally be provided by employers.

The design of facilities from home to work will take the lead from the Sustrans suite of design documents, the Council's adopted guidelines for new developments and highways and the DfT's local transport notes and Manual for Streets. These will be used to influence developers and highway engineers at the very earliest stage of development. Cycle proofing and retrofitting existing infrastructure will be investigated at locations where there are gaps in the network. The vision will also include good quality facilities within parks and open spaces as well as sporting facilities,. More people will have the skills and experience to enable them to become "everyday" cyclists.





# Policy Connections:

A brief guide to national and local policies

**National Planning Policy Framework, Department for Communities and Local Government** states the transport system should be balanced in favour of sustainable transport.

**Door to Door: A strategy for improving sustainable transport integration, the**

Department for Transport encourages sustainable transport through public transport supported by walking and cycling. Particular reference is made to multi-modal journeys using rail as the main mode and walking and cycling as trip ends.

**The Infrastructure Act 2015/Cycling and Walking Investment Strategy**, the CWIS, expected in spring 2016, will set out the amount of funding to be allocated to increase cycling and walking in line with the aims set out in the Cycling Delivery Plan 2014. This document recognised the benefits of cycling to the economy, the environment and to the health of individuals and communities. The 10 year plan aims to double cycling (measured in bicycle stages) by 2025. The Plan invited local authorities and Local Enterprise Partnerships (LEPs) to agree arrangements with Government and other groups to set out and commit to a vision, strategy and delivery plan for cycling and walking.

**Get Swindon Active 2015 – 2022** aims to influence the built environment so that being active becomes an easy choice for Swindon residents. It recognises that cycling can help achieve the aim of everybody active, everyday.

**Swindon's Health and Wellbeing Strategy 2013 – 2016** recognises that transport (particularly walking and cycling), green spaces and the built environment play a key role in determining our health and wellbeing.

**Swindon Local Transport Plan 3** favours mixed use development to encourage sustainable travel modes, including cycling, with key services located within easy walking and cycling distance, complemented by behavioural change measures.

**The Joint Strategic Needs Assessment** for Swindon is a statutory obligation on Swindon Borough Council to assess current and future health and wellbeing needs of the people of Swindon. Physical activity, and therefore cycling, takes a prominent position within the strategy in tackling obesity, achieving a reduction in carbon emissions and increasing health and well-being through participation in sport and leisure activities.

**Swindon Sports Strategy 2014 – 2017** recognises that all sports, cycling included, have a role to play in the health agenda coupled with the proven ability of sport to stimulate and enhance the local economy. It promotes partnership working with bodies, such as Sport England, as critical to secure external funding and the success of the strategy.

**Transport Vision 2026 for Swindon and Wiltshire** aims to support housing and jobs growth by providing real mode choice through the creation of legible walking and cycling routes.

**Swindon & Wiltshire Strategic Economic Plan** is the vehicle by which the Local Enterprise Partnership invites funding from Government to invest in the area. A fully connected, efficient and reliable transport system is crucial to achieving the vision to energise and enable greater economic growth. Cycling plays a key role in ensuring growth is achieved sustainably.

# Policy Context

Cycling cuts across policy boundaries. The spokes of influence extend far beyond the realm of transportation; stretching into the domains of economic development, public health, sport, planning, tackling deprivation, environmental challenges, education and promoting liveable neighbourhoods.

The economic benefits of reduced congestion and improved productivity are well known. However, cycling creates jobs too — the European cycling industry now employs more people than mining and quarrying and almost twice as many as the steel industry.<sup>1</sup>

Walking and cycling are identified as a key means of building physical activity into everyday living. Inactivity costs the UK billions of pounds every year. There is general agreement amongst public health professionals that increasing walking and cycling are likely to be amongst the best ways of

ensuring low cost, high value wins and offers best value for money for improving individual health. “If sport and physical activity was a drug, it would be regarded as a miracle” (Professor Sally Davies, Chief Medical Officer).

Frequent and regular cyclists could save the economy £2 billion over a ten year period in reduced absenteeism from work. Illness, as a result of physical inactivity, has been conservatively calculated to be between £0.9-1 billion per annum in direct costs to the NHS alone (at 2006

-7 prices). Indirect costs have been estimated as £8.2 billion per annum. (2002 prices).<sup>2</sup>

In addition, cycling and walking to school, together with healthier diets, can have a positive impact on educational attainment.<sup>3</sup>

Those on low incomes spend a disproportionate amount of their disposable incomes on certain goods and services, including transport. Low income groups are also negatively affected by transport through accidents, pollution and lack of social interaction.<sup>4</sup>

Cycling can reduce the impact of development by reducing reliance on cars for short journeys.

Cycling can impact on many policy areas and cross-sector collaboration is required to achieve meaningful increases in cycling. Collaboration between areas of transportation, planning, education, sport, culture, and health as well as public and private employers is crucial.





# Funding Signpost

Below is an outline of potential funding sources to provide necessary initiatives *everyday cycling, for everybody*. However, competition for funding will be intense so business cases will need to be robust and evidence based. Further background information can be in the 'Swindon Cycling Framework - Funding Opportunities Note'.

## Making the case for funding:

- Physical health
- Mental health
- Environment/Liveable Neighbourhoods
- Transport / congestion / road safety
- Sustainable growth
- Economy

## Potential funding streams:

- Central government funding e.g Cycling and Walking Investment Strategy (CWIS)
- Local Growth Fund
- Clinical Commissioning Groups
- Local authority capital and revenue / LEP
- S106
- CIL
- New Homes Bonus
- Private Finance
- Partnership (e.g. Network Rail)
- Sport England / British Cycling
- Landfill Communities Fund
- Lottery
- Community
- Funding South West (a directory of local funders)



# WHY CYCLE?

## The Economic Case

Recent research suggests cycle schemes deliver between 5 and 6:1 benefit cost ratio (BCR)., i.e for every £1 spent, £5-£6 of benefits in terms of reduced congestion and health are achieved. Schemes that return £4 for every £1 invested are considered by the DfT as 'very high' value for money. Researchers calculated that, nationally, the NHS could save roughly £17 billion through an increase in cycling and walking over a 20 year period.<sup>5</sup> The 'Cycling economy' contributed £2.9 billion to the UK economy in 2010.<sup>6</sup>



## The Health Case

There is an unequivocal body of evidence which links insufficient physical activity to a range of diseases and premature death.

Type II Diabetes is strongly linked to obesity and inactivity. Nationally, the cost of diabetes to the NHS is over £1.5m an hour or 10% of the NHS budget for England and Wales.

It is estimated that a 10% increase in physical activity in adults would benefit England would prevent approximately 6000 premature deaths per year.<sup>7</sup>

## Sport

Recently Sport England estimated the economic value of sport to Swindon's economy is £175m and creates 1,875 jobs.<sup>8</sup>



## Tackling Poverty

Transport problems contribute to poverty through poor transport provision. Car based land use planning can increase the chances of social isolation and poverty. Even low income families with access to a car are forced to use them more than they may wish.

Cycling is a ready made activity to help support a reversal of the trend towards inactive lifestyles. This, in turn, will reduce the burden on the NHS and the transport system and creating jobs.

Physical activity can have an impact on cognitive skills and improved academic performance with a more educated workforce adding to economic prosperity.<sup>7</sup>



# Recent cycling projects

## Cycle loan scheme

'Try before you buy' scheme to help people get back on their bikes

## Cycle mapping and online journey

Specific maps of cycle routes and a 'one-stop' online journey planner to compare modes in price, distance, calories burnt and CO<sub>2</sub> emitted

## Active Swindon Challenge

Friendly competition between groups, workplaces, families and friends in a bid to earn points for walking, cycling or using public transport during a set time period. As points build up so does your chance of winning prizes

## Sky Ride Guided Rides

Guided rides for people of all ages and abilities to build confidence and fitness in a group environment

## Tri-Active Project

A 3 year project, started in 2013, which aims to increase the number of people participating in running, cycling and swimming in Swindon.

## Cycle training and maintenance courses

Teaching people how to cycle in busy traffic conditions and the basics of cycling mechanics. Giving people the confidence to cycle on the road and help them stay on the road by maintaining their bike in a safe working condition

## Swindon Station Travel Plan

Award-winning travel plan to help people travel to the station more sustainably

## Upgrades to Western Flyer

Improvements to cycling infrastructure to create a 'cycling expressway' from West Swindon into the town centre

# Behaviour Change

Behaviour Change or 'Smarter Choices' is a package of measures to help people make informed decisions about their travel habits and encourage alternatives to single occupancy car use. These measures often complement infrastructure measures, such as cycle paths. Over recent years, behaviour change initiatives are also becoming a central part of public health strategies in the fight against inactivity and obesity. Standard operations include journey planning, personalised travel planning, workplace and school travel plans, cycle training and employer forums. Websites, social media and specific public events are typically used to enhance the profile of smarter choices work. Information is available at [www.swindontravelchoices.co.uk](http://www.swindontravelchoices.co.uk).

Page 138 Cycling plays a crucial part in smarter choices and recent research on the impacts of the Department for Transport's Sustainable Travel Towns project shows the number of cycle trips per head grew substantially (between 26% and 30%) in all three of the towns taking part. Darlington (which was also a Cycling Demonstration Town) showed the greatest growth. Meanwhile, cycle trips declined in medium-sized towns elsewhere.<sup>9</sup>

Taking all improvements into account, the research concludes that a conservative assumption on the benefit-cost ratio for the three towns is in the region of 4.5:1 (congestion benefits only). This means that for every pound spent on the project, it returned £4.50 in benefits. When factoring in environmental, consumer benefits and health effects, this figure could double.<sup>10</sup>

Given the proven benefits, it is prudent to continue to support the excellent work of Swindon's Travel Choices project and investigate how behaviour change initiatives can be funded in future. Partnership working with the public and private sector will be critical to funding and success of initiatives.



# Making space for cycling

The vision for infrastructure is three-fold; traditional highway infrastructure (measures that would aid commuting such as cycle paths and parking), establishment of leisure routes and sport infrastructure (such as closed road circuits and BMX tracks). These are dealt with separately over the next three pages.

Cycle routes on the highway will need to be prioritised using a solid evidence base; value for money interventions that will include measures other than just tarmac and paint. Simply slowing traffic speeds can have a positive impact. Interventions with multiple outcomes and benefits are likely to be more successful at attracting funding. Reducing severance and cycle proofing sections of road (such as junctions) should also be part of a delivery strategy and may prove cost-effective measures to get more people cycling.

Leisure and sport infrastructure not only has an economic benefit and the ability to attract the 'tourist pound' but can also attract funding outside of the transport sphere. Cycling has the potential to help reach transport and non-transport goals. External funding for regeneration, public realm and shared space schemes benefit cyclists but also benefit pedestrians, bus users and businesses. The development of a Delivery Plan for cycling will focus on these areas, and improvements designed on movement corridor lines.





# Commuter cycling

Journey to work by bike statistics for Swindon show encouraging signs at approximately double the national average (although significantly trailing high cycling areas such as Cambridge, Oxford and York). Increased numbers cycling to work is important to reduce congestion at peak times and is also a perfect way to build exercise into everyday lives.

Measures are required to improve the cycling environment and encourage multi-modal journeys , such as cycling to a rail station. Equally, it is important to provide the right information and encouragement to link infrastructure improvements with behaviour change initiatives. This approach could be aimed particularly at new residents , for example, moving into the Borough's new growth areas, which will build in cycling habits at the earliest opportunity.

Employers can do their bit by providing showers / changing facilities, and secure cycle parking,. Setting up bicycle user groups and offering incentives such as cycle loan schemes and cycle maintenance sessions are all useful ways to encourage sustainable travel habits. Making employers aware of the benefits of increased productivity and reduced absenteeism from a healthier workforce is crucial to buy-in.

Recent work on cycling to school has proved successful. Encouraging parents to cycle to work will also benefit the school run and help promote cycling to school. This will reduce congestion at rush hour and outside the school gates, making the school journey both safer and healthier.



# Leisure cycling

National performance indicators for Swindon reveal that just under a quarter of Swindon adults participate in sport and active recreation (including cycling) for at least 30 minutes, three or more times a week. This is similar to the level of participation in the Southwest generally, but is a little higher than the average level of participation for England as a whole. Participation is highest amongst younger men but falls away rapidly once a person reaches their mid-30s and declines further into older age.

The more highly educated a person is, the higher the probability that they will participate in cycling. Inactivity is highest in areas characterised by higher levels of deprivation, lower incomes, and social housing stock.

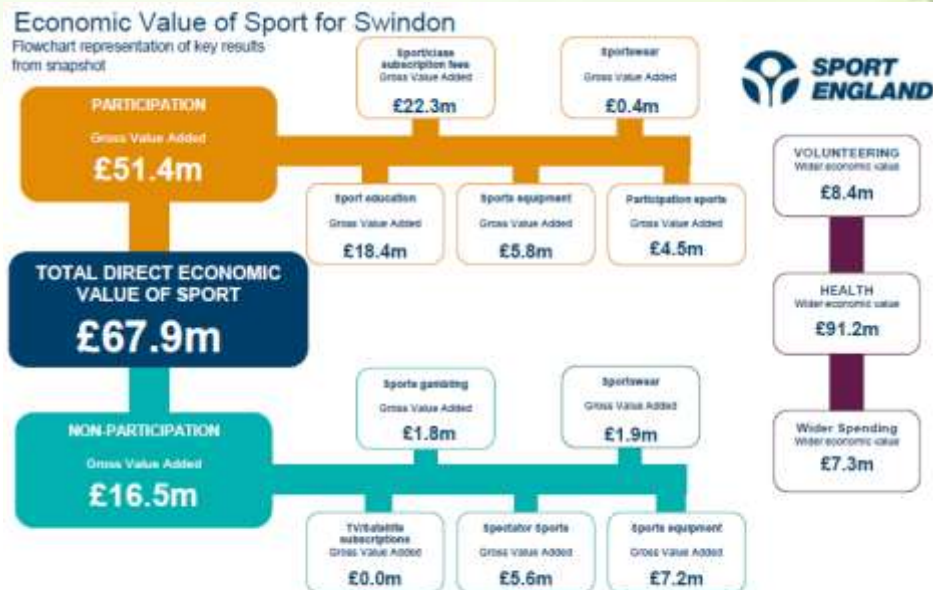
Research suggests that 86% of the non-cycling population reject the idea of using a bicycle as a general means of transport, but 66% would consider riding a bicycle for leisure. 71% of commuters were recreational cyclists before they started to cycle to work.<sup>11</sup> Part of the strategy should be concentrating efforts on leisure cycling and the provision of Green Links, as shown on the Movement Corridors plan, is proposed to encourage this. Getting people cycling, no matter what the purpose, is the fundamental and overarching aim of the strategy.





# Sports Cycling

Swindon has aspirations for a closed road circuit and cycling hub that can incorporate all six cycling disciplines (road, track, mountain biking, cycle speedway, BMX and cyclo-cross). Central to its inspiration is the links to leisure routes within Swindon. Cycling hubs have a dual function in that they provide a vehicle for competitive cycling but also a safe area to gain skills needed to cycle competitively and on the road. BMX tracks and Cyclo-cross can also be built within the grounds to enable the creation of a true cycling hub. Cycling infrastructure such as closed road circuits can make other sports financially sustainable. Cycle tracks elsewhere in the country can make £40,000 per year, helping to subsidise sports such as athletics and swimming.<sup>12</sup>

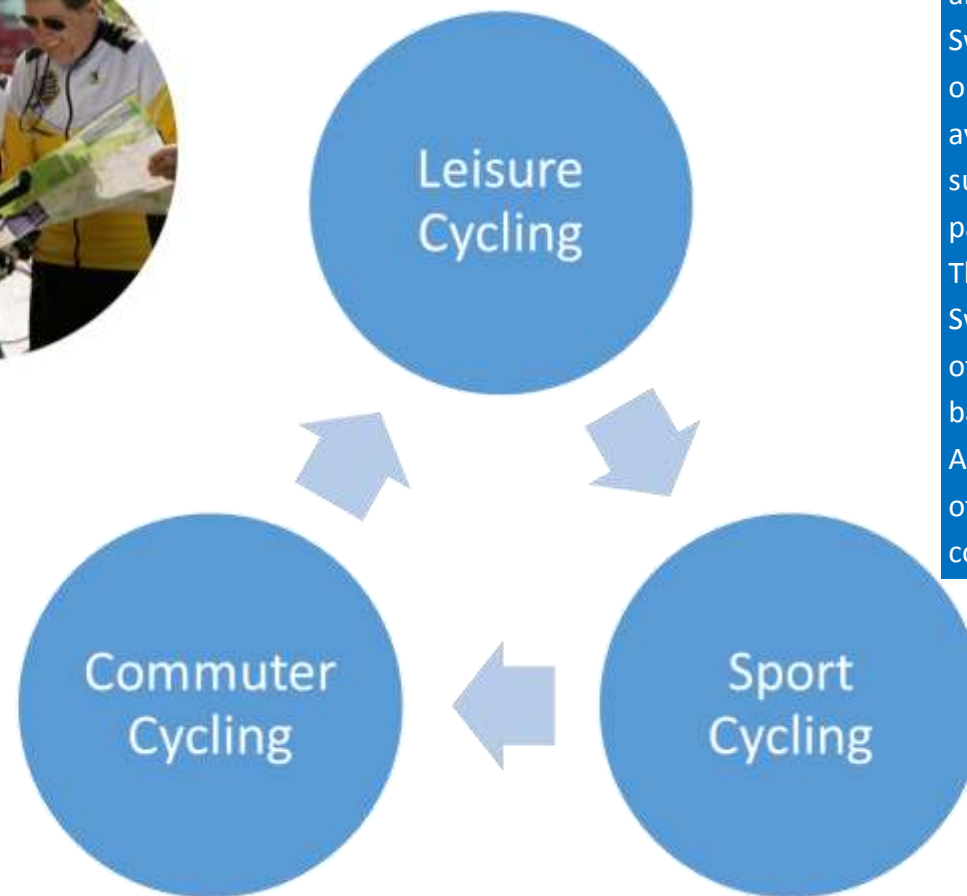


A closed road circuit offers a unique selling point for Swindon which will attract competitors, spectators and visitors to the town, enhancing its reputation and economic development. Having this type of facility will also help to attract national and international sporting events like the Tour of Britain, enhancing economic performance further and inspiring people to get on their bikes. For the vision of a closed road circuit to become reality, the sports partnership will need to drive the project forward and partnership working will be the cornerstone of achieving this aim and the wider aims of the Framework. Working with organisations like Sport England, British Cycling, WASP, SWLEP, private companies and other public bodies will enrich the support and buy-in for cycling.

Recent research conducted by Department for Transport suggests that most people will not entertain the idea of cycling to work but would consider it as a leisure activity. The majority of commuter cyclists were leisure cyclists first. This could be most straightforward path in getting more people cycling. Marketing and promoting leisure routes and led rides as a useful approach and one promoted by British Cycling, whose Recreational Model takes the 'bite-size pieces' approach. Basically this means that strategies are likely to be much more successful if they firstly encourage people who never cycle to get on their bikes occasionally (less than once a month). This can then convert into more regular cycling (once per month). As fitness improves, people are more likely to take part in sport or club cycling and become frequent cyclists (once per week) or even daily commuter cyclists. This in turn leads to more leisure cycling with family and friends.



## The Cycling Cycle



### Case Study 1: British Cycling Guided Rides

Guided rides are social group cycle rides catering for different fitness levels and abilities. In 2014, in partnership with Swindon Borough Council, 35 rides were organised with a total of 579 participants, averaging 16 cyclists per ride. Satisfaction surveys showed that, on average, participants rated the rides 8 out of 10. There are 41 Ride Leaders trained in Swindon and the initiative is seen as part of the package of measures to get people back on their bikes. British Cycling's Annual Participant Survey indicates 38% of those trying guided rides progress to commuter cycling.





# Safer places to cycle

More often than not, the perception of the dangers of cycling can overshadow the positives. Whilst it is important to ensure cyclists keep themselves safe 'on the road' it is equally important to educate motorists to be considerate towards vulnerable road users. Considerate driving and strict enforcement of speed limits and other traffic regulations will help make cyclists feel safer on the roads and encourage it as an activity.

The Wiltshire and Swindon Road Safety Partnership has a target of a 40% reduction in the number of people killed and seriously injured in road collisions by 2020. Evidence suggests that cycling, coupled with other sustainable transport initiatives, could reduce road deaths by up to 90%. Cycling therefore contributes towards road safety targets and reduces the cost of these casualties to the Wiltshire community - estimated to be £116 million.

Whilst trends are downward, approximately 12% of all casualties are cyclists. However, statistics alone do not tell the full story. The benefits of cycling to health (inactivity is quickly becoming one of the leading factors in causing the conditions that give rise to premature death), life expectancy and general well-being, far outweigh the potential risk of accidents.

Despite this, more needs to be done to protect more vulnerable road users. Counter-intuitively, the answer could be increasing cycle numbers and embracing the 'safety in numbers' principle. There is a growing body of evidence that more cyclists on the roads lowers the risk of accidents as more cyclists raise more awareness amongst motorists. Although recognition of dangers is important, acknowledgement of the perception of risk and how to counter this should also be recognised.





# Case Study 2: Mountain Biking Swindon

Initially started by the Nationwide Cycling Club and a £10,000 Lottery grant, a spade and a wheel barrow, Mountain Biking Swindon (MBS) now has 350 members and a permanent, open to all, base in Croft Road Country Park. The Croft mountain bike (MTB) trail was short and incomplete until the two founding members discovered it and saw the potential. They started with the initial premise of simply building a place to ride and enjoy for themselves, without knowing what it could become.

Whilst built on land provided by Swindon Borough Council, the trail is managed by MBS. It has been built entirely by volunteers and almost entirely self-funded through membership fees, training courses and small social events. 'Build days' (construction of tracks to Forestry Commission standards) attract good numbers of volunteers and rely on the self-taught building skills of members to make efficient use of materials and manage risk.

The waymarked trails at Croft Country Park offer both a family/beginner off-road trail (Blue), and a more technical trail (Red) with features for the more experienced cyclist or those wishing to improve their skills. The club also offers club rides. The regular Friday Night Ride has been running since later summer 2009 and has not missed a Friday since. Up to 35 people have been known to join single rides. Again, the emphasis is on beginners with 'novice friendly' rides a prominent fixture in the calendar. Many novices who try out the trails or rides end up being regular cyclists – the ultimate aim of the Framework.

Even though races are organised for more experienced/faster riders, with their own sponsored professionals, the current club chairman and founding member Phil Mayger highlights the club's philosophy perfectly "I would much rather have a disappointed experienced cyclist than a disappointed novice". This accessibility, by a wide range of abilities, is reflected in the club being British Cycling approved.

Open all year round, easily accessible and free to use, The Croft MTB trail is a shining example of what can be achieved with minimal funding and the enthusiasm and commitment of just a few people. The club has grown significantly and built a cycling scene and community made possible by the existence of the Croft Park trails as somewhere to ride with likeminded people. Interested? Visit: [www.mbswindon.co.uk](http://www.mbswindon.co.uk)



## Priority cycling 'movement corridors' - see plan overleaf

The following map represents cycling 'movement corridors' identified using information from the 2011 'usual mode of travel to work' statistics and National Travel Survey. The information has been extrapolated from those currently travelling by car under 6km ('potential cyclists') using origin and destination data. However, only a certain level of detail is publically available from the Census. For this reason, 'corridors' have been plotted in the centre of Mid-Level Super Output Areas (MSOAs) or at known major trip generators (such as South Marston Industrial Estate). Main residential, commercial and development areas have been identified as origins and destinations

and 'nodes' have been created for the purpose of the mapping. Also important is access to parks and the countryside, a key part of the Framework to get people active. For this reason, leisure/recreational destinations - places where people can cycle on traffic free routes to gain skills and confidence regardless of ability or age - have also been added .

It should be noted that the 'corridors' represent a broad area and are not related to specific roads/streets or cycle routes. The information could be used to audit 'corridors' to identify possible improvements, however big or small. In turn, the information and audits could be used to provide robust

businesses cases to influence funding decisions or provide a basis for external funding bids.

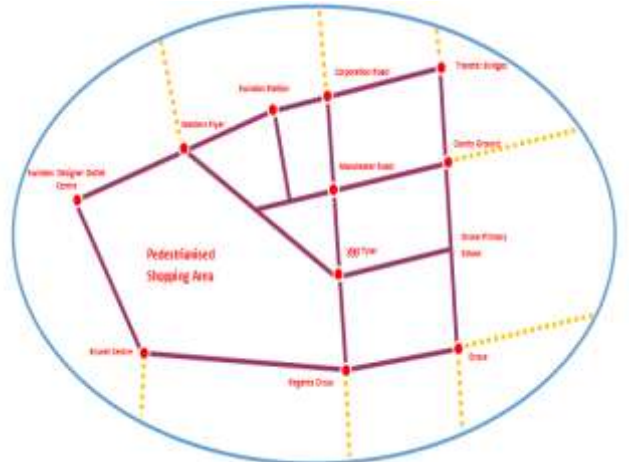
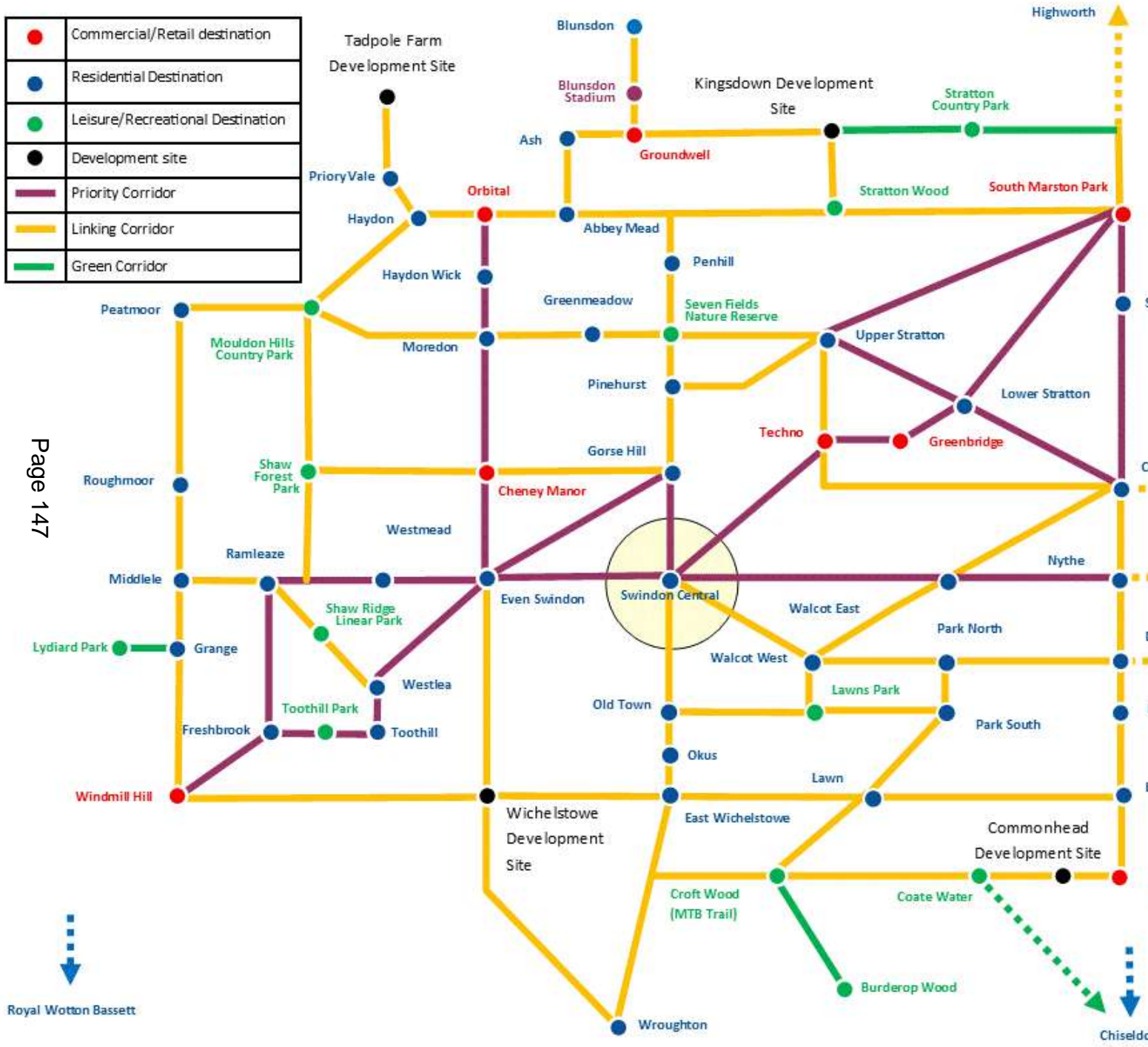
Where 'corridors' have been identified, this does not automatically mean that infrastructure is required. Existing, good quality routes may already be present (such as the Western Flyer from West Swindon to the town centre) or need only relatively small improvements.

The Movement Corridor plan will form the basis for scheme development in the Delivery Plan.

The full methodology behind the priority cycling 'movement corridors' can be found in '*Swindon Cycling Framework - Priority Corridors*



<span style="color: red;">●</span>	Commercial/Retail destination
<span style="color: blue;">●</span>	Residential Destination
<span style="color: green;">●</span>	Leisure/Recreational Destination
<span style="color: black;">●</span>	Development site
<span style="color: purple;">—</span>	Priority Corridor
<span style="color: orange;">—</span>	Linking Corridor
<span style="color: green;">—</span>	Green Corridor



Liddington

Wanborough

Chiseldon



# Making it happen

There are a number of objectives that will help achieve the 4 main aims of the Framework. Below the objectives are 'interventions' to achieve each objective. The Framework is intended to lay the foundations and lead to targeted action plans.

**OBJECTIVE 1:** Create a safe and convenient cycle route network that links people to places in Swindon and beyond

- ⇒ Develop a local cycling delivery plan initially prioritising 'corridors' delivering the most benefits (as outlined in Priority 'Movement Corridor' Map)
- ⇒ Create convenient, continuous, legible and direct routes to major trip generators which includes adequate signage, lighting and maintenance. Designing roads with cycle use in mind from the start in line with Cycling Delivery Plan and 'cycling proofing' values<sup>12</sup>
- ⇒ Initially audit routes as outlined in the Movement Corridor map. Retro-fit/adapt junctions to ensure safety and convenience for cyclists at junctions (with reference to 'cycle proofing' above). Ensure access for all users eg adaptive bikes and tag alongs.
- ⇒ Conduct review of cycle directional signage.
- ⇒ Ensure that cycle journeys to green areas, parks and the countryside can be made safely and conveniently for even the youngest of cyclists
- ⇒ Develop a number of green corridors within Swindon Borough
- ⇒ Review town centre cycling particularly the one-way system and access to rail/bus stations and generally improve permeability. Investigate use of pedestrianised areas.
- ⇒ Work with neighbouring authorities and Sustrans to build on existing and develop new cycling and walking networks that connect to outlying settlements
- ⇒ Provide end of journey facilities (including cycle parking) and parallels with '*Door to Door Strategy*'. Investigate trip origins and destinations, station catchment areas and public transport route frequencies to ensure a targeted approach to route priority
- ⇒ Conduct surveys and monitoring to gather intelligence to inform business cases. Utilise the latest DfT guidance to make the economic case



## Case Study 3: Western Flyer

The concept of the Western Flyer is to provide a legible, continuous and defined route that cyclists and non-cyclists alike can identify with. The project involved upgrading an existing cycle and pedestrian route (NCN45) between West Swindon and the town centre (nearly a fifth of workers in the town centre live in West Swindon). Works included new surfacing, lighting, public realm enhancements, signing and branding.

This Swindon pilot with its continuous brand has been successful and well received. It is the intention to investigate further 'Flyer' routes across the Borough, the first of which will be a Southern Flyer linking Wichelstowe with the town centre.

# Making it happen

**OBJECTIVE 2:** Develop and promote the role of cycling with initiatives aimed at improving health and wellbeing

- ⇒ Continue to work with British Cycling and support Guided Rides to offer residents a variety of group rides that cater for different confidence / competency levels
- ⇒ Ensure cross sector collaboration, particularly with Public Health, to use cycling as a way of building physical activity into everyday lives
- ⇒ Work with healthcare professionals to identify areas of poor health and target interventions
- ⇒ Promote cycling for leisure on traffic-free paths
- ⇒ Target the Sustrans Bike It programme in areas with poor cycling levels but with the greatest potential to cycle
- ⇒ Continue with programmes such as a bike loan scheme to enable residents to 'try before you buy'
- ⇒ Investigate schemes to provide the poorest members of the community with the means to cycle.



## Case Study 4: Recycles

The Recycles Loan Bike Scheme was funded by Swindon Travel Choices and run through the social enterprise, Recycles (part of the Salvation Army). This scheme allows individuals to borrow a bike for free for a period of 8 weeks. This gives individuals a chance to try cycling to work and for leisure before deciding whether to buy one.

Questionnaires were completed by participants on return of their loan bikes. Nearly 60% of participants stated they had bought a new or second-hand bike since taking part in the scheme. 77% of participants noticed an improvement in their health. 98% had a good or excellent experience of the Recycles programme.



# Making it happen

**OBJECTIVE 3:** Ensure that cycling is a safe and convenient way to travel to school and work, or as part of a work journey

- ⇒ Continue to work with major employers to encourage cycling to and at work. Foster Cycling Champions in schools / large employers, identify best practice and encourage sharing of information
- ⇒ Work with employers to provide adequate facilities at schools/ colleges and workplaces, including safe/secure cycle parking, shower and changing rooms
- ⇒ Conduct regular satisfaction surveys in schools/colleges and workplaces to identify the improvements necessary to get more people cycling more often
- ⇒ Investigate access to schools/colleges and large workplaces that offer the greatest potential to increase cycling
- ⇒ Make available cycle training and cycle maintenance courses to provide people with the skills to cycle on the road and keep cycling
- ⇒ Continue to implement school safety zones where needed and encourage cycling to school
- ⇒ Encourage journeys by bike for other purposes, e.g. shopping

## Case Study 5: Highworth Road Connect 2 Project

In 2013, Swindon Borough Council, in partnership with Sustrans and with funding from the Big Lottery Grant, paved the way for a new cycle path to one of the largest employment areas in Swindon. The shared use path alongside the A361 Highworth Road provides a traffic free link from South Marston Business Park to the wider Swindon network including links to the NCN route 45. Some employers at the business park discouraged their employees from cycling before this new link was provided. It is now possible to work with employers on the business park to encourage their employees to leave their cars at home. Sustrans estimate that 160,000 trips will be made on the route every year.



# Making it happen

**OBJECTIVE 4:** Promote cycling as a realistic choice for an array of everyday trips and as a great activity in general

- ⇒ Change the perception of cycling and normalise it as an 'everyday' activity through organised activities such as a local 'Sky Ride' type mass participation events. Educate both cyclists and motorists on cyclists' legitimacy on the road and cyclists' responsibilities on and off-road
- ⇒ Promote a culture change within the Borough through politics, within schools and businesses, and through sporting activities
- ⇒ Publicise the opportunities to cycle for work, leisure, health and sport through the distribution of maps (The Rounds) and promotion of clubs and facilities
- ⇒ Develop a marketing and communications strategy in conjunction with Public Health, sport, leisure and transport to ensure economies of scale and reach the widest possible audience
- ⇒ Set up a local Swindon Cycling Forum – politicians, cycling groups, health, businesses, schools, LEP, public transport operators etc. — driven by a Cycling Champion at local authority level
- ⇒ Build on LSTF and other cycling projects, evaluating what has worked and provides the best value for money
- ⇒ Ensure Swindon receives its fair share of government funding for cycling and walking. Prepare schemes with robust business cases to compete for funding and provide the best possible chance of success.





# Making it happen

## **OBJECTIVE 5:** Support and encourage cycling as a sport in Swindon

- ⇒ Support for a regional cycling hub (e.g. closed road circuit) in Swindon by identifying potential locations, conducting feasibility and developing a business case to identify and attract funding sources. A cycling hub will enhance Swindon as a destination and contribute to economic growth
- ⇒ Work with partners and neighbouring authorities to investigate the potential to host a nationally recognised cycling event such as the Tour of Britain to raise the profile of cycling and contribute to economic growth
- ⇒ Increase participation by the production of social and competition pathways, development of a School Programme to include in local school games and continuation of the Sports Cycling Consultation/Steering Group
- ⇒ Develop partnerships so that Swindon can become a critical partner with British Cycling and Sports England to provide essential support and funding
- ⇒ Increase skills training and development (qualified coaches and volunteers) through links with colleges and schools to provide vocational qualifications
- ⇒ Provide support to clubs and organisations on club governance to ensure their success, longevity and membership in the long term
- ⇒ Utilise industry expertise to investigate mechanisms to identify talent through school talent ID programmes and school games Programmes
- ⇒ Development of sports cycling plan as part of Swindon Sport Strategy.





# Making it happen

**OBJECTIVE 6:** Ensure that cycling is a consideration in all development proposals

- ⇒ Ensure developers provide high quality facilities within their developments that connect externally by influencing Masterplans at an early stage and utilising design guidance for all aspects of cycle design (route design, cycle parking etc.). Facilities for cyclists and pedestrians will be shared use only where appropriate.
- ⇒ Ensure that cycle route signage is implemented as new developments are built as part of S.278 requirements in accordance with usual directional signage for motorists
- ⇒ Make best use of new developments and their infrastructure as ways to access the countryside
- ⇒ Work with the LEP to ensure that adequate funding is allocated to cycling from central Government funding agreements to aid local growth
- ⇒ Use Neighbourhood Plans to inform cycling requirements and connections to new developments.
- ⇒ Ensure adequate, well located, cycle parking, in new or extended retail premise e.g. supermarkets



## **References**

- <sup>1</sup> *Cycling Works: Jobs and Job Creation in the Cycling Economy*, European Cyclists' Federation, 2014
- <sup>2</sup> Davis, A, *Claiming the Health Dividend: A summary and discussion of value for money estimates from studies of investment in walking and cycling*, DfT, 2014
- <sup>3</sup> Paton G. (22 Oct 2013). Daily exercise 'can boost pupils' GCSE results by a grade', *The Telegraph* Retrieved from <http://www.telegraph.co.uk/education/educationnews/10394369/Daily-exercise-can-boost-pupils-GCSE-results-by-a-grade.html>
- <sup>4</sup> Bourne, R Low pay and the cost of living: A supply-side approach, Institute of Economic Affairs, 2014
- <sup>5</sup> Davis, 2014
- <sup>6</sup> Ibid
- <sup>7</sup> Sport and the economy, Sport England <http://www.sportengland.org/research/benefits-of-sport/economic-value-of-sport/>
- <sup>8</sup> Paton, 2013
- <sup>8</sup> Sloman et al, The Effects of Smarter Choice Programmes in the Sustainable Travel Towns: Summary Report, Report to the Department for Transport, February 2010
- <sup>10</sup> Ibid
- <sup>11</sup> Transport for London, Exploring the relationship between leisure and commuter cycling, Policy Analysis Research Summary, Oct 2011
- <sup>12</sup> Abraham, R (6 June 2013), New closed road circuit unveiled, *Cycling Weekly*, Retrieved from <http://www.cyclingweekly.co.uk/news/new-closed-road-circuit-unveiled-29666>
- <sup>13</sup> Department for Transport, *Investing in cycling and walking: the economic case for action toolkit*, March 2015 <https://www.gov.uk/government/publications/cycling-and-walking-the-economic-case-for-action>

## **Abbreviations**

BC (British Cycling)  
 LEP (Local Enterprise Partnership)  
 LSTF (Local Sustainable Transport Fund)  
 NGB (National Governing Body)  
 SBC (Swindon Borough Council)  
 SWLEP (Swindon and Wiltshire Local Enterprise Partnership)  
 WASP (Wiltshire & Swindon Sports Partnership)

## Regionalising Adoption Agencies

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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Author:	Cabinet Member for Children's Services Interim Director Children Services / Head of Children, Families and Community Health
Wards:	All
Locality Affected:	All
Parishes Affected:	All

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### **1. Purpose and Reasons**

- 1.1 To report on the expectation of the government to make arrangements to create Regional Adoption Agencies and the potential options Swindon has in doing so.
- 1.2 Swindon Council currently operates its own adoption agency, with a very small average volume of activity and the report highlights how Swindon might best meet the new requirement to have new regional agencies operating in a model big enough to provide for excellence and innovative in practice.
- 1.3 The recommendations of this report support the Council's Priority Four: Help people to help themselves while always protecting the most vulnerable children and adults

### **2. Recommendations**

#### Cabinet is recommended to:

- 2.1 Support the establishing of a Regional Adoption Agency aligned to the Berkshire/ South East as set out in the report, to ensure the smooth transition of Swindon's adoption agency into a new operating model
- 2.2 Authorise the Interim Director of Children's Services, in consultation with the Cabinet Member for Children's Services, to agree the decision about the detailed nature of the operating model in partnership with the Governance Board for the Regional Adoption Agency in due course.

### **3. Detail**

#### Background

- 3.1 In June 2015 the Department for Education (DfE) issued a document setting out the government's proposal to support organisations interested in setting up regional adoption agencies (RAA's). It noted that by the end of this Parliament, the DfE wanted to see all local authorities being part of regional agencies. The DfE stated that they wanted to ensure that there was in place:

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Further information on the subject of this report can be obtained from Karen Reeve, 01793 463200 kreeve@swindon.gov.uk.

# Regionalising Adoption Agencies

**Cabinet**

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- a) a system where children are matched with the most suitable adopter as quickly as possible;
  - b) recruitment (of adopters) taking place at an efficient scale to provide a pool of 'adoption ready' adopters large enough and well enough matched to the needs of children waiting;
  - c) and enough high quality adoption support services available nationwide
- 3.2 The DfE offered some funding to 'stimulate initial change in the sector' and a fund has been available for potential groups of local authorities and Voluntary Adoption Agencies (VAA's) who might form such a RAA to bid for, in order to fund some practical support in their development.
- 3.3 The DfE have made clear their expectations that the RAAs must be ambitious, to ensure that they are delivered on a greater scale, and are more innovative in practice. They stated that structural change will not provide all the answers, that 'Form must follow function'
- 3.4 The DfE said they were particularly keen to consider models that have an element of cross-sector collaboration, bringing together the best of the voluntary and statutory sectors. It has become more apparent as time has moved on that the inclusion in some meaningful way of the VAA's is a 'must do'.
- 3.5 Whilst the DfE stated they did not wish to be overly prescriptive about the scale or geography at which regional adoption agencies would operate. They have stated that:
- a) They want to see sizeable change – they would not be interested in supporting two very small local authorities coming together to deliver their services
  - b) Models should be big enough to deal with 200 plus children per year,
  - c) To explore a range of new approaches to delivery models – be that local authorities joining together, voluntary adoption agencies joining local authorities or services operating outside of local authority control.
  - d) To be at the forefront of excellent and innovative practice.
  - e) They would expect RAAs to deliver all adopter recruitment, matching and support functions, unless there was an exceptional reason otherwise.

## The position in Swindon

- 3.6 Swindon Council currently operates its own adoption agency, with a very small average volume of activity- between 10-15 adoptions a year. It is a 'standalone' agency providing all aspects of the adoption function and commissions a small

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# Regionalising Adoption Agencies

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contract (under £10k) for a specialist aspect of adoption support from a VAA. With such low numbers some (albeit a small number) of the children Swindon needed to place for adoption have required placements from outside of Swindon to meet their particular needs. The adoption service is small with only 6 staff and is managed by the Fostering (and Adoption) Team Manager.

- 3.7 Swindon officers have been exploring possible options to meet the DfE expectations and has reached the point where a decision needs to be made about the preferred direction of travel so that capacity and resources can be best utilised.

The following options were those considered to be those open to the local authority:

- 3.8 **Option One: Do nothing and continue having our own Swindon Adoption Agency:** In essence this option would maintain the status quo. With low numbers of adoptions per year less than approx. 6% of the size that's being suggested a RAA should cover (approx. 200 children). It would also be difficult to see how significant service improvement could be evidenced to enable this option viable. Hence this appears the least viable as Central Government has made it clear their expectations as outlined earlier in the report. Although in theory the expectation set by DfE is not set out in legislation it has been suggested they would legislate if progress to regionalisation was not addressed.
- 3.9 **Option Two: Externally commission all services from a VAA:** This option would end entirely our own Agency- relinquishing all direct service provision. Section 3 (1) – 3(3) of the Adoption and Children Act 2002 places a duty on local authorities to maintain an adoption service within their area, and sets out the minimum facilities that must be made available in the provision of the service. However Swindon is not obliged to provide all the facilities itself but may make use of the services of a VAA or adoption support agency. In essence Swindon could go out to market and tender for the entire service.
- 3.10 Whilst this in theory is an option it would however again not meet the DfE's intention of providing RAAs offering services as outlined in 3.8 above. Also having such a small cohort of children requiring adoption placements would not either give Swindon a large influence on either the market or 'bargaining power'. Another consideration with this option is that the Agency Decision Maker (ADM) decisions would be relinquished to the provider, therefore losing some element of control in decision making for the key stages in a child's journey through the adoption process. For example the ADM currently makes the decision that adoption is in the best interests of a child.
- 3.11 **Option Three: Join a RAA in the South West of England:** Swindon could decide to be part of a regional adoption agency in any part of the Country although local geography would logically determine to a great extent where this is

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# Regionalising Adoption Agencies

Cabinet

Date: 16<sup>th</sup> March 2016

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for practical reasons including the staff time needed to travel to an area to recruit adopters, visit, introduce/place children, support them etc. and for children to travel and be within a reasonable distance to ensure they are safe and well.

- 3.12 Option Three known at the moment as Adopt West has a current governance group/project group consisting of seven potential local authorities (including Swindon; Bath & North East Somerset; North Somerset; Bristol; Glous; South Glous; Wiltshire) ) and 3 VAAs at this time. All are based in the South West region with Swindon the furthest East. A bid has been accepted by the DfE who have provided funds to support the work in setting up a RAA and a Coach to advise the Governance /Project group.
- 3.13 Swindon officers have been attending various meetings over the last few months to help start to inform this work but will imminently need to formally commit (or not) to the development of the RAA with SBC as a formal partner in whatever the model is to ensure we can influence the decisions and share the workload.
- 3.14 The model for the SW RAA is not yet fully developed but an options appraisal has been commissioned. All the building blocks can be in place however to meet the requirements as set out by DfE.
- 3.15 There is little to separate the decision about whether to opt for working with the South West/Adopt West or Option Four Adopt Berks (see next option) as essentially they are the same thing with subtle differences. Some of these considerations are outlined after option four:
- 3.16 **Option Four: Join a RAA in Berkshire/South East of England:** This group/shadow RAA consists of nine potential LAs (including Swindon and West Berkshire; Oxfordshire; Milton Keynes; Windsor& Maidenhead; Slough; Bracknell; Reading; Wokingham) a Governance Board already exists and four local authorities are in essence providing a jointly run LA hosted agency at this time. All the authorities are based in the South East region, if Swindon formally joined it would be the authority placed furthest West but still conveniently located along the M4. A bid has also been accepted by the DfE who have provided funds to support the work in setting up a RAA and a Coach to advise the Governance /Project group, the same as the potential RAA in South West..
- 3.17 Swindon officers have had informal discussions with the South East group and they have made clear they would welcome Swindon joining it. Similar to the South West group Swindon will again need to formally commit (or not) to the development of the RAA with SBC as a formal partner in whatever the model is. As with the South West group the model for the RAA is not yet developed but an options appraisal has been discussed and options similar to the Adopt West have been explored.

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## Further considerations of Options Three and Four:

- 3.18 Whilst it seems clear that options One and Two are the least viable there is little to separate the decision about whether to opt for working with South West or South East group as essentially they are the same thing with subtle differences and the situation is still fluid and may change over the next few months. However to the best of knowledge at this time, these considerations include :
- a) Both SW & SE have DfE funding and support to take forward a RAA and both SE & SW are in about the same place in timescale terms as to determining the future model of delivery.
  - b) Geographical location is no real issue for either the SW or SE option. Both could /would need some operational 'hub and spoke' model to ensure accessibility to each LA area regardless of model across the region.
  - c) TUPE/Pensions issues for Swindon staff would be a similar issue in both potential RAAs as far as we know
  - d) Both have indicated they could consider Special Guardianship arrangements (a different legal way of securing permanent homes for children) and other forms of permanency later in the project, although the SE are further along this route than the SW.
  - e) The SW at the moment has some aspects of adoption provision presented as 'out of scope' (i.e. inter-country adoption, step parent adoption, adoption file access) which if maintained would mean SBC would need some sort of residual service which in turn could have practice and cost implications for Swindon. SE has these in scope at the moment.
  - f) Adoption services are already part way along the journey of 'shared' services in four of the local authorities in the SE with 2 others part engaged. Also the SE has some services already in place seen as 'good' by DfE and Ofsted that can be in theory transferred straight over to any new model. The SW would be starting from new.
  - g) There is no substantive history of joint operation of services in children's services in the SW. There is however a history of shared services in the SE area. Such as a joint family legal service, emergency duty service and adoption service
  - h) The SE would be made up of more small Unitary authorities than the SW which may give a more even balance of 'ownership'
  - i) There are no obvious expressions of interests stated as yet within the SW to lead on a SW model. SE has a natural focal point with the pre-existing services and infrastructure for some aspects already physically based in Wokingham managed through Windsor & Maidenhead.
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- j) Both the SW & SE options largely protect a 'social purpose' element in the operation i.e. it can be seen as 'ours' and would mean there would still be an adoption panels and agency decision maker responsibilities would remain.
  - k) At this time there is no discernible financial difference between the options
- 3.19 Hence there are subtle differences between the two options but on balance the South East option is thought to be a marginally better fit for Swindon's purposes and to ensure that the DfE requirements are met. In particular with some aspects of the infrastructure in place and the 'in scope' services meaning Swindon would have little/no need for a residual service.
- 3.20 Subject to Cabinets decision officers will need to progress the recommended option and ensure the smooth transition of its current service to a Regional Adoption Agency, albeit the exact format for that would need to be subject to further decision making in due course. It is recommended that the decision making for the operating model of the RAA itself is delegated to the Interim Director of Children's Services in consultation with officers in the adoption service, legal and finance teams.

## 4. Alternative Options

- 4.1 The alternative options are listed in detail in section 3 above. However in headline terms the options available to the best of current knowledge and thinking are
- a) to the setting up of a Regional Adoption Agency (RAA), albeit the exact format for that would need to be subject to further decision making in due course;
  - b) continue as is/the status quo; or
  - c) totally outsource the service in the 'market place'

## 5. Implications, Diversity Impact Assessment and Risk Management

### Financial and Procurement Implications

- 5.1 The adoption agency budget for 2016/17 is £ £1.342 million. . This includes f £956k for adoption allowances, child arrangement orders and special guardianship orders and £320k direct staffing costs.
- 5.2 Until a preferred operating model is identified exact costs of the new service is unknown, however the clear brief given to the project/ governance boards is that this must be done within existing budgets and that preferably in the longer term cost savings through larger scale efficiencies should be found.
- 5.3 Any staff TUPE or pension costs will also need to be determined.

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# Regionalising Adoption Agencies

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## Legal and Human Rights Implications

- 5.4 The Council has a responsibility to ensure that children it identifies that need to be adopted are in a timely and safe secure manner.
- 5.5 Section 3 (1) – 3(3) of the Adoption and Children Act 2002 places a duty on local authorities to maintain an adoption service within their area, and sets out the minimum facilities that must be made available in the provision of the service. The options set out in the report would fulfil this requirement.
- 5.6 Human Rights considerations have been taken into account fully in compiling this report. It is considered that the recommendations of this report are compatible with Convention rights.

## All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

- 5.7 All staff in the adoption team will be protected by the TUPE terms and conditions as the Council transfers to a new model of provision and will be protected under employment law.

## Diversity Impact Assessment

A Diversity Impact Assessment has not been completed for this report. This is because the recommendations at this time seeks permission to change to a new model with as yet no change to staffing, budget or service eligibility criteria. However once the options appraisals for the new operating model is considered a DIA will need to be completed. This will need to be a model agreed across all the LA's in the RAA. However:

- 5.8 There deemed to be no potential adverse impact on the basis of religion, sexual orientation, marital/civil partnership status or pregnancy/maternity through this proposal

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 None

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# **Regionalising Adoption Agencies**

**Cabinet**

**Date: 16<sup>th</sup> March 2016**

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**9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This decision is not considered to be a Key Decision under the Council constitution.

## Regulation of Investigatory Powers Act 2000

Cabinet

Date: 16<sup>th</sup> March 2016

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Author: Leader of the Council,  
Director of Law and Democratic Services, and  
Public Protection Manager

Wards: All

Locality Affected: All

Parishes Affected: All

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### 1. Purpose and Reasons

- 1.1 To brief members as to the current situation with regard to the Council's use of the Regulation of Investigatory Powers Act 2000 and to note the current policy.
- 1.2 Councillors should have oversight of how the Council uses its powers to undertake surveillance activities and to be assured that it uses its powers responsibly and in accordance with the Regulation of Investigatory Powers Act and associated codes of practice.
- 1.3 The report has the following links to One Swindon, Plans and Policies namely 1) Together, find new ways to reduce vulnerability and improve health for all and 2) Work with people and families to help them fulfill their potential.

### 2. Recommendations

Cabinet is recommended to note the report and endorse the current 'Policy and Protocol on Regulation of Investigatory Powers Act 2000'.

### 3. Detail

#### Surveillance activities that can be undertaken by the Council

- 3.1 Swindon Borough Council has a number of powers of covert surveillance which are supervised by the Regulation of Investigatory Powers Act (RIPA) which allows the Council to authorise the use of three covert techniques:
    - 3.1.1 One: covert surveillance on individuals in public places, that is, **directed surveillance** using cameras and other methods such as photography or covert following of individuals;
    - 3.1.2 **Two: communications data** (such as telephone billing information – but not traffic data, which is the most intrusive form of communications data, which can be used to identify the location of devices); and
    - 3.1.3 **Three: covert human intelligence sources** (CHISs), where individuals interact with suspected offenders in order to investigate crime; almost exclusively these are Council's enforcement officers.
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Further information on the subject of this report can be obtained from Stephen Taylor, Direct Dial Telephone Number (01793) 463012, [staylor@swindon.gov.uk](mailto:staylor@swindon.gov.uk).

# Regulation of Investigatory Powers Act 2000

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## Surveillance activities undertaken by the Council during 2014 and 2015

- 3.2 During the calendar year 2015, the Council undertook no authorised CHIS surveillance and two requests for communication data. During 2014, there were 2 authorised CHIS surveillance and no requests for communications data.
- 3.3 To put the Council use of surveillance powers into context, in 2011 the Office of the Surveillance Commissioners, reported that generally speaking local authorities use surveillance powers sparingly with over 50% of Authorities granting five or fewer directed surveillance authorisations and 16% none at all.
- 3.4 Further, the 2014/15 Chief Surveillance Commissioner's Annual Report states that there has been a significant drop since then in the number of such authorisations, which he attributed in part to the impact of The Protection of Freedoms Act 2012 which introduced significant restrictions on the use of RIPA and also required the approval of a magistrate to authorise the use of such powers.

## Inspections conducted by Government Bodies

- 3.5 The Council is generally inspected by the Office of Surveillance Commissioners (OCS) every third year. The OCS inspects the Council's procedures relating to Direct Surveillance and the use of CHIS's. The Council was last inspected on the 17<sup>th</sup> September 2013. The next programmed inspection is on 24<sup>th</sup> May 2016.
- 3.6 So far as the last inspection is concerned, the inspector observed that Swindon Borough Council is not a significant user of RIPA but it was evident from the inspection that it is keen to discharge its legal responsibilities appropriately and this is supported by a comprehensive and up to date policy. He also commented that the Council had taken heed of advice of previous inspection reports, had staff that were trained appropriately and was well placed to utilise the legislation should they require.
- 3.7 The inspector recommended:
- 3.7.1 The Council complies with the provisions of paragraph 3.30 of the revised Code of Practice for Covert Surveillance and Property Interference. Paragraph 3.30 requires that the elected members review the authority's use of the 2000 Act and set the policy at least once a year. In addition, the Council should consider internal reports on the use of Act on at least a quarterly basis.
- 3.7.2 That future training highlights the legal requirement to comply with OSC Guidance Note 109 ensuring that all intelligence or information has correct provenance to allow the authorising officer to reach a proper judgement.
- 3.8 The recommendations were reported to Cabinet on 19<sup>th</sup> March 2014 who resolved:
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3.8.1 That the Report of the Office of Surveillance Commissioners' Inspection of Swindon Borough Council 2013 be welcomed and its recommendations be accepted, noting that

- (a) the Policy & Protocol On Regulation Of Investigatory Powers Act 2000 will continue to be reviewed on at least an annual basis, and
- (b) a quarterly report will be produced for the Lead Member who will take any significant or emerging issues to Cabinet as appropriate.

## Current Policy and Protocol

3.9 Since then, the Policy and Protocol has been regularly reviewed by the Public Protection Manager and updated by the Director of Law and Democratic Services under his delegated powers (Cabinet Minute 15/2006 refers). The current Policy and Protocol is attached at Appendix 1 and has been recently reviewed as part of the regular review programme.

3.10 So far as regular reporting to the Lead Member is concerned, there has not been sufficient RIPA activity since 2014 to justify a written report so the Lead Member has been kept informed verbally on an ad hoc basis. No significant or emerging issues have been identified such as to justify a report to Cabinet.

## **4. Alternative Options**

4.1 The Council could decide not to accept the recommendations.

## **5. Implications, Diversity Impact Assessment and Risk Management**

### Financial and Procurement Implications

5.1 There are no direct financial implications from this report.

### Legal and Human Rights Implications

5.2 Legal and human rights implications have been taken into account in the preparation of this report. It is believed that the recommendations within this report are compatible with Convention rights.

### All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

5.3 No other implications have been identified within the contents of this report.

### Diversity Impact Assessment

5.4 A DIA has not been carried out as part of this report, if a DIA becomes necessary it will be completed at the appropriate time.

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## Risk Management

- 5.5 No risk management issues have been identified within the contents of this report.

## **6. Consultees**

- 6.1 The Board Director, Resources (Section 151 Officer) and Director of Law and Democratic Services (Monitoring Officer) are consulted in respect of all reports.

## **7. Background Papers**

- 7.1 None

## **8. Appendices**

- 8.1 Appendix 1 – Policy and Protocol on Regulation of Investigatory powers Act 2000 – Issue 17 March 2016

## **9. Key Decision/Decision in Cabinet Work Programme and Forward Plan**

- 9.1 This is not a Key Decision and is included in the Cabinet Work Programme and Forward Plan for March 2016.

**SWINDON BOROUGH COUNCIL**

**POLICY & PROTOCOL ON**

**REGULATION OF INVESTIGATORY**

**POWERS ACT 2000**

Scope

This Protocol applies to authorisations for surveillance (not involving entry on or interference with property or wireless telegraphy as regulated by the Police Act 1997); the use of covert human intelligence sources and the acquisition of communication data – Local Authority Investigation Sections.

# 1. INTRODUCTION

## 1.1 Background

1.1.1 The Human Rights Act 1998 (HRA) was introduced to give effect to European Convention on Human Rights (ECHR) and came into force in October 2000. From that date the ECHR became part of our domestic law. Consequently, individuals may enforce their rights under ECHR in domestic courts rather than having to go before the European Court of Human Rights in Strasbourg.

1.1.2 The HRA imposes a duty upon the Council to act in a way that is compatible with the rights under ECHR. Failure to do so may enable a person to seek damages against the Council or to use our failure as a defence in any proceedings that we may bring against them.

## 1.2 European Convention on Human Rights (ECHR)

1.2.1 Under Article 6 of the ECHR, everyone is entitled to a fair and public hearing, within a reasonable time, of any criminal charge against him or her or into the determination of any civil dispute.

1.2.2 Under Article 8, everyone also has the right to respect for the private and family life, their home and their correspondence. The Article recognises that there may be circumstances in a democratic society where it may be necessary for the State (which includes the Council) to interfere with this right. This can only be done in accordance with the law and for clearly defined purposes. These purposes are: -

- In the interest of national security;
- In the interest of public safety;
- In the interest of the economic well-being of the country;
- For the prevention or detection of crime or of preventing disorder;
- The protection of health or morals;
- For the purposes of assessing or collecting any tax, levy or other imposition, contribution or charge payable to a government department;
- For the purpose, in emergency, of preventing death or injury or any damage to a person's physical or mental health, or mitigating the same;
- For any other purpose as specified by the Secretary of State.

**1.2.3 Local authorities can only authorise use of directed surveillance under RIPA to prevent or detect criminal offences. These offenses must be either punishable, whether on summary conviction or indictment, by a maximum term of at least 6 months' imprisonment or are related to the underage sale of alcohol and tobacco. They can only do so where prior approval from a JP has**



**been granted. These requirements do not apply to communications data or to the use of human intelligence resources. But the authorisation of a magistrate is needed for the use of all three forms of surveillance.**

### **1.3 Impact on Investigations**

- 1.3.1 To be able to justify any interference with the right to respect for an individual's privacy, and comply with the HRA, the Council will need to demonstrate that any intrusion into an individual's privacy is necessary for the purposes of an investigation. Surveillance is often a necessary part of any investigation. The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the use of covert surveillance and the acquisition of communication data. Where it is considered appropriate, it will be necessary for it to be authorised before it can commence. This applies where the surveillance is being undertaken by the Council Officers or by an outside agency acting on the Council's behalf. Authorising officers will need to satisfy themselves that a defensible case can be made for covert surveillance activity.
- 1.3.2 The Secretary of State has issued codes of practice on the use of covert surveillance under RIPA. The codes are admissible as evidence in criminal and civil proceedings. A court or tribunal must take any relevant provision of the codes into account.

### **1.4 Policy and Codes of Guidance**

- 1.4.1 To ensure that authorisations and procedures are applied in a consistent way, the Council has adopted a policy covering the authorisation, the use of covert surveillance and the acquisition of communication data, as well as approving a Protocol.
- 1.4.2 This document is in four parts: -
- The Council's Policy on the Use of Surveillance and the acquisition of communication data.
  - Easy Reference Guide to the Code of Practice and Procedure;
  - Forms
  - Specimen directed surveillance application form.
- 1.4.3 The Statutory Codes of Practice are incorporated as **Appendix C**. In cases of conflict between the Policy, the Easy Reference Guide and the Statutory Codes of Practice, the latter shall prevail.
- 1.4.4 The Council adopted the Policy and Code of Guidance on the 25<sup>th</sup> September 2002 and has been subsequently revised. **This revision was issued in March 2016.**

## PART 1 – STATEMENT OF POLICY

1. The Council and officers, as well as those acting on its behalf undertaking investigations into criminal offences and breaches of the civil law will endeavour to comply with the following statement of policy at all times.

*In carrying out investigations into criminal offences and breaches of the civil law, the Council will seek to ensure that any interference with the rights of any person is in accordance with the law and is justified by reason of it being undertaken for a legitimate purpose. The use of the covert surveillance or the acquisition of communication data will be conducted in accordance with the statutory code of practice then in force. The means to be employed in any investigation will be proportionate.*

*Proportionality is an essential element of the Human Rights Act; in order to be proportionate any surveillance must not be arbitrary, unfair or excessive. The extent of the surveillance must be balanced against the individual's human rights. This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair".*

*This requires the officer to justify the need for the surveillance and the methods used and balance those with the impact on the privacy of the subject. The DCA guide on Human Rights (page 55) states:*

*"When taking decisions that may affect any of the qualified rights, a public authority must interfere with the right as little as possible only going as far as is necessary to achieve the desired aim."*

**To demonstrate proportionality, the following issues must be addressed here**

***Is this proposed use proportionate?***

- ***To the seriousness of the offence or the mischief***
- ***To the degree of intrusion on the target and other people***
- ***Have other overt means been considered and discounted***

*Factors to set out include:*

- *Amount of information to be gathered during the surveillance*
- *Impact of surveillance on the subject*
- *Timing of the surveillance*

## **PART 2 – EASY REFERENCE GUIDE TO PROCEDURES AND THE CODES OF PRACTICE**

### **2.1 Introduction**

- 2.1.1 This Easy Reference Guide seeks to set out the Council's procedures for the authorisation of surveillance operations and acquisitions of communications data, and to provide a brief summary of the main points in the Statutory Codes of Practice on Covert Surveillance. The Statutory Codes of Practice are set out at **Appendix C**. The SWERCOTS Enforcement Manual details the procedures, which must be followed when conducting surveillance operations, acting or using a Covert Human Intelligence Source or seeking communications data. This manual is available through Trading Standards Service. Where the Council's CCTV is used for surveillance purposes the CCTV manual must be followed, this is located in the CCTV control room.
- 2.1.2 This guidance is an aide for clarification and is **not** a substitute for the Codes themselves.

### **2.2 Surveillance**

- 2.2.1 Surveillance includes monitoring, observation or listening to persons, their movements, their conversations or their other activities or communications. If surveillance is carried out without the person's knowledge, it will be covert and require prior authorisation.
- 2.2.2 RIPA applies to "directed surveillance", "intrusive surveillance" and the use of "covert human intelligence sources".

### **2.3 What is "Directed Surveillance"?**

- 2.3.1 Surveillance will be "directed surveillance" if:
- It is covert;
  - Undertaken for a specific operation; and
  - Is carried out in such a way as to make it more likely that private information will be obtained about a person.
- 2.3.2 "Private Information" includes any information relating to a person's private, business, professional and family life. This phrase echoes that of Article 8 of the ECHR and should therefore be considered to include questions of personal and sexual identity, personal information, telephone calls from business premises, health and injury and sexual activity.
- 2.3.3 Directed surveillance excludes intrusive surveillance, which is surveillance carried out on residential premises or in any private

vehicle where the observer is present in the premises or vehicle, or is carried out using a surveillance device. The Council is not permitted to carry out intrusive surveillance.

## **2.4 “Covert Human Intelligence Sources”**

### **2.4.1 What is a Covert Human Intelligence Source (CHIS)?**

A person is a Covert Human Intelligence Source if:

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

***It is important to remember a relationship can be formed from a single encounter.***

### **2.4.2 Examples of Covert Human Intelligence Sources.**

- (i) Purchases from a person selling goods from home should be covered by a CHIS Authorisation, both because the nature of discussion generally might go further than an across-the-counter exchange and to avoid intrusive surveillance.
- (ii) Trading Standards Officers may use residential and business premises, rented specifically for the purpose, to invite suspected rogue traders to quote for business. A CHIS Authorisation should be used. However if the premise is being used as a residential dwelling then the surveillance is consider to be intrusive surveillance and cannot take place.
- (iii) An officer working under cover, gathering information by concealing his or her identity will usually require the activity to be authorised, in accordance with the forms in Appendix A. The authorisation would also cover the use of any body worn covert recording device. Other directed surveillance of a covert human intelligence source would require separate authorisation.
- (iv) Routine test purchases where the officer acts as a member of the public and purchases goods for sale **will**

**not** require authorisation. If the officer extends this situation in any significant way, by for example,

- Engaging the seller in conversation to elicit information;
- Developing a relationship with the seller to gain access to goods not on display.

Then authorisation will be required for the use of a covert human intelligence source.

2.4.3 If officers are considering the use of a 'CHIS' they must seek advice and guidance from the Legal Services Department, prior to completing the RIPA application.

2.4.4 Where the authority uses a 'CHIS', that 'CHIS' should be assigned a "handler", the "handler" will keep regular contact with the 'CHIS', or daily where the Authority uses one of its own officers as the 'CHIS'. The handler will ensure that the CHIS' identify has not been compromised.

2.4.5 The 'Handler' will record information of the identity of the source on a log and will destroy all records which identify the 'CHIS' once the investigation has been completed.

2.4.6 The authority shall also appoint a 'Controller' who will have general oversight of the use made of the source.

2.4.7 Before a CHIS is used a risk assessment must be completed and kept with the application **Form RIPA 7**. This risk assessment should be reviewed at least monthly.

2.4.8 The use of a juvenile as a CHIS should generally be avoided and must only be used in exceptional circumstances. The Chief Executive is the only officer who can authorise an application to use a juvenile as a CHIS.

## **2.5 Is the surveillance permitted and does it require authorisation?**

2.5.1 The processes and procedures outlined in the Codes of Practice are shown diagrammatically in **Table 1**.

2.5.2 Accordingly, Investigating Officers may need to identify whether a location is suitable for surveillance, for example, by "drive-by's". This is not prevented under the Code of Practice. However if officers make more than one "drive-by" then authorisation may be required. It is possible to complete more than one "drive-by" without an authorisation, for example, where the officer's observation was interrupted or blocked in some way.

## **2.6 Collateral Intrusion**

2.6.1 Where a request for surveillance is requested, the Authorising Officer will also have to be satisfied that the risks of collateral intrusion have been properly considered. Collateral intrusion is where a third party's privacy is being infringed. For example, where an officer takes still or video photographs, or observes one or more innocent third parties, this could be considered as being collateral intrusion. If in the course of investigating a case, a third party's privacy has been inadvertently invaded, the action should be defensible from a legal viewpoint, provided that the grounds for investigation are sound, i.e. the investigation has been undertaken to detect and/or prevent fraud or some other offence for which the Council is the enforcing authority and the actions are reasonable.

People who may be the subject of collateral intrusion include:

- Customers or workers at a business premises
- Visitors to a property
- Friends or relatives of the suspect

Firstly, identify here who else may be caught by the surveillance.

Secondly, state why it is unavoidable. This could be because of the nature of the premises (e.g. restaurant) or because of what the person is doing (e.g. visiting other subject/target premises) that there will always be third parties around who will be captured on film or whose activities will be recorded/observed in some way.

Thirdly set out what steps you have taken to minimise collateral intrusion. This may include:

- Using a still camera as opposed to a video camera
- If installing hidden cameras, only switching them on at specific times rather than all the time
- Narrowing the field of vision or the place where the cameras are cited
- Reducing the amount of surveillance done at busy times e.g. shops or places of worship

If you cannot minimise collateral intrusion you still need to show you have considered it. You may wish to add that you cannot do anything to minimise it but you will not be making any decisions on the information gathered about third parties unless it shows them committing a criminal offence.



## 2.7 Written Authorisation

2.7.1 Unless a warning letter has been sent to an individual advising them that a complaint has been received and informing them that monitoring of a type described in the letter will be undertaken, before surveillance can be carried out, the Investigating Officer must:

- Complete an application for authorisation to use surveillance on **Form RIPA1**; and for CHIS, **Form RIPA7**.
- Obtain authorisation from an Authorised Officer. Appendix B lists the officer's the Council has designed as being able to authorise surveillance.

**Note:** *As from March 2015 both the Authorising Officer and the Designated Person must be 'Operationally Independent' from any investigation they are considering or are involved with. . More information on this requirement is provided in Appendix B, along with details as to how the council will ensure that this requirement is met.*

2.7.2 Warning letters must identify the period during which any surveillance will take place, a maximum of 12 months. This should be reviewed on at least a monthly basis. A copy of the warning letter should be kept with the application for authorisation to use surveillance.

2.7.3 A specimen directed surveillance application form is set in **Appendix D**.

2.7.4 Before making an application for surveillance the investigating officer shall contact the PA to the Director of Law and Democratic Services to obtain an URN.

## 2.8 Time Limit on Written Authorisation

2.8.1 Written authorisation is valid for three months (unless cancelled), and must be reviewed by the Authorising Officer at least **every** month. If it is necessary to continue the surveillance for longer than three months or in the case of a CHIS one year, an application for a renewal of authorisation for surveillance must be made on **Form RIPA 2** or CHIS **Form RIPA 8**. The Authorising Officer, after carrying out a review, should complete **Form RIPA 4** or CHIS **Form RIPA 9**.

## 2.9 Time Limit on Oral Authorisation

2.9.1 If urgent surveillance is required, oral authorisation can be given but the Authorising Officer must complete **Form RIPA 1** or for CHIS **Form RIPA 7**. Oral authorisation is for use where, the time that would elapse before the authorising officer was available to grant the authorisation

would, in the judgement of the person giving the authorisation, be likely to jeopardise the investigation or operation.

2.9.2 Oral authorisation may only apply for 72 hours from the time given. If the surveillance is required to continue past that period, written authorisation must be sought.

2.9.3 Where oral authorisation has been given the investigating officer must record the detail of the surveillance authorised by the Authorising officer in their official notebook.

## **2.10 Cancellation of Authorisation of Surveillance**

2.10.1 At the end of any surveillance that has been carried out, the Authorising Officer must complete **Form RIPA 3** (or CHIS **Form RIPA 10**) to cancel the authorisation for surveillance, in addition a review should also take place.

2.10.2 The officer is responsible for the proper storage of any products of the surveillance. All information and materials must be stored securely and an audit log kept of what has been collected and where it is stored. Any information that is not required as evidence should be destroyed as soon as practicable and any product of collateral intrusion must be destroyed as soon as possible.

## **2.11 Justice of the Peace Approval**

2.11.1 No covert surveillance can be authorised without approval by a justice of the Peace. The process for obtaining approval is set out in table 2.

2.11.2 The applicant completes the application form and obtains authorisation in the usual way.

2.11.3 The applicant will provide the justice of the Peace (JP) with a copy of the original RIPA authorisation or notice and the supporting documents setting out the case. This forms the basis of the application to the JP and **should contain all information that is relied upon**. For communications data requests the RIPA authorisation or notice may seek to acquire consequential acquisition of specific subscriber information. The necessity and proportionality of acquiring consequential acquisition will be assessed by the JP as part of his consideration.

2.11.4 The original RIPA authorisation or notice should be shown to the JP but will be retained by the local authority.

2.11.5 In addition, the applicant has to provide the JP with a partially completed judicial application/order form (at Annex B).

2.11.6 The order section of this form will be completed by the JP and will be the official record of the JP's decision.

2.11.7 The applicant will need to obtain judicial approval for all initial RIPA authorisations/applications **and renewals** and the local authority will need to retain a copy of the judicial application/order form after it has been signed by the JP. There is no requirement for the JP to consider either cancellations or internal reviews.

## **2.12 When Authorisation of Surveillance In or Into a Public Place is Not Required**

2.12.1 Where the use of CCTV surveillance systems (fixed or mobile) is overt, usually by way of a notice, authorisation is not required. However if the camera is used to observe the actions of a particular individual then the surveillance becomes directed and covert, therefore an authorisation would be required.

2.12.2 Where a person suspected of having committed an offence has been notified that his activities are being monitored, no authorisation will be required. For example, where the Council receives a noise complaint, or it is alleged that goods are being displayed on the highway verge, if a letter is sent to the person responsible for the alleged nuisance or display, notifying him that the level of noise from his premises or activities are being monitored, any surveillance will not be covert. However any recording of conversations, rather than just the level of noise is intrusive surveillance and must not be done. However the investigating officer must consider whether there is likely to be any collateral intrusion as a result of his surveillance. If there is any likelihood of any collateral intrusion where private information is acquired, an authorisation will be required.

## **2.12 Surveillance where it is likely that Confidential Material will be obtained**

2.12.1 If, exceptionally, an Investigating Officer thinks that in the course of conducting surveillance he may obtain confidential information, the Investigating Officer will have to obtain authorisation from the Chief Executive as outlined in 2.6.1 on **Form RIPA 1**. Confidential information consists of matters subject to legal privilege, confidential personal information or confidential journalistic material.

- Legal privilege includes
  - communications between a professional legal adviser and his client or any person representing his client, which are made in connection with the giving of legal advice to the client or
  - between a professional legal adviser and his client or any person representing his client, or between a professional legal adviser or his client or any such representative and any other person, which are made in connection with or in contemplation of legal

proceedings and for the purposes of such proceedings. It does not include communications and items in the possession of a person who is not entitled to possession of them, and communications and items held, or oral communications made, with the intention of furthering a criminal purpose.

- Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling concerning an individual (whether living or dead) who can be identified from it.
- Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.

## **2.13 General Observation**

2.13.1 General observation forms part of the duties of many law enforcement officers and other public authorities and Authorisations are not usually required. For example, officers might covertly observe and then visit a shop as part of their enforcement function. Such observation may involve the use of equipment to merely reinforce normal sensory perception, such as binoculars, or the use of cameras, where this does not involve systematic surveillance of an individual.

## **2.14 Use of the Council's CCTV system**

2.14.1 The use of Council's CCTV system is detailed in the CCTV manual located in the CCTV control room. This manual covers the use of the CCTV for surveillance purposes and must be followed at all times when conducting surveillance activities. Where CCTV is used overtly the guidance on the Implications for Public Space Surveillance in the light of the Data Protection Act 1998 produced by the Home Office must be followed, this can be found at:

<http://www.sia.homeoffice.gov.uk/pages/licensing-cctv.aspx>

## **2.15 Keeping Records**

2.15.1 All Investigating Officers have a legal obligation to keep accurate and full records of investigations under the Criminal Investigations and Procedures Act 1996 - Code of Practice. The Surveillance Code of Practice puts an additional obligation on officers to maintain such records.

2.15.2 Records of the surveillance authorisations & JP Approval should be maintained by all staff involved in the process. The authorisations and current position should be summarised and maintained on the authorisation matrix and presented to the Authorising Officer at each review (**Form RIPA 4**).

2.15.3 Copies of the risk assessments, authorisations, JP Approval, renewals, reviews and cancellations given should be retained on the investigation file, the investigation file must be kept in a secure location. In particular, for the purposes of the Surveillance Code of Practice, Investigating Officers must keep in the investigation file:

- Reasons for any application for an oral application for authorisation;
- An account of events observed and/or conversations overheard;
- A full account of any surveillance which has taken place (undertaken in order to maintain contact with the moving target or to assess whether the target has been lost);
- Reasons for and the nature of collateral intrusion -and the results;
- Reasons for selecting a target when authorised only for general observations, without a specified target.

The Investigating Officer's official notebook is used to maintain the account of the events observed and heard.

2.15.4 The Director of Law and Democratic Services is responsible for monitoring and maintaining a central register of authorisations issued. Originals of all authorisations, JP Approvals, renewals, reviews and cancellations should be forwarded to the Director of Law and Democratic Services as soon as reasonably practicable after their completion.

2.15.5 When an officer wishes to make an application to conduct any surveillance, they must contact the PA to the Director of Law and Democratic Services, who will provide a URN for the surveillance and will keep a central record of all application and authorisations. Officers must ensure that they update the PA to the Director of Law and Democratic Services, when the review, renew or cancel an authorisation and send a copy for the relevant paperwork to the PA to the Director of Law and Democratic Services,

## 2.16 RIPA Roles and Responsibilities

2.16.1 **Senior Responsible Officer** – is responsible for having daily oversight of the RIPA process by ensuring

- The integrity of the process in place within the public authority to authorise directed and intrusive surveillance and interference with property or wireless telegraphy;
- Compliance with Part II of the 2000 Act, Part III of the 1997 Act and with the codes;
- Engagement with the Commissioners and inspectors when they conduct their inspections,

- That all authorising officers are of an appropriate standard in light of any recommendations in the inspection reports prepared by the Office of Surveillance Commissioners. Where an inspection report highlights concerns about the standards of authorising officers, this individual will be responsible for ensuring the concerns are addressed
- To review the quality of the applications and authorisations
- To authorize surveillance activities but only in exceptional circumstances.

**2.16.2 Coordinating Officer** – is responsible for ensuring all authorising officers and investigating officers are properly trained and to raise awareness of RIPA within the Authority.

**2.16.3 CHIS handler** – is responsible for the safety and security of the CHIS and the identity. The handler is also responsible for directing the day to day activities of the source and recording the information supplied by the source. The handler will ensure that the CHIS' identity has not been compromised and will destroy all records which identify the 'CHIS' once the investigation has been completed.

**2.16.4 CHIS Controller** - be responsible for the general oversight of the use of the source.

**2.16.5 Authorising Officer** is responsible for ensuring that the application for surveillance is permitted to be undertaken by the local authority, to ensure that the proposed surveillance is necessary and proportionate and the any collateral intrusion is limited as far is practical. The authorising officer is responsible for determining the surveillance that can take place.

**Note:** *The Authorising Officer must be independent from any operation / investigation they are asked to consider. If this requirement cannot be shown to have been met OR if there is any uncertainty, then a different Authorising Officer who is independent must consider the application.*

**2.16.6 Elected members** - elected members of a local authority will review the authority's use of the 2000 Act and set the policy at least once a year. They will also consider internal reports on use of the 2000 Act on at least a quarterly basis to ensure that it is being used consistently with the local authority's policy and that the policy remains fit for purpose. They should not, however, be involved in making decisions on specific authorisations.

**2.16.7 Coordinating Officers Group** is responsible for ensuring that the procedures are being applied across the Authority. To ensure consistency of approach and application of RIPA.

#### 2.16.8 PA to the Director of Law and Democratic Services is responsible

- For keeping the central register of RIPA authorisation
- Providing a URN for each RIPA application and
- Maintaining the records of applications, authorisations, reviews, renewals and cancellations.

## 2.17 Completion of Risk Assessments

2.17.1 When any directed surveillance or use of a CHIS is considered the applicant should produce a detailed risk assessment for the surveillance requested.

## 2.18 Communications Data

### 2.18.1 What is communications data?

Communications data does not include the contents of a communication of any telephone or email communication but does include:

- Information about communications (traffic data);
- Information about the use of communications services (service use data);
- Information about communications service users (subscriber data).

Local Authorities currently do not have access to 'traffic data'. Any request for communications data must start with 'subscriber data'. 'Service use' data cannot be sought unless 'subscriber data' has already been obtained.

Whilst other forms of surveillance must be treated as a last resort, obtaining Communications Data should be the first resort in helping to identify offenders and victims.

### 2.18.2 Obtaining communications data

Communications data can be obtained by way of a notice given to the communications data provider to collect or retrieve the data and provide it to the public authority, or through an authorisation that allows the public authority to collect or retrieve the data itself. In most cases the data should be sought by way of a notice.

### 2.18.3 Applications

Applications to obtain communications data must be sought through the Authority's Single Point of Contact (SPOC) using **Form RIPA 5**. The SPOC may reject the application; otherwise the authorisation must be given to obtain the data by the Designated Person using **Form**



**RIPA 5.** The Designated Persons and SPOC are listed in Appendix B. In the case of Service Data then **Form RIPA 11** must be completed by the investigating officer. NAFN guidance for obtaining magistrates authorisation must be followed. This guidance is set out in Appendix F.

#### **2.18.4 Renewal and Cancellations**

Authorisations and notices are valid for 1 month and they may be renewed at any time during that month. The Designated Person shall cancel a notice as soon as it is no longer necessary, or the conduct is no longer proportionate, and the communications data provider will be notified of any cancellation.

#### **2.18.5 Disclosure and Retention of Data**

Disclosure will be made to the SPOC. Communications data and all copies, extracts and summaries of it must be handled and stored securely in compliance with the requirements of the Data Protection act 1998. The authority must retain applications, authorisations, and notices for communications data until they have been audited by the Commissioner. The authority should also keep a record of the dates on which the authorisation or notice started and was cancelled. Where any errors in the granting of authorisations or notices occur, a record should be kept and a report and explanation sent to the Commissioner.

#### **2.18.6 Data Retention**

The Data Retention (EC Directive) Regulations 2007 require public communications providers to retain certain data to enable public authorities to undertake their lawful activities to investigate detect and prosecute serious crime. The Regulations relate exclusively to traditional fixed line and mobile telephony. The contents of phone calls or text messaging can be required providing the investigating officer can demonstrate it is necessary and proportionate to do so. Officers should follow the procedures for acquiring communications data.

### **2.19 Encryption**

#### **2.19.1 What is Encryption?**

Encryption is the conversion of data into a form that renders the contents unintelligible to anyone not authorized to read it. Decryption is the process of converting the encrypted data back into its original form, so it can be understood. Many people use easily-accessible programmes to encrypt their email, files, folders, documents and pictures. However, these technologies are also used by terrorists, criminals and paedophiles to conceal their activities.

Part III of RIPA deals with the 'Investigation of Electronic Data Protected by Encryption etc'. It provides any public authority the power to require that data they have obtained or expect to obtain lawfully

should be put into an intelligible form or to require disclosure of the means to make it intelligible.

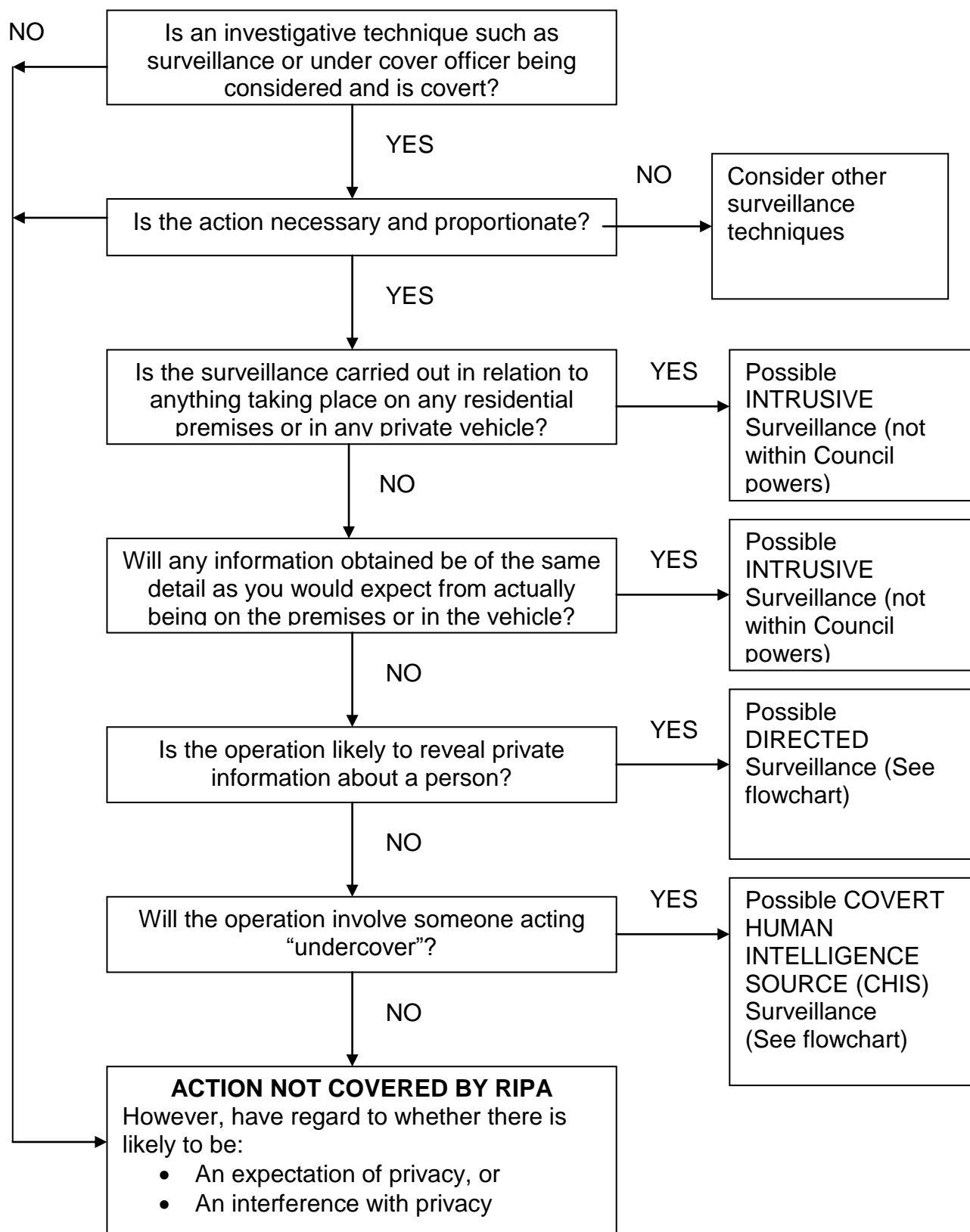
#### **2.19.2 How to use encryption powers**

When using encryption powers refer to the 'Investigation of Protected Electronic Information: Code of Practice'.

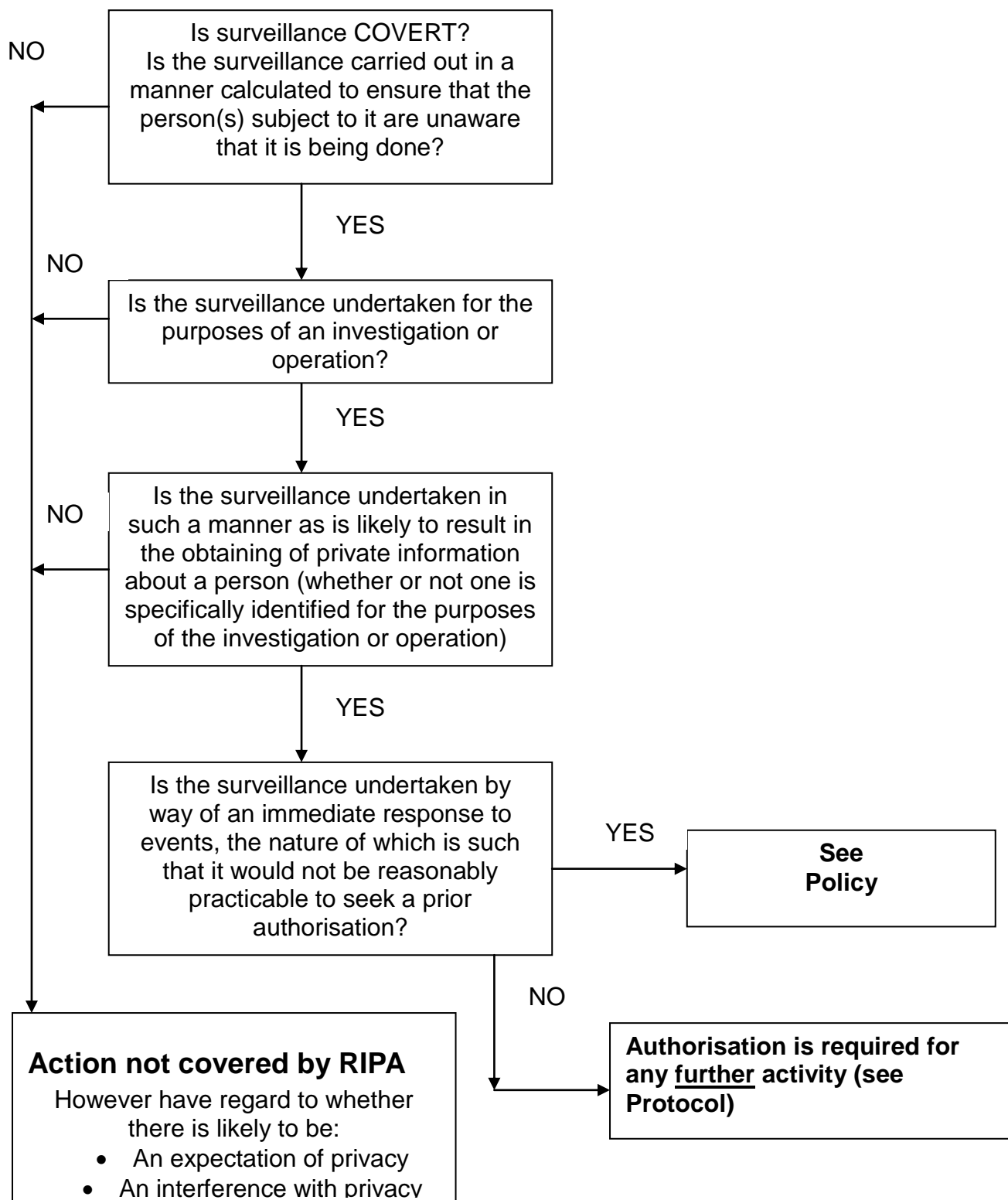
### **2.20 Training**

2.20.1 No officer shall undertake any surveillance activity unless they have received training for RIPA. Every applying officer should undertake refresher training on every two years. Authorising officers should be regularly trained and if they do not authorise surveillance activities on a regular basis they should refresh their knowledge of RIPA before they authorise a request.

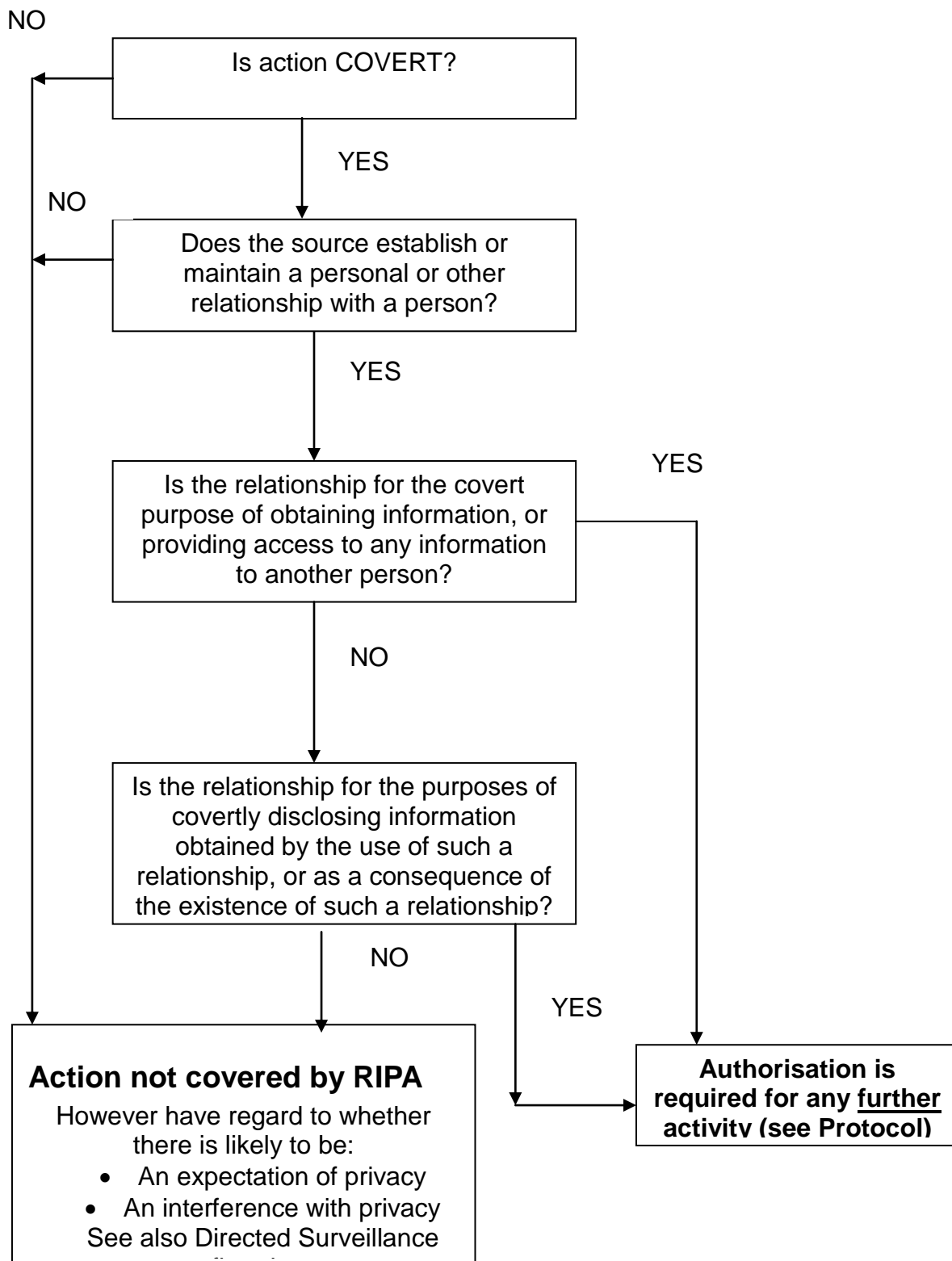
**TABLE 1 FLOW CHART – IS AUTHORISATION REQUIRED?**



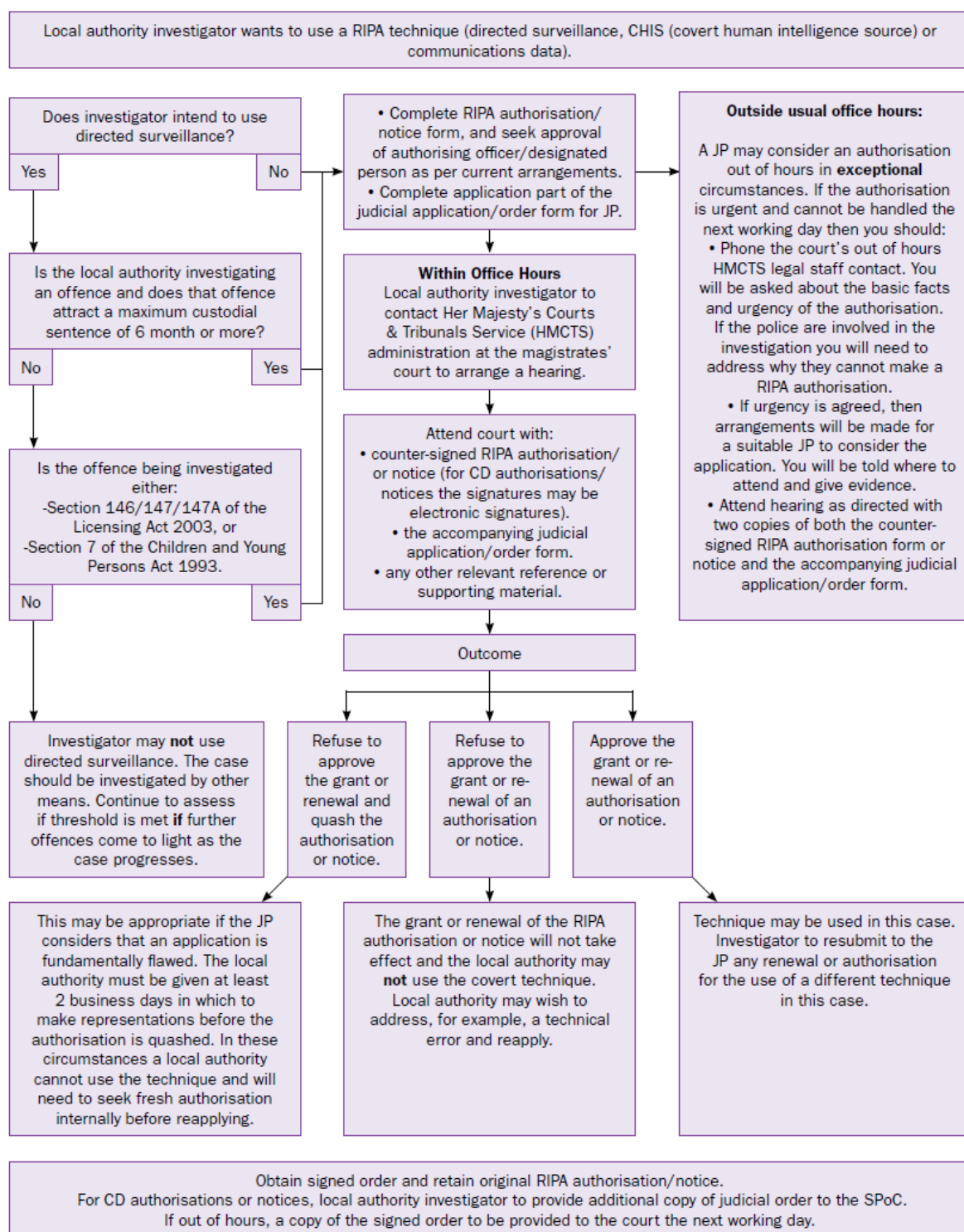
## DIRECTED SURVEILLANCE



## COVERT HUMAN INTELLIGENCE SOURCES



**TABLE 2 - APPLICATION TO A JUSTICE OF THE PEACE  
SEEKING AN ORDER TO APPROVE THE GRANT OF A RIPA  
AUTHORISATION OR NOTICE**



## Appendix A – RIPA Forms

FORMS	TITLE	LINK
<b>RIPA 1</b>	Part II Application for Authorisation (Directed Surveillance).	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/application-directed-surveillanc">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/application-directed-surveillanc</a>
<b>RIPA 2</b>	Application for a Renewal of Authorisation for Surveillance	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/renewal-directed-surveillance">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/renewal-directed-surveillance</a>
<b>RIPA 3</b>	Cancellation of Authorisation (Directed Surveillance).	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/cancellation-directed-surveillan">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/cancellation-directed-surveillan</a>
<b>RIPA 4</b>	Review of Authorisation (Directed Surveillance).	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/review-directed-surveillance">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/review-directed-surveillance</a>
<b>RIPA 5</b>	Application for Communications Data	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/communications-data1.doc">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/communications-data1.doc</a>
<b>RIPA 6</b>	Notice Under Section 22(4) of the RIPA 2000 Receiving Communications Data to be Obtained and Disclosed	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/specimen-part-I-ch-II-notice">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/specimen-part-I-ch-II-notice</a>
<b>RIPA 7</b>	Part II Application for Authorisation (CHIS).	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-application">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-application</a>
<b>RIPA 8</b>	Review of A covert human intelligence source (CHIS) authorisation.	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-review">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-review</a>
<b>RIPA 9</b>	Application for renewal of a covert human intelligence source (CHIS) authorisation	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-renewal">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-renewal</a>
<b>RIPA10</b>	Cancellation of an authorisation	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-cancellation">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/chis-cancellation</a>



	for the use or conduct of a covert human intelligence source	
<b>RIPA 11</b>	Request schedule for subscriber information	<a href="http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/RIPAschedule-for-subscriber-info">http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/RIPAschedule-for-subscriber-info</a>

## Appendix B – Authorising Officers

The Council has designated the following officers to authorise surveillance:-

**\*Notes:**

- I. The Authorising Officer must be 'Operationally Independent' from any investigation they are asked to consider for approval. If this requirement cannot be shown to have been met OR if there is any uncertainty, then a different Authorising Officer who is independent, must consider the application.
- II. For guidance, areas of investigation presumed to compromise respective Approving Officers operational independence are shown in the table below.
- III. Ultimately it is for Approving Officers to make this judgment in each case. I.e. To ensure their Operational Independence AND their ability to demonstrate this to the IOCCO if required.

Designation	Officer	Scope	Exclusions
Chief Executive	John Gilbert	All purposes (including where there is a likelihood of acquiring confidential information)	Where there is insufficient Operational Independence
Head of Internal Auditor	Nick Hobbs	Any appropriate investigation	Fraud etc. Investigations
Head of Benefits	Andy Stevens	Any appropriate investigation.	Benefits etc investigations
Director of Law & Democratic Services	Stephen Taylor	Senior Responsible Officer.*	<i>*Precluded.</i>
Board Director Service Delivery	Bernie Brannan	All purposes (including where there is a likelihood of acquiring confidential information, but only in the absence of the Chief Executive)	Where there is insufficient Operational Independence.

Designation	Officer	Scope	Exclusions
Public Protection Manager	Paul Simmonds	Environmental Crime and any other appropriate investigations. <i>Single Point of Contact for Acquiring Communications Data</i> <i>RIPA Coordinator</i>	Investigations involving: Environmental Health Trading Standards matters (Including specific authorised 'Scambuster' operations)
Head of Planning, Regulatory Services, Heritage & Libraries.	Richard Bell	Any appropriate investigation.	Investigations Involving: Planning Trees Licensing Taxis Animal welfare and related Offences.
Head of Housing Services	Michael Ash	Any appropriate investigation.	Housing Anti-Social Behaviour investigations.
Head of Commissioning Children's & Adults	Sue Wald	Any appropriate investigation.	Truancy Youth Offending Safeguarding and other related issues where there is insufficient operational independence.

**\*Explanation:**

The Government's recent legislative and policy changes to the [Code of Practice](#) for the Acquisition and Disclosure of Communications Data, which came into force in March 2015 requires relevant authorities to ensure the independence of the Designated Person (DP) and other RIPA Authorisers. The Code requires public authorities to satisfy IOCCO that they have sufficient measures in place to ensure independence.

## **Appendix C - Codes of practice**

### Covert Surveillance Code of Practice

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

### Covert Human Intelligence Code of Practice

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97958/code-practice-human-intel.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97958/code-practice-human-intel.pdf)

### Interception of Communications Code of Practice

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/97956/interception-comms-code-practice.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97956/interception-comms-code-practice.pdf)

### Investigation of Protected Electronic Information Draft Code of Practice (29/06/2007)

<http://www.legislation.gov.uk/ukdsi/2007/9780110772455/note>

### Acquisition and Disclosure of Communications Data Code of Practice

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

### Protection of Freedoms Act 2012 – changes to provisions under the Regulation of Investigatory Powers Act 2000 (RIPA)

Home Office guidance to local authorities in England and Wales on the  
judicial approval process for RIPA and the crime threshold for directed  
surveillance

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/118173/local-authority-england-wales.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118173/local-authority-england-wales.pdf)

## APPENDIX D

### Specimen Directed Surveillance application form

## Part II of the Regulation of Investigatory Powers Act 2000

### Authorisation Directed Surveillance

Sample Form with Notes To Assist Completion

**This form is to be completed by an officer of the local authority seeking authorisation to carry out Directed Surveillance. If granted, authorisation will last for a period of up to three months.**

**Code of Practice:** References to the “Code” or “Code of Practice” are to the RIPA Covert Surveillance Code of Practice.

**Unique Reference Number (URN):** This is a reference unique to each individual form but which also allows the form to be matched with other forms in the same investigation or which are issued by the same department. The idea is that, during an OSC inspection, the inspector can see which forms relate to each other. A URN also allows the form relating to each investigation to be kept together in the Central Record. Some organisations devise a URN which comprises of the year, department initials, applicant initials and investigation number. There are no hard and fast rules.

<b>Public Authority</b> <i>(including full address)</i>			
<b>Name of Applicant</b>		<b>Unit/Branch /Division</b>	
<b>Full Address</b>			
<b>Contact Details</b>			

<b>Investigation/Operation Name (if applicable)</b>	
<b>Investigating Officer (if a person other than the applicant)</b>	

<b>DETAILS OF APPLICATION</b>
<b>1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171.<sup>1</sup></b>
Insert the name and position of the Authorising Officer. This is the person who will decide whether or not Directed Surveillance should be authorised and he/she will countersign this form.
<b>2. Describe the purpose of the specific operation or investigation.</b>
<p><i>For example:</i></p> <ul style="list-style-type: none"> <li>▪ To investigate acts of crime or disorder e.g. racially aggravated criminal damage and racist verbal abuse</li> <li>▪ To investigate and gather evidence of a potential benefit fraud</li> <li>▪ To investigate instances of illegal dumping of waste</li> </ul> <p><i>If possible, include the relevant legislation that would be used to prosecute offenders and/or which gives you the power/duty to investigate the matter</i></p>
<b>3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.</b>
<p><i>The key phrase here is “in detail.” Therefore a response, which merely states, “Video camera and recording equipment will be installed at a fixed point”, will not be adequate.</i></p> <p><i>Your statement here needs to include what is going to be done, who is going to do it, when they are going to do it, where they are going to do it and how they are going to do it. Other points to address here include:</i></p> <ul style="list-style-type: none"> <li>▪ How long will the surveillance last?</li> <li>▪ Specific details about dates and times i.e. is it 24/7, at specific times of the day or at random times?</li> <li>▪ Which premises are to be used and/or targeted?</li> <li>▪ Which vehicles are to be used? Are they public or private?</li> <li>▪ What type of equipment is to be used?</li> </ul> <p><i>Note that, if the Authorising Officer approves this surveillance, your authorisation will only cover you to do what you have stated here (subject to any amendments made by the Authorising Officer in box 12). Consequently you can only rely on section 27 “the RIPA Shield/Defence” only in so far as you were undertaking the activities set out in this section (as amended). Therefore it pays to include lots of detail.</i></p>
<b>4. The identities, where known, of those to be subject of the directed surveillance.</b>
<ul style="list-style-type: none"> <li>• Name:</li> <li>• Address:</li> <li>• DOB:</li> <li>• Other information as appropriate:</li> </ul> <p><i>Include as much information as you have. If you do not know the identity say so. Other information could include a general description of the possible target(s).</i></p>
<b>5. Explain the information that it is desired to obtain as a result of the directed surveillance.</b>

<sup>1</sup> For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.



*Your statement here should be more detailed than in Box 2. You should give details of the precise information sought by doing the surveillance. For example:*

- *To ascertain what time the suspect enters and leaves the building*
- *Or to capture images of the perpetrators of anti social behaviour at (place/address)*
- *To find out who is delivering the goods to the suspect's premises etc (place/address)*

**6. Identify on which grounds the directed surveillance is necessary under Section 28(3) of RIPA. Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.(SI 2003 No.3171)**

- ~~*In the interests of national security;*~~
- ***For the purpose of preventing or detecting crime or of preventing disorder;***
- ~~*In the interests of the economic well-being of the United Kingdom;*~~
- ~~*In the interests of public safety;*~~
- ~~*for the purpose of protecting public health;*~~
  - ~~*for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;*~~

*Since 5<sup>th</sup> January 2004, local authorities can only authorise Directed Surveillance for the purpose of preventing or detecting crime or of preventing disorder.*

*Therefore all other grounds should be deleted.*

**7. Explain why this directed surveillance is necessary on the grounds you have identified [Code paragraph 2.4]**

*State why Directed Surveillance is needed to obtain the information that is sought.*

*The most important question to address is – why is it necessary to use covert surveillance?*

*How will doing the Directed Surveillance lead to prevention or detection of crime or prevention of disorder?*

*Factors to include will be:*

- *The offence or disorder you are investigating*
- *Seriousness of the offence*
- *Impact on victims*
- *What other means you have tried/considered to obtain the information and why are those impracticable*

**8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]**

**Describe precautions you will take to minimise collateral intrusion**

*When doing Directed Surveillance you may be invading the privacy of those who are not your target e.g. third parties, passers by etc. RIPA requires you to think about their rights and what you can do to minimise the impact on them of your surveillance.*

*Paragraph 2.6 of the Code of Practice states:*

*“Before authorising surveillance the authorising officer should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the investigation or operation (collateral intrusion). Measures should be taken, wherever practicable, to avoid or minimise unnecessary intrusion into the lives of those not directly connected with the investigation or operation”.*

*People who may be the subject of collateral intrusion include:*

- *Customers or workers at a business premises*
- *Visitors to a property*
- *Friends or relatives of the suspect*

*Firstly, identify here who else may be caught by the surveillance.*

*Secondly, state why it is unavoidable. This could be because of the nature of the premises (e.g. restaurant) or because of what the person is doing (e.g. visiting other subject/target premises) that there will always be third parties around who will be captured on film or whose activities will be recorded/observed in some way.*

*Thirdly set out what steps you have taken to minimise collateral intrusion. This may include:*

- *Using a still camera as opposed to a video camera*
- *If installing hidden cameras, only switching them on at specific times rather than all the time*
- *Narrowing the field of vision or the place where the cameras are cited*
- *Reducing the amount of surveillance done at busy times e.g. shops or places of worship*

*If you cannot minimise collateral intrusion you still need to show you have considered it. You may wish to add that you cannot do anything to minimise it but you will not be making any decisions on the information gathered about third parties unless it shows them committing a criminal offence.*

**9. Explain why this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And 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 2.5]**

*Paragraph 2.6 of the Code of Practice states:*

*“This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair”.*

*This requires you to justify the need for the surveillance and the methods used and balance those with the impact on the privacy of the subject. The DCA guide on Human Rights (page 55) states:*

*“When taking decisions that may affect any of the qualified rights, a public authority must interfere with the right as little as possible only going as far as is necessary to achieve the desired aim.”*

**To demonstrate proportionality you must consider the following elements,**

***Is this use proposed use proportionate***

- ***To the seriousness of the offence or the mischief***
- ***To the degree of intrusion on the target and other people***
- ***Have other overt means been considered and discounted***

**the following issues must be addressed here**

- *Can you get information using less intrusive means/other methods?*
- *What other means have you tried?*
- *What have you done to try and lessen the impact on the target? Factors to set out include:*
  - *Amount of information to be gathered during the surveillance*
  - *Impact of surveillance on the subject*

- *Timing of the surveillance*

*At the same time, the above must be balanced with the need for the activity in operational terms. To demonstrate this balance you should set out:*

- *What you are seeking to achieve?*
- *Seriousness of the offence*
- *Impact of the offence on the victims, others/wider community and on the public purse*

**10. Confidential information. [Code paragraphs 3.1 to 3.12]**

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

*This is defined in the Code of Practice as communication involving confidential personal information (including health and religious counselling information), confidential journalistic material or communications subject to legal professional privilege.*

*Local authorities are unlikely to come across the kind of information during routine surveillance operations. However you have to be alive to the possibility and add include wording here to show how you have thought about it. For example, where you will be following someone who may end up at a church, mosque or doctor's surgery.*

*Note that in cases where you will be obtaining confidential information, the authorisation has to be granted by the Chief Executive or, in his/her absence, a chief officer.*

**11. Applicant's Details.**

<b>Name (print)</b>		<b>Tel No:</b>	
<b>Grade/Rank</b>		<b>Date</b>	
<b>Signature</b>			

**12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box. ]**

I hereby authorise directed surveillance defined as follows: [*Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?*]

*This section is for the Authorising Officer to complete. It should not be pre completed by the investigating officer. Sufficient detail must be included here to demonstrate that he/she has considered thoroughly. Reference can be made to the boxes above but "cut and paste" should be avoided.*

*The five "Ws" stated above must be addressed in detail. This is important so that investigating officers are clear as to what they can and cannot do and the means that they can adopt. The Authorising Officer should not be afraid to reject the application if it lacks clarity or detail.*

<p><b>13. Explain <u>why</u> you believe the directed surveillance is necessary. [Code paragraph 2.4]</b></p> <p>Explain <u>why</u> you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out. [Code paragraph 2.5]</p>

*You may refer to box 7 and 9 when completing this section. You can also add any additional factors you have considered. However, to demonstrate that you have given the issues due to thought, if it important not to cut and paste that wording or to just state “see box 7 and 9”.*

<p><b>14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 3.1 to 3.12</b></p>			
<p><i>This box should only be completed if you are likely to obtain Confidential Information (see box 10) through Direct Surveillance.</i></p>			
<p><b>Date of first review</b></p>			
<p><b>Programme for subsequent reviews of this authorisation: [Code paragraph 4.22]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.</b></p>			
<p><i>Regular reviews are stressed by the Code of Practice. Where a surveillance operation is going to last more than one month then, the Surveillance Commissioners have suggested, there should be at least a review once a month. Shorter or time limited operations may not require a review.</i></p> <p><i>During a review consideration will have to be given to whether the surveillance is still necessary and proportionate. A standard form is available to record the review.</i></p>			
<p><b>Name (Print)</b></p>		<p><b>Grade / Rank</b></p>	
<p><b>Signature</b></p>		<p><b>Date and time</b></p>	
<p><b>Expiry date and time [ e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59 ]</b></p>			

**15. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.**

*Paragraph 4.13 of the Code of Practice states:*

*“A case is not normally to be regarded as urgent unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need to for an authorisation has been neglected or the urgency is of the authorising officer’s own making.”*

*In urgent cases this section still has to be completed as soon as reasonably practicable. It will be rare for a local authority to be able to claim that an authorisation was so urgent that it had to be obtained verbally.*

**16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer**

*This section is only to be completed where an urgent verbal authorisation was given by an Authorising Officer only entitled to act in urgent cases. This will usually not be appropriate for local authorities.*

<b>Name (Print)</b>		<b>Grade/ Rank</b>		
<b>Signature</b>		<b>Date and Time</b>		
<b>Urgent authorisation Expiry date:</b>		<b>Expiry time:</b>		
<i>Remember the 72 hour rule for urgent authorities – check Code of Practice.</i>	e.g. authorisation granted at 5pm on June 1 <sup>st</sup> expires 4.59pm on 4 <sup>th</sup> June			

## APPENDIX E

**Application for judicial approval for authorisation to obtain or disclose communications data, to use a covert human intelligence source or to conduct directed surveillance. Regulation of Investigatory Powers Act 2000 sections 23A, 23B, 32A, 32B.**

Local authority:.....

Local authority department: .....

Offence under investigation: .....

Address of premises or identity of subject: .....

.....

Covert technique requested: (tick one and specify details)

Communications Data ☐

Covert Human Intelligence Source ☐

Directed Surveillance ☐

Summary of details

.....

**Note:** this application should be read in conjunction with the attached RIPA authorisation/RIPA application or notice.

Investigating Officer:.....

Authorising Officer/Designated Person: .....

Officer(s) appearing before JP: .....

Address of applicant department:.....

.....

Contact telephone number:.....

Contact email address (optional): .....

Local authority reference: .....

Number of pages:.....

## APPENDIX F



### NAFN Court Hearing Guidance

You may already be familiar with making applications to the Magistrates for orders in connection with the investigation of offences. All courts have local practices and if the practice at your local court is different you should follow the local practice.

#### 1. Before the hearing

Read through the authorisation and the application form for Judicial Approval thoroughly. You are welcome to amend the application form supplied by NAFN but the authorisation itself should not be amended once it has been approved by the Designated Person.

Ensure you have: **The original authorisation plus one copy.  
Two copies of the application for Judicial approval  
One copy of the Court Order form.**

Be prepared to explain everything to the Magistrate – remember they may never have seen an application like this before. Try and anticipate what questions the Magistrate might ask.

Check if it is necessary for your Head of Legal Services to authorise you to appear in Court.

Make sure the Court know you are coming in advance.

#### 2. At the hearing

You should address the Magistrate as 'Sir' or 'Ma'am'. They may be accompanied by a legal adviser who will be a lawyer. The public should not be present during the application. This is important because anything heard by the public might get back to the person you are investigating.

After introducing yourself you may be asked to swear an oath (or make an affirmation). This is a matter for the Magistrate's discretion. In general it is necessary to be sworn in if what you say is going to be treated as formal evidence. If, however, what you say is a presentation about the authorisation then it is not strictly necessary for you to be sworn in. Leave this to the Magistrate. If you are asked to swear an oath you can choose to affirm



instead if you object to swearing on the Bible/Holy book. Legally there is no difference between an oath or an affirmation. It is a matter of your own personal preference/religious belief. Magistrates should be able to accommodate all religious requirements.

The Magistrate may not be familiar with RIPA. It is helpful if you offer to talk them through the application, or the entire authorisation. The Magistrate may not find this necessary but they will generally appreciate the offer.

### **3. If everything goes well**

Ask the Magistrate to sign the order. You need to keep the original authorisation and the original signed order. The Magistrate keeps a copy of everything for the Court records. Ensure that the scanned signed application form and order are returned to NAFN.

### **4. If the Magistrate is not happy to approve the authorisation**

In most cases it is likely that the Magistrate will be happy to approve the authorisation.

However, if the Magistrate is not happy to authorise try to get as much information as possible as to why. It might be helpful to ask them if there is any further information which can be provided in support to help persuade them in future. You cannot amend the authorisation without getting it approved again by the Designated Person, but you can amend the application for Judicial approval. You can also provide further evidence to the Magistrate outside the application – if they agree to this.

If the Magistrate considers quashing the authorisation they must adjourn the application for at least two working days to give you a chance to make further representations. Although this isn't in RIPA, it is a strict legal requirement in the Criminal Procedure Rules (rule 6.28).

Whatever the outcome you should take the original authorisation with you when you leave.

### **5. Need further advice**

If you are not sure of what to do next or need further advice contact NAFN who will be able to assist and direct your query accordingly.

**NAFN UK North NAFN UK South**

**Telephone:** 0161 342 3727 **Telephone:** 01273 291322

**Email:** [spoc@nafn.scn.gov.uk](mailto:spoc@nafn.scn.gov.uk) **Email:** [spoc@nafn.scn.gov.uk](mailto:spoc@nafn.scn.gov.uk)

### Version Control

Issue	Date	Purpose	Reviewed by	Approved by
1.0	April 03	Initial Draft	Geoffrey Snowball	Stephen Taylor
2.0	Nov 05	Amended procedures	Phil Thomas	Stephen Taylor
3.0	Mar 07	Amended procedures	Phil Thomas	Stephen Taylor
4.0	Oct 07	Amended procedures	Phil Thomas	Stephen Taylor
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8.0	Mar 09	Amended procedures	Phil Thomas	Stephen Taylor
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11.0	July 10	Amended procedures	Phil Thomas	Stephen Taylor
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13.0	Feb 12	Amended procedures and authorisers in light of Council restructure	Phil Thomas	Stephen Taylor
14.0	Oct 12	Amended procedures in light of the changes to the RIPA procedures for Local Authorities	Philip Thomas	Stephen Taylor
15.0	Nov 14	Updated list of Authorisers and refresh of all hyperlinks to key Govt. documents and procedures. .	Paul Simmonds	Stephen Taylor
16.0	Nov 15	Update guidance and amend scope of Authorisers to ensure operational independence	Paul Simmonds	Stephen Taylor.