



District Executive

Thursday 3rd December 2020

9.30 am

**Virtual Meeting
using Zoom meeting software**

The following members are requested to attend the meeting:

Jason Baker
Mike Best
John Clark
Adam Dance
Sarah Dyke

Peter Gubbins
Henry Hobhouse
Val Keitch
Tony Lock
Peter Seib

Any members of the public wishing to address the meeting at Public Question Time need to email democracy@southsomerset.gov.uk by 9.00am on Wednesday 2nd December 2020.

The meeting will be viewable online at: https://youtu.be/uOztEvA_1qw

For further information on the items to be discussed, please contact democracy@southsomerset.gov.uk

This Agenda was issued on Wednesday 25 November 2020.

Alex Parmley, Chief Executive Officer

**This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app**

Information for the Public

The District Executive co-ordinates the policy objectives of the Council and gives the Area Committees strategic direction. It carries out all of the local authority's functions which are not the responsibility of any other part of the Council. It delegates some of its responsibilities to Area Committees, officers and individual portfolio holders within limits set by the Council's Constitution. When major decisions are to be discussed or made, these are published in the Executive Forward Plan in so far as they can be anticipated.

Members of the Public are able to:-

- attend meetings of the Council and its committees such as Area Committees, District Executive, except where, for example, personal or confidential matters are being discussed;
- speak at Area Committees, District Executive and Council meetings;
- see reports and background papers, and any record of decisions made by the Council and Executive;
- find out, from the Executive Forward Plan, what major decisions are to be decided by the District Executive.

The Council's Constitution is also on the web site and available for inspection in Council offices. The Council's corporate priorities which guide the work and decisions of the Executive are set out below.

District Executive

Meetings of the District Executive are usually held monthly, at 9.30am, on the first Thursday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom video-conferencing. For more details on the regulations regarding remote/virtual meetings please see the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

The Executive Forward Plan and copies of executive reports and decisions are published on the Council's web site: <http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email democracy@southsomerset.gov.uk for the details to join the meeting.

If you would like to view the meeting without participating, please see: https://youtu.be/uOztEvA_1qw

The period allowed for participation in Public Question Time shall not exceed 15 minutes except with the consent of the Chairman and members of the Committee. Each individual speaker shall be restricted to a total of three minutes.

If you would like to address the meeting at Public Question Time, please email democracy@southsomerset.gov.uk by 9.00am on Wednesday 2nd December 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Virtual meeting etiquette:

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman will un-mute your microphone at the appropriate time.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

District Executive

Thursday 3 December 2020

Agenda

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the District Executive meeting held on 5th November 2020.

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

4. Public Question Time

5. Chairman's Announcements

Items for Discussion

6. **Stronger Somerset Final Proposal** (Pages 6 - 11)
7. **2021/22 Draft Budget and Medium Term Financial Plan Update** (Pages 12 - 22)
8. **Update Report on the Impact of Covid-19 on the Council** (Pages 23 - 32)
9. **Planning Reimagined - Outcomes from Members Working Group** (Pages 33 - 38)
10. **Investment Assets Update Report** (Pages 39 - 60)
11. **South Somerset Families Programme - Supporting Families and Improving Life Chances, project update** (Pages 61 - 64)
12. **The Future Management of the Council's Leisure Facilities** (Pages 65 - 68)
13. **Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA)** (Pages 69 - 106)

- 14. Property Purchase of Yeovil Town Football Club Ground** (Pages 107 - 224)
- 15. District Executive Forward Plan** (Pages 225 - 231)
- 16. Date of Next Meeting** (Page 232)



Stronger Somerset Final Proposal

Executive Portfolio Holder: Val Keitch, Leader of the Council
Strategic Director: Alex Parmley, Chief Executive
Lead Officer: Jan Gamon, Stronger Somerset Programme
Contact Details: Jan.Gamon@southsomerset.gov.uk

1. Purpose of the Report

- 1.1 Members will be aware that all councils in Somerset have recognised the need to change in the way local government works in the county if services are to be sustainable and the challenges the county and our communities face are to be met. Members will also be aware that the government has signalled that it is intending to see change within Somerset local government and to that end has invited all councils in Somerset to submit proposals for change.
- 1.2 The Leader of Somerset County Council has stated that he wishes to pursue the option of a single Unitary Council for Somerset replacing the five existing councils. The position has now advanced to one where Somerset County Council has approved a Business Case for the creation of a single Unitary Council for Somerset and this has been submitted to the Secretary of State.
- 1.2 Members will also be aware that the District Councils have previously approved and submitted an Outline Business Case for the reform of local government including the creation of two new unitary Councils for Somerset to replace the five councils, as well as significant change focussed on sustainable services, a stronger economy and improved quality of life. The Outline Business Case was submitted to Robert Jenrick, Secretary of State, MHCLG by 9th November.
- 1.3 The District Councils have been invited to submit their final proposal by 9th December. This Report presents the Stronger Somerset proposal for District Executive to consider ahead of it being presented to full Council for consideration.

2. Forward Plan

This report did not appear on the District Executive Forward Plan as the timing for submission of the proposal to the Secretary of State only became clear very recently.

3. Public Interest

This report outlines the case for change in Somerset; a case for reform and reorganisation to deliver better outcomes for the people, places and businesses in Somerset. This is detailed in the Stronger Somerset proposal and summarised in the Executive Summary. It has been prepared for the purposes of submission to the



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Secretary of State for Housing, Communities and Local Government in December 2020.

4. Recommendations

1. The purpose of this report is to seek Council endorsement for the Stronger Somerset proposal for the reform of local government including the creation of two unitary Councils within Somerset. and recommend its approval to full Council, at the meeting on 3rd December 2020 for submission to the Secretary of State for Communities and Local Government.

District Executive is asked to:

2. delegate authority to the Leader of the Council and the Chief Executive, in consultation with the other Somerset District Leaders and Chief Executives, to make minor amendments to the Proposal as necessary and / or appropriate, ahead of its submission to the Secretary of State.

District Executive is also asked to recommend that Council:

3. Support the continuing consultation and engagement with key partners, neighbouring authorities, business, staff, unions and local stakeholders, above and beyond any programme of consultation that may be required by the Government in due course.
4. Agree to this Council, with the other Somerset councils, advancing the delivery of aspects of the proposals for reform ahead of the Secretary of State's approval where so doing will support the Stronger Somerset Proposal and lead to early delivery of efficiencies, community outcomes and greater collaboration & integration.
5. Pay due regard to the Equalities Impact Assessment, attached as Appendix B, in considering the proposal for a Stronger Somerset
6. Note that, in the best interests of the communities and residents of South Somerset, the Council will continue to work with colleagues across all tiers of local government and public service in Somerset including ensuring our residents, communities and businesses are supported through the pandemic.

5. The Stronger Somerset Business Case

5.1 Introduction and Background

The debate about the best form of local government in Somerset has been ongoing for a number of years. The district councils' aim has not been to simply cut costs, the intention has been to find a way, through the better use of our resources, to sustain vital services now and for the future whilst also dealing with some of the big challenges Somerset and its communities face. Based on a collective view of the financial challenges that we face, the growing demand pressures for services likely to stem from



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a growing and aging population, and the opportunities inherent in a relatively low level of collaboration and sharing in the past, the councils concluded that change needs to happen to ensure that we do the best we can for the communities of Somerset and for local government to be financially sustainable.

All five councils in Somerset have concluded that 'no change' is not an option and set about determining what changes were needed and how to bring them about. Together the five councils of Somerset commissioned a joint options study to help inform the path forward. Further work was conducted by an internal consultancy team to help conclude this work before the final report was accepted. Despite the conclusion of this work being that the best route forward was for deeper collaboration between and integration of the five councils in Somerset, Somerset County Council decided to end the collaborative work to develop a Business Case for the creation of a single unitary Council for Somerset. This Business Case was approved by Somerset County Council in July 2020, and was submitted to the Secretary of State for Housing, Communities and Local Government. The four district councils committed to continue to work together and agreed in February-March 2020 to develop a business case for a collaborative and integrated system of local government in Somerset.

On 9th October 2020, all local authorities were formally invited by the Secretary of State for Communities and Local Government to submit their proposals for 'a single tier of local government' in Somerset. The intention to move to a single tier of local government is clear and change of some form is coming. Whilst the District Councils recognise that change is needed, analysis suggests that a single unitary Council will not deliver the change needed, to ensure better outcomes for residents, tackle the challenges our communities face or ensure the sustainability of services. The One Somerset business case does not include the vision or any proposals for reform that is needed if we are to drive improvements in the economy and quality of life in Somerset and assure our services for the future. As a result, this Council agreed in June 2020 that it did not support the One Somerset business case for a single council for Somerset.

The District Councils have worked together to develop a model for the reform of local government fit for the 21st Century in terms of the way it works and the challenges it needs to meet. This includes the creation of two new unitary Councils in Somerset. The proposals set out a significant change in the way that local government would work, to create a much more modern, efficient and collaborative approach to service provision and driving improvements in Somerset, focussed on the needs of residents, communities and businesses. It proposes a solution which is affordable, achievable and sustainable.

The Stronger Somerset proposal adheres to the HM Treasury Better Business Case criteria and pays due regard to the MHCLG criteria for Local Government Reform. The proposal clearly demonstrates how our proposal:

- Improves outcomes and services
 - Stronger Somerset sets out plans for growing the economy, driving up income levels, tackling climate change and helping our towns and places thrive, whilst also proposing how key services such as Childrens Care and Adults & Health will improve.



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- Provides stronger and more accountable leadership
 - Stronger Somerset sets out a plan for two new councils working together on shared issues across Somerset but focussed on the distinctive needs of the West and East of the County, close to, accountable to and strongly integrated with their local communities.
- Delivers value for money and efficiency
 - Stronger Somerset sets out robust plans for ensuring better value for money and efficiency with substantial short-term and long-term financial benefits that can be invested in communities and protecting & improving services.
- Is sustainable in the immediate and long-term
 - Stronger Somerset sets out a sustainable path for service delivery including getting a hold of demand in key services by investing in prevention and early intervention that both lowers cost in the long-term and delivers better outcomes for service users.
- Recovers the costs of change and delivers cost savings
 - Stronger Somerset sets out how the cost of change will be paid back in less than three years and how tens of millions of pounds more financial benefit will be generated above that of a single unitary council.
- Has broad stakeholder support
 - Stronger Somerset sets out how communities and key stakeholders have been engaged in the design of the proposals and consulted on their preferences for the future. The results show a clear preference for an East/West two unitary solution when considered against a singular, county-wide option.
 - An opinion poll was undertaken to gauge public support for the Stronger Somerset proposal. Respondents were asked to indicate their preference towards: No Change (23%), Closer Collaboration (27%), Stronger Somerset (29%) and One Somerset (just 15%). Those that answered 'No Change' were asked to indicate their preference between the Stronger Somerset proposal and One Somerset. 58% preferred the Stronger Somerset proposal and only 20% One Somerset.

5.2 Next Steps

The draft proposal has been developed by the Somerset District Councils and is at <https://www.strongersomerset.co.uk/case-for-change> as Appendix A to this report. Subject to the approval of this council, the proposal for a “Stronger Somerset” will be submitted to the Secretary of State for Communities and Local Government by 9th December. The proposal is being considered by all four District Councils on 3rd December.

6. Recommendations

1. The purpose of this report is to seek Council endorsement for the Stronger Somerset proposal for the reform of local government including the creation of two unitary Councils within Somerset. and recommend its approval to full Council, at the meeting on 3rd December 2020 for submission to the Secretary of State for Communities and Local Government.

District Executive is asked to:

2. delegated authority to the Leader of the Council and the Chief Executive, in consultation with the other Somerset District Leaders and Chief Executives, to make minor amendments to the Proposal as necessary and / or appropriate, ahead of its submission to the Secretary of State.

District Executive is also asked to recommend that Council:

3. Support the continuing consultation and engagement with key partners, neighbouring authorities, business, staff, unions and local stakeholders, above and beyond any programme of consultation that may be required by the Government in due course.
4. Agree to this Council, with the other Somerset councils, advancing the delivery of aspects of the proposals for reform ahead of the Secretary of State's approval where so doing will support the Stronger Somerset Proposal and lead to early delivery of efficiencies, community outcomes and greater collaboration & integration.
5. Pay due regard to the Equalities Impact Assessment, attached as Appendix B, in considering the proposal for a Stronger Somerset
6. Note that, in the best interests of the communities and residents of South Somerset, the Council will continue to work with colleagues across all tiers of local government and public service in Somerset including ensuring our residents, communities and businesses are supported through the pandemic.

7. Financial Implications

The financial implications of this Report are identified within the proposal.

8. Legal implications

There will be legal implications for all the District Authorities and the County Council, whatever the Government's final decision is in relation to county of Somerset. The Local Government and Involvement in Health Act 2007, which sets out how a new Authority is created will determine the legal path. This will need to be considered once the Government's decision is known.

9. Council Plan Implications

There is expected to be both direct and indirect impacts on all corporate priorities which, if the Stronger Somerset proposal is successful, are more likely to be met.

10. Climate Change Implications

The climate change implications of this report are identified within the proposal.

11. Equality and Diversity Implications

A full Equalities Impact Assessment is appended to the Stronger Somerset proposal and shows that any likely impacts will be positive. We expect to review once we receive a decision from the Secretary of State.

12. Privacy Impact Assessment

There are no data privacy implications arising from this report.

13. Background Papers

A. Stronger Somerset final proposal at:

<https://www.strongersomerset.co.uk/case-for-change>

B. Stronger Somerset Equalities Impact Assessment – also at:

<https://www.strongersomerset.co.uk/case-for-change>

2021/22 Draft Budget and Medium Term Financial Plan Update

Executive Portfolio Holder: Councillor Peter Seib, Finance and Legal Services
Strategic Director: Nicola Hix, Support Services
Lead Officer: Jo Nacey, S151 Officer
Contact Details: jo.nacey@southsomerset.gov.uk (01935 462243)

Purpose of the Report

1. The purpose of this report is to provide an update for the 2021/22 Draft Budget and Medium Term Financial Plan (MTFP) estimates for the period 2021/22 to 2025/26.

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated Committee date of December 2020.

Public Interest

3. This report is an update on progress towards setting the Council's budget for the next financial year 2021/22 and the Council's longer term financial sustainability.

Recommendations

4. That the District Executive:
 - a. Note the current estimates and next steps in respect of the Draft Budget for 2021/22 and the Medium Term Financial Plan.
 - b. Approve in principle the changes to budget estimates in respect of the initial pressures and savings included within the report (para 13).

Background

5. The Financial Strategy and Medium Term Financial Plan estimates for the period 2021/22 to 2025/26 were originally approved and noted by the District Executive on 6 August 2020.
6. This report provides Members with a progress update on the preparation of draft estimates for 2021/22 and towards achieving a balanced budget over the medium term.
7. We have been providing updates through the Financial Strategy with the associated MTFP during the last few months. These have been at a very high level

as there has been a great deal of uncertainty over funding and the ongoing impact of Covid-19. We are now at the stage where some of the assumptions for the coming year will begin to crystallise and we can understand the support we will receive from Central Government regarding our in-year Covid-19 pressures. What we still do not have is the Provisional Settlement which is needed to confirm our assumptions regarding a number of our funding streams including Rural Services Delivery Grant; New Homes Bonus and Business Rates.

2021/22 Budget and MTFP Update

8. The last update presented to Members was at District Executive in August 2020, with the adoption of the updated Financial Strategy with supporting MTFP for 2020/21 to 2024/25. We have made some progress on updating the draft budget estimates for 2021/22, as set out below. There are some key areas of the budget where work is 'in progress' or not yet due, therefore this is very much a progress update and a significant amount of work needs to be finalised before we will have a final budget position.
9. Table 1 below shows the projected budget gap forecast in August 2020 against the original budget forecast in February 2020. This included the current year and projections to 2024/25. The differences were outlined in the report to District Executive in August, but all related to the impact of the Covid-19 pandemic on our income streams - mainly Council Tax and Business Rates as well as Fees and Charges income.

Table 1 - August forecast position 2020/21 to 2024/25:

	2020/21 £'000	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000
Net Expenditure Estimates	15,207	15,991	14,583	15,247	16,050
General Government Grants	-166	161	161	161	161
New Homes Bonus Grant	-1,603	0	0	0	0
Funded By:					
Business Rates	-7,210	-3,341	-3,698	-3,776	-3,854
Council Tax	-10,302	-9,813	-10,597	-10,918	-11,274
Earmarked Reserves	4,074	-350	-100	-50	300
General Reserves	0	0	0	0	0
Total Funding August	-15,207	-13,343	-14,234	-14,583	-14,667
Budget Gap – February 2020	0	284	15	334	1,047
Net Changes Since February	0	2,363	335	331	336
Budget Gap - August 2020	0	2,647	350	665	1,383

Note: In the table above, funding is shown as a negative figure therefore 'minus' adjustments are in effect increasing the estimated funding available to the Council, and positive figures are reducing the funding available.

10. The following table now focuses on the coming year 2021/22 and our MTFP forecast to date.

Table 2 - Latest MTFP Forecast (Nov 2020)

	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000
Base Budget B/F	16,365	15,991	14,584	15,018	15,821
Incremental Changes:					
Employment Cost Inflation	467	454	374	423	TBC
Inflation allowance on contracts	174	179	180	180	180
Unavoidable budget pressures	200	200	200	200	200
Planned savings	10	-90	-148	-59	0
Investment Income & Revenue effects of Capital Programme	-2,148	-1,100	58	59	TBC
Other	923	-1,050	-230	0	0
Total Budget Requirement	15,991	14,584	15,018	15,821	16,200

	2021/22 £'000	2022/23 £'000	2023/24 £'000	2024/25 £'000	2025/26 £'000
Total Budget Requirement (per Table above)	15,991	14,584	15,018	15,821	16,200
Funded By:					
Revenue Support Grant	327	327	327	327	327
Rural Services Delivery Grant	-166	-166	-166	-166	-166
New Homes Bonus Grant	-900	-621	0	0	0
Business Rates Retention	-5,692	-3,696	-3,774	-3,852	-3,977
Collection Fund Deficit - Business Rates	575	0	0	0	0
Council Tax - SSDC	-10,499	-10,708	-11,029	-11,387	-11,755
Less: Council Tax Paid to SRA	111	111	112	113	114
Collection Fund Deficit - Council Tax	278	0	0	0	0
Sub-total: Funding	-15,966	-14,753	-14,531	-14,965	-15,456
Other Reserve Transfers					
MTFP Support Fund Reserve	250	221	-350	0	0
BRR Volatility Reserve	0	0	0	0	0
Other Earmarked Reserves	300	300	300	300	300
General Reserves	0	0	0	0	0
Sub-total: Reserves	550	521	-50	300	300
Total Funding	-15,416	-14,232	-14,581	-14,665	-15,156
Budget Gap / (-)Surplus	575	352	437	1,155	1,045
Budget Gap Increase on Prior Year		-223	85	718	-111

Note: In the table above, funding is shown as a negative figure therefore 'minus' adjustments are in effect increasing the estimated funding available to the Council, and positive figures are reducing the funding available.

11. As tables 1 and 2 show, the budget gap for 2021/22, based on updates included to date, has gone from being a substantial deficit to what looks, at first sight, to be much more manageable. The primary change has been the removal of the business rates reset pressure and this is discussed later in the report.

12. It is important to emphasise that there are also, however, a number of estimates to finalise which are discussed later in the report. These could radically change the complexion of the forecast and may result in a much larger pressure to fund. This funding would need to come from reserves; service provision savings or from enhanced Commercial Investment income streams. We are also mindful that the General Fund Reserve will need to be reinstated to at least its minimum balance level, this is discussed in sections 26 and 27.

13. The main changes included in the forecasts since the 6 August District Executive report in respect of 2021/22 are summarised as follows:

Table 3 – Changes to Budget August to October

	2021/22 £'000	2021/22 £'000
Budget Gap Estimate – August 2020		2,647
Change in the Business Rates multiplier – early estimate	89	
Removal of the Business Rates Reset pressure for 21/22	-2,161	
Budget Gap Estimate (Deficit) – 20 October 2020		575

Unavoidable Pressures and Savings

14. We continue to assess the new pressures and savings which we will need to factor into the 2021/22 estimates. The items currently included within the unavoidable pressures and savings within the MTFP are:

Table 4 – Pressures and Savings

	2021/22 £'000	2021/22 £'000
Unavoidable Pressures:		
Waste contract allowance for growth in demand (new properties)	21.3	
Increase in Careline Contract	99.0	
Increase in Kennelling Contract	25.0	
Reduced Rights of Way Income	16.5	
Reduction in Churchfield Income due to Disposal	4.6	
Unachieved Letting Room Income at Lace Mills	3.5	
Sub-Total		169.9
Provision for new pressures – not yet identified		30.1
Total Allowance for Unavoidable Pressures		200.00
Savings:		
Fees and Charges Income Target	-75	
Countryside - Ninesprings Centre - Sales increase per capital investment	-5	



	2021/22 £'000	2021/22 £'000
Countryside - Yeovil Rec - Sales increase per capital investment	-16	
Total Planned Savings		-96.0
Removal of Rental income for Brympton Way	105.7	
Total Pressures less Savings		209.7

- The kennelling contract has increased and was covered in 2020-21 by a carry forward but now needs to be factored into the ongoing budget.
- Rights of way income is down and the income budget should be amended accordingly if mitigation is not possible.
- There is an ongoing increase to the sales income target for Ninesprings and Yeovil Rec following the 2019/20 agreed capital spend.
- The income from the rental of Brympton Way Offices to the Police has currently been removed for 2021/22 onwards (this was formerly one-off income).

15. It is likely that further changes will be included in final budget proposals, however the above reflects changes identified to date.

Significant Changes to Assumptions

16. There have been some significant movements since the last update and these are highlighted below.

17. **Negative Revenue Support Grant (RSG):** We have not heard if this has been mitigated by Central Government for the 2021/22 budget. Central Government has funded this for the last three financial years but we have had no indication this will happen again for 2021/22 hence, currently, the cost of £327k is still in our forecast.

18. **Business Rates Retention and Baseline Reset:** Following several delays to the Fair Funding Review which has now been delayed once more and will impact 2022/23 rather than 2021/22 as previously anticipated, the status of the Business Rates reset was left unclear. We understand that there will be a reformed Business Rates Retention Scheme and that the baseline, on which we calculate our retained business rates, will be reset. We have been prudent and due to the narrative that was coming from Central Government we were anticipating that although the mechanics of the Business Rates scheme would be delayed, there may still be a reduction in the baseline whereby the Government removes some or all of our growth in recent years.

19. Due to the lack of consultation timing etc we believe it is now safe to assume that this reset will not happen for 2021/22 and in line with our Somerset district colleagues, we will “push back” the pressure of this ongoing impact from 2021/22 to 2022/23. This is a significant saving for us, albeit simply a delay. Nevertheless, we have been able to remove the £2.2m impact from our budget gap in 2021/22, which is a real/cashable budget saving. We anticipate that the reset will now happen in 2022/23 and have left this in our forecasts.

20. **Business Rates Deficit** - we are aware that there will be an increase in Empty Property Relief, a direct cost to the Council; a reduction in valuations (material changes in circumstances) and; an increased element of default. We have assumed a 4.7% negative impact. Again, this will impact us in 2021/22 but is an early estimate. All the councils in the Pool arrangement have similar experience and as such the shared result will be fairly consistent.
21. **New Homes Bonus (NHB)**: In previous iterations of the MTFP we have assumed that payments of NHB would cease in 2020/21. We now believe that as a new scheme has not yet been proposed, we anticipate the receipt of legacy payments of £899,981 in 2021/22 and £621,124 in 2022/23. These will be a two-year payment and a one-year payment respectively. By adding this income to the MTFP, £250k can be added to the MTFP Support Reserve instead of deducting £650k as originally proposed.
22. **Council Tax Referendum Limits**: As detailed below, we generally assume within our MTFP forecasts that Council Tax will be increased by the statutory maximum (1.99%) before a referendum is required. In recent years, Central Government has given dispensation to increase this limit to either £5 or 1.99% whichever is higher. Due to the current pandemic pressures we anticipate that this will be the case again for 2021/22. To incorporate a £5 increase would initially need a steer from District Executive.

Table 5 – Council Tax Budgets

SSDC's 2020/21 Council Tax	£	£ Increase
No increase in % or £	10,183,254	
Increase of 1.99% (currently build into MTFP)	10,388,103	204,849
Increase of £5	10,482,305	+94,202

23. **Council Tax Deficit** - Following the increase in applications for Council Tax Support (CTS) and allowing for an increase in default, we have revised our estimates for council tax collection in 2020/21. Due to the mechanics of the Collection Fund, this impacts us and the upper tier authority in the following year (2021/22). We have assumed a 5.5% negative impact (default and CTS eligibility). Members should note this is an early estimate.
24. It is important to note that the Collection Fund (Business Rates and Council Tax) deficits which we believe will crystallise may be spread over the coming 3 years, as per recent Government guidance. This change in treatment is aimed at mitigating the impact of Covid-19 on our Collection Fund accounts. Currently our Draft Budget shows this pressure in one year only. This is likely to be updated when we receive the Provisional Settlement and the required treatment is confirmed.
25. NB. The parish precept is unaffected.

Earmarked Reserves

26. The S151 Officer will finalise a review of earmarked reserves in December/January, and include an updated reserves position with the final budget reports at the end of January 2021.

General Reserves

27. The current approach to setting the budget for 2021/22 aims to achieve a balanced budget without the need to use funds from general balances. The current estimates in the table below must be caveated. We would use specific reserves to cover some of the forecast 20/21 overspend e.g., Commercial Risk Reserve and MTFP Reserve. We are also aware that there will be further opportunities to make claims through the Income Compensation Scheme in 2020/21 as this is done quarterly.
28. The adequate minimum General Reserve requirement was reviewed in August 2020, and was approved to continue at £2.6m. The current forecast balance is as follows:

Table 6 – General Fund Balances

General Fund Balances	£000
Balance at 1 April 2020	-5,099
Area & Economic Development Balances	121
2020/201 Carry Forwards	341
Commitments	252
Current Estimated overspend (worse case call in reserves)	4,206
Support for 2020/21 Budget	944
COVID Grant Funding Balance	-1,511
Income Compensation Claim to date	-471
Unallocated General Fund Balance at 30th September 2019	-1,217

Capital Programme

29. The Senior Leadership Team will review the Capital Bids for 2021/22 and the supported bids will form part of the January 2021 updated draft Budget papers.

Summary of Items to Be Finalised for the 2021/22 Budget

- 30. Salaries:** Detailed salaries estimates for 2021/22 are currently being updated, particularly in relation to the new pay award. Previous iterations of the MTFP have assumed a 2% pay increase, so the implementation of a 2.75% increase in 2020/21 as decreed by the National Pay award will mean a significant additional pressure will need to be added to the budget gap. This will of course, also have a “knock-on” effect for future years.



- 31. Unavoidable costs:** The draft budget includes a provision for unavoidable costs of £200k for 2021/22. We have identified a number of new pressures which will fall within this budget such as an increase in the kennelling contract (£25k) and reduced rights of way income (£16.5k). We also have pressures which have already been approved such as a pragmatic annual increase in waste costs due to increased properties (£21.3k) and an increase in the Careline contract of £99k. We currently have just £30k unallocated within this budget and as we are still at an early stage in the budget setting process, we may find that we have additional “unavoidable” pressures which cannot be mitigated within this budget envelope.
- 32. Revenue Effects of Capital:** With new commercial investments having been agreed in-year this area will need to be updated, and additionally, the forecasts will need to be updated for the prioritised capital programme bids for 2021/22. A contingency sum is included pending finalising the agreed programme.
- 33. Business Rates Retention (BRR):** The detailed budget estimates for BRR will be completed in January, and will inform final estimates. Details regarding next year’s baseline and tariff are due as part of the Provisional Settlement expected in December or early January 2021.
- 34. Collection Fund:** The final estimates for the 2020/21 surplus or deficit for council tax and business rates will be finalised in January, and fed into final budgets for 2021/22. As mentioned above, we are predicting a deficit for both CT and Business Rates and would normally account for this impact in the coming year (2021/22). As referred to previously in this report, **the treatment of this deficit has been changed for 2021/22 by Central Government and councils are now expected to spread this deficit over 3 years.** This will help on an accounting basis and as far as the budget gap is concerned, but it does not help with cashflow when the “pain” will be felt in-year and we will not recover the other preceptors share of this deficit until the following two years.
- 35. New Homes Bonus:** The grant allocations for 2021/22 are expected to be confirmed with the provisional settlement. This will include any update from Government on the continuation of the funding in future years. Please note the change in assumptions detailed in section 20 of this report.
- 36. Council Tax:** The Council Tax Base – estimate of Band D Equivalents – will be finalised by mid-December. This will include the estimate of council tax support costs. The MTFP assumes the tax rate will increase by 1.99% as per guidance issued ahead of the provisional settlement.
- 37. Fees and Charges:** We are currently working on the detail behind our fees and charges assumptions. Members will be aware that we build in an annual increase based on inflation (price and yield) as a generic value (£75k) but, particularly in the current climate, we will need to look at these assumptions in more detail to ensure they are appropriate and achievable.

Covid-19

- 38.** We provide regular updates to MHCLG regarding the extent of our pressures in-year relating to Covid-19. Whilst looking at these in-year pressures we have one eye on the future and how these pressures may affect future years' forecasts. We have been working with our budgetholders to try to estimate this impact and build this into future projections. Of course, without a definite end to restrictions in sight, it is difficult to predict with any certainty how income streams such as car parking; theatre income; planning etc. will recover.
- 39.** We have factored some of these assumptions into the MTFP and they have primarily impacted 2021/22 with some pressures continuing into future years, e.g. car parking income. We will continue to update these assumptions as trends develop and as we become more aware of how these income streams may recover.
- 40.** Our budget monitoring reports which were presented at District Executive on 5 November gave an insight into the in-year position and how we are mitigating this with management actions; grant support from Central Government and redeployment of staff. We also have earmarked reserves, specifically set aside to mitigate against fluctuations in the market, such as the Commercial Investment Risk Reserve and we also hold a Business Rates Smoothing reserve to offset the volatility of Business Rates income. Although the use of reserves to “plug” a budget gap is not a sustainable strategy, we have adequate reserves to take us through these short-term pressures. We will utilise the Commercial Income Risk Reserve in 2020/21 and with over £6m in this reserve it will prove a useful buffer for any prolonged impact on this important income stream. We have, however, thanks to the Commercial Team, seen very good results so far in our commercial income collection and we are hopeful that as we have leased to commercially strong companies, we will not see the level of losses in this area that other councils have seen.

Next Steps

- 41.** We await the Provisional Settlement from the Treasury to inform our funding assumptions. We expect this to arrive in December or early January. We will then be able to finalise various estimates in order to complete a draft budget position.
- 42.** An updated Draft Budget will be presented to District Executive for consideration in January 2021.

Public/Stakeholder Consultation

- 43.** It is recommended that individual savings and additional income plans that are approved in principle are individually consulted upon where there is partnership, economic, or equalities issues to consider.

Budget Scrutiny

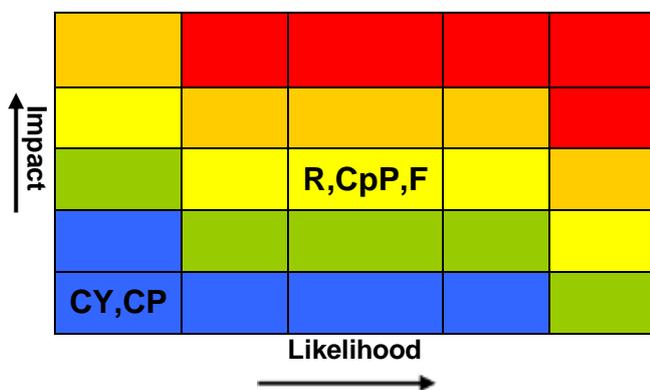
44. This report will be presented to Scrutiny Committee on 5 January 2021, with the final proposed budget presented to Scrutiny on 2 February 2021 before being considered for approval by District Executive on 4 February 2021 and Full Council on 18 February 2021.

Financial Implications

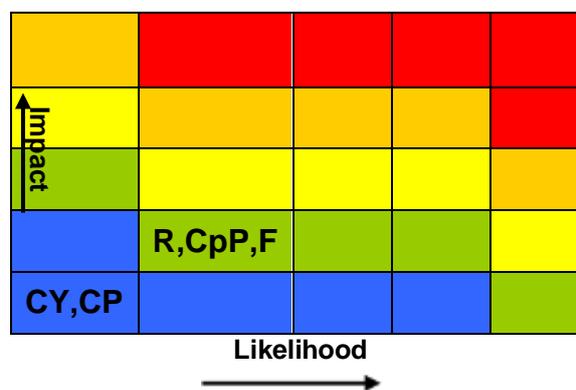
45. This report contains financial implications throughout.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan	Orange = Major impact and major probability
Priorities	Yellow = Moderate impact and moderate probability
CP = Community Priorities	Green = Minor impact and minor probability
CY = Capacity	Blue = Insignificant impact and insignificant probability
F = Financial	

Council Plan Implications

46. The MTFS and MTFP incorporate costs, income and funding implications directly related to the delivery the Council's aims and priorities. The Council Plan for 2021/22 is due to be presented to Council for approval in February at the same time as the final budget.

Carbon Emissions and Climate Change Implications

47. Not applicable within this report.



48. Not applicable within this report.

Privacy Impact Assessment

49. There are no specific privacy impacts in respect of this report. Individual budget changes will be assessed and salient comments included in budget update reports through the budget setting process.

Background Papers

50. The following reports may provide helpful background information in support of this report:

- Financial Strategy 2020/21 (District Executive August 2020)

Update Report on the Impact of Covid-19 on the Council

Executive Portfolio Holder: Cllr Peter Seib, Finance and Support Services
Cllr Tony Lock, Protecting Core Services

Strategic Director: Kirsty Larkins, Director-Strategy and Commissioning

Lead Officer: Jo Nacey, Section 151 Officer
Kirsty Larkins, Director- Strategy and Commissioning

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Kirsty.larkins@southsomerset.gov.uk or 01935 462744

Purpose of the Report

1. To give Members an update on the continued impact Covid-19 is having on the Council including finances, demand, and organisational performance across the Council. The report sets out the impact on council finances, and its services.

Forward Plan

2. This report appeared on the Executive Forward Plan with an anticipated presentation date of December 2020.

Public Interest

3. The report sets out the impact Covid-19 has had on Council finances, service performance, the demand for services we provide. It also covers the additional services and work the District has needed to develop to ensure an effective response to the pandemic.

Recommendations

4. That District Executive:-
 - a. note the impact on Covid-19 on Council Services and Finances.
 - b. note the additional services and work the Council is providing in response to the pandemic

Background

5. Initial lockdown measures were introduced by Government on 23rd March 2020, and as a result the way in which we functioned as a Council radically changed. We have now entered into a second phase of national lockdown, which brings with it some additional demands on Council services, which are outlined below.



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6. Our continued aim through the crisis and during the recovery process is to ensure we are there to support our communities and businesses.
7. The Council finances continue to be impacted, with loss of income and increased expenditure despite grants from the Government.
8. The measures developed in light of Covid-19 will provide assurance on progress of recovery and help inform decision moving forward.
9. During the initial response phase 91 members of staff were re-deployed, all of whom had move back to their substantive posts.
10. Our Recovery Plan was approved at District Executive in June 2020 and provides a sound basis for us to “build back better” and continue to improve our services, ensuring resources are used in the areas most needed

Update on service provision and working with partners

11. We have had to develop new services and processes in response to the outbreak and the needs of the community, these have continued to evolve. We have now entered into another period of national lockdown, with new restrictions in place, there is a need to administer additional grants to support the local community and businesses.
12. **Payments to individuals required to self-isolate** - the scheme was opened on our website on the 12th October 2020 we are running a discretionary scheme alongside the national scheme. We have received 89 applications in total, 47 have been discretionary.
13. The eligibility criteria for applicants for the national scheme is as follows: -
 - You have been asked to self-isolate by NHS Test and Trace (after 28th September) either because you have tested positive for coronavirus or have recently been in close contact with someone who has
 - You are employed or self-employed
 - You are unable to work from home and will lose income as a result
 - You are currently receiving Universal Credit, Working Tax Credit, income-based Employment and Support Allowance, income-based Jobseeker’s Allowance, Income Support, Housing Benefit and or Pension Credit
14. **Business Grants** during the first lockdown, businesses were able to apply for grants from the beginning of April 2020. When the mandatory scheme ended at the end of September 2020 we had paid out £36.795m to 3,130 businesses. We also developed a discretionary scheme aimed at supporting those businesses who were forced to close or reduce turnover and who fell outside the criteria of the mandatory scheme. For this discretionary scheme we were allowed by Central Government to use £1.928m of their original allocation. The discretionary scheme ran between 26 May 2020 and 30 June 2020 and distributed the full allocation of £1.928m to 205 businesses.

15. The new Business Grants scheme has been launched in response to the second national lockdown and went live in South Somerset on Wednesday 11th November 2020. The mandatory grants are dependent on the Rateable Value of the business. The amounts available are set out in the table below

Rateable Value	Business Support Grant Total per 28 day qualifying restriction period
£15,000 or under	£1,334
£15,001-£50,999	£2,000
£51,000 or above	£3,000

16. We have been awarded some additional funding in the form of a one-off lump sum the funding formula used by Government works out at around £20 per head. In South Somerset this equates to approximately £3.36m. We have been advised there will be no further funding should we enter into another lockdown scenario.
17. Using the funding we are developing a scheme for discretionary grants in consultation with the other Districts in Somerset, which will look to support businesses who may not have had to close due to the lockdown but have been severely impacted by the supply chain of other businesses closing.
18. **Kickstart Scheme** is a new Government initiative to create 6-month job placements for 16-24 year olds who are currently on Universal Credit and at risk of long-term unemployment. Central Government will cover 100% of the [National Minimum Wage](#) (or the [National Living Wage](#) as appropriate) for 25 hours per week for a total of 6 months.
19. SSDC has committed to host 30 Kickstart placements within the council before the scheme closes in December 2021. An interim role for a Kickstart coordinator has been identified who will be responsible for developing and promoting the programme supported by relevant specialists from the Policy, Performance and Change Team and the People team
20. **Hardship Grants**- The Lead Specialist for Communities is currently developing a further round of hardship grants to support those groups which may be experiencing hardship and not able to access other support schemes or payments. One area in particular that has been identified is young people in employment or who have lost their employment and those living in private rental accommodation. This group have been impacted by the Covid-19 pandemic, and there is little other support available to them currently.
21. Somerset County Council (SCC) will receive funding as part of the national £170m Covid Winter Grant Scheme to support children, families and the most vulnerable over winter. We believe SCC will receive in excess of £5m from this scheme for



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Somerset. We are hoping to access some of these funds to support the work we are doing, and are developing, to help those in hardship at this time.

22. The Community Wellbeing Hub at Westlands was stood down at the end of August 2020. Should the service be required again stand up plans have been developed.
23. To ensure vulnerable residents are still able to get support a two gateway approach has been developed across the County
 - a) For those that are able to pay DEFRA can refer residents for priority delivery slots from Tesco and Iceland.
 - b) for those residents that are unable to pay Village Agents will link residents to local solutions such as food banks, and pop up resident groups.
24. **Homelessness** - All residents that were temporarily accommodated during the first lockdown have been re-housed with the majority making positive moves into social housing, private lets, live in work, and Pathways Hostel.
25. The team were successful in obtaining a grant as part of the additional funding streams by Central Government to support the redevelopment of the emergency beds at Pathways into self-contained bed units which will also support the delivery of SWEP (Severe Weather Emergency Protocol) during the winter months to prevent rough sleeping during extreme cold.
26. We are awaiting the outcome of the bid to lease and support a new 8 bed house of multiple occupation. Two further funding streams have been announced in early November to support our work with rough sleepers during the second lockdown and over winter, both of which are being progressed with bids.
27. **Octagon and Westlands** - due to the restrictions of the second lockdown Westlands and the Octagon had to close their doors from Thursday 5th November 2020. All performances have been cancelled or postponed. The box office remains open on reduced hours (1000 until 1400 Monday to Friday) to deal with any enquiries. The closure will see a decrease in income over the coming months. The venues are in a position to re-open on Friday 4th December if restrictions are lifted.
28. **Leisure** - Goldenstones, Wincanton and Westlands have all had to shut from 5th November 2020. This will impact on income. Our provider is working hard to reduce costs whilst the centres remain closed. There will still be costs associated with maintaining the facilities during lockdown.
29. Yeovil Recreation Centre has had to close and all organised activities have ceased, however the Rec will remain open for individuals to take exercise.
30. The high streets have now partially closed to take into the account the new measures set out in the second lockdown. We will be working closely with businesses to allow safe opening once the restrictions are lifted.



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31. The Heart of the South West Local Enterprise Partnership is currently reviewing the two projects located in South Somerset that were invited to submit a full business case as part of the national Get Building Fund. These included iAero and Bruton Enterprise Hub. As part of the process, the LEP also invited a number of reserve projects to submit applications should other projects prove unviable. South Somerset District Council worked with Abbey Manor Group to submit an application for the development of Bunford Innovation Park. This was submitted in September 2020 and is in the process of being assessed.
32. Our Environmental Health (EH) team continue to meet with public health and the others districts in Somerset to monitor local infection data and review control measures that may be needed. As infection rates are rising EH Team are having more requests to follow up test and trace work where there are cases in businesses.
33. **Covid Compliance and Enforcement** - as part of national funding, SSDC have been allocated £75,640 to support our work in this area. In addition, we have been forwarded £25k from SCC for Covid-19 test and trace and enforcement support. The additional funding will be used to recruit two Covid Compliance Wardens who will provide a visible presence to remind the community and business of the ongoing requirements for complying with restrictions. The money will also support the recruitment of an Enforcement Support Officer to pick up non-compliance complaints and follow them through. Should formal enforcement be required it would be escalated to EH Team or the police.
34. The new Business and Planning Act 2020 came into force on Monday 27th July 2020, Districts are now responsible for administering pavement licences. Since the start of the scheme we have received and processed 4 applications.
35. The Communities of Practice continue develop the action plans in response to Covid and this work is being linked to the Countywide recovery cell.
36. Apart from the partnerships mentioned above, we continue to engage with a number of other partnerships at various levels to support our businesses and communities. These includes:
 - With Central Government
 - working through the Avon and Somerset Local Resilience Forum – the body which we are “primary responders” on which is charged with responding to emergencies and major incidents
 - with Somerset councils and other agencies such as the CCG
 - at a local level, with town and parish councils together with community and voluntary organisations

Performance

37. **Appendix A** summarises performance in relation to Covid-19.

Impact on our financial position

38. Covid-19 has had a significant impact on the Council finances. District Councils in particular are increasingly reliant on income generated through fees, charges and investments. SSDC derives 53% of what it spends on services from income that it generates and clearly this has been impacted significantly. In addition, in responding to the crisis we have taken on additional costs to support our communities and businesses.

The 2020-21 effect

39. Our previous updates have now been superseded by in-year budget monitoring which captures the effect of the pandemic on our costs and income streams in much greater detail than the high-level summaries we have been providing in these Covid-19 updates.

40. We are mindful that in the returns we have made to Central Government we have been required to give a “gross” position, without management mitigations such as redeployment; cost reduction; use of reserves etc. It is important therefore to ensure that Members are aware of the projected effect on our “bottom line” rather than the high level Government return position.

41. We are currently forecasting an overspend of £4.206m pending distribution of the grants received from Central Government. When the grant to date has been allocated we anticipate a residual overspend of £2.695m

42. The following table is an extract from the Quarter 2 Budget Monitoring Report to District Executive on 5 November 2020 and shows the main variances and associated explanations.

Table 1: Main Variances

Directorate	Service	Forecast Variance £'000	Explanation of variance
Commercial Services and Income Generation	Arts and Entertainment	300	Ongoing restrictions have meant that a reduced schedule is in place - this has resulted in large variances in income for Westlands and Octagon but these are mitigated where possible by significant savings in expenditure budgets. In order to reduce the variance against budget a number of staff have either been furloughed or redeployed to other services in the first six months of the year. Applications for cultural grant funding have been submitted and if successful the variance on income budgets will reduce accordingly and the overall position against budget will improve.
	Waste / Recycling	706	SSDC's share of Somerset Waste Partnership's budget variance in relation to costs of, kerbside collections, recycling sites and recycle more. This figure also relates to a delay in the roll-out of the Recycle More programme.



Directorate	Service	Forecast Variance £'000	Explanation of variance
	Income / Opportunity Development (YIC)	95	Anticipated that there will be a shortfall of income against budget due to tenants vacating, income from room hire is also less than anticipated due to restrictions in place. These variances are partially offset by expected underspends on utilities and maintenance budgets
	Commercial Investments	732	Currently forecasting a gross deficit for the year, as a result of COVID-19 and possible non collection of rent for the year. Any shortfall in income for the year that does crystallise will be covered by a movement from the Commercial Risk Reserve which was established to smooth fluctuations in the market and economy and mitigate risk.
	Car Parking	1,114	Forecast loss based on average income taken from April – September 2020.
Service Delivery	Building Control	250	The forecast year end variance is based on the service having to run with agency staffing due to difficulties in recruitment. Income affected by COVID-19 lockdown with continued uncertainty along with material supply issues on site.
	Revenues and Benefits	150	No court cost income due to suspension of recovery action.
Strategy & Commissioning	Contracted Sports Facilities	395	Forecast operator subsidy and reduced income from closure period.
Support Services	Finance Corporate Costs	225	The Council has substantial investments in pooled funds, it is anticipated that the return on these investments will reduce temporarily. The advice received indicates that the return on pooled fund investments will be between 25% and 50% less than 2019/20. The pooled fund investments have started to show signs of recovery which will have a positive impact on the investment returns for the remaining part of the financial year.

Central Government Income Compensation Scheme

43. Members will be aware that the Government has implemented an income compensation scheme which covers some income stream losses with various reductions.
44. During Quarter 2, the first Income Compensation Scheme return was submitted to Ministry for Housing, Communities and Local Government (MHCLG). As previously reported, the Scheme requires councils to cover the first 5% of the income loss, based on budget and then the Government will reimburse 75p in the



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pound thereafter of the net loss (after underspends in expenditure is deducted). Hence, the Council will need to subsume another 25p in the pound of the net loss. The return for 1st April to 31st July showed a claim of £471k made to Central Government. This claim does not include the loss on all of our income streams as areas such as Treasury income and Commercial Investment Income are excluded.

Central Government Covid-19 funding to date

45. The table below is a reminder of the funding we have received to date. This does not include the anticipated Income Compensation. Tranche 1 of the funding was ringfenced grant and has been utilised to provide Council Tax reductions for those in receipt of Council Tax Support and is therefore excluded from the revenue budget figures.

Table 2 – COVID Funding

	£	£
Central Government COVID Funding		
Tranche 2 - Covid Response 1 (New Burdens)	64,586	
Tranche 3 - Covid Response 2 (New Burdens)	1,672,767	
Tranche 4 - Covid Response 3 (New Burdens)	266,968	
Total Unringfenced Grant		2,004,321

Reserves

46. Our reserves position remains strong with mitigating reserves available to cover our forecast overspend. We must however ensure that our General Reserves position is maintained and that the minimum balance we deemed necessary is achieved to provide a “buffer” for unforeseen pressures. This need to hold contingency reserves such as the General Reserve has become even more relevant due to the effect of the pandemic. Our use of the Commercial Risk Reserve; the MTFP Reserve and other more specific reserves will help us through the in-year position and reiterate our resilient position.

Going forward

47. We are now turning our attentions to the coming year 2021/22 to ensure we have updated the Medium Term Financial Plan (MTFP) with our latest estimates. Despite, the challenges our finances have faced this year and those which will continue into the new year, our financial position remains solid. This does not, however, mean we can be complacent. We are still reliant on budgetholders mitigating costs wherever possible and providing robust forecasts to keep us apprised of the position. We are also mindful that one of our mitigations to these new pressures has been our commercial income and it will continue to be important for the commercial team to maintain a healthy percentage of rental recovery.
48. We will continue to lobby Central Government through the Local Government Association (LGA) and other representative bodies. It is now apparent that with a further lockdown and the ongoing effect on our finances and income streams, that



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a continuation of the support that has been provided to date from Central Government will be important. In particular, we would like the Government to continue the Income Compensation Scheme into 2021/22 as the effects on our income streams will continue to be felt well into next year.

49. Finally, our Recovery Plan. This looks at both the challenges and the opportunities presented by the current crisis and will use these to reshape our Council Plan.

Risk Matrix

This report is for information only – no risk profile

Council Plan Implications

As recommended by the report we will need to review the Council plan taking into account the resources available to us and increased demand for services.

Carbon Emissions and Climate Change Implications

There are no carbon emissions or climate change implications, this report is for information only

Equality and Diversity Implications

There are no equality or diversity implications

Privacy Impact Assessment

There are no privacy impact implications

Background Papers

Impact of Covid-19 on the Council - May 2020 District Executive
Impact of Covid-19 on the Council-October 2020 District Executive
Recovery Plan - June 2020 District Executive
Quarter 2 Budget Monitoring Report – Nov 2020 District Executive.

Covid-19 impact report

November 2020

Key Updates/ Points of Note/ Top Priorities

Arts and Entertainment – Income still remains below target for the Octagon and Westlands but expenditure has also reduced significantly. Both venues have been closed on 5th November.

Benefits – Test & Trace payments (Payments to individuals required to self-isolate) the scheme was opened on our website on the 12th October 2020 and we are running a discretionary scheme alongside the national scheme. We have received 89 applications in total, 47 have been discretionary

Building Control – Time to process building regulations applications increased from 3 days to 10 in September but has dropped to 3 again in October. Time to process full applications has reduced to 5 days. The number of planning applications and building regulations received in September/October is still significantly less than 2019 reducing from an average of 91 per calendar month, to 56 per calendar month, therefore income has also significantly reduced to £27k per calendar month.

Careline – Referrals in October increased to 47, compared to 37 in 2019. Installations remain consistent at 35 per calendar month but are likely to dip in November. A self-installation option to customers has been introduced.

Communications – Connections on social media have risen by 25% in comparison to the same period in 2019. The number of messages sent on Facebook and twitter has also increased by 48%. The member update open rate has an average of 44% in September and October 2020 and the town and parish open rate has increased to 48%. There is an increase in Councillor attendance at meetings as its easier to attend on-line and watch the proceedings.

Crematorium – The number of ‘service’ only is now higher in September and October than the same period in 2019. Full services started again in the last 2 weeks of October and are on a par with the same period for 2019. Income is still significantly reduced.

Customer Connect – The number of calls received on average during September and October was 2994 per fortnight, lower than July/August but with an average wait time increased from 4.06 minutes to 5.96 minutes. The average number of calls answered at first point of contact is now measured monthly and stands at 70%, reduced from 72% in July/August. Return voice messages/call-backs are still returned within 48 hours. The average number of web contacts have increased from 387 per fortnight to 420. All social media contact is still being responded to within 5 days.

Environmental Health – For August to October the total Environmental Health service requests were up by 60% in comparison with the same period in 2019. The number of food inspections completed increased compared to the previous 3 months of 2020, but are still significantly lower than the amount completed in 2019. House of Multiple Occupation (HMO) Inspections completed are down to 20% of the same period if 2019.

Housing – 4 Known rough sleepers not in temporary accommodation. There are 2 chalets and 4 rooms being utilised currently, reduced since last month. The number of households in temporary accommodation and time spent in the accommodation has reduced since September. Homefinder assessments are up to date and the turnaround on change of circumstances stays at 7 days to wait. Cases of homelessness prevented for this period was 101.

Licensing – for August to October total service requests to licencing have reduced by 42%. TEN applications, new premise applications, taxi driver & vehicle renewals and variations to licences are all lower than the same period last year.

Locality – Pest Control services are operating as normal. Health walks started up again (although have now stopped for November). All other Locality services are operating as normal with additional Covid and Health & Safety precautions in place.

Payroll – Overtime payments for 2020 are only 27% of the total paid in 2019. Mileage claims for September/October total £5796, significantly less than £16086 for the same period in 2019. The cost of casual staff for September/October is marginally higher by £3000 than the 2019 figure.

Planning – Total applications received are down to 70% of the same period in 2019. Enforcement cases closed in September and October totalled 66, compared with 153 in 2019. Validated applications are comparable to last year. Fee income is significantly reduced compared to the same period in 2019.

Risks & Issues (Red or New only)

Description	Mitigation / Action Required	RAG Status
		R
Arts & Entertainment, Crematorium	Beyond SSDC control	R
Benefits, Building Control, Careline, Customer Connect, Environmental Health, Housing, Planning,	See Key Actions	A
Communications, Licensing, Payroll, Locality		G

Key Actions

Communities of Practice are compiling recovery plans in line with the above and the Council Plan.

Issues, blockers and escalations

Further month long lockdown
Changing restrictions continue to hamper the return to full service for some areas

Opportunities

Mileage & overtime costs. New remote ways of working and new technology.



Planning Reimagined - Outcomes from Members Working Group

Executive Portfolio Holder:	Tony Lock, Protecting Core Services
Strategic Director:	Netta Meadows, Director of Service Delivery
Service Manager:	Barry James, Interim Lead Specialist Built Environment
Lead Officer:	Kirsty Larkins, Director of Strategy and Commissioning
Contact Details:	Kirsty.larkins@southsomerset.gov.uk

Purpose of the Report

1. The purpose of the report is to set out the actions Members have identified during a series of Planning workshops (Planning Reimagined).

Forward Plan

2. This report appears on the District Executive Forward Plan for presentation in January 2021 but has been brought forward one month early.

Public Interest

3. The report sets out the actions agreed in a cross-party Members working group (Planning Reimagined) to improve the planning service.

Recommendations

4. The District Executive are asked to:
 - a. note the contents of the report.
 - b. agree to an update on the implementation of the actions agreed by the Planning Reimagined working group (listed in Appendix A) to come forward to District Executive in 6 month's time.

Background

5. We are clear that the Planning Service is still not in the place we want it to be and that many of the benefits of Transformation felt in other services have yet to be embedded in and benefit the Planning Service. This is no reflection on the hard work and dedication of the staff of the service.
6. We are determined to ensure we have a Planning Service that delivers and meets the requirements of the District. This means that we need to consider all elements of the service, and as part of this a cross-party Members working group (Planning Reimagined) was put in place.

Report Detail

7. As outlined above, a cross-party working group was set up to support improvements within the Planning Service. The group consisted of 7 Liberal Democrats, 4 Conservatives and 1 Independent. All sessions were well attended by Members and officers, and were facilitated by an independent person to provide challenge and focus.
8. The aim of the workshops was to review the entire end to end planning process, including current working practices, and to produce an action plan to achieve the following outcomes:
 - Deliver the aims and objectives of the Council Plan and the Local Plan
 - Deliver good outcomes for our communities
 - Speed and efficiency that meets Government targets without relying on Extensions of Time
 - Delivers all the above with the resources allocated to the service
 - Achieve good customer service and establish a well-respected service.
9. There were ten sessions, which focussed on the following topics
 - Pre-Application Process
 - Validation
 - Consultation
 - Negotiation Strategy
 - Reports and Legal Instructions
 - Scheme of Delegation
 - Planning Committees
 - Planning Enforcement
 - Conservation
 - Future Changes and conclusions
10. The output from the sessions has been the production of an action plan with a series of tasks which will assist with improvements across the service. This action plan is shared at Appendix A. All Members from the working group have reviewed and agreed the actions within the plan.
11. Some of the changes agreed by the working group are operational and will require no further approval or agreement from Members. However, there are some proposed changes that will require approval from Full Council, and these will be brought forward in January 2021.

Financial Implications

12. If we fail to make improvements to the service it is likely we will see a reduction in income.



13. None

Risk Matrix

14. Not applicable at the current time as the report is for information only.

Council Plan Implications

15. Council Plan 2020-2024

Places where we live:-

Ensure development which is sustainable, where people want to live and communities can thrive

Enable sufficient housing in appropriate places to meet community needs

Maximised the number of affordable homes including providing more affordable homes to support rural economies and communities

Protecting Core Services

Delivering a high quality, effective and timely service to our customers and communities

Carbon Emissions and Climate Change Implications

16. Not applicable this report is for information only.

Equality and Diversity Implications

17. Not applicable this report is for information only.

Privacy Impact Assessment

18. Not applicable this report is for information only.

Background Papers

None

Appendix A

NUMBER	PROPOSAL	RECOMMENDATIONS FROM PLANNING REIMAGINED GROUP	PURPOSE	TIMESCALE
1	Pre-application	Review fees and charges proposed for Pre-App Service	Improve the quality of applications coming into the Authority, make applications more efficient and to ensure appropriate charge is levied for each type of development	Completed by the end of 2020
2	Validation	Validation guide approved at DX. Following feedback a review is to be completed to ensure balance is correct between getting the application right first time and not making the process over burdensome for applicants due to requests for additional documents/plans	Speed up the validation process and increase the quality of applications received. This should lead to reduction in failure demand.	Review to be conducted by the end of February 2021
3	Consultation	Produce a training video for new Parish & Town Council (PC/TC) Members to watch, outlining the planning process and their role in the process as a consultee.	Improve understanding of the planning process and reduce the requests for additional time for the consultation process	February 2021
4		All consultation paperwork to be sent digitally to PC's and TC's	Save Case Officer time and reduce environmental impact	Commencing November 2020
5		Address issue that PC/TC feel they are not given enough time to respond to the consultation of applications	Ensure the process is transparent and clarify the start of the 21 day timescale.	In November 2020
6		Review the order documents appear on the planning portal	To make feedback on applications easier and speed up responses	In November 2020
7	Negotiation	Strategy to be agreed at DX	Provide clear framework for officers and customers. Reduce the time spent negotiating an application, speed up decision making.	January 2021
8	Planning Committees	Applications marked as two-star go straight to regulation committee	To reduce applications being considered twice and manage the expectations of the public.	November 2020 (Lead Specialist to speak to Area Chairs)

Appendix A

NUMBER	PROPOSAL	RECOMMENDATIONS FROM PLANNING REIMAGINED GROUP	PURPOSE	TIMESCALE
9	Planning reports	Produce standardised reports for applications	Make report writing a quicker process for the officer, and provide consistency across the service making it easy for readers to follow.	End December 2020 (Lead Specialist to discuss with Area/Regulation Chairs)
10	Scheme of delegation	Revise the scheme of delegation. To remove the need for householder application to go to Area Committee	Speed up the processing of householder applications and reduce the time spent at Area Committee's for officers	January 2021
11	Planning Enforcement	Provide an update to all Members on the Enforcement process	Give Members the confidence and the tools to assist PC/TC's etc reporting an enforcement issue	By Christmas 2020 (will include update on progress of dealing with existing cases)
12		Members to promote process, once training and advice is given.	To increase understanding about the service and ensure reports of possible breaches are provided through the correct online channel	From February 2021
13	Conservation	Review policy to allow buildings to be improved sympathetically to meet modern needs, whilst engaging with conservation groups.	To ensure SSDC has a modern approach to this evolving issue working closely with conservation groups so it does not delay planning application being determined	By March 2021
14	Training and Communication	Built Environment Lead Specialist to set up regular meetings with the Area Chairs and Regulation Chair to ensure up to date information on legislation	Improve the consistency of decision making at Area Committee's and reduce the number of applications referred to Regulation Committee.	Commence in November 2020
15		Provide more technical updating and training to all Members on the planning process	Ensure decisions are being made using the Planning Framework and to give consistency across the Committees.	To commence in November 2020 (to be dealt with as part of the meetings between the Lead Specialist and Area/Regulation Chairs)

Appendix A

NUMBER	PROPOSAL	RECOMMENDATIONS FROM PLANNING REIMAGINED GROUP	PURPOSE	TIMESCALE
16		Produce a clear procedure for calling in a decision to Area Committee	Reduce the number of decision called in, ensure Committee time is focused on the more important planning matters and provide consistency across the Area Committee system	By January 2021
17		Raise the issue of the inconsistency of the Planning Inspectors at a national level	To provide formal feedback on the variance in decision making by PINS	In October 2020



Investment Assets Update Report

Executive Portfolio Holder: John Clark, Economic Development inc Commercial Strategy
Strategic Director: Clare Pestell, Commercial Services and Income Generation
Service Manager: Robert Orrett, Commercial Property Land and Development Manager
Contact Details: Robert.orratt@southsomerset.gov.uk or 01935 462075

Purpose of the Report

1. To update members on progress with implementing the Commercial Strategy agreed by Council including the commercial investments and management of the existing asset portfolio since the last half yearly update in June 2020 and quarterly update in September 2020.

Forward Plan

2. This report appeared on the latest District Executive Forward Plan with an anticipated Committee date of 3rd December 2020. This retains the regular six monthly update pattern from the last report, published 4th June 2020.

Public Interest

3. The Council's commercial strategy forms an important part of the Council's Corporate Plan ("Council Plan") and its Financial Strategy. Delivery of the Commercial Strategy enables the council to protect services to residents in the light of reduction in funding and to deliver its ambitions for South Somerset, for example the regeneration of town centres and high streets. This report is to update members on progress made to date on the Property Investment component of the Commercial Strategy. The Council agreed to receive updates on progress every six months with the previous update being reported in June 2020. In light of the exceptional situation with the COVID-19 pandemic, officers have provided a quarterly update in September 2020 and will provide a further report in March. These reports have reduced levels of detail.
4. The report includes updates on the purchasing of new commercial property investments, the financial performance of investments and their contribution to delivery of the objectives of SSDC's Financial Strategy originally agreed in September 2017 and the Commercial Strategy agreed in August 2017, and



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updated with the review by District Executive and Full Council of the Financial Strategy and Commercial Strategy in September 2019.

5. The aim of this report is to give Members and the public an update on the performance and impact of the property investment to date including its contribution to mitigating the impact of reductions in Government funding and protecting services.
6. Due to the sensitive commercial nature of investment acquisitions, and the need to manage risk and protect the value of the Council's investments over the long term, certain detailed information is included in a confidential appendix and not to be disclosed.

Recommendations

7. That the District Executive:
 - a. Note the resilience of the property investment portfolio thus far in the context of the COVID-19 pandemic.
 - b. Note slower progress in acquiring new commercial property investments as a result of COVID-19.
 - c. Note continued rent collection averaging in excess of 95% over the last three Quarters despite the pandemic.
 - d. Note the return being achieved across the portfolio which is slightly below the Council's target of 7% as a result of lease renewals, securing the future of the asset.
 - e. Note progress being made in securing income from our existing assets and the contribution to the revenue budget towards the revised £3.35m target.
 - f. Note progress being made in disposals and transfers of existing assets, resulting in a reduction of future liabilities associated with these assets.

Background

8. While presenting the "Commercial Services Income Update" report to District Executive in February 2018, members requested regular updates to show progress made in meeting the Commercial Strategy (approved by Council in August 2017). These reports are normally provided at six monthly intervals. When the June 2020 report was reviewed at District Executive, members decided that for the time being they would also receive quarterly updates. The first of those quarterly reports was provided in September 2020. The level of detail and range of contents is reduced to reflect the officer time needed to report at increased frequency.



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9. This report is a succinct update of high level figures for new investments since June 2020, updated to 1 November 2020. It also updates members on work being carried out to increase income from existing assets and reduce liabilities.
10. The Commercial Property Team has been stable in terms of staffing since the last report.
11. SSDC has a wide and varied range of assets that have been accumulated via various means over the years. The creation of South Somerset Homes (SSH) in 1998 meant that many assets were transferred via a Large Scale Voluntary Transfer (LSVT) to SSH, now Yarlington, albeit numerous tranches of land were retained for strategic purposes.
12. After the LSVT, SSDC retained a portfolio of assets that mainly comprised of operational offices, listed buildings, industrial units, car parks and an assortment of land, i.e. grass verges, open spaces and “ransom strips”. These assets do not generate a substantial annual income and are now in many cases costing SSDC money through increased maintenance and running costs. Some, however, provide opportunities to generate value through development sales. They may also provide Council Tax, business rates and New Homes Bonus grant funding opportunities.
13. As part of the Commercial Strategy, Council approved a commercial approach to Land and Property management in August 2017.

COVID-19

14. The pandemic has impacted on all aspects of society and is affecting economies across the world. The UK saw quarterly GDP fall by 2.5% in Q1 2020 and 19.8% in Q2 2020. For context, the largest quarterly fall in the Global Financial Crisis was 2.1%. GDP has begun to rise, growing by 8.0% in the three months to August, however the second wave is likely to prevent an immediate return to Q4 2019 levels. This is likely to have longer term implications, particularly for High Street retail and leisure industries.
15. Most commercial property leases provide for rent to be paid quarterly in advance in March, June, September and December. We have therefore had three rent quarter days since the initial outbreak. The March quarter day (25th March) was only two days after the initial lockdown began. A number of retail and leisure based funds and landowners were substantially affected.
16. Our rent collection across the investment property portfolio was broadly unaffected, with collection figures of 98%. Our team has focussed attention on the connection with our tenants. We have sought to show appropriate flexibility as part of a supportive attitude, but also to protect the Council’s investments.



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17. We had expected the June quarter day to be a substantially harder test, with tenants having had three months of hardship in which to strategize, however we are pleased to report rent collection of 95%. Collection in these two quarters is well above the industry average, assisted by a diverse portfolio, with a low proportion of High Street retail investments.
18. Two months on from the September quarter day, we have collected 94% of rents due and expect this figure to continue to increase.
19. In terms of property acquisitions, we are keeping strategy under review as the economic picture becomes clearer. An increasingly polarised commercial investment market is emerging, with last-mile logistics units and warehousing in higher occupational demand resulting in harder industrial yields, while retail and, to some extent, offices suffer.
20. We remain in the market as it resumes some activity, however opportunities are reduced as vendors seek pre-Covid sale prices and buyers look for discount. We will look to agree transactions if the pricing is reflective of the situation. We will also apply criteria to recognise that there are property sectors less and more likely to be impacted by recession, depending on the extent of that, and adapt the due diligence having regard to revised risks.
21. We believe it likely there will be some reductions in market rental values, which is an important consideration for the revenue returns the investments are providing. The council's position, like other investors, is significantly protected by the fact that most leases contain upwards only rent review provisions. We will look to augment the value of the portfolio by actively managing leases to seek longer terms.

Commercial Investments

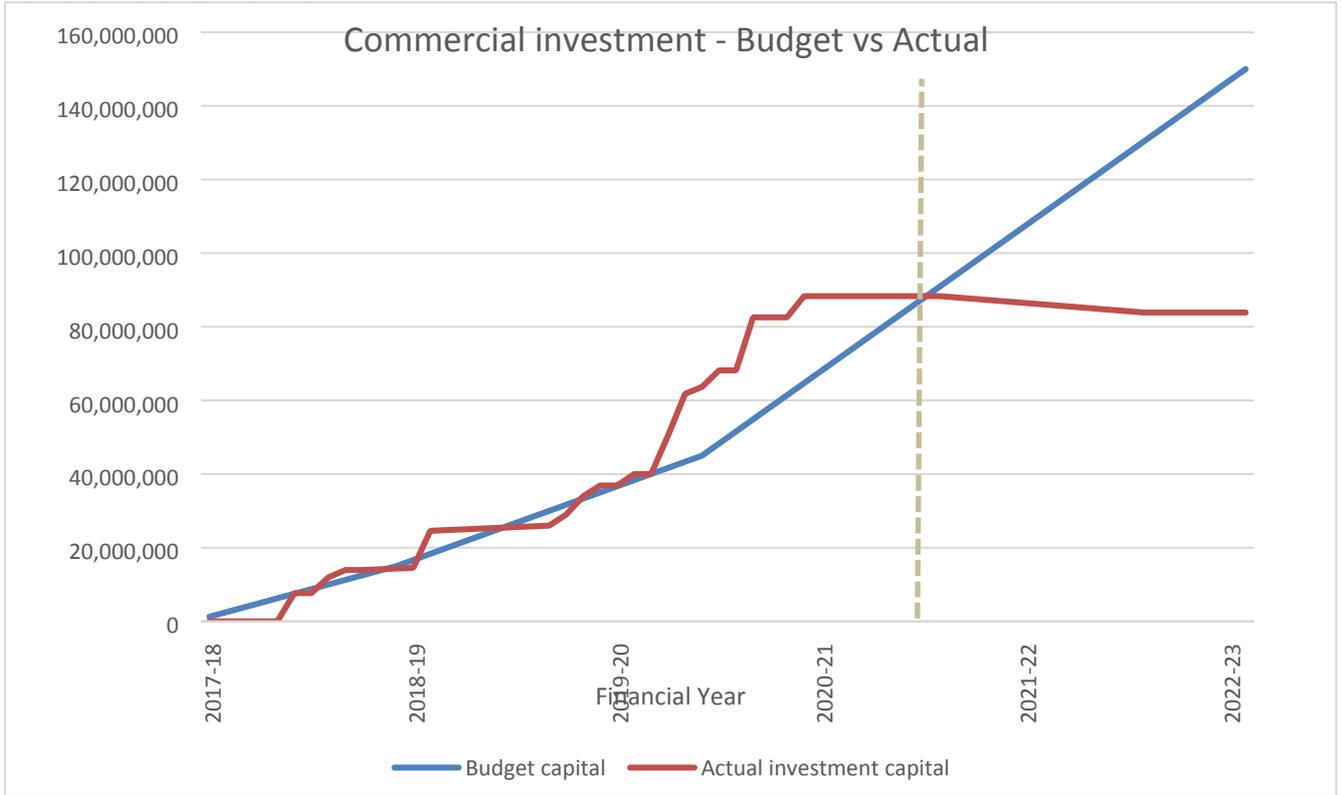
22. In September 2019, the Council approved an increase in the fund from £75m to a new total of £150m to be achieved by March 2022. The revised savings / net income target (after interest, capital repayment, risk reserve and staffing) is £3.35m. Saving in this context is delivered by net revenue income.
23. To date, a total of £73.9m has been invested in commercial property, producing a running yield of 6.68% after the regear of The Ralph's lease. This will improve to 6.95% in 2021/22. The target running yield is 7%.
24. This is a gross target, which does not take into account costs of borrowing, acquisition, risk reserve and staffing. We will continue to manage the assets to improve this figure.
25. A further £18.6m has been invested in BESS Taunton and the Marlborough development. We have excluded from this as their returns operate on a different basis – namely interest on loans and profit on capital. The total investment is £92.5m. The Council has now committed to a second BESS scheme on a site at



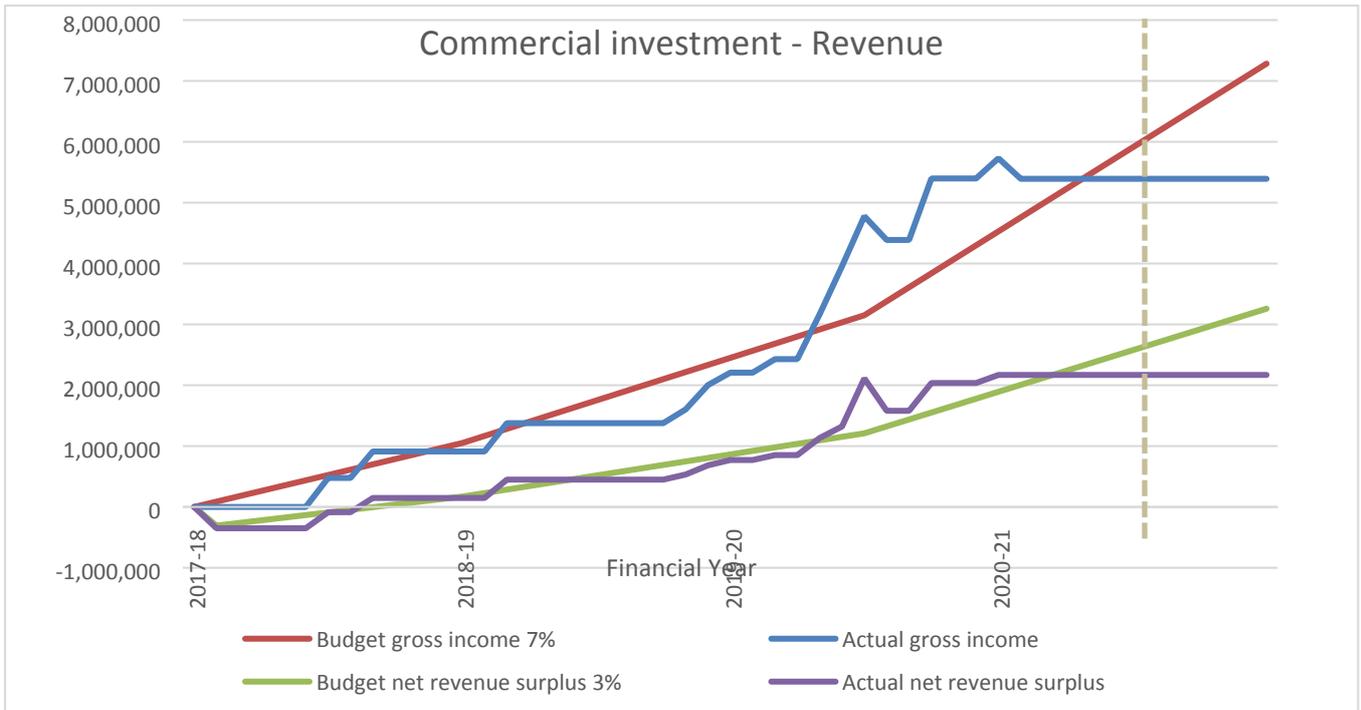
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Fareham. The commitment was made in late October 2020, with a total of £18.96m to be drawn down as the project requires, with funds being transferred to the joint venture company developing the project.

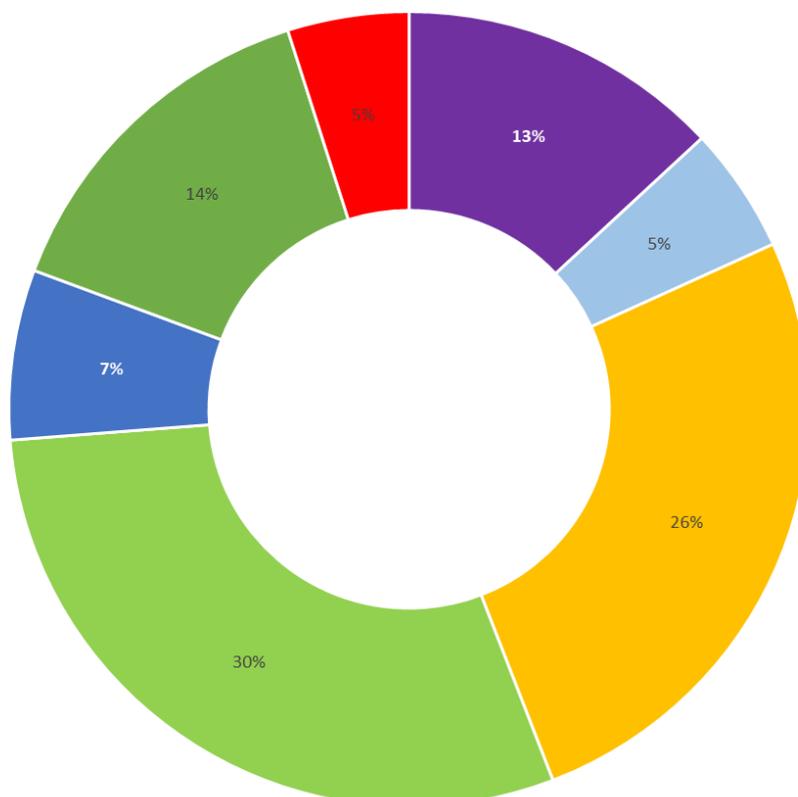
26. In assembling this investment portfolio, the Council is not applying all of the revenue generated to support the Council's revenue budget. The Council is fully meeting the requirement to set aside money annually to repay the principal. This is distinct from the approach taken by many commercial property companies and Local Authorities, who tend only to pay the interest. However, for the Council this means a decreasing level of debt and an increasing net value of the Asset Portfolio as the debt to value ratio reduces in the Council's favour.
27. In addition, the Council has recognised the risks attached to holding a property investment portfolio and using income for this to support the revenue budget and provision of services. Therefore, the Council is also utilising a proportion of the commercial income to develop a Commercial Asset Risk reserve to protect the Council and the revenue budget from any potential future volatility, income voids or repair costs.
28. This reserve currently stands at £6.3m as previously reported to District Executive. As a result of the Council's prudent approach, whilst the portfolio is generating a return of circa 7%, the Council is able to utilise the true net return to support the revenue budget.
29. Progress is shown on the graph below for the actual capital invested to date in new commercial assets. This is compared with the initial budget objective to invest £75m by March 2021, with the 2019 revision to increase the objective to £150m shown represented by straight line progress with the annual rate increasing from September 2019 enabling progress over the time period to be seen as either below or ahead of the objective. Actual capital investment is not projected in future giving the appearance we will drop behind but work will continue with the aim of maintaining progress.
30. Figure 1 shows commercial investment capital – Budget v Actual



31. Progress in terms of generating additional revenue – gross and net – as a return from the capital invested shown in Figure 2



32. The income used in the graph above uses the contracted income (rent) from commercial property investments where the purchase has been completed.
33. Since the introduction of the Commercial Strategy, SSDC has purchased a number of investment properties. This report summarises the high level figures to demonstrate the annual income achieved via rent or sales. The investments made to date are aiding progress towards this target with commercial income in the Council’s revenue budget to protect and support services to the community.
34. The Council currently has eighteen assets in its ‘new’ portfolio, providing a gross income (before cost of borrowing) of £4.94m per annum using the whole year income for 2020/21 from assets in SSDC ownership as at 1 April 2020. This excludes the expected returns from BESS Taunton, the Marlborough development project, BESS Fareham which are not in the form of annually recurring income and the income from Travelodge in Faringdon which has not yet been completed.
35. The battery storage facility in Taunton is now fully energised and income producing. This income is paid in arrears by National Grid.
36. The current sector split of capital invested in all of these assets, including Marlborough and BESS Taunton is:



■ Retail ■ Retail warehouse ■ Industrial ■ Office ■ Alternatives ■ Energy ■ Resi development

Note: Alternatives – relates to a property used for “other” purposes – at this stage a single property used as a veterinary hospital.



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37. As a result of COVID-19 there have been no further acquisitions since our last report in June 2020. The Investment Acquisition Group (IAG) has recommended purchase of a data-centre led, multi-use building in Birmingham, which is currently under offer.
38. Acquisitions have been funded through a combination of capital receipts, cash resources and borrowing to date. In line with the Council's treasury management strategy we continue to utilise 'internal borrowing' to meet some of the financing requirement for the investments purchased. This approach reduces treasury risk. All borrowing will be asset backed (i.e. if the Council wished to pay off the borrowing it will have an asset to sell to achieve this). The investment is required to produce a rate of return for the Council which meets the Commercial Strategy targets and therefore, covers interest, capital debt repayment and produces additional income to fund the delivery of services.
39. In making investments the Council seeks to meet its corporate ambitions as set out in the Council Plan to maximise the benefits to the communities of South Somerset. The costs and funding of the investment portfolio is set out in Confidential Appendix, table 1.

Portfolio Commentary

40. The world is very infrequently dominated by one issue in the same way that COVID-19 has influenced global consciousness and the world economy. Earlier in this report we reported the impact that Covid-19 has had on GDP and rent collection.
41. Since June we have completed the rent review of Screwfix's unit at Sherwood Road, Bromsgrove, increasing the rent from £45,000pa to £65,300pa.
42. We have also completed the surrender and re-grant of the lease of The Ralph, Marlow, agreeing a new 30 year term, which improves the quality of the investment, in return for a package of rental incentives. These incentives will allow the business space to grow and further invest in the property, which will help to improve the covenant and investment value.
43. During the previous report we commented upon media coverage of Local Authority property investment. It is important that this matter is foremost in members minds. Press commentary has portrayed risk as if it is a black and white matter where there could be activity areas which do not have risk. This is a serious distortion of the actuality. The Commercial Strategy acknowledged from the outset that there are risks involved in commercial activity. In the property investment area, we have adopted implementation, acquisition and management strategies that assess and mitigate risks. This has to be adapted for the situation we now face, but our analysis does enable us to identify levels of price adjustment needed to reflect the



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potential impacts from economic slowdown and its effect on businesses and property markets.

44. Property investors are protected during lease terms from falls in market rental values as most commercial leases provide for upwards only rent revisions. Analysis from past serious recessions shows how funds can perform effectively with purchasing during economic downturn.

New Assets

45. There have been no investment purchases in the half year from June to December 2020. Progress is slowed due to the impact of Covid-19 on the market. Investment properties already owned prior to this report are not commented on individually as there has not been material change in these fully let assets.
46. In the calendar year 2019, SSDC acquired 12 properties totalling £56.3m. Subject to market conditions, this provides an indication of the ability to deliver the remainder of the acquisition programme required to meet the overall investment objective within the period stated in the Financial Strategy. Due to Covid-19 this figure in the calendar year 2020 stands at £5.4m.
47. There has been the legal commitment to the new BESS scheme at Fareham which is summarised below.
48. We provide below commentary on the two evolving developments SSDC have invested in.

Residential Development, Marlborough

49. The 15 flats and 3 houses were first put on the market in late October 2019 when Practical Completion of the construction works was delivered. Continuing significant contractor presence did not enable the scheme to be seen at its best, and until the General Election in December there was no doubt that the local residential market was subdued. The expectation was that the public reaction to announcing that the Government had “Got Brexit Done” at the end of January 2020 would give a significant boost to the residential market across the first six to nine months of the year.
50. Unfortunately, there was a serious failure in the new hot water installation in one of the upper level flats in January, which caused damage to a number of flats and we decided to temporarily suspend all marketing until repairs were made. The contractors accepted responsibility for the repairs, and proceeded with an insurance claim. Works had just commenced when the lockdown started. Our contractor furloughed all of its workforce with eventual return to activity during August 2020. Reinstatement works commenced during August and are now virtually complete.



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51. Management arrangements for the property are in place, keeping landscape and external areas in order and we are regularly checking the property.
52. We have carried out a review of the marketing approach and decided to appoint new selling agents who could provide a renewed approach. Full marketing of all units is now being mobilised. This activity is of reduced effectiveness due to the new lockdown. We have agreed the sales for two of the houses and those transactions are in solicitors' hands. Our goal is to make the best use we can of the period where the Government stamp duty incentive applies, while achieving robust prices on any sales. Development profit is the balance between gross development value and gross development cost. If market values fall following the lockdown and the economic shock, then our profit element will start to be eroded. At present this is unknown. Our focus is on delivering the best possible outcome. We will report on the eventual net position once sales and construction cost matters have all been concluded.
53. It is likely that sales will take around 12 months or longer to conclude once we can fully market the residential units, subject to any further the impact on the market of COVID-19.

Taunton Battery Energy Storage Scheme

54. The Fideoak, Taunton battery storage scheme is owned via a joint venture company, SSDC Opium Power Ltd (SSDC OPL), a joint venture between SSDC and Opium Power Ltd, which purchased the site in 2018. The site comprises a compound bounded by a security fencing with infrared security cameras. The first phase of the project comprises a 25MW battery storage facility for short-term supply of electricity to the local distribution network. The project completion was followed by work to connect and test the SSDC OPL site linking into electricity utility company equipment and then into the National Grid (NG) Sub Station in March 2020, the scheme was then energised to the grid.
55. There was some delay to the residual warranty and final commissioning work that could only be completed following this, due to the COVID-19 lockdown and the decisions taken by companies to be able to work on site together based on Government directions. However, the project managers and contractors established safe methods of working that enabled the final commissioning phase to complete, albeit slower than usual in order to mitigate risk to workers.
56. The last testing requirement took place before the end of May 2020 following which the system was fully operational and able to be registered for entry into the energy auctions to earn revenue via our business partners KiWi Power Ltd. Registration takes a month and revenue earning commenced in July as contracts were won and revenue streams began to flow. It takes time to build up the bidding and



winning of contracts and so revenue is not instantly maximised, as contracts are won the revenue builds.

57. Unfortunately, during a storm in August the Western Power Substation (WPD) that the Battery Energy Storage System (BESS) must go through before charging and discharging to the National Grid) was hit by lightning and damaged. This meant that the BESS was unable to operate until the WPD substation could be repaired and become operational again. Others were also adversely affected by this incident, including the local hospital. The insurers will consider a lost revenue claim where loss of income can be evidenced after the first month of non operation. The company are now working through that process. This means that we do not have a full trading quarter of income to report back at present. However, the substation was operational again in mid-October and we are now fully trading with Phase 1 again. Confirmation of actual income to date and forecast income for the next quarters is available in confidential information.
58. Phase 2, the additional 5 MW, was due to be operational and income generating by September, but the above incident with WPD substation meant that commissioning and testing could not be completed. This has now been undertaken and registration for bidding into the energy auctions has now commenced. This smaller final phase for the site maximises the grid licence to ensure that opportunity to generate energy and revenue from this site was not lost. All of site area suitable for Battery Energy Storage at this location is now in use. It also makes use of the infrastructure and connections developed for Phase 1 (25 MW) and will deliver more income to SSDC for the future, as well as aiding the balancing of the National Grid with cleaner energy. This will assist with fossil fuel production of energy being phased out more swiftly.
59. The valuation of the site, as at 31 March 2020, for accounts purposes confirmed that the facility and land was valued at more than the project costs expended. It also confirmed that, by maximising the site with an additional 5 MW, this would remain the case and increase appropriately. The investment Market Value, once energisation and trading are established may well mean that the value increases again. In summary, national data confirms that this project demonstrates 'value for money' when the cost per MW is considered against the national averages for similar installations in the UK to date. In addition, energy storage is recognised as a growing market with an increasing number of commercial companies now looking to follow SSDC's lead, as well as significant interest from other councils.
60. SSDC is the funder of this project by means of a loan to SSDC OPL. Interest costs have been rolling up while the project has not been generating revenue, but the basis of the loan is that once revenues are flowing, generating profit, this is first



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applied to covering interest payments on the loan, then to repayment of the loan capital.

61. Loan and interest repayments are scheduled to reflect the expected cash flows of the business. In the longer term, once the loan facilities are fully repaid, the Council expects to receive its investment income through dividend distribution of profits. As a result of the way the investment has been structured the earlier delay in energising the site also delayed interest being paid back to SSDC; but this is recovered due the agreement requiring SSDC OPL to pay more interest to SSDC.

Fareham Battery Energy Storage Scheme

62. Our joint venture company SSDC OPL purchased Fareham Energy Reserve Ltd this summer, following the undertaking of a full review of the due diligence and business plan for development and future revenue by SSDC, prior to providing the company a loan at commercial interest rates, to approve SSDC OPL to proceed. The company purchased, Fareham Energy Reserve Ltd, holds the lease, planning permission and grid licence to develop and operate a 40 MW Battery Energy Storage Site.
63. The development loan agreement and construction contracts are now completed and full site investigations and preparations are underway. It is anticipated that construction will start in January 2021.
64. Forecast completion of the project will be late 2021 with revenue streams commencing in Spring 2022 after final testing, commissioning and registration.

Commercial Investment Acquisitions

65. Consideration of appropriate acquisitions has been sustained to continue progress towards meeting the Council's objectives for commercial investment. Before the lockdown, we typically considered some forty investment opportunities each month and have a regularly updated set of criteria for agents identifying target yield, lot size, sector, unexpired term, location and tenant. The property investment market sharply reduced activity once the lockdown was announced although transactions have continued to complete.
66. The RICS announced a period of material valuation uncertainty, which although rescinded across all sectors by mid-September, has restricted investment. We are currently considering circa twenty opportunities a month.
67. The Commercial Property Team has developed a reputation in the property investment market for acting quickly and professionally. This ensures that SSDC is offered the most attractive opportunities and does not overpay for property.



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68. SSDC's Commercial strategy also aims to create a risk-mitigated and balanced portfolio and therefore we will continue to be highly selective, in order to meet our strategic objectives.

Asset Management Update

69. Since the last District Executive update in June 2020 the asset team have continued reviewing the portfolio and identifying opportunities to explore. There is currently a disposals pipeline of £617,000 expecting to transact within the next 12 months. We have also agreed leases and wayleaves totalling £4,000 per annum.
70. Since our last report we have let Unit 1, Goldcroft to BMB Fitness for a six year term with a three year break at £25,000 per annum, and Unit 15 Yeovil Small Business Centre to Clean Image South West for £3,600 per annum on a rolling annual agreement. We have also agreed licences with Lloyds and Natwest Banks to allow use of local car parks for local bank vans. Whilst the licences are in nominal sums, they benefit our communities by providing access to banking facilities.
71. Work continues to develop a pipeline of small sites for disposal. The majority of these sites will be sold with the benefit of a residential planning consent. Progress on these sites has slowed during the Covid outbreak due to the reallocation of resources. The legal issues surrounding nitrate pollution has also stalled or slowed progress during the planning process. The announcement of proposed mitigation measures is eagerly awaited to allow these sites to progress.
72. The arrival of COVID-19 in March had a disruptive impact on the team, and the wider property and construction sector. The imposition of social distancing has led to fundamental changes in the way property viewings and general person to person interactions can take place.
73. The post COVID-19 local market is likely to be challenging, however the small scale of many of our development sites is likely to make them popular with local builders and investors seeking low risk opportunities.
74. Specific asset management transactions are included in the Confidential Appendix.

Financial Implications

75. The financial implications for the progress with commercial investments and of asset management activity are set out above within the report and also in further detail in the Confidential Appendix.
76. SSDC has approved a large sum for commercial investment. The commercial strategy has been operating for 39 months, and excellent progress has been



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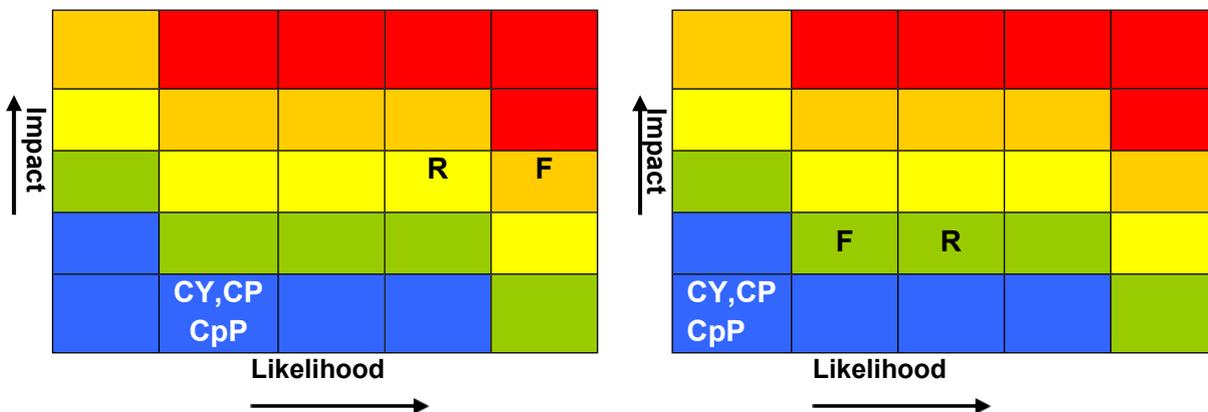
made, ahead of target timeframes. Nevertheless the economic effect of Covid-19 have slowed progress as the market has struggled and less opportunities are available.

77. Detailed and robust due diligence has been completed with extensive involvement of SSDC’s finance and legal specialists together with external advisors (e.g. valuers, tax specialists, legal advisers, sector specialists) to support the property team in completing robust business cases that underpin recommendations and investment decisions. The decisions made have been through the agreed governance arrangements as approved by SSDC with the Investment Assessment Group providing deferrals, refusals and unanimous recommendations to the Council Leader and Chief Executive for final decisions. Arrangements have been reviewed by Internal Audit and the minor improvements recommended have been implemented.
78. The financial implications of completed acquisitions including costs, income and funding arrangements will continue to be incorporated in budget setting and monitoring processes, in line with SSDC’s financial procedures framework.

Risk Matrix

Risk Profile before officer recommendations

Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan	Orange = Major impact and major probability
Priorities	Yellow = Moderate impact and moderate probability
CP = Community Priorities	Green = Minor impact and minor probability
CY = Capacity	Blue = Insignificant impact and insignificant probability
F = Financial	



Council Plan Implications

79. This report links to the following Council Plan objectives:

- Protecting Core Services
- Take a more commercial approach to become self-sufficient financially
- Supporting the Regeneration of Chard, Yeovil and Wincanton
- Supporting local businesses

Carbon Emissions and Climate Change Implications

80. None

Equality and Diversity Implications

81. This report does not involve any equality or diversity implications

Privacy Impact Assessment

82. There is no personal information included in this report

Background Papers

- SSDC Commercial Strategy 2017 and 2019

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted



South Somerset Families Programme - Supporting Families and Improving Life Chances, project update

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Purpose of the Report

1. The purpose of this report is to update members on the progress in developing the South Somerset Families' Project. This is Council Plan Priority Project 7 and the project is designed to support struggling families and help to address child poverty in the district.

Forward Plan

2. This report appeared on the District Executive Forward Plan with an anticipated presentation of December 2020.

Public Interest

3. In the approved the Council Plan 2020 – 2024 and Annual Action Plan 2020 – 21 one of the key areas of focus is to enable healthy & self-reliant communities which are cohesive, sustainable and enjoy a high quality of life. A priority project to support struggling families and help address child poverty and low rates of social mobility in the district was approved. This report sets out the current progress in developing the programme of work to contribute to addressing those challenges. The development outlined below will accelerate the increase in referral and increase the ability to track SSDC supported delivery and its impacts.

Recommendations

4. That District Executive:-
 - a. Note the progress in the South Somerset Families Programme - Supporting Families and Improving Life Chances, project development.
 - b. Note the proposal to produce a formative project evaluation to be presented by the end of the 2020/21 financial year and a future external evaluation.

Background

5. This is an important project to begin addressing some of the long-standing barriers and challenges facing local families that effect local attainment, social mobility and



South Somerset District Council

wellbeing with the consequent implications for the level of human and social capital in the district. Over decades various projects have come and gone with little legacy in terms of local capacity, sustainable peer-led support or learning. This project is being developed with an explicit emphasis on learning from these previous efforts and to avoid making the same mistakes. Projects at this scale in themselves cannot make a population-level of change rather the wider change will be generated through conscious learning, eventual scaling of new approaches and securing a shift in participant involvement in community life.

6. SSDC is making a significant investment in this project and we need to ensure the ambition of developing more locally responsive and proactive approaches is fully reflected in project development and delivery. In recent weeks the project has been revisited and a developmental approach, to project formation has been adopted to encourage innovation and responsive delivery with participating families.

Report

7. The key delivery actions taken in the recent months to establish the project include:
 - The successful recruitment and establishment of SSDC funded delivery team of 3.0 additional link workers.
 - Since April 2020 they have received 55 referrals from schools, CAMHS, GP, Police, Yeovil Hospital, Children Social Care, Local charities, SDAS and Abri.
 - They currently support 67 families and 15 single people.
 - They covering issues such as debt, relationship and Family Breakdown, mental health, parenting, social isolation, housing, employment and access to health service.
 - A business continuity plan is in place to continue support for families including additional telephone/video outreach, a dedicated team bubble, socially distanced walks (with 100% retention to date). Support for families has become more critical due to the pressures related covid pandemic. School reopening has led to an increase in referrals over Autumn.

The target for the additional capacity being deployed is for 200 families to be worked with by March 31st 2021.

8. As a local leader, in the next six months SSDC also needs to take an active and collaborative approach to our role in the facilitation of this locally important project. Over the next six months this means taking much less of a 'hands-off' approach to project commissioning and development than normally associated with conventional project commissioning. A project co-design workshop was recently held. Several measures are now being put in place to ensure that SSDC can see the delivery and impact from its funding, these include:
 - Identification of new referral pathways in new areas with new partners including schools and primary care serving disadvantaged neighbourhoods.
 - A clearly defined SSDC funded dedicated team and branded work programme to track the value-added of the project to differentiate it from the general (good work) of Yeovil4Family.



South Somerset District Council

- Exploring the early opportunities to secure additional match income.
 - Set-up regular project development and monitoring meetings with SSDC.
 - Putting a greater emphasis on facilitating peer-based support approaches to provide for more responsive delivery and more affordable project scaling and sustainability.
 - Explicitly including increasing of community involvement in delivery and evaluation processes by the participating families to reduce their isolation.
 - Refreshing and simplifying the agreed outcomes and service level agreement and with Yeovil4families to reflect the shared ambitions with SSDC for this project and providing for less onerous and more useful information for project monitoring and evaluation.
9. In order to maximise our return on investment in terms of the effectiveness, learning and impact from this project and for this to be 'captured' then evaluation will be a central aspect of our work during the project development and then implementation stages. To this end we will be :
- Adopting evaluation methodologies which encourage the key features that we wish to see in the programme (strengths, community involvement, light-touch follow-up)
 - Ensuring that evaluation elements are built into project design e.g. participant follow-up is built in at 6 months and 12 months to both provide for both evaluation touch-points and to increase project effectiveness.
 - Using the project steering group and Heathy Self-Reliant Communities Community of Practice as a platform for learning.
 - Coproducing a formative evaluation by the end of the 2020/21 financial year with a substantial external project evaluation produced in the 2021/22 (to allow for a full year of 'normal' post-Covid delivery).

Financial Implications

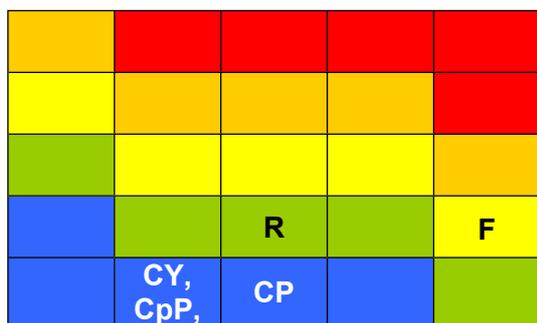
10. The production of a robust formative evaluation and then an external project evaluation will allow us to identify impacts and test the value for money of SSDC's contribution.

Legal implications (if any) and details of Statutory Powers

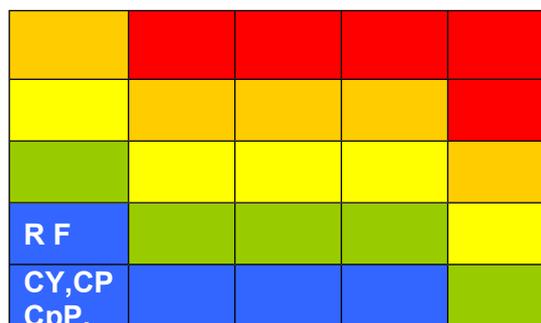
11. None at the current time.

Risk Matrix

The risk matrix shows risk relating to the Corporate Plan headings.



Likelihood →



Likelihood →

Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability

Council Plan Implications

This document reports on progress on developing Council Plan Priority Project 7.

Carbon Emissions and Climate Change Implications

More proactive and localised delivery models will reduce the need to travel to access services.

Equality and Diversity Implications

This project targets and involves some of our most disadvantaged residents and neighbourhoods and will have a positive impact on equalities.

Privacy Impact Assessment

Completion of a Privacy Impact Assessment is underway.

Background Papers

Report to District Executive – June 2020
 South Somerset District Council – Council Plan 2020 - 2024
 Somerset Improving Lives Strategy



The Future Management of the Council's Leisure Facilities

Executive Portfolio Holder:	Mike Best, Health and Wellbeing
Strategic Director:	Kirsty Larkins, Director – Strategy and Commissioning
Lead Specialist:	Peter Paddon, Lead Specialist, Strategic Planning
Lead Officer:	Lynda Pincombe, Specialist, Strategic Planning
Contact Details:	Lynda.pincombe@southsomerset.gov.uk or 01935 462614

Purpose of the Report

1. The purpose of this report is request a slight variation on the approach to appointing a leisure operator to run the Council's leisure facilities following the expiry of the existing operating contracts in March 2021.

Forward Plan

2. This report appears on the District Executive Forward Plan for March 2021, however, it is brought forward early to agree a variation on the approach to appointing a leisure operator to run the Council's leisure facilities prior to the expiry of the existing operating contracts in March 2021.

Public Interest

3. SSDC's sports and leisure facilities are a valuable resource for many local residents. The operation of the Council's existing indoor facilities in Yeovil and Wincanton (Goldenstones, Westlands Sport and Fitness Centre and Wincanton Sports Centre) was previously transferred to a specialist leisure operator to deliver financial efficiencies and improved service delivery for all sites. The contract with the current leisure operator ends on 31st March 2021.
4. The Council also plans to open a new leisure facility in Chard before the end of 2021. Therefore, the Council needs to plan for the future operation all its leisure facilities beyond March 2021.
5. Members have previously considered management options available for the future running of the Council's Leisure Centres. Members agreed that officers should work towards appointing an external operator to continue to run all of the Council's leisure facilities for at least a further 10 years from 1 April 2021.

Recommendations

6. That the District Executive:



South Somerset District Council

- a. Delegate authority to the Specialist, Strategic Planning in consultation with the Leader and Portfolio Holder for Health and Wellbeing to:
 - i. Appoint a preferred operator following the scoring of final tenders by the Council's evaluation panel;
 - ii. To agree a reserve bidder if appropriate;
 - iii. Report back to District Executive by April 2021, for information, on the appointment of a new operator including key terms of the appointment.

Background

7. The Council currently has three leisure centres; Wincanton Community Sports Centre, Goldenstones and Westlands Sport and Fitness Centre in Yeovil. These centres are either owned or leased by the Council but are managed under a three separate management contracts with LED Leisure Limited. These contracts all expire on 31st March 2021.
8. In October 2019, District Executive considered a number of management options for the Council's leisure centres. Members approved a recommendation for officers to report back to District Executive by January 2021 to appoint the successful preferred operator and approve terms of the agreement.
9. This report recommends a modest revision to the appointment and reporting process due to the delay in procurement caused by the Covid 19 pandemic.

Report

10. Procurement of a new operator commenced as planned in February 2020. Initial shortlisting was due to take place in March 2020, but was delayed until May 2020 due to implications of the national Covid 19 lockdown.
11. Appointment of an operator was expected to have been finalised by December 2020 at the latest leaving at least a 3 month period for mobilisation of a new contact. Due to the pandemic, final tenders will not now be evaluated until mid-January 2021 at the earliest leaving a reduced period for mobilisation and contract negotiation. Bringing a report back to District Executive prior to final appointment will significantly limit the time available for effective contract mobilisation and will either require the Council to extend the existing contract with the incumbent or risk not having an operator in place by April 2021.
12. The Council has enjoyed a positive partnership with the incumbent operator over the term of the existing contracts, but they have taken the decision to withdraw from the ongoing procurement process. They have however assured the Council in writing that they will act professionally and cooperate fully in the handover of service delivery to a new operator so that there is little or no disruption to service delivery for customers. As a transition from one operator to another is inevitable, it is critical that the mobilisation period is sufficient for a smooth transfer.



South Somerset District Council

13. Consequently it is proposed that the Leader and Portfolio Holder review the scoring of the evaluation panel in January 2021 and agree a preferred bidder with a report on this decision being brought back to District Executive for information prior to April 2021. This approach will allow an appointment to be made swiftly following the finalisation of scoring by the evaluation panel and avoid the need for a contract extension with the incumbent operator. A contract extension will almost certainly incur additional costs which have not previously been budgeted for.

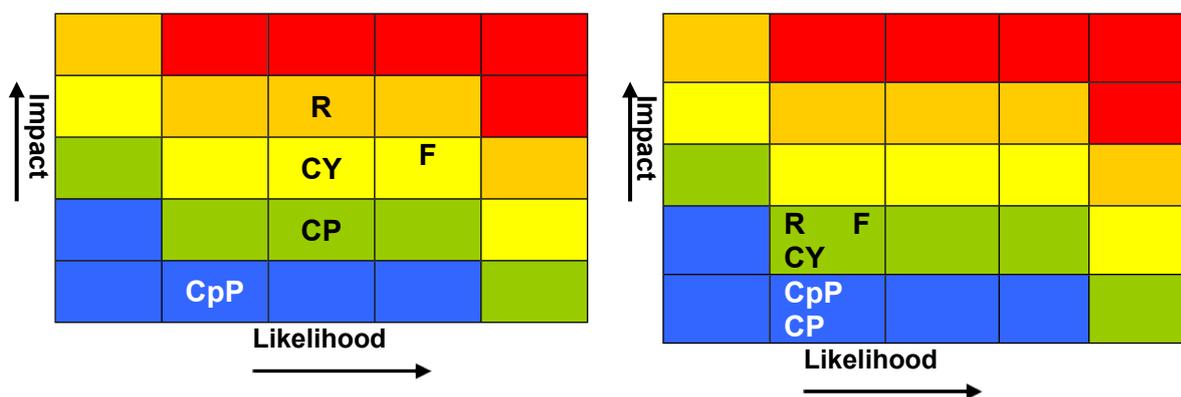
14. Due to the scale of the work involved in evaluating bids, there are eight specialist Council officers on the tender evaluation panel from Strategy and Commissioning, Commercial Services, Locality and Finance who are supported by the Council's external leisure consultant. The Social Value element of submissions is scored by The Social Value Portal who are experts in evaluating and monitoring delivery in this area. Evaluation of Contract Compliance is supported by the Council's external legal advisors who are specialists in drafting leisure contracts. All scoring is moderated by the Council's Procurement Consultant who is ensuring that the panel evaluate in strict accordance with the published tender documentation. Members can therefore be assured that evaluation process is being conducted fairly and robustly and delivers the outcomes/Council priorities previously agreed within the commissioning strategy for this procurement.

Financial Implications

15. There are no new financial implications arising from the recommendations in this report.

Risk Matrix

Risk Profile before officer recommendations Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R = Reputation	Red = High impact and high probability
CpP = Corporate Plan Priorities	Orange = Major impact and major probability
CP = Community Priorities	Yellow = Moderate impact and moderate probability
CY = Capacity	Green = Minor impact and minor probability
F = Financial	



	Blue	=	Insignificant impact and insignificant probability
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Council Plan Implications

16. The effective management of the Council’s leisure centres contributes to Council Plan aim to “improve health and reduce health inequalities” and to help the Council “to build healthy, self-reliant, active communities” by
- Helping people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities

Carbon Emissions and Climate Change Implications

17. This decision does not directly affect carbon emissions or climate change therefore there are no implications at this stage. Operators have been asked to consider environmental issues within their bid proposals and give due consideration to delivering against the Council’s Environment Strategy.

Equality and Diversity Implications

18. An Equality Impact Assessment was completed during the Commissioning Strategy phase of the procurement programme.

Privacy Impact Assessment

19. No personal data handling is involved at this stage, therefore there are no implication at present.

Background Papers

20. Report to District Executive – October 2019



Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA)

Executive Portfolio Holder: Peter Seib, Finance and Legal Services
Strategic Director: Martin Woods, Director of Place
Lead Officer: Paula Goddard, Specialist - Legal, Support Service
Contact Details: Paula.goddard@southsomerset.gov.uk or 01935 462186

Purpose of the Report

1. The Council must have arrangements in place to ensure compliance with the Regulation of Investigatory Powers Act 2000 ("RIPA") and those arrangements are subject to inspection by the Investigatory Powers Commissioners' Office ("IPCO"). Compliance is achieved through the adoption of a policy and a set of procedures that adhere to the requirements of the legislation. The Council has had arrangements and procedures in place for authorising and conducting necessary surveillance since 2002. Members should review the policy and the use of RIPA at least once per year. They should also consider internal reports on use of RIPA periodically to ensure it is being used consistently with the policy and that the policy remains fit for purpose.

Forward Plan

2. This report did not appear on the Forward Plan as, given the absence of any RIPA authorisations since the last consideration by District Executive in January 2018, it was intended that updates would be provided via the Councillor Bulletin. However, at our most recent inspection the Inspector indicated that the Policy and any authorisations need to be reviewed by elected members at least once a year.

Public Interest

3. The Council has a Policy and set of procedures for authorising and conducting surveillance linked to the Council's enforcement powers. These Policy and procedures need to be reviewed and approved by the District Executive annually.

Recommendations

4. That members note the Council's use of RIPA powers and amendments to the Policy and Procedures.

Background

5. RIPA provides a statutory mechanism to make sure that the way investigatory powers are used by organisations such as local councils and government departments



South Somerset District Council

complies with human rights law, in particular the European Convention on Human Rights.

6. As mentioned above, the Council must have arrangements in place to ensure compliance and it is subject to inspection by the IPCO.
7. RIPA was introduced in order to provide the correct balance between an individual's right to privacy under human rights law and the proper use of data and surveillance by public authorities, who are entrusted to carry out certain enforcement duties. RIPA identifies certain areas where carrying out these enforcement duties will inevitably conflict with an individual's rights to privacy. The main areas which are of concern to the Council are:
 - The use of directed surveillance ; and
 - The use of covert human intelligence sources (CHIS).

Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA)

8. Some of the Council's activities necessarily require surveillance as part of enforcement activity, for example in relation to benefit fraud, environmental health & protection, planning, licensing and fraud generally. However, the use of RIPA powers by the Council has been very limited (see **Appendix 1**). This summary shows there have only been two authorisations sought since 2008, which reflects the fact that the Council will generally use overt methods of investigation to obtain the necessary evidence that can be relied upon in a case, and that RIPA powers are used very much as a "last resort".
9. The Policy and Procedure was before this committee in January 2018, following an inspection which made some changes to the original policy. The Council has been subject to a further inspection which took place in September of this year.
10. The Inspector commented that the Policy was "well written and accurate, requiring little alteration".
11. The Inspector reiterated the need for members to receive both annual and regular RIPA covert surveillance reports to ensure they are kept aware of the level of RIPA activity/inactivity within the Council. Following his recommendations, some changes have been made to the Social Media Policy which appears at Appendix 5 of the Policy and Procedure. This is to ensure individuals investigating cases and using social networking websites know when they could be straying into RIPA territory and when a RIPA authority needs to be sought, and to ensure that evidence gained from the use this type of evidence gathering is logged and retained correctly.
12. There is a need to keep officers up to date with RIPA, and training has recently been provided. The Portal will also be used to raise awareness of RIPA, and can be the mechanism by which officers and members are notified of any new Codes of Practice (including those published in August 2018). The Code of Practice for Covert



South Somerset District Council

Surveillance and Property Interference was updated to reflect changes introduced by the Investigatory Powers Act 2016, including the introduction of 'equipment interference warrants' under Part 5 of the 2016 Act. The current Code and the new Code for Covert Human Intelligence Sources (CHIS) both reflect the new oversight framework.

Financial Implications

- There may be a requirement for training additional officers in RIPA, the cost of which would have to be met from existing training budgets.

Legal implications (if any) and details of Statutory Powers

- As set out in the report above. Surveillance investigations which are not authorised could leave the Council open to legal challenge by individuals who consider that there has been an intrusion of their privacy

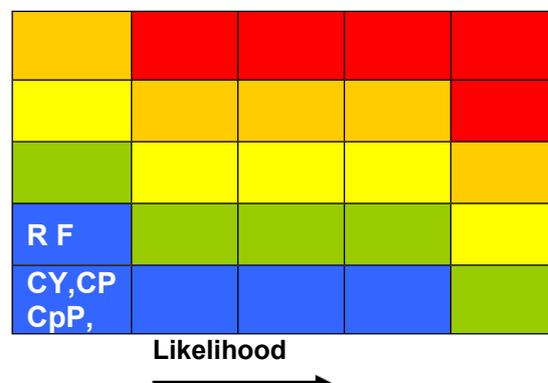
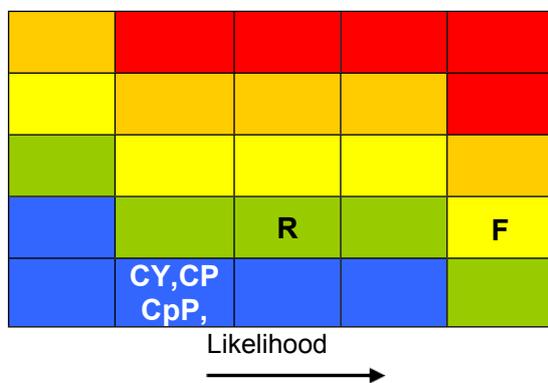
Regulation of Investigatory Powers Act 2000

Risk Matrix

The risk matrix shows risk relating to the Corporate Plan headings.

Risk Profile before officer recommendations

Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability



Council Plan Implications

15. Protections Core Services

By complying with RIPA we are continuing to be a modern efficient and effective Council that delivers for its community by;

- Delivering a high quality, effective and timely service to our customers and communities.
- Harnessing intelligence to ensure priorities are informed by evidence.

Carbon Emissions and Climate Change Implications

16. There are no carbon emissions and climate change implications associated with this report.

Equality and Diversity Implications

17. There are no equality and diversity implications associated with this report

Privacy Impact Assessment

18. No direct privacy impacts arise from the decision members are being asked to take under this report. Personal data is highly likely to be involved when RIPA activity is undertaken and the Council's RIPA Policy and Procedures provide guidance to officers about the collection, use and storage of such data.

Background Papers

- RIPA Policy and Procedure
- Social Media Policy for RIPA - Appendix 5 to the Policy and Procedure
- Appendix 1 – report of RIPA authorities

Appendix 1

Year	No. Authorisations	Type of Authorisation	Service Requesting
2008	0		
2009	0		
2010	1	Directed Surveillance	Benefit Fraud
2011	0		
2012	0		
2013	1	Communication Data	Environmental Services
2014	0		
2015	0		
2016	0		
2017	0		
2018	0		
2019	0		
2020	0 (to date)		

South Somerset District Council



CORPORATE POLICY & PROCEDURES GUIDE

ON

THE REGULATION OF INVESTIGATORY POWERS ACT 2000

(‘RIPA’)

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- E What RIPA Does and Does Not Do**
- F Types of Surveillance**
- G Conduct and Use of a Covert Human Intelligence Sources (CHIS)**
- H Authorisation Procedures**
- I Working With Other Agencies**
- J Record Management**
- K Concluding Remarks of the Senior Responsible Officer**

Appendix 1 - List of Authorising Officer Posts

Appendix 2 - RIPA Flow Chart

Appendix 3 – Form of RIPA Authorising Officer Certificate

**Appendix 4 – Magistrates' Courts In Avon And Somerset Other Than Bristol
Procedure for dealing with Applications/Warrants out-of-hours**

Appendix 5 - Using Social Media and Networking Sites in Investigations Policy

NB:

The Regulation of Investigatory Powers Act 2000 ('RIPA') refers to 'Designated Officers'. For ease of understanding and application, this Corporate Policy & Procedures Guide refers to 'Authorising Officers'. Such Officers can only act under RIPA if they have been duly certified by the Councils Director- Service Delivery (or his authorised deputy for such purposes). For the avoidance of doubt, all references to duly certified Authorising Officers in this Guide are the same as references to 'Designated Officers' under RIPA.

A. Introduction and Key Messages

1. This South Somerset District Council ('SSDC') *Corporate Policy & Procedures Guide on the Regulation of Investigatory Powers Act 2000 ('RIPA')* is based on the requirements of RIPA and the Home Office's Codes of Practice on Covert Surveillance and Covert Human Intelligence Sources ('CHIS'). Further explanation of these terms is given below, but it can be said immediately that what we in SSDC are primarily concerned with is covert surveillance and not CHIS.
2. The authoritative position on RIPA is, of course, the Act itself (and the interpretation of the Act by the courts). Any officer who is unsure about any aspect of this Guide should contact, at the earliest possible opportunity, the Director of Service Delivery who is the Senior Responsible Officer (SRO) for RIPA, for advice and assistance. Appropriate training and instruction will be organised by the SRO for relevant Authorising Officers and other appropriate senior managers. Further information and guidance on RIPA can be found on the Home Office website and the website of the Investigatory Powers Commissioner's Office (IPCO)
3. Once approved, copies of this Guide and the RIPA authorisation forms will be placed on the SSDC InSite intranet, a list of useful websites linking to legislation and guidance documents will also be placed on the intranet. The Guide minus the appendices will be put on the SSDC public website.
4. Since the introduction of the Protection of Freedoms Act 2012 the authorisation procedure must now undergo judicial scrutiny. Following an internal authorisation being made by an authorising officer judicial approval by a Justice of the peace at the Magistrates Court is necessary before the surveillance can take place.
5. The SRO will maintain (and check) the Corporate Register of all RIPA authorisations, reviews, renewals, cancellations and rejections as well as the judicial applications and approvals. However, it is the responsibility of the relevant Authorising Officer to ensure that the SRO receives a copy of any completed RIPA form within 1 week of the date of authorisation, review, renewal, cancellation or rejection or judicial approval.
6. RIPA and this Guide are important for the effective and efficient operation of the Council's actions with regard to covert surveillance and the use of CHIS. This Guide will be reviewed every 6 months by the SRO to keep it up to date. Authorising Officers and other officers involved with RIPA are asked to bring any suggestions for the improvement of this Guide to the attention of the SRO at the earliest possible opportunity (in writing please). The Council wishes to ensure that RIPA procedures are continuously monitored and improved or updated as necessary.
7. In terms of monitoring e-mails and internet usage, it is important to recognise the interplay and overlaps with the Council's e-mail and internet policies and guidance, together with the Telecommunications (Lawful Business Practice) (Interception of Communications) Regulations 2000, the Data Protection Act 1998 and its Codes of Practice. RIPA forms should be used where relevant and they will be only relevant where the criteria listed on the RIPA forms are fully met.
8. **If you are in any doubt about RIPA, this Guide or the related legislative provisions, please consult the SRO at the earliest possible opportunity.**

B. Council's Policy Statement

1. SSDC takes its statutory responsibilities seriously and it will at all times act in accordance with the law and take action that is both necessary and proportionate to the discharge of such statutory responsibilities. In that regard, the SRO is duly authorised by SSDC to keep this Guide up to date and 'user friendly'; and to amend, delete, add or substitute any provisions of this Guide as he deems necessary, whereupon such amendments, deletions, additions or substitutions shall stand as duly approved by SSDC. For administrative and operational effectiveness, the SRO is also authorised to add or substitute officers authorised for the purposes of RIPA (known as 'Authorising Officers') – see Appendix 1.

C.

Authorising Officer Responsibilities

1. It is essential that Authorising Officers in those Services take personal responsibility for the effective and efficient operation of this policy Guide.
2. The SRO will ensure the authority have sufficient numbers of officers (after suitable training and instruction on RIPA and this policy Guide) duly certified to act as Authorising Officers.
3. The Authority will also ensure that all relevant members of staff likely to use RIPA are suitably trained as 'Applicants' for seeking RIPA authorisation, so as to avoid common mistakes appearing on RIPA forms. This can be done in conjunction with the SRO
4. Authorising Officers will need to ensure that relevant staff in their Service all follow the procedures set out in this Guide and do not undertake or carry out any type of surveillance without first obtaining the relevant RIPA authorisation.
5. Authorising Officers must also pay particular attention to Health and Safety issues that may arise from any proposed surveillance or CHIS activity. Under no circumstances should an Authorising Officer approve any RIPA form until s/he is satisfied that the health and safety of Council employees/agents has been suitably addressed and a risk assessment carried out. Risks should be minimised as far as possible. Health and safety considerations and risks should be proportionate to the surveillance or CHIS activity being proposed. If an Authorising Officer is in any doubt, s/he should obtain prior guidance on these issues from his/her Service Manager, the Council's Safety Adviser and/or the SRO.
6. Authorising Officers must also ensure that RIPA forms (originals or copies) sent to the SRO (or any other relevant authority) are sent in sealed envelopes and marked 'Strictly Private & Confidential'.

D. General Information on RIPA

1. The Human Rights Act 1998 (which enacted much of the European Convention on Human Rights and Fundamental Freedoms 1950 into UK domestic law) requires SSDC (and agencies working on its behalf) to respect the private and family life of citizens, their home and their correspondence. See Article 8 of the European Convention.
2. However, the European Convention does not make this an absolute right, but a qualified right. Accordingly, in certain circumstances SSDC may interfere with the citizen's right mentioned above if such interference is:
 - (a) in accordance with the law;
 - (b) necessary; and
 - (c) proportionate.
3. RIPA provides a statutory mechanism for authorising covert surveillance and the use of a 'covert human intelligence source' ('CHIS'), such as undercover agents. (SSDC will rarely use a CHIS and the advice of the SRO must be sought before any authorisation is sought for the use of a CHIS). RIPA seeks to ensure that any interference with an individual's right under Article 8 of the European Convention is necessary and proportionate. In doing so, RIPA seeks to ensure that both the public interest and the human rights of individuals are suitably balanced. This balancing exercise has to be carried out every time that action is taken that may affect an Article 8 right, as it is part of the assessment of the proportionality of the proposed action.
4. Directly employed SSDC staff and external agencies working for SSDC are covered by RIPA during the time they are working for SSDC. Therefore, all external agencies used by SSDC must comply with RIPA. Work carried out by agencies on SSDC's behalf must be properly authorised by an SSDC RIPA designated Authorising Officer. Authorising Officers are those whose posts appear in Appendix 1 to this Guide (as may be added to or substituted by the SRO).
5. If the correct RIPA procedures are not followed, evidence could be disallowed by the courts, a complaint of maladministration could be made to the Ombudsman, and the Council could be ordered to pay compensation. If this happened, the good reputation of the Council would be damaged and the matter would undoubtedly be the subject of adverse press and media comment. Therefore, it is essential that all SSDC staff and agents involved with RIPA regulated activities comply with the procedures set out in this Guide, and any further guidance that may be issued from time to time by the SRO.
6. A flowchart of the procedures to be followed appears at Appendix 2.

E. 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.

2. RIPA does not:

- make unlawful conduct which is otherwise lawful.
- prejudice or disallow any existing powers available to SSDC to obtain information by any means not involving conduct regulated by RIPA. For example, it does not affect SSDC's current powers to obtain information from the DVLA about the keeping of a vehicle or from the Land Registry about the ownership of a property.

3. If an Authorising Officer or any officer is in doubt about the above or any other aspect of RIPA, s/he should ask the Director of Service Delivery BEFORE any directed surveillance and/or CHIS is applied for, authorised, renewed, cancelled or rejected. As stated elsewhere, CHIS applications must in any case be subject to prior legal advice before they are submitted.

F. Types of Surveillance

1. 'Surveillance' includes
 - monitoring, observing, listening to people, watching or following their movements, listening to their conversations and similar activities.
 - recording anything mentioned above in the course of authorised surveillance.
 - surveillance by, or with the assistance of, appropriate surveillance devices.

Surveillance can be overt or covert.

2. Overt Surveillance

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 (e.g. in the case of most test purchases carried out by Environmental Health for food hygiene or other purposes), or will be going about Council business openly (e.g. a car parks inspector walking through a Council car park).

3. Similarly, surveillance will be overt if the subject has been told it will happen. Examples could be 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 without identifying themselves to the owner/proprietor to check that the conditions are being met. Such a warning should be repeated if the surveillance is prolonged – say every 2 months.

4. Covert Surveillance

Covert Surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware of it taking place. (Section 26(9)(a) RIPA).

5. RIPA regulates two types of covert surveillance - **Directed Surveillance** and **Intrusive Surveillance** (plus the use of **Covert Human Intelligence Sources (CHIS)**).

6. Directed Surveillance

Directed Surveillance is surveillance that:

- is covert; and
- is not intrusive surveillance (see definition below - the Council must not carry out any intrusive surveillance);
- is not carried out as an immediate response to events that would otherwise make seeking authorisation under the Act unreasonable (e.g. spotting something suspicious without prior knowledge and continuing to observe it); and

- is undertaken for the purpose of a specific investigation or operation in a manner likely to obtain private information about an individual (whether or not that person is specifically targeted for purposes of an investigation). (Section 26(10) RIPA).
7. Private information in relation to a person includes any information relating to his private and family life, his home and his correspondence. 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 of a single person will undoubtedly result in the obtaining of private information about that person - and other persons who he contacts or with whom he associates.
 8. Similarly, although overt town centre CCTV cameras do not normally require authorisation, an authorisation will be required if the camera is used for a specific purpose that involves prolonged surveillance of a particular person. The way a person runs their business may also reveal information about their private life and the private lives of others.
 9. For the avoidance of doubt, only those officers designated and certified to be 'Authorising Officers' for the purpose of RIPA can authorise 'Directed Surveillance' - and only if the RIPA authorisation procedures set out in this Guide and effective from the operative date are followed. Authorising Officers not yet 'certified' for the purposes of RIPA cannot carry out any such procedures, including approving or rejecting RIPA authorisations. Further, notwithstanding anything to the contrary in the Council's 'Schedule of Functions Delegated to Officers' (i.e. the officer delegation scheme) as set out in the Council's Constitution, or in any other statutory provisions, RIPA Authorising Officers cannot delegate their power of authorisation to another officer unless that officer is also an Authorising Officer for RIPA purposes (and listed in Appendix 1), in which case the officer would be authorising in his/her own right. If in doubt, check with the SRO. Officers will bear personal responsibility for ensuring correct RIPA authorisation procedures.
 10. **Intrusive Surveillance**
This is when surveillance:
 - is covert;
 - relates to activities inside residential premises and private vehicles; and
 - involves the presence of a person in the premises or in the vehicle or is carried out by a surveillance device in the premises/vehicle. Surveillance equipment mounted outside the premises will not be intrusive, unless the device consistently provides information of the same quality and detail as might be expected if it was in the premises or vehicle.
 11. Intrusive surveillance can only be carried out by the police and certain other law enforcement agencies. Council officers must not carry out intrusive surveillance.

12. **Examples of different types of Surveillance**

Type of Surveillance	Examples
Overt	<ul style="list-style-type: none"> - Police Officer or Countryside Ranger on patrol. - Signposted Town Centre CCTV cameras (in normal use). - Recording noise emitted from premises after the occupier has been warned that this will occur if the noise persists.
Covert but not requiring prior RIPA authorisation	<ul style="list-style-type: none"> - CCTV cameras providing general traffic, crime or public safety information. Most test purchases (where the officer behaves no differently from a normal member of the public).
Directed (must be RIPA authorised)	<ul style="list-style-type: none"> - Officers following someone over a period to establish whether they are working when claiming benefit, or genuinely on 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, e.g. where they are suspected of running their business in an unlawful manner.
Intrusive (the Council cannot do this)	<ul style="list-style-type: none"> - Planting a listening or other device (bug) in a person's home or in their private vehicle.

G. Conduct and Use of a Covert Human Intelligence Source ('CHIS')

Who is a CHIS?

1. Someone who establishes or maintains a personal or other relationship for the covert purpose of covertly using or covertly disclosing information obtained by that relationship. In common parlance, an 'undercover' police officer or, indeed, council officer. The archetypal CHIS would be a police officer carrying out an undercover drugs investigation where the 'target' does not know the officer's true identity. It would be most unusual for a local authority to use a CHIS.
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 where the public contact telephone numbers set up by the Council to receive information.

What must be authorised?

3. The Conduct or Use of a CHIS requires prior authorisation.
 - **Conduct of a CHIS means:** Establishing or maintaining a personal or other relationship with a person for the covert purpose of (or incidental to the covert purpose of) obtaining and passing on information.
 - **Use of a CHIS means:** Inducing, asking, or assisting a person to act as a CHIS and the decision to use a CHIS in the first place.
4. The Council can only use a CHIS if the RIPA procedures in this Guide are followed. As mentioned above, it will be most unusual for the Council to use a CHIS. **THE ADVICE OF THE SRO MUST BE SOUGHT BEFORE ANY AUTHORISATION IS SOUGHT FOR THE USE OF A CHIS.**
5. In accordance with The Home Office Code of Practice on Covert Human Intelligence Sources the Council will ensure that arrangements are in place for the proper oversight and management of CHIS. This will include in each case requiring a CHIS the appointment and designation of individual officers to take the role of 'handler' 'controller' and 'record keeper'
6. The 'handler' will be of a rank or position below that of an authorising officer and this person will also be the 'record keeper', they will be;
 - Dealing with the CHIS on behalf of the authority concerned;
 - directing the day to day activities of the CHIS;
 - recording the information supplied by the CHIS; and
 - monitoring the CHIS's security and welfare
7. The 'controller' of the case will be responsible for the management and supervision of the handler and general oversight of the use of the CHIS.

Juvenile Sources

5. Special safeguards apply to the use or conduct of juvenile sources (i.e. sources under 18 years of age). On no account can a child under 16 years of age be authorised to give information against his or her parents. **Only the Chief Executive and Head of Paid Services are authorised by the Council to use Juvenile Sources**, as there are other onerous requirements that apply.

Vulnerable Individuals

6. 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. A Vulnerable Individual will only be authorised to act as a source in the most exceptional circumstances. **Only the Chief Executive and Head of Paid Services are authorised by the Council to use Vulnerable Individuals**, as there are other onerous requirements that apply.

Test Purchases

8. As mentioned above, carrying out test purchases will not require the purchaser to establish a relationship with the supplier for the covert purpose of obtaining information. 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 (e.g. walking into a shop and purchasing a product over the counter).
9. However, developing a relationship with a person working in the shop for the purpose of obtaining information about the seller and his/her business (e.g. the seller's suppliers who are supplying 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 for directed surveillance.

Anti-social behaviour activities (e.g. noise, violence, race etc.)

10. Persons who complain about anti-social behaviour (such as playing music too loudly) and who are asked to keep a diary of incidents 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 (e.g. the decibel level) will not normally capture private information; therefore, it does not require authorisation.
11. Recording sound on private premises could constitute intrusive surveillance unless it is done overtly. It will be possible to record noise levels without it being intrusive surveillance if the noisemaker is given written warning that such recording or monitoring will occur. (Such a warning should be repeated at least every 2 months if the operation is on-going). Placing a stationary or mobile video camera outside a building to record anti-social behaviour on residential estates will require prior authorisation.

Social Networking and Internet Site

12. Rapidly increasing use of the Internet and social networking sites across communities and businesses has resulted in law enforcement having access to an array of investigative tools, Social network sites (and other 'open source' intelligence resources) contain a wealth of information, intelligence and evidence

- about suspects, victims, witnesses, members of organised crime groups and other aspects of crime and anti-social activity.
13. Although social networking and internet sites are easily accessible, if they are going to be used during the course of an investigation, consideration must be given about whether RIPA authorisation should be obtained.
 14. Care must be taken to understand how the social media site being used works. Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.
 15. Whilst it is the responsibility of an individual to set privacy settings to protect against unsolicited access to their private information on a social networking site, and even though the data may be deemed published and no longer under the control of the author, it is unwise to regard it as 'open source' or publicly available; the author has a reasonable expectation of privacy if access controls are applied. Where privacy settings are available but not applied the data may be considered open source but you must be mindful that an individual is not expecting this source to be used to covertly monitor their actions and whereas an authorisation may not usually be required you must be careful of how you access this type of account and for what purpose. If you are scoping (this includes an initial look at someone through open source material) no authority would be required, however if from this you then identify the subject and a plan is made for the gathering of evidence and you access the same websites to monitor that person more than once or on a regular basis a RIPA authority must be considered. You must consider any collateral intrusion on third parties when accessing websites. You should keep details of the websites accessed, information obtained and your reasons for using the website and the information gained or for discounting it from your investigation. You must always record access to accounts as part of your investigation log.
 16. If it is necessary and proportionate for the Council to covertly breach access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by the officer (ie the activity is more than mere reading of the site's content). This could occur if the officer covertly asks to become a 'friend' of someone on a social networking site.
 17. CHIS authorisation is only required when using an internet trading organisation such as E-bay or Amazon Marketplace in circumstances when a covert relationship is likely to be formed. The use of disguised purchaser details in a simple, overt, electronic purchase does not require a CHIS authorisation, because no relationship is usually established at this stage. (Refer to G 5-7 above regarding the need to establish an officer for the roles of 'handler', 'controller' and 'record keeper' if a CHIS authorisation is required.)
 18. See Appendix 5 – The Social Media and Networking Sites in Investigations Policy for more information

H. Authorisation Procedures

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. Appendix 2 gives a flow chart of the authorisation process from application consideration to recording of information. Although this flow chart covers both Directed Surveillance and CHIS authorisations, remember that CHIS forms must not be completed without obtaining prior legal advice, as CHIS authorisations will be very unusual.
2. Once the Authorising officer has authorised the application, an application must be made on the correct form to the Magistrates Court for the Justice of the Peace to authorise.

Authorising Officers

3. Forms can only be signed by Authorising Officers holding a 'RIPA Authorising Officer Certificate' issued by the SRO (as shown at Appendix 3). Authorising Officer posts are listed in Appendix 1. Any Authorising Officer filling a post shown in Appendix 1 and holding such a Certificate can sign the forms.
4. Appendix 3 training will be kept up to date by the SRO and revised as necessary. If a Service Manager wishes to add, delete or substitute a post, s/he must refer such a request to the SRO for consideration. The SRO is authorised to add, delete or substitute posts listed in Appendix 1.
5. Remember that RIPA authorisation procedures are separate from powers delegated to officers under the Council's 'Schedule of Functions Delegated to Officers' (forming part of the SSDC Constitution). RIPA procedures are governed by this Guide. RIPA authorisations are for specific investigations only, and they must be renewed or cancelled once the specific surveillance is complete or about to expire. The authorisations do not lapse with time.

Training Records

6. Proper training in RIPA procedures will be given or approved by the SRO before Authorising Officers are issued with a RIPA Authorising Officer Certificate enabling them to sign RIPA forms. RIPA training already undertaken or to be undertaken will need to be verified and approved by the SRO. Instruction on RIPA procedures will be by means of a one-to-one meeting with the SRO (or his nominated representative). The issue of a RIPA Authorising Officer Certificate will be confirmation that the Authorising Officer has been properly trained in RIPA procedures. The SRO will keep a 'Central Register of Issued RIPA Authorising Officer Certificates' containing copies of Certificates issued to individual officers.
7. If the SRO considers at any time that an Authorising Officer has not fully complied with the requirements of this Guide, or is no longer properly trained in RIPA procedures or requires additional training, the SRO is duly authorised to revoke that Officer's RIPA Authorising Officer Certificate until such time as he is satisfied that the Certificate should be re-issued. SRO will need to be satisfied that the Officer concerned is a fit and proper person to be an Authorising Officer for RIPA purposes. RIPA forms cannot be signed by an officer who does not hold a RIPA Authorising Officer Certificate.

Application Forms

8. Only the current RIPA forms downloadable from the Home Office Security (Surveillance) website (and also available on the SSDC portal or from the SRO) must be used. Any other forms used after the operative date will be rejected by Authorising Officers and/or the SRO. Remember that CHIS forms must not be completed without obtaining prior legal advice, as CHIS authorisations will be very unusual. In respect of all forms, while we will do our best to ensure that the version on the intranet is the latest version, it is good practice to check the Home Office website (as above) to ensure that the SSDC version is the current version. Do not rely on the intranet/portal version being the latest version.
9. **Types of Directed Surveillance Forms**
- Application for Authorisation to Carry Out Directed Surveillance
Review of a Directed Surveillance Authorisation
Application for Renewal of a Directed Surveillance Authorisation
Cancellation of Directed Surveillance Authorisation
10. **Types of CHIS Forms – not to be used without obtaining prior legal advice**
- Application for Authorisation of the Conduct or Use of a CHIS
Review of CHIS Authorisation
Application for Renewal of CHIS Authorisation
Cancellation of CHIS Authorisation
11. Any boxes not needed on the form(s) must be clearly marked as being 'NOT APPLICABLE', 'N/A' or a line put through the box. Great care must also be taken to ensure that accurate information is used and inserted in the correct boxes. Reasons for any refusal of an application must also be put on or stapled to the form and the form retained for future audits. Such refusal reasons must be signed and dated by the Authorising Officer.

Grounds for Authorisation

12. Directed Surveillance or the Conduct and Use of a CHIS can be authorised by the Council only on the following ground:
- For the prevention or detection of crime or preventing disorder
- 12A A further condition for authorisation of Directed Surveillance (but that does not apply to CHIS authorisations) is that the Crime being investigated can only be an offence punishable on summary conviction or indictment by a maximum term of at least 6 months imprisonment or is an offence under:
- i) Section 146 of the Licensing Act 2003 (sale of alcohol to children)
 - ii) Section 147 of the Licensing Act 2003 (allowing the sale of alcohol to children)
 - iii) Section 147A of the Licensing Act 2003 (persistently selling alcohol to children)
 - iv) Section 7 of the Children and Young Persons Act 1933 (sale of tobacco etc to persons under eighteen).

Assessing the Application Form

13. Before an Authorising Officer signs a form, s/he must:
- (a) Have regard to this Corporate Policy & Procedures Guide, the training provided or approved by the SRO and any other guidance and advice issued by the SRO on such matters generally, or the authorisation sought specifically;
 - (b) Satisfy his/herself that the RIPA authorisation is:
 - (i) in accordance with the law;
 - (ii) necessary in the circumstances of the particular case on the ground mentioned in paragraph 10 above; and
 - (iii) proportionate to what it seeks to achieve;
 - (c) In assessing whether or not the proposed surveillance is proportionate the authorizing officer must be satisfied that the surveillance is proportionate to the mischief under investigation, that it is proportional to the degree of anticipated intrusion on the target and others and it is the only option after considering other appropriate means of gathering the information. The least intrusive method will be considered proportionate by the courts;
 - (d) Take into account the risk of intrusion into the privacy of persons other than the specified subject of the surveillance (called 'Collateral Intrusion'). Measures must be taken wherever practicable to avoid or minimise collateral intrusion as far as possible, and this issue may be an aspect of determining proportionality;
 - (e) Set (and diarise) a date for review of the authorisation and review on that date;
 - (f) Allocate a Unique Reference Number (URN) for the application as follows:

Year / Service Code (see Appendix 1) / Number of Application

e.g. 2006/HRB/01
 - (g) Ensure that the RIPA Service Register is duly completed, and that a copy of the RIPA form is forwarded for inclusion in the SRO's Central Register within 1 week of the relevant authorisation, review, renewal, cancellation or rejection.

Additional Safeguards when Authorising a CHIS

14. When authorising the conduct or use of a CHIS, the Authorising Officer must also:
- (a) be satisfied that the conduct and/or use of the CHIS is proportionate to what is sought to be achieved;
 - (b) be satisfied that appropriate arrangements are in place for the management and overseeing of the CHIS. These arrangements must address health and safety issues by the carrying out of a formal and recorded risk assessment;

- (c) consider the likely degree of intrusion for all those potentially affected;
- (d) consider any adverse impact on community confidence that may result from the use or conduct of the CHIS or the information obtained; and
- (e) ensure that records contain particulars of the CHIS and that they are not available except on a 'need to know' basis.

Judicial Approval

15. The judicial approval process introduced by the Protection of Freedoms Act 2012 and effective from 1st November 2012 requires that once the form has been approved by the Authorising Officer, judicial approval of a Justice of the Peace at the Magistrates Court is necessary.

The JP will decide whether a local authority grant or renewal of an authorization or notice to use RIPA should be approved and it will not come into effect unless and until it is approved by a JP. Although it is possible for local authorities to request judicial approval for the use of more than one technique at the same time, in practice, as different considerations need to be applied to different techniques, this would be difficult to perform with the degree of clarity required. As a rule authorisations or notices should be submitted separately for each different technique.

Following the authorisation or renewal of an application the Authorising Officer must forward the authorisation and supporting documents to a Legal Officer, who will liaise with the investigation officer and assist in the making of an application to the Magistrates Court for judicial approval. The forms for this application will be kept by the SRO or are found on the Home Office website.

The Legal Officer assist in obtaining a court hearing date and time and will if necessary attend court along with the Authorising Officer or the Investigating Officer whoever is the most appropriate, to give evidence of the case and the technique required.

In emergency situations applications can be made to the Court outside usual office hours, Authorising Officers are advised to refer to Appendix 4. In such cases the investigating officer will need to provide two partially completed judicial application forms so that one can be retained by the JP. The Investigating Officer will have to provide a copy of the application form signed by the authorisation officer to the court on the next working day.

A copy of the signed Judicial Application form must be retained and sent to the SRO who will place it on the central register and enter it on the spreadsheet. There is not a requirement for the JP to consider either cancellations or internal reviews.

Duration of Authorisations

16. The authorised RIPA form must be reviewed at least at monthly intervals and cancelled once it is no longer needed. The authorisation to carry out/conduct the surveillance lasts for a maximum of 3 months from authorisation for Directed Surveillance, 12 months from authorisation for a CHIS and 1 month from authorisation for a Juvenile CHIS. However, whether or not the surveillance is carried out or conducted in the relevant period has no bearing on the

authorisation becoming spent. In other words, authorised RIPA forms do not expire. The authorised forms have to be reviewed and/or cancelled once they are no longer required.

17. Authorisations can be renewed in writing before the maximum period has expired. The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred. The SRO may review the case to ensure all procedures have been followed. Renewal's must be authorised by a JP, an application being made in the way described above.

I. Working With Or Through Other Agencies

1. When another agent or agency (such as a private investigator) has been instructed by or on behalf of the Council to undertake any action under RIPA, this Guide and the appropriate RIPA forms and Judicial approval mentioned must be used by the Council officers concerned (in accordance with the normal RIPA procedures) and the agency advised and kept informed of the various RIPA requirements. They must be made explicitly aware of what they are authorised to do by means of written instructions from the instructing officer, with a copy of the written instructions countersigned by the agency by way of acknowledgement of their instructions and returned to the instructing officer to be kept on the case file. If for reasons of urgency oral instructions are initially given, written confirmation must be sent (and acknowledged) within 4 working days. Officers should be satisfied that agencies are RIPA competent and RIPA trained before they are used, and a written record of that satisfaction (and the evidence for it) must be placed on the SSDC case file.
2. When some other agency (e.g. Police, Customs & Excise, Inland Revenue etc):
 - (a) wishes to use the Council's resources (e.g. CCTV surveillance systems), that agency must use its own RIPA procedures. Before any Council officer agrees to allow the Council's resources to be used for the other agency's purposes, s/he must obtain a copy of that agency's completed RIPA form for the Council's records (a copy of which must be passed to the SRO for the Central Register), or relevant extracts from the agencies RIPA form which are sufficient for the purposes of protecting the Council and the use of its resources;
 - (b) wishes to use the Council's premises for their own RIPA authorised action, the Council officer concerned should normally co-operate with such a request, unless there are security or other good operational or managerial reasons as to why the Council's premises should not be used for the agency's activities. The request must be put in writing and any consent from the Council must also be in writing. Suitable insurance or other appropriate indemnities may need to be sought from the other agency to protect the Council's legal position (the Council's Insurance Officer and/or the SRO can advise on this issue). However, in such cases the Council's own RIPA forms should not be used as the Council is only 'assisting' and not being 'involved' in the RIPA activity of the external agency.
3. With regard to 2(a) above, if the Police or other agency wish to use Council resources for general surveillance (as opposed to specific RIPA authorised operations), an appropriate letter requesting the proposed use (and detailing the nature and extent of the use, duration, who will be undertaking the general surveillance, the purpose of it, and why it is not subject to RIPA) must be obtained from the Police or other agency before any Council resources are made available for the proposed use. The insurance/indemnity considerations mentioned above may still need to be addressed.
4. **If in doubt, please consult with the SRO at the earliest opportunity.**

J. Record Management

1. The Council must keep a detailed record of all authorisations, renewals, cancellations and rejections generated by Services and a Central Register of all authorisation forms will be maintained and monitored by the SRO.

2. **Records maintained in the individual Service**

The following documents must be retained by the relevant Service Manager or his/her designated RIPA Service Co-ordinator (such Co-ordinator to be appointed by the Service Manager and the name notified to the SRO) retention must be in accordance with the date retention policy. These will be retained in electronic file format.

- Copies of any completed application form together with any supplementary documentation, plus notification of the approval given by the Authorising Officer;
 - A copy of the signed Judicial Approval;
 - a record of the period over which the surveillance has taken place;
 - the frequency of reviews prescribed by the Authorising Officer;
 - a record of the result of each review of the authorisation;
 - a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
 - a copy of any cancellation of an authorisation;
 - the date and time when any instruction was given by the Authorising Officer and a note of that instruction;
 - the Unique Reference Number for the authorisation (URN).
3. Each form will have a URN. The Service Manager or RIPA Service Co-ordinator will issue the relevant URN to applicants. The cross-referencing of each URN takes place within the forms for audit purposes. The relevant Service code to be followed is shown in Appendix 1. Rejected forms will also have URN's.
 4. A 'Surveillance Log Book' will be completed by the investigating officer(s) to record all operational details of authorised covert surveillance. Once completed, the Log Book will be passed to the Service Manager or the designated RIPA Service Co-ordinator for safe keeping in a secure place. Each Service will also maintain a 'Surveillance Log Book Issue and Movement Register' for such Surveillance Log Books. The maintenance of the latter Register will be the responsibility of the Service Manager or the designated RIPA Service Co-ordinator. The SRO will prescribe the form of the latter Registers and Services must substantially follow that form.

Central Register maintained by the SRO

5. Authorising Officers must forward details of each issued RIPA form to the SRO for keeping on the Central Register within 1 week of the issue of the authorisation, review, renewal, cancellation or rejection. The SRO will monitor

forms, give appropriate guidance from time to time, and amend this Guide, as necessary.

6. The Council will retain records for a period of at least three years from the ending of the authorisation. The Service Manager or RIPA Service Co Ordinator will ensure that only one copy of the relevant documents of a RIPA authority and the evidence resulting from it is kept on file for the relevant case and the SRO will keep on copy on file in the central register until it requires destruction. The Investigatory Powers Commissioner's Office (IPCO) can audit and review the Council's policies and procedures, and individual authorisations.

K. Concluding Remarks of the SRO

1. Where there is an interference with a European Convention right such as the right to respect for private and family life guaranteed under Article 8 of Convention, and where there is no other source of lawful authority for the interference, or if it is held to be unnecessary and disproportionate in the particular circumstances, the consequences of not obtaining or not following the correct authorisation procedures set out in RIPA, RIPA Regulations and associated Codes of Practice may be that the action taken (and the evidence obtained) will be held by a court to be an infringement of a Convention right (possibly more than one) and thus unlawful behaviour under Section 6 of the Human Rights Act 1998. This could result in the Council losing a case and having costs (and possibly damages) awarded against it. Following this Guide should ensure that this does not happen.
2. It needs to be stressed that the concept of proportionality, i.e. proportional action, is very important under RIPA and under human rights. Action that is disproportionate in terms of the end to be achieved when judged against the Convention right infringed will be unlawful, even if a RIPA authorisation has been issued. Therefore, it is probably best to err on the side of caution when considering if covert surveillance is really required for an investigation. If the information can be obtained by other overt means, then it should be. Ask yourself the question: "Do I really need to do this, what will be the effect on others if I do it, and is there any other way to achieve the same ends?" Weigh it all in the balance. If possible, do a file note of your reasoning.
3. Authorising Officers must exercise their minds as to their RIPA obligations every time they are asked to sign a form. They must never sign or rubber stamp form(s) without thinking about both their personal responsibilities and the Council's responsibilities under RIPA, the Human Rights Act 1998 and the European Convention. Again, ask yourself the question: "Do I really need to do this, what will be the effect on others if I do it and is there any other way to achieve the same ends?" Weigh it all in the balance. If possible, do a file note of your reasoning.

Definition of Roles

(1) SRO – Senior Responsible Officer

Director Service Delivery, maintains central records of authorisations and collating the authorisations, reviews, renewals and cancellations they also have oversight of submitted RIPA documents. Is responsible for – integrity of the process, compliance with RIPA and its regulatory framework, engage with the Commissioners and Inspectors when they conduct an inspection, oversee the implementation of recommendations made by the IPCO to ensure authorising officers are of the appropriate standard

(2) RIPA Co-ordinating Officer

Specialist Legal, maintains Policy and Procedure, Organises training and raises awareness.

(3) RIPA Authorising Officer

Is certified to authorise applications before referral to the Magistrates Court.

(4) RIPA Services Co-ordinating Officer

Officer in relevant service who ensures relevant RIPA documents are retained and destroyed according to the Council's Policies.

(5) CHIS Controller

Officer appointed in relevant service on a case by case basis – responsible for the management and supervision of the handler and has oversight of the use of the CHIS

(6) CHIS Handler and Record Keeper

Officer appointed in relevant service on a case by case basis of rank below authorising officer to deal with day to day activities of the CHIS, recording information supplied and monitoring security and welfare of the CHIS

4. For further advice and assistance on RIPA, please contact the SRO. Contact details are provided at the front of this Guide.

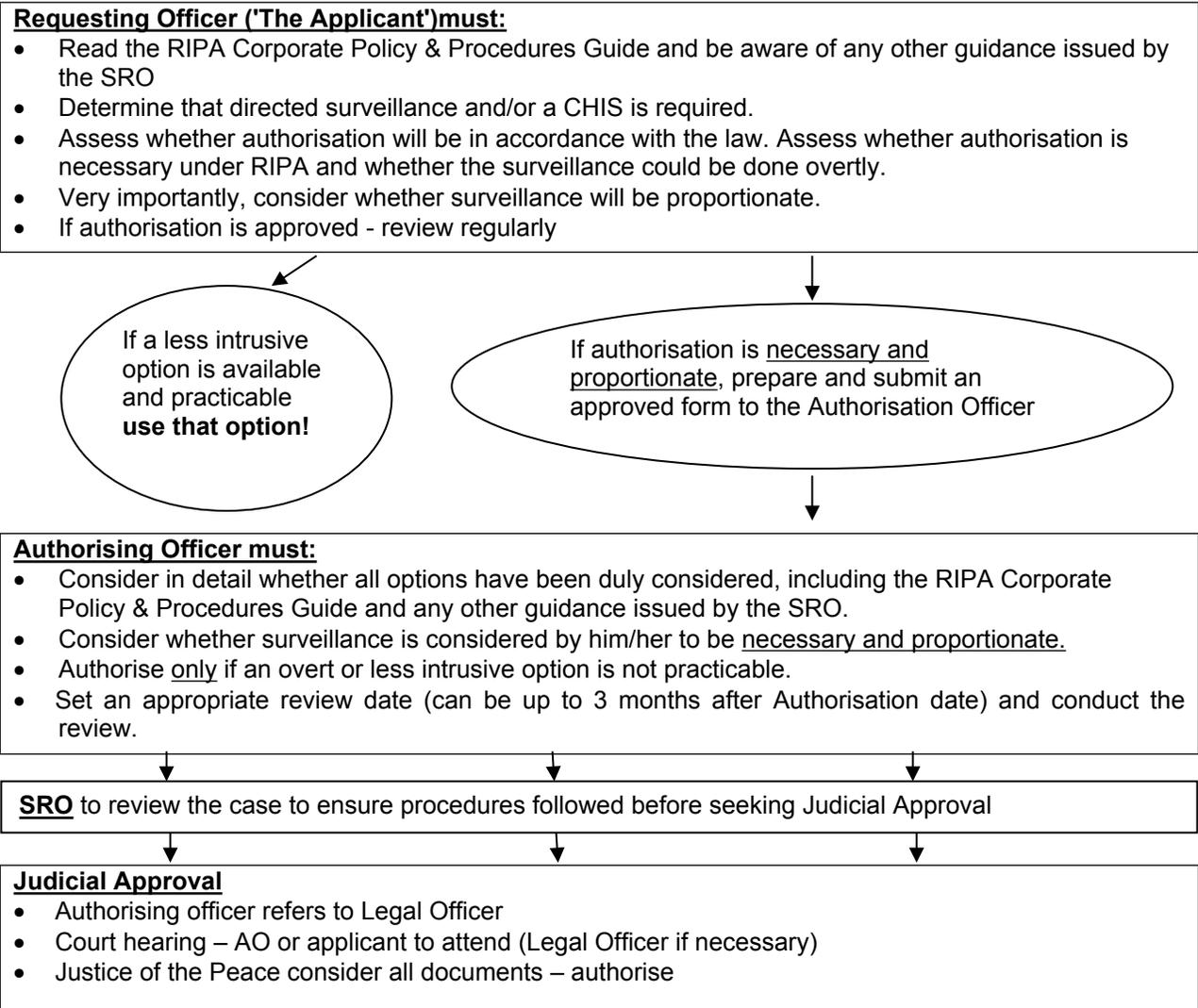
List of Authorising Officer Posts

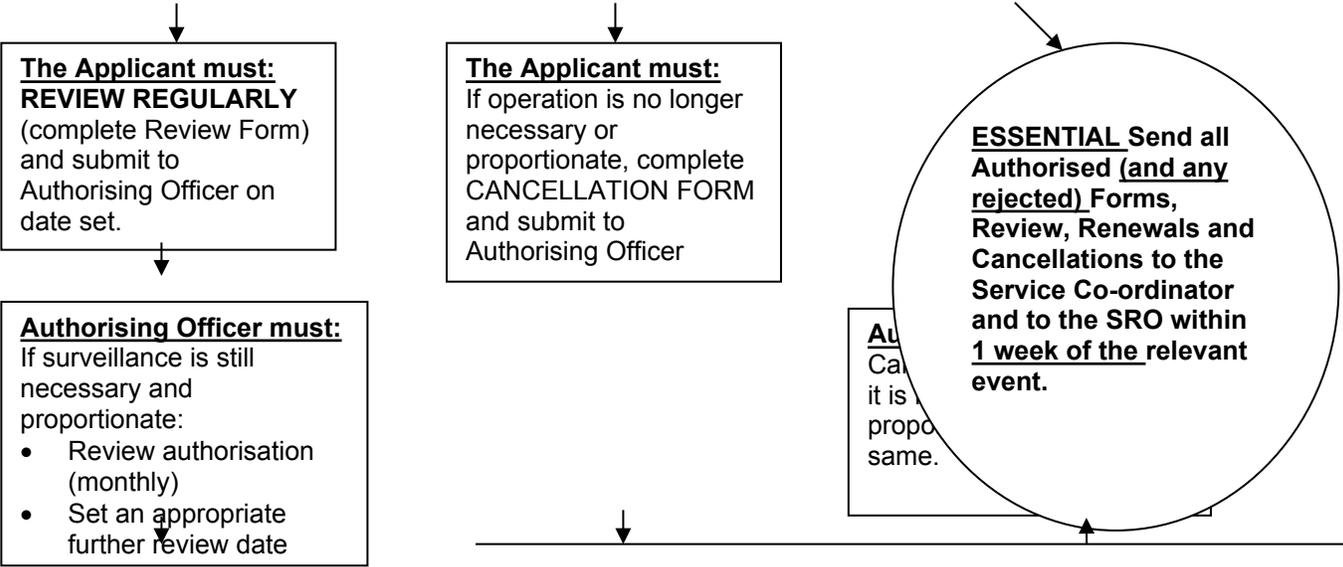
<u>Post</u>	<u>Service Identifier</u>
Lead Specialist Legal	LSM
Director Commercial Services and Income Generation	DCSIG
Director of Strategy and Commissioning	DSC
Specialist Services Manager	SSM
Director Service Delivery	DSD

IMPORTANT NOTES

- A. Even if a post is identified in the above list, the persons currently employed in such posts are not authorised to sign RIPA forms (including a renewal or cancellation) unless s/he has been certified by the SRO to do so by the issue of a RIPA Authorising Officer Certificate.
- B. Only the Chief Executive and the head of Paid services are authorised to sign forms relating to Juvenile Sources and Vulnerable Individuals (see paragraph G of this Guide).
- C. If a Service Manager wishes to add, delete or substitute a post, s/he must refer such request to the SRO for consideration.
- D. If in doubt, ask the SRO BEFORE any directed surveillance and/or CHIS is authorised, renewed, rejected or cancelled.

RIPA FLOW CHART





NB: If in doubt, ask the SRO BEFORE any directed surveillance and/or CHIS is authorised, renewed, cancelled, or rejected. Appropriate Managers will designate one of their staff to be a Service Co-ordinator for the purpose of RIPA and advise the SRO accordingly. CHIS forms are not to be used without prior legal advice.



SOUTH SOMERSET DISTRICT COUNCIL

RIPA AUTHORISING OFFICER CERTIFICATE

No. [] / 20

I HEREBY CERTIFY that the Officer whose personal details are given below is an Authorising Officer for the purposes of authorising covert surveillance and the use and/or conduct of Covert Human Intelligence Sources ('CHIS') under the provisions of the Regulation of Investigatory Powers Act 2000.

It is further certified that this Officer has received training to perform such authorisation procedures.

Certificate issued to: [Full name of Officer]

Job Title:

Service:

Location:

Certificate date:

(signed)

Martin Woods
Senior Responsible Officer
Director Place
South Somerset District Council

(PLEASE NOTE: This certificate and the authorisation granted by it is personal to the officer named in it and cannot be transferred. Any change in personal details must be notified in writing to the SRO immediately. This certificate can be revoked at any time by the Director of Service Delivery by written revocation issued to the officer concerned. It is the named officer's personal responsibility to ensure full compliance with RIPA authorisation procedures and to ensure that s/he is fully trained in such procedures and that such training is kept up to date).

MAGISTRATES' COURTS IN AVON AND SOMERSET OTHER THAN BRISTOL

Procedure for dealing with Applications/Warrants out-of-hours

i.e. between: **5pm and 8.30 am Mondays – Thursdays**
 5pm on Friday and 8.30am Monday
 Bank Holidays

(but please note the at the Magistrates Court sits at Bristol and Taunton on Saturdays and Bank Holidays at 10am and where possible applications should be made to the Court rather than using the Out of Hours procedures on these days)

PLEASE MAKE EVERY EFFORT TO RESTRICT APPLICATIONS TO THOSE OF EXTREME URGENCY. NON URGENT APPLICATIONS MAY NEED TO BE REFUSED.

APPLICATIONS BY OTHER AGENCIES

- **Agencies may only make contact with a Legal Adviser via the Avon and Somerset Constabulary Force Control Inspector Telephone 08454 567000**
- Force Control Inspector/his staff shall contact a Legal Adviser working in the area where the application is sought giving contact details of the agency to enable the Legal Adviser to contact the person requesting the warrant/making the application under the Children Act 1989. **Agency staff must not retain any contact details.**
- Where the officer is unable to contact a legal adviser in his/her area, he/she should make contact with a Legal Adviser in nearest proximity.
- The person making the application/requesting the warrant will give the Legal Adviser a summary of the nature of the application and its urgency.
- Legal Adviser then to make contact with a Magistrate who is able to hear the application.
- Arrangements to be agreed between the Legal Adviser and the agency regarding the venue and time the application to be heard.
- Agency staff may be required to collect the Legal Adviser from his/her home address and then go to the Magistrates home, returning the Legal Adviser thereafter. The Legal Adviser will have the discretion to make other arrangements where the need arises.
- Applications under the children Act 1989: The list of Legal Advisers states who can deal with these applications. (Only Legal Advisers with delegated powers are able to deal with applications for emergency process under Part IV of the Children Act, 1989). Please direct the application in the first instance to a Legal Adviser working in the area where order sought.

Using Social Media and Networking Sites in Investigations Policy

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A. Introduction

- 1.0 Social Media has become a significant part of many people's lives. By its very nature, Social Media also often known as Social Networking sites can accumulate a sizable amount of information about a person's life. Their accessibility on mobile devices can also mean that a person's precise location at a given time may also be recorded whenever they interact with a form of Social Media on their devices. This means that incredibly detailed information can be obtained about a person and their activities.
- 1.2 Social Media can therefore be a very useful tool when investigating alleged offences with a view to bringing a prosecution in the courts. However, there is a danger that the use of Social Media can be abused, which would have an adverse effect damaging a potential prosecution and could even leave the Council open to complainants or criminal charges itself.
- 1.3 This Policy sets the framework on which the Council may utilise Social Media when conducting investigations into alleged offences. Whilst the use of Social Media to investigate is not automatically considered covert surveillance, its misuse when conducting investigations can mean that it crosses over into the realms of covert and or targeted surveillance, even when that misuse is inadvertent. It is therefore crucial that the provisions of the Regulation of Investigatory Powers Act 2000 (RIPA), as it relates to covert and directed surveillance, are followed at all times when using Social Media information in investigations.
- 1.4 It is possible for the Council's use of Social Media in investigating potential offences to cross over into becoming unauthorised surveillance, and in so doing, breach a person's right to privacy under Article 8 of the Human Rights Act. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not

obtained, the surveillance carried out will not have the protection that RIPA affords and may mean it is rendered inadmissible.

- 1.5 If is the aim of this Procedure to ensure that investigations involving the use of Social Media are done so lawfully and correctly so as not to interfere with any persons human rights but to ensure that evidence gathered from Social Media is captured and presented to court in the correct manner by obtaining the correct authorisations where necessary.
- 1.6 Officers who are involved in investigations, into both individuals and businesses they suspect to have committed an offence, should consult Legal Services if they are unsure about any part of this Policy and how it affects their investigative practices.

B. Regulation of Investigatory Powers Act 2000 (RIPA)

- 2.0 As there is an increase in the use of smartphones and other personal and portable devices, there is a significant amount of information on an individual's Social Media pages. This information might be relevant to an investigation being undertaken by the Council. However unguided and thought out research into a person's site could fall within the remit of RIPA and therefore require authorisation prior to it being undertaken.
- 2.1 Officers embarking on any form of investigatory action should always do so with RIPA in mind. Whilst RIPA will not always be relevant to every investigation, it is vital that enforcement officers and those involved in investigations regularly review their conduct with respect to investigatory actions. Any investigation is capable of evolving from one not requiring any RIPA authorisation to one that does at any point.
- 2.2 This Policy should be read in conjunction with the Council's current RIPA Policy and Procedures as well as statutory codes of practice issued by the secretary of state and the office of Surveillance Commissioners Guidance.

C. Definition of Social Media

- 3.0 Social Media also referred to as a Social Network can take many forms. Therefore, it is difficult to provide a definitive list of sites.
- 3.1 Current examples of popular forms of Social Media include (but the list is not exhaustive and new ones can be created whilst established ones popularity can wain).

Facebook	Twitter	Instagram
Linkedin	Pinterest	Reddit

- 3.2 Social Media will always be a web-based service that allows individuals and/or businesses to construct a public or semi-public profile which contains personal information and is viewable by others, whether accepted as "friends" or otherwise.

3.3 The definition of 'private information' under the Regulation of Investigatory Powers Act (RIPA) includes:

"any information relating to a person's private or family life and should be taken generally to include any aspect of a person's private or personal relationship with others, including family and professional or business relationships.'

D. Privacy Settings

- 4.0 The majority of Social Media services will allow its users to decide who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or indifferent about who is able to view their information, others prefer to maintain a level of privacy.
- 4.1 Many users may purposely use Social Media with no privacy settings applied, this could be their intention as they are actively promoting something such as a business or event, and therefore require as many people as possible to be able to view their profile. Others may do so for reasons of self-promotion – this is known as a public profile and the information is "open source".
- 4.2 Persons operating Social Media without or with limited privacy setting do so at their own risk. Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain. Publishing content or information using a public rather than a private setting means that person is allowing anyone to access that information however you have to proceed with care when accessing such accounts as although the privacy settings might allow you to enter them the information was not made available in this way for a covert purpose such as investigating and monitoring.
- 4.3 A private Profile is one set up on Social Media where the individual has set privacy settings and does not want their information open to public view, they will set the privacy setting appropriate to what they require.
- 4.4 By setting a private profile setting a user does not allow everyone to access their content and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act. This does not however extend to instances where a third party takes information and shares it on their own profile. So Person A has a private profile but a friend of theirs Person B takes something from Person A's page and shares it on their public page, this cannot be used from Person A's page but could from Person B's as they have a public profile.

E. Process to Follow when considering Using Social Media Sites

- 5.0 If an individual has a public profile an officer needs to be careful only to gather such information that is relevant to proving the offence they are investigating, if in any doubt seek advice from Legal Services. Even with Public profile sites care must be taken to

ensure that the correct authorisation is required if the monitoring of an account becomes planned and directed.

- 5.1 Officers must not use their own personal or private account when accessing social media sites for investigation and evidence gathering purposes. Only Council accounts should be used. Interaction and conversations of any kind should be avoided.
- 5.2 Officers should keep in mind that simply using profiles belonging to others, or indeed fake profiles, in order to carry out investigations does not provide them with any form of true anonymity. The location and identity of an officer carrying out a search can be easily traced through tracking of IP Addresses, and other electronic identifying markers.
- 5.3 One off visits or infrequent visits to an individual's Social Media profile spread over time cannot be considered "directed surveillance" for the purposes of RIPA, repeated or frequent visits may cross over into becoming "directed surveillance" requiring RIPA authorisation. A person's Social Media profile should not, be routinely monitored on a daily or weekly basis in search of updates, as this will require RIPA authorisation. If an officer requires more advice on this they should contact Legal Services.
- 5.4 Each viewing of a company or individual's social media profile for the purpose of investigation or evidence gathering must be recorded on the case log.
- 5.5 See paragraphs 4.11 to 4.17 of the Covert Human Intelligence Source Code of Guidance (August 2018)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742042/20180802_CHIS_code_.pdf
- 5.6 See Paragraphs 3.10 to 3.17 of the Covert Surveillance and Property Interference revised code of practise
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/742041/201800802_CSPI_code.pdf

F. Capturing Evidence

- 6.0 Evidence that is of a readable form, ie text, status updates or photographs should be copied directly from the site or captured via a screenshot, onto a hard drive or some other form of storage device and then subsequently printed to a hard copy. The hard copy of evidence should then be exhibited to a prepared witness statement in the normal way.
- 6.1 If evidence is an audio or video content then efforts should be made to download that content onto a hard drive or some other form of storage device such as CD or DVD. Those CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. If you have difficulties with this contact the Council's IT Unit.

- 6.2 Screen shots – should display the time and date in order to prove when the evidence was captured, without this information the effectiveness of the evidence is potentially lost as it may not be admissible in court.
- 6.3 When capturing evidence from a Social Media profile steps should be taken to minimise the collateral damage of inadvertently capturing innocent third parties information. This might be particularly prevalent on Social Media profiles promoting events

G. Retention and Destruction of Information obtained

- 7.0 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should be retained in accordance with the Data Protection Act 2018, the Freedom of Information Act 2000 and any other legal requirements including the council's Information asset register and Council's retention schedule. Advice should be sought from the relevant officer at the Council. Contact the Council's Compliance Officer for details of how to log the details.
- 7.1 All information should be retained and destroyed in accordance with the time scales provided in the Councils retention Policy

H. Review

- 8.0 This Policy will be reviewed periodically and in line with the Council's RIPA Policy and Procedure (Section A, para 6) to ensure that both documents remain current and compliant with relevant legal requirements and best practice guidance.

Property Purchase of Yeovil Town Football Club Ground

Executive Portfolio Holder:	Councillor John Clark, Portfolio Holder for Economic Development including Commercial Strategy
Ward Member(s)	Councillors Peter Seib, Alan Smith, Jeny Snell
Strategic Director:	Clare Pestell, Commercial Services and Income Generation
Lead Officer:	Robert Orrett, Commercial Property Land and Development Manager
Contact Details:	Robert.orrrett@southsomerset.gov.uk or 01935 462075

Purpose of the Report

1. The purpose of this report is to advise members on a proposal to purchase the property owned by Yeovil Town Football Club and lease it back to them. The proposal has been instigated due to the financial pressures on the club caused by the COVID-19 pandemic. The proposal is based on commercial principles so that any help for the club can be achieved without exposing the Council and the Council Tax payer to undue risk.

Forward Plan

2. This report did not appear on the District Executive Forward Plan. The reason the report did not appear on the Forward Plan has been due to the pace at which the situation has evolved and the urgency required for decision making if the intervention is to be effective.

Public Interest

3. Yeovil Town Football Club is the only professional football club in Somerset. As such, it contributes to the local economy and contributes more widely in terms of community, education and local civic pride. The COVID-19 pandemic has directly caused the loss of virtually all spectator revenue for the club. The club has sought to reduce its cost base. Overall, the remaining costs will cause the club to run out of money within a short period unless it is able to secure a substantial financial injection. The proposal is for the Council to purchase the main property and land asset of the club at Huish Park and lease it back to the club.

Recommendations

4. That District Executive Members:
 - a. consider the importance of Yeovil Town Football Club and the possible consequences if the club becomes insolvent.
 - b. approve the proposal to purchase the property asset Huish Park and lease it back to Yeovil Town Football Club and the terms outlined in this report.



- c. agree that if proposal is approved, to delegate to the Director of Commercial Services and Income Generation approval of detail of the sale, subject to the initial return on capital being no worse than the minimum identified in the confidential appendices to this report.

Background

5. The history of Yeovil Town Football Club (YTFC) is normally traced back to 1895, playing for many years at Huish on a sloping pitch thought to contribute to success manifested in various FA Cup giant killing stories. The club moved to a new ground, named Huish Park in the Houndstone area of Yeovil in 1990 and achieved Football League status from 2003 onwards. The club was relegated to the Vanarama National League for the 2019/20 season but has continued as a fully professional club. The ownership changed hands in 2019 with Scott Priestnall and Errol Pope becoming the majority owners.
6. The current ground at Huish Park is part of a large site owned mainly by the club, with an area owned on long lease from the Council.
7. The COVID-19 pandemic has had widespread impacts on the health of the whole nation and also caused major economic pressures for many people and organisations. The first lockdown in March 2020 saw the initial pausing of all organised sporting activity. While professional sports matches have resumed in football, the exclusion of spectators, which also started in March 2020, has continued. The expectation at present is that this will now be eased depending on further lockdown requirements but pressures would continue throughout the current season. The loss of revenue this has caused has been dramatic for all professional sports clubs. Proportionately in football it is more severe for lower league clubs as they have no general revenue from TV rights or similar.
8. For YTFC, the impact linked to the pandemic has stopped all of their spectator revenue other than limited season ticket revenues where fans continue to support the club if they can. The chairman of the club decided to approach the Council to discuss if there is a possibility of the Council becoming involved to intervene and avoid the club becoming insolvent. The outlook described by the chairman is that the club will run out of money by Christmas 2020 if no intervention can be secured.
9. The club was advised that the Council could not provide direct financial support to the club, but that we would evaluate the possibility to invest in the property asset of the club. The option that has been considered, and which is the subject of this report, is a sale & leaseback transaction. Sale & leaseback transactions are quite common in the commercial property investment market. They enable organisations to release capital from property assets they own by offering to sell them to an investor and provide the investor with a long term income flow secured via a lease on the property which is concluded simultaneously with the sale.
10. This approach has the potential to provide the club with an early injection of funds to avert the threat arising from the lack of revenue. For the Council, it enables a positive response to be offered to release the pressure on YTFC, but delivered in an arrangement which is based on using commercial principles to help retain a well-supported, community asset, which is part of the town's history. This approach also

provides the Council with a significant property asset and the expectation of a reasonable return on the capital invested, reflecting the risks that need to be considered and balanced to make such an investment acceptable for all parties.

Situation commentary

11. YTFC has a history of well over 100 years in Yeovil and since moving to its current modern stadium at Huish Park has played for 15 years as a Football League club until relegated to the Vanarama National League at the end of the 2018/19 season. The 2019/20 season was concluded without the final matches being completed having been suspended due the lockdown under the COVID-19 pandemic. YTFC finished fourth calculated on points per game. In the current season, YTFC have played nine games so far – no wins, five draws and four losses, placing them in the current league table.

Geographical Context

12. It is important to note the geographical context of professional football clubs within the local area and the draw that YTFC has across the wider region. The table below shows that the geographic spread of football teams across the South West in the top 5 tiers is very broad. This highlights the importance to football fans that Yeovil Town FC has on the immediate location of Yeovil and also the geography across Somerset and wider region.

Premier League	Southampton	73.8 miles – 1 hour 40 minutes
Championship	Bristol City	42 miles – 1 hour 30 minutes
	Bournemouth	48.5 miles – 1 hour 30 minutes
League One	Bristol Rovers	42 miles – 1 hour 30 minutes
League Two	Exeter City	51 miles – 1 hour 20 minutes
	Forest Green Rovers	70 miles – 1 hour 50 minutes
National League	Weymouth	30 miles – 50 minutes
	Eastleigh	78 miles - 1 hour 30 minutes

Contributing to the local economy

13. Over the past 3 seasons, through data not provided by YTFC, it has been calculated that attendance has averaged approximately 3,000 supporters for each home game. Home games occur approximately 20 times per season. Although we can assume that many of these attendees would be residents local to the Yeovil area, we would expect that a proportion will be travelling from the surrounding area and that some will be away fans - travelling from further afield. With the club being an out of town facility it is difficult to measure an economic impact on the town centre, however it could be assumed that the town would see an increase of use and an



increase of spend on match days. There are several national chain and independent food and beverage outlets within close proximity of the football club. It may be assumed that all of these would see an increase of use on match days, all of which will employ individuals and circulate money into the local economy.

14. In addition to the secondary economic benefits above, the Football Club are also an employer within the local area and provide both full time and match day employment to around 150 people.

Contributing to the civic pride of Yeovil

15. Many studies argue that football is more than just a sport in a community. It provides local people with a community and a sense of civic pride regardless of the team's performance. In 2010, 'Supporters Direct' conducted extensive research to evaluate the social value of football clubs in communities and how this could contribute to the civic pride and wellbeing of individuals. Despite this research not focusing specifically on YTFC, there are several aspects that are likely to resonate with the Yeovil Town Football Club community.

16. Q - What is the best thing about your football club? Notable answers:

- Local/locality
- Friends/friendliness
- Community
- Family
- Fans and supporters

17. Q What do you think is the most valuable thing about your club for you?

Notable answer: The 'value' in the club is the community it brings together. To be honest, if I just went for the football I would have given up years ago. The football club is actually the cornerstone for some of my most valuable friendships, and a Saturday afternoon is there to meet friends and socialise.

18. In addition to this research, the Department for Digital, Culture, Media and Sport have also researched on the social impacts of culture and sport. Although this study combined participation in sport more generally, from taking part to spectating it is important to highlight several benefits that were found including:

- Reduction in physical and mental health problems leading to a saving on health care costs.
- An increase in pro-social behaviour and reduces crime and anti-social behaviour.
- Sport acting as a 'social glue' that contributes to social connectedness and sense of belonging.
- Positive impact of sport and exercise on educational outcomes.
- A large increase in social wellbeing.

19. As said, many of the above can be achieved by sport more generally but we should not underestimate the role that professional sport has on a local area to motivate and inspire individuals to participate in sport.

YTFC in the business community

20. YTFC are keen to build on existing connections and have already demonstrated a commitment to the local business community. They have been involved in Yeovil Chamber as well as providing conference facilities for the area. In recent years the football club have hosted events from the Federation of Small Businesses and most recently the Yeovil Chamber Business Awards.

Contributing to education

21. For some years YTFC have had a professional relationship with Yeovil College to improve the lives of young people living within the area. Yeovil College's Elite Player Development Programme is designed to support talented and aspiring young footballers to develop their footballing ability by providing a high level of coaching as part of the YTFC Academy programme. Students study towards a BTEC Level 3 Sport in Performance and Excellence alongside working on their footballing careers. Students train at YTFC two days per week and study 2 days per week at the college with fixtures against the highest level of opponents throughout the year in England Colleges FA Premier League. Earlier this year, the programme was significantly enhanced and gained the full backing of Club Manager – Darren Sarll. Yeovil College are dedicated to the programme and see real benefits work between the Football Club with the Director of Curriculum, Teaching, Learning and Quality stating, "It's about committing to be the best academically and practically. Our shared vision empowers players to expect more and achieve more, connecting a high-quality academic qualification with an acceleration in football development".

Impact on a community level

22. Associated with YTFC, the Yeovil Town Community Sports Trust is a registered charity that strives to make a positive difference for all through sport and learning. Their aim is to provide fun, safe and enjoyable activities for people of all ages, abilities and social backgrounds by using the power of sport as well as the profile of YTFC to engage individuals and to have a positive impact on the lives of thousands of people each year. The impact that the Community Trust has on the wider Yeovil geography through Talent ID Centres, Schools Engagement, Soccer Schools and match day experience for young people is an asset to the local community and should not be overlooked. As previously mentioned, the catchment for YTFC supporters, also has to be considered in the catchment for community benefit.

Opportunities to achieve SSDC Council Plan objectives through working with Yeovil Town Football Club:

23. **Economy** - To promote a strong and growing economy with thriving urban, rural and land-based businesses.
24. **Healthy, Self-reliant Communities:** To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life.



25. The outline proposal is for the Council to purchase the entire freehold and leasehold interests held by YTFC in the Huish Park ground. The current 999-year lease from SSDC to YTFC would be extinguished and a new 30-year lease of the whole property would be simultaneously granted back to the club. Part of the purchase price would be applied to securing the release of restrictive covenants that affect the title to the property.
26. The new lease would be structured with the football stadium, 3G training pitch and ancillary areas being the “core” area which would continue to be used for club purposes throughout the lease. The remaining “non-core” land would also be leased to YTFC but the club would continue to seek planning permission for development on that land. If consent was granted, the Council would be entitled to seek a purchaser for that land who would take forward any development. The sale proceeds would be retained by the Council but 80% would be applied to benefit YTFC by being used to enable a reduction in rent pro rata to the capital recovered. YTFC would have an option to buy back the residual freehold property and the price would also be reduced by the pro rata impact of development land sale proceeds.

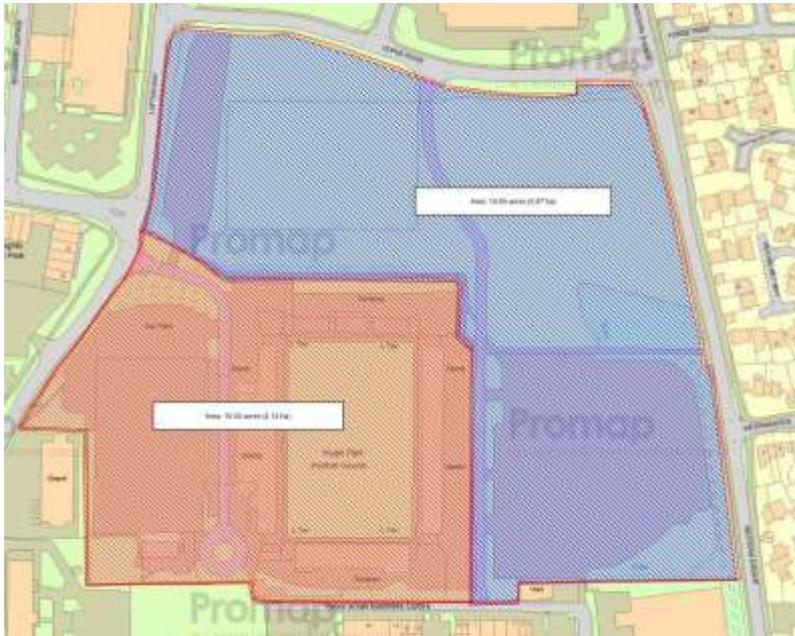
The Property

27. The property comprises nearly 25 acres (10 hectares) of land forming Huish Park with its stadium and facilities. The club owns the freehold of most of the land but the Council owns 4.5 acres (1.8 ha) which is subject to a 999-year peppercorn lease to the club. Permitted uses are restricted by the lease terms to team games on any pitches, tennis on courts and ancillary parking. The lease effectively deprives either party alone from unlocking any latent development value. The approximate boundaries of the property are shown edged red on the plan below with the area owned by SSDC and leased to YTFC hatched blue. The detail would be subject to legal due diligence.





28. The approximate division between “core” and “non-core” areas under the new lease would be as shown on the following plan which shows 10.2 acres (4.14 ha) as the core and 14.5 acres (5.87 ha) non-core:



Community Right to Bid

29. It is important to note that the property is included on the Register of Assets of Community Value, introduced under the Localism Act and operated under The Assets of Community Value (England) Regulations 2012. The registration allows the nominator – in this case Yeovil Town Supporters Society Ltd – to be given the opportunity, prior to any sale of the registered property, to consider if they wish to have the opportunity to prepare and submit a bid. The owner must give the Council as registering authority written notification if they intend to sell the asset. The Council is required to notify the group who originally nominated the asset. The Council must also publicise the forthcoming sale in the local area. At this point there is an initial moratorium period. The owner is unable to sell the asset for 6 weeks from the date the Council receives the written notification to sell, to allow time for the community to express written intention to bid. If any written intentions are received, the Council must pass on the request to the owner at which point the full moratorium period of 6 months from the original receipt of intention to sell comes into force. If no written intentions to bid are received, the owner is free to sell the asset.

30. During this time, the owner is able to consider any bids received. The Council must pass these on to the owner as soon as possible. After 6 months, they can sell the asset on the open market, and no further window can be triggered for an 18 month protected period.

31. The operation of these provisions could prevent a sale by YTFC to the Council of the property within the timescale indicated by the club as being necessary to prevent insolvency.



32. Financial implications are reported in the confidential appendix.

Legal implications (if any) and details of Statutory Powers

33. The Council has wide ranging legal powers in relation to this transaction including the General Power of Competence under Section 1 of the Localism Act 2011.

34. S.120 Local Government Act 1972 –

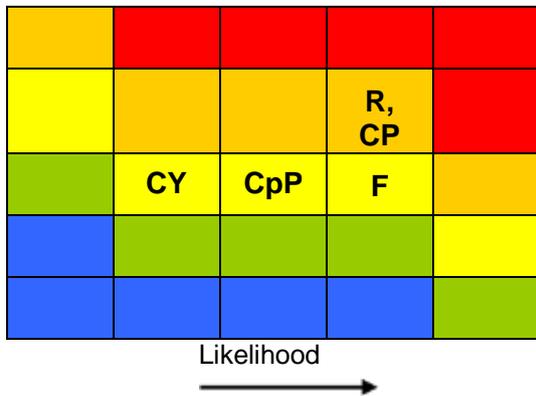
Acquisition of land by agreement by principal councils for the purpose of its functions under this or any other enactment, or the benefit, improvement or development of their area the council may acquire by agreement any land, whether situated inside or outside their area.

35. S.145 Local Government Act 1972

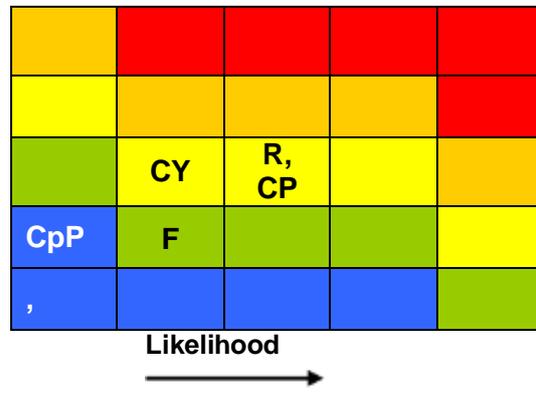
A local authority may do, or arrange the doing of, or contribute towards the expenses of the doing of, anything (whether inside or outside their area) necessary or expedient for any of the following purposes, that is to say: (a) the provision of entertainment (b) the provision of theatre, concert hall, dance hall or other premises suitable for the giving of entertainment.

Risk Matrix

Risk Profile before officer recommendations



Risk Profile after officer recommendations



Key

Categories	Colours (for further detail please refer to Risk management strategy)
R - Reputation	High impact and high probability
CpP - Corporate Plan Priorities	Major impact and major probability
CP - Community Priorities	Moderate impact and moderate probability
CY - Capacity	Minor impact and minor probability
F - Financial	Insignificant impact and insignificant probability



South Somerset District Council Council Plan Implications

36. **Economy** - To promote a strong and growing economy with thriving urban, rural and land-based businesses.
37. **Healthy, Self-reliant Communities:** To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life.

Carbon Emissions and Climate Change Implications

38. There should be no direct implications arising from the purchase of this property asset. Development proposals will need to address any carbon emissions and climate change implications within the proposal supporting documentation.

Equality and Diversity Implications

39. There should be no direct Equalities and Diversity implications from the purchase of this property asset.

Privacy Impact Assessment

40. No privacy impacts are anticipated as consequence of this report.

Background Papers

41. None

There are confidential appendices to this report

Confidential appendices:

1. Confidential officer report sections
2. SSDC Valuation model
3. Savills Valuation Report and report appendices

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

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of the Local Government Act 1972.

Document is Restricted



District Executive Forward Plan

Executive Portfolio Holder: Val Keitch, Leader, Strategy and Housing
Strategic Director: Kirsty Larkins, Strategy and Commissioning
Lead Officer: Angela Cox, Democratic Services Specialist
Contact Details: angela.cox@southsomerset.gov.uk or (01935) 462148

Purpose of the Report

1. This report informs Members of the current Executive Forward Plan, provides information on Portfolio Holder decisions and on consultation documents received by the Council that have been logged on the consultation database.

Public Interest

2. The District Executive Forward Plan lists the reports due to be discussed and decisions due to be made by the Committee within the next few months. The Consultation Database is a list of topics which the Council's view is currently being consulted upon by various outside organisations.

Recommendations

3. That District Executive is asked to:
 - a) approve the updated Executive Forward Plan for publication as attached at Appendix A
 - b) note the contents of the Consultation Database as shown at Appendix B.

Executive Forward Plan

4. The latest Forward Plan is attached at Appendix A. The timings given for reports to come forward are indicative only, and occasionally may be re scheduled and new items added as new circumstances arise.

Consultation Database

5. The Council has agreed a protocol for processing consultation documents received by the Council. This requires consultation documents received to be logged and the current consultation documents are attached at Appendix B.

Background Papers

6. None.

Appendix A - SSDC Executive Forward Plan

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
January 2021	Recycle More - information on the extended recycling programme	Portfolio Holder - Environment	Director Commercial Services & Income Generation	Chris Cooper, Environment Services Manager	District Executive
January 2021	Somerset Waste Partnership Annual Report and Draft Business Plan 2020 - 2024	Portfolio Holder - Environment	Director Commercial Services & Income Generation	Chris Cooper, Environment Services Manager	District Executive
January 2021	Council Tax Support Scheme 2021/22	Portfolio Holder - Finance, Legal & Democratic Services	Director Service Delivery	Helen Morris, Revenues Team Leader	District Executive
January 2021					South Somerset District Council
January 2021	The Somerset Economy Recovery & Growth Plan	Portfolio Holder - Economic Development including Commercial Strategy	Director Commercial Services & Income Generation	Peter Paddon, Lead Specialist (Economy)	District Executive
January 2021	Transformation Update	Portfolio Holder - Strategy & Housing	Director Strategy and Commissioning	Kirsty Larkins, Director (Strategy and Commissioning)	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
January 2021 January 2021	SSDC Scheme of Delegation	Portfolio Holder - Protecting Core Services	Director Service Delivery	Barry James, Interim Planning Lead Specialist	District Executive South Somerset District Council
January 2021	Negotiation Strategy for Planning	Portfolio Holder - Protecting Core Services	Director Service Delivery	Barry James, Interim Planning Lead Specialist	District Executive
January 2021	The Octagon Theatre Redevelopment	Portfolio Holder - Economic Development including Commercial Strategy	Director Commercial Services & Income Generation	Adam Burgan, Arts & Entertainment Manager	District Executive
February 2021	Capital & Revenue Budget monitoring reports for Quarter 3	Portfolio Holder - Finance, Legal & Democratic Services	Director Support Services	Jo Nacey, Section 151 Officer	District Executive
February 2021 February 2021	Council Plan 2021/22	Portfolio Holder - Strategy & Housing	Director Strategy and Commissioning	Kirsty Larkins, Director (Strategy and Commissioning)	District Executive South Somerset District Council
February 2021 February 2021	2021/22 Revenue and Capital Budget	Portfolio Holder - Finance, Legal & Democratic Services	Director Support Services Director Support Services	Jo Nacey, Section 151 Officer	District Executive South Somerset District Council

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
February 2021	Quarterly Corporate Performance Report	Portfolio Holder - Strategy & Housing	Director Strategy and Commissioning	Cath Temple, Specialist (Performance)	District Executive
February 2021	Remote Meeting Protocol for SSDC	Portfolio Holder - Finance, Legal & Democratic Services	Director Strategy and Commissioning	Angela Cox, Specialist (Democratic Services)	District Executive
March 2021	Investment Assets Quarterly update report	Portfolio Holder - Economic Development including Commercial Strategy	Director Commercial Services & Income Generation	Robert Orrett, Commercial Property. Land & Development Manager	District Executive
April 2021	Annual review of the Regulation of Investigatory Powers Act 2000 (RIPA)	Portfolio Holder - Finance, Legal & Democratic Services	Director Place	Paula Goddard, Specialist (Legal Services)	District Executive
April 2021	Future Management of the Council's Leisure Facilities	Portfolio Holder - Health & Well-Being	Director Strategy and Commissioning	Lynda Pincombe, Specialist - Strategic Planning	District Executive
May 2021	Capital & Revenue Budget Outturn reports for Quarter 4	Portfolio Holder - Finance, Legal & Democratic Services	Director Support Services	Jo Nacey, Section 151 Officer	District Executive
May 2021	Quarterly Corporate Performance Report	Portfolio Holder - Strategy & Housing	Director Strategy and Commissioning	Cath Temple, Specialist (Performance)	District Executive

Date of Decision	Decision	Portfolio	Service Director	Contact	Committee(s)
June 2021	Investment Assets update report	Portfolio Holder - Economic Development including Commercial Strategy	Director Commercial Services & Income Generation	Robert Orrett, Commercial Property, Land & Development Manager	District Executive
June 2021	Update on Proposals from the Planning Re-imagined Workshops	Portfolio Holder - Protecting Core Services	Director Strategy and Commissioning	Kirsty Larkins, Director (Strategy and Commissioning)	District Executive
TBC	Allowenshay mains water connection	Portfolio Holder - Health & Well-Being	Director Support Services	Tim Cook, Locality Team Manager	District Executive

APPENDIX B - Current Consultations – December 2020

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
<p>Standards Matter 2: Public Consultation and Public Sector Survey</p> <p>The Committee on Standards in Public Life is carrying out a landscape review of the institutions, processes and structures in place to support high standards of conduct.</p> <p>The Committee is running a public consultation and a public sector survey as part of this review. The public consultation asks for respondents' views on current principles, institutions, and arrangements for upholding standards. The survey asks public sector professionals about their experiences at work on issues of ethical standards.</p> <p>https://www.gov.uk/government/consultations/standards-matter-2-public-consultation-and-public-sector-survey</p>	Finance and Legal Services	Support Services	Monitoring Officer	Richard Ward Richard.ward@southsomerset.gov.uk	18 December 2020
<p>Devon and Somerset Fire and Rescue Service would like to hear your views on how much you would be prepared to pay for the services provided by the fire service through your council tax.</p> <p>The Authority is seeking feedback about the level of council tax precept for the coming year and how satisfied you are with the service we provide, so please use this opportunity to have your say. You can complete it online or if you require this in another format please contact the Communications and Engagement Team on 01392 872347.</p>	Health and Well-Being			Members are invited to publicise this in their Wards	18 December 2020

Purpose of Document	Portfolio	Director	Response to be agreed by	Contact	Deadline for response
<p>Future of Transport: rural strategy – call for evidence</p> <p>This call for evidence seeks views and evidence from all those with an interest in rural transport.</p> <p>Following our Future of mobility: urban strategy, which was published in March 2019, the Department for Transport are now seeking views and evidence on what could be incorporated into a Future of Transport: rural strategy.</p> <p>The consultation document has 3 sections:</p> <ul style="list-style-type: none"> • the context of the Future of Transport: rural strategy • our assessment of the mobility trends in rural areas, and the emerging opportunities for rural environments that we're witnessing in transport innovation – this section seeks views on whether we have identified these correctly and further evidence for these trends • consideration of the approach that the government could take to help shape these opportunities to benefit rural areas <p>This consultation is part of the Future of Transport programme, which aims to shape transport innovation and secure the UK's position as a leader in the transport sector of the future.</p> <p>https://www.gov.uk/government/consultations/future-of-transport-rural-strategy-call-for-evidence?utm_source=fbeea974-8a4b-4dfb-b3a8-48e888e2d68e&utm_medium=email&utm_campaign=govuk-notifications&utm_content=daily</p>	Health and Well-Being / Economic Development	Kirsty Larkins, Strategy & Commissioning	Officers in consultation with Portfolio Holder	Lynda Pincombe, Specialist, Strategic Planning	16 February 2021



Date of Next Meeting

Members are asked to note that the next scheduled meeting of the District Executive will take place on Thursday, 7th January 2021 as a virtual meeting via Zoom meeting software commencing at 9.30 a.m.
