

Agenda

www.oxford.gov.uk



City Executive Board

Date: **Tuesday 22 May 2018**

Time: **5.00 pm**

Place: **Long Room - Town Hall**

For any further information please contact:

John Mitchell, Committee and Member Services Officer

Telephone: 01865 252217

Email: executiveboard@oxford.gov.uk

Details of how City Councillors and members of the public may engage with this meeting may be found on page 8 of this agenda.

As a matter of courtesy, if you intend to record the meeting please let the Committee Services Officer know how you wish to do this before the start of the meeting.

City Executive Board

Membership

Membership of the City Executive Board will be confirmed by the Leader of the Council in advance of the meeting

Future items to be discussed by the City Executive Board can be found on the Forward Plan which is available on the Council's [website](#)

Copies of this agenda

Reference copies are available to consult in the Town Hall Reception. Agendas are published 6 working days before the meeting and the draft minutes a few days after.

All agendas, reports and minutes are available online and can be:

- viewed on our website – mycouncil.oxford.gov.uk
- downloaded from our website
- viewed using the computers in the Customer Services, St Aldate's, or
- subscribed to electronically by registering online at mycouncil.oxford.gov.uk

AGENDA

PART ONE PUBLIC BUSINESS

Pages

- 1 APOLOGIES FOR ABSENCE
- 2 DECLARATIONS OF INTEREST
- 3 ADDRESSES AND QUESTIONS BY MEMBERS OF THE PUBLIC
- 4 COUNCILLOR ADDRESSES ON ANY ITEM FOR DECISION ON THE BOARD'S AGENDA
- 5 COUNCILLOR ADDRESSES ON NEIGHBOURHOOD ISSUES
- 6 ITEMS RAISED BY BOARD MEMBERS
- 7 SCRUTINY COMMITTEE REPORTS

The Scrutiny Committee, at its meeting on 17 May, will consider reports on the Review of Discretionary Housing Payment Policy (see item 10 of this agenda) and on the profile and accessibility of the Town Hall. Any recommendations to the Board flowing from that meeting will be published as a supplement to this agenda.

- 8 CLEAN BUS TECHNOLOGY RETROFIT SCHEME

9 - 14

Lead Member: to be confirmed

(Please note that the Lead Member cited on the face of the report was the Lead Member at the time it was written and signed off, in the previous Council year.)

The Executive Director, Sustainable City, has submitted a report which seeks project approval to retrofit buses in Oxford with emissions reduction equipment, in the interest of improving air quality, following an award of £1,662,930 from the Joint Air Quality Unit, DEFRA.

Recommendations: That the City Executive Board resolves to:

1. **Grant project approval** for the bus retrofit programme outlined in this report; and
2. **Delegate** to the Executive Director of Sustainable City, in

consultation with the Monitoring Officer and Section 151 officer, the authority within the funding envelope provided by the Council to enter into appropriate agreements with :

- a) the Council's bid partners; and
- b) third parties required to deliver the project subject to their being selected under an appropriate procurement process.

9 EXTENSION OF LOAN TO LOW CARBON HUB IPS

15 - 22

Lead Member: to be confirmed

(Please note that the Lead Member cited on the face of the report was the Lead Member at the time it was written and signed off, in the previous Council year.)

The Head of Financial Services has submitted a report to request that the City Executive Board approves the extension of a loan facility to the Low Carbon Hub.

Recommendations: That the City Executive Board resolves to:

1. **Approve** an extension of the availability period of the Council's current loan agreement with the Low Carbon Hub, so that the remaining £1.3m of outstanding loans are repayable by the Low Carbon Hub by 29 March 2019, on similar terms as those applying to the existing loan facility; and
2. **Agree** that a supplemental agreement be entered into with the Low Carbon Hub setting out the terms of this loan extension period.

10 REVIEW OF DISCRETIONARY HOUSING PAYMENT POLICY

23 - 48

Lead Member: to be confirmed

(Please note that the Lead Member cited on the face of the report was the Lead Member at the time it was written and signed off, in the previous Council year.)

The Head of Financial Services has submitted a report to seek the City Executive Board's approval to amend the current Discretionary Housing Payment policy and to note the trends in expenditure detailed in the report.

Recommendations: That the City Executive Board resolves to:

Seek approval to amend the current Discretionary Housing Payment policy and to note the trends in expenditure detailed in the report.

11 REGULATION OF INVESTIGATORY POWERS ACT 2000 USE OF SURVEILLANCE POWERS AND AMENDED PROCEDURE DOCUMENT

49 - 60

Lead Member: to be confirmed

(Please note that the Lead Member cited on the face of the report was the Lead Member at the time it was written and signed off, in the previous Council year.)

The Head of Law & Governance has submitted a report to note the Council's use of the investigatory powers for the year 2017/18 and to approve the Council's amended policy and procedure document.

Recommendations: That the City Executive Board resolves to:

1. **Note** the Council's non use of the investigatory powers for the year 2017/18;
2. **Determine**, in the light of recommendation 1, whether there is continued merit in the Head of Law and Governance formally reporting annually to full Council the usage of Regulatory of Investigatory powers in any year when the powers have not been utilised; and
3. **Adopt** the Council's RIPA Policy and Procedure as amended.

12 MINUTES

61 - 66

Recommendation: The City Executive Board NOTES the minutes of the meetings held on 17 April 2018 and 15 May 2018 as true and accurate records of those meetings.

The minutes of the meeting held on 15 May will be published as a supplement to this agenda.

13 DATES OF FUTURE MEETINGS

Meetings are scheduled for the following dates:

- 15 June 2017 – Local Plan
- 20 June 2017
- 18 July 2017
- 15 August 2017 - Provisional
- 19 September 2017
- 17 October 2017
- 21 November 2017
- 19 December 2017

All meetings start at 5pm.

14 MATTERS EXEMPT FROM PUBLICATION

If the Board wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

The Board may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

PART TWO **MATTERS EXEMPT FROM PUBLICATION**

DECLARING INTERESTS

General duty

You must declare any disclosable pecuniary interests when the meeting reaches the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you.

What is a disclosable pecuniary interest?

Disclosable pecuniary interests relate to your* employment; sponsorship (ie payment for expenses incurred by you in carrying out your duties as a councillor or towards your election expenses); contracts; land in the Council's area; licences for land in the Council's area; corporate tenancies; and securities. These declarations must be recorded in each councillor's Register of Interests which is publicly available on the Council's website.

Declaring an interest

Where any matter disclosed in your Register of Interests is being considered at a meeting, you must declare that you have an interest. You should also disclose the nature as well as the existence of the interest.

If you have a disclosable pecuniary interest, after having declared it at the meeting you must not participate in discussion or voting on the item and must withdraw from the meeting whilst the matter is discussed.

Member's Code of Conduct and public perception

Even if you do not have a disclosable pecuniary interest in a matter, the Members' Code of Conduct says that a member "must serve only the public interest and must never improperly confer an advantage or disadvantage on any person including yourself" and that "you must not place yourself in situations where your honesty and integrity may be questioned". What this means is that the matter of interests must be viewed within the context of the Code as a whole and regard should continue to be paid to the perception of the public.

*Disclosable pecuniary interests that must be declared are not only those of the member her or himself but also those of the member's spouse, civil partner or person they are living with as husband or wife or as if they were civil partners.

HOW OXFORD CITY COUNCILLORS AND MEMBERS OF THE PUBLIC CAN ENGAGE AT THE CITY EXECUTIVE BOARD

Addresses and questions by members of the public, (15 minutes in total)

Members of the public can submit questions in writing about any item for decision at the meeting. Questions, stating the relevant agenda item, must be received by the Head of Law and Governance by 9.30am two clear working day before the meeting (eg for a Tuesday meeting, the deadline would be 9.30am on the Friday before). Questions can be submitted either by letter or by email (executiveboard@oxford.gov.uk).

Answers to the questions will be provided in writing at the meeting; supplementary questions will not be allowed. If it is not possible to provide an answer at the meeting it will be included in the minutes that are published on the Council's website within 2 working days of the meeting.

The Chair has discretion in exceptional circumstances to agree that a submitted question or related statement (dealing with matters that appear on the agenda) can be asked verbally at the meeting. In these cases, the question and/or address is limited to 3 minutes, and will be answered verbally by the Chair or another Board member or an officer of the Council. The text of any proposed address must be submitted within the same timescale as questions.

For this agenda item the Chair's decision is final.

Councillors speaking at meetings

Oxford City councillors may, when the chair agrees, address the Board on an item for decision on the agenda (other than on the minutes). The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one clear working day before the meeting, stating the relevant agenda items. An address may last for no more than three minutes. If an address is made, the Board member who has political responsibility for the item for decision may respond or the Board will have regard to the points raised in reaching its decision.

Councillors speaking on Neighbourhood issues (10 minutes in total)

Any City Councillor can raise local issues on behalf of communities directly with the Board. The member seeking to make an address must notify the Head of Law and Governance by 9.30am at least one clear working day before the meeting, giving outline details of the issue. Priority will be given to those members who have not already addressed the Board within the year and in the order received. Issues can only be raised once unless otherwise agreed by the Board. The Board's responsibility will be to hear the issue and respond at the meeting, if possible, or arrange a written response within 10 working days.

Items raised by Board members

Such items must be submitted within the same timescale as questions and will be for discussion only and not for a Board decision. Any item which requires a decision of the Board will be the subject of a report to a future meeting of the Board

To: City Executive Board
Date: 22 May 2018
Report of: Executive Director, Sustainable City
Title of Report: Clean Bus Technology Retrofit Scheme

Summary and recommendations	
Purpose of report:	The Council has been awarded £1,662,930 of funding from the Joint Air Quality Unit, DEFRA to retrofit buses in Oxford with emissions reduction equipment, in the interest of improving air quality. This report seeks project approval.
Key decision:	Yes
Executive Board Member:	Councillor John Tanner, Clean and Green Oxford
Corporate Priority:	Vibrant, Sustainable Economy & Cleaner, Greener Oxford
Policy Framework:	Air Quality Action Plan
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Grant project approval for the bus retrofit programme outlined in this report; and 2. Delegate to the Executive Director of Sustainable City, in consultation with the Monitoring Officer and Section 151 officer, the authority within the funding envelope provided by the Council to enter into appropriate agreements with <ol style="list-style-type: none"> a) the Council's bid partners; and b) third parties required to deliver the project subject to their being selected under an appropriate procurement process. 	

Appendices	
Appendix 1	Project risk register

Introduction and background

1. The Council has committed itself to a vibrant, sustainable economy and a clean, green Oxford in its corporate plan. It is also required to take action to address air pollution as set out in the Part IV of the Environment Act 1995. The Clean Bus Technology Retrofit Scheme will contribute to both of these priorities by accelerating the move to a low emission and low carbon economy through increased uptake of sustainable, low emission transport technology and, in doing so, improving air quality and reducing carbon emissions in the city.
2. The Joint Air Quality Unit (JAQU) is a cross-Government unit comprising representatives from the Department of Transport (DfT) and Department for Environment, Food and Rural Affairs (DEFRA) specifically set up to deliver recent national plans to improve air quality and meet EU limits for air pollution.
3. We are required by Part IV of the Environment Act 1995 to measure air quality in the city, designate Air Quality Management Areas (AQMA) where pollution limits are exceeded and prepare Air Quality Action Plans (AQAP) to tackle exceedances of the limit.
4. In Oxford the main pollutant of concern is nitrogen dioxide (NO₂) and the whole of the city is designated as an AQMA. In 2013 the Council published its most recent AQAP which aims to reduce pollution across the city.
5. In the last decade, levels of NO₂ at the roadside across Oxford have dropped by an average of 36.9 per cent. However Oxford continues to experience exceedances of the legal limit in some parts of the city.
6. Transport is by far the most significant source of emissions of oxides of nitrogen (NOx) in the city, accounting for 75% of emissions. Of this part it is estimated that buses make up 56% of these emission in the city centre.
7. In August 2017 Government announced it would make £40 million available to local authorities to retrofit older buses with emissions reduction technology under the Clean Bus Technology Fund.
8. In a bid led by the Council with support from local bus operators we were successful in securing a total of £1,662,930 for the purpose of retrofitting a total of 78 busses to Euro 6 standard and 5 busses to fully electric standard. The retrofitting programme will reduce NO₂ emissions from retrofitted buses with a total of 99.5% for the Euro 6 standard buses and 100% for electric standard.
9. City Council Officers will work with local bus operators to deliver this project, which will be subject to a legal agreement to secure delivery of the outlined benefits. The project delivery period is 2018/19 financial year, with a final reporting deadline of September 2019.

Financial implications

10. Oxford City Council will be appointed as the Accountable Body and as such will receive, and will be accountable for, the whole of the funding payable.
11. Oxford City Council will receive a total of £1,662,930 split over two financial years; £938,910 will be paid in the 2017/2018 financial year and £724,020 will be paid in the 2018/2019 financial year. Bus companies will contribute a total of £58,300 to the direct project cost, taking the full cost of the project to £1,721,230. In addition to direct project cost the bus operators are contributing £251,550 in servicing and

maintenance costs over the life of the project (5 years). No on-going costs fall to the City Council.

12. The funding will be held by the Council and provided to bus operators at point of delivery of agreed milestones. Only when the project has been delivered to the Council's satisfaction will the full amount be paid to operators. A total of 50% of the funding will be provided to operators on award of contract. The remaining 50% will be paid on completion of the project and supply of suitable test documentation.
13. The project will be project managed by the Council within existing resources. The grant does not provide the cost of project management.
14. In case of non-delivery of the project or if project approval is not received the Council will be required to return funding to JAQU. If the project is only delivered in part, i.e. fewer buses are retrofitted than those set out in the grant agreement, the Council will be required to return the funding for the non-delivered part of the scheme. This will be based on the retrofit cost per bus as submitted at grant application stage.
15. The project, including payment of funding to bus operators, has to be delivered before the 30th September 2019.
16. In accordance with the Council's Constitution the Head of Finance may raise an additional budget head for a capital project that is externally funded (para 18.13). Project approval for projects must be obtained from City Executive Board for all projects over £500k (para 18.12)

Environmental implications

17. In the last decade, levels of NO₂ at the roadside across Oxford have dropped by an average of 37%. Between 2011 and 2013, average NO₂ levels across the city centre fell by 18.9 per cent; but between 2014 and 2016 they fell by just 3.9 per cent, which proves a significant slowdown in emissions reductions. This project is expected to result in a significant reduction in NO₂ emissions.
18. The Council's calculations estimate that the scheme will achieve a net saving of NO_x emission of 57.2 tonnes/year and 285.8 tonnes over the life of the project. The estimated NO₂ savings are 5.5 tonnes/year and a total of 27.6 tonnes over the lifetime of the project.

Legal issues

19. All District Authorities have a statutory duty to review and assess local air quality, within the programme of Local Air Quality Management established under requirements within Part IV of the Environment Act 1995. The Council is also required to prepare an action plan to reduce air pollution. This scheme contributes to the Council's commitments under the Environment Act 1995.

Level of risk

20. See attached Risk Register in the Appendix .

Equalities impact

21. An Equalities Impact Assessment is not necessary for this work. The social benefits of implementing this scheme include health benefits that can be enjoyed by all. Effective delivery of the strategy would have equality benefits. No significant adverse equality impacts have been identified.

Report author	Mai Jarvis
Job title	Environmental Quality Team Manager
Service area or department	Environmental Sustainability
Telephone	01865 252403
e-mail	mjarvis@oxford.gov.uk

Background Papers: None

Appendix 1: Risk Register

Clean Bus Technology Retrofit Scheme

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Commitment of bus operators to retrofit buses	Failure to identify suitable buses for retrofit	T	Lack of engagement and planning	Non-delivery of project	23/03/2018	MJ	3	3	2	2	1	1	We have already worked closely with operators in our local authority area to identify buses which they have committed for retrofit if successful in our grant application	Accept the residual risk				
Lack of suitable Accredited Technology	Inability to identify suitable Accredited Technology available to complete the project	T	Lack of planning	Non-delivery of project	23/03/2018	MJ	3	3	2	2	1	1	We have spoken to a range of technology providers of whom only one is fully accredited at this stage. However, we are assured by the remaining providers that they are either in the process of accreditation already or will shortly apply to become accredited.	Accept the residual risk				
13 Inability of technology provider to deliver within the required project timeline	Dependant on the final number of accredited providers there is a risk that technology providers will have a significant amount of orders which they might be unable to fulfil within the required project timeline.	T	Market failure	Non-delivery of project	23/03/18	MJ	3	3	2	2	2	2	We will require evidence of ability to deliver within project timeline as a requirement of our procurement process.	Accept the residual risk				

This page is intentionally left blank

To: City Executive Board
Date: 22 May 2018
Report of: Head of Financial Services
Title of Report: Extension of Loan to Low Carbon Hub IPS

Summary and recommendations	
Purpose of report:	To request City Executive Board to approve the extension of a loan facility to Low Carbon Hub
Key decision:	Yes
Executive Board Member:	Councillor Ed Turner, Finance and Corporate Assets
Corporate Priority:	None
Policy Framework:	Council's Corporate plan
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Approve an extension of the availability period of the Council's current loan agreement with the Low Carbon Hub, so that the remaining £1.3m of outstanding loans are repayable by the Low Carbon Hub by 29 March 2019, on similar terms as those applying to the existing loan facility; and 2. Agree that a supplemental agreement be entered into with the Low Carbon Hub setting out the terms of this loan extension period 	

Appendices	
Appendix 1	Risk Matrix

Background

1. In June 2014, the City Executive Board approved a £2.3m loan facility to the Low Carbon Hub (the Hub) to fund the development stages of renewable energy projects with repayment being facilitated by the Hub raising equity shares in the project.
2. Authority was delegated to the Council's Section 151 Officer to enter into a loan agreement with the Hub in consultation with the Monitoring Officer and Chief Executive.
3. A loan agreement was subsequently entered into on 11 June 2014, the key aspects of which were:
 - A loan facility of £2.3m
 - 36-month availability period
 - Drawdowns secured against solar panel equipment as it is purchased
 - Drawdowns to be repaid within an expected cycle of 6-9 months although the money would be available within the 36 month availability period
4. In October 2015, the Council entered into a supplemental agreement with the Hub in which it was agreed that an additional 364 days may be added to the availability period up to June 2018.
5. The Hub utilised the full facility of £2.3m, receiving funds from the Council across 11 tranches between July 2014 and October 2016. To date, tranches 1-8 have been repaid in full along with all associated interest charges. Partial repayment has also been made for tranches 9-11 along with all interest incurred to date.
6. It was agreed that tranches 9-11, amounting to £1.3m would be repaid on 01 April 2018 and this is the amount for which the Hub has requested an extension to its repayment terms. All interest repayments in respect of these tranches are fully up to date. Interest has been charged at 5% per annum and is repaid on a monthly basis.
7. To date, the Council has received interest from the drawdown inception dates up to and including 31 March 2018 (or earlier in cases where the drawdown has been repaid).
8. The table below summarises all drawdowns and repayments to date:

Tranche	Repayments received to		Amount Outstanding	Interest Rate	Drawdown Date	Expected Repayment		Total Interest Due	Less Interest Rec'd	Interest Payable
	Principal	date				Date	Date			
1	133,667.10	- 133,667.10	-	5%	03-Jul-14	18-Dec-14	3,076.17	-	3,076.17	-
2	62,257.41	- 62,257.41	-	5%	17-Jul-14	18-Dec-14	1,313.38	-	1,313.38	-
3	133,447.55	- 133,447.55	-	5%	21-Jul-14	18-Dec-14	2,742.07	-	2,742.07	-
4	31,598.86	- 31,598.86	-	5%	06-Aug-14	18-Dec-14	580.03	-	580.03	-
5	126,511.44	- 126,511.44	-	5%	28-Aug-14	18-Dec-14	1,941.00	-	1,941.00	-
6	189,307.56	- 189,307.56	-	5%	09-Oct-14	18-Dec-14	1,815.28	-	1,815.28	-
7	138,295.80	- 138,295.80	-	5%	06-Nov-15	31-Jul-17	11,991.95	-	11,991.95	-
8	179,107.59	- 179,107.59	-	5%	10-Feb-16	31-Jul-17	13,175.45	-	13,175.45	-
9	144,948.00	- 644.56	144,303.44	5%	22-Jun-16	01-Apr-18	12,866.62	-	12,866.62	-
10	493,212.00	- 2,193.23	491,018.77	5%	04-Aug-16	01-Apr-18	40,875.79	-	40,875.79	-
11	667,646.69	- 2,968.91	664,677.78	5%	31-Oct-16	01-Apr-18	47,284.02	-	47,284.02	-
	2,300,000.00	- 1,000,000.00	1,300,000.00				137,661.76	-	137,661.76	-

9. The Hub used the drawdown funds for the development of renewable energy projects in Oxford and across Oxfordshire. These projects have achieved their objectives and contributed to the achievement of the investment targets set in the EU funded, Intelligent Energy Europe (IEE) grant programme, OxFutures.
10. Interest on the outstanding balance of £1.3m will continue to be repaid on a monthly basis.

Current Status

11. The Hub has an established income stream that is generated by its current projects.
12. For the financial year of 2017/18 to date, it has a net profit for the year of £165,000 with capital assets to the value of £3.3m. If the Low Carbon Hub is to continue to invest in green energy schemes, it is crucial that they maintain cashflow. This loan is pivotal to the cashflow of the Hub.
13. Many of the assets currently held by the Hub have been financed by drawdowns accessed through the loan facility provided by the Council.
14. The Hub intends to deploy further capital over the course of 2018/19 and 2019/20 to fund its renewable energy projects.
15. The Hub has met its financial obligations under its current agreement with the Council, having repaid £1m of the £2.3m taken out as well as paying all interest charges incurred to date.
16. The Hub will continue to pay interest on a monthly basis at a rate of 5% per annum against the outstanding balance until the loan is repaid in full.

17. The Hub will be issuing a new share offer in May 2018 and intends to use income generated by this to repay a proportion or the full amount of the loan on 28 September with the remainder being repaid in full by 29 March 2019.

An Ethical Investment

18. The Council has had a long-standing commitment towards engendering a “greener” Oxford which is further emphasised by its coordination of the Oxford Strategic Partnership (OSP) and the Low Carbon Oxford network; the Low Carbon Hub is a not-for-profit social enterprise that seeks to scale up community-owned energy projects across Oxfordshire, including the district of Oxford itself and is a fellow member of the Low Carbon Oxford network. Therefore, by agreeing to extend the terms of the loan facility, the Council would be using its resources to support its vision of a “greener” Oxford.
19. Furthermore, the Council’s Treasury Management strategy includes a clear commitment not to invest directly, amongst other things, in environmentally harmful activities; this investment would achieve the opposite and in fact place significant investment in an environmentally positive project.

Financial Implications

20. The loan will be made for a period of 364 days for revenue purposes. The Council’s Constitution requires loans of this nature to organisations which are not wholly owned companies of the Council, to be approved by City Executive Board (para 18.23).
21. The loan will be financed by normal revenue cash balances with interest continuing to be received by the Council on a monthly basis at a rate of 5%pa until the loan is repaid in full.
22. Low Carbon Hub will offer security of the loan against existing solar panel site installations and associated revenue streams. The Council has undertaken due diligence on the financial standing of Low Carbon Hub and can confirm that it has sufficient asset cover in the event of default.

Legal Implications

23. The Localism Act 2011 provided the Council with the authorisation for the loan facility as the Act grants Councils the general power of competence to “*do anything that individuals generally may do*”.

24. The key provisions of the extension to the loan agreement are those which seek to provide the Council with adequate security to protect its funds. The £1.3m will be secured against the Hub's existing photovoltaic (PV) systems.

Risk

25. The risks of agreeing to this loan extension are detailed in Appendix 1

Report author	Angela Turner
Job title	Technical Officer for Treasury Management
Service area or department	Financial Services
Telephone	01865 252739
e-mail	aturner2@oxford.gov.uk

Background Papers: None

This page is intentionally left blank

Low Carbon Hub Loan Facility

Risk Register

Appendix 1 of 1

Risk ID	Risk						Gross Risk		Current Risk		Residual Risk		Risk Mitigation
	Risk Title	Opportunity/Threat	Risk Description	Risk Cause	Consequence	Date raised	I	P	I	P	I	P	
1	Investment return	T	Failure of the existing portfolio of projects to produce expected income	Actual investment returns being lower than projected through adverse impacts such as loss of rental income	Insufficient income to support the 5% interest payment to the Council	27-Mar-18	2	4	2	2	2	2	The Hub monitors all of its installations on a daily basis in order to pick up and resolve any technical failures as quickly as possible. The Hub insurance policy includes loss of income in case of large and long-term technical failures that cannot be resolved quickly.
2	Equity Share Scheme		The equity share scheme fails to raise sufficient funds	Lower equity share take up than anticipated	Funding would not be available to repay the remaining principal element of the loan facility	27-Mar-18	5	4	3	2	3	2	The loan extension agreement will state that the principal balance is secured against existing PV. Additionally, in the event of a payment default, the following actions may be taken: <ul style="list-style-type: none"> o The creation of a Floating charge over any of the Hub's assets o Assignment rights over the assets and contracts o Step-in rights to intervene in the business to ensure that the appropriate steps are taken to secure the project as a going concern and thus maximise the value of security, although it is recognised that this is something of a last resort and is not something that the Council would prefer to do.

21

This page is intentionally left blank

To: City Executive Board
Date: 22 May 2018
Report of: Head of Financial Services
Title of Report: Review of Discretionary Housing Payment Policy

Summary and recommendations	
Purpose of report:	To seek approval to amend the current Discretionary Housing Payment policy and to note the trends in expenditure detailed in the report.
Key decision:	Yes
Executive Board Member:	Councillor Susan Brown, Board Member for Customer and Corporate Services
Corporate Priority:	A Vibrant, Sustainable Economy, Strong and Active Communities
Policy Framework:	Corporate Plan; Financial Inclusion Strategy.
Recommendations: That the City Executive Board resolves to:	
1. Approve the revised Discretionary Housing Payment policy.	

Appendices	
Appendix 1	Discretionary Housing Payment Policy
Appendix 2	Case Studies
Appendix 3	Risk Register
Appendix 4	Equalities Impact Assessment

Introduction and background

1. On 12 June 2013 the City Executive Board (CEB) approved a new Discretionary Housing Payment (DHP) Policy. The policy made significant changes to the way the Council administered DHPs. The most significant change was that awards would be subject to an agreed action plan to improve the applicant's financial sustainability. Against a backdrop of significant welfare reform and consequent reductions in benefit entitlement, this approach was introduced to ensure that people being supported with DHPs were taking steps to find more sustainable solutions to their situation. Since 2013 the policy has been reviewed annually to help manage expenditure in line with changes to the DHP grant provided by the Government.
2. Government funding for DHPs has fluctuated in recent years. National funding was increased for 2013/14 and 2014/15 as a result of the introduction of the Benefit Cap and the Bedroom Tax. In 2015/16 funding reduced significantly, which saw Oxford's grant reduce from £514,496 to £288,092. Funding has increased for 2016/17 and 2017/18 in response to the further lowering of the Benefit Cap from £26,000 to £20,000 in November 2016. Oxford's grant for 2016/17 was £376,792 and for 2017/18 is £509,495. National funding is now reducing again, and so Oxford's grant for 2018/19 is £405,010.
3. The Welfare Reform Team has reviewed the existing policy in light of the wider rollout of Universal Credit (UC) from October 2017, and from feedback obtained from customers who have received DHP's throughout the last year. The revised policy is set out in Appendix 1.
4. One of the challenges of UC is that customers migrating to it will not receive a payment for a minimum period of five weeks. **Members should note that DHP cannot be paid in this period.** This is because DHP can only be paid where the customer is in receipt of either Housing Benefit, or the Housing Cost Element of UC.

Expenditure

5. The table below summarises DHP expenditure since 2013.

Table 1 – Annual Expenditure since 2013/15

Year	Expenditure	Percentage of Grant
2013/14	£431,244	82%
2014/15	£476,147	92%
2015/16	£270,505	94%
2016/17	£379,009	101%
2017/18	£494,566	97%

6. The table above represents the net DHP expenditure. For 2017/18, the gross expenditure was £530,326. This figure gets reduced where DHP overpayments are raised and repaid. Although such overpayments aren't actively recovered from recipients, where payment is made to a landlord, any DHP overpayment is automatically recovered from future payments.
7. In 2017/18, 789 applications for DHP were made by 357 separate customers, of which 631 (80%) were successful. Of the awards made in 2017/18, 39 were to customers who had been in receipt of DHP for more than a year. Of these customers 8 have been in receipt of DHP for more than two years. This is a significant reduction on the equivalent figures for 2015/16 when 149 awards were made to customers who had been in receipt of DHP for over a year. This reflects the positive outcomes that customers have been able to achieve whilst engaged with the Welfare Reform Team. Those in receipt of DHP for longer periods of time tend to be customers with more complex needs, or those with no practical options to change their circumstances.
8. 158 applications were turned down in 2017/18, which is a reduction from the 194 which were declined in 2016/17, despite receiving 45 more applications this year. The most common reason for turning down applications over the two years was that applications did not meet the DHP policy criteria (55 cases) i.e. the customer's circumstances fell under section 2.4 of the DHP policy, which are instances where we do not usually intend to pay DHP, unless there are circumstances where paying the DHP would strongly support the policy objectives. Whenever a DHP application is turned down, the customer is still offered the support of the Welfare Reform Team. Table 5 provides the top 5 reasons for turning down a DHP in the last two years.

Table 2- Reasons for refusing DHPs from 2016-18

Reason for refusal	Totals 2017/18	Totals 2016/17
Doesn't meet DHP policy criteria	22	33
Customer's income is sufficient to pay shortfall	20	25
Customer has no rent shortfall	19	15
DHP would not sustain tenancy	18	25
No long term plan to reduce DHP reliance	14	35

9. Table 3 compares the details of DHP awards and expenditure by benefit category for all years since 2013/14, when the Benefit Cap and Bedroom Tax were introduced. Please note that the category of "Other" relates to circumstances where an applicant is not entitled to full Housing Benefit. This will

usually be as a result of having greater income than the minimum level which attracts full Housing Benefit or due to deductions made in respect of non-dependant adults living at the property.

Table 3 – Breakdown of DHP Expenditure by Welfare Reform since 2013/14

Reason For Claim	2013/14	2014/15	2015/16	2016/17	2017/18
Benefit Cap	£213,065	£224,293	£128,180	£237,161	£418,410
Bedroom Tax	£124,386	£95,135	£40,860	£38,136	£31,037
Local Housing Allowance	£93,005	£121,441	£83,006	£92,370	£71,532
Combination of Above	£1,681	£5,410	£1,219	£636	£1,670
Other	£12,550	£29,870	£17,240	£10,812	£6,591

NB: The figures quoted in paragraph 6 above, are taken from the Benefits system, and are different from those in the above table. This is because the benefits system takes account of awards for claims which end prematurely, or where there are minor adjustments to the amount of benefit claimed, but cannot easily record the reason for the claim. Hence the reason for claims is recorded manually in a spread sheet together with the original award amount (the figure shown Table 3).

10. Table 3 shows that the main driver of expenditure is the Benefit Cap. Since the Benefit Cap was introduced in 2013, it has affected 640 households in Oxford. However 383 of these cases have only been impacted since the Benefit Cap was reduced from £26,000 to £20,000 in November 2016. Payment of DHP allows the customer the time and space to work with the Welfare Reform Team to obtain a benefit which qualifies them for an exemption from the Cap. Since November 2016, 215 customers have been supported to gain an exemption from the Cap, of which 98 have done so by moving into work or increasing their hours of work, so they become eligible for Working Tax Credit (or the equivalent element within Universal Credit). Appendix 2 contains a couple of case studies which show how the payment of DHP facilitates the Welfare Reform Team to support customers affected by the Benefit Cap.
11. DHP awards require action plans to be agreed so that customers are supported to manage their financial shortfalls themselves. The top five actions agreed for the last two years are shown in the table below. An action plan would not be agreed for awards made for a short fixed period, such as supporting someone as they move into employment. There have only been 65 awards made without conditions in the last two years.

Table 4 - Top 5 conditions for DHP awards from 2016-18

Agreed action	Totals 2017/18	Totals 2016/17
Look for work	210	202
Apply for another benefit	129	96
Engage with a specialist support service	100	63
Prepare for work	95	65
Obtain debt advice	81	78

Monitoring

12. The consistency of decision making will continue to be monitored by undertaking a check on 10% of all applications, whether successful or unsuccessful. DHP expenditure is also reported on a monthly basis and includes details of the amount of expenditure being made in respect of different Welfare Reform measures, and the number of cases receiving multiple awards throughout the year. Both actual and forecast DHP expenditure will be reported so that pressures can be identified as early as possible.

Policy Changes

13. The main objective of the DHP policy remains unchanged. This is to provide short term relief to applicants in order to give them time to find more sustainable solutions to their financial arrangements. The following paragraphs outline amendments that have been made to the policy.

14. The DWP have amended regulations relating to Universal Credit claimants who are moving to temporary accommodation or specified accommodation (formerly known as supported accommodation). In such circumstances, the UC award ends and a new claim for Housing Benefit must be made. In order to allow DHP to be paid, the DWP have created a concept called “underlying entitlement of DHP” which applies during this transition. The DHP policy has been updated to reflect this change.

15. Section 2.4 of the policy covers situations where the Council will not usually award a DHP unless to do so would strongly support the policy objectives. The following two criteria have been added to this section:

- Where the rent charged is of such an amount that the tenancy would still be unsustainable even if realistic steps to improve the household situation were achieved

- To cover the reduction to Universal Credit awards due to the imposition of third party debt deductions

16. Where references to Housing Benefit are made, the policy has been amended to reflect the equivalent conditions in Universal Credit. This includes the start date of awards, other effective dates and the maximum award that can be paid.

Financial implications

17. Oxford's DHP grant for 2018/19 is £405,010 which means a maximum of £1,012,525 can be spent next year. Regulations permit local authorities to spend two and a half times their grant on DHPs. Any expenditure over and above the grant, up to the ceiling, is a direct cost to the Council.

18. By making effective use of the Discretionary Housing Payment budget, and targeting awards effectively, the Council will save the costs of placing people in temporary accommodation or dealing with people who are homeless. Typically the cost of placing someone in temporary accommodation can be 18 times that of sustaining a tenancy using DHPs.

19. The government has confirmed the national DHP budget until 2019/20. However after 2020, with Universal Credit largely rolled out and the ending of the Revenue Support Grant to local authorities, it is possible that government funding for DHP's will also cease. As such it is important that DHP's continue to be used to help applicants become financially sustainable and reduce the long term reliance on this financial support.

Legal issues

20. The recommendations of this report are within the scope of the Child Support, Pensions and Social Security Act 2000 and The Discretionary Financial Assistance Regulations 2001 (SI2001/1167), and subsequent amendments. Whilst the regulations give a very broad discretion, the Council has a duty to act fairly, reasonably and consistently. Each case must be decided on its own merits, and decision making should be consistent throughout the year.

Level of risk

21. An evaluation of the risks associated with the DHP policy has been carried out. A detailed Risk Register is attached at Appendix 3.

Equalities impact

22. An initial impact assessment has been carried out and is attached at Appendix 4. No undue, adverse impacts have been identified. However as the DHP budget is finite, and needs to be allocated within set guidelines, monitoring will be carried out to ensure there are no unintended consequences of the policy to any specific group of customers.

Report author	Paul Wilding
Job title	Revenues & Benefits Programme Manager
Service area or department	Welfare Reform Team
Telephone	01865 252461
e-mail	pwilding@oxford.gov.uk

Background Papers: None

This page is intentionally left blank

Oxford City Council's Discretionary Housing Payment Policy

1. Aims

- 1.1. The overarching objective of this policy is to distribute funding granted under the Discretionary Housing Payment scheme (DHP) in order to prevent homelessness. This will be achieved by providing short term relief to applicants in order to give them time to find more sustainable solutions to their financial arrangements. The policy is also intended to support people who have little scope to change their personal circumstances. Funding provided by this policy is only intended to be used to cover housing costs.
- 1.2. Demand for support through awards of DHP remains high as a result of multiple welfare reforms implemented in recent years, such as the under occupancy criteria in the social sector, the Benefit Cap, and the freeze of Local Housing Allowance rates, plus the continued rise in private sector rents in the city. Furthermore 2018/19 will see a reduction in government funding to the DHP fund. In addition to the overarching objective of the policy outlined in 1.1, the policy also aims to:
- alleviate child poverty and keep families together
 - support vulnerable young people in the transition to adult life, including young people leaving care; and
 - support the vulnerable in the local community
 - support the transition into work, particularly for people at risk of homelessness and those moving on from hostel accommodation
 - support the aims of the Financial Inclusion Strategy

2. Determination of Applications

- 2.1. Applications for DHP awards must be made on the form shown at Appendix 1A. The Welfare Reform Team will consider all applications for DHP on their individual merit.
- 2.2. In order to be considered for an award of Discretionary Housing Payment applicants must either be entitled to Housing Benefit or the Housing Element of Universal Credit. The exception to this is for customers on Universal Credit moving into temporary accommodation, or specified accommodation, and as a result have a period of no entitlement to either benefits, when they can then be considered for DHP for the period of underlying entitlement.
- 2.3. DHP's can not be awarded in the following circumstances:
- To top up an award made under the Council Tax Reduction Scheme¹.
 - To contribute to the cost of ineligible service charges
 - To assist in paying for rent increases imposed as a result of incurring rent arrears
 - To assist in paying for rent costs arising from the suspension of a Housing Benefit or Universal Credit claim
 - To assist in paying for rent costs which arise from the imposition of sanctions or reductions in Housing Benefit or Universal Credit. These include any reduction made

¹ Section 13A of the Local Government Finance Act 1992 provides for Local Authorities to make reductions in the amount of Council Tax owed by an individual.

as a result of not complying with work related conditionality, or deductions to recover benefit overpayments, or in arranging maintenance as directed by the Child Support Agency, or breaching a community service order.

- To cover the rent for the initial period between making a claim for Universal Credit and having Universal Credit entitlement confirmed

2.4. It is not intended to award DHP in the following circumstances, unless to do so would strongly support the policy objectives outlined above:

- Assistance with moving costs, rent in advance, and deposits (unless moving to more affordable accommodation)
- Shortfalls caused by a non-dependent deduction or housing cost contribution.
- Where Capital in excess of £6,000 is held for people of working age, or £10,000 for those of pensionable age
- Where the tenancy was not affordable when it was taken on.
- Where the rent charged is of such an amount that the tenancy would still be unsustainable even if realistic steps to improve the household situation were achieved
- Where an applicant has multiple outstanding debts, and has no plans to seek professional debt advice, or to deal with the debt
- Where there is affordable and suitable available alternative accommodation.
- Where applicants are not prepared to take steps to reduce or remove their need for DHP, and/or state the period of time they require the DHP
- Where multiple family units or households are living in one property, and another household could be expected to make additional contributions to the rent
- Where fraud has been admitted or proven in relation to claims for Housing Benefit, Universal Credit, Council Tax Benefit, Council Tax Reduction Scheme or Discretionary Housing Payments
- To cover the reduction to Universal Credit awards due to the imposition of third party debt deductions

2.5 In deciding whether to award a DHP, consideration will be given to:

- how the award will meet the policy objectives, with priority being given to:
 - applicants who have limited scope to change their circumstances (e.g. a disabled applicant affected by the under-occupancy rules who has had adaptations made to their property)
- the shortfall between Housing Benefit/ Housing Element of Universal Credit and the rental liability
- any steps taken by the applicant to reduce their rental liability;
- any steps taken by the applicant to find work, or increase their hours of work
- the financial and medical circumstances (including ill health and disabilities) of the applicant, their partner and any dependants and any other occupants of the applicant's home;
- the income and expenditure of the applicant, their partner and any dependants or other occupants of the applicant's home. (All applicants will be required to complete an Income & Expenditure Form.) Where it is felt that expenditure is inappropriate or incompatible with award of a DHP, the applicant will be referred for debt advice or financial capability support.
- any savings or capital that might be held by the applicant or their family;
- the level of indebtedness of the applicant and their family;
- the exceptional nature of the applicant and his / her family's circumstances;
- whether total DHP expenditure is within the legally permitted level of two and a half times the government's contribution
- the possible impact on the Council of not making such an award, e.g. the pressure on priority homeless accommodation;

- any other special circumstances brought to the attention of the Welfare Reform Team.

3 Amount and condition of awards

3.1 The Welfare Reform Team will decide how much to award based on all the circumstances. However, the main determining factor will be a consideration of the applicant's scope for reducing their reliance on DHP's in the future. Where this is possible, awards will usually be made for a maximum of thirteen weeks or three months. If an applicant has limited options for making changes in their circumstances awards will be made for longer periods, of up to 12 months. An award of a DHP does not guarantee a further award at a later date even if the applicant's circumstances have not changed.

3.2 . The start date of the award will normally be:

- the Monday after the Welfare Reform Team receives the written claim for a DHP in cases where the applicant is claiming Housing Benefit; or
- The first day of the current Universal Credit monthly assessment period the applicant is in when their DHP claim is received, where the customer claims UC; or
- the date on which entitlement to Housing Benefit or Universal Credit starts; or
- another date, where this fulfils the objectives of this policy better than the dates above.

3.3 An award of DHP will have conditionality attached to it in the majority of circumstances. Any conditionality will be linked to increasing the applicant's income, reducing their rental liability or reducing other outgoings. Conditions will be agreed with the applicant, and support will be available to help them achieve them, either from the Council or from partner organisation(s). Examples of types of conditionality could include:

- Attending work related coaching with one of the Council's partners
- Actively looking for work, with or without the support of the Council, or one of our partners
- Registering for housing and bidding for suitable properties in each cycle
- Seeking assistance to manage debts
- Paying rent arrears
- Engaging with specialist support services

The intention of any conditionality is to assist the customer in improving their circumstances; it is not a punitive measure. However an award of DHP can be cancelled if a customer has not undertaken the agreed activity. Where employment is a reasonable outcome for someone, a condition related to moving into work will always be applied.

3.4 The maximum amount of DHP is calculated under the following rules:

- For applicants claiming Housing Benefit, the difference between the weekly Housing Benefit award and the weekly eligible rent.
- For applicants claiming Universal Credit, the maximum award amount is the level of the monthly Housing Element of the customers Universal Credit award, alongside the requirement that they need further support for housing costs.

3.5 When making a repeat application for an award, the customer must have met the conditions applied to their previous award, be able to set out what actions they have undertaken as a result of that support, and explain their next steps in order to reduce their reliance on DHP awards. Such applications will require an interview with a Council officer before an award can be made.

3.6 When an application for a DHP is declined, the applicant will still be offered support in resolving their situation, either directly from the Welfare Reform Team, from another Council department, or through a referral to one of the Council's partner organisations.

4 Administration of Payments

- 4.1 Where the applicant appears to be entitled to another state benefit that they are not receiving, they will be advised to make a claim, and provided with details of other agencies in the city who may be able to help with such a claim. Any DHP will be reviewed in light of the result of this claim.
- 4.2 The Welfare Reform Team may need to revise an award of a DHP where the applicant's circumstances have materially changed. Any revision to the award will take effect from the same day as any change to the Housing Benefit award, or the start of the relevant Universal Credit assessment period. If a revision of an award leads to an overpayment then steps will be taken to recover this money if it is reasonable in the circumstances to do so.
- 4.3 A DHP will normally be made payable to the person receiving the Housing Benefit payment or Housing Element of Universal Credit, unless the aims of the policy are better served paying someone else. Where Housing Benefit or HCE is paid to the landlord, and a DHP award is made for more than three months, the Welfare Reform team will review the claim to ensure that payment should continue to be made to the landlord.
- 4.4 DHP will be paid by the most appropriate means available. This will normally be by BACS transfer. The payment frequency will normally be made in line with payments of Housing Benefit, or four weekly for Universal Credit payments.
- 4.5 Decisions regarding DHPs will be notified to the applicant within 10 working days of receiving the last piece of information required to determine the application, and will include:
- Reasons for the decision
 - The start and end date of the award
 - The amount of the award
 - Conditions attached to the award
 - The applicant's right of review
 - Advice that future awards may not be made
- 4.6 A Senior Officer will review any DHP decision that is disputed by the applicant. If the decision is still upheld, any further dispute must be dealt with through the Councils complaints procedures and ultimately by judicial review.
- 4.7 Where a customer has a complaint in the way we have applied our policy, they may ask the Local Government Ombudsman to look at their case, after exhausting the Council's own complaints procedure.

5 Fraud

- 5.1 Oxford City Council is committed to the fight against fraud in all its forms. An applicant who tries to fraudulently claim a DHP by falsely declaring their circumstances, or providing a false statement or evidence in support of their application, may have committed an offence under section 2 of the Fraud Act 2006. Where the Welfare Reform Team suspects such a fraud may have occurred, the matter will be investigated and this may lead to the instigation of criminal proceedings.

6 Monitoring

- 6.1 Reports will be extracted from the DHP software on a monthly basis to ensure that expenditure is within budget and is correctly profiled to ensure no overspend at the end of the financial year. Overpayments will be reconciled on a monthly basis. A 10% check will be made of all DHP applications, whether successful or not, to ensure that decision making is consistent and complies with this policy.
- 6.2 The reasons for making a DHP award will be monitored and reported based on the following list:

Benefit Cap
LHA Reductions
Housing Benefit reductions due to under-occupation
Combination of reforms
Other

This will be reported back to DWP in accordance with their requirements.

7 Communication of Policy

7.1 The Welfare Reform Team will publicise the scheme and will work with all interested parties to achieve this. A copy of this policy statement will be made available for inspection and will be posted on Oxford City Council's website.

8 Review

8.1 This policy is effective from 22 May 2018. It will be reviewed no later than 1 June 2019.

DHP Application form

Application for Discretionary Housing Payment (DHP)

Section 1: About you

To help us to process your claim quicker, please give us your current contact details.

Full Name:

.....

Address:

.....

.....

.....

.....

.....

..... Post Code:

.....

Claim reference number: 80-

.....

Home number: Mobile:

.....

Email address:

.....

Please note we may contact you regarding your claim and your appointments. We have found that contacting customers by email and text is an efficient way of getting in touch quickly with customers. If you have any preferences about the way you are contacted please let us know.

Section 2: About your circumstances

1. Why are you applying for DHP e.g. bedroom tax, local housing allowance (LHA) shortfall, benefit cap, personal circumstances?

2. Have you applied for DHP before?

Yes- please answer question 2A

No- Please answer question 2B

2A. Please tell us what are you doing to meet the conditions of your last award?

2B. Please tell us what have you tried to do to improve your current situation?

3. Are you getting help from anyone at the moment e.g. Tenancy Sustainment, Connection, Crisis, Aspire, Mind, Advice Centre, Citizens Advice Bureau (CAB), Job Clubs, Social Services, etc.?

4. Is there anything else you would like us to know about when we are considering your claim e.g. risk of eviction, health, pregnancy, addiction issues.

5. When would you like your DHP to start and why? If you want DHP for past period, tell us why did you not apply before?

Section 3: About your new DHP award

6. DHPs provide short term financial help for people who are working towards improving their situation so they can afford to pay their rent without this support in the future. Which of the following options are you taking or are you prepared to take to improve your situation?

Employment/training towards work
home)

Downsizing (moving to a smaller

Increasing working hours

Debt/money advice

Moving to cheaper accommodation

Lodger

Other (please specify below):

Section 4: About your financial situation

Please give us details of your Income and Expenditure as accurately and completely as you can. This information is needed to make a decision about your Discretionary Housing Payment. You may be asked to provide proof of the amounts declared.

Please state period as Y = yearly or Q = quarterly or M = monthly or W = weekly

Income

Income Type	Period	Amount	Income Type	Period	Amount
Wages			Industrial Injuries Benefit		
Wages (partner)			Pension Credit		
Jobseeker's Allowance			State Retirement Pension		
Income Support			Occupational Pension		
ESA			Sick Pay		
Child Tax Credit			Maternity Pay		
Child Benefit			Carer's Allowance		
Disability Living Allowance			Attendance Allowance		
Personal Independence Payment (PIP)			Student Income/ Loans		
Maintenance			Savings/ Investments		
Working Tax Credit			Armed Forces Independence Payment		
Money from Non-Dependant			Universal Credit		
Rent from lodger			Other (please specify)		

Bills

Expenses	Period	Amount	Expense	Period	Amount
Total Rent*			Pay TV/ Internet/ Phone Package		
Council Tax (after CTRS*)			Maintenance Payments		
Water Rates			Service Charges		
Gas			Private Pension payments		
Electricity			Insurance e.g. contents, life, pets		
Coal/Wood/Other Heating			Other (please specify e.g. repairs)		
TV Licence					
Mobile Phone 1					
Mobile Phone 2					

Housekeeping					
Expenses	Period	Amount	Expense	Period	Amount
Food			Childcare		
Takeaway			Healthcare Prescriptions		
Baby Food/ Milk			Health & Beauty (please specify e.g. haircuts)		
Toiletries					
Nappies			Clothing		
Laundry/ Dry Cleaning			Disability Related Care Expenditure		
Cleaning Materials					
School Uniform			Gym Membership		
School Meals			Other (please specify)		
School Trips					

Travel					
Expenses	Period	Amount	Expense	Period	Amount
Public Transport			Disability Related Mobility Expenditure		
Petrol					
Insurance			Breakdown Cover/ MOT		
Road Tax			Other (please specify)		
Taxi					

*Total Rent- tell us what your actual rent is

*CTRS- Council Tax Reductions Scheme

Please state period as Y = yearly or Q = quarterly or M = monthly or W = weekly

Other costs					
Expenses	Period	Amount	Expense	Period	Amount
Going Out/ Entertainment			Cigarettes		
			Alcohol		
Savings			Gambling		
Pets e.g. food, vets			Holidays		
Pocket money			Meals at work		
Afterschool Clubs			Newspapers/ Magazines		
Birthdays			Subscriptions/ Charities		
Religious Holidays e.g. Christmas, Eid			Other (please specify)		

Debt			
Expenses	Period	Amount	Total amount of debt
Personal Loans e.g. family, friends			
Pay Day Loans			
Credit Cards			
Rent Arrears			
Utility Arrears e.g. gas, water, electrics			
Council Tax Arrears			
HB overpayments/ deductions			
Hire Purchase/ White Goods Loans			
Court Fines/ Bank Costs			
Maintenance Payments			
Catalogue Payments			
Student Loans			
Other (please specify)			

Section 5: Your declaration

I declare that the information I have given on this form is correct and complete.

I understand the following:

- If I give incorrect or incomplete information, the council may take action (including court action)

against me;

- Oxford City Council is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. You can view the council's data protection policy and privacy notice at www.oxford.gov.uk/privacy
- We may share your information with and obtain information about you from other departments within Oxford City Council, other local authorities, government departments or financial organisations to ensure that the information is accurate; prevent or detect crime and fraud and protect public funds. We will not sell, share, or rent this information to others in ways different from what is disclosed in this statement.
- The council will use the information I have given to assess my claim for Discretionary Housing Payment, and I agree that the council can verify this if needed;
- I will tell the council about any changes in my circumstance that may affect my claim.

Your signature:

Date:

If you had help filling in this form or someone filled it in for you, please ask them to complete the next section.

I can confirm that I have completed this form on behalf of the claimant. The information contained within the form has been given to me by the claimant. The claimant confirms that this information is correct.

Name and relationship to you of the person who filled in the form:

This page is intentionally left blank

Appendix 2 – Benefit Cap Case Studies

To protect the customers' identity, the names and some of the details below have been changed.

Laila & Jasmine

Laila has three children and is also a carer. When she first contacted the Welfare Reform Team, she was in temporary accommodation and the high cost of this accommodation meant she had been benefit capped and was losing more than £25 a week from her housing benefit.

We discussed Laila's options and agreed that looking for a benefit cap exemption through working tax credit was the way forward, although Laila had no work experience and was not confident with her English. Laila told us she was interested in working in retail, and we referred her to a job club for help finding work. We also gave her a discretionary housing payment (DHP) to cover the housing benefit she had lost due to the benefit cap.

Laila was offered a council tenancy in July, and her lower rent costs meant that she was no longer benefit capped. When we caught up with her in August, she was looking for work experience through volunteering, and was also thinking about working in a school. Although Laila no longer needed a DHP, she agreed to continue working with us with the goal of finding a job.

Over a period of months, we continued to support Laila. We helped her to deal with a housing benefit overpayment, booked her on training courses to work in a school, provided character references to help her to get a voluntary position, and dealt with other enquiries to the council about energy advice and repairs on her behalf. Laila started volunteering for a charity.

All this helped to build a relationship of trust with Laila, which led to her asking us to help her daughter Jasmin to find work. We met with Laila and Jasmin, who was studying for her A Levels at City of Oxford College, and discussed how to apply for jobs effectively. We helped Jasmin with her CV and covering letter.

When the Oxford Mail held a job fair in Oxford Town Hall, we went with Laila and Jasmin, and coached Jasmin on how to approach employers on the day. She subsequently applied for a vacancy with one of the attending employers, and got the job. Jasmin has now gone through her induction and started working shifts in a restaurant in April.

Marianne & Mark

Marianne & Mark are council tenants with four children. They lost more than £45 a week from their housing benefit when they were benefit capped. Mark had been on the Work Programme and was applying for Employment and Support Allowance (ESA) while he waited for surgery.

Mark was keen to work again when he could, and we agreed to give him a discretionary housing payment (DHP) while he waited to hear about his ESA application. When Mark was put into the Work Group for ESA, we referred him for employment support to find work, to help sort out his CV and to improve his skills.

We also arranged an appointment for Marianne and Mark to see an independent money adviser from Citizens Advice Oxford (CAO), and CAO helped them to apply for debt relief orders to deal with their debts.

Mark's ESA ended and he moved back onto Jobseekers Allowance. We kept in regular contact with Mark and his employment advisor to check on Mark's progress in moving back into work, and we were able to keep paying DHP.

After nine months, Mark had not found a job and we discussed whether he would benefit from more direct support in finding work. Mark agreed to this. We arranged for him to go to a Workers Educational Association career development session and made a new referral to Aspire to help him to get a job.

Six weeks later, Marianne rang the council and told us that Mark was about to start a new job. We gave Marianne and Mark an extended payment of housing benefit and advised them to claim working tax credit so that they would be exempt from the benefit cap.

Because Marianne and Mark claimed working tax credit, the benefit cap was removed in June 2015. Mark now works for 30 hours a week.

Marianne and Mark still get some housing benefit, and they no longer need a DHP because they can afford to pay their rent themselves. They need no longer worry about not having enough money to pay the rent, and are more than £140 a week better off than when the benefit cap was applied to their housing benefit.

Appendix 3

Title	Risk description	Opp/ threat	Cause	Consequence	Date Raised	Owner	Gross		Current		Residual		Comments	Controls				
							I	P	I	P	I	P		Control description	Due date	Status	Progress %	Action Owner
Managing demand	Customers applying for DHP later in the year may not receive support due to high levels of expenditure earlier in the year	Threat	Greater demand for DHP's in the first half of the year	Reduced budget available later in the year	29/3/18	Paul Wilding	3	3	3	2	3	1		Monthly monitoring of expenditure.	1/6/18	In Progress	25	Paul Wilding
Legal challenge	Council successfully challenged on application of policy by unsuccessful applicants.	Threat	Inconsistent application of DHP policy, or awards made which are incompatible with policy.	Reputational damage and potential award of costs.	29/3/18	Paul Wilding	4	2	4	2	2	1		10% check of applications carried out to ensure decision making is consistent	1/6/18	In Progress	25	Paul Wilding
Customer impact	Unintended negative impact on specific customer groups	Threat	Unforeseen consequence of policy on some customer groups	Some customer groups are discriminated against and more likely to be unsuccessful with their DHP applications	29/3/18	Paul Wilding	3	2	3	2	2	1		Monitor successful and unsuccessful applications against the criteria established in the policy	1/6/18	In Progress	25	Paul Wilding

This page is intentionally left blank

Initial Equalities Impact Assessment

1. Within the aims and objectives of the policy or strategy which group (s) of people has been identified as being potentially disadvantaged by your proposals? What are the equality impacts?

The Discretionary Housing Payment policy is intended to support those who are disadvantaged by changes to Housing Benefit rules, specifically the under occupation rules in the social sector, the Benefit Cap and the changes to Local Housing Allowance rates. The under occupation rules disproportionately impact older customers (from 45 to pension age) and people with a disability. The Benefit Cap affects mainly households where there are lots of children (and in most cases a single parent). The Local Housing Allowance changes impact mainly on households with children. As such, if the DHP policy is not applied correctly, these groups could be disadvantaged.

In the past Citizens Advice has expressed concern at the treatment of income related to disability benefits (Disability Living Allowance, Personal Independence Payment and Attendance Allowance). They believe that taking such income into account when determining DHP applications could be discriminatory as such income is intended to meet costs related to the illness or disability concerned. The Council's view is that it is reasonable to take such income into account provided that any expenditure related to such income is also taken into account. The presence of such income prompts officers to ask specific questions related to expenditure on care costs and related items.

2. In brief, what changes are you planning to make to your current or proposed new or changed policy, strategy, procedure, project or service to minimise or eliminate the adverse equality impacts?

Please provide further details of the proposed actions, timetable for making the changes and the person(s) responsible for making the changes on the resultant action plan

The Welfare Reform team have developed strong partnerships with a wide range of support organisations. Where financial support cannot be provided, customers will be referred to appropriate organisations for support..

As the policy is discretionary people who are in groups at risk of being disadvantaged can still receive DHP awards if to do so meets the policy's broader objectives.

3. Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision. Please note that you are required to involve disabled people in decisions that impact on them

We are not consulting externally on the change to the DHP policy. The changes to the DHP policy are minor in nature, and in any case all applications are considered on their own merits, and any award made is at the discretion of the Council. As such the process of consultation may raise unrealistic expectations and would be an unproductive exercise at this point, as it would not generate any information that the Council hasn't already anticipated or did not know.

4. Can the adverse impacts you identified during the initial screening be justified without making any adjustments to the existing or new policy, strategy, procedure, project or service?

Please set out the basis on which you justify making no adjustments

As this policy is discretionary, all applications will be considered on their merit. Where an application meets the aims of the policy, it is intended to provide support.

The policy is a fairly straightforward one to apply. CEB should note that, as it is a discretionary payment the Council are not intending to set out any circumstances in which we definitely wouldn't support someone. If an application meets various policy aims, it will be successful.

5. You are legally required to monitor and review the proposed changes after implementation to check they work as planned and to screen for unexpected equality impacts.

Please provide details of how you will monitor/evaluate or review your proposals and when the review will take place

A 10% check of applications will be carried out to ensure consistency of decision making. This will be done for both successful and unsuccessful applications. Monitoring will be carried out on a monthly basis, and this will also include the reason for the application being made. Regular reports have also been provided to Scrutiny Committee in the last four years. It is expected that this will continue.

To: City Executive Board
Date: Tuesday 22 May 2018
Report of: The Head of Law & Governance
Title of Report: Regulation of Investigatory Powers Act 2000 Use of Surveillance Powers and Amended Procedure Document

Summary and recommendations	
Purpose of report:	To note the Council's use of the investigatory powers for the year 2017/18 and to approve the Council's amended policy and procedure document
Key decision:	No
Executive Board Member:	Councillor Susan Brown, Council Leader, Customer and Corporate Services
Corporate Priority:	None.
Policy Framework:	None.
Recommendations: That the City Executive Board resolves to:	
<ol style="list-style-type: none"> 1. Note the Council's non use of the investigatory powers for the year 2017/18; 2. Determine, in the light of recommendation 1, whether there is continued merit in the Head of Law and Governance formally reporting annually to full Council the usage of Regulatory of Investigatory powers in any year when the powers have not been utilised; and 3. Adopt the Council's RIPA Policy and Procedure as amended. 	

Appendices	
Appendix 1	Regulation of Investigatory Powers Act 2000 Policy and Procedure (as amended).

Introduction and background

1. This report relates to the Council's use of the Regulation of Investigatory Powers Act 2000 (RIPA) for the period April 2017 to March 2018. The three investigatory powers available to the Council are, directed covert surveillance, the interception of

communications data and the use of Covert Human Intelligence Sources. The Council has only ever authorised directed covert surveillance.

2. On 1 April 2009 the Board noted that Council’s use of RIPA would be reported annually to Council. Since 2013 this has amounted to a nil report since the last authorisation was granted in October 2012.

The Council’s use of Covert Surveillance

3. There were no authorisations for the period 1 April 2017 to 31 March 2018.

RIPA Inspection

4. In October 2017 the Council was the subject of a “light touch” inspection conducted by His Honour Brian Barker CBE, QC, Assistant Surveillance Commissioner. Based on a lengthy telephone discussion with the report author HH Barker considered it sufficient to present his report without the necessity of an inspection visit.

RIPA Policy and Procedure

The Council’s RIPA Policy and Procedure is shown as appendix one to this report. Following the discussion with HH Brian Barker amendments have been made to the Policy and Procedure. Significantly at paragraphs 1.10, 2.3, 2.3.3, 3.1 and the inclusion of paragraphs 7.1 to 7.5

Other implications

5. None.

Financial implications

6. None.

Legal issues

7. These are addressed in the report.

Level of risk

8. Were the Council to use one of the investigatory powers without the appropriate authorisation or judicial approval, the investigation in all probability would be compromised and any evidence obtained likely to be ruled inadmissible.

Equalities impact

9. An application for directed covert surveillance must be authorised in accordance with the Council’s policy and procedure and must also receive judicial approval. In the circumstances an equalities impact is not considered necessary.

Report author	Jeremy Franklin
Job title	Litigation Team Leader
Service area or department	Law & Governance
Telephone	01865 252412
e-mail	jfranklin@oxford.gov.uk

OXFORD CITY COUNCIL

Regulation of Investigatory Powers Act 2000

Policy and Procedure

**OXFORD CITY COUNCIL
LAW AND GOVERNANCE**

May 2018

1. INTRODUCTION

- 1.1 Any covert surveillance conducted by the Council can constitute an interference with the right protected by Article 8 of the European Convention on Human Rights, which provides that every individual has a “right to respect for his private and family life, his home and his correspondence”. Section 6 of the Human Rights Act 1998 provides that it is unlawful for the Council to interfere with those rights unless it is in accordance with the law, proportionate and necessary in a democratic society.
- 1.2 As the Council has a number of functions to undertake which involve the enforcement of laws and regulations, officers will need to conduct investigations and where appropriate take legal proceedings. The Council will not normally make use of covert surveillance and similar activities unless it is necessary for an investigation and it is seen as a last resort. The covert surveillance method requested must also be the least intrusive available.
- 1.3 The Regulation of Investigatory Powers Act 2000 (RIPA) regulates the way in which the Council conducts surveillance for the purposes of law enforcement. The fundamental requirement of RIPA is that when the Council considers undertaking directed surveillance or using a covert human intelligence source it must only do so if:
 - a) the activity has been authorised by an officer with appropriate powers, and
 - b) the relevant criteria are satisfied and that the alleged offences carry a minimum sentence of six months imprisonment (or is a statutory exception see para 3.4) and that confirmation of approval has been given by a Magistrate.
- 1.4 Some activities of Council enforcement officers (e.g. environmental health officers, benefit fraud investigators, planning enforcement officers, licensing officers) are covered by the provisions of this Act. Also covered by the Act and less obviously, are activities, which involve surveillance for purposes, which, might be said to be internally focussed.
- 1.5 Compliance with RIPA will ensure any interference is in accordance with domestic law. Compliance with RIPA assists to defend complaints against the Council and officers of interference with the right to respect for private and family life protected by Article 8 of the Convention. The Council can thus claim any interference is “in accordance with the law”. Provided the activities undertaken are also necessary and proportionate there will be no contravention of human rights legislation.

- 1.6 All investigations or enforcement actions involving covert surveillance or the use of a covert human intelligence source must comply with the provisions of RIPA.
- 1.7 This policy applies to all staff and agents working for the Council. The purpose of this guidance is to advise Council enforcement officers and their managers of the procedure that should be followed where surveillance activities are contemplated, to ensure compliance with RIPA.
- 1.8 The Council will from time to time issue further guidance and procedures to staff.
- 1.9 The Council will ensure adequate training takes place for authorising and investigating officers.
- 1.10 This policy should be read in conjunction with the Regulation of investigatory Powers Act 2000 (RIPA) and the Home Office Codes of Practice 2014, and for further guidance see Office of Surveillance Commissioners Procedures and Guidance 2016*.

<https://www.gov.uk/government/publications/covert-surveillance-and-covert-human-intelligence-sources-codes-of-practice>,

* *The Investigatory Powers Commissioners Office (IPCO) is reviewing the content for the previous oversight bodies websites with a view of consolidating the contents on to its new website. In the meantime please contact the RIPA Coordinating Officer for a copy of the 2016 Procedures and Guidance.*

2. RIPA REGULATED ACTIVITIES

- 2.1 If an investigating officer identifies a contemplated surveillance activity as regulated by RIPA, a written authorisation in accordance with this guidance should be obtained, before the activity commences. If enforcement officers or their managers are in any doubt, they should contact the Head of Law & Governance.

Activities covered by RIPA:

2.2 The Interception of Communications

Where interception of the communication has not been authorised, or agreed by the sender and addressee of the communication. These guidance notes do not cover this activity, as the Council is extremely unlikely to undertake this activity. Please contact the Head of Law & Governance.

2.3 The Use of Covert Human Intelligence Sources

This is defined as the use of an individual to create a relationship with a subject, for the purposes of obtaining information, where the purpose of the relationship is not disclosed to the subject. Interaction with the subject of surveillance is therefore required in order for an individual to be regarded as a covert human intelligence source (CHIS). Activities of an undercover officer could fall within this definition. Additional careful monitoring and recording is required (see Home Office Code of Practice *CHIS* chapter 6).

2.3.1 Examples might include an undercover police officer who, attempts to infiltrate a drug smuggling ring. Another example might be the use of a professional witness or private investigator to obtain information and evidence where that individual interacts with the subject of surveillance.

2.3.2 Members of the public who volunteer information as part of their civic duty i.e. they voluntarily disclose to the Council observations which they have made during the course of their lives, will not normally be regarded as a CHIS. It will be otherwise if they have obtained the information in the course of a friendship or other relationship with the suspect. In case of any doubt, legal advice should be sought from the Head of Law and Governance.

2.3.3 The Council does not envisage any circumstances where it would be necessary to use a CHIS. An authorising officer must consult with the Head of Law & Governance before considering authorising the use of CHIS.

2.4 Directed Surveillance

As this activity is the most likely to be carried out, this policy addresses this activity in more detail. Where there is to be directed surveillance written authorisation must be obtained in accordance with the provisions of RIPA before the surveillance commences. Directed surveillance is defined as surveillance which is covert, but not intrusive and which is undertaken for the purposes of a specific investigation, and which is likely to result in obtaining private information about a person and which is carried out otherwise than as an immediate response to events where it would be impracticable to obtain prior authorisation.

2.4.1 Therefore investigating officers need to consider a number of key questions to determine whether a proposed activity falls within this definition of directed surveillance:

- i) **Is the proposed activity surveillance?**

Surveillance is defined in wide terms as: any activity involving the monitoring, observing or listening to persons, their movements, their conversations or other activities or communications; the recording of anything monitored, observed or listened to in the course of surveillance; and the surveillance by or with the assistance of a surveillance device.

ii) **Is the surveillance covert?**

Surveillance is covert where it is carried out in a manner calculated to ensure that the subjects of the surveillance are unaware that it is, or may be taking place. It is therefore the intention of the officer carrying out the surveillance, which is relevant to this issue of covertness.

iii) **Is the surveillance for the purposes of a specific investigation?**

General observation, not forming part of any investigation into suspected breaches of the law and not directed against any specific person or persons is not directed surveillance e.g. CCTV cameras in Council car parks are readily visible and if they are used to monitor the general activities of what is happening within the car park, it falls outside the definition. If, however, the cameras are targeting a particular known individual, the usage will become a specific operation, which will require authorisation.

iv) **Is the surveillance undertaken in such a manner that is likely to result in the obtaining of private information about a person?**

“Private Information” is any information concerning a person’s private or family life. Whether information is personal in nature is relevant when deciding whether information is private. The fact that observation of individuals occurs from the public highway will not prevent the discovery of private information. When officers consider this question they should give due weight to the probability of discovering such information, as authorisation is not required if there is only a slight possibility of discovering private information.

v) **Is the surveillance otherwise than by way of an immediate response to events or circumstances where it is not reasonably practicable to obtain prior authorisation?**

If the surveillance were an immediate response to something happening during the course of an officer’s work, it would not be reasonable to obtain prior authority. If this occurs, the officer must report the incident back to

an authorising officer so a note can be made on the relevant department file and the central register.

vi) **Is the surveillance intrusive?**

The Council is not authorised to carry out intrusive surveillance however it is extremely unlikely the Council would contemplate undertaking this activity. Directed surveillance turns into intrusive surveillance if it is carried out in relation to anything taking place on residential premises or in a private vehicle, and involves the presence of an individual on the premises or in the vehicle. If a surveillance device is used and if the device is not on the premises or in the vehicle, it is only intrusive if it consistently produces information of the same quality as if it were. To be approved the Authorising Officer must be satisfied that necessity, proportionality and collateral intrusion have all been properly addressed (see Home Office Code on Convert Surveillance chapter 3).

3. **AUTHORISATIION**

- 3.1 An application for the carrying out of directed surveillance or the use of a CHIS must first be given independent consideration by an Authorising Officer who will give written reasons for approval. The complete application must then be taken to the Magistrates' Court where after a hearing; confirmation of the appropriateness of the action must be obtained from the Magistrate.
- 3.2 The contact numbers for the Oxford Magistrates' Court are 448021 or 448032.
- 3.3 A copy of the Home Office guidance to local authorities and a copy of the application for judicial approval can be obtained at <http://www.homeoffice.gov.uk/publications/counter-terrorism/ripa-forms/local-authority-ripa-guidance>
- 3.4 In addition to obtaining prior judicial approval an authorisation for directed surveillance or the use of a CHIS can only be granted if the offence under investigation carries a maximum term of imprisonment of at least 6 months whether at the Magistrates' Court or the Crown Court, or would constitute an offence of:
 - a) selling alcohol to children contrary to section 146 of the Licensing Act 2003;
 - b) allowing the sale of alcohol to children contrary to section 147 of the Licensing Act 2003;
 - c) persistently selling alcohol to children contrary to section 147A of the Licensing Act 2003; or,

- d) the sale of tobacco etc. to persons under 18 contrary to section 7 of the Children and Young Persons Act 1933.

4. **AUTHORISING OFFICERS**

- 4.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003 No. 3171 prescribes the authorising officer must be at least an Assistant Chief Officer, Assistant Head of Service, Service Manager or equivalent.
- 4.2 The Council's authorising officers are The Chief Executive, The Executive Director for Community Services, The Head of Law & Governance and The Head of Finance. It should be noted that the Head of Law & Governance is also the Senior Responsible Officer (SRO) for the purposes of RIPA. It is generally undesirable for an SRO to act as an authorising officer. Authorisation from the Head of Law & Governance should only be sought in the event that the other authorising officers are unavailable.
- 4.3 Authorising officers should not be responsible for authorising investigations or operations in which they are directly involved, although it is recognised that this may sometimes be unavoidable in cases where it is necessary to act urgently. Where an authorising officer authorises such an investigation or operation a note of the authorisation should be placed on the central record of authorisations (see paragraph 8.3).
- 4.4 Authorising officers must be aware of the requirements of RIPA and how to properly consider requests for authority. Authorising officers must demonstrate that these requests have been properly considered when they complete the authorisation form.
- 4.5 Where the surveillance is likely to lead to the obtaining of confidential information, a RIPA authorisation can only be given by The Chief Executive or the person acting as such in his/her absence. In these circumstances the power to issue RIPA authorisations cannot be delegated. For these purposes confidential information is:
 - (a) legally privileged information e.g. communications between a professional legal adviser and a client
 - (b) confidential personal information, which is information kept in confidence and relating to a person's physical or mental health or relating to spiritual counselling given to a person e.g. consultations between a health professional and a patient, information from a patient's medical records or conversations between an individual and a Minister of Religion

(c) confidential journalistic information, which is any information, held for the purposes of journalism on the basis that it or its source would not be revealed.

- 4.6 If any such information is obtained during surveillance legal advice should be sought immediately.
- 4.7 Chapter 3 of both Codes of Practice referred to at paragraph 9.1 below provide further guidance relating to confidential material.

5. **FORMS OF AUTHORITY**

- 5.1 The Act does not contain prescribed forms of authority. The Home Office model forms should be used. This will ensure a consistent approach is adopted across the Council and ensure all relevant issues are addressed during the decision-making process. Forms relating to directed surveillance and the use of covert human intelligence sources are available from the Home Office at <http://www.gov.uk/government/collections/ripa-forms--2>

6. **DURATION OF AUTHORISATIONS**

- 6.1 A written authorisation for directed surveillance lapses, if not renewed, three months from the grant or last renewal. Officers should ensure authorisations only last for as long as is considered necessary and proportionate. Regular reviews of authorisations should be undertaken to assess the need for continued surveillance.
- 6.2 Any time before the authorisation would cease to have effect, the authorising officer may renew, in writing, if he/she still considers it necessary and proportionate.
- 6.3 Authorisations may be renewed more than once provided they continue to meet the criteria for authorisation. The renewal does not have to be authorised by the same authorising officer who granted the original authorisation.
- 6.4 The authorising officer who granted the authorisation or last renewed the authorisation must cancel it if he is satisfied the directed surveillance no longer meets the criteria upon which it was authorised.

7. **COVERT SURVEILLANCE OF SOCIAL NETWORKING SITES (SNS)**

- 7.1 The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another

or that the services provided by a single provider are the same.

- 7.2 Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as “open source” or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of “open source” sites may constitute directed surveillance on a case by case basis and this should be borne in mind.
- 7.3 Providing there is no warrant authorising interception in accordance with section 48(4) of RIPA, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site’s content).
- 7.4 It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without an authorisation for directed surveillance when private information is likely to be obtained. The SRO should be satisfied that there is a process in place to ensure compliance with the legislation. Using photographs of other persons without their permission to support the false identity infringes other laws.
- 7.5 A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be

8. **RETENTION AND SECURITY OF FORMS AND RECORDS**

- 8.1 Requests for authorisations, renewals, cancellations are confidential material. The documents and any information contained therein must not be disclosed to any person who has no legitimate need to have access to the document, or to the information that it contains. Authorising Officers must ensure that there are proper arrangements within their departments or services for the retention and security of such documents.
- 8.2 Such documents may need to be securely kept for a period (considered appropriate by the relevant Head of Service) following the completion of

any surveillance, as they may have to be produced in Court, or to the other party in Court proceedings as part of legal disclosure requirements. Superfluous copies should not be made or kept.

- 8.3 The Head of Law & Governance maintains a central register of all authorisations, reviews, cancellations and renewals. Authorising officers should ensure that hard copies of these documents are sent to the Head of Law & Governance as soon as is practicable.
- 8.4 The central register will be “weeded” of information that is more than six years old, unless there are relevant outstanding Court proceedings. All documentation that is no longer needed will be shredded.

9. **CODES OF PRACTICE**

- 9.1 The Covert Surveillance [Code of Practice](#).
- 9.2 The Code of Practice is admissible as evidence in criminal and civil proceedings. The Council will follow the requirements of any Codes of Practice issued by the Home Secretary unless there are exceptional circumstances justifying a departure from the recommended approach.

10 **RIPA OFFICERS**

- 10.1 The Senior Responsible Officer at Oxford City Council is Anita Bradley, Head of Law & Governance.
- 10.2 The RIPA Coordinating Officer at Oxford City Council is Jeremy Franklin.

Anita Bradley
Senior Responsible Officer
Head of Law & Governance
Oxford City Council

Minutes of a meeting of the CITY EXECUTIVE BOARD on Tuesday 17 April 2018

www.oxford.gov.uk



Committee members:

Councillor Brown (Chair)	Councillor Hayes
Councillor Hollingsworth	Councillor Price
Councillor Sinclair	Councillor Smith (Deputy Leader)
Councillor Tanner	Councillor Tidball
Councillor Turner (Deputy Leader)	

Officers:

Gordon Mitchell, Chief Executive
Caroline Green, Assistant Chief Executive
Anita Bradley, Monitoring Officer
Nigel Kennedy, Head of Financial Services
Ian Brooke, Head of Community Services
Paul Wilding, Programme Manager Revenue & Benefits
John Mitchell, Committee and Member Services Officer

Also present:

Councillor Andrew Gant, Liberal Democrat Group Leader

Apologies:

Councillor Rowley sent apologies.

181. Declarations of Interest

None.

182. Addresses and Questions by Members of the Public

None.

183. Councillor Addresses on any item for decision on the Board's agenda

None.

184. Councillor Addresses on Neighbourhood Issues

None

185. Items raised by Board Members

None.

186. Scrutiny Committee Report on Health Inequalities

At its meeting on 05 April 2018 the Scrutiny Committee considered an update on progress in relation to the recommendations it had previously made to the City Executive Board concerning health inequalities in the City. As a result of that consideration the Committee agreed that further recommendations should be made to the Board which had been published as a supplement to the agenda.

Cllr Gant spoke to the report, first thanking Cllr Tidball and the Corporate Policy, Partnership and Communications Manager for their contribution to the wide ranging Scrutiny Committee discussion. The report spoke for itself but he did want to draw attention to the point made in the report (and made on previous occasions by others) that there were areas of deprivation within wards that might not otherwise be identified when considered against the overall affluence of a particular area. He noted that the recently published local Joint Strategic Needs Assessment also recognised the significant variance in levels of deprivation within the City, which was greater than that found in neighbouring authorities.

Cllr Tidball was grateful to the Committee for its engagement with this important area of work. The priority now should be to drill down into and gain a full understanding of the data.

Cllr Turner was disappointed at the apparent lack of progress in some areas while recognising that the immense pressure on operational frontline services in the NHS and Councils inevitably acted as a brake on progress. In that context it was worth considering whether any additional resources should be directed towards increasing grants or frontline workers rather than on increasing research capacity.

Cllr Price noted that the annual reports of Jonathan McWilliam, Oxfordshire's Director of Public Health and his predecessors, consistently identified similar issues. The fundamental areas of concern were generally known and there might now be more merit in focusing on those issues in a targeted way. Similarly, there might also be merit in extending the model of the Barton Healthy New Town, with its focus on a particular geographical area.

The Chair thanked Cllr Gant and all those who had contributed to this valuable piece of work. She noted that the Council took the matter of deprivation in its many and various forms very seriously as evidenced by a range of measures such as the financial inclusion strategy.

The City Executive Board resolved to:

Accept the recommendations in the report

187. Disposal of Kickabout, Crescent Road

The Interim Director of Major Projects had submitted a report to approve the disposal of the Crescent Road Kickabout.

Councillor Ed Turner, Board Member for Finance and Asset Management, spoke to the report. He reminded the Board that this issue had been considered over a very long period of time and its sale would be in the best interests of all concerned.

The City Executive Board resolved to:

- 1. Approve** the disposal of the Kickabout under the terms set out in the confidential appendix and that the Interim Director of Major Projects be delegated authority to vary those terms on condition that the revised terms continue to represent the best consideration reasonably obtainable; and
- 2. Delegate** to the Interim Director of Major Projects the consideration of any objections received in response to the public notices relating to the disposal.

188. Museum of Oxford Hidden Histories Project

The Head of Community Services had submitted a report to seek project approval for and permission to start the Museum of Oxford Hidden Histories Project, following the award of £1.63 million from the Heritage Lottery Fund (HLF).

Councillor Dee Sinclair, Board Member for Culture and Communities, spoke to the report. She was pleased to be able to bring this report to the Board which was the next step in the visionary and ambitious plan for the future of the museum. She recorded her thanks for all those who had got the project to this point, noting in particular, the contributions of Cllrs Price and Simm and the officers involved. She was pleased to note the critical involvement of local residents in the development of aspects of the museum.

Cllr Price recorded thanks for the work of Vanessa Lea and David Juler and their contribution in preparing the successful HLF bid. He noted that HLF consideration of the bid passed without dissent; a reflection of the bid's quality. He also remarked on the continuing importance of the local community in helping to determine what exhibits should be included.

Cllr Tidball remarked on the importance of the strong educational element in the museum, something which will be reflected in the emerging Children and Young People's Strategy.

It was agreed that every effort should be made to ensure that work on this project was done by local companies and contractors, in addition to the reference in the report to Oxford Direct Services being the contractor for the main build.

The City Executive Board resolved to:

1. **Grant** Project Approval and permission to start the Museum of Oxford Hidden Histories Project, following award of £1.63m from the Heritage Lottery Fund;
2. **Authorise** capital expenditure of £2.65m capital and £362k revenue, to be financed by capital receipts, prudential borrowing and revenue (paragraph 22), over the life of the project;
3. **Delegate** authority to Head of Community Services, in consultation with the Heads of Finance and Law and Governance, to enter into any necessary funding agreements to secure the external funding for the scheme; and make any necessary in year budget adjustments;
4. **Delegate** authority to Head of Community Services, in consultation with the Heads of Finance and Law and Governance, to appoint and award any contracts that are necessary for the successful delivery of the project; and
5. **Ask** officers to return with a progress report in 12 months' time.

189. Extension of Community Grants programme

The Head of Finance had submitted a report to seek approval of an extension of the OxLEP Community Grants programme.

Councillor Susan Brown, Council Leader and Board Member for Customer & Corporate Services, spoke to the report. The extension of the programme would help more disadvantaged and unemployed people into work.

The Revenues and Benefits Programme Manager confirmed that data about outcomes from the programme were collected as part of an evaluation process associated with the funding.

The City Executive Board resolved to:

Approve the proposed extension of the OxLEP Community Grants programme.

190. Minutes

The Board resolved to APPROVE the minutes of the meeting held on 20 March 2018 as a true and accurate record.

191. Dates of Future Meetings

Meetings are scheduled for the following dates:

- 22 May
- 13 June
- 11 July
- 14 August

All meetings start at 5pm.

192. Matters Exempt from Publication

If the Board wishes to exclude the press and the public from the meeting during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Board to pass a resolution in accordance with the provisions of Paragraph 21(1)(b) of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule I2A of the Local Government Act 1972.

The Board may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

193. Confidential Appendix relating to disposal of the Crescent Road Kickabout

There was no direct discussion of this Appendix.

The meeting started at 5.00 pm and ended at 5.35 pm

Chair

Date: Tuesday 22 May 2018

This page is intentionally left blank