Dear Members

Cabinet

A meeting of the Cabinet will be held in the **Craddock Room, Civic Centre, Riverside, Stafford on Thursday 3 October 2019 at 6.30pm** to deal with the business as set out on the agenda.

Please note that this meeting will be recorded

Members are reminded that contact officers are shown at the top of each report and members are welcome to raise questions etc in advance of the meeting with the appropriate officer.

Interim Head of Law and Administration
CABINET - 3 OCTOBER 2019

Chair - Councillor P M M Farrington

AGENDA

1 Minutes of 5 September 2019 as published in Digest No 259 on 6 September 2019

2 Apologies

3 Councillors’ Question Time (if any)

4 Proposals of the Cabinet Members (as follows):

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<td>(a) LEADER OF THE COUNCIL</td>
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<td>(i) Update to Surveillance Policy 4 - 32</td>
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(b) LEISURE PORTFOLIO

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<td>(i) St Mary’s Road Play Area, Little Haywood 33 - 36</td>
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<td>(ii) Proposed Development of Holmcroft Open Space 37 - 80</td>
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(c) RESOURCES PORTFOLIO

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<td>(i) Revenues and Benefits Collection Report - Quarter 1 - PART CONFIDENTIAL 81 - 93</td>
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This Report is part confidential due to the inclusion of information relating to an action taken or to be taken in connection with the prevention, investigation or prosecution of crime, along with information relating to individuals. No representations have been received in respect of this matter.

(d) ECONOMIC DEVELOPMENT AND PLANNING PORTFOLIO

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This Report is confidential due to the inclusion of information relating to the financial or business affairs of any particular person (including the authority holding the information). No representations have been received in respect of this matter.
Membership

Chair - Councillor P M M Farrington

P M M Farrington - Leader
R M Smith - Deputy Leader and Resources Portfolio
J M Pert - Community and Health Portfolio
J K Price - Environment Portfolio
F Beatty - Economic Development and Planning Portfolio
C V Trowbridge - Leisure Portfolio
1 Purpose of Report

1.1 To propose updates to the current Surveillance Policy.

2 Proposal of Cabinet Member

2.1 That the Surveillance Policy be updated in accordance with the attached APPENDIX to this report.

3 Key Issues and Reasons for Recommendation

3.1 The current Surveillance Policy was adopted in 2015 and it is considered good practice to regularly review and update the Council’s policy as appropriate.

3.2 Nationally, oversight of local authority procedures is maintained through the Office of the Surveillance Commissioner (OSC), who carry out regular inspections of all local authorities.

3.3 Since the current policy was adopted, the OSC has carried out a further inspection, the Home Office has revised its code of practice and new legislation has been brought into force affecting the acquisition of communications data. It is therefore prudent that the Council’s policy to be revised to reflect the latest guidance, advice and legislation in this area.
### 4 Relationship to Corporate Priorities

4.1 Surveillance of illegal activity can take place as part of a number of Council regulatory functions which contribute to improving the borough as a place to live.

### 5 Report Detail

5.1 The Surveillance Policy outlines the procedures by which the Council may conduct lawful covert surveillance of individuals. This includes any requirement to obtain authorisations under the Regulation of Investigatory Powers Act 2000 (RIPA).

5.2 Although it is anticipated that the Council will continue to be a rare user of this type of surveillance, it is important that the Council has an up to date policy to cover any operations should they arise. The Council last updated its Surveillance Policy in 2015. It is considered good practice to continually review the policy to keep it up to date to reflect changes in guidance and surveillance practices over time.

5.3 Responsibility for keeping the policy under review rests with legal services. As a shared service, legal services are responsible for oversight of the policy at both Stafford Borough and Cannock Chase Councils. To ensure a consistent approach it is recommended that a similar policy is adopted at both Councils.

5.4 Since the adoption of the current policy, Legal Services have had the benefit of an inspection by the OSC, the Home Office have introduced revised Codes of Practice for Covert Surveillance and Covert Human Intelligence Sources in August 2018, and key elements of the Investigatory Powers Act 2016 have recently been brought into force.

5.5 It is therefore recommended that the current policy be amended to cover the following elements of good practice and legislative changes:

5.6 **Social Media/Use of Internet**

The Home Office Codes of Practice for Covert Surveillance and Use of Covert Human Intelligence Sources were revised in August 2018. The revised codes seek to clarify when use of the internet during investigations may involve the use of the RIPA authorisation process.

5.7 **Conduct of Covert Human Intelligence Sources (CHIS)**

Although the Council’s policy emphasises that the Council would be most unlikely to use a CHIS, the OSC recommends that the policy should further clarify when a CHIS relationship is likely to occur. The policy has therefore been updated to reflect the latest guidance on this.
5.8 **Investigatory Powers Act**

Councils can lawfully access certain communications data for the purposes of criminal investigations (e.g. details of phone/email subscribers, numbers called etc.). Under the current policy, approval of the Magistrates Court is needed before such information can be accessed. The Act has changed the process for accessing this type of information so that approval of the Office of Communications Data Authorisations is now required instead. While subscriber data can be accessed in connection with any crime or disorder investigation, service use data (e.g. the date and type of communications sent, and the duration/frequency) can now only be accessed in connection with the investigation of serious crime.

6 **Implications**

<table>
<thead>
<tr>
<th>6.1 Financial</th>
<th>None</th>
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<tr>
<td><strong>Legal</strong></td>
<td>Improper use of surveillance powers can lead to challenge on Human Rights grounds and it is important that the Council has an up to date policy to advise its officers on proper use of these powers to ensure any action is necessary and proportionate.</td>
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<tr>
<td><strong>Human Resources</strong></td>
<td>None</td>
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<tr>
<td><strong>Human Rights Act</strong></td>
<td>See legal implications</td>
</tr>
<tr>
<td><strong>Data Protection</strong></td>
<td>None</td>
</tr>
<tr>
<td><strong>Risk Management</strong></td>
<td>See legal implications</td>
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6.2 **Community Impact Assessment Recommendations**

The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:

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

**Previous Consideration - Nil**

**Background Papers** - File available in Law and Administration
Surveillance Policy and Procedures

20195

Stafford BOROUGH COUNCIL
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A Introduction and Key Messages

1 This Surveillance Policy is based upon the requirements of the Regulation of Investigatory Powers Act 2000 (‘RIPA’) and Home Office’s Codes of Practices on Surveillance which support RIPA.

2 The authoritative position on RIPA is, of course, the Act itself and any Officer who is unsure about any aspect of this document should contact, at the earliest possible opportunity, the Legal Services Manager for advice and assistance.

3 A copy of this document is on the Intranet and is reviewed annually.

4 The Head of Law and Administration is the Council’s Senior Responsible Officer for RIPA. The SRO is responsible for:

- specifying, by name, appropriate officers able to grant RIPA authorisations (ie Authorising Officers)
- verifying the competency of those officers before authorising them
- ensuring the integrity of the surveillance processes in place and compliance with legislation and Home Office Codes of Practice
- engagement with Surveillance Commissioners and inspectors when they conduct their inspections
- overseeing implementation of any post inspection action plans

5 The Legal Services Manager is responsible for maintaining the central register of all RIPA authorisations, reviews, renewals, cancellations and rejections. It is the responsibility of the relevant Authorising Officer, however, to ensure that the original forms are sent to the Legal Services Manager. Authorising Officers must also ensure that, when sending the completed forms to the Legal Services Manager they are conveyed in a confidential manner.

6 RIPA and this document are important for the effective and efficient operation of the Borough Council’s actions with regard to covert surveillance and Covert Human Intelligence Sources. This document will, therefore, be kept under annual review by the Legal Services Manager.

7 In terms of monitoring e-mails and internet usage, it is important to recognise the important interplay and overlaps with the Council’s e-mail and internet policies and guidance, and legislation such as RIPA, subsequent statutory instruments relating to RIPA the Data Protection Act 1998 Human Rights Act 1988 etc. RIPA forms should be used where relevant and they will be only relevant where the criteria listed on the Forms are fully met.
B Background to the Relevant Acts

1 This Surveillance Policy is based upon the requirements of the Regulation of Investigatory Powers Act 2000 (‘RIPA’) and Home Office’s Codes of Practices on Surveillance which support RIPA.

2 The purpose of RIPA is to regulate the “interception of communications, the acquisition and disclosure of data relating to communications, the carrying out of surveillance, the use of covert human intelligence sources and the acquisition of the means by which electronic data protected by encryption or passwords may be decrypted or accessed.”

3 Essentially RIPA requires the following human rights principles to be complied with for investigatory work:-

- the proposed action must be lawful
- the proposed action must be proportionate
- the proposed action must be necessary
- the proposed action must be non-discriminatory

4 To coincide with the RIPA coming into force, the Home Office published four statutory Codes of Practise, which are mandatory under the terms of the Act (Part IV, section para 75(1), covering:-

- Use of covert surveillance
- Use of covert human intelligence sources
- Acquisition and disclosure of communications data
- Interception of communications and accessing Acquisition and disclosure of communications data
- Investigation of electronic data protected by encryption

Details of the Codes are attached as ANNEX 1 to this Policy & Procedures Document.

5 The Regulation of Investigatory Powers Act states that all public authorities (including local authorities) are expected to comply with the Codes.

6 The codes of practise which have the most significant impact on the activities of officers at Stafford Borough Council (SBC), are the Code of Practice on Covert Surveillance and the Code of Practice on the Use of Covert Human Intelligence Sources (CHIS). However, officers should also be aware of the Regulation of Investigatory Powers (Communications Data) Order which provides guidance on the acquisition and disclosure of communications data.
C  What RIPA Does and Does Not Do

1  RIPA does:

   • require prior authorisation of directed surveillance.
   • prohibit the Council from carrying out intrusive surveillance.
   • require authorisation of the conduct and use of a CHIS.
   • require safeguards for the conduct and use of a CHIS.
   • require judicial approval of authorisations before directed surveillance and use of CHIS can be carried out (see section J).

2  RIPA does not:

   • make unlawful conduct which is otherwise lawful.
   • prejudice or dis-apply any existing powers available to the Council to obtain information by any means not involving conduct that may be authorised under this Act. For example, it does not affect the Council’s current powers to obtain information via the DVLA or to get information from the Land Registry as to the ownership of a property.

3  If the Authorising Officer or any Applicant is in any doubt, he / she should ask the Legal Services Manager BEFORE any directed surveillance and / or CHIS is authorised, renewed, cancelled or rejected.
Types of Surveillance

1 Surveillance is defined as including:
   - monitoring, observing, listening to persons, their movements, their conversations or their other activities or
   - recording anything monitored, observed or listened to in the course of surveillance and
   - surveillance by or with the assistance of a surveillance device.

2 There are different types of surveillance:
   - general surveillance (not directed at an individual)
   - covert surveillance (directed / intrusive).

RIPA authorisation is not required for all surveillance. It only applies to covert surveillance:

3 Overt Surveillance

3.1 Most of the surveillance carried out by the Council will be done overtly - there will be nothing secretive, clandestine or hidden about it. In many cases, Officers will be behaving in the same way as a normal member of the public (eg in the case of most test purchases), and / or will be going about Council business openly (eg a community warden on patrol).

3.2 Similarly, surveillance will be overt if the subject has been told it will happen (eg where a noisemaker is warned (preferably in writing) that noise will be recorded if the noise continues, or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or identifying themselves to the owner / proprietor to check that the conditions are being met.

4 Covert Surveillance

4.1 In terms of RIPA an action is defined as covert "if, and only if, it is carried out in a manner that is calculated to ensure that the persons who are subject to surveillance are unaware that it is or may be taking place"

4.2 RIPA regulates two types of covert surveillance, Directed Surveillance and Intrusive Surveillance and the use of Covert Human Intelligence Sources (CHIS).

5 Directed Surveillance

5.1 Surveillance is directed if it is undertaken:
   - for the purpose of a specific investigation or specific operation in such a manner as is likely to result in the obtaining of private information about a person (whether or not that person is specifically targeted for purposes of an investigation), and
- is covert, and
- is not intrusive surveillance (see definition below - the Council must not carry out any intrusive surveillance), and
- is not carried out in an immediate response to events which would otherwise make seeking authorisation under the Act unreasonable, eg spotting something suspicious and continuing to observe it

5.2 The key issue in Directed Surveillance is the targeting of an individual with the intention of gaining private information. This includes any information relating to private and family life, home and correspondence, and includes activities of a professional or business nature. The fact that covert surveillance occurs in a public place or on business premises does not mean that it cannot result in the obtaining of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about him/her and others that s/he comes into contact, or associates, with.

5.3 Similarly, although overt town centre CCTV cameras do not normally require authorisation, if the camera is tasked for a specific purpose, which involves prolonged surveillance on a particular person, authorisation will be required. The way a person runs his/her business may also reveal information about his or her private life and the private lives of others.

6 Intrusive Surveillance

6.1 Surveillance is intrusive if it:-
- is covert
- is carried out in relation to anything taking place on any residential premises or in any private vehicle (or on certain premises where legal consultations with professional legal advisors are taking place)
- involves the presence of an individual in the premises or in the vehicle or is carried out by a surveillance device in the premises / vehicle. cameras, tape recorders etc.

6.2 However, surveillance carried out in relation to residential premises by use of a device (ie a camera) which is not in or on the premises is not intrusive (although it will be directed) unless it is of the same quality of information as would be obtained if the equipment was in the premises / vehicle.

Intrusive Surveillance can be carried out only by the police and other law enforcement agencies. Council officers must not carry out intrusive surveillance.
### Examples of different types of Surveillance

<table>
<thead>
<tr>
<th>Type of Surveillance</th>
<th>Examples</th>
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| **Overt** does not require RIPA Authorisation | - Police Officer or Parks Ranger on patrol  
- Signposted Town Centre CCTV cameras (in normal use)  
- Recording noise coming from outside the premises after the occupier has been warned that this will occur if the noise persists.  
- Sampling purchases (where the officer behaves no differently from a normal member of the public).  
- Dog Warden in uniform on patrol in park, street or van  
- Food Safety or Health & Safety Inspections |
| **Covert** but not requiring prior authorisation | - CCTV cameras providing general traffic, crime or public safety information. |
| **Covert Directed** must be RIPA authorised. | - Officers follow an individual or individuals over a period, to establish whether s/he is working when claiming benefit or has long term sick leave from employment.  
- Test purchases where the officer has a hidden camera or other recording device to record information which might include information about the private life of a shop-owner, eg where s/he is suspected of running his business in an unlawful manner.  
- Surveillance of a property in relation to the movement or selling of illegal food products  
- Fly tipping surveillance |
| **Intrusive** – **Council cannot do this!** | - Planting a listening or other device in a person’s home or in their private vehicle. |
8 Online Covert Activity - Social Media

8.1 In some investigations, the internet social media sites can form a useful source of intelligence. Use of the internet prior to an investigation should not normally engage privacy considerations (eg merely to check whether the subject does have an on-line presence). However, if the study of an individual’s online presence becomes persistent, RIPA authorisations may need to be considered (eg if monitoring of the subject’s online profile is undertaken or private information is intended to be extracted for use in an investigation). Usually a review of open source sites will not require authorisation. However, if reviews are carried out in respect of the same individual with some regularity, this may amount to directed surveillance and authorisation should be obtained.

8.2 RIPA is concerned with the obtaining of private information covertly (ie in a way that is designed to ensure that the subject is not, or may not, be aware that surveillance is taking place). So, for example, if an individual posts content online through a medium designed to communicate information to a wider audience (eg YouTube), there is less likely to be a reasonable expectation of privacy. On the other hand, if content is posted online to an individual’s own social media, they may have a reasonable expectation that it will not be secretly monitored by investigators.

8.3 If it is necessary and proportionate for the Council to covertly breach privacy controls (eg by becoming an account holder’s “friend” using a false identity) to conduct an investigation, then a directed surveillance authorisation will be required.

8.4 If the surveillance involves more than merely reading the sites contents, and it is intended to engage with a subject on-line without revealing your identity, then an authorisation for the use and conduct of a CHIS will be required (see section E).
E  Conduct and Use of a Covert Human Intelligence Source (CHIS)

1  A person is a covert human intelligence source (CHIS) if he / she establishes or maintains a personal or other relationship with a person for the covert purpose of using the relationship to obtain information.

2  RIPA does not apply in circumstances where members of the public volunteer information to the Council as part of their normal civic duties, or to contact numbers set up to receive information.

3  If information is received via Hotline or similar, this does not constitute a CHIS. Guidance is: However where it becomes apparent that information has been obtained due to a relationship between the informant and the subject, and that the subject may be unaware that the relationship is being used for that purpose, the Council must be careful not to induce, ask or assist the informant to covertly gather further information on our behalf, as this may result in forming a relationship with the subject and therefore becoming a CHIS.

4  It is most unlikely that it will ever be appropriate for the Council to utilise a CHIS. In the event that it is ever considered, advice should be sought from the Legal Services Manager at an early stage.

5  What must be authorised?

5.1  The Conduct or Use of a CHIS requires prior authorisation.

   - **Conduct** of a CHIS = Establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining and passing on information.

   - **Use** of a CHIS = Actions inducing, asking or assisting a person to act as a CHIS and the decision to use a CHIS in the first place.

5.2  The Council can use CHIS’s IF, AND ONLY IF, RIPA procedures, detailed in this document are followed

6  Juvenile Sources

6.1  Special safeguards apply to the use or conduct of juvenile sources (ie under 18 year olds). On no occasion can a child under 16 years of age be authorised to give information against his or her parents. The Legal Services Manager must be contacted re the potential use of juvenile sources as there are other onerous requirements for such matters.
7 Vulnerable Individuals

7.1 A Vulnerable Individual is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of himself or herself, or unable to protect himself or herself against significant harm or exploitation.

7.2 A Vulnerable Individual will only be authorised to act as a source in the most exceptional of circumstances. The Legal Services Manager must be contacted re the potential use of Vulnerable Individuals as there are other onerous requirements for such matters.

8 Test Purchases

8.1 Carrying out test purchases will not (as highlighted above) require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information and, therefore, the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (eg walking into a shop and purchasing a product over the counter).

8.2 By contrast, developing a relationship with a person in the shop, to obtain information about the seller’s suppliers of an illegal product (eg illegally imported products will require authorisation as a CHIS). Similarly, using mobile hidden recording devices or CCTV cameras to record what is going on in the shop will require authorisation as directed surveillance. A combined authorisation can be given for a CHIS and also directed surveillance.

9 Anti-social behaviour activities (eg noise, violence, race etc)

9.1 Persons who complain about anti-social behaviour, and are asked to keep a diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (eg the decibel level) will not normally capture private information and, therefore, does not require authorisation.

9.2 Recording sound (with a Digital Audio Type recorder) on private premises could constitute intrusive surveillance, unless it is done overtly. For example, it will be possible to record if the noisemaker is warned that this will occur if the level of noise continues. Placing a stationary or mobile video camera outside a building to record criminal behaviour on residential estates will require prior authorisation.
10 Voluntary CHIS

10.1 It is possible that a person will become engaged in the conduct of a CHIS without the Council inducing, asking or assisting them to do so. An authorisation should be considered, for example, where the Council is aware that a third party is independently maintaining a relationship (i.e. “self-tasking”) in order to obtain evidence of criminal activity, and the Council intends to make use of that material for its own investigative purposes.

10.11 “Status Drift”

10.1 Officers should be particularly careful to ensure that individuals who are not a CHIS at the outset of an investigation do not inadvertently become a CHIS by a process of “status drift”. If, for example a complainant volunteers to obtain further information about a person being investigated, care should be taken to consider whether the proposed action would involve the complainant becoming a CHIS and if so whether that is appropriate and in accordance with RIPA and the CHIS Code of Practice. If further use of the informant would involve them establishing or maintaining a relationship with another person for the covert purpose of obtaining private information for the Council, then they may have become a CHIS and proper procedures would need to be followed and authorisations obtained. Advice should be sought from the Legal Services Manager if such conduct is suspected.
F Codes of Practise for Covert Surveillance/Use of a CHIS

1 The use of directed surveillance or covert human intelligence sources (CHIS) for a particular investigation must be subject to prior authorisation by an officer of a rank or position at least as senior as is specified in Regulations made under RIPA. For local authorities this is Director, Head of Service, Service Manager or equivalent.

2 The use of directed surveillance should only be authorised if the authorising officer is satisfied that the action is necessary (in a democratic society) for the prevention or detection of crime falling within the following description:

- crime punishable, whether on summary conviction or on indictment, by a maximum term of at least 6 months imprisonment, or

- crime constituting an offence under sections 146, 147, 147A of the Licensing Act or section 7 of the Children and Young Persons Act 1933.

3 The use of covert human intelligence sources should only be authorised if the authorising officer is satisfied that the action is necessary for the prevention or detection of crime or disorder.

4 If either type of surveillance is considered necessary, then the authorising officer must also be satisfied that the surveillance is proportionate - the HRA defines a measure or action as proportionate if it:

* impairs as little as possible the rights and freedoms (of the individual concerned and of innocent third parties)
* is carefully designed to meet the objectives in question
* is not arbitrary, unfair or based on irrational considerations.

5 Essentially the person granting the authorisation must believe that the use of a source is proportionate to what is sought to be achieved by the conduct and use of that source. This involves balancing the intrusiveness of the use of the source on the target and others who might be affected by it against the need for the source to be used in operational terms. The use of a source 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.

6 A potential model answer would make it clear that the four elements of proportionality had been fully considered:

- balancing the size and scope of the operation against the gravity and extent of the perceived mischief,
- explaining how and why the methods to be adopted will cause the least possible intrusion on the target and others,
- that the activity is an appropriate use of the legislation and the only reasonable way, having considered all others, of obtaining the necessary result, and
- evidencing what other methods had been considered and why they were not implemented.

7 Any surveillance involved in a case, even if it does not form part of an eventual prosecution case, may be deemed unlawful if not properly authorised and could lead to a challenge under Article 8 of the ECHR.

8 The requirements of the RIPA and the HRA impact on all officers of the Council who undertake investigatory or enforcement activities, including Benefits Fraud Investigation, Health, Planning and Internal Audit. The Council adopts the Codes of Practice which are mandatory under the Act, and the following procedures should be adhered to in the conduct of any covert surveillance.
Staffordshire Police have simplified RIPA by the acronym - “PLAN” ie covert surveillance must be proportional, lawful, authorised and necessary:-

* proportional (not using a sledgehammer to crack a nut)
* lawful (in accordance with legislation and the legality of the audit activity)
* authorised (by a proper person)
* necessary (having considered alternatives).

For any covert surveillance to be lawful, records must be sufficient to prove that RIPA has been complied with. All procedures relating to covert surveillance must be documented on standard forms. These are referred to below. The latest versions of the documents can be downloaded from the Government website on the internet www.homeoffice.gov.uk.

Covert surveillance carried out by an officer of the Council should be subject to prior authorisation by a “senior” officer within the Council, and approval by a Justice of the Peace (see section J). It should not be authorised by an officer directly involved in the surveillance so that there is independent review of whether the surveillance is necessary and proportionate. Officers designated to authorise surveillance are detailed in section H below.

Application for authorisation must be made in writing and these should include full details of the proposed surveillance and the duration. The application must include full details of:

- the grounds on which the action is necessary
- why the action is proportionate to what it seeks to achieve (there must be a clear indication of what alternative methods were considered for obtaining the information required and why these were rejected) It may be useful to state that this is the only way the evidence can be gathered.
- the person(s) to be subject to the action
- the action to be authorised (ie observation / following and reference to any premises/vehicles involved and whether private / public, residential/business)
- full description of the work to be carried out (including locations of areas from which observations are to be conducted eg street names etc and whether photography equipment or binoculars are to be used)
- an account of the investigation / operation
- the information which is sought from the action
- the potential for collateral intrusion and a plan to minimise this potential (ie the potential impact on other people not involved in the action)
- the likelihood of acquiring any confidential/religious material (medical records, financial records, legal documents etc).
5 A higher level of authorisation is required in respect of confidential material. In all such cases authorisation should be obtained from the Chief Executive (or the person acting as the Head of Paid Service in their absence). Confidential information consists of communications subject to legal privilege, communications between a Member of Parliament and another person on constituency matters, confidential personal information or confidential journalistic material.

6 Where surveillance is reactive (ie an immediate response to an immediate situation) this must be documented within reasonable time of the surveillance. Staffordshire police have indicated the time limit as being 3 days.

7 The authorising officer must consider whether the proposed surveillance is proportionate, lawful, necessary and non discriminatory. The criteria for surveillance is listed on the application forms. If the proposed surveillance cannot be embraced within the criteria it should not be undertaken.

8 Surveillance activity must be proportionate to the offence under investigation. For example suspected theft from the workplace may merit surveillance at work but not at the person’s home. The length of the investigation also needs to be proportionate.

9 In assessing whether or not the proposed surveillance is proportionate, consideration should be given to other appropriate means of gathering the information. The least intrusive method will be considered proportionate by the courts.

10 Account must be taken of the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (Collateral Intrusion). Measures must be taken wherever practicable to avoid or minimise collateral intrusion and the matter may be an aspect of determining proportionality.

11 The appropriate course of action must then be decided in terms of the type of surveillance and hence the appropriate form / course of activity:-

- directed surveillance
- intrusive surveillance – not to be undertaken by local authority
- use of a Covert Human Intelligence Source.

12 Intrusive surveillance is only allowed for “serious” crimes. The police can only obtain authorisation for intrusive surveillance from the Surveillance Commissioners. Local authorities cannot undertake intrusive surveillance.
13 There must be appropriate arrangements in place for the management and oversight of the CHIS and this must address health and safety issues through a risk assessment.

14 Any surveillance should have a dedicated log-sheet for officers use (see attached for example). The log-sheet should be kept in chronological order detailing who is on the surveillance, where it is and what happens. Where notes cannot be written up at the time of surveillance it should be completed as soon as possible afterwards.

15 All alterations in the log sheet should be crossed through and initialled and then the corrected material written to the side in the normal manner. Correction fluid should not be used at any time. Completion of the log should ensure that no empty lines are left where additional information could be written in at a later date. These logs could be used in the event of criminal prosecution and should be kept correctly, signed as true statements, and secure at all times.

16 In all cases there is a duty of care to those surveyed. All details and approvals must be kept strictly confidential. The privacy of individuals must not be put at risk and unnecessary information should not be documented ie if the observed person was incidentally observed in a private context such as an extra marital affair.

17 Where photographs or videos are taken then a photographic log needs to be maintained and all negatives retained. Technology is available to alter photographs and the logs are important to prove the originality of the photographs / videos.

18 Log sheets should be kept locked with the rest of the supporting documents for a period of 6 years.

19 All authorisations should be held at a central point to facilitate independent examination by the Surveillance Commissioners. Copies of all authorisations and cancellations should therefore be forwarded to the Legal Services Manager.

20 A review date should be set for the authorisation and be reviewed no later than that date.

21 With regard to the duration of an authorisation, cancellation must be a positive act for which diary dates are set. Time limits should be placed on any authorisation for surveillance. In all cases written “Authorities” for directed surveillance last for 3 months (Authorisations for use of CHIS last for 12 months unless relating to use of juveniles). Authorisations must then be renewed if that is deemed necessary provided they meet the requirement for authorisation. Authorisations can be reviewed at any time and should be cancelled as soon as they are considered to be no longer necessary or appropriate. Forms are available for the cancellation and the renewal of surveillance as required.
H Officers Permitted to Authorise a Covert Surveillance Exercise

1 Directed surveillance and the use of a CHIS can only be lawfully carried out if properly authorised, and in strict accordance with the terms of the authorisation. Such authorisations can only come into effect once approved by a Justice of the Peace (see section J).

2 The Senior Responsible Officer will ensure that sufficient numbers of Authorising Officers from each Service are, after suitable training on RIPA and this document, duly certified to take action under this document. The number of Authorising Officers certified to act will be limited to a maximum of 3 to ensure consistency and experience in procedures.

3 It will be the responsibility of Authorising Officers who have been duly certified to ensure their relevant members of staff are also suitably trained as ‘Applicants’ so as to avoid common mistakes appearing on Forms for RIPA authorisations.

4 Authorising Officers will also ensure that staff who report to them follow this Surveillance Policy & Procedures document and do not undertake or carry out any form of surveillance without first obtaining the relevant authorisations in compliance with this document.

5 Authorising Officers must also pay particular attention to Health and Safety issues that may be raised by any proposed surveillance activity. Under no circumstances, should an Authorising Officer approve any RIPA form unless, and until s/he is satisfied the health and safety of Council employees/agents are suitably addressed and/or risks minimised, so far as is possible, and proportionate to/with the surveillance being proposed. If an Authorising Officer is in any doubt, s/he should obtain prior guidance on the same from the Legal Services Manager.

6 The officers permitted to authorise a covert surveillance exercise at the Council (ie the Authorising Officers) are:-

- all officers who are members of the Council Leadership Team at Head of Service level or above
- Regulatory Services Group Manager, Environmental and Health Services

7 Prior to operating their powers to authorise surveillance, such officers must have undertaken such training as deemed appropriate by the SRO. A record of officers who have undertaken training will be kept by the SRO.
I Acquisition and Disclosure of Communications Data

1 Communications data is information held by communication service providers (e.g., telecom, internet and postal companies). The Investigatory Powers Act 2016 makes provision for obtaining communications data from such service providers and the disclosure to any person of such data. Communications data includes information relating to the use of a postal service or telecommunication system but does not include the contents of the communication itself. Data can be described as “Entity” data (i.e., details that describe the entity associated with a telecommunications service e.g., the subscriber), or “Events” data (i.e., details identifying or describing how a telecommunications service was used e.g., which numbers were called and when).

2 Examples of “data” available to the Council under the Act include:

- postal item (anything written on the outside of the envelope)
- telephone (personal details of the subscriber, the telephone number and itemised calls made)
- email and internet (details of the subscriber of email account, websites visited, details of the date and times emails sent and received).

3 Communications data can only be obtained for the sole purpose of:

(a) the prevention or detection of crime or the prevention of disorder (if authorising access to Entity data), or
(b) the prevention or detection of “serious crime” (if authorising access to “Event” data).

[“serious crime” includes an offence by a person who is not an individual, an offence involving the sending of a communication or a breach of privacy as an integral part of the offence, or an offence by an individual aged 21 or over which is capable of carrying a term of imprisonment of 12 months or more.]

34 The prevention / detection of crime and / or disorder Further the test of necessity must be met before data is obtained. The assessment of necessity is made by an authorising officer as set out in 3.3 above. The authorising officer must also consider the conduct involved in obtaining the communications data to be proportionate to what it is sought to achieve, and must also consider the risk of collateral intrusion. Any authorisations/notices must also have Judicial Approval before they take effect (see section J).

45 Communications data can be accessed using 2 different methods:

- the granting of Authorisations, or
An authorisation would allow the Council to collect or retrieve the data itself from the service provider. A notice is given by the Council to a postal or telecommunications operator and requires that operator to collect the data and provide it to the Council.

Integral to the acquisition of communications data under RIPA is the Single Point of Contact (SPoC). The role of the SPoC is to enable and maintain effective co-operation between a public authority and communications service providers in the lawful acquisition and disclosure of communications data. Any Notices or Authorisations must be passed to the service provider through a SPoC.

SpoCs must be properly trained in accordance with Home Office guidelines and must register their details with the Home Office.

The Council currently uses the National Anti-Fraud Network (NAFN) as its SPoC.

Any authorisations/notices must also have approval from the Office for Communications Data Authorisations before they take effect.
J Judicial Approval

1 Any grant or renewal of an authorisation for use of directed surveillance or use of covert human intelligence source or access to communications data, will need to be approved by order of a Justice of the Peace (District Judge or lay magistrate) before it can take effect [NB. Access to communications data now needs to have the prior approval of the Office for Communications Data Authorisations rather than Judicial Approval].

2 Applicants will still need to ensure an authorisation is completed by an Authorising Officer before an application for Judicial Approval is made.

3 An application to the court should be made in good time before the start of the surveillance to be authorised. The court should be contacted to arrange a suitable hearing date and should be provided with:
   - A copy of the relevant authorisation
   - A written application for judicial approval
   - Any other relevant reference or supporting material relating to the application

4 Once an application date has been set, the applicant and Authorising Officer will appear before a Justice of the Peace (JP) in a private hearing. The JP will consider the application and may question the applicant to clarify certain points or require additional reassurance on particular matters. The nature of the questioning will be for the JP to satisfy themselves that the surveillance is necessary and proportionate and has been through the proper approval process within the Council.

5 In order to appear before a JP, the applicant will first need to be authorised by the Senior Responsible Officer to represent the Council under s.223 of the Local Government Act 1972.

6 On hearing the application the JP may decide to:
   - Approve the grant or renewal, or
   - Refuse to approve, or
   - Refuse to approve and quash the authorisation or notice

7 Further guidance on the judicial approval process can be found at www.homeoffice.gov.uk
K Non Ripa Surveillance

1 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.

2 There may be times when it will be necessary to carry out covert Directed Surveillance or use a CHIS other than by using RIPA. For example, in relation to an investigation that a member of staff or a contractor is not carrying out their work as contracted, then a RIPA authorisation is not usually available in such circumstances, because criminal proceedings are not normally contemplated.

3 Similarly there may be serious cases of neighbour nuisance or involving anti-social activity which involve potential criminal offences for which the penalty is below the thresholds which would enable use of a RIPA authorisation. Nonetheless in such cases there may be strong grounds for carrying out Directed Surveillance or use of a CHIS. Indeed there may be circumstances in which Directed surveillance or use of CHIS is the only effective means of efficiently obtaining significant information to take an investigation forward.

4 In the circumstances outlined above, a RIPA application may be completed in accordance with this Policy and the application must be clearly endorsed in red “NON_RIPA SURVEILLANCE” along the top of the first page. The application must be submitted in the normal fashion to the Authorising Officer who must consider it under the necessity and proportionality test in the same way they would a RIPA application. The normal procedure of timescales, review and cancellations must also be followed.

5 The authorisation, regular review, the outcome of any review, renewal applications and eventual cancellation must be notified to the Solicitor to the Council in the normal way and using the same timescales as would be applicable to a RIPA investigation. However for non RIPA surveillance the requirement to seek approval from the Magistrates Court is inapplicable. The authorisation for non RIPA surveillance takes effect from the date that it is authorised by the Authorising Officer.
Surveillance Policy

Purpose of the RIPA and the Codes of Practice

Purpose of the Act

The purpose of the Act is to regulate “the interception of communications, the acquisition and disclosure of data relating to communications, the carrying out of surveillance, the use of covert human intelligence sources and the acquisition of the means by which electronic data protected by encryption or passwords may be decrypted or access.”

The Codes of Practice

The Home Office has published four statutory Codes of Practice, which are mandatory under the terms of the Act (Part IV, para 75(1)). The title of each Code, along with a brief description of the purpose of each Code (Taken from the Codes themselves) is given below:-

Code of Practice on Covert Surveillance and Property Interference

Surveillance plays a necessary part in modern life. It is used not just in the targeting of criminals but as a means of protecting the public from harm and preventing crime.

The covert surveillance covered by this code is in two categories: intrusive surveillance and directed surveillance. The code defines the two categories and the authorisation procedures for both. Authorisation for covert surveillance gives lawful authority to carry out surveillance. However, often surveillance operations will also involve interference with property. This requires separate authorisation and Part 5 of this code details the procedures which give lawful authority for the interference with property and wireless telegraphy.

Neither do the provisions of the 2000 Act or of this code of practice cover authorisation for the use of overt CCTV surveillance systems. Members of the public are aware that such systems are in use, for their own protection, and to prevent crime.

Code of Practice on Covert Human Intelligence Sources

This code of practice provides guidance on the use and conduct of covert human intelligence sources by public authorities listed in Schedule 1 of the RIP Act 2000.

A covert human intelligence source ("a source") is defined in section 25(7) of the 2000 Act as a person who establishes or maintains a personal or other relationship with other person for the covert purpose of facilitating anything that:

(a) covertly uses such a relationship to obtain information or to provide access to any information to another person; or
(b) covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship

A 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.

**Code of Practice on the Acquisition and Disclosure of Communications Data**

This code of practice provides guidance on the use of interception of communications and accessing and disclosure of communications data authorised under Part 1 of the RIP Act 2000. It covers operations conducted by all the public authorities listed in these parts of the 2000 Act.

The RIPA (Communications Data) order specifies which individuals in public authorities are entitled to acquire communications data. It also places restrictions on the grounds on which they may acquire communications data and the types of communications data they may acquire.

**Code of Practice on the Investigation of Protected Electronic Data**

Part III of the RIP Act 2000 establishes a power to require any person served with an appropriate notice to disclose protected (eg encrypted) information in an intelligible form ("plain text"). The Part III power is ancillary to all-statutory and non-statutory powers and functions of public authorities. Its use by any public authority requires proper and specific permission. A number of statutory requirements must be met before any such permission can be given to exercise the disclosure power. There are extra requirements where a decryption key - rather than plain text - is desired.

The 2000 Act sets out statutory safeguards for the protection of all information obtained under the Part III power. There are associated offences. The Act also provides for independent oversight of the measures in Part III and an independent complains mechanism.

The Home Secretary has powers under the Act to issue new or revised Codes of Practice as he/she sees fit and all such Codes will be mandatory on all public bodies.

Details of the full codes can be found at

https://www.gov.uk/government/collections/ripa-codes
or
https://www.gov.uk/government/collections/ripa_codes#history
RIPA FLOW CHART

**Requesting Officer (‘The Applicant’) must:**
- Read the Surveillance Policy & Procedures document and be aware of any other guidance issued by the Head of Law & Administration.
- Determine that directed surveillance and/or a CHIS is required.
- Assess whether authorisation will be in accordance with the law.
- Assess whether authorisation is necessary under RIPA and whether it could be done overtly.
- Consider whether surveillance will be proportionate.
- Obtain RIPA form.
- If authorisation is approved – review regularly

If a less intrusive option is available and practicable, use that option!

If authorisation is necessary and proportionate, prepare and submit an approved form to the Authorising Officer

**Authorising Officer must:**
- Consider in detail whether all options have been duly considered, including the Surveillance Policy & Procedures document and any other guidance issued by the Legal Services Manager.
- Consider whether surveillance is considered by him/her to be necessary and proportionate.
- Authorise only if an overt or less intrusive option is not practicable.
- Set an appropriate review date (can be up to 3 months after authorisation date) and conduct the review.

**Judicial Approval**

**The Applicant must:**
- REVIEW REGULARLY
  Complete Review form and submit to Authorising Officer on date set.

**The Applicant must:**
- If operation is no longer necessary or proportionate, complete CANCELLATION FORM and submit to Authorising Officer

**Authorising Officer must:**
- If surveillance is still necessary and proportionate:
  - Review authorisation
  - Set an appropriate further review date

**Authorising Officer must:**
- Cancel authorisation when it is no longer necessary or proportionate to need the same.

**ESSENTIAL**
- Send all Authorised (and any rejected) Forms, Review, Renewals and Cancellations to the Legal Services Manager.
SUBMISSION BY COUNCILLOR C V TROWBRIDGE
LEISURE PORTFOLIO

CABINET
3 OCTOBER 2019
St Marys Road Play Area, Little Haywood

1 Purpose of Report

1.1 To transfer ownership of the St Marys Road play area in Little Haywood to Colwich Parish Council as shown in the attached APPENDIX.

2 Proposal of Cabinet Member

2.1 To transfer the ownership and maintenance of the land, including the play area of the site located off St Marys Road to Colwich Parish Council.

3 Key Issues and Reasons for Recommendation

3.1 Colwich Parish Council have been investigating options for taking over the ownership of the current play facility located off St Marys Road, Little Haywood since 2016.

3.2 The Parish Council propose to upgrade the current play area and propose to investigate external funding opportunities from a variety of awarding bodies. They have confirmed their wish to take over the maintenance and upkeep of the existing play area and any subsequent improvements to the play area.

4 Relationship to Corporate Priorities

4.1 Transferring the ownership of the site would support Objective 2 of providing an attractive, safe and healthy place to live, work and enjoy and Objective 3 which is to be a self-sustaining organisation, that is financially sustainable.
5 Report Detail

5.1 Discussions with Colwich Parish Council have been ongoing since 2016 in regard to improving the current play area.

5.2 The land was conveyed to the Stafford Borough Council in 1979 by Bryant Homes Limited. There is a covenant on the land not to construct any buildings or other erections or carry out any development of any description but to maintain the site as public open space in perpetuity.

5.3 Whilst the Parish Council have some funding to refurbish the play area, they are investigating external funding opportunities. By having ownership of the site they are able to draw down funding that we cannot.

5.4 The play area is inspected weekly and the grass is cut 10-14 times per year depending on the weather.

5.5 The latest annual inspection report found that there were some areas that needed attention and these were categorised as low to medium risk.

5.6 Allowing the Parish Council ownership of the land and play area provides the community an opportunity to have full control over a local facility.

5.7 The land is held as open space and Section 123(2A) of the Local Government Act 1973 requires the Council to advertise its intention to dispose of the land and consider any objections received. This is the case even though the land would remain as open space after transfer. If any objections to the sale were received following advertisement the matter would need to return to Cabinet to consider them before proceeding.

6 Implications

<table>
<thead>
<tr>
<th>6.1 Financial</th>
<th>There are no direct financial implications for the Council. However, it should be noted that there will be notional savings as weekly, quarterly and annual inspections will no longer be required, together with the associated maintenance costs.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
<td>The land is held as public open space and the intention to dispose of it would need to be advertised in accordance with Section 123(2A) of the Local Government Act 1972 and any objections considered before the transfer.</td>
</tr>
<tr>
<td>Human Resources</td>
<td>Nil</td>
</tr>
<tr>
<td>Human Rights Act</td>
<td>Nil</td>
</tr>
<tr>
<td>Data Protection</td>
<td>Nil</td>
</tr>
<tr>
<td>-----------------</td>
<td>-----</td>
</tr>
<tr>
<td><strong>Risk Management</strong></td>
<td>No specific risks of continuing to own, maintain and inspect this area of land beyond those already accommodated by the Council in its duties. There may be some risk in terms of sustaining the inspection and maintenance costs on an on-going basis. If this was the case the Council may need to consider appropriate action, where necessary.</td>
</tr>
</tbody>
</table>

| 6.2 **Community Impact Assessment Recommendations** | The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:- Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation. |

<table>
<thead>
<tr>
<th>Previous Consideration - Nil</th>
</tr>
</thead>
<tbody>
<tr>
<td>Background Papers - Nil</td>
</tr>
</tbody>
</table>
1 Purpose of Report

1.1 To provide an update on progress regarding the proposed development of Holmcroft Open Space.

1.2 To approve detail of the concept plans (APPENDIX 1) which have been developed by Consultants and progress to Procurement in line with Procurement Regulations.

1.3 That Cabinet put forward the proposal to allocate the additional Section 106 anticipated receipt of £85,577 (as detailed in 3.9) to full council with the view to increasing the Holmcroft budget from £398k to £483k. Furthermore, that Cabinet give permission to spend the unallocated budget of £389k and further give permission to spend the additional £85k subject to full council approval.

1.4 To request delegated authority to the Head of Development and the Leisure Portfolio Holder in consultation with Local Ward Members and the Head of Operations to approve the final design.

1.5 To request delegated authority to the Head of Development in consultation with the Cabinet Member for Leisure acquire freehold or leasehold interest in the land identified in Appendix 2.

2 Proposal of Cabinet Member

2.1 That Cabinet notes the progress made to date.

2.2 That permission is given to progress to procurement based on the concept design developed through public consultation and available as APPENDIX 1.
2.3 To grant permission to spend the budget as identified in 3.10 on delivering play and recreational facilities in Holmcroft subject to full council approval of additional £85k.

2.4 That delegated authority is granted to the Head of Development and Portfolio Holder for Leisure in consultation with the Local Ward Members and the Head of Operations to approve the final plans developed by the successful contractor and any further amends to enable the project to be delivered within timescales.

2.5 To grant delegated authority to Head of Development in consultation with the Cabinet Member for Leisure to acquire freehold or leasehold interest in the land identified in Appendix 2.

3 **Key Issues and Reasons for Recommendation**

3.1 In July 2017 Cabinet approved the procurement of suitably qualified and experienced Landscape Design Contractors to formulate a concept design for play and recreational facilities in the Holmcroft Area to be used as a basis for consultation.

3.2 The Council has now undertaken a comprehensive consultation exercise and produced a concept master plan based on the findings. The Phase 1 consultation report outlines the consultation carried out in order to produce the concept plan and the consultation plan identifies the further consultation stages to be completed in order to finalise the plans. These documents are available on the Members area of the internet.

3.3 The concept plan has been developed based upon the consultation findings and in line with the available budget. The main elements included within the plan are:

(a) Playground Equipment suitable for a range of ages from toddlers to young teenagers.
(b) Outdoor Gym Equipment
(c) Picnic and Seating Areas
(d) Refurbishment of tennis courts to a multi use games area (MUGA)
(e) Existing BMX replaced with concrete wheeled sports zone
(f) Natural play elements and opportunities
(g) Better infrastructure, including paths, walking routes and bins.
(h) Wildlife zones
(i) Soft landscape features
(j) Retention of the football pitches
(k) Dementia Friendly Community

3.4 Based on previous experience of delivering similar schemes we believe this project can be delivered within permitted development rights, however, until the final design is produced it is not possible to determine if the proposals will be subject to a planning application. An allowance has been made within the timetable to allow for this eventuality.
3.5 To ensure the project is delivered in line with the timescales identified in APPENDIX 3 it is proposed that delegated authority is given to the Head of Development and Leisure Portfolio Holder in consultation with the Local Ward Members and the Head of Operations to approve the final designs. This is consistent with the delivery approach for the Charnley Road project. A project board has been established to oversee the scheme to implementation.

3.6 At 6 July 2017 Cabinet we identified a number of funding streams to be pooled together to finance the scheme in the Holmcroft Area. The current financial situation is as follows:

<table>
<thead>
<tr>
<th>Planning Application No</th>
<th>Location</th>
<th>Amount</th>
<th>Date Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 11/16313/FUL</td>
<td>299 Stone Road, Stafford</td>
<td>£15,758</td>
<td>25.10.16</td>
</tr>
<tr>
<td>2 15/22692/FUL</td>
<td>Creswell Manor</td>
<td>£37,055</td>
<td>18.10.16</td>
</tr>
<tr>
<td>3 Sale of Woodlands Road</td>
<td></td>
<td>£345,000</td>
<td>02.11.17</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>£397,813</td>
<td></td>
</tr>
</tbody>
</table>

3.7 As the original terminology within the S106 agreement relating to planning application 15/22692/FUL specifically targeted the off-site open space financial contribution to preclude its use within the scheme at Holmcroft our Legal team have negotiated a Deed of Variation to change the wording. This was completed on 22 June 2018 and now enables the £37,055 to be part of the funding pot for developing the Open Space at Holmcroft.

3.8 In addition to this funding there is a Section 106 Unilateral Undertaking relating to planning application 16/24006/FUL that was completed on 6 December 2017. This agreement provides for the payment of a Recreation Contribution of £85,577 to be used “towards recreational provision and/or enhancement within the wards of Holmcroft and/or Common and Coton”. Whilst this money has not yet been received the trigger point for payment is prior to occupation of 7 dwellings. It is anticipated this trigger point will be met within the timeline of this project and it would therefore be beneficial to approve the allocation of this contribution within the total contract amount for procurement.

3.9 The table below identifies the balance including the additional S106 available less the spends to date:

<table>
<thead>
<tr>
<th>Details</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Balance carried forward from 3.7</td>
<td>£397,813</td>
</tr>
<tr>
<td>Additional S106 as per 3.9</td>
<td>£85,577</td>
</tr>
<tr>
<td>Spend to date on consultation and design</td>
<td>(£9,000)</td>
</tr>
<tr>
<td>BALANCE</td>
<td>£474,390</td>
</tr>
</tbody>
</table>
4 Relationship to Corporate Priorities

4.1 This project should help to deliver the Council's Corporate Business Plan 2018-2021 key objectives set out below:

- “To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and well-being.”

- “To be a well-run, financially sustainable and ambitious organisation, responsive to the needs of our customers and communities and focussed on delivering our objectives”

5 Report Detail

5.1 The junior play facility was provided in 1999 and is in need of refurbishment. The other play and recreational provision in the area was provided on 3 separate areas of open space and is disjointed due to piecemeal development over the years.

5.2 The area is already heavily used for a range of informal and formal leisure activities including children’s’ play, ball games, football matches, dog walking, kite flying and general recreational activities.

5.3 The Assessment of Open Spaces, Sport and Recreation Facilities 2009 and the subsequent update in 2013 highlighted the need for better quality play provision for children of all ages in key areas throughout the Borough. The open space area in Holmcroft has been identified as one of the locations most capable of being developed to achieve “Neighbourhood Park” status.

5.4 The Assessment recommends developing a strategic network of high quality play facilities and moving away from the continuing provision of a significant number of small local parks which often contain poor quality equipment and are generally not efficient and economical to maintain.

5.5 Following a land registry search to confirm ownership prior to progressing the scheme it has come to light that not all of the proposed site is in Borough Council ownership. Officers are liaising with the land owners to secure a land transfer or lease arrangement for each site. These issues will need to be resolved prior to works commencing and therefore we request the Head of Development has delegated powers to approve the final arrangements regarding the land transfer or lease. A location plan identifying the areas of land is attached as APPENDIX 3.
Plan
Ref| Land Owner | Detail
---|---|---
1 | Staffordshire CC | Land required for park development. Officers are proposing a land transfer at Nil consideration. SBC to cover legal costs of land transfer. SBC currently maintain the land.
2 | CFIF Nominee Limited – currently under long term lease to Hospitality First Management Limited | Land required to open up the visibility behind the Library. Public consultation has identified this area as currently subject to issues of ASB. This proposal would greatly enhance the scheme but is not essential to the delivery of the project.
3 | Stafford and Rural Homes | Land required to enhance the boundary planting within the proposals. Land currently maintained by SBC. The larger project could be delivered without the transfer of this parcel of land.

5.6 Development Officers have consulted throughout this project with the Local Ward members of Holmcroft and Common Wards. The Councillors fully support the project and have formed a Project Board with the Head of Development and Portfolio Holder.

5.7 The project will be procured as a design and build contract on a fixed price basis and will be undertaken through Staffordshire County Council’s procurement section.

6 Implications

6.1 Financial | The total capital programme is £397k as outlined in 3.7. Of this, a POS has already been given for £9k, with this report seeking a POS for the remaining £389k. Subject to full council approval, we are also seeking approval to spend an additional £85k which is expected from planning application 16/24006/FUL. This would increase the total budget to £474k. The allocation and POS for the £85k does not comply with standard financial practice as this funding has not yet been received. There is therefore a risk that this funding may not materialise. If this was to happen, additional Stafford capital resources would need to be found to fund the project.
Legal

Legal services will be required to draw up and complete the works contract with the chosen contractor.
Legal services will also be required to prepare the agreements for the transfer of land or lease agreements once the negotiations are completed.

Human Resources
Nil

Human Rights Act
Nil

Data Protection
All consultation responses will adhere to General Data Protection Regulations.

Risk Management
Future risks will be formally assessed as a part of the overall Project Management

6.2 Community Impact Assessment Recommendations
A full CIA is included as APPENDIX 4 and an Executive Summary as APPENDIX 5 which represents the potential impacts, risks and benefits of the development proposals at Holmcroft on resident’s health and wellbeing.

Previous Consideration
Cabinet - 6 July 2017 - Minute No CAB 11/17

Background Papers - File available in Development
## APPENDIX 3 Holmcroft Road Indicative Timeline

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Days</th>
<th>Estimated Date</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Authority</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cabinet report prep for approval of final plans and permission to spend</td>
<td>10</td>
<td>22.07.19 – 01.08.19</td>
</tr>
<tr>
<td>Deadline for cabinet report</td>
<td></td>
<td>02.08.19</td>
</tr>
<tr>
<td>Cabinet Report Date</td>
<td>45</td>
<td>03.10.19</td>
</tr>
<tr>
<td>Call – in Period</td>
<td>10</td>
<td>18.10.19</td>
</tr>
<tr>
<td><strong>Tender</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preparation of tender documents</td>
<td>40</td>
<td>Nov/Dec 2019 (Christmas shut down)</td>
</tr>
<tr>
<td>Tender Document Published</td>
<td>1</td>
<td>06.01.20</td>
</tr>
<tr>
<td>End of pre-submission clarifications</td>
<td></td>
<td>24.02.20</td>
</tr>
<tr>
<td>Deadline for receipt Submission</td>
<td>40</td>
<td>28.02.20</td>
</tr>
<tr>
<td>Evaluation period and Post-submission clarifications</td>
<td>20</td>
<td>02.03.20 – 27.03.20</td>
</tr>
<tr>
<td>Project Board Meeting</td>
<td>5</td>
<td>w/c 30.03.20</td>
</tr>
<tr>
<td>Notification of intention to award to economic operators</td>
<td>1</td>
<td>04.04.20</td>
</tr>
<tr>
<td>Pre Contract Discussions</td>
<td>15</td>
<td>06.04.20 – 24.04.20</td>
</tr>
<tr>
<td>Contract Preparation</td>
<td>10</td>
<td>27.04.20 – 08.05.20</td>
</tr>
<tr>
<td>Contract Return</td>
<td>10</td>
<td>11.05.20 – 22.05.20</td>
</tr>
<tr>
<td>Agreement commencement</td>
<td>10</td>
<td>08.06.20</td>
</tr>
<tr>
<td><strong>Main Works</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Review</td>
<td>10</td>
<td>08.06.20 – 19.06.20</td>
</tr>
<tr>
<td>Finalise plans with users groups</td>
<td>10</td>
<td>22.06.20 – 03.07.20</td>
</tr>
<tr>
<td>Prepare planning application</td>
<td>10</td>
<td>06.07.20 – 17.07.20</td>
</tr>
<tr>
<td>Submission of Planning Application</td>
<td>10</td>
<td>20.07.20</td>
</tr>
<tr>
<td>Estimated Planning Decision (allow 10 weeks)</td>
<td>50</td>
<td>20.07.20 -25.09.20</td>
</tr>
<tr>
<td>Mobilisation period</td>
<td>50</td>
<td>28.09.20 – 04.12.20</td>
</tr>
<tr>
<td>Works – estimate 12 weeks build</td>
<td>60</td>
<td>07.12.20 – 26.02.21</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(Christmas shut down and inclement weather may extend)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>14.09.20 – 04.12.20</td>
</tr>
<tr>
<td><strong>Formal Opening</strong></td>
<td></td>
<td></td>
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<tr>
<td>Organisations and preparation for event</td>
<td></td>
<td>TBA</td>
</tr>
<tr>
<td>Formal Opening</td>
<td></td>
<td>TBA</td>
</tr>
</tbody>
</table>

**NB All times are estimated and will be confirmed by successful contractor**
HOLMCROFT AREA
Consultation and Development Plans for Play Facilities

COMMUNITY IMPACT ASSESSMENT

Project name: Holmcroft Area
Project ref: 320.18
Work stage: Stage 2
Report status: FINAL
Date of issue: 2019.08.21
1.0 Introduction:

This document presents the Community Impact Assessment (CIA) for the development proposals for the play facilities at the Holmcroft Area in Stafford (the Project). This CIA has been developed in conjunction with the client team at Stafford Borough Council (SBC), and will be made available to the general public, in order to ensure scrutiny of the development proposals remains robust and transparent.

1.1 Why do we need a CIA?

1.1.1 A CIA will help identify the potential impacts, risks and benefits of the project on resident’s health and wellbeing. Undertaking this at an early stage during planning of the project enables engagement and research to identify actions that will either lessen the risk of the project or maximise the benefits. The assessment will also help to identify mitigating factors whereby risks may be balanced out to an extent by the benefits.

1.1.2 Incorporating a health and wellbeing assessment as one of the outputs for shaping the project supports the Council’s key objective identified in the ‘Corporate Business Plan 2018- 2021’: “To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and well-being”.

1.2 Approach and methodology:

1.2.1 This CIA will be written to include views and comments from the Client team and involves input from the Holmcroft Design Working Group (DWG) and the Holmcroft Project Board, both of which were established in May 2019 to ensure key stakeholders are kept informed of project progress. The Holmcroft DWG comprises of relevant SBC officers and the Project Board Councillors and SBC’s Head of Services with a particular interest in the Holmcroft Area and with relevant expertise to ensure that a full range of views are considered.
1.2.2 The approach to public and stakeholder engagement for Phase 2 consultation is identified in the proposed Consultation Plan titled “Stage 4: Consultation Plan” issued 2019.07.24. This again has been reviewed by the Client team, DWG and Project Board and is based on ideas, comments and suggestions for Stakeholders from all three groups. Phase 2 consultation will take place with the most appropriate and representative groups of people who are most likely be affected by the project; and will directly feed into refining the design of the Concept Masterplan for the Holmcroft Area.

1.2.3 For completing the CIA assessment of the following has been considered:

<table>
<thead>
<tr>
<th>Which groups will be affected</th>
<th>Benefits</th>
<th>Risks</th>
<th>Mitigations / Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Which groups of people will be impacted by the proposals for the Holmcroft Area? This could be people in a particular area, a street, school, a service provider or a group of people with similar characteristics or needs, and also include specific stakeholders.</td>
<td>The impact the project may have on each of the different category areas. Identify the benefits of each decision.</td>
<td>The impact the project may have on each of the different category areas. Identify the risks associated with the proposal.</td>
<td>Recommendations as to how the benefits will be maximised and the risks minimised. Highlight any trade-offs that may occur.</td>
</tr>
</tbody>
</table>

**Note:**
- Potential impacts have **not** been included if it is considered highly unlikely, they will occur.
- No major impacts have been identified with N/A.
- No personal data is included.
- Likelihood graded as HIGH, POSSIBLE, LOW
- Scale graded as SIGNIFICANT, MODERATE, INSIGNIFICANT

**Evidence Base: (Evidence used/ likelihood/ size of impact)**
Assessed by the level of certainty of each potential impact, and type of evidence to arrive at the decision is indicated, such as population trends data, census data, service data; and national, regional, local research; and through engagement and consultation with Holmcroft DWG and Project Board, the public, and voluntary sector.

1.2.4 The impacts of the project were then assessed with regards the following categories: Public Sector Equality Duty (PSED), Health and Care, the Economy, the Environment, and Localities/ Communities.
1.2.5 On completion of the CIA, the main findings will be transferred to the ‘Checklist and Executive Summary’ template; which will be approved by SBC’s Cabinet, with the CIA submitted as a ‘Background Paper’.

2.0 Assessment

2.1 General impact of the Project:

<table>
<thead>
<tr>
<th>Which groups will be affected</th>
<th>Benefits</th>
<th>Risks</th>
<th>Mitigations / Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Holmcroft Road residents;</td>
<td>1. Improvements to the play experience and recreation supporting physical activity, mental health and wellbeing, including those with depression and helping to protect against anxiety. Supporting opportunities for regular physical activity to improve and prevent the decline of muscle strength, balance and endurance reducing the incidence of falls and accidents amongst users in their daily lives. By having the local facilities to participate in regular physical activity, and improving balance, the risk of falling for older people can be significantly reduced. For all mobilities and age groups. Enhanced facilities could act as a diversion and contribute towards a reduction in problematic and risky behaviours such as alcohol abuse, ASB. Increased</td>
<td>1. Successful improvements result in increased traffic from elsewhere, resulting in increased pollution and traffic risk to pedestrians; Likelihood = Possible Scale = Moderate Evidence = P2 consultation</td>
<td>Offsets Different views if it is more favourable to attract more users or less users; which impact on surveillance, noise, litter, anti-social/risky behaviour, traffic etc. Majority accept improvements need to be made.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Recommendations 1. Ensure open visibility as far as possible across site to reduce the perception of feeling unsafe;</td>
</tr>
<tr>
<td></td>
<td>Continued...</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Continued...
2. Social engagement and friendship forming across generations with the aim of reducing isolation; creating stronger healthier communities.
   - Likelihood = High
   - Scale = Significant
   - Evidence = numerous national research/guidance; SBC PPG17 Strategic Aim 2; The Plan for Stafford Borough - key objective; Policy Stafford 2-C7; P2 consultation

3. Enhanced planting of trees and wildflowers to act as the “lungs” for the neighbourhood, mitigating pollution enhancing health; providing shade and enhanced urban cooling effect; and contact with nature for improved wellness.
   - Likelihood = High
   - Scale = Moderate
   - Evidence = numerous national research/guidance; SBC PPG17 Strategic Aim 3; The Plan for Stafford Borough – key issue; socio-demo data

3. Successful improvements resulting in more noise generation or alienation of certain user groups;
   - Likelihood = Possible
   - Scale = Significant
   - Evidence = P2 consultation

2. Mix activities for different ages to minimise dominance of one age group to an area; but place activities so not threatening to other users;
3. Incorporate climbing wall into scheme to reduce anti-social behaviour via hidden spot;
4. Ensure MUGA has open goals as escape routes to minimise opportunities for bullying incidents;
5. Light main spine path to enhance personal security and reduce the perception of feeling vulnerable;
6. Widen interconnecting access at Tillington Hotel to enhanced perceived safety;
7. Ensure strong natural design elements feature;
8. Ensure play activity is dynamic and exciting in appeal and considers all mobilities and abilities;
4. A safer and more appealing place of enhanced play value and access, reducing travel time and potentially risky journeys (e.g. traffic collision) for users who would otherwise visit a park further afield. Supporting healthy lifestyles by promoting active travel and reducing local traffic as families can walk rather than drive to the park or commute to work/shops via the new path infrastructure provision.
   **Likelihood** = Possible  
   **Scale** = Moderate  
   **Evidence** = SBC PPG17 Strategic Aims 1&2; The Plan for Stafford Borough- Spatial Vision; Policy Stafford 2-C7; Policy N4 h; P2 consultation

5. Increased use resulting in enhanced surveillance potentially reducing incident of anti-social and risky behaviour and the perception of fear of community safety when using the Site. Reducing dog fouling and supporting a safer, cleaner community; 
   **Likelihood** = Possible  
   **Scale** = Significant 
   **Evidence** = numerous national research/guidance; SBC PPG17 Strategic Aim 1&3; The Plan for Stafford Borough- Spatial Vision; P2 consultation

9. Ensure there is a piece of play equipment for older children on the Village Green as it is accepted this works better for families with children across age groups and also for when young people gather at Holmcroft Road.

10. Ensure paths are wide enough for mobility scooters, buggies and bikes and unobstructed by bollards;

11. Enhance the existing stock of trees;

12. Ensure seats have backs and arms for seniors and those with mobility issues and interspersed along the path infrastructure of the Site

13. Adequate bins for dog fouling;
<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
</table>
| **6.** Providing calm in an urban environment nurturing mental health and wellbeing.  
Likelihood = Possible  
Scale = Moderate  
Evidence = numerous national research/guidance;  
SBC PPG17 Strategic Aim 2; The Plan for Stafford Borough- key objective; Policy Stafford 2-C7; P2 consultation  |
| **7.** Visual improvements to frontage of Holmcroft Road with tree planting proven to reduce car speeds along highways; providing more pleasing environment to live in for residents enhancing their well-being and sense of security.  
Likelihood = Significant  
Scale = Moderate  
Evidence = numerous national research/guidance;  
SBC PPG17 Strategic Aims 1 & 4; The Plan for Stafford Borough- Spatial Vision b & f; P2 consultation  |
| **14.** Embracing dementia friendly community design principles and supporting those with sensory or visual impairment eg. Adopting a lighter colour surfacing through the new self-binding gravel path; contrasting the colour of site furniture to path; providing memory trackers along the route.  |
| **2.** Woodland Road Residents; Former users of the Woodland Road playground;  
Benefits as Holmcroft Road, with exception of 7 but with the addition of:  
8. replacement of play facility lost at Woodlands Road supporting physical activity and health for all mobilities and age groups.  
Likelihood = High  
Scale = Significant  
Continued....  |
| **4.** Successful improvements result in increased traffic from elsewhere, resulting in increased pollution and traffic risk to pedestrians;  
Likelihood = Possible  
Scale = Moderate  |
| **Offsets**  
As Holmcroft Road with addition of more users could potentially cross the road, and there is no existing safe crossing point.  |
| **3. Second Avenue**<br>Residents with back gardens along the north-east boundary; | **Benefits** as Holmcroft Road with the exception of 7 | **Risks** as Holmcroft Road with the addition of:<br>4. More attractive to users to play in the MUGA, wheeled facility and activities behind their back-garden boundaries could make residents feel vulnerable in their own territory;<br><br>**Likelihood = Possible**<br>**Scale = Moderate**<br>**Evidence = Site analysis** | **Offsets**<br>As Holmcroft Road<br><br>**Recommendations**<br>As Holmcroft Road above with the addition of:<br>15. Install new crossing point;<br>16. Re-align new access point so connects easily with new footpaths from housing development; |

<p>| <strong>4. Residents of Simpson and Burcham Closes and Meakin Grove;</strong> | <strong>Benefits</strong> as Holmcroft Road with variation to 7. Visual improvements to interface of residential roads and end houses with park; providing more pleasing environment to live in for residents enhancing their well-being and social engagement with seating,&lt;br&gt;&lt;br&gt;<strong>Likelihood = Significant</strong>&lt;br&gt;<strong>Scale = Moderate</strong>&lt;br&gt;<strong>Evidence = numerous national research/guidance; SBC PPG17 Strategic Aims 1 &amp; 4; The Plan for Stafford Borough - Spatial Vision b &amp; f; P2 consult;</strong> | <strong>Risks</strong> as Holmcroft Road with the addition of:&lt;br&gt;4. More attractive to users to play activities, fitness activity and the wheeled facility, close to gardens and houses could make residents feel vulnerable in their own territory;&lt;br&gt;&lt;br&gt;<strong>Likelihood = Possible</strong>&lt;br&gt;<strong>Scale = Moderate</strong>&lt;br&gt;<strong>Evidence = Site analysis</strong> | <strong>Offsets</strong>&lt;br&gt;As Holmcroft Road&lt;br&gt;&lt;br&gt;<strong>Recommendations</strong>&lt;br&gt;As Holmcroft Road above with the addition of:&lt;br&gt;16. Ensure new tree planting to maximise screening benefits to rear gardens; |</p>
<table>
<thead>
<tr>
<th>5. Holmcroft residents beyond the immediate surrounds;</th>
<th>Benefits as Holmcroft Road with the exception of 4 and 7</th>
<th>Risks as Holmcroft Road with the addition of: 4. More visitors making car parking a challenge; Likelihood = Possible Scale = Moderate Evidence = Site analysis; P2 consultation</th>
<th>Offsets As Holmcroft Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>6. Tillington Hotel residents and workers;</td>
<td>Benefits as Holmcroft Road, with exception of 2 &amp; 7 but with the addition of: 8. Play and fitness facilities provide opportunities for physical activity and health for residents and employees; Likelihood = Possible Scale = Moderate Evidence = site analysis; P2 Consultation. 9. Visual improvements to the boundary and outlook of Tillington Hotel provides a more pleasing environment to sell to visitors. Likelihood = Likely Scale = Moderate Evidence = site analysis</td>
<td>Risks as Holmcroft Road</td>
<td>Offsets As Holmcroft Road</td>
</tr>
<tr>
<td>7. Scouts;</td>
<td>Benefits 1. Improvements to play experience and recreation supporting physical activity, health and more diverse range of activities and interest to the scout members. Likelihood = High Scale = Significant</td>
<td>Risks 1. Sculptural earth boundary bunding and natural play elements to the Village Green could reduce surveillance for leaders and provide organisational challenges;</td>
<td>Offsets Reduced surveillance v improved boundary security and natural play elements to Village Green</td>
</tr>
</tbody>
</table>
Evidence = numerous national research/guidance; SBC PPG17 Strategic Aim 2; The Plan for Stafford Borough- key objective; Policy Stafford 2-C7; P2 consultation

**4.** A safer and more appealing place of enhanced play value and facilitating access around the park, supporting organisation and security of scouts.  
**Likelihood** = Possible  
**Scale** = Moderate  
**Evidence** = SBC PPG17 Strategic Aims 1&2; The Plan for Stafford Borough- Spatial Vision f; Policy Stafford 2-C7; Policy N4 h; P2 consultation

Likelihood = Possible  
Scale = Moderate  
Evidence = P2 consultation

**Recommendations**  
As Holmcroft Road, with the addition of 16 considering surveillance from Scout centre.

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| 8. Users and business owners of The Holmcroft Pub, Co-op, Launderette etc on Holmcroft Road; | **Benefits** as Holmcroft Road, with the addition of:  
8. Play and fitness facilities provide opportunities for physical activity and health for customers and their families, and employees;  
**Likelihood** = Possible  
**Scale** = Moderate  
**Evidence** = site analysis  
9. Visual improvements, better facilities, picnic tables etc provide a more pleasing environment to sell to customers.  
**Likelihood** = High  
**Scale** = Significant  
**Evidence** = site analysis | **Risks** as Holmcroft Road with the addition of:  
4. Sculptural earth boundary bunding and natural play elements to the Village Green could reduce surveillance for customers sitting in the beer garden of The Holmcroft Pub or Launderette;  
**Likelihood** = Possible  
**Scale** = Moderate  
**Evidence** = site analysis  
5. More visitors making car parking a challenge;  
**Likelihood** = Possible | **Offsets**  
Reduced surveillance v improved boundary security and natural play elements to Village Green  
**Recommendations**  
As Holmcroft Road, with the addition of 16 considering surveillance from businesses. |
| 9. Users of Stafford North End Community Centre; | **Benefits** as Holmcroft Road, with exception of 2, 3, 6 & 7 but with the addition of: 8. improvements to play experience and recreation supporting physical activity, health and more diverse range of activities which could be used by clubs and groups resident of the Community Centre.  
**Likelihood** = Possible  
**Scale** = Moderate  
**Evidence** = site analysis; P2 consultation | **Risks** as Holmcroft Road | **Offsets** n/a  
**Recommendations** As Holmcroft Road, with 16 design mindful of supporting the range of activities the Community Centre runs. |
| --- | --- | --- | --- |
| 10. Holmcroft Surgery; | **Benefits** as Holmcroft Road with the addition: 8. improvements to supporting fitness both independently or as a team providing opportunities on the surgery’s doorstep for physical activity, health and wellbeing, and mental health  
**Likelihood** = Possible  
**Scale** = Significant  
**Evidence** = numerous national research/guidance; SBC PPG17 Strategic Aim 2; The Plan for Stafford Borough- key objective; Policy Stafford 2-C7; P2 consultation | **Risks** as Holmcroft Road | **Offsets** n/a  
**Recommendations** As Holmcroft Road, with 16 equipment selected mindful of supporting a range of activities catering for range of mobilities and appealing to all ages and placed in an encouraging setting. |
<table>
<thead>
<tr>
<th>11. Holmcroft Library; Benefits as Holmcroft Road, with exception of 7 but with the addition of:</th>
<th>Risks as Holmcroft Road but also 4. More visitors making car parking a challenge; Likelihood = High Scale = Significant Evidence = Site analysis; P2 consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>8. Improvements to passive recreation and creating seating spaces in an appealing environment to support reading activities or independent reading. Likelihood = High Scale = Significant Evidence = site analysis; P2 consultation</td>
<td>5. Enhanced levels of noise from activities disrupting quiet environment of library setting; Likelihood = Possible Scale = Moderate Evidence = Site analysis; P2 consultation</td>
</tr>
<tr>
<td>9. Visual improvements, better facilities, picnic tables etc provide a more pleasing environment and day out experience which library could benefit from. Likelihood = High Scale = Significant Evidence = P2 Consultation</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>18. Users of the tennis courts; Users of the BMX facility; Users of the existing play area; Benefits 1. Improvements to existing facilities which appear under used to support more exciting opportunities for sport, fitness and play. Likelihood = High Scale = Significant Evidence = P2 Consultation</th>
<th>Risks 1. Loss of tennis and soft earth BMX; Likelihood = High Scale = Significant Evidence = P2 consultation</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Loss of favourite pieces of equipment to certain children and familiarity important to users with special needs such as autism or anxiety; Likelihood = Likely Scale = Significant Evidence = P2 consultation</td>
<td>2. Loss of loved facilities or equipment used by the few and replaced with more popular facilities.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Offsets</th>
<th>Offsets</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduced library quiet v increased readers</td>
<td>Loss of loved facilities or equipment used by the few and replaced with more popular facilities.</td>
</tr>
</tbody>
</table>

Recommendations

Continued...
<p>| | | |</p>
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</table>
| 19. St Bertelins Church and their Messy Club; | Benefits as Holmcroft Road, with exception of 7 but with the addition of: 8. Improvements to passive recreation and creating seating spaces in an appealing environment to support activities or continue social engagement after services.  
Likelihood = Possible  
Scale = Moderate  
Evidence = P2 consultation | Risks 5. Enhanced levels of noise from activities disrupting quiet environment of library setting;  
Likelihood = Possible  
Scale = Moderate  
Evidence = Site analysis; P2 consultation |
|   |   | Offsets Reduced church quiet v enhancements to setting |
|   |   | Recommendations As Holmcroft Road, with the addition of 16 considering location of noisy activities in the proximity of the Church. |
| 20. Primary aged children and their families; | Benefits as Holmcroft Road, with exception of 7 but with the addition of: 8. Play and fitness facilities for all mobilities and abilities providing opportunities for physical activity and explorative and natural play for children, either on their own or with their families/carers;  
Likelihood = High  
Scale = Significant  
Evidence = P2 Consultation | Risks as Holmcroft Road |
<p>|   |   | Offsets As Holmcroft Road |
|   |   | Recommendations As Holmcroft Road with the addition of 16 consider the experience of parents/carers waiting and interacting with the child. |</p>
<table>
<thead>
<tr>
<th>21. Secondary school aged young people/ Holmcroft Youth Club;</th>
<th>Benefits as Holmcroft Road, with exception of 7 but with the addition of: 8. Play and fitness facilities for all mobilities and abilities providing opportunities for physical activity and explorative and natural play for children, either on their own or with their families/carers; Likelihood = High Scale = Significant Evidence = P2 Consultation</th>
<th>Risks as Holmcroft Road</th>
<th>Offsets As Holmcroft Road</th>
<th>Recommendations As Holmcroft Road with the addition of 16 consider the experience of parents/carers waiting for older child or security of independent child; 17 Ensure activities excite user group;</th>
</tr>
</thead>
<tbody>
<tr>
<td>22. Pre-school aged children and their carers/Pre School providers/ families;</td>
<td>Benefits as Holmcroft Road, with exception of 7 but with the addition of: 8. Play and fitness facilities for all mobilities and abilities providing opportunities for physical activity and explorative and natural play for children, with their families/carers/pre-school; Likelihood = High Scale = Significant Evidence = P2 Consultation</td>
<td>Risks as Holmcroft Road</td>
<td>Offsets As Holmcroft Road</td>
<td>Recommendations As Holmcroft Road with the addition of 16 consider the experience of parents/carers interacting with the child and surveillance; 17 Ensure activities excite user group; 18 Support group activities by the Pre-School provider which the site could host;</td>
</tr>
<tr>
<td><strong>23. People of all ages wanting to improve their fitness levels;</strong></td>
<td><strong>Benefits as Holmcroft Surgery;</strong></td>
<td><strong>Risks as Holmcroft Road</strong></td>
<td><strong>Offsets n/a</strong></td>
<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Recommendations</strong> As Holmcroft Road, with 16 equipment selected mindful of supporting a range of activities catering for range of mobilities and appealing to all ages and placed in an encouraging setting.</td>
<td></td>
</tr>
</tbody>
</table>

| **24. Football pitch users/clubs** | **Benefits** 1. Decompacted goal areas; relined; and gradients resolved where required. 2. Supporting seating and picnic tables for people watching; | **Risks** 5. Pitches too close together or goal mouths too close to play activities; 5. Likelihood = Possible 5. Scale = Moderate 5. Evidence = Site analysis; P2 consultation | **Offsets** Reorientation of pitches v room for peripheral path and play activities; **Recommendations** As Holmcroft Road, with the addition of 16 ensuring standards of pitch are maintained; including addressing levels issues for pitch 2 |
Public Sector Equality Duty (PSED) – Use this section to identify if the proposal will impact on our legal obligations under the Equality Act 2010 for both residents and staff. In summary, those subject to the general equality duty must have due regard to the need to: Eliminate unlawful discrimination, harassment and victimisation, advance equality of opportunity between different groups and foster good relations between different groups.

Please consider:
- Who is currently using the service, across the protected characteristics?
- What do we know about their experiences and outcomes?
- What relevant information is available from the Census and population trends data?
- What were the findings of the engagement/consultation?
- Are there any relevant national, regional and/or local sources of research/evidence available?
- Is there any relevant information from partners or voluntary, community, social enterprise organisations?
- What is the analysis of the impact on those with relevant protected characteristics?

<table>
<thead>
<tr>
<th>Protected Characteristics:</th>
<th>Which groups will be affected</th>
<th>Benefits</th>
<th>Risks</th>
<th>Mitigations / Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>n/a</td>
<td>Neutral</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Disability</td>
<td>All ages – independent and cared for</td>
<td>Positive</td>
<td>Failure to provide all mobility and ability appropriate activities and furniture in supportive, secure setting.</td>
<td>P1 and P2 consultation has directed the selection of equipment and furniture and placement.</td>
</tr>
<tr>
<td>Sex</td>
<td>n/a</td>
<td>Neutral</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Age</td>
<td>Seniors Children Families Teens</td>
<td>Positive</td>
<td>Failure to select age appropriate activities and furniture in comfortable, secure setting.</td>
<td>P1 and P2 consultation has directed the selection of equipment and furniture and placement.</td>
</tr>
<tr>
<td>Religion or Belief</td>
<td>n/a</td>
<td>Neutral</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Gender Reassignment</td>
<td>n/a</td>
<td>Neutral</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>n/a</td>
<td>Neutral</td>
<td>n/a</td>
<td></td>
</tr>
<tr>
<td>Pregnancy and Maternity</td>
<td>n/a</td>
<td>Neutral</td>
<td>n/a</td>
<td></td>
</tr>
</tbody>
</table>
Marriage and Civil Partnership
The duty to have due regard to the need to eliminate discrimination also covers marriage and civil partnerships in relation to employment issues.

Evidence Base: Socio Demographic data

Evidence Base: Socio Demographic data is presented to provide evidence for this PSED regarding groups identified through analysis of “protected characteristics”. Further information is collated in RKN’s ‘Holmcroft Site Review, Appraisal and Analysis’ Report. The most pertinent data for this PSED is presented below and can be sourced from the ‘Stafford District Data Pack’ by the Strategy Team, Staffordshire County Council at

Holmcroft data:

Disability
• Limiting long-term illness in Holmcroft is worse than the Staffordshire, West Midlands and England average

Age
• Holmcroft has a higher number of 65 and over, and 85 and over than the Staffordshire, West Midlands and England average;
• The dependency ratio of older people per 100 working age population is higher in Holmcroft than the Staffordshire, West Midlands and England average
• There are more lone pensioner households in Holmcroft than the Staffordshire, West Midlands and England average
**Stafford Borough data:**

**Disability**
- Healthy life expectancy in Stafford is 66 years for men and 67 years for women which is longer than average. Women in Stafford spend more of their lives in poor health than men (17 years compared to 15).
- The number of people on dementia and hypertension registers in Stafford is higher than the national averages - although this could reflect good case finding, diagnosis and recording. However, there is a higher proportion of residents in Stafford with a limiting long-term illness compared to the national average. Disability claimants are also high which would suggest levels of long-term conditions are high.

**Age**
- Overall life expectancy at birth in Stafford is 81 years for men, higher than the national average, and 83 years for women (similar to the national average). Both men and women living in the most deprived areas of Stafford live six years less than those living in less deprived areas respectively.

*Data collected from P1 and P2 Consultation and stakeholders*
**Health and Care**—Use this section to determine how the proposal will impact on resident’s health and wellbeing, and whether the proposal will impact on the demands for, or access to health and care services. Please consider the Care Act 2014 and the Health and Social Care Act 2012.

<table>
<thead>
<tr>
<th>Category Area (Areas highlighted are suggestions only and there may be other impacts in these categories)</th>
<th>Which groups will be affected</th>
<th>Benefits</th>
<th>Risks</th>
<th>Mitigations / Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mental Health and Wellbeing</td>
<td>All</td>
<td>Positive – providing calm; reducing isolation; multi-generational social engagement; friendships and support; positive stimulus of physical activity can have on mental health and wellbeing alleviating symptoms of mild depression and protecting people from anxiety.</td>
<td>Failure of design or dominance of one type of user group resulting in alienation of certain users; impact on residents’ privacy and increase of noise/anti-social behaviour enhancing stress levels and tolerance.</td>
<td>P1 and P2 consultation has directed the design and location of facilities; best practice guidance adopted; case studies.</td>
</tr>
</tbody>
</table>
### Healthy Lifestyles

**Will the proposal promote independence and personal responsibility, helping people to make positive choices around physical activity, healthy food and nutrition, smoking, problematic alcohol and substance use, and sexual health?**

| All | Positive – encouraging physical activity through play and fitness, whether as team or independent. Equipment chosen for all mobilities, abilities and interest across ages. Distance marked loop path to encourage active travel through walking, running etc. Facilities could act as a diversion and contribute towards a reduction in problematic and risky behaviours such as alcohol abuse, ASB. | Failure of design, unsuitable equipment or dominance of one type of user group resulting in alienation of certain users or unsuitable settings making it uncomfortable to exercise and train. | P1 and P2 consultation has directed the design and location of facilities; best practice guidance adopted; case studies; connection with GP Surgery and service providers. |

### Accidents and Falls Prevention

**Does the proposal reduce or increase the risk of falls in older people, childhood accidents, road accidents, or workplace accidents?**

| All | Positive – routes to be connected reducing trip hazards through grass and enhancing access and mobility of all. Interspersed seating around the path infrastructure for rest. | Increased traffic and appeal of site could result in challenges for crossing the roads particularly at Woodland Road. Inappropriate equipment selected suitable for senior users. Increased bicycle use through the site to increase incident of pedestrian collision. | Best practice guidance adopted. |

Continued...
Encouraging regular physical activity though the provision of local facilities is evidenced to improve and prevent the decline of muscle strength, balance and endurance reducing falling amongst senior members of the community. Encouraging active travel via new path infrastructure could reduce the risk of traffic collision incidents. Best practice guidance adopted in all areas.
<table>
<thead>
<tr>
<th>Access to Social Care</th>
<th>n/a</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Independent Living</strong></td>
<td>All</td>
<td>Positive – embracing the concept of a ‘Dementia Friendly community’; also supporting users with particular care requirements, sensory impairments and physical and Mental Health issues who would benefit from the enhanced facilities in the park enabling them to live more independently.</td>
<td>Failure of design, unsuitable equipment or dominance of one type of user group resulting in alienation of certain users or unsuitable settings making it uncomfortable to exercise and train.</td>
</tr>
<tr>
<td>Will the proposal enable people to access appropriate interventions at the right time?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Independent Living</td>
<td>All</td>
<td>Positive – embracing the concept of a ‘Dementia Friendly community’; also supporting users with particular care requirements, sensory impairments and physical and Mental Health issues who would benefit from the enhanced facilities in the park enabling them to live more independently.</td>
<td>Failure of design, unsuitable equipment or dominance of one type of user group resulting in alienation of certain users or unsuitable settings making it uncomfortable to exercise and train.</td>
</tr>
<tr>
<td>Will the proposal impact on people’s ability to live independently in their own home, with care and support from family, friends, and the community?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Safeguarding</td>
<td>All</td>
<td>Positive – increasing surveillance; reducing perceptions of fear regarding community safety. Providing facilities could act as a diversion and contribute towards a reduction in problematic and risky behaviours such as alcohol abuse, ASB.</td>
<td>Failure of design resulting in hidden areas or increasing opportunities to threaten the wellbeing of vulnerable users; P1 and P2 consultation has directed the design and location of facilities; best practice guidance adopted;</td>
</tr>
</tbody>
</table>
**Evidence Base:** Socio Demographic data is presented to provide evidence the proposal will impact on resident’s health and wellbeing. Further information is collated in RKN’s ‘Holmcroft Site Review, Appraisal and Analysis’ Report. The most pertinent data for this CIA is presented below and can be sourced from the ‘Stafford District Data Pack’ by the Strategy Team, Staffordshire County Council at

**Holmcroft data:**

**Mental Health and Wellbeing**
- Holmcroft has a higher number of 65 and over, and 85 and over than the Staffordshire, West Midlands and England average;
- Limiting long-term illness in Holmcroft is worse than the Staffordshire, West Midlands and England average;

**Healthy Lifestyles**
- Excess weight (children aged four to five), 2014/15 to 2016/17 is higher in Holmcroft than the Borough and Staffordshire average;
- Excess weight (children aged 10-11), 2014/15 to 2016/17 is higher in Holmcroft than the Borough and Staffordshire average;
- Limiting long-term illness in Holmcroft is worse than the Staffordshire, West Midlands and England average;

**Accidents and Falls Prevention**
- Holmcroft has a higher number of 65 and over, and 85 and over than the Staffordshire, West Midlands and England average;
- Limiting long-term illness in Holmcroft is worse than the Staffordshire, West Midlands and England average;
Independent Living

• Holmcroft has a higher number of 65 and over, and 85 and over than the Staffordshire, West Midlands and England average;

• The dependency ratio of older people per 100 working age population is higher in Holmcroft than the Staffordshire, West Midlands and England average;

• Limiting long-term illness in Holmcroft is worse than the Staffordshire, West Midlands and England average;

Safeguarding

• Holmcroft has a higher number of 65 and over, and 85 and over than the Staffordshire, West Midlands and England average;

• Pupil absence in Holmcroft during Autumn Term, 2017/18 is worse than the Staffordshire, West Midlands and England average;

• Holmcroft has more lone pensioner households than the Staffordshire, West Midlands and England average;

Stafford Borough data:

Mental Health; Wellbeing and Healthy Lifestyles; Accidents and Falls Prevention

• Healthy life expectancy in Stafford is 66 years for men and 67 years for women which is longer than average. Women in Stafford spend more of their lives in poor health than men (17 years compared to 15).

• Around 22% of children aged four to five in Stafford have excess weight (overweight or obese) with rates being higher than average. Around 31% of children aged 10-11 have excess weight.

• Around six out of ten adults have excess weight (either obese or overweight) which is similar than the national average. The proportion of people who are obese in Stafford is also similar to the England average.

• Two out of ten Stafford adults are physically inactive, similar to the England average (equating to around 21,300 people). Around one in two Stafford adults aren’t eating the recommended five portions of fruit and vegetables per day.
• The number of people on dementia and hypertension registers in Stafford is higher than the national averages - although this could reflect good case finding, diagnosis and recording. However, there is a higher proportion of residents in Stafford with a limiting long-term illness compared to the national average. Disability claimants are also high which would suggest levels of long-term conditions are high.

**Independent Living**

• Overall life expectancy at birth in Stafford is 81 years for men, higher than the national average, and 83 years for women (similar to the national average). Both men and women living in the most deprived areas of Stafford live six years less than those living in less deprived areas respectively.

• Healthy life expectancy in Stafford is 66 years for men and 67 years for women which is longer than average. Women in Stafford spend more of their lives in poor health than men (17 years compared to 15).

*Data collected from P1 and P2 Consultation and stakeholders*
HOLMCROFT AREA

Consultation and Development Plans for Play Facilities

Community Impact Assessment – Executive Summary

May 2019
COMMUNITY IMPACT ASSESSMENT

EXECUTIVE SUMMARY
1.0 Introduction:

1.1 This document presents the Executive Summary concluding the Community Impact Assessment (CIA) representing the potential impacts, risks and benefits of the development proposals for the play facilities at Holmcroft Area in Stafford the Project) on resident’s health and wellbeing. Please refer to the CIA report (date of issue 2019.08.10) for detail. This identifies actions that will either lessen the risk of the project or maximise the benefits and will also help formulate mitigating factors whereby risks may be balanced out to an extent by the benefits.

1.2 Incorporating a health and wellbeing assessment as one of the outputs for shaping the project supports the Council’s key objective identified in the ‘Corporate Business Plan 2018- 2021’: “To improve the quality of life of local people by providing a safe, clean, attractive place to live and work and encouraging people to be engaged in developing strong communities that promote health and well-being”.

1.3 This Executive Summary is written by Red Kite Network Ltd, a Shropshire based landscape architecture, ecology and greenspace consultancy.

2.0 Final Checklist

2.1 Prior to submitting the CIA, the following actions on the checklist below have been completed to ensure the Client team/ SBC Cabinet that the CIA process has been undertaken appropriately.
<table>
<thead>
<tr>
<th>Checklist</th>
<th>Action Completed</th>
<th>Comments/Actions</th>
</tr>
</thead>
<tbody>
<tr>
<td>The project supports the Council’s Business Plan and priorities.</td>
<td>✔</td>
<td>Capital improvement schemes are prioritised objectively in line with the Outcomes of the Strategic Plan.</td>
</tr>
<tr>
<td>It is clear what the decision is or what decision is being requested.</td>
<td>✔</td>
<td>Approval by Cabinet is required.</td>
</tr>
<tr>
<td>For decisions going to Cabinet, the CIA findings are reflected in the Cabinet Report and <strong>potential impacts are clearly identified and mitigated for</strong> (where possible).</td>
<td>✔</td>
<td>A full CIA has been completed and the Executive Summary will be included in the Cabinet Report.</td>
</tr>
<tr>
<td>The <strong>aims, objectives and outcomes</strong> of the policy, service or project have been clearly identified.</td>
<td>✔</td>
<td>The aim of the project is to help deliver the outcomes of the Strategic Plan 2018 – 2022.</td>
</tr>
<tr>
<td>The <strong>groups</strong> who will be affected by the project have been clearly identified.</td>
<td>✔</td>
<td>The groups affected are summarised in the CIA.</td>
</tr>
<tr>
<td>The <strong>communities</strong> that are likely to be more adversely impacted than others have been clearly identified.</td>
<td>✔</td>
<td>The communities affected are summarised in the CIA.</td>
</tr>
<tr>
<td>Engagement / consultation has been undertaken and is representative of the residents most likely to be affected.</td>
<td>✔</td>
<td>Phase 1 consultation was undertaken by SBC in June 2018. A Design Working Group and Project Board for Holmcroft was set up to shape the Concept Masterplan and proposals in May 2019. Phase 2 Consultation is taking place July to September 2019 with the Holmcroft community, identified stakeholders and groups.</td>
</tr>
<tr>
<td>Statement</td>
<td>✔</td>
<td>Details</td>
</tr>
<tr>
<td>---------------------------------------------------------------------------</td>
<td>-----</td>
<td>-------------------------------------------------------------------------</td>
</tr>
<tr>
<td>A range of people with the appropriate knowledge and expertise have contributed to the CIA.</td>
<td></td>
<td>A Design Working Group and Project Board for Holmcroft, comprising relevant SBC officers, ward Councillors, Head of Services all with specific interest in Holmcroft has been set up. Phase 2 consultation has captured the comments of stakeholders who have relevant expertise contributing to the CIA.</td>
</tr>
<tr>
<td>Appropriate evidence has been provided and used to inform the development and design of the project. This includes data, research, engagement/consultation, case studies and local knowledge.</td>
<td>✔</td>
<td>All of which has been undertaken</td>
</tr>
<tr>
<td>The CIA evidences how the Council has considered its statutory duties under the Equality Act 2010 and how it has considered the impacts of any change on people with protected characteristics.</td>
<td>✔</td>
<td>The Equality Act 2010 has been considered when producing the CIA.</td>
</tr>
<tr>
<td>The next steps to deliver the project have been identified.</td>
<td>✔</td>
<td>As indicated in the Consultation Plan. SBC are to determine the relevant procurement strategy to undertake the work.</td>
</tr>
</tbody>
</table>
3.0 The Executive Summary

3.1 The Executive Summary is intended to be a collation of the key issues and findings from the CIA and other research undertaken. This should be completed after the CIA and research has been completed. The summary is structured using the headings on the left that relate to the sections in the CIA template. Where no major impacts have been identified, N/A is stated.

<table>
<thead>
<tr>
<th>Which groups will be affected?</th>
<th>Benefits</th>
<th>Risks</th>
<th>Mitigations / Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>PSED – What are the impacts on residents with a protected characteristic under the Equality Act 2010? Highlight any concerns that have emerged as a result of the equality analysis on any of the protected groups and how these will be mitigated. It is important that Elected Members are fully aware of the equality duties so that they can make an informed decision and this can be supported with robust evidence.</td>
<td>There are identified benefits from the proposed project that can be associated to 24 different groups indicated in the CIA within the Holmcroft community. All ages with or without a Disability whether independent or cared for.</td>
<td>Improvements to play and fitness facilities, access and community amenity all of which will be compliant with Equality Act 2010.</td>
<td>Ultimately risks will be assessed at the RIBA 4 design and delivery stage; but a failure to provide all mobility and ability appropriate activities and furniture; and a failure to select age appropriate activities and furniture in comfortable, secure and supportive settings could alienate residents with a protected characteristic.</td>
</tr>
<tr>
<td><strong>Health and Care</strong> – How will the project impact on residents’ health? How will the proposal impact on demand for or access to social care or health services?</td>
<td>Positive impact for all user groups on mental health, wellbeing, healthy lifestyles, and fitness; reduction in isolation, obesity and distraction from risky behaviours; supporting sufferers of dementia; users with sensory impairment, issues with mobility and the senior community in reducing potential incident for accidents and falls; and benefits through encouraging social cohesion.</td>
<td>Improvements in play, fitness facilities and access routes will increase physical activity and support mental health; reduction in obesity levels and isolation; exercise to reduce incidence of accidents and falls. Potentially supporting green prescribing. Planting to contribute to cooling effect in urban environment; tackle atmospheric pollution; and enhance wellness through contact with nature.</td>
<td>Risks will be assessed at the RIBA 4 design and delivery stage. Successful improvements could result in increased traffic, resultant pollution and incident of pedestrian safety. The project could attract more visitors alienating certain users. The numbers of dog walkers could increase the incidence of dog fouling.</td>
</tr>
<tr>
<td>Economy – How will the project impact on the economy of Holmcroft or impact on the income of Holmcroft residents?</td>
<td>Positive impact on economic growth of local businesses along Holmcroft Road or employers of residents. Impact on income through improvements in health of employees and Holmcroft being a better place to live in, and from better health and wellbeing of residents.</td>
<td>Supports LEP and Local Plan objectives by delivering workforce health through encouraging fitness, sport and walking. A more pleasing environment to sell to visitors/customers to local shops, businesses and Tillington Hotel.</td>
<td>Risks will be assessed at the RIBA 4 design and delivery stage; but successful improvements could result in more noise generation, anti-social behaviour and alienation, meaning Holmcroft is not such an attractive place to be.</td>
</tr>
<tr>
<td>Environment – How will the project impact on the physical environment of Holmcroft?</td>
<td>Positive impact for all with improvements in visual amenity, biodiversity, air quality, and mitigating climate change.</td>
<td>The project through install of footpaths connecting Woodland Road to Holmcroft Road could reduce local traffic, and through the Holmcroft community not requiring travelling to an alternative better equipped site. Improvements to public realm, aesthetics, biodiversity and habitats.</td>
<td>Risks will be assessed at the RIBA 4 design and delivery stage.</td>
</tr>
<tr>
<td>Localities / Communities – How will the project impact on Holmcroft as a community?</td>
<td>Positive impact for all by strengthening the community and supporting the user groups identified presenting a vibrant and safe Holmcroft. Improving social cohesion, multi-generational activity.</td>
<td>Improving community safety and perceived fear through enhanced surveillance with better access and improved facilities attracting more people to site. Reduction in anti-social behaviour. Encouraging walking and more sustainable transport means to get to the shops and facilities or work/school.</td>
<td>Risks will be assessed at the RIBA 4 design and delivery stage; but successful improvements could result in more noise generation, anti-social behaviour.</td>
</tr>
</tbody>
</table>
1 Purpose of Report

1.1 To inform Cabinet of the performance of the Revenues and Benefits Service as regards:

- collections of Council Tax during the first quarter of the financial year.
- collections of Business Rates during the first quarter of the financial year.
- the recovery of overpaid Housing Benefit during the first quarter of the financial year.

1.2 To seek approval to the write off of the arrears listed in the **CONFIDENTIAL APPENDICES**.

2 Proposal of Cabinet Member

2.1 That the information regarding collections be noted.

2.2 That the arrears listed in the **CONFIDENTIAL APPENDICES** be written off.

3 Key Issues and Reasons for Recommendations

3.1 Efficient collection of the Council’s revenues is of major importance to the funding of Council services and those provided by our preceptors.

3.2 Council Tax due for the current year amounts to £81.6M, of which some
29.2% was collected by the end of the June.

3.3 Business Rates due for the current year amounts to £51.8M of which some 26.2% was collected by the end of the June.

3.4 Whilst our collection rates are good, regrettably not all of the monies owed to the Council can be collected and this report contains a recommendation to write off bad debts which cannot be recovered.

4 Relationship to Corporate Priorities

4.1 Not Applicable.

5 Report Detail

Council Tax

5.1 Council Tax is collected on behalf of the District Council, Parish Councils and our Major Preceptors (Staffordshire County Council and Commissioner for Police, Crime, Fire and Rescue). The effect of the Collection fund arrangements means that Stafford Borough Council retains around 10% of the council tax collected.

5.2 Council Tax due for the current year amounts to £81.6M and we would anticipate collecting in the region of 98.4% within the year, as was the case in the last financial year. Action continues to collect the remainder, after the end of the financial year, with over 99% being recovered.

5.3 By 30 June, we had collected 29.2% of the year’s charges, which is broadly in line with the corresponding period of the previous year (which was 29.4%).

5.4 Prior year arrears of £5,387,871.52 existed at 1 April 2019, but had reduced by £389,041.29 to £4,998,803.33 by the end of June.

5.5 In accordance with the Council’s approved policies, all reasonable and lawful attempts are made to recover all amounts due. In the first instance this involves the issue of bills, reminders and final notices, followed by Summonses in the Magistrates Court where the warning notices are not effective. At all stages of this process, debtors are encouraged to engage in voluntary arrangements to repay their arrears, to prevent the need for formal action.

Where necessary and when Liability Orders are granted by Magistrates, the Council uses its powers to make deductions from earnings and benefits of debtors, where it can, and instructs Enforcement Agents where such deductions are not possible or appropriate.

In the most severe cases and for debts exceeding £5,000, the Council will
consider personal bankruptcy action against individuals.

5.6 The recovery powers available to the Council are considerable but not completely infallible. There are occasions when bills are not paid and the debts cannot be recovered.

5.7 Statutory safeguards such as Debt Relief Orders, Individual’s Voluntary Arrangements exist to protect debtors suffering hardship, to attempt to the expensive, stressful and sometimes ineffective process of personal bankruptcy. Where a debt is included in such an instrument, or when a debtor is bankrupt, our ordinary recovery powers cannot be used.

5.8 For any of our powers to be effective we need to know the whereabouts of a debtor and this is not always the case. Where debtors abscond we will use all reasonable endeavours to trace them and are often successful in doing so. Unfortunately, on occasions this is not so and we must submit a debt for write off.

Our trace procedures include;

• Checking our internal Council systems, and following any information which may help us to trace the debtor.
• Using the Locating Council Tax Absconders (LoCTA), a Local Authority data sharing system, to check for forwarding addresses at other Local Authorities,
• Use of Transunion credit reference agency data.
• Trace and collect facilities offered by our Enforcement Agencies
• Visits to the last known address by the Council’s Property Inspector and use of external tracing agents.

Unfortunately, legislation does not currently permit access to DWP or HMRC records to trace Council Tax debtors or their employers, though a Cabinet Office project is currently reviewing this.

Data protection legislation allows us to receive information as to a debtor’s whereabouts but we cannot disclose information to other creditors. Reciprocal arrangements with utility companies and similar are not therefore workable.

5.9 Irrecoverable council tax debts in the sum of £16,068.12 are listed in the confidential appendix to this report.

Business Rates

5.10 Business Rates due for the current year amounts to £51.8M of which some 26.2% was collected by the end of the June. Again we would anticipate the collection rate to match last year’s performance of 98.4%.
5.11 Prior year arrears of £1,616,142.53 were outstanding at the beginning of April, and were reduced to £1,502,677.82 by 30 June. A reduction of £128,172.69

5.12 The recovery powers available to us are again contained in the Council’s approved policies and are used in full. Those powers and our procedures are similar to the council tax powers described above, with the exception that deductions from individuals’ benefits and earnings are not permissible, even if the debtor is an individual.

5.13 Where rates are owed by an individual, similar safe guards exist for the debtors and trace facilities are used by the Council for absconding debtors, as described above.

5.14 Additionally, in the case of business rates, as has been reported to Cabinet previously, our collection efforts are sometimes frustrated by weaknesses in legislation. Rates are due from the occupiers rather than the owners of property and where the occupier is a company, we can only recover from that company. Some proprietors will strip a company of its assets, or dissolve the company before we have had an opportunity to implement our recovery procedures. A new company is then formed in a similar style, to trade from the same premises.

Central Government has previously undertaken to review the loopholes that exist in rating and company legislation, though no changes have yet been received. Officers continue to actively monitor these issues.

5.15 The **CONFIDENTIAL APPENDIX** to this report lists business rate debts of £18,038.05 which cannot be recovered for the reasons stated and for which approval to write off, is requested.

**Housing Benefit Overpayments**

5.16 The Council manages the Housing Benefit scheme on behalf of the Department for Work and Pensions, who fund the cost of benefits paid to claimants.

5.17 When claimants are paid more Housing Benefit than they are entitled to, this is called an Overpayment. Notwithstanding the subsidy paid by DWP, the Council can and is expected to, seek recovery of the overpayments from the recipients, except in the case of DWP error, or a Local Authority error which the claimants could not have reasonably recognised as an overpayment at the time they were paid.

5.18 At the beginning of this financial year overpayments of £2,506,337.02 were owed to the Council. During the first 3 months of this financial year, a further sum of £87,288.42 was raised but £283,987.63 has been recovered, reducing the indebtedness by £196,699.21.
5.19 Legislation has been amended in recent years to permit the use of DWP and HMRC records to trace Benefit Overpayment debtors and recover the sums due. This has contributed to increased rates of recovery as demonstrated here and we await legislation permitting the use of this data for the recovery of other debts owed to the Council.

5.20 One irrecoverable Benefit Overpayment debt in the sum of £4,092.40 is included in the CONFIDENTIAL APPENDIX to this report.

6 Implications

| 6.1 Financial | Under the Business Rates Retention Scheme, business rates write offs will no longer be offset against the National Non-Domestic Rating Pool. Write offs will now form part of the costs of collection of Business Rates. The Business Rates write offs in this report total £18,038.05. This represents 0.03% of the outstanding collectable debit for the current year. Council Tax write offs are losses to the Collection Fund and, as such, form part of the cost of collection incurred by this Council. The Council Tax write offs on this report total £16,068.12. This represents 0.02% of the outstanding collectable debit for the current year. The cost of collecting the debts has been considered as part of the decision to put them forward for write off. If further information does come forward about the whereabouts of any of the individual debtors the Council will pursue recovery action. Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced. |
Cabinet are asked to write off the debts as they are considered to be irrecoverable for the reasons given in the appendices. The debts remain legally due to the Council and should the circumstances causing the write off in any particular case, subsequently change, recovery action may be recommenced.

**Human Resources**  
None.

**Human Rights Act**  
None.

**Data Protection**  
The appendices to this report contain personal information and are therefore not published.

**Risk Management**  
The risk issues contained in this report are not strategic and therefore should not be included in the Strategic Risk Register.

**6.2 Community Impact Assessment Recommendations**  
The Borough Council considers the effect of its actions on all sections of our community and has addressed all of the following Equality Strands in the production of this report, as appropriate:-  
Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

**7 Appendices to the Report**

- Appendix 1 - Council Tax write offs over £2,500.
- Appendix 2 - Non-Domestic Rates write offs over £2,500
- Appendix 3 - Housing Benefit Overpayments write offs over £2,500

**Previous Consideration** - Nil

**Background Papers**  
None