

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

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Monday 11 December 2017

## Notice of Meeting

Dear Member

### **Cabinet**

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 19 December 2017**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Cabinet members are:-**

### **Member**

Councillor David Sheard

Councillor Shabir Pandor

Councillor Peter McBride

Councillor Naheed Mather

Councillor Musarrat Khan

Councillor Erin Hill

Councillor Viv Kendrick

Councillor Masood Ahmed

Councillor Graham Turner

Councillor Cathy Scott

### **Responsible For:**

Leader of the Council with shared Portfolio for Strategy and Strategic Resources, New Council & Regional Issues

Deputy Leader of the Council with shared Portfolio for Strategy and Strategic Resources, New Council & Regional Issues

Cabinet Member - Economy (Strategic Planning, Regeneration and Transport)

Cabinet Member - Economy (Strategic Housing, Regeneration and Enforcement)

Cabinet Member - Corporate (Place, Environment and Customer Contact Services)

Cabinet Member - Children (Statutory Responsibility for Children)

Cabinet Member - Adults & Public Health (Statutory Responsibility for Adults and Public Health)

Cabinet Member - Children

Cabinet Member - Corporate (Place, Environment and Customer Contact Services)

Cabinet Member - Adults and Public Health (Cabinet Lead on Democracy Commission)

# Agenda

## Reports or Explanatory Notes Attached

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**Pages**

**1: Membership of the Committee**

To receive apologies for absence of Members who are unable to attend this meeting.

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**2: Interests**

1 - 2

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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**3: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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**4: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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**5: Public Question Time**

The Committee will hear any questions from the general public.

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**6: Member Question Time**

To consider questions from Councillors.

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**7: Quarter (2) Corporate Performance Report**

3 - 22

A report providing Members with an overview of the Council's corporate performance at the end of Quarter (2) 2017/18.

Wards: Not applicable

Officer: Nick McMillan & Sue Grigg

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**8: Local Development Scheme 2018**

23 - 40

A report seeking approval to update the council's Local Development Scheme (LDS) which is the timetable for producing the planning documents that will make up the Local Plan and supplementary policy/guidance.

Wards: All

Officer: Richard Hollinson

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**9: West Yorkshire plus Transport Fund Scheme Update**

41 - 56

A report providing an update on progress of the West Yorkshire plus Transport Fund Scheme Update.

Wards: All

Officer: Keith Bloomfield

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**10: Proposals to Update the Council's RIPA Policy**

57 - 88

A report on the use of the Regulation of Investigatory Powers Act 2000 and to seek approval of the adoption of an amended Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance document.

Wards: All

Officer: Sam Lawton

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<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
<b>Name of Councillor</b>			
<b>Item in which you have an interest</b>	<b>Type of interest (eg a disclosable pecuniary interest or an "Other Interest")</b>	<b>Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]</b>	<b>Brief description of your interest</b>

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



**Name of meeting:** Cabinet & Council

**Date:** 21<sup>st</sup> November 2017

**Title of report:** Quarter (2) Corporate Performance Report

**Purpose of report**

This report is to provide Members with an overview of the Council's corporate performance at the end of Quarter (2) 2017/18.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>No</b>
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Not applicable</b>
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>	<b>Jacqui Gedman, Chief Executive</b>
<b>Is it also signed off by the Service Director for Finance IT and Transactional Services?</b>	<b>Debbie Hogg, Service Director – Finance, IT, Risk and Performance</b>
<b>Is it also signed off by the Service Director for Legal Governance and Commissioning Support?</b>	
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr David Sheard, Leader of the Council Cllr Shabir Pandor, Deputy Leader of the Council</b>

**Electoral wards affected:** Not applicable

**Ward councillors consulted:** Not applicable

**Public or private:** Not applicable

1. **Summary**

This is the second corporate performance report under a refreshed regime, being lighter in content and more keenly focussed on the key strategic issues the Council faces, in relation to three delivery themes – Ambitious Kirklees, Inclusive Kirklees and Resilient Kirklees. It is also aligned much more closely to the Corporate Plan for 17/18 than has been the case in previous years.

The quarterly performance report is based upon an agreed set of headline actions and performance measures, drawn from Service Plans (one service plan for each of the newly appointed Service Directors) and deemed to be strategic in nature and significantly contributing to the three delivery themes. There are 38 actions and 65 measures included in the Q2 performance report and the narrative is based upon performance by exception.

54% of all actions and measures are assessed as on track, with 25% off track and 16% at risk and 5% missing. 11% were judged 'at risk' in Quarter 1.

2. **Information required to take a decision**

Key issues at the close of Quarter (2) include the following:

- The first issue is one of compliance. 16% of actions and measures combined remain unreported by services. This is a significant figure and is a risk in itself.
- There have been a number of delays with regard to the labour skills agenda, specifically around production of the Strategic Needs Assessment and the ESIF programme for people with low/no qualifications.
- In reference to housing needs for vulnerable people, the issue of a growing complexity of need continues into Quarter 2. Of particular note is the increasing number of nights spent in B&B as a proportion of total nights spent in temporary accommodation.
- Caseload management across a range of children's safeguarding operations continues to be challenging, with most measures significantly below target. However, there are some successes. 24 hour decision making on Social Care referrals continues to improve and the number of looked after children is reducing. The number of children with open Child Protection Plans is also falling.
- Similarly, there are some significant pressures on caseload management in adult social care operations, particularly in acceptable waiting times for social care assessments and the percentage of clients receiving a review.

### 3. **Implications for the Council**

The attached reports show progress in relation to the Council's three delivery themes and the Corporate Plan for 2017/18. In that the Quarter (2) Corporate Performance Report provides a high level overview of performance across all council activity, it has a contribution to make in all five of the following sub-headings.

- 3.1 **Early Intervention and Prevention (EIP)**
- 3.2 **Economic Resilience (ER)**
- 3.3 **Improving Outcomes for Children**
- 3.4 **Reducing demand of services**
- 3.5 **Other (eg Legal/Financial or Human Resources)**

### 4. **Consultees and their opinions**

The attached reports show progress in relation to the Council's three delivery themes and the Corporate Plan for 2017/18.

### 5. **Next steps**

The reports may be considered by Overview and Scrutiny Management Committee.

### 6. **Officer recommendations and reasons**

It is recommended that the report is noted.

### 7. **Cabinet portfolio holder's recommendations**

Not applicable

### 8. **Contact officer**

Directorate Performance Lead Officers:

- Nick McMillan (Adult Services, Economy and Infrastructure, Public Health, Office of the Chief Executive)
- Sue Grigg, (Children's Services)

### 9. **Background Papers and History of Decisions**


Not applicable

### 10. **Service Director responsible**

Rachel Spencer-Henshall, Service Director for Policy, Intelligence and Public Health

## Quarter (2) July to September 2017/18

**Our Corporate Plan**



**Kirklees - building a strong local democracy**

We want Kirklees to be a district which combines a strong sustainable economy with a great quality of life – leading to thriving communities, growing businesses, high prosperity and low inequality where people enjoy better health throughout their lives

### Our Values

**Leadership**

Leading the council, its partners and communities in managing resources efficiently to maintain services

**Progressive**

Driving innovation based on engagement with all, helping to foster and develop a thriving area.

**Responsible**

Work with communities to create a sustainable environment for people; improving health and well-being and building a strong local economy.

**Equality**

Working together to meet the needs of our citizens to create opportunities for everyone and a fairer society

### Our Themes

**AMBITIOUS**  
Kirklees

**INCLUSIVE**  
Kirklees

**RESILIENT**  
Kirklees

### Our Priority Actions

<ul style="list-style-type: none"> <li>Business and jobs growth</li> <li>Revitalising Huddersfield and transforming Dewsbury</li> <li>More and better quality homes</li> <li>Improving physical/digital connectivity</li> <li>Effective management of waste</li> <li>Making the most of greenspaces</li> <li>Effective customers first points of contact</li> <li>More digital and self-serve transactions</li> <li>Information technology enabling Council transformation</li> <li>An intelligence system in support of effective commissioning</li> <li>Council property assets that are fit for purpose</li> </ul>	<ul style="list-style-type: none"> <li>Reduced community tensions between people who are different</li> <li>Delivering schools as community hubs</li> <li>Working in partnership with statutory and non statutory partners at a local level</li> <li>The best possible educational outcomes for children and young people</li> <li>Supporting schools, carers/ families of children and young people with special educational needs and disability</li> <li>Sufficient quality learning places for Kirklees</li> <li>A skills strategy to meet local need</li> <li>Tackling Poverty and Welfare services to those in need of financial support</li> <li>Helping people into employment and to progress in employment</li> <li>Protecting and making the best use of social housing stock</li> <li>Meeting the housing needs of vulnerable people</li> <li>Deliver Democracy Commission</li> </ul>	<ul style="list-style-type: none"> <li>Preventing family breakdown</li> <li>Integrated working across all children's social care agencies</li> <li>Therapeutic support for vulnerable children</li> <li>Independent and resilient Looked After Children and Care Leavers</li> <li>A wellness model for Kirklees</li> <li>Reducing health inequalities through physical activity</li> <li>Communities contributing to early intervention and prevention</li> <li>Sustainable solutions for community safety</li> <li>Quality, sufficiency and stability in the adult social care market</li> <li>Timeliness of adult social care assessments and reviews</li> <li>Integrated adult social care access points</li> <li>Effective major incidents management</li> </ul>
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Our Corporate Plan is supported by a set of priority actions and key measures, used in combination to assess the progress made towards our three delivery themes:-

## Ambitious Kirklees Inclusive Kirklees Resilient Kirklees

*This document does not provide full coverage of all performance assessment activity undertaken. It aims to present a high level overview of activity that is more strategic in nature and front-facing/tangible. Actions and measures included in the report have been agreed by the Executive Office Team and by Cabinet.*

*All areas of service undertake their own performance assessment at an operational level, flagging any significant risks and issues which may, through escalation, find their way into this report.*

# Executive Summary

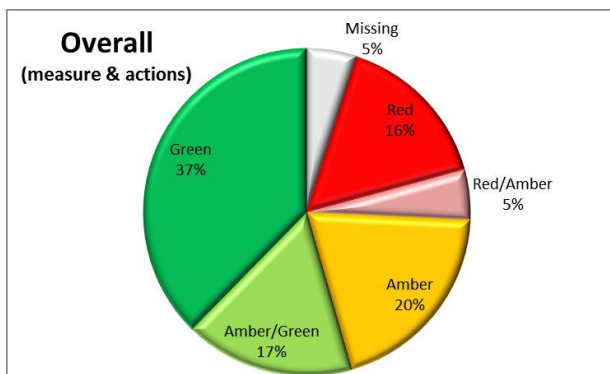
## Our Journey so far

This is the second corporate performance report under a refreshed regime, with quarterly reporting that is lighter in content and more keenly focused on the key strategic issues the Council faces, in relation to three delivery themes – Ambitious Kirklees, Inclusive Kirklees and Resilient Kirklees. It is also aligned much more closely to the Corporate Plan for 2017/18 than has been the case in previous years.

It represents where we are but there is a recognition that we are on a longer journey of development. As a result, we will incrementally improve the report's content through the course of the year. There needs to be greater sharpness in the performance assessment, with a greater clarity of outcome. This will mirror the organisation's transition to a commissioning council, which will draw heavily on intelligence based decision making, through outcomes based accountability and outcomes-based budgeting.

## Main findings for Quarter (2)

The quarterly performance report is based upon an agreed set of headline actions and performance measures, drawn from Service Plans (one service plan for each of the Council's Service Directors). Each action/measure is deemed to be strategic in nature and to be significantly contributing to one of the three delivery themes. There are 37 actions and 66 measures included in the Q2 performance report and the narrative is based upon performance by exception. 54% of all actions and measures are assessed as on track, with 25% off track and 16% at risk. 10% were judged 'at risk' in Quarter 1. The 'at risk' items are addressed in the main body of the report. There are several issues that cut across the 3 Delivery Themes, largely a continuance from those issues highlighted at the close of Quarter 1.



- The first issue is one of compliance. 5% of actions and measures combined remain unreported by services. However, at three weeks after quarter end only 64% of returns had been made. It has taken two weeks of chase up to get to 95% completion. This is a continuing risk which puts pressure on both the quality and timeliness of the report.
- There have been a number of delays with regard to the labour skills agenda, specifically around production of the Strategic Needs Assessment and the ESIF programme for people with low/no qualifications.
- In reference to housing needs for vulnerable people, the issue of a growing complexity of need continues into Quarter 2. Of particular note is the increasing number of nights spent in B&B as a proportion of total nights spent in temporary accommodation.
- Caseload management across a range of children's safeguarding operations continues to be challenging, with most measures significantly below target. However, there are some successes. 24 hour decision making on Social Care referrals continues to improve and the number of looked after children is reducing. The number of children with open Child Protection Plans is also falling.
- Similarly, there are some significant pressures on caseload management in adult social care operations, particularly in acceptable waiting times for social care assessments and the percentage of clients receiving a review.

# Ambitious Kirklees



## KIRKLEES OUTCOMES:

- (5) Kirklees has sustainable economic growth for communities and businesses
- (6) People in Kirklees experience a high quality, clean, and green environment
- (8) A Council that works smart and delivers effectively and efficiently

## Performance by Exception

### Regeneration

- Regeneration of Dewsbury Town Centre continues. The Council's works at Pioneer House are due for completion by December 2017. A public realm scheme to address the area to the front of the building has been revised and resubmitted following initial comments from Heritage Lottery Fund
- Approval had been received for the Dewsbury Station Gateway, a scheme to improve the streetscape in and around the rail station frontage. Works are also planned to provide a better pedestrian environment along the Halifax Road frontage to the new Dewsbury College
- A Huddersfield Marketing Group has been established with Huddersfield University in relation to heritage and culture. The group aims to maximise impact, reach and value of existing marketing channels and resource in the town. There are 8,500 people registered on the Creative Kirklees database, receiving a weekly newsletter. These customers are being asked to participate in focus and feedback sessions to help identify audience expectations and customer needs and improvements

#### **Current Concerns, Risks and Issues**

- *There is some slow progress on delivery of the "Mirfield to Dewsbury to Leeds (M2D2L) scheme, the transport link to the North Kirklees Growth Zone. This is mainly for two reasons. First, there have been difficulties in resourcing the engineering assessment and development activities. The Council has recently brought in 4 additional external staff to address this. Second, the Leeds element of the scheme is not as yet clearly defined, which has an impact of design for the Kirklees elements.*

### Housing Supply & Quality of Homes

- The Council is continuing to work closely with the developer to progress the Ashbrow Housing site to planning application stage. A market testing exercise was undertaken in July for the Soothill site. A number of companies have expressed interest and their comments have helped to inform ongoing discussions on options and housing mix for the site.
- The Riddings Estate (Deighton) – Better Homes Growth Fund Project for non-standard cavity insulation is in the process of grant and contracting arrangements. Whilst this process is delayed against original timescales, the delay can be accommodated within the grant timescale tolerances

### Connectivity

- An additional 7,000 homes and businesses were connected to the Superfast West Yorkshire broadband service in Quarter 2. This brings the total connected to 19,000. The project is beginning to show signs of slowing down, partly due to sites becoming more labour intensive to connect. West Yorkshire Combined Authority has been successful in a bid to run a 'Full Fibre Pilot', a voucher scheme where businesses can secure funding for connections.

## Support for Businesses

- The SME Growth Managers have engaged with 21 businesses in Quarter 2, totalling 57 to date. Workshop provision for the Adventure Support Programme has still to be procured. The Programme is an EU funded business support programme to target start-up and young businesses with high growth potential, delivered in partnership with Leeds City Region Authorities, Chamber of Commerce, BEF, Prince's Trust and Yorkshire Universities (excluding Huddersfield). Once in delivery, outputs in Kirklees are anticipated to increase.
- Officers are currently working to develop a proposal for a collaborative approach to business support between the Chamber of Commerce, Huddersfield University and Kirklees College. This will create a physical presence for the Business Hub to work in tandem with on-line services.

### **Current Concerns, Risks and Issues**

- *The Textile Growth Programme last quarter was highlighted as needing a firmer regional connection in order to stimulate outputs at a local level. This is being addressed at the city region level, but the knock-on effect is a halving of outputs this quarter. As a result, jobs created as a result of council interventions are down on the same period last year. This is likely to be reflected at year end also.*

## Reducing waste and maximising diversion from landfill

- Development of the Waste Strategy document has commenced, securing a funding bid from WRAP UK for consultant review of waste collection options and how this could streamline the waste strategy and disposal cost options, due for delivery in December 17.
- The Combined Heat and Power (CHP) review is being undertaken as part of WYCA and a potential funding bid for part of government £200m CHP development fund. Final consultant feedback is due 3rd Quarter 2017.
- Re-procurement for landfill maintenance is to commence during the 3rd Quarter 2017/18, potentially in partnership with Bradford and Wakefield.

## A sustainable environment

- Development has begun on the Environment and Greenspace Strategy. An initial steer on how each element of strategy fits with the Local Plan and Sub Planning Documents has been received. Feedback is being assessed.
- Digitisation of all Parks and open spaces sites continues and will be complete 2018.

### **Current Concerns, Risks and Issues**

- *Lack of capacity at Kirklees waste facility and no alternative energy from waste facilities resulted in increased waste to landfill for the quarter. However, meeting year end targets should remain unaffected.*

## Moving to New Council

- Channel Shift – the Citizen's Account remains on target for autumn implementation with a public launch in October 2017. The Citizen Account will be expanded through additional services being launched. Phase 2 has been agreed as Adults Services. The current self-serve is 81.90%.
- A pilot for Mobile and Agile working has commenced in Children's, Adults Services, Cabinet members and a Councillor working party. Masterclasses have been held and were well attended. Additional work has been undertaken with IT Service rolling out testing in Office 2013 and producing a series of 'How To' online videos.

***Current Concerns, Risks and Issues***

- *Liquid Logic – The implementation plan is paused whilst the future Social Work Model is being developed. In the meantime, an intensive data cleansing exercise continues to prepare for the transition from Care First to Liquid Logic.*

**Information Governance**

- Compliance rate for Freedom of Information requests is 83%, an improvement on the figure of 74% reported at Quarter 1. To ensure collection compliance the data is collected a quarter in arrears. The monthly figures: April 89%, May 85% and June 73%, all fall below the ICO's minimum threshold of 90%

***Current Concerns, Risks and Issues***

- *Compliance rate for Data Protection is 82% and is below the ICO's minimum threshold of 90%. During the reporting period there have been an increased number of requests received. The Information Access Team is introducing a revised process for access requests ahead of new Data Protection legislation in May 2018.*



# Performance Measures - Ambitious Kirklees

Measure – All BCI Data relates to September 2017		14/15	15/16	16/17	Target	Q1	Q2	Q3	Q4	Current RAG
<b>Business</b>										
1.1	(KI 433) Increase the number of jobs created as a result of Council interventions	176	233	341	250	62	60 (122 cum)			RA
1.2	(KI 437) Secure £4 of investment from the private sector for every £1 of business support investment by the Council	£3.4m	£8m	£12.3m	£10m	£1.7m	£.03m (£2m cum)			A
<b>Place</b>										
1.3	(KI 131a) Percentage of major planning applications determined within agreed timescales	100%	94%	93%	70%	90%	90.47%			G
1.4	(KI 534) Voluntary groups engaged in parks and open spaces	-	-	-	No target	92	92			G
<b>Environment</b>										
1.5	(KI 529) Potholes reported	-	6638	2872	No target	4,675	3,564			A
1.6	(KI 530) Potholes repaired	-	5,605	4,133	No target	5,837	7,311			G
1.7	(KI 533) Percentage of household waste recycled	-	89.7%	98.8%	50,735	12,935	26,281			G
1.8	(KI 532) Landfill rate	-	-	-	13089 Tonnes	515	1,587 (2,107 cum)			A
<b>Housing</b>										
1.9	(BCI) Number of void properties	-	-	166	215	177	177			G
1.10	(KI 129) Net additional homes provided: net increase in dwelling stock over the year	1,035	750	1,142	1,730	Annual – Anticipated Q3 – Oct 2017				Not Due
<b>Customer Services</b>										
1.11	(BCI) Bailout calls to Kirklees Automated Switchboard	-	-	12,585	13,000	9,614	12,107			G
1.12	(KI 484, BCI) Percentage of third stage complaints - Partial & Fully upheld	19.1%	20.7%	22.1%	25%	21%	Missing			Missing
1.13	(KI 485) Channel Shift - % of interactions that are self-serve	63.24%	66.07%	78.87%	No target	78.87%	81.9%			G
1.14	(KI 363) % of Freedom of Information Environmental Information Regulation requests responded to within 20 working days	85%	88%	81%	100%	74%	83%			A
1.15	(KI 366) % of Data Protection information requests replied to within 40 calendar days	77%	74%	79%	100%	82%	82%			RA
<b>Information &amp; Communication Technology</b>										



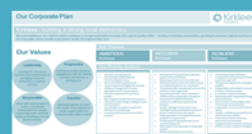
1.16	(KI 148a) Availability of ICT network (24 hours)	97.93%	98.5%	99.16%	99%	99.42%	99.86%			G
1.17	(KI 148b) Availability of ICT servers and services (24 hours)	-	99.99%	99.65%	99%	99.76%	99.83%			G
<b>Welfare and Exchequer</b>										
1.18	(KI082) Proportion of Council Tax collected	95.18%	91.38%	95.54%	95%	22.59%	49.5% (76.29% cum)			G
1.19	(KI084) Proportion of Business Rates collected	96.65%	92.49%	96.5%	96.5%	28.93%	53.54% (82.47% cum)			G
1.20	(KI 075) Time taken to process Housing Benefit / Council Tax Benefit Change of circumstance	79.55 days	7.21 days	7.82 days	10 days	7.5 days	8.5 days			G
1.21	(KI 076) Time taken to process new claims for Housing Benefit/Council Tax Benefit	23.47 days	24.61 days	24.85 days	25 days	28 days	26 days			G
1.22	(KI 086) Debtors days (from Civica Legal)	51 days	46 days	50 days	53 days	60 days	53 days			G
1.23	(KI 112) Percentage of undisputed invoices for commercial goods & services paid by the authority within 30 days of receipt or within the agreed payment terms	96%	97.3%	97.4%	98%	97.5%	97.7%			AG

<b>Key Actions - Ambitious Kirklees</b>	<b>Current Status</b>
(ERC009) Engage with businesses, with a focus on priority sectors, in the stimulation of business and jobs growth across the District	A
(ERC006) Deliver key regeneration initiatives to revitalise Huddersfield and transform Dewsbury	A
(ERC015) Integrate Heritage and Culture into the revitalisation of Huddersfield and Dewsbury	AG
(ERC001) Increase the number of homes and improve the quality of existing homes	AG
(ERC007) Improve connectivity, (both physical and digital) for jobs, housing and communities across Kirklees	G
(CRO002) Deliver strategies for how Kirklees manages its waste, makes enhancing green spaces for quality of life, health and the appearance of our places	A
(CRO004) Deliver transformation in how the Council interacts with customers at the first point of contact	Missing
(CRO007) Increase the breadth and depth of Council transactions that are digitally enabled / self-serve and reduce failure demand	G
(FPT002) Deliver "New Council" technology enabled transformation, EIP, ER, TOM, and Service Specific savings plans	AG
(PHI006) Develop an integrated intelligence function/system across the council and support the partnership commissioning cycle	A
(ERC016) Ensure Council property assets are managed well, where possible encouraging/supporting community strength and resilience	G

# Inclusive Kirklees

## KIRKLEES OUTCOMES:

- (3) People in Kirklees have aspiration and achieve their ambitions through education, training, employment and lifelong learning
- (4) People in Kirklees live in cohesive communities, feel safe and are safe/protected from harm



## Performance by Exception

### Educational Attainment

- Currently, Kirklees is ranked 114 / 150 Local Authorities for Attainment Score at Key Stage 2 (RWM Combined). Kirklees saw an 8% rise on 2016 data (57%). However, the national data has also increased by 8% so the gap remains. Reading is the limiting factor and strategic plans have been put in place to support schools with very low attainment/progress.
- The percentage of Kirklees Pupils in good or outstanding schools (Primary and Secondary) at Q2 is 84.6, 5.4% below the national average. Each percentage point equates to 673 children. Whilst many Ofsted Inspections carried out over the summer have moved to good or outstanding, these have been smaller cohorts, not impacting largely on percentage data.

### Special Educational Needs

#### *Current Concerns, Risks and Issues*

- *12.5% of SEN support children in Kirklees achieve the attainment score at KS2 for Reading Writing and Maths combined. This compares with 19.8% nationally*
- *Latest figures show that SEN learners in Kirklees are 3 scaled points behind the average for all learners in Kirklees. Nationally, SEN learners are typically 1 scaled point behind.*

### Employability & Skills

- 5.5% of Y12/Y13 children are currently classified as NEET (not in Employment, Education or Training). This would normally be a concern as the target is 3.2%. However, data relating to participation and NEET is less reliable over the summer months as young people destinations change. Q3 data will provide a better indication.
- The Council is working closely with NEET young people and looking at packages of support to assist and support them back into ETE by offering individual appointments and holding drop in sessions to build confidence, self-esteem and aspiration for young people who are NEET in Huddersfield and Dewsbury. The Council is also looking to develop work tasters for LAC, shadowing opportunities, apprenticeships and jobs for care experienced young people.

### A stronger relationship between education and employers

- A summer Internship Programme for 30 young people (including 4 looked after children) has successfully operated throughout the holiday period.
- The Enterprise Advisor Programme is operating in all Secondary Schools but one, aiming to equip young people with the employability skills in support of career aspirations. It also connects senior leaders in business to senior leaders in schools to influence and develop the school's career and enterprise strategy.

- Plans are underway for a 2017/18 (academic year) Programme to support enterprise and STEAM (Science, Technology, Engineering, Arts, and Maths) curriculum delivery with C&K Careers as key local delivery partner.

#### **Current Concerns, Risks and Issues**

- *The Strategic Needs Assessment for skills- outlining key economic, labour market and skills participation data - is complete and has been out for consultation with partners. However, the original timeframe for consultation hasn't afforded all Partners the time to fully engage in the consultation. This has resulted in a new timeline to enable full participation in a co-produced Skills Plan.*
- *While progress has been made in mapping employment and skills support across the district, delays to the European Structural and Invest Fund Programme (ESIF) mean that a targeted offer for people with low or no relevant qualifications or those aspiring a career change is still in development*
- *Of the 48 unemployed participants undertaking employability programmes found employment, including self-employment, during Q2. However, no participants were in employment 6 months after leaving, highlighting the difficulties in achieving longer term employment.*
- *Determination of an offer to develop and promote targeted skills support for businesses is delayed as a result of service reviews and is not yet fully resourced.*

### **Housing Needs for Vulnerable people**

- Pre Tenancy training for 18-21 year olds has been developed and advertised on Chose n Move to prospective Council tenants. Training sessions have been booked and will commence in Quarter 3.
- The Kirklees Integrated Community Equipment Service (KICES) has been retendered and the contract awarded to the current provider. The tender for the 'Handy Person Scheme' is in draft form and is in consultation. The intention of the Service is greater strategic integration between Adaptations, Equipment, Assistive Technology and Wheelchair Services enabling people with disability or medical condition can return/remain at home.
- The Adult Social Care Single Handed Care Project, aiming to reduce the number of carers and promote independent living through providing appropriate adaptation is in progress. 44 assessments have been undertaken with 26 requiring adaptations, resulting in adjustments to care packages.
- The number of cases where homelessness was prevented is 481. This is a slight decrease of 6.8% on the same quarter 2016/17, but within tolerances to achieve the year-end target.
- The year-end figure for the collection of rents is on track to be achievable. However, the roll out of Universal Credit in Kirklees in November will make arrears mitigation, rent collection and meeting the target increasingly difficult.

#### **Current Concerns, Risks and Issues**

- *The quarterly delivery target of 58 units Affordable Homes has not been met – 18 units reported. Delivery of units has been weak and it is predicted that the figure at the year-end is 100, considerably lower than the target of 235 units.*
- *Homelessness acceptances for the quarter stand at 141. This is an increase of 29% on the same period last year. Resources have been allocated to speed up time taken to make a decision which is increasing the number of people being assisted, but also the number of people being accepted. New legislation for April 2018 will place additional duties to relieve homelessness which will compound this issue.*
- *Our target for the number of nights spent in B&B is 5% of overall temporary accommodation. It is currently running at 17.5%. The further increase in B&B use is*

*due to number of people with complex needs presenting at crisis point. This is increasing month on month from April 17 and is 11% higher than reported at the close of Q1.*

## **Schools as Community Hubs**

- The Hub Leaders Network has elected to rename area based arrangements 'Kirklees Community Hubs'.
- A Children and Family Resource Directory has been produced, bringing together VCS youth organisations, partners recommended by Schools and Locala's 'Thriving Kirklees' partners.
- Kirklees is to host the next UK Community Hub Network, inviting potential funders.
- Kirklees Community Hubs have developed a specification for NHS England, Emotional Health & Wellbeing 'roll over' monies, where Hubs will be responsible for delivery.
- Kirklees Community Hubs, in collaboration with Kirklees Council and Locala have submitted a Sport England 'Children & Families' £500k Expression of Interest, with Hubs as key partners.

## **Custodian of outcomes - early learning, schools and post 16 provision**

- The Early Learning & Partnership Board is established and is commissioning Council services to schools and School improvement activity. A Learning Summit held in September with further planned to support co-production of early help services across Council, Community Hubs, Voluntary and Community Partners.

### ***Current Concerns, Risks and Issues***

- *The 2017 Kirklees Childcare Sufficiency Assessment has been published and shared with stakeholders. 30 hours free childcare commenced in September, to date no reports of parents not being able to access a place. However, future pressures are still possible as demand grows.*

## **Community Plus**

- A Community-Plus Team has been established in each of the four localities of Kirklees. The teams are integrated with Voluntary Sector partners, Social Care (including Adults, Children's Services) and targeted Early Help. Each Locality will have a team of up to 7 Community Co-ordinators and staff are working with people and organisations at a local level

## **Community Cohesion**

- A series of events involving children and young people have been delivered in Quarter 2. Activities ranging from singing events, town centre walks and street games to bring together children from different backgrounds across communities. There have also been 2 successful bids made for funding via the Police and Crime Commissioner - the funding provided 'Sanctuary Kirklees' project based in Marsden and funding for further interfaith school visits

## **Inclusion & Diversity**

- The new I&D Strategy and Action Plan have been passed at Full Council. Presentations have been given to all Directorate SLTs who are committed to support the Plan. The Strategy will be discussed at Partnership Executive in October. A reconstituted I&D Hub meeting with senior officers from all directorates will support the governance of the Action Plan with the remit to commission work to support its implementation.

## Performance Measures - Inclusive Kirklees

Ref	Measure – All BCI Data relates to September 2017	14/15	15/16	16/17	Target	Q1	Q2	Q3	Q4	Current RAG
<b>School Education</b>										
2.1	(BCI) Children missing in Education	-	-	-	No target	282	240			G
2.2	(KI 493) %'age of pupils in Good or Outstanding Schools	-	-	86.1%	88%	85%	84.6%			A
2.3	(KI 515) The attainment gap at KS2 between all pupils in Kirklees and the national average for all pupils (Attainment 8)	-	-	48.9	49.06	Annual- Due at Q3				Not Due
2.4	(KI 369) Take up of free early education by eligible 2 year olds	70%	74%	76%	80%	76%	76%			AG
<b>Special Educational Needs</b>										
2.5	(KI 502a) The attainment score at KS2 for children with SEN support (RWM combined)	-	-	43.5%	16%	Annual – Provisional figure 12.5%				RA
2.6	(KI 503a) The attainment score at KS4 for children with SEN support (Attainment 8)	-	-	23.1%	36%	Annual				Not Due
<b>Employment prospects</b>										
2.7	(KI 556) Number of unemployed people supported through employment	-	-	787	787	388	267			G
2.8	(KI 439) Number of supported unemployed getting a job	-	-	113	80	18	49 (67 cum)			G
2.9	(KI 462) Number of Apprentices within the Council Workforce	107	134	89	120	38	35 (73 cum)			G
2.10	(KI 535) 16/18 year olds NEET	4.7%	6.5%	4.8%	3.2%	4.3%	5.5%			R
2.11	(KI 544) Adults with learning difficulties in employment	8.8%	9.5%	10.2%	10%	11.6%	11.6% (Q4 fig)			A
2.12	(KI 545) Adults receiving secondary mental health services in employment	9%	9%	6.4%	8%	6.8%	7.6% (based May 17)			AG
<b>Tackling poverty</b>										
2.13	(KI 463) Monetary gain to residents from Welfare support	£19m	£16.5m	£17.6m	15	6.5	Missing			Missing
<b>Housing</b>										
2.14	(KI 130) Affordable homes delivered	174	155	149	235	43	18 (61 cum)			R

2.15	(KI 022) Rent collected from rent owed	97.17%	97.24%	97.38%	97.5%	96.73%	97.19%			AG
<b>Housing need for vulnerable people</b>										
2.16	(BCI) No. of households in temporary accommodation	-	-	-	55	105	43			G
2.17	(new BCI) Number of nights in B&B as a % of overall temporary accommodation usage	-	-	-	5	6.4%	17.5%			R
2.18	(KI 074) Number of homelessness acceptances	272	404	450	404	143	141 (284 cum)			R
2.19	(KI 457) Number of cases where homelessness has been prevented or relieved	1669	1947	2101	2121	582	481 (1063 cum)			A

<b>Key Actions - Inclusive Kirklees</b>										<b>Current Status</b>
(OCX002) Reduced community tensions between people who are different										G
(EHL004) Delivering schools as community hubs										G
(ASI006) Develop a plan for council wide community approaches to service delivery										G
(EHL013) The best possible educational outcomes for children and young people										G
(EHL001) Supporting schools, carers/ families of children and young people with special educational needs and disability										G
(EHL010) Sufficient quality learning places for Kirklees										A
(ERC010) A skills strategy to meet local need										A
(FPT001) Tackling Poverty and Welfare services to those in need of financial support										Missing
(ERC012) Helping people into employment and to progress in employment										RA
(ERC004) Protecting and making the best use of social housing stock										AG
(ERC003) Meeting the housing needs of vulnerable people										A
(LS002) Deliver Democracy Commission recommendations										AG
(OCX005) Develop, launch and implement a refreshed approach to Inclusion and Diversity across the Council										G

# Resilient Kirklees

## KIRKLEES OUTCOMES:

- (1) Children have the best start in life
- (2) People in Kirklees are as well as possible for as long as possible
- (7) People in Kirklees live independently and have control over their lives



## Performance by Exception

### Children's social care caseload and assessments

- Professor David Thorpe has reviewed Front Door process and practice, tracking 300 cases. Training was provided to the Duty & Advice Team based upon his findings, increasing staff confidence in responding to concerns regarding children. A new process focussing on partners calling the Duty & Advice Team to discuss concerns they may have about a child and their family with a Social Worker is now live. This has been communicated to partners and advice uploaded to KSCB web site. A new Care First contact form has been developed, simplifying the process for Social Workers.
- All new admissions to care now require the agreement of the Head of Service and Service Director and are reviewed each Monday at the weekly Legal Gateway Panel. Of the children admitted in September, 5 were made subject to police powers and 1 is a 17 year old who was readmitted to care. The remainder had Care Plans agreed.
- Support is currently being given to 100 young people who are at risk or vulnerable to CSE, however this figure can change on a weekly basis. Our risk assessment identifies the following level of risk: for the 100 young people we are currently working with, 9 high risk, 32 medium risks, 62 low risks. CSE Social Workers are on average holding 16 cases. All medium high cases have a multi-agency team working to support them (including a Social Worker, Police Officer and a CSE worker).
- The Council has instigated the review of children's voice in strategic partnership and planning. It will include intelligence gathering, how it is reported and how it may be used to inform service improvement. Together with understanding what tools are used by practitioners and children to promote their voice and involvement in the processes.
- The 'At Risk of Care Panel/Resources Panel' will start in December 2017.
- 24 hour decision making on Social Care referrals continues to improve. The figure at the end of September is 72.5%, against 57.8% at the end Q1.
- The rate of looked after children per 10k population also continues to reduce. The trend is showing a steady decrease from a peak of 71.4 (705 children) in December 2016 to 65.3 (648 children) in September
- The number of children with open Child Protection Plans is currently at its lowest since April 2017 – at a rate of 47.6 per 10,000 (equivalent to 470 children)

#### **Current Concerns, Risks and Issues**

- *There are currently around 15 cases where the child does not have a CSE risk management plan. In some cases, data is limited. This is now a focus for improvement.*
- *There continues to be an increasing upward trend in the 24 hour decision making, changes have been made to simplify the process on CareFirst which had been causing delays. A review of the changes has been undertaken highlighting further areas where the computer system does not support practice. This has been addressed jointly across teams and service areas, to further refine CareFirst to support practice.*
- *Work on the Sufficiency Strategy remains paused to enable the new Director for*



*Children's Services to develop the model for Social Work and the Sufficiency Strategy will be informed by this.*

- *Timeliness of ICPC's for September is 48.3%. 15 out of the 29 cases were held within the 15 working day target. 6 did not have S47 enquiry to allow measuring and 8 were held outside of the target and averaged 22 days. This is being addressed by the data cleansing exercise.*
- *Children in need meetings taking place within 6 week is holding steady at 24%, significantly short of the 75% Service Improvement Plan target.*
- *Child protection visits within timescales for both 2 weeks and 4 weeks have dropped since Q1 – 54.1% and 78.6% respectively. Both have a Service Improvement Plan target of 85%.*
- *Whilst there is a slight improvement in the number of LAC placed outside of the LA boundary and more than 20 miles from their home (17.1% in September), against Statistical Neighbour 11.6%; Yorkshire & Humber 14.0%; England 14.0%.*
- *The Average Caseload for Social Workers is fluctuating around the 18 cases mark, against a target of 16.5 cases. There has also been an increase in average caseload for the Assessment and Intervention Team.*

## **Emotional & Physical Wellbeing**

- PALs service continues to perform well with 665 new referrals. Data from PALs participants show 72% becoming more active and improving physical health, 66% improved self-esteem, 74% improved social wellbeing. As a result, 87% of PALs service users continue to be active through pay as you go or full membership, as recorded by Kirklees Active Leisure.
- Kirklees continues to report higher vaccine uptake than both England and Yorkshire & Humber averages in all vaccines at 12, 24 months and 5 years of age.

### **Current Concerns, Risks and Issues**

- *Changes have been made to the Integrated Wellness Commission. A revised commissioning process has been developed. This has been approved and the decision to go out to market agreed. Dependent upon the outcome of this process it may have significant impact on the Sports & Physical Activity Development Team*
- *'Start' Weight management programme for children will no longer be commissioned. A Service level agreement will be created to determine the outputs/outcomes relating to child obesity in Kirklees, as a part of the Healthy Child Programme.*

## **Adult social care caseload and assessments**

- A pilot scheme introducing a multi-disciplinary response to enquiries at the front door is being progressed. The aim is to ensure triage/decision making and resolution at the first point of contact. Early indication is a reduction of referrals to the Intake Service. Work is also taking place to look at the Pathway with possible redesign to link Corporate Front Door, Digital by Design and the Community Hub.

### **Current Concerns, Risks and Issues**

- *Work has taken place within the wider workforce with emphasis on meeting the Adult Social Care Vision. Comparisons are taking place between the 'as is' front door and a newly designed model. 95% of all contact is dealt with at the front door and 5% navigating through assessment. There are performance implications across assessment/review pathway timeliness. A risk based approach to delays across the social care pathway is being introduced.*
- *Acceptable waiting times for social care assessments are currently at 78.8% against a target of 85%. The increasingly complex nature of new service users approaching the*



*Council for formal social care support impacts on the time it takes to ensure assessment captures all care needs and that appropriate support packages are brokered/put in place. Assessment teams are now dealing with backlog assessments, taking a risk based approach to ensure those people who need urgent assessments are seen within expected timescales.*

- *The percentage of clients that are receiving a review continues to perform below target, September 55.4% against a target of 65%. Overdue reviews are increasing.*
- *Work on the Adults Resource Allocation System has been delayed; proposals and testing will take place over the coming months.*
- *Patients aged 65+ discharged home from hospital with rehab/reablement support, who are still living at home at 91 days currently stands at 80.8%, significantly short of the 94.1% target.*

## **Sufficiency & Stability in the Adult Social Care Market**

- Tenders for domiciliary care provision have been evaluated and the new contracts are mobilised to be awarded in December 2017.
- There have been 114 new admissions of older people to residential care YTD 2017/18 which compares to 127 during the same period last year.

### ***Current Concerns, Risks and Issues***

- *There were 22 admissions of 18-64 year olds into residential care during Q2, which bring the cumulative total to 30 for the year so far. Projecting this level of performance ahead for the full year would equate to 57 admissions or 21.7 per 100,000. To achieve the target of 14.9 per 100,000, we should not exceed 37 admissions in a full year.*
- *Transfer of Care Homes to alternative Providers: Further financial profiling has been undertaken to identify the true cost of the delay to the Council and based on projected timescales for the transfer of responsibility for the 2 long term care homes.*

## **Integrated Community Safety**

- Introduction of an Integrated Community Safety function has been delayed slightly whilst the service completed its review. All staff are clear of roles and expectation of the function to address issues early. A series of groups are set up and are actively working within the community to tackle safety issues

## **Emergency Planning**

- All Emergency Plans are continuing to be reviewed on an ongoing basis and as a result of recent risks and threats. Learning has been shared from the recent Grenfell fire
- A peer review has been undertaken with Kirklees Neighbourhood Housing focussing on the KNH Incident Response Plan and the Large Scale Evacuation Plan
- Training has taken place with school staff. Lockdown training has taken place across 3 schools and testing facilitated at 2 schools
- Services have been assisted in raising awareness and reviewing their Business Continuity Plans. The Annual Business Continuity assurance process reported an average compliance score of 93% - a 6% increase on last year's average compliance score

## Performance Measures - Resilient Kirklees

Measure	14/15	15/16	16/17	Target	Q1	Q2	Q3	Q4	Current RAG	
<b>Children who need help and protection</b> *The BCI targets were adopted from the Original Service Improvement Plan. The targets are being reviewed as they do not represent realistic achievable goals that evidence the pace of change being achieved.										
3.1	(BCI) Looked after children (per 10,000) 0-17 years	-	-		60	67.3	65.3			G
3.2	(BCI) Children with a Child Protection Plan	-	-	440	462	496	470			A
3.3	(BCI) 24 hour decision making on social care referrals	-	-	46%	55%	57.8%	72.5%			A
3.4	(BCI) ICPCs held within 15 days of the initial S47 enquiry	-	-	19.2%	80%	57.9%	48.3%			R
3.5	(BCI) Children in need reviews within 6 weeks	-	-	17.7%	75%	23.1%	24%			R
3.6	(BCI) Percentage of Child Protection Review Conferences held within timescales	-	-	95.1%	99.5%	97.8%	95.5%			R
3.7	(BCI) Child Protection statutory visits within last 2 weeks	-	-	50.3%	85%	60.1%	54.5%			R
3.8	(BCI) Child Protection visits within timescales - last 4 weeks)	-	-	80.3%	85%	84.7%	78.6%			R
<b>Children looked after and achieving permanence</b>										
3.9	(BCI) The percentage of children in care placed outside Kirklees Council boundary and more than 20 miles from where they live	-	-	16.6%	14%	19.4%	17.1%			R
3.10	(BCI) Percentage of LAC with a statutory visit within timescale as per Practice Standards	-	-	81.8%	87.5%	85%	77.6%			R
3.11	(BCI) Personal education plans for LAC completed within timescales	-	-	96%	100%	97.5%	89.9%			R
3.12	(KI 391) The average time between a child entering care and moving in with its adoptive family, for children who have been adopted (Days)	565	556	513.6	522	408.8	372.4			G
<b>Children's services management and governance</b>										
3.13	(BCI) Average caseload by service	-	-	17.8	TBA	18.3	18.4			R
3.14	(BCI) Percentage of agency social work staff employed by Kirklees	-	-	27.4%	16.1%	20.1%	18.9%			R
<b>Physical activity for vulnerable groups</b>										
3.16	(KI 541) %age of PALS who are still active after 12 months	-	-	-	-	88%	Annual – Data not due till Jun 2018			
<b>Adult residential care</b>										
3.17	(KI442a) People in residential care / supported living (per 100k)	-	503	426.4	506	79.1	73.7			A
3.18	(KI501) Permanent Admissions of Adults 18-64 to care homes (per 100k)	-	-	14.1	8.4	3	8.4			A

Adult caseload and assessment										
3.19	(KI 159) Acceptable waiting times for adult social care assessment	89%	82%	75.6%	85%	63.4%	78.8%			RA
3.20	(KI 206) Clients receiving a review	66%	53%	57.6%	65%	58.7%	55.4%			R
3.21	(new BCI) Referral outcomes for assessments	-	-	-	10%	5.8	5.05%			G
Re-ablement and community support										
3.23	(KI487) Effectiveness of short term support	-	72%	83.9%	74%	85.3%	89.3%			G
3.24	(KI 156) Older people still at home 91 days after hospital discharge	88.1%	85%	85%	90%	80.80%	80.80%			R
3.25	(new BCI) Delayed transfer of care (days per 100k population)	-	-	-	-	8.8	7.5			G

Key Actions - Resilient Kirklees		Current Status
(CPF001)	Develop a new model for prevention, early intervention and targeted support to focus on safely preventing Family Breakdown	A
(CPF006)	Continue to develop integrated working, embed the Single Assessment process and the Duty & Advice arrangements into practice - align the workforce/systems to provide the best possible outcomes for vulnerable children and young people and their families	A
(CPF003)	Develop a clear and co-ordinated offer for providing therapeutic assessment/support for children who are looked after, at risk or subject to CSE	A
(CPF010)	All Children's Assessments are timely in line with statutory guidance and represent current strengths and risks fully inform care plans. The Assessment should incorporate the 'Voice of the Child'	A
(CPF002)	Ensure that a range of services for looked after children and young people and care leavers promote resilience and independence, via planned and managed transitions to adulthood	A
(PHI003)	Develop an integrated approach to the commissioning and provision of services and activity to improve outcomes for adults (including older people) in Kirklees	G
(ERC014)	Support and develop a range of sustainable physical activity programmes to increase emotional and physical health and wellbeing and reduce health inequalities for target groups including people with long term conditions, mental health issues and people with disabilities	A
(ASI005)	Council-wide work will see the development of a new model for prevention, early intervention focussed on prevention of family breakdown and maximising independence for adults in the social care system	G
(OCX003)	Develop an integrated community safety function which implements intelligence led interventions at the earliest opportunity, providing sustainable solutions	AG
(ASC001)	Work with statutory partners and providers to ensure quality, sufficiency and stability in the Adult Social Care market	A
(ASC002)	Work with partners to integrate access points to deliver a single point of access with reduced handoffs and innovative responses	AG
(ASC003)	Review and implement new service user pathways to ensure proportionality and improved performance in relation to timeliness of assessments and reviews and their outcomes	A
(PHI008)	Effective Council and partner response to recovery to/from major incidents in line with legislation	AG

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**Name of meeting:** Cabinet  
**Date:** 19<sup>th</sup> December 2017  
**Title of report:** Local Development Scheme

### Purpose of report

To approve the decision to update the Council's Local Development Scheme (LDS) which is the timetable for producing the planning documents that will make up the Local Plan and supplementary policy/guidance.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	<b>Yes</b>  <b>If yes give the reason why</b> The Local Development Scheme sets out the timetable for preparing the Local Plan's planning documents and policies, which is a district wide plan likely to have implications for all wards.
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a></b>	<b>Yes</b>  <b>If yes also give date it was registered</b> 10 <sup>th</sup> November 2017
<b>The Decision - Is it eligible for call in by Scrutiny?</b>	<b>Yes</b>
<b>Date signed off by <a href="#">Strategic Director</a> &amp; name</b>  <b>Is it also signed off by the Service Director for Finance, IT and Transactional Services?</b>  <b>Is it also signed off by the Service Director for Legal, Governance and Commissioning?</b>	<b>Naz Parkar - 5.12.2017</b>  <b>Debbie Hogg - 4.12.2017</b>  <b>Julie Muscroft - 8.12.2017</b>
<b>Cabinet member <a href="#">portfolio</a></b>	<b>Cllr Peter McBride - Economy Portfolio - Strategic Planning, Regeneration and Transport</b> <b>Cllr Naheed Mather - Economy Portfolio - Strategic Housing, Regeneration and Enforcement</b>

**Electoral wards affected:** All  
**Ward councillors consulted:** N/A  
**Public or private:** Public

## **1. Summary**

The purpose of this report is to seek approval to update the Council's Local Development Scheme (LDS) (approved by Cabinet 23<sup>rd</sup> August 2016) which is the timetable for producing the planning documents that will make up the Local Plan and supplementary policy/guidance - enclosed at Appendix 1.

## **2. Information required to take a decision**

The LDS is the timetable for producing planning documents that will make up the Local Plan. The LDS informs interested parties when documents will be produced, the broad remit of documents and when interested parties can expect to get involved. A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).

National Planning Practice Guidance confirms that the LDS must specify (among other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publicly and kept up-to-date, and Local Planning Authorities should publish the LDS on their website. It is also a legal compliance test for the Local Plan at its Examination in Public where the content of the Local Plan is assessed to measure accordance with the LDS.

Following changes in legislation in 2011 and 2012 (through the Localism Act 2011 and the Town and Country (Local Plan) (England) Regulations 2012) there is no longer a requirement for Local Planning Authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. Where these are referenced they are simply for information.

The current LDS was agreed by Cabinet on 23 August 2016 and set out the main milestones for the preparation of the Local Plan. Cabinet, at its meeting on 30<sup>th</sup> May 2017, also delegated to the Strategic Director, Economy and Infrastructure, the power to update the Local Plan timetable (i.e. the Local Development Scheme) on a regular basis during its Examination in Public via the Council's website so as to quickly disseminate any changes to the examination programme to interested parties.

Following the first stage of the Local Plan Examination in Public, the Planning Inspector has requested that the Council update the LDS to make specific reference to its intention to produce Area Action Plans for Huddersfield and Dewsbury town centres. The revised LDS now includes this information. Although legislation regarding the LDS does not require the Council to specify when it will produce Supplementary Planning Documents, the revised LDS makes recommendations for these to be added to the Planning Policy team's work programme. The revised LDS also notes the Council's ongoing statutory commitments to supporting Neighbourhood Plans and to annual monitoring of evidence for key land uses which may inform planning decisions.

## **3. Implications for the Council**

The main implication for the Council in agreeing to the revised LDS is to ensure support for existing project management and that sufficient resources are made available for the Local Plan programme and new planning policy documents, as far as is reasonable and practicable within overall budget constraints. Certain individual documents listed in the LDS will have implications for Early Intervention and Prevention and Economic Resilience but decisions on their content are not being sought at this time.

## **Legal Implications**

A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). Although not a legal risk, the revised LDS will play a role in the Planning Inspector's decision on whether to find certain elements of the Local Plan sound in relation to planning land use for retail in town centres.

## **Financial Implications**

The main implications for the Council in agreeing to the revised LDS is to ensure that existing project management arrangements continue to be supported and that sufficient resources are made available for the Local Plan programme and new planning policy documents, as far as is reasonable and practicable. The cost of this work can be met in the short term from existing budgets. However, in the medium to long term a future report to Cabinet may be necessary to inform any requirement for resources if that impacts on the LDS timetable.

## **Human Resources Implications**

There are staffing implications in managing the LDS work programme. In the short term this will be managed within existing staff resources. However, in the medium to long term a future report to Cabinet may be necessary to inform any requirement for resources if that impacts on the LDS timetable.

### **4. Consultees and their opinions**

There is no requirement to consult on the LDS.

### **5. Next steps**

Once approved by Cabinet the LDS will be placed on the Council's website and will form part of the technical documents in the Local Plan examination library for consideration by the Planning Inspector as part of the Examination in Public.

### **6. Officer recommendations and reasons**

It is recommended that Cabinet approve the revised LDS.

### **7. Cabinet portfolio holder's recommendations**

Councillor Peter McBride and Councillor Naheed Mather were briefed on 20<sup>th</sup> November 2017 and confirmed their agreement of the revised Local Development Scheme.

### **8. Contact officer**

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Investment & Regeneration  
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Email: [richard.hollinson@kirklees.gov.uk](mailto:richard.hollinson@kirklees.gov.uk)

## **9 Background Papers and History of Decisions**

Relevant LDS Cabinet decisions on 23 August 2016 and 30<sup>th</sup> May 2017

## **10. Appendices**

Appendix 1 - Copy of revised Local Development Scheme.

## **11. Service Director responsible**

Paul Kemp - Service Director - Economy, Regeneration and Culture

Tel: 01484 221000

Email: [paul.kemp@kirklees.gov.uk](mailto:paul.kemp@kirklees.gov.uk)



## **APPENDIX 1**

# **Local Development Scheme**

## 1.0 Introduction

- 1.1 The Local Development Scheme is the timetable for producing the planning documents that will make up the Local Plan, supplementary policy/guidance and the annual monitoring activity/programme associated with them. The Local Development Scheme (LDS) tells you when documents will be produced and when you can expect to get involved. A LDS is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 Following changes in Legislation in 2011 and 2012 (through the Localism Act 2011 and new Town and Country (Local Plan) (England) Regulations 2012), there is no longer a requirement for local planning authorities to specify the timetables for producing other planning documents such as Supplementary Planning Documents (SPD's), the Community Infrastructure Levy (CIL) and the Statement of Community Involvement (SCI) in the LDS. However, the Council is aware that this is useful information that should be publicly available. Consequently, a list of those the Council is proposing to prepare and review will be included in the LDS as appropriate.
- 1.3 The LDS also sets out the resources that will be required and the timetable for preparing each document. The Local Development Scheme will be updated when required and the council also makes information available about the planning policy work programme on its website.
- 1.4 The LDS must specify:
- the local development documents which are to be development plan documents;
  - the subject matter and geographical area to which each development plan document is to relate;
  - which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
  - any matter or area in respect of which the authority have agreed (or propose to agree) to the constitution of a joint committee; the timetable for the preparation and revision of the development plan documents; and
  - such other matters as are prescribed.
- 1.5 The LDS will be published on the Council's website: [www.kirklees.gov.uk/localplan](http://www.kirklees.gov.uk/localplan)

### Monitoring and Review

- 1.6 This LDS will be reviewed and updated regularly to maintain a flexible and realistic timetable for document production, ensuring that production programmes are aligned with resources. Updates will be published on the Kirklees web-site and progress on delivery of plans will be tracked through the Annual Monitoring Reports (AMR).

## 2.0 The Kirklees Local Plan – Timing and Content

### The Local Plan - Current progress

- 2.1 The Local Plan is the new development plan being produced for Kirklees. This involves working out how many new homes and jobs are needed in the future for the district and allocating land to meet these needs.
- 2.2 The Local Plan will also set out the areas of Kirklees that need protection, including valuable open spaces, areas with high environmental quality and historic value. It will set out the infrastructure needed to make sure that any new developments are sustainable.
- 2.3 The Local Plan will contain a map of the district showing where land has been identified for different uses such as housing, employment and open space. Planning policies will also be set out to make sure that development which comes forward will be sustainable. The Local Plan, once it has been adopted, will form part of the statutory Development Plan covering Kirklees, which is the basis for all planning decisions.
- 2.4 The Kirklees Local Plan will initially comprise two main documents which need to be read together:

**Local Plan: Strategy and Policies:** The Local Plan will establish the vision, strategic objectives for the development of Kirklees up to 2031 and a spatial strategy setting out how development will be accommodated across the district.

**Local Plan: Allocations and Designations (and Proposals Maps):** This will set out the different allocations and designations that are included subdivided into different categories and areas depending on their strategic nature. The Proposals Map illustrates geographically, on an Ordnance Survey base, the application of policies in the Local Plan.

- 2.5 The Local Plan was submitted to the Secretary of State for its Examination in Public on 25 April 2017. The Examination in Public is being carried out in stages and is expected to continue into 2018. The Local Plan remains the main planning policy priority for the council. It will be the main focus of staff and financial resourcing for the financial period year 2018/19 and the initial timings of other projects will largely depend on its progress.

<b>Local Plan Part 1 - Strategy and Policies</b>	
<b>Overview</b>	
Role and content	The Local Plan will establish the vision and strategic objectives for the development of Kirklees up to 2031 and a spatial strategy setting out how development will be accommodated across the district.
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework

<b>Timetable and milestones</b>	<b>Dates</b>
Consultation	2014 – 2016
Publication	November 2016
Submission to Secretary of State	April 2017
Examination	2017 – 2018
Adoption	2018

<b>Local Plan Part 2 - Allocations and Designations (and Proposals Maps)</b>	
<b>Overview</b>	
Role and content	Part 2 of the Local Plan sets out the different allocations and designations that are included, subdivided into different categories and areas depending on their strategic nature.
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework

<b>Timetable and milestones</b>	<b>Dates</b>
Consultation	2014 – 2016
Publication	November 2016
Submission to Secretary of State	April 2017
Examination	2017 – 2018
Adoption	2018

## 3.0 Community Infrastructure Levy (CIL)

- 3.1 **Community Infrastructure Levy (CIL):** To support the production and implementation of the Local Plan, the Council will introduce a Community Infrastructure Levy (CIL). This is a locally set planning charge which can be used to help deliver infrastructure to support the development of the area. The relevant charges for different types of development in different parts of Kirklees will be set out in a charging schedule.

<b>Community Infrastructure Levy – Charging Schedule</b>	
<b>Overview</b>	
Role and content	The CIL Charging Schedule will set out standard charges that the Council will levy on specified types of development to contribute towards the delivery of essential infrastructure across the district.
Geographical Area	District wide
Chain of conformity	National Planning Policy Framework, Kirklees Local Plan and CIL Regulations

<b>Timetable and milestones</b>	<b>Dates</b>
Consultation	2015-2016
Submission to Secretary of State	April 2017
Examination	2018
Adoption	2018

## 4.0 Area Action Plans (AAP's)

- 4.1 **Area Action Plans (AAP's):** The purpose of the Area Action Plan is to help shape the future of Kirklees by developing a shared direction for the area and co-ordinating development proposals across a number of significant sites. AAP's will provide a detailed planning framework for areas that are subject to significant development and change, provide guidance on delivery tools and mechanisms for growth in homes and jobs and infrastructure needs. They can also identify specific sites and more detailed policies to guide future retail growth and assist in the future development and place shaping of town centre areas.

<b>Huddersfield and Dewsbury Town Centre Area Action Plans</b>	
<b>Overview</b>	
Role and content	These will set out a framework for promoting regeneration, place shaping and managing development within and around the edge of these town centres so that they fill their role in providing shopping, leisure, residential and employment opportunities.
Geographical Area	Huddersfield and Dewsbury town centres and significant areas of change beyond the town centre boundaries
Chain of conformity	National Planning Policy Framework and Kirklees Local Plan

<b>Timetable and milestones</b>	<b>Dates</b>
Consultation	2018 onwards
Submission to Secretary of State	TBC
Examination	TBC
Adoption	TBC

## **5.0 Development Briefs/Masterplans**

- 5.1 Development briefs and masterplans are capable of being material planning considerations for planning applications and provide the council with a key mechanism to front load the planning process, engage/consult with residents, landowners and businesses, de-risk strategic sites and speed up delivery.
  
- 5.2 A number of locations are included in the emerging Local Plan where masterplanning/development briefs could assist. There is a key role for the planning policy group to play in implementing these proposals, alongside other service areas/teams as necessary/appropriate. In other cases, masterplans/development briefs may be private sector led. Once the Local Plan is adopted it is likely that the LDS will need to be updated to list the locations where development briefs/masterplans are being developed.

## 6.0 Supplementary Planning Documents (SPD's)

- 6.1 **Supplementary Planning Documents (SPD's):** These documents provide further guidance and information relating to one or more specific policies or proposals set out in the Local Plan. As they are not part of the statutory development plan, the LDS is not required to programme the preparation of SPDs. However, they will be a material consideration in considering relevant planning proposals and it is intended that a series of SPDs will be produced to provide further guidance on Local Plan policies. The Council has the following plans for future SPD's:

<b>Supplementary Planning Document: Hot Food Take-Aways</b>	
<b>Overview</b>	
Role and content	The Design Guide will establish best practice and set out how Local Plan policies will be delivered and implemented through the layout and design of residential and commercial developments.
Geographical Area	District wide
Chain of conformity	The Kirklees Local Plan – Strategy and Policies

<b>Timetable and milestones</b>	<b>Dates</b>
Document preparation	2018 onwards
Consultation	TBC
Approval of document for adoption	TBC
Estimated date of Adoption	TBC

<b>Supplementary Planning Document: Design Guide</b>	
<b>Overview</b>	
Role and content	The Design Guide will establish best practice and set out how Local Plan policies will be delivered and implemented through the layout and design of residential and commercial developments.
Geographical Area	District wide
Chain of conformity	The Kirklees Local Plan – Strategy and Policies

<b>Timetable and milestones</b>	<b>Dates</b>
Document preparation	2018 onwards
Consultation	TBC
Approval of document for adoption	TBC
Estimated date of Adoption	TBC



<b>Supplementary Planning Document: Highway Design Guide</b>	
<b>Overview</b>	
Role and content	The Design Guide will establish best practice and required standards to be achieved in the layout and design of residential developments.
Geographical Area	District wide
Chain of conformity	The Kirklees Local Plan - Policies

<b>Timetable and milestones</b>	<b>Dates</b>
Document preparation	2017-2018
Consultation	2018
Approval of document for adoption	2018
Estimated date of Adoption	2018

In addition the Council intends on reviewing all current SPD's and guidance. This is an ongoing process and the LDS will be updated to reflect any changes in current or future plans for SPD's. Up to date details will be published and maintained on the Local Plan website.

## 7.0 Neighbourhood Development Plans

- 7.1 **Neighbourhood Development Plans:** Since April 2012, local communities have been able to produce Neighbourhood Plans for their local areas, putting in place planning policies for the future development and growth of the neighbourhood. Similar to a local plan, it can contain a vision, aims, planning policies, proposals for improving an area or providing new facilities, or allocation of key sites for specific kinds of development. A neighbourhood plan will be subject to examination and referendum. Where they are brought into force, they will form part of the development plan. This statutory status gives neighbourhood plans more weight than other community documents such as parish plans, community plans and village design statements.

### **Neighbourhood Development Plans**

The Localism Act 2011 enables local communities through Neighbourhood Forums to commission Neighbourhood Plans to be prepared in conformity with the Local Plans. Adopted Neighbourhood Plans will form part of the Local Plan against which planning applications will be determined. Neighbourhood Plans will take account of existing local policy and will set out neighbourhood level planning policies.

Neighbourhood plans will be assessed by the Council against higher level plans and Environmental Impact Assessment Regulations, before examination by an independent Inspector, followed by a referendum for residents of the neighbourhood area.

## **8.0 Annual Monitoring and the Annual Monitoring Report**

- 8.1 **The Annual Monitoring Report** – The Planning Policy Group plays a key role in collecting intelligence for the council. The Annual Monitoring Report (AMR) assesses the progress towards the Local Plan and monitors the effectiveness of planning policies. The report also covers a number of indicator areas including progress towards the Local Development Scheme, rates of housing development, employment, open space, town centre footfall and flooding. Once the Local Plan is adopted the range of monitoring indicators will increase. You can view the AMR on the Council's website:

[www.kirklees.gov.uk/localplan/annualMonitoringReport](http://www.kirklees.gov.uk/localplan/annualMonitoringReport)

## **9.0 Statement of Community Involvement**

- 9.1 **Statement of Community Involvement** (adopted 2015) – The revised Statement of Community Involvement (SCI) was adopted by the Council on 22<sup>nd</sup> September 2015 and this document replaces the SCI adopted in 2006. The purpose of the document is to set out how we will work with local communities and stakeholders to develop planning policy documents such as the Kirklees Local Plan or guidance on specific issues. You can view the SCI on the Council's website:

[www.kirklees.gov.uk/localplan/communityinvolvement](http://www.kirklees.gov.uk/localplan/communityinvolvement)

## 10.0 Policy Formulation and Other Statutory Duties

10.1 The Planning Policy Group commissions and prepares a significant number of studies, intelligence and research to underpin planning policy formulation and justify the robustness and credibility of planning policies when making planning decisions. The group also has responsibility for a number of other statutory duties, aside from preparing the development plan.

### 10.2 Evidence Base

A key feature of the development plan (the Local Plan and any other future additions to it, such as Area Action Plans) is that their policies and proposals are soundly based on up-to-date and robust evidence. The evidence base not only provides the justification for the Local Plan, but also enables an assessment of the extent to which policies and proposals are being achieved. New evidence gathered as part of future planning policy work will be made available on the council's website. The current Local Plan evidence base can be viewed at:

[www.kirklees.gov.uk/localplan](http://www.kirklees.gov.uk/localplan)

### 10.3 Duty to co-operate

Under the Localism Act 2011 local planning authorities are required to “engage constructively, actively and on an ongoing basis” with neighbouring planning authorities and a prescribed list of bodies when preparing development plan and other local development documents concerning matters of “strategic significance” that is matters affecting two or more local planning authorities.

10.4 The Council will be expected to demonstrate evidence of having effectively co-operated to plan for issues with cross-boundary impacts at the Examination stage of each development plan document.

10.5 Progress with regards to the Duty to co-operate on Kirklees council's development plan documents and also with regard to the work being carried out by other duty to co-operate bodies is set out in the Annual Monitoring Report.

### 10.6 Environmental Duties

The council has to comply with various environmental legislation and obligations which can have a bearing on the preparation of planning policies. Key statutory duties exist directly in relation to plan making and include the preparation of documentation under Sustainability Appraisal/Strategic Environmental Assessment and Habitat Regulations.

### 10.7 Statutory Registers

The Planning Policy Group is currently responsible for preparing, maintaining and updating statutory land use registers. At present the Planning Service is responsible for a Custom and Self-Build Register and the preparation of a Brownfield Land Register.

## 11.0 Resource Management

- 11.1 The Planning Policy Group has the responsibility for the preparation and review of the Local Plan and other duties listed above. The team is assisted by staff from other teams in the Investment and Regeneration Service. It is therefore important the future resourcing decisions recognise that they could impact delivery of this work.
- 11.2 Planning policy documents have direct and indirect impacts on other service areas in the council. Other service areas also hold key information for the planning policy evidence base and have particular expertise which is needed to produce justified and effective policy. The policy group is particularly reliant on resources outside of the team, including colleagues involved in the following work areas:
- Development Management (Planning)
  - Highways and Transport
  - Flood/drainage
  - Education
  - Public Health
  - Minerals and Waste
  - Housing strategy and housing information
  - Employment/skills
  - Regeneration and economic development
  - Town centres/retail
  - Environmental Health
  - Green infrastructure, parks and streetscene services
  - Legal
  - Business Support
  - Housing strategy/commissioning/affordable housing
  - Energy
  - Conservation – historic assets
  - Environmental protection, air and water quality and noise

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**Name of meeting**                      **Cabinet**  
**Date**                                        **19 December 2017**  
**Title of report**                         **West Yorkshire plus Transport Fund Scheme Update**

**Purpose of report**

To update Cabinet on progress made on the Kirklees schemes within the West Yorkshire plus Transport Fund (WY+TF) programme.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	No
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by Strategic Director & name	Naz Parkar - 28.11.2017
Is it also signed off by the Service Director - Finance, IT and Transactional?	Debbie Hogg - 01.12.2017
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Julie Muscroft - 08.12.2017
Cabinet member Economy	Cllr Peter McBride Strategic Planning, Regeneration and Transport  Cllr Naheed Mather Strategic Housing, Regeneration and Enforcement

**Electoral wards affected: All**

**Ward councillors consulted: None**

**Public or private: Public**

**1. Summary**

- 1.1 Progress reports are provided for a number of our WY+TF schemes currently in development. The intention is to provide regular updates on progress of the WY+TF.
- 1.2 The report introduces the agreed Assurance Process that each and every scheme has to go through. The Assurance Process (Appendix 1) is administered by the West Yorkshire Combined Authority (WYCA) Portfolio Management Office.
- 1.3 For each of our WY+TF schemes this report gives an indication if there is likely to be a requirement for
  - Land acquisition;

- Accommodation work on private property; and
- Measures to manage road space.

## 2. Information required to take a decision

- 2.1 Kirklees, together with the other four WY district councils, the WY Combined Authority and York, have created a government funded West Yorkshire plus Transport Fund that will facilitate major investment in transport to create an environment where economic growth will occur across WY. This is to be achieved through the delivery of two complementary packages of schemes

### **Core Projects**

Projects which are the catalysts and enablers of change, have the greatest direct short term economic impact (in terms of jobs supported per £ invested), and self-generate further funding to reinvest in more transformational projects.

### **Gateway Schemes**

Schemes that improve the entry to our cities and towns and will often involve significant partner investment.

- 2.2 In July 2014, the Government announced that the West Yorkshire Combined Authority had secured funding to establish a £1bn fund over 15 years.

Funding for the first 6 years has been secured from the Government but the following 9 years funding is dependant up successful delivery of the WY+TF programme and corresponding economic growth during the initial 5 years which equates to circa £420m of spend.

- 2.3 As a result of this challenging timeframe focus for the WY+TF is now firmly on scheme delivery. Updates are given for the Kirklees schemes detailed in Table 1.
- 2.4 For each of our transportation schemes there is an agreed Assurance Process that each and every scheme has to go through. The Assurance Process (Appendix 1) is administered by the West Yorkshire Combined Authority (WYCA) Portfolio Management Office.
- 2.5 To date Cabinet has received two reports which relate to the West Yorkshire plus Transport Fund. On 9th February 2016 Cabinet approved the 'West Yorkshire Transport Fund – Scheme Principles' report which highlighted a number of key highway design principles that could be used as a basis for the design and development of the Kirklees WY+TF schemes, these were
- Balancing strategic needs against local concerns;
  - Creating “Gateways” for our main town and urban centres;
  - The acquisition/appropriation of land for highway purposes;
  - The future use and management of the road-space of our key transport corridors; and
  - The environmental and economic benefits of greening up our key transport corridors (Green Streets).



- 2.6 On 22<sup>nd</sup> August 2017 Cabinet agreed to underwrite land acquisition costs until finance is subsequently secured from WY+TF and costs reimbursed. As a consequence of this decision a rolling 'WY+TF Land Acquisition Fund' has been set up in the Council's Capital Plan.

### **Scheme updates**

#### **2.7 Halifax - Huddersfield A629 corridor – Phase 5**

2.7.1 A629 Phase 5 forms a later phase of an infrastructure investment programme of projects to the entire A629 corridor from Halifax to Huddersfield. All other phases are being delivered by Calderdale Council. Phase 5 covers the sector of the A629 between Huddersfield ring road and Ainley Top roundabout. Works in this phase will include improvements to

- Blacker Road/Edgerton Grove Road/New North Road/Edgerton Road Junction;
- East Street/Birkby Road/Halifax Road Junction (Cavalry Arms Junction);
- The highway between Cavalry Arms to Birchencliffe Hill; and
- Yew Tree Road to Ainley Top Roundabout.

2.7.2 The scheme is in Stage 2 of the Assurance Process. The Strategic Outline Business Case (OBC) is under preparation. The OBC sets out the need for intervention (the case for change).

2.7.3 Preliminary design has been undertaken and costed.

2.7.4 Current indications are that the scheme offers a high BCR value. A benefit-cost ratio (BCR) is an indicator, used in cost-benefit analysis that attempts to summarise the overall value for money of a project or proposal.

2.7.5 To achieve the required level of benefits (shorter route journey times and reduced congestion) it will be necessary to acquire some third party owned land/property to facilitate improvements to the highway.

2.7.6 After undertaking detailed feasibility studies the land required to accommodate the scheme has been identified. The intention is that all effected owners and occupiers will receive written notification of the impact on their property and the Council's desire to enter into negotiations to acquire land by agreement.

2.7.7 If such approaches are not successful it may be necessary for the Council to use statutory powers to obtain information from landowners and occupiers or to enter land for survey purposes.

2.7.8 Compulsory purchase of land will only be used as a last resort to secure the assembly of all the land needed for implementation of the scheme. However, if an acquiring authority waits for negotiations to break down before starting the Compulsory Purchase Order (CPO) process, valuable time will be lost.

- 2.7.9 In keeping with government advice on best practice the intention will be to plan a compulsory purchase timetable as a contingency measure; and initiate the formal CPO procedure whilst negotiations are also ongoing with land owners. This will be common to all schemes in the WY+TF programme.
- 2.7.10 If, in order to progress the A629 scheme, a compulsory purchase is deemed necessary a separate report will be brought to Cabinet for consideration.
- 2.7.11 It has also been identified that it will be necessary to manage some traffic movements and the on street parking of vehicles on parts of the scheme. We will utilise the Traffic Regulation Order (TRO) process to advertise and manage these changes.
- 2.7.12 Current timeline indicates that we will submit the OBC in January 2018 with a decision expected from Investment Committee in March 2018.
- 2.7.13 Detailed consultation with ward members has commenced and will be completed by the time this report goes to Cabinet.

## 2.8 **A62 to Cooper Bridge**

- 2.8.1 The existing A62/A644 Cooper Bridge junction comprises of a signalised three armed roundabout connecting the A62 Cooper Bridge Road (southern arm), the A644 Wakefield Road (western arm) and the A62 Leeds Road (eastern arm). The junction is congested in the AM and PM traffic peaks.
- 2.8.2 In the published Kirklees Local Plan two site allocations will further promote additional vehicle demand in the area, namely
- Site No E1832  
The former Cooper Bridge Waste Water Treatment Works and land to the west and north of the Three Nuns Pub, Leeds Road, Mirfield; and
- Site No H1747  
Land north of Bradley Road (site of existing golf course)
- 2.8.3 The A62 to Cooper Bridge scheme is intended to address current and future vehicular demand in the area. A description of the scheme now being progressed through Stage 2 of the Assurance Process is as follows
- Highway improvement works to the junction of Bradley Road/ Colne Bridge Road (incorporating Oak Road);
  - Construction of the Cooper Bridge Relief Road (Bradley to the A644 Wakefield Road);
  - Highway improvement works to the junction of A62 Cooper Bridge Road, A644 Wakefield Road, A62 Leeds Road (incorporating the 'Three Nuns' junction) to form a Gateway to Huddersfield; and

- Widening (in part) of the A644 Wakefield Road..

2.8.4 The target date for submission of the OBC is July 2018.

2.8.5 At this stage in the design process a number of route options/ configurations are being looked at for the alignment of the relief road and improvements to the existing highway.

2.8.6 As part of the Local Plan evidence an area of search for Cooper Bridge Relief Road has been published. The emerging outline business case will explore the options available to deliver this element of the scheme. A precise alignment therefore cannot be identified ahead of this work being completed

2.8.7 Regardless of which option is favoured the scheme will have to deal with a number of third party issues namely around land, property, rail, the canal and river. It will be necessary to acquire some third party owned land/property to facilitate improvements to the highway. A separate report will be brought for Cabinet to consider this proposal.

2.8.8 A decision on the OBC is expected from Investment Committee in September 2018.

2.8.9 Detailed consultation with ward members, affected land owners and key stakeholder's will follow in the near future.

## 2.9 **A62 Leeds Road Smart Corridor Phase 1 - Huddersfield (Corridor Improvement Package)**

2.9.1 Our vision for the A62 Leeds Road is that it will become a 21st Century economic growth corridor and act as a Gateway to Huddersfield. We are in the process of developing a 'Resource Smart Corridor' programme which will align design and delivery of investment in transport, green infrastructure, flood alleviation, district heating, broadband, skills and town centre regeneration.

2.9.2 As a result of the reducing ability of the A62 to accommodate both existing and future traffic flows, the following can be considered as key issues along the corridor

- Poor journey times;
- Poor reliability for all modes; and
- Existing Capacity is not able to accommodate existing and future traffic flows.

2.9.3 The overall perception of the A62 Corridor is poor, particularly when seen from the main highway routes. It is proposed to promote a Green Streets approach to the corridor in order to provide a unifying theme and cohesiveness.

2.9.4 Phase 1 of the corridor improvements starts at the junction of Huddersfield Ring Road/Southgate/Northumberland Street and ends at the junction of A62/Old Fieldhouse lane, a corridor length of approximately 2km.

2.9.5 The scheme will involve large scale modifications to the following junctions

- Huddersfield Ring Road/Southgate/Northumberland Street;
- Leeds Road/Lower Fitzwilliam Street/Gasworks Street;
- Leeds Road/Thistle Street/Hillhouse Lane; and
- Leeds Road/Old Fieldhouse Lane.

2.9.6 Preliminary design has been undertaken and costed. At this stage in the process the scheme is likely to outturn at a cost estimate of between £8m to £9m.

2.9.7 To achieve the required level of benefits it will be necessary to manage some traffic movements and the on street parking of vehicles on parts of the scheme. We will utilise the Traffic Regulation Order (TRO) process to advertise and manage these changes.

2.9.8 Current timeline indicates that we will submit the OBC in March 2018 with a decision expected from Investment Committee in June 2018.

2.9.9 Detailed consultation with ward members, affected land owners and key stakeholder's will follow in the near future.

## 2.10 **Holmfirth Town Access Plan (Corridor Improvement Package)**

2.10.1 Business vacancy rates within Holmfirth are below the national average for that of an average UK town with the number of goods retailers (includes gift shops and arts and crafts) remaining above the national average.

2.10.2 Victoria Street which lies in the centre of town is one of the main areas for shopping activity whilst also providing the pedestrian connection to link Huddersfield Road with Towngate. However Victoria Street can be congested as a result of it functioning as the main transport link between the A6204 and Towngate.

2.10.3 A scheme is being developed to reduce the amount of traffic currently using Victoria Street. This reduction will be facilitated by the provision of a new highway link. The new link will allow for the dilution of traffic over a wider area thus reducing traffic congestion in and around Victoria Street, A6204 and Towngate for the benefit of all travel modes and allow for a much improved pedestrian environment not only on Victoria Street but within the wider area.

2.10.4 Preliminary design has been undertaken and costed. At this stage in the process the scheme is likely to outturn at a cost estimate of between £4.5m to £5.5m.

2.10.5 Although all efforts will be made to avoid third party land it likely that some land/property acquisition will be required. A separate report will be brought for Cabinet to consider this proposal.

- 2.10.6 To achieve the required level of benefits it will be necessary to manage some traffic movements and the on street parking of vehicles on parts of the scheme. We will utilise the Traffic Regulation Order (TRO) process to advertise and manage these changes.
- 2.10.7 Current timeline indicates that we will submit the OBC in May 2018 with a decision expected from Investment Committee by August 2018.
- 2.10.8 Consultation with ward members has already commenced and is ongoing. Affected land owners and key stakeholders will follow in the near future.

## 2.11 **Huddersfield Southern Gateways - HSG (Corridor Improvement)**

- 2.11.1 The physical severance impact of Huddersfield Ring Road on its southern side (Queensgate/Shorehead) is significant, resulting in poor connectivity for pedestrians and non-motorised forms of transport between the town centre and the surrounding area which includes the university campus.
- 2.11.2 Traffic congestion is also a problem at key “hotspot” junctions that create a poor gateway approaches to the town, including Lockwood Bar on the A616 and Longroyd Bridge on the A62. A package of multi-modal transport improvements on the southern approaches or ‘gateways’ to Huddersfield has the potential to transform this situation.
- 2.11.3 Huddersfield Southern Gateways will provide
- The right conditions for regeneration, growth and diversification of the local economy;
  - An increase in the capacity of the district’s highway to accommodate the development outlined in the Kirklees Local Plan;
  - Reductions in journey times and congestion for vehicular traffic at key strategic junctions/pinch points; and
  - A sense of arrival into Huddersfield town centre.
- 2.11.4 Preliminary design work has been undertaken and costed. The HSG project will be divided into two delivery phases. Phase 1, which will include the following schemes to be delivered pre-2021
- Queensgate - University Hub;
  - Longroyd Bridge (Phase 1); and
  - Lockwood Bar
- 2.11.5 At this stage in the process the Phase 1 scheme is likely to outturn at a cost estimate of between £9m to £10m.
- 2.11.6 At Longroyd Bridge in order to increase junction capacity and therefore reduce congestion it will be necessary to widen Longroyd Lane. To facilitate this it will be necessary to consider demolishing No’s 1 to 7 Longroyd Lane.

- 2.11.7 The widening of Longroyd Lane will require permissions or consents through the planning process so it is intended that this is the appropriate route for key stakeholder engagement. This will include Historic England as some of the buildings are currently listed.
- 2.11.8 In general although all efforts will be made to avoid third party land it will be necessary to acquire some land/property to facilitate improvements to the highway. A separate report will be brought for Cabinet to consider this proposal.
- 2.11.9 To achieve the required level of benefits it will be necessary to manage some traffic movements and the on street parking of vehicles on parts of the scheme. We will utilise the Traffic Regulation Order (TRO) process to advertise and manage these changes.
- 2.11.10 Current timeline indicates that we will submit the OBC in May 2018 with a decision expected from Investment Committee by August 2018.
- 2.11.11 Detailed consultation with ward members, affected land owners and key stakeholder's will follow in the near future.
- 2.12 Mirfield to Dewsbury to Leeds (M2D2L)**
- 2.12.1 This scheme looks at the A644 and A653 transport corridors that start in Mirfield and end in Leeds. Whilst a number of pieces of work have been undertaken, there remains the requirement to look at the corridor as a whole and in the future to understand, what schemes may be required.
- 2.12.2 Once this feasibility/modelling is complete the indicative scope of the scheme proposed to deliver them can be defined. In order to fulfil this requirement, identification of interventions needed across the corridor will be required.
- 2.12.3 A Dewsbury Rail Station Gateway enhancement project was approved by Cabinet on 22 August 2017. This project is being delivered as an early win within the M2D2L scheme. Construction is due to start in the Autumn of 2018.
- 2.13 North Kirklees Orbital Route (NKOR)**
- 2.13.1 The A644/A638 is a strategic transport corridor in North Kirklees. It provides the main access between Dewsbury and its neighbouring towns of Brighouse, Halifax, Huddersfield and Wakefield. The corridor is subject to traffic congestion and slow average speeds throughout the day. Development is planned in the local area of approximately 6,500 new homes and 527,000 square metres of indicative capacity for employment opportunity (Kirklees Local Plan).
- 2.13.2 The North Kirklees Orbital Route (NKOR) is a potential road scheme that will improve access to and from the area that could reduce congestion along the route benefiting in particular the neighbourhoods of Ravensthorpe and Mirfield.

2.13.3 Work is now underway to produce an Option Assessment Report which will help us to determine if NKOR is a viable scheme to be developed further, this detailed report will address the following requirements

- Define the geographical area to impact to be addressed by the intervention;
- Present a sound body of analysis to provide evidence of the problems and challenges and need for intervention;
- Document the process of option generation, sifting and assessment.
- Summarise the headline results across all options considered and provide conclusions on the comparative performance of options; and
- Identify the better performing options (including a low cost solution) to be taken forward for further more detailed appraisal.

2.13.4 A successful bid for revenue funding has been made to WYCA. The £250k granted will be used to produce the Options Assessment Report. This work should conclude by the end of quarter 2 in 2018/2019.

## 2.14 **WY+TF Scheme Governance**

### **WYCA**

2.14.1 The principal decision-making bodies for the Leeds City Region are the LCR LEP and WYCA. The Combined Authority is the body accountable for funding allocated to the WY+TF.

2.14.2 WYCA makes its investment decisions about the WY+TF. WYCA itself may make any investment decision at any of its formal meetings, and makes the key significant decisions in relation to any proposed investment. However, WYCA has also delegated its authority to make decisions in specified circumstances, to

- the Transport Committee, and
- WYCA's Managing Director.

WYCA has also appointed two advisory committees to advise WYCA in relation to investment decisions

- the Investment Committee; and
- the LCR Partnership Committee.

These committees may also advise the Managing Director when he is making delegated investment decisions on behalf of WYCA. The Investment Committee provides a key advisory role in the decision-making process and constitutes a fundamental part of the assurance process for scheme progression as set out in Appendix A. Subject to exceptions all schemes MUST be seen by the Investment Committee

at Decision Point 2 and 5 and received a positive recommendation to enter Stage 2: Pipeline Development and Stage 3: Delivery and Evaluation.

### **Kirklees Council**

- 2.14.3 A Kirklees Council WY+TF Programme Board chaired by Paul Kemp Service Director - Economy, Regeneration & Culture sits every three months (under review) to administer the development and delivery of the various Kirklees schemes within the West Yorkshire Plus Transport Fund (WY+TF) Portfolio. To this end, the Programme Board is responsible for the strategic development, refinement and delivery of projects within the Programme. It provides a formal structure for coordinating the administration of funds released by WYCA in relation to the WY+TYF.
- 2.14.4 Each of the schemes listed in Table 1 has an appointed Project Manager with Keith Bloomfield Theme Lead Transport and Major Projects overseeing the overall Kirklees programme of schemes. A Kirklees Council WY+TF Project Board chaired by Simon Taylor Head of Development Management, Investment and Regeneration sits every month to manage the development and delivery of the various schemes within the programme. The Project Board makes decisions within an agreed framework, escalating other decisions to the Programme Board.

### **2.15 WY+TF Consultation and Engagement**

- 2.15.1 Key to the success of the Kirklees WY+TF programme will be consultation. A strategy for consultation is being developed in conjunction with Economy Portfolio Members and the Director of Development to raise awareness and inform stakeholders, road users and residents about the schemes.
- 2.15.2 As part of this commitment to engage an information website will be launched in January 2018 where up to date information will be posted in relation to schemes within the West Yorkshire plus Transport Fund.

## **3. Implications for the Council**

### **3.1 Early Intervention and Prevention (EIP)**

None

### **3.2 Economic Resilience (ER)**

The West Yorkshire 'Plus' Transport Fund underpins growth by improving the City Region's roads and railways, connecting people to jobs, and goods to markets.

Good local and regional transport links underpin the development of business and the creation of new jobs. The fund is targeted at reducing congestion, improving the flow of freight and making it easier for people to commute to and from expected major growth areas



Improved transport provision within and between Kirklees towns and with neighbouring towns and cities supports the district's economy. It will support the growth and diversification of the economy by encouraging sustainable access to employment and training opportunities.

### **3.3 Improving Outcomes for Children**

None

### **3.4 Reducing demand of services**

None

### **3.5 Legal/Financial or Human Resources**

#### **3.5.1 Legal**

None as a consequence of this report but as scheme development progresses there will be a need for increased Legal Service involvement.

#### **3.5.2 Financial**

In accordance with the PMO Assurance Process a funding request is made which allows schemes to progress from one stage activity to the next.

Financial Agreements between Kirklees and WYCA are in place for each of our WY+TF schemes. These are updated as schemes progress from inception through to delivery.

Quarterly claims are made to WYCA to recover any expended scheme costs that occurred within the claiming period as detailed in the current Financial Agreement.

#### **3.5.3 Human Resources**

All staff time working hours spent on development and delivery of the Kirklees WY+TF programme of schemes is recoverable. This applies to both internal and external staffing resource.

## **4. Consultees and their opinions**

4.1 Economy Portfolio members were briefed on 6th November 2017. They recommended that a presentation of the report should go Leadership Management Team (LMT). They were keen to stress ward member involvement and stakeholder engagement would be key to successful delivery of the programme.

4.2 This report was presented to LMT on the 13<sup>th</sup> November 2017. Upon receiving the information they were happy to see it progress through to Cabinet on 19<sup>th</sup> December 2017.

- 4.3 A draft copy of the report was emailed out to all local ward members on 5<sup>th</sup> December 2017. Cllr Martin Bolt raised a number of clarification points which have been replied to.

## 5. **Next steps**

- 5.1 Write to all affected owners and occupiers of property/land in relation to the A629 Phase 5 scheme in early January 2018.
- 5.2 Progress all schemes to the next milestone as detailed in this report in accordance with the Assurance Framework.
- 5.3 Develop and roll out the Consultation Strategy.
- 5.4 Launch the WY+TF website during January 2018.

## 6. **Officer recommendations and reasons**

Cabinet is requested to

- 6.1 Note the progress made on scheme development to date and the upcoming programme milestones.
- 6.2 Note the intention and the reasons for employing a ‘twin track’ approach to land assembly. Any decisions around compulsory purchase will only be used as a last resort to secure the assembly of all the land needed for the implementation of a scheme. If compulsory purchase is required a scheme specific report will be brought to Cabinet, prior to commencing any statutory processes.
- 6.3 Note the intention to write to all effected owners and occupiers of property/land in relation to the Halifax - Huddersfield A629 corridor - Phase 5 scheme in order to commence land negotiations/discussions.
- 6.4 At Longroyd Bridge note the requirement to demolish No’s 1 to 7 Longroyd Lane subject to key stakeholder engagement which will include Historic England and putting in place the necessary consents.
- 6.5 Note the development of a consultation strategy and launch of an information website.

## 7. **Cabinet portfolio holder’s recommendations**

- 7.1 The report was discussed with the Economy Portfolio

Cllr Peter McBride  
Strategic Planning Regeneration and Transport

Cllr Naheed Mather  
Strategic Housing, Regeneration and Enforcement

- 7.2 Members of the Economy Portfolio were briefed on 6<sup>th</sup> November 2017 on the contents of this report and approval was given for the report to go forward to LMT on 13<sup>th</sup> November 2017.

8. **Contact officer**

- 8.1 Keith Bloomfield  
Theme Lead Transport and Major Projects  
(01484) 221000  
[keith.bloomfield@kirklees.gov.uk](mailto:keith.bloomfield@kirklees.gov.uk)

9. **Background Papers and History of Decisions**

- 9.1 Cabinet approved report 'West Yorkshire Transport Fund – Scheme Principles' dated 9th February 2016
- 9.2 On 22nd August 2017 Cabinet agreed to underwrite land acquisition costs until finance is subsequently secured from WY+TF and costs reimbursed. As a consequence of this decision a rolling 'WY+TF Land Acquisition Fund' was set up in the Councils Capital Plan.

10. **Director responsible**

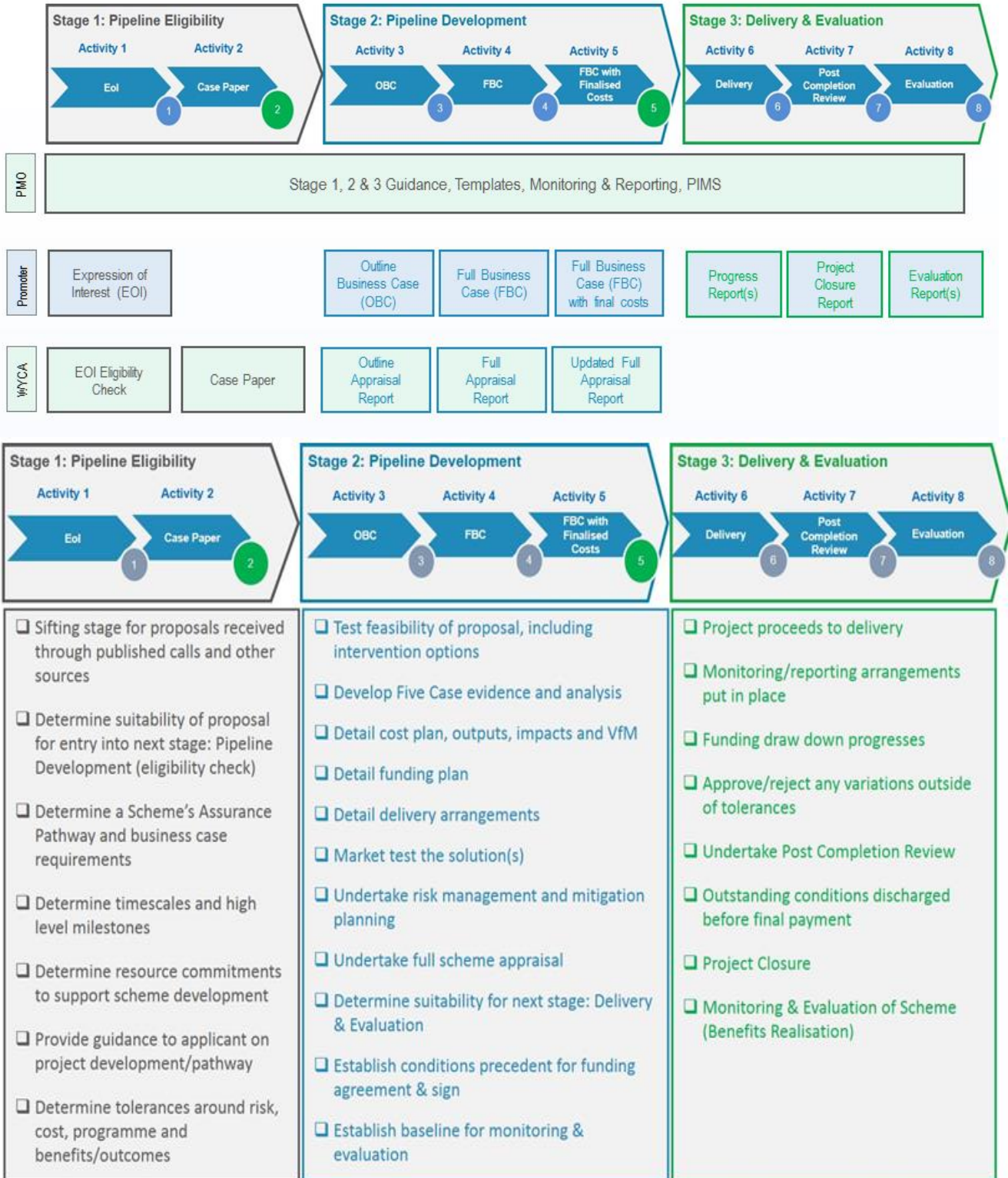
Paul Kemp  
Service Director - Economy, Regeneration & Culture.  
(01484) 221000  
[paul.kemp@kirklees.gov.uk](mailto:paul.kemp@kirklees.gov.uk)

**Table 1** WY+TF schemes in programme

<b>WY+TF Project name ( Kirklees Schemes )</b>	<b>Type</b>
Halifax - Huddersfield A629 corridor – Phase 5	Transportation Scheme
A62 to Cooper Bridge	Transportation Scheme
Corridor Improvement Package A62 Smart Corridor Phase 1	Transportation Scheme
Corridor Improvement Package Holmfirth Town Access Plan	Transportation Scheme
Corridor Improvement Package Huddersfield Southern Gateways	Transportation Scheme
Mirfield to Dewsbury to Leeds	Transportation Scheme
North Kirklees Orbital Route	Study

**Appendix 1** The Assurance Process (administered by the West Yorkshire Combined Authority)

**Assurance Process**



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**Name of meeting: Cabinet**

**Date: 19 December 2017**

**Title of report: Proposals to Update the Council's RIPA Policy**

**Purpose of report**

To brief Cabinet on the use of the Regulation of Investigatory Powers Act 2000 by the Council since the last report on this matter and to seek approval to the adoption of an amended Regulation of Investigatory Powers Act 2000 (RIPA) Policy and Guidance document.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	No
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports)?</a>	No
The Decision - Is it eligible for "call in" by Scrutiny?	Yes
Date signed off by Director & name	
Is it also signed off by the Service Director for Finance, IT and Transactional Services?	Yes – 7 December 2017
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Yes – 6 December 2017
Cabinet member portfolio	Graham Turner and Musarrat Khan - Corporate

**Electoral wards affected: All**  
**Ward councillors consulted: None**

**Public or private: Public**

**1. Summary**

1.1 The role of Cabinet in RIPA matters is to provide strategic oversight and to keep the Council's use of surveillance under review. It should receive a report on its use by the Council regularly.

**2. Information required to take a decision**

2.1 The Council is subject to the requirements of RIPA which sets out how and when a local authority such as Kirklees Council, can use covert surveillance. The three types of surveillance regulated by RIPA are directed surveillance, the use of covert human intelligence sources (informants) and the obtaining of communications data (which does not include obtaining the content of any electronic communication). The Cabinet adopted the current RIPA Policy on 26 July 2016, following the last visit of the Office of the Surveillance Commissioners on 14 July 2016 and it sets out in detail how the requirements of RIPA were to be met.

- 2.2 Surveillance can only be authorised via RIPA where it is both necessary and proportionate to the aims to be achieved and the intrusion into other people's privacy which may result. Accordingly covert surveillance will only be appropriate where other options are not available. The Council cannot authorise "intrusive surveillance" which is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle and it is most unlikely that the Council would wish to use a covert human intelligence source as part of any investigation unless a request was made by West Yorkshire Trading Standards Service.
- 2.3 In November 2016, the Investigatory Powers Bill received Royal Assent and will now be known as the Investigatory Powers Act 2016. It will provide a new framework to govern the use and oversight of investigatory powers by law enforcement and the security and intelligence agencies. The relevant provisions are not yet in force and a consultation has been launched in December 2017 covering amendments proposed to the communications data regime, and the draft communications data code of practice.
- 2.4 The Council was inspected by the Office of the Surveillance Commissioners on 17 July 2016 in relation to its use of directed surveillance and of covert human intelligence sources. The Inspector's Report is appended to the report dated 26 July 2016 which is included in the background papers.
- 2.5 There are two outstanding recommendations from the report which is set out below:

*1) To establish a RIPA training programme (and regular refresher training) which ensures that all authorising officers likely applicants and RIPA officers are appropriately trained. This is to include the investigation of social networking sites and the management of CHIS*

Further training is planned for 2018.

*2) To raise RIPA awareness. The Inspector was concerned about the risk of officers, especially those having little resort to covert surveillance, unwittingly carrying out covert surveillance without RIPA authorisation.*

Officers will take steps to communicate this to managers and others within the Council. Further training of officers whose role may involve them in regulated activities is planned and this will include the new authorising officers.

- 2.6 There are further amendments to the RIPA policy and guidance required due primarily to reflect updates in legislation and changes in personnel and the Senior Leadership team re-structure. Cabinet is asked to agree the updates. There have been no RIPA authorisations since the previous report in July 2016 and there have been none in the last three years.



- 2.7 The draft RIPA Policy at Appendix 1 is intended to replace the RIPA Policy approved by Cabinet on 26 July 2016 and includes an amended list of officers with responsibilities for RIPA, amendment to RIPA roles, updated legislation and codes of practice.

### **Delegation to Corporate Governance and Audit**

- 2.8 The Code of Practice advises that councillors are updated regularly on the use of the 2000 Act to ensure that it is being used consistently with the Council's policy and that the policy remains fit for purpose.
- 2.9 In accordance with this it is recommended that Cabinet delegates the update reports to Corporate Governance and Audit Committee so that it may monitor the use through regular reports during the year. It is proposed Cabinet will continue to retain a strategic oversight, be updated annually, and will set the policy once a year. If agreed the terms of reference of CGAC will need amending to reflect this.
- 2.10 There have been updates to the authorising officers due to changes in personnel. The Chief Executive and Senior Responsible Officer for RIPA have been consulted and have confirmed that any new authorising officers will not be appointed until they have received appropriate training arranged by the RIPA Monitoring Officer.

### **3. Implications for the Council**

#### **3.1 Early Intervention and Prevention (EIP)**

N/A

#### **3.2 Economic Resilience (ER)**

N/A

#### **3.3 Improving Outcomes for Children**

N/A

#### **3.4 Reducing demand of services**

N/A

#### **3.5 Legal/Financial Implications**

It is important that the Council's limited use of covert surveillance is in accordance with the RIPA regime. Failure to do so could lead to legal challenge and/or evidence gathered via unlawful surveillance being ruled inadmissible in legal proceedings. There will be a small cost to arrange relevant training.

### **4. Consultees and their opinions**

- 4.1 The following have been consulted on the contents of this report and have approved them:
- 4.1.1 The Service Director – Legal, Governance and Commissioning, as the Senior Responsible Officer.
- 4.1.2 The Head of Legal Services.
- 4.1.3 The Council's proposed Authorising Officers for RIPA.
- 4.1.4 The Cabinet members for Corporate Services.

## **5. Next steps**

To comply with the outstanding recommendations of the Inspection Report as set out at paragraph 2.4

To arrange training for new authorising officers

## **6. Officer recommendations and reasons**

6.1 That members note the steps being taken to implement the recommendations of the Office of the Surveillance Commissioners.

6.2 That members approve the adoption of the revised RIPA Policy and Guidance document as set out at Appendix 1.

6.3 The Cabinet will continue to exercise their executive powers relating to RIPA and will receive annual reports looking at the operation of it and consider if any policy changes are needed. Cabinet will request that the Corporate Governance and Audit Committee receive regular updates and monitor the Council's use of RIPA during the year.

6.4 An appropriate process be put in place to amend the terms of reference of the terms of reference of Corporate Governance and Audit Committee to enable them to receive regular updates and monitor use.

6.5 That members note that a further authorising officer is required to be nominated and named in this policy.

6.6 That Cabinet provide delegated authority to the Senior Responsible Officer to appoint a further authorising officer and arrange appropriate training and add their name to the policy once the training is complete

## **7. Cabinet portfolio holder recommendation**

N/A

## **8. Contact officers**

Samantha Lawton                      [samantha.lawton@kirklees.gov.uk](mailto:samantha.lawton@kirklees.gov.uk)  
Senior Legal Officer                      01484 221 000

John Chapman                      [john.chapman@kirklees.gov.uk](mailto:john.chapman@kirklees.gov.uk)  
Head of Legal Services                      01484 221 000

## **9. Background Papers and History of Decisions**

Proposals to update the Councils RIPA report 26<sup>th</sup> July 2016

## **10. Service Director responsible**

Julie Muscroft  
Service Director – Legal, Governance and Commissioning  
01484 221 000  
[julie.muscroft@kirklees.gov.uk](mailto:julie.muscroft@kirklees.gov.uk)

## **11. Appendices**

Appendix 1 – RIPA Policy and Guidance 2017 v.3

# KIRKLEES COUNCIL POLICY AND GUIDANCE ON

# THE REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

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## Introduction

The Regulation of Investigatory Powers Act (RIPA) controls and regulates surveillance, and other means of gathering information, which public bodies employ in the discharge of their functions. Information gathering is one of the Council's many activities which could involve an interference with an individual's human rights, specifically an individual's rights under Article 8 of the European Convention on Human Rights to respect for his private and family life, his home and his correspondence. RIPA provides a statutory framework under which covert surveillance activity can be authorised and conducted compatibly with Article 8. The Home Office has issued Codes of Practice under RIPA which provide further guidance.

RIPA provides a statutory authorisation process for certain types of surveillance and information gathering. The Council may be required to justify, by reference to RIPA and the relevant Codes of Practice, the use or granting of authorisations in general or the failure to use or grant authorisations. No authorisation, renewal or notice issued by an authorising officer can take effect without judicial approval from a Justice of the Peace (magistrate). A failure to apply RIPA and the Codes of Practice in an appropriate manner may be considered by the courts in deciding whether material obtained via surveillance should be admissible in evidence or whether an individual's human rights have been infringed.

Unlike directed surveillance, which relates specifically to private information, authorisations for the use or conduct of a Covert Human Intelligence Source (CHIS) do not relate specifically to private information, but to the covert manipulation of a relationship to gain any information. Article 8 includes the right to establish and develop relationships. Accordingly, any manipulation of a relationship by the Council (e.g. one party to a relationship having a covert purpose on behalf of the Council) is likely to engage Article 8, regardless of whether or not the public authority intends to acquire private information.

The following are the main statutory documents relevant to this policy document:

- Regulation of Investigatory Powers Act 2000 (RIPA)
- Part II of the Protection of Freedoms Act 2012
- [The Regulation of Investigatory Powers \(Directed Surveillance and Covert Human Intelligence Sources\) Order 2010 as amended](#)
- The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 ([Applies to Directed Surveillance only and does NOT apply to CHIS](#))
- Covert Surveillance and Property Interference Revised Code of Practice (2014)
- Covert Human Intelligence Sources Code of Practice (2014)
- [Office of Surveillance Commissioners – Procedures and Guidance 2016](#)
- Acquisition and Disclosure of Communications Data Code of Practice (2007) (This code does not relate to the interception of communications nor to the acquisition or disclosure of the contents of communications)

These Codes of Practice, along with the text of RIPA and copies of approved forms are available on the Home Office website or from Legal and Governance. This document reproduces material from the Codes of Practice.

The following terms are defined in RIPA and the definitions are summarised in the relevant Codes of Practice as follows:

“surveillance”	Surveillance, for the purpose of RIPA, includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications. It may be conducted with or without the assistance of a surveillance device and includes the recording of any information obtained
“directed surveillance”	Directed surveillance is covert surveillance that is not intrusive but is carried out in relation to a specific investigation or operation in such a manner as is likely to result in the obtaining of <i>private information</i> about any person (other than by way of an immediate response to events or circumstances such that it is not reasonably practicable to seek <i>authorisation</i> under RIPA)
“intrusive surveillance”	Intrusive surveillance is covert surveillance that is carried out in relation to anything taking place on residential premises or in any private vehicle (and that involves the presence of an individual on the premises or in the vehicle or is carried out by a means of a surveillance device). The Council cannot authorise intrusive surveillance.
“interference with property or wireless telegraphy”	There is a procedure for obtaining authorisation for interference with property or wireless telegraphy set out in the Police Act 1997 to enable the maintaining or retrieving of any equipment, apparatus or device whose placing or use has been authorised under RIPA. This procedure is available to the Police and other agencies but is <b>NOT</b> available to the Council and advice should be sought immediately from the RIPA Monitoring Officer if any proposed surveillance by the Council might involve any act of trespass.
“covert human intelligence source ”	a person is a CHIS if: <ul style="list-style-type: none"> <li>a) he 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) or c);</li> <li>b) he covertly uses such a relationship to obtain information or to provide access to any information to another person; or</li> <li>c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.</li> </ul> <p>NB It is most unlikely that the Council would wish to use a CHIS for surveillance purposes.</p>
“private information”	Private information is any information relating to a person in relation to which that person has or may have a reasonable expectation of privacy. This includes

	information relating to a person's private, family or professional affairs. Private information includes information about any person, not just the subject(s) of an investigation
“collateral intrusion”	Collateral intrusion is the risk of obtaining private information about persons who are not subjects of the surveillance
“communications data”	The term ‘communications data’ embraces the ‘who’, ‘when’ and ‘where’ of a communication but not the content, not what was said or written. It includes the manner in which, and by what method, a person or machine communicates with another person or machine. It excludes what they say or what data they pass on within a communication including text, audio and video (with the exception of traffic data to establish another communication such as that created from the use of calling cards, redirection services, or in the commission of ‘dial through’ fraud and other crimes where data is passed on to activate communications equipment in order to obtain communications services fraudulently) NB The only form of communications data which the Council is ever likely to wish to obtain is the identity of individuals who are the subscribers for particular telephone numbers. To date the Council had not sought to obtain communications data.
“subscriber information”	Subscriber information relates to information held or obtained by a Communications Service Provider about persons to whom the Communications Service Provider provides or has provided a communications service
“Confidential information”	Confidential information consists of communications subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information, or confidential journalistic material.
“Confidential personal Information”	Confidential personal information is information held in confidence relating to the physical or mental health or spiritual counselling of a person (whether living or dead) who can be identified from it.
“Confidential constituent Information”	Confidential constituent information is information relating to communications between a Member of Parliament and a constituent in respect of constituency matters
“Confidential journalistic Material”	Confidential constituent information 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

“Legal privilege”

Legal privilege relates to communications between a lawyer and a client for the purposes of obtaining legal advice or conducting litigation but does not include communications made with the intention of furthering a criminal purpose

RIPA regulates the use of covert surveillance which consists of directed surveillance, intrusive surveillance, the conduct and use of covert human intelligence sources and the acquisition of communications data. Local authorities such as the Council can only authorise the use directed surveillance if:

- The authorisation is for the purpose of preventing or detecting conduct which constitutes one or more criminal offences; and
- The criminal offence or one of the criminal offences would be either –
  - Punishable, whether on summary conviction (in the magistrates’ court) or on indictment (in the Crown Court), by a maximum term of at least 6 months of imprisonment; or
  - Is an offence under:
    - section 146 of the Licensing Act 2003(2) (sale of alcohol to children);
    - section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
    - section 147A of the Licensing Act 2003(3) (persistently selling alcohol to children);
    - section 7 of the Children and Young Persons Act 1933(4) (sale of tobacco, etc, to persons under eighteen)."
    - section 91 of the Children and Families Act 2014 (purchase of tobacco, nicotine products, etc. on behalf of persons under 18);
    - section 92 of the Children and Families Act 2014 (prohibition of sale of nicotine products to person under 18)-

Local authorities such as the Council can only authorise the use of CHIS or the acquisition of communications data if *“for the purpose of preventing or detecting crime or the preventing of disorder”*

Where covert surveillance activities are unlikely to result in the obtaining of private information about a person, or where there is a separate legal basis for such activities, neither RIPA nor the relevant Code of Practice code need apply, but there is an assumption that intrusive surveillance will involve the obtaining of private information. It is important to distinguish between the types of surveillance and information gathering regulated by RIPA, and normal general observation, in the course of discharging the Council’s functions. It is acknowledged that low-level general observation will not usually be regulated under the

provisions of RIPA. The relevant Code of Practice gives the following examples of this kind of general observation:

- patrolling to prevent and detect crime,
- review of images gathered by overt CCTV after the event to help identify the perpetrators of crime (however the use of such systems in a pre-planned manner to target a particular individual or group may require authorisation)
- officers attending a car boot sale where it is suspected that counterfeit goods are being sold, but where the intention is, through reactive “policing”, to identify and tackle offenders.

### **The Office of the Surveillance Commissioners (OSC) and the Interception of Communications Commissioner’s Office (IOCCO)**

The OSC is one of the statutory regulators for RIPA. The OSC's aim is to provide effective and efficient oversight of the conduct of covert surveillance and covert human intelligence sources by public authorities. This includes inspecting public authorities and publishing reports on their compliance with RIPA. The most recent report on the Council by OSC can be obtained from Legal and Governance. The regulator in respect of the acquisition of communications data is the Interception of Communications Commissioner’s Office (IOCCO).

### **The Role of Elected Members**

Cabinet should review the authority’s use of RIPA and set the policy at least once a year. They should also consider internal reports on use of RIPA on ~~at least a quarterly~~ a regular basis to ensure that it is being used consistently with the Council’s policy and that the policy remains fit for purpose. They should not, however, be involved in making decisions on specific authorisations.

### **The Use of Home Office Forms**

The forms which should be used in authorising, renewing, reviewing and cancelling surveillance are available via the RIPA part of the Home Office website. They are not reproduced as part of this document in order to avoid the use of out of date forms. Until the Home Office issue a revised form in relation to Directed Surveillance incorporating the requirements of the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) (Amendment) Order 2012 the RIPA Monitoring Officer will circulate a form to Authorising Officers for use in authorising directed surveillance.

### **Who Can Authorise Surveillance?**

The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 permits the following officers within a local authority to grant authorisations - “Director, Head of Service, Service Manager or equivalent”. The Council officers who can authorise directed surveillance and CHIS are set out in Appendix 1.

There are specific reporting requirements for confidential information and the OSC must be advised whether confidential information has been acquired and if so it must be made available to the inspector. In any case where confidential information is likely to be acquired advice should always be sought from the RIPA Monitoring Officer.

### **When Can Covert Surveillance Be Authorised?**

The only specified ground upon which the Council can grant an authorisation is preventing or detecting crime or preventing disorder. There are no other grounds available to local authorities.

RIPA stipulates that the person granting an authorisation for directed or intrusive surveillance must believe that the activities to be authorised are necessary *for the purpose of preventing or detecting crime or of preventing disorder*.

If the activities are deemed necessary on this ground, the person granting the authorisation must also believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms.

The authorisation will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised should bring an expected benefit to the investigation or operation and should not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not alone render intrusive actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity should be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means. The following elements of proportionality should therefore be considered:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result;
- evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

It is important therefore that all those involved in undertaking directed or intrusive surveillance activities under RIPA are fully aware of the extent and limits of the authorisation in question.

All applications should include an assessment of the risk of collateral intrusion and details of any measures taken to limit this, to enable the authorising officer fully to consider the proportionality of the proposed actions. Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy or property of such individuals should not be considered as collateral intrusion but rather as intended intrusion. Any such surveillance or property interference activity should be carefully considered against the necessity and proportionality criteria.

### **Judicial Authority**

As above no authorisation, renewal or notice issued by an authorising officer can take effect without judicial approval from a Justice of the Peace (magistrate). Applications for Judicial Authority are the responsibility of the RIPA Monitoring Officer. The Home Office guidance suggests that investigating officers may be authorised to present such applications to the magistrates and such authorisation would be a matter for the ~~RIPA Assistant Director~~Senior Responsible Officer.

## Review of Authorisations

Regular reviews of all authorisations should be undertaken to assess the need for the surveillance activity to continue. The results of a review should be retained for at least three years. Particular attention is drawn to the need to review authorisations frequently where the surveillance involves a high level of intrusion into private life or significant collateral intrusion, or confidential information is likely to be obtained.

In each case the frequency of reviews should be considered at the outset by the authorising officer. This should be as frequently as is considered necessary -and practicable. Any proposed or unforeseen changes to the nature or extent of the surveillance operation that may result in the further or greater intrusion into the private life of any person should also be brought to the attention of the authorising officer by means of a review. The authorising officer should consider whether the proposed changes are proportionate (bearing in mind any extra intended intrusion into privacy or collateral intrusion), before approving or rejecting them. Any such changes must be highlighted at the next renewal if the authorisation is to be renewed.

## Confidential Information

Special consideration must also be given to authorisations that involve confidential personal information, confidential constituent information and confidential journalistic material. Where such material has been acquired and retained, the matter should be reported to the OSC during the next inspection and the material be made available to him if requested. It is not anticipated that the Council would wish to engage in surveillance which would involve confidential information but if it did, only the Chief Executive could authorise the surveillance.

## What Steps Must Be Followed in Authorising Covert Surveillance?

Responsibility for authorising the carrying out of directed surveillance rests with the authorising officer and requires the personal authority of the authorising officer.

The Code of Practice on Covert Surveillance and Property Interference refers to authorisations being granted verbally in urgent cases and records being made as soon as reasonably practicable but this procedure is NO LONGER AVAILABLE to the Council as it is incompatible with the requirements for obtaining judicial authority.

Authorising officers should not normally be responsible for authorising operations in which they are directly involved

A written application for a directed surveillance authorisation should describe any conduct to be authorised and the purpose of the investigation or operation. The application should also include:

- the reasons why the authorisation is necessary in the particular case and specify the criminal offences the directed surveillance is intended to prevent or detect;
- the nature of the surveillance;
- the identities, where known, of those to be the subject of the surveillance;
- a summary of the intelligence case and appropriate unique intelligence references where applicable;
- an explanation of the information which it is desired to obtain as a result of the surveillance;

- the details of any potential collateral intrusion and why the intrusion is justified;
- the details of any confidential information that is likely to be obtained as a consequence of the surveillance;
- the reasons why the surveillance is considered proportionate to what it seeks to achieve;
- the level of authority required (or recommended where that is different) for the surveillance; and,
- a subsequent record of whether authorisation was given or refused, by whom, and the time and date this happened.

### Duration of Authorisations

~~A written authorisation granted by an authorising officer will cease to have effect (unless renewed or cancelled) at the end of a period of three months beginning with the time at which it took effect. The duration period of an authorisation commences with the Magistrates' approval.~~

### Renewal of Authorisations

If, at any time before a directed surveillance authorisation would cease to have effect, the authorising officer considers it necessary for the authorisation to continue for the purpose for which it was given, he may renew it in writing for a further period of three month but such authorisations do not take effect until judicial authority is granted by the Magistrates' Court.

An application for renewal should not be made until shortly before the authorisation period is drawing to an end. Any person who would be entitled to grant a new authorisation can renew an authorisation. All applications for the renewal of a directed surveillance authorisation should record (at the time of application):

- whether this is the first renewal or every occasion on which the authorisation has been renewed previously;
- any significant changes to the information in the initial application;
- the reasons why the authorisation for directed surveillance should continue;
- the content and value to the investigation or operation of the information so far obtained by the surveillance;
- the results of regular reviews of the investigation or operation.

Authorisations may be renewed more than once, if necessary and provided they continue to meet the criteria for authorisation. The details of any renewal should be centrally recorded.

As above, for any renewal of an authorisation to take effect judicial authority must be obtained.

### Cancellation of Authorisations

During a review, the authorising officer who granted or last renewed the authorisation may amend specific aspects of the authorisation, for example, to cease surveillance against one of a number of named subjects or to discontinue the use of a particular tactic. They must cancel the authorisation if satisfied that the directed surveillance as a whole no longer meets the criteria upon which it was authorised. Where the original authorising officer is no longer available, this duty will fall on the person who has taken over the role of authorising officer or the person who is acting as authorising officer.

As soon as the decision is taken that directed surveillance should be discontinued, the instruction must be given to those involved to stop all surveillance of the subject(s). The date the authorisation was cancelled should be centrally recorded and documentation of any instruction to cease surveillance should be retained. There is no requirement for any further details to be recorded when cancelling a directed surveillance authorisation. However effective practice suggests that a record should be retained detailing the product obtained from the surveillance and whether or not objectives were achieved.

### **The Keeping of Records**

A record of the following information pertaining to all authorisations shall be centrally retrievable within each public authority for a period of at least three years from the ending of each authorisation. This information should be regularly updated whenever an authorisation is granted, renewed or cancelled and should be made available to the relevant Commissioner or an Inspector from the OSC upon request.

- the type of authorisation;
- the date the authorisation was given;
- name and job title of the authorising officer;
- the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- The date of any review and the details of the decision made.
- if the authorisation has been renewed, when it was renewed and who authorised the renewal, including the name and job title of the authorising officer;
- whether the investigation or operation is likely to result in obtaining confidential information;
- whether the authorisation was granted by an individual directly involved in the investigation;
- the date the authorisation was cancelled.

The following documentation should also be centrally retrievable for at least three years from the ending of each authorisation:

- a copy of the application and a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- a record of the period over which the surveillance has taken place;
- the frequency of reviews prescribed by the authorising officer;
- a record of the result of each review of the authorisation;
- a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- the date and time when any instruction to cease surveillance was given;
- the date and time when any other instruction was given by the authorising officer.
- The order of the magistrates' court granting judicial authority for the surveillance, including judicial authority for the renewal of authorisations, or any such order refusing authority.

The written records of every directed surveillance and CHIS authorisation, review, renewal, refusal or cancellation must be sent to the RIPA Monitoring Officer for inclusion in the Central Record, which will be made available to the OSC upon request. It is the responsibility of all Authorising Officers to ensure that the RIPA Monitoring Officer receives the relevant forms within 7 days of refusal, authorisation, review, renewal or cancellation.

## Retention and Destruction of Materials

The Council must ensure that arrangements are in place for the secure handling, storage and destruction of material obtained through the use of directed or intrusive surveillance. Authorising officers must ensure compliance with the appropriate data protection requirements under the Data Protection Act 1998 and any relevant codes of practice produced by the Council relating to the handling and storage of material.

Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review. There is nothing in RIPA which prevents material obtained under directed or intrusive surveillance authorisations from being used to further other investigations

Where surveillance is being carried out as part of a criminal investigation officers are reminded of the requirements of the Code of Practice issued under the Criminal Procedure And Investigations Act 1996.

## The Roles of RIPA Officers

The ~~Director of Resources~~Service Director – Legal, Governance and Commissioning is the Senior Responsible Officer and is responsible for:

- the integrity of the process in place within the Council to authorise directed surveillance, the management of CHIS and the acquisition of communications data;
- compliance with RIPA, the Code of Practice on Covert Surveillance and Property Interference, the Code of Practice on Covert Human Intelligence Sources and the Code of Practice on Acquisition and Disclosure of Communications Data;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the Commissioners and inspectors when they conduct their inspections, and
- where necessary, overseeing the implementation of any post inspection action plans recommended or approved by a Commissioner.

~~The Assistant Director with responsibility for supporting the Senior Responsible Officer is the Assistant Director for Legal, Governance and Monitoring and is referred to as the RIPA Assistant Director.~~

The RIPA Monitoring Officer is the solicitor within Legal, Governance and Monitoring responsible for advising the Senior Responsible Officer and the Council upon RIPA issues and for providing day to day advice and support to investigating and authorising officers. The RIPA Monitoring Officer will:

- Take steps to raise awareness of the requirements of RIPA across the Council
- maintain a central record of all directed surveillance operations
- monitor the quality of authorisation, review, renewal and cancellation forms
- raise issues as necessary with the Applicant Officer, the Authorising Officers and/or the Senior Responsible Officer as relevant
- return an application for authorisation to the relevant Authorising Officer for further



information if deemed appropriate as a result of the information on the form

- keep the Senior Responsible Officer informed about the Council's conduct of directed surveillance and compliance with the law and relevant codes of practice, etc
- act as the contact point for any enquiries from the Office of the Surveillance Commissioners
- provide first line advice to those involved in covert surveillance
- ensure that all areas which may undertake directed surveillance operations are familiar with the RIPA legislation and codes of practice and the Council's Policy and Code of Practice
- in conjunction with the RIPA Legal Advisers, may carry out spot checks on any forms/activity from department to department, or may visit departments to check knowledge of RIPA.
- provide or arrange RIPA training, awareness raising, briefing notes and other corporate communications ~~at~~ as necessary
- be responsible for applications to the magistrates' court for judicial authority

Overall responsibility for each directed surveillance operation will lie with the Authorising Officer in charge of the operation. Officers who authorise directed surveillance are responsible for granting, reviewing, renewing and cancelling authorisations. Corporate responsibility for monitoring the use of covert surveillance rests with the Senior Responsible Officer.

The RIPA Monitoring Officer in conjunction with the Senior Responsible Officer will ensure that relevant members of staff are suitably trained as applicants for RIPA authorisations and as authorising officers, as well as ensuring that relevant departments are kept informed of any significant changes in RIPA.

The Council's Internal Audit service will review this area of work when requested to do so by the RIPA Monitoring Officer.



## APPENDIX 1

### LIST OF OFFICERS RESPONSIBLE FOR RIPA DUTIES

Senior Responsible Officer	<del>David Smith</del> <u>Julie Muscroft</u> ( <u>Service Director – Legal, Governance and Commissioning of Resources</u> )	Formatted: Indent: Left: 0 cm, Hanging: 6.35 cm
<del>RIPA Assistant Director</del>	<del>Julie Muscroft (Assistant Director (Legal, Governance and Monitoring))</del>	
RIPA Monitoring Officer	John Chapman ( <del>Interim Deputy</del> Head of Legal Services )	
RIPA Legal Advisors	Samantha Lawton (Senior Legal Officer) <u>David Stickley (Senior Legal Officer)</u> Louise Carter (Assistant Legal Officer)	Formatted: Indent: Left: 5.08 cm, First line: 1.27 cm

### LIST OF AUTHORISING OFFICERS

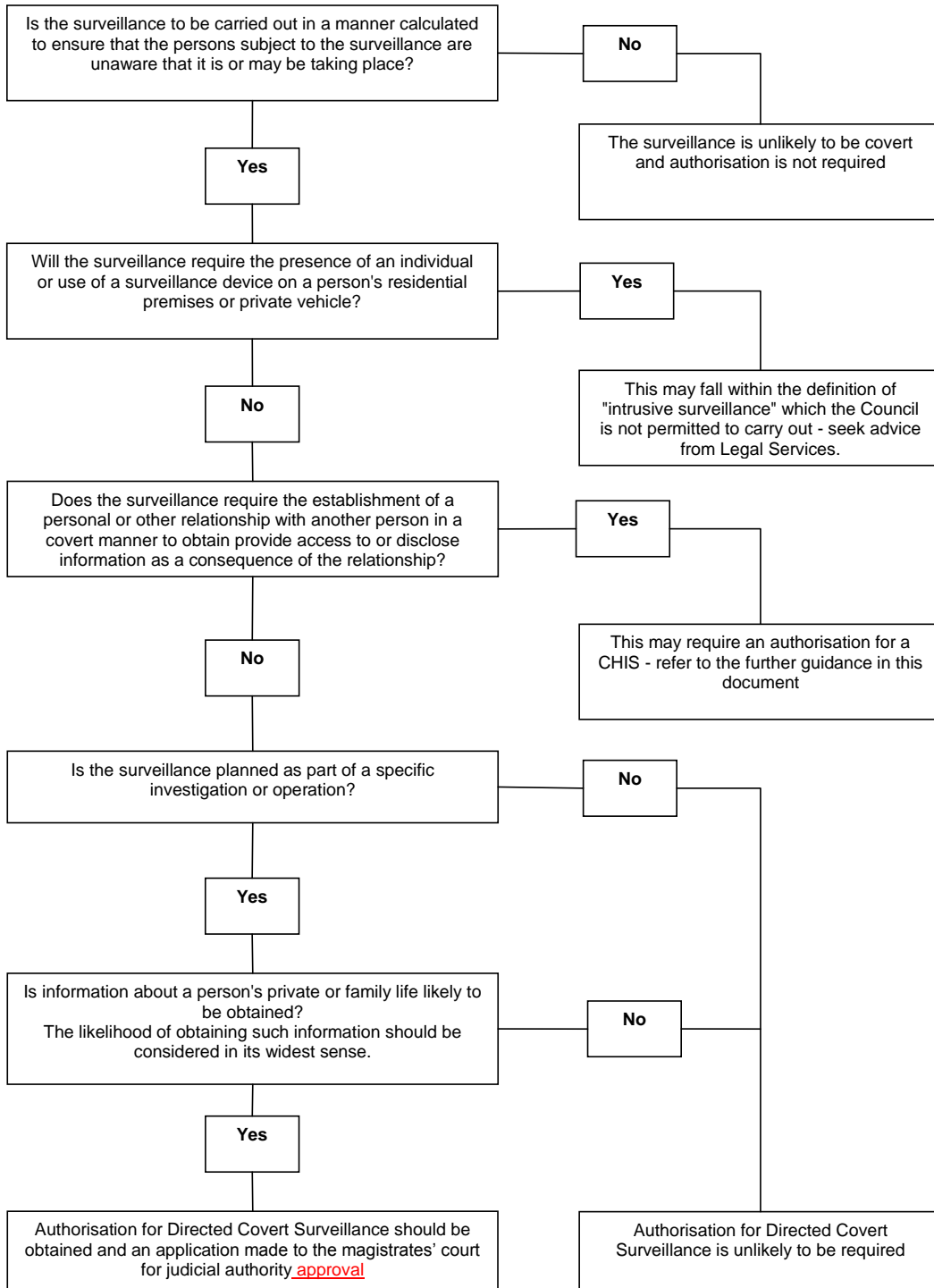
<del>Adrian Lythgoe</del> <u>Jacqui Gedman</u>	Chief Executive (for confidential information and juvenile CHIS authorisations)
<del>David Smith (To Be Confirmed)</del>	<del>Director of Resources</del> (for authorisation in exceptional circumstances)
Dave Thompson	<del>Customer Services Manager</del> <u>Head of Access Strategy and Delivery (Customer and Exchequer Office of the Chief Executive)</u>

### NOTES

- A. Only the Chief Executive or in his absence, the Senior Responsible Officer can authorise activities involving confidential information or the use of CHIS
- B. No person shall become an Authorised Officer and/or an Applicant Officer without undergoing and maintaining RIPA training. In the case of Authorised Officers, no person shall become an Authorised Officer until their appointment is confirmed by the Senior Responsible Officer following training provided by or arranged by the RIPA Monitoring Officer.
- C. If an Authorising Officer is in any doubt about an individual matter they should consult the RIPA Monitoring Officer or RIPA legal advisers before any directed surveillance and/or CHIS is refused, authorised, reviewed, renewed or cancelled.

**APPENDIX 2**

**FLOWCHART**



## APPENDIX 3

### DUTIES OF AUTHORISING OFFICERS

- A. Nominate Applicant Officers within their Services who can make applications and ensure that any Applicant Officer who submits an application to them has received appropriate training prior to making the application
- B. Only grant an authorisation for directed surveillance if it is necessary for the purpose of preventing or detecting conduct which constitutes one or more criminal offences; and the criminal offence or one of the criminal offences would be either –
- Punishable, whether on summary conviction (in the magistrates' court) or on indictment (in the Crown Court), by a maximum term of at least 6 months of imprisonment; or
  - Is an offence under:
    - section 146 of the Licensing Act 2003(2) (sale of alcohol to children);
    - section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
    - section 147A of the Licensing Act 2003(3) (persistently selling alcohol to children);
    - section 7 of the Children and Young Persons Act 1933(4) (sale of tobacco, etc, to persons under eighteen)."
    - section 91 of the Children and Families Act 2014 (purchase of tobacco, nicotine products etc. on behalf of persons under 18);
    - section 92 of the Children and Families Act 2014 (prohibition of sale of nicotine products to persons under 18)-
- C. Only grant an authorisation for CHIS or the acquisition of communications data if it is necessary for the purpose of preventing or detecting crime or of preventing disorder.
- D. Only grant an authorisation that is proportionate to what is sought to be achieved by carrying out surveillance
- E. Before authorising surveillance, take into account the risk of collateral intrusion
- F. Be aware of particular sensitivities in the local community where the surveillance is taking place and of similar activities that might be taking place by other public authorities
- G. Unless it is unavoidable, do not issue authorisations if you were directly involved in the original investigation(s)
- H. Ensure that you have sufficient information and justification to authorise an investigation, if in doubt seek further information

- I. Nominate the appropriate level of officer to be in charge of the investigation
- J. Determine how often a review should take place in each case and ensure that this is at intervals of no longer than one month and review authorisations granted, at intervals of no longer than one month, to assess the need for the surveillance to continue
- K. Ensure that the RIPA Monitoring Officer is informed whenever an authorisation is refused, granted, reviewed, renewed or cancelled and that the relevant form is sent to the RIPA Monitoring Officer within 7 days
- L. Ensure that no surveillance commences unless and until the RIPA Monitoring Officer has obtained judicial authority
- M. Only renew authorisations where appropriate
- N. Cancel the authorisation if you are satisfied that the surveillance no longer meets the criteria applied when it was authorised
- O. On cancellation, issue appropriate instructions to officers in charge of investigations
- P. In cases where confidential information is likely to be acquired ensure that the case is referred to the RIPA Monitoring Officer for a decision on authorisation to be made by the Chief Executive. If in doubt consult the RIPA Monitoring Officer
- Q. Provide an annual return to the RIPA Monitoring Officer recording the RIPA training which shows the RIPA training received by themselves and by their Applicant Officers

## APPENDIX 4

### DUTIES OF OFFICERS IN CHARGE OF INVESTIGATIONS

- A. Seek authorisation for surveillance where it is likely to interfere with any person's rights to privacy by obtaining private information about that person
- B. Make formal applications for Directed Surveillance and CHIS where appropriate
- C. Inform the Authorising Officer if the investigation unexpectedly interferes with the privacy of individuals who were not considered by the authorisation
- D. Make the Authorising Officer aware of particular sensitivities in the local community where the surveillance is taking place and of similar activities being undertaken by other public authorities which could impact on the surveillance
- E. Ensure that authorisations are regularly reviewed
- F. Apply for renewal shortly before the expiry of the authorisation period and at least 7 days before expiry where possible
- G. Cancel the authorisation when the surveillance is completed and advise any officers involved in the investigation accordingly
- H. Act immediately to terminate surveillance when instructed by the Authorising Officer
- I. Make the Authorising Officer aware of any likelihood that confidential information may be acquired if surveillance is authorised
- J. Properly store and retain the product of surveillance
- K. Ensure that no surveillance commences unless and until the RIPA Monitoring Officer has obtained judicial authority.

## APPENDIX 5

### MANAGEMENT OF COVERT HUMAN INTELLIGENCE SOURCES

Information Note: The use of a CHIS in Council investigations is most unlikely. Any officer contemplating such use should immediately seek advice from the RIPA Monitoring Officer

*This is the text of the 2014~~0~~ Home Office Code of Practice on Covert Human Intelligence Sources, Chapter 6 Management of Covert Human Intelligence Sources*

#### *Tasking*

6.1. *Tasking is the assignment given to the CHIS by the persons defined at sections 29(5)(a) and (b) of [RIPA], asking him to obtain, provide access to or disclose information. Authorisation for the use or conduct of a CHIS will be appropriate prior to any tasking where such tasking involves the CHIS establishing or maintaining a personal or other relationship for a covert purpose.*

6.2. *Authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked. Rather, an authorisation might cover, in broad terms, the nature of the source's task. If the nature of the task changes significantly, then a new authorisation may need to be sought.*

6.3. *It is difficult to predict exactly what might occur each time a meeting with a CHIS takes place, or the CHIS meets the subject of an investigation. There may be occasions when unforeseen action or undertakings occur. When this happens, the occurrence must be recorded as soon as practicable after the event and if the existing authorisation is insufficient it should either be updated at a review (for minor amendments only) or it should be cancelled and a new authorisation should be obtained before any further such action is carried out.*

6.4. *Similarly, where it is intended to task a CHIS in a significantly greater or different way than previously identified, the persons defined at section 29(5)(a) or (b) of [RIPA] must refer the proposed tasking to the authorising officer, who should consider whether the existing authorisation is sufficient or needs to be replaced. This should be done in advance of any tasking and the details of such referrals must be recorded. Efforts should be made to minimise the number of authorisations per CHIS to the minimum necessary in order to avoid generating excessive paperwork.*

#### *Handlers and controllers*

6.5. *Public authorities should ensure that arrangements are in place for the proper oversight and management of CHIS, including appointing individual officers as defined in section 29(4A) and (4B) and 29(5)(a) and (b) of [RIPA] for each CHIS.*

6.6. *Oversight and management arrangements for undercover operatives, while following the principles of the Act, will differ, in order to reflect the specific role of such individuals as members of public authorities. The role of the handler will be undertaken by a person referred to as a 'cover officer' and the role of controller will be undertaken by a 'covert operations manager'.*

6.7. *The person referred to in section 29(5)(a) of [RIPA] (the "handler") will have day to day responsibility for:*

- *dealing with the CHIS on behalf of the authority concerned;*

- directing the day to day activities of the CHIS;
- recording the information supplied by the CHIS; and
- monitoring the CHIS's security and welfare.

6.8. The handler of a CHIS will usually be of a rank or position below that of the authorising officer.

6.9. The person referred to in section 29(5)(b) of [RIPA] (the "controller") will normally be responsible for the management and supervision of the "handler" and general oversight of the use of the CHIS.

### **Joint working**

6.10. In cases where the authorisation is for the use or conduct of a CHIS whose activities benefit more than a single public authority, responsibilities for the management and oversight of that CHIS may be taken up by one authority or can be split between the authorities. The controller and handler of a CHIS need not be from the same public authority.

6.11. There are many cases where the activities of a CHIS may provide benefit to more than a single public authority, responsibilities for the management and oversight of that CHIS may be taken up by one authority or can be split between authorities. The controller and handler of a CHIS may not be from the same public authority. Such cases may include:

- The prevention or detection of criminal matters affecting a national or regional area, for example where the CHIS provides information relating to cross boundary or international drug trafficking;
- The prevention or detection of criminal matters affecting crime and disorder, requiring joint agency operational activity, for example where a CHIS provides information relating to environmental health issues and offences of criminal damage, in a joint police/ local authority anti-social behaviour operation on a housing estate;
- Matters of national security, for example where the CHIS provides information relating to terrorist activity and associated criminal offences for the benefit of the police and the Security Service.

6.12. In such situations, however, the public authorities involved must lay out in writing their agreed oversight arrangements.

6.13. Management responsibility for CHIS, and relevant roles, may also be divided between different police forces where the Chief Officers of the forces concerned have made a collaboration agreement under ~~section 23 of the Police Act 1996 or section 12 of the Police (Scotland) Act 1967,~~ and the collaboration agreement provides for this to happen.

### **Security and welfare**

6.14. Any public authority deploying a CHIS should take into account the safety and welfare of that CHIS when carrying out actions in relation to an authorisation or tasking, and the foreseeable consequences to others of that tasking. Before authorising the use or conduct of a CHIS, the authorising officer should ensure that a risk assessment is carried out to determine the risk to the CHIS of any tasking and the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS, after the cancellation of the authorisation, should also be considered at the outset. Also, consideration should be given to the management of any requirement to disclose information tending to reveal the existence or identity of a CHIS to, or in, court.

6.15. The CHIS handler is responsible for bringing to the attention of the CHIS controller any concerns about the personal circumstances of the CHIS, insofar as they might affect:

- the validity of the risk assessment;
- the conduct of the CHIS; and
- the safety and welfare of the CHIS.

6.16. Where appropriate, concerns about such matters must be considered by the authorising officer, and a decision taken on whether or not to allow the authorisation to continue.

Sections 7.3 and 7.4 of the same Code of Practice provide:

*Individual records of authorisation and use of CHIS*

- | **7.43** Detailed records must be kept of the authorisation and use made of a CHIS. Section 29(5) of the 2000 Act provides that an authorising officer must not grant an authorisation for the use or conduct of a CHIS unless he believes that there are arrangements in place for ensuring that there is at all times a person with the responsibility for maintaining a record of the use made of the CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000; SI No: 2725 details the particulars that must be included in these records.
- | **7.54** Public authorities are encouraged to consider maintaining such records also for human sources who do not meet the definition of a CHIS. This may assist authorities to monitor the status of a human source and identify whether that source becomes a CHIS.

Officers should be particularly careful to ensure that individuals who are not a CHIS at the outset of an investigation do not inadvertently become a CHIS by a process of “status drift”. If, for example a complainant volunteers to obtain further information about a person being investigated, care should be taken to consider whether the proposed action would involve the complainant becoming a CHIS and if so whether that is appropriate and in accordance with RIPA and the CHIS Code of Practice.



## Appendix 6

### Policy Statement

Kirklees Council takes seriously its statutory responsibilities and will take great care at all times to make sure that the use of surveillance is proportionate to the desired outcome of that surveillance.

In addition the RIPA Monitoring Officer can be contacted for further advice and assistance and the officers with particular expertise in this area are also listed at Appendix 1 and referred to throughout this document as the RIPA Legal Advisers.

Kirklees Council will only use directed surveillance:

- where it is necessary to do so for the prevention or detection of conduct which constitutes one or more criminal offences; and the criminal offence or one of the criminal offences would be either –
  - Punishable, whether on summary conviction (in the magistrates' court) or on indictment (in the Crown Court), by a maximum term of at least 6 months of imprisonment; or
  - Is an offence under:
    - section 146 of the Licensing Act 2003(2) (sale of alcohol to children);
    - section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children);
    - section 147A of the Licensing Act 2003(3) (persistently selling alcohol to children);
    - section 7 of the Children and Young Persons Act 1933(4) (sale of tobacco, etc, to persons under eighteen)."
    - section 91 of the Children and Families Act 2014 (purchase of tobacco, nicotine products etc. on behalf of persons under 18);
    - section 92 of the Children and Families Act 2014 (prohibition of sale of nicotine products to persons under 18);-
- in a way that is proportionate to the circumstances

Kirklees Council will only use CHIS or the acquisition of communications data;

- where it is necessary to do so for the prevention or detection of crime or to prevent disorder
- in a way that is proportionate to the circumstances

Kirklees Council will when using directed surveillance:

- do so with due consideration of human rights issues

- properly investigate any complaints made about its use
- actively monitor its use
- observe the appropriate law and Home Office Codes of Practice
- ensure that staff (and contractors) are properly trained

In the normal course of any covert surveillance activity the Council will not use Covert Human Intelligence Sources unless the surveillance is for the purposes of the West Yorkshire Trading Standards Service. If there appears to be a need to employ such sources, the application must be authorised by either the Chief Executive or the Senior Responsible Officer. The appropriate Home Office Code of Practice will then be followed.

The Council will not carry out intrusive surveillance within the meaning of RIPA.

The Council will, through the RIPA Monitoring Officer, maintain a central record of all directed surveillance operations which it undertakes and will monitor the quality of all forms created for this purpose. Any issues will initially be raised as necessary with Authorising Officers and will be drawn to the attention of the RIPA Monitoring Officer.

### **Responsibilities**

Overall responsibility for each directed surveillance operation will lie with the Authorising Officer in charge of the operation.

Officers who authorise directed surveillance are responsible for granting, reviewing, renewing and cancelling authorisations.

The RIPA Monitoring Officer will be responsible for making applications for judicial authority.

Corporate responsibility for monitoring the use of covert surveillance rests with the Senior Responsible Officer.

The Council's Internal Audit service will review this area of work when requested to do so by the RIPA Monitoring Officer.

In cases where the Council's equipment or premises are used by the Police for the purposes of their investigations, the Police will be responsible for obtaining the necessary authorisations under the Act. Council officers should ensure that an appropriate authorisation has been obtained. If the Council officer is not satisfied that an appropriate authorisation has been obtained the Police should not be allowed to use the Council's equipment or premises. In cases where joint operations are undertaken, the lead authority should obtain the authorisation.

## APPENDIX 7

### RIPA AND ANTI-SOCIAL BEHAVIOUR ENFORCEMENT

- 7.1 Persons who complain about anti-social behaviour and thereafter keep a diary or incident log sheet will not normally be a CHIS as they are not required to establish or maintain a relationship for a covert purpose.
- 7.2 Recording the level of noise such as the decibel level, will not normally capture private information and therefore does not require directed surveillance authorisation.
- 7.3 Recording sound with a DAT recorder or matron box on the complainant's private premises will be directed surveillance unless it is done overtly, for example by informing the alleged perpetrator that a complaint has been received and monitoring will take place. The alleged perpetrator should also be informed of the period when this monitoring is likely to take place (e.g. over the next three months) and what this monitoring may involve (e.g. the use of log sheets, matron boxes etc).

Placing a covert stationary or mobile video camera outside a building to record anti-social behaviour on residential estates will also require an authorisation for directed surveillance.

NB There will be types of Anti-Social Behaviour which no longer meet the conditions for the authorisation of directed surveillance because the underlying criminal conduct does not carry a penalty of at least 6 months imprisonment. Such conduct may involve minor offences of violence, disorder or harassment. If there is any doubt as to what the underlying offences might be or what penalties they carry advice must be sought from the RIPA Monitoring Officer.

## APPENDIX 8

### WORKING WITH OTHER AGENCIES

Where another agency has been instructed on behalf of Kirklees Council to undertake any action under RIPA, this document and the forms referred to in it must be used (as per normal procedure) and the agency advised or kept informed, as necessary, of the various requirements. They must be made aware explicitly what they are authorised to do.

Where another agency such as the Police wishes to use the Council's resources (e.g. CCTV surveillance system), that agency must use its own RIPA procedures and before any officer agrees to allow the Council's resources to be used for the other agency's purposes, they must obtain a copy of that agency's RIPA form for the record or relevant extracts from the same which are sufficient for the purposes of protecting the Council and the use of its resources in accordance with any service/end agreement and/or Code of Practice in force between agencies.

Where another agency such as the police wishes to use the Council's premises for their own RIPA action and is expressly seeking assistance from the Council, the officer should normally co-operate with the same, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. Suitable insurance or other appropriate indemnities may be sought, if necessary, from the other agency for the Council's co-operation in the agency's RIPA operation. In such cases, however, the Council's own RIPA forms should not be used as the Council is only assisting, not being involved in the RIPA activity of the external agency.

If the police or another agency wishes to use the Council's resources for general surveillance as opposed to specific RIPA operations, an appropriate information request and the proposed use, extent of remit, duration, who will be undertaking the general surveillance and the purpose of it must be obtained from the Police or other agency before the Council's resources are made available for the proposed use.

## APPENDIX 9

### COMMUNICATIONS DATA

There are two types of communications data which can be obtained by local authorities such as the Council. These are:

Service data (s21(4)(b)) This covers itemised telephone call records, connection records, timing and duration of calls, connection, reconnection and disconnection data, use of forwarding or redirection service, additional telecom services and records of postal items.

Subscriber Data (s21(4)(c)) This includes information on subscribers of E-mail and telephone accounts, account information, including payment details, addresses for installing and billing and abstract personal records such as sign-up data.

Accordingly the Council cannot access the content of communications. The Council has an agreement in place with an external agency who will contact a communications provider if data is required. For more information on this contact the RIPA Monitoring Officer or the RIPA Legal Advisers. Authorisations will only be granted where necessary and proportionate. It seems unlikely that the Council would wish to use this facility unless requested to do so by the West Yorkshire Trading Standards Service.

Any errors must be reported to the RIPA Monitoring Officer who in turn will notify IOCCO as appropriate.

## **APPENDIX 10**

### **COVERT SURVEILLANCE AND SOCIAL MEDIA**

*This is the text of the 2016 Office of Surveillance Commissioners Procedures and Guidance, Paragraph 289*

*The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the Social Networking Sites (SNS) being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.*

*289.1 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.*

*289.2 Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site’s content).*

*289.3 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without an authorisation for directed surveillance when private information is likely to be obtained. The Senior Responsible Officer should be satisfied that there is a process in place to ensure compliance with the legislation. Using photographs of other persons without their permission to support the false identity infringes other laws.*

*289.4 A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).*

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