

## Lancashire County Council

### Cabinet

Thursday, 15th June, 2017 at 2.00 pm in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston

### Agenda

#### Part I (Open to Press and Public)

#### No. Item

1. **Apologies for Absence**
2. **Disclosure of Pecuniary and Non-Pecuniary Interests**  
Members are asked to consider any Pecuniary and Non-Pecuniary Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
3. **Minutes of the Meeting held on 19 January 2017** (Pages 1 - 4)

#### Matters for Decision:

#### The Leader of the County Council - County Councillor Geoff Driver

4. **Annual Reports of the County Council's Former Champions 2016/17** (Pages 5 - 20)
5. **Procurement Report - Request Approval to Commence Procurement Exercises** (Pages 21 - 28)
6. **Report on the Outcome of the Office of Surveillance Commissioner's Triennial Inspection** (Pages 29 - 86)

#### The Deputy Leader of the County Council - County Councillor Albert Atkinson

7. **Appointments to Outside Bodies 2017/18** (Pages 87 - 92)

#### The Cabinet Member for Children, Young People and Schools - County Councillor Susie Charles

8. **Residential Strategy** (Pages 93 - 118)

**The Cabinet Member for Highways and Transport - County Councillor Keith Iddon**

9. **Department for Transport (DfT) 2017/18 Highway Incentive Fund** (Pages 119 - 126)
10. **Accrington Townscape Heritage Initiative – Proposed Public Realm Improvements to the Town Square, Blackburn Road and Peel Street** (Pages 127 - 132)
11. **40mph Speed Limit Revocation Order Branch Road, Mellor Brook, Mellor** (Pages 133 - 138)
12. **Upgrade of Existing Zebra Crossing to Puffin Crossing - Broadway, Haslingden** (Pages 139 - 146)
13. **Burnley Road and Goodshawfold Road, Loveclough - Prohibition and Restriction of Waiting** (Pages 147 - 154)

**Matters for Information:**

14. **Report of Key Decisions taken by the Leader of the County Council, the Deputy Leader of the County Council and Cabinet Members** (Pages 155 - 168)
15. **Report of the Waiver of Procurement Rules by the Deputy Leader of the County Council** (Pages 169 - 170)

**Miscellaneous Matters:**

**16. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

**17. Date of Next Meeting**

The next meeting of the Cabinet will be held on Thursday, 13 July 2017 at 2.00 pm at County Hall, Preston.

**18. Notice of Intention to Conduct Business in Private** (Pages 171 - 172)

**19. Exclusion of Press and Public**

The Committee is asked to consider whether, under Section 100A(4) of the Local Government Act 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 12A to the Local Government Act 1972 as indicated against the heading to the item.

**Part II (Not open to the Press or Public)**

**The Deputy Leader of the County Council - County Councillor Albert Atkinson**

**20. Acquisition of Household Waste Recycling Centre Infrastructure** (Pages 173 - 190)

(Not for publication – Exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

**The Cabinet Member for Highways and Transport - County Councillor Keith Iddon**

**21. National productivity Investment Fund - Approval to Submit a Funding Bid** (Pages 191 - 200)

(Not for Publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

**22. Fleetwood to Knott End Ferry Service** (Pages 201 - 204)

(Not for Publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

**The Cabinet Member for Children, Young People and Schools - County Councillor Susie Charles**

**23. Relocation of Youth Offending Team (Preston and South) (Pages 205 - 210)**

(Not for Publication - Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.)

Jo Turton  
Chief Executive

County Hall  
Preston



# Item 3

## Lancashire County Council

### Cabinet

**Minutes of the Meeting held on Thursday, 19th January, 2017 at 2.00 pm in Cabinet Room 'B' - The Diamond Jubilee Room, County Hall, Preston**

#### Present:

County Councillor Jennifer Mein

Leader of the Council  
(in the Chair)

#### Cabinet Members

County Councillor Azhar Ali  
County Councillor David Borrow  
County Councillor John Fillis  
County Councillor Marcus Johnstone  
County Councillor Tony Martin  
County Councillor Matthew Tomlinson

County Councillors Albert Atkinson and Bill Winlow were also in attendance under the provisions of Standing Order No. 19(4).

#### 1. **Apologies for Absence**

Apologies were received from County Councillor Geoff Driver CBE

#### 2. **Disclosure of Pecuniary and Non-Pecuniary Interests**

There were no interests declared

#### 3. **Minutes of the Meeting held on 8 December 2016**

**Resolved:** That the minutes of the meeting held on 8 December 2016 be confirmed as a correct record and signed by the Chair

#### 4. **Executive Scrutiny Committee - Report of the Chair**

County Councillor Bill Winlow, Chair of the Executive Scrutiny Committee, reported that the recommendations set out in the reports for consideration by Cabinet had been confirmed with no amendments or additional recommendations

#### 5. **The Annual Audit Letter for Lancashire County Council - Year Ended 31 March 2016**

Karen Murray, Director, Grant Thornton, presented a report setting out the external auditor's Annual Audit Letter for Lancashire County Council for the year ended 31 March 2016. The report presented the audit of the Council's accounts, those of the Pension Fund,

and also provided a Value for Money conclusion. It was noted that the report in full would be considered by the Audit and Governance Committee on 30 January, although it represented a summary of issues and reports already considered by that committee.

**Resolved:** That the key messages set out in the Annual Audit Letter for Lancashire County Council for the year ended 31 March 2016 be noted

## **6. Money Matters - The Financial Strategy**

Cabinet received a report providing an update of the forecast outturn Financial Position for 2016/17 on revenue and capital, the County Council's updated Medium Term Financial Strategy (MTFS) for the period 2017/18 to 2020/21, reflecting the provisional settlement for 2017/18, and the position with regard to application of current reserves.

The continuing unprecedented financial challenge facing local authorities was noted, with attention of the Cabinet being drawn to the proposal being made by Surrey County Council for a 15% council tax increase.

**Resolved:** That

- i. the current forecast underspend of £15.298m on the revenue budget in 2016/17 be noted
- ii. the revised funding gap of £153.389m covering the period 2017/18 to 2020/21 as set out in the revised financial outlook forecast for the Council be noted.
- iii. the additional budget adjustments for 2017/18, and following years' increases, included in the revised MTFS following the financial settlement, be approved.
- iv. Cabinet recommend to Full Council on 9th February 2017 the Band D Council Tax for 2017/18 reflecting a 3.99% increase including 2% to be used for social care as per the new flexibilities.
- v. Note the contents of the County Council's Reserves position at 31<sup>st</sup> December 2016 be noted
- vi. the specific capital programme as presented be approved
- vii. the increase in prudential borrowing identified within the Capital Programme report be approved.
- viii. the advice of the Director of Financial Resources in relation to the robustness of the budget and the adequacy of reserves be noted.

## **7. Regulation of Investigatory Powers Act 2000: Annual Report to Cabinet**

Cabinet received a report presenting an updated Regulation of Investigatory Powers 2000 (RIPA) corporate policy for consideration. The report also requested Cabinet to consider related policies in relation to non RIPA surveillance; the use of social media and the internet in investigations; and a new draft CCTV Policy incorporating the codes of practice issued by the Surveillance camera Commissioner and the Information Commissioner.

**Resolved:** That

- i. the updated corporate policy on RIPA be approved with immediate effect
- ii. the updated corporate policies on:
  - a. Non-RIPA surveillance
  - b. The use of Social Media and the Internet in investigations

- c. Use of CCTV  
be approved with immediate effect
- iii. the role of CCTV Manager be undertaken by the Head of Service, Legal and Democratic Services

**8. Report of Key Decisions taken by the Leader of the County Council, the Deputy Leader of the County Council and Cabinet Members**

**Resolved:** That the report of the Key Decisions taken by the Deputy Leader of the Council and Cabinet Members be noted

**9. Urgent Business**

There was no urgent business

**10. Date of Next Meeting**

It was noted that the next meeting of the Cabinet would take place at 2pm on Thursday 9 March 2017 at County Hall, Preston

Jo Turton  
Chief Executive

County Hall  
Preston



# Item 4

## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Head of Service Legal and Democratic Services

**Part I**

Electoral Divisions affected:  
All

## Annual Reports of the County Council's Former Champions 2016/17

(Appendices 'A' - 'F' refer)

Contact for further information:

Janet Nuttall, (01772) 533110, Business Support Officer

[janet.nuttall@lancashire.gov.uk](mailto:janet.nuttall@lancashire.gov.uk)

### Executive Summary

Appendices 'A' – 'F' set out, as follows, the annual reports of the County Council's six Champions for 2016/17:

Appendix 'A' – Champion for Armed Forces Veterans

(former County Councillor Darren Clifford)

Appendix 'B' – Champion for Disabled People (County Councillor Steven Holgate)

Appendix 'C' – Champion for Digital Inclusion

(former County Councillor Sean Serridge)

Appendix 'D' – Champion for Older People (County Councillor Terry Aldridge)

Appendix 'E' – Champion for Parishes (former County Councillor Cynthia Dereli)

Appendix 'F' – Champion for Young People (County Councillor Kim Snape)

The report outlines the activities each Champion has undertaken between 1 April 2016 and 31 March 2017, in the respective roles they held, from the resources previously allocated to them on an annual basis.

### Recommendation

The Cabinet is asked to note the annual reports of the former County Council's six Champions for 2016/17 as set out in appendices 'A' – 'F'.

### Background and Advice

The Leader of the County Council and Cabinet have established six "Champion" roles, and has provided each Champion with an annual budget of £10,000 to support the work of the Champions in their respective areas, making a total annual budget of £60,000.

The Champions for the year 2016-17 were:

- Champion for Armed Forces Veterans - County Councillor Darren Clifford
- Champion for Disabled People – County Councillor Steven Holgate
- Champion for Digital Inclusion – County Councillor Sean Serridge
- Champion for Older People – County Councillor Terry Aldridge
- Champion for Parishes – County Councillor Cynthia Dereli
- Champion for Young People – County Councillor Kim Snape

The annual budget of £10,000 for each Champion is allocated for use at their discretion to finance their activities including organising and attending meetings, seminars and conferences and other similar events; the payment of a grant or loan to individuals and outside bodies or organisations within the scope of their remit; and other incidental costs necessary to enable them to fulfil their roles.

Each Champion is required to submit an annual report to the Cabinet setting out how their allocation has been spent.

Attached at Appendices 'A' – 'F' are the annual reports for 2016/17 for each former Champion, which outlines the activities undertaken and expenditure incurred between 1 April 2016 and 31 March 2017 in their respective roles.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

### **Risk management**

It is considered that there are no risk management implications in this report.

### **Financial**

Individual former Champions' underspends to be carried forward to the following financial year are limited to a maximum of £2,500.

The following table shows the financial resources that were available for allocation by the former Champions in 2016/17 and the level for funding being carried forward to 2017/18 for the new Champions.

	<b>Funding Brought Forward from 2015/16</b>	<b>2016/17 Funding (£)</b>	<b>Total available to allocate in 2016/17</b>	<b>Spent in 2016/17 (£)</b>	<b>Funding Carried Forward to 2017/18 (£)</b>
Armed Forces Veterans	5	10,000	10,005	9,920	85
Digital Inclusion	1,147	10,000	11,147	11,147	0
Disabled People	314	10,000	10,314	10,300	14
Older People	530	10,000	10,530	10,495	35
Parishes	680	10,000	10,680	10,680	0
Young People	342	10,000	10,342	10,342	0
<b>Total</b>	<b>3,018</b>	<b>60,000</b>	<b>63,018</b>	<b>62,884</b>	<b>134</b>

### List of Background Papers

Paper	Date	Contact/Tel
Details of individual proposals	April 2016 – March 2017	Janet Nuttall, (01772) 533110

Reason for inclusion in Part II, if appropriate

N/A





<b>Schedule of Expenditure for 2016/17</b>	
<b>County Councillor Darren Clifford – Former Champion for Armed Forces Veterans</b>	
<b>Applicant</b>	<b>Amount of Grant</b>
Armed Forces Group Preston – Armed forces day events	£3,000
Dig In North West (Preston) – Materials/Transportation to Tatton Flower Show	£1,400
455 Morecambe and Heysham ATC – Upgrade IT and flight stimulator	£2,000
Northern Angelz Project (Morecambe) – Wood carving tools and lessons	£500
RAF Cadets Association Morecambe/Heysham – Squadron Training Courses	£1,520
Lancaster Military Heritage Group – Armed forces day events	£1,500
<b>TOTAL SPENT</b>	<b>£9,920</b>



<b>Schedule of Expenditure for 2016/17</b>	
<b>County Councillor Sean Serridge – Former Champion for Digital Inclusion</b>	
<b>Applicant</b>	<b>Amount of Grant</b>
Communities In Action North West (Chorley) – Digital Inclusion Project	£5,000
Go On North West Regional Meeting – Refreshment costs	£235
Citizens Advice Lancashire West – Digital centre	£2,200
Whitworth Historical Society (Rossendale) new pc and printer	£750
Whitworth Town Council (Rossendale) – IT equipment	£1,000
Bacup Family Centre (Rossendale) - IT equipment	£1,962
<b>TOTAL SPENT</b>	<b>£11,147</b>



<b>Schedule of Expenditure for 2016/17</b>	
<b>County Councillor Steven Holgate - Former Champion for Disabled People</b>	
<b>Applicant</b>	<b>Amount of Grant</b>
Danceasyndrome (Accrington, Chorley and Preston) – Weekly dance workshops	£1,000
VICS Visually Impaired Children's Support (Accrington) – Children's Christmas party	£500
Divine Days Community Arts CIC (West Lancashire) – Rental costs	£500
East Lancashire Down's Syndrome Support Group – school support services	£400
Sporting Challenge (West Lancashire) – fitness sessions	£600
Outrageous Ambition (North Lancashire) – sessional staff, materials, refreshments, publicity	£1,000
Visually Impaired People's Forum (Lancashire) – development community work/isolation event	£800
AFC Fylde Community Foundation – 6 week summer holiday programme	£1,000
Sporting Challenge (West Lancashire) – dance sessions	£500
South Lancashire Physical Disability Partnership – conference	£500
Preston and Chorley Fibromyalgia Support Group – sitting yoga lessons	£200
The Willow Garden Project (Wyre) craft equipment	£300
Springfield Park Leisure Centre (Chorley) Trampoline hoist	£1,000
Rosendale Rays Special Needs Swimming Club – children's Easter party	£2,000
<b>TOTAL SPENT</b>	<b>£10,300</b>



## Schedule of Expenditure for 2016/17

<b>County Councillor Terry Aldridge – Former Champion for Older People</b>	
<b>Applicant</b>	<b>Amount of Grant</b>
New Age Fitness for Older People (West Lancashire) – venue and refreshment costs	£300
Burscough Seniors Luncheon Club (West Lancashire) – weekly lunch club	£300
Divine Days Community Arts CIC (West Lancashire) – art materials and refreshments	£200
Gt Eccleston Over 60's Group (Chorley) - venue costs	£300
Coal Clough Lane Community Association (Burnley) – cooking equipment/new microwave	£300
Brindle Over 50's Group (Chorley) – speakers and entertainer costs	£300
Preston District Older People's Forum – activities for the older peoples day	£300
Evermoor Hub (West Lancashire) – new freezer	£300
Preston and District Model Railway Station – new amplifier and PA system	£170
Welbourne and Peacehaven Residents Group (West Lancashire) – day trips to Blackpool and Liverpool	£500
P.U.L.S.E Older Peoples Group (West Lancashire) – set of group costs	£200
Hilldale Community Association (West Lancashire) – venue costs	£225
Helping Hands (West Lancashire) – entertainment, refreshments and chair exercises	£300
Parkinsons UK (West Lancashire) – respite care	£300
Sahara Group (Preston) – weekly luncheon clubs	£320
Burnley and Padiham Over 50's Forum - sustainability project	£300
Hyndburn Over 50's Forum – publicity materials	£300
Longton Victory Memorial Sports and Social Club (South Ribble) – improvements to hall facilities	£400
Stonemoor Bottom Residents Group (Burnley) – trip to Emmerdale	£500
Building Bridges (Burnley) – Over 50's event	£500
Hyndburn Cultural Association – Open day for the over 50's	£500
Burscough Seniors Luncheon Club (West Lancashire) day trip to Liverpool	£250
North West Older People's Network Meeting – cost of refreshments	£147
West Skelmersdale Pensioners Social Club (West Lancashire) – games facilities	£300
Adlington Luncheon Club (Chorley) – trip to Cleveleys	£250
Fairweather Court Tennants Club (Burnley) – flower beds/shrubs	£468
Layzee Dayzee Luncheon Club (South Ribble) – Larder fridge	£500
Skelmersdale U3A Older Peoples Club – glass grinder	£200
EMPOWER Older Peoples Club ( West Lancashire) – art and craft groups	£590
Hapton Over 50's Luncheon Club (Burnley) – hire of a cook for the lunches	£500
Crawshawbooth Over 50's Luncheon Club (Rossendale) – day trip to St Annes	£475
<b>TOTAL SPENT</b>	<b>£10,495</b>





## Schedule of Expenditure for 2016/17

<b>County Councillor Cynthia Dereli - Former Champion for Parishes</b>	
<b>Applicant</b>	<b>Amount of Grant</b>
Hilldale Parish Council (West Lancashire) – replacement fencing and pathway	£400
Barrow Parish Council (Ribble Valley) – signs for the playing field	£300
Yealand Remayne Parish Council (Lancaster) – Defibrillator	£400
Heath Charnock Parish Council (Chorley) – replacement notice boards	£493
Over Kellett Parish Council (Lancaster) – bus shelter	£300
Lea and Cottam Parish Council (Preston) – improvements to small garden	£500
Stalmine with Staynall Parish Council (Wyre) – improvements to play facilities	£300
Bickerstaffe Parish Council (West Lancashire) – car park resurfacing	£400
Elswick Parish Council (Fylde) – CCTV upgrade	£500
Read Parish Council (Ribble Valley) – new noticeboards	£200
Scarisbrick Parish Council (West Lancashire) – war memorial biographies	£500
Halsall Parish Council (West Lancashire) – noticeboard display cases	£390
Coppull Parish Council (Chorley) – tree sculpture	£350
Downholland Parish Council (West Lancashire) - water connection to the pavilion	£400
Newburgh Parish Council (West Lancashire) – disabled toilet/baby changing for the fete	£200
Altham Parish Council (Hyndburn) – parish website	£450
Habergham Eaves Parish Council (Burnley) – landscape of common land	£1,000
Little Hoole Parish Council – (South Ribble) – Outdoor Gym	£1,000
Fleetwood Town Council – (Wyre) – Tools and equipment to garden buddies	£1,000
Cabus Town Council (Wyre) – planting of cherry trees	£400
Burscough Parish Council (West Lancashire) – summer planting	£259
Bickerstaffe Parish Council (West Lancashire) – CCTV for security of defibrillators	£500
Simonstone Parish Council (Ribble Valley) – clearance of disused railway track	£200
Whitworth Parish Council (Rossendale) – CCTV heat seeking camera pilot scheme	£238
<b>TOTAL SPENT</b>	<b>£10,680</b>



## Schedule of Expenditure for 2016/17

### County Councillor Kim Snape - Former Champion for Young People

Applicant	Amount of Grant
AFC Fylde – 6 week summer activity programme	£1,500
Leyland Playscheme (South Ribble) Mobile caving bus/sporting activities	£750
Canine Education and Training CIC (West Lancashire) – live safely with dogs programme	£750
Chorley School Sports Partnership - The Targeted Active Lifestyle Learning (T.A.L.L.) Programme	£1,800
The Stop Smoking Cannabis Service (Lancashire) – promotional materials	£400
ALFS Blackbelt Academy – attendance to Kick Boxing World Championships in Dublin	£200
Brownedge St Mary's RC High School (South Ribble) – First Aid training	£1,800
Chorley District Scout Council – update facilities to the Scout building	£1,250
Divine Days (West Lancashire) – set up and running of Bickerstaffe youth club	£600
Ormskirk Fire Station (West Lancashire) - ASDAN Fire Service Short Course	£500
Sahara Asian Girls Project (Preston) – display boards, craft materials, indoor/outdoor activities	£400
Friends of Euston Street Park (Preston) – spring playground motorbike	£391
<b>TOTAL SPENT</b>	<b>£10,341</b>



## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Head of Service - Procurement

### Part I

Electoral Divisions affected:  
All

## Procurement Report - Request Approval to Commence Procurement Exercises (Appendix 'A' refers)

Contact for further information:

Rachel Tanner, (01772) 534904, Head of Service - Procurement

[rachel.tanner@lancashire.gov.uk](mailto:rachel.tanner@lancashire.gov.uk)

### Executive Summary

In line with the County Council's procurement rules, this report sets out recommendations to approve the commencement of two procurement exercises for:

- (i) Apprenticeship Levy Training and Assessment Providers and;
- (ii) The Supply of Liquid Fuels

These are deemed to be Key Decisions and the provisions of Standing Order No. 25 have been complied with.

### Recommendation

The Cabinet is asked to approve the commencement of the procurement exercises as set out in Appendix 'A' for the Apprenticeship Levy training and assessment providers and the supply of liquid fuels.

### Background and Advice

Appendix 'A' of this report sets out the details of the individual procurement exercises, and the basis upon which it is proposed to carry out the processes including:

- the description of the service being procured;
- the estimated annual contract value and the funding position;
- the contract duration and;
- the proposed basis for the evaluation of the tender submissions received.

Where approval has been received from the Cabinet to undertake a tender process which is deemed to be a Key Decision, the subsequent award of the Contract on the

satisfactory completion of the tender exercise shall not be deemed a Key Decision and can be approved by the relevant Head of Service or Director.

On the conclusion of the procurement exercises, the award of the contracts will be made under the County Council's Scheme of Delegation to Heads of Service, and in accordance with the Council's procurement rules.

### **Consultations**

Relevant Heads of Service and key operational staff have been consulted in drawing up the proposals to undertake the procurement exercises included within this report.

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

Failure to take steps to lawfully procure new contracts and, where relevant, continuing with current arrangements would contravene the council's procurement rules and the Public Contract Regulations 2015. Furthermore, failure to award the contracts may result in the county council facing difficulty in delivering these services.

### **List of Background Papers**

Paper	Date	Contact/Tel
Procurement Rules	July 2016	Rachel Tanner/(01772 534904)

Reason for inclusion in Part II, if appropriate

N/A

## Appendix A

<b>Cabinet Member</b> Leader of the County Council
<b>Procurement Title</b> Procurement for the provision of Apprenticeship Levy Training and Assessment Providers
<b>Procurement Option</b> Restricted (Invitation to Tender Stage) A pre-qualification stage has already been conducted by the Education and Skills Funding Agency (ESFA) in order to create an initial list of approved Training Providers (based upon specific selection criteria such as financial, economic and technical standing). The Invitation to Tender stage will be open to any provider that has been awarded a place upon the SFA's register.
<b>New or Existing Provision</b> New
<b>Estimated Annual Contract Value and Funding Arrangements</b> The projected annual contract value is approximately £3m per year. This contract value is dependent on the salary bill of LCC (including Local Authority schools where LCC is the employer) and may fluctuate, as the amount is determined on 0.5% of the current pay bill and deducted by HMRC via PAYE.
<b>Contract Duration</b> The Framework will be let for a period of 24 months, with an option to extend the contract beyond the initial term to a maximum of a further 24 months.
<b>Lotting</b> Associated relevant apprentice qualifications will be procured in relation to the area of training specialism, and will deliver key areas for development within Lancashire County Council and Schools, including but not limited to the training requirements listed below: <ul style="list-style-type: none"><li>• Adults Social Care</li><li>• Childrens Social Care</li><li>• Information Technology</li><li>• Highways/Engineering</li><li>• Leadership and Management</li><li>• Business Administration</li><li>• Legal/Procurement</li><li>• Schools Support Staff</li><li>• Business Improvement</li><li>• Finance</li></ul> <p>The County Council will be seeking organisations that are able to work with us in order to develop the apprenticeship framework and the training requirements throughout the contract term.</p>

## Appendix A

### Cabinet Member

Leader of the Council

### Evaluation

**Quality Criteria 70%**

**Financial Criteria 30%**

Social Value will account for 10% of the evaluation criteria on the basis that the contract will be delivered County wide.

### Contract Detail

The Apprenticeship Levy will be a levy on UK employers to fund new apprenticeships. In England, control of apprenticeship funding will be put in the hands of employers through the Digital (Account) Apprenticeship Service. The levy will be charged at a rate of 0.5% of an employer's pay bill. The Levy arrangements were introduced in April 2017 (when HMRC took the first monthly payment via PAYE schemes). The training funds will be available to spend from approximately 22nd May 2017.

Through the Digital Account the training fund and procurement of training providers will be managed by the County Council's Learning & Development team. The Digital Account will record the details of all apprentices and their apprentice training and record the financial transactions within the account.

To be eligible to deliver apprenticeship training for apprenticeships that start on 1 May 2017, or after, training organisations must be listed on the Education and Skills Funding Agency's register of apprenticeship training providers.

The ESFA's register of apprenticeship training providers has been created following on from a Pre-Qualification stage conducted by the ESFA in 2016. It has been acknowledged by the County Council, that in order to ensure compliance with the Procurement Contract Regulations 2015, that an Invitation to Tender stage should be completed (this will be restricted to those organisations awarded a place on the register following successful completion of the PQQ) in order to select the training providers that will deliver the requirements of the County Council.

The procurement will involve procuring for apprentice qualification (standard or framework) training providers and the procurement for the end point (independent) assessment requirements.



## Appendix A

<b>Procurement Title</b> Procurement for the Supply of Liquid Fuels		
<b>Procurement Option</b> Call off contract from Crown Commercial Service (CCS) National Fuels Framework RM3801		
<b>New or Existing Provision</b> Existing		
<b>Estimated Annual Contract Value and Funding Arrangements</b> £1,328,000* consisting of approximately:  £1,170,000 Lancashire County Council. £131,000 Global Renewables Lancashire (Operations) Limited. £27,000 Lancashire Schools.  Funding will continue to be met by service operational budgets.  *Please note: The delivered price of liquid fuels is very susceptible to changes in the oil commodity market as the commodity element makes up a large proportion of the delivered price. Therefore any changes to the commodity price will have a large impact on contract value.		
<b>Contract Duration</b> The contract will be let for an initial period of 2 years (October 2017 to September 2019), with the option to undertake a further competition at the latter end of the initial term for a further two year contract (October 2019 to September 2021).		
<b>Lotting</b> The CCS National Fuels Framework is lotted regionally and nationally, with the County Council accessing the lot for the North West region.  At fuel level, the contract will be lotted for both Vehicle Fuel and Heating Oils.		
<b>Evaluation</b> <table border="1" data-bbox="193 1368 1002 1424"><tr><td><b>Quality Criteria 0%</b></td><td><b>Financial Criteria 100%</b></td></tr></table> The Crown Commercial Service will undertake further competitions on the County Council's behalf between suppliers awarded to the framework, by the means of a reverse e-auction which will be based on lowest supply margin.	<b>Quality Criteria 0%</b>	<b>Financial Criteria 100%</b>
<b>Quality Criteria 0%</b>	<b>Financial Criteria 100%</b>	

## Appendix A

### Contract Detail

The Liquid Fuels contracts supply the County Council with the following fuels:

#### Heating Oils:

##### **Gas Oil Class A2** (BS2869:2010)

A standard gas oil which can be used for all inland applications (e.g. site and plant vehicles such as tractors, bulldozers).

##### **Kerosene class C2** (BS2869:2010)

C2, is used for heating oil in central heating systems. It does not carry duty in the UK, and so is cheaper than gas oil.

##### **Ultra 35** (blended to meet BS2869:2010 Class D)

An alternative for heating oil but cannot be used in combustion engines.

County Council sites that purchase heating oil include highway depots, outdoor education centres, museums, libraries and care homes. Some schools sites as well as Global Renewables Lancashire (Operations) Ltd (GRLOL) also purchase heating oils.

#### Vehicle fuels:

##### **Biodiesel** (EN14214 or equivalent)

Used for road vehicles. Highway depots are the only purchasers of vehicle fuel.

The current liquid fuels contracts expire on the 30th September 2017. The contracts require re-procuring so that buildings can continue to be heated, and vehicles and plant remain operational.

It is proposed that the CCS National Fuels Framework is utilised to procure two year contracts (October 2017 to September 2019) for both types of fuel, with the option to repeat the exercise in order to award a contract for a further two years (October 2019 to September 2021) in line with the framework guidelines.

CCS fuel frameworks have successfully been used for these contracts for the previous four years with minimal complaints or issues over service quality.

Fuel prices from the CCS framework are made up of four elements:

- Commodity price of the fuel
- Duty
- Supplier Margin
- CCS Management Charge

Supplier margin and CCS management charge are fixed for the duration of the contract. The current CCS management charge of 0.15 pence per litre will be increasing to 0.20 pence per litre from the start of the new framework, increasing estimated current costs by £800 per

## Appendix A

annum. The supplier margin will be determined by the further competition and covers supply costs, distribution costs, cost of credit, overheads, and profit.

The commodity price of the fuel is set by CCS using a weekly lagged price calculated in conjunction with the Platts Index, an independent provider of information and benchmark prices for the commodities and energy markets.

The CCS framework provides an OJEU compliant route to contracting with suppliers. Benefits of using the framework include:

- accessing established terms and conditions,
- CCS undertaking the further competition on the Council's behalf (thus saving procurement administration time),
- a lotted structure that provides access to regional and national suppliers,
- contract management undertaken by CCS, including monitoring KPIs, and clear and transparent pricing.

As part of the further competition, separate lines will be included for Global Renewables Lancashire (Operations) Limited (GRLOL) sites and approximately 25 Lancashire School sites who have expressed an interest in accessing the framework following communication via the Schools Portal.

Savings achievable in this category of spend are limited due to the unpredictability of the commodity cost. CCS claim an approved methodology of using the index-linked Platts to set weekly commodity prices against fixing them over a 12 month term achieves an approximate 3.5% saving. The methodology centres upon a weighted average risk premium that suppliers would typically apply if prices were to be fixed for a year to protect themselves against the risk of commodity prices rising during the contract term.



# Item 6

## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Director of Governance, Finance and Public Services

**Part I**

Electoral Divisions affected:  
All

## Report on the Outcome of the Office of Surveillance Commissioner's Triennial Inspection

(Appendices 'A' to 'C' refer)

Contact for further information:

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### Executive Summary

On 28 February 2017 the Office of Surveillance Commissioners (OSC) undertook its triennial inspection of the Council's use of covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).

The Inspector's report is attached at Appendix 'A'. Please note that the report has been redacted to remove sensitive or confidential information about specific investigations. The Cabinet is asked to consider the suggestions and one recommendation contained in the report and to agree amended policies to take account of his comments. Cabinet is also recommended to agree the approach to be taken in relation to the use of social media.

### Recommendation

The Cabinet is recommended to:

- (i) Note the OSC Inspection Report at Appendix 'A',
- (ii) Approve the amended corporate policies on RIPA and Shadow RIPA to take account of the Inspector's comments, and
- (iii) Agree that a policy for the use of social media in connection with investigations be developed for appropriate services and presented to Cabinet for approval.

## **Background and Advice**

On 28 February 2017 the Office of Surveillance Commissioners (OSC) undertook its triennial inspection of the Council's use of covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).

The inspection report was received in March 2017. Taken as a whole the Inspector's report is positive and the use of RIPA authorisation over the past 3 years since the last inspection is believed to be appropriate.

However, there are a number of issues that the Council has been asked to consider as follows:

### **RIPA and Shadow RIPA Authorisations**

The RIPA regime is permissive, ie it is not necessary for a public authority to seek authorisation to conduct Directed Surveillance or to use a Covert Human Intelligence Source. However, if authorisation is obtained, conduct under that authorisation is lawful for all purposes, and therefore provides protection to the Council in a case where an allegation of infringement of human rights is made.

Local Authorities may only apply for authorisation on the grounds of prevention or detection of crime for offences for which the penalty is at least 6 months imprisonment, or offences involving the sale of alcohol and tobacco to under 18s, and must also now obtain approval from the Magistrates' Court.

The current Corporate Policy and Guidance on RIPA requires that any Council investigation not involving the prevention or detection of crime related to a public function of the Council i.e. where the public authority is the prosecuting authority for that investigation/offence, must use a "shadow RIPA" process if covert surveillance is to be conducted. This requirement was introduced as a result of case law and advice offered during a previous OSC inspection.

This has led to the development of a Shadow RIPA regime in cases which do not meet the statutory criteria, for example where Council officers wish to carry out investigations in relation to counter fraud or child protection. In those circumstances the Council would not be the prosecuting authority and where evidence is uncovered it would be passed on to the police or used in evidence in court proceedings under the Children Act 1989.

The Shadow RIPA policy enables the Council to demonstrate that, when it uses covert investigatory techniques for non-trading standards investigations, any potential interference with an individual's human rights is addressed in accordance with the principles laid down in RIPA so that issues such as necessity, proportionality and impact on third parties are properly taken into account.

However, the inspector who carried out the most recent inspection disagreed with this aspect of the policy and considered that use of RIPA was not limited to statutory functions involving the prevention and detection of crime. He recommended that there needs to be a case by case assessment, and a recognition that some investigations may meet the criterion of "preventing or detecting crime". The inspector referred in particular to cases of child abuse or neglect but the comment could be equally relevant to cases involving employee fraud, and abuse of vulnerable people.

The policy has therefore now been revised to take account of the need for a case by case consideration, and the Shadow RIPA Surveillance Policy has also been amended to reflect these changes. It is still envisaged however that the majority of surveillance that takes place outside the Trading Standards Service will be under the Shadow RIPA policy.

### **Social Networking Checks and Surveillance Policy**

The Inspector made a single recommendation in his report which relates to the development in recent years of social media, and the availability of private information on the internet, which can be accessed by Council officers in connection with investigations.

It was recommended that the guidance provided in the Covert Social Networking Checks and Surveillance Policy should be more detailed and should provide specific information relevant to a range of Council functions. In view of the recommendation it is proposed that further work be carried out in relation to this with the help of an employee working group from selected services to develop an appropriate policy and related guidance to be brought back to Cabinet for approval in due course.

### **Central Record of Authorisations**

The inspector made a minor suggestion with regard to the central record of authorisations, namely that the records for CHIS and Directed Surveillance should be separate, and that Shadow authorisations should be maintained together with RIPA authorisations. This suggestion has now been implemented.

### **Formal Oversight of Authorisations**

The inspector suggested that there be closer objective oversight, despite the fact that all authorisations are subject to magistrate's approval and therefore independent scrutiny. In addition, the Director of Finance, Governance and Public services already views the small number of authorisations on a quarterly basis, as well as providing advice, together with the Director of Legal and Democratic Services, in the event of any novel aspects of an authorisation. It is believed that this approach is proportionate given the number of authorisations sought and their nature.

### **Consultations**

N/A

**Implications:**

This item has the following implications, as indicated:

**Risk management**

- Financial

There are no material financial implications at this stage.

- Legal/Human Rights/Crime and Disorder

Failure to consider necessity, proportionality and collateral intrusion in carrying out covert investigations such as directed surveillance and use of CHIS may lead to legal challenges under the Human Rights Act 1998 and potential investigation by the Investigatory Powers Tribunal. The risks attached are therefore reputational and also could involve the exclusion of relevant evidence in court proceedings.

In relation to the use of RIPA as opposed to Shadow RIPA: where the Council is relying upon formal RIPA authorisation, this requires approval by the Magistrates Court. Use of Shadow RIPA requires authorisation by the Director of Legal and Democratic Services.

**List of Background Papers**

None

Reason for inclusion in Part II, if appropriate

N/A





Office of Surveillance  
Commissioners



Chief  
Surveillance  
Commissioner

**Official -Sensitive**

14 March 2017

**OSC Inspection**

Dear *Chief Executive,*

I enclose a copy of the report dated 2 March 2017 prepared by Mr Graham Wright, Surveillance Inspector, following his inspection of the arrangements made by the Council to secure compliance with the statutory provisions governing the use of covert surveillance which fall within the responsibilities of the OSC.

I have studied the report and endorse it.

Dealing with it generally, this is a positive report, which records that the specific recommendations made following the last inspection in 2014 have been addressed and completed. Nevertheless a number of potential vulnerabilities are identified, and they are discussed in some detail in the report. Just because Mr Wright believes that those with RIPA responsibilities within the Council take their responsibilities very seriously and seek conscientiously to discharge them, rather than set out a significant number of specific recommendations, he has included a number of suggestions which, when adopted, would reduce vulnerabilities and improve standards. Like him, I believe that they will be addressed conscientiously. I therefore agree with this approach, and do not propose to discuss them any further.

There is a single specific recommendation. It relates to the use of social networking sites. I understand that during the course of the OSC inspection in 2007, the Council was told that the statutory provisions were not available and should not be used in the context of child protection. Unsurprisingly, the Council has followed this advice. There has been and now is a degree of uncertainty about when and in what circumstances the statutory provisions apply.

The advent of social media sites and the Internet has produced a remarkable social change, which at least in part is reflected in the context of covert surveillance. The Council has responsibility for the welfare of children and indeed vulnerable adults. Social media sites are available for use as part of an investigative process. The consequent issues have been considered in depth by the OSC.

We recognise the potential value of such investigations, particularly in the context of the responsibility of the Council for the safety and welfare of children and vulnerable adults. Many such investigations come to a natural end without any concerns, and just because the investigation has been directed to what the individual in question has chosen to expose about himself or herself there has been no interference with privacy. However on occasions it may become appropriate for the investigative process into a particular individual or individuals to be repeated or continue in some depth simply because concerns start to arise about criminal offences like cruelty abuse and neglect. That is when the investigative process itself may start to fall within the RIPA provisions. When it does the necessary RIPA processes are required.

The problem which arises in authorities throughout the country is that conscientious officials, acting in good faith to discharge their caring responsibilities, may not realise that investigations through social media sites can fall within the protective statutory ambit. They cannot know what they do not know. What is needed is for them to be made aware of the circumstances in which such activities, if unauthorised, would become unlawful. It would not be a defence for them to say that they had not appreciated that they were acting unlawfully, and the Council would be liable for their unlawful activity.

This is the issue to which the recommendation at paragraph 10 is directed, and it is explained in some detail at paragraphs 6.1 (iv) The Policy document should be updated to reflect the OSC guidance at paragraph 289, on these issues, and then disseminated among Council staff so that those using social media sites are aware of where they stand.

Yours sincerely,



Ms Jo Turton,  
Chief Executive  
Lancashire County Council  
County Hall  
Fisher Gate  
Preston  
Lancashire PR1 8XJ



OSC/INSP/075

Office of Surveillance  
Commissioners

The Rt. Hon. Lord Igor Judge  
Chief Surveillance Commissioner  
Office of Surveillance Commissioners  
PO Box 29105  
London  
SW1V 1ZU

2<sup>nd</sup> March 2017

### OSC INSPECTION – LANCASHIRE COUNTY COUNCIL

1. Date of inspection

28<sup>th</sup> February 2017

2. Inspector

Graham Wright

3. Introduction

3.1 Lancashire County Council is an upper-tier authority serving a county area comprising 12 district councils. These include Preston City Council, which has not acquired unitary status, but excludes the unitary councils of Blackpool and Blackburn with Darwen. The Council employs approximately 10,000 staff (not including teaching staff) serving a population of approximately 1.2 million

3.2 The Senior Corporate Management structure comprises the Chief Executive, two Corporate Directors and four Directors.

3.3 The previous OSC inspection of the Council was conducted by Sir David Clarke, Assistant Surveillance Commissioner, on 3<sup>rd</sup> February 2014. Since that inspection there have been two directed surveillance authorisations and five Covert Human Intelligence Source (CHIS) authorisations granted. None was concerned with the likely acquisition of confidential information and I was not informed of any breaches.

3.4 The Chief Executive is Ms Jo Turton and the address for correspondence is County Hall, Fishergate, Preston, Lancashire, PR1 8XJ.

4. Inspection approach

4.1 The purpose of the inspection was to examine policies, procedures and operations in respect of Part II of the Regulation of Investigatory Powers Act (RIPA) 2000.

4.2 My visit commenced with a meeting with Ian Young, Corporate Director and Deputy Chief Executive (I had been scheduled to meet with the Chief Executive but she had been called away at short notice to be part of the selection panel in connection with the appointment of a new Chief Constable for Lancashire Constabulary). We discussed collaborative working in the County and the recent application to central government for greater devolved powers, the outcome of which was awaited. We also discussed the Council's use of covert activity, social networking sites (SNS) and the internet in support of its statutory functions.

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- 4.3 I then met with Laura Sales, Director of Legal and Democratic Services, who has day to day oversight of RIPA matters, and Amanda Maxim, Trading Standards Manager, who is the main authorising officer. We discussed the response to the previous recommendations, training provision, core authorisation processes and I gave feedback on the pre-read material that I had been provided with. We were later joined by Ian Young, Director of Governance Finance and Public Services, who is the 'senior responsible officer'. I discussed with him his role as SRO and engagement with elected members.
- 4.4 I examined the Central Record of authorisations and several authorisations granted in the period since the previous inspection
- 4.5 There was a group meeting with the under mentioned staff during which we discussed the use of covert activity, SNS and the internet by staff from the departments represented:
- 4.6 I gave feed-back to Trading Standards staff on the authorisations that I examined.
- 4.7 I concluded my visit by providing feed-back on the main findings to Laura Sales, Ian Young and Amanda Maxim.
5. **Review of progress on recommendations**
- 5.1 The 2014 inspection made four recommendations.
- 5.2 *That Authorising Officers be appointed so that the Senior Responsible Officer no longer acts as an Authorising Officer but exercises the oversight responsibility described in the Codes of Practice; (this is effectively a repeat recommendation)*
- The SRO is no longer an authorising officer. Four Trading Standards Managers now carry out this function. **Completed.**
- 5.3 *That the extant CHIS authorisation should be cancelled.*
- The case was cancelled a short time after the inspection. **Completed.**
- 5.4 *That LCC's RIPA Policy be further revised in accordance with this report.*
- The points for revision have all been addressed in the latest policy document. **Completed.**
- 5.5 *That LCC consider conducting its future juvenile test purchase operations under directed surveillance authorisation, the premises to be tested being limited to a manageable number, addressing the issues of necessity and proportionality in relation to each.*



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The Council has reconsidered its position in relation to how it conducts under-age test purchase operations and consider that authorisations for directed surveillance are not appropriate as there is little likelihood of acquiring private information. It was agreed that all such operations should be considered on an individual basis (for more details in this regard see this report section *Directed Surveillance* below). Completed.

6. Policies and procedures

6.1 As I have mentioned above, I had been provided with a copy of the policy and guidance documents to examine prior to my visit and I gave feed-back on them during the inspection. Those documents and my comments in relation to them are as follows:

- i. *Corporate Policy and Guidance on RIPA* – the main policy document and in many ways it is comprehensive and useful. There is reference at paragraph 1.2.2 that any child custody/protection investigation must use a Non RIPA process if covert surveillance is to be conducted. When I queried this I was told that several years ago during an OSC inspection staff had been told that RIPA was not to be used for child protection matters. I can find no reference in previous inspection reports but I accept that there has been this interpretation put on advice given during an inspection. I pointed out that similar to many aspects of RIPA, there needs to be a case by case assessment and it may be that some child care cases may not meet the criterion of 'preventing or detecting crime' but many cases/investigations would ultimately be to prevent or detect cruelty, abuse, neglect, other harm be posed against a child and would thus be afforded the full protection of RIPA.

Paragraph 4.2.8 refers to a member of staff making a telephone call to a person who does not know the real identity of the caller and a relationship being formed. In such case an authorisation for CHIS and directed surveillance will be required. This is not correct; an authorisation for CHIS would suffice.<sup>1</sup>

- ii. *Shadow RIPA Surveillance Policy* – a recently revised policy intending to cater for covert activity in support of investigations into matters that are not criminal, or where the matter under investigation does not meet the threshold imposed by the Protection of Freedoms Act 2012. There is a clear explanation of the rationale and procedure to be adopted, which is closely aligned to that for full RIPA authorisation.
- iii. *CCTV Policy* – a comprehensive policy covering the usual subjects of Data Protection Act compliance, subject access, signage, retention of images etc. There is very little reference to RIPA but the CCTV systems that the Council owns are not city centre systems, they are highway related. There is a protocol with Lancashire Constabulary relating to the use of the system under a RIPA authorisation.
- iv. *Covert Social Networking Checks and Surveillance Policy* – a recently drawn up policy (November 2016) and described as 'a piece of work in progress'. It contains basic and accurate advice and recognises the potential that this form of activity may meet the criteria for authorisation as directed surveillance or CHIS. What it lacks is more specific and practically based guidance for practitioners and based upon my findings there is a need for this and careful consideration as to how such guidance is best disseminated. I make a recommendation in this regard.

6.2 The core authorisation procedure is that applicants would complete the requisite forms, which are available in electronic format on the Intranet. There would usually be discussion between the applicant, manager and authorising officer prior to an application being generated. The application is forwarded to an authorising officer for completion of their input. When this is done the applicant will take the authorisation to a local Magistrates' Court for approval. Original documents are retained by the authorising officer and a copy is sent to Information Governance for completion of the Central Record and secure retention.

<sup>1</sup> CHIS Code of Practice paragraphs 3.24 and 3.25 refer

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- 6.3 In relation to the Shadow RIPA process, applicants will complete forms designed for this purpose (basically RIPA forms but with all references to RIPA taken out) which are available electronically. As above, there would be discussion regarding the proposed activity with managers etc. The completed form will be submitted to the Director of Legal and Democratic Services (who is trained as an authorising officer) for approval and then a copy is forwarded to a Trading Standards Manager (who is an authorising officer) who will retain the record and complete an entry on the Central Record created for this purpose. I pointed out that it would make more sense for there to be a more aligned process for RIPA and Shadow RIPA authorisations (except for the Magisterial approval).
- 6.4 The 'senior responsible officer' is the Director of Governance Finance and Public Services. This officer is a trained authorising officer but no longer acts in this capacity. He carries out quarterly checks of the Central Record and authorisations granted. The SRO has provided RIPA refresher briefings to the Chief Executive and Deputy Chief Executive.
- 6.5 Annual reports on RIPA usage are provided by the SRO to the Executive Scrutiny Committee and Cabinet.

7. **Related training**

- 7.1 In 2015 authorising officers, managers and applicants attended a one day RIPA Conference in Leeds. Staff from councils throughout the North of England attended.
- 7.2 In September 2016 an external trainer carried out a one day training event for authorising officers, the SRO and applicants from LCC. Staff from other councils in the County were also able to attend. I saw the contents of the training and found it to be comprehensive and accurate. There was good use made of scenarios pertinent to the audience.

8. **Significant issues arising**

*Central Record and Oversight*

- 8.1 There is currently a single Central Record of authorisations that contains details of directed surveillance and CHIS authorisations. It is in the form of a computerised spreadsheet. Whilst all the required information is recorded, it would be preferable that separate records for CHIS and directed surveillance be maintained. When I pointed this out, it was accepted and could be easily implemented.
- 8.2 Within the processes for authorisation there is a lack of objective oversight in a formal manner, albeit that I accepted that throughout the application and authorisation process dialogue took place and advice would be sought. Only the quarterly checks made by the SRO provides any quality assurance but this can be several months after an authorisation is granted, which is a long time if there is a flaw in the authorisation. This can still happen notwithstanding the requirement for judicial approval by a Magistrate.

*Directed Surveillance*

- 8.3 The usage of this form of covert activity has continued to decrease in recent years, due to staffing cuts and a reversion to more overt enforcement activity. In the group meeting I was assured that no unauthorised activity was being undertaken. I did question Trading Standards staff regarding the methodology for conducting under-age test purchase operations. I was told that each premises to be visited was assessed regarding the likelihood of obtaining private information and in all cases the member of staff accompanied the volunteer as a safety measure and merely observed the transaction involving the volunteer rather than any other activity taking place inside the premises. I advised that, if not already done so, that these considerations should be recorded.



- 8.4 There was some discussion of the use to be made of the Shadow RIPA process and it was apparent, from discussions as well as references in the policy document, that there is a misconception that only Trading Standards investigations could use RIPA, therefore all other investigations seeking to carry out covert surveillance should use the Shadow RIPA process. I pointed out that any investigation that met the necessity criteria of being '*for the purpose of preventing or detecting crime*', and the 'serious crime' threshold, could seek authorisation under RIPA (as long as other conditions were met, e.g. proportionality) no matter which department was undertaking the investigation/operation.

- 8.8 The comments that I have in relation to the authorisations that I examined are:
- i. As is now recognised, an authorisation should be for a single CHIS and should be accompanied by a Risk Assessment for that CHIS;
  - ii. At reviews there was a lack of detail regarding what activity the CHIS had undertaken;
  - iii. At cancellation a similar lack of detail left one wondering what exactly a CHIS had done and in the case where there were two CHIS authorised there was even greater confusion as to the extent of activity of each.
- 8.9 The purpose of CHIS records is that they should give a clear picture of how a CHIS is being safely managed and used, the intelligence or evidential product they obtain and what use is made of that product.

*Use of Social Networking Sites (SNS) and the Internet*

- 8.10 This issue is increasingly a subject of detailed discussion during inspections of local authorities and this council was no exception. I had specifically requested that representatives from departments that, whilst not carrying out 'conventional covert activity', experience has shown were making use of these media.
- 8.11 It became apparent during the group meeting that regular use is being made of SNS and the internet in support of council business. Trading Standards do this on a regular basis in support of investigations into counterfeit goods and have sought authorisations for directed surveillance and CHIS in relation to this sort of activity. Other departments such as Schools Admission, Litigation, Human Resources and Children's Services use the media to varying degrees. Among the staff that I met there is a mixture of overly cautious use and naive/innocent usage, whereby the activity might meet the criteria for RIPA authorisation or at the least might be an infringement of privacy.
- 8.12 I certainly felt that there was a lack of clear understanding as to where the boundaries lie, even among staff that have an understanding of RIPA and most definitely among staff from departments which are outside of the usual 'RIPA audience'. There is a need for guidance to be provided to all staff to whom it may be applicable and I make a recommendation in this regard.

**9. Conclusions**

- 9.1 Lancashire County Council has always made infrequent use of the powers vested under the Regulation of Investigatory Powers Act 2000 and its usage has declined over a number of years to its current level.
- 9.2 There is a sound guidance and advice regime in place (notwithstanding the challenge regarding the use of SNS and the internet) and those with oversight and authorising officer responsibilities are knowledgeable and conscientious. Some rationalising of current systems and processes would be an improvement, i.e. a re-formatting of the Central Record and unifying authorisation procedures for RIPA and Shadow RIPA. I also draw out some learning points from the authorisations that I examined. Whilst not making them the subject of a recommendation I urge that attention is given to those points.

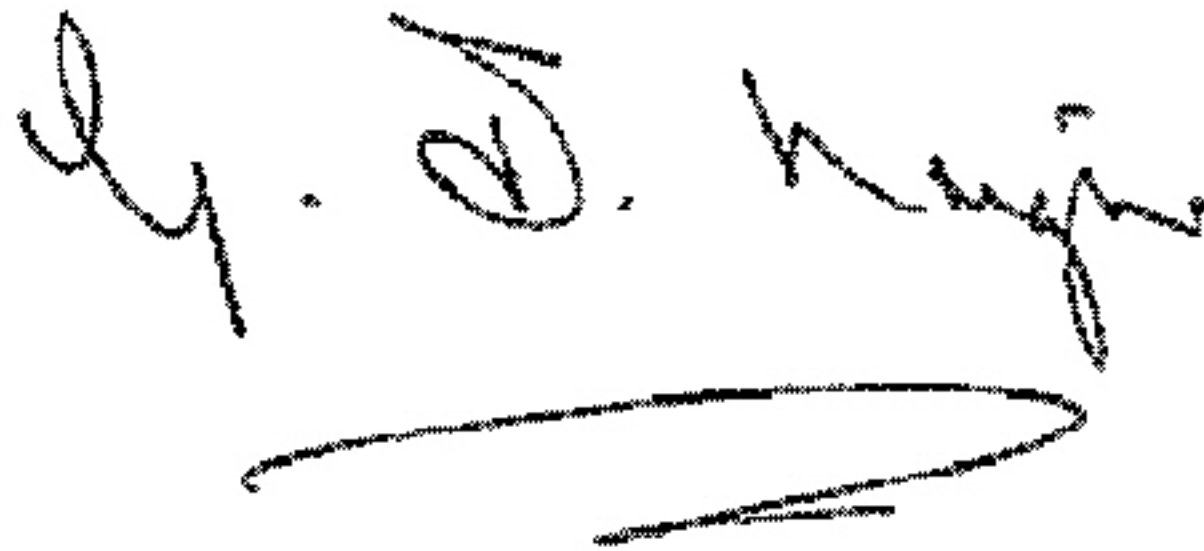


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- 9.3 I did at times feel that staff were uncertain regarding how they could use, or if they could use, the powers under RIPA and this related to both real world activity and virtual world activity. Hopefully the inspection will have provided some clarification to those areas of uncertainty. To be fair staff tended to err on the side of caution, demonstrating a reluctance to conduct covert activity under RIPA.
- 9.4 The one recommendation I make is in relation to the need for more expansive and relevant guidance regarding use of SNS and the internet. The challenge for the council is how this can be disseminated proactively to all relevant departments.
- 9.5 I would like to thank all the staff that I met for their co-operation and courtesy and in particular Laura Sales, who made the arrangements for my visit and provided me with comprehensive pre-read material.

10 Recommendation

- 10.1 Guidance in relation to the use of social networking sites and the internet by staff in support of their work for the council should be expanded and made more relevant to council functions, and this guidance then needs to be actively disseminated to all relevant staff – paragraphs 6.1 (iv) and 8.12.



Surveillance Inspector





**Appendix 'B'**

**Corporate Policy and Guidance  
On  
The Regulation  
Of Investigatory Powers Act 2000**

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## **Interception of Communications Commissioner**

## **11. Complaints**

## **12. Management Records**

## General Statement of Policy

This policy document relates to use by Lancashire County Council officers of directed surveillance, covert human intelligence sources and access to telecommunications information, for the prevention and detection of crime.

- The County Council is committed to upholding human rights.
- As a public body and responsible employer, the County Council wants to conform to the letter and spirit of the requirements of the Regulation of Investigatory Powers Act 2000 and associated regulations and codes of practice relating to the use of covert surveillance, the use of covert human intelligence sources, and access to communications data.
- County Council officers will only undertake surveillance work when it is both necessary and proportionate to the ends it seeks to achieve.
- From 1 November 2012 local authorities have been required to obtain judicial approval prior to using covert techniques. Local authority authorisations and notices under RIPA are only be given effect once an order has been granted by a justice of the peace in England and Wales, a sheriff in Scotland and a district judge (magistrates' court) in Northern Ireland.
- Additionally, from this date local authority use of directed surveillance under RIPA will be limited to the investigation of crimes which attract a 6 month or more custodial sentence, with the exception of offences relating to the underage sale of alcohol and tobacco.

## Corporate Guidance

### 1.1 Foreword

1.1.1 The Regulation of Investigatory Powers Act 2000 (RIPA) provides a framework for certain bodies (including local authorities) to undertake their duties aimed at preventing or detecting crime, which may interfere with a citizens normal human rights in respect of privacy by the use of 'covert surveillance', Covert Human Intelligence Sources (CHIS) i.e. undercover officers/informants and to obtain certain limited communications data.

1.1.2 The use of these techniques must be "necessary" and "proportionate" to the investigation i.e. simple, overt methods of gathering information are not available and the matter under investigation should not be trivial.

1.1.3 RIPA establishes detailed requirements in respect of the seniority, training awareness of Authorising Officers (referred to as 'Designated Officers' in the Act) and also the formal assessment and recording processes before undertaking any surveillance activity.

1.1.4 The Authorising Officer is required to be an officer at least at the following level within the authority:

Director  
Head of Service  
Service Manager or equivalent

The Authorising Officers for the Council are The Head of Trading Standards and Trading Standards Managers within Trading Standards as authorised by the Director of Governance, Finance and Public Services. The Director of Legal and Democratic Services may also authorise covert surveillance where appropriate.

1.1.5 This guidance addresses the detailed requirements of RIPA and its codes of practice in relation to:

- ◆ the covert surveillance of individuals,
- ◆ the use of covert human intelligence sources, including undercover officers/agents/informants,
- ◆ the recording of telephone conversations
- ◆ for obtaining communications data.

**This guidance provides a summary and overview of the legislation and codes of practice. DO NOT seek to rely on it alone. In the event of any doubt, any senior managers, or applicants, should refer to the relevant legislation or code and consult the Director of Governance, Finance and Public Services, the Director of Legal and Democratic Services or the Head of Trading Standards before any action is taken.**

1.1.6 The Act and relevant Codes of Practice (as amended in December 2014) had effect from 1 October 2000 and impose requirements as regards authorisation, procedures and records, which must be followed by Public Authorities undertaking investigations which fall within the scope of the Act

1.1.7 Appropriate staff should familiarise themselves with the guidance and procedures, the legislation and the Codes of Practice. If in any doubt advice and guidance should be sought from an appropriate officer before undertaking any enforcement activities which may fall within the scope of the Act.

1.1.8 Lancashire County Council is committed to carrying out its enforcement functions in an equitable, practical and consistent manner. We are committed to these aims and to maintaining a fair and safe environment. This guidance demonstrates our desire to carry out our criminal investigations in a fair and equitable manner that respects all human rights and contributing to this commitment.

1.1.9 Enforcement activities of the Council that fall within the remit of the RIPA are subject to monitoring and oversight by the Surveillance Commissioner and the Interception Commissioner.

1.1.10 Complaints made regarding activities of the Council, which are within the scope of RIPA, can be investigated by the Investigatory Powers Tribunal.

1.1.11 The Council may be liable to claims alleging breaches of an individual's rights under the Human Rights Act 1998 if officers fail to follow the requirements of RIPA and Codes of Practice.

1.1.12 Failure to follow RIPA and Codes may also adversely affect the admissibility of any evidence obtained using methods covered by RIPA. The safety of members of the public supplying information to the Council may also be compromised where an authorisation is not in place.

1.1.13 When undertaking any covert investigation, officers should have regard to the health and safety of persons affected by the activity. This may include themselves, colleagues and members of the public and the person you are being asked to observe. A risk assessment of the investigation technique being proposed should be undertaken, having regard to Corporate Health and Safety Policy and any supplemental guidance issued.

1.1.14 The monitoring of Internet and e-mail use is regulated by the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, made under RIPA.

## **1.2 Employee or Non-RIPA Surveillance**

1.2.1 RIPA does not apply where surveillance is undertaken otherwise than for 'the detection or prevention of crime' for example as part of an internal investigation into possible employee misconduct where the investigation may be of a disciplinary nature rather than being primarily aimed at detecting criminal offences\*. However, as such surveillance may infringe an individual's Human Rights in respect of privacy, then similarly to RIPA, the procedures of authorisation and assessment should be followed with the Authorising Officer using RIPA criteria in considering the surveillance request. Assessment and Approval forms, similar to RIPA, must be used in considering surveillance activity.

1.2.2 Similarly, child custody/protection investigations requiring surveillance should follow the same principles and use the non-RIPA Application forms\*. Copies of appropriately completed forms should be kept with the investigation file and the original sent to the Central Register in Information Governance.,

1.2.3 Where surveillance is undertaken otherwise than for the prevention or detection of crime, reference should be made to the corporate policy on shadow RIPA authorisations.

1.2.4 \*Note that where there is a clear likelihood at the outset of an investigation, or during an investigation it becomes apparent that criminal proceedings will result, the full RIPA regime, including application for magistrate's approval, should be followed. This may include cases of child abuse or neglect, abuse of vulnerable adults, or major employee fraud/theft. In all cases



other than Trading Standards matters, the authorising officer will be the Director of Legal and Democratic Services.

### 1.3 CCTV Use

1.3.1 CCTV surveillance systems are not normally caught by the Act where signs or cameras are visible or members of the public are aware that such systems are in use. However there may be occasions when public authorities use CCTV systems for the purposes of a specific directed investigation or operation. In such cases, authorisation for directed surveillance may be necessary. A protocol has been produced to protect those officers responsible for such systems from being pressured into carrying out directed surveillance without an appropriate authorisation.

### 1.4 Lancashire County Council Auditing

1.4.1 For appropriate corporate reporting and auditing of activities to ensure awareness and ongoing compliance with RIPA policies. Contact: Director of Legal and Democratic Services

## 2 Definitions

### 2.1 Surveillance and Covert Human Intelligence Sources

#### The Regulation of Investigatory Powers Act 2000

Authorising Officer Means the person(s) designated under Sections 28 and 29 of the Act to grant authorisations for directed surveillance and the use and conduct of a Covert Human Intelligence Source, respectively. The Head of Trading Standards and Trading Standards Managers in Trading Standards are designated as authorising officers by the Director of Governance, Finance and Public Services as is the Director of Legal and Democratic Services.

Conduct of a Source - Any action of that source falling within the terms of the Act or action incidental to it. (ie what they do)

Confidential Material Matters of legal privilege, confidential personal  
Includes: information (eg medical records), confidential journalistic material

Controller - Means the person or designated managerial officer responsible for overseeing the use of the source.

Covert Human Intelligence Sources Commonly known as Agents, Informants, Undercover Officers. (NB. See RIPA and the Codes of (CHIS) Practice for the definition)

Covert Surveillance Means surveillance carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is taking place.

Directed Surveillance - Surveillance is directed if it is covert but not intrusive and is undertaken:

- a) for the purpose of a specific investigation/operation
- b) is likely to result in the obtaining **private information** about a person (whether or not one specifically identified for the purposes of the investigation or operation)
- c) Otherwise than by way of an immediate response to events or circumstances and it would not be reasonably practicable for an authorisation to be sought for the carrying out of the surveillance.

Handler An investigating officer having day to day responsibility for:

- dealing with the source on behalf of the authority
- directing the day to day activities of the source
- recording the information supplied by the source
- monitoring the security and welfare of the source.

Intrusive Surveillance Means Covert Surveillance that is carried out in relation to anything taking place on any residential premises or in any private vehicle **and** involves the presence of any individual **on** the premises or **in** the vehicle or is carried out by means of a surveillance device.

Private Information In relation to a person or business, this includes any information relating to an individual's private, business or family life.

Senior Responsible Officer (Surveillance)

An officer responsible for the integrity of RIPA processes for the authority and compliance with Part II of the Act. The Senior Responsible Officer for Surveillance and CHIS is the Director of Governance, Finance and Public Services.

(Note: See Senior Responsible Officer for Communications Data)

Surveillance includes: - monitoring, observing or listening to persons, their movements, their conversations, or their activities or communications.

- recording anything monitored, observed or listened to in the course of surveillance.
- Surveillance by or with the assistance of a surveillance device (any apparatus designed or adapted for use in surveillance eg cameras and microphones.)

## 2.2 Communications Data

Communications Service Provider (CSP)

These include telecommunications, Internet (including e-mail) and postal service providers.

Designated Person

This is the authorising officer for the purposes of obtaining communications data, currently three Trading Standards Managers.

Senior responsible Officer (Communications Data)

An officer responsible for the integrity of RIPA processes in relation to the Acquisition of Communications data under the Act, currently the Head of Trading Standards.

Single Point of Contact (SPOC)

This is a nominated officer within a public authority who has completed a training course and is accredited by the Home Office to make enquiries with communication service providers. SPOC's will oversee the forwarding and receipt of notices and authorisations sent to and returned by CSPs.

(CSPs will not deal with enquires to obtain communications data from an officer who is not listed with them as being a nominated SPOC).

SPOCs: The SPOC role is carried out by the National Anti Fraud Network (NAFN) on behalf of Lancashire County Council, and access can be arranged by approaching the Head of Trading Standards.

### 3. Covert Surveillance Policy and Procedures

#### 3.1 Introduction

3.1.1 Covert Surveillance means **surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place.**

3.1.2 An authorisation provides lawful authority for a Public Authority to carry out covert surveillance.

3.1.3 Any /Service seeking to use covert surveillance techniques must seek authorisation from the Director of Legal and Democratic Services using the appropriate forms.

3.1.4 Whenever surveillance takes place and is for the purpose of obtaining, or is likely to obtain private information about a person (whether or not they are the target of the operation) an authorisation should be obtained.

3.1.5 By obtaining an authorisation, the surveillance operation is carried out in accordance with the law and the safeguards that exist.

3.1.6 Prior to granting an authorisation the Authorising Officer must be satisfied that the proposed surveillance is **necessary** on specific grounds and is **proportionate** to what it seeks to achieve.

3.1.7 Careful consideration must also be given to any Community sensitivities that may be exacerbated by any individual surveillance operation.

3.1.8 Before applying for an authorisation, the Investigating Officer should consider whether or not the evidence sought could be obtained by alternative possibly non covert methods.

3.1.9 The Authorising Officer must also believe that the surveillance is proportionate to what it seeks to achieve and is not excessive.

#### Note for All Applications for Authorisations

##### Necessity

For interference with an individual's private, family or business life to be necessary, the action must be for the purpose of preventing or detecting crime, be necessary to secure best evidence and the authoriser should be satisfied that less covert or intrusive action would not serve the appropriate purpose.

##### Proportionality

The test for proportionality goes far beyond selecting the least intrusive method of investigation. The activity to be observed must not be trivial and must warrant the surveillance to be instigated

The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means.

All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair. Proportionality should contain a consideration of four elements:

- 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

### 3.2 Collateral Intrusion

3.2.1 The officer seeking the authorisation should also consider the possibility of collateral intrusion (this is where interference with the privacy of others not subject to the original surveillance may occur). Steps should be taken to assess the risk and where possible reduce the risk of collateral intrusion. Where unforeseen collateral intrusion occurs during an operation, the Authorising Officer must be notified and consideration given to amending the authorisation following a review. A separate Lancashire County Council CCTV protocol exists which also refers to avoiding collateral intrusion.

3.2.2 Consideration must also be given as to whether or not the surveillance activities of the Service take place where similar activities are also being undertaken by another agency eg the Police, Benefits Agency, Environment Agency and liaison with other enforcement agencies should be considered where appropriate.

### 3.3 Records of Authorisations

3.3.1 A record of all authorisations must be maintained for five years following the end of the authorisation for Covert Surveillance and CHIS. Records relating to Communications Data should be retained until they have been inspected by the Interception of Communications Commissioner. The record should include not only those authorisations granted, but also those which are refused.

3.3.2 All CHIS and Directed Surveillance records including JP authorisations must be supplied electronically by email to the Director of Governance, Finance and Public Services for the Central Record of authorisations. For the Acquisition of Communications data the record is maintained by the National Anti Fraud Network (NAFN). Nominated Authorising Officers may retain copy records for their own reference. Copies of all relevant documents should be returned electronically to the applying officer. An officer from the central record will advise Authorising Officers of the status of authorisations when renewals, cancellation etc are required.

3.3.3 Due to the sensitive nature of **all documentation** covered by the Act, consideration **must** be given to the means by which copies are forwarded to the central record to ensure confidentiality. Records of authorisations, renewals and cancellations should be forwarded by email to the Director of Governance, Finance and Public Services.

### 3.4 Authorisations for Directed Surveillance

3.4.1 An authorisation is required for covert surveillance undertaken:

- (a) for a specific investigation or operation; and

(b) where the surveillance is likely to result in obtaining private information about any person (whether or not they are the subject of the surveillance).

3.4.2 Directed surveillance is conducted where the observation is for the purpose of gathering private information to produce a detailed picture of a person's life, activities and associations.

3.4.3 An authorisation is not required for covert surveillance carried out as an immediate response to events or circumstances which could not be foreseen. However, if this surveillance continues for a substantial period of time, or is recommenced after some time has elapsed, an authorisation may be required.

3.4.4 **Local Authorities cannot undertake intrusive surveillance.** Therefore Authorisations will not be granted for covert surveillance on residential premises or in any private vehicles where an individual or surveillance device is present on such premises or vehicle.

3.4.5 Where the surveillance activity is likely to result in **confidential material** being obtained, the Authorising Officer within Lancashire County Council will be **the Chief Executive, or in his absence the person acting as Head of Paid Service** (see paragraph 4.3 of the Code of Practice on Covert Surveillance). In practice, advice should be sought from the Director of Legal and Democratic Services.

### 3.5 Covert Video Camera and Audio Recording Equipment

3.5.1 This type of equipment may be considered for the purpose of recording the transaction/activity and obtaining photographic evidence of individuals or activities eg Trading Standards test purchases etc. Concealed cameras and voice recorders may be used to record activities and conversations without the knowledge of the other party.

3.5.2 The deployment of such equipment clearly has the potential for not only obtaining personal information in relation to the suspect, but also collateral intrusion into the activities of other persons in the vicinity of the operation.

3.5.3 Whilst the use of such equipment does not automatically require an authorisation, consideration should be given to safeguard against any challenge as to Human Rights infringements. The manner in which such equipment is used may also invoke the requirements relating to **Covert Human Intelligence Sources**. Prior to such covert use of equipment, advice should always be sought from an Authorising Officer or the Head of Trading Standards.

### 3.6 Grounds For Granting Authorisations

3.6.1 Surveillance **must** be shown to be necessary on specific grounds. Investigations undertaken by Local Authorities can only be authorised:

#### **For the purposes of preventing and detecting crime**

3.6.2 The Council operates parallel procedures for Non-RIPA investigations/surveillance (Ref paragraph 1.2)

3.6.3 Local Authorities are not able to issue urgent authorisations.

3.6.4 Officers should normally be able to prepare applications in advance to enable a written authorisation to be obtained.

### 3.7 Duration of Authorisation

3.7.1 An authorisation is valid for three months, unless cancelled.

This begins on the day on which the Authorising Officer grants the application, the expiry date will be considered to be three months minus one day (authorisation ceases at 23:59) from the date of signature by the Authorising Officer.

3.7.2 The Authorising Officer should ensure that a system is in place to review authorisations before it ceases to have effect. It is a matter for the Authorising Officer to determine how frequently a review is necessary and practicable. This is stated within the authorisation as a control measure. The authorisation should also be reviewed prior to expiry to determine whether or not a renewal is required and can be justified. It is a requirement that review forms are maintained as part of the Central Record of authorisations.

### 3.8 Renewal

3.8.1 An authorisation may be renewed for a further period of three months. It may be renewed more than once provided that the renewal continues to meet the criteria for authorisation. The number of occasions it has been renewed should be recorded.

3.8.2 A record should also be made of the following:

- Any significant changes to the previous authorisation
- Why it is necessary to continue the surveillance
- The value to the investigation of the information obtained so far by surveillance
- An indication of the length of time further surveillance may be necessary

### 3.9 Cancellations

3.9.1 The Authorising Officer who granted or who last renewed the authorisation must cancel it if satisfied that the directed surveillance no longer satisfies the criteria outlined in this procedure.

3.9.2 An authorisation should also be cancelled once the activity which was the subject of the authorisation has been completed. **The authorisation should not be left to lapse as a result of the time limit expiring.**

3.9.3 The reason for cancellation of the authorisation must be detailed on the cancellation form. The cancellation form should be sent to the Central Record by the Authorising Officer.

### 3.10 Records

3.10.1 Material obtained as a result of surveillance activities should be recorded on the "Record of Product obtained by Directed Surveillance Form".

3.10.2 A copy of this form should be forwarded to the Authorising Officer to be filed with the Authorisation form. The original should be retained by the Investigating Officer as part of the case file. Internal procedures within some services may require that all authorisations and case materials are held within a specific secure location. A copy should be retained on the case file.

3.10.3 A record must also be maintained of the period over which surveillance has taken place.

### 3.11 Handling Product from Surveillance Activities

3.11.1 "Product" from Covert Surveillance activities may consist of:

- Photographs
- Video film
- Voice recordings
- Surveillance log
- Officer's notes

3.11.2 The above may be required as evidence in current or future criminal proceedings. Officers must have regard to the provisions of the Criminal Procedure and Investigations Act 1996 in relation to unused material. Product obtained via an authorisation may be used by the authority in other investigations.

3.11.3 Although specific legislation and the Data Protection Act 1998 provide for the disclosure of information in certain circumstances, additional controls are introduced by RIPA.

3.11.4 The use of any product obtained by authorised surveillance activities outside of the local authority or the Courts should only be authorised in the most exceptional circumstances. This requirement seeks to prevent product from being used for grounds other than that for which it was obtained. **Joint operations should make reference to the potential use of evidence by each agency.**

3.11.5 Officers may receive requests from other agencies for product, which may include photographs of suspects, descriptions and vehicle details. Where this information has been obtained under an authorisation, further guidance should be sought from the Authorising Officer since disclosure may not be permitted under the provisions of the Code of Practice.

### 3.12 Storage of Product

3.12.1 Officers should ensure that evidential protocols are observed to ensure the integrity, security and confidentiality of material. This will ensure that the requirements of the Data Protection Act are addressed.

### 3.13 Disposal of Product

3.13.1 Officers should ensure that personal data is not kept for longer than necessary for the purpose for which it was obtained as follows:

Product which is not required as evidence should not be retained any longer than necessary. It will be necessary to retain product for a sufficient time to safeguard the Council against any civil claims against infringement of an individual's Human Rights. **A period of five years** ensures that all of the retention period requirements are addressed.

3.13.2 Product which has been destroyed should have this fact recorded on the record of product obtained by Directed Surveillance and be signed by the officer

3.13.3 An amended copy of this Record form should be forwarded to the Authorising Officer indicating destruction of the product obtained from the surveillance activity.



## 4 Guidance Notes for the Authorisation of Directed Surveillance

### 4.1 Activity Involved

Does the activity involve:

The necessary and proportionate systematic covert surveillance of an individual which is likely to gather private information?

#### **If so, an authorisation is required**

4.1.1 Low-level activity for example, to determine whether a premise is still trading, will not require authorisation. Surveillance carried out in response to immediate events will also not require authorisation. However, if the surveillance activity continues for any period of time, an authorisation will be required.

4.1.2 The Authorising Officer must be satisfied that:  
The authorisation is:

**Necessary for the purposes of preventing and detecting crime or is pursuant to Council Policy for Non-RIPA surveillance (Ref Paragraph 1.2)**

**4.1.3 The Authorising Officer must also believe that the surveillance is proportionate to what it seeks to achieve, and is not excessive.**

Where the identity of the subject is known to the officer, measures should also be taken to verify (where appropriate) the address under surveillance (eg electoral register, business rates, utility suppliers). The Authorising Officer must include some control measures within the authorisation eg reviews, circumstances in which the surveillance must be stopped.

4.1.4 The application should provide the background to the investigation and details of other methods which have failed to provide the information being sought or why other methods are not appropriate.

4.1.5 The description of the activity to be undertaken should be as comprehensive as possible describing how the surveillance will be undertaken, where it will occur and any equipment (eg cameras, video camera) which will be used. The investigating officers must not employ techniques which are not permitted by the authorisation.

4.1.6 The information being sought should be described and how this may provide evidence of the offence or other matter being investigated. The potential for collateral intrusion should be identified and plans to avoid/minimise such intrusion.

4.1.7 A statement must also be included as to the likelihood of obtaining confidential material/religious material eg the premises are a residential property, not located near any medical, religious or legal establishments, therefore there is no likelihood of obtaining any confidential/religious material.

4.1.8 If confidential material is being sought, or is likely to be obtained, a higher level of authorisation is required. This authorisation can only be given by the Chief Executive (or in their absence by the Head of Paid Service). Further guidance should be sought from the Director of Governance, Finance and Public Services if confidential material becomes relevant to the investigation.

4.1.9 Where applications for authorisations are refused, records of the refused application must also be maintained stating the reasons for the refusal and a service number. Copies of these refusals must be sent for inclusion in the central record.

## **4.2 Directed Surveillance via Recording of Telephone Conversations**

4.2.1 The interception of communications sent by post or public telecommunications systems or private telecommunications systems attached to the public network may only be authorised by the Secretary of State (Part I RIPA).

4.2.2. The attachment of a general surveillance device eg "wiretapping" to a telecommunications system can only be undertaken under a warrant issued under Section 5 of RIPA (this is not available to the Council).

4.2.3 However an exception to the rule requiring a warrant exists, where one party to a telephone conversation consents and where an authorisation for directed surveillance is obtained. See Section 48(4) of RIPA.

4.2.4 For example, a member of the public may consent to the recording of a telephone conversation made by or to him/her. An officer may seek to record such a conversation to assist with an investigation into another person's activities.

4.2.5 An officer may also request a colleague to telephone another person as part of an investigation or may make the call himself or herself. These situations may require an authorisation to be granted depending on the nature of the information to be obtained. Where the call is a simple call to enquire about the availability or description of goods or services on offer for supply as any consumer would enquire, an authorisation will not be required.

4.2.6 Where the person giving consent is not present and a recording made, this activity is deemed to be intrusive surveillance and is beyond the scope of activities authorised for the Council.

4.2.7 Where the Officer acts in an overt capacity, ie clearly identifying the fact that they represent the Council, the activity will not require a directed surveillance authorisation.

4.2.8 Where the Officer makes/receives the call acting covertly, with the possibility of private information being obtained and a relationship being entered into, aCHIS authorisation will be required. This will cover any directed surveillance activity which is undertaken by the CHIS.

4.2.9 Similarly if a member of the public or another person acting as a covert source is asked to record a telephone conversation made/received by them, a CHIS should be in place.

## **4.3 Test purchasing of age restricted products**

4.3.1 Juveniles may only be authorised as a CHIS by the Head of Paid Service.

4.3.2 Officers should have regard to the Better Regulation Delivery Office code of Practice in determining whether directed surveillance authorisation will be necessary in the context of the planned operations.

4.3.3 Where the information obtained relates only to whether a sale is made or not, and no other information is likely to be obtained which is not already known to the officer directed surveillance authorisation is not necessary.

## 5 Covert Human Intelligence Sources (C.H.I.S.)

### 5.1 Introduction

5.1.1 This section of the guidance document deals with Covert Human Intelligence Sources (CHIS), more commonly known as:

Undercover Officers

Informants/Agents

Authorisation is a two-stage process:

- (a) to use a source
- (b) an authority for the conduct of a source

NB Juvenile surveillance CHIS – normally no-one under 18 years or any vulnerable individual should be considered as a CHIS (see 5.6 – 8)

5.1.2 A CHIS is a person who establishes or maintains a personal or other relationship with another person for the covert purpose of:

- (a) Using such a relationship to obtain information or to provide access to information to another person, or
- (b) Disclosing information obtained by the use of such a relationship or as a consequence of such a relationship.

In addition, a person who covertly provides information to a public authority is potentially a CHIS if he has obtained that information in the course of or as a consequence of the existence of a personal or other relationship, whether or not the relationship has been established or maintained for that purpose. A repeat informant if and when it becomes apparent that he obtains his information in that way is a CHIS to whom a duty of care is owed, if the information is acted upon. Legal advice should be taken before acting on the information provided by such a source.

5.1.3 The relationship is used covertly if, and only if, it is conducted in a manner calculated to ensure that the person is unaware of its purpose.

5.1.4 The Council receives complaints/information routinely from the public and traders regarding the alleged activities of individuals. The actions of these complainants do not generally fall within the definition of a covert source since they are a one off provision of information. However, a person may become a covert source if an ongoing relationship with the Council develops and activities described in paragraph 5.1.2 above are carried out.

5.1.5 Where the nature of the complaint relates to a matter where an officer requests the complainant to obtain further information covertly via a relationship with another individual, this activity is likely to fall within the scope of RIPA. An authorisation will therefore be required before seeking such information. By following the authorisation procedures, the Council will also be in a position to seek to safeguard the identity of the source in any subsequent legal proceedings. Further guidance should be sought from the Director of Governance, Finance and Public Services Group on this issue to ensure that the identities of any such individuals are safeguarded in the event of any legal proceedings, tribunals or disciplinary hearings.

5.1.6 The Code of Practice on Covert Human Intelligence Sources relates not only to sources (which may commonly be referred to as informants) but also the activities of sources, which consist of undercover officers who establish or maintain a covert relationship to obtain information and evidence.

5.1.7 Before a source may be engaged or an undercover officer deployed the use must be authorised. A separate authorisation for the conduct is also required. The use authorisation effectively registers the source with the Council. The conduct will address each separate operation/investigation in which that source may be involved.

5.1.8 In most cases, the use and conduct of a source will be restricted to a single investigation. However, situations may arise where different conducts are required which can be done once the use authorisation is in place. An example would be officers of a Service who undertake investigations which require different undercover stories to be adopted. The use authorisation enables them to undertake such covert activities. The conduct authorisation addresses each different cover story and activity within a different investigation/operation.

5.1.9 The same authorisation form is used for both use and conduct, with the deletion of Use\*/Conduct\* as appropriate. A conduct authorisation should be traceable back to the original use authority. A handler and controller must also be designated as part of the authorisation process and detailed records of the use, conduct and tasking of the source maintained.

5.1.10 An Authorising Officer is a person entitled to give an authorisation for the use or conduct of a source in accordance with Section 29 of the RIPA. Trading Standards Managers have been designated as authorising officers as has the Director of Legal and Democratic Services.

5.1.11 The use of a CHIS should be **necessary** and **proportionate** to the matter being investigated (see para 3.1.9).

5.1.12 Failure to obtain an authorisation may render the Council liable to a claim of infringing the human rights of an individual and may adversely affect the admissibility of any evidence obtained by the use of covert methods employed by a source. It is also established that a public authority owes a duty of care to a CHIS. Failure to undertake a robust risk assessment and authorisation may also adversely affect the position of the Council in the source suffering any harm as a result of the activity in which they have been engaged.

5.1.13 Careful consideration must be given to any potential sensitivities which may exist before deciding whether to use a CHIS in a particular community or against a particular individual.

5.1.14 A separate directed surveillance authorisation is not required where any surveillance device (technical equipment) is used in the presence of the covert source.

5.1.15 A CHIS carrying surveillance equipment can be invited to enter residential premises or a private vehicle. However the CHIS cannot install surveillance equipment in residential premises or a private vehicle since this activity constitutes intrusive surveillance and is not available for use by local authorities.

## 5.2 Further Guidance on the C.H.I.S Process.

5.2.1 When seeking an authorisation for an individual to act as a CHIS, consideration needs to be made of their potential role in the investigation. Are they prepared to be a witness? Do they need to be given protection as a result of providing information? The source may also be in a position to provide information relating to a number of different matters worthy of investigation.

5.2.2 The motives of potential sources need to be considered as part of the evaluation process. Could they be motivated by possible rewards or revenge? The aim could be to deflect attention away from themselves towards other individuals.

5.2.3 Has consideration been given to building up a detailed profile of the potential source and their associates? In all cases, a face-to-face meeting with the complainant or any other person considered as a potential source should take place. Please be aware that the individual may have needs in respect of language, hearing or sight.

5.2.4 Directed surveillance may be needed to evaluate the source. Consideration should be given in certain circumstances to carrying out checks on the source with the Police. A thorough risk assessment must be carried out on the potential source and the proposed conduct.

### **5.3 Management of Sources**

5.3.1 Tasking is the assignment given to the source by the handler/controller asking him/her to obtain information or to take action to obtain information.

5.3.2 All authorisations should be in writing and in place before tasking a source. Every source must have a designated handler and controller.

### **5.4 Designated Handlers and Controllers for the Use of Covert Human Intelligence Sources**

5.4.1 Where the CHIS is a complainant or an informant, the Handler will be the Investigating Officer and the Controller will be their line manager. Where the CHIS is employed by the Council acting in an undercover capacity, the Handler will be the officer's line manager and the Controller will be another manager within the Service. This arrangement will ensure that an officer does not act as a Controller and Authorising Officer thereby ensuring a level of independent scrutiny.

### **5.5 Security and Welfare of Sources**

5.5.1 A source has no licence to commit crime. In certain circumstances it may be advisable to provide written guidance to the source explaining what is being requested of them and the limits of the tasking. The source should be asked to sign such a document to confirm that they understand the terms of reference.

5.5.2 A public authority deploying a source should take into account the safety and welfare of the source when carrying out any actions in relation to the authorisation or tasking. The foreseeable consequences of the tasking should also be considered.

5.5.3 A Risk Assessment should be undertaken to evaluate the source and to determine the risk to the source of any tasking and the likely consequences should the identity and role of the source become known to the subject or others involved with the subject.

5.5.4 The handler should draw to the attention of the controller:

The Risk Assessment

The Conduct of the Source

The Safety and Welfare of the Source

A Handler is responsible for:

Dealing with the source on behalf of the Council

Directing the day to day activities of the source

Recording the information supplied by the source

Monitoring the security and welfare of the source

5.5.5 Where a source is known or suspected of being involved in crime, consideration should be given to their motives in supplying information. It may also be a prudent step in the management of such a source to have two officers present during any meetings with the source. Background checks on the potential source via the Police Local Intelligence Officer should also be considered.

5.5.6 Special provisions exist for the conduct in use of juvenile sources (Under 18). A source under 16 cannot be engaged to use a relationship with any person having parental responsibility for them. A source under 16 must have an appropriate adult present during any meetings and a risk assessment must also take place before granting or renewing an authorisation for the conduct and use of a source under 18. This will take account of physical and psychological risks.

See the Regulation of Investigatory Powers (Juveniles) Order 2000 for detailed guidance.

5.5.7 Special consideration should also be given to the use of vulnerable individuals as a source. This will require the highest level of Authorising Officer (see the code of practice for further guidance).

5.5.8 Authorisations for juvenile sources ie a source under the age of 18, when the authorisation is granted, have effect for one month. **Juvenile and vulnerable source authorisations can only be issued with the authorisation of the Head of Paid Service.**

## 5.6 The Application for Authorisation

Must include:

5.6.1 The ground on which the authorisation is sought:

- Preventing or detecting crime (or other Lancashire County Council Non-Ripa policy circumstances)
- An explanation of the necessity and proportionality of the Use/Conduct.
- Where the matter relates to a specific investigation, details of that investigation or operation.
- Details of the purpose for which the source will be tasked.
- Details of what the source will be tasked to do.
- Details of the level of authority required having regard to any confidential material that might be obtained as a consequence of the authorisation. (This will invoke the requirement to be authorised by the Chief Executive if confidential material is being sought or is likely to be obtained).
- Details of who will be affected and plans to avoid/minimise collateral intrusion. Where this changes, the Authorising Officer must be informed and the authorisation reviewed.
- A detailed Risk Assessment must have been undertaken. A review may also be required if the assessment is not current.



- The Authorising Officer may wish to impose control measures on the authorisation that is granted.

5.6.2 Unless renewed or cancelled, an authorisation remains in force for:

12 months from the date of issue (Juveniles - one month). The authorisation should be given a unique operation reference number and be recorded in management record file. Conduct authorisations should be referenced to the original use authorisation.

A duplicate/copy of the authorisation should be issued to the officer. This will ensure that the officer has a record of the scope of the activity authorised.

5.6.3 Applications which are refused should also be recorded together with the reasons for the refusal and a service number. Copies of these refusals must be sent for inclusion in the central record.

## **5.7 Duration of Authorisations**

5.7.1 Authorisations have effect for a period of twelve months. It is suggested that the authorisation to use the source has effect for up to 12 months (other than juveniles, see above), however the conduct may be restricted to a shorter period or be made subject to reviews set as a control measure by the Authorising Officer.

5.7.2 Records of authorisations to be retained for a minimum period of five years.

5.7.3 Destruction of the authorisation form should be documented in the Authorising Officers Management Record file.

## **5.8 Renewals and Reviews**

5.8.1 An authorisation may be renewed after the Authorising Officer reviews the use made of the source having regard to:

- a) The tasks given to the source
- b) The information obtained from the source.

If satisfied that the original authorisation criteria are met, a renewal may be granted.

5.8.2 Since an authorisation for a CHIS may remain in force for a period of twelve months, regular reviews should be undertaken to ensure the ongoing validity of the activity and the ongoing welfare and security of the source. Any changes to circumstances may require that further risk assessments are undertaken.

5.8.3 The reviews should be undertaken at intervals of no longer than three months and documented. Additional control measures may also be introduced as a result of a review. The Authorising Officer should implement a system to identify appropriate review dates.

## **5.9 Cancellations**

5.9.1 An Authorising Officer must cancel an authorisation where:

The use or conduct of the source no longer meets the original authorisation criteria.

The procedures for managing the source are no longer in place.

Where possible the source should be informed of the cancellation, and this fact noted on the cancellation. The authorising officer should give directions on the handling, storage or destruction of the product of surveillance.

5.9.2 Where an investigation no longer requires the authorisation to be in place eg the evidence has been obtained, it should be cancelled promptly rather than allowed to expire through time, and the reason for cancellation documented.

## **5.10 Source Records**

5.10.1 Records of Use of the source and the product provided by the source should be maintained by the service for a period of five years. Records should not be destroyed without the authority of the Authorising Officer. Destruction of records should be documented in the Central Records file.

5.10.2 The following information must be recorded:

- Authorisation Reference Number
- Authorising Officer
- Identity used by Source (If any)
- Identity of Source
- Reference used in the authority to refer to Source (If any)
- Information relating to security and welfare of Source
- A record that any risks to the security and welfare of the Source have been explained to and understood by the Source
- Records of reviews conducted on the continuing use and welfare of the Source
- The date when the Source was recruited
- The circumstances of the recruitment
- Identity of the Handler and Controller (and details of any changes)
- A record of the tasks and activities given to the Source
- A record of all contacts or communications between the Source and a person representing the Council
- The information obtained through the Source
- How the information is used
- A statement as to whether any payment, benefit or reward is provided by or on behalf of any investigating authority and details of it\*.



- Reasons for cancelling/not renewing the authorisation and the date and the time of such a decision.

\*(Please seek guidance regarding any payment, benefit or reward you may wish consider from an Authorising Officer).

**Notes:**

**Necessity**

For interference with an individual's private, family or business life to be necessary, the action must be for the purposes of preventing and detecting crime or of preventing disorder, be necessary to secure best evidence and that less covert or intrusive action would not serve the appropriate purpose.

**Proportionality**

The test for proportionality goes far beyond selecting the least intrusive method of investigation. The activity to be observed must not be trivial and must warrant the surveillance to be instigated.

The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair. Proportionality should contain a consideration of three elements:

- a) that the proposed covert surveillance is proportional to the mischief under investigation;
- b) that it is proportionate to the degree of anticipated intrusion on the target and others and
- c) it is the only option, other overt means having been considered and discounted

**6 Risk Assessments for All RIPA/Surveillance Activities**

6.1 Whenever undertaking covert directed surveillance or engaging in the conduct and use of a CHIS, the proposed activity must be the subject of a risk assessment and evaluation of the proposed Source.

6.2 Directed Surveillance activities clearly have the potential to expose staff to hazards should their activities become known to the subject or even to others during the operation. The use of a CHIS has the potential to expose handlers, undercover officers, agents/informants and the public to health and safety risks. A duty of care may also lie with officers and the Council in managing sources.

6.3 Authorising Officers, Controllers, Handlers Undercover Officers and Investigating Officers must all have regard to the Council's Corporate Policy on Health and Safety. This addresses issues such as lone working and violence to staff.

6.4 It is a matter for each Service to determine the training required to ensure that staff are competent to undertake risk assessments of proposed operations/use of covert sources. All incidents/dangerous occurrences during the course of operations should be reported in accordance with the relevant Health and Safety Procedures.

6.5 Consideration should also be given to staff training requirements to engage in covert activities, surveillance and acting in an undercover capacity.

6.6 This section of this guidance document is intended to provide an overview which must be borne in mind when undertaking activities within the scope of RIPA.

6.7. Further Guidance on Health and Safety issues is available from Corporate HR/ Health and Safety sources.

6.8 Risk assessments for directed surveillance operations should be undertaken by the officer in charge of the proposed activity and submitted with the authorisation application.

6.9 Risk assessments for the use of a CHIS should be undertaken by the Handler and considered by the Controller as part of a risk management process. The assessment should then be forwarded to the Authorising Officer with the application. The assessment should consider the Ethical, Personal and Operational Risks of the proposed activity. The evaluation of a potential source is an important part of the application process.

6.10 Risk assessment is not a one off activity but an ongoing process throughout the operation and use of the source, since circumstances may change and a review may be required.

6.11 The nature of the risks surrounding the deployment and management of individual sources, handlers and operational activities will vary according to a wide range of factors on a case by case basis. Risk assessment allows the handler and controller to advise the Authorising Officer of the plan for managing the risks.

6.12 Authorising Officers will **not** authorise a Directed Surveillance operation or the use of a source without the evidence that the risks have been considered and a plan for their management exists.

## 7 Communications Data

### 7.1 Accessing Communications Data

7.1.1 The relevant provisions of Part I Chapter II of RIPA 2000 came into force on 5 January 2004. This established a formal legal framework, by which public authorities can obtain communications data by a lawful method, consistent with article 8 of the Human Rights Act 1998.

7.1.2 This section of the guidance document details the systems in place to ensure compliance with RIPA when an investigating officer seeks to obtain communications data within the scope of their enquiries.

7.1.3 In a similar manner to the existing provisions of RIPA relating to directed surveillance and the use of a CHIS, a process of submitting an application and securing an authorisation is established by the legislation and code of practice.

For this part of the Act the lead Service for the Authority is the Trading Standards Service. The Senior Responsible Officer for this Part of the Act is the Head of Service for Trading Standards.

7.1.4 Under Section 22(2) of RIPA, communications data which local authorities are entitled to access can only be sought for the purpose of:

#### **The prevention and detection of crime or preventing disorder Section 22(2)(b)**

The application is also put to the two tests under RIPA of necessity and proportionality.

7.1.5 This activity cannot be undertaken by an officer as communications service providers will only accept requests for information from accredited officers registered with the Home Office and termed **Single Points of Contact (SPOC)**.

7.1.6 The National Anti Fraud Network acts as the SPOC on behalf of Lancashire County Council. Applications are made by officers via a secure network, and forwarded to the

designated persons in the Trading Standards Service for authorisation by means of this network.

7.1.7 Records of all applications, authorisations, notices, cancellations and refusals are maintained by NAFN. These are subject to periodic inspection by the body appointed to have an overview of this Part of the Act, the Interception Commissioner. As with other parts of RIPA there is a Central Record. For this part of the Act it is maintained by NAFN on behalf of Lancashire County Council.

## **7.2 What is Communications Data**

7.2.1 Communications data is information held by communication service providers such as telecom, Internet and postal companies relating to the communications made by their customers.

7.2.2 Communications data includes the detail of the user, the use and the content (Traffic) of the communication. (Note: Local Authorities do not have the right to access traffic information).

## **7.3 Who are Communication Service Providers**

7.3.1 Communications data is obtained from Communications Service Providers (CSPs) These include:

### **Telecommunications Providers**

- Mobile Phone service providers eg Orange, Vodafone, T Mobile, O2
- Landline telephone service providers eg BT, NTL, Cable and Wireless
- International Simple Voice Resellers eg One-Tel

### **Internet Service Providers (ISPs)**

Examples: AOL, BT, NTL

Virtual ISP's: Freeserve

Portals: Hotmail, Yahoo, Lycos

### **Postal Providers**

Royal Mail, Parcelforce, DHL

Small parcel courier services

Accommodation agencies, which forward mail to clients

## **7.4 What Information can be obtained from Communications Service Providers**

### **7.4.1 Information about communications service users**

#### **Section 21(4)(c)**

This category mainly includes personal records supplied to the CSP by the customer/subscriber. For example, their name and address, payment method, contact number etc.

- Name of account holder/subscriber
- Installation and billing address
- Method of payment/billing arrangements
- Collection/delivery arrangements for PO Box (but not where from or to)

- Other customer information such as any account notes, demographic information or sign up data (not passwords or personalised access information)

#### **7.4.2 Information about the use of the Communications Service Section 21(4)(b)**

This category mainly includes everyday data collected relating to the customer's use of their communications system. For example, details of the dates and times they have made calls and which telephone numbers they have called.

- Outgoing calls on landline or contract or prepay mobile
- Timing and duration of service usage
- Itemised connection records
- Internet log on history
- Emails log (sent)
- Information on connection, disconnection and reconnection of services
- Information on the provision of conference calling, call messaging, call waiting and call barring
- Information about the provision and use of forwarding/redirection services (postal and telecom)
- Records of postal items, such as records of registered, recorded or special delivery postal items, records of parcel consignments, delivery and collection

#### **7.4.3 Information about Communications (Traffic Data) Section 21(4)(a)**

**Local authorities are not permitted to obtain 'traffic' data (ie the actual content of the communication or more detailed information or tracking)**

This category mainly includes data generated by the CSP (network data) relating to a customer's use of their communication system (that the customer may not be aware of) for example, cell site data and routing information.

- Information identifying the sender and recipient (including copy recipients) of a communication
- Information identifying any location of a communication (such as mobile phone cell site locations data)
- Routing information identifying or selecting any apparatus through which a communication is transmitted – for example dynamic IP address allocation, web postings and e-mail headers
- Call detail records for specific calls (such as calling line identity – incoming calls)
- Web browsing information (only the web site name is disclosed and not the pages visited on the web site)
- Information written on the outside of a postal item (such as a letter or parcel)
- Online tracking of communications (including postal)
- Signalling information and dialling sequences that affects the routing of a communication (but not the delivery of information) in the investigation of "dial thru" fraud

**Please note that these lists are not exhaustive and the CSPs cannot all provide the same information.**

#### **7.5 How can this Information be Obtained**

7.5.1 Under Section 22(2) of RIPA, communications data which local authorities are entitled to access can only be sought if it for the purpose of:

The prevention and detection of crime or preventing disorder Section 22(2)(b)

7.5.2 The application is also put to the two tests under RIPA of necessity and proportionality.

7.5.3 RIPA establishes two methods by which communications data may be obtained:

Notices

Authorisations

7.5.4 A Notice under Section 22(4) of RIPA requires the CSP to collect or disclose the data on behalf of the public authority.

7.5.5 An authorisation under permits the public authority to collect the information. This may be where the CSP is not capable of collecting the data or a prior agreement is in place to allow the authority to access the data.

7.5.6 A CSP only has to provide the data in a reasonable time and if practical to do so. Different CSPs will have different types of data and differing retention periods.

7.5.7 When it becomes clear that a witness statement is required to formally produce the data which has been provided by the CSP, it should be requested without undue delay.

7.5.8 CSPs are entitled to recover reasonable costs incurred in providing the data and supplying witness statements. These vary from one CSP to another.

7.5.9 Where the notice or authorisation is approved by the Designated Person (Authorising Officer), it remains in force for a period of one month.

7.5.10 Notices and authorisations which are no longer required are no longer necessary or proportionate and must be cancelled.

## **7.6 Contact with the Communications Industry**

7.6.1 Notices and, where appropriate, authorisations for communications data can only be channelled through single points of contact officers (SPOCs) within each public authority.

7.6.2 Similarly, requests for a witness statement following receipt of data from a CSP should also be via a SPOC.

7.6.3 SPOCs have been trained via a course accredited by the Home Office and the details of nominated SPOCs within each public authority are held by each CSP.

A CSP will therefore not deal with any request received from another un-accredited source of enquiry.

## **7.7 The Role of the SPOC**

7.7.1 SPOCs will enable a more efficient regime to be developed as they will deal with CSPs and become aware of the data which they hold.

7.7.2 The SPOC plays an important role in the self-regulation and internal quality control of a public authority in ensuring that the requirements of RIPA are adhered to in requesting and obtaining communications data.

7.7.3 SPOCs reduce the demands upon CSPs from a great number of sources within a public authority.

7.7.4 A SPOC will be able to advise the applicant officer of the nature and practicalities of obtaining the data which is being requested.

7.7.5 The SPOC will advise the applicant on the content of the application request prior to submission to the Authorising Officer and where necessary refuse the application at that point for stated reasons.

7.7.6 The SPOC provides a safeguard for CSPs in ensuring that applications and notices are genuine.

7.7.7 SPOCs will retain a list of contact points with relevant CSPs.

7.7.8 NAFN provide a SPOC service on behalf of Lancashire County Council, and access details are maintained within the Trading Standards Service.

## **7.8 The Role of the Authorising Officers**

7.8.1 This officer considers the necessity and proportionality of any application for communications data (see earlier sections of this Guidance Document which provide further information on these tests).

7.8.2 Consideration should also be given to the issue of collateral intrusion where other persons may be affected by the granting of the notice or authorisation.

7.8.3 The Authorising Officer is required to be an officer at least at the following level within the authority:

- Director
- Head of Service
- Service Manager or equivalent

An Authorising Officer should have the necessary training and experience to be competent to authorise activity. A record of Authorising Officers will be kept within the Trading Standards Service.

7.8.4 Operational Independence: 3.12 of the Home Office Code on the Acquisition and Disclosure of Communications Data requires that Designated persons must be independent from operations and investigations when granting authorisations or giving notices related to those operations. In circumstances where a public authority is not able to call upon the services of a designated person who is independent from the investigation or operation eg small specialist criminal investigation departments within public authorities which are not law enforcement or intelligence agencies, the Senior Responsible Officer must inform the Interception of Communications Commissioner of the circumstances and reasons (noting the relevant designated persons who, in these circumstances, will not be independent). Since all authorisers for Communications Data applications sit within the Trading Standards Service, an exception to this requirement has been duly notified.

## **7.9 The Application Process**

7.9.1 The investigating officer should log in to NAFN and complete the relevant online form.

7.9.2 The application should then be submitted to the SPOC via NAFN who will give consideration to the following:

- Whether the data being requested is capable of being provided by the CSP
- The reasons for the data being required in terms of the investigation being conducted and the offence being investigated
- The grounds for necessity and proportionality being addressed
- Should the application be deemed satisfactory, a Notice or authorisation form will be completed, this together with the application form will be submitted to the Authorising Officer for authorisation or refusal.

Should the SPOC, however, consider there are grounds refusing the application, the form will be returned to the officer via the network.

When a Notice or authorisation is approved by the Authorising Officer, the SPOC will only send it to the relevant CSP following JP approval – see 8 below.

A Notice is only valid for a period of one month.

When, during the life of a Notice or authorisation, it is no longer necessary or proportionate or is no longer required by the investigation it must be cancelled.

## **7.10 Records and Errors**

7.10.1 NAFN will retain records of all applications, refusals and authorisations passed to the designated person. Copies of all Notices/authorisations and refusals from the Authorising Officer will be retained.

7.10.2 This will allow a full audit trail for an application for obtaining communications data.

7.10.3 Documentation will be maintained by NAFN for inspection by the Interception Commissioner and complaints falling within the remit of the Complaints Tribunal.

7.10.4 Where any errors have occurred in granting authorisations or notices (eg subscriber details of an incorrect telephone number being obtained), a record must be kept and the matter explained by means of a report to the Commissioner as soon as practicable. NAFN or the authorising officers will notify the Trading Standards Head of Service of any errors as soon as possible so a report can be sent to the Interception Commissioner.

## **8 Seeking JP approval for authorisations**

8.1 In all cases involving authorisation of Directed Surveillance, use of CHIS, and access to Communications Data, officers must seek prior approval from a JP before undertaking the activity.

8.2 If the JP is satisfied that the statutory tests have been met and that the use of the technique is necessary and proportionate he/she will issue an order approving the grant or renewal for the use of the technique as described in the application.



8.3 The officer will make an appointment at the relevant magistrates' court and will provide the JP with a copy of the original RIPA authorisation or notice and the supporting documents setting out the case. This forms the basis of the application to the JP and **should contain all information that is relied upon**. For communications data requests the RIPA authorisation or notice may seek to acquire consequential acquisition of specific subscriber information. The necessity and proportionality of acquiring consequential acquisition will be assessed by the JP as part of his consideration.

8.4 The original RIPA authorisation or notice should be shown to the JP but will be retained by the local authority so that it is available for inspection by the Commissioners' offices and in the event of any legal challenge or investigations by the Investigatory Powers Tribunal (IPT). The court may wish to take a copy.

8.5 In addition, the local authority will provide the JP with a partially completed judicial application/order form.

8.6 The order section of this form will be completed by the JP and will be the official record of the JP's decision. The local authority will need to obtain judicial approval for all initial RIPA authorisations/applications **and renewals** and the local authority will need to retain a copy of the judicial application/order form after it has been signed by the JP. There is no requirement for the JP to consider either cancellations or internal reviews.

8.7 Further more detailed guidance and documentation should be accessed via the Home Office Guidance available on the [www.gov.uk](http://www.gov.uk) website.

8.8 Where JP approval is granted, this should be forwarded to the Director of Governance, Finance and Public Services for the Central record, and directed surveillance and CHIS activity can commence. For Communications Data, the approval needs to be returned to NAFN for the SPOC to contact the relevant CSP.

## 9 Lancashire County Council Auditing of Authorisations and Records

9.1 The Trading Standards Service must annually undertake a review of their activity within the scope of RIPA and complete the annual RIPA return form which must be returned to the Director of Governance, Finance and Public Services.

9.2. The Senior Responsible Officer reviews RIPA activity on a quarterly basis, and reports activity under RIPA to the Cabinet on an annual basis.

9.3 Part of the Audit will focus on a review of Projected Service activity and that all relevant staff have had sufficient training.

9.4 The following will also fall within the scope of the audit:

- Applications
- Authorisations
- Risk assessments
- Reviews and Renewals
- Cancellations
- Records of Product of Directed Surveillance
- Source Records
- Staff Awareness

9.5 The audit will seek to establish compliance of the authorisations/renewals/cancellations and records with the following:



RIPA

Statutory Instruments made under RIPA

The Code of Practice on Covert Surveillance

The Code of Practice on Covert Human Intelligence Sources

The Code of Practice on Accessing Communications Data

<https://www.gov.uk/government/collections/ripa-codes>

Lancashire County Council RIPA corporate policy and work instructions

Guidance material issued by the OSC and IOCCO.

9.6 Non-conformities identified as a result of the audit will be reported to the relevant Service Management Team. Action taken by local management should be reported back to the Audit team.

9.7 The cross Council audit report will be held within the Central Record.

9.8 The processing of prosecution reports by a service should have regard to compliance with RIPA where investigations include covert surveillance and/or the use of a CHIS and/or obtaining communications data.

## **10 Inspections by the Office of the Surveillance Commissioner (OSC) and the Interception of Communications Commissioner (IOCCO)**

10.1 The Codes of Practice include a section dealing with inspection by the Commissioners. They impose a requirement to comply with requests and to disclose or provide information requested by the Commissioner to allow him to carry out his functions.

10.2 During inspection visits, the codes require certain authorisations to be drawn to the Inspector's attention. These being where the Authorising Officer has authorised an activity he is directly involved in and those where confidential material is sought or obtained.

10.3 A further inspection regime has been established by RIPA in relation to accessing communications data. This is undertaken by the Interception of Communications Commissioner. These inspections take place through NAFN, with queries raised individually with local authorities where necessary. Similar recourse to the Tribunal exists for complaints against the activities of the authority.

## **11 Complaints**

11.1 An independent complaints procedure is provided by the legislation. Complaints can be made to:

The Investigatory Powers Tribunal

PO Box 33220

London

SW1H 9ZQ

Tel: 0207 035 3711

<http://www.ipt-uk.com/>

## **12 Management Records**

12.1 The management files, authorisations/renewals/cancellations and Source Records **must be kept in a secure place with restricted access**. These files will provide the basis of the audits and be liable for inspection by the Office of the Surveillance Commissioners. **Originals of the authorisations (including refusals), reviews, renewals and cancellations, must also be provided to the Central Record. This is managed by the Director of Governance,**

**Finance and Public Services.** Officers forwarding confidential material to the Central Record must ensure that it is forwarded by a secure method.

## 12.2 Security of the Central Record

The Central Record is to be held in a suitable locked cabinet, or secure electronic folder.

**Version Control**

Named Owner:	Ian Young: Director of Governance, Finance and Public Services
Version Number:	6.00
Date Of Creation:	May 2017
Last Review:	
Next Scheduled Review:	November 2017
Overview of Amendments to this Version:	Following OSC Inspection in February 2017 Takes account of possibility of use of RIPA for other investigations outside Trading Standards, and amends an error in the surveillance of telephone conversations.





**Appendix 'C'**

**Shadow RIPA Surveillance Policy**

### General Statement of Policy

- **This policy document relates to use by Lancashire County Council officers of directed surveillance, and covert human intelligence sources not undertaken in relation to the prevention and detection of crime or which fall outside the RIPA regime due to offence penalties not meeting the thresholds laid down for the RIPA regime to apply.**
- **The County Council is committed to upholding human rights**
- **As a public body and responsible employer, the County Council wants to conform to the spirit of the requirements of the Regulation of Investigatory Powers Act 2000 and associated regulations and codes of practice relating to the use of covert surveillance, the use of covert human intelligence sources,**
- **County Council officers will only undertake surveillance work outwith the RIPA regime when it is both necessary and proportionate to the ends it seeks to achieve.**

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- 3. Responsibilities**
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- 8. Monitoring and Retaining Applications**
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## Introduction

The Regulation of Investigatory Powers Act 2000 (RIPA) does not grant powers to carry out surveillance. It simply provides a framework that allows the Council to authorise and supervise surveillance in a manner that ensures compliance with the Human Rights Act 1998. Equally, RIPA does not prevent surveillance from being carried out or require that surveillance may only be carried out under RIPA. Where a public authority carries out surveillance in accordance with RIPA this provides protection against a claim of infringement of an individual's human right to a private and family life, his home and his correspondence.

RIPA can however only be used by a local authority for the purposes of preventing and detecting crime.

There will be times when it will be necessary and proportionate to carry out covert Directed Surveillance or use a CHIS other than by using RIPA either because the investigation is not carried out for the purposes of preventing or detecting crime, or because, in the case of directed surveillance, the penalty for the offences under investigation is below the threshold which would enable use of a RIPA authorisation. This could include surveillance for the purposes of monitoring employees who may be under investigation. It could also include matters where the authority is involved in litigation and may wish to carry out surveillance to verify whether or not information provided is true or false – for example in child protection matters where there are questions raised as to residency of individuals who may pose a threat to a child .

Indeed, there may be circumstances in which the use of Directed Surveillance or employment of a CHIS is the only effective means of efficiently obtaining significant information to take an investigation forward.

Provided the established principles of necessity, proportionality and collateral intrusion are considered, the Authority will be in a strong position to meet any challenge in respect of infringement of human rights.

Each application for covert surveillance authorisation will be assessed on a case by case basis to determine whether the application meets the criteria for the formal RIPA authorisation procedure to be followed. In all other cases the shadow RIPA regime will apply.



## 1. Purpose of This Policy

To establish guidance within Lancashire County Council services for seeking approval for the conduct by officers of directed surveillance, and the use of covert human intelligence sources (CHIS) **which is not undertaken for the prevention or detection of crime or where the penalty for the offence under investigation falls below the threshold for Directed Surveillance to be approved under the RIPA regime.**

**If the surveillance is undertaken for purposes related to the prevention and detection of crime, reference must be made to the Corporate Policy and Guidance on the Regulation of Investigatory Powers Act 2000.**

This policy is Intended to cover surveillance carried out in such situations as investigations into serious allegations regarding the conduct of employees, observations on private residences to determine the veracity of information provided to the County Council in connection with the exercise of its functions, use of sources to provide information in person or on the internet or to provide officers with information in circumstances which would be covered by relevant codes of practice if the activity was undertaken for the prevention and detection of crime.

## 2. Scope

2.1 Surveillance which is covert but not intrusive and undertaken for the purposes of a specific investigation or operation, in such a manner as is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation) and otherwise than by way of an immediate response to events or circumstances, the nature of which is such that it would not be reasonable practicable for an authorisation under the Act to be sought for the carrying out of the surveillance. Private information in relation to a person includes any information relating to his private or family life. **Note that this can include information about family, professional and business relationships.**

2.2 The use of Covert Human Intelligence Sources (CHIS). A CHIS is a person who establishes or maintains a personal or other relationship with another person for the covert purpose of:

- (a) Using such a relationship to obtain information or to provide access to information to another person, or
- (b) Disclosing information obtained by the use of such a relationship or as a consequence of such a relationship.

In addition, a person who covertly provides information to a public authority is potentially A CHIS if he has obtained that information in the course of or as a consequence of the existence of a personal or other relationship, whether or not the relationship has been established or maintained for that purpose. A repeat informant, if and when it becomes apparent that he obtains his information in that way, is a CHIS to whom a duty of care is owed, if the information is acted upon. Legal advice should be taken before acting on the information provided by informants.

### **3. Responsibilities**

Director of Governance, Finance and Public Services  
Director of Legal and Democratic Services – Authorising Officer  
Heads of Service  
Service Managers

### **4. References**

Human Rights Act 1998  
Regulation of Investigatory Powers Act 2000  
Protection of Freedoms Act 2012  
Codes of Practice on Covert Surveillance and CHIS  
Corporate Guidance

### **5. Procedure – Directed Surveillance in relation to Lancashire County Council employees**

If during the course of any investigation or enquiry into an Lancashire County Council employee, the investigating officer believes it necessary to carry out directed surveillance on any person involved in the investigation he shall consider the possibility of obtaining any private information about that person and if there is such a possibility, authorisation on the relevant form should be sought by completing and forwarding the form E1 -2016 to the Director of Legal and Democratic Services.

Those carrying out the covert surveillance should inform the authorising officer if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. This is known as collateral intrusion and steps should be taken to minimise the risks of the surveillance affecting other individuals who are not targets of the investigation, including considering the appropriateness of recording and retention of evidence regarding those individuals.

Before giving the authorisation the authorising officer will at first satisfy him/herself that the authorisation is necessary on particular grounds and that the surveillance is proportionate to what it seeks to achieve. This could include for example serious disciplinary investigations.

Assessing proportionality includes the following:

- balancing the size and scope of the proposed activity against the gravity and extent of the perceived conduct;
- explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others
- Considering whether the surveillance activity is an appropriate response 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

If other overt methods of obtaining the information can be tried, then these methods should be attempted – covert surveillance should be the last resort.

Where there is a possibility that confidential material may come into the possession of the Service special safeguards should be observed. **In such circumstances the matter should be referred to the Chief Executive immediately and legal advice sought. (If the Chief Executive is not available, the matter should be referred to a Chief Officer, it is not appropriate for the matter to be delegated).** Confidential material is more closely defined in the Home Office code of practice but relates to matters subject to legal privilege; confidential personal information; or confidential journalistic material. Such material should not be retained or copied unless necessary for a specific purpose, should not be disseminated except for a specific purpose and if retained or disseminated this should be done with a clear warning of its confidential nature. Reasonable steps should be taken to ensure that there is no possibility of its content being known to any person whose possession of it might prejudice any criminal or civil proceedings related to the information. **Confidential material should be destroyed as soon as it is no longer necessary to retain it for a specified purpose.**

## **6. Procedure – Directed Surveillance on Lancashire County Council Residents**

The Council receives complaints and information on occasions in relation to LCC residents who are alleged to be involved in activities which may infringe child protection guidelines or other County Council guidelines. Covert surveillance can only be authorised in relation to Lancashire County Council residents by the Director of Legal and Democratic Services. The applicant should outline in the application why the activity is considered to be necessary and proportionate, as in paragraph 5 above.

## **7. Procedure – Covert Human Intelligence Sources**

The Council receives complaints/information routinely from the public regarding the alleged activities of individuals. The actions of these complainants do not generally fall within the definition of a covert source since they are a one off provision of information. However, a person may become a covert source if an ongoing relationship with the Council develops and activities described in above are carried out. The use of CHIS could also cover circumstances where an employee of LCC establishes a relationship in order to gain information about a particular situation.

Where the nature of the complaint relates to a matter where an officer requests the complainant to obtain further information covertly via a relationship with another individual, this activity is likely to fall within CHIS. A shadow authorisation will therefore be required before seeking such information. By following the authorisation procedures, the Council will also be in a position to seek to safeguard the identity of the source in any subsequent legal proceedings. **Further guidance should be sought from the Director of Governance, Finance and Public Services or the Director of Legal and Democratic Services on this issue to ensure that the identities of any such individuals are safeguarded in the event of any legal proceedings, tribunals or disciplinary hearings.**

NB Juvenile surveillance CHIS – normally no one under 18 years or any vulnerable individual should be considered as a CHIS.

## 8. Monitoring and Retaining Applications

The Local Authority must maintain a central record of all Authorisations. This is the responsibility of Information Governance. These records will be confidential and should be retained for a period of at least five years from the ending of the authorisation. Where it is believed that the records could be relevant to pending or future criminal proceedings, they should be retained for a suitable further period, commensurate to any subsequent review.

Authorisations last for a period of three months and may be renewed more than once, if necessary, by completion of the relevant document. The renewal should be kept/recorded as part of the "authorisation record".

Regular reviews of authorisations should be undertaken to assess the need for the surveillance to continue. The results of a review should be recorded on the relevant form (**E2 - 2016**). Generally, unless circumstances dictate otherwise, reviews will be carried out at monthly to six weekly intervals.

Once surveillance activities have ceased, the officer who made the application must submit an application for cancellation to the Authorising officer. The cancellation application should be submitted immediately the activities are no longer required. The authorising officer who granted an authorisation must cancel it if satisfied that the action authorised by it is no longer necessary.

In summary, the practical procedure for obtaining an Authorisation is as follows;

- i) A completed application should be submitted to the Director of Legal and Democratic Services using form **E1-2016**. The authorising officer will consider the necessity and proportionality of the application and the likelihood of any collateral intrusion.
- ii) A review should take place at monthly to six weekly intervals. (**Form E2 – 2016**)
- iii) At the end of the surveillance operation, the investigating officer will submit a cancellation form (**E3-2016**) to the authorising officer. A copy of the cancellation form will be given to the investigating officer. All forms will be provided to the Trading Standards Manager (Fair Trading/Legal) for retention in the central record.
- iv) The investigating officer may seek a renewal of the authorisation if necessary (**Form E4 – 2016**).
- v) Copy documents will be retained on the investigation file.

## 9. Handling Product from Surveillance Activities

Product from Covert Surveillance activities may consist of:

- Photographs

- Video film
- Voice recordings
- Surveillance log
- Officer's notes

The above may be required as evidence in current or future proceedings. Officers must have regard to the provisions of the Data Protection Act 1998 in relation to this material. Product obtained via an authorisation may be used by the authority in other investigations.

Officers should record the results of any surveillance. When product is disposed of, a note should be made on the file.

The use of any product obtained by authorised surveillance activities outside of the Public Authority or the Courts should only be authorised in the most exceptional circumstances. This requirement seeks to prevent product from being used for grounds other than that for which it was obtained. **Joint operations should make reference to the potential use of evidence by each agency.**

Officers may receive requests from other agencies for product, which may include photographs of suspects, descriptions, and vehicle details. Where this information has been obtained under an authorisation, further guidance should be sought from the Authorising Officer, since disclosure may not be permitted under the provisions of the Code of Practice.

**Version Control**

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Overview of Amendments to this Version:	

# Item 7

## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Head of Legal and Democratic Services

Electoral Division affected:  
(All Divisions);

## Appointments to Outside Bodies 2017/18

(Appendix 'A' refers)

Contact for further information:

Chris Mather, Tel: 01772 533559, Democratic Services Manager,  
chris.mather@lancashire.gov.uk

### Executive Summary

The Cabinet approves the appointment of County Council representatives to various outside bodies on an annual basis.

Attached at Appendix 'A' is a comprehensive schedule of the various outside bodies to which the County Council appoints representatives, with representatives identified, following consultation with the Deputy Leader of the County Council.

### Recommendation

Cabinet is asked to consider and approve the representation and appointments listed in Appendix 'A' for outside bodies for 2017/18 and request the Political Group Secretaries to co-ordinate the nomination of members to fill any vacancies and any in-year changes; and in consultation with Democratic Services and the Deputy Leader of the County Council, notify the Director of Governance, Finance and Public Services.

### Background and Advice

Appointments to outside bodies play an important part in fulfilling the County Council's statutory responsibilities, meeting its corporate and strategic objectives and in building positive relationships with the communities it serves. The list of outside bodies that County Council representatives are appointed to is monitored and reviewed by Democratic Services. The list is presented to Cabinet for approval on an annual basis.

It is recommended that Cabinet considers and approves the appointments listed in Appendix 'A' for 2017/18. It is also recommended that the Political Group Secretaries be authorised to co-ordinate the nomination of members to fill any vacancies and

any in-year changes; and in consultation with Democratic Services and the Deputy Leader of the County Council, notify the Director of Governance, Finance and Public Services.

### **Consultations**

The suggested representation and appointments have been prepared in consultation with the Deputy Leader of the County Council.

### **Implications:**

This item has the following implications, as indicated:

### **Risk management**

No significant risks have been identified.

### **List of Background Papers**

Paper	Date	Contact/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A



Outside Body	Representative	Political Party
<b>Adoption &amp; Permanence Panels (North, Central &amp; East)</b>	CC J Marsh	Conservative
<b>Ageing Well Forum (West Lancs Ageing Well Partnership Board)</b>	CC J Burrows	Conservative
	CC J Rear	Conservative
<b>Alt Crossens Advisory Group</b>	CC M Barron	Conservative
	CC E Pope	Conservative
<b>Arnside/Silverdale AONB Executive Committee</b>	CC P Williamson	Conservative
<b>Arthur Edmonson Quinn Bequest</b>	CC C Towneley	Conservative
	Vacancy	Labour
	Vacancy	Liberal Democrats
<b>Blackpool Airport Consultative Committee</b>	CC K Iddon	Conservative
<b>Blackpool Teaching Hospitals NHS Foundation Trust</b>	CC V Taylor	Conservative
<b>Burnley Action Partnership - Executive</b>	CC C Towneley	Conservative
<b>Burton and Rigby Educational Foundation</b>	CC S Charles	Conservative
<b>Central Lancashire Development Framework Joint Advisory Committee</b>	CC M Green	Conservative
	CC J Marsh	Conservative
	CC B Yates	Conservative
<b>Central Lancashire Health and Wellbeing Partnership</b>	CC J Rear	Conservative
<b>Children's Partnership Board - Burnley, Pendle</b>	CC C Wakeford	Conservative
	CC J Purcell	Conservative
<b>Children's Partnership Board - Chorley, South Ribble, West Lancashire</b>	CC M Perks	Conservative
	CC J Rear	Conservative
<b>Children's Partnership Board - Fylde, Wyre and Lancaster</b>	CC A Kay	Conservative
	CC E Nash	Conservative
<b>Children's Partnership Board - Preston</b>	CC G Wilkins	Conservative
<b>Children's Partnership Board - Rossendale, Hyndburn &amp; Ribble Valley</b>	CC A Cheetham	Conservative
<b>Council for Voluntary Services (CVS) - Blackpool, Wyre &amp; Fylde</b>	CC S Clarke	Conservative
<b>Council for Voluntary Services (CVS) - Burnley, Pendle &amp; Rossendale</b>	CC J Cooney	Conservative
<b>Council for Voluntary Services (CVS) - Hyndburn and Ribble Valley</b>	CC I Brown	Conservative
<b>CVS - Lancaster (Lancaster District Community &amp; Voluntary Solutions)</b>	CC C Edwards	Conservative
<b>Council for Voluntary Services (CVS) - West Lancashire</b>	CC J Burrows	Conservative
<b>District Community Safety Partnership - Chorley and South Ribble</b>	CC G Gooch	Conservative
	CC A Snowden	Conservative
<b>District Community Safety Partnership - Fylde</b>	CC P Rigby	Conservative
<b>District Community Safety Partnership - Hyndburn</b>	CC P Britcliffe	Conservative
<b>District Community Safety Partnership - Lancaster</b>	CC P Williamson	Conservative
<b>District Community Safety Partnership - Pendle</b>	CC C Wakeford	Conservative
<b>District Community Safety Partnership - Preston</b>	CC G Driver	Conservative
<b>District Community Safety Partnership - Ribble Valley</b>	CC D Smith	Conservative
<b>District Community Safety Partnership - West Lancashire</b>	CC D O'Toole	Conservative
<b>District Community Safety Partnership - Wyre</b>	CC S Clarke	Conservative

Outside Body	Representative	Political Party
<b>East Lancashire Health and Wellbeing Partnership</b>	CC J Purcell	Conservative
<b>East Lancashire into Employment</b>	CC J Cooney	Conservative
	CC P Steen	Conservative
<b>Educational Foundation of John Farrington</b>	Rev Michael Dolan	
	Mrs Jean Portley	
<b>Farington Community Fund Panel</b>	CC M Green	Conservative
<b>Forest of Bowland Area of Outstanding Natural Beauty Joint Advisory Committee</b>	CC A Atkinson	Conservative
	CC S Turner	Conservative
	CC S Charles	Conservative
<b>Fostering Panels (North, Central and East)</b>	CC A Cheetham	Conservative
	CC E Nash	Conservative
<b>Friends of Lancashire Archives</b>	CC D Smith	Conservative
<b>Fylde and Wyre Lancashire Health and Wellbeing Partnership</b>	CC E Nash	Conservative
<b>Herbert Norcross Scholarship Fund</b>	CC A Cheetham	Conservative
	Vacancy	Labour
<b>Heritage Trust for the North West</b>	CC T Ashton	Conservative
	CC J Purcell	Conservative
<b>Heysham Power Stations Local Community Liaison Council</b>	CC C Edwards	Conservative
	CC A Gardiner	Conservative
<b>Hornbies Newton Charity</b>	1	(officer rep)
<b>James Bond/Henry Welch Trust</b>	CC C Edwards	Conservative
<b>Joint Advisory Committee for Strategic Planning</b>	CC G Driver	Conservative
	CC M Green	Conservative
	CC A Vincent	Conservative
	CC B Yates	Conservative
	CC J Shedwick	Conservative
	Vacancy	Labour
	Vacancy	Labour
	Vacancy	Labour
<b>King Edward VII Lancashire Cotton Growing Endowment</b>	CC G Driver	Conservative
	CC A Atkinson	Conservative
	CC M Green	Conservative
<b>Lancashire Adult Learning Quality and Curriculum Committee</b>	CC G Gooch	Conservative
<b>Lancashire Local Access Forum</b>	CC I Brown	Conservative
	CC C Towneley	Conservative
<b>Lancashire Playing Fields Association</b>	CC M Perks	Conservative
<b>Lancashire SACRE - Quality and Standards Sub-group</b>	CC A Cheetham	Conservative
	CC P Buckley	Conservative
	Vacancy	Labour
	Vacancy	Labour
<b>Lancashire Schools Forum</b>	CC A Cheetham	Conservative
	CC D Foxcroft	Conservative
	Vacancy	Conservative
	CC S Charles (observer)	
<b>Lancashire Standing Advisory Council on Religious Education (SACRE)</b>	CC A Cheetham	Conservative
	CC P Buckley	Conservative
	Vacancy	Labour
	Vacancy	Labour

<b>Outside Body</b>	<b>Representative</b>	<b>Political Party</b>
	Francis Williams	
<b>Lancashire Teaching Hospitals NHS Foundation Trust Council of Governors</b>	CC E Pope	Conservative
<b>Lancashire Waste Partnership</b>	CC A Atkinson	Conservative
	CC J Eaton	Conservative
	CC C Edwards	Conservative
<b>Lancaster District Communities Together</b>	CC V Taylor	Conservative
	Councillor E Blamire	
<b>Lancaster Ripley CE Educational Trust</b>	F Kershaw	
<b>Lancaster University Court</b>	CC S Charles (ex-officio)	Conservative
	CC T Jones	Conservative
	CC A Snowden	Conservative
	CC C Wakeford	Conservative
	CC P Williamson	Conservative
<b>Liverpool Airport Consultative Committee</b>	CC M Green	Conservative
<b>Local Authority Elected member: Older People's Champions Network North West of England</b>	CC J Burrows	Conservative
<b>Local Government Information Unit</b>	CC D Foxcroft	Conservative
<b>Morecambe Bay Partnership</b>	CC P Williamson	Conservative
<b>Museums Advisory Forum</b>	CC P Buckley	Conservative
	CC A Gardiner	Conservative
<b>National AONB Association</b>	CC A Atkinson	Conservative
<b>North Lancashire Health &amp; Wellbeing Partnership</b>	CC V Taylor	Conservative
<b>North West Employers Organisation</b>	CC G Driver	Conservative
<b>North West of England &amp; Isle of Man Reserve Forces &amp; Cadets Association</b>	CC A Clempson	Conservative
<b>North West Regional Flood &amp; Coastal Committee</b>	CC S Clarke	Conservative
<b>One West Lancashire</b>	CC D O'Toole	Conservative
<b>Ormskirk School Trust</b>	CC D O'Toole	Conservative
	CC E Pope	Conservative
	Mrs Marilyn May Westley	
<b>Parking and Traffic Regulations Outside London (PATROL) Adjudication Service Joint Committee</b>	CC K Iddon	Conservative
<b>Preston Strategic Partnership (PSP) Conference</b>	CC G Wilkins	Conservative
<b>Public Rights of Way and Access Forum</b>	CC J Eaton	Conservative
	CC I Brown	Conservative
	CC C Towneley	Conservative
	CC A Snowden	Conservative
	CC S Clarke	Conservative
<b>Public Transport Consortium of Non-Metropolitan Authorities</b>	CC K Iddon	Conservative
<b>Rivington Heritage Trust</b>	CC M Perks	Conservative
<b>Roper Educational Foundation, Preston</b>	Vacancy	Labour
<b>SACRE - Agreed Syllabus Conference</b>	Vacancy	Labour
<b>Sir CC Grundy Charity for the Poor</b>	Vacancy	Labour
<b>Skelmersdale Town Centre Regeneration Project</b>	CC E Pope	Conservative

<b>Outside Body</b>	<b>Representative</b>	<b>Political Party</b>
<b>South Ribble Partnership Sub Group</b>	CC M Green	Conservative
<b>South Ribble Partnership</b>	CC M Green	Conservative
<b>Springfield Fuel Ltd - Springfields Site Stakeholder Group</b>	CC G Wilkins	Conservative
	CC P Rigby	Conservative
	Vacancy	Labour
<b>Stocks Massey Bequest</b>	CC C Towneley	Conservative
	Vacancy	Labour
	Vacancy	UKIP
<b>The Pendle Hill Landscape Partnership Board</b>	CC C Wakeford	Conservative
<b>The University of Manchester General Assembly</b>	CC A Snowden	Conservative
<b>Thornton Cleveleys Baines Endowed VC Primary School (Trust)</b>	CC J Shedwick	Conservative
<b>Tobacco Free Lancashire Alliance</b>	CC V Taylor	Conservative
<b>University Hospitals of Morecambe Bay NHS Foundation Trust</b>	CC V Taylor	Conservative
<b>West Coast Rail 250 - General Council</b>	CC G Gooch	Conservative
<b>West Lancashire Health and Wellbeing Partnership</b>	CC E Pope	Conservative
<b>Whalley Education Foundation</b>	Councillor T Hill	
<b>Winckley Square Community Interest Company</b>	CC M Green	Conservative
<b>Yorkshire Dales National Park Authority</b>	CC C Towneley	Conservative

## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Head of Fostering, Adoption, Residential & YOT

**Part I**

Electoral Divisions affected:  
All

### Residential Strategy

(Appendices 'A' and 'B' refer)

Contact for further information:

Barbara Bath, (01772) 535974, Head of Fostering, Adoption, Residential & YOT,  
Directorate for Children's Services

[barbara.bath@lancashire.gov.uk](mailto:barbara.bath@lancashire.gov.uk)

#### Executive Summary

This Children Looked After (CLA) Residential Strategy, set out at Appendix B, seeks to build on and drive forward the actions relating to residential care identified in Lancashire's CLA Sufficiency and Commissioning Effective Placements Strategy (2014-2017). Specifically it seeks to:

- Reduce numbers of CLA in residential placements
- Ensure that appropriate placements are available to best meet the needs of our CLA
- Ensure that best use is made of available resources and best value for money is achieved

This strategy is one part of a wider demand management strategy, which has three elements: Prevention; Purposeful Practice; and Permanence.

This is deemed to be a Key Decision and the provisions of Standing Order No. 25 have been complied with.

#### Recommendation

The Cabinet is asked to note and agree the strategy as set out at Appendix B.

### Background and Advice

Lancashire County Council's (LCC) current children's home provision is based on a previous strategy of the Local Authority providing accommodation for mainstream

children and young people (in 10 large six bed homes) and agency providers accommodating young people with more complex needs.

Significant changes have resulted in the need to rethink this strategy, including:

- The new Ofsted children's home inspection regime and providers becoming more risk averse and reluctant to take very complex cases, in order to protect Ofsted ratings;
- Increased numbers of CLA, a national shortage of foster carers and increased use of local provision by other Local Authorities resulting in providers being able to 'cherry pick' referrals;
- Spiralling CLA placement costs, particularly in relation to agency children's home placements;
- Significant concerns raised by Ofsted through the Annual Conversation re. LCC's residential provision.

The proposed strategy is based around addressing these issues, and is attached at Appendix B.

There will be an initial cost implication to establishing the Adolescent Support Unit (ASU), Crisis Unit and Extended Outreach. However it is anticipated that there will be long term cost savings following the implementation of the strategy.

## **Consultations**

None

## **Implications:**

This item has the following implications, as indicated:

There will be an initial cost implication to establishing the Adolescent Support Unit (ASU), Crisis Unit and Extended Outreach. However it is anticipated that there will be long term cost savings following the implementation of the strategy.

## **Risk management**

### **Financial Implications – Outreach Services**

The existing Outreach Team of seven staff has a provisional budget for 2017/18 of £0.352m. The units will take time to establish and as such the proposals outlined in this report are expected to cost an additional £0.266m in 2017/18 and £0.811m in 2018/19 and beyond, as outlined in the table below. Costs include staff, non-staff and one off set up costs.

	Adolescent Support Unit £m	Extended Outreach £m	Crisis Unit £m	Management and Business Support £m	Total £m
Staff Costs	0.358	0.345	0.232	0.076	1.011
Non-Staff Costs	0.065	0.025	0.059	0.003	0.152
<b>Total</b>	<b>0.423</b>	<b>0.370</b>	<b>0.291</b>	<b>0.079</b>	<b>1.163</b>
Less Current Budget Provision					<b>-0.352</b>
<b>Additional Cost</b>					<b>0.811</b>

	Operational Start Date	2017/18 £m	2018/19 £m	2019/20 £m
Initial Set Up Costs - ASU and Crisis Unit	N/A	0.086	0.000	0.000
Adolescent Support Unit	Dec-17	0.141	0.423	0.423
Extended Outreach Service	Dec-17	0.013	0.017	0.017
Crisis Unit	Apr-18	0.000	0.292	0.292
Management and Business Support	Dec-17	0.026	0.079	0.079
<b>Total</b>		<b>0.266</b>	<b>0.811</b>	<b>0.811</b>

Based on other models of best practice it is anticipated that the ASU will support a minimum of 60 adolescents per annum at an average support cost per adolescent of £7,050 per annum whilst the extended outreach team will support 168 CYP per annum at an average cost of £2,202 per CYP per annum.

It is anticipated that the ASU and Outreach Service will impact on Children's Social Care spend in a number of ways. The service will generate savings by reducing numbers coming into care and the cost associated with this, avoiding/de-escalating need and preventing placement breakdown. The crisis unit is not expected to generate cashable savings.

Savings from the ASU and Outreach Service are expected to be £0.111m in 2017/18, £2.405m in 2018/19 and £3.559m in 2019/20 and beyond and will be generated from the following as outlined in the table below.

- Preventing CYP coming into care and associated placement costs. Based on a 60% success rate it is anticipated that the ASU will prevent 36 CYP coming into care per annum. This would represent a reduction of 25% of Section 20 (voluntary) adolescents coming into care per annum, based on the figure for 2015/16 of 140.
- Preventing breakdown of fostering placements.
- Reducing time in care for existing looked after CYP. The service will support the return home of 8 looked after CYP based on reunifying 1 in 6.5 of the current cohort (as at February 2017) of 54 CYP accommodated under Section 20 with external providers.

Whilst reducing numbers in care will reduce social work caseload (all other things being equal), at this point it is difficult to estimate the impact of this. The anticipated savings below represent a reduction in placement costs.

	Nature of Saving	2017/18 £m	2018/19 £m	2019/20 £m
36 Adolescents Prevented from Coming into Care	Cost Prevented	0.111	2.144	3.185
1 In-house Foster Placement Breakdown Avoided	Cost Prevented	0.000	0.121	0.121
8 CYP Returned Home	Saving	0.000	0.140	0.253
<b>Anticipated Costs Prevented/Savings</b>		<b>0.111</b>	<b>2.405</b>	<b>3.559</b>

Whilst it is anticipated that the Outreach Service will prioritise targeting Section 20 CYP in agency residential provision, the figures above are based on a weighted average ('blended') cost (£1,438 per week) of different placement types and the average duration of Section 20 placements (62 weeks).

The table below shows the anticipated net cost/savings resulting from this proposal.

	2017/18 £m	2018/19 £m	2019/20 £m
Additional Funding Required	0.266	0.811	0.811
Anticipated Savings	0.111	2.405	3.559
<b>Total</b>	<b>0.155</b>	<b>-1.594</b>	<b>-2.748</b>

### Financial Implications – In-house Residential Services

Reshaping the in-house residential service as detailed in Appendix B will maximise use of in-house provision as opposed to external residential provision and therefore improve the cost effectiveness of provision.

Additional costs are expected to be minimal and will be subject to ongoing review.

Savings from increased utilisation of in-house provision are expected to be £0.041m in 2017/18, £0.747m in 2018/19 and £0.995m in 2019/20 and beyond.

	Nature of Saving	2017/18 £m	2018/19 £m	2019/20 £m
Increased Utilisation of In-house Provision	Saving	0.041	0.747	0.995
<b>Anticipated Costs Prevented/Savings</b>		<b>0.041</b>	<b>0.747</b>	<b>0.995</b>

There are a number of risks associated with not implementing the strategy. These include rising numbers of children becoming looked after and costs associated with this, lack of sufficient accommodation to meet the needs of Lancashire's Children Looked After, reputational risk of negative Ofsted judgements and lack of ability to place some of the most complex and vulnerable Young People in Lancashire.

**Legal** – Local authorities are under a legal duty to secure where reasonably practicable sufficient accommodation for children looked after in their area (the "Sufficiency Duty"). The Sufficiency Duty encompasses a number of legal obligations set out in the Children Act 1989 including the duty to provide a range of services, to provide accommodation to children who cannot reside with their families and to ensure



that children are placed in the most appropriate accommodation commensurate with their needs. In order to meet these duties a local authority must have sufficient accommodation in its area in order to provide suitable placements. This not only requires a range of providers but also access to different types of accommodation to meet the different needs to children at any given time. Government guidance issued in 2010 specifically states that local authorities should have in place a strategy for reducing constraints over time which may include building their own capacity. The guidance also specifically referenced short term and emergency accommodation and points to a need for emergency stand by accommodation used with a view to avoiding longer term care.

At present the County Council is at risk of not meeting the Sufficiency Duty. The proposal in the report if approved would extend the range and type of accommodation available to the County Council in line with the Children Act 1989 and the 2010 guidance.

**Property Asset Management** – The strategy relies on the use of previously vacated Local Authority properties, one of which was previously identified for market release.

#### **List of Background Papers**

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		



# **Business Case for the Establishment of an Adolescent Support Unit, Extended Outreach Service and the Development of Emergency/ Crisis Provision**

## **EXECUTIVE SUMMARY**

### **Overview of Proposals**

Lancashire has experienced a significant increase in the numbers of Children Looked After (CLA) and in Children's Social Care agency placements spend since October 2015. Without action to address this, numbers of CLA and placement spend are predicted to continue to rise.

During 2015/16, 38% (254) of new entrants into care were aged 10-17 years. The majority (55%) of these cases (140) were accommodated under Section 20 of the Children's Act 1989 (where a child has come into care on a 'voluntary' basis and not as part of a court order), predominately due to family dysfunction, family stress and socially unacceptable behaviour.

As of 28<sup>th</sup> February 2017, there were 80 CLA aged 11-16 accommodated under Section 20, of these 54 were placed in agency provision costing £0.437m per month.<sup>1</sup>

Better supporting these families to stay together and reunifying those CLA able to be returned home, where it is safe and in the child's best interests to do so, is key if we are to successfully reduce overall numbers of CLA and escalating placement spend. The findings from Newton Europe's Review of Children's Services in Lancashire found that 1 in 4 cases of children coming into care under Section 20 could have been prevented and 1 in 13 Section 20 CLA could have been returned home with the right support.

The current outreach offer (which includes working with families on the edge of care and seeking to reunify young people in care back with their families) is highly regarded by Children's Social Care and demonstrates good evidence of impact. However, the level of support currently available is not felt to be sufficient for the numbers of CYP on the edge of care and numbers needing to be reunified back home.

### **Prevention Element of the Proposal**

In order to support a 25% reduction in the number of CYP aged 10-17 coming into care through a Section 20 agreement, it is proposed that an Adolescent Support Unit (ASU) is established in addition to the continued delivery of the current outreach support offered. The ASU will be developed in line with the model in Blackburn with Darwen which delivers overnight respite and intensive outreach support to a minimum of 60 CYP per annum<sup>2</sup>. This provision will increase the amount of outreach provided to CYP and families from 117 (in 2015/16) to 177.

Establishing an ASU is a model that is being developed by a growing number of authorities with a strong evidence base that shows the positive outcomes for those families accessing this type of provision. Blackburn with Darwen, for example, established its ASU in late 2006 and saw a reduction in teenagers entering care from 47

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<sup>1</sup> 11-16 year olds identified as the cohort of S20 CYP most likely to be able to be supported to return home successfully

<sup>2</sup> Likely that the ASU will work with up to 80 CYP per annum (based on evidence from other areas) thus further increasing the numbers of CYP able to be prevented from coming into care.

in 2008 to 18 in 2013/14. In March 2016, the local authority had a relative low proportion of the CLA population in residential care (8%), a slower rate of 10-15 year olds entering care and saw an overall reduction in the CLA population between March 2012 – 2016 of 2.7% compared to an increase of 25.7% experienced in Lancashire<sup>3</sup>.

Analysis of Blackburn with Darwen's ASU by iMPower evidenced a success rate of preventing young people coming into care of between 74-88% following intervention. Savings attributed to this model were £1.2m (2013/14) or £0.848m after running costs, providing a Return of Investment (ROI) of 2.1. Success rates assumed in business cases for ASUs from other areas range from 25% to 75%<sup>4</sup>. The success rate for Lancashire's proposed ASU has been calculated as a conservative 60%.

### **Reunification Element of the Proposal**

In order to achieve the target of reunifying at least 1 in 13 of Section 20 CLA back home, it is proposed that the current Outreach Service is increased by 3, from 7 to 10 staff. The additional 3 staff will focus on supporting Section 20 CYP based in external placements (currently a cohort of 54 CYP). Each staff member will hold a caseload of 17 CYP (in line with current outreach caseloads), enabling 51 CYP to be supported.

Whilst Newton Europe estimated that 1 in 13 of the whole Section 20 CLA could be reunified, it is felt that targeting support to CYP most likely to successfully return home (those aged 11-16 years of age and in care for less than 26 weeks) could increase the success rate to 1 in 6.5, therefore 8 CLA reunified with families each year. In the period to 31<sup>st</sup> March 2020, total cumulative savings of £0.393m are estimated.

It has been calculated that not increasing the current outreach team and simply redirecting 3 existing outreach staff from prevention to reunification work would be counterproductive as it would result in an increase of CYP coming into care, estimated to be c.22 CYP (based on success rate achieved by current outreach service and reduction in 51 CYP able to be supported to prevent coming into care).

### **Crisis Element of the Proposal**

In addition to the above, it is proposed that the Outreach Team is increased by a further 5 FTE staff to operate a 2 bed unit to enable the delivery of short term emergency placements for CYP in crisis to support:

- a) increased time to plan and source the most appropriate, best value placements for our very complex CLA;
- b) the provision of time out/ respite for young people in crisis within an existing placement to allow de-escalation and prevent placement breakdown.

### **Additional Management and Business Support Element of the Proposal**

In order to ensure strong oversight and smooth running of the expanded Outreach Service, it is proposed that additional management (1 x G11) and business support (1 x

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<sup>3</sup> According to National CLA data release, as of 31/3/12 Blackburn with Darwen had a CLA population of 360, compared to 350 as of 31/3/16, a decrease of 10 CLA. In comparison, Lancashire had a CLA population of 1325 as of 31/3/12, compared to 1665 as of 31/3/16, an increase of 340 CLA.

<sup>4</sup> Bury's ASU business case calculated on 25% success rate. County Durham calculated a 45% success rate. Oldham success rate estimated at 75%.

G4) capacity is established. The proposal also seeks to make permanent the existing seconded G11 senior manager post in the Residential Service.

In total, the proposals seek to increase staffing of the current Outreach Service by 20 (from 7 to 27): 10 ASU staff; 3 additional outreach staff; 5 staff to man the crisis unit; 1 management post; and 1 business support post (1 x G11, 1 x G10, 1 x G8, 16 x G6 and 1 x G4).

### **Adolescent Support Unit and Extended Outreach Support**

Adolescent Support Units (ASUs) with outreach represent alternative provision for those young people in or on the edge of care. This proven service model, which includes the provision of intensive outreach support and overnight respite care, is delivered by a team of 10 staff and has been evidenced to prevent adolescents from entering care. It is a well-established invest to save model that has been endorsed by the Department for Education and replicated by a growing number of authorities across the country.

Evidence from other areas supports the provision of 3 ASUs in Lancashire, one in each locality. However, the current property stock and staffing levels limit the ability to enable this to happen within prompt timescales. Further evidence on the level of return on investment is also required in order to corroborate a robust business case for the establishment of 3 ASUs. The initial proposal therefore is that the ASU model is piloted in one area and closely monitored over a six month period. Should the model be demonstrated to be successful, a further ASU will be looked to be opened soon after, with a third to follow, providing that sufficient demand and return on investment can be clearly evidenced. A former children's home in the north of the county has been identified as a suitable property for the site of the first ASU and could be operational by December 2017.

Should the ASU be demonstrated as not being cost effective in comparison to outcomes delivered by outreach alone, it is proposed that the provision of overnight respite through the ASU is ceased (at limited expense as initial set up costs are minimal) and the team move to the delivery of an outreach only model, in line with current delivery.

Across the three year period (March 2013 - March 2016), the current Outreach Team of 7 staff has supported a total of 345 children (117 during 2015/16), with an 86% success rate of either de-escalating or preventing escalation to a higher level of need, based on a comparison of their position on the Continuum of Need prior to and following intervention. Findings from recent demand management analysis demonstrates that more outreach support is required if we are to successfully reduce the numbers of CYP coming into care.

The proposal to increase the current Outreach Team from 7 to 10 will not only support the reunification of Section 20 CLA in external agency provision in the medium term, it will also assist with the prompt establishment of a second ASU (if successful and required) as the team will already be in place and experienced in delivering the model.

### **Emergency/ Crisis Provision**

In common with other local authorities, Lancashire experiences a particular challenge of how best to support CYP who are in crisis over the weekend period. At times, Lancashire is left with very little option but to place some of these young people in our

in-house children's homes. By their very nature, these placements cannot always be adequately planned or appropriately matched, thus leaving the home placing a young person vulnerable to receiving an Ofsted judgement of 'Requires Improvement' or 'Inadequate'. This practice also carries the risk of imposed restrictions or even closure by Ofsted, which would have a significant impact on the number of in-house beds available.

Alongside this, there are occasions when CYP in in-house provision require 'time out' from other residents to enable a situation to be diffused or a safeguarding issue to be addressed. Discussions with Ofsted over these issues has led to the suggestion of Lancashire establishing some registered crisis provision for use over the weekend, as and when required.

The initial proposal is that one of our closed overnight short break units (located in a different facility from the ASU in the north of the county is reopened as a 2 bed crisis home (by April 2018, sooner if possible) to provide very short term emergency placements for four days a week (Friday to Tuesday). In order to enable the provision to be used flexibly, it is proposed that staffing of the unit is provided through the recruitment of an additional 5 FTE staff <sup>5</sup> to the Outreach Team. This will allow staff to be deployed to provide additional outreach support to CYP and families should placements not be required for a specific weekend. It is proposed that the usage and demand for this provision is closely monitored over a six month period in order to determine effectiveness and whether further crisis units are required.

### **Additional Management and Business Support Capacity**

To ensure there is sufficient senior management capacity, it is proposed that the existing G11 seconded Residential Manager post is made permanent to continue to support the G13 Senior Residential Manager/ Responsible Individual to effectively oversee, address issues and support the on-going improvement of the eleven LCC Children's Homes. It is also proposed that an additional G11 Senior Manager post is established to support the Senior Residential Manager to develop and oversee the ASU, extended Outreach Service and crisis provision. This role will be crucial in ensuring that the provision is maximised, used for the intended purpose and achieves the outcomes anticipated.

A G4 Business Support Officer post is also proposed to be established to support the Outreach Service as a whole with administrative duties, including coordinating and supporting Outreach Resource Panels, handling referrals, arranging outreach appointments, inputting monitoring information etc.

## **Financial implications**

### **Initial set-up costs**

The proposal will have some initial set up costs in relation to the refurbishment and Ofsted registration of existing homes to establish the ASU and the crisis units, and IT equipment for staff. Property Group have provided initial estimates for refurbishment costs of £0.010m for the proposed ASU and £0.050m for the proposed crisis unit.

<sup>5</sup> (1 x G8 and 4 x G6s). As it is likely that these placements will be required on a regular basis, it is proposed that these staff are in addition to the extra staffing already identified to deliver the ASU and extended outreach offer, so as not to negatively impact on the amount of outreach able to be provided.

Factoring in registration of £0.007m for two homes, and IT equipment of £0.019m, a total initial outlay of £0.086m is anticipated.

### Operational running costs

The existing Outreach Team of 7 staff has a provisional budget for 2017/18 of £0.352m. A summary of the additional anticipated annual cost of delivering the proposals set out above is presented in the table below, with more detail provided in appendix 2.

	Adolescent Support Unit £m	Extended Outreach £m	Crisis Unit £m	Management and Business Support £m	Total £m
Staff Costs	0.358	0.345	0.232	0.076	1.011
Non-Staff Costs	0.065	0.025	0.059	0.003	0.152
<b>Total</b>	<b>0.423</b>	<b>0.370</b>	<b>0.292</b>	<b>0.079</b>	<b>1.163</b>
Less Current Budget Provision					-0.352
<b>Additional Cost</b>					<b>0.811</b>

The units will take time to establish and therefore the full annual budget will not be required until 2018/19. The phasing of the new funding required is shown below:

	Operational Start Date	2017/18 £m	2018/19 £m	2019/20 £m
Initial Set Up Costs - ASU and Crisis Unit	N/A	0.086	0.000	0.000
Adolescent Support Unit	Dec-17	0.141	0.423	0.423
Extended Outreach Service	Dec-17	0.013	0.017	0.017
Crisis Unit	Apr-18	0.000	0.292	0.292
Management and Business Support	Dec-17	0.026	0.079	0.079
<b>Total</b>		<b>0.266</b>	<b>0.811</b>	<b>0.811</b>

### Unit costs

Based on other models of best practice it is anticipated that the ASU is expected to support a minimum of 60 adolescents per annum, resulting in an average support cost per annum of £7,050. The extended outreach team will support 168 CYP per annum at an average cost of £2,202 per annum. The cost variation reflects the difference in support packages but in light of the wide variation it is important that each is monitored closely to establish the outcomes achieved, and evidence will inform the longer term direction of the service.

### Anticipated savings

It is proposed that the ASU and extended Outreach Service will impact on Children's Social Care spend in a number of ways. The Service will generate savings by reducing numbers coming into care, avoiding/de-escalating need and preventing placement breakdown.

The crisis unit investment of £0.292m is not expected to generate any cashable savings.

Cashable savings from the ASU and Outreach Service will be generated from:

- preventing CYP coming into care. Based on a 60% success rate for the ASU, this equates to 36 CYP per annum and links to the proposed reduction of 25% of

Section 20 adolescents coming into care, based on the 2015-16 figure of 140 CYP;

- reducing time in care for existing looked after CYP. The service will support return home for 8 looked after CYP based on reunifying 1 in 6.5 of the current cohort;
- preventing breakdown of fostering placements. As a result of other services in place, a conservative estimate of one breakdown is assumed.

Whilst reducing numbers in care will impact (all other things being equal) on social work caseload, at this point this is difficult to estimate. The anticipated savings below represent placement cost savings.

	<b>Nature of Saving</b>	<b>2017/18 £m</b>	<b>2018/19 £m</b>	<b>2019/20 £m</b>
36 Adolescents Prevented from Coming into Care	Cost Prevented	0.111	2.144	3.185
1 In-house Foster Placement Breakdown Avoided	Cost Prevented	0.000	0.121	0.121
8 CYP Returned Home	Saving	0.000	0.140	0.253
<b>Anticipated Costs Prevented/Savings</b>		<b>0.111</b>	<b>2.405</b>	<b>3.559</b>

Whilst it is anticipated that outreach will prioritise targeting Section 20 CYP in agency residential provision, the figures below are based on a weighted average ('blended') cost (£1,438/week) of different placement types and take account of the average duration of Section 20 placements (34 weeks). The table below shows the anticipated net cost/savings resulting from this proposal.

	<b>2017/18 £m</b>	<b>2018/19 £m</b>	<b>2019/20 £m</b>
Additional Funding Required	0.266	0.811	0.811
Anticipated Savings	0.111	2.405	3.559
<b>Total</b>	<b>0.155</b>	<b>-1.594</b>	<b>-2.748</b>

## Decisions Required

Management Team are asked to consider and agree the following:

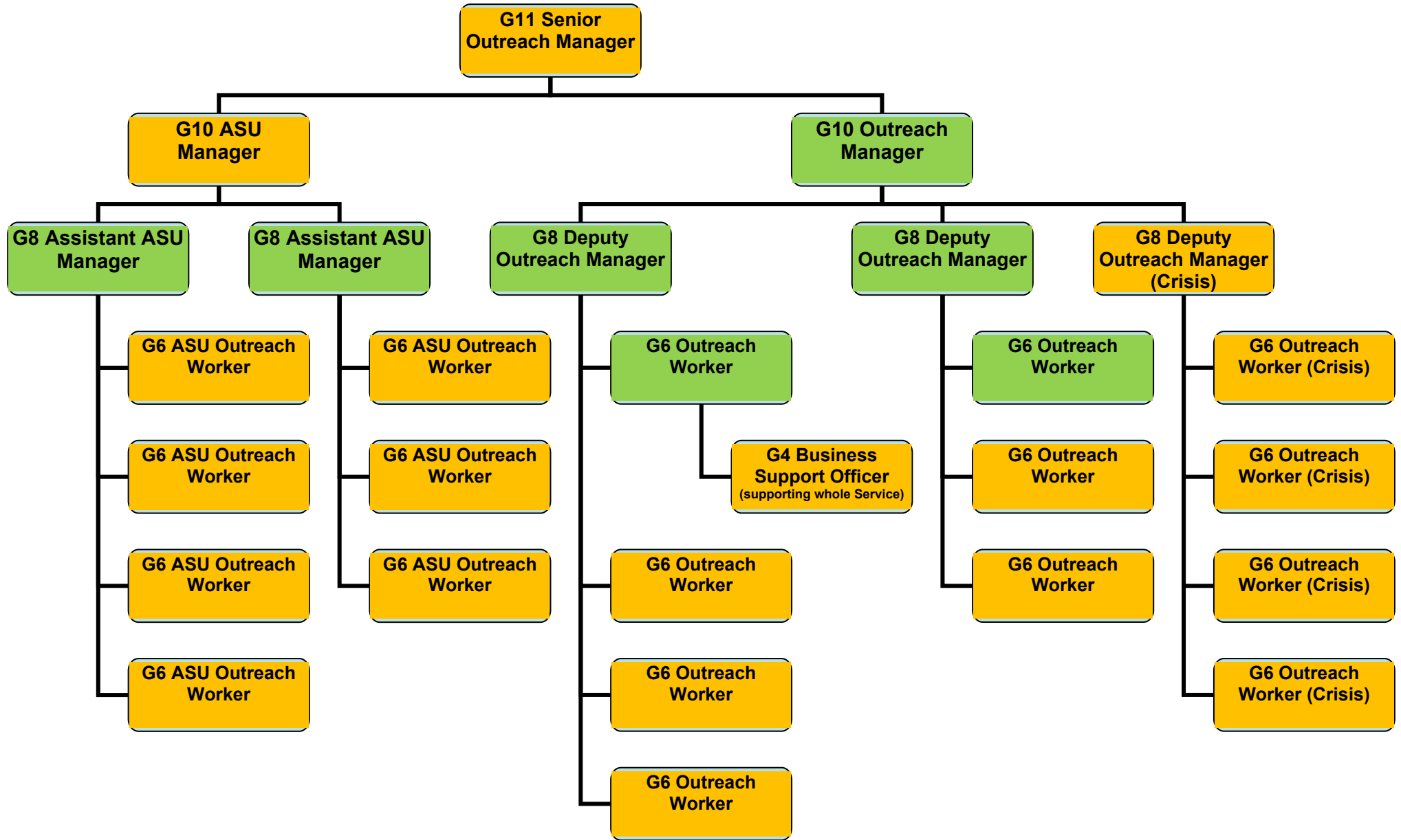
- The pilot of an ASU from December 2017, with future consideration, if successful, of 2 further ASUs, informed by evaluation of the model and evidence of return on investment;
- The expansion of the existing Outreach Team from 7 to 10 staff from December 2017 (sooner if possible);
- The establishment of a 2 bed crisis unit from April 2018 (sooner if possible);
- The establishment of a G11 Senior Manager post to oversee the expanded Outreach Service, ASU and Crisis Unit;
- The establishment of a G4 Business Support Officer post to support Outreach Service as a whole with administrative duties;
- Make the existing G11 seconded Residential Manager post into a permanent position.



## Appendix A

### APPENDIX 1 - Proposed Staffing Structure

Key: Existing Post New Post



**APPENDIX 2 – Staffing and Non-Staffing Annual Running Costs (from 1<sup>st</sup> April 2018, first year fully operational)**

POST	3 NIGHT ASU		4-NIGHT CRISIS		EXT. OUTREACH		MGR/BSO		TOTAL	
	NO. FTE'S	COST £	NO. FTE'S	COST £	NO. FTE'S	COST £	NO. FTE'S	COST £	NO. FTE'S	COST £
BUSINESS SUPPORT OFFICER							1	£21,105	1	£21,105
OUTREACH WORKER	7	£196,798	4	£112,456	7	£196,798		£0	18	£506,052
DEPUTY MANAGER	2	£76,958	1	£38,479	2	£76,958		£0	5	£192,395
ASU UNIT MANAGER	1	£50,291							1	£50,291
OUTREACH MANAGER					1	£50,291			1	£50,291
SENIOR SERVICE MANAGER							1	£55,005	1	£55,005
PAY ENHANCEMENTS		£33,719		£81,560		£20,654			0	£135,933
<b>TOTAL STAFFING</b>	<b>10</b>	<b>£357,766</b>	<b>5</b>	<b>£232,495</b>	<b>10</b>	<b>£344,701</b>	<b>2</b>	<b>£76,110</b>	<b>27</b>	<b>£1,011,072</b>
									0	£0
<b>NON-STAFF RUNNING COSTS</b>		<b>£64,848</b>		<b>£59,429</b>		<b>£25,000</b>		£3,000	0	£152,277
									0	0
<b>TOTAL OPERATIONAL COST</b>	<b>10</b>	<b>£422,614</b>	<b>5</b>	<b>£291,924</b>	<b>10</b>	<b>£369,701</b>	<b>2</b>	<b>£79,110</b>	<b>27</b>	<b>£1,163,349</b>



Appendix B

**Lancashire CLA**  
**Residential Strategy**  
**March 2017 – March 2019**

## 1. Scope of the Strategy

Residential settings for children looked after (CLA) covers a broad range of provision: Children's Homes (mainstream and smaller complex units); Residential Schools; Semi-Independent/ Leaving Care placements for 16 and 17 year old CLA; Hospital/ placements in health provision; Mother and Baby Assessment Units; Secure Remand and Welfare placements.

Due to a significant increase in usage over the previous twelve months, this strategy focuses on Children's Homes provision (both mainstream and more complex) for CLA placed by Children's Social Care. CLA placements made by our Special Educational Needs and Disabilities (SEND) Service have not been included, as numbers placed are small and SEND placement costs have remained stable. Learning from good practice within SEND will be used to inform the delivery of this strategy. Overtime this strategy may be expanded to include broader CLA residential provision.

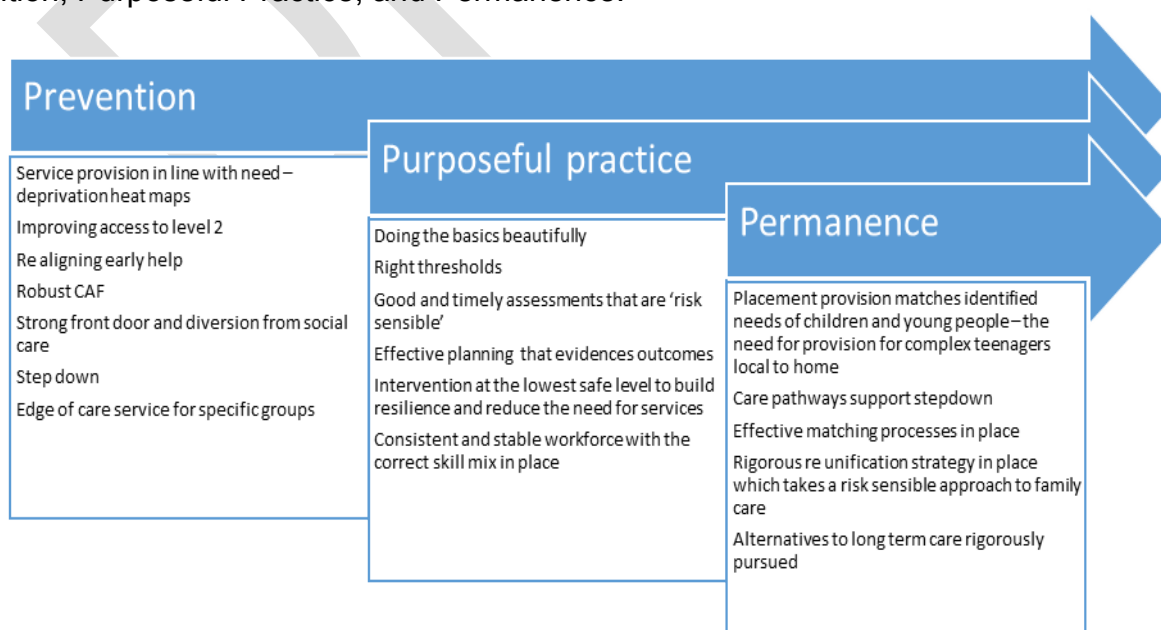
## 2. Vision and Aim of the Strategy

A 'Sufficiency Duty' is made of Local Authorities under the Children's Act 1989 (Section 22G). The Sufficiency Duty requires Local Authorities to improve outcomes for CLA by requiring Local Authorities to take steps that secure sufficient accommodation to meet the needs of children in their care.

This CLA Residential Strategy seeks to build on and drive forward the actions relating to residential care identified in Lancashire's CLA Sufficiency and Commissioning Effective Placements Strategy (2014-2017). Specifically it seeks to:

- Reduce numbers of CLA in residential placements
- Ensure that appropriate placements are available to best meet the needs of our CLA
- Ensure that best use is made of available resources and best value for money is achieved

This strategy is one part of a wider demand management strategy, which has three elements: Prevention; Purposeful Practice; and Permanence.



### 3. Principles and Values Statement

- The decision about where a child is best placed is made according to the assessed needs of the child or young person and in line with their views and wishes. Where a plan for fostering is in the child's best interests and in line with their views and wishes, LCC will only place in residential provision once all available fostering options have been fully explored. The IRO Service will undertake rigorous reviews to ensure placements continue to meet the needs of our CLA.
- Sufficient and varied residential provision will be available to support the sourcing of the most appropriate placement possible for Lancashire's children looked after.
- LCC will continue to provide in house residential placements for our CLA to include both complex and mainstream residential provision.
- LCC will continue to strive towards achieving *Outstanding* Ofsted judgements in all its in-house Children's Homes. Learning will be taken from outstanding in-house homes and buddying/ peer support systems will be established to support LCC residential managers.
- Whilst LCC will continue to strive to place CLA in residential provision judged to be either *Good* or *Outstanding* by Ofsted in the first instance, it is recognised that there may be occasions when a young person's needs could be best met in a Home with a less than *Good* rating. These will be considered on an individual basis.
- Wherever possible and in the child's best interests, local residential placements will be made in order to ensure that young people retain links to their communities, whilst ensuring they receive best possible care. Children will only be placed further afield where this is in accordance with their assessed needs.
- Work with Providers will be collaborative, with shared best practice and agreement of common values and outcomes.
- We will rigorously pursue cost effectiveness and will review our commissioning arrangements to ensure best value for money is achieved.
- CYP will only move placements if the change is absolutely in their best interest. Changes will be planned and managed with safety, sensitivity and utmost care.

### 4. Strengths

- Lancashire is well placed in relation to residential care provision, with the highest number of children's homes placed within its boundaries (94 homes as of March 2015) than any other Local Authority in England. A quarter of all homes are located in the North West region, including 40% of all small (1-2 bed) homes.
- The above means that Lancashire is able to place a lower percentage of young people in children's home placements outside of the Local Authority boundaries compared to national figures. An independent review of children's residential care found that 41% of children's home placements nationally were placed within the placing authorities boundaries, compared

to 61% of Lancashire children's home placements.

- Unlike some other Local Authorities, Lancashire has continued to provide in-house children's home placements. The County Council currently runs 10 in-house children's homes, located across the county, 80% of which are judged to be good or outstanding (as of December 2016).
- As of 1<sup>st</sup> August 2016, Lancashire has new commissioning arrangements for agency residential care. 40 providers and 202 homes have been accepted onto the new CLA Agency Residential Flexible Agreement. As of the end of December 2016, 81% of homes accepted onto the Flexible Agreement were rated good or outstanding. Placement referrals are now sent to a much wider number of providers, therefore increasing the likelihood of identifying a choice of placement offers for Social Workers to consider.
- The County Council participates in joint work with other North West authorities. This allows for information sharing regarding good and poor practice in residential settings and sharing of Ofsted intelligence regarding residential ratings.

## 5. Strategic Overview and Key Priorities

LCC's current children's home provision is based on a previous strategy of the Local Authority providing accommodation for mainstream CYP (in 10 large six bed homes) and agency providers accommodating more complex young people.

Significant changes has resulted in the need to rethink this strategy, including:

- the new Ofsted children's home inspection regime and providers becoming more risk averse at taking very complex cases in order to protect Ofsted ratings;
- increased numbers of CLA, a national shortage of foster carers and increased use of local provision by other Local Authorities resulting in providers being able to 'cherry pick' referrals;
- spiralling CLA placement costs, particularly in relation to agency children's home placements;
- significant concerns raised by Ofsted through the Annual Conversation re. LCC's residential provision.

The revised strategy focuses on the need to reduce the number of CYP coming into care through the expansion of the existing outreach offer and support to families. It also focuses on the delivery of a broader and more flexible range of in-house residential provision to meet the needs of our CLA, incorporating a mix of both mainstream and more complex units. This includes the establishment of the already agreed highly complex needs unit (The Bungalow) - Cabinet Member and Capital Board approval has been received, with an anticipated opening date of September 2017. To address concerns raised by Ofsted in relation to unplanned and emergency placement and poor placement matching, the strategy also includes the proposed establishment of a crisis unit, for very short term use only (over the weekend).

The Access to Resources Team proposal, previously presented to Management Team, supports and complements the revised residential strategy in relation to placement finding, placement cost, more effective commissioning and greater market management. The team has been in place since 20<sup>th</sup> February 2017, and within its first month has achieved savings to placement costs of £3,700 per week. The team has also supported securing complex agency residential placements for 3 CYP, supporting better utilisation of in-house provision by avoiding bed blocking, reducing risk of negative inspections and the avoidance of costly bespoke options. The



team continues to operate without additional resource. This means that aspects included within the original vision for ART, such as contract monitoring and market management, are only happening on a very limited basis. In addition, wider commissioning capacity has been prioritised to ensure ART works.

ISSUES	ACTIONS TO ADDRESS	OUTCOMES ACHIEVED
Large number of teenagers coming into care on a 'voluntary' basis due to family breakdown	Strengthen outreach offer Pilot Adolescent Support Unit	Reduced numbers of CLA through preventing coming into care and unification with families
Section 20 CYP placed in agency residential provision costing £0.125m per week	Consistent application of the Section 20 charging policy Consistent approach to health/ education contributions	Reduced numbers of CLA in agency residential provision
CLA ending up in residential provision inappropriately due to poor placement finding/ poor quality referrals/ lack of complex fostering provision	Improve placement finding Better scrutiny of placements Work with providers to develop bespoke complex placements	Reduced spend on CLA placements CYP placed in right placement, at right time, at right cost
High number of placements required in an emergency	Develop step down into fostering provision Creation of complex in-house beds to increase utilisation of mainstream homes	Sufficient residential provision to meet need
Provider risk aversion to take complex CYP due to impact on Ofsted ratings	Consideration of collaborative block purchasing complex beds with other authorities	Reduced emergency referrals and unnecessary inflated placement costs
In-house provision left with no choice but to place complex CYP in mainstream homes	Creation of crisis unit to de-escalate/ prevent breakdown/ enable sourcing of best value placements	Improved placement stability, leading to improved CYP outcomes
In-house homes at risk of being downgraded or having restrictions placed, reducing number of beds available		Improved in-house Ofsted ratings

It is proposed that an Adolescent Support Unit is developed in line with the model developed in Blackburn with Darwen, which resulted in a reduction of teenagers coming into care from 47 in 2008 to 18 in 2013/14. Analysis of this provision by iMPower evidenced a success rate of preventing young people coming into care of between 74-88% following intervention. Savings attributed to this model are £1.2m (2013/14) or £0.848m after running costs. Success rates reported by other areas range from 25% to 75%. The success rate for Lancashire's proposed ASU has been calculated on an estimated 60%.

It is also proposed the Outreach Service is increased by 3, to 10 staff. The 3 staff will focus on supporting Section 20 CYP based in external placements (currently a cohort of 54 CYP). Each staff member will hold a caseload of 17 CYP, enabling 51 CYP to be supported. Newton Europe estimated that 1 in 13 Section 20 CLA could be reunified. By targeting support to CYP most likely to successfully return home (in care for less than 26 weeks) a success rate of 1 in 6.5 has been assumed. Simply redirecting 3 existing outreach staff from prevention to reunification work will result in an increase of CYP coming into care, estimated to be c.22 CYP.

It is proposed that the new provision identified (adolescent support unit, crisis unit, complex

units) is initially delivered in-house (see Appendix 1 for overview of proposed in-house residential provision). Whilst there are other options (i.e. commissioning directly from providers or working in partnership with providers to deliver) the challenge of providers refusing to take complex CYP remains and timescales for implementation are likely to be significantly longer due to the need to procure services. However, within the timescales of this strategy, we will review our current commissioning approach, including the consideration of block contracting arrangements for complex needs beds, in partnership with neighbouring authorities.

In addition consideration will be given to the development of a social impact bond arrangement linked to the Life Chances Fund to support a reduction in residential provision through the development of step down into fostering provision, in line with the approach taken in Birmingham.

We will also consider options for embedding FGC within the Wellbeing, Prevention and Early Help Service and the Outreach Service.

The anticipated benefits of introducing the identified actions include:

- Reducing the number of CLA through prevention and reunification) via the provision of outreach support, family group conference and respite provision;
- Ability to place more complex CYP in-house without impacting on settled mainstream CYP and therefore maximising the use of our mainstream provision through the provision of complex needs units;
- Ability to manage emergencies and prevent placement breakdowns through the provision of a crisis unit
- Increasing placement stability through improved placement choice and therefore improved outcomes for CYP
- Increased Ofsted confidence in Lancashire's ability to manage residential provision.

Non cashable savings associated with these proposals include:

- reduced risk of Ofsted restrictions on in-house admissions
- reduced social work caseloads (potential long term cashable savings)
- reduced long term cost on public services resulting from the impact of childhood instability and trauma

## 6. Financial Summary

- The Authority spent c.£25.7m commissioning CLA residential (including leaving care) placements from external providers in 2016/17, **an increase of £10.1m** compared to 2015/16. It is estimated that c.90% of the increase is attributable to children's home and secure welfare placements.
- Data at 31<sup>st</sup> January 2017 indicates that the annualised cost of Section 20 (voluntary) placements is £12.1m, including £6.5m for children's homes. Evidence from Newton Europe's Review of Children's Services shows that many of these could either be avoided (1 in 4), or with the right support, reunified (1 in 13). LCC's Section 20 charging policy, designed as a potential deterrent to Section 20 placements, is not currently being consistently applied.

- The average cost of the cohort of CYP in external children's home placements at 31/1/17 was £3,022/ week. Secure welfare placements typically costs c. £5,500/ week.
- The 10 highest cost external placements total £57k/week. Ensuring sufficient placements are available in the right mix of settings will be key to lowering unit costs.
- Blocking in-house beds to accommodate complex CYP reduces available capacity and increases unit cost. Occupancy levels in 2016/17 to date have averaged 75%, resulting in an average direct weekly cost of £2,591/week (ranging from £1,820/ week to £4,663/week).
- Investment in the Outreach and Family Group Conference Services has produced very successful outcomes through step-down and prevention into care. These services can cost less than £2k per intervention/ annum, compared to a **minimum** placement cost of c.£20k for fostering and £100k for residential.
- The contribution from Education and from Health (to the therapeutic element of residential support packages) is very low in Lancashire because of a lack of clarity/ protocol as to how and when funding is pursued. For example CIPFA benchmarking shows that the contribution from health to overall CLA spend in Lancashire was 1.3% in 2016/17 compared to an average of 6.6% for other participating local authorities.

### Cost of proposals

The proposals will require an initial investment outlay to refurbish and register in-house homes, and revenue budgets will also need to increase. The additional cost, along with the anticipated impact on service delivery levels, is presented below:

	Capital (£m)	Annual Revenue funding (£m)			FTE's (No's)	Activity levels (Homes = bed capacity Services = no. CYP)		
		2017/18 approved	Proposed	Increase		Increase	Current	Proposed
Outreach services	0.000	0.353	0.370	0.017	3.0	117 CYP	168 CYP	51 CYP
Mainstream in-house units	0.000	4.725	4.725	0.000	0.0	48 beds	48 beds	-
Complex need units	0.000	1.126	1.126	0.000	0.0	6 beds	6 beds	-
The Bungalow - High complex unit*	0.100	0.535	0.535	0.000	12.8	2 beds	2 beds	-
Crisis support unit	0.050	0.000	0.292	0.292	5.0	-	2 beds	2 beds
Adolescent support unit	0.010	0.000	0.423	0.423	10.0	-	60 CYP	60 CYP (4-beds)
Management / admin support	0.000	0.214	0.293	0.079	2.0			
<b>TOTAL</b>	<b>0.160</b>	<b>6.953</b>	<b>7.764</b>	<b>0.811</b>	<b>32.8</b>	<b>6 additional beds Support for 11 additional CYP</b>		

\*The unit is not yet operational but the proposal is incorporated into the approved 2017/18 budget

### Financial savings

The proposals will deliver savings by avoiding/de-escalating need and preventing placement breakdown thus reducing numbers coming into care.

Reshaping the in-house service will reduce average direct unit cost of the 10 current homes from £2,591/week to c.£2,193/week. Lower unit costs for crisis and high complex placements than currently paid to external providers are anticipated (of c.£400/week) but will depend on occupancy.

The following table provides an estimate of the anticipated savings in the three financial years to 31<sup>st</sup> March 2020 from establishing an adolescent support unit, crisis unit and an enhanced outreach service:

	Nature of Saving	2017/18 £m	2018/19 £m	2019/20 £m
36 Adolescents Prevented from Coming into Care	Cost Prevented	0.111	2.144	3.185
1 In-house Foster Placement Breakdown Avoided	Cost Prevented	0.000	0.121	0.121
8 CYP Returned Home	Saving	0.000	0.140	0.253
<b>Anticipated Prevented/Savings</b>	<b>Costs</b>	<b>0.111</b>	<b>2.405</b>	<b>3.559</b>

Reshaping the in-house residential service will maximise use of in-house provision as opposed to external residential provision and therefore improve the cost effectiveness of provision.

Additional costs are expected to be minimal and will be subject to ongoing review.

Savings from increased utilisation of in-house provision are expected to be £0.041m in 2017/18, £0.747m in 2018/19 and £0.995m in 2019/20 and beyond.

	Nature of Saving	2017/18 £m	2018/19 £m	2019/20 £m
Increased Utilisation of In-house Provision	Saving	0.041	0.747	0.995
<b>Anticipated Prevented/Savings</b>	<b>Costs</b>	<b>0.041</b>	<b>0.747</b>	<b>0.995</b>

This is considered to be a conservative estimate for the following reasons:

- The savings attributed to the 36 adolescents is based on a 'blended' cost of placement types. Priority will be focussed on residential care – both prevention to - and returning home from - these settings.
- Evidence suggests that between 60-80 CYP per annum can be supported through an ASU. Calculations have been based on the lower figure.
- No savings have been attributed to the high-needs complex unit because whilst the objective is to always fill two beds it is anticipated that there will be times when the unit may accommodate only one YP. Priority will be given to LCC YP but there is an option to trade the service in the unlikely event of low demand.
- Similarly no savings are anticipated from the crisis unit but non-cashable savings will apply.

The financial impact of the changes will be regularly monitored against the success measures. If savings are not achieved, or could be maximised in different ways to those detailed in this report, proposed changes will be presented to Management Team.

## 7. Key Performance Indicators

The following Key Performance Indicators will be monitored and reported quarterly:

Key Performance Indicator	Current Levels	Target by March 2019
Reduction in the Number of 10-17 Year Olds Starting to be Looked After who are Accommodated Under Section 20	140 in 2015/16	104 <sup>1</sup>
Reduction in the Number of CLA in Residential Children's Homes	165 (November '16)	136 (Levels as of February '14)
Reduction in the Proportion of CLA in Residential Children's Homes compared to placements overall (excluding those placed for adoption)	8.6% (September '16)	7.6% (National average as reported by Narey)
Increased numbers of in-house Children's Homes placements	45 (November '16)	54 (Levels as of February '14)
Reduction in ratio of agency children's home to in-house children's home placements	73:27 (November '16)	60:40 (Levels as of February '14)
Reduction in the number of agency residential children's homes placements required in an emergency (same day)	55% (September '16)	30%
Reduction in the number of repeat referrals for agency residential placements	40 per annum (2016)	20 per annum

<sup>1</sup> Please note that this target assumes numbers are in line with levels as of 2015/16 and does not take into account any new demand pressures. Projections do indicate that numbers of CLA are likely to rise, which would have an impact on this target.

## APPENDIX 1: Overview of Purpose of Proposed LCC Children's Homes

Type of Home	Statement Of Purpose
<p><b>Adolescent Support Unit (ASU)</b> (1 x 4 bed home) Proposing to pilot in Slyne Road (currently a closed LCC children's home)</p>	<p>Providing <b>respite/ short break placements</b> for a maximum of 3 days a week for:</p> <ul style="list-style-type: none"> <li>a) Teenage CYP/ families on the edge of care to prevent family breakdown and the need to come into care, alongside intensive outreach support</li> <li>b) CYP in in-house foster care placements to prevent placement breakdown, alongside intensive outreach support</li> </ul> <p>- Outreach support will also be provided via staff in the ASU and via LCC's wider Outreach Team to further CYP and families on the edge of care and to CYP already in care to support reunification back with families</p>
<p><b>Assessment Unit</b> (1 x 6 bed home) Eden Bridge</p>	<p>Providing <b>short term placements (up to 3 months)</b> where:</p> <ul style="list-style-type: none"> <li>a) A CLA/ family has been assessed as needing intensive support and interventions to rebuild relationships with family/ carer to quickly and safely return home</li> <li>b) A CLA is not known to Children's Social Care and an assessment is required in order to determine best type of placement</li> </ul>
<p><b>Highly Complex Needs Unit</b> (1 x 2 bed home) The Bungalow</p>	<p>Providing <b>medium term placements (6-9 months) for our most complex CLA</b> (where agency providers have refused to take; as an alternative to a secure welfare placement; agency placements offered are in excess of £5,500)</p> <ul style="list-style-type: none"> <li>- Very clear outcomes to be achieved and clear exit plan established from the outset</li> </ul>
<p><b>Complex Needs Units</b> (2 x 3 bed homes) Marsden Hall Road and Grange Avenue</p>	<p>Providing <b>medium term placements for our very complex CLA</b> (where agency providers have refused to take or agency placements offered are in excess of £4,000)</p> <ul style="list-style-type: none"> <li>- Very clear outcomes to be achieved established from the outset.</li> <li>- Placements to be kept under regular review and young people moved on as and when appropriate. Only in exceptional circumstances will such placements be made permanent.</li> <li>- Provision of independent living accommodation at The Willows as a planned move into independence for former residents of The Willows</li> </ul>
<p><b>Mainstream Homes</b> (7 x 6 bed homes) Bowerham; Thornton; Chorley Hall Road; Crestmoor; The Haven; The Willows and Warwick Avenue</p>	<p><b>Longer term placements for our least complex CLA</b></p> <ul style="list-style-type: none"> <li>a) Where residential care is the plan for permanence</li> <li>b) Where longer term support is required to facilitate a return home/ step down into fostering</li> <li>c) Whilst independence is achieved</li> </ul> <p>In addition, independent living accommodation is available at The Willows as a planned move into independence for former residents of The Willows</p>
<p><b>Very Short Term Crisis Unit</b> (2 bed home) Proposing to reopen South Avenue (currently a closed LCC overnight short breaks home for children with disabilities)</p>	<p>Providing <b>very short term (maximum of 4 nights – Fri to Tues) emergency placements for CLA in crisis:</b></p> <ul style="list-style-type: none"> <li>a) Who are new CLA and a placement has not been able to be sourced/ more time required to source appropriate placement</li> <li>b) Where a placement has ended at very short notice and an alternative has not been able to be sourced and more time is required to source an appropriate placement</li> <li>c) Where respite/ 'time out' is required to defuse a situation which is otherwise highly likely to breakdown/ result in immediate safeguarding issues. Likely to be mainly for CLA in in-house residential provision but opportunity to utilise for CLA in agency residential provision in order to prevent placement breakdown</li> </ul>



## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Director of Corporate Commissioning

**Part I**

Electoral Divisions affected:  
All

## Department for Transport (DfT) 2017/18 Highway Incentive Fund (Appendix 'A' refers)

Contact for further information:

Paul Binks, (01772) 532210, Highway Asset Manager

[paul.binks@lancashire.gov.uk](mailto:paul.binks@lancashire.gov.uk)

### Executive Summary

The Department for Transport (DfT) confirmed on 31 March 2017 that Lancashire County Council has been awarded Highway Maintenance Incentive Element funding in 2017/18 of £1.973m as part of the total Local Transport Fund Capital Funding for 2017/18 of £34.914m. The Incentive Element is based on the Self-Assessment return submitted on 3 February 2017.

Officers have considered proposals to be funded from the Incentive Element and propose bringing forward the highest priority ABC schemes that would otherwise have to be funded in 2018/19 up to the value of £1,686,005, in line with the priorities set out in the Transport Asset Management Plan (TAMP).

It is also proposed to fund emerging pressures of emergency repair to the A59, Mellor (£60,996) and risk based condition assessments for the high risk lighting columns (£30,000) and Post Tension structures on the M65 section managed by Lancashire County Council (£196,000) from the Incentive Element.

This is deemed to be a Key Decision and the provisions of Standing Order No. 26 have been complied with.

### Recommendation

The Cabinet is recommended to approve the schemes set out at Appendix 'A' for funding from the Highway Maintenance Incentive Element funding in 2017/18 totalling £1.973m.

## **Background and Advice**

In December 2014, the Secretary of State for Transport announced that £6 billion will be made available between 2015/16 and 2020/21 for local highways maintenance capital funding. From this funding, £578 million has been set aside for an Incentive Element Fund scheme, to reward councils who demonstrate that they are delivering value for money in carrying out cost effective improvements.

Each local highway authority in England (excluding London) was invited to complete a self-assessment questionnaire, in order to establish the share of the Incentive Element Fund they will be eligible for in 2017/18. Each local authority scored themselves against 22 questions and placed themselves in one of 3 bands on the basis of the available evidence. It was the responsibility of the Section 151 Officer at each local authority to ensure that they were satisfied that the evidence was sufficient for him/her to sign off the overall submission and total score.

In 2017/18, only authorities in band 3 will receive their full share of the £578 million, whilst authorities in band 2 will receive 90% of their share, and in band 1 they receive 60%. These percentages for bands 1 and 2 decrease in each subsequent year.

The Section 151 Officer submitted a return for Lancashire County Council of Band 3 on 3 February 2017.

The DfT confirmed on 31 March 2017 that Lancashire County Council has been awarded Highway Maintenance Incentive Element funding in 2017/18 of £1.973m as part of the total Local Transport Fund Capital Funding for 2017/18 of £34.914m.

It is proposed to allocate the Incentive Element fund as described below.

### **Transport Asset Management Plan Priorities**

The Transport Asset Management Plan (TAMP) approved in June 2014, laid out the priorities to be considered should funding other than the Highway Maintenance Needs Element become available. During Phase 1 (2015/16 – 19/20) the TAMP suggests that the areas for investment should focus on:

"Primary Priority: Potential to bring forward whole programmes of planned work, prioritised on strategically important parts of the A, B & C road network."

It is therefore proposed to fund the highest priority ABC schemes that would otherwise have to be funded in 2018/19 up to the value of £1,686,005.

### **Emerging Pressures:**

There are also emerging pressures, as described below, for which there is currently no identified funding source and it is proposed to fund these from the Incentive Fund. They include:



- **Emergency Repairs**

Since the Capital Programme was approved in March 2017 the A59 adjacent to Rose Cottage, Mellor has been identified as showing signs of rapid deterioration and requires emergency repair. It is also proposed to fund this from the Highways Incentive Fund. Estimated cost £0.61m

- **Risk Based Inspections**

The new Code of Practice relating to Well Managed Highway Infrastructure (October 2016) encourages Highway Authorities to adopt 'risk based condition assessment'; this approach has been embedded into recently approved Lifecycle Plans.

The Structures and Street Lighting Lifecycle Plans are indicating two areas where high risks have been identified but are currently not funded:

- Inspection of dangerous street lighting columns and
- Inspections for Post Tension structures associated with the LCC owned section of the M65.

It is proposed to fund these inspections from the Highways Incentive Fund.

**Post Tension Structures:** It is proposed to survey 4 high risk Post Tensioned structures on the M65 which have been identified as highest risk. Highways England survey all their structures every 6 years and the LCC M65 Structures have been subject to biannual General Inspections, however a more detailed inspection is now recommended. Nationally there is concern over Post Tensioned Structures. The approved Bridges Capital Budget is fully committed and it is therefore proposed to fund the inspections from the Incentive Fund at a total estimated cost of £0.196m.

**Street Lighting Columns:** Modelling using The Institute of Lighting Professionals Technical Report No.22 (TR22), as part of the Street Lighting Lifecycle Plan, identifies the columns most likely to fail. LCC has already replaced 4000 columns over 40 years old through the DfT Challenge Fund it is now proposed to test a small sample of the most high risk columns to assess whether a wider programme is needed. Accommodating this within the approved Street Lighting budget would result in columns that are tested and fail being taken down and not replaced. There are already more columns identified as needing replacement as there is currently funding available to replace them. It is therefore proposed to fund this work from the Incentive Element at a total estimated cost of £0.030m.

## **Summary**

Table 1, below, summarises the proposed areas to fund from the 2017/18 Highways Maintenance Incentive Element.

## **Consultations**

The schemes proposed to be funded from the Incentive Element have been considered and proposed by the Capital Board.

## Implications:

This item has the following implications, as indicated:

### Risk management

### Financial

It is considered that the ABC roads identified in Appendix 'A' represent the best value for money for early intervention. The high risk column assessments will help validate the modelling and identify the potential financial liability for the Authority. The Post-Tension M65 Structures condition assessments will determine the condition of these structures and determine likely pressure on the Bridges Capital maintenance allocation.

Table 1

Area	Schemes	Cost	Total Cost
<b>Tamp Priorities</b>			<b>£1,686,005</b>
ABC roads resurfacing\ inlays	Highest priority schemes from 18/19 provisional programme as described in Appendix A		£1,686,005
<b>Emerging Pressures</b>			<b>£286,995</b>
Emergency Repair	A59 Rose Cottage, Mellor		£60,995
Risk Bases Inspections	Post Tension Inspections: M65 Structures	£196,000	
	Street Lighting High Risk Column Inspections	£30,000	£226,000
<b>Total</b>			<b>£1,973,000</b>

### Risk

Well-Managed Highway Infrastructure Code of Practice (UK Roads Liaison Group, October 2016) advocates Highway Authorities adopting a risk based approach to managing highways. The ABC roads identified in Appendix 'A' have been identified as being the highest priority requiring earliest intervention to prevent deterioration. The Structures and Street Lighting Lifecycle Plans advocate a risk based approach for condition assessments. The high risk column assessments and the Post-Tension M65 Structures represent the aspects identified as highest risk. There has been proper consideration of what should attract this funding.

### List of Background Papers

Paper	Date	Contact/Tel
Transport Asset Management	July 2014	Paul Binks/(01772) 532210

Plan

Street Lighting Life Cycle Plan    January 2017

Paul Binks/(01772) 532210

Structures Life Cycle Plan        April 2017

Paul Binks/(01772) 532210

Reason for inclusion in Part II, if appropriate

N/A



**Appendix A**

**DfT Highway Maintenance Incentive Element 17/18**

**TAMP Priorities**

**ABCs**  
(Top priority Capital programme for 18/19)

Road	£ Cost	Location	Treatment
Longmeanygate C250	119,069	Midge Hall Lane to Comet Road Roundabout	Resurfacing
C405 Pilling Road, Wyre	186,401	From 169 (Bibby's Farm - Green Dick lane	Retread
A 679 Westgate, Burnley	159,675	Active Way to Trafalgar St	Inlay
A675 Bolton Road, Chorley	194,512	Bolton Road : Calf Hey Bridge To Roddlesworth Lane	to be determined through site investigation
A577 Crosshall Brow, West Lancashire	199,105	Wigan Road to Castle Lane	Carriageway Resurfacing
B5377 Park Lane, Wyre	143,526	Lindel Lane to Fordstone Avenue	to be determined through site investigation
C405 Pilling Lane, Wyre	135,587	38-169	Inlay
C250 Golden Hill Lane, South Ribble	191,776	Golden Hill Lane : School Lane To Chapel Brow	2 Layer Inlay
C226 Roach Road, South Ribble	59,854	Roach Bridge to Firwood Lane	Carriageway Resurfacing
C439 Nateby Hall lane, Wyre	53,135	Nateby Hall lane to Bells bridge lane	to be determined through site investigation
A59 Main Street, Ribble Valley	108,864	Mill Lane to Endhouse Cottage	Inlay
C197 Runshaw Lane, Chorley	72,960	M6 over bridge to Dawson Lane	Surface Dressing
C206 Grimeford Lane, Chorley	61,542	Bolton Road to Boundary	Carriageway Resurfacing
<b>Total</b>		<b>1,686,005</b>	

**Emerging Pressures**

**Emergency Repairs**  
Rapid failure of surface and binder course

Road	£ Cost	Location	Treatment
A59 Rose Cottage, Mellor	60,995	outside Rose cottage	Inlay

**Risk Based Inspections**

Inspection	£ Cost
Street Lighting High Risk Columns	30,000
M65 (LCC Owned) Structures Post Tension Inspections (4*£50k)	196,000
<b>226,000</b>	

**Total 1,973,000**



## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Director of Corporate Commissioning

**Part I**

Electoral Division affected:  
Accrington South;

### **Accrington Townscape Heritage Initiative - Proposed Public Realm Improvements to the Town Square, Blackburn Road and Peel Street**

(Appendix 'A' refers)

Contact for further information:

Nick Stafford, (01772) 530651, Landscape Unit Manager

[nick.stafford@lancashire.gov.uk](mailto:nick.stafford@lancashire.gov.uk)

#### **Executive Summary**

The Accrington Townscape Heritage Initiative (THI), promoted by Hyndburn Borough Council (HBC), is a public realm improvement scheme proposed for the town square and adjacent sections of Blackburn Road and Peel Street. The THI also makes provisions for the regeneration of some of Accrington's key historic buildings and the non-highway area adjacent to the Town Hall to provide a defined town square dedicated to the memorial and celebration of the Accrington Pals regiment. Planning permission for the THI was granted in February 2017.

The County Council has been providing advice and assistance to HBC in connection with the development of these proposals in so far as they relate to highway improvements. A Section 278 Agreement will be used to safeguard the County Council's financial position. The project has now progressed to the contractor procurement stage.

This is deemed to be a Key Decision and the provisions of Standing Order No 25 have been complied with.

#### **Recommendation**

The Cabinet is requested to:

- (i) Approve the award of the tender to the winning contractor subject to the S278 agreement being in place and the County Council having received and added the necessary resources from Hyndburn Borough Council to the 2015/16 Highways block of the capital programme;
- (ii) Approve that the County Council will accept staged payments totalling £1,704,751 from Hyndburn Borough Council together with any other additional financial resources for the project that may be agreed, on the condition that payments are received and added to the Highways block of the

2015/16 capital programme in advance of any application for payment from the appointed contractor.  
(iii) Approve that the expenditure be phased across the financial years 2017/18 and 2018/19 in line with the receipt of income.

## **Background and Advice**

Over the last 2 years, the County Council has been providing support and advice to Hyndburn Borough Council (HBC) in connection with a public realm scheme proposed for the town square, Peel Street and Blackburn Road. Although the design and associated contract documents have been prepared by consultants appointed by HBC, County Council officers have had a significant involvement during the design process and are satisfied that the proposal is to adoptable standards.

The proposed improvements are on land which is predominately dedicated as public highway and HBC has requested that the County Council procure a contractor to carry out the works and supervise the construction stage under a Section 278 Agreement. The extent of highway (subject to clarification and evidence evaluation) is shown in Appendix 'A'. The closing date for the submission of tenders was 9 May 2017.

HBC will be funding the majority of the project but the County Council has made provision for a contribution from the highways block of 2015/16 capital programme as explained below.

As stated above, the County Council has requested that HBC enter into a Section 278 Agreement with terms agreed prior to progressing to the construction stage. HBC have undertaken a due diligence review of the S278 Agreement process and are now happy to proceed on this basis.

## **Consultations**

N/A

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

The Section 278 Agreement provides a robust mechanism for the County Council to ensure there is no financial risk from the construction and supervision of these works. HBC has requested that payment is staged such that the County Council will request and receive payment from HBC in advance of any applications for payment made by the appointed contractor. The exact mechanism for receipt of funds will also be covered by the S278 agreement.



## Financial

The available budget from the County Council's highways block of the 2015/16 capital programme is £312,847. HBC has advised that HBC's contribution will be funded from S106 and Heritage Lottery funding totalling £1,704,751. It is proposed that this be added to the highways block of the 2015/16 capital programme giving a total available budget of £2,017,598. If the tendered price (including contingencies) exceeds the available budget then HBC will either need to identify additional resources to cover the shortfall or reduce the scope of the works (the contract provides a mechanism for doing this) to reflect the available budget. The scheme will extend into financial year 2018/19 and therefore funding for the final phases of work are likely to come in to the County Council in this second year.

In accordance with the terms of the Section 278 Agreement, the County Council will receive advance payments from HBC on a quarterly basis ahead of the works for that quarter being undertaken. The value of the quarterly payment will be based on the contractors spend profile as tendered and then adjusted as the works progress. The funding streams for the project have been profiled such that the County Council contribution is utilised as a contingency sum to be drawn down as and when necessary. The Agreement also provides for additional payments to be sought from HBC if there is an exceptional unforeseen cost event which would exceed the advance payments and contingency provision. Together with the provision to terminate the Agreement if HBC are unable to continue funding the project, it is considered that entering into a contract to construct the works presents no significant financial risk to the County Council.

## Legal

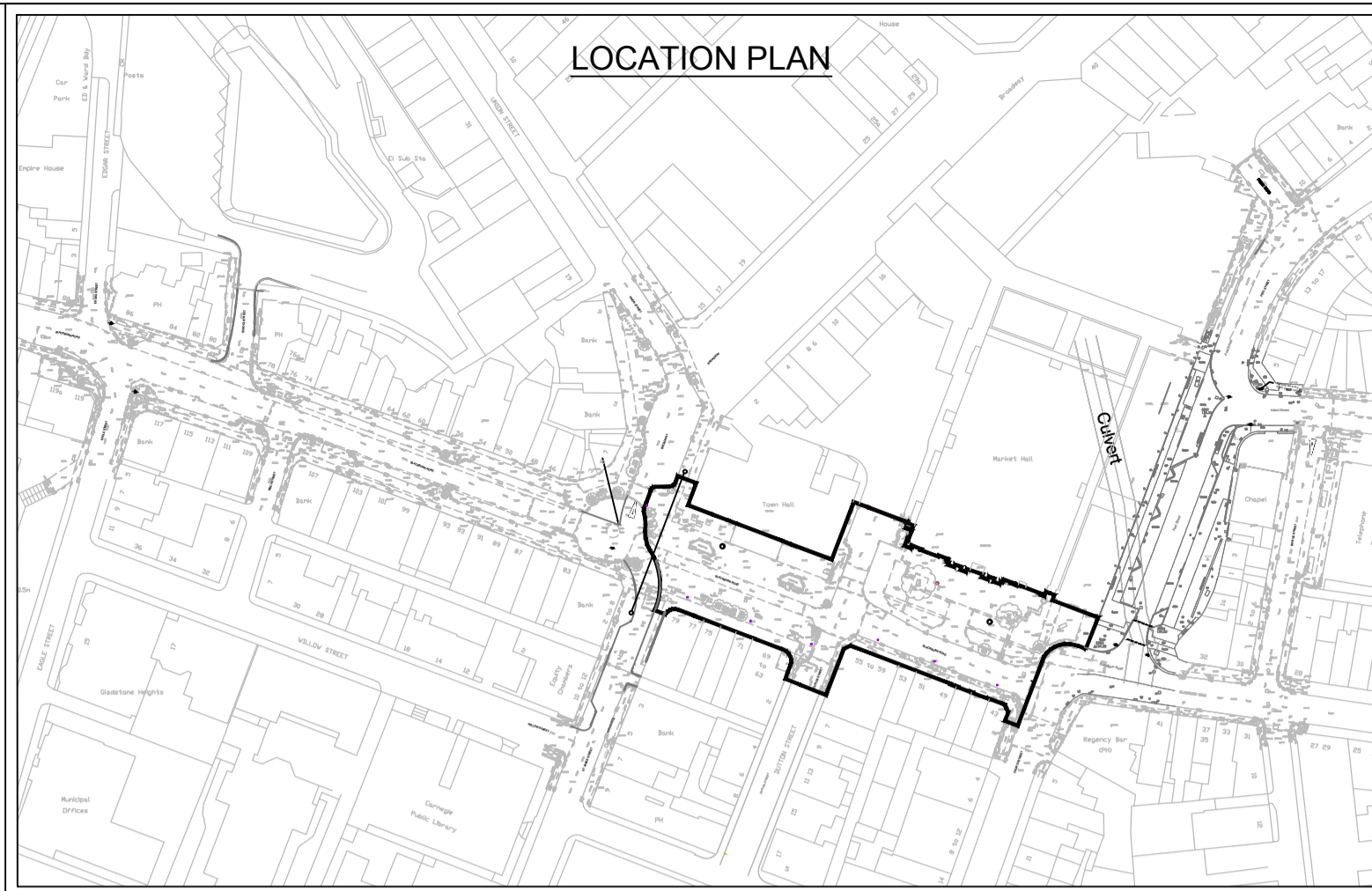
Planning permission for the THI has been granted. The majority of the works will take place within the boundary of the adopted highway under the S278 Agreement. There are areas where highway extent needs clarification and the evidence evaluated. Change to highway alignment will not be confirmed until all necessary land has been confirmed as part of highway width and recorded as such

## List of Background Papers

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		







- Notes**
- Position of the trees is indicative only and is liable to change due to position of existing and proposed services.
  - Contractor to ensure that access to all premises is maintained throughout the works.
  - Traffic routes to be maintained at all times.
- Key to symbols**
- 290mm x Random length (290mm - 870mm) x 75mm Yorkstone Slabs
  - 65mm x 150mm x 75mm Grey granite sets with flamed finish & 65mm x 150mm x 75mm Grey granite sets with cropped finish.
  - 400mm x 400mm x 75mm Black Granite hazard warning Blister tactile slabs
  - 400mm x 400mm x 75mm Black granite Corduroy tactile paving flags
  - Proposed Pedestrian Gate Contractor Led Design
  - Proposed Service Yard Sliding Gates Contractor Led Design
  - Duckboard Bench Contractor Led Design
  - Proposed Street Lighting
  - Proposed Cycle Rack to be supplied by others
  - Proposed Fixed Bollard to be supplied by others
  - Proposed Removable Bollard to be supplied by others
  - Proposed Litter Bin to be supplied by others
  - Proposed Finger Post
  - Proposed Flag Poles
  - Proposed Boundary Brass Studs @ 2500mm Spacing
  - Proposed Semi Mature Trees 30-35mm in girth with tree grill & tree guard
  - Water Connection Point (illustrative symbol shown on plan and position) Contractor Led Design
  - Electric Connection Point (illustrative symbol shown on plan and position) Contractor Led Design
  - Christmas Tree Foundation
  - Water Break Tank (illustrative symbol shown on plan and position) Contractor Led Design
  - Feeder Pillar (illustrative symbol shown on plan and position) Contractor Led Design
  - Town hall portico bases
  - Soldier Course
  - Dropped Kerb
  - Full height Kerb (up to 100 - 125mm upstand)
  - 50mm Upstand Kerb
  - Proposed sign
  - Squirrel Sculpture Contractor Led Design
  - Accrington Pals Dog Contractor Led Design
  - Accrington Football Dog Contractor Led Design

**Reference drawings**

For limit of works refer to MMD-367119-C-DR-00-0100-0004

TO	31/03/2017	LD	Issue to HBC/LCC	JL	SA
Rev	Date	Drawn	Description	Ch'k'd	App'd

**MOTT MACDONALD**

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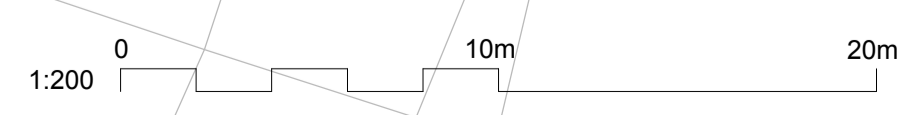
**thi** accrington townscape heritage initiative.

**Title**

Accrington Town Centre  
Public Realm Development  
General Arrangement Plan

Designed	D Larena	LD	Eng check	J Ingram	JL
Drawn	L Dix	LD	Coordination	J Edwards	JE
Dwg check	D Larena	DL	Approved	S Alexander	SA
Scale at A1	Status	Rev	Security		
1:200	TEN	T0	STD		
Drawing Number MMD-367119-C-DR-00-0100-0103					

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## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Director of Community Services

### Part I

Electoral Divisions affected:  
Ribble Valley South West;  
and South Ribble East

### **40mph Speed Limit Revocation Order Branch Road, Mellor Brook, Mellor** (Appendices 'A' and 'B' refer)

Contact for further information:

Matthew Hargreaves, (01772) 531254, Operations Engineer

[matthew.hargreaves@lancashire.gov.uk](mailto:matthew.hargreaves@lancashire.gov.uk)

#### **Executive Summary**

This report sets out a proposal to revoke a 40mph Speed Limit Order (SLO) along the entire length of Branch Road, Mellor Brook, Mellor. The road is signed as a 30mph limit and has been for many years. Following enquiries from the police, the original 40mph SLO has been found but a corresponding 40mph Revocation Order cannot be located. In order for police enforcement to take place, a new 40mph Revocation Order is required. Branch Road will revert to restricted road status (30mph speed limit) by virtue of its existing system of street lighting. No objections have been received. A copy of the proposed 40mph Revocation Order is attached at Appendix 'A' and the extents are shown on the plan at Appendix 'B'.

This is deemed to be a Key Decision and the provisions of Standing Order No. 25 have been complied with.

#### **Recommendation**

The Cabinet is asked to approve the making of a 40mph Revocation Order which revokes the existing 40mph Speed Limit Order along the whole length of Branch Road, Mellor Brook.

#### **Background and Advice**

Lancashire County Council has received requests from the Police to confirm a 30mph speed limit on Branch Road to allow for speed enforcement activity to take place following community concerns. The original 40mph SLO for this length of road is to hand but a 40mph Speed Limit Revocation Order that would support enforcement of the signed 30 mph speed limit cannot be located so it is proposed to make a new 40mph Speed Limit Revocation Order to confirm the extinguishment of the 40mph speed limit. This will have the effect of confirming a 30mph speed limit on

Branch Road by virtue of the existing system of street lighting in accordance with section 82(1) of the Road Traffic Regulation Act 1984. The proposal makes no changes to the existing extents of the signed 30mph speed limit although some minor changes to the existing signs on Branch Road are required. The proposal will allow Lancashire Constabulary to enforce the speed limit and thereby address community concerns regarding vehicles driving too fast along Branch Road.

## **Consultations**

- Informal Consultation

No informal consultation has taken place as this proposal makes no material changes to the existing speed limits as signed on Branch Road and seeks to correct an anomaly within the current SLO records.

- Formal Consultation

A formal consultation was carried out between 6 April 2017 and 4 May 2017 for the 40mph Revocation Order by way of an advert which was placed in the local press. The County Councillors, District Councils and the Police were informed. The consultation raised no objections.

## **Implications:**

This item has the following implications, as indicated:

## **Risk management**

The proposal seeks to remove an anomaly within the existing traffic regulation order records for Branch Road. Failure to implement the recommendations set out in the report would prevent the Police from being able to enforce the speed limit which could lead to the County Council being criticised for not supporting the Police or the local community.

## **Financial**

The cost of the changes to the existing signage will be met from the 2017/18 Ribble Valley District Existing Signs and Road Markings Revenue Budget.

## **List of Background Papers**

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

**ROAD TRAFFIC REGULATION ACT 1984**  
**LANCASHIRE COUNTY COUNCIL**  
**(BRANCH ROAD, MELLOR BROOK, MELLOR, RIBBLE VALLEY AND SOUTH  
RIBBLE BOROUGH) (REVOCATION) ORDER 201\***

The County Council of Lancashire ("the Council") in exercise of its powers under Section 83(2) of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended ("the Act") and of all other enabling powers, after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order: -

**1. Revocation**

The "The Lancashire County Council (40 M.P.H. Speed Limit) (No. 1) Order 1978" is hereby revoked in full.

**2. Commencement of Order**

This Order shall come into force on the \*\*\*\*\* and may be cited as the "Lancashire County Council (Branch Road, Mellor Brook, Mellor, Ribble Valley And South Ribble Borough) (Revocation) Order 201\*\*".

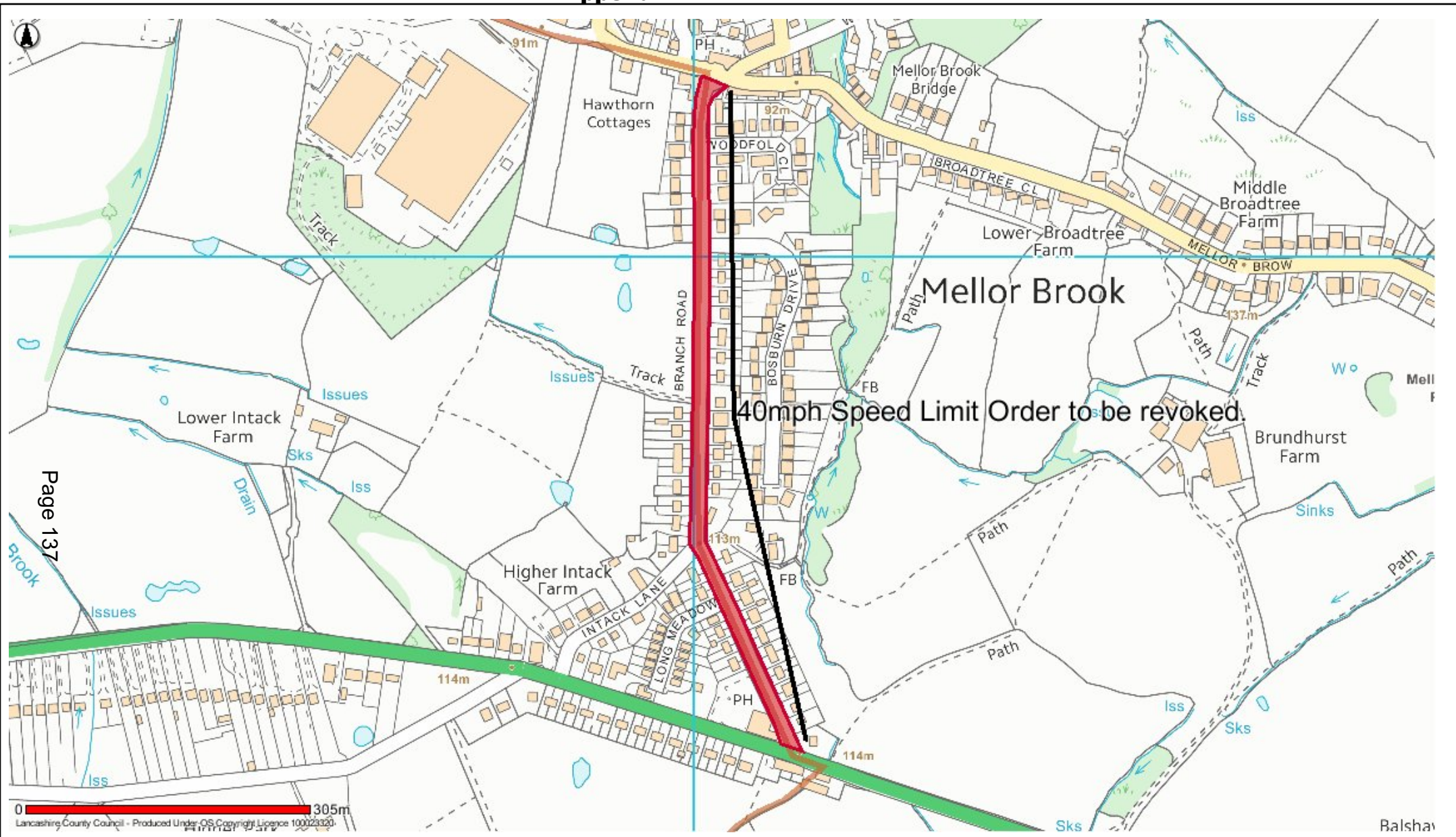
Dated this \*\* day of \*\*\*.

THE COMMON SEAL of the Lancashire County Council was hereunto affixed pursuant to the Scheme of Delegation to Chief Officers **OR** following a decision made on \*\*/\*\*/\*\*\*\* by the Cabinet Member for Highways and Transport

Authorised Signatory







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Branch Road, Mellor Brook, Mellor Ribble Valley/South Ribble Districts



Date: 15/03/2017

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## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Director of Corporate Commissioning

### Part I

Electoral Divisions affected:  
Rossendale South; and  
Rossendale West

## Upgrade of Existing Zebra Crossing to Puffin Crossing – Broadway, Haslingden

(Appendices 'A' and 'B' refer)

Contact for further information:

Martin Sephton, (01772) 533717, Highways Design Engineer

[martin.sephton@lancashire.gov.uk](mailto:martin.sephton@lancashire.gov.uk)

### Executive Summary

A proposed scheme to upgrade the existing Zebra Crossing on Broadway, Haslingden to a Puffin crossing was originally included in the 2015-16 Road Safety Programme.

There are long queues of traffic at busy times of day on Broadway due to the many pedestrians using the existing zebra crossing outside Haslingden High School. A pedestrian Puffin Crossing at this location will better manage the current conflict between pedestrians and traffic.

The proposal has an approved capital allocation of £58,000 in the 2015/16 Road Safety Programme.

This is deemed to be a Key Decision and the provisions of Standing Order No. 25 have been complied with.

### Recommendation

The Cabinet is asked to give approval for the removal of the existing Zebra Crossing and construction of a new Puffin crossing and associated road markings on Broadway Haslingden, from a point 5.5m east of the centreline of Devon Crescent for a length of 41 metres eastwards as shown on the plan at Appendix 'B'. The proposal has an approved capital allocation of £58,000 in the 2015/16 Road Safety Programme.

## **Background and Advice**

The proposal shown at Appendix 'A' was developed to reduce conflict between pedestrian and motorised users of the highway and improve traffic flow on Broadway, Haslingden, outside Haslingden High School.

There are long queues of traffic at busy times of day on Broadway due to the many pedestrians using the existing zebra crossing outside the school. A signal controlled pedestrian Puffin Crossing will improve traffic flow whilst reducing the current pedestrian/vehicle conflict at the crossing.

Under current design guidelines a new signal controlled crossing would have to be sited further away from the junction of Broadway with Devon Crescent, compared to the existing Zebra Crossing position. It was recognised that this would lead to a small reduction of parking spaces on the south side of Broadway compared to the existing situation.

The scheme is included in the 2015-16 approved Road Safety Programme with an allocation of £58,000.

## **Consultations**

The proposal shown at Appendix 'A' was advertised in the local press and by site notices between Friday 17 February and Friday 17 March 2017.

Consultees included:

1. County Councillors for the divisions affected
2. Police/Fire/Ambulance services.
3. Local Residents,
4. Haslingden High School and Haslingden Broadway Primary School

Two objections were received:-

### **Objection No.1**

A resident of Broadway objected on the grounds that the new crossing would impede access to his driveway and that he would lose the ability to park conveniently outside his house.

### **Response**

The proposed crossing point is well away from the resident's driveway and so does not impede access. Although the zig-zag markings for the proposed crossing do run across his driveway they do not impede access. The resident cannot currently park directly outside his house due to the zig-zag lines associated with the current zebra crossing, which prohibit parking at any time. Currently, on the north side of Broadway, there is room for 2 cars to park legally within 20 metres of the resident's property, without obstructing the resident's access. Under the proposal, this will be reduced to one space. There will still be on-road parking available on the south side of Broadway. The property does have an existing large driveway/garage.

## **Objection No. 2**

A parent of a child attending Broadway Primary School has complained about loss of parking spaces on the south side of Broadway, between Devon Crescent and the Primary School, due to the proposal. She states that there is limited parking in the area, and that the proposal will make parking more difficult at busy times.

### **Response**

The existing parking bay on the south side of Broadway between Devon Crescent and the Primary School is not marked out for individual spaces. However, by observations and based on the overall length of this bay, it is estimated that 20 average size cars could park here. The proposal shown at Appendix 'A' would reduce this by 5-6 cars compared to the existing situation.

In light of the objection, the design has been revised to minimise the parking loss on the south side of Broadway. The revised design at Appendix 'B' would result in 2 parking spaces being lost compared to the existing situation. It is felt that this is a reasonable arrangement in view of the benefits to traffic flow and reduction of pedestrian/vehicle conflict at the crossing.

There is further parking provision available opposite the Primary School on the north side of Broadway and in Knowsley Road, as well as further west than Devon Crescent on Broadway, and in Grasmere Road to the east of the Primary School.

The Primary School also benefits from a school crossing patrol, to help pupils cross Broadway, which operates at the start and end of the school day.

### **Implications:**

This item has the following implications, as indicated:

#### **Risk management**

Without implementation of the proposals detailed in this report, the current conflict between pedestrian and motorised Highway users will continue at this site, with ongoing risk of pedestrian injury. This proposal will improve the flow of traffic along Broadway, Haslingden, at busy times of day.

#### **Financial**

The proposal has an approved capital allocation of £58,000 in the 2015/16 Road Safety Programme Capital Budget.

#### **List of Background Papers**

Paper	Date	Contact/Tel
None		

August 2016

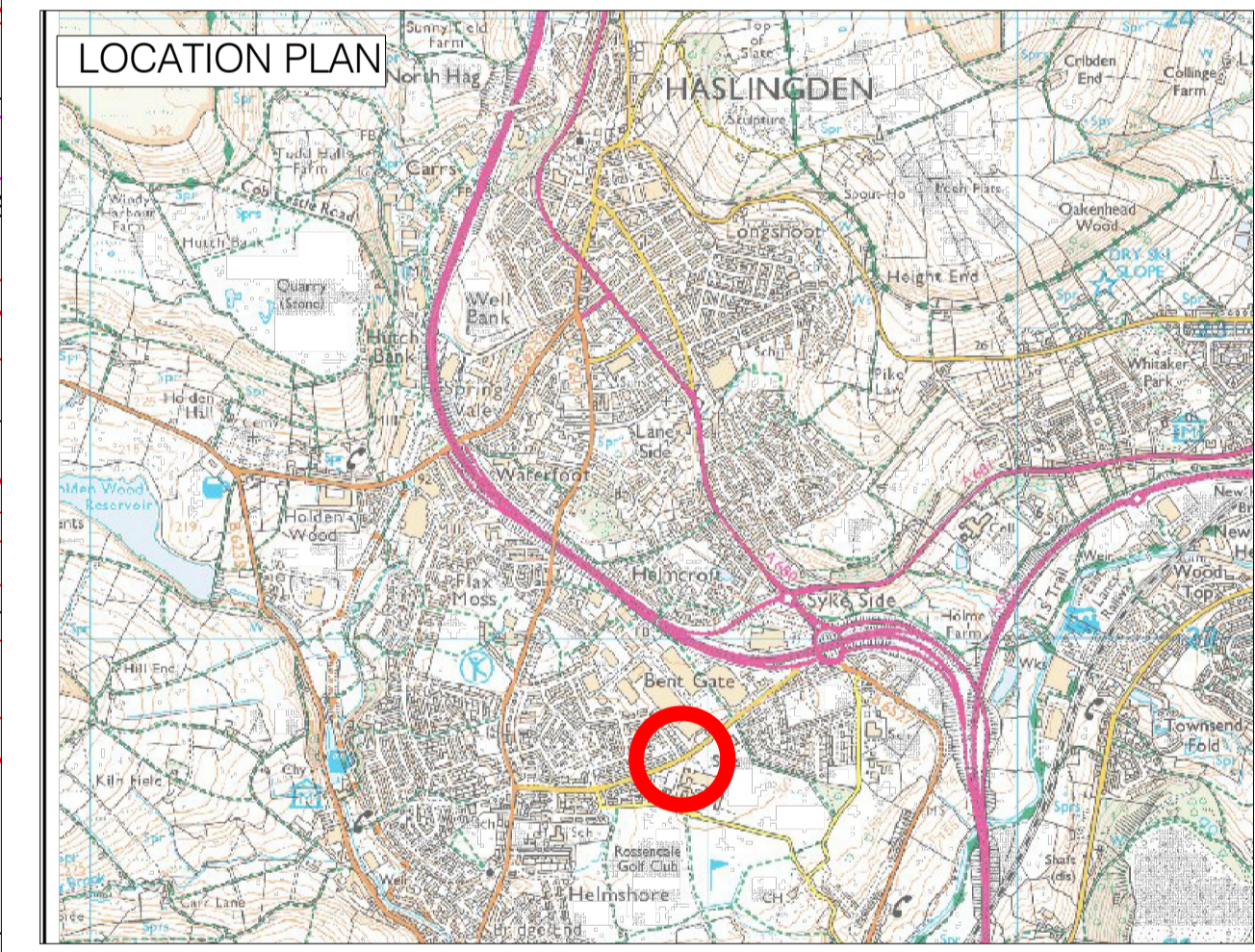
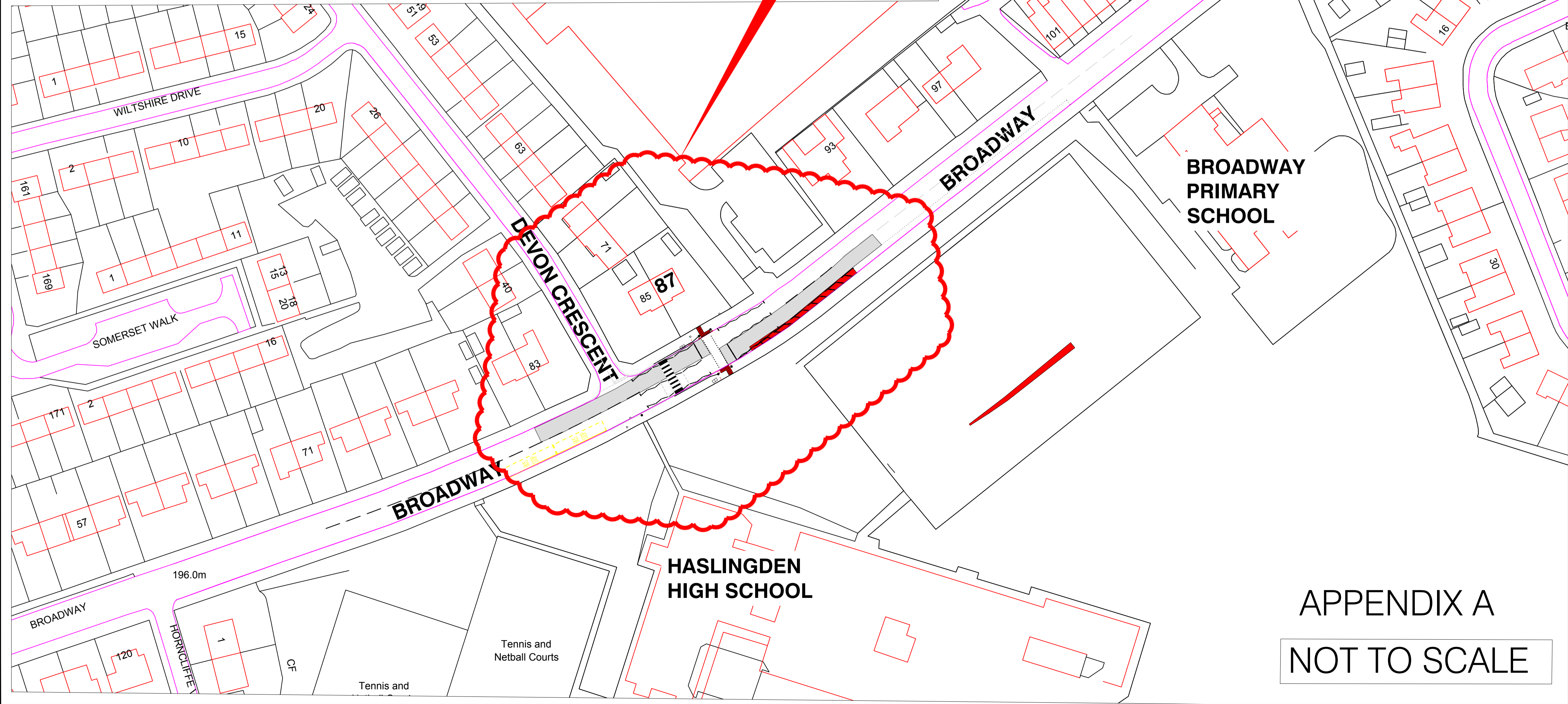
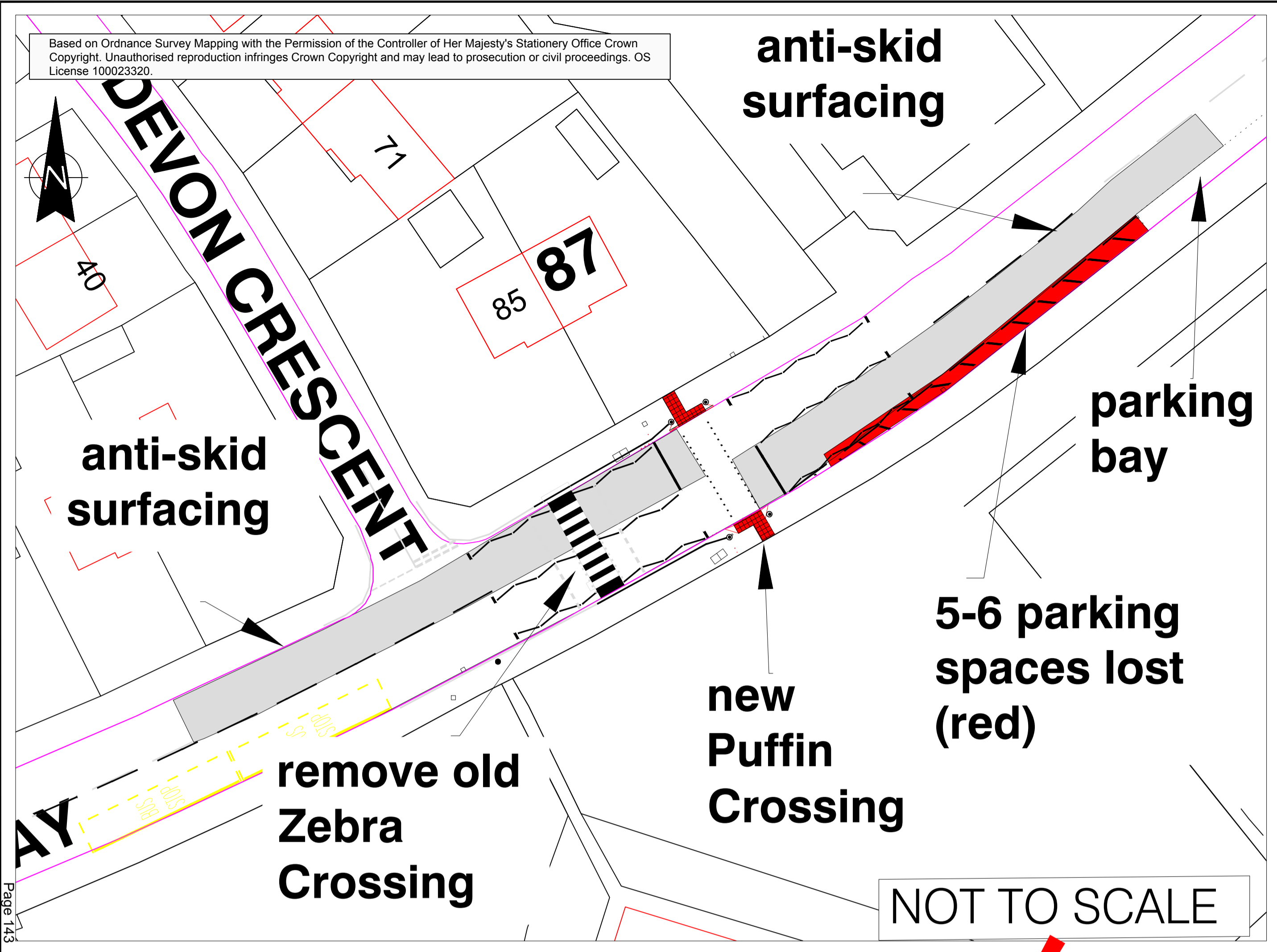
Martin Sephton 01772-  
533717

Reason for inclusion in Part II, if appropriate

N/A



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No.	DATE	AMENDMENT DETAILS	CHECKED BY	DRAWN BY
REVISIONS				



Design & Construction

PROJECT TITLE  
BROADWAY HASLINGDEN  
PROPOSED NEW PUFFIN CROSSING

DRAWING TITLE  
**GA & LOCATION DRAWING CABINET REPORT APPENDIX A**

DRAWN BY: MWS PROJECT No.:

CHECKED BY: DATE: 28.02.17 DRAWING No.:

SCALE @ A1: SEE INDIVIDUAL PANELS SHEET No.:

CLIENT No. SHEET No. 01 OF 01

APPENDIX A  
NOT TO SCALE

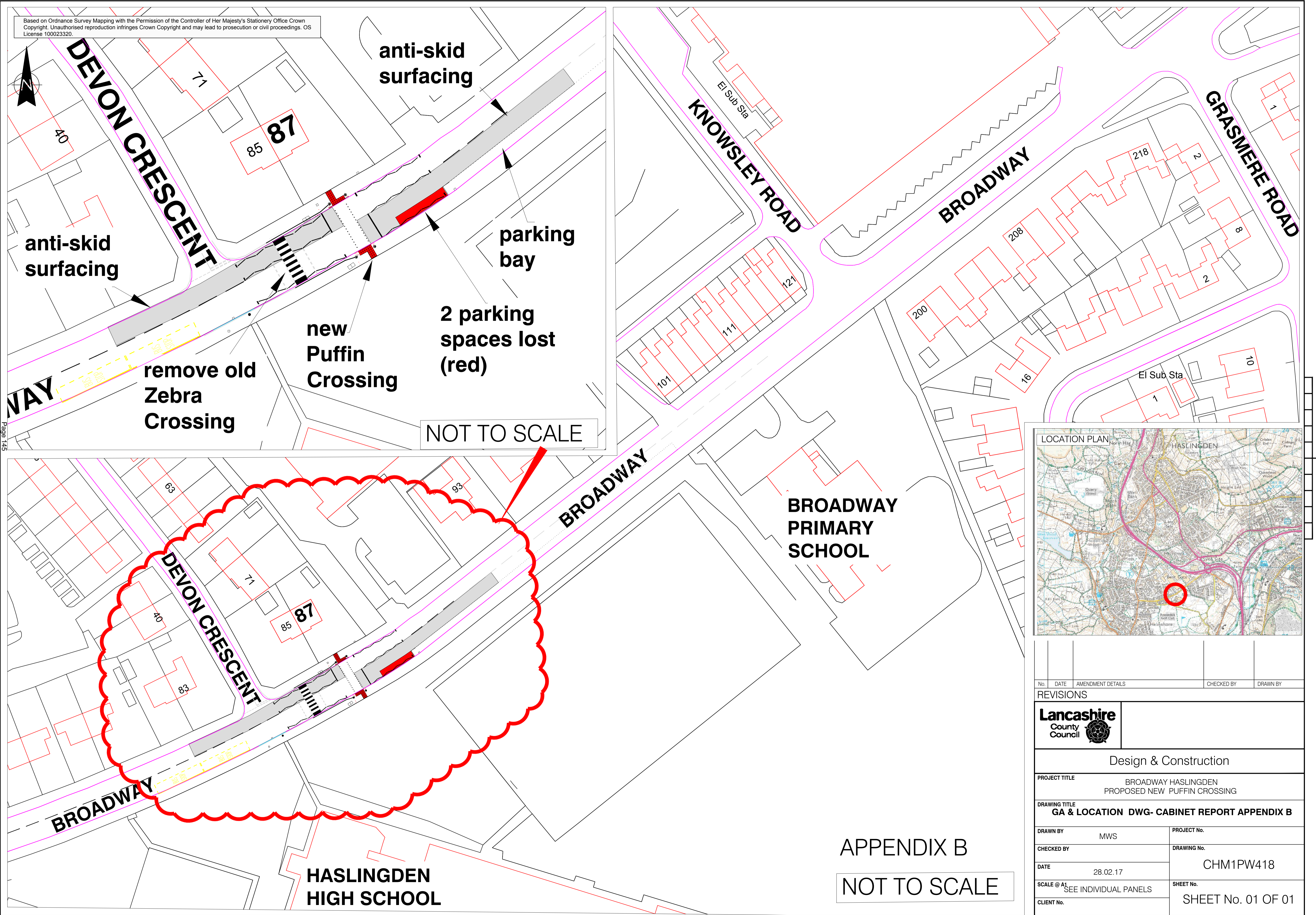
Page 143



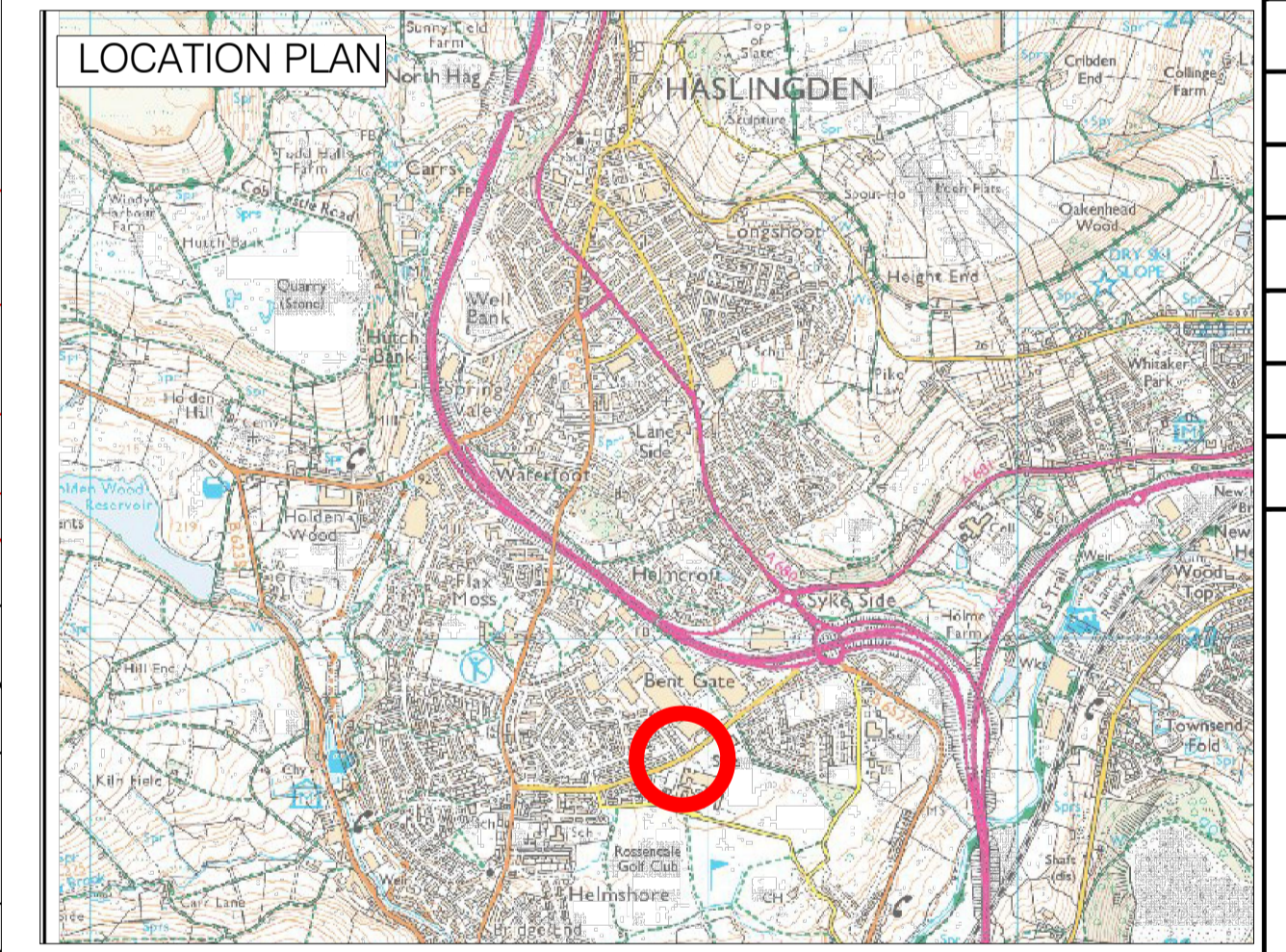




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No.	DATE	AMENDMENT DETAILS	CHECKED BY	DRAWN BY
<b>REVISIONS</b>				
<b>Lancashire</b> County Council		Design & Construction		
PROJECT TITLE BROADWAY HASLINGDEN PROPOSED NEW PUFFIN CROSSING				
DRAWING TITLE <b>GA &amp; LOCATION DWG- CABINET REPORT APPENDIX B</b>				
DRAWN BY	MWS	PROJECT No.		
CHECKED BY		DRAWING No.		
DATE	28.02.17	CHM1PW418		
SCALE @ A1	SEE INDIVIDUAL PANELS	SHEET No.		
CLIENT No.		SHEET No. 01 OF 01		

**APPENDIX B**

**NOT TO SCALE**





## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report submitted by the Director of Community Services

**Part I**

Electoral Division affected:  
Mid Rossendale;

### **Burnley Road and Goodshawfold Road, Loveclough - Prohibition and Restriction of Waiting**

(Appendices 'A' and 'B' refer)

Contact for further information:

Brenda Garside, (01772) 531274, Community Services (Lancashire Highway Services)

[brenda.garside@lancashire.gov.uk](mailto:brenda.garside@lancashire.gov.uk)

#### **Executive Summary**

This report sets out a proposal to introduce a Traffic Regulation Order to Prohibit Waiting at Burnley Road and Goodshawfold Road, Loveclough and to Restrict Waiting at Burnley Road, Loveclough as shown on the attached schedule at Appendix 'A' and location plans at Appendix 'B', and to which objections have been received.

#### **Recommendation**

The Cabinet is asked to approve the making of a Traffic Regulation Order which prohibits waiting and restricts waiting as set out in the schedule attached at Appendix 'A' and as shown on the plan at Appendix 'B'.

#### **Background and Advice**

The junction of Burnley Road with Goodshawfold Road in Loveclough has a Traffic Regulation Order (TRO) to restrict waiting but the road markings do not accurately reflect the descriptions in the TRO. After receiving requests to re-mark the restrictions, it was considered necessary to consult with residents who would have become accustomed to the existing layout and may have been unaware of the actual extents of restrictions as set out in the TRO. This represented an opportunity to review the junction requirements and prepare a new TRO to meet the needs of highway users from both a safety and community viewpoint. The proposals are to introduce a 'prohibition of waiting' (double yellow line) at the junction of Burnley Road and Goodshawfold Road and a 'restriction of waiting' (single yellow line) on Burnley Road. The existing TRO would be revoked. The proposals put forward seek to improve safety for all highway traffic, both vehicular and pedestrian.

The proposals were supported by the police who attend the Rossendale Traffic Liaison meeting prior to informal and subsequently formal consultation.

## **Consultations**

Requests have been received for a restriction to be made to prohibit waiting at the junction of Burnley Road and Goodshawfold Road from residents of Goodshawfold who had experienced visibility difficulties when accessing Burnley Road due to parking near to the junction. Investigations revealed that there is an existing Traffic Regulation Order (TRO) which includes a restriction of waiting (single yellow line) operating on Monday to Saturday between 8am and 6pm on the west side of Burnley Road extending to a point 20 metres north and 20 metres south of the centre of the junction and into Goodshawfold Road on both sides for a length of approximately 18 metres when measured from the centre of Burnley Road. However, a road safety scheme has been introduced in this vicinity which has inadvertently affected the integrity of the TRO road markings.

An informal consultation was carried out in January 2016 which proposed to reinstate the existing order, refresh the single yellow lines on site to reflect the original lengths and descriptions and also refresh the hatching and junction give way markings in order to improve the sight lines and increase safety for highway users. The informal consultation included the Police, County Councillor and Rossendale Borough Council.

The informal consultation received 11 responses in favour of the proposal and no responses in objection. Of the 11 responses in favour, 5 requested that the order include upgrading the existing single yellow lines to double yellow lines (prohibition of waiting) on Goodshawfold Road at the junction as they had experienced access difficulties at certain times of the day, evening and night. The informal consultation and responses followed by the revised proposals were discussed with the Police at Rossendale Traffic Liaison meetings in November 2016 and March 2017 and the proposed changes to the original order, which would address the residents' concerns, were supported.

This proposal was the subject of a formal consultation and was advertised in the local press and on site between 7 April 2017 and 5 May 2017 and is the subject of this report. The schedule of the proposal is attached at Appendix 'A' and a location plan is attached at Appendix 'B'. The County Councillor, District Councillors and Rossendale Borough Council were consulted.

Two letters of objection were received in response to the formal consultation, both from residents of Burnley Road to the south of the junction with Goodshawfold Road.

## **Objections**

### **Objection 1**

1. Access to and from the junction could be improved by a reduction in the speed limit which is currently 40mph on Burnley Road.
2. The proposed restrictions outside his property will have a detrimental effect on the property value.

3. Parking will still be required by the residents and nearby businesses.
4. Some drivers may now choose to park on the opposite side of Burnley Road thus facing an increase in risk as they would need to cross this busy main road.

### **County Council Response**

1. A reduction in the speed limit would not be supported as a comprehensive review was carried out in 2008 of all category 'A' and 'B' roads in Lancashire and no changes were recommended for this length of Burnley Road (A680).
2. The objector's property is adjacent to the existing section of hatching which tapers from the junction in both directions. The proposal does not introduce any waiting restrictions outside this property and therefore their claim of a reduced value is not supported.
3. The proposal changes the existing restriction from a single yellow line to a double yellow line (prohibition of waiting) for a length of 10 metres in each direction along Burnley Road when measured from the centreline of Goodshawfold Road. This is consistent with the advice and rules given in the Highway Code in relation to parking near junctions.
4. There is no history of pedestrian collisions at this location on Burnley Road. If residents choose to park in a different location then they must take appropriate precautions when crossing the road as they do now.

### **Objection 2**

1. The proposals will increase parking along Goodshawfold Road resulting in more traffic down a very narrow road which is used regularly by large vehicles and HGV's
2. The proposals will force traffic to park further down Burnley Road thus blocking the view out of the junction even more. Currently drivers park near the junction, but further down there are no dwellings and the view for traffic is clear thus drivers can time when to manoeuvre out of the junction. If the restrictions are introduced, cars will park lower down Burnley Road and the clear section around the junction is not enough for vehicles to access safely.
3. The problem with this road is its speed limit, not the parking.
4. Accidents at this junction are as a result of bad driving and not due to parked cars.

### **County Council Response**

1. The proposal does not change the overall extent of the restricted sections on Burnley Road or Goodshawfold Road. The proposal upgrades a section of the existing single yellow line restriction to a double yellow line (prohibition of waiting) for a length of 10 metres in each direction along Burnley Road when measured from the centreline of Goodshawfold Road. It also upgrades the existing single yellow lines on Goodshawfold Road to double yellow lines. The proposal will improve access at the junction for all traffic and has taken into consideration the regular HGV traffic along this road.
2. The critical sight lines are those located immediately around the junction as vehicles approach and these have been calculated using nationally adopted guidelines to assess junction visibility requirements. On-street parking further away from the junction should not impact on the safe operation of the junction.

3. A reduction in the speed limit would not be supported as a comprehensive review was carried out in 2008 of all category 'A' and 'B' roads in Lancashire and no changes were recommended for this length of Burnley Road (A680).

4. The proposed restrictions have been considered as part of the safety review which includes collision data shared by Lancashire Constabulary. Driver error is often cited as a contributory factor to collisions on the highway and it is unlikely that this will be completely removed. However the proposals seek to improve visibility in order to reduce the opportunities for driver error at this junction.

## **Conclusion**

The proposals have taken into consideration the requirement of the residents of Burnley Road for on street parking whilst addressing the concerns of many residents of Goodshawfold Road who access this junction on a daily basis. There is no change to the total length of the restrictions or the length of hatched areas and the upgrading of sections of single yellow line to double yellow line meets residents' requests and the sight lines have been maintained.

The proposal seeks to reinstate the extent of the original order with some additional prohibitions at the junction to improve the sight lines and increase safety for highway users.

## **Implications:**

This item has the following implications, as indicated:

## **Financial**

The cost of the proposal will be met from the 2017/18 Rossendale New Signs and Road Markings Revenue budget.

## **Risk management**

The prohibition of waiting and restriction of waiting proposals are sought to maintain sight lines and manoeuvring space at the junction and thus improving the flow of traffic along sections of highway in Rossendale and increasing safety for all users of the highway.

If the proposals are authorised, the works on the highway will be carried out in accordance with LCC Health and Safety Policy and Guidelines.

## **List of Background Papers**

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		

## LIST OF SCHEDULES

- 10.01 No Waiting at Any Time
- 11.075 No Waiting Mon-Sat 8am-6pm

### **Schedule No 10.01 No Waiting at Any Time**

#### **Burnley Road,**

the west side from a point 10 metres north from its junction with the centre line of Goodshawfold Road for a distance of 20 metres in a southerly direction

#### **Goodshawfold Road,**

both sides from its junction with the centre line of Burnley Road for a distance of 18 metres in a westerly direction

### **Schedule No 11.075 No Waiting Mon-Sat 8am-6pm**

#### **Burnley Road,**

- (i) the west side from a point 10 metres north from its junction with the centre line of Goodshawfold Road for a distance of 10 metres in a northerly direction
- (ii) the west side from a point 10 metres south from its junction with the centre line of Goodshawfold Road for a distance of 10 metres in a southerly direction

## **SCHEDULE OF REVOCATIONS**

Items to be revoked from:

### **LANCASHIRE COUNTY COUNCIL (ROSSENDALE AREA) (ON STREET PARKING PLACES, PROHIBITION AND RESTRICTION OF WAITING) CONSOLIDATION ORDER 2009**

#### **No Waiting Mon-Sat 8am-6pm**

##### **Burnley Road**

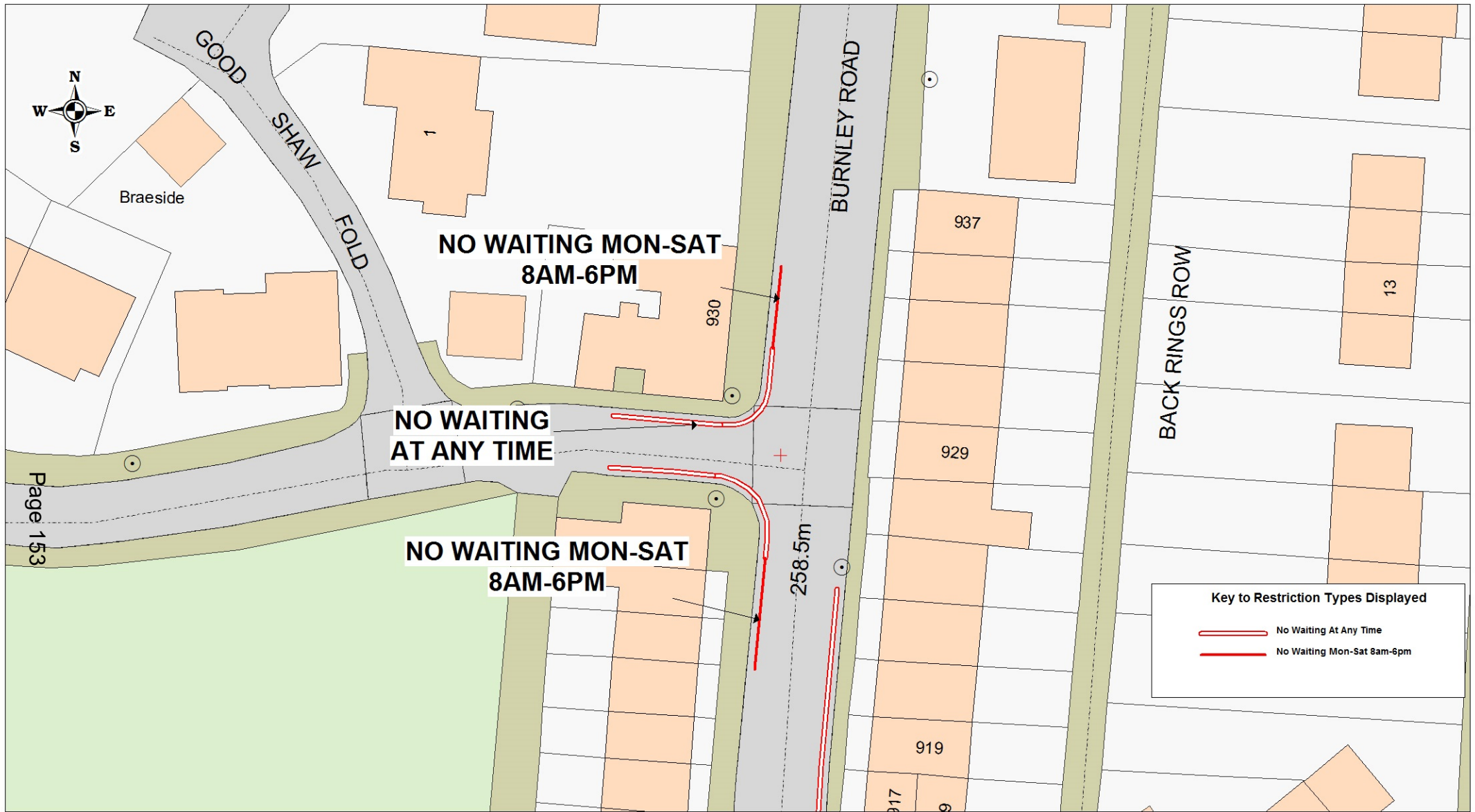
- (i) the west side from its junction with Goodshaw Fold Road for a distance of 15 metres in a southerly direction
- (ii) the west side from its junction with Goodshaw Fold Road for a distance of 15 metres in a northerly direction

##### **Goodshaw Fold Road**

both sides from its junction with Burnley Road for a distance of 10 metres in a westerly direction







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**Burnley Road junction**  
**Goodshawfold Road**  
**Loveclough**  
**Rossendale**

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**Community Services**  
**Phil Barrett**  
**Director Community Services**

P.O. Box 100, County Hall,  
 PRESTON PR1 0LD

SCALE	<b>1 : 500</b>
DATE	<b>09/03/2017</b>
DRAWING No.	
DRAWN BY	



## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Head of Legal and Democratic Services

### Part I

Electoral Divisions affected:  
All

## Report of Key Decisions taken by the former Leader of the County Council, Deputy Leader of the County Council and Cabinet Members

Contact for further information:

Janet Nuttall, (01772) 533110, Business Support Officer

[janet.nuttall@lancashire.gov.uk](mailto:janet.nuttall@lancashire.gov.uk)

### Executive Summary

Key Decisions taken by the then Leader of the County Council, Deputy Leader of the County Council and Cabinet Members, since the previous meeting of Cabinet held on 19 January 2017. The key decisions set out below were considered by the Executive Scrutiny Committee at its meetings on 17 and 31 January 2017, 7 March 2017 and 4 April 2017.

### Recommendation

The Cabinet is recommended to note the decisions detailed below.

## 1) Key Decisions taken by the former Leader of the County Council

The following decision was taken on 19 January 2017:

### Provision of PAT Testing Services to Lancashire County Council

The Leader of the County Council approved the recommendation as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The following decision was taken on 4 April 2017:

### **Core Systems Implementations and Funding Requirements**

The Leader of the County Council approved the recommendations as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **2) Key Decisions taken by the former Deputy Leader of the County Council**

The following decisions were taken on 9 March 2017:

### **Procurement of Water and Wastewater Retail Services**

The Deputy Leader of the County Council approved the recommendations as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **County Hall Complex**

The Deputy Leader of the County Council approved:

- (i) The investment of £1.586m in order to fund several elements of works classified as in need of immediate attention due to a high risk of failure, or as a regulatory requirement of the redevelopment works currently underway to the County Hall Old Building as part of the ongoing redevelopment of the County Hall Complex; and
- (ii) The use of three funding sources as set out in the table in section 2 of the report to fund this investment.

The following decisions were taken on 13 March 2017:

## **Capital Funding for 30 Hours Extended Entitlement**

The Deputy Leader of the County Council approved:

- (i) that the Early Years Capital Grant Funding received from the Education Funding Agency be added to the 2017-2018 Children and Young People's block of the Capital Programme;
- (ii) that the Early Years Capital Grant Funding is distributed in line with the legal agreements.

## **Pension Fund - Re-profiling the Council's contributions**

The Deputy Leader of the County Council approved the recommendations as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **3) Key Decision taken by the former Deputy Leader of the County Council, the former Cabinet Member for Health and Wellbeing and the former Cabinet Member for Children Young People and Schools**

The following decision was taken on 1 February 2017:

#### **Delivery of the Healthy Child Programme**

The Deputy Leader of the County Council, the Cabinet Member for Health and Wellbeing and the Cabinet Member for Children, Young People and Schools, approved the recommendations as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraphs 3 and 5 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **4) Key Decisions taken by the former Deputy Leader of the County Council and the former Cabinet Member for Highways and Transport**

The following decision was taken in 1 February 2017:  
**Skelmersdale Rail Link**

The Deputy Leader of the County Council and the Cabinet Member for Highways and Transport approved the recommendations as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The following decision was taken on 10 April 2017:

**Procurement Report - Request for Approval to Commence Procurement Exercises**

The Deputy Leader of the County Council approved the commencement of the procurement exercise for the provision of insurance services for the Farington and Thornton Waste Recovery Parks.

The Cabinet Member for Highways and Transport approved the commencement of the procurement exercise for the supply and delivery of street lighting materials.

**5) Key Decision taken by the former Deputy Leader of the County Council and the former Cabinet Member for Environment, Planning and Cultural Services**

The following decisions were taken on 9 March 2017:

**Assessment of Applications for the Countryside Sites and Implications for the County Council**

The Deputy Leader of the County Council and the Cabinet Member for Environment, Planning and Cultural Services

- (i) Approved the proposals with a view to effecting transfers as soon as practicable for 13 of the 84 sites to five organisations; and that the seven individuals/organisations who have not met the agreed criteria be thanked for their interest and informed that their proposals will not be taken forward.
- (ii) Approved the proposals in relation to the 71 countryside sites for which the County Council has not received any acceptable expressions of interest; and that the County Council manages the assets at minimum cost where public access is maintained and the sites are safe and free from liability whilst these recommendations are progressed.

- (iii) Approved the updating of the County Council's Medium Term Financial Strategy for managing the retained assets at a net cost of £0.197m per annum from 1 April 2018.
- (iv) Authorised officers to continue to develop proposals to further reduce costs for maintaining the retained sites by, for example, generating income, attracting grants for the sites and continuing to work with other organisations who may be able to assist with maintaining the sites.

### **Operation of Household Waste Recycling Centres and Waste Transfer Stations from April 2018**

The Deputy Leader of the County Council and the Cabinet Member for Environment, Planning and Cultural Services approved the recommendations as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and Information relating to any consultation or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.

### **6) Key Decision taken by the former Deputy Leader of the County Council and the former Cabinet Member for Adult and Community Services**

The following decision was taken on 27 March 2017:

#### **Department for Communities and Local Government (DCLG) Grant Funding for Refuges, Specialist Accommodation Based Support and Service Reform**

The Deputy Leader of the County Council and the Cabinet Member for Adult and Community Services approved the recommendations as set out in the full report.

This decision was implemented immediately for the purposes of Standing Order 34(3) as any delay could have adversely affected the execution of the County Council's responsibilities. The reason for this is that some of the providers named in the bid, who will provide the services through SLA's with their district councils, are in a position where they need the agreements, or the work to develop the agreements, to start from 1 April 2017 at the latest.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**7) Key Decision taken by the former Cabinet Member for Children, Young People and Schools and the former Cabinet Member for Adult and Community Services**

The following decision was taken on 23 January 2017:

**Procurement Report - Request for Approval to Commence Procurement Exercises**

The Cabinet Member for Children, Young People and Schools and the Cabinet Member for Adult and Community Services approved the commencement of the procurement exercises in respect of:

- (i) The Supply of Maintained Equipment Services

The Cabinet Member for Adult and Community Services approved the commencement of the procurement exercises in respect of:

- (i) The Provision of Crisis Services in Central Lancashire

**8) Key Decision taken by the former Cabinet Member for Adult and Community and the former Cabinet Member for Children, Young People and Schools**

The following decision was taken on 8 March 2017:

**Funding for Supported Housing for Care Leavers and Young People who are Homeless**

The Cabinet Member for Adult and Community Services and the Cabinet Member for Children, Young People and Schools approved:

- (i) The pooling of £1.35M of Supporting People funding and £3.6M of Children's Social Care funding for supported accommodation for young people;
- (ii) That services can be accessed by 16 to 21 year olds to whom the County Council owes, or has previously owed, a statutory duty under the Children Act 1989 and that in exceptional circumstances, where there is capacity, other young people who find themselves homeless between the ages of 18 and 21 years old can access services on a time limited basis.

**9) Key Decision taken by the former Cabinet Member for Highways and Transport, the former Cabinet Member for Adult and Community Services, the former Cabinet Member for Health and Wellbeing and the former Cabinet Member for Environment, Planning and Cultural Services**

The following decision was taken on 8 March 2017:



## **Procurement Process Approval**

The Cabinet Member for Highways and Transport approved the commencement of the procurement exercises in respect of:

- (i) The Refurbishment of Greyhound Bridge, and
- (ii) The Supply, Installation and Management of Electric Vehicle Charging Points.

The Cabinet Member for Adult and Community Services approved the commencement of the procurement exercises in respect of:

- (iii) The Provision of Hospital Aftercare Services

The Cabinet Member for Health and Wellbeing approved the commencement of the procurement exercises in respect of:

- (iv) The Provision of North and Central Lancashire Recovery Oriented Adult Substance Misuse Services

The Cabinet Member for Environment, Planning and Cultural Services approved the commencement of the procurement exercises in respect of:

- (v) The Provision of Services for the Acceptance and Composting of Green Waste Arising in the East of the Administrative County of Lancashire, and
- (vi) A Multi-provider Framework for the Acceptance and Recovery/Disposal of Residual Waste Arising in the Administrative County of Lancashire and Blackpool.

## **10) Key Decision taken by the former Cabinet Member for Children, Young People and Schools**

The following decisions were taken on 18 January 2017:

### **Chorley Youth Zone - County Council Grant**

The Cabinet Member for Children, Young People and Schools approved the proposals as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information

## **Schools Budget 2017/18**

The Cabinet Member for Children, Young People and Schools:

- (i) noted the report, including the 2017/18 Dedicated Schools Grant (DSG) allocation, the final budget proposals for each funding block and any comments made by the Lancashire Schools Forum;
- (ii) authorised the Head of Service Financial Management Development and Schools to submit the final Schools Block budget proforma for 2017/18 to the EFA by 20 January 2017, on the basis set out in this report;
- (iii) approved the 2017/18 budgets for the Early Years and High Needs Blocks;
- (iv) agreed that the Dedicated Schools Grant Reserve underwrite the uncertainties around the Early Years and High Needs Blocks.

This decision was implemented immediately for the purposes of Standing Order 34(3) as any delay could have adversely affected the execution of the County Council's responsibilities. The reason for this is to ensure that the necessary proforma can be submitted to the Education Funding Agency ahead of the required deadline.

The following decisions were taken on 6 February 2017:

### **Additional Primary Places in Euxton, Chorley - Proposal to Expand Balshaw Lane Primary School Chorley**

The Cabinet Member for Children, Young People and Schools:

- (i) considered the information in this report;
- (ii) conditionally approved the proposal to make a prescribed alteration to Balshaw Lane Primary School by permanently expanding the number of places available from 45 to 60 pupils for reception year in September 2018 and in subsequent reception years, subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990; and
- (iii) approved that an appropriate statutory decision letter be sent out as specified under legal requirements to give the reasons for the decision to those who are to be informed of them.

### **Co-ordinated Admissions Scheme 2018/19 - Determination of the Qualifying Scheme**

The Cabinet Member for Children, Young People and Schools:

- (i) Approved that the scheme be adopted as the qualifying scheme for admissions to Lancashire primary and secondary schools and academies for 2018/19; and
- (ii) Approved that the Director for Children's Services shall seek to secure the adoption of the scheme by the governing body of each Lancashire voluntary aided and foundation school and academy in order to inform the Secretary of State that a scheme has been introduced in Lancashire.

The following decisions were taken on 8 March 2017:

### **The Future of Lytham St Annes Technology and Performing Arts College's Post 16 Provision**

The Cabinet Member for Children, Young People and Schools:

- (i) considered the information in this report.
- (ii) approved the proposal of the Governing Body of Lytham St Annes Technology and Performing Arts College (LSATPAC), as detailed in the statutory notice, to discontinue its post 16 sixth form provision at by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018. The proposal is based on concerns about the long term financial viability of the whole school and is linked to the reducing number of students in the sixth form.
- (iii) approved that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them.

### **Proposed Capital Programme for Regularising Primary School Admission Numbers Phase 2**

The Cabinet Member for Children, Young People and Schools, approved the recommendations as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information) and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Determination of Admission Arrangements for Lancashire Community and Voluntary Controlled Schools - 2018/19**

The Cabinet Member for Children, Young People and Schools approved:

- (i) the admission numbers for community and voluntary controlled primary schools, secondary schools and sixth forms for 2018/19
- (ii) the criteria for admission to community and voluntary controlled primary schools, secondary schools and sixth forms for 2018/19
- (iii) that the admission numbers and criteria for admission, together with the other information included on the Authority's website and in its admissions booklets, shall constitute the admission arrangements for 2018/19.

The following decision was taken on 5 April 2017:

**Capital Strategy for Schools – Condition Led Capital Investment Programme, 2016/17 and part 2017/18**

The Cabinet Member for Children, Young People and Schools approved the proposed list of maintenance schemes in Lancashire Schools, totalling £15.950m as a further phase of high priority school repairs.

**11) Key Decisions taken by the former Cabinet Member for Highways and Transport**

The following decisions were taken on 23 January 2017:

**The University of Central Lancashire Masterplan and Associated Highway Modifications**

The Cabinet Member for Highways and Transport:

- (i) Approved the addition of this scheme, and the estimated £157,000 design fee to the highways block of the County Council's 2016/17 capital programme;
- (ii) Noted that further approval will be sought for the construction and site supervision costs to be added to the Capital Programme when the full extent and scope of the works has been identified and that all costs will be fully funded by UCLan under a Section 278 Agreement.

**Proposed Speed Limit Reduction on Various Roads in West Lancashire**

The Cabinet Member for Highways and Transport approved the proposals for the introduction of reduced speed limits on the roads detailed in the report.

**A678 Blackburn Road, Rishton and A679 Blackburn Road Oswaldtwistle, Hyndburn Borough, Revocation, 40mph and 50mph Speed Limit, 30mph Restricted Road Status, Order 201**

The Cabinet Member for Highways and Transport approved the making of a Speed Limit Order which introduces 50mph speed limit, 40mph speed limit and 30mph restricted road status on A678 Blackburn Road in Rishton and the 50mph speed limit along a length of the A679 Blackburn Road, Oswaldtwistle (and associated revocations).

The following decisions were taken on 13 March 2017:

**Proposed 2017/18 Highway Maintenance, Road Safety and Public Rights of Way New Starts Capital Programme**

The Cabinet Member for Highways and Transport:

- (i) Approved the criteria for project selection

- (ii) Approved the proposed 2017/18 list of projects relating to;
  - £20.514 million for highway maintenance
  - £0.500 million to address road safety issues
  - £0.250 million to address structural repairs on the Public Rights of Way network
  - £1.718m Pothole Action funding.
- (iii) Approved that further reports including proposals relating to the additional £0.500 million awarded for road safety projects and a draft Cycling Programme be brought forward for consideration in due course.

### **Skelmersdale Rail Link Grip 3 study**

The Cabinet Member for Highways and Transport:

- (i) Approved that Network Rail is commissioned to carry out the GRIP 2 refresh and the GRIP 3A feasibility study into the Skelmersdale Rail Link project at an estimated cost of £5.1m with the costs met by the County Council, £4.335m and Merseytravel, £0.765m.
- (ii) Approved that the Director of Governance, Finance and Public Services be authorised on behalf of the County Council to enter into the 'Development Services Agreement (DSA)' between Lancashire County Council and Network Rail for the commissioning of the GRIP 2 refresh and the GRIP 3A feasibility study.
- (iii) Approved that the Director of Community Services and the Director of Governance, Finance and Public Services be authorised on behalf of the County Council to enter into a 'Funding Agreement' with Merseytravel.
- (iv) Approved that the additional £0.955m required to be funded by LCC to be the first call on the 2018/19 Department for Transport (DfT) transport allocation;
- (v) Approved the addition to the capital programme of £0.765m funding from Merseytravel.

### **Haslingden Town Centre Parking Restrictions and Various Locations in Rossendale**

The Cabinet Member for Highways and Transport approved the making of a Traffic Regulation Order.

### **20mph Speed Limit Order Mellor Langho and Longridge**

The Cabinet Member for Highways and Transport approved the sealing of the order in respect of the installation of the proposed 20mph speed limit.

### **Making Permanent of Experimental Traffic Orders - George Slynn Way, School Street, Service Yard, Accrington, Hyndburn**

The Cabinet Member for Highways and Transport approved the making permanent of two Experimental Traffic Regulation Orders which introduced Prohibition of Vehicles (except buses and loading), Prohibition of Driving (except buses), No Entry and One Way Traffic and Suspension, Prohibition of Waiting, Prohibition of Loading and Limited Waiting Loading Bay at the new George

Slynn Bus Station, School Street and the Service Yard to Nos. 29-41 Union Street, Accrington (and associated revocations).

The following decisions were taken on 10 April 2017:

### **Procurement relating to Framework Agreement for Professional and Technical Services**

The Cabinet Member for Highways and Transport approved the recommendation as set out in the full report.

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **Proposed Zebra Crossing and Contraflow Cycleway, Lancaster Road/South Road, Morecambe**

The Cabinet Member for Highways and Transport approved the installation of a zebra crossing on Lancaster Road and a contraflow cycleway on South Road, Morecambe.

### **Proposed Traffic Regulation Order (Prohibition of Waiting and Limited Waiting, including Revocations) within St Annes Town Centre Area**

The Cabinet Member for Highways and Transport approved that the Experimental Order 2015, is made permanent by the making of a Traffic Regulation Order.

## **12) Key Decision taken by the former Cabinet Member for Adult and Community Services**

The following decision was taken on 23 January 2017:

### **Adult Social Care Fee Uplifts - 2017/18**

The Cabinet Member for Adult and Community Services approved, with effect from 3 April 2017, the following uplifts:

- (i) Residential & nursing care (all client groups) – 4.17%
- (ii) Homecare (all client groups) – 4.37%, increasing the approved rates for homecare services to £13.30 per hour / £7.14 per half hour.
- (iii) Supported Living – 4.52% for waking hours and 5.39% for sleep in hours, increasing the approved rates for supported living to £13.98 and £9.03 respectively.
- (iv) Extra Care – 4.37%

- (v) Direct Payments (including direct payments for respite) – No increase. If a person is no longer able to meet their needs within the current budget they should contact the County Council for a review of their needs.
- (vi) Carers – 4.17%
- (vii) Shared Lives – 4.17%
- (viii) Day Care – 4.17%
- (ix) Rolling Respite & Provider Brokerage – uplift in line with the relevant service (e.g. homecare / residential care).

**List of Background Papers**

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		





## Report to the Cabinet

Meeting to be held on Thursday, 15 June 2017

## Report of the Head of Legal and Democratic Services

### Part I

Electoral Divisions affected:  
All

## Report of the Waiver of Procurement Rules by the former Deputy Leader of the County Council

Contact for further information:

Janet Nuttall, (01772) 533110, Business Support Officer

[janet.nuttall@lancashire.gov.uk](mailto:janet.nuttall@lancashire.gov.uk)

### Executive Summary

Action taken by the former Deputy Leader of the County Council under Procurement Rule 14.2 (Waiver of Procurement Rules). Such actions are required, under Procurement Rule 14.5, to be reported to Cabinet for information.

### Recommendation

The Cabinet is recommended to note the report.

### Background and Advice

In accordance with the provisions of Procurement Rule 14.2, the former Deputy Leader of the County Council agreed the following:

#### Procurement of Water and Wastewater Retail Services

Waived Procurement Rule 9 as set out in the full report

The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **Waiver of County Council Procurement Rules for Option and Design Proposal for the Farrington Link Railway Bridge and Woodfield Railway Bridge**

Waived Procurement Rule 9 as set out in the full report

This report was dealt with under Part II. The full report is not available for publication as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972. The report contains information relating to the financial or business affairs of any particular person (including the authority holding that information). It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

### **List of Background Papers**

Paper	Date	Contact/Tel
None		
Reason for inclusion in Part II, if appropriate		
N/A		

## THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) (REGULATIONS) 2012

### NOTICE OF INTENTION TO CONDUCT BUSINESS IN PRIVATE

Notice is hereby given in accordance with Regulation 6 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 that the following meeting is likely to move into private session for part of the meeting to consider various reports:

**MEETING: Cabinet**

**DATE OF MEETING: 15 June 2017**

The reason that the meeting is likely to move into private session is that it will involve the disclosure of exempt information as defined within Schedule 12A of the Local Government Act 1972.

(A final decision on whether the meeting shall move into private session will be taken during the meeting).

**Should you wish to make any representations in relation to the meeting being held in private, please contact:**

Josh Mynott, (01772) 534580, [josh.mynott@lancashire.gov.uk](mailto:josh.mynott@lancashire.gov.uk)

#### **Notification of an urgent Private meeting to be held under Regulation 6**

On this occasion it has been impracticable to publish a notification of the intention to hold the meeting in private 28 days in advance, the reason for this is that it was only possible for Full Council to make appointments and the necessary constitutional arrangements for Cabinet at its meeting held on 25<sup>th</sup> May 2017, therefore, it has not been possible to publish a notice in time for the Cabinet meeting scheduled to be held on 15<sup>th</sup> June 2017.

Permission from the Chair of the Scrutiny Committee has been obtained for the report to be considered in accordance with Regulation of the Local authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

The following representation(s) have been received about why the meeting should be held in public:

None received.

The County Council's response to the above representation(s) is as follows:

N/A

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Document is Restricted



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