

Shropshire Council
Legal and Democratic Services
Shirehall
Abbey Foregate
Shrewsbury
SY2 6ND

Date: Tuesday, 11 January 2022

**Committee:
Cabinet**

Date: Wednesday, 19 January 2022

Time: 10.00 am

**Venue: Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND**

You are requested to attend the above meeting. The Agenda is attached

Members of the public will be able to access the live stream of the meeting by clicking on the link below and a recording will be made available afterwards

www.shropshire.gov.uk/CabinetMeeting19Jan2022

There will be some access to the meeting room for members of the press and public but this will be limited for health and safety reasons.

**If you wish to attend the meeting please e-mail
democracy@shropshire.gov.uk to check that a seat will be available for you.**

Tim Collard
Interim Assistant Director Legal and Democratic Services (Monitoring Officer)

Members of Cabinet

Lezley Picton (Leader)
Gwilym Butler
Dean Carroll
Rob Gittins
Kirstie Hurst-Knight
Simon Jones
Cecilia Motley
Ian Nellins
Ed Potter

Your Committee Officer is: Amanda Holyoak Senior Democratic Services Officer
Tel: 01743 257714 Email: amanda.holyoak@shropshire.gov.uk

AGENDA

1 Apologies for Absence

2 Disclosable Pecuniary Interests

Members are reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting as set out in Appendix B of the Members' Code of Conduct and consider if they should leave the room prior to the item being considered. Further advice can be sought from the Monitoring Officer in advance of the meeting.

3 Minutes (Pages 1 - 6)

To approve as a correct record the minutes of the previous meeting held on Wednesday 5th January 2022

4 Public Questions

To receive any questions from members of the public, notice of which has been given in accordance with Procedure Rule 14. Deadline for notification is not later than 10:00 AM Monday 17th January 2022

5 Member Question Time

To receive any questions from members of the council. Deadline for notification is not later than Friday 14th January 2022

6 Scrutiny Items

7 Council Debt Collection Policy Review (Pages 7 - 72)

Lead Member – Councillor Gwilym Butler– Portfolio Holder for Resources

Report of James Walton, Executive Director Resources – attached

Tel: 01743 258915

8 Shropshire Schools Funding Formula 2022 - 2023 (Pages 73 - 82)

Lead Member – Councillor Kirstie Hurst-Knight – Portfolio Holder for Children & Education

Report of Tanya Miles, Executive Director of People – attached

Tel: 01743 255811

9 Pets as Prizes (Pages 83 - 90)

Lead Member – Councillor Dean Carroll– Portfolio Holder for Physical Infrastructure

Report of Mark Barrow, Executive Director of Place – attached

Tel: 01743 258919

10 Shropshire Library Strategy

Lead Member – Councillor Cecilia Motley – Portfolio Holder for Communities, Culture, Leisure & Tourism, Transport

Report of Mark Barrow, Executive Director of Place – **to follow**

Tel: 01743 258919

11 Regulation of Investigatory Powers Policy and Guidance (Pages 91 - 172)

Lead Member – Councillor Rob Gittins – Portfolio Holder for Digital/Technology/Data and Insight

Report of Tanya Miles, Executive Director of People – attached

Tel: 01743 255811

12 Future Oswestry Plan Consultation (Pages 173 - 276)

Lead Member – Councillor Ed Potter – Deputy Leader and Portfolio Holder for Economic Growth, Regeneration and Planning

Report of Mark Barrow, Executive Director of Place – attached

Tel: 01743 2578919

13 Exclusion of Press and Public

To resolve that, in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.4 [3] of the Council's Access to Information Rules, the public and press be excluded from the meeting during consideration of the following items.

14 Exempt Minutes (Pages 277 - 278)

To confirm the exempt minutes of the meeting held on 5 January 2022

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Committee and Date

Cabinet

19 January 2022

CABINET

**Minutes of the meeting held on 5 January 2022
In the Shrewsbury/Oswestry Room, Shirehall, Abbey Foregate,
Shrewsbury, Shropshire, SY2 6ND
10.00 - 11.40 am**

Responsible Officer: Amanda Holyoak
Email: amanda.holyoak@shropshire.gov.uk Tel: 01743 257714

Present

Councillor Lezley Picton (Leader)
Councillors Gwilym Butler, Dean Carroll, Rob Gittins, Kirstie Hurst-Knight,
Simon Jones, Cecilia Motley, Ian Nellins and Ed Potter

69 Apologies for Absence

There were no apologies for absence.

70 Disclosable Interests

Members were reminded that they must declare their disclosable pecuniary interests and other registrable or non-registrable interests in any matter being considered at the meeting.

71 Minutes

RESOLVED:

That the minutes of the meeting held on 1 December 2021 be approved as a correct record.

72 Public Questions

Public questions were received from:

Stephen Mulloy in relation to the Leader of Shropshire Council and CMS Jaw Ltd.

Emma Bullard in relation to the North West Relief Road.

The questions and responses provided to them, and the recording of the meeting are available from the webpage for the meeting: [Agenda for Cabinet on Wednesday, 5th January, 2022, 10.00 am – Shropshire Council](#)

73 **Members Question Time**

Member questions were received from:

Councillor Rob Wilson in relation to damage to pavements.

By way of supplementary question, Councillor Wilson requested an update on the pavement parking consultation and asked what preparations the council was making for publication of the results. Councillor Carroll responded that the results of the governments consultation were still awaited, and action would be taken once this was made public.

Councillor Alex Wagner in relation to the pedestrian crossing just south of Oxon Primary School, linked to the Shropshire Homes development at Leighton Park.

By way of supplementary question, Councillor Wagner asked whether the existing plans are likely to be implemented, without a reasonable amount of amendment. Councillor Carroll advised that he was unable to comment at present.

Councillor Nigel Hartin in relation to the Council Tax policy and long-term empty properties.

By way of supplementary question, Councillor Hartin asked whether council could revisit the policy and questioned if a Task and Finish Group may be the way forward. Councillor Picton advised that the matter could be sent to a Scrutiny Committee in the near future, subject to their work programme.

Councillor David Vasmer in relation to the School Streets Motion.

By way of supplementary question, Councillor Vasmer questioned whether there had been an assessment of the scheme at Coleham Primary School as it was understood this had been successful. Councillor Carroll advised that consultation responses had been received and a formal report would be published in the near future for consideration by members.

Councillor David Vasmer in relation to Acton Scott Historic Working Farm.

The questions and responses provided to them are available from the webpage in addition to the recording of the meeting, both available from here : [Agenda for Cabinet on Wednesday, 5th January, 2022, 10.00 am – Shropshire Council.](#)

74 **Scrutiny Items**

There were no scrutiny items for discussion.

75 **Setting the Council Tax Taxbase for 2022/23**

The Portfolio Holder for Resources presented the report which set out the Council Tax taxbase for 2022/23 and outlined the policies used to determine the taxbase; including the Council Tax discount policies, Council Tax Support Scheme and the Collection Rate.

RESOLVED:

1. To approve, in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012, the amount calculated by Shropshire Council as its Council Tax taxbase for the year 2022/23, as detailed in Appendix A, totalling 115,485.33 Band D equivalents.
2. To note the changes to the Council's localised Council Tax Support (CTS) scheme in 2022/23. The scheme is attached at Appendix B.
3. To note the Council Tax Support Scheme amendments detailed in Appendix B have no impact on the taxbase determination.
4. To note the exclusion of 8,780.28 Band D equivalents from the taxbase as a result of localised Council Tax Support.
5. To note continuation of the discretionary Council Tax discount policy of 0% in respect of second homes (other than those that retain a 50% discount through regulation as a result of job related protection) and note the inclusion of 705.17 Band D equivalents in the Council Tax taxbase as a result of this discount policy.
6. To note continuation of the discretionary Council Tax discount policy to not award a discount in respect of vacant dwellings undergoing major repair, i.e. former Class A exempt properties.
7. To note continuation of the discretionary Council Tax discount policy in respect of vacant dwellings, i.e. former Class C exempt properties, of 100% for one month i.e. effectively reinstating the exemption and the resulting exclusion of 160.66 band D equivalents from the taxbase.
8. To note continuation of the "six week rule" in respect of vacant dwellings, i.e. former Class C exempt properties.

9. To note continuation of the discretionary Council Tax discount policy to levy a Council Tax premium of 100% in relation to dwellings which have been unoccupied and substantially unfurnished for more than two years (but less than five years) and the resulting inclusion of an additional 328.10 Band D equivalents in the taxbase.
10. To note continuation of the discretionary Council Tax discount policy to levy a Council Tax premium of 200% in relation to dwellings which have been unoccupied and substantially unfurnished for more than five years (but less than ten years) and the resulting inclusion of an additional 175.56 Band D equivalents in the taxbase.
11. To note continuation of the discretionary Council Tax discount policy to levy a Council Tax premium of 300% in relation to dwellings which have been unoccupied and substantially unfurnished for more than ten years and the resulting inclusion of an additional 224.67 Band D equivalents in the taxbase.
12. To approve a collection rate for the year 2022/23 of 97.9%.

76 Mid-Year Capital and the Financial Strategy 2022/2023 - 2025/2026

In introducing the report, the Portfolio Holder for Resources thanked the Executive Director of Resources and the Finance Team for their hard work in difficult circumstances. He reported that Toyin Bamidele, Interim Assistant Director Strategic Finance would be leaving shortly and expressed appreciation for her work.

He regretted that both the lack of information from government and the North Shropshire by-election had meant that it had not been possible to present proposals at a scrutiny committee prior to the Cabinet meeting, and he committed to ensuring this would happen in future.

Despite significant lobbying efforts for the £50m structural funding gap to be addressed, the government had only made a single year funding round settlement. Although all councils were also currently under pressure, Shropshire Council would need to spend a massive 80 – 85% of its budget on social care in the next year. This was simply not enough and could only be satisfactorily addressed by a sustainable funding solution. In order to fund any new activity, something else would have to come to an end. The capital budget had been rationalised to prioritise initiatives that would lead to revenue creation and that did not require borrowing for delivery.

The Leader allowed comments and questions from group leaders and several members of the council and these covered areas including: use of reserves; proposed savings related to green waste and draining maintenance; the North

West Relief Road's impact on the capital programme; intentions to proceed with a civic hub; the Pride Hill Centre; apparent lack of innovative schemes in the capital programme; the need for priorities and a corporate strategy; climate action; affordable housing; level of lobbying activity and involvement of local MPs in lobbying for fairer funding; use of reserves; implications of asset disposal; council tax increase and services; opportunity for scrutiny of budget proposals; and parish council tax base.

The Leader reiterated the disappointment of the Cabinet with the financial settlement after such a period of extensive lobbying activity. Cabinet had already met with MPs in the new year to consider the way forward. She added her thanks for the work of officers and reiterated that her first loyalty was to the residents of Shropshire.

Opposition members were invited to submit any alternative budget proposals or ideas.

RESOLVED:

- A. To approve the savings proposals which will contribute towards delivery of a balanced budget in 2022/23 as outlined in Appendix 1 Annex A, enabling the Leader of the Council to consult on the budget plans before taking to Council on 24 February 2022.
- B. To note the funding gap for the years 2023/24 to 2026/27.
- C. To note and agree the prioritised capital schemes identified at Appendix 2 section 8 including the need to identify and confirm funding sources for these schemes.

77 Treasury Strategy 2021/22 Mid-Year Review

The Portfolio Holder for Resources presented the report which provided an economic update for the first six months of 2021 and included a review of the investment portfolio and borrowing strategy for 2021/22. It also confirmed compliance with Treasury and Prudential limits.

RESOLVED:

That Members accept the position as set out in the report.

78 Community Asset Transfer Rad Valley Scout & Guide HQ

The Portfolio Holder for Physical Infrastructure presented a report which advised that Copthorne Scout & Guide Management Committee had requested a 99- year lease in the form of a Community Asset Transfer of the Rad Valley

Community Centre, Cophorne, Shrewsbury. The transfer would enable them to access grant funding to repair the roof.

RESOLVED:

That the Organisation is granted a 99-year lease as a Community Asset Transfer with delegated authority to the Head of Property & Development to agree the terms of the transfer and complete the lease to ensure compliance with State Aid/Subsidy Control Rules and the Council’s legislative obligations.

79 Exclusion of Press and Public

RESOLVED:

That in accordance with the provisions of Schedule 12A of the Local Government Act 1972 and Paragraph 10.4[3] of the Council’s Access to Information Rules, the public and press be excluded from the meeting during consideration of the following items

80 The Aspire Centre

The Portfolio Holder for Physical infrastructure presented the report.

RESOLVED:

To accept the two recommendations contained within the report.

81 Shire Services Catering Operations

The Porfolio Holder for Physical Infrastructure presented the report.

RESOLVED:

To accept the three recommendations contained within the report.

Signed (Chairman)

Date:



Committee and Date

Cabinet
19th January 2022

Item

Public

COUNCIL DEBT COLLECTION POLICY

Responsible Officer

James Walton

e-mail: james.walton@shropshire.gov.uk Tel: 01743 258915
mail:

1. Synopsis

This report details Shropshire Council's Council Tax, Business Rates, Housing Benefit Overpayments and Sundry Debt Policies. It is good practice to publicise the approach for debt collection to ensure clarity and that a fair and consistent view is taken to debt enforcement, assisting more vulnerable groups in society to manage.

2. Executive Summary

- 2.1. The Council has a duty to recover outstanding debts and in doing so ensure that its processes are fair and consistent to everyone. This policy covers the collection of Council Tax, Business Rates, Housing Benefit Overpayments and Sundry Debts due to Shropshire Council.
- 2.2. There is complex legislation detailing how the amounts due from Council Tax and Business Rates are calculated and collected. There is similarly complex legislation detailing how Housing Benefit Overpayments are calculated, what is deemed recoverable, and the options available to recover debt.
- 2.3. The current Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy was approved by Cabinet on 14 September 2016.
- 2.4. The policy has been reviewed and amendments have been made to the existing Council Tax, Business Rates and Housing Benefit Overpayments policy to cover the following.
 - Partnership work (Appendix A para. 3.4)
 - Changes to council tax support (Appendix A para. 4.10)
 - Discretionary discounts (Appendix A para. 4.11)

- Use of Housing Benefit Debt Service (Appendix A para. 6.10)
- Breathing Space (Appendix A para. 7.4)
- Free and Impartial Advice (Appendix E of the policy)

Further details about these amendments can be accessed at section 8.0, Additional Information.

- 2.5 In addition, a new sundry debt policy has been written and is attached at Appendix B.
- 2.6 The intention is to bring a combined Council Debt Policy to include Adults and Children's Social Care Debt and Parking Debt later in 2022.

3. Recommendations

- 3.1. Members are asked to approve the amendments to the Council Policy for Debt Collection of Council Tax, Business Rates and Housing Benefit Overpayments set out in Appendix A
- 3.2. Members are asked to approve the new policy for Debt Collection of Sundry Debts set out in Appendix B
- 3.3. Members are asked to note the intention to bring a combined Council Debt Policy to include Adults and Children's Social Care Debt and Parking Debt later in 2022.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. Failure to have a clearly defined policy for debt collection will leave the Council vulnerable to complaints about process and debt outcomes. It is important to have clearly defined actions to protect both staff and debtors.
- 4.2. An Equality, Social Inclusion and Health Impact Assessment (Appendix C) has been carried out, in order to assess the likely impacts of the revised policy for Protected Characteristic groupings as set out in the Equality Act 2010, and for people in our tenth category in Shropshire, of Social Inclusion. This is of particular pertinence given the implications of this policy for vulnerable individuals and households. The screening indicates that the overall impacts should be neutral or positive across groupings.
- 4.3. Actions to increase the positive impacts in equality terms need to include ensuring that a range of communication channels are used to encourage people to have the confidence to approach the Council

if they are in debt or fear that they may find themselves in such circumstances. This will usefully include working with local elected Shropshire Council councillors as community leaders, for example through councillor surgeries, and setting out the recourse that people may have to impartial advice and guidance as well. The Council will also seek to factor in the negative mental health impacts for people falling into debt, which this policy sets out to recognise and address through encouraging people to make contact at the earliest opportunity.

5. Financial Implications

- 5.1. Failure to have a clearly outlined, transparent and fair approach to debt collection can lead to uncertainty and challenge which can have a detrimental effect on collection rates. The policies will help to enhance the Council's income collection, reduce the level of debt owed to the Council and minimise the level of unrecoverable debt.

6. Climate Change Appraisal

- 6.1 While there are no direct climate change impacts arising from this report the Strategic Finance team are committed to encouraging all taxpayers to sign up for paperless and e-billing in line with the Council's digital by default agenda.

7. Background

- 7.1. It is good practice for Shropshire Council to detail its approach to collection of all debt owed to the Council. This will ensure clarity to taxpayers, businesses, members, other residents, and advice agencies about the Council's approach to debt collection. It also ensures a fair and consistent view is taken to debt enforcement, and that the Council is committed to identifying and assisting more vulnerable groups in society to manage their payments
- 7.2. The new sundry debt policy Sundry debt policy will ensure
 - Council debts are minimised, and rates of collection are maximised
 - A consistent and co-ordinated approach
 - Customers are assisted based on their ability to pay and individual financial circumstances.
 - The provision of clear guidance for all Council Officers on the recording, reporting, recovery, and monitoring of debt.
- 7.3. The existing Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy was approved by Cabinet on 14 September 2016.

- 7.4. Corporate debt collection is changing with the introduction of Breathing Space regulations in May 2021, and the Government intention to introduce Statutory Debt Repayment Plans, which will enable a person in problem debt to enter into a formal agreement with their creditors to repay all their eligible debts over a manageable time, whilst receiving legal protection from their creditor.

8. Additional Information - Summary of changes to Council Tax, Business Rates and Housing benefit Overpayment Debt Collection Policy (Appendix A)

- 8.1. The designated Section 151 Officer has responsibility, under section 151 of the Local Government Act 1972, for the administration of the financial affairs of the Council. One such area of administration relates to Council Debt which is covered by the Council Tax, Business Rates and Housing benefit Overpayment Debt Collection Policy (Appendix A) and the Sundry Debt Policy (Appendix B)
- 8.2. Partnership Work (Appendix A, para.3.4). This section has been added to highlight that the Council works in partnership with other organisations in respect of debt collection
- 8.3. Changes to Council Tax Support (Appendix A - 4.10). The Council amended its Council Tax Support scheme in 2018 after the original debt collection policy had been approved. Reference is made to reflect that we aim to collect Council Tax sensitively from residents impacted by this change
- 8.4. Discretionary Discounts (Appendix A, para. 4.11). This section has been added to reference that we have wider discretionary powers to assist residents suffering financial hardship
- 8.5. Use of Housing Benefit Debt Service (Appendix A, para. 6.10). A note has been added to highlight that since 2018 the Council has accessed the Housing Benefit Debt Service which provides Local Authorities with access to real time employment and income information to help with the recovery of Housing Benefit debt
- 8.6. Breathing Space (Appendix A, para. - 7.4). Reference is made to new Breathing Space regulations introduced in May 2021 which provides debtors with statutory legal protection for a period of time, in order for them to put their financial affairs in order
- 8.7. Free and Impartial Advice (Appendix E of policy). Contact details for advice agencies have been checked and updated

9. Conclusions

- 9.1 Continuation of the existing Council Policy for Debt Collection of Council Tax, Business Rates (with amendments) plus the additional Sundry debt policy will ensure that the Council remains focussed on collecting outstanding debt in a positive and ethical way.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Cabinet Member (Portfolio Holder)

Gwilym Butler – Portfolio Holder - Resources

Local Member

Appendices

Appendix A - Council's Council Tax, Business Rates, Housing Benefit Overpayment Debt Collection Policy

Appendix B - Sundry Debt Recovery Policy

Appendix C - Equality, Social Inclusion and Health Impact Assessment (ESHIA)

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Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy

PHIL WEIR – REVENUES AND BENEFITS SERVICE MANAGER

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1.0 Introduction

- Shropshire Council has a legal duty to all residents, businesses, and other organisations to ensure the prompt and effective billing and collection of all sums due to the Council. Delays in collection and non-payment of debt lead to less overall income, higher administrative costs, and reduced resources available for the provision of essential services.
- We are aware that people fall into arrears for a number of different reasons. We are conscious that some people fall regularly into arrears, and other people are in arrears for the first time due to losing employment for example. We are committed that everyone will be treated sensitively, fairly, and realistically. We would stress that this is a two-way process and that taxpayers need to be confident enough to approach us and are willing to take steps to sort out their problems themselves, if we are going to have any chance of helping them.

1.1 Scope of the Policy

- The Revenues and Benefits Service is responsible for the assessment and collection of Council Tax and Business Rates, and for the collection of overpaid Housing Benefit.
- This policy relates specifically to the collection of the revenues detailed below.
 - Council Tax
 - Business Rates
 - Housing Benefit Overpayment
- The policy will be reviewed every three years to ensure it remains relevant, valid and in line with good practice.

1.2 Intention of the Debt Collection Policy

- The policy details the principles to be applied by the Council when undertaking the collection and enforcement of money from both residents and businesses.
- It explains how we will attempt to maximise debt recovery while treating people fairly and with respect
- It details the processes to be followed when making decisions about debt recovery that can have a wide-reaching effect on the Council's customers
- It recognises the value of early and quality assured, free, independent and impartial money advice and the importance that debt reduction and income maximisation can have on the Council's customers who have fallen into debt. It draws on links with our partners, stakeholders and other outside organisations to ensure the approach is widely understood.

1.3 Promoting Good Practice

- When developing this policy, the Council has considered national best practice guides including
- **DCLG** – Council Tax, Guidance to local councils on good practice in the collection of Council Tax arrears. Available at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210478/Guidance_on_enforcement_of_CT_arrears.pdf
- **Ministry of Justice** – Taking Control of Goods: National Standards. Available at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353396/taking-control-of-goods-national-standards.pdf
- **DWP** – Pursuing Housing Benefit overpayment recovery effectively. Available at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404182/housing-benefit-overpayment-recovery-good-practice-guide.pdf
- **CAB** – Shropshire Council has given full consideration to the Collection of Council Tax arrears good practice protocol. Available at
https://www.citizensadvice.org.uk/global/migrated_documents/corporate/pdf-ct-protocol2013.pdf

1.4 Debt Monitoring

- The Revenues and Benefits Service monitor the level of outstanding debt monthly in respect of Council Tax, Business Rates and Housing Benefit Overpayment

2.0 Who pays what?

2.1 Council Tax

- The Council has a statutory duty to bill and collect Council Tax to over 145,000 households in Shropshire. Council Tax is collected in respect of precepts levied by Shropshire Council, West Mercia Police and Crime Commissioner, Shropshire and Wrekin Fire and Rescue Authority, and local Town and Parish Councils. The level of Council Tax is set each year by full resolution of Shropshire Council. The Revenues Teams assess who is liable for Council Tax and award any discounts and exemptions that may apply. The Benefits Teams assess applications for Council Tax Support. Council Tax bills are issued detailing what is due to be paid and when.

2.2 Business Rates

- The Council has a statutory duty to bill and collect Business Rates from over 12,500 businesses in Shropshire. The Business Rates Team assesses who should pay the rate and awards any reliefs or exemptions that are applicable. Each year the Government set a multiplier, which is multiplied by the rateable value of each business to set the annual rate. Business Rates bills are issued detailing what is due to be paid and when.

2.3 Housing Benefit Overpayment

- Housing Benefit Overpayments occur when people have a change in their circumstances (such as an increase in their income) which results in a claimant being paid more Housing Benefit than they are entitled to.

3.0 KEY MESSAGE - Please get in contact

- The key message for customers in arrears/debt with their Council Tax, Business Rates or Housing Benefit Overpayment has to be that they need to get in contact with the Recovery Team as soon as possible in order to:
 - i) Make us aware of their situation
 - ii) Enable us to evaluate their situation by completing an income and expenditure form
 - iii) Make any recommendations of any other discounts or exemptions that they may be entitled to
 - iv) Explore whether they may be entitled to Council Tax Support

- v) Explore whether they may be entitled to any other welfare benefit
 - vi) Refer to an appropriate advice agency for any third-party assistance.
 - vii) Decide on the most appropriate course of action to take. This may result in making an appropriate payment arrangement or in applying for an attachment of benefit or attachment of earnings order.
- ***The most important thing is that the debtor must show willing to work with the revenues and benefits team to take responsibility and improve their situation.***
 - They may be in arrears due to different circumstances such as
 - i) Poor money management
 - ii) Inappropriate expenditure on non-priority items
 - iii) Reduced earnings requiring an evaluation of lifestyle
 - iv) Unaware of entitlement to benefits or discount
 - v) Illness/disability
 - vi) Low wage
 - vii) Irregular income
 - viii) Relationship break up
 - ix) Any combination of the above
 - We are aware that people fall into arrears for a number of different reasons. We are conscious that some people fall regularly into arrears, and other people are in arrears for the first time due to losing employment for example. We are committed to ensuring that everyone will be treated sensitively, fairly, and realistically. We would stress that this is a two-way process and that taxpayers need to be confident enough to approach us and are willing to take steps to sort out their problems themselves, if we are going to have any chance of helping them. We will encourage this through use of media messaging and material across a range of communication channels
 - If people fail to contact the Recovery Team to make us aware of their situation the likelihood is that enforcement action will continue which may involve the use of the Council's enforcement agent to enforce the debt.

3.1 Our commitment to you

- At Shropshire Council we are committed to helping you manage your debts. We fully appreciate that Council Tax can be a high proportion of household income, Business Rates can be a large expense for a businesses and Housing Benefit Overpayments can amount to large sums of money. We promise that if you contact us about your arrears, we will do the following: -
 - The Council will deal with you sensitively, professionally, and courteously regardless of your age, disability, gender reassignment, marriage and civil partnership arrangement, pregnancy, race, religion or belief, sex, or sexual

orientation. This is in line with the nine protected characteristics groupings of people, as set out in the Equality Act 2010

- The Council will take steps to ensure that we have made the appropriate checks to ensure inappropriate enforcement action is not taken against potentially vulnerable individuals. This is in line with our tenth category of groupings in Shropshire, of Social Inclusion, in which we include vulnerable people
- The Council will listen to what you have to say and offer advice concerning any entitlement that you may have to any welfare benefit or Council Tax discount and exemption to the best of our ability
- The Council will consider your personal and financial circumstances and in doing so may suggest alternative general spending arrangements that may better enable you to pay your debt
- The Council will ensure that all documentation issued is clear and concise, and that at each stage information is provided about what the bill payer can do to avoid the situation progressing, where the bill payer can get independent help and advice, what costs, if any, may be incurred, and what the next stage will be. A list of advertised advice agencies is at appendix D.

3.2 Vulnerable People

- The Council will ensure that it does not take inappropriate enforcement action in respect of vulnerable persons. Debtors who may be considered vulnerable may include persons
 - With medical conditions such as mental ill health, terminal illnesses
 - With a learning disability
 - With a physical disability or who may be housebound
 - Who are illiterate or unable to speak English
 - With an alcohol/drugs or gambling addiction
 - Fleeing domestic violence or other violence and have the support of either the police, or a statutory or voluntary agency
 - Who are prison leavers being supported by an appropriate organisation or agency
 - Who have a temporary change in their life such as a relationship breakdown or bereavement which may mean they need support on a short-term basis
 - Who have severe debt problems
 - That are subject to mortgage possession proceedings
 - Suffering any form of harassment
- This list is not exhaustive but may act as a guide.
- Where it appears to the Council that a debtor may fall into one of the above categories the following action may be taken
 - Other potential Council debt collection services will be notified to check the debtor on their records
 - All enforcement action will be suspended

- A check will be made on the Social Services and Housing systems to see if the individual is listed on their records
- Information may be sought from third party support organisations for further information

3.3 What we expect from you

- In response, our staff expect to be treated with courtesy and respect. Our staff and other customers should not be expected to deal with violent, rude or disruptive customers.
- Where staff are met by violent, rude or aggressive behaviour they will ask the customer to refrain from further behaviour of that type. If behaviour continues then the interaction may be terminated.

3.4 Working in partnership

- We work in partnership with other specialist companies to recover unpaid Council Tax. External companies are used for tracing absconders, enforcement agencies, insolvency work and debt collection work.

4.0 Council Tax Recovery

4.1 Council Tax Bills

- The Council has to follow regulations in the collection of Council Tax. The regulations are [The Council Tax \(Administration and Enforcement\) Regulations 1992 \(legislation.gov.uk\)](http://legislation.gov.uk).
- The Council follows the statutory instalment scheme for collection of Council Tax which requires payments in ten monthly instalments. (with effect from 1 April 2013 Council Taxpayers can request payment by twelve monthly instalments)
- The Council offers twelve monthly instalments and four payment dates to taxpayers who agree to set up a direct debit as it is the cheapest and safest method of payment.
- The Council aims to assess all passported claims for Council Tax Support prior to either sending a Council Tax bill, or, taking any enforcement action against the claimant.
- A flow chart detailing the Council Tax recovery process is at appendix E.

4.2 Payment Arrangements

- The Council may ask a taxpayer who contacts the Council to complete an Income and Expenditure form at any stage to allow us to fully understand your circumstances and enter into an appropriate payment arrangement. The Council are unlikely to enter into a payment arrangement with a taxpayer unless a fully completed income and expenditure form is returned to the Council.
- The Council may on occasion ask for clarification of certain items on the income and expenditure form and may ask the taxpayer to evidence certain details supplied by the taxpayer.

4.3 Council Tax Reminders and Final Notices

- If an instalment is not paid then the council must issue a reminder notice to the taxpayer.
- If the taxpayer fails to pay the amount detailed on the reminder notice a (discretionary) final notice is issued to advise that the full amount for the year has become due and payable
- If the taxpayer pays the balance on the reminder notice but fails to pay a future instalment on time a second reminder notice is issued
- If the taxpayer pays the balance on the second reminder notices but fails to pay a future instalment on time, then the balance for the year becomes due and a final notice is issued
- The revenues staff have discretion to withdraw a final notice if the taxpayer brings the account up to date and agrees to pay the remaining instalments by direct debit

4.4 Summons and Magistrates Court

- If the taxpayer fails to pay the full balance as detailed in the final notice a summons to magistrates court is issued incurring £35.00 court costs (sum correct as at 1 April 2021).
- At the court hearing the Council will ask the Magistrates to award a Liability Order and a further £35.00 costs (sum correct as at 1 April 2021).
- The court costs charged are reviewed every year to confirm that they are reasonable and only charged in accordance with regulations.

4.5 Council Tax Enforcement

- A Liability Order gives the Council certain powers that it can use to secure the debt. There are detailed rules that govern how the Council uses these powers. In the main these powers are:
 - Request for Information
 - Attachment of earnings
 - Attachment of benefit
 - Pass to enforcement agent for collection
 - Charging Order
 - Bankruptcy or winding up procedure
 - Committal to Prison
- The Council will normally prioritise an attachment of earnings or attachment of benefit order over other enforcement options if the information is available to do so. There may be circumstances, however, when other options will be considered. The Council will not consider charging orders and bankruptcy for enforcement unless attachment orders and enforcement agent action have been considered.

4.5 Request for Information

- The Council has to decide the most appropriate method of enforcement to use in each case. ***We will always ensure that a request for information form is sent asking for details of a person's earnings and benefits entitlement, as well as a means enquiry form prior to taking any other form of enforcement action.*** If this form is completed by the debtor and returned to the Council, we will have a better understanding of the debtor's circumstances and hopefully be able to either apply for an attachment of earnings or benefit or make an appropriate payment arrangement.
- The Council will only consider relevant expenditure or outgoings when assessing a taxpayer's ability to pay. More information on how we assess this is included below.

4.7 Attachment of Earnings/Benefit

- Once a Liability Order is awarded the Council's preferred method of enforcement is by Attachment of Earnings.
- If the debtor is on a low income and is in receipt of an attachable benefit, then the Council will apply for an attachment of earnings. The Council can apply for two attachment of earnings orders at any one time but there are strict rules surrounding how different attachment of earnings orders are applied by employees and there are circumstances when an employer may not be able to action an attachment of earnings.
- The rates of deduction from either earnings or benefit are set regulations and the rates are detailed at appendix A.

4.8 Enforcement Agents – The use of Enforcement Agents for Council Tax

- The Council uses a company of certified enforcement agents for enforcement of unpaid Council Tax and Business Rates
- The Council has a service level agreement with the enforcement agent and a strict code of practice that it expects the enforcement agent to adhere to.
- The Council undertake regular monitoring of cases that have been passed to its enforcement agent to ensure enforcement agent activity is within the code of practice and enforcement agent fees have been applied correctly to taxpayer's accounts. Enforcement agent fees in relation to Council Tax enforcement are set out in Council Tax regulations. The level of enforcement agent fees that may be charged are set out in appendix B.
- The Council has regular quarterly meeting with its enforcement agent to discuss progress of accounts collection, any issues outstanding, any complaints received, and action taken.
- The enforcement agent is required to send a copy of any complaint received and a copy of their response to the Revenues and Benefits Service Manager.
- The Council will pass a case to the enforcement agent in the following circumstances
 - No contact has been received from the taxpayer
 - The taxpayer has consistently failed to adhere to payment arrangements that have been made
 - The taxpayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement
 - The Council has been unable to secure an attachment of earnings or attachment of benefit order
 - The taxpayer has ignored the latest communication sent by the Council in relation to the debt
- The Council, or the Enforcement Agent will always issue a warning letter to the taxpayer prior to passing their case through to Compliance Stage with an accompanying income and expenditure form to enable the taxpayer to enter into meaningful communication with the Council and avoid enforcement agents being utilised.

- The Council generally do not recall a case once it has been sent to the enforcement agents, but may review this in the following circumstances
 - The debtor subsequently appears to be a vulnerable person
 - The Council becomes aware of the debtor’s employment status and believes that an attachment of earnings would be a more suitable collection method. (The Council will include enforcement agent fees that have been incurred in the attachment of earnings order).
 - The Council becomes aware that the debtor is in receipt of Income Support
- Where a Council Taxpayer has sought debt advice and is committed to repaying their Council Tax arrears the Council will take this into account and may instruct the enforcement agent to accept a reduced offer of payment. Before making this decision, the Council will also consider any additional information that is made available from the enforcement agent.

4.9 Charging Orders/Bankruptcy/Committal

- In accordance with the Council tax (Administration and Enforcement) Regulations 1992 if the total debt outstanding is in excess of £1,000 the Council may apply to the County Court for a Charging Order imposing on any interest held beneficially by the debtor in the relevant designated dwelling, a charge for securing the due amount. The due amount will be the aggregate of the amount outstanding under the Liability Order plus a sum equal to the reasonably incurred costs.
- The Council will consider applying for a charging order, initiating bankruptcy or Committal to prison in the following circumstances:
 - The Council has been unable to secure an attachment of earnings or attachment of benefit order
 - The Council’s enforcement agent has been unable to secure payment of the outstanding debt
 - The taxpayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement
 - The taxpayer has consistently failed to adhere to payment arrangements that have been made
 - The Council is satisfied that no other person would be likely to be unduly prejudiced by the chosen means of enforcement
 - The Council has made reasonable efforts to contact the debtor in person to discuss the outstanding debt including a visit to the debtors property
 - A Revenues Team Leader has reviewed the case to consider whether the chosen means of enforcement is a fair and proportionate action
 - The Council has undertaken internal checks with its social care teams to ensure that the debtor is not a known vulnerable person
 - The debtor has had written warning of the consequences of the chosen means of enforcement and that the council is considering this as a means of enforcement, including signposting the debtor to a relevant advice agency

4.10 Council Tax Support

- In 2018 the Council amended its Council Tax Support scheme and introduced 20% a minimum payment into its Council Tax Support scheme for working age claimants
- Collection of council tax from working age council tax support claimants is dealt with sensitively.

4.11 Council Tax Discretionary Discount under LGFA Section 13A (1) (c)

- Under LGFA Section 13A (1) (c) the Council retains the discretion to reduce the council due of any council taxpayer as it sees fit.
- The Councils policy, explanatory notes and an application form (where the application for discount is due to financial hardship) can be accessed from the link below
- <https://shropshire.gov.uk/council-tax/discountsdisregards-exemptions-and-reductions-for-disabilities/discounts/>

5.0 Business Rates Recovery

5.1 Business Rates Bills

- The Council has to follow regulations in the collection of Non-Domestic Rates (Business Rates). The regulations [The Non-Domestic Rating \(Collection and Enforcement\) \(Local Lists\) Regulations 1989 \(legislation.gov.uk\)](#).
- The Council follows the statutory instalment scheme for collection of Business Rates which requires payments in ten/twelve monthly instalments.
- The Council offers twelve monthly instalments and four payment dates to ratepayers who agree to set up a direct debit as it is the cheapest and safest method of payment.
- A flow chart detailing the Business Rates recovery process is at appendix F.

5.2 Business Rates - Payment Arrangements

- The Council may ask a ratepayer who contacts the Council to complete an Income and Expenditure form at any stage to allow us to fully understand your circumstances and enter into an appropriate payment arrangement. The Council are unlikely to enter into a payment arrangement with a taxpayer unless a fully completed income and expenditure form is returned to the Council.
- The Council may on occasion ask for clarification of certain items on the income and expenditure form and may ask the taxpayer to evidence certain details supplied by the taxpayer. Please see section on Interpreting Debtors Expenditure for further details.

5.3 Business Rates Reminders and Final Notices

- If an instalment is not paid then the Council must issue a reminder notice to the ratepayer.
- If after receiving a reminder the ratepayer brings their instalments up to date but subsequently falls behind again the Council will issue a final notice and the ratepayer will lose the right to pay by monthly instalments and the whole amount for the year will become due.
- The revenues staff has discretion to withdraw a final notice if the ratepayer brings the account up to date and agrees to pay the remaining instalments by direct debit.

5.4 Summons and Magistrates Court

- If the ratepayer fails to pay the full balance as detailed in the final notice a summons to magistrates court is issued incurring £35.00 court costs (sum correct as at 1 April 2016).

- The revenues staff will seek to enter into arrangements at this stage, but the Council will still proceed to court for a Liability Order.
- At the court hearing the Council will ask the Magistrates to award a Liability Order and a further £35.00 costs (sum correct as at 1 April 2016).
- Making an appeal against a rating assessment to the Valuation Office is not a valid defence against the issue of a Liability Order.

5.5 Business Rates Enforcement

- A Liability Order gives the Council certain powers that it can use to secure the debt. There are detailed rules that govern how the Council uses these powers. In the main these powers are: -
 - Pass to enforcement agent for collection
 - Bankruptcy or winding up procedure
 - Charging Orders
 - Committal to Prison

5.6 Enforcement agents – The Use of Enforcement Agents for Business Rates

- The Council uses a company of certified enforcement agents for enforcement of unpaid Council Tax and Business Rates.
- The Council has a service level agreement with the enforcement agent and a strict code of practice that it expects the enforcement agent to adhere to.
- The Council undertake regular monitoring of cases that have been passed to its enforcement agent to ensure enforcement agent activity is within the code of practice and enforcement agent fees have been applied correctly to taxpayer's accounts. Enforcement agent fees in relation to Business Rates enforcement are set out in Business Rate regulations. The level of enforcement agent fees that may be charged are set out in Appendix B.
- The Council has regular quarterly meeting with its enforcement agent to discuss progress of accounts collection, any issues outstanding, any complaints received, and action taken.
- The Council will pass a case to the enforcement agent in the following circumstances: -
 - No contact has been received from the ratepayer.
 - The ratepayer has consistently failed to adhere to payment arrangements that have been made.
 - The ratepayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement.
 - The taxpayer has ignored the latest communication sent by the Council in relation to the debt.

- The Council will always issue a warning letter to the ratepayer prior to passing their case to the enforcement agent.
- Anyone who appears to the Council to be a vulnerable person will not have their Business Rates Liability Order passed to the enforcement agent for collection. Our guidelines for who we would consider to be a vulnerable person are set out in Section 8.4 below.
- The Council generally do not recall a case once it has been sent to the enforcement agents, but may review this in the following circumstances:
 - The debtor subsequently appears to be a vulnerable person.

5.7 Bankruptcy and Insolvency/ Committal to Prison (if sole trader)

- The Authority will consider bankruptcy/insolvency and committal proceedings in order to collect Business Rates arrears.
- The Council will consider bankruptcy/insolvency and committal as a means of enforcement in the following circumstances: -
 - The ratepayer is not willing to enter into meaningful discussion about their income and expenditure and enter into an appropriate payment arrangement (if sole trader).
 - The ratepayer has consistently failed to adhere to payment arrangements that have been made.
 - The Council is satisfied that no other person would be likely to be unduly prejudiced by the making of the order.
 - The Council has made reasonable efforts to contact the ratepayer in person to discuss the outstanding debt including a visit to the debtors property (if applicable e.g. sole trader).
 - A Revenues Team Leader has reviewed the case to consider whether the chosen means of enforcement is a fair and proportionate action.
 - The Council has undertaken internal checks with its social services teams to ensure that the debtor is not a known vulnerable person (if sole trader).
 - The debtor has had written warning of the consequences of the chosen means of enforcement and that the council is considering this as a **means** of enforcement, including signposting the debtor to a relevant advice agency (if sole trader).
 - The Council has taken full consideration on the effects on the local community in relation to the business no longer trading.

6.0 Housing Benefit Overpayment

- Housing Benefit overpayments are recovered in accordance with Regulations 99-107 of the Housing Benefit (General) Regulations 2006 (as amended) and with Regulations 80-88 of the Housing Benefit (State Pension Credit) Regulations 2006.
- This policy provides an overview of how Housing Benefit Overpayment may occur and recognises that there is detailed legislation and case law concerning administration of the Benefits System.
- This Policy is designed to provide guidance about how the Authority will recover an overpayment and does not cover wider administration of Housing Benefit.

6.1 What causes Housing Benefit Overpayments

- Benefit overpayments can occur for a number of reasons including
 - Local Authority Error
 - DWP Error
 - Claimant Error
 - Third Party Error
 - It is no one's fault
 - Other

6.2 Which Overpayments are Recoverable?

- An overpayment is recoverable if
 - It arose because of 'official error' and the claimant or someone acting on their behalf could reasonably have been expected to realise it was an overpayment
 - It is due to an error (or fraud) of the claimant or third party
 - It is no one's fault

6.3 How we decide if we should recover the Overpayment

- The Council has a degree of discretion whether to recover an overpayment. Personal circumstances are always considered before deciding to recover any outstanding amounts
- The Council may decide not to recover an overpayment where the claimant circumstances are exceptional, or where the Council considers the claimant to be a vulnerable person. (See Section 8.4 below)

- Current subsidy arrangements penalise the Council financially if we decide not to recover the majority of overpayments. Consequently, the Council must carefully consider any decision to attempt to recover an overpayment (or not), bearing in mind the wider and potentially significant financial implications for the Council.

6.4 Notification of Overpayments

- Any claimant asked to repay an overpayment must receive notification. This notification must confirm:
 - That an overpayment has occurred and whether it is recoverable
 - The reason for the overpayment
 - The amount of the overpayment
 - How the overpayment was calculated
 - The dates the overpayment covers
 - The amount of the deduction from ongoing benefit (if appropriate)
 - The right of appeal

6.5 Who we should recover from?

- Overpayments can be recovered from the claimant, the person acting on the claimant's behalf and/or from the person to whom it was paid. We are also able to recover from landlords when they have received the money directly.

6.6 Methods of Recovery

- There are several methods of recovery for overpaid Housing Benefit.
 - From arrears of Housing Benefit that become payable while there is an outstanding overpayment
 - By deduction from ongoing Housing Benefit
 - By deduction from the partner's ongoing Housing Benefit, as long as the claimant and partner were a couple at both the time of the overpayment and when deductions are being made
 - By deduction from certain DWP benefits
 - By applying to another Local Authority to ask them to deduct the overpayment from the claimant's ongoing Housing Benefit entitlement in their area
 - By recovering from Housing Benefit paid to a landlord/agent for another tenant. i.e. when the landlord has been classed as responsible for the overpayment
 - By invoicing the affected person for the amount outstanding

- By Direct Earnings Attachment
- By civil proceedings
- From the estate of a deceased person who has an overpayment
- By asking an enforcement agent to collect the debt on behalf of the Council

6.7 Deductions from Ongoing Benefit

- We will usually deduct a recoverable overpayment of Housing Benefit from ongoing Housing Benefit which could be paid to the claimant, landlord, appointee or agent. The maximum rates of recovery are set out by the Government each year. The rates for 2016-17 are set out at Appendix C.
- In order to recover from ongoing Housing Benefit entitlement, the claimant must have a minimum entitlement to Housing Benefit of £1.00 and be left with a minimum of 50p per week.
- Where a claimant contacts the Council and states that the level of recovery is causing financial hardship, they will be asked to complete an income and expenditure form. The Council will then decide based on this information whether to arrange for a lower amount to be recovered.
- Should a claimant wish to repay an overpayment at a higher rate, we can accept this as long as it does not exceed the customer's ability to make the payments.
- In order to maximise recovery, the Council periodically runs a report to identify all claims where we could potentially be recovering an overpayment at a higher weekly account. Any identified claims are reviewed to decide whether it is appropriate to do so.

6.8 Raising a Sundry Debt for claimants no longer in receipt of Housing Benefit

- Where the claimant is no longer in receipt of Housing Benefit an invoice will be raised and sent for the full balance outstanding.
- If the Invoice remains unpaid or the claimant has failed to make contact and agree a payment arrangement a reminder notice will be issued within 21 days
- If the Invoice remains unpaid or the claimant has failed to make contact and agree a payment arrangement a final notice will be issued within a further 21 days
- The Council will seek to agree an appropriate payment plan to clear the debt

- If the Invoice remains unpaid or the claimant has failed to make contact and agree a payment arrangement the debt may be passed to the Councils Enforcement Agent to contact the debtor and agree a repayment plan

6.9 Deduction from other DWP Benefit

- A recoverable overpayment of Housing Benefit may be deducted from the claimant's or partner's DWP benefits, but only if the overpayment was due to misrepresentation of, or failure to disclose, a material fact, and only if the authority is unable to recover overpaid Housing Benefit from future awards of Housing Benefit.
- The authority can recover from the following DWP benefits
 - Attendance Allowance (AA)
 - Bereavement Allowance (BA)
 - Carer's Allowance (CA)
 - Disability Living Allowance (DLA)
 - Employment Support Allowance (contributory) (ESA(C))
 - Employment Support Allowance (income-related) (ESA(IR))
 - Incapacity Benefit (IB)
 - Industrial Death Benefit (IDB)
 - Industrial Injuries Disablement Benefit (IIDB)
 - Income Support (IS)
 - Jobseeker's Allowance (contribution based) (JSA (C))
 - Jobseeker's Allowance (income based) (JSA(IB))
 - Maternity Allowance (MA)
 - Personal Independence Payments (PIP)
 - Severe Disablement Allowance (SDA)
 - State Pension Credit (SPC)
 - State Pension (SP)/Retirement Pension (RP)
 - Universal Credit (UC)
 - War Disablement Pension (WDP)
 - War Pension (WP)
 - Widowed Parents Allowance (WPA)
- The maximum rates of deduction from IS/JSA (IB)/PC/ESA (IR) are as set out in Appendix C. For other DWP prescribed benefits the rate of deduction can be up to one third of the debtor's personal entitlement (these rates are updated annually). The debtor can contact DWP Debt Management to request a reduction in the rate of recovery if it is causing hardship.

6.10 Direct Earnings Attachment

- The Welfare Reform Act 2012 supported by the Social Security (Overpayments and Recovery) Regulations 2013 introduced Direct Earnings Attachments (DEA) from April 2013.
- A DEA allows for recovery of overpaid benefit directly from a debtor's earnings without having to apply via the court system. The regulations also allow Local Authorities to recover overpayments of Housing Benefit using a DEA. Where the Council becomes aware of a debtors employment the Council will consider a DEA as a means to recover the outstanding money.
- In order to make the debtor aware that a DEA is being considered the Council will always issue a *Letter Before Action* to the debtor. The purpose of the *Letter Before Action* is to prompt the debtor to contact the Council in an attempt to seek a voluntary repayment from them without the need for a DEA. If there is no contact from the debtor, the DEA is implemented after 21 days.
- Since 2018 the Council has accessed the Housing Benefit Debt Service which provides Local Authorities with access to real time employment and income information to help with the recovery of Housing Benefit debt.

6.11 Blameless Tenant Recovery

- If a recoverable overpayment of Housing Benefit was paid to a landlord/agent, the overpayment can be deducted from future payments to landlords/agents in respect of another 'blameless' tenants Housing Benefit
- If the Council decides to utilise this method, we will notify the landlord/agent which tenant's Housing Benefit was overpaid and who is the blameless tenant. The blameless tenant will not be notified.

6.12 Recovery Through the County Court

- The Council may commence proceedings against the debtor in the County Court and obtain a County Court judgement. If the Council obtains a County Court judgement significant costs may be incurred payable by the debtor.
- A County Court Judgement will usually be entered on the register of County Court Judgements. Most entries stay on the register for six years. Organisations such as banks, building societies and credit agencies use information on the register when someone applies for credit such as a loan or overdraft and use this information to help them decide whether or not that person would be able to pay off the credit.

- The Council will send due notification to the debtor if is considering proceedings against the debtor in the County Court.

7.0 Debt Reduction/Income Maximisation/Expenditure Review

7.1 Debt reduction and income maximisation

- Reducing any debt outstanding and ensuring that the debtor is maximising their income should form a major part of any debt collection strategy. Revenues and Benefits Officers are trained to understand wider welfare benefits in order to be able to signpost debtors to ensure they are claiming their maximum entitlement.
- A document providing welfare benefit advice called 'A Helping Hand' is available for all officers to access. This provides an outline of all the major welfare benefits and lists relevant contact agencies and has internet links for further information.

7.2 Interpreting Debtors Expenditure

- The Council has to be satisfied that all debtors are taking responsibility for their own affairs. We are conscious that many people fall into debt problems due to an inability to properly manage their financial affairs. This can be due to excessive expenditure on non-priority items such as pay TV, mobile phones, cigarettes, alcohol and other non-necessity luxury items. It may be due to taking on an unaffordable rental liability, or no longer being able to afford mortgage payments. The Council has to make a reasonable assessment whether the taxpayer has fallen into arrears because of poor financial management. The Council will work to ensure that the debtor is able to afford a re payment arrangement by taking all relevant factors into account.
- Where the debtor has entered into a contract for repayment such as pay TV or Hire Purchase items the Council may ask for confirmation of when the contract ends or payments cease in order to re adjust the payment arrangement at that time, if appropriate, to increase payments to reflect the income increase.

7.3 Debt Prioritisation

- The Council is aware that people may have a number of different debts owed to either other Council departments or to other bodies. The Council will work and communicate with different bodies where relevant to ensure that any arrangements entered into with the debtor consider their wider circumstances.

7.4 Breathing Space

- Breathing Space was introduced with effect from 4 May 2021. The Breathing Space Regulations give someone in problem debt the right to legal protection from their creditors for a period of time in order to put their financial affairs in order.
- Standard Breathing Space last for 60 days and must be initiated by a debt advice provider
- Mental Health Breathing Space lasts as long as a debtor is receiving mental health crisis treatment plus 30 days.
- Shropshire Council receives Breathing Space notifications and takes appropriate action to stop enforcement action while a debtor is in Breathing Space

Appendix A – Attachment of Earnings Order Deductions

DEDUCTIONS FROM WEEKLY EARNINGS	
Net Earnings	Deduction Rate %
Not Exceeding £55	0
Exceeding £55 but not exceeding £100	3
Exceeding £100 but not exceeding £135	5
Exceeding £135 but not exceeding £165	7
Exceeding £165 but not exceeding £260	12
Exceeding £260 but not exceeding £370	17
Exceeding £370	17 in respect of the first £370 and 50 in respect of the remainder

DEDUCTIONS FROM MONTHLY EARNINGS	
Net Earnings	Deduction Rate %
Not Exceeding £220	0
Exceeding £220 but not exceeding £400	3
Exceeding £400 but not exceeding £540	5
Exceeding £540 but not exceeding £660	7
Exceeding £660 but not exceeding £1040	12
Exceeding £1040 but not exceeding £1480	17
Exceeding £1480	17 in respect of the first £1480 and 50 in respect of the remainder

DEDUCTIONS FROM DAILY EARNINGS	
Net Earnings	Deduction Rate %
Not Exceeding £8	0
Exceeding £8 but not exceeding £15	3
Exceeding £15 but not exceeding £20	5
Exceeding £20but not exceeding £24	7
Exceeding £24 but not exceeding £38	12
Exceeding £38 but not exceeding £53	17
Exceeding £53	17 in respect of the first £53 and 50 in respect of the remainder

Appendix B – Enforcement agent fees schedule

Enforcement Agent Fees	
Stage	Fee
Compliance	£75.00
Enforcement	£235.00 plus 7.5% of the debt amount that exceeds £1500.00
Sale	£110.00 and 7.5% of the debt amount exceeding £1500.00

Appendix C – Maximum Rates for Deductions from Ongoing Benefit 2021-22

Maximum Rates for Deductions from Ongoing Benefit 2021-22	
Standard Rate	£11.25
If the claimant has been found guilty of fraud, or admitted fraud after caution	£18.75
Plus 50% of any earned income disregards	
Plus any disregard of regular charitable or voluntary payments	
£10 disregard of war disablement or bereavement pension	

Appendix D – Useful telephone numbers

Council Tax	0345 678 9002
Recovery Team	0345 678 9002
Benefits	0345 678 9002
Payment Line	0345 678 9009
Business Rates	0345 678 9002

Council.tax@shropshire.gov.uk

Business.rates@shropshire.gov.uk

benefits@shropshire.gov.uk

Revenues and Benefits

Shropshire Council

PO Box 4749

Shrewsbury

SY1 9GH

www.shropshire.gov.uk

Appendix E - Free, independent, and impartial money advice

If you have run into financial difficulties, or are worried about debt and paying your bills, or just need some advice and support there are a number of organisations who offer free help and impartial advice. All of the services below are free, confidential and hold a standard accredited by the Money Advice Service www.moneyadvice.org.uk

<p>CITIZENS ADVICE BUREAU Citizens Advice offers free, independent, confidential and impartial debt advice through their webchat service http://www.cabshropshire.org.uk 03444 99 11 00</p>
<p>STEP CHANGE DEBT CHARITY Step change helps change the lives of thousands of people every week. Their expert advice is impartial and personalised to each individual situation. www.stepchange.org 0800 138 1111</p>
<p>MONEY ADVISOR NETWORK The Money Adviser Network offers free telephone debt advice backed by Money Helper. Provide your contact details in confidence and we'll connect you with a qualified and regulated money advice provider so you can get back on track. https://adviser.moneyhelper.org.uk</p>
<p>NATIONAL DEBTLINE National Debtline has helped millions of people with their debts. They'll talk you through options and give clear advice on how to take back control www.nationaldebtline.org 0808 808 4000</p>
<p>DEBT ADVICE FOUNDATION Debt Advice Foundation is a national debt advice and education charity offering free, confidential support and advice to anyone worried about debt https://www.debtadvicefoundation.org/ 0800 430 40 50</p>
<p>FINANCIAL WELLNESS GROUP Financial Wellness Group provides free advice and solutions for people struggling with money, debt and budgeting. We have 27+ years' experience supporting people to find a route to become debt free https://www.financialwellnessgroup.co.uk/MAS 0161 518 8285</p>
<p>PAYPLAN Payplan provides the debt advice and support to enable you to take charge of your finances and focus on living again www.payplan.com 0800 280 2816</p>
<p>BUSINESS DEBTLINE www.businessdebtline.org 08001976026</p>

Appendix F – Glossary of Terms

Arrangement - An agreement between a creditor and debtor for regular monthly payments to be made to pay a debt.

Attachment of Benefits - Where the Council can order the DWP to deduct money directly from the debtor's benefits to pay to the Council towards the outstanding debt.

Attachment of Earnings – Where the Council can order the debtors employer to deduct money directly from the debtors salary to pay to the Council towards the outstanding debt.

Bankruptcy – a legal status of a person who cannot repay their debts where there are certain legal restrictions.

Business Rates – Rates payable by businesses in respect of business premises.

Charging Orders – An order whereby the outstanding debt must be repaid out of the proceeds of the sale of your property.

Council Tax – Local Authority property tax.

Court Costs – The Costs incurred by the debtor and payable to the Council because the Council has had to take the matter to Magistrates Court.

Creditor – Person who is owed money by a debtor.

Debtor – Person who owes money to someone else.

Department of Work and Pensions – Government department responsible for Housing Benefit regulations and administrative guidance

Direct Earnings Attachment – A Direct Earnings Attachment allows for recovery of overpaid Housing Benefit directly from a debtor's earnings without having to apply via court.

Enforcement Agent – formally known as bailiffs. Can visit your home if you don't pay your debts. May take some of your belongings to sell. Additional fees will be incurred.

Final Notice – A legal notice issued by the Council where the full amount of Council Tax or Business Rates has not been paid and needs to be paid.

Income and Expenditure Form – A form that the debtor should complete to provide the Council with information about their earnings and benefits, and their outgoings, to assist the Council in deciding about a realistic payment arrangement.

Liability Order – An order made by the Magistrates Court at the Court Hearing that gives the Council certain powers to enforce collection of the outstanding debt.

Recovery - The process a creditor follows to ensure that their debtor pays them their money.

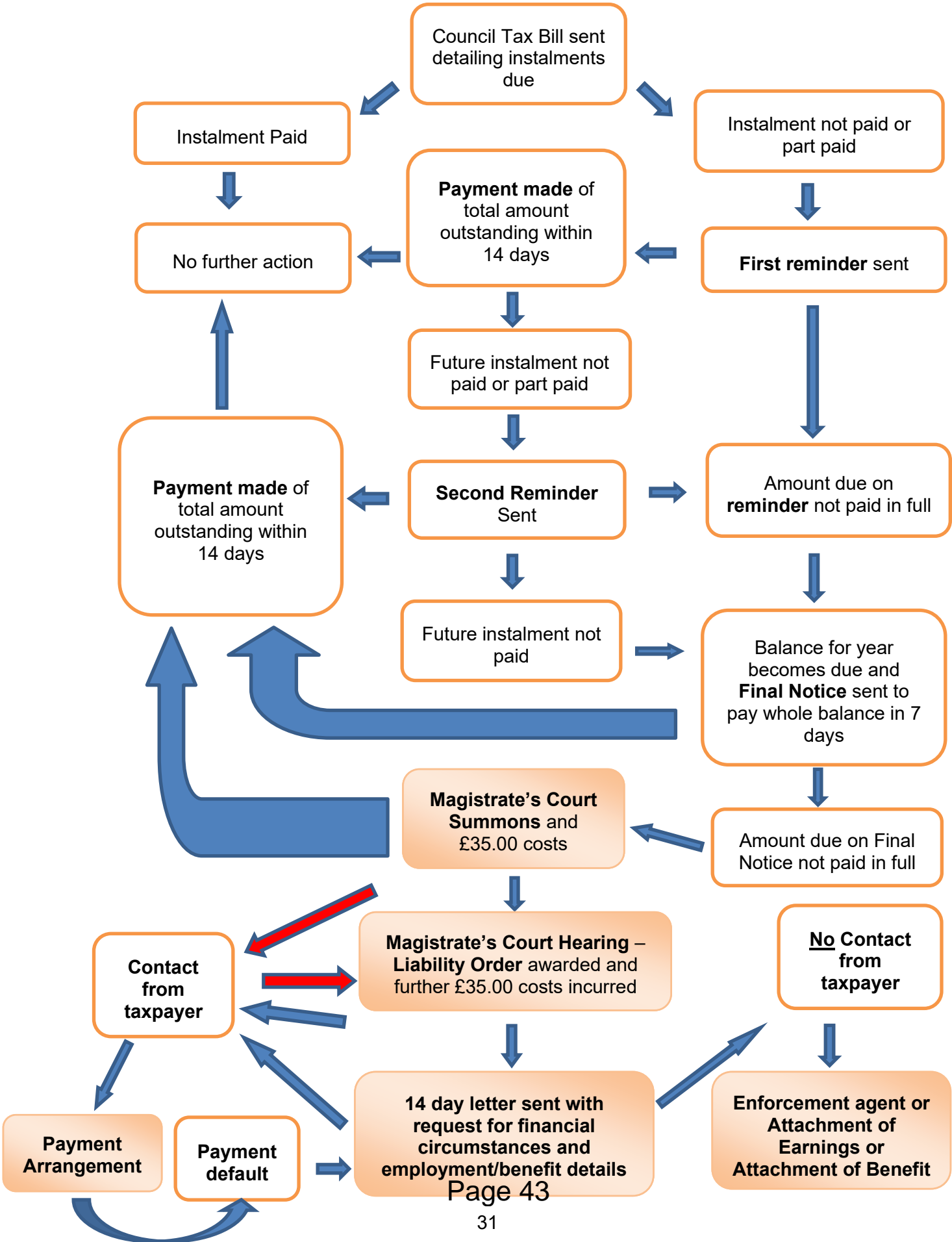
Reminder Notice – A legal notice issued by the Council where a Council Tax or Business Rates instalment has not been paid and needs to be paid.

Request for Information – A legal Notice issued by the Council asking for information about the debtor's employment or benefits.

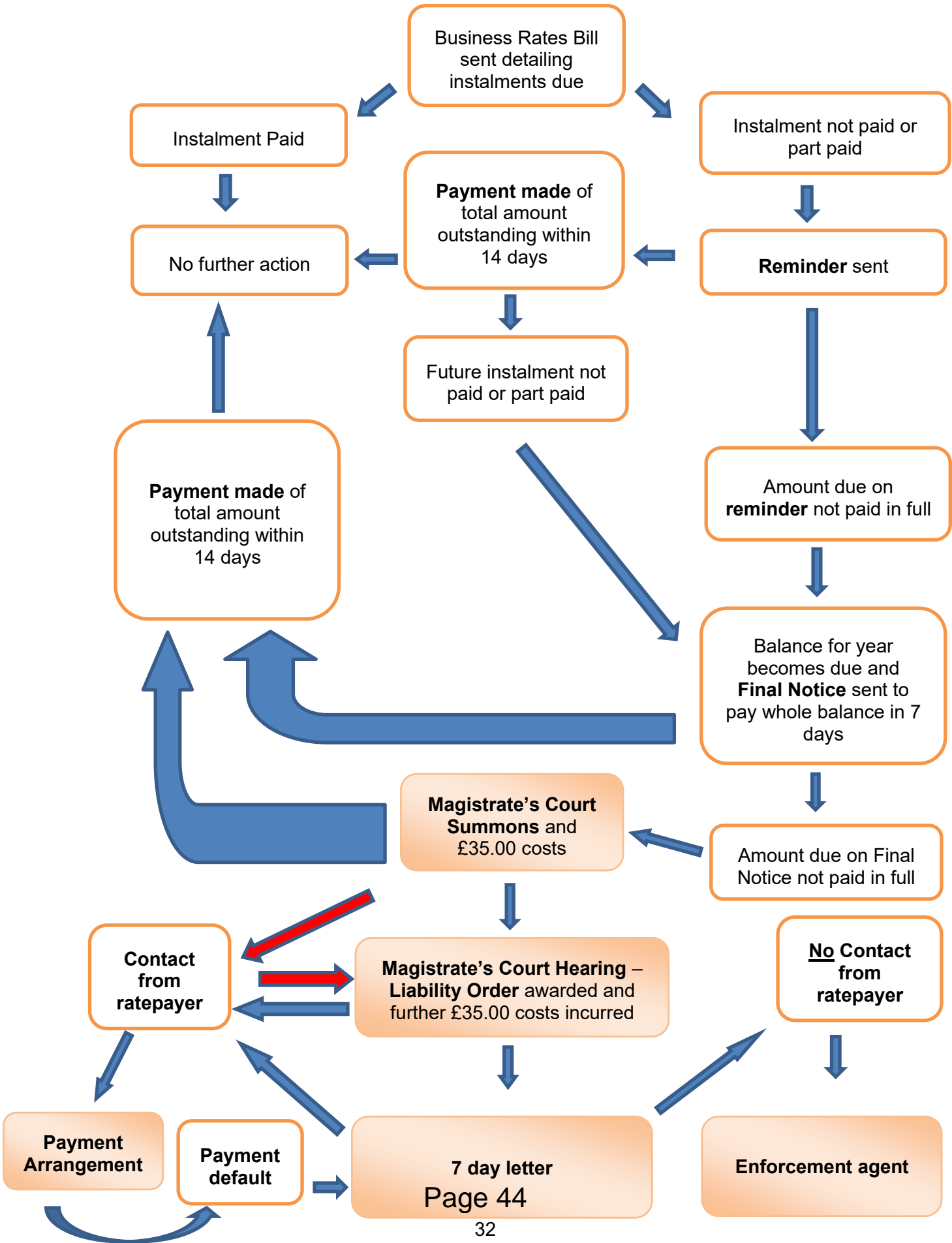
Summons – A Legal Notice advising the Council Taxpayer or business ratepayer that the Magistrates Court are advising them to attend a court hearing because the outstanding amount has not been paid to the Council.

Vulnerable person – see section 3.2 for details

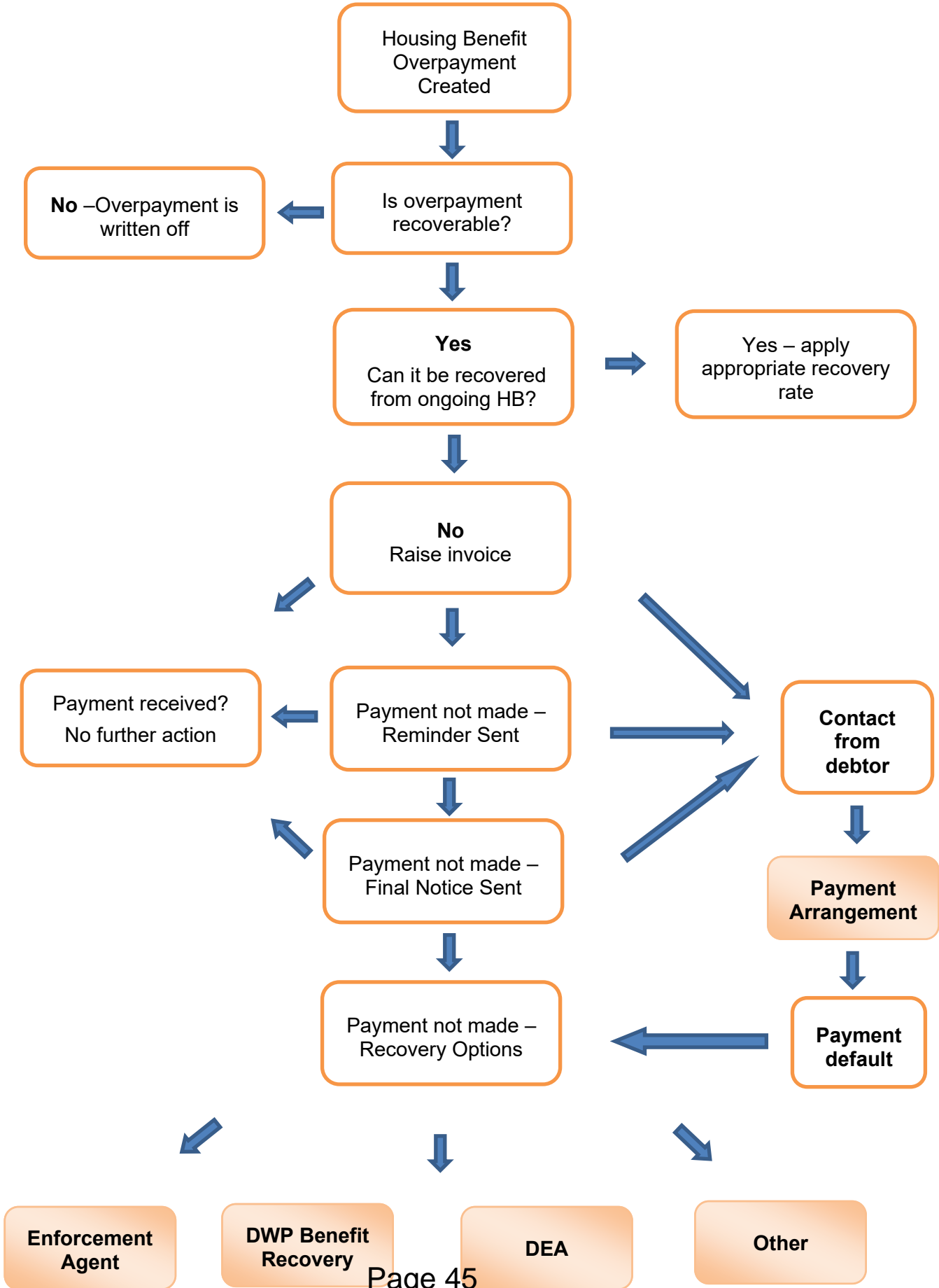
Appendix G – Council Tax Recovery flow chart



Appendix H – Business Rates Recovery flow chart



Appendix I – Housing Benefit Overpayment Recovery flow chart



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SHROPSHIRE COUNCIL - FINANCE CORPORATE DEBT RECOVERY POLICY

Version 0.1

JULIA EDWARDS & SUE WESTON

DEBT RECOVERY TEAM



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1. Introduction

The designated Section 151 Officer has responsibility, under section 151 of the Local Government Act 1972, for the administration of the financial affairs of the Council. One such area of administration relates to Sundry Debtors which is covered by this policy.

The Council has a duty to recover outstanding debts and in doing so ensure that its processes are fair and consistent to everyone. This policy covers the collection of customer accounts due to Shropshire Council.

The Sundry debt policy will ensure:

- We minimise debt and maximise rates of collection.
- We are consistent and co-ordinated in our approach.
- We assist customers based on their ability to pay and individual financial circumstances.
- We provide clear guidance for all Council Officers on the recording, reporting, recovery, and monitoring of debt.

2. Scope of this Policy

This Policy covers the sundry debt of Shropshire Council, with the exception of debt relating to the provision of Social Care and Parking services.

3. Purpose of the Corporate Debt Recovery Policy

The purpose of this policy is:

To ensure the efficient collection of income due to the Council by implementation of a transparent charging policy. Charges are set annually in a Fees and Charges report approved by Full Council each February.

This policy will help to ensure accurate and timely billing, reduce the level of debt arising and ensure effective and timely recovery processes utilise appropriate recovery methods by debt type.

To ensure that debts are managed in accordance with legislative provisions and best practice.

To ensure performance in relation to debt recovery is monitored and reported through the relevant management structures of the Council.

4. The Council's responsibility

- To ensure a professional, consistent and timely approach to non-commercial debt recovery action across all of the council's functions
- To ensure that debts are managed in accordance with legislative provisions and best practice
- To set reasonable fees and charges in line with council priorities
- To maximise income collection while reducing the cost of collection
- To set out charges in the clearest manner possible
- To ensure a range of accessible payment options are available alongside advice and assistance at the earliest possible stage

5. Responsibility of debtors

- To pay on time
- To contact the council or take appropriate debt advice if they are unable to pay an amount that is due and/or are unable to pay on time
- To contact the council as soon as possible if they do not agree with the bill and explain why they do not agree
- To contact the council as soon as possible about any change in circumstances such as a change of address

6. Receipt of Payments/Income in Advance

Where payment can be taken before goods or services are provided these cases should be identified and payment taken in advance. This ensures that no debt is raised in these cases having due regard to the value of the transaction compared with the cost of collection. In particular, low value charges of less than £100.00 (excluding VAT) should be collected in advance and invoices should not be raised for payments due below this value.

A further advantage of income in advance is that this approach protects Shropshire Council from the risk of late payment or bad debt, improves the Council's cashflow and avoids the cost of administering debts.

7. Raising Sales Invoices

All invoices must be raised through the Council's Finance Ledger System (currently U4 ERP).

All invoices should be raised in a timely manner and should be clear, accurate and in plain English.

Full details of the charge being made must be clearly stated on the invoice (or attachment where appropriate), including the date the service or goods were provided. Where a credit note is necessary full details of the reason for credit must be clearly stated on the credit note.

Prompt invoicing is vital in ensuring effective debt collection by ensuring prompt payment. Invoices must be raised within a maximum of five days of the goods or service being delivered.

By raising an invoice, the originating service area confirms, by default, that appropriate recovery action through the Corporate Debt Recovery Team, including court action when necessary, is granted at the time the debt is raised.

As set out in Section 6, invoices must not be raised for amounts of less than £100.00, excluding VAT, unless they relate to collection of peppercorn rents, licenses, or leases in connection with occupation of Council land and property.

If a Purchase Order (PO) number is required by the debtor this must be obtained prior to raising the invoice. If the customer has been identified previously as requiring a PO to make payment this will be shown on the customer account. Note, the invoice will not be raised until a PO is obtained.

8. Payment Terms and Conditions

The Council's payment terms are strictly 20 calendar days

9. Late Payment of Commercial Debt

The Council reserves the right to charge interest and claim compensation in accordance with the Late Payment of Commercial Debts (Interest) Act 1998 and under the Late Payment of Commercial Debts Regulations 2013. Full details of the Act available at <https://www.legislation.gov.uk/ukpga/1998/20/contents>.

For Commercial debt, interest will be charged on any debt at a rate of 8% above base rate.

10. Methods of Payment

The Council accepts a range of payment methods and the list of available methods of Payment is included on the reverse of the invoice.

Our preferred method of payment is Direct Debit as this is efficient, timely and provides value for money for the Council.. The use of cash and cheques is discouraged and will be phased out in favour of alternative electronic methods of payment.



11. Paying via Instalments

The Debt Recovery team have sole responsibility to agree payment beyond the Council's repayment terms (as set out in Section 8) or instalments as repayment of sundry debt. Where customers evidence that payment of outstanding debt due to the Council cannot be paid in full this will be considered on merit on a case-by-case basis.

Instalment plans must be mutually agreed between the Council and Debtor, and the instalment arrangement must not exceed 12 months and the method of payment must be Direct Debit. Should the customer default within this period the full value of the debt becomes payable in full.

For individuals who are unable to pay within 12 months consideration would be given to extending this period although interest charges will apply at the rate of 1% above The Bank of Englands Base Rate.

In exceptional circumstances, where a member of staff or Council Member have an outstanding debt with the Council, arrangements can be made to clear the debt via a salary deduction. This will be considered on its merits and is the responsibility of the Debt Recovery Team to agree and administer.

12. Reminder Letters

Shropshire Council operates a single reminder letter policy, which is the final demand for payment.

The reminder is issued where the debt is 10 days overdue and is sent via email (where held for the customer) or post. The customer has seven days to make payment in full before the debt is referred to Civil Enforcement Agents for recovery.

13. Invoices in query or dispute

A debt is in dispute where the debtor believes that the charge is incorrect. Note, reluctance to pay a charge that has been raised in accordance with this policy is not considered a dispute and, in these cases, the standard debt recovery procedures will be followed.

Where a dispute has been acknowledged the service area that raised the original debt has 30 days to resolve the dispute. In exceptional circumstances, the Senior Debt Officer will approve an extension of a further 30 days following an email request from the service area. Without this approval, the debt is due and beyond any agreed extension, no further extensions will be provided.

14. Statements

Statement of Accounts are sent on a monthly basis automatically from the Council's financial system to Trade Customers where an email address is held on the account.

15. Role of Debt Recovery Team

The Debt Recovery Team is responsible for enforcing all outstanding, invoiced, overdue debt owed to Shropshire Council. The debt becomes overdue where it has not been paid within the Council's payment terms (as set out in Section 8) and is outstanding until it is either collected, cancelled (via an issued, formal credit note) or formally written off. No other approaches can be taken for Sundry Debt covered within this policy.

The Debt Recovery team will attempt to recover debt within a timely manner and will liaise with service areas and debtors to enable this recovery. The Debt Recovery Team maintain a log of all correspondence in relation to the debt on the Council's financial system. This log is essential if debt is referred for legal action or if a complaint is received from the Debtor.

16. Assistance available to Customers

The Debt Recovery team cannot offer advice on entitlement to benefits, discounts and exemptions but will direct a debtor to local organisations who can offer advice on debt management such as:

- The Money Advice Service.
- The Citizens Advice Service.
- Age Concern Advocacy.

17. Referral of Debt to Recovery Agent

As set out in Section 12, following a Reminder Letter if payment has not been made the invoice is marked for collection by the Council's Debt Recovery Agent (DRA).

The DRA will then make further attempts to contact the customer using the information provided via email, post and telephone.

If all letters and forms of communication has been exhausted by the DRA and payment is still not forthcoming this is then returned to Shropshire Council for decision on further action required.

18. Referral of debt for legal action

Except in cases where a value for money judgement suggest it is cost prohibitive, legal action will be taken to recover outstanding debt following completion of Sections 12 and 17 of this policy as appropriate.

The Ministry of Justice requires any business claiming payment of a debt from an individual to follow a Pre-Action Protocol.

Pre-action protocols explain the conduct and set out the steps the court would normally expect parties to take before commencing proceedings against individuals. In line with the protocol the debt recovery officer will send an Income and Expenditure form to the customer for completion and a covering Letter before Claim. Giving the customer 30 days to complete and return.

For debt not with individuals a Letter for Claim will be sent giving Debtor a further 14 days to pay before legal action is imitated.

19. Credit Notes

Credit notes should be issued when it has been identified that an invoice was either raised for the incorrect amount or raised in error to ensure that the cost is charged back to the service.

Credit notes will must not be used to write off sundry debt.

Credit notes must be authorised in line with the council's scheme of delegation and must not be authorised by the same officer who raised the invoice.

The credit must contain a clear reason for the reduction or cancellation of the invoice, along with the original invoice number. The Cost Centre, Product Code, and VAT code must match the original invoice

Credit notes are not issued until they have been through a two-step approval process by the Debt Recovery team and the approving officer as laid out below.

The authorisation structure for credit notes are as follows:

Limit	Authoriser
£0.01 - £1000.00	Finance Business Partner for the Service
£1000.01 - £5000.00	Budget Holder
£5000 +	Section 151 Officer

20. Debt Write off

The Council will take all necessary action to recover in full debts that are due. Debts will be subject to the full recovery, collection and legal procedures as outlined in this policy. The Council recognises that where a debt is irrecoverable, prompt and regular write off of such debts is good practice.

Debts to be written off fall into two broad categories, firstly those debts that the Council is unable to collect and secondly those debts that are deemed uneconomic to collect.

The Council will seek to minimise the cost of write offs to the local tax payers by taking all necessary and appropriate recovery action to recover what is due. All debts will be subject to the full collection, recovery and legal procedures and considerations as outlined in this Debt Recovery Policy

The following reasons are recognised as valid reasons for the write off of debts, subject to all appropriate action to enforce payment having been attempted.

- Uneconomical to pursue – the debt is £100 or less.
- The customer is deceased and has left no estate – proof required.
- The customer is subject to a formal insolvency order (in such cases any accruing debt to be written off will only be up to the date of the order).
- The customer has absconded/gone away and cannot be traced.
- The customer is living outside the jurisdiction of the English Courts and is unlikely to return.
- The age of the debt precludes recovery, or the debt is Statute Barred.

In general, recommendation for debts to be written off should be made only where one of the above categories applies. However, it is recognised that it is difficult to anticipate all potential circumstances where write off may be justified, and that on occasion it may be appropriate to write off a debt for other reasons.

Any write off of bad debts above £100,000 is referred to the appropriate Council body by the Section 151 Officer for approval.

21. Refunds of overpayments

Where an overpayment is identified to have been made by a debtor, provided there is no other outstanding debtors or ongoing goods or service provision to the Debtor; the debt recovery team will contact the Debtor to arrange a refund of the overpaid amount.

All refunds will be made via a BACs payment to the Debtors account.



22. Exception / deviations from this policy

The debt recovery process can be suspended in exceptional circumstances which includes but is not exhaustive:

- Issues arising from a local, national or global event e.g. a global pandemic.
- System breakdown causing customer accounts not to be updated.
- Breathing Space legislation.

To suspend the debt recovery process across the whole of the authority for a significant time frame i.e. a global pandemic, this would be agreed jointly by Executive Directors Team or equivalent.

In the case of system downtime the decision to suspend recovery would come from the Senior Debt Officer.

23. Further documents and information

- **Shropshire Council Financial Rules** – <http://shropshire.gov.uk/media/17608/appendix-1-financial-rules-feb-19.pdf>. Specifically, section D.2 on Income, this includes authorisation limits for write offs and requirements for reporting them.
- **Sales Ordering User Guide** – <https://staff.shropshire.gov.uk/media/708797/business-world-user-guide-sales-ordering.pdf>
- **Finance How do I? – Sales invoices in the ERP Intranet Pages** – <https://staff.shropshire.gov.uk/how-do-i/finance/sales-invoices-in-the-erp/>

Shropshire Council
Equality, Social Inclusion and Health Impact Assessment (ESHIA)
Initial Screening Record 2021-2022

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Review of Council Tax, Business Rates and Housing Benefit Overpayments Debt Collection Policy and New Sundry Debt Policy.

Name of lead officer carrying out the screening
Phil Weir

Decision, review, and monitoring

Decision	Yes	No
Initial (part one) ESHIA Only?	Yes	
Proceed to Full ESHIA or HIA (part two) Report?	No	

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations
<p>Failure to have a clearly defined policy for debt collection will leave the Council vulnerable to complaints about process and debt outcomes. It is important to have clearly defined actions to protect both staff and debtors</p> <p>The policy sets out the following commitments:</p> <ul style="list-style-type: none"> <i>The Council will deal with you sensitively, professionally and courteously regardless of your age, disability, gender reassignment, marriage and civil partnership arrangement, pregnancy, race, religion or belief, sex, or sexual orientation.</i> <i>The Council will take steps to ensure that we have made the appropriate checks to ensure inappropriate enforcement action is not taken against potentially vulnerable individuals</i> <p>The Equality, Social Inclusion and Health Impact Assessment, carried out in order to assess the likely impacts of the revised policy for Protected Characteristic groupings as set out in the Equality Act 2010, and for people in our tenth category</p>

in Shropshire, of Social Inclusion, indicates that the overall impacts should be neutral or positive across groupings.

The implications of this policy for vulnerable individuals and households are of particular relevance and may apply either in rural households or in our market towns. There is a further recognition warranted that there may be issues for individuals and households ranging from personal circumstances affecting income such as loss of employment, low wages, irregular income, relationship breakups, fuel poverty, etc, to practical difficulties in accessing facilities and services across our large county, either in person or online.

The policy sets out that the Council will ensure that it does not take inappropriate enforcement action in respect of vulnerable persons. Debtors who may be considered vulnerable may include persons

- With medical conditions such as mental ill health, terminal illnesses
- With a learning disability
- With a physical disability or who may be housebound
- Who are illiterate or unable to speak English
- With an alcohol/drugs or gambling addiction
- Fleeing domestic violence or other violence and have the support of either the police, or a statutory or voluntary agency
- Who are prison leavers being supported by an appropriate organisation or agency
- Who have a temporary change in their life such as a relationship breakdown or bereavement which may mean they need support on a short-term basis
- Who have severe debt problems
- That are subject to mortgage possession proceedings
- Suffering any form of harassment

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

Actions to increase the positive impacts in equality terms need to include ensuring that a range of communication channels are used to encourage people to have the confidence to approach the Council if they are in debt or fear that they may find themselves in such circumstances. This will usefully include working with local elected Shropshire Council councillors as community leaders, for example through councillor surgeries, and setting out the recourse that people may have to impartial advice and guidance as well, through the community and voluntary sector. The policy lists a number of such advice channels as well as a glossary of terms.

Associated ESHIAs

- Completed impact assessment for Cabinet with original policy (2016)

- Related equality impact assessments: review of Non Domestic Rates Discretionary Relief and Council Tax Discretionary Discounts (2017 and 2018); New Business Rate Discretionary Rate Relief Scheme (2019)
- Related ESHIAs around economic growth and economic recovery.

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

Climate change

While there are no direct climate change impacts arising from this report the Strategic Finance team are committed to encouraging all taxpayers to sign up for paperless and e-billing in line with the Council's digital by default agenda.

Health and well being

The Council will also seek to factor in the potential negative mental health impacts for people of falling into debt, which this policy sets out to recognise and address through encouraging people to make contact at the earliest opportunity and through setting out the impartial advice and guidance that is available from external agencies.

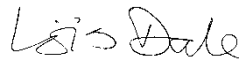
Economic and societal/wider community

Having a clearly outlined, transparent and fair approach to debt collection removes uncertainty and challenge which can have a detrimental effect on collection rates. The policies will help to enhance the Council's income collection, reduce the level of debt owed to the Council and minimise the level of unrecoverable debt. Continuation of the existing Council Policy for Debt Collection of Council Tax, Business Rates (with amendments) plus the additional Sundry debt policy will ensure that the Council remains focussed on collecting outstanding debt in a positive and ethical way.

Scrutiny at Part One screening stage

People involved	Signatures	Date
<i>Lead officer carrying out the screening</i> Phil Weir	Phil Weir	4 January 2022
<i>Any internal service area support*</i>		
<i>Any external support**</i>		4 th January 2022

Mrs Lois Dale, Rurality and Equalities Specialist



**This refers to other officers within the service area*

***This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues*

Sign off at Part One screening stage

Name	Signatures	Date
<i>Lead officer's name</i>	Phil Weir	4 January 2022
<i>Accountable officer's name</i>		

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description

- The Council has a statutory duty to bill and collect Council Tax to over 145,000 households in Shropshire. Council Tax is collected in respect of precepts levied by Shropshire Council, West Mercia Police and Crime Commissioner, Shropshire and Wrekin Fire and Rescue Authority, and local Town and Parish Councils. The level of Council Tax is set each year by full resolution of Shropshire Council. The Revenues Teams assess who is liable for Council Tax and award any discounts and exemptions that may apply. The Benefits Teams assess applications for Council Tax Support. Council Tax bills are issued detailing what is due to be paid and when.
- The Council has a statutory duty to bill and collect Business Rates from over 12,500 businesses in Shropshire. The Business Rates Team assesses who should pay the rate and awards any reliefs or exemptions that are applicable. Each year the Government set a multiplier, which is multiplied by the rateable value of each business to set the annual rate. Business Rates bills are issued detailing what is due to be paid and when.
- Housing Benefit Overpayments occur when people have a change in their circumstances (such as an increase in their income) which results in a claimant being paid more Housing Benefit than they are entitled to.

The existing Council Tax, Business Rates and Housing Benefit Overpayment Debt Collection Policy was approved by Cabinet on 14 September 2016.

It is good practice for Shropshire Council to detail its approach to collection of this debt. This will ensure clarity to taxpayers, businesses, members, other residents, and advice agencies about the Council's approach to debt collection. It also ensures a fair and consistent view is taken to debt enforcement, and that the Council is committed to identifying and assisting more vulnerable groups in society to manage their payments.

Corporate debt collection is changing with the introduction of Breathing Space regulations in May 2021, and the Government intention to introduce Statutory Debt Repayment Plans, which will enable a person in problem debt to enter into a formal agreement with their creditors to repay all of their eligible debts over a manageable time period, whilst receiving legal protection from their creditor.

- The key message for customers in arrears/debt with their Council Tax, Business Rates or Housing Benefit Overpayment has to be that they need to get in contact with the Recovery Team as soon as possible in order to:
 - Make us aware of their situation
 - Enable us to evaluate their situation by completing an income and expenditure form
 - Make any recommendations of any other discounts or exemptions that they may be entitled to
 - Explore whether they may be entitled to Council Tax Support
 - Explore whether they may be entitled to any other welfare benefit
 - Refer to an appropriate advice agency for any third-party assistance.
 - Decide on the most appropriate course of action to take. This may result in making an appropriate payment arrangement or in applying for an attachment of benefit or attachment of earnings order.
- ***The most important thing is that the debtor must show willing to work with the revenues and benefits team to take responsibility and improve their situation.***
 - They may be in arrears due to different circumstances such as
 - Poor money management
 - Inappropriate expenditure on non-priority items
 - Reduced earnings requiring an evaluation of lifestyle
 - Unaware of entitlement to benefits or discount
 - Illness/disability
 - Low wage
 - Irregular income
 - Relationship break up
 - Any combination of the above

- We are aware that people fall into arrears for a number of different reasons. We are conscious that some people fall regularly into arrears, and other people are in arrears for the first time due to losing employment for example. We are committed that everyone will be treated sensitively, fairly, and realistically. We would stress that this is a two-way process and that taxpayers need to be confident enough to approach us and are willing to take steps to sort out their problems themselves, if we are going to have any chance of helping them.

Intended audiences and target groups for the service change

All Council debtors
 All those who may find themselves in such circumstances in the future
 Councillors
 Council Officers
 All debtor advice agencies
 Council partners e.g. Enforcement Agents

Evidence used for screening of the service change

- When developing this policy, the Council has considered national best practice guides including
- **DCLG** – Council Tax, Guidance to local councils on good practice in the collection of Council Tax arrears. Available at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/210478/Guidance_on_enforcement_of_CT_arrears.pdf
- **Ministry of Justice** – Taking Control of Goods: National Standards. Available at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/353396/taking-control-of-goods-national-standards.pdf
- **DWP** – Pursuing Housing Benefit overpayment recovery effectively. Available at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/404182/housing-benefit-overpayment-recovery-good-practice-guide.pdf
- **CAB** – Shropshire Council has given full consideration to the Collection of Council Tax arrears good practice protocol. Available at
https://www.citizensadvice.org.uk/global/migrated_documents/corporate/pdf-ct-protocol2013.pdf

The aim is to bring a combined Council Debt Policy to include Adults and Children's Social Care Debt and Parking Debt later in 2022

Specific consultation and engagement with intended audiences and target groups for the service change

None

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)				X positive
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				X positive
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				X positive
<u>Marriage and Civil Partnership</u>				X positive

(please include associated aspects: caring responsibility, potential for bullying and harassment)				
<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				X positive
<u>Race</u> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				X positive
<u>Religion and belief</u> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				X positive
<u>Sex</u> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				X positive
<u>Sexual Orientation</u> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				X positive
<u>Other: Social Inclusion</u> (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				X positive

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
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<p>Will the proposal have a <i>direct impact</i> on an individual's health, mental health and wellbeing?</p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>				Positive
<p>Will the proposal <i>indirectly impact</i> an individual's ability to improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>				Positive
<p>Will the policy have a <i>direct impact</i> on the community - social, economic and environmental living conditions that would impact health?</p> <p>For example, would it affect housing, transport, child development, education, employment opportunities, availability of green space or climate change mitigation?</p> <p>.</p>				Positive
<p>Will there be a likely change in <i>demand</i> for or access to health and social care services?</p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services?</p> <p>.</p>				Neutral

<p>Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts</p>
--

The other considerations set out in this policy relate to the standards of behaviour expected towards Council staff, as follows, which complement zero tolerance stance with regard to racism and other forms of discrimination:

- our staff expect to be treated with courtesy and respect. Our staff and other customers should not be expected to deal with violent, rude or disruptive customers.
- Where staff are met by violent, rude or aggressive behaviour they will ask the customer to refrain from further behaviour of that type. If behaviour continues then the interaction may be terminated.

Guidance Notes

1. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes.

These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify

the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g., Age. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.-You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.

- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

3. Council wide and service area policy and practice on health and wellbeing

This is a relatively new area to record within our overall assessments of impacts, for individual and for communities, and as such we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.
- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

Individuals

Will the proposal have a *direct impact* on health, mental health and wellbeing?

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration

of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

For further information on the use of ESHIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

For further guidance on public health policy considerations: please contact Amanda Cheeseman Development Officer in Public Health, via telephone 01743 253164 or email amanda.cheeseman@shropshire.gov.uk



<u>Committee and Date</u>
Cabinet
19 January 2022

<u>Item</u>
<u>Public</u>

SHROPSHIRE SCHOOLS FUNDING FORMULA 2022-23

Responsible Officer: Tanya Miles

Email: tanya.miles@shropshire.gov.uk

Tel: 01743 255811

1. Synopsis

In light of the recommendations of the Schools Forum, and in accordance with the Education and Skills Funding Agency (ESFA) operational guidance on schools revenue funding for the Shropshire schools funding formula for 2022-23, approval is sought from Cabinet to the proposed Schools Funding Formula.

2. Executive Summary

- 2.1. In July 2021 the ESFA published the 2022 to 2023 school revenue funding operational guidance for local authorities and school forums. The guidance confirmed the arrangements for distributing funding through the national funding formula (NFF) for schools, high needs and central services to schools.
- 2.2. At their meeting on 22 January 2018, Cabinet approved the recommendation from Shropshire Schools Forum to replicate the NFF, through Shropshire's local funding formula, which means 2022-23 will be the fifth year of the NFF being applied to the funding of the county's schools and academies.
- 2.3. This paper sets out the proposals, agreed by the Shropshire Schools Forum on 2 December 2021, for Cabinet approval.

3. Recommendation

- 3.1 That Cabinet accept the recommendation of Shropshire Schools Forum on the funding formula for Shropshire schools for the financial year 2022-23 for maintained schools, and the academic year 2022-23 for academies.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. The Secretary of State for Education announced in September 2017 planned changes to the school funding arrangements for 2018-19 and future years, placing a requirement on local authorities to formally consult with their maintained schools and academies on the schools funding formula to be applied in their local authority area.
- 4.2. Shropshire schools were consulted in the Autumn term 2017 on the basis for distributing the Schools Block of the Dedicated Schools Grant (DSG) to Shropshire schools and academies. Following this consultation Shropshire Schools Forum recommended, and Cabinet agreed, the distribution of individual school budgets for 2018-19 and future years would be aligned with and mirror the transitional NFF announced by the Government in July 2017.
- 4.3 Local authorities continue to have responsibility for determining their local funding formulas for allocating the Schools Block to their individual schools in 2022-23. As in the current financial year 2021-22 it will be compulsory for local authorities to include the national minimum per pupil funding levels in their local formulas for 2022-23.
- 4.4 The Government has confirmed it will put forward plans to move to a 'hard' NFF in the future, which will determine school funding allocations directly, rather than local funding formulae. A consultation process is currently underway in which the Government is seeking views on how they complete their reforms of the NFF and how they most effectively transition away from local formulae to all schools' funding allocations being determined directly by the NFF in the years ahead.
- 4.5 At their meeting on 2 December 2021, Shropshire Schools Forum considered the specific arrangements for 2022-23, with a view to these arrangements being approved by Cabinet at their meeting in the Spring term, in line with ESFA guidance.

5. Financial Implications

- 5.1 The school funding formula is used to determine how part of the Council's DSG allocation, in particular the Schools Block, is distributed to Shropshire maintained schools and academies. The individual school 'budget shares' determined by the formula represent a significant proportion of the annual revenue funding for maintained schools for the financial year, and funding for academies for the academic year.

5.2 The funding for maintained schools is distributed through the local authority, while the ESFA uses the formula to allocate funding direct to Shropshire's academies and the county's one free school.

6. Climate Change Appraisal

6.1. There are no anticipated climate change implications from the proposals within this report, though it is recognised that the school leaders, governors and trustees can and do apply their delegated revenue budgets to support carbon reduction measures in the operation of their schools.

7. Background

7.1. The latest operational guidance on schools revenue funding arrangements for 2022-23 was published by the ESFA in July 2021. The guidance included updates to the NFF for 2022-23, along with new factor values and a number of technical changes.

7.2. The Government has also published the illustrative local authority level allocations for 2022-23 for the Schools, High Needs and Central School Services blocks within the DSG and illustrative NFF calculations for the Schools Block for all maintained schools and academies in each local authority area.

7.3. The following key elements of the schools NFF have been confirmed by the Government for 2022-23:

- School funding is increasing by 3.2% overall. The NFF continues to distribute this based on the needs of schools and their pupil cohorts and is increasing core factors of the formula by 3%, while ensuring that every school is allocated at least 2% more funding per pupil.
- The maximum amount of sparsity funding schools can attract through the NFF is increasing by £10,000, to £55,000 for primary schools and £80,000 for all other schools. There is also a change to the way schools' remoteness is calculated, by using road distances instead of straight-line distances and introducing a new distance "taper". This will significantly increase the number of schools attracting sparsity funding. As a result, the total allocation to small, remote schools through the sparsity factor has more than doubled, from £42 million in 2021-22 to £95 million in 2022-23.
- The minimum per pupil funding levels will be set at £4,265 for primary schools and £5,525 for secondary schools, a 2% increase. These levels were £4,180 and £5,525 respectively in 2021-22. The minimum per pupil funding level is not to be

confused with the age weighted pupil units (AWPU) funding levels within the NFF.

- The funding floor in the NFF will continue to be set at 2% to protect pupil-led per pupil funding in real terms. This minimum increase in 2022-23 will be based on the individual school's NFF allocation in 2021-22. Local authorities will have the freedom to set minimum funding guarantee (MFG) levels in their local schools funding formula between +0.5% and +2%
- The additional money invested in schools for 2022-23 means that there is an increase to the core factors in the NFF – the basic per pupil funding factor (AWPU), additional needs factors and the school lump sum – by 3%.
- The free school meals Ever 6 (FSM6) factor in the NFF provides additional funding for pupils who are, or have been, recorded as eligible for free school meals at any point in the last 6 years. From 2022-23, data on pupils who are eligible is taken from the most recent October census (October 2020) instead of from the preceding January census (January 2020). This brings the FSM6 factor in line with how other NFF factors are calculated and shortens the FSM6 funding lag in the NFF by 9 months. As FSM eligibility increased between January and October last year, this increases the amount of funding allocated through the FSM6 factor to £1,369 million in 2022-23.
- For the low prior attainment (LPA) factor in the NFF, data from the 2019 early years foundation stage profile (EYFSP) and key stage 2 (KS2) assessments have been used as a proxy for the 2020 assessments, following the cancellation of these assessments due to the pandemic. This is consistent with how the LPA factor was calculated in local formulae in 2021-22
- Eligibility for the mobility factor is usually determined based on the census in which pupils first appear at their current school. In light of the cancellation of the May 2020 census, pupils who joined a school between January and May 2020 attract funding for mobility on the basis of their entry date, rather than by virtue of the May school census being their first census at the current school.
- Further to the consultation on changes to the payment process of schools' business rates, the business rates payment system for schools will be centralised and ESFA will pay billing authorities directly on behalf of state funded schools from 2022-23 onwards.
- Growth funding will be based on the same methodology as last year and will have the same transitional protection ensuring that

no authority whose growth fund is reducing will lose more than 0.5% of its 2021-22 growth fund allocation.

- In 2022-23, local authorities that receive historic commitments funding as part of their Central Schools Services Block DSG allocation will again have their allocation reduced by 20% compared to their 2021-22 allocation. This will be the third year the authority has had the allocation reduced by 20%. For Shropshire this has resulted in a loss of DSG of £274,225. Shropshire Council has chosen to build expenditure growth of £235,000 into its 2022-23 budget to ensure there is no impact on service delivery.

- 7.4. Shropshire Schools Forum has a statutory consultative and advisory role in respect of school funding, while the responsibility for determining and approving the funding formula rests with the local authority. A Schools Forum meeting in September considered a detailed report on the proposed funding arrangements for 2022-23.
- 7.5. Schools Forum considered a paper on the *School Funding Arrangements 2022-23* at their meeting on 2 December 2021 – copy of the report is appended to this report (Appendix A). They considered and agreed a number of additional specific technical arrangements for 2022-23, designed to align the local funding formula for Shropshire schools and academies as closely as possible to the NFF.
- 7.6. As well as applying the NFF formula values and weightings, Schools Forum agreed the following:
- A lump sum split site factor value of £15,000 for Ludlow Primary School to be allocated in 2022-23.
 - To transfer any remaining balance, up to 0.5% of the Schools Block, into the High Needs Block after fully funding individual schools in line with the NFF.
 - To ensure a proportional impact on all schools, in the event that the Schools Block allocation for 2022-23 is not sufficient to fully fund the local formula in line with the NFF, to reduce the minimum funding guarantee (MFG) as necessary, and within allowable limits, to ensure affordability. Following this, if also required, to reduce the age weighted pupil unit (AWPU) factor on a consistent basis across all Shropshire schools.

8. Conclusions

- 8.1. Cabinet is recommended to approve a schools funding formula for 2022-23 that delivers funding to Shropshire schools and academies through the application of the NFF formula factors and weightings.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Schools revenue funding 2022 to 2023 – Operational guidance – July 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1037472/Schools_revenue_funding_2022_to_2023.pdf

Schools Forum website - <https://shropshire.gov.uk/committee-services/ieListMeetings.aspx?CommitteeId=632>

Cabinet Member (Portfolio Holder)

Kirstie Hurst-Knight

Local Member

All Council members

Appendices

Appendix A – Schools Forum report – School Funding Arrangements 2022-23 - 2 December 2021



Schools Forum

Date: 2 December 2021

Time: 8:30 a.m.

Venue: Virtual Microsoft
(MS) Teams

Paper

B

Public

School Funding Arrangements 2022-23

Responsible Officer Jo Jones

e-mail: jo.jones@shropshire.gov.uk

Tel: 01743 254343

Summary

Details of the Government's recent funding announcements for schools for 2022-23 and beyond, including high needs and early years, were provided to Schools Forum in September 2021.

This report details specific local funding arrangements from April 2022 for consideration and agreement by Schools Forum in relation to:

- the split site factor within Shropshire's local funding formula
- the potential transfer of funding between blocks, and
- the approach to be taken should the Schools Block allocation for 2022-23 not deliver sufficient resources to fully fund Shropshire schools through the local funding formula in line with the national funding formula.

Recommendation

Schools Forum is recommended to consider and agree the specific funding arrangements from April 2022 as detailed within this report.

REPORT

Background

1. In July 2017, the Government announced the introduction of a national funding formula (NFF) for allocating the Schools Block of the Dedicated Schools Grant (DSG) to local authorities from April 2018.
2. Local authorities, in consultation with their schools and Schools Forum, continue to have local flexibility on the basis for distributing funding to schools through the local funding formula in 2022-23. It remains the Government's intention to fund all schools nationally via the NFF in the future.
3. Following consultation with Shropshire schools and Schools Forum, Shropshire's local formula for distributing the Schools Block to individual schools and academies has mirrored the NFF since 2018-19.

4. Schools Forum members are asked to consider and agree specific arrangements for 2022-23 as detailed within this report. Shropshire Council's Cabinet will make a final decision on the school funding arrangements for 2022-23 in January 2022.

Split Site

5. The schools' NFF includes a split site factor. The purpose of this factor is to support schools that have unavoidable extra costs because the buildings are on separate sites.
6. In previous years Shrewsbury Academy have been operating on two sites and the agreed additional funding provided to this school within Shropshire's local funding formula was a lump sum of £33,300. From April 2022 Shrewsbury Academy will no longer be operating on two sites and therefore the split site funding no longer applies. The school have been made aware of this change.
7. From 2020-21 it was agreed that the Ludlow Infant/Junior amalgamated school was to receive split site funding to support the additional costs of operating on two sites. This was agreed at an amount of £15,000.
8. The NFF currently uses historic spend as the basis for funding premises factors including split site, and therefore Shropshire's split site funding for 2022-23 will be £48,300.
9. **It is recommended the lump sum split site factor value of £15,000 for Ludlow Primary School continue to be allocated in 2022-23. Split site funding will no longer be applicable to Shrewsbury Academy.**

Transfer of Funding between Blocks

10. The Schools Block remains ringfenced in 2022-23 but local authorities retain limited flexibility to transfer up to 0.5% of their Schools Block funding into another block with approval of Schools Forum. To transfer an amount above 0.5%, approval would need to be sought from the Secretary of State for Education
11. In the previous four financial years, Shropshire Schools Forum approved a transfer up to 0.5% of the Schools Block to the High Needs Block to support the growing pressures on the high needs budget. Agreement was given to transfer remaining Schools Block budget (up to 0.5%) after fully funding schools in line with the NFF factors and values in each year, including transitional protections and caps. Balances of £784,000 (0.49%), £397,000 (0.25%), £842,000 (0.5%) and £876,218 (0.5%) were transferred to the High Needs Block in 2018-19, 2019-20, 2020-21 and 2021-22 respectively.
12. Until the October 2021 school census data is run through the NFF for 2022-23 for individual schools it is not possible to confirm if there will be any Schools Block balance remaining in next financial year. October 2021 census data will be made available to the local authority in December and work will take place

through January 2022 to calculate individual school budget shares for 2022-23 mirroring the NFF factor values.

13. In line with previous years, **Schools Forum is asked to agree the recommendation to transfer any remaining balance, up to 0.5% of the Schools Block, into the High Needs Block after fully funding individual schools in line with the NFF.**

Affordability of the Funding Formula

14. The Schools Block of the DSG is allocated to local authorities based on a primary unit of funding (PUF) and a secondary unit of funding (SUF). Shropshire's 2022-23 PUF is £4,747 and SUF is £5,687. These units of funding will be multiplied by the total October 2021 school census numbers on roll in Shropshire and added to Shropshire's historic spend on premises factors to give a total Shropshire Schools Block allocation for distribution to schools through the local funding formula.
15. Until the local formula is run for each individual school in Shropshire based on their October 2021 census data, it will not be known whether the overall cost will be affordable from within the 2021-22 Schools Block allocation. To ensure affordability, a reduction to the factor values may be required. Which factor values are reduced will have differing impacts on individual schools' allocations. A reduction to the age weighted pupil unit (AWPU) factor value will affect individual schools on a proportional basis, whereas a reduction to the lump sum value will have a proportionally greater impact on smaller schools for example.
16. The minimum funding level (MFL) formula factor is set at a mandatory level and cannot be reduced within the local funding formula however the minimum funding guarantee (MFG) whilst being set at +2% per pupil in the NFF can be changed to a percentage between +0.5% and +2% in the local funding formula.
17. **To ensure a proportional impact on all schools, in the event that the Schools Block allocation for 2021-22 is not sufficient to fully fund the local formula in line with the NFF, Schools Forum is asked to agree the recommendation to reduce the MFG as necessary, and within allowable limits, to ensure affordability. Following this, if also required, to reduce the AWPU factor on a consistent basis across all Shropshire schools.**
18. Clearly, should this happen, there will be no remaining balance for transfer to the High Needs Block to support the significant financial pressures in this area.

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<u>Committee and Date</u>
Cabinet Report
19 January 2022

<u>Item</u>
<u>Public</u>

PETS AS PRIZES

Responsible Officer	Mark Barrow, Executive Director of Place
e-mail:	mark.barrow@shropshire.gov.uk Tel: (01743) 258919

1. Synopsis

- 1.1. The report provides the context on the ban of the giving live animals (e.g., goldfish, etc) as prizes as set out in the Royal Society for Prevention of Cruelty to Animal (RSPCA) campaign of 2021 and explains the current legislation framework and its shortcomings. The report also provides details of actions taken by other local authorities and makes recommendations of actions that Shropshire Council can take in support of the RSPCA campaign on an outright ban of giving live animals in Council owned land.

2. Executive Summary

- 2.1. The Council was contacted by a resident of Shropshire through their Councillor expressing their concerns that the practice of giving live animals as prizes is still not outlawed and has requested the Council to work with RSPCA to support their campaign to ban outrightly the giving of live animals as prizes on Council owned land and thus, send a message that the Council cares about the welfare of pet animals, such as goldfish, which normally are given as prizes in many fairs and community events.
- 2.2. In its briefing RSPCA has provided reasons as to why the giving of such prizes is an outdated practice expressing their great concerns, including animal welfare, release of unwanted animal prizes into the environment and the lack of preparation and understanding of the care that animals require to provide them with suitable environment. It can be argued that even if the donors of the prize were to impose conditions before prizes are offered there still remains a real risk that the prize recipients may not adhere to those conditions once in ownership of those animals

- 2.3. The Council is cognizant of the fact many cases of pets given as prizes go unreported each year due to the fact that some of these transactions happen on fairgrounds, social media and other channels where it is hard to keep track or due to lack of public understanding of the legality of such activities.
- 2.4. Therefore, by issuing an outright ban of such activities on all Council owned or operated land and properties, the Council will send a clear message of its commitment to ensure the welfare of animals and help reinforce the message that these practices are no longer desirable in our community.
- 2.5. For clarity, the tenants of STAR Housing are excluded from the recommendations of this report as they are governed by the terms and conditions of their landlord.

3. Recommendations

- 3.1. The Council is recommended to agree to support the RSPCA campaign and thereby to resolve:
- 3.2. **That an outright ban of the giving of live animals as prizes, in any form, on Shropshire Council owned land is implemented**
- 3.3. **That the Council writes to the UK Government requesting an outright ban of live animals as prizes on both public and private land**
- 3.4. **That the Council carries out a review of the current policies and the terms and conditions of the licences and hire of Council owned land and premises to ensure that they reflect the Council's position as regards giving of live animals (e.g., Goldfish, etc) as prizes**

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1. Although many local authorities have adopted the ban of giving live animals as prizes in their land, it should be noted that the ban has not been tested in law. So there remains a risk that some aggrieved customer may seek to challenge the legality of the decision. However, the likelihood of such a challenge being lodged is very slim due to the public's change of attitude towards these practices.
- 4.2. There are no specific equalities implications that directly affect the Council arising from the report.

5. Financial Implications

5.1. There are no financial implications associated with this report

6. Legal Implications

6.1. A standard clause is to be inserted in the licences and hiring terms and conditions which sets out clearly that the giving of live animals as prizes in Council owned or managed land and premises is prohibited because the model pet shop conditions cannot be met, and that the prohibition is reasonable

6.2. It should be noted that although many councils have adopted this ban on their land and premises, this position has not been tested in law.

7. Climate Change Appraisal

7.1. *Energy and fuel consumption*: No effect outcome is expected

7.2. *Renewable energy generation*: No effect outcome is expected

7.3. *Carbon offsetting or mitigation*: No effect outcome is expected

7.4. *Climate change adaptation*: No effect outcome is expected

8. Background

8.1. In May 2021 RSPCA launched a nationwide campaign urging local authorities to ban outrightly the giving of live animals as prizes in their land. The campaign, which was covered in national media outlets, also is urging the local authorities to write to the UK Government to instigate a similar ban on both public and private land. Also, RSPCA drafted a Notice of Motion which local authorities can use if they wish to support the campaign (see appendices section)

8.2. Statistics received from RSPCA show that between 2015 and 2020 there were 120 cases reported to them of live animals being given as prizes in England, however it is feared many more cases go unreported due to lack of awareness around animal welfare and existing legislations. The table below show that the number of cases reported has been dwindling in recent years which may indicate a change of attitude towards giving live animals as prizes or people have stopped reporting cases of live animals given as prizes for lack of motivation. It will be presumptuous of this report to try and assume the cause of the current decline in the number of incidences. However, as long as the practice is still not outlawed chances are the incidents may increase in the future.

Incidents reported to RSPCA related to pets as prizes in England							Total
Year	2015	2016	2017	2018	2019	2020	120
Incidents	30	24	33	16	15	2	

8.3. Since the start of the RSPCA campaign, several county, district, and town councils have supported it through issuing statements of intents and passed resolutions to ban the practice of giving animals as prizes in their land and properties. Some Councils have either had to review their events licencing and hiring terms and condition or adopt Animals Welfare Charters to reflect their stance on this practice.

8.4. Among the Councils that have passed resolutions to support the RSPCA campaign include Caerphilly County Bought Council, The Vale of Glamorgan, Torridge District Council, Sunderland Council, Stevenage Borough Council, London Assembly

8.5. *Current Legislations and Powers*

8.6. The current legislations, The Animal Welfare Act (England and Wales) 2006, does not for forbid giving live animals as prizes unless they are given to unaccompanied children. The Act makes it an offence, in England and Wales, to give away live animals as prizes if the person can reasonably be believed to be under 16 years of age and is not accompanied by an adult. However, there are some exceptions in section 11 (3)-(6) of the Act. It is a different matter in Scotland, where it is an offence, under the Animal Health and Welfare (Scotland) Act 2006, to offer or give an animal to another person as a prize (whatever their age), except where it is offered in a family context

8.7. RSPCA believes that this legislation does not go far enough and does not cover the animal welfare issues associate with this practice and therefore, they would like to see similar legislation to the Animal Health and Welfare (Scotland) Act 2006 is introduced in England which makes it an offence to give an animal as prize, regardless of age, except within the family context.

8.8. The Council has an opportunity to ban this practice in its land and premises and thereby, serves to raise public awareness of animal welfare surrounding the giving of live animals as prizes.

8.9. It should be noted that there is a similar precedent in our organisation. The Council, through full Council meeting of 26 July 2018, banned the launch of Sky (Chinese) Lantern from Council owned or managed premises citing the reasons for the decision including that Council recognizes the fire hazards associated with the practice of Sky (Chinese) Lantern which can potentially lead to loss of human and farm animal life including wildlife, damage to properties

and increase pressure to emergency services such as the Police, Fire Services and Medical Services.

8.10. This decision serves to demonstrate that the Council had previously banned, in the Council owned land, such practices that are detrimental to the environment and the welfare of people and animals and, also, had proactively sought the extension of that ban to the whole of the country by urging the UK government to do likewise.

8.11. In view of the current legislation, the Council can introduce a ban either through changing its terms and conditions of the licencing and hiring agreements or by adopting Animal Welfare Charter or do both

8.12. *Terms and Conditions of hiring or letting of Council land and premises*

8.13. In order to effect the ban some local authorities have amended their licences conditions to operators of events and fairs to include prohibition of giving pets, including goldfish, as prizes. However, the inclusion of these terms and conditions have not been tested by law. But so far, no Councils have been challenged on inclusion of prohibition of giving pets as prizes in their terms and conditions of use of its facilities. Currently, there is no legal process of imposing a fine on people who are in breach of this ban. The only recourse is to revoke their licences or hire agreement and evict them for breach of such a ban.

8.14. *Animal Welfare Charter*

8.15. Animal Welfare Charter is a statement of intent which reflects the views and concerns of the organisation as regards the welfare of animals. On its own Animal Welfare Charter does carry legal powers but through the existing legal framework the Council can use it to best promote improvement of animal welfare.

8.16. Animal Welfare Charter should also set out how the Council will work together with other external agencies and organisations to ensure a coordinated approach to animal welfare issues. It may not be able to address every aspect of animal welfare but may give serve to highlight those areas that the Council considers important and where it feels it can provide influence as a responsible and representative public body

8.17. *Situation in Shropshire Council*

8.18. Currently Shropshire Council does not have an Animal Welfare Charter in place in which it can set out clearly its position on animal welfare and use it an opportunity to promote animal welfare and send a clear message to the community that is strongly oppose any form of animal cruelty

8.19. Shropshire Council has general conditions which applies to all licensable activities involving animals in accordance with the Animal Welfare (England) Regulations 2018. However, these conditions do not provide for prohibition of giving live animals as prizes. It should be borne in mind that this Regulation only applies to licensable activities as set out therein.

9. Additional Information

9.1. None

10. Conclusions

10.1. The Council is presented with an opportunity to ban outrightly the giving of live animals as prizes on its owned land, in support of the RSCPA campaign and send a message to the public that such outdated practices are no longer condoned in Shropshire Council.

10.2. As a responsible and representative public body, the Council will also urge the UK government to enact laws that will see that end of the practice of giving live animals as prizes which have little regards for the animal welfare. In acknowledgement of change of attitude among the public and more public awareness, the Council will ensure that its policies reflect this position when issuing licences and hire out its assets.

<p>List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)</p>
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<p>n/a</p>

<p>Cabinet Member (Portfolio Holder)</p>

<p>Cllr Dean Carroll</p>

<p>Local Member</p>

<p>n/a</p>

<p>Appendices</p>

<p>App 1 – RSPCA Notice of Motion</p>



Notice of Motion

RSPCA - Pets as Prizes Notice of Motion for Local Authorities

MAY 2021

This Council:

- is concerned about the number of cases reported to the RSPCA each year, regarding pets given as prizes via fairgrounds, social media and other channels in England - and notes the issue predominantly concerns goldfish
- is concerned for the welfare of those animals that are being given as prizes
- recognises that many cases of pets being as prizes may go unreported each year
- supports a move to ban the giving of live animals as prizes, in any form, on [Insert Council name].

The Council agrees to:

- ban outright the giving of live animals as prizes, in any form, on [insert Council name] land.
- write to the UK Government, urging an outright ban on the giving of live animals as prizes on both public and private land.

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<u>Committee and Date</u> Cabinet 19 January 2022

<u>Item</u> <u>Public</u>
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Regulation of Investigatory Powers Policy and Guidance

Responsible Officer Tanya Miles, Executive Director of People
e-mail: tanya.miles@shropshire.gov.uk Tel: 01743 255811

1. Synopsis

The Regulation of Investigatory Powers Policy and Guidance sets out the approach the Council will take with respect to the authorisation and use of surveillance activity to deliver the Council’s statutory and public duties, whilst protecting individuals’ right to privacy.

2. Executive Summary

- 2.1. The Council’s existing Regulation of Investigatory Powers Policy, which was adopted in August 2015, requires updating to reflect both legislative and organisational changes.
- 2.2. This report sets out a new Regulation of Investigatory Powers Policy and Guidance (‘the Policy’), which aims to ensure that any surveillance activities undertaken by the Council are compatible with the human right to privacy by ensuring compliance with the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA), the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA).

- 2.3. Covert activity can result in private information being obtained about individuals without their knowledge, which, unless the Council gives full and proper consideration to such activity in accordance with RIPA and IPA and also ECHR and HRA, may lead to the Council breaching individuals' right to privacy.
- 2.4. The new Policy is designed to provide the basis upon which the Council will ensure full and proper consideration is given before, during and after any surveillance activity is undertaken.
- 2.5. The Policy addresses the use of activities that involve:
- the surveillance of individuals;
 - the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS); and
 - the obtaining of communications data.

3. Recommendation

- 3.1** That Cabinet approves, with any necessary amendments, the proposed Regulation of Investigatory Powers Policy and Guidance as set out in **Appendix 1** and agrees to adopt the Policy and Guidance with effect from 1 February 2022.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1 The Council was the subject of an inspection by the Investigatory Powers Commissioner's Office (IPCO) in April 2020, following which a recommendation was made that the Council should review and update its RIPA policy and guidance document in accordance with the 2018 Home Office statutory Codes of Practice and changes

brought about by the introduction of the Investigatory Powers Act 2016.

- 4.2 The preparation and maintenance of a policy and guidance is not in itself a legal requirement. However, it is considered best working practice and this position is reflected in the recommendation that was made to the Council following the IPCO inspection.
- 4.3 If the Council fails to prepare and maintain a policy and supporting guidance, the Council will be open to criticism from IPCO and it will fail to have in place duly authorised/designated officers to undertake the roles required by the relevant legislation.
- 4.4 Furthermore, it will be more difficult to respond to challenges about the way in which the Council has undertaken covert activities. This may lead to any one or more of the following:
- service complaints to the Local Government and Social Care Ombudsman
 - judicial review
 - evidence in cases where the Council has instituted legal proceedings being held inadmissible in court
 - civil action being taken against the Council for acting in a way that is incompatible with an individual's human rights
 - financial risks in respect of compensation for breaching an individual's human rights
 - reputational damage to the Council
 - criminal convictions for officers if communications data is obtained unlawfully
- 4.5 The increase in digital technology has created significant opportunities for Council officers to undertake covert activities for the purposes of service delivery, particularly by accessing the internet and social media platforms on mobile devices (e.g. smartphones and tablets), without realising that surveillance of

individuals is actually being undertaken. As a result, the necessary safeguards to minimise the risks relating to breaches of an individual's privacy may not be in place and the likelihood of the risks, as set out in paragraph 4.4, occurring may increase.

4.6 By preparing and maintaining a policy and guidance, the Council will:

- demonstrate it takes the regulation of investigatory powers seriously;
- provide a defined framework within which the Council will exercise its responsibilities;
- make it clear to all stakeholders the manner in which the Council intends to operate;
- ensure that the Council has sufficient appropriately authorised/designated officers;
- provide the basis for a robust defence to any challenges that may be made about covert activities undertaken by the Council; and
- support officers to act lawfully and, as far as is reasonably practicable, minimise any adverse impact on individuals' privacy.

4.7 The Policy is fundamentally based on human rights principles encapsulated in ECHR and HRA and sets out the way in which the requirements under RIPA and IPA, which are specifically aimed at protecting individuals' human rights in relation to privacy, will be undertaken.

4.8 The Policy aims to ensure that the Council's actions are not at variance with the HRA and is, therefore, unlikely to result in adverse human rights implications.

4.9 An Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been undertaken and is available at **Appendix 2**.

- 4.10 The initial assessment indicates that the overall impact of the Policy in relation to equality and social inclusion in respect of all protected characteristic and other groupings is likely to be neutral. With respect to health and wellbeing, the overarching impact is likely to be positive for the community, economy and the environment, with the potential for both positive and negative impacts for individuals/population groups.
- 4.11 The processes contained within the Policy set out to provide assurance that before, during and after any surveillance activity is proposed and/or undertaken, an assessment is made to determine the necessity and proportionality of such activity and to also identify steps that will be taken to minimise the level of collateral intrusion.
- 4.12 The focus of the assessment is about protecting individuals' right to privacy and, as such, the HRA provides a useful reference point when considering the potential equality and human rights impacts for all groupings in the community. For this reason, the assessment around necessity, proportionality and minimising collateral intrusion is key to ensuring the impacts referred to in paragraph 4.10 above are at least maintained and potentially enhanced. As a result, an holistic approach will be taken and the known and/or likely circumstances of any individual or group of individuals who is/are the intended target of surveillance, as well as the circumstances of those who are not the intended targets, will be taken into account as part of the formal authorisation and management of any surveillance activity.
- 4.13 The application and authorisation processes are set out in detail within the Policy and the use of these and any surveillance activities undertaken will be reviewed and monitored by the Audit Committee. Where there are any concerns, the Audit Committee may direct that these are reported to Cabinet or, if necessary, to full Council and

may require the RIPA Senior Responsible Officer to oversee any review and revision of the Policy as necessary.

- 4.14 A governance structure is in place and is set out in Appendix A of the Policy. The officers who form the governance structure are specifically designated for the purposes of RIPA and IPA and referred to by role within the Policy; they will undertake externally provided role specific training. General awareness training for managers and staff will, over time, become embedded across the Council.
- 4.15 A central record of RIPA/non-RIPA activity is maintained and quarterly meetings of the RIPA working group will monitor this activity internally. This will include overseeing the reporting, to IPCO, of any relevant and serious errors in accordance with statutory requirements.
- 4.16 Any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the Council in accordance with the Council's Corporate Complaints and Representations Procedure and a complaint may also be made to the Investigatory Powers Tribunal (IPT), which has jurisdiction to investigate and determine complaints against the Council's use of RIPA powers.
- 4.17 An annual report of RIPA surveillance activity is submitted to the IPCO. This facilitates independent oversight, which is provided by IPCO and IPT.
- 4.18 The Policy follows relevant guidance issued by the Home Office, IPCO and the Information Commissioner's Office (ICO).

5. Financial Implications

5.1. There are no financial implications associated with the recommendation.

6. Climate Change Appraisal

6.1. There are no climate change implications or environmental impacts associated with the recommendation.

7. Background

7.1 RIPA and IPA provide the legislative framework that governs the use of covert activities by public authorities, which includes local authorities. When public authorities use covert activities, they must do so in a way that is necessary, proportionate, and avoids (or where this is not possible minimises) the impact of the covert activities on other people who are not the subject of the operation or investigation (collateral intrusion); thus ensuring that the covert activities used are compatible with human rights. RIPA and IPA set out authorisation procedures to help ensure that this compatibility is achieved.

7.2 Independent oversight for both RIPA and IPA in respect of the way in which covert activities are utilised is provided by IPCO and the Investigatory Powers Tribunal (IPT).

7.3 RIPA and IPA are supported by a number of statutory Codes of Practice ('the Codes') issued pursuant to Section 71 of RIPA and Section 241 of IPA. Local authorities must have regard to the provisions of the Codes. Non-compliance does not of itself render any person, including the Council, liable to criminal or civil proceedings, unless it relates to communications data being

obtained unlawfully, in which case this may give rise to criminal offences. The Codes are admissible as evidence in criminal and civil proceedings. If any provisions of the Codes appear relevant to any court or tribunal considering such proceedings, or to the IPT or IPCO, they must be taken into account. Local authorities may also be required to justify, with regard to the Codes, the use or granting of authorisations in general or the failure to use or grant authorisations where appropriate.

7.4 RIPA and IPA apply to a number of covert surveillance activities, which are carried out in a manner calculated to ensure that the individuals subject to the surveillance are unaware that it is or may be taking place.

7.5 Surveillance involves both the:

- monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications; and
- the recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.

7.6 Covert surveillance that may be authorised by a local authority is restricted to:

- directed surveillance (see sections 9, 10 and 11 of the Policy);
- the use of covert human intelligence sources (CHIS) (see section 26 of the Policy), i.e. using undercover officers or informants to obtain information; and
- obtaining communications data (see section 2.8 of the Policy), i.e. the 'who', 'where', 'when', 'how' and 'with whom' in relation to a telephone call, email, social media message, website communication, postal letter or couriered parcel, etc.,

but not what is written or said (the content) within that communication.

- 7.7 For local authorities, authorisation for directed surveillance can only be granted if it is to be carried out for the purpose of preventing or detecting criminal offences that:
- meet the 'serious crime threshold', i.e. are punishable by a maximum term of at least 6 months' imprisonment; or
 - constitute an offence in relation to the sale of alcohol or tobacco to minors.
- 7.8 Authorisation for directed surveillance for the purpose of preventing disorder can only be granted if it involves criminal offences that meet the serious crime threshold.
- 7.9 The lawful grounds for a CHIS authorisation is prevention and detection of crime and prevention of disorder. The serious crime threshold does not apply to a CHIS.
- 7.10 The Council's authorisation for either directed surveillance or CHIS activity can only take effect once an Order approving the authorisation has been granted by a Justice of the Peace (JP).
- 7.11 With respect to communications data, the Council can only obtain events data¹ for the purpose of preventing or detecting serious crime² and, for any other type of communications data, for the purpose of preventing or detecting crime or of preventing disorder. This is undertaken through the Office for Communications Data Authorisations (OCDA) and applications are submitted to OCDA by the National Anti-Fraud Network (NAFN) on behalf of the Council.

¹ Events data - refer to the telecommunications definitions in IPA at section 261

² Under IPA, the definition of 'serious crime' differs to that under RIPA. Refer to IPA sections 86(2A) and 263(1) for further details.

- 7.12 Although RIPA provides for the authorisation of directed surveillance and the use of CHIS, it is not unlawful if an authorisation is not sought for these activities and there is no duty on a local authority to comply with the RIPA provisions; it is permissive law. However, the Codes make it clear that there is an expectation that local authorities will comply with the requirements of RIPA.
- 7.13 RIPA ensures that any surveillance conduct, which is undertaken following the correct authorisation and approval from a Justice of the Peace, and communications data obtained under IPA through OCDA via NAFN, is lawful. These processes protect the Council from legal challenge and renders evidence obtained lawful for all purposes.
- 7.14 A public authority may only engage RIPA and IPA when performing its 'core functions'. The core functions (referred to by the IPT) are the specific public functions undertaken by a particular authority insofar as they relate to the grounds specified under RIPA and IPA; for local authorities these grounds are limited to preventing or detecting crime or preventing disorder and are further restricted with respect to directed surveillance as set out in paragraphs 7.7 to 7.9 above. This is in contrast to the 'ordinary functions' which are those undertaken by all authorities, e.g. those involving employment issues, contractual arrangements, etc. Covert activities in relation to ordinary functions, or for any other general purposes, are conducted under other legislation and authorisations under RIPA or IPA would not be appropriate.
- 7.15 For the reasons set out in paragraph 7.14, where covert activities are carried out for any purpose that falls outside the RIPA regime ('non-RIPA') (refer to section 21 of the Policy), e.g. for the purposes of

investigating internal Council disciplinary matters or where the 'serious crime threshold' (refer to section 14 of the Policy) is not met, the Council may still use the covert activities described in RIPA and IPA. To ensure that the covert activities used for these non-RIPA purposes are still used in a manner that is compatible with human rights, the Council ought to have due regard to the principles of RIPA and IPA, the Codes, and any relevant RIPA/IPA guidance and apply these as if the purposes for which the activities are being used do fall within the RIPA/IPA regime. For this reason, non-RIPA matters are also covered in the Policy.

7.16 The relevant Codes issued by the Secretary of State pursuant to Section 71 of RIPA and Section 241 of IPA have been revised during the period since the existing policy was adopted by the Council in 2015. The new Policy takes account of the changes contained within the Codes as well as updating officer details and responsibilities relating to the:

- Senior Responsible Officer
- RIPA Coordinator
- Appointment of officers to grant authorisations under Sections 28 and 29 of RIPA
- Authorising officers to present RIPA cases to JPs under Section 223 of the Local Government Act 1972

8. Additional Information

8.1 It is considered best working practice that the policy is set by the Council's elected members and that they review the use of RIPA and IPA on a regular basis to ensure that they are being used consistently within the Policy and that the Policy remains fit for purpose. The mechanism to ensure this is undertaken is set out in sections 37 and 38 of the Policy.

9. Conclusions

9.1. The approval and adoption of the revised Regulation of Investigatory Powers Policy and Guidance will:

- bring the Council’s position on surveillance up to date;
- reduce the risk of challenge associated with having an out-of-date policy and guidance in force;
- address the specific recommendation by IPCO that the existing policy and guidance be reviewed and updated; and
- provide the basis upon which officers will undertake lawful surveillance activities.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

- Shropshire Council’s Regulation of Investigatory Powers Policy adopted on 1 October 2015
- Regulation of Investigatory Powers Act 2000
- Investigatory Powers Act 2016
- Statutory Codes of Practice issued by the Secretary of State pursuant to Section 71 of RIPA and Section 241 of IPA

Cabinet Member (Portfolio Holder)

Cllr Rob Gittens, Portfolio Holder for Digital, Technology, Data and Insight

Local Member

All Members as this report has county wide application.

Appendices

Appendix 1 - Regulation of Investigatory Powers Policy and Guidance

Appendix 2 - Equality, Social Inclusion and Health Impact Assessment



Regulation of Investigatory Powers Policy and Guidance

**USE OF DIRECTED SURVEILLANCE
USE OF HUMAN INTELLIGENCE SOURCES
OBTAINING COMMUNICATIONS DATA**

Date Policy Approved:

Approved by:

Date of Implementation:

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PART A Introduction & RIPA General

1. Introduction

- 1.1 The primary aim of Central and Local Government enforcement is to protect the individual, the environment and a variety of groups such as businesses, consumers and workers. At the same time, carrying out enforcement functions in a fair, practical and consistent manner helps to grow and promote a prosperous and thriving national and local economy. Shropshire Council (the Council) is committed to these aims and to maintaining a fair and safe society.
- 1.2 The performance of certain investigatory functions to fulfil the Council's statutory duties and ensure regulatory compliance may require the Council to undertake covert techniques that involve the surveillance of individuals, the use of undercover officers and informants or obtaining communications data. Such actions may intrude on the privacy of individuals and can result in private information being obtained and, as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) govern these activities and provide a means of ensuring that they are carried out in accordance with the law and subject to safeguards against abuse.
- 1.3 Within the Council, the service areas/functions that are likely to undertake investigations include, but are not limited to, trading standards, licensing, environmental health, planning, building control, environmental maintenance, education welfare, housing, social care, council tax, benefits, rights of way, human resources and internal audit. All these service areas/functions may need to use covert techniques as part of their official duties to effectively deliver service and Council outcomes.
- 1.4 All surveillance activity can pose a risk to the Council from challenges under the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA). All staff involved in the process must, therefore, take their responsibilities seriously, which will assist with the integrity of the Council's processes, procedures and oversight responsibilities.
- 1.5 In preparing this Regulation of Investigatory Powers Policy and Guidance (the Policy) the Council has followed the RIPA and IPA Codes of Practice (the Codes) and the Office of Surveillance Commissioners (OSC) Procedures and Guidance 2016.
- 1.6 The Council's governance structure for the purposes of RIPA and IPA is set out at **Appendix A**.
- 1.7 The officers designated for the purposes of RIPA and IPA and referred to by role within this Policy are set out in **Appendix B**.
- 1.8 The application and authorisation process is set out in **Appendix C**.
- 1.9 If having read this Policy any matter is unclear, advice should be sought from the Council's RIPA Coordinator or one of the designated Authorising Officers (AO).

2. Scope of Policy

- 2.1 The purpose of this Policy is to ensure there is a consistent approach to the authorisation and undertaking of surveillance activity that is carried out by the Council. This includes the use of undercover officers and informants, known as Covert Human Intelligence Sources (CHIS), and obtaining communications data. This will ensure that the Council complies with RIPA and IPA.
- 2.2 The Policy is intended to demonstrate that covert techniques will only be used to obtain information or evidence when no other investigation method or technique will deliver the required outcomes.
- 2.3 All residents and businesses within Shropshire will benefit from this Policy as it provides the framework to ensure compliance with RIPA and IPA and thus ensures human rights are protected when undertaking investigatory functions; in particular, it sets out how the Council intends to limit intrusion into the personal activities of individuals. The Policy assists the Council to identify and take the appropriate investigatory action to reduce the level of crime in the community.
- 2.4 The Policy provides guidance on the directed surveillance and CHIS authorisation processes and the roles of the respective staff involved
- 2.5 The Policy sets out the approach to be taken to ensure that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff within the Council, when engaged in their official capacity, of the implications and legislative framework associated with online internet and social media research. It also ensures that the activity undertaken, and any evidence obtained will stand scrutiny.
- 2.6 The Policy provides guidance on surveillance which needs to be undertaken by the Council but cannot be authorised under RIPA. This type of surveillance must be compliant with the ECHR/HRA.
- 2.7 The Policy takes account of and identifies the cross over with other policies, legislation and guidance, particularly with the HRA, the Data Protection Act 2018 (DPA), the General Data Protection Regulations (GDPR), the Criminal Procedure and Investigations Act 1996 (CPIA) and the National Police Chiefs Council (NPCC) Guidance on Open Source Investigation/Research.
- 2.8 The Policy does not provide detailed guidance with respect to obtaining communications data. Officers must refer to the Communications Data Code of Practice, specifically the Local Authority Procedures in section 8.
- 2.9 All RIPA covert activity must be authorised and conducted in accordance with this Policy, RIPA, IPA and the Codes and any other relevant legislation, policies and guidance referred to within this document. All officers involved in the process must have regard to this Policy and the statutory Codes issued under section 71 of RIPA for both directed surveillance and the use of CHIS and section 241 of IPA in relation to obtaining communications data. The Codes are available [here](#).

- 2.10 A failure to adhere to this Policy may result in staff being dealt with through the Council's disciplinary procedure.
- 2.11 The Policy is not exempt from disclosure under the Freedom of Information Act 2000.

3. Background to RIPA and IPA and Lawful Grounds

- 3.1 When the HRA came into force, it potentially made it unlawful for the Council to breach any article of the ECHR.
- 3.2 Article 8 of the ECHR states that: -
- (a) Everyone has the right of respect for his private and family life, his home and his correspondence.
 - (b) There shall be no interference by a Public Authority with the exercise of this right except such as in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health and morals or for the protection of the rights and freedoms of others.
- 3.3 The right under Article 8 is a qualified right and the Council is permitted to interfere with this right for the reasons given in 3.2 (b) above if it is necessary and proportionate to do so.
- 3.4 Those who undertake directed surveillance, CHIS activity or obtain communications data on behalf of the Council may not breach an individual's human rights unless such surveillance is **lawful**, consistent with Article 8 of the ECHR and is both **necessary** (see section 45) and **proportionate** (see section 46) to the matter being investigated.
- 3.5 RIPA and IPA provide the legal framework for lawful interference to ensure that any activity undertaken, together with the information obtained, is ECHR/HRA compatible.
- 3.6 The Council can only authorise directed surveillance for the purpose of preventing or detecting conduct which constitutes a criminal offence which is punishable (whether on summary conviction or indictment) by a maximum term of at least six months' imprisonment (the directed surveillance serious crime threshold); or involves the sale of alcohol or tobacco to children (see section 14).
- 3.7 The Council can authorise a CHIS for the purpose of preventing and detecting crime and preventing disorder and the offence does not have to be punishable by a maximum term of at least six months' imprisonment.
- 3.8 The Council's authorisation for either directed surveillance or CHIS activity can only take effect once an Order approving the authorisation has been granted by a Justice of the Peace (JP).

- 3.9 With respect to communications data, the Council can only obtain events data¹ for the purpose of preventing or detecting serious crime² and, for any other type of communications data, for the purpose of preventing or detecting crime or of preventing disorder.
- 3.10 The authorisation process for communications data must be undertaken through the National Anti-Fraud Network (NAFN). Verification of applications must be undertaken by the Council's Authorising Officers (AO). The Council's Senior Responsible Officer (SRO) must be aware that such applications are being made before they are submitted to the Office for Communications Data Authorisations (OCDA). NAFN is responsible for submitting applications to the OCDA on behalf of the Council.
- 3.11 The Council may not make an application to obtain communications data that requires the processing or disclosure of internet connection records for any purpose.
- 3.12 RIPA ensures that any surveillance conduct which is undertaken following the correct authorisation and approval from a Justice of the Peace and, where communications data is obtained under IPA and undertaken through NAFN and OCDA, is lawful. These processes protect the Council from legal challenge and renders evidence obtained lawful for all purposes.

4. Consequences of Not Following RIPA and IPA

- 4.1 Although not obtaining authorisation under RIPA does not make the authorisation unlawful, it does have consequences:
- evidence that is gathered may be inadmissible in court;
 - the subjects of surveillance can bring their own claim on human rights grounds on the basis that the Council has infringed their rights under Article 8;
 - if a challenge under Article 8 is successful, the Council would suffer reputational damage and may face a claim for financial compensation;
 - the Government has also introduced a tribunal system to deal with complaints and any person who believes their rights have been breached can have their complaint dealt with by the Investigatory Powers Tribunal (IPT) (see section 59); and
 - it is likely that the activity could be construed as an error and have to be investigated with a report submitted by the Council's SRO to the Investigatory Powers Commissioner's Office (IPCO) (see section 58).
- 4.2 If any Council officer obtains communications data without obtaining the appropriate authorisation through NAFN and OCDA, this is unlawful and is a criminal offence under IPA.

¹ Events data - refer to the telecommunications definitions in IPA at section 261

² Under IPA, the definition of 'serious crime' differs to that under RIPA. Refer to IPA sections 86(2A) and 263(1) for further details.

5. Independent Oversight

- 5.1 RIPA was originally overseen by the Office of Surveillance Commissioners (OSC). From 1 Sept 2017 oversight for both RIPA and IPA is now provided by the Investigatory Powers Commissioner's Office (IPCO). IPCO is the independent inspection office whose remit includes providing comprehensive oversight of the use of the powers to which RIPA, IPA and the Codes apply, and adherence to the practices and processes described therein. They also provide guidance to be followed which is separate to the Codes.
- 5.2 IPCO has unfettered access to all locations, documentation and information systems as is necessary to carry out its full functions and duties and will periodically inspect the records and procedures of the Council to ensure the appropriate authorisations have been given, reviewed, cancelled, and recorded properly.
- 5.3 It is the duty of any person who used investigatory powers to comply with any request made by a Commissioner to disclose or provide any information they require for the purpose of enabling them to carry out their functions. It is, therefore, important that the Council can show it complies with this Policy and with the provisions of RIPA and IPA.

PART B Surveillance Types and Criteria

6. Introduction

- 6.1 It is important to understand the definition of surveillance; what activities are classed as surveillance and the different types of surveillance covered by RIPA and the HRA. Surveillance can be both overt and covert and depending on their nature, are either allowed to be authorised under RIPA or not. There are also different degrees of authorisation depending on the circumstances.

7. Surveillance Definition

7.1 Surveillance is:

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications.
- Recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.

8. Overt Surveillance

- 8.1 Overt surveillance is where the subject of surveillance is aware that it is taking place, either by way of signage, e.g. in the use of CCTV or because the person who is the subject of the surveillance has been informed of the activity. Overt surveillance is outside the scope of RIPA and, therefore, does not require authorisation. However, it

must still take account of privacy under the HRA and be necessary and proportionate. Any personal data obtained will also be subject to the DPA.

9. Covert Surveillance

9.1 Covert Surveillance is defined as “surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place” and is covered by RIPA. Covert surveillance is categorised as either **intrusive** or **directed**.

9.2 There are three categories of covert surveillance regulated by RIPA:

- (a) **Intrusive Surveillance** (the Council is **not** permitted to carry out intrusive surveillance)
- (b) **Directed Surveillance**
- (c) **Covert Human Intelligence Sources (CHIS)**

10. Intrusive Surveillance

10.1 The Council has no authority in law to carry out intrusive surveillance; only the Police and other law enforcement agencies can lawfully carry out this category of surveillance.

10.2 Intrusive surveillance is defined in section 26 (3) of the RIPA as covert surveillance that:

- is carried out in relation to anything taking place on any residential premises or in any private vehicle; and
- involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device.

10.3 Where surveillance is carried out in relation to anything taking place on any residential premises or in any private vehicle by means of a device, without that device being present on the premises, or in the vehicle, it is not intrusive unless the device consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle. Thus, an observation post outside premises, which provides a limited view and no sound of what is happening inside the premises, would not be considered as intrusive surveillance.

10.4 A risk assessment of the capability of equipment being used for surveillance on residential premises and private vehicles, such as high-powered zoom lenses, should be carried out to ensure that its use does not meet the criteria of intrusive surveillance.

11. Directed Surveillance

11.1 The Council can lawfully carry out directed surveillance.

11.2 Surveillance is directed surveillance if the following are all true:

- it is covert, but not intrusive surveillance;

- it is conducted for the purposes of a specific investigation or operation;
- it is likely to result in the obtaining of private information about a person (whether or not one specifically identified for the purposes of the investigation or operation); and
- it is conducted otherwise than by way of an immediate response to events or circumstances, the nature of which is such that it would not be reasonably practicable for an authorisation to be sought.

12. Private Information

- 12.1 The level of privacy that individuals can expect depends upon the nature of the environment they are in at the time, e.g. within an individual's own home or private vehicle, an individual can expect the highest level of privacy. The level of expectation of privacy may reduce if the individual transfers into public areas.
- 12.2 The relevant Codes provide guidance on what is private information. They state private information includes any information relating to a person's private or family life. As a result, private information is capable of including any aspect of a person's private or personal relationship with others, such as family and professional or business relationships.
- 12.3 Whilst a person may have a reduced expectation of privacy when in a public place, covert surveillance of that person's activities, in public, may still result in the obtaining of private information. This is likely to be the case where that person has a reasonable expectation of privacy, even although acting in public, and where a record is being made by the Council of that person's activities for future consideration or analysis. **Surveillance of publicly accessible areas of the internet should be treated in a similar way**, recognising that there may be an expectation of privacy over information which is on the internet, particularly when accessing information on social media websites. Prior to and during any internet or social media research, staff must take into account the privacy issues regarding any person associated with the research.
- 12.4 Private life considerations are particularly likely to arise if several records are to be analysed together in order to establish, for example, a pattern of behaviour, or if one or more pieces of information (whether or not available in the public domain) are covertly (or in some cases overtly) obtained for the purpose of making a permanent record about a person or for subsequent data processing to generate further information. In such circumstances, the totality of information gleaned may constitute private information even if individual records do not. Where such conduct includes covert surveillance, a directed surveillance authorisation may be considered appropriate.
- 12.5 Private information may include personal data, such as names, telephone numbers and address details. Where such information is acquired by means of covert surveillance of a person having a reasonable expectation of privacy, a directed surveillance authorisation is appropriate.
- 12.6 Information which is non-private may include publicly available information such as, books, newspapers, journals, TV and radio broadcasts, newswires, websites, mapping imagery, academic articles, conference proceedings, business reports, and more. Such information may also include commercially available data where a fee may be charged,

and any data which is available on request or made available at a meeting to a member of the public.

- 12.7 An assessment must be made regarding the risk of obtaining collateral intrusion which is private information about persons who are not subjects of the surveillance (see section 47).

13. Confidential or Privileged Material

- 13.1 Particular consideration needs to be given in cases where the subject of the investigation or operation might reasonably assume a high degree of confidentiality. This includes where the material contains information that is legally privileged, confidential journalistic material or where material identifies a journalist's source, or where material contains confidential personal information or communications between a Member of Parliament and another person on constituency business. Directed surveillance likely or intended to result in the acquisition of knowledge of confidential or privileged material must be authorised by the Chief Executive.
- 13.2 Advice must be sought from the Council's Monitoring Officer if there is a likelihood of obtaining this type of material.

14. Lawful Grounds

- 14.1 The lawful grounds for directed surveillance is a higher threshold for the Council and cannot be granted unless it is to be carried out for the purpose of preventing or detecting criminal offence(s) which:
- meet the 'serious crime threshold', i.e. is punishable, whether on summary conviction or on indictment, by a maximum term **of at least 6 months' imprisonment**; or
 - would constitute an offence under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933, i.e. relate to the sale of alcohol and tobacco to minors.
- 14.2 These are the only grounds available to the Council and hence the only justification.
- 14.3 Preventing or detecting crime goes beyond the prosecution of offenders and includes actions taken to avert, end or disrupt the commission of criminal offences.

15. Test Purchases

- 15.1 Test purchase activity does not in general require authorisation as a CHIS under RIPA as seller-purchaser activity does not normally constitute a relationship as the contact is likely to be limited. However, if a number of visits are undertaken at the same establishment to encourage familiarity, a relationship may be established and authorisation, as a CHIS, should be considered. If the test purchaser is wearing

recording equipment and is not authorised as a CHIS, or an adult is observing, consideration should be given to granting a directed surveillance authorisation if the surveillance meets the directed surveillance threshold, i.e. the covert surveillance is likely to obtain private information and the offence carries 6 months' imprisonment or involves the sale of alcohol or tobacco to children. If it does not meet the threshold, it is important that a full risk assessment is undertaken to ensure the HRA is properly considered and it can be demonstrated that the activity is justified, i.e. necessary and proportionate.

- 15.2 Where test purchase activity does not meet the RIPA criteria/thresholds, the activity will be outside RIPA (non-RIPA) (see section 21), or where no private information is likely to be obtained, officers must consult with their line manager on the approach to be taken and a decision made on a case-by-case basis. Non-RIPA procedures should be followed where it is possible that private information may be obtained. For cases where no private information will be obtained, justification for undertaking test purchases should be recorded in relevant case file notes.
- 15.3 When conducting covert test purchase operations at more than one establishment, it is not necessary to construct an authorisation for each premises to be visited but the intelligence must be sufficient to prevent 'fishing trips'. Premises may be combined within a single authorisation providing that each premises is identified at the outset.
- 15.4 Necessity, proportionality and collateral intrusion must be carefully addressed in relation to each of the premises. It is unlikely that authorisations will be considered proportionate without demonstration that overt methods have been considered or attempted and failed (Section 245 OSC Procedures & Guidance 2016).

16. Urgent cases

- 16.1 There is no provision for the Council to authorise urgent oral authorisations under RIPA as all authorisations must be approved by a JP. If surveillance is required to be carried out in an urgent situation or as an immediate response, it must still be necessary and proportionate under HRA. This type of surveillance is surveillance outside of RIPA (non-RIPA) (see section 21). Officers must contact an AO, by telephone (or other appropriate means), to seek authorisation. The consequences of urgent surveillance action must be properly considered by the AO and the outcome(s) documented within relevant case file notes.

17. Surveillance for Preventing Disorder

- 17.1 Authorisation for the purpose of preventing disorder may only be granted if it involves criminal offence(s) punishable (whether on summary conviction or indictment) by a maximum term of at least 6 months' imprisonment. Surveillance for disorder not meeting these criteria would need to be carried out as surveillance outside of RIPA (non-RIPA) (see section 21).

18. Surveillance Camera Systems

- 18.1 Under Section 29 (6) of the Protection of Freedoms Act 2012, CCTV, along with other surveillance camera technology, is now referred to as 'surveillance camera systems' These systems include:
- closed circuit television (CCTV);
 - body worn video (BWV);
 - automatic number plate recognition (ANPR);
 - deployable mobile overt mobile camera systems, e.g. deployed to detect waste offences such as fly-tipping;
 - any systems for recording or viewing visual images for surveillance purposes;
 - any systems for storing, receiving, transmitting, processing or checking images or information obtained by those systems; and
 - any other systems associated with, or otherwise connected with those systems.
- 18.2 The 'surveillance camera systems' definition has far reaching implications as the use of any cameras that meet the requirement will have to be used in a manner that complies with the:
- Surveillance Camera Code of Practice 2013 (the 'surveillance camera systems' definition is repeated in this code);
 - the Information Commissioner's Office (ICO) code, 'In the picture: a data protection code of practice for surveillance cameras and personal information'; and
 - the DPA.
- 18.3 The use of conventional town centre CCTV systems operated by the Council do not normally fall under RIPA. However, it does fall under the DPA, the codes of practice referred to above and the Council's CCTV Policy. In addition, should there be a requirement for the CCTV cameras to be used for a specific purpose to conduct surveillance, it is likely that the activity will fall under directed surveillance and, therefore, require a RIPA authorisation.
- 18.4 Operators of the Council's CCTV system need to be aware of the implications of RIPA when using CCTV and that continued, prolonged and systematic surveillance of an individual may require a RIPA authorisation.
- 18.5 When the CCTV cameras are used in a directed surveillance situation, either by officers from relevant services within the Council or outside law enforcement agencies such as the Police, the Council's CCTV Policy should be followed as well as the RIPA Codes.
- 18.6 The CCTV staff must have a copy of the directed surveillance authorisation form in a redacted format, or a copy of the authorisation page. If it is an urgent oral authority from the Police, a copy of the applicant's notes must be retained or some other document, which confirms, in writing, the authorisation and exactly what has been authorised. **A copy of the application or notes must be forwarded to the RIPA Coordinator to be recorded in the RIPA Central Register.** This will assist the Council to evaluate the authorisations and assist with oversight.

19. Automatic Number Plate Recognition (ANPR)

- 19.1 Automatic number plate recognition (ANPR) does not engage RIPA if it is used for the purpose it is registered for, such as traffic flow management or safety and enforcement within car parks. However, it is capable of being a surveillance device if used in a pre-planned way to carry out surveillance by monitoring a particular vehicle by plotting its locations, e.g. in connection with illegally depositing waste (fly-tipping).
- 19.2 Should it be necessary to use any ANPR systems to monitor vehicles, the same RIPA principles apply where a directed surveillance authorisation should be sought.

20. Internet and Social Media Investigations

- 20.1 The Council is a Public Authority in law under the HRA and, as such, staff must always adhere to this legislation. This applies when undertaking internet and social media investigations/research.
- 20.2 Researching, recording, storing, and using open source information regarding a person or group of people must be both necessary and proportionate and take account of the level of intrusion against any person. The activity may also require authorisation and approval by a Magistrate under RIPA. To ensure that any resultant interference with a person's Article 8 right to respect for their private and family life is lawful, the material must be retained and processed in accordance with the principles of the GDPR.
- 20.3 Online open source research is widely regarded as the collection, evaluation and analysis of material from online sources (i.e. internet and social media) available to the public, whether by payment or otherwise, which can be used as intelligence or evidence.
- 20.4 The use of online open source internet and social media research techniques has become a productive method of obtaining information to assist the Council with its regulatory and enforcement functions. It can also assist with service delivery issues and debt recovery. However, the use of the internet and social media is constantly evolving and with it the risks associated with these types of enquiries, particularly regarding breaches of privacy under Article 8 of the HRA and other operational risks.
- 20.5 The internet is another method of carrying out surveillance and a computer, which includes smartphones and tablets, are surveillance devices. Repeat viewing of individual open source sites for the purposes of intelligence gathering and data collation may constitute directed surveillance. Activities of monitoring through, for example, a social media profile over a period of time and a record of the information is kept for later analysis or evidential purposes is likely to require a RIPA authorisation. Where covert contact is made with another person on the internet a CHIS authority may be required.
- 20.6 Where activity is undertaken as described above, the RIPA application process and the contents of this Policy must be followed.
- 20.7 Where the activity falls within the criteria of surveillance or CHIS but is outside of RIPA, this will require authorising internally in accordance with non-RIPA procedures.

- 20.8 Any activity carried out over the internet leaves a trace or footprint, which can identify the device used and, in some circumstances, the individual carrying out the activity. This may pose a legal and reputational risk to the Council from a challenge by the subject of the research for breaching Article 8 of the HRA. There is also a risk of compromise to other investigations and, therefore, the activity must be conducted in a manner that does not compromise any current or future investigation or tactics.
- 20.9 To justify the research, there must be a clear lawful reason, and it must be necessary. The reason for the research, such as the criminal conduct that it is aimed to prevent or detect, must be identified and clearly described. This must be documented with clear objectives. Should the research fall within RIPA activity, the RIPA authorisation deals with this criterion for it to be lawful.
- 20.10 During the course of conducting internet open source research, the nature of the online activity may evolve. Staff must continually assess and review their activity to ensure it remains lawful and compliant. Where it evolves into RIPA activity, the RIPA procedure must be followed. If in doubt, staff must seek advice from their line manager and/or the RIPA Coordinator.
- 20.11 Any material gathered from the internet during the course of a criminal investigation must be retained in compliance with the CPIA Code of Practice and all material stored in line with the GDPR data retention policy.
- 20.12 There is restricted procedure guidance covering online open source research; this must be read and followed in conjunction with this Policy. Staff can gain access to this procedure through the RIPA Coordinator.

21. Surveillance Outside of RIPA

- 21.1 For directed surveillance under RIPA, the criminal offence under investigation must carry a minimum of a **6 months' imprisonment sentence** (directed surveillance serious crime threshold) or relate to the sale of alcohol or tobacco to children. This means that there are scenarios within an investigation that do not meet this threshold; nevertheless, surveillance may still be necessary for the purposes of the investigation. This surveillance will fall outside of RIPA ('non-RIPA') and includes surveillance relating to:
- anti-social behaviour disorder which does not attract a maximum custodial sentence of at least six months' imprisonment
 - planning enforcement prior to the serving of a notice or to establish whether a notice has been breached
 - most licensing breaches
 - safeguarding vulnerable people
-
- civil matters
 - disciplinary matters
- 21.2 The above scenarios are likely to be targeted surveillance, which may breach an individual's Article 8 rights to privacy and, therefore, the activity must be conducted in a

way that is HRA compliant, which will include consideration as to the necessity and proportionality of the surveillance activity.

- 21.3 To ensure that the above surveillance is undertaken in a manner that is compatible with HRA, officers must have due regard to the principles of RIPA, the Codes, and this Policy and, in practice, apply these as if the purposes for which the surveillance is being used fall within RIPA.
- 21.4 Non-RIPA surveillance also includes **surveillance for the purposes of disciplinary matters**. Guidance requires that this type of surveillance must be compliant with the monitoring at work guidance that forms part of 'The employment practices code' issued by the ICO. This is to ensure this complies with the HRA.
- 21.5 Should a disciplinary investigation also involve a criminal offence which meets the RIPA criteria, e.g. including fraud, the option to carry out the surveillance under RIPA should be considered. However, it must be a genuine criminal investigation with a view to prosecuting the offender.
- 21.6 Should it be necessary to undertake surveillance for the purposes of disciplinary matters, advice must be sought from the Assistant Director for Workforce in conjunction with the RIPA Coordinator.
- 21.7 As part of the process of formally recording and monitoring surveillance that falls outside RIPA, 'non-RIPA' surveillance forms (application, review, renewal and cancellation) must be completed in the same manner as that for surveillance undertaken under RIPA and the surveillance authorised by an AO. In the first instance, this ought to be the AO for the Directorate to which the investigatory activity relates or, if they are not available, any of the designated AOs. A copy of non-RIPA surveillance forms can be obtained from the RIPA Coordinator.
- 21.8 All completed non-RIPA forms must be forwarded to the RIPA Coordinator who will maintain a central record of non-RIPA surveillance and ensure the SRO is informed of such activity. This will allow the SRO to maintain an oversight of non-RIPA surveillance to ensure it is compliant with the HRA and to prevent errors.
- 21.9 The following types of activity do **not** require RIPA authorisation:
- General observations that do not involve the systematic surveillance of an individual or a group of people and should an incident be witnessed the officer will overtly respond to the situation
 - Use of overt CCTV and ANPR systems
 - Surveillance where no private information is likely to be obtained
 - Surveillance undertaken as an immediate response to a situation
 - Covert surveillance not relating to a criminal offence which carries a maximum sentence of 6 months' imprisonment or relate to the sale of alcohol or tobacco to children (this is likely to be surveillance outside of RIPA)
 - The use of a recording device by a CHIS in respect of whom an appropriate use or conduct authorisation has been granted permitting them to record any information in their presence

- The covert recording of noise where the recording is of decibels only or constitutes non-verbal noise (such as music, machinery or an alarm), or the recording of verbal content is made at a level which does not exceed that which can be heard from the street outside or adjoining property with the naked ear; in the latter circumstance, the perpetrator would normally be regarded as having forfeited any claim to privacy (in either circumstance this is outside of RIPA)

22. Joint Agency Surveillance

- 22.1 In cases where one agency is acting on behalf of another, it is usually for the tasking agency to obtain or provide the authorisation. For example, where surveillance is carried out by Council employees on behalf of the Police, authorisation would be sought by the Police. If it is a joint operation involving both agencies, the lead agency should seek authorisation.
- 22.2 Council staff involved with joint agency surveillance are to ensure that all parties taking part are authorised on the authorisation form to carry out the activity. When staff are operating on another organisation's authorisation, they are to ensure they see what activity they are authorised to carry out and make a written record. They must also provide a copy of the authorisation to the RIPA Coordinator. This will assist with oversight of the use of Council staff carrying out these types of operations. Line Managers must be made aware if their staff are involved in this type of surveillance.

23. Use of Third-Party Surveillance

- 23.1 In some circumstances it may be appropriate or necessary for the Council to work with third parties who are not themselves a Public Authority (such as an individual, company or non-governmental organisation) to assist with an investigation. Where that third party is acting in partnership with or under the direction of the Council, then they are acting as our agent and any activities that the third-party conducts, which meet the RIPA definitions of directed surveillance must be authorised. This is because the agent will be subject to RIPA in the same way as any employee of the Council. The AO must ensure that the agents are qualified or have the necessary skills to achieve the objectives. They must also ensure that they understand their obligations under RIPA. If advice is required, contact the RIPA Coordinator.
- 23.2 Similarly, a surveillance authorisation must also be considered where the Council is aware that a third party (that is not a Public Authority), e.g. activist groups/individuals, RSPCA, Federation Against Copyright Theft (FACT), is independently conducting surveillance and the Council intends to make use of any suitable material obtained by the third party for the purposes of a specific investigation.

24. Surveillance Equipment

- 24.1 The Council will maintain a central register of all surveillance equipment, including all types of camera and noise monitoring devices. This will require a description, serial

number, and an explanation as to the equipment's capabilities. It is recognised that smartphones are surveillance devices; however, they will not be recorded on the central register as officers should not ordinarily use such devices to undertake surveillance due to the associated evidential risks.

- 24.2 The register will be held and maintained by the RIPA Coordinator or a designated deputy. This equipment is available for all service areas to deploy.
- 24.3 All equipment capable of being used for directed surveillance must be fit for the purpose for which it is intended.
- 24.4 When completing an authorisation (where under RIPA or outside RIPA), the applicant must provide the AO with details of any equipment to be used and its technical capabilities. The AO will have to take this into account when considering the intrusion issues, proportionality and whether the equipment is fit for the required purpose. The AO must make it clear on the authorisation exactly what equipment, if any, they are authorising and in what circumstances it will be deployed.
- 24.5 All surveillance equipment must be stored securely to prevent unauthorised use. A log must be created and maintained to record the date/time the equipment was removed from storage, by whom, for what purpose and the date/time it was returned to storage and by whom.

PART C Covert Human Intelligence Sources (CHIS)

25. Introduction

- 25.1 RIPA covers the activities of Covert Human Intelligence Sources (CHIS) which relates not only to sources commonly known as informants (members of the public providing the Council with information), but also the activities of undercover officers. It matters not whether they are employees of the Council, agents or members of the public engaged by the Council to establish or maintain a covert relationship with someone to obtain information.
- 25.2 Not all human source activity will meet the definition of a CHIS; for example, a source may be a public volunteer or someone who discloses information out of professional or statutory duty or has been tasked to obtain information other than by way of a covert relationship. However, officers must be aware that such information may have been obtained in the course of an ongoing relationship with a family member, friend or business associate. The Council has a duty of care to all members of the public who provide information to us and appropriate measures must be taken to protect that source. How the information was obtained should be established to determine the best course of action. The source and information should also be managed correctly in line with CPIA and the disclosure provisions.
- 25.3 Recognising when a source becomes a CHIS is important as this type of activity may need authorisation. Should a CHIS authorisation be required, all of the staff involved in

the process must make themselves fully aware of the contents of this Policy and the CHIS Code.

- 25.4 A CHIS, their conduct, and the use to which they are put is defined within Section 26 (7) and (8) of RIPA. Chapter 2 of the relevant Code provides examples of where this regime may apply.

26. Definition of a CHIS

- 26.1 Individuals act as a CHIS if they:

- establish or maintain a covert relationship with another person to obtain information;
- covertly give access to information to another person; or
- disclose information covertly which they have obtained using the relationship or they have obtained because the relationship exists.

- 26.2 A relationship is established, maintained or used for a covert purpose if, and only if, it is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of the purpose. The relationship between the Council officer and the person providing the information is not covert. It relates to how the information was either obtained or will be obtained, i.e. was it or will it be obtained from a third party without them knowing it was being passed on to the Council? This would amount to a covert relationship.

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

27. Vulnerable and Juvenile CHIS

- 27.1 Special consideration must be given to the use of a 'Vulnerable Individual' as a CHIS. A 'Vulnerable Individual' is a person who is or may be in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of him/herself, or unable to protect him/herself against significant harm or exploitation. Any individual of this description, or a 'Juvenile' as defined below, should only be authorised to act as a source in the most exceptional circumstances and only then when authorised by the Chief Executive or, in his absence, the officer acting as the Deputy Chief Executive.

- 27.2 Special safeguards also apply to the use or conduct of Juvenile Sources; that is sources under the age of 18 years. On no occasion should the use or conduct of a source under

16 years of age be authorised to give information against their parents or any person who has parental responsibility for them.

- 27.3 If the use of a Vulnerable Individual or a Juvenile is being considered as a CHIS you must consult the Council's Monitoring Officer before authorisation is sought.
- 27.4 Authorisations should not be granted in respect of a Juvenile CHIS unless the special provisions contained within the Regulation of Investigatory Powers (Juveniles) Order 2000 (SI No. 2793) are satisfied.

28. Lawful Grounds

- 28.1 The lawful grounds for a CHIS authorisation is prevention and detection of crime and prevention of disorder. The serious crime threshold in relation to the offence under consideration carrying a minimum of 6-months' imprisonment sentence does not apply to a CHIS.
- 28.2 Authorisations for Juvenile Sources must be authorised by the Chief Executive or, in their absence, the officer undertaking the role of the Deputy Chief Executive.

29. Conduct and Use of a Source

- 29.1 The way the Council uses a CHIS for covert activities is known as 'the use and conduct' of a source.
- 29.2 The use of a CHIS involves any action on behalf of the Council to induce, ask or assist a person to engage in the conduct of a CHIS, or to obtain information by means of the conduct of a CHIS.
- 29.3 The conduct of a CHIS is establishing or maintaining a personal or other relationship with another person for the covert purpose of:
- (a) using such a relationship to obtain information, or to provide access to information to another person; or
 - (b) disclosing information obtained by the use of such a relationship or as a consequence of such a relationship; or
 - (c) is incidental to anything falling within (a) and (b) above.
- 29.4 In other words, an authorisation for conduct will authorise steps taken by the CHIS on behalf, or at the request, of the Council.
- 29.5 The use of a source is what the Council does in connection with the source, such as tasking (see section 32), and the conduct is what a source does to fulfil whatever tasks are given to them or which is incidental to it. The use and conduct require separate consideration before authorisation; however, they are normally authorised within the same authorisation.

- 29.6 The same authorisation form is used for both use and conduct. A 'Handler' and 'Controller' must be designated as part of the authorisation process and the application can only be authorised if necessary and proportionate. Detailed records of the use, conduct and tasking of the source must be maintained (see section 36).
- 29.7 Care must be taken to ensure that the CHIS is clear on what is or is not authorised at any given time, and that all the CHIS activity is properly risk assessed, and that relevant applications, reviews, renewals and cancellations are correctly performed.
- 29.8 Careful consideration must be given to any particular sensitivities in the local community where the CHIS is being used and of similar activities being undertaken by other public authorities which could have an impact on the deployment of the CHIS. Consideration must also be given to any adverse impact on community confidence or safety that may result from the use or conduct of a CHIS or use of information obtained from that CHIS.

30. Handler and Controller

30.1 CHIS may only be authorised if the following arrangements are in place:

- That there will at all times be an officer, the **Handler**, within the Council who will have day to day responsibility for dealing with the source on behalf of the authority, and for the source's security. The Handler is likely to be the investigating officer.
- That there will at all times be another officer within the Council who will have general oversight of the use made of the source, the **Controller**. This is likely to be the Handler's line manager.
- That there will at all times be an officer within the Council who has responsibility for maintaining a record of the use made of the source; see CHIS record keeping (see section 36).

30.2 The **Handler** will have day to day responsibility for:

- dealing with the source on behalf of the Council;
- risk assessments;
- directing the day-to-day activities of the source;
- recording the information supplied by the source;
- monitoring the source's security and welfare; and
- informing the Controller of concerns about the personal circumstances of the CHIS that might affect the validity of the risk assessment or conduct of the CHIS.

30.3 The **Controller** will be responsible for:

- the management and supervision of the Handler;
- general oversight of the use of the CHIS; and
- maintaining an audit of case work sufficient to ensure that the use or conduct of the CHIS remains within the parameters of the extant authorisation.

31. Undercover Officers

- 31.1 Oversight and management arrangements for **undercover operatives**, while following the principles of RIPA, will differ, in order to reflect the specific role of such individuals when they are officers of the Council. The role of the Handler will be undertaken by a person referred to as a '**Cover Officer**'. The Cover Officer will be required to ensure the welfare of Council undercover operatives, including where the undercover work is being undertaken online.

32. Tasking

- 32.1 Tasking is the assignment given to the source by the Handler or Controller, e.g. asking them to obtain information, to provide access to information or to otherwise act, incidentally, for the benefit of the Council. Authorisation for the use or conduct of a source is required prior to any tasking where such tasking requires the source to establish or maintain a personal or other relationship for a covert purpose.
- 32.2 In some instances, the tasking given to a person will not require the source to establish a personal or other relationship for a covert purpose, e.g. a member of the public is asked to maintain a record of all vehicles arriving and leaving a specific location or to record the details of visitors to a neighbouring house. A relationship has not been established or maintained in order to gather the information and a CHIS authorisation is, therefore, not available or required. Other authorisations under RIPA, e.g. directed surveillance, may need to be considered where there is a possible interference with the Article 8 rights of an individual.
- 32.3 CHIS authorisations should not be drawn so narrowly that a separate authorisation is required each time the CHIS is tasked; rather, an authorisation might cover, in broad terms, the nature of the source's task.

33. Risk Assessments

- 33.1 The Council has a responsibility for the safety and welfare of the source and for the consequences to others of any tasks given to the source. It is a requirement of the Code that a risk assessment is carried out. This must be submitted with the authorisation request. The risk assessment must provide details of how the CHIS is going to be handled. It must take into account the safety and welfare of the CHIS in relation to the activity and must consider the likely consequences should the role of the CHIS become known. The ongoing security and welfare of the CHIS after the cancellation of the authorisation must also be considered at the outset.

34. Use of Equipment by a CHIS

- 34.1 If a CHIS is required to wear or carry a surveillance device, such as a covert camera, it does not require a separate intrusive or directed surveillance authorisation providing the device will only be used in the presence of the CHIS. It should be authorised as part of the conduct of the CHIS.

- 34.2 CHIS, whether or not wearing or carrying a surveillance device, in residential premises or a private vehicle, does not require additional authorisation to record any activity taking place inside those premises or that vehicle which takes place in their presence. This also applies to the recording of telephone conversations; however, this must be identified at the planning stage.
- 34.3 Councils cannot authorise intrusive directed surveillance, e.g. accessing private homes or vehicles to conceal surveillance equipment for the purposes of monitoring. However, this does not prevent intrusive CHIS activity, e.g. authorisation of an undercover Council officer for the purposes of purchasing illicit tobacco, which leads to the officer entering a private home to collect a previously agreed purchase of the tobacco.

35. CHIS Management

- 35.1 The operation will require managing by the Handler and Controller, which will include ensuring that the activities of the source and the operation remain focused and there is no status drift. It is important that the intrusion is assessed to ensure the operation remains proportionate. The security and welfare of the source will also be monitored. The AO must maintain general oversight of these functions.
- 35.2 During CHIS activity, there may be occasions when unforeseen actions or undertakings occur. Such incidences must be recorded as soon as practicable after the event and if the existing authorisation is insufficient it must either be dealt with by way of a review and re-authorised (minor amendments only) or it must be cancelled and a new authorisation obtained before any further action is carried out.
- 35.2 Similarly, where it is intended to task a CHIS in a new significantly different way than previously identified, the proposed tasking must be referred to the AO who must consider whether a separate authorisation is required. This must be done in advance of any tasking and details of such referrals must be recorded.

36. CHIS Record Keeping

36.1 Centrally Retrievable Record of Authorisations

- 36.2 A centrally retrievable record of all authorisations is held by the Council. This record contains the relevant information to comply with the Codes. These records are updated whenever an authorisation is granted, renewed or cancelled and are available to IPCO upon request.

- 36.3 The records are retained for 5 years from the ending of the authorisation.

36.4 Individual Source Records of Authorisation and Use of CHIS

- 36.5 Detailed records must be kept of the authorisation and the use made of a CHIS. An AO must not grant an authorisation for the use or conduct of a CHIS unless they believe that there are arrangements in place for ensuring that there is, at all times, a person with the

responsibility for maintaining a record of the use made of the CHIS. The Regulation of Investigatory Powers (Source Records) Regulations 2000 (SI No: 2725) details the particulars that must be included in these records.

36.6 The particulars to be contained within the records are:

- a. identity of the source;
- b. identity, where known, used by the source;
- c. any relevant investigating authority other than the authority maintaining the records;
- d. the means by which the source is referred to within each relevant investigating authority;
- e. any other significant information connected with the security and welfare of the source;
- f. any confirmation made by a person granting or renewing an authorisation for the conduct or use of a source that the information in paragraph (d) has been considered and that any identified risks to the security and welfare of the source have where appropriate been properly explained to and understood by the source;
- g. the date when and the circumstances in which the source was recruited;
- h. identity of the Handler and Controller (and details of any changes);
- i. the periods during which those persons have discharged those responsibilities;
- j. the tasks given to the source and the demands made of him in relation to his activities as a source;
- k. all contacts or communications between the source and a person acting on behalf of any relevant investigating authority;
- l. the information obtained by each relevant investigating authority by the conduct or use of the source;
- m. any dissemination by that authority of information obtained in that way; and
- n. in the case of a source who is not an undercover operative, every payment, benefit or reward and every offer of a payment, benefit or reward that is made or provided by or on behalf of any relevant investigating authority in respect of the source's activities for the benefit of that or any other relevant investigating authority.

36.7 The RIPA Coordinator shall maintain these records.

36.8 Council officers shall maintain auditable records for individuals or members of organisations (e.g. travel agents, housing associations and taxi/private hire companies) that may provide intelligence but who do not meet the definition of a CHIS. This will include **repeat supply of information** where an individual is obtaining the information through a covert relationship. This will assist the Council to monitor the status of a human source and identify whether that person should be duly authorised as a CHIS. This should be updated regularly to explain why authorisation is not considered necessary. This responsibility rests with the designated AOs within the Council.

36.9 In some cases, individuals provide information but do not wish to be registered as a CHIS or they repeatedly provide information that has not been sought or the Council does not wish to authorise the individual as a CHIS, e.g. because there is evidence of

unreliability. If the information being provided is recorded as potentially useful or actionable, there is a potential duty of care to the individual and this means the designated AOs must manage the individual properly.

36.10 The AOs must ensure sensible and verifiable procedures are in place to monitor for 'status drift' and where it becomes clear that the individual meets the definition of a CHIS, the AO must take steps to either ensure the activity ceases or a decision is made to grant a CHIS authorisation. Where an authorisation is granted the AO must take account of the difference between a volunteer of information already known to the individual and the relevance of the exploitation of a relationship for a covert purpose.

36.11 Further Documentation

36.12 In addition to the above, when appropriate, records or copies of the following are retained by the Council for 5 years:

- a. a copy of the authorisation together with any supplementary documentation and notification of the approval given by the authorising officer;
- b. a copy of any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested;
- c. the reason why the person renewing an authorisation considered it necessary to do so;
- d. any risk assessment made in relation to the CHIS;
- e. the circumstances in which tasks were given to the CHIS;
- f. the value of the CHIS to the investigating authority;
- g. a record of the results of any reviews of the authorisation;
- h. the reasons, if any, for not renewing an authorisation;
- i. the reasons for cancelling an authorisation;
- j. the date and time when any instruction was given by the authorising officer that the conduct or use of a CHIS must cease; and
- k. a copy of the decision by a Judicial Commissioner on the renewal of an authorisation beyond 12 months (where applicable).

36.13 The RIPA Coordinator shall maintain these records.

36.14 The records kept by the Council must be maintained in such a way as to preserve the confidentiality, or prevent disclosure of the identity of the CHIS, and the information provided by that CHIS.

36.15 Combined Authorisations

36.16 Where investigatory activity is likely to involve both the use of a CHIS and directed surveillance, RIPA practice permits the two types of authorisations to be legally combined onto one application. However, it is the Council's practice for separate forms to be completed to maintain the distinction between the two techniques being used.

PART D RIPA Roles and Responsibilities

37. Council Members

37.1 Cabinet shall set and/or agree continuance of this Policy, as appropriate.

38. Audit Committee

38.1 The use of RIPA, IPA and non-RIPA by Council officers shall be reported to the Audit Committee on a regular basis. Where the Audit Committee is satisfied that RIPA, IPA and non-RIPA practices are being used consistently within the Policy and that the Policy remains fit for purpose then the Policy may continue to operate without wider consideration or revision by Cabinet.

38.2 Where there are any concerns about the manner in which RIPA, IPA and non-RIPA practices are being used or that the policy is not fit for purpose, the Audit Committee may direct that these concerns are reported to Cabinet or, if necessary, to full Council and require the SRO to oversee a review and revision of the Policy to ensure it is fit for purpose.

39. Senior Responsible Officer

39.1 The nominated SRO is the Executive Director of People. The SRO has responsibilities for:

- the integrity of the processes in place within the Council to authorise directed surveillance and CHIS;
 - compliance with the relevant sections of RIPA and the Codes;
 - oversight of the reporting of errors to IPCO and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
 - engagement with IPCO and the inspectors who support the Commissioner when they conduct their inspections;
 - where necessary, overseeing the implementation of any recommended post-inspection action plans;
 - ensuring that all AOs are of an appropriate standard, addressing any recommendations and concerns in the inspection reports prepared by the Investigatory Powers Commissioner;
-
- ensuring that officers who verify communications data applications are of an appropriate seniority within the Council and informing NAFN of such nominations; and
 - being aware of any applications for communications data being made before they are submitted to OCDA

40. RIPA Coordinator

40.1 The RIPA Coordinator is the Head of Business and Consumer Protection and is responsible for storing all original authorisations, reviews, renewals and cancellation forms and the signed approval or refusal documentation from the JP. This will include any authorisations that have not been authorised by an AO or refused by a JP.

40.2 The RIPA Coordinator will:

- keep the copies of the forms for a period of at least 5 years;
- keep the Central Register of all the authorisations, renewals and cancellations and issue the unique reference number;
- keep a database for identifying and monitoring expiry dates and renewal dates;
- along with the Executive and Assistant Directors, Service Managers, AOs, and Investigating Officers, ensure that any electronic and paper records relating to a RIPA investigation are used, retained or destroyed in line with the Councils information management policies, departmental retention schedules and the DPA;
- provide administrative support and guidance on the processes involved;
- monitor the authorisations, renewals and cancellations with a view to ensuring consistency throughout the Council;
- monitor each service's compliance and act on any cases of non-compliance;
- signpost to further guidance and awareness of RIPA and the provisions of this Policy;
- arrange for the provision of training; and
- review the contents of this Policy.

41. Line Manager Responsibility and Management of the Activity

41.1 Line Managers within each service of the Council are responsible for ensuring that in all cases where surveillance is required, due consideration is given to the need for covert surveillance before an application is made for authorisation. This includes the consideration of using overt action, routine enquiries or inspections, which are less intrusive. Where it is considered that such less intrusive actions are not appropriate, Line Managers must ensure that the rationale for this is fully understood and justified.

41.2 If authorised, it is important that all those involved in undertaking directed surveillance activities, including Line Managers, are fully aware of the extent and limits of the authorisation. There must be an ongoing assessment for the need for the activity to continue including ongoing assessments of the intrusion. All material obtained,

including evidence, must be stored in line with relevant legislation and procedures to safeguard its integrity and reduce a risk of challenge (see section 53).

41.3 Line Managers must also ensure that the relevant reviews, renewals and cancellations (see Appendix C) are completed by the applicant in accordance with the Codes and the dates set throughout the process.

42. Investigating Officers/Applicant

- 42.1 The applicant is normally an Investigating Officer who completes the application section of the RIPA form. Investigating Officers must think about the need to undertake directed surveillance or the use of a CHIS before they seek authorisation and discuss it with their Line Manager. Investigating Officers must consider whether they can obtain the information or achieve their objective by using techniques other than covert surveillance.
- 42.2 The applicant or another appropriate person must carry out a feasibility study and this must be seen by the AO prior to or as part of the application. The feasibility study aims to ensure that the surveillance operation is practically possible, that risks are minimised and limiting factors that may impede the success of the operation are managed. The person seeking the authorisation must then complete the application form having regard to the guidance given in this Policy and the statutory Codes. There must not be any significant delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have changed. The form must then be submitted to the AO for authorisation.
- 42.3 The applicant is expected to attend court to seek the approval of a JP and, if approved, and involved in the covert activity they must only carry out what is authorised and approved. They, or another appropriate person, will also be responsible for the submission of any reviews, renewals and cancellations.

43. Authorising Officer

- 43.1 The Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 prescribes that for the Council the AO must be a Director, Head of Service, Service Manager or equivalent as distinct from the officer responsible for the conduct of an investigation.
- 43.2 The designated AOs within the Council who can grant authorisations are listed in **Appendix B**. They are all at Service Manager level or above. The AOs are also designated as being sufficiently senior within the Council for the purposes of verifying applications for communications data.
- 43.3 The role of the AO is to consider whether to authorise, review, or renew an authorisation. They must consider the facts of each investigation or operation involving surveillance individually on its own merits. They must also officially cancel the RIPA covert activity.
- 43.4 AOs must have been trained to an appropriate level so as to understand the requirements in the Codes and this training must be satisfied before an application is authorised.
- 43.5 AOs must not ordinarily be responsible for authorising investigations or operations in which they are directly involved. Where this occurs, the AO must record the rationale/justification for this and the central record of authorisations must highlight it, and it must be brought to the attention of a Commissioner or Inspector during their next inspection.

- 44.6 Authorisations must be given in writing by the AO by completing the relevant section on the authorisation form. When completing an authorisation, the case must be presented in a fair and balanced way; in particular, all reasonable efforts must be made to take into account information that weakens the case for the authorisation.
- 44.7 Obtaining an authorisation under RIPA will only ensure that there is a justifiable interference with an individual's Article 8 rights if it is necessary and proportionate for these activities to take place. AOs must, therefore, explain why they believe the activity is both necessary (see section 45) and proportionate (see section 46) to what it seeks to achieve. AOs must also consider any similar activity which may be taking place, or sensitivities in the area.
- 44.8 Where there is any indication that an application for an authorisation may target or relate to individuals already known to social services (particularly in relation to individuals with learning disabilities and/or behaviour that is impacted by mental health) or where there is reasonable belief that individuals may be eligible for such services, the AO responsible for determining the application must take advice from the appropriate social care Assistant Director or Service Manager to inform their decision as to whether the surveillance will be necessary and/or proportionate and to determine if there are any alternative courses of action that are more appropriate.
- 44.9 If AOs do not believe that the surveillance is necessary and proportionate to what it seeks to achieve or if other less intrusive methods may be used to obtain the information or insufficient steps are in place to reduce collateral intrusion, AOs must not grant authorisation.
- 44.10 If an AO considers authorisation may be granted, they also need to explain exactly what they are authorising, against whom, in what circumstances, where, over what period, etc. and that the level of the surveillance is appropriate to achieve the objectives. It is important that this is made clear on the authorisation as the surveillance operatives are only allowed to carry out what is authorised. This will assist with avoiding errors.
- 44.11 If any equipment, such as covert cameras are to be used, the AO needs to know the capability of the equipment before authorising its use. This will have an impact on collateral intrusion, necessity and proportionality. They must not rubber-stamp a request. It is important that they consider all the facts to justify their decision.
- 44.12 The AO may be required to attend court to justify what they authorised both as part of the judicial approval process or in any subsequent court trials or other tribunals.
- 44.13 AOs must acquaint themselves with the relevant Codes issued by the Home Office regarding RIPA and IPA. They must also be aware of the current Procedures and Guidance issued by IPCO (or previously by OSC); this document details operational guidance that must be followed. It is recommended that AOs hold their own copy of this document. This can be obtained from the RIPA Coordinator.

45. Necessity

- 45.1 RIPA and IPA first requires that the person granting an authorisation believes that the authorisation is **necessary** in the circumstances of the particular case for one or more of the statutory grounds (see section 14).
- 45.2 The applicant and AO must also be able to demonstrate why it is necessary to carry out the covert activity to achieve the objectives and that there are no other means of obtaining the same information in a less intrusive method. This is a specific part of the authorisation form.

46. Proportionality

- 46.1 If the activities are deemed necessary, the AO must also believe that they are **proportionate** to what is sought to be achieved by carrying them out. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person who may be affected) against the need for the activity in investigative and operational terms. What is the benefit of carrying out the activity, including any internet or social media research/investigation? How will the benefit outweigh the intrusion?
- 46.2 The authorisation/activity will not be proportionate if it is excessive in the overall circumstances of the case. Each action authorised is expected to bring a benefit to the investigation or operation and must not be disproportionate or arbitrary. The fact that a suspected offence may be serious will not of itself render the proposed actions proportionate. Similarly, an offence may be so minor that any deployment of covert techniques would be disproportionate. No activity will be considered proportionate if the information which is sought could reasonably be obtained by other less intrusive means. All activity must be carefully managed to meet the objective in question and must not be arbitrary or unfair.
- 46.3 When explaining proportionality, the AO must explain why the methods and tactics to be adopted during the surveillance is not disproportionate.
- 46.4 The Codes provide guidance relating to proportionality which must be considered by both applicants and AOs. These include:
- balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or offence;
 - explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
 - considering whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the necessary result; and
 - evidencing, as far as reasonably practicable, what other methods had been considered and why they were not implemented.

47. Collateral Intrusion

- 47.1 Before authorising applications for directed surveillance, the AO must also take into account the risk of obtaining **collateral intrusion**, which is private information about persons who are not subjects of the surveillance.
- 47.2 Staff must take measures, wherever practicable, to avoid or minimise unnecessary intrusion into the privacy of those who are not the intended subjects of the surveillance. Where such collateral intrusion is unavoidable, the activities may still be authorised, providing this intrusion is considered proportionate to what is sought to be achieved. The same proportionality tests apply to anticipated collateral intrusion as to intrusion into the privacy of the intended subject of the surveillance.
- 47.3 All applications must include an assessment of the risk of collateral intrusion and detail the measures taken to limit this to enable the AO to fully consider the proportionality of the proposed actions. This is detailed in a specific section within the authorisation form.
- 47.4 In order to give proper consideration to collateral intrusion, an AO must be given full information regarding the potential scope of the anticipated surveillance, including the likelihood that any equipment deployed may cause intrusion on persons or property other than the subject(s) of the application. If an automated system, such as an online search engine, is used to obtain the information, the AO must be made aware of its potential extent and limitations.
- 47.5 Material which is not necessary or proportionate to the aims of the operation or investigation must be discarded or, where it may be required for future evidential purposes, securely retained separately. It may also need retaining under CPIA. The AO must ensure appropriate safeguards for the handling, retention or destruction of such material, as well as compliance with DPA requirements.
- 47.6 Where it is proposed to conduct surveillance activity specifically against individuals who are not suspected of direct or culpable involvement in the overall matter being investigated, interference with the privacy of such individuals must not be considered as collateral intrusion but rather as intended intrusion.
- 47.7 In the event that authorised surveillance unexpectedly and unintentionally interferes with the privacy of any individual other than the intended subject, the AO must be informed by the applicant or the Investigating Officer by submitting a review form. Consideration must be given in any such case as to the need for any separate or additional authorisation.
- 47.8 Where the Council intends to access a social media or other online account to which they have been given access with the consent of the owner, the Council will still need to consider whether the account(s) may contain information about others who have not given their consent. If there is a likelihood of obtaining private information about others, the need for a directed surveillance authorisation must be considered, particularly (though not exclusively) where it is intended to monitor the account going forward.

Part E Central Record and Safeguarding the Material

48. Introduction

48.1 AOs, applicants and Line Managers of relevant services may keep whatever records they deem appropriate to administer and manage the RIPA application process. This includes for the purpose of any legal obligations under the CPIA. However, this will not replace the requirements under the Codes, which includes the fact that the Council must hold a centrally held and retrievable record.

49. Central Record

49.1 The centrally retrievable record of all authorisations shall be held and maintained by the RIPA Coordinator. It will be regularly updated whenever an authorisation is applied for, refused, granted, renewed or cancelled. The record will be made available to the relevant Commissioner or an Inspector from IPCO, upon request.

49.2 It is the responsibility of the AOs to ensure all original authorisations and copies of Judicial applications/order forms, whether authorised or refused, together with review, renewal and cancellation documents, are sent to the RIPA Coordinator, within 5 working days, for inclusion in the central record of authorisations. The RIPA Coordinator will ensure that all records are held securely with no unauthorised access. If in paper format, they must be forwarded in a sealed envelope marked **CONFIDENTIAL**.

49.3 The documents contained in the centrally held register must be retained for five years from the ending of the authorisation and destroyed in accordance with the period stipulated by the Council's document retention policy.

49.4 The centrally held register contains the following information:

- if refused, (the application was not authorised by the AO) a brief explanation of the reason why and the refused application should be retained as part of the central record of authorisation;
- if granted, the type of authorisation and the date the authorisation was given;
- details of attendances at the Magistrates' Court to include the date of attendances at court, the determining magistrate, the decision of the court and the time and date of that decision;
- name and rank/grade of the AO;
- the unique reference number (URN) of the investigation or operation;
- the title of the investigation or operation, including a brief description and names of subjects, if known;
- frequency and the result of each review of the authorisation;
- if the authorisation is renewed, when it was renewed and who authorised the renewal, including the name and rank/grade of the authorising officer and the date renewed by the JP;

- whether the investigation or operation is likely to result in obtaining confidential information as defined in this code of practice;
- the date the authorisation was cancelled;
- authorisations by an AO where they are directly involved in the investigation or operation and if this has taken place it must be brought to the attention of a Commissioner or Inspector during their next RIPA inspection.

49.5 As well as the central record, the RIPA Coordinator shall also retain:

- the original of each application, review, renewal and cancellation, copy of the judicial application/order form, together with any supplementary documentation of the approval given by the AO;
- the frequency and result of reviews prescribed by the AO;
- the date and time when any instruction to cease surveillance was given;
- the date and time when any other instruction was given by the AO;
- a record of the period over which the surveillance has taken place, and this should have been included within the cancellation form.

49.6 These documents must also be retained for five years from the ending of the authorisation.

50. Safeguarding and the Use of Surveillance Material

50.1 This section provides guidance on the procedures and safeguards to be applied in relation to the handling of any material obtained through directed surveillance or CHIS activity. This material may include private, confidential or legal privilege information. It will also show the link to other relevant legislation.

50.2 The Council must ensure that their actions when handling information obtained by means of covert surveillance or CHIS activity comply with relevant legal frameworks and the Codes, so that any interference with privacy is justified in accordance with Article 8 (2) of the ECHR. Compliance with these legal frameworks, including data protection requirements, will ensure that the handling of private information obtained continues to be lawful, justified and strictly controlled, and is subject to robust and effective safeguards. The material will also be subject to the CPIA.

51. Authorised Purpose

51.1 Dissemination, copying and retention of material must be limited to the minimum necessary for authorised purposes. For the purposes of the RIPA Codes, something is necessary for the authorised purposes if the material:

- is, or is likely to become, necessary for any of the statutory purposes set out in RIPA in relation to covert surveillance or CHIS activity;
- is necessary for facilitating the carrying out of the functions of public authorities under RIPA;

- is necessary for facilitating the carrying out of any functions of the Commissioner or the Investigatory Powers Tribunal;
- is necessary for the purposes of legal proceedings; or
- is necessary for the performance of the functions of any person by or under any enactment.

52. Handling and Retention of Material

- 52.1 All material associated and obtained with an application will be subject to the provisions of the DPA and CPIA Codes of Practice. All officers involved within this process must make themselves aware of the provisions within this legislation and how it impacts on the whole RIPA process. Material obtained, together with relevant associated paperwork, must be held securely. Extra care needs to be taken if the application and material relates to a CHIS.
- 52.2 Material required to be retained under CPIA must be retained until a decision is taken whether to institute proceedings against a person for an offence or if proceedings have been instituted, at least until the accused is acquitted or convicted or the prosecutor decides not to proceed with the case.
- 52.3 Where the accused is convicted, all material which may be relevant must be retained at least until the convicted person is released from custody, or six months from the date of conviction, in all other cases.
- 52.4 If the court imposes a custodial sentence and the convicted person is released from custody earlier than six months from the date of conviction, all material which may be relevant must be retained at least until six months from the date of conviction.
- 52.5 If an appeal against conviction is in progress when released, or at the end of the period of six months, all material which may be relevant must be retained until the appeal is determined.
- 52.6 If retention is beyond these periods, it must be justified under DPA. Where a service has undertaken surveillance, they must ensure that the material associated and obtained as a result of the surveillance is reviewed, retained and destroyed in accordance with the Council's and service's data retention schedules to ensure that the data is retained lawfully and only for as long as is necessary.

53. Use of Material as Evidence

- 53.1 Material obtained through directed surveillance, may be used as evidence in criminal proceedings. The admissibility of evidence is governed primarily by the common law, the CPIA, the Civil Procedure Rules, section 78 of the Police and Criminal Evidence Act 1996 and the HRA.
- 53.2 Ensuring the continuity and integrity of evidence is critical to every prosecution. Accordingly, considerations as to evidential integrity are an important part of the disclosure regime under the CPIA and these considerations will apply to any material acquired through covert surveillance that is used in evidence. When information

obtained under a covert surveillance authorisation is used evidentially, the Council must be able to demonstrate how the evidence has been obtained, to the extent required by the relevant rules of evidence and disclosure.

- 53.3 Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it must be retained in accordance with established disclosure requirements. In a criminal case the codes issued under CPIA will apply. They require that the investigator record and retain all relevant material obtained in an investigation and later disclose relevant material to the Prosecuting Solicitor. They in turn will decide what is disclosed to the Defence Solicitors.
- 53.4 There is nothing in RIPA that prevents material obtained under directed surveillance authorisations from being used to further other investigations

54. Dissemination of Information

- 54.1 It may be necessary to disseminate material acquired through the RIPA covert activity within the Council or to share it outside with other Councils or agencies, including the Police. The number of persons to whom any of the information is disclosed, and the extent of disclosure, must be limited to the minimum necessary. It must also be in connection with an authorised purpose (see section 51). It will be necessary to consider exactly what and how much information should be disclosed. Only as much of the material may be disclosed as the recipient needs, e.g. if a summary of the material will suffice, no more than that should be disclosed.
- 54.2 The obligations apply not only to the Council, as the original authority acquiring the information, but also to anyone to whom the material is subsequently disclosed. In some cases, this will be achieved by requiring the latter to obtain permission from the Council before disclosing the material further. It is important that the Officer in Charge (OIC) of the enquiry considers these implications at the point of dissemination to ensure that safeguards are applied to the data.
- 54.3 A record must be maintained justifying any dissemination of material. If in doubt, seek advice from the RIPA Coordinator.

55. Storage

- 55.1 Material obtained through covert surveillance and CHIS authorisations, and all copies, extracts and summaries of it, must be handled and stored securely, so as to minimise the risk of loss. It must be held so as to be inaccessible to persons who are not required to see the material. This requirement to store such material securely applies to all those who are responsible for the handling of the material. It will be necessary to ensure that both physical and IT security and an appropriate security clearance regime is in place to safeguard the material.

56. Copying

- 56.1 Material obtained through covert surveillance may only be copied to the extent necessary for the authorised purposes set out above. Copies include not only direct copies of the whole of the material, but also extracts and summaries which identify

themselves as the product of covert surveillance, and any record which refers to the covert surveillance and the identities of the persons to whom the material relates.

- 57.2 In the course of an investigation, the Council must not act on or further disseminate legally privileged items unless it has first informed the Investigatory Powers Commissioner that the items have been obtained.

57. Destruction

- 57.1 Information obtained through covert surveillance, and all copies, extracts and summaries which contain such material, must be scheduled for deletion or destruction and securely destroyed as soon as they are no longer needed for the authorised purpose(s) set out above. If such information is retained, it must be reviewed at appropriate intervals to confirm that the justification for its retention is still valid. In this context, destroying material means taking such steps as might be necessary to make access to the data impossible.

Part F Errors and Complaints

58. Errors

- 58.1 Errors can have very significant consequences on an affected individual's rights. Proper application of the surveillance and CHIS provisions in the RIPA Codes and this Policy should reduce the scope for making errors.
- 58.2 It is important that all staff involved in the RIPA process report any issues, so they can be assessed as to whether it constitutes an error which requires reporting.
- 58.3. There are two types of errors within the Codes which are:
- relevant error
 - serious error

58.4 Relevant Error

- 58.5 An error must be reported if it is a '**relevant error**'. A relevant error is any error by the Council in complying with any requirements that are imposed on it by any enactment which are subject to review by a Judicial Commissioner. This includes compliance by the Council with RIPA and the content of the Codes.
- 58.6 Examples of relevant errors occurring would include circumstances where:
- Surveillance activity has taken place without lawful authorisation
 - There has been a failure to adhere to the safeguards set out in the relevant statutory provisions and Chapter 9 of the Surveillance Codes relating to the safeguards of the material

58.7 All relevant errors made by the Council must be reported to the Investigatory Powers Commissioner by the Council as soon as reasonably practicable and a full report provided no later than ten working days. The report should include information on the cause of the error; the amount of surveillance conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

58.8 Serious Errors

58.9 The Investigatory Powers Commissioner must inform a person of any relevant error relating to that person if the Commissioner considers that the error is a serious error and that it is in the public interest for the person concerned to be informed of the error. The Commissioner may not decide that an error is a serious error unless they consider that the error has caused significant prejudice or harm to the person concerned. The fact that there has been a breach of a person's Convention rights (within the meaning of the HRA) is not sufficient by itself for an error to be a serious error.

59. Complaints

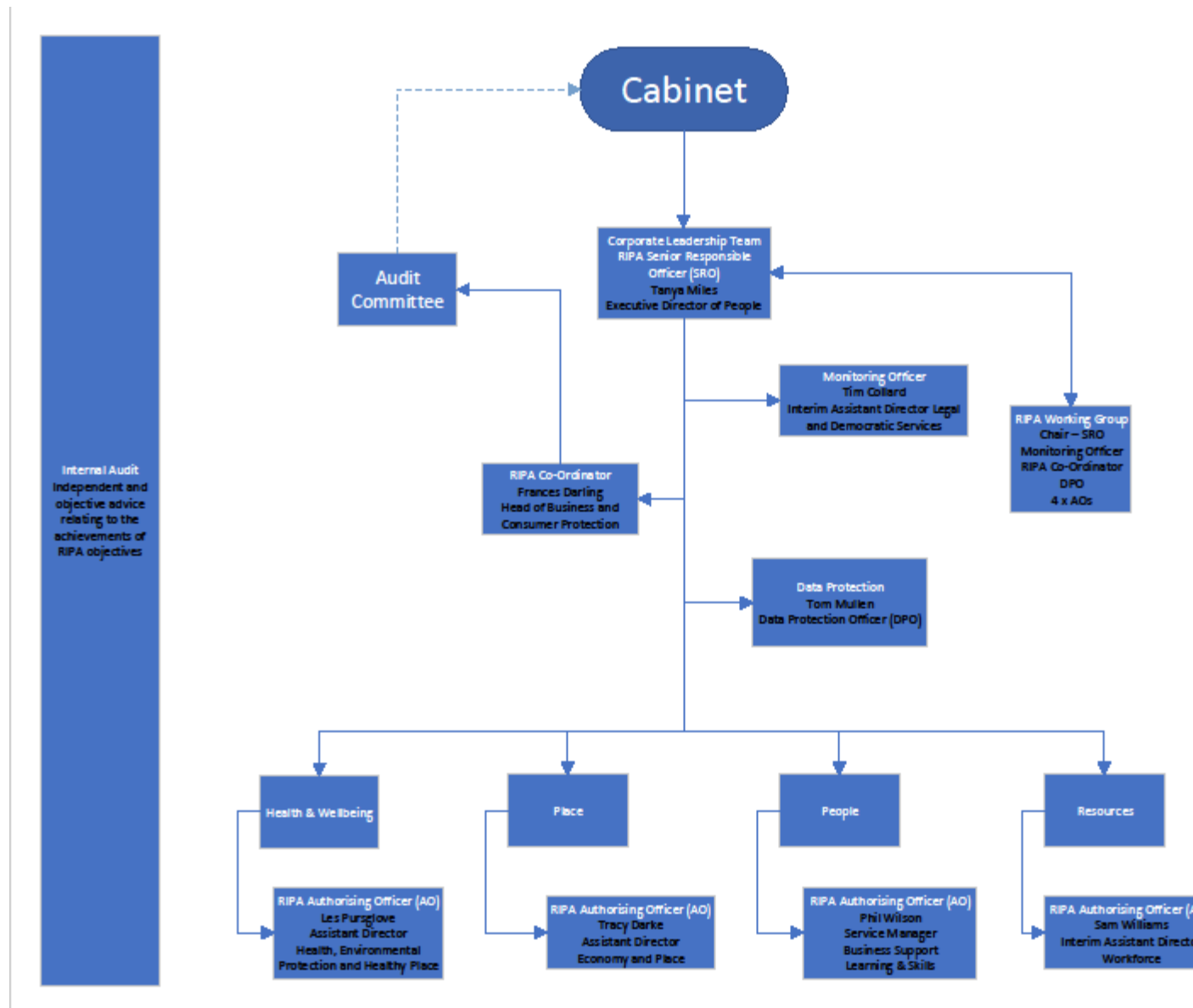
59.1 Any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the Council in accordance with the Council's [Corporate Complaints and Representations Procedure](#).

59.2 A complaint may also be made to the official body which is the IPT. They have jurisdiction to investigate and determine complaints against the Council's use of RIPA powers, including those covered by this Policy.

59.3 Complaints to the IPT should be addressed to:

The Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

APPENDIX A – Governance Structure



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APPENDIX B – Designated Officers

Senior Responsible Officer: Tanya Miles, Executive Director of People

Monitoring Officer: Tim Collard, Interim Assistant Director Legal and Democratic Services

RIPA Coordinator: Frances Darling, Head of Business and Consumer Protection

Authorising Officers

The following officers are appointed to grant authorisations under Section 28 and 29 of RIPA, to verify communications data applications and to grant authorisations for 'non-RIPA' purposes (subject to appropriate training):

- Les Pursglove, Assistant Director Health, Environmental Protection and Healthy Place
- Tracy Darke, Assistant Director Economy and Place
- Phil Wilson, Service Manager Business Support Learning and Skills
- Sam Williams, Interim Assistant Director Workforce
- Frances Darling, Head of Business and Consumer Protection (to undertake the role of an AO in exceptional circumstances, e.g. where no other AO is available)

APPENDIX C - Application and Authorisation Process

Relevant Forms

For both Directed Surveillance and CHIS authorisations there are six forms within the process. They are:

- Authorisation
- Application for Judicial Approval
- Judicial Approval Order
- Review
- Renewal
- Cancellation

All forms are available from the RIPA Coordinator.

Duration of Authorisations

Authorisations must be given for the maximum duration from the date approved by the JP but reviewed on a regular basis and formally cancelled when no longer needed. They do not expire; they must be cancelled when the surveillance is no longer proportionate or necessary. Therefore, a directed surveillance authorisation will cease to have effect after three months from the date of approval by the JP unless renewed or cancelled. The relevant durations are detailed below:

Directed Surveillance	3 Months
Renewal	3 Months
Covert Human Intelligence Source	12 Months
Renewal	12 months
Juvenile Sources	4 Months
Renewal	4 Months

It is the responsibility of the Investigating Officer to make sure that the authorisation is still valid when they undertake surveillance.

NB The expiry time on all authorisations is always at 23:59, e.g. an authorisation granted on 1 April 2021 at 16:54 will expire on 30 June 2021 at 23.59.

Applications/Authorisation

The applicant or another appropriate person must carry out a feasibility study and intrusion assessment as this may be required by the AO. The feasibility study aims to ensure that the surveillance operation is practically possible, that risks are minimised and limiting factors that may impede the success of the operation are managed. The person seeking the authorisation must then complete the application form having regard to the guidance given in this Policy and

the statutory Codes. There must not be any significant delay between the feasibility study and the completion of the application form to ensure that the details within the application are accurate and will not have changed. The form must then be submitted to the AO for authorisation.

When completing an application for authorisation, the applicant must ensure that the case for the authorisation is presented in the application in a fair and balanced way; in particular, all reasonable efforts should be made to take into account information which weakens the case for the warrant or authorisation. This is a requirement of the Codes.

All the relevant sections must be completed with sufficient information to ensure that applications are sufficiently detailed for the AO to consider necessity, proportionality having taken into account the collateral intrusion issues. Cutting and pasting or using template entries must not take place as this will leave the process open to challenge.

If it is intended to undertake both directed surveillance and the use of a CHIS on the same surveillance subject, the respective authorisations must be completed and the respective procedures followed. Both activities must be considered separately on their own merits.

Prior to an application being submitted to the AO, the Line Manager must perform an initial quality check of the application; however, they must not be involved in the sanctioning of the authorisation. All applications must be submitted by the applicant to the AO, with evidence confirming that the Line Manager for the team involved in the investigatory activity is aware of and supports the application. This is to ensure that the Line Manager is aware of the application and activities being undertaken by their staff.

Applications whether authorised or refused must be issued with a unique reference number. The number is obtained from the RIPA Coordinator by the Line Manager. The number will be generated by the RIPA Coordinator and must be an appropriate sequential number recorded in the central register.

If not authorised, feedback will be provided to the applicant and the application will be forwarded to the RIPA Coordinator for recording and filing. If, having received the feedback, the applicant feels it is appropriate to re-submit the application, they can do so and it will then be reconsidered.

Judicial approval process

With regard to the judicial approval process for RIPA, all officers involved in the authorisation process must familiarise themselves with the latest [guidance](#) available for local authorities in England and Wales.

Following authorisation, the applicant will then complete the relevant section of the judicial application/order form, which is available from the RIPA Coordinator. Although this form requires the applicant to provide a brief summary of the circumstances of the case, this is supplementary to and does not replace the need to also supply a copy and the original RIPA authorisation.

Where surveillance is used for non-RIPA purposes there is no requirement to obtain judicial approval.

Arranging the Court Hearing

The AO must contact or arrange for another officer on their behalf to contact Her Majesty's Courts and Tribunals Service (HMCTS) administration team at the appropriate Magistrates' Court to arrange a hearing. The hearing will be in private and heard by a single JP. The application to the JP will be on oath.

Officers who may present the application at these proceedings will need to be formally designated by the Council under section 223 of the Local Government Act 1972 to appear, be sworn in and present evidence or information as required by the JP. If in doubt as to whether you are able to present the application seek advice from the RIPA Coordinator.

The application and judicial order forms to be used for judicial approval are available from the RIPA Coordinator.

Attending the Hearing

The applicant and the AO will attend the hearing, as the applicant cannot answer questions that relate to the AO's decision to grant an authorisation. It is, however, appropriate for the applicant to answer questions in relation to the detail of the case under investigation and for both parties to clarify matters relating to general policy and practice of conducting surveillance. It is not necessary to use a solicitor to make the case to a JP.

Upon attending the hearing, the applicant must present to the JP the partially completed judicial application/order form, the original and a copy of the RIPA application/authorisation form, together with any supporting documents setting out the case. The original RIPA authorisation must be shown to the JP but will be retained by the Council so that it is available for inspection by IPCO, and in the event of any legal challenge or investigations by the IPT.

The JP will read and consider the RIPA authorisation and the judicial application/order form. They may have questions to clarify points or require additional reassurance on particular matters. These questions are supplementary to the content of the application form. However, the forms and supporting papers must by themselves make the case. It is not sufficient for the Council to provide oral evidence where this is not reflected or supported in the papers provided.

The JP will consider whether they are satisfied that at the time the authorisation was granted or renewed, there were reasonable grounds for believing that the authorisation was necessary and proportionate. In addition, they must be satisfied that the person who granted the authorisation was an appropriate Designated Person within the Council to authorise the activity and the authorisation was made in accordance with any applicable legal restrictions, for example, the crime threshold for directed surveillance.

Decision of the Justice of the Peace (JP)

The JP has a number of options which are:

Approve or renew an authorisation. If approved by the JP, the date of the approval becomes the commencement date for the duration of the three months and the officers are now allowed to undertake the activity.

Refuse to approve or renew an authorisation. The RIPA authorisation will not take effect and the Council may **not** use the technique in that case.

Where an application has been refused, the applicant may wish to consider the reasons for that refusal. If more information was required by the JP to determine whether the authorisation has met the tests, and this is the reason for refusal, the officer should consider whether they can reapply, e.g. if there was information to support the application which was available to the Council, but not included in the papers provided at the hearing.

For a technical error (as defined by the JP), the form may be remedied without going through the internal authorisation process again. The officer may then wish to reapply for judicial approval once those steps have been taken.

Refuse to approve or renew and quash the authorisation. This applies where the JP refuses to approve or renew the authorisation and decides to quash the original authorisation. However, the court must not exercise its power to quash the authorisation unless the applicant has had at least two business days from the date of the refusal in which to make representations. If this is the case, the officer will inform Legal and Democratic Services and a solicitor will consider whether to make any representations.

The JP will record their decision on the order section of the judicial application/order form. The court administration will retain a copy of the Council's RIPA application and authorisation form and the judicial application/order form. The officer will retain the original authorisation and a copy of the judicial application/order form.

The Council may only appeal a JP decision on a point of law by judicial review. If such a concern arises, a solicitor from Legal and Democratic Services will decide what action, if any, should be taken.

Post Court Procedure

It will be necessary to work out the cancellation date from the date of approval and ensure that the applicant and the AO are aware. The original application and the copy of the judicial application/order form must be forwarded to the RIPA Coordinator. A copy will be retained by the applicant and, if necessary, by the AO. The central register will be updated with the relevant information to comply with the Codes and the original documents filed and stored securely.

Where dates are set within the process such as reviews, they must be adhered to. This will help with demonstrating that the process has been managed correctly in line with the Codes and reduce the risk of errors.

Reviews

When an application has been authorised and approved by a JP, regular reviews must be undertaken by the AO to assess the need for the surveillance to continue.

In each case the AO must determine how often a review needs to take place and set these at the outset. This decision will be based on the circumstances of each application and should be

as frequently as is considered necessary and practicable; however, it is recommended that they take place **at least** every month to ensure that the activity is properly managed.

Particular attention is drawn to the need to frequently review authorisations where the surveillance provides a high level of intrusion into private life or significant collateral intrusion, or confidential information. The AO will record, on the application form, when the reviews are to take place. It will be important for the AO to be aware of the review dates to ensure that the applicants submit the review form on time.

Applicants must submit a review form by the review date set by the AO. They must also use a review form for changes in circumstances to the original application which would include a change to the level of intrusion so that the need to continue the activity can be re-assessed. However, if the circumstances or the objectives have changed considerably, or the techniques to be used are now different, a new application form must be submitted, and it will be necessary to follow the process again and to be approved again by a JP. The applicant does not have to wait until the review date if it is being submitted for a change in circumstances.

Line managers of applicants must make themselves aware of when the reviews are required to ensure that the relevant forms are completed on time.

The reviews are dealt with internally by submitting the review form to the AO. There is no requirement for a review form to be submitted to a JP.

The results of a review must be recorded on the central record of authorisations.

A review of an authorisation is not the same as a renewal and AOs are directed to the section below and the relevant parts of the Codes to ensure the difference is fully understood and the principles correctly applied.

Renewal

A renewal form is to be completed by the applicant when the original authorisation period is about to expire but directed surveillance or the use of a CHIS is still required.

Should it be necessary to renew an authorisation for directed surveillance or a CHIS, this must be approved by a JP.

Applications for renewals should not be made until shortly before the original authorisation period is due to expire. However, they must take account of factors which may delay the renewal process, e.g. intervening weekends or the availability of the relevant AO and a JP to consider the application.

The applicant must complete all the sections within the renewal form and submit the form to the AO for consideration.

AOs must examine the circumstances with regard to necessity, proportionality and the collateral intrusion issues before making a decision to renew the activity. A CHIS application must not be renewed unless a thorough review has been carried out covering the use made of the source, the tasks given to them and information obtained. The AO must consider the results of the review when deciding whether to renew or not. The review and the consideration must be documented.

If the AO refuses to renew the application, the cancellation process must be completed. If the AO authorises the renewal of the activity, the same process is to be followed as mentioned earlier for the initial application whereby approval must be sought from a JP.

A renewal takes effect on the day on which the authorisation would have ceased and lasts for a further period of three months.

Authorisations may be renewed more than once if still considered necessary and proportionate and approved by a JP.

Cancellation

The cancellation form is to be submitted by the applicant or another investigator in their absence. The AO who granted or last renewed the authorisation must cancel it if they are satisfied that the directed surveillance no longer meets the criteria upon which it was authorised. Where the AO is no longer available, this duty will fall on the person who has taken over the role of AO or the person who is acting as AO. As soon as the decision is taken that directed surveillance should be discontinued, the applicant or other investigating officer involved in the investigation must inform the AO. The AO will formally instruct the investigating officer to cease the surveillance, noting the time and date of their decision. This will be required for the cancellation form. The date and time when such an instruction was given must also be recorded in the central record of authorisations.

The Investigating Officer submitting the cancellation must complete in detail the relevant sections of the form and include the period of surveillance and detail if any images were obtained, particularly any images containing innocent third parties. The AO must take this into account and issue instructions regarding the management and disposal of the images, etc. (see sections 50 to 57).

The cancellation process must also be used to evaluate whether the objectives have been achieved and whether the applicant carried out what was authorised. This check will form part of the oversight function. Where issues are identified including errors (see section 58), they will be brought to the attention of the Line Manager and the SRO. This will assist with future audits and oversight and compliance with the Codes.

When cancelling a CHIS authorisation, an assessment of the welfare and safety of the source must also be assessed, and any issues identified.

All cancellations must be submitted to the RIPA Coordinator for inclusion in the Central Record and stored securely with the other associated forms.

Do not wait until the 3-month period has expired to cancel. Cancellation must be undertaken formally and promptly at the earliest opportunity once the surveillance has served its purpose or is no longer necessary and proportionate. Line Managers need to be aware of when the activity needs cancelling and ensure that staff comply with the procedure.

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Shropshire Council
Equality, Social Inclusion and Health Impact Assessment (ESHIA)
Initial Screening Record 2021-2022

A. Summary Sheet on Accountability and Actions

Name of proposed service change
Regulation of Investigatory Powers Policy and Guidance <ul style="list-style-type: none"> • Use of Directed Surveillance • Use of Human Intelligence Sources • Obtaining Communications Data

Name of lead officer carrying out the screening
Frances Darling, Head of Business and Consumer Protection

Decision, review, and monitoring

Decision	Yes	No
Initial (part one) ESHIA Only?	✓	
Proceed to Full ESHIA or HIA (part two) Report?		✓

If completion of an initial or Part One assessment is an appropriate and proportionate action at this stage, please use the boxes above. If a Full or Part Two report is required, please move on to full report stage once you have completed this initial screening assessment as a record of the considerations which you have given to this matter.

Actions to mitigate negative impact or enhance positive impact of the service change in terms of equality, social inclusion, and health considerations
<p>As the primary focus of the Policy relates to formalising the Council’s approach to an existing prescriptive legislative regime controlling surveillance activities, which is supported by statutory codes of practice and aimed at protecting individuals’ right to privacy, it is anticipated that the overall impact of the Policy in relation to equality and social inclusion in respect of all protected characteristic and other groupings is likely to be neutral.</p> <p>With respect to health and wellbeing, the overarching impact is likely to be low to medium positive for the community, economy and the environment, with the potential for both low positive and low negative impacts for individuals/population groups; therefore, the assessment around necessity and proportionality of any surveillance activity is key to ensuring this position is maintained or potentially enhanced.</p>

The processes described in the Policy set out to provide assurance that before, during and after any surveillance is proposed and/or undertaken, due consideration is given to the necessity and proportionality of such activity. The focus of this consideration is about protecting individuals' right to privacy, and as such the Human Rights Act (HRA) 1998 provides a useful reference point in our considerations as a Council about potential equality and human rights impacts for all groupings in our community.

An holistic approach will be taken with the full circumstances of any individual or group of individuals who is/are the intended target of surveillance and also those who are not the intended target taken into account as part of the management and formal authorisation of any surveillance activities.

For example, in respect of surveillance that falls outside of the Regulation of Investigatory Powers Act 2000 (RIPA), the Policy requires RIPA procedures to be followed and states:

- 21.1 *For directed surveillance under RIPA, the criminal offence under investigation must carry a minimum of a **6 months' imprisonment sentence** (directed surveillance serious crime threshold) or relate to the sale of alcohol or tobacco to children. This means that there are scenarios within an investigation that do not meet this threshold; nevertheless, surveillance may still be necessary for the purposes of the investigation. This surveillance will fall outside of RIPA ('non-RIPA') and includes surveillance relating to:*
- *anti-social behaviour disorder which does not attract a maximum custodial sentence of at least six months' imprisonment*
 - *planning enforcement prior to the serving of a notice or to establish whether a notice has been breached*
 - *most licensing breaches*
 - *safeguarding vulnerable people*
 - *civil matters*
 - *disciplinary matters*
- 21.2 *The above scenarios are likely to be targeted surveillance, which may breach an individual's Article 8 rights to privacy and, therefore, the activity must be conducted in a way that is HRA compliant, which will include consideration as to the necessity and proportionality of the surveillance activity.*
- 21.3 *To ensure that the above surveillance is undertaken in a manner that is compatible with HRA, officers must have due regard to the principles of RIPA, the Codes, and this Policy and, in practice, apply these as if the purposes for which the surveillance is being used fall within RIPA.*

In addition, with respect to the role of an Authorising Officer (AO), the Policy makes it clear that specific advice must be sought when targeted individuals are already known to social services or where there is reasonable belief that individuals may be eligible for services:

44.8 Where there is any indication that an application for an authorisation may target or relate to individuals already known to social services (particularly in relation to individuals with learning disabilities and/or behaviour that is impacted by mental health) or where there is reasonable belief that individuals may be eligible for such services, the AO responsible for determining the application must take advice from the appropriate social care Assistant Director or Service Manager to inform their decision as to whether the surveillance will be necessary and/or proportionate and to determine if there are any alternative courses of action that are more appropriate.

Furthermore, the overarching position that must be adopted when considering surveillance activities is clearly stated in the following paragraph from the Policy:

44.9 If AOs do not believe that the surveillance is necessary and proportionate to what it seeks to achieve or if other less intrusive methods may be used to obtain the information or insufficient steps are in place to reduce collateral intrusion, AOs must not grant authorisation.

Actions to review and monitor the impact of the service change in terms of equality, social inclusion, and health considerations

The Policy will initially be set and agreed by the Council's Cabinet members. These elected members will consider the use of the RIPA and the Investigatory Powers Act 2016 (IPA) to ensure the Policy is consistent with these legislative provisions and also those of the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA).

The use of RIPA, IPA and non-RIPA by Council officers has and will continue to be reported to the Audit Committee on a regular basis. Where the Audit Committee is satisfied that RIPA, IPA and non-RIPA practices are being used consistently within the Policy and that the Policy remains fit for purpose then the Policy may continue to operate without wider consideration or revision by Cabinet. Where there are any concerns about the manner in which RIPA, IPA and non-RIPA practices are being used or that the policy is not fit for purpose, the Audit Committee may direct that these concerns are reported to Cabinet or, if necessary, to full Council and require the Senior Responsible Officer to oversee a review and revision of the Policy to ensure it is fit for purpose.

The governance structure is set out in Appendix A of the Policy. Those Council officers who undertake the governance roles (listed below) will be subject to externally provided training, and this will assist in consideration of any actions that may be required to mitigate any negative impacts or enhance any positive impacts arising from the Policy's approval and implementation. This is notwithstanding that equality, social inclusion, human rights and health impacts are anticipated to be broadly neutral.

- Senior Responsible Officer
- Monitoring Officer
- RIPA Co-ordinator
- Data Protection Officer
- Authorising Officers x 4

These officers are specifically designated for the purposes of RIPA and IPA and referred to by role within the Policy. In addition, manager and general staff awareness training will, over time, be embedded across the Council. It is anticipated that this will mirror the way in which data protection and cyber security training is currently delivered. The application and authorisation process is set out in detail within the Policy.

The Council's authorisation for either directed surveillance or CHIS activity can only take effect once an Order approving the authorisation has been granted by a Justice of the Peace (JP). This level of approval is not required for non-RIPA activity, which is dealt with wholly by the Council; hence it is key that the Council's managers and authorising officers are trained and understand their responsibilities.

A central record of RIPA/non-RIPA activity is maintained by the Council's RIPA coordinator and quarterly meetings of the RIPA working group will monitor this activity internally. This will include overseeing the reporting, to IPCO, of any relevant and serious errors in accordance with statutory requirements. This includes details about the cause of the error; the amount of surveillance conducted, and material obtained or disclosed; any unintended collateral intrusion; any analysis or action taken; whether any material has been retained or destroyed; and a summary of the steps taken to prevent recurrence.

Any person who reasonably believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the Council in accordance with the Council's [Corporate Complaints and Representations Procedure](#) and a complaint may also be made to the IPT, which has jurisdiction to investigate and determine complaints against the Council's use of RIPA powers, including those covered by this Policy.

An annual report of surveillance activity under RIPA is submitted to the Investigatory Powers Commissioner's Office (IPCO) by the RIPA Co-ordinator. This facilitates the independent oversight, which is provided by IPCO and the Investigatory Powers Tribunal (IPT), for both RIPA and IPA in respect of the way in which covert activities are utilised.

Associated ESHIAs

This is the first ESHIA screening in relation to the specific use of surveillance related investigatory powers. There are currently no other associated ESHIAs or ESHIAs.

The Policy fits into the Council's general approach towards regulation and enforcement. The general principles are set out in the Council's Better Regulation and Enforcement Policy [[Better regulation and enforcement policy | Shropshire Council](#)].

The Policy takes account of and identifies the cross over with other policies, legislation and guidance, particularly with the HRA, the Data Protection Act 2018 (DPA), the General Data Protection Regulations (GDPR), the Criminal Procedure and Investigations Act 1996 (CPIA) and the National Police Chiefs Council (NPCC) Guidance on Open Source Investigation/Research.

The Policy does not provide detailed guidance with respect to obtaining communications data. Officers must refer to the Communications Data Code of Practice, specifically the Local Authority Procedures in section 8.

Actions to mitigate negative impact, enhance positive impact, and review and monitor overall impacts in terms of any other considerations. This includes climate change considerations

Climate change

There are no direct negative or positive climate change or other environmental impacts associated with the introduction of this Policy that indicate the need for any additional mitigation or enhancing actions. However, surveillance activities can be utilised to increase the effectiveness of environmental legislation that the Council has responsibility for enforcing, e.g. preventing fly-tipping/littering, monitoring effectiveness of pollution controls, etc. Providing the procedures within the Policy are followed, this will ensure the surveillance remains lawful and the risk of challenge is minimised.

Health and wellbeing

With respect to health and wellbeing, the overarching impact is likely to be positive for the community, economy and the environment, with the potential for both positive and negative impacts for individuals/population groups; therefore, the assessment around necessity and proportionality of any surveillance activity is key to ensuring this position is maintained or potentially enhanced.

Nevertheless, where surveillance leads to direct investigation and potentially formal legal proceedings against individuals for criminal offences or internal disciplinary proceedings in relation to employment matters, there is a risk that the health and wellbeing of the offenders/employees concerned and family members may be adversely impacted; however, there are likely to be minimal numbers involved and should it occur, there are separate systems in place to address this both in the criminal justice system and through internal and external employment related support mechanisms.

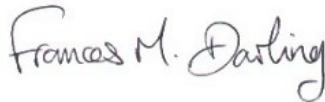
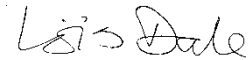

Surveillance activities can be utilised to increase the effectiveness of legislation that aims to protect the public and legitimate businesses, e.g. disrupting and preventing the supply of illicit tobacco and counterfeit alcohol, reducing neighbourhood noise nuisance and anti-social behaviour, tackling the activities of rogue landlords, supporting effective planning and housing standards enforcement, addressing unauthorised school absences, preventing the supply of age-restricted products such as alcohol and tobacco to children, reducing the financial detriment caused by scams and the financial abuse that arises from doorstep crime, etc. Providing the Policy is followed, this will ensure any surveillance undertaken in relation to such matters remains lawful and the risk of challenge is minimised.

There is unlikely to be any real change in demand for or access to health and social care services.

Economic and societal/wider community

Carrying out enforcement functions in a fair, practical and consistent manner helps to maintain a fair and safe society and grow and promote a prosperous and thriving national and local economy. The surveillance activities identified in the Policy, if used lawfully, support these aims by protecting legitimate businesses from unfair, unsafe and fraudulent trading practices.

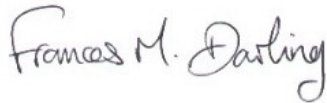
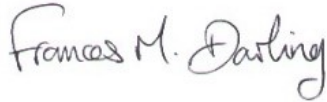
Scrutiny at Part One screening stage

People involved	Signatures	Date
<p><i>Lead officer carrying out the screening</i></p> <p>Frances Darling, Head of Business and Consumer Protection</p>		<p>20 December 2021</p>
<p><i>Any internal service area support*</i></p>	<p>N/A</p>	<p>N/A</p>
<p><i>Any external support**</i></p> <p>Lois Dale, Rurality and Equalities Specialist</p> <p>Amanda Cheeseman, Public Health Development Officer</p>	 	<p>22nd December 2021</p> <p>7 January 2022</p>

**This refers to other officers within the service area*

****This refers to support external to the service but within the Council, e.g., the Rurality and Equalities Specialist, the Feedback and Insight Team, performance data specialists, Climate Change specialists, and Public Health colleagues**

Sign off at Part One screening stage

Name	Signatures	Date
<p><i>Lead officer's name</i></p> <p>Frances Darling, Head of Business and Consumer Protection</p>		<p>6 January 2022</p>
<p><i>Accountable officer's name*</i></p> <p>Frances Darling, Head of Business and Consumer Protection</p>		<p>6 January 2022</p>

**This may either be the Head of Service or the lead officer*

B. Detailed Screening Assessment

Aims of the service change and description
<p>The Regulation of Investigatory Powers Policy and Guidance ('the Policy') sets out the approach the Council will take with respect to the authorisation and use of surveillance activity to deliver the Council's statutory and public duties, whilst protecting individuals' right to privacy.</p> <p>The Policy aims to ensure that any surveillance activities undertaken by the Council are compatible with the human right to privacy by ensuring compliance with the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA), the Investigatory Powers Act 2016 (IPA), the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA).</p> <p>Covert activity can result in private information being obtained about individuals without their knowledge, which, unless the Council gives full and proper consideration to such activity in accordance with RIPA and IPA and also ECHR and HRA, may lead to the Council breaching individuals' right to privacy. The new Policy is designed to provide the basis upon which the Council will ensure full and proper consideration is given before, during and after any surveillance activity is undertaken.</p> <p>The Policy will:</p> <ul style="list-style-type: none"> • bring the Council's position on surveillance up to date; • reduce the risk of challenge associated with having an out-of-date policy and guidance in force;

- address the specific recommendation by IPCO that the existing policy and guidance be reviewed and updated; and
- provide the basis upon which officers will undertake lawful surveillance activities.

RIPA and IPA provide the legislative framework that governs the use of covert activities by public authorities, which includes local authorities. When public authorities use covert activities, they must do so in a way that is necessary, proportionate, and avoids (or where this is not possible minimises) the impact of the covert activities on other people who are not the subject of the operation or investigation (collateral intrusion); thus ensuring that the covert activities used are compatible with human rights. RIPA and IPA set out authorisation procedures to help ensure that this compatibility is achieved.

RIPA and IPA are supported by a number of statutory Codes of Practice ('the Codes') issued pursuant to Section 71 of RIPA and Section 241 of IPA. Local authorities must have regard to the provisions of the Codes. Non-compliance does not of itself render any person, including the Council, liable to criminal or civil proceedings, unless it relates to communications data being obtained unlawfully, in which case this may give rise to criminal offences. The Codes are admissible as evidence in criminal and civil proceedings. If any provisions of the Codes appear relevant to any court or tribunal considering such proceedings, or to the IPT or IPCO, they must be taken into account. Local authorities may also be required to justify, with regard to the Codes, the use or granting of authorisations in general or the failure to use or grant authorisations where appropriate.

Surveillance involves both the:

- monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications; and
- the recording anything monitored, observed or listened to in the course of surveillance, with or without the assistance of a device.

Covert surveillance that may be authorised by a local authority is restricted to:

- directed surveillance;
- the use of covert human intelligence sources (CHIS), i.e. using undercover officers or informants to obtain information; and
- obtaining communications data, i.e. the 'who', 'where', 'when', 'how' and 'with whom' in relation to a telephone call, email, social media message, website communication, postal letter or couriered parcel, etc., but not what is written or said (the content) within that communication.

For local authorities, authorisation for directed surveillance can only be granted if it is to be carried out for the purpose of preventing or detecting criminal offences that:

- meet the 'serious crime threshold', i.e. are punishable by a maximum term of at least 6 months' imprisonment; or
- constitute an offence in relation to the sale of alcohol or tobacco to minors.

Authorisation for directed surveillance for the purpose of preventing disorder can only be granted if it involves criminal offences that meet the serious crime threshold.

The lawful grounds for a CHIS authorisation is prevention and detection of crime and prevention of disorder. The serious crime threshold does not apply to a CHIS.

The Council's authorisation for either directed surveillance or CHIS activity can only take effect once an Order approving the authorisation has been granted by a Justice of the Peace (JP).

With respect to communications data, the Council can only obtain events data¹ for the purpose of preventing or detecting serious crime² and, for any other type of communications data, for the purpose of preventing or detecting crime or of preventing disorder. This is undertaken through the Office for Communications Data Authorisations (OCDA) and applications are submitted to OCDA by the National Anti-Fraud Network (NAFN) on behalf of the Council.

Although RIPA provides for the authorisation of directed surveillance and the use of CHIS, it is not unlawful if an authorisation is not sought for these activities and there is no duty on a local authority to comply with the RIPA provisions; it is permissive law. However, the Codes make it clear that there is an expectation that local authorities will comply with the requirements of RIPA.

RIPA ensures that any surveillance conduct, which is undertaken following the correct authorisation and approval from a Justice of the Peace, and communications data obtained under IPA through OCDA via NAFN, is lawful. These processes protect the Council from legal challenge and renders evidence obtained lawful for all purposes.

A public authority may only engage RIPA and IPA when performing its 'core functions'. The core functions (referred to by the IPT) are the specific public functions undertaken by a particular authority insofar as they relate to the grounds specified under RIPA and IPA; for local authorities these grounds are limited to preventing or detecting crime or preventing disorder and are further restricted with respect to directed surveillance as set out above. This is in contrast to the 'ordinary functions' which are those undertaken by all authorities, e.g. those involving employment issues, contractual arrangements, etc. Covert activities in relation to ordinary functions, or for any other general purposes, are conducted under other legislation and authorisations under RIPA or IPA would not be appropriate.

Where covert activities are carried out for any purpose that falls outside the RIPA regime ('non-RIPA'), e.g. for the purposes of investigating internal Council disciplinary matters or where the 'serious crime threshold' is not met, the Council may still use the covert activities described in RIPA and IPA. To ensure that the covert activities used for these non-RIPA purposes are still used in a manner that

¹ Events data - refer to the telecommunications definitions in IPA at section 261

² Under IPA, the definition of 'serious crime' differs to that under RIPA. Refer to IPA sections 86(2A) and 263(1) for further details.

is compatible with human rights, the Council ought to have due regard to the principles of RIPA and IPA, the Codes, and any relevant RIPA/IPA guidance and apply these as if the purposes for which the activities are being used do fall within the RIPA/IPA regime. For this reason, non-RIPA matters are also covered in the Policy.

The relevant Codes issued by the Secretary of State pursuant to Section 71 of RIPA and Section 241 of IPA have been revised during the period since the existing policy was adopted by the Council in 2015. The new Policy takes account of the changes contained within the Codes as well as updating officer details and responsibilities relating to the:

- Senior Responsible Officer
- RIPA Coordinator
- Appointment of officers to grant authorisations under Sections 28 and 29 of RIPA

If the Council fails to prepare and maintain a policy and supporting guidance, the Council will be open to criticism from IPCO and it will fail to have in place duly authorised/designated officers to undertake the roles required by the relevant legislation. Furthermore, it will be more difficult to respond to challenges about the way in which the Council has undertaken covert activities. This may lead to any one or more of the following:

- service complaints to the Local Government and Social Care Ombudsman
- judicial review
- evidence in cases where the Council has instituted legal proceedings being held inadmissible in court
- civil action being taken against the Council for acting in a way that is incompatible with an individual's human rights
- financial risks in respect of compensation for breaching an individual's human rights
- reputational damage to the Council
- criminal convictions for officers if communications data is obtained unlawfully

The increase in digital technology has created significant opportunities for Council officers to undertake covert activities for the purposes of service delivery, particularly by accessing the internet and social media platforms on mobile devices (particularly smartphones and tablets), without realising that surveillance of individuals is actually being undertaken. As a result, the necessary safeguards to minimise the risks relating to breaches of an individual's privacy may not be in place and the likelihood of the risks, as set out above, occurring may increase.

By preparing and maintaining a policy and guidance, the Council will:

- demonstrate it takes the regulation of investigatory powers seriously;
- provide a defined framework within which the Council will exercise its responsibilities;
- make it clear to all stakeholders the manner in which the Council intends to operate;
- ensure that the Council has sufficient appropriately authorised/designated officers;

- provide the basis for a robust defence to any challenges that may be made about covert activities undertaken by the Council; and
- support officers to act lawfully and, as far as is reasonably practicable, minimise the impact on individuals' privacy.

Intended audiences and target groups for the service change

- All employees of Shropshire Council
- Animal and Plant Health Agency
- Employees who breach or may breach contractual employment requirements
- Environment Agency
- Food Standards Agency
- Forestry Commission
- Gambling Commission
- Her Majesty's Revenue and Customs
- Home Office - Immigration Enforcement
- Individuals and businesses who commit or may commit criminal offences
- Individuals/members of the public who may become the subject of collateral intrusion as a result of surveillance activities
- Investigatory Powers Commissioner's Officer (IPCO)
- Legal professionals
- Local elected councillors
- Local elected MPs
- Natural England
- Office of Product Safety and Standards
- Shropshire Council services/functions that have an internal or external enforcement/monitoring role, particularly, but not limited to:
 - audit
 - building control
 - council tax
 - education welfare
 - environmental health
 - environmental maintenance
 - housing
 - human resources
 - licensing
 - planning
 - rights of way
 - revenues and benefits
 - trading standards
- Town and parish councils
- West Mercia Police and Crime Commissioner
- West Mercia Police and other police forces, particularly neighbouring forces

Evidence used for screening of the service change

Shropshire Council's Regulation of Investigatory Powers Policy adopted on 1 October 2015 [[RIPA policy | Shropshire Council](#)]

Regulation of Investigatory Powers Act 2000 [[Regulation of Investigatory Powers Act 2000 \(legislation.gov.uk\)](#)]

Investigatory Powers Act 2016 [[Investigatory Powers Act 2016 \(legislation.gov.uk\)](#)]

Statutory Codes of Practice issued by the Secretary of State pursuant to Section 71 of RIPA and Section 241 of IPA [[RIPA codes - GOV.UK \(www.gov.uk\)](#)]

Guidance issued by the Home Office, IPCO and the Information Commissioner's Office (ICO).

The outcome of the inspection by the Investigatory Powers Commissioner's Office (IPCO) in April 2020, which recommended that the Council should review and update its RIPA policy and guidance document in accordance with the 2018 Home Office statutory Codes of Practice and changes brought about by the introduction of the Investigatory Powers Act 2016.

Specific consultation and engagement with intended audiences and target groups for the service change

The primary focus of the Policy relates to formalising the Council's approach to surveillance in line with the existing prescriptive legislative regime controlling surveillance activities, including compliance with the relevant statutory codes of practice. The position set out in the Policy does not extend beyond the expectations/requirements of the legal framework. For these reasons, a generic consultation exercise with the full range of audience groups has not been carried out.

Nevertheless, consultation and advice was sought from a national expert in the RIPA field who worked with the RIPA Co-ordinator to develop an initial draft of the Policy for further consideration by the Council's RIPA Working Group and subsequently by IPCO. This took place between April and November 2021.

Engagement was undertaken with IPCO inspectors, including a specific face-to-face meeting on 27 September 2021 between one of the IPCO inspectors and the Council's RIPA Senior Responsible Officer and Co-ordinator. The IPCO inspector confirmed the policy document provided accurate and comprehensive advice.

Through the RIPA Working Group, feedback has been provided from a cross-section of Council services to inform the current draft of the Policy. Members of

the Audit Committee have been informed of progress through regular reports presented by the Head of Audit.

Where any surveillance activities are being considered, which may impact on any work of the police or any other enforcement agency, there will be ongoing operational liaison between appropriate officers in these agencies that will include consideration and implementation of the Policy requirements.

Once the Policy is agreed/approved by the Council, it will be made publicly available, through the Council's website, and accessible to the intended audiences and target groups. It will be possible for anyone to provide feedback on the Policy to the RIPA Co-ordinator, whose contact details will be included on the relevant web page, and any feedback received will be reviewed on an ongoing basis by the RIPA Working Group and used to inform future revisions of the Policy.

Initial equality impact assessment by grouping (Initial health impact assessment is included below)

Please rate the impact that you perceive the service change is likely to have on a group, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Protected Characteristic groupings and other groupings in Shropshire	High negative impact <i>Part Two ESIIA required</i>	High positive impact <i>Part One ESIIA required</i>	Medium positive or negative impact <i>Part One ESIIA required</i>	Low positive, negative, or neutral impact (please specify) <i>Part One ESIIA required</i>
<u>Age</u> (please include children, young people, young people leaving care, people of working age, older people. Some people may belong to more than one group e.g., a child or young person for whom there are safeguarding concerns e.g., an older person with disability)				Neutral
<u>Disability</u> (please include mental health conditions and syndromes; hidden disabilities including autism and Crohn's disease; physical and sensory disabilities or impairments; learning disabilities; Multiple Sclerosis; cancer; and HIV)				Neutral
<u>Gender re-assignment</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Neutral
<u>Marriage and Civil Partnership</u> (please include associated aspects: caring responsibility, potential for bullying and harassment)				Neutral

<u>Pregnancy and Maternity</u> (please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Neutral
<u>Race</u> (please include ethnicity, nationality, culture, language, Gypsy, Traveller)				Neutral
<u>Religion and belief</u> (please include Buddhism, Christianity, Hinduism, Islam, Jainism, Judaism, Nonconformists; Rastafarianism; Shinto, Sikhism, Taoism, Zoroastrianism, and any others)				Neutral
<u>Sex</u> (this can also be viewed as relating to gender. Please include associated aspects: safety, caring responsibility, potential for bullying and harassment)				Neutral
<u>Sexual Orientation</u> (please include associated aspects: safety; caring responsibility; potential for bullying and harassment)				Neutral
<u>Other: Social Inclusion</u> (please include families and friends with caring responsibilities; households in poverty; people for whom there are safeguarding concerns; people you consider to be vulnerable; people with health inequalities; refugees and asylum seekers; rural communities; veterans and serving members of the armed forces and their families)				Neutral

Initial health and wellbeing impact assessment by category

Please rate the impact that you perceive the service change is likely to have with regard to health and wellbeing, through stating this in the relevant column.

Please state if it is anticipated to be neutral (no impact) and add any extra notes that you think might be helpful for readers.

Health and wellbeing: individuals and communities in Shropshire	High negative impact <i>Part Two HIA required</i>	High positive impact	Medium positive or negative impact	Low positive negative or neutral impact (please specify)
Will the proposal have a <i>direct impact</i> on an individual's health, mental				Positive impact on physical health, mental health, and wellbeing from improvements in

<p>health and wellbeing?</p> <p>For example, would it cause ill health, affecting social inclusion, independence and participation?</p> <p>.</p>				<p>community and environment.</p> <p>Negative impact on mental health and wellbeing from collateral intrusion, which may arise in limited circumstances, e.g., where an 'error' is reported to IPCO and a decision is taken by the Surveillance Commissioners that the error was serious enough to warrant the individual(s), who were the subject of the collateral intrusion, being found and informed of the circumstances of the surveillance.</p>
<p>Will the proposal indirectly impact an individual's ability to improve their own health and wellbeing?</p> <p>For example, will it affect their ability to be physically active, choose healthy food, reduce drinking and smoking?</p> <p>.</p>			<p>Positive impact on community, social and economic and environmental living conditions due to effects of potential reduction in crime.</p>	<p>Negative impact on community and environment from possible disruption.</p>
<p>Will the policy have a direct impact on the community - social, economic and environmental living conditions that would impact health?</p> <p>For example, would it affect housing, transport, child development,</p>				<p>Neutral</p>

education, employment opportunities, availability of green space or climate change mitigation?				
<p>Will there be a likely change in demand for or access to health and social care services?</p> <p>For example: Primary Care, Hospital Care, Community Services, Mental Health, Local Authority services including Social Services?</p>				Neutral

Identification of likely impact of the service change in terms of other considerations including climate change and economic or societal impacts

The primary aim of central and local government enforcement is to protect the individual, the environment and a variety of groups such as businesses, consumers/the general public and workers. At the same time, carrying out enforcement functions in a fair, practical and consistent manner helps to maintain a fair and safe society and grow and promote a prosperous and thriving national and local economy.

The Policy is fundamentally based on human rights principles encapsulated in ECHR and HRA and sets out the way in which the requirements under RIPA and IPA, which are specifically aimed at protecting individuals' human rights in relation to privacy, will be undertaken. The Policy aims to ensure that the Council's actions are not at variance with the HRA and is, therefore, unlikely to result in adverse human rights implications.

The performance of certain investigatory functions to fulfil the Council's statutory duties and ensure regulatory compliance may require the Council to undertake covert techniques that involve the surveillance of individuals, the use of undercover officers and informants or obtaining communications data. Such actions may intrude on the privacy of individuals and can result in private information being obtained and, as such, should not be undertaken without full and proper consideration. The Regulation of Investigatory Powers Act 2000 (RIPA) and the Investigatory Powers Act 2016 (IPA) govern these activities and provide a means of ensuring that they are carried out in accordance with the law and subject to safeguards against abuse.

All surveillance activity can pose a risk to the Council from challenges under the European Convention on Human Rights (ECHR) and the Human Rights Act 1998 (HRA). All staff involved in the process must, therefore, take their responsibilities seriously, which will assist with the integrity of the Council's processes, procedures and oversight responsibilities.

The Policy is intended to demonstrate that covert techniques will only be used to obtain information or evidence when no other investigation method or technique will deliver the required outcomes.

All residents and businesses within Shropshire will benefit from this Policy as it provides the framework to ensure compliance with RIPA and IPA and thus ensures human rights are protected when undertaking investigatory functions; in particular, it sets out how the Council intends to limit intrusion into the personal activities of individuals. The Policy assists the Council to identify and take the appropriate investigatory action to reduce the level of crime in the community.

The Policy provides guidance on the directed surveillance and CHIS authorisation processes and the roles of the respective staff involved.

The Policy sets out the approach to be taken to ensure that all online research and investigations are conducted lawfully and ethically to reduce risk. It provides guidance to all staff within the Council, when engaged in their official capacity, of the implications and legislative framework associated with online internet and social media research. It also ensures that the activity undertaken, and any evidence obtained will stand scrutiny.

The Policy also provides guidance on surveillance which needs to be undertaken by the Council but cannot be authorised under RIPA ('non-RIPA' activity). This type of surveillance must be compliant with the ECHR/HRA.

Guidance Notes

1. Legal Context

It is a legal requirement for local authorities to assess the equality and human rights impact of changes proposed or made to services. It is up to us as an authority to decide what form our equality impact assessment may take. By way of illustration, some local authorities focus more overtly upon human rights; some include safeguarding. It is about what is considered to be needed in a local authority's area, in line with local factors such as demography and strategic objectives as well as with the national legislative imperatives.

Carrying out these impact assessments helps us as a public authority to ensure that, as far as possible, we are taking actions to meet the general equality duty placed on us by the Equality Act 2010, and to thus demonstrate that the three equality aims are integral to our decision making processes. These are: eliminating discrimination, harassment and victimisation; advancing equality of opportunity; and fostering good relations.

These screening assessments for any proposed service change go to Cabinet as part of the committee report, or occasionally direct to Full Council, unless they are ones to do with Licensing, in which case they go to Strategic Licensing Committee.

Service areas would ordinarily carry out a screening assessment, or Part One equality impact assessment. This enables energies to be focussed on review and monitoring and ongoing evidence collection about the positive or negative impacts of a service change upon groupings in the community, and for any adjustments to be considered and made accordingly.

These screening assessments are recommended to be undertaken at timely points in the development and implementation of the proposed service change.

For example, an ESHIA would be a recommended course of action before a consultation. This would draw upon the evidence available at that time, and identify the target audiences, and assess at that initial stage what the likely impact of the service change could be across the Protected Characteristic groupings and our tenth category of Social Inclusion. This ESHIA would set out intended actions to engage with the groupings, particularly those who are historically less likely to engage in public consultation eg young people, as otherwise we would not know their specific needs.

A second ESHIA would then be carried out after the consultation, to say what the feedback was, to set out changes proposed as a result of the feedback, and to say where responses were low and what the plans are to engage with groupings who did not really respond. This ESHIA would also draw more upon actions to review impacts in order to mitigate the negative and accentuate the positive. Examples of this approach include the Great Outdoors Strategy, and the Economic Growth Strategy 2017-2021

Meeting our Public Sector Equality Duty through carrying out these ESHIAs is very much about using them as an opportunity to demonstrate ongoing engagement across groupings and to thus visibly show we are taking what is called due regard of the needs of people in protected characteristic groupings

If the screening indicates that there are likely to be significant negative impacts for groupings within the community, the service area would need to carry out a full report, or Part Two assessment. This will enable more evidence to be collected that will help the service area to reach an informed opinion.

In practice, Part Two or Full Screening Assessments have only been recommended twice since 2014, as the ongoing mitigation of negative equality impacts should serve to keep them below the threshold for triggering a Full Screening Assessment. The expectation is that Full Screening Assessments in regard to Health Impacts may occasionally need to be undertaken, but this would be very much the exception rather than the rule.

2. Council Wide and Service Area Policy and Practice on Equality, Social Inclusion and Health

This involves taking an equality and social inclusion approach in planning changes to services, policies, or procedures, including those that may be required by Government.

The decisions that you make when you are planning a service change need to be recorded, to demonstrate that you have thought about the possible equality impacts on communities and to show openness and transparency in your decision-making processes.

This is where Equality, Social Inclusion and Health Impact Assessments (ESHIA) come in. Where you carry out an ESHIA in your service area, this provides an opportunity to show:

- What evidence you have drawn upon to help you to recommend a strategy or policy or a course of action to Cabinet.
- What target groups and audiences you have worked with to date.
- What actions you will take in order to mitigate any likely negative impact upon a group or groupings, and enhance any positive effects for a group or groupings; and
- What actions you are planning to review the impact of your planned service change.

The formal template is there not only to help the service area but also to act as a stand-alone for a member of the public to read. The approach helps to identify whether or not any new or significant changes to services, including policies, procedures, functions, or projects, may have an adverse impact on a particular group of people, and whether the human rights of individuals may be affected.

This assessment encompasses consideration of social inclusion. This is so that we are thinking as carefully and completely as possible about all Shropshire groups and communities, including people in rural areas and people or households that we may describe as vulnerable.

Examples could be households on low incomes or people for whom there are safeguarding concerns, as well as people in what are described as the nine 'protected characteristics' of groups of people in our population, e.g., Age. Another specific vulnerable grouping is veterans and serving members of the Armed Forces, who face particular challenges with regard to access to Health, to Education, and to Housing.

We demonstrate equal treatment to people who are in these groups and to people who are not, through having what is termed 'due regard' to their needs and views when developing and implementing policy and strategy and when commissioning, procuring, arranging, or delivering services.

When you are not carrying out an ESHIA, you still need to demonstrate and record that you have considered equality in your decision-making processes. It is up to you what format you choose.-You could use a checklist, an explanatory note, or a document setting out our expectations of standards of behaviour, for contractors to

read and sign. It may well not be something that is in the public domain like an ESHIA, but you should still be ready for it to be made available.

Both the approaches sit with a manager, and the manager has to make the call, and record the decision made on behalf of the Council. Help and guidance is also available via the Commissioning Support Team, either for data, or for policy advice from the Rurality and Equalities Specialist. Here are some examples to get you thinking.

Carry out an ESHIA:

- If you are building or reconfiguring a building.
- If you are planning to reduce or remove a service.
- If you are consulting on a policy or a strategy.
- If you are bringing in a change to a process or procedure that involves other stakeholders and the wider community as well as particular groupings

For example, there may be a planned change to a leisure facility. This gives you the chance to look at things like flexible changing room provision, which will maximise positive impacts for everyone. A specific grouping that would benefit would be people undergoing gender reassignment

Carry out an equality and social inclusion approach:

- If you are setting out how you expect a contractor to behave with regard to equality, where you are commissioning a service or product from them.
- If you are setting out the standards of behaviour that we expect from people who work with vulnerable groupings, such as taxi drivers that we license.
- If you are planning consultation and engagement activity, where we need to collect equality data in ways that will be proportionate and non-intrusive as well as meaningful for the purposes of the consultation itself.
- If you are looking at services provided by others that help the community, where we need to demonstrate a community leadership approach

For example, you may be involved in commissioning a production to tour schools or appear at a local venue, whether a community hall or somewhere like Theatre Severn. The production company should be made aware of our equality policies and our expectation that they will seek to avoid promotion of potentially negative stereotypes. Specific groupings that could be affected include: Disability, Race, Religion and Belief, and Sexual Orientation. There is positive impact to be gained from positive portrayals and use of appropriate and respectful language in regard to these groupings in particular.

3. Council wide and service area policy and practice on health and wellbeing

This is a relatively new area to record within our overall assessments of impacts, for individual and for communities, and as such we are asking service area leads to consider health and wellbeing impacts, much as they have been doing during 2020-

2021, and to look at these in the context of direct and indirect impacts for individuals and for communities. A better understanding across the Council of these impacts will also better enable the Public Health colleagues to prioritise activities to reduce health inequalities in ways that are evidence based and that link effectively with equality impact considerations and climate change mitigation.

Health in All Policies – Health Impact Assessment

Health in All Policies is an upstream approach for health and wellbeing promotion and prevention, and to reduce health inequalities. The Health Impact Assessment (HIA) is the supporting mechanism

- Health Impact Assessment (HIA) is the technical name for a common-sense idea. It is a process that considers the wider effects of local policies, strategies and initiatives and how they, in turn, may affect people's health and wellbeing.
- Health Impact Assessment is a means of assessing both the positive and negative health impacts of a policy. It is also a means of developing good evidence-based policy and strategy using a structured process to review the impact.
- A Health Impact Assessment seeks to determine how to maximise health benefits and reduce health inequalities. It identifies any unintended health consequences. These consequences may support policy and strategy or may lead to suggestions for improvements.
- An agreed framework will set out a clear pathway through which a policy or strategy can be assessed and impacts with outcomes identified. It also sets out the support mechanisms for maximising health benefits.

The embedding of a Health in All Policies approach will support Shropshire Council through evidence-based practice and a whole systems approach, in achieving our corporate and partnership strategic priorities. This will assist the Council and partners in promoting, enabling and sustaining the health and wellbeing of individuals and communities whilst reducing health inequalities.

Individuals

Will the proposal have a *direct impact* on health, mental health and wellbeing?

For example, would it cause ill health, affecting social inclusion, independence and participation?

Will the proposal directly affect an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to be physically active e.g., being able to use a cycle route; to access food more easily; to change lifestyle in ways that are of positive impact for their health.

An example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g., green highways), and changes to public transport that could encourage people away from car usage. and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve lives.

Will the proposal *indirectly impact* an individual's ability to improve their own health and wellbeing?

This could include the following: their ability to access local facilities e.g., to access food more easily, or to access a means of mobility to local services and amenities? (e.g. change to bus route)

Similarly to the above, an example of this could be that you may be involved in proposals for the establishment of safer walking and cycling routes (e.g. pedestrianisation of town centres), and changes to public transport that could encourage people away from car usage, and increase the number of journeys that they make on public transport, by foot or on bicycle or scooter. This could improve their health and well being.

Communities

Will the proposal directly or indirectly affect the physical health, mental health, and wellbeing of the wider community?

A *direct impact* could include either the causing of ill health, affecting social inclusion, independence and participation, or the promotion of better health.

An example of this could be that safer walking and cycling routes could help the wider community, as more people across groupings may be encouraged to walk more, and as there will be reductions in emission leading to better air quality.

An *indirect impact* could mean that a service change could indirectly affect living and working conditions and therefore the health and well being of the wider community.

An example of this could be: an increase in the availability of warm homes would improve the quality of the housing offer in Shropshire and reduce the costs for households of having a warm home in Shropshire. Often a health promoting approach also supports our agenda to reduce the level of Carbon Dioxide emissions and to reduce the impact of climate change.

Please record whether at this stage you consider the proposed service change to have a direct or an indirect impact upon communities.

Demand

Will there be a change in demand for or access to health, local authority and social care services?

For example: Primary Care, Hospital Care, Community Services, Mental Health and Social Services?

An example of this could be: a new housing development in an area would affect demand for primary care and local authority facilities and services in that location and surrounding areas. If the housing development does not factor in consideration of availability of green space and safety within the public realm, further down the line there could be an increased demand upon health and social care services as a result of the lack of opportunities for physical recreation, and reluctance of some groupings to venture outside if they do not perceive it to be safe.

For further information on the use of ESHIAs: please contact your head of service or contact Mrs Lois Dale, Rurality and Equalities Specialist and Council policy support on equality, via telephone 01743 258528, or email lois.dale@shropshire.gov.uk.

For further guidance on public health policy considerations: please contact Amanda Cheeseman Development Officer in Public Health, via telephone 01743 253164 or email amanda.cheeseman@shropshire.gov.uk

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Committee and Date

Cabinet
19 January 2022

Item

Public

FUTURE OSWESTRY MASTER PLAN CONSULTATION

Responsible Officer

e-mail: Mark.barrow@shropshire.gov.uk Tel: 01743 258676

1. Synopsis

This report outlines work to date led by the Future Oswestry Group to progress the Oswestry masterplan, which will be used to guide future development and investment decisions. Following engagement with key stakeholders, the draft masterplan report is now ready to be consulted on.

2. Executive Summary

- 2.1 The development of the Future Oswestry Masterplan and Vision is the outcome of ongoing collaborative work between Shropshire Council, Oswestry Town Council, and the Oswestry Business Improvement District (BID).
- 2.2 This report outlines the work undertaken to date, provides details of the engagement work to date and outlines the proposed public and stakeholder consultations that will be undertaken over a period of six weeks.
- 2.3 The Future Oswestry Masterplan and Vision to be consulted on sets out the aims, aspirations, and vision for Oswestry and provides details of the engagement work to date and how this has informed the draft report.
- 2.4 Following consultation, the plan will be presented to Council for endorsement to guide future developments in line with the vision and objectives within the masterplan and to support future funding bids to support regeneration priorities within the town.
- 2.5 To help enable this to happen and to ensure the Plan has the status required for it to be used to coordinate change, the intention is for the Future Oswestry Plan to be formally endorsed by the relevant committees and boards of Shropshire Council, Oswestry Town

Council and the Oswestry BID. This process will enable the Plan to act and be used in a number of important ways, to:

- A. implement local policies already in place as a material consideration – such as those associated with maintaining Oswestry’s status as one of Shropshire’s major commercial centres, and, capitalising on the regenerative benefits of the town’s heritage assets through the ongoing High Street Heritage Action Zone (HSHAZ) programme;
- B. inform the emerging and future policy framework – such as the priorities being outlined in the adopted and emerging Local Plans; and
- C. inform decisions to be made by relevant authorities – and where appropriate will be a material consideration in planning decisions on key areas of the town to help ensure the vision outlined in the Plan is delivered in the longer term.

3. Recommendations

3.1 Cabinet agrees that the Future Oswestry Masterplan and Vision - Final Draft be made available for public consultation for a period of six weeks, to commence from the beginning of February 2022.

3.2 Cabinet agrees that the officers will report back to Cabinet and / or Council, as appropriate, on the outcome of consultation and present the final Masterplan and Vision for endorsement.

REPORT

4. Risk Assessment and Opportunities Appraisal

- 4.1 The Vision and Plan incorporates the feedback obtained from the online survey, online workshops, static display, and face to face events undertaken from November 2020 to September 2021 as part of the master planning process. The engagement period had been extended to undertake additional engagement activities as Covid-19 social distancing measures were lifted. Feedback from the surveys, displays and face to face activities was collated and analysed by Shropshire Council’s Feedback and Insights Team.
- 4.2 An updated Equality, Social Inclusion and Health Impact Assessment (ESHIA) has been undertaken to incorporate the planned consultation due to take place from February 2022 for a period of six weeks. Individual assessments and proposals will be undertaken for specific

projects as they come forward from the development of the delivery plan to support the Vision.

- 4.3 There are no direct legal implications arising from the recommendation in this report. There may however be legal implications arising from projects/work which come forward as a result of the masterplan being adopted and advice should be sought as appropriate.
- 4.4 It will be necessary to keep the Plan under review. The economy and prevailing property markets will change, and decisions might be made which change the context within which the Future Oswestry Plan must be seen. The intention however is for the Plan to be a flexible, long-term call to action – not determining specific projects or initiatives, but rather flagging a range of potential projects and opportunities on which further discussions should be had and local collaborative decisions be made.

Risks	Mitigations / Opportunities
Reputational risk to the Council	Ensure openness and manage expectations through clear communications from the outset about how and when stakeholders and community members can get involved, make their views known and the next steps. This will be supported by a communications and engagement plan developed with the elected Community Representatives and Future Oswestry members.
Consultation is seen not to be accessible and inclusive	Ensure that the venues used for consultation and community engagement activities are accessible to all who wish to participate. Ensure that the times when consultation and community engagement activities take place and the time given to respond to consultation are reasonable and appropriate. For people without internet access, access will be facilitated via other methods such as exhibitions and events in public venues. Paper copies of the consultation documents to be made available at

	<p>Council buildings. Engagement will not rely solely on electronic methods of consultation and reporting on the consultation results.</p> <p>A summary document and survey questions will be made available as part of the exhibitions and events. Consultation to be promoted through press notices, the Council's website and other media as appropriate.</p> <p>A summary of consultation responses received will be published to explain how responses have been used in informing the final report. Feedback is be made available to participants on the results of their involvement and the decisions made and keep them informed of progress in implementing the Masterplan.</p>
<p>Engagement and consultation approaches are subject to changes in Covid-19 guidance and regulations.</p>	<p>Risk assessment for consultation approaches will be reviewed and updated in response to changes in local circumstances and national guidance.</p> <p>Changes to consultation approaches will be promoted and shared through press notices, the Council's website and other media as appropriate</p>
<p>Ad hoc development and missed opportunities</p>	<p>The Vision will guide future developments in line with the vision and objectives within the masterplan and will be used to support future funding bids to support regeneration priorities within the town.</p>

5. Financial Implications

5.1 The costs incurred in the preparation of the Masterplan and Vision has been met by One Public Estate Programme funding supplemented by funding from Oswestry Town Council. The

consultation programme proposed will be funded and resourced through existing Economic Growth team budget. There are no further financial implications for Shropshire Council in relation to the adoption of the Vision Plan.

- 5.2 As development proposals and projects come forward, in the context of the Future Oswestry Vision, and subject to the Council's role being determined, they will be subject to further business case assessment, financial appraisal and the Council's governance and reporting procedures.

6. Climate Change Appraisal

- 6.1 As development proposals and projects identified through the Masterplan come forward, these projects will be thoroughly investigated, and business cases developed. These projects will individually be appraised against the key Climate Change considerations.
- 6.2 One of the key themes of the Vision is for Oswestry to be a healthier and more sustainable town. The masterplan and vision will align with other strategies and areas of work such as the Bus Strategy and the Local Cycling and Walking Infrastructure Plan to encourage sustainable travel options.

7. Background

- 7.1 The development of the Future Oswestry Masterplan and Vision is the outcome of ongoing collaborative work between Shropshire Council, Oswestry Town Council, and the Oswestry Business Improvement District (BID).
- 7.2 The Future Oswestry Group has shaped the development of the master planning work to produce a report which identifies a range of potential projects and opportunities which will be investigated further. The Future Oswestry Plan seeks to set the agenda for local action, investment, and changes to deliver a shared vision for the town's future.
- 7.3 The main phase of community engagement was led by the Future Oswestry Group and revolved around a series of stakeholder and community workshop sessions. Local members and officers (Planning, Highways and Estates) have been involved in the engagement workshops with key stakeholders. The outcomes of these discussion have informed the development of the Future Oswestry Masterplan and Vision.
- 7.4 The next step is a formal consultation on the masterplan report which will comply with Shropshire Council Consultation guidance and any engagement undertaken will be reviewed to ensure it is Covid-19 secure. The arrangements for the consultation will be reviewed by

the Future Oswestry group with appointed Community Representatives at their regular meetings to consider consultation arrangements and changes to Covid-19 guidance.

- 7.5 It is proposed that consultation will focus on a mix of face-to-face exhibitions (subject to Covid-19 guidance), online workshops, online meetings, and questionnaires, alongside Shropshire Council's consultation portal within the website.
- 7.6 The Economic Growth function will co-ordinate the consultation with Oswestry BID and Oswestry Town Council to undertake the six-week public consultation exercise via the Future Oswestry partners.
- 7.7 The outcomes of the consultation will be evaluated by Shropshire Council's Insights Team supported by the Economic Growth function and presented to the Future Oswestry partners for discussion with recommendations. It is anticipated that this will be available in early April 2022. The outcome of the consultation and a definitive version of the Future Oswestry Masterplan and Vision will then be reported to Cabinet and/or Council as appropriate.
- 7.8 Following consultation, the Future Oswestry Masterplan and Vision will be presented to Shropshire Council, Oswestry Town Council and Oswestry Business Improvement District Board for endorsement and adoption. Once the plan has been adopted, bids for funding to support more detailed modelling and design work can be prepared when appropriate funding opportunities arise.

8. Additional Information

- 8.1 The membership of the Future Oswestry group includes two Councillors representing Shropshire Council two Councillors representing Oswestry Town Council and two representatives of the Oswestry Business Board.
- 8.2 The Future Oswestry group has already helped support and develop the High Street Heritage Action Zone, hosted workshops to refresh the vision for Oswestry as part of the master planning process and supported work to help with social distancing measures in the town centre in response to Covid-19 measures.
- 8.3 Two Community Representatives have been appointed to provide advice and support to the Future Oswestry partners to shape the shared vision and help develop appropriate mechanisms for communicating with key stakeholders, established networks and the wider community.

9. Conclusions

- 9.1 Following engagement with stakeholders and the wider community, the Future Oswestry Masterplan and Vision has been prepared. Formal consultation on the Future Oswestry Masterplan and Vision is proposed.
- 9.2 Following this consultation period, the Future Oswestry Masterplan and Vision will be presented to Shropshire Council, Oswestry Town Council and Oswestry Business Improvement District Board for endorsement and adoption.
- 9.3 The Masterplan and Vision provides the overview of regeneration ambitions. The next step following consultation is the preparation of a detailed delivery plan which will provide the framework for the development of key projects. Engagement with stakeholders and the wider community on the developing proposals will be undertaken, through the Future Oswestry group, supported by the Community Representatives.

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Equality, Social Inclusion and Health Impact Assessment (ESHIA) for the Future Oswestry Masterplan Consultation

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Councillor Mike Isherwood, Councillor Duncan Kerr, Councillor Chris Schofield, Councillor John Price, Councillor Joyce Barrow

Appendices

Appendix 1: Draft Future Oswestry Masterplan and Vision

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An aerial photograph of a town, likely Oswestry, showing a river winding through the center. The town is densely packed with residential and commercial buildings, streets, and parking lots. The image is overlaid with a semi-transparent blue filter.

FUTURE OSWESTRY PLAN

February 2022

CONSULTATION DRAFT



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- 1.3 Policy and strategic context
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1 - INTRODUCTION

1.1 INTRODUCTION

Oswestry is an historic Shropshire market town located just 5 miles east of the Welsh border. The scene of many battles, whilst there is little visible evidence of the thirteenth century wall which once encircled to majority of the town, Oswestry Castle and the town's medieval street pattern remain.

The town centre boasts a diverse collection of historic buildings most of which are collected within the Oswestry Town Centre conservation area. The town's history as a Welsh border town and the largely intact nature of its historical commercial centre contribute significantly to its appeal for visitors.

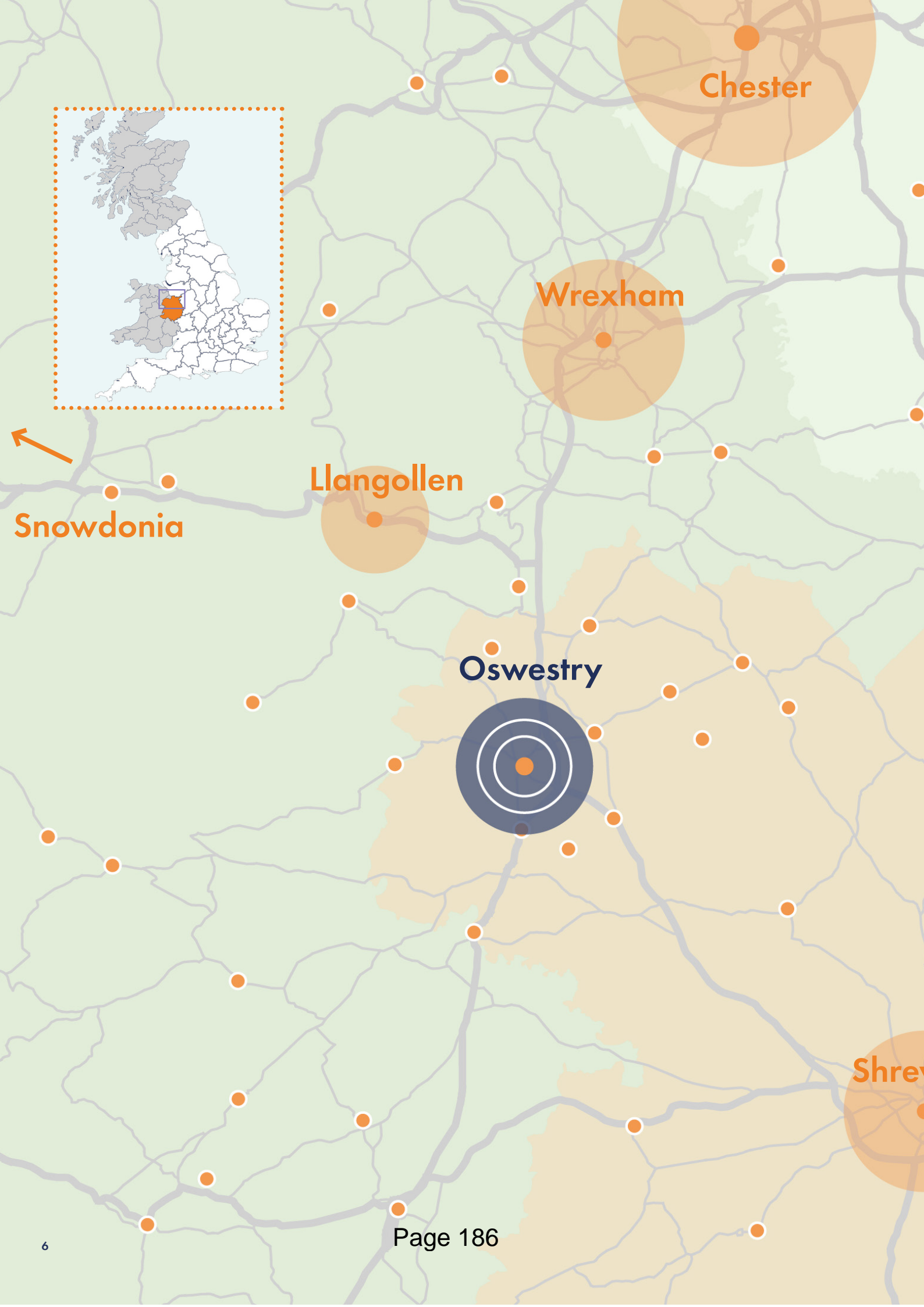
Oswestry is home to around 18,000 people and boasts a friendly, community atmosphere. The town supports surrounding villages and rural hinterland as a centre for shopping, services and community-life.

Looking to the future, Oswestry's current context poses opportunities and challenges. There are significant developments proposed around the Mile End roundabout which have the potential to contribute to the town's growth and prosperity; a coordinated approach is needed to make sure these changes benefit the town as much as possible.

In recent years, retail has declined nationwide with the rise of internet and out-of-town shopping. While Oswestry is well-placed with a high proportion of independent shops, the town will need to be creative in how to attract people into town, to compete with nearby centres and to fill vacant units.

The town's historic fabric is its greatest asset, but also requires significant investment for upkeep. The High Street Heritage Action Zone (HSHAZ) funding is well timed to regenerate the historic core. And the Covid-19 pandemic has changed how people use the town. In this context, a coordinated approach is needed to support the town's recovery and future as a vibrant market town.

The Future Oswestry Plan seeks to set the agenda for local action, investment and change through an ongoing engagement and consultation process with local stakeholders, businesses, and residents. It seeks to bring together the ambitions of local stakeholders, coordinating action and investment towards a shared vision for the town's future.



Chester

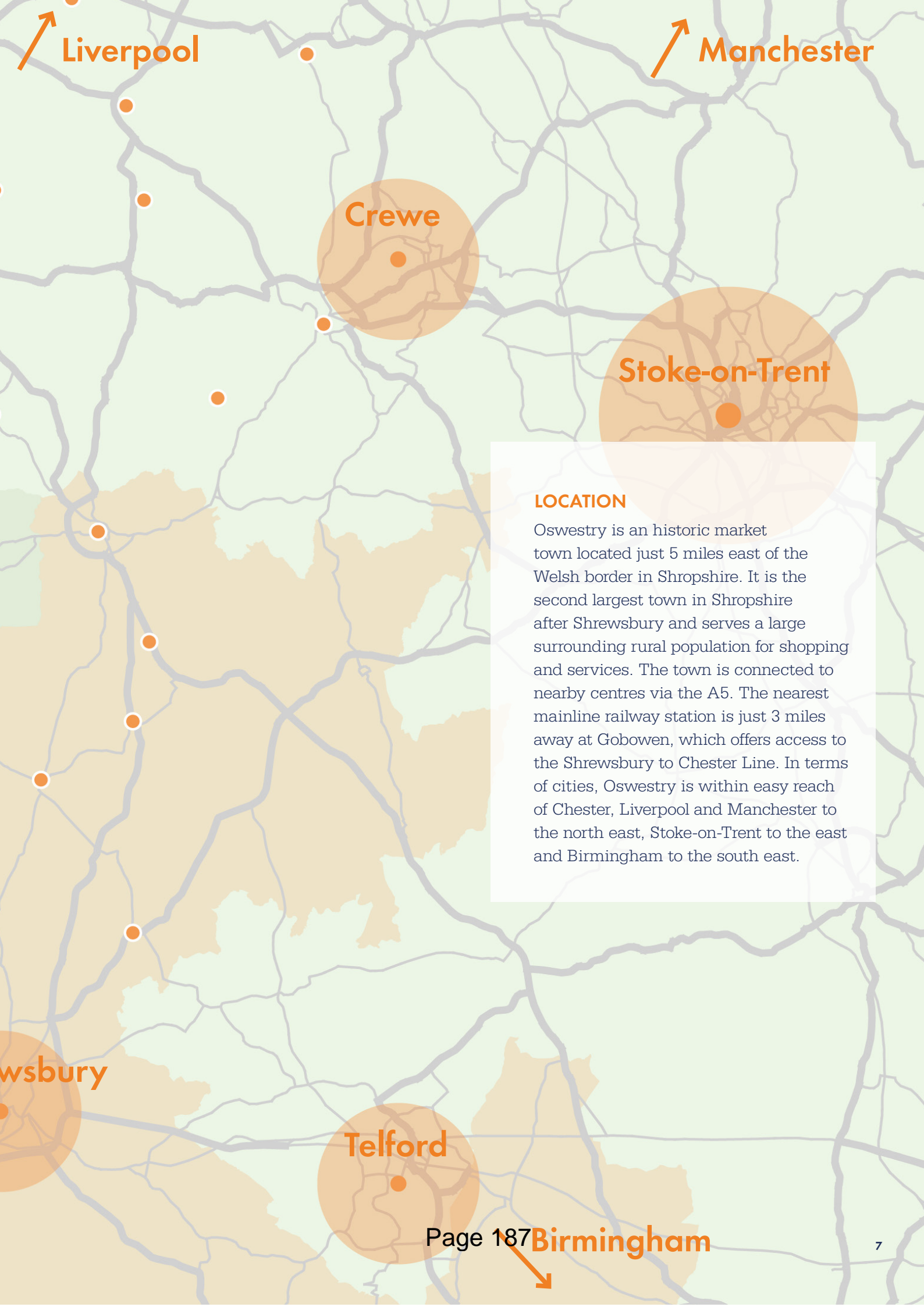
Wrexham

Llangollen

Snowdonia

Oswestry

Shrew



Liverpool

Manchester

Crewe

Stoke-on-Trent

Shrewsbury

Telford

Page 187 Birmingham

LOCATION

Oswestry is an historic market town located just 5 miles east of the Welsh border in Shropshire. It is the second largest town in Shropshire after Shrewsbury and serves a large surrounding rural population for shopping and services. The town is connected to nearby centres via the A5. The nearest mainline railway station is just 3 miles away at Gobowen, which offers access to the Shrewsbury to Chester Line. In terms of cities, Oswestry is within easy reach of Chester, Liverpool and Manchester to the north east, Stoke-on-Trent to the east and Birmingham to the south east.

1.2 PURPOSE AND STATUS OF THE MASTERPLAN

INTRODUCTION

The Future Oswestry Plan seeks to set the agenda for local action, investment and change through an ongoing engagement and consultation process with local stakeholders, businesses, and residents. It seeks to bring together the ambitions of local stakeholders, coordinating action and investment towards a shared vision for the town's future.

Policies, programmes and agendas continually evolve. As the national policy framework evolves, so local policies and programmes must be reviewed and updated. This process is continuous. The Future Oswestry Plan is part of this process.

Masterplan frameworks and vision documents like the Future Oswestry Plan are necessarily broad in their scope, reach and intended influence. They are high level documents, setting out a wide range of opportunities for short- and longer-term actions and priorities. They help to set the objectives for the future of a place. However, given their focus on place rather than any specific policy topic or theme, they are necessarily cross cutting.

When is the right time to prepare such plans? Perhaps they should be prepared to support the adoption of new Local Plans or Local Implementation Plan? Or perhaps they should be timed to align with a new political

term. The answer is more straightforward. Strategies and masterplan frameworks like the Future Oswestry Plan emerge from tangible local need. They emerge from a shared sense that local action is needed to ensure opportunities are taken and not missed – from a sense that more joined up thinking is required.

Whilst the Covid-19 pandemic has had a profound and often devastating impact on many industries, it has also highlighted the importance of local communities, of local high streets and of local shops and services. There has therefore never been a better or more important time to prepare a vision and plan outlining the brightest possible future for the local town of Oswestry.

The Future Oswestry Group (FOG) is made up of representatives from Shropshire Council, Oswestry Town Council and Oswestry Business Improvement District (BID). The group was set up to help deliver activities and projects that will benefit the town, its residents and its businesses. The Future Oswestry Group have overseen the development of this Plan.



THE ROLE OF ENGAGEMENT

Stakeholder and community engagement have played a fundamental role in shaping the Future Oswestry Plan.

The engagement process is outlined in more detail in Section 2 of the report and full details are available online.

The main phase of community engagement was led by the Future Oswestry Group and revolved around a series of stakeholder and community workshop sessions. These sessions were themed as follows to ensure the discussions were appropriately tailored to their target audience whilst leaving things open to ensure all and any views could be expressed at every stage.

- **Making Oswestry a better place to live;**
- **Making Oswestry a better place to do business; and**
- **Making Oswestry a healthier and more sustainable town.**

The outcomes of these discussions has informed the Future Oswestry Plan and its component strategies - (i) placemaking; (ii) movement; and, (iii) development.

STATUS OF THE PLAN

The Future Oswestry Plan has been prepared with the benefit of stakeholder and community engagement at every stage. Preparation of the Plan has been overseen by the Future Oswestry Group comprising Shropshire Council, Oswestry Town Council and Oswestry Business Improvement District (BID). The group work collectively to make Oswestry a town where businesses can thrive, where families want to live, and a place where tourists want to visit and enjoy.

In addition to inputs from the local resident and business community, preparation of the Plan has also benefited from inputs and discussions with representatives from many of the relevant Shropshire Council and Oswestry Town Council services whose policies and actions have a direct bearing on how Oswestry functions on a day-to-day basis.

The Future Oswestry Plan is not however a fixed blueprint. It marks the beginning of a process of collaborative working to deliver improvement and investment in and around the town. In that sense, the Plan helps to set an agenda for change rather than determining the precise changes that will be made. Each of the projects and opportunities identified within it will require their own processes of engagement and consultation

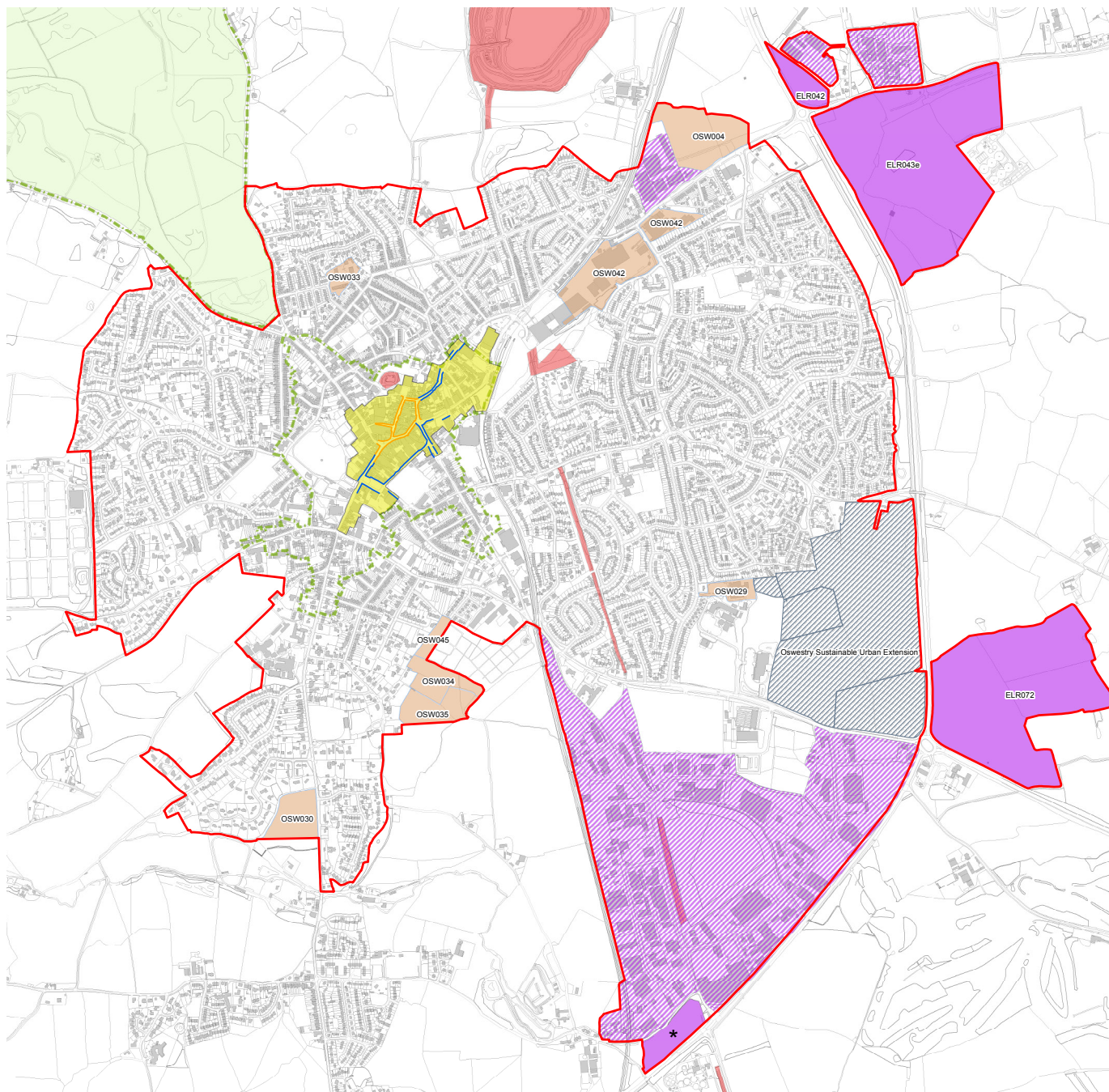


Figure 1 Oswestry's key Local Plan planning designations (source: Shropshire Local Plan proposals map, 2015)

- Key**
- Housing
 - Employment
 - Protected Employment Area
 - Sustainable Urban Extension Oswestry
 - Primary Shopping Area
 - Secondary Shopping Area
 - Town Centre
 - Conservation Area
 - Scheduled Ancient Monument
 - Development Boundary
 - Registered Parks
 - * Employment Commitment



should moves be made to progress them

To help enable this to happen and to ensure the Plan has the status required for it to be used to coordinate change, the intention is for the Future Oswestry Plan to be formally endorsed by the relevant committees and boards of Shropshire Council, Oswestry Town Council and the Oswestry BID. This will take place following a final and more formal period of consultation on this document.

This process will enable the Plan to act and be used in a number of important ways, as follows:

- The Plan will help to implement local policies already in place as a material consideration – such as those associated with maintaining Oswestry’s status as one of Shropshire’s major commercial centres, and, capitalising on the regenerative benefits of the town’s heritage assets through the ongoing High Street Heritage Action Zone (HSHAZ) programme;
- The Plan will help to inform the emerging and future policy framework – such as the priorities being outlined in the adopted and emerging Local Plans;

- The Plan will inform decisions to be made by relevant authorities – and where appropriate will be a material consideration in planning decisions on key areas of the town to help ensure the vision outlined in the Plan is delivered in the longer term.

It will be necessary to keep the Plan under review. The economy and prevailing property markets will change, and decisions might be made which change the context within which the Future Oswestry Plan must be seen. The intention however is for the Plan to be a flexible, long term call to action – not determining specific projects or initiatives, but rather flagging a range of potential projects and opportunities on which further discussions should be had and local collaborative decisions be made.

1.3 POLICY AND STRATEGIC CONTEXT

LOCAL POLICY CONTEXT

Local Plan

The Local Plan identifies that Oswestry will continue to act as a Principal Centre and contribute towards Shropshire's strategic growth objectives. The Plan supports exploring ways in which it can effectively fulfil its role as the largest principal centre. The plan allocates sites for development (as seen in Figure 2), balancing the need for additional housing and employment space. Shropshire Council is currently undertaking a Local Plan Review to extend the plan period to 2038 and expects to be in a position to adopt a revised plan in late 2022/ early 2023 following an Examination in Public in mid-2022.

Local Economic Growth Strategy

In addition to the policies contained within its Local Plan, Shropshire Council's work on economic growth and regeneration is guided by its Economic Growth Strategy 2017 – 2021. This sets a vision which recognises that the quality of the county's historic environment represents one of its key assets which can be harnessed to attract inward investment. The Strategy recognises the need to balance growth against the need to sustain the historic town centres and to regenerate the latter using the potential of their historic environments. Future Oswestry Plan supports this ambition, setting out ways the historic environment

can be regenerated to the benefit of the local economy.

Shropshire Economic Growth Strategy Review (2022-2027)

This plan will ensure Oswestry's future ambitions are captured within the Economic Growth Strategy Review (2022-2027), and its emerging key themes of Strategic Locations, Supporting Local Businesses and Employment and Skills.

Declaration of Climate Emergency

Shropshire Council and Oswestry Town Council have both declared a Climate Emergency with the target of becoming a carbon neutral council by 2030. Shropshire Council has set up the Climate Change Task Force to lead interventions which reduce carbon and a climate action workshop was held with stakeholders to help shape the strategy. Future Oswestry Plan will align with these ambitions and support a transition to become Carbon Neutral.

Oswestry Place Plan

Oswestry Place Plan identifies local infrastructure needs in the area. It sets out the need to enhance the public realm and shop frontages within the town centre and recommends Oswestry Town Council and Oswestry BID as key partners working through the Future Oswestry Group. The Plan is an intrinsic part of helping the Council to achieve growth within the



local economy, through the provision of public services and use of public assets. The Future Oswestry Plan will further develop these recommendations, providing additional design and implementation guidance.

Oswestry 2020

The Oswestry 2020 plan set a vision for change over the past ten years through collaboration between Shropshire Council and Oswestry Town Council. The Plan identified that the overall quality of the public realm, within the heart of the town centre, is deteriorating and needs investment. Future Oswestry Plan continues the conversation of how Oswestry should grow and evolve looking to the future. It will carry forward the insights from the Oswestry 2020 work and refresh the vision through conversations with local people to reflect the current context. Future Oswestry Plan will also set out an Action Plan to support funding and implementation of the key projects.

NATIONAL PLANNING POLICY

The National Planning Policy Framework

The National Planning Policy Framework sets out the Government's planning policies for England and provides a framework in which local plans are produced. The NPPF promotes the presumption in favour of sustainable development, meaning that

plans "should positively seek opportunities to meet the development needs of their area".

National Design Guidance (2019)

The new Design Guide provides some explanation to the definition of 'good design' for use by Local Planning Authorities. The document sets out characteristics of a well-defined place under ten themes: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and life-span. In terms of Oswestry's future, the National Design Guidance will serve as a policy tool as authority planning officers prepare local planning policy and guidance and assess the quality of planning applications.

Change in planning use classes (2020)

The Town and Country Planning Use Classes Amendment came into force on 1 September 2020. The main change is the introduction of Use Class E, subsuming A1, A2, A3, B1, D1, D2, into one single class E. This means that a change of a building's use between the following use classes will no longer require planning permission: retail; professional services; food & drink; business (office, research and development and light industrial process); non-residential institutions (medical or health services, crèches, day nurseries and centres); and assembly and leisure (indoor sport, recreation or fitness, gyms).



The changes are still relatively new and there is limited data on their impact, however it is anticipated that the extension of permitted development rights will have an impact in town centres and high streets, by allowing retail units to be converted more easily, allowing town centres to more flexibly adapt to changing circumstances.

Planning White Paper (2020)

In August 2020, the Ministry of Housing, Communities & Local Government published the The Planning for the Future paper for consultation. The objective of the paper is to streamline and modernise the planning process, ‘cutting red tape not standards’ and ensuring more land is available for development where it is needed.

Among other proposals, the paper puts forward a system where local authorities would zone all land in their areas for “growth”, “renewal” or “protection”. There is an emphasis on building environmentally friendly, sustainable homes, taking a digital-first approach to modernising the planning process, reviving town and city centres and improving the system of developer contributions towards infrastructure.

The consultation is now closed and it remains unseen if and when measures will be introduced.

STRATEGIC CONTEXT

COVID-19

Covid-19 has added a further layer of complexity to the planning and designing of towns across the UK. A number of trends and opportunities have been identified since the emergence of the Covid-19 pandemic in early 2020 which have implications for Oswestry.

Working patterns: Work patterns have been transformed and are unlikely to bounce back as companies and workers have discovered that many types of work can be done remotely.

Now people can work from anywhere, there may well be greater demand for flexible workspace, either in co-working spaces or at local cafes, libraries and pubs for people to escape the home for work without having to commute. These could be flexible spaces, with separate or spacious, open desk space, superfast broadband, bike access and coffee provision.

For Oswestry, the freedom of working in different locations is a real opportunity to attract new residents who no longer feel they must live in town or city centres in order to be close to workplaces.

Open spaces: Open space became a far greater priority during lockdown and generally with risk of transmission being

lower outdoors. Green and open spaces provide access to nature, the opportunity for exercise and recreation and a setting for socialising. In Oswestry, this translates as a crucial role for the parks, while also providing green routes to the countryside beyond the town's boundaries.

Streets and public spaces are critical for impromptu and informal catch-ups when people bump into friends and neighbours when out and about

Movement: A lower level of commuting as a result of the greater emphasis on working from home.

With initiatives to create the '10 minute town' based on walking and cycling – Oswestry's accessibility on foot and on bike is a boon to the town.

Funding available during 2020 for temporary improvements to increase space for social distancing while walking and cycling provided a good starting point for assessing these schemes. In Oswestry, one-way working on Church Street and restrictions on Cross Street were tested temporarily and have since been made permanent.

Property and economic activity: Shops, food and drink businesses and cultural and leisure venues have been particularly hard hit by the pandemic and need as much support as possible from town strategies and masterplans.

Shops are the heart of a town centre and provide more than a utilitarian service. Many provide identity and a sense of belonging for local residents. Independent shops are more nimble than large retail and Oswestry is very well placed for this.

Grimsey Review

In June 2020 an updated Grimsey Review was released, largely in response to the impact of Covid-19 on Britain's town centres. The report sets out three headline priorities of:

- A shift to Localism, with local people encouraged to redesign their own high streets and have a say on the businesses, services and amenities there.
- Fewer cars, more green space, with centres that are designed for people rather than the car.
- Local leadership by people with a broad range of skills which is valued and recognised.

A number of recommendations are then made to help achieve these three overarching goals which cover:

- Establishing participatory planning with high street Citizen's Assemblies, Community Value Charters, community right to buy and the establishment of

1.4 IMPROVEMENTS UNDERWAY

community trusts through the National Lottery Community Fund.

- Amending business rates, replacing the current system with a 2% sales tax that will level the playing field between online and offline retailers.
- Re-skilling for new employment sectors for those predominantly young and female workers likely to lose retail and leisure jobs in the future.
- Encouraging people to give up cars, introduce a pedestrianisation task force and pilot mobility hubs for sustainable transport modes.

The report also asserts that *“Markets are proven assets withing town centres and communities. They are an important incubator to create high street retailers of the future and can support the regeneration of town and city centres through tourism and economic vitality.”*

Compared to many other town centres, Oswestry has faired relatively well despite changing shopping habits, likely due its markets, independent shops, historic environment, and town centre supermarkets which attract people inwards. Nevertheless, the measures recommended in the Grimsey Review have the potential to keep the town centre resilient looking to the future.

CURRENT PROJECTS

While this Plan sets a vision for Oswestry and identifies potential opportunities, there are already projects and initiatives underway by the Future Oswestry Group partners which are contributing to its future as a better place to live; a better place for business; and a healthier and more sustainable town.

Oswestry High Street Heritage Action Zone (HSHAZ)

The Oswestry High Street Heritage Action Zone (HSHAZ) has made a positive impact on the town of Oswestry since its start in October 2020. The HSHAZ scheme runs until March 2024, and has three main strands: a capital grants programme; public realm improvements; and a flagship project. The ambition of the HSHAZ project is to leave a lasting legacy, inspiring others to improve their properties and public spaces. The Historic England grant is for £832,595 with expected public and private match of £1.1m.

Through its grant programme the scheme has helped businesses and owners repair/reinstate historic shop fronts and brought empty properties back into use. Success stories of this grant include the Little Mall on Cross Street where a long term empty building was repurposed into new accommodation and retail units as well



Sketches showing design ideas for the alleyways as part of the HSHAZ project

installing a new shop front bringing the heritage of the building back. Another success story is the re-opening of Black Gate as the new home for a local artisan bakery, Niche Patisserie headed by semi-finalist of Bake Off: The Professionals, Adam Cleal.

Historic alleyways in the centre of town have been brought back to life making them inviting places to use. Ongoing public realm improvements to upgrade the historic alleyways within the town centre to celebrate their identity and make them more safe and interesting places to use, with interpretation explaining the history of the names and alleys.

As part of the Oswestry HSHAZ, a Cultural Consortium has been set up made up of interested organisations and individuals to promote culture in the town centre. Events including Love Oswestry have added value to the cultural offer in the town and grants provided by the Consortium have enabled organisations like Designs in Mind to work with adults with mental health issues to discovered more about the heritage of the town through art.

Community Engagement has given people the opportunity to get involved in the project through a series of activities including helping to shape the design of the public realm work. The HSHAZ scheme promotes opportunities for people to learn more about

the heritage of Oswestry through a series of events and exhibitions.

The HSHAZ is working with key providers to support an audit of the cultural offer within Oswestry, which will be used to identify opportunities to develop and support the combined cultural offer within the town

Co-working Space at Memorial Hall

Co-working space has been developed from initial start up funding from Shropshire Council at the Memorial Hall, launched in January 2022 in response to the change in working methods during the Covid-19 pandemic. The co-working space is run commercially by Hadleigh Management to provide a professional workspace for businesses in the centre of Oswestry.

Monthly membership is available to local businesses and entrepreneurs for desk space, meeting rooms and collaboration space, as well as access to members events and support programmes.

Ambitious plans to transform the Bus Service

Following consultation undertaken in 2021 to understand people's views on how services could be improved, a proposed Bus Service Improvement Plan (BSIP) programme of bus investment has been developed by Shropshire Council in

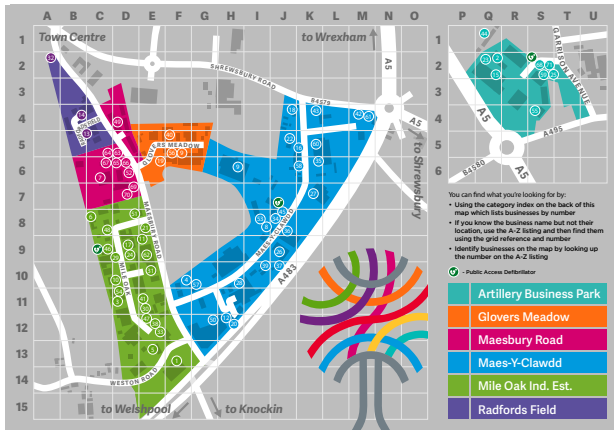
collaboration with local bus operators, local community transport groups and other stakeholders including Bus Users Shropshire. The ambitions of this programme for Shropshire's future in public transport, is to provide a greener, more active, fairer and economically successful network. The BSIP will be used to inform and evidence future funding bids for bus service improvements highlighted in the plan.

Shropshire Local Cycling and Walking Infrastructure Plan (LCWIP)

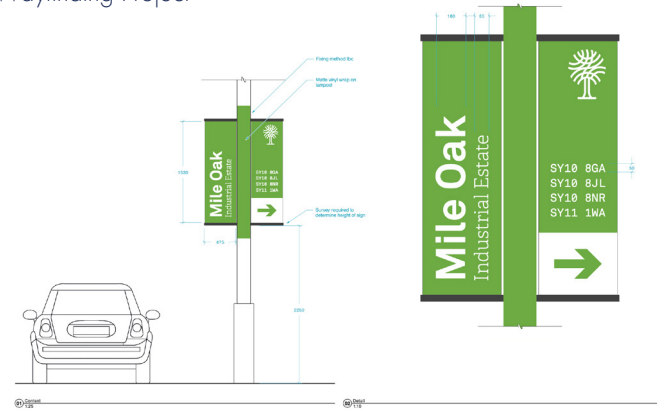
Following the planned consultation on the LCWIP in 2022 with key stakeholders, the LCWIP will identify a network plan for walking and cycling for Oswestry which identifies preferred routes and core zones for further development. The LCWIP will also provide a prioritised programme of infrastructure improvements for future investment for Oswestry.

Oswestry Railway Station

Passenger services were withdrawn from Oswestry Station in 1966 as part of the Beeching Cuts, though the Grade II listed Station and much of the track remains in situ. Cambrian Railways Trust has reopened short sections of the line as a volunteer-run heritage line, operating alongside the Cambrian Railways Museum. There is a widely held ambition to reinstate services to Gobowen, with the main challenge



Pilot signage for the industrial estates, part of Oswestry Wayfinding Project



being the need for a crossing of the A5. Cambrian Railways Trust has been awarded funding to undertake the feasibility study to test the viability of reinstating services of a tram-train to Park Hall and Gobowen, where passengers could travel onwards with mainline services.

Oswestry Innovation Park

The site is owned and being promoted by Shropshire Council as a new commercial development, providing a range of businesses units, a hotel and small food and drink offer. The development will improve the gateway to the town (alongside Mile End Junction Improvements and Oswestry Sustainable Urban Extension).

Oswestry Sustainable Urban Extension (SUE)

The Oswestry Sustainable Urban Extension (SUE) area will provide up to 900 new homes to the west of the A5, together with associated open space and community facilities. A masterplan was adopted for the area in 2013 and is being brought forward through a series of planning applications from developers.

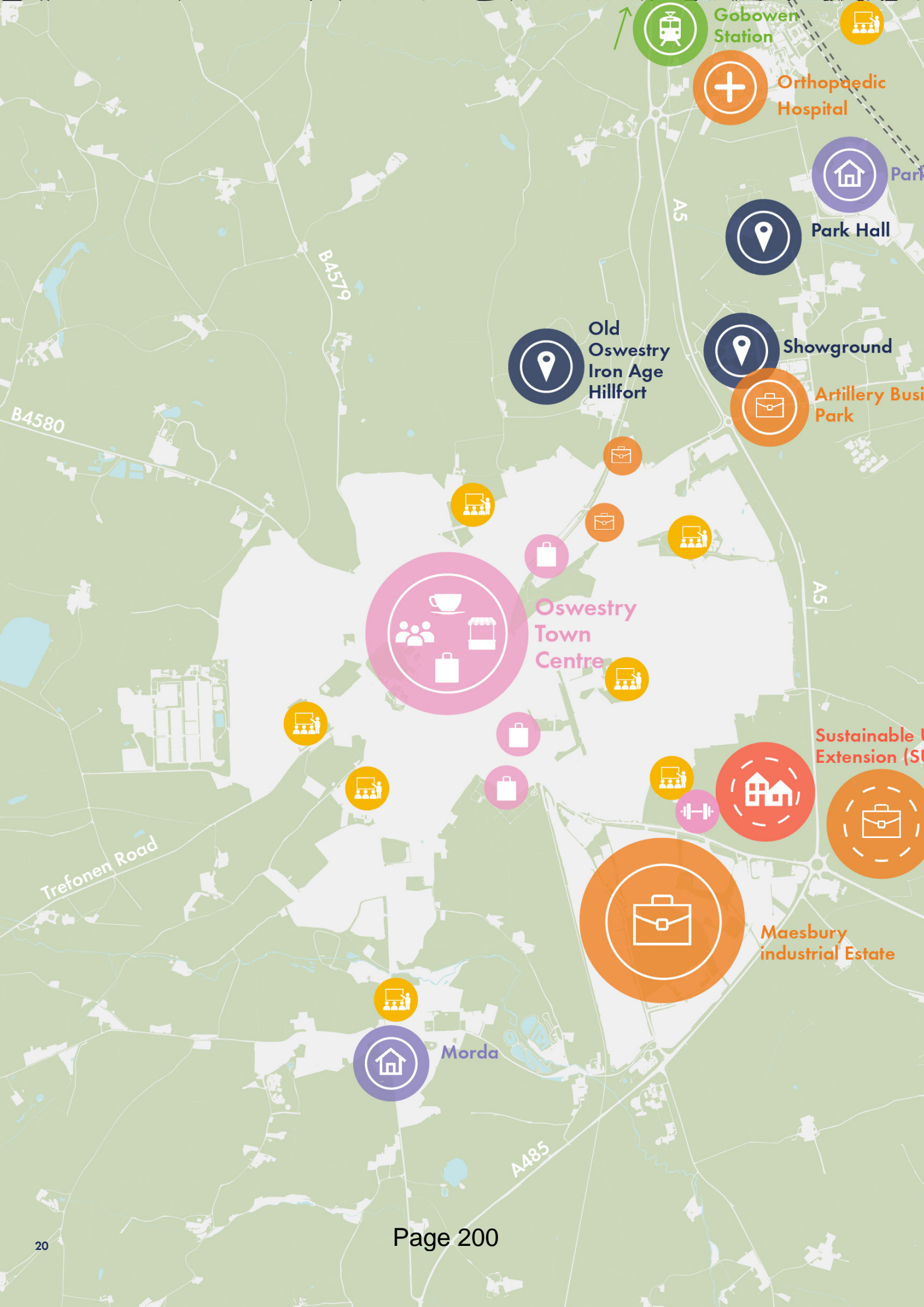
Oswestry BID Business Plan

Oswestry Business Improvement District was established March 2018 and based on extensive consultation with local businesses. The BID's Business Plan sets objectives including: the development and promotion

of Oswestry to prospective visitors and business investors; actively supporting the growth and development of existing local businesses; building upon Oswestry's multi-faceted heritage and cultural assets; and facilitating safe, functional and efficient access and navigation.

Oswestry Wayfinding Project

One of Oswestry BID's projects has been to review the wayfinding around Oswestry, which had been noted by many businesses and residents as very poor. This work identified three key projects: Town Centre, Oswestry Gateways and the Industrial Estates. The Industrial Estate is being targeted first to provide clearer signage for delivery drivers, suppliers and customers. Following workshops with key stakeholders and meetings with Shropshire Highways the plan has evolved with a pilot sign being installed in January 2022. Providing all stakeholders are happy with the pilot, signage will then be rolled out across the industrial estates, colour coding the areas with a new map and directory, giving clear directions for drivers and pedestrian alike.



Gobowen Station



Orthopaedic Hospital



Park Hall



Showground



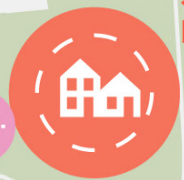
Old Oswestry Iron Age Hillfort



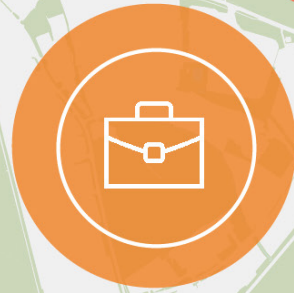
Artillery Business Park



Oswestry Town Centre



Sustainable Living Extension (SLE)



Maesbury Industrial Estate



Morda

B4580

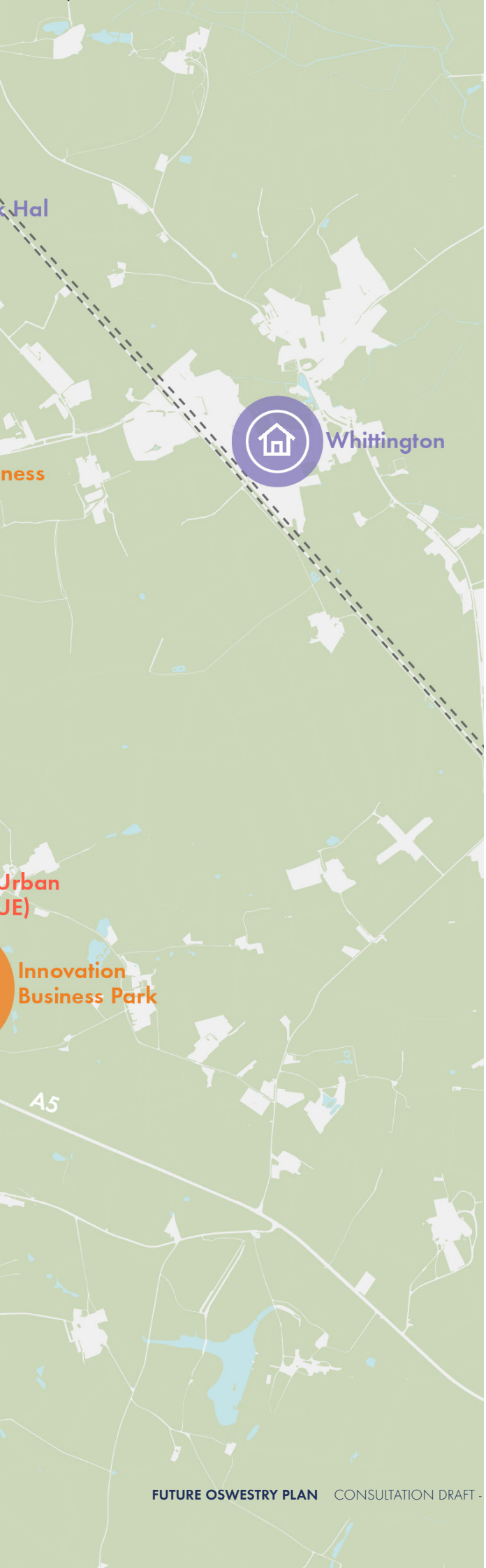
B4579

A5

A5

Trefonen Road

A485



1.5 WELCOME TO OSWESTRY

Oswestry is a market town in the Shropshire borderlands, near to the Welsh/English Border. Home to around 18,000 people, the town boasts a friendly, community atmosphere. The nearest villages are Morda, Whittington and Gobowen, where the nearest mainline rail station is located.

The historic town centre is the main focal point for shopping, civic uses, culture and community, with a growing cafe culture. The town also has four large supermarkets which help to attract people into town.

The employment areas are situated on the edges of the town: Maesbury Industrial Estate and Artillery Business Park, as well as a smaller provision of commercial space along the Gobowen Road corridor. To the north east of the town, The Robert Jones & Agnes Hunt Orthopaedic Hospital is a significant employer. Oswestry has a long history as a place of education which endures today, with seven Schools and Colleges.

Just to the north of Oswestry are three destinations: the iron-age Oswestry Hillfort, Oswestry Showground which hosts agricultural shows dating back to 1862, and Park Hall countryside experience.

The following pages give a summary of Oswestry's history and key characteristics.

Oswestry's History



642

Battle of Maserfield fought between the Anglo-Saxon kings Penda of Mercia and Oswald of Northumbria. Oswald was killed in the battle and his body dismembered; according to legend, one of his arms was carried to an ash tree by a raven. Miracles were attributed to the tree, leading to a belief that 'Oswestry' was derived from 'Oswald's Tree'. A well subsequently appeared at this location, known as Oswald's Well. The holy well was reputed to have healing properties.



1233

Oswestry burned down by Llewellyn the Great

1400

Oswestry burned down by Owain Glyndŵr, earning the town the name Pentrepoeth or "hot village"



1407

Oswestry School founded as a 'free school' by David Holbache, making it the second oldest in the country, and subsequently occupied buildings opposite St. Oswald's Church

1776

Oswestry School moves to its present site on Upper Brook Street

717 - 751

Construction of Wat's Dyke

784 - 796

Construction of Offa's Dyke

1086

Earliest reference to Oswestry Castle, recorded in the Domesday Book

1272

Earliest reference to the town, recording a walled settlement

1644

Oswestry Castle rendered uninhabitable following a siege in the English Civil War

1567

Oswestry badly damaged by a fire. Over 200 houses were destroyed

1228

Oswestry granted its charter

1398

'Oswestre' Castle was the scene of a parliament held by Richard II



250 BC - 43 AD

'Old Oswestry' hillfort constructed and occupied





1860
Railway reaches
Oswestry

1862
First Oswestry
& district
Agricultural
Society
Agricultural
Show, held at
the Smithfield

1893
Birth of
Wilfred
Owen,
infamous
war poet

1919
Park Hall is destroyed
by a fire

1921
Robert Jones
and Agnes Hunt
Orthopaedic Hospital
moves to present site,
between Oswestry
and Gobowen

1966
Railway
closes to
passenger
services

1975
Closure of
Park Hall
Camp

1848
Railway reaches
Gobowen.
Originally
intended to
pass through
Oswestry, it was
blocked by local
landowners

1849
Smithfield and
Horsemarkets
open for business

1910
Opening
of Cae
Glas park

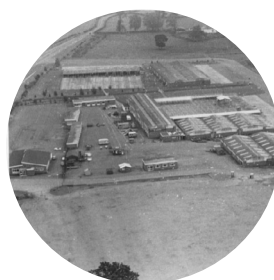
1939
Park Hall
Camp
established
as a training
centre for
the Royal
Artillery

1969
Livestock market
relocates from
Smithfield site
to the edge of
town following
the 1967 foot
and mouth

2006
Market Cross
reinstated in the
town centre

2007
Oswestry Borough
Council buys Shelf
bank as open space
and wildlife area

1866
Oswestry
becomes the
headquarters of
the Cambrian
Railway and
a locomotive
works is
constructed



2010
Opening of Wilfred
Owen Green

Oswestry Today

Some of Oswestry's strengths are highlighted here. A Future Plan for Oswestry should look to embrace and celebrate these characteristics and assets.



Diverse historic buildings and street network

The town's long history is visible through the wealth of historic buildings and the medieval street pattern. The centre is designated a conservation area.



Independent shops and businesses

These businesses create a unique offer for visitors and have proven to be more resilient in the face of changing retail patterns.



Thriving employment areas and business community

including Maesbury Industrial Estate, Artillery Business Park and the proposed Innovation Park, providing job opportunities and growth.



World-class visitor destinations nearby

including Old Oswestry Hillfort, Unesco World Heritage site of Pontcysyllte Aqueduct*, Chirk Castle, Whittington Castle and Offa's Dyke.

*Image by Douglal - Own work, CC BY-SA 4.0, <https://commons.wikimedia.org/w/index.php?curid=89156014>



Great access to the countryside

The best of both town and country. The relationship to the countryside is part of the town's identity and origins as a place of cattle trading. Now people enjoy the countryside for recreation.



A close knit community who support each other

Local people in Oswestry know and support each other. The town benefits from strong and active local charities, sports clubs, schools and community groups.



A walkable and compact town centre

The historic medieval street network remains largely intact. The compact town centre makes it easy and enjoyable to walk around with intimate streets and lanes.



Both Welsh and English

Sitting just five miles from the Welsh border, Oswestry has a long and tangled history with England and Wales and continues to be culturally both Welsh and English.



A busy calendar of markets and events

The town gained its market charter in 1228. The weekly indoor and outdoor markets continue to attract people today. The town also hosts annual events, notably Oswestry Balloon Carnival.



A well cared for and much loved town

Stewardship and management are strong in Oswestry. The Town Council, BID, Shropshire Council as well as local community groups play a role in caring for the centre and wider town.



A

**Inception,
site visit and
research**

July-Sept 2020

**Early
listening
engagement**

Autumn 2020

**Emerging
vision and
opportunities**

Dec-Feb2020

B

**Feedback,
test & review
workshops**

March 2021



C

**Revised vision
and plan**

April 2021

**Engagement
vision & themes**

Spring 2021

**Revised vision
and plan**

April 2021



D

**Town centre
pop ups**

Summer 2021

**Future
Oswestry Report**

Autumn 2021

E

**Consultation on
the draft report**

February 2022

**Adoption
and progress
with opportunities**

April 2022
on-going



2 - ENGAGEMENT

2.1 PROCESS AND ROLE OF ENGAGEMENT

The engagement and consultation for Future Oswestry Plan has been an iterative process, allowing the views of local people to shape the plan at every stage.

We sought to engage: people who live or work in Oswestry, local amenity groups, local businesses, and people who live or work in the surrounding catchment area. There was also a specific focus on engaging young people in setting a plan for the future of their town.

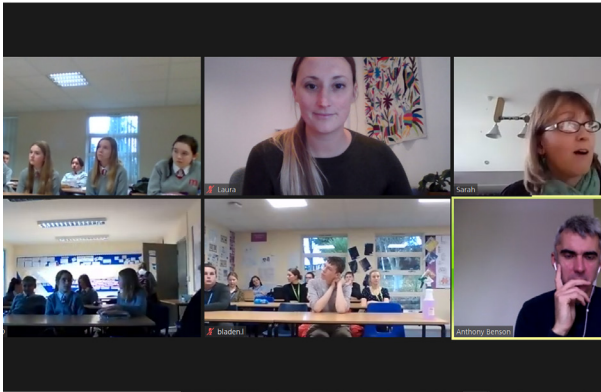
The engagement took place during the Covid-19 pandemic, which meant in-person activities were not possible in the early stages. During this time engagement was carried out through digital means (social media, an online survey, online workshop), while also offering a non-digital way of giving views (a postal flyer, a telephone line or postal address) to remain accessible to all. In-person engagement resumed towards the end of the programme, with a drop in installation at the library and a series of town centre pop up events.

A - EARLY LISTENING ENGAGEMENT Autumn 2020

The first round of engagement was focused on listening and understanding people's views, before any propositions were formed. It sought to understand how people use the town, what the town's best characteristics and main challenges are, as well as local aspirations for the future of Oswestry.

Engagement in this stage was advertised through the Council's communications channels, as well as a flyer drop to all local postcodes. People could give their views through:

- Online Survey, 19 October - 13 November, 621 responses were made
- Telephone Survey, with the phonenumber open 20 October, 22 October and 5 November
- Stakeholder workshop (via Zoom), 29 October, 40 attendees
- Marches School workshops (via Microsoft Teams), 13 November, 30 attendees



B - TEST AND REVIEW March 2021

During the second round of engagement, we presented a summary of the feedback from the first round of engagement, alongside the emerging vision and key principles for Oswestry. Two workshops were held to test and get feedback on these emerging ideas:

- Local stakeholder workshop (via Zoom), 4 March 2021, 30 attendees
- Marches School workshop (via Teams), 2 March 2021, 30 attendees

The feedback was recorded on digital whiteboards and the vision and principles were updated in response to the findings.



C - VISION AND THEMES WORKSHOPS Spring 2021

The third stage of engagement sought to engage people further around the vision and three key themes. For each theme, an online workshop was held with local stakeholders:

- Better Place to Live, 10 June 2021 from 6:30pm - 8pm (public spaces, streets and investment)
- Better Place for Business, 24 June 2021 from 6:30pm - 8pm (opportunities, developments, linkages and connections)
- Healthy Town 8 July 2021 from 6:30pm - 8pm (healthier and people-friendly streets and junctions)

In addition, a static exhibition was held at the library and Marches School. People could drop in at their convenience, view the draft vision and ideas, and leave a comment:

- Library, public engagement: 20 May - 26 May 2021, 58 comments made



D - TOWN CENTRE POP UPS Summer 2021

Once restrictions were lifted, the team went out into busy locations in the town centre to raise awareness and capture more people's views. A pop up stall was produced, showing people the draft vision and ideas for improvement. 228 comments were made in total across the five pop up events:

- Wednesday 28 July 9am - 3pm, Bailey Head (Market Stall)
- Friday 30 July 9am - 3pm, Bailey Head (Market Stall)
- Saturday 31 July 9am - 3pm, Festival Square
- Wednesday 1 September 9am - 3pm, Bailey Head (Market Stall)
- Saturday 4 September 9am - 3pm, Festival Square

The following pages give a summary of some of the feedback from engagement.



8000+
flyers delivered to
local addresses



100+
attendees at 5 local
stakeholder workshops



60
school children
at 2 workshops



850+
survey responses and
written comments



12
events in person or on-
line for people to give
their views



30+
email and social media
responses

We asked:
How do you move around Oswestry?

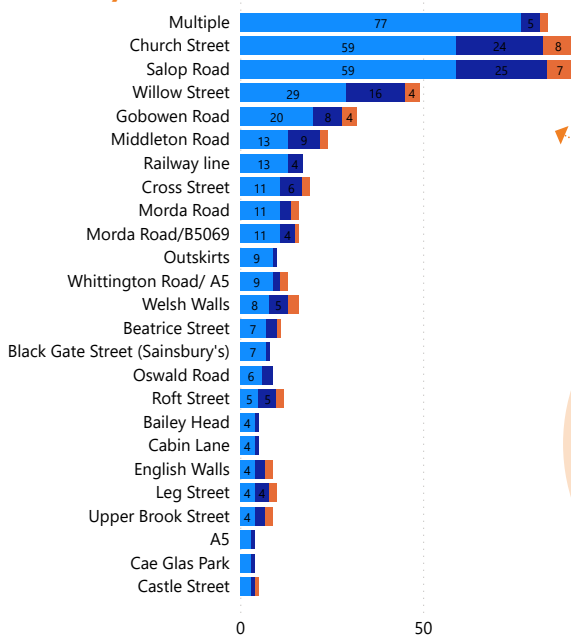


We asked:
What would encourage you to walk, cycle or take public transport more often for short journeys?

- 1 Cycle lanes and more priority for bikes
- 2 More bus routes/ improved information
- 3 Improvement to footpaths and crossings
- 4 Less traffic, more pedestrianisation



We asked:
Please suggest locations for introducing new or improving existing routes and crossings for pedestrians and cyclists?



The priorities for improvements for walking and cycling are: Church Street, Salop Road, Willow Street, Gobowen Road, Middleton Road and the Railway line.



? Eight key messages from the first stage workshops:





? Key themes from the 228 market stall comments:

The most frequent message from comments was that people would like to see the entertainment, culture and visitor offer expanded in Oswestry



A better place to live

16% more entertainment, cultural and visitor economy improvements

13% improved public transport

12% general developments and improvements

Other themes: traffic management, pedestrian access, increased retail options, building renovations, car park changes and activities for young people.



A better place for business

26% more retail options

15% lower rents/rates or financial support for local businesses

10% business support

10% more entertainment, cultural and visitor economy improvements

Other themes: public transport, a focus on character, car parking and employment opportunities



A healthier and more sustainable town

21% improved pedestrian access and cycle lanes

16% Public realm and outdoor spaces

13% more entertainment, cultural and visitor economy improvements

Other themes: leisure/ gym services, traffic, road improvements, public transport, healthier retail options

Comments received under "any other comments?"

18% Keeping Oswestry's character and wanting sympathetic development

14% More entertainment, cultural and visitor economy improvements

13% Pedestrianisation and better cycle infrastructure

Other themes: concerns over proposals, outdoor spaces, affordable housing.

2.1 FEEDBACK AND IMPACT

Some of the main ways the feedback from engagement has shaped the Plan are summarised here.

You said that our early attempt at a vision statement did not reflect your ambitions for your town and that the strands were not clear enough.

We've done Reflected your changes to the vision statement and is centred around three key strands: A better place to live; A better place for business; A healthier and more sustainable town.

You said that our earlier visions for the former Morrison's site should promote a greater diversity of uses.

We've done The site is promoted for promoted for new development, with appropriate uses, including housing, commercial and potentially cultural uses.

You said that Oswestry town centre would benefit from a shift towards more food and drink uses and that the market was one of the centre's key assets.

We've done Festival Square (also known as Red Square) is promoted as a new key space in the town centre which will be cleared of parked cars and can host pop-up events including a food market.

You said that protecting Oswestry's heritage was fundamental to the town's long term success.

We've done The Plan seeks to celebrate Oswestry's unique and historic character. The Plan promotes the area around the Castle as a focus for improvement with scope to focus community and cultural uses connected by an improved public realm.

You said that buses are critical to ensuring the town remains accessible to the village and rural communities it supports.

We've done The document outlines opportunities to improve the quality of local bus services in the town - including the potential to review the provision of the current bus facility to a more convenient and accessible location.

You said that you were concerned about the idea of changing the operation of Oswald Road and Beatrice Street from one-way working to two-way streets.

We've done The Plan is more flexible on this opportunity - the introduction of two-way working is not specified.

The full spectrum of comments and feedback received throughout the various stages of engagement are gathered together in the supporting consultation statement which forms an appendix to the report.

3 - VISION AND OBJECTIVES

3.1 VISION STATEMENT

Local people love Oswestry's character as a small friendly market town, full of independent businesses with a unique history and heritage as both an English and Welsh town. Oswestry's successful past will be the foundation of its thriving future. The Future Oswestry Plan sets the route map for Oswestry to become:



A better place to live



A better place for business



A healthier and more sustainable town





A BETTER PLACE TO LIVE

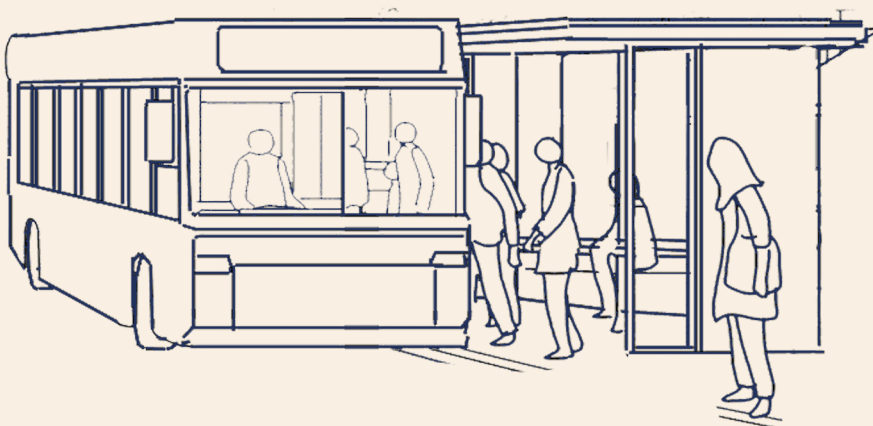
Oswestry's cultural offer and evening economy will be boosted, offering a changing experience for local people and attracting more visitors from afar. Public spaces will be enhanced for day-to-day use and to host the town's active programme of events and markets. The town will better cater for young people, with public spaces, parks and recreation facilities which meet their needs.

Public transport will support local people's movement, with an improved bus service, better connections to key employment areas and a safeguarded future for rail services, should funding be secured. Improvements will be made so that walking and cycling become the obvious choice for shorter journeys.



Oswestry's historic character will be respected, renovated and restored. The town centre will be de-trafficked and focused on people. Vacant buildings will be brought back into use, adapting to respond to current and future demands. Investment in the shopfronts and public spaces will result in an attractive town centre that local people can be proud of. Sensitive infill developments will provide a contemporary yet contextual response to the historic environment.

New high-quality homes and streets will provide for local people and bring more footfall into town. Homes of different types, tenures and prices will meet the needs of everyone.





A BETTER PLACE FOR BUSINESS

Oswestry will support existing businesses and attract new ones, creating more jobs and better opportunities for local people.

The established employment areas at Maesbury Industrial Estate, RJAH and Artillery Business Park and proposed development at the Oswestry Innovation Park will be enhanced and better connected to support existing businesses, attract new investment, and encourage new business start-ups. Improved bus services and cycle routes to these key employment areas will decrease reliance on the car and improve accessibility for all. The Maesbury Road area will become a better place for business, with new workspace, a stronger identity and wayfinding and better streets and spaces.

The town centre will be easy to access for visitors. Routes will be improved, and traffic

calmed at key entry points into the town, creating a better arrival experience. Parking will be focused near the town centre arrival points to help reduce unnecessary vehicular movements through the town's historic core. Easy parking combined with a reduction of traffic in the historic town centre will make for an enjoyable experience visiting Oswestry.

Oswestry town centre will attract more visitors and commerce, from the surrounding rural area and beyond, helping town centre businesses to thrive. Oswestry's key attractions will be celebrated and connected by a more pleasant public realm, including characterful lanes and refreshed streets and spaces. The town's draw will be boosted with an enhanced community/cultural offer in the heart of town, with the town's markets remaining a focal point. New homes and workspace will play a key role in bringing more people into the town to support the local shops on a regular basis.

Additional business space will be created to support new start-ups, as well as enabling existing businesses to grow. Vacancies and development sites in the town centre will provide small, flexible workspace, encouraging different types of workers to make Oswestry their home.





A HEALTHIER AND MORE SUSTAINABLE TOWN

Oswestry will be a healthier and more sustainable town where people come first.

People will be encouraged to walk or cycle for short journeys instead of driving, both decreasing transport-related emissions and supporting a healthier lifestyle for residents. Streets, junctions and crossings will be designed to give more priority to people. Traffic levels will be better managed in the historic core to create a pedestrian friendly town centre. Routes to and from schools will be made more comfortable for families walking and cycling. Improvements will make walking and cycling around the town easier and more enjoyable.

The quality and reliability of bus services will be improved from surrounding villages, employment areas, and through the town itself. Better cycle routes to connect with public transport links, and improved connectivity with employment areas and key destinations will help people to get out of the car for their commute and to make exercise part of their daily routine. Electric vehicles

will be encouraged for longer journeys, through the integration of charging facilities.

Air quality will be improved in the town, by encouraging more pedestrian and cycle use.

New homes will be built in sustainable locations, with shops, jobs, public transport, and services accessible in 15-minutes on foot or by bike. Any new buildings will be designed to be highly energy efficient and to adapt flexibly over time. Lifecycle embodied carbon will be considered.

New and improved public spaces in the town centre will provide the backdrop for a vibrant social/community life. These spaces will include more trees, greenery and sustainable urban drainage, as well as places to support community activities which promote well-being. The town's parks and wider countryside will continue to support active, healthy lifestyles. Parks and green spaces will be better connected with green walking and cycling routes between them.

4 - BIG IDEAS FOR OSWESTRY

4.1 AREAS OF FOCUS

Reflecting on the three strands of the vision, which explore Oswestry as a better place to live, a better place to work and a healthier and more sustainable town, a wide range of opportunities - Big Ideas for Oswestry - emerge.

There are four areas of Oswestry where more signification change is anticipated: The Cambrian Gateway, Mile End area, The Castle Quarter and the Church Street Quarter.

For each area, a joined up vision is needed to make sure interventions work together resulting in a coordinated, positive place. This section brings together the relevant big ideas for each area and provides a spatial strategy as to how the areas could change in the future. The following section (4.6) further explores each of the 'Big Ideas', demonstrating how each relates to the vision, areas of focus and key themes.





Figure 2 Four areas of focus

CAMBRIAN GATEWAY

An integrated neighbourhood and better arrival experience

This Cambrian Gateway area is a key arrival point into town from the north east, this area of town has huge potential. Currently it is the wide road corridor, expanses of tarmac and vacant buildings which greets the visitor, creating a very poor first impression. With the Morrisons supermarket relocated, a large site is available for redevelopment. In addition, there is potential to widen the scope of ambition and consider possible changes to the bus station, the Aldi site, the former Railway Station building and the car / coach parks alongside.

Whilst reinstating regular rail passenger services between Oswestry and Gobowen remains a long-term ambition, there is an increasingly urgent need to coordinate the many other more immediate opportunities presented in the Cambrian Gateway area. Doing so would deliver very significant improvements to the town centre for all users – making it a better place in which to live, to work and, overall, a healthier place.

In the short to medium term, the creation of a public transport hub through the relocation of bus facilities to a more convenient location and with scope to bring life back to the old Station building could have immediately transformative impacts. Improvements could allow for high quality interchange to onward travel

BIG IDEAS IN THIS AREA



Create a public transport interchange hub

Strengthen north east connections

Enhance Wilfred Owen Park

Redevelop the former Morrisons site

Refurbish the Railway Station building

on foot, bicycle and connecting bus services. Improved waiting facilities and information could help create a better visitor and user experience.

Redevelopment of the large former Morrisons site present opportunities to re-establish a permeable network of streets and create active frontage, knitting the sites into the surrounding neighbourhoods. New homes of mixed types and tenures could be an appropriate part of a mixed-use scheme. The site would also be suitable for other commercial leisure, employment and community uses. Improved streets, crossings and greater pedestrian priority will help improve local routes with potential to improve access to Wilfred Owen Green. Overall, the Cambrian Gateway could be transformed from a tarmac-dominated area, to a high-quality neighbourhood that feels a more integrated and vibrant part of Oswestry.

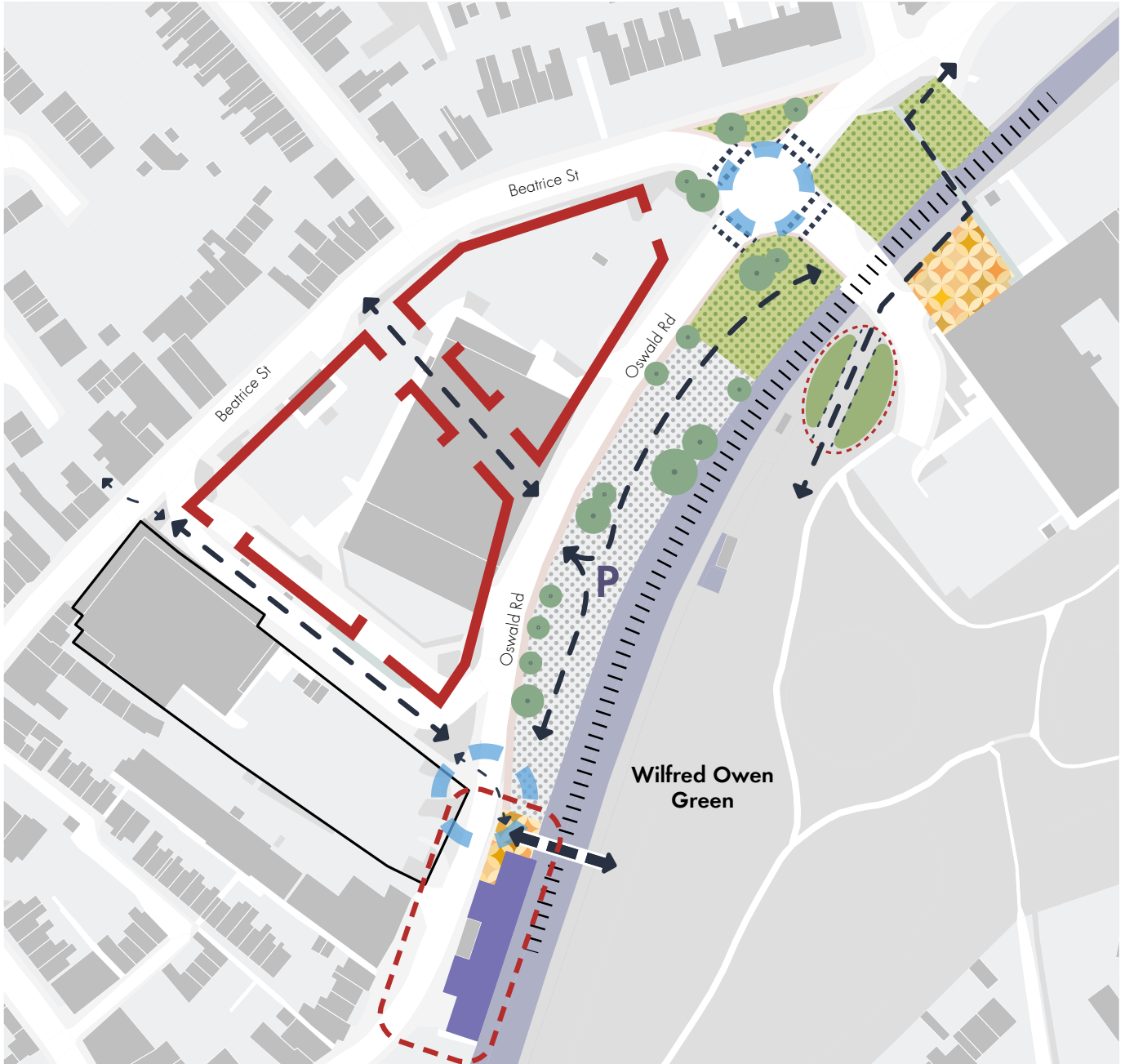


Figure 3 A map of big ideas for the Cambrian Gateway area

- | | | |
|----------------------|----------------------------|---------------------------------------|
| signalled junction | potential development site | tree |
| public realm | major pedestrian route | transport hub |
| car parking | minor pedestrian route | junction improvements |
| cultural facility | proposed active frontage | potential pedestrian railway crossing |
| proposed green space | improved arrival to park | |

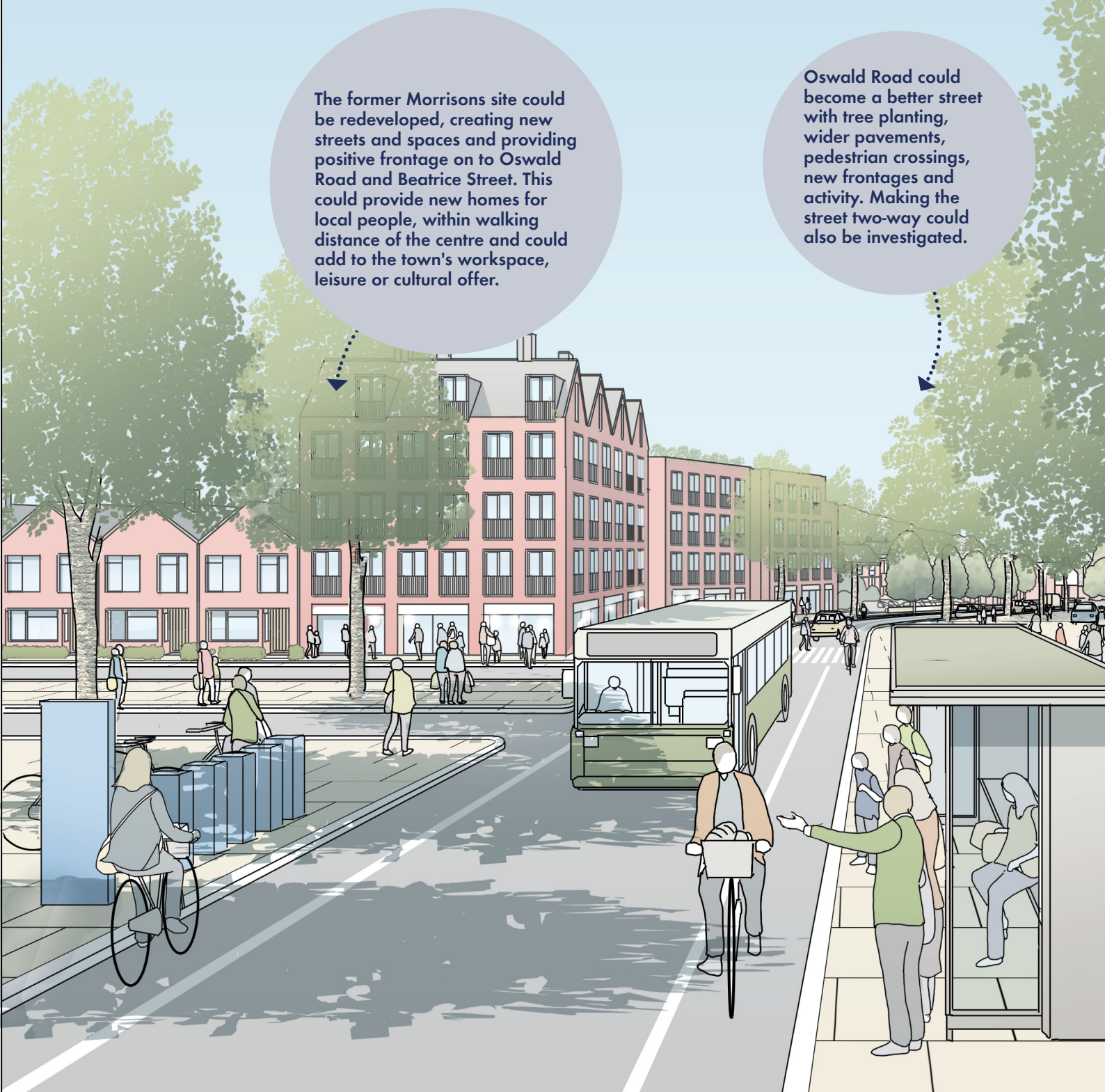


An artist's impression of Oswald Road

This illustration has been drawn to help visualise how the Big Ideas identified in this Plan could transform the area. This illustration is looking north east along Oswald Road and shows what it might look like if the former Morrisons site were to be redeveloped, the Station building refurbished with a cafe on the ground floor and the area re-designed to act as a gateway and public transport interchange hub.

The former Morrisons site could be redeveloped, creating new streets and spaces and providing positive frontage on to Oswald Road and Beatrice Street. This could provide new homes for local people, within walking distance of the centre and could add to the town's workspace, leisure or cultural offer.

Oswald Road could become a better street with tree planting, wider pavements, pedestrian crossings, new frontages and activity. Making the street two-way could also be investigated.





A public transport hub could provide easy interchange between, cycling, walking, buses, driving and in future, rail services.

The Station building could be refurbished. It could provide uses which are complementary to a transport interchange at ground floor, such as a cafe, toilets, or visitor information.

CHURCH STREET QUARTER

Home of independent shops and cafes, supported by better streets and spaces

The Church Street Quarter of Oswestry has been growing in popularity with a good selection of independent shops and services, Cae Glas Park and an emerging cafe culture, notably fronting on to Festival Square. From engagement, we learnt that local people would like to see this area of town's success be compounded with better streets and public spaces.

Festival Square could be expanded as a public space, on a temporary or permanent basis, providing a focal point for activity and for people to spend time. This expanded space could support outdoor dining, seating, and an exciting programme of pop-up events to help attract younger people to the centre and add vibrancy to the evening economy. Vehicular traffic could be reduced in the historic core and the shopping streets - Church Street, Willow Street and Cross Street - could be redesigned to be better places for people.

Further improvements to the alleys between Central car park/English Walls and Church Street, like those at Old Chapel Court, will ensure better connections between the retail area and improved bus services and public parking. Similarly, improved links to Cae Glas Park,

BIG IDEAS IN THIS AREA



Manage car parking

Alleyway improvement

Festival Square public space

Make the town centre shopping streets more attractive

Bringing vacant properties back into use

Rethink deliveries

particularly from Willow Street will ensure the Park's benefits are more widely felt. As opportunities arise, improvements to key junctions around this area would pedestrians and bicycles more priority.

The Central car park could be made greener and have two-way access from Salop Road, so that visitor car parking remains convenient. The Church Street Quarter can attract more people as a shopping and day-out destination supported by better streets and spaces.

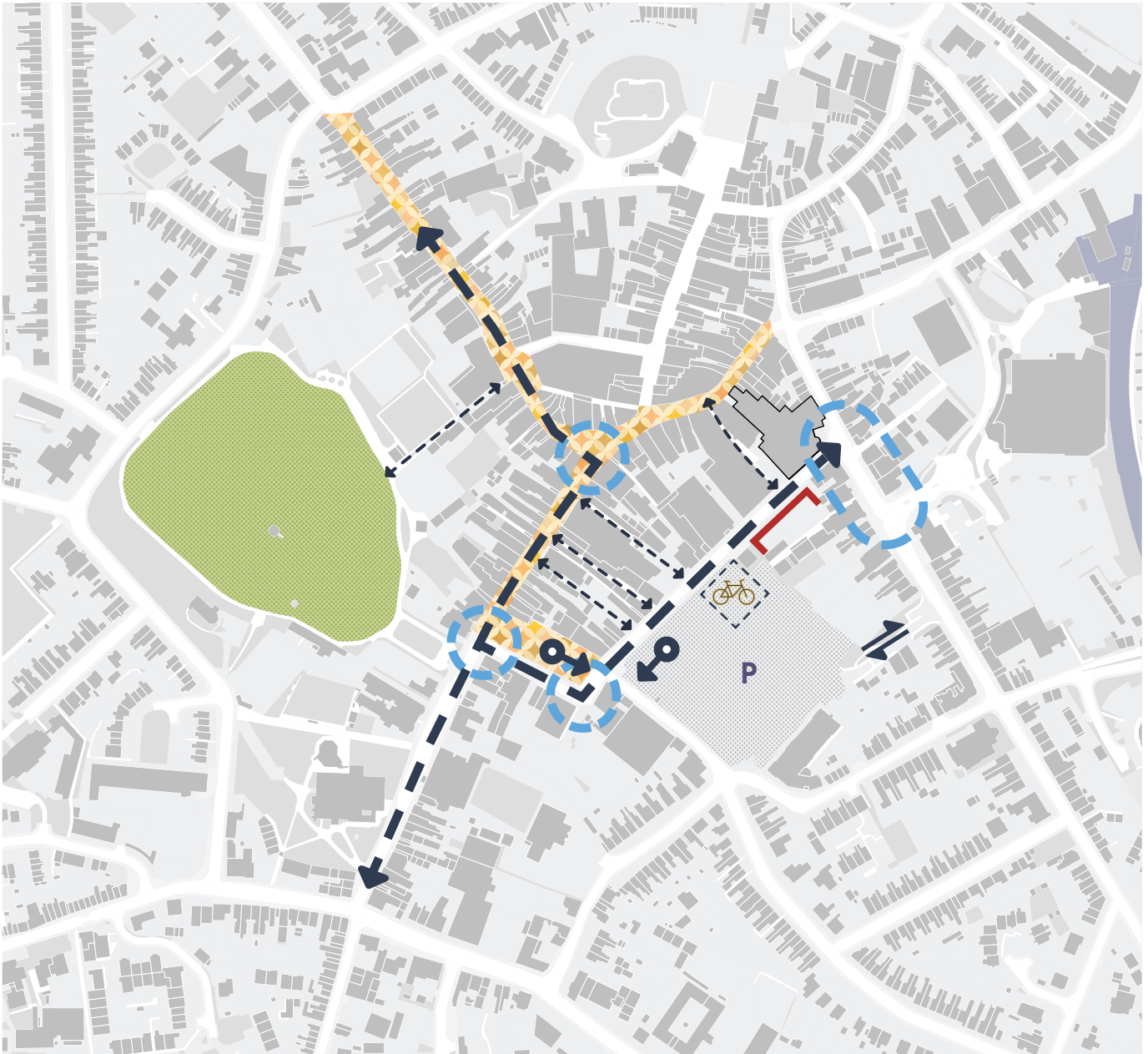












Figure 4 A map of big ideas for the Church Street Quarter

-  public realm/streetscape improvements
-  new bus stop (direction of bus)
-  hopper bus route
-  major pedestrian route
-  improve alleyways
-  key junction improvements
-  proposed bicycle parking
-  proposed active frontage
-  vacant building for refurb
-  improve access to Central Car Park



An artist's impression of Church Street and Festival Square

This illustration has been drawn to help visualise how the Big Ideas identified in this Plan could transform the area. This illustration is looking north to Festival Square and along Church Street. It shows what it might look like if Church Street were redesigned as a one-way street with wider pavements, more pedestrian priority catenary lighting and outdoor dining. It also considers different ways to activate the Square - with pop ups, events and seating.

Vehicular movements could be reduced in the historic core. Church Street and other shopping streets could be redesigned to give pedestrians more priority, and make for a nicer shopping experience. This could include wider pavements, level surface, greenery, higher quality paving and feature lighting.





Festival Square could be expanded and activated with pop ups, events and activities, alongside seating, play space and outdoor dining.



An artist's impression of Festival Square

This illustration has been drawn to help visualise how the Big Ideas identified in this Plan could transform the area. This illustration is to Festival Square from Smithfield Street/English Walls . It shows what it might look like if Festival Square car park was changed into a public space. The drawing also shows possible improvements to make the streets better for people walking, cycling and taking public transport.

A new orbital bus route could provide drop offs and high quality bus stops very near to the town centre, while reducing vehicles in the historic core.



The Festival Square car park could be transformed into a public space, expanding the existing public space and providing a place for outdoor seating, events, pop ups and play.

A new crossing on English Walls could provide safer access for people parking in Central Car Park as they enter the town centre.



CASTLE QUARTER

A lively area with more to see and do in the daytime and the evening

The Castle Quarter is focused around Bailey Head, the town's main market square and the main entrance to site of Oswestry Castle. Oswestry's medieval Castle Hill, the Town Council offices, Oswestry museum, Oswestry library, Kinokulture Cinema, Attfield Theatre and Hermon Chapel Arts Centre all form a cluster of cultural and community uses. Linked by an improved public realm and a shared and coordinated programme of events and activities, these important and complementary facilities could more effectively coalesce to form a 'Cultural Quarter'.

The Castle Quarter could become the town's cultural heart. The public space from Bailey Head and in front of the Castle Hill could be redesigned, creating high quality space with improved landscaping, paving and lighting so as to support a range of activities, drawing people naturally through to surrounding destinations.

Initiatives could be taken to strengthen the town's centres offer in terms of entertainment, culture, evening and leisure activities.

The indoor market is a key community and retail asset for Oswestry. The building itself however is underused despite its very prominent location. Redevelopment of the site could accommodate replacement market space if the facility were not to be relocated. New development on this important site could add

BIG IDEAS IN THIS AREA

Bailey Head/Castle View public realm improvements

Strengthening the cultural offer

Potential redevelopment of Bailey Head indoor market hall

Manage car parking

Alleyway improvement

much more life and activity to Bailey Head, and improve the setting of the Guildhall and other important historic buildings. Whilst it would take some time to coordinate, given the existing cluster of public sector sites in and around Bailey Head, redevelopment of the market hall building presents a valuable longer-term opportunity for mixed commercial and residential uses which could incorporate a new public sector hub facility.

The site presents a range of options and opportunities, but improvements to the space which might include reinstatement of Bailey Head's long lost water feature should be considered.

The area has enormous potential to emerge as Oswestry's cultural heart, where improved pavements and pedestrian spaces connect key facilities to help support existing and new cultural and community uses and activities.



Figure 5 A map of big ideas for the Castle Quarter

- proposed green space
- public realm
- car parking
- cultural facility
- pedestrian crossing
- potential development site
- major pedestrian route
- improved alleyways
- proposed active frontage
- proposed bicycle parking
- tree
- entrance/exit
- improved step access to castle



An artist's impression of Bailey Head

This illustration has been drawn to help visualise how the Big Ideas identified in this Plan could transform the area. This illustration is of Bailey Head, showing what it might look like if the indoor market hall were redeveloped as a mixed use building with cafes, restaurants and activity at ground floor. The illustration also imagines what a redesigned public square could look like, still hosting the weekly market, with the addition of trees, planting, a water feature and outdoor seating.



Bailey Head could be redesigned to support different activities at different times of day. This could include, outdoor seating, play, feature lighting, a water feature, while still keeping space to host the market and events.

The indoor market hall could be redeveloped, creating active frontage and activity on the square. New buildings could provide a mix of uses - cafe, restaurant, leisure, or cultural facilities with workspace or new homes above.



MILE END AREA

An expanding area for business space and new homes with better connections and a stronger identity

The Mile End area is planned for growth, supported by an upgraded Mile End roundabout. Home to Maesbury Industrial Estate, the area has long been a strategic location for business and employment. The development of Oswestry Innovation Park will provide a high quality commercial gateway to Oswestry. The area is also growing as a place to live, with Oswestry Sustainable Urban Extension creating new homes adjacent to existing neighbourhoods, the College and Leisure Centre. The development of housing and new employment land is key to support the role of Oswestry as a service centre to the local population and wider hinterland.

With improvements already being made and lots of further investment planned, improved connections between the Mile End area and the town which will really unlock its full potential. This area is just over one mile from the town centre, yet feels much further, in part because of its 'out-of-town' character and because of its dependence on car-based transport. High quality, continuous walking and cycling routes could make commuting by foot or on bicycle more convenient.

BIG IDEAS IN THIS AREA

Strengthen south east connections

Better bus services

Central to this will be thinking about the crossing of the Shrewsbury Road, the connection across the bridge to Salop Road and an easy connection to the Coney Way greenway. New or extended bus connections could also help to connect this area into the town and beyond.

Shrewsbury Road is a key connector and gateway to the town. Currently, Shrewsbury Road lacks character and a sense of arrival. Future development as part of the SUE and the former livestock site could change the character of this route with development along its length to help transform this road corridor into a street.

Branding and wayfinding improvements to the employment areas will help improve the quality of these areas, improve their profile and identify and make them more attractive to new businesses.

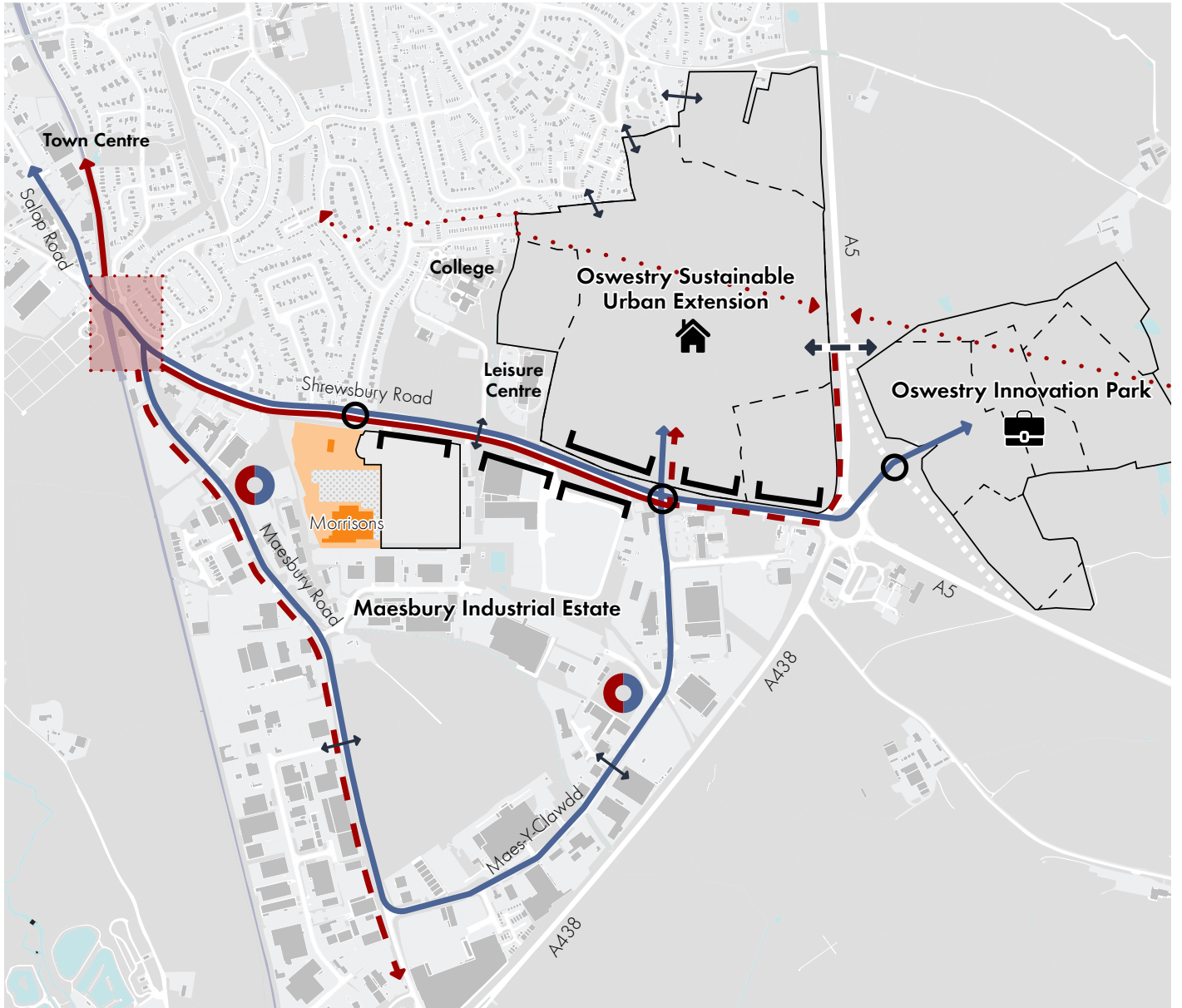


Figure 6 A map of big ideas for the Mile End area

- | | | | | | |
|--|----------------------------------|--|------------------------------------|--|-----------------------------|
| | improved cycle priority measures | | proposed bus route | | proposed site of employment |
| | development site | | existing cycle path | | proposed residential site |
| | possible cycle / transport hub | | proposed cycle path | | |
| | existing / proposed roundabout | | existing footpath | | |
| | proposed pedestrian link | | active frontage | | |
| | | | proposed pedestrian/cyclist bridge | | |

4.2 IDENTIFYING OPPORTUNITIES

Within each of the four Areas of Focus, multiple opportunities are identified. These "Big Ideas for Oswestry" are outlined further in this section.

The opportunities identified relate to a series of cross-cutting objectives which relate to movement, placemaking and development. These three themes are helpful because they broadly align with how relevant public sector partners are organised. The highways, planning and property services of relevant local authorities are well placed to respond to these opportunities. The fact that these opportunities emerged through a process of extensive engagement with local people and analysis of the town's existing social, environmental and economic context provides an important foundation.

The table on the facing page provides an overview of the identified opportunities and highlights their respective relevance to the three strands of the vision. The table also locates these opportunities spatially in the town.

Three strands to the vision



A better place to live



A better place to work



A healthier and more sustainable town

Three themes



Movement



Placemaking



Development

Four areas of focus



Castle Quarter



Mile End area



Cambrian Gateway



Church Street Quarter



A better place to live

A better place for business

A healthier and more sustainable town

Area of focus

		A better place to live	A better place for business	A healthier and more sustainable town	Area of focus
Movement	1 Public transport hub	🏠	👜	🌳	CG
	2 Strengthen north east connections	🏠	👜	🌳	CG
	3 Better bus services	🏠	👜	🌳	
	4 Strengthen south east connections	🏠	👜	🌳	ME
	5 Rethink deliveries		👜	🌳	CQ CS
	6 Manage car parking		👜	🌳	CQ CS
	7 Make walking and cycling safer and more enjoyable	🏠	👜	🌳	
Placemaking	1 Bailey Head/Castle View public realm	🏠	👜	🌳	CQ
	2 Strengthening the cultural offer	🏠	👜	🌳	CQ
	3 Enhance Wilfred Owen Park	🏠		🌳	CG
	4 Make the town centre shopping streets more attractive	🏠	👜	🌳	CQ CS
	5 Festival Square public space	🏠	👜	🌳	CQ CS
	6 Alley improvements and placemaking	🏠	👜	🌳	CQ CS
Development	1 Former Morrisons site	🏠		🌳	CG
	2 Bailey Head indoor market hall	🏠	👜		CQ
	3 Refurbish the Railway Station building	🏠	👜	🌳	CG
	4 Bringing vacant buildings back into use	🏠	👜	🌳	



4.2 BIG IDEAS FOR MOVEMENT AND TRANSPORT

THE EXISTING CONTEXT

Walking and cycling - Town centre streets are largely designed around the private vehicle. Poorly laid out junctions, extensive lines, signs and markings impact on pedestrian access and the quality of the pedestrian experience. The cycle network is fragmented and poorly signposted. There is a lack of cycle parking.

Bus and rail - The existing bus station is tired and disconnected from the town centre. Bus services are infrequent and impacted by the one-way systems. The nearest mainline Station is at Gobowen north east of the town. Whilst Oswestry station is currently not operational it feels disconnected from the town centre.

Traffic management and gateways - Vast expanses of highway and large junctions impact on the arrival experience at the Cambrian gateway and the approach from Mile End.

Car parking - The sense of arrival at key car parks is poor. The parking locations also result in increased traffic within the historical core impacting on the pedestrian environment and local air quality.

Deliveries and servicing - Due to the historic nature of the town centre it is difficult for large vehicles to service the retail units, pubs and restaurants without impacting on other road users.

BIG IDEAS

The movement section of the plan explores ways to:

Preserve the historic core - Reduce and manage the impact of vehicles. Retain and enhance the quality of the historic town centre.

Make walking and cycling an easier choice - No matter where you are in Oswestry, you're never more than a 10-minute cycle or 25-minute walk from the centre. Redefine roads and junctions as high-quality streets and places for people and cyclists.

Strengthen wider connections via walking, cycling and public transport - Better integrate bus and cyclist routes and wayfinding to the surrounding employment areas, key destinations and growth sites on the outskirts of the town centre. Possible provision of new cycle hub facilities within employment areas.

Coordinate parking - Intercept those driving into town at the edge of the centre to reduce vehicles driving through. Improve the arrival experience and make parking user friendly.

The plan seeks to highlight, examine and illustrate a range of small and larger scale opportunities and potential projects, allowing for implementation over time.

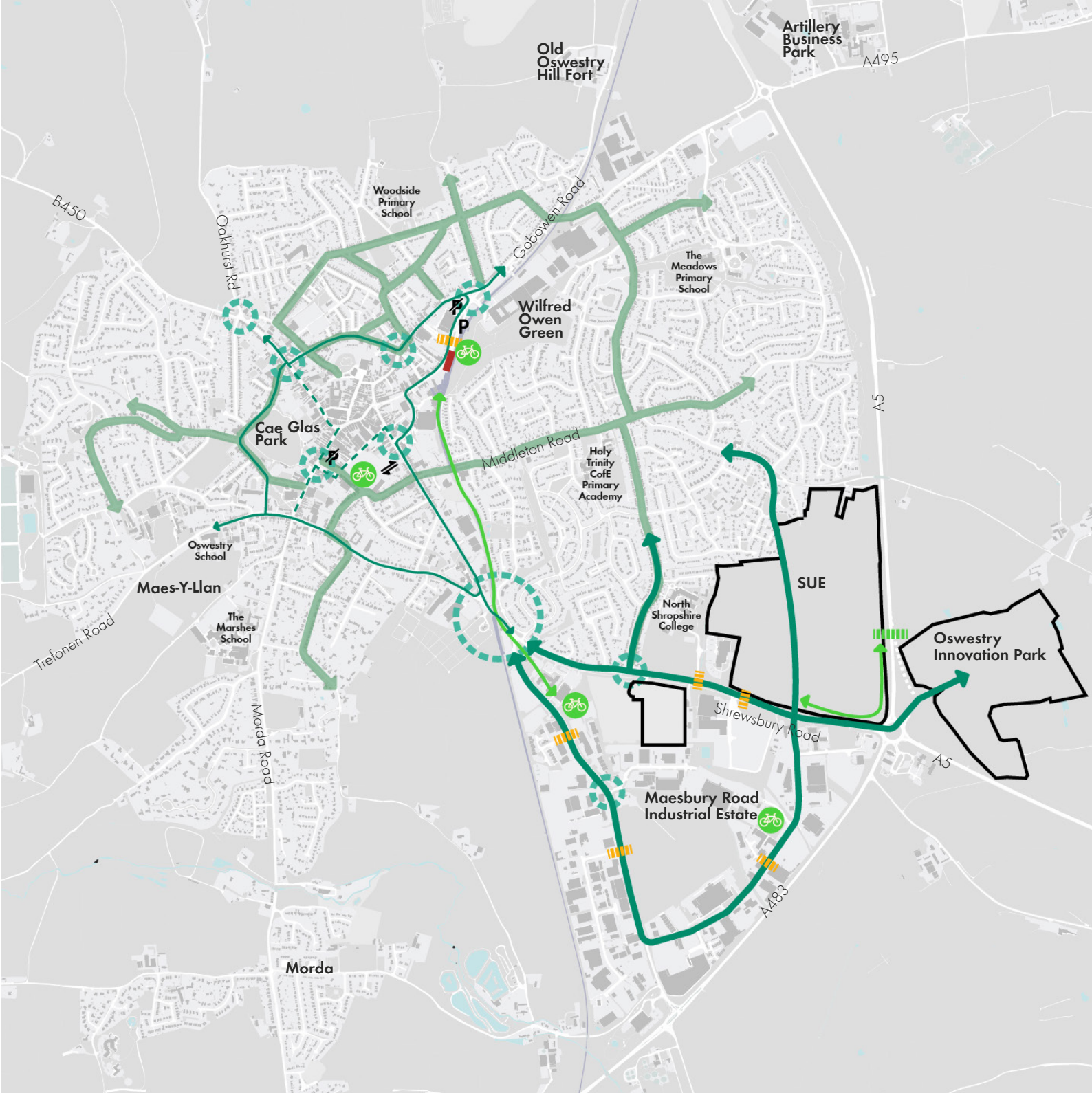
















Figure 7 A map of big ideas for movement and transport

- | | | | |
|---|------------------------------------|---|-------------------------------------|
|  | junction improvements |  | station interchange hub |
|  | possible cycle hub facilities |  | improved access to central car park |
|  | proposed pedestrian/cycling bridge |  | improved parking area |
|  | cycleway improvements |  | removal of car park |
|  | principal route for buses |  | new/improved pedestrian crossing |
|  | town centre hopper route |  | quietways |
|  | improved strategic bus connections |  | development site |

1 Create a public transport interchange hub

There is an opportunity to improve sustainable transport uptake and the arrival experience to Oswestry by creating a multi-modal transport hub near Oswestry Station building. This could improve the passenger experience by bringing together bus stops, coach and taxi rank, cycle facilities and visitor information. This hub would also help future proof plans to reinstate rail services to Gobowen from Oswestry Station.

Project could include:

- Replacing the existing bus station with on-street bus facilities and a new waiting area in front of the Station building to improve accessibility and take up. Changes would require a detailed study to identify design options and assess the potential impacts of changes.
- Providing bus, coach and taxi parking within the car park beside the Station.
- Improve the arrival point into the town and the interchange experience at the Station building

with live information, signage and improved footpaths to onward modes.

- Undertaking a study to identify design options and assess the impacts of changes to Beatrice Street, Oswald Road and King Street. The study should look to provide greater bus, pedestrian and cyclist access and station integration into the town centre.
- Renovating the Station building and re-purposing the ground floor to complementary uses, for example, a cafe or convenience shop with toilets.
- Improving junctions and streets for cyclists, providing a cycle hub/parking and linking to onwards cycle routes.
- There may also be an opportunity for cycle or scooter hire.
- An application for funding has already been submitted to develop the business case to reinstate rail services between Oswestry and Gobowen Station.



Good practice precedent: A transport hub

The North-West Transport Hub in Derry-Londonderry has been in operational use since October 2019. The hub involved renovating a disused historic building and bringing together rail, bus, cycle, taxi and parking facilities for easy interchange.

Strands of the vision it relates to:



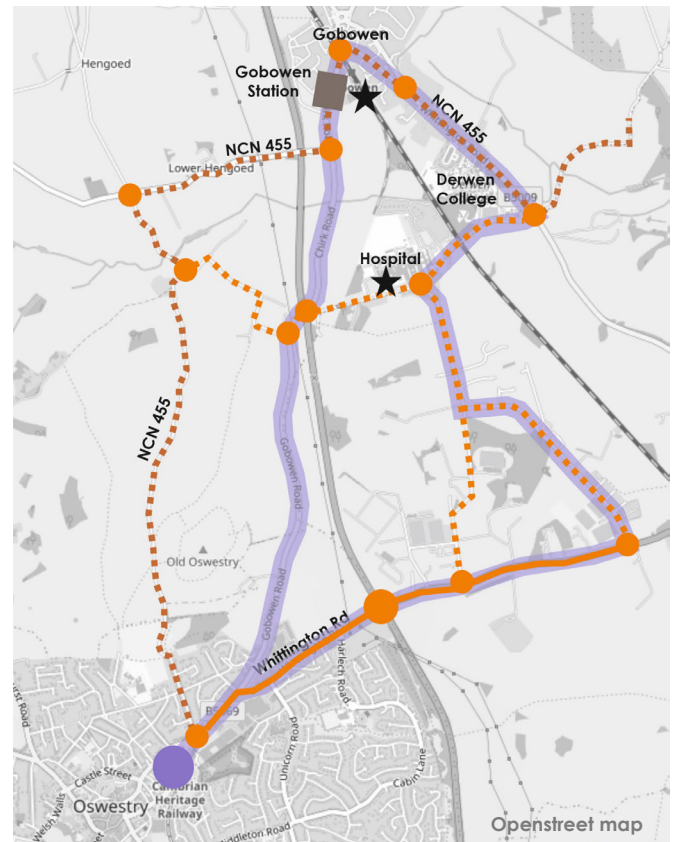
2 Strengthen north east connections

Within three miles from the town centre to the north east, there is a cluster of key destinations for the town's residents: the nearest mainline rail services at Gobowen Station; Robert Jones and Agnes Hunt Orthopaedic Hospital (RJAH); Derwen College; Artillery Business Park, Showground, Park Hall and Oswestry Hill Fort. Access to these locations is currently mostly undertaken by private vehicle as they are poorly served by public transport and the roads are not well designed for cyclists with fast-moving traffic and little infrastructure.

There is an opportunity to strengthen these connections so that people can easily make the trip by public transport or bicycle.

Projects could include:

- Improving the National Cycle Route 455 and other key routes with better signage and junction improvements so cyclists can transition from the cycle network to other roads.
- Provide regular and reliable bus services to Gobowen Station, the Hospital and Park Hall.
- The arrival and interchange experience at Gobowen Station could be improved in with information, signage and bus interchange facilities, as well as a cycle hub. Engagement with relevant stakeholders would be required.
- An application for funding has already been submitted to develop the business case to reinstate rail services between Oswestry and Gobowen Station.
- Improving traffic flow at other key junctions such as Gobowen and Whittington Road to reduce delays and pollution.



- Oswestry bus interchange
- Gobowen Station
- NCN 455 improvements
- Strengthen routes for cyclists
- Improve safety, crossings and signage at key junctions

Some of this work is already underway through the proposed Bus Service Improvement Plan (BSIP) and the Shropshire Local Cycling and Walking Infrastructure Plan (LCWIP).

Strands of the vision it relates to:



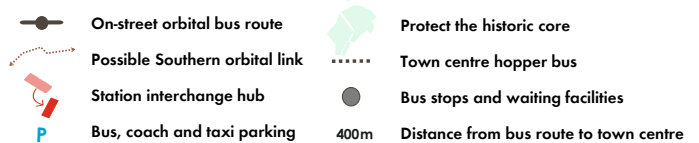
3 Better bus services

Currently, the bus station is separated from the town centre and could do with upgrading. Due to the one-way system and historic nature of the streets, bus journey times, bus legibility and accessibility are impacted. Equally buses also impact on the constrained environment within the historic core.

There is an opportunity to create an excellent bus service with good quality passenger waiting facilities and information. A service and facilities that enable more frequent and fully accessible access and sustainable movement in town and within the surrounding villages and employment areas.

Projects could include:

- Replacing the existing bus station with on-street bus facilities to improve accessibility and take up. Creation of a multi-modal transport hub near to Oswestry station, safeguarding its use as a transport interchange should funding for rail services be secured.
- Creating a two-way orbital bus network and bus stops around the town centre. Bus stops should be located close to the historic core, next to junctions or crossings and excellent links into the town centre created. This would encourage greater take up of buses and improve reliability.
- Trial an on-demand hopper bus that enables local neighbourhoods, employment hubs, hospital and currently isolated villages to access the town centre by public transport.
- Improve online information to aid better understanding of the bus services, routes and fares available including easy to read maps and live journey time information



- Improve existing bus stop waiting areas to ensure the facilities are in line with contemporary bus stop design, including accessible kerbs, good quality shelters, maps and information

Strands of the vision it relates to:

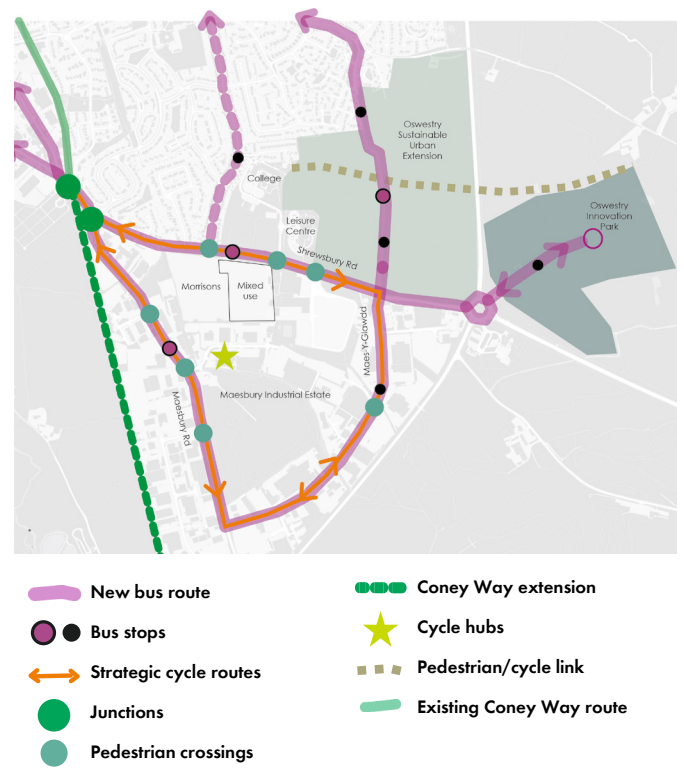


4 Strengthen south east connections

Maesbury Road Industrial Estate is a major employment area, with more workspace being added at the nearby Innovation Park. The area is also home to the leisure centre which will be the location of up to 900 new homes from the Sustainable Urban Extension (SUE). This area is just over one mile from the town centre, a distance which should be very manageable for walking, cycling or public transport - yet it feels 'out-of-town'. There is an opportunity to strengthen connections to this growing area, making walking, cycling and public transport an obvious choice.

Projects could include

- Extending existing bus services or introducing a new bus service that encompasses Maesbury Road, Maes-Y-Clawdd, Shrewsbury Road and connects with the Sustainable Urban Extension and Innovation Park developments. Introduce local bus stops and bus interchange stops with sheltered waiting areas, live passenger information and cycle stands nearby.
- Connecting the Shrewsbury Road cycle lanes to the greenway.
- Extending the Coney Green link south alongside the rail line.
- Enhancing the cycle route to Maesbury Industrial Estate
- Improving the streetscape of Shrewsbury Road so that it feels like a street and provides a better arrival experience to the town, with crossings, footpaths, tree planting and active frontage from new development.



- Provide greater pedestrian and cyclist priority at junctions including traffic calming measures and pedestrian crossings.
- Introduce electric charging points

Some of this work is already underway through the proposed Bus Service Improvement Plan (BSIP) and the Shropshire Local Cycling and Walking Infrastructure Plan (LCWIP).

Strands of the vision it relates to:



5 Rethink deliveries in the town centre

There is an opportunity to change the way deliveries are made to and from town centre businesses to decrease the impact of vehicles on the historic environment, decrease emissions and improve the visitor/customer experience.

Projects could include:

- Working with local businesses to consolidate and shift to more sustainable deliveries and servicing.
- Piloting different options with local businesses to reduce the number or limit the time of deliveries in the centre, reducing the impact of large vehicles on the historic core.

Strands of the vision it relates to:



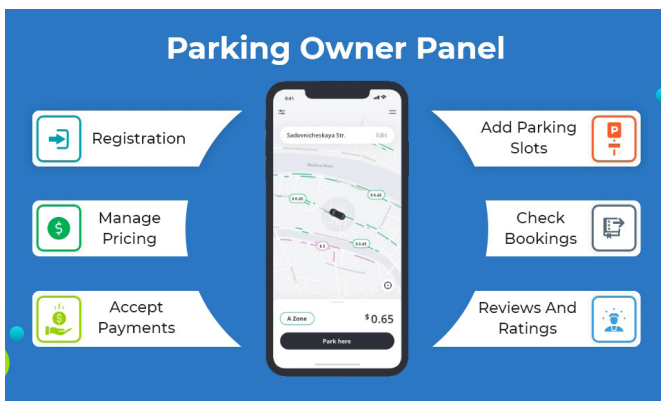
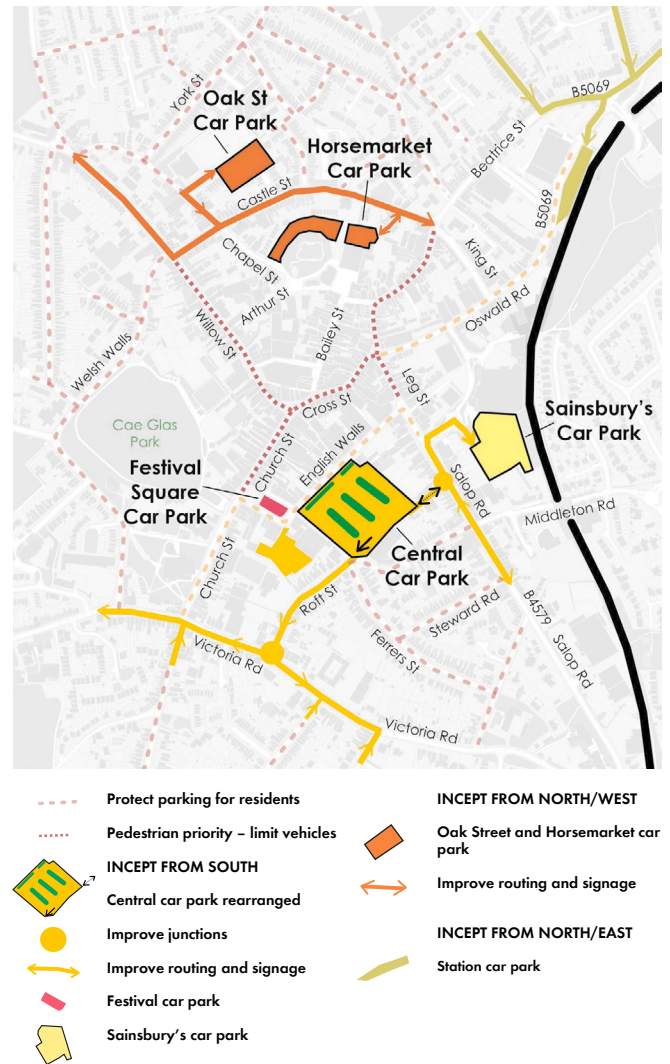
6 Manage car parking

The car parks in town are under different ownerships - the Town Council, Shropshire Council and private ownerships - and operate separately, with different hours, payment arrangements and availability. At times this results in people driving around town to find the parking which suits them. A new way of managing parking, making use of smart technology, could make parking in the town coordinated, integrated and user friendly, while also reducing town centre traffic movements.

Projects could include:

- Oswestry Town Council and Shropshire Council developing a coordinated parking strategy and management approach.
- Rearranging car parking signage and access to intercept vehicle visitors at the edges of the town centre at their arrival point to reduce traffic travelling through the town centre.
- Improving the access and aesthetics of the central car park to reduce the impact of circulating vehicles and anti-social behaviour on the local community. Measures could include changes to the existing access arrangements (making the Salop Road access two-way), greening and public realm improvements as well the introduction of a cycle hub near Welsh Walls.
- Considering re-purposing Festival Square car park for public realm or time restricted space for events.

- Considering the introduction of controlled parking zones within the town centre to protect residents' parking from indiscriminate visitor car parking.
- Improving the visitor experience and wayfinding through improvements to public realm
- Improving wayfinding and signage to Sainsbury's car park.
- Redesigning the Oswestry Station car park to serve as part of an interchange hub, maintaining some visitor car parking, alongside coach, taxi and bus standing
- Improving signage and access to Oak Street and Horsemarket car parks. Introducing electronic payment systems.
- Introducing electronic payment systems and trialling smart systems for coordinating and managing parking throughout the centre.
- Integrating electric car charging points.



Good practice precedent: Parking app
 Parking apps can help manage parking more efficiently using live data, reducing the number of vehicles driving through town to find a space.

Strands of the vision it relates to:



7 Make walking and cycling safer and more enjoyable

Oswestry is a compact town - most of the town is within a 25-minute walk of the centre, and you're never more than a 10-minute cycle from the centre. Encouraging less reliance on cars and promotion of walking and cycling is a major opportunity to relieve congestion and reduce emissions, while also supporting an active and healthy lifestyle.

The Shropshire Local Cycling and Walking Infrastructure Plan (LCWIP) is already in preparation and will identify a network plan for walking and cycling for Oswestry which identifies preferred routes and core zones for further development. The LCWIP will also provide a prioritised programme of infrastructure improvements for future investment for Oswestry.

Projects could include:

- School streets and quietways - making a pleasant network of quieter walking and cycling routes for less confident cyclists and families. Measures could include dropped kerbs, footway repairs, footway widening, traffic calming measures, modal filters, tree planting, parking relocation and signage.
- Strengthening strategic cycle routes with junction improvements, traffic management, on-cycle lanes and signage. It is important to ensure facilities are consistent, convenient, safe and in line with National Cycle Design Guidance.
- Introducing cycle hubs - secure sheltered parking - at key locations including near the station, in car parks and at schools. These could include



- Existing pedestrianised streets
- Pedestrian and cyclist priority
- Quietways and school streets
- Coney Way link extension
- Cycle hubs
- Cycle parking
- Cycle hangers
- Enhanced junctions

cycle hire and cycle repair stations in the longer term. Upgrading on-street cycle parking and considering neighbourhood cycle hangers to provide for residents who do not have private space to store a bicycle securely.

- Upgrading key junctions to provide greater pedestrian and cyclist priority.
- Encouraging the take up of walking and cycling, through initiatives such as free cycle training, bike maintenance courses, community cycle clubs and try-a-bike loans for residents.
- Working with schools to bring in travel plans, or to restrict traffic on school streets.

Strands of the vision it relates to:



Good practice precedent: A quietway and modal filter
This quietway provides a pleasant environment for people walking and cycling. The modal filter allows bicycles and pedestrians through while stopping cars.



Good practice precedent: A pedestrian-priority street
A narrow carriageway and level surface help to communicate to drivers to slow down and give pedestrians more space and priority.



Good practice precedent: A level crossing
Junctions and crossings should give more priority and provide a continuous smooth surface for people walking and cycling.



Good practice precedent: A cycle hanger
In the space to park one car, a cycle hanger can provide secure and convenient storage of six bicycles, encouraging uptake of cycling.

4.3 BIG IDEAS FOR PLACEMAKING

THE EXISTING CONTEXT

Oswestry's greatest asset is its history and heritage - the town centre benefits from an array of historic buildings, many of which are listed and the centre is protected by a conservation area designation.

There are two main squares in the town: Bailey Head and Festival Square. The balance of activity has shifted south in the town centre towards Festival Square - the town would benefit from reactivation of the north of the centre.

Bailey Street is pedestrianised, and traffic restrictions (one-way, restricted time access, etc) have been tested for the other shopping streets (Church Street, Cross Street and Willow Street) looking to strike the right balance between supporting movement and pedestrian activity.

This town centre serves as a the retail core and continues to be home to the weekly indoor and outdoor markets. A number of supermarkets have opened on the edge of the centre as well as car parks for people to easily access the town.

The town's schools generate lots of local trips during term time and are generally well located. There is a good relationship between residential neighbourhoods and core retail area. The town's main

employment area Maesbury Industrial Estate, is out of centre with scope for further improvements and investment.

The town is well served by wonderful Cae Glas Park and benefits from good access to the countryside. Wilfred Owen Green near the Station building could be better linked and better used.

A number of lanes, shuts and alleys provide pedestrian connections between the main streets in the historic centre.

BIG IDEAS

With the rise of online and out of town shopping, people are using town centres differently than they used to. Research shows that people are seeking experience and leisure.

Oswestry already has many strengths in this regard - independent businesses, a growing cafe culture, markets and events and the unique historic environment. There is an opportunity to build on its environment and offer, in order to attract more people to the town adding to its vibrancy and resilience.

The plan seeks to identify and illustrate a range of small and larger scale opportunities and potential projects, which could be implemented over time.

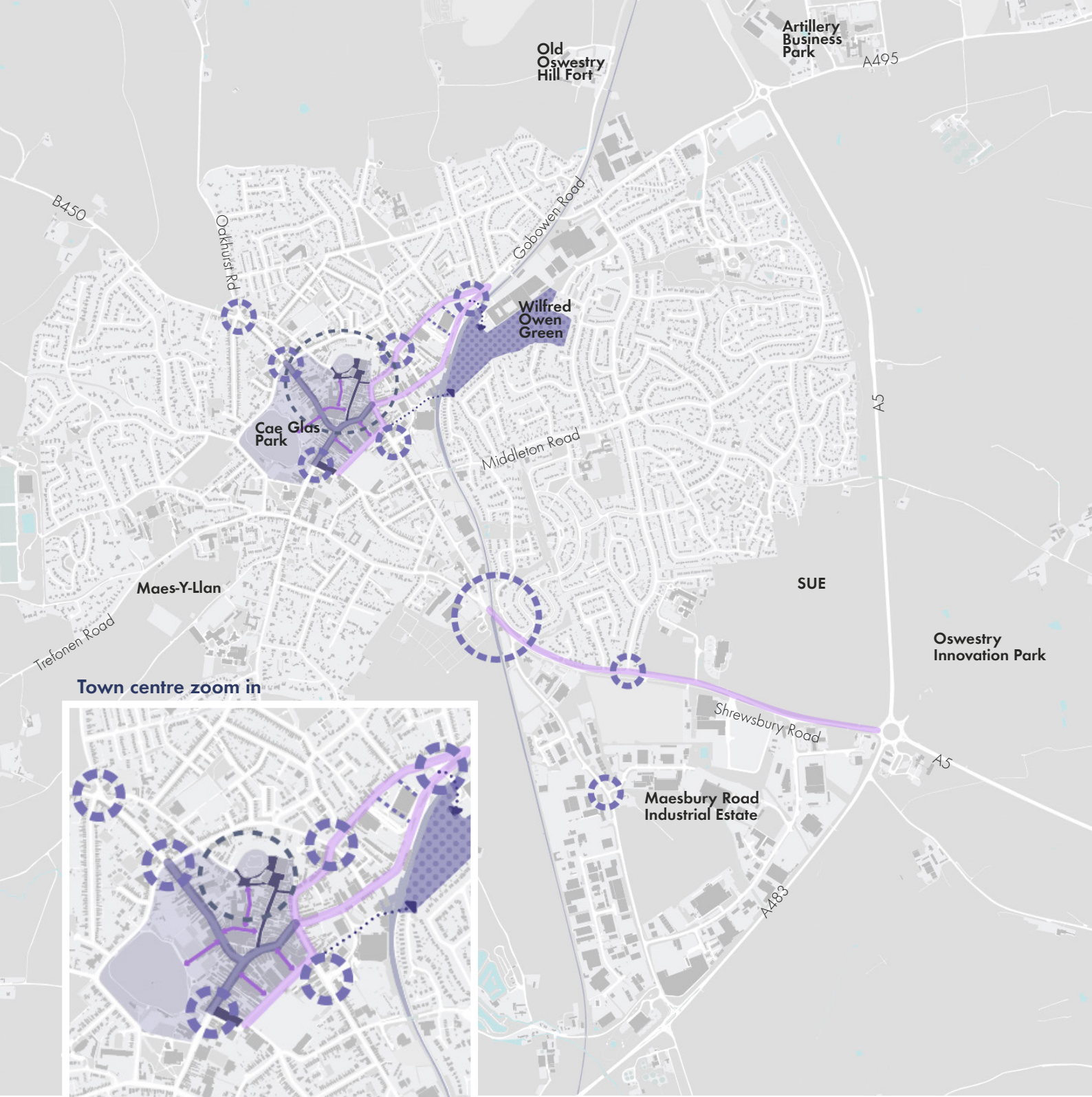


Figure 8 A map of big ideas for placemaking

- new/improved public space
- improved park access
- improved park
- new street
- strengthened cultural offer
- junction improvements
- improved pedestrian-priority street
- streetscape improvements

1 Improving the public realm around Bailey Head/Castle View

There is an opportunity to transform the Bailey Head area, making it more lively at different times and making a feature of the Castle. While Bailey Head is busy on market days, the space lacks versatility and at other times it feels empty.

Though its a significant historic landmark for the town, the Castle does not feel very prominent at the moment and the a space at the entrance of the Castle feels like a 'back' for servicing rather than a 'front'. There is potential to make more of the medieval Castle hill.

Projects could include:

- Re-imagining the space in front of the Castle as one public space, which frames the Castle entrance and makes it feel like a front rather than a back.
 - Using paving or lighting to create a sense of continuity between the Castle, Arthur Street, Castle Court, Albion Hill, Chapel Street and Castle View.
- Upgrading the Bailey Head (in conjunction to any improvements to the Castle space), to adapt flexibly to different uses at different times - supporting markets and events and providing a place for people to sit and socialise at other times. Integrating planting, seating and lighting.
 - Installing feature lighting of historic buildings and in the key routes and spaces to help support the evening economy.

Improvements are already underway; as part of the HSHAZ work, proposals are being progressed to improve the alleys and the Castle in this area.



Good practice precedent: Improved public realm

Altrincham invested in upgrading their streets and public spaces, and have seen more people coming into town to shop and spend time as a result.

Strands of the vision it relates to:





2 Strengthening the cultural offer

One of the main points of feedback from the engagement was that people would like to see Oswestry's cultural, entertainment and evening offer expanded. The area around Bailey Head has a number of cultural assets - the indoor and outdoor markets, an art house cinema, a music venue, pubs, the museum, theatre and the library. There is an opportunity to bring together and add to this offer, creating a lively cultural offer for the town.

Projects could include:

- Creating a network of local cultural organisations to coordinate and promote programming of what's on in Oswestry.
- Creating a grant scheme to fund initiatives led by local cultural organisations and businesses, which add to the town's cultural and entertainment programme. Funding should prioritise proposals which cater for young people and older people alike, attract people into the centre, and can adapt to demand in terms of timing rather than being pegged to traditional retail business hours.
- Identifying gaps in culture/leisure provision and seek to attract these into town as part of upcoming developments. In particular, any new provision should look to cater for young people. For example, through the engagement process, people identified a lack of cinema and a new mid-sized venue or performance space (which could be used flexibly at different times).
- Programming events and activities in the public space such as an outdoor cinema night, outdoor theatre, busker performances, pop-up food markets or live music. Hosting these activities in the public spaces helps to keep them visible and accessible to all, activating the streets and spaces.

As part of the Oswestry HSHAZ, a Cultural Consortium has already been set up made up of interested organisations and individuals to promote culture in the town centre and actions are already underway to strengthen the town's cultural offer.



Good practice precedent: Culture in the public realm

Backyard cinema holds outdoor film nights which increases town centre footfall in the events and makes a feature of the historic buildings and public space.

Strands of the vision it relates to:



3 Enhance Wilfred Owen Park and connections

Through the engagement process, local people told us that despite investment Wilfred Owen Park is not well used and at times feels dangerous. Changes could be made to the park to increase its use, making it the heart of the community in this area of Oswestry.

Projects could include:

- Improving the entrance and prominence from Oswald Road/Thomas Savin Road. This could be done with signage and a linked green space visible from Oswald Road. It would also benefit from a direct pedestrian crossing to the possible new development on the Former Morrisons site providing direct access to any future residents or workers.
- Improving the entrance and prominence from Coney Green, with an enhanced footpath and signage from the town centre.
- Increasing the recreational facilities in the park and activities for young people, for example by incorporating a skate park or outdoor table tennis tables would help draw more people, in turn making the park feel safer.
- Creating a pavilion in the park, which provides community space, while creating natural surveillance by windows and doors looking on to the park.
- Any future development around the edges of the park should face on to the green space, giving the park more of a feeling of being watched over and cared for.



The existing entrance to Wilfred Owen Park across the railway at Coney Green.

Strands of the vision it relates to:



4 Make the town centre shopping streets more attractive

There is an opportunity to make the town's shopping streets - Bailey Street, Cross Street, Church Street and Willow Street - more attractive to visitors and residents alike.

The big ideas in the movement section look to decrease vehicular traffic in the historic core. In tandem with these proposals, there is an opportunity to re-imagine the streets as pedestrian-priority spaces.

Potential projects:

- Declutter the public realm removing extraneous signage, bollards, posts, street furniture.
- Now that the one way system on Church Street has been implemented and lower speed limits have been brought in on Church Street, Willow Street and Cross Street, there is an opportunity to transform the streetscape to give greater priority to pedestrians.
- Improvements to key streets should be agreed, programmed and delivered through a co-ordinated, heritage-led townscape initiative.
- Installing feature lighting along this historic stretch of commercial frontage to help support the evening economy.
- Considering installations, temporary street closures and pop up activity to create activity and interest at different times of the day, week and year.
- Considering the surfacing and paving, to create a higher quality space, all the while remaining fully accessible.
- Art installations which create a sense of intrigue and reinforce Oswestry identity. These would need to be robust and durable to withstand being outdoors.
- Considering how bins, servicing and access are managed, so as to de-clutter the space.



Good practice precedent: a high-quality street

Paving in Westbury Dublin gives a sense of pedestrian priority and improves the streets for shoppers, while still allowing access to vehicles as required.

Strands of the vision it relates to:





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5 Festival Square public space

Festival Square is a popular public space at the corner of Church Street and Smithfields Street with mature trees, public seating, a sculpture, and cafes spilling out. Adjacent to the space is Festival Square car park, a relatively small car park in Shropshire Council ownership. Through the engagement process, local people expressed support for idea of converting Festival Square car park into an expanded public space. It is also adjacent to the much larger Central Car Park, which could continue to provide access to this part of town. This could include:

- In the short term, trial the closure of Festival car park to host activities and events.
- In the medium term, parking could be removed and the space could be converted in a temporary manner as a pilot. This could offer a lower-budget solution and be a quick-win for the town. This could help capture the collective imagination about what the space

could be in the future. There is also potential to carry this out as a design competition engaging people within the community.

- In the longer term this could be made permanent, and the space could be resurfaced taking in both the car park and existing public space. The space could provide trees, a small events spaces, benches, elements of play for children and teenagers, as well as additional outdoor seating for the adjacent cafe and pub.

Strands of the vision it relates to:



Good practice precedent: Broad Meadow, Oxford

A wide street and small amount of on-street car parking has been transformed into a temporary park in the city centre. The space was used to host an extensive programme of community events and the Council has been consulting the public on whether Broad Street has the potential to become permanently pedestrianised.



Good practice precedent: Public space Altrincham

Altrincham invested in their public realm including a complete redesign of their public square including new high quality paving sets, tree planting and lighting. The lay out creates distinct areas for different use - seating, play, events and outdoor dining.



6 Alley improvements

As has been done elsewhere Oswestry, the town's alleyways are an opportunity to create intimate and characterful spaces which make navigating the town a joyful experience. Improvements are being progressed through the HSHAZ for the:

- Herbie Roberts Way/Castle Court
- Clawdd Du
- Star Alley/Passage
- and the alleyway between Willow Street and Cae Glas Park.

Possible interventions could include:

- Installing feature lighting to add to the character of the laneways and promote their use into the evening.

- Rethinking the laneways' signage and wayfinding to make people aware of the lanes and to draw people through them.
- Considering the surfacing and paving, perhaps drawing inspiration from the town's past (e.g. historic materials), to create a higher quality space, all the while remaining fully accessible.
- Art installations which create a sense of intrigue and reinforce Oswestry identity. These would need to be robust and durable to withstand being outdoors.
- Considering how bins, servicing and access are managed in the laneways, so as to de-clutter the space and change people's impression.
- Showcasing any historic features in or around the laneways through providing a better setting, restoration, or incorporating feature lighting.



Good practice precedent: An enhanced laneway

Old Chapel Court has been enhanced with planting, cantenary lighting and signage which make it a characterful space and preferred route for pedestrians.

Strands of the vision it relates to:





The existing conditions of Herbie Roberts Way/Castle Court



Sketches showing design ideas for the alleyways as part of the HSHAZ project

4.4 BIG IDEAS FOR DEVELOPMENT AND INVESTMENT

CONTEXT

Retail and leisure play an important role in the local economy. The town centre has a strong retail sector with a particularly good range of independent outlets. Demand from national multiples is likely to be greater for convenience retail floorspace, rather than comparison. As major sites in and around the centre come forward, it may be appropriate to consolidate the retail area into a smaller, more focused, central area.

Independent retail with supporting restaurants, coffee shops and bars have an important role to play in the town's future. Vacant premises provide opportunities for pop-up space to help re-focus and diversify the town centre offer. A new town centre hotel could benefit the visitor economy and strengthen Oswestry's appeal to visitors.

Office space could be provided in a mix of small units offered on flexible lease terms to attract a range of local occupiers. Repurposing existing buildings would help provide the flexible space on affordable terms.

Whilst the town centre will always be a focus for investment and development, the main area of planned development in Oswestry is around town's south eastern approach at Shrewsbury Road. Improvements to the junctions and access arrangements required to support new development here are already being delivered.

Oswestry Innovation Park is proposed to bring new commercial space for a range of businesses, as well as a hotel and small food and drink offer. A masterplan was adopted for the area in 2013 for Oswestry Sustainable Urban Extension (SUE) which will provide up to 900 new homes to the west of the A5, together with associated open space and community facilities.

There is a strong residential market in Oswestry with good sales values. While a significant number of new homes are planned as part of the SUE, new town centre homes could help to add to footfall into the town centre.

BIG IDEAS

There are three sites in Oswestry in public ownership which could be considered for redeveloped to meet the town's needs and promote its vitality: the Former Morrisons site to the north-east of the town, the indoor market building at Bailey Head, and the former railway station building on Oswald Road. In addition, there are other sites in private ownership which are vacant or under-used and could be promoted for investment or redevelopment. The historic building stock within the town centre provides a great opportunity to provide visually interesting, desirable and attractive business locations for occupiers.

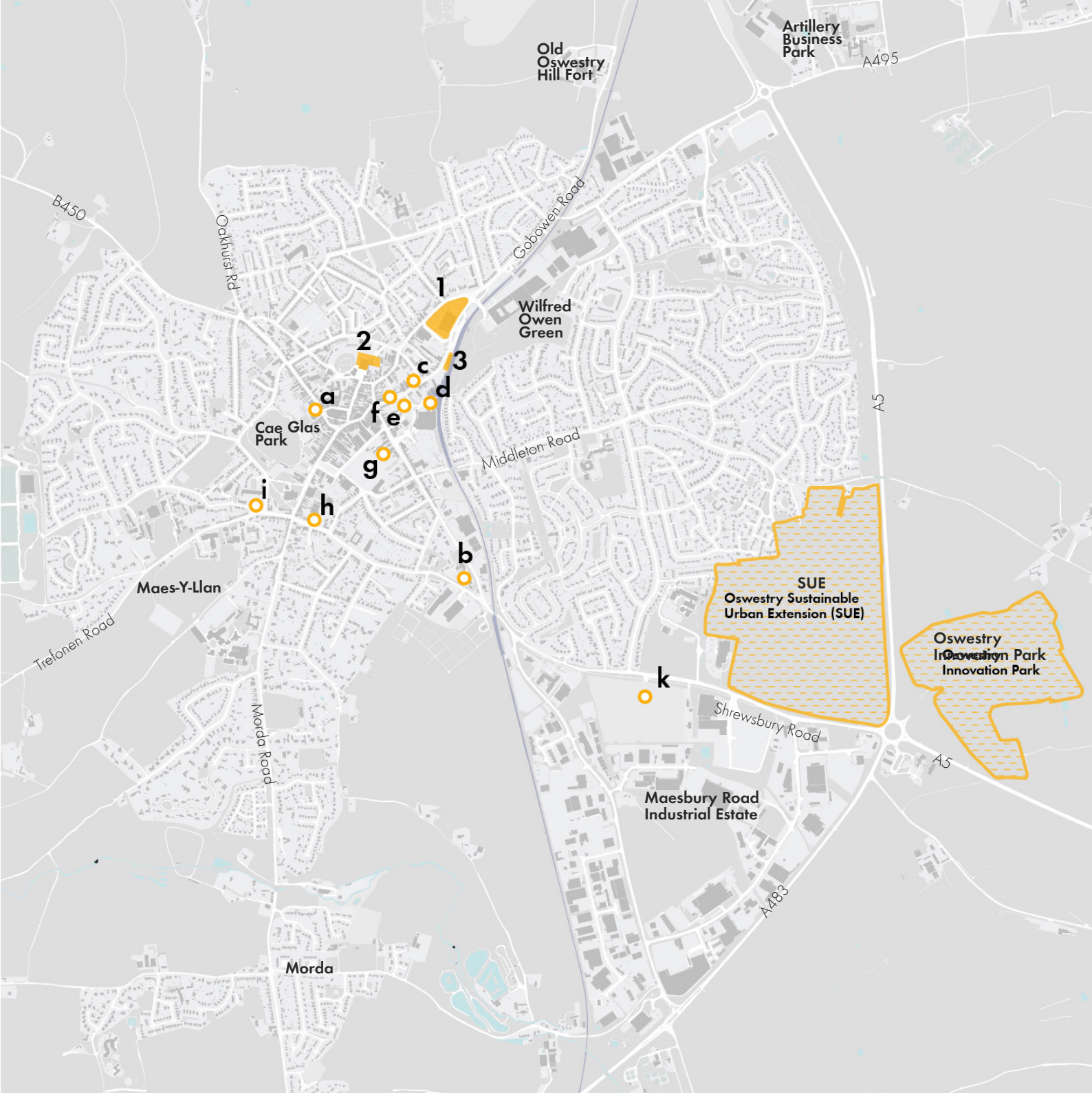


Figure 9 A map of big ideas for development and investment

- | | |
|---|---|
| <p>Opportunities</p> <ol style="list-style-type: none"> 1. Former Morrisons 2. Market Hall and backlands 3. Former Station building | <p>Minor sites</p> <ol style="list-style-type: none"> a. Post Office, Willow Street b. Victoria Road c. K. C. Jones site d. Coney Green e. Iceland f. Qube g. English Walls (NE) h. Arthur's Vauxhall i. B. T. Exchange k. Former Livestock site |
| <p>Planned development</p> | |

1 Redevelop the former Morrisons site

The Former Morrisons site between Oswald Road and Beatrice Street is a perhaps the town's most significant opportunity for growth and to improve the arrival experience into town.

The size and location of the site means its redevelopment presents opportunities to improve many aspects of the town centre environment. These include economic improvements with new mixed use development contributing to the town's diversity and resilience; access and movement improvements given the opportunity to include the bus station site in redevelopment plans; and, environmental improvements given the opportunity to create a much higher quality gateway experience to the town when arriving from the north.

Primary opportunities from redevelopment of this site include:

- Opportunity for redevelopment of this key urban site immediately adjacent to Oswestry town centre, which could include new uses



Good practice precedent:
High quality new neighbourhood
Goldsmith Street, Norwich

including housing, leisure/culture, community and commercial uses as part of a comprehensive mixed use scheme.

- A range of housing types could be accommodated including a mix of higher density apartment types to family-orientated houses with private gardens.
- There is an opportunity to limit review parking provision given the site's proximity to the town centre and public transport.
- Opportunity to radically improve the northern approach to the town along Gobowen Road.
- New development should provide activity and enclosure along this key approach route – with doors and windows addressing the streets.
- Re-provision of the poor quality bus station facilities could deliver town-wide benefits and improve public transport facilities for all town users.

Next steps to include an options appraisal study to review options for the short-term and long-term.

Strands of the vision it relates to:





2 Bailey Head indoor market hall

Oswestry is a proud market town. Market trading has taken place in the town since the reign of Henry II and in the Bailey Head area several hundred years. Maintaining a long term covered market offer for the town forms an important part of Oswestry's identity. The current market hall building dates from 1963 and is only used three days a week. Given its prominent location, there is an opportunity for the site to make a more significant contribution to the vitality of the town.

Any decisions would need to be made in conjunction with a wider review of the market offer and in consultation with market traders

Refurbishment and remodelling of the existing building may be a short to medium term option alongside a review of the market offer across the town. Other towns such as Southport and Altrincham have invested heavily in their historic market buildings to create new complementary attractions. A longer term option could be to promote this prominent site for redevelopment. This more ambitious approach would present scope for the relocation or re-provision of the indoor market.



Good practice precedent:
Southport indoor market refurbishment
(credit www.theguideliverpool.com)

The location and site would be suitable for additional community and cultural uses which would benefit the town centre. A public sector hub, hotel and/or new homes could support a viable scheme.

Opportunities for the redevelopment of the indoor market building at Bailey Head include:

- Any short or long term option for the site should secure the future of the indoor market in the town.
- A shorter term option would be the refurbishment of the facility to make it more outward looking and more inviting - perhaps in tandem with a shift in the nature of the offer.
- The site does however present a major long term mixed use development opportunity for the town centre.
- Opportunity to consider both on-site re-provision or relocation options for the indoor market.
- Future of the site might be considered alongside the future of the adjacent Guildhall.
- The site might present opportunities for a public sector hub facility which could be promoted in partnership with other public sector organisations in the town.
- Redevelopment would present opportunities to deliver improvements to the market square - potentially including reinstatement of the water pump feature (originally sunk in 1776 but removed in 1958).

Strands of the vision it relates to:





3 Refurbish the Railway Station building

Opportunity to renovate the Grade II listed building as flexible workspace/ small business space in the short term and to support a public transport hub at ground floor (toilets, café, etc.), while safeguarding use as an operational station in the long term.

The station building is a major landmark building on the approach to the town from the north. This robust and flexible listed building presents opportunities for conversion and reuse. The building is already part occupied by Cambrian Heritage Railways who operate the adjacent Railway Museum.

Much of the rest of the building however remains empty and presents an opportunity to provide flexible co-working space. The recent COVID-19 pandemic has led to an increase in demand for small scale flexible and local office space as more people choose to work closer to home.

Redevelopment of the bus station as part of the redevelopment of the former Morrison site may require the re-provision of bus facilities. The

area outside the Railway Station building with its generous pavements provides an opportunity for a more convenient and better connected facility. This would once again anchor the station buildings role in the town as a transport hub.

Should the campaign to re-establish passenger services to Gobowen be successful, the basis of an integrated transport interchange at this gateway location will have already been formed.

Opportunities for the refurbishment of the Oswestry Railway Station building include:

- Sensitive refurbishment given the building's Grade II listed status.
- Suitable for conversion to flexible workspaces of a variety of sizes.
- Potential for ground floor cafe/restaurant use.
- Maintaining its relationship with the Cambrian Railway Trust would retain links with its past.



Precedent:

Maldon Station, Essex, disused since 1953 is now refurbished as an office space.

Strands of the vision it relates to:



5 Bringing vacant properties back into use

Vacancy rates in the town centre is a concern for Oswestry as it is in many other town centres across the country. The HSHAZ initiative has already identified this issue as one requiring action and investment.

Bringing back into use vacant premises on upper floors of town centre (retail) property presents another complementary opportunity to bring investment and more vitality and diversity of uses into the town centre. One such project already underway is a co-working space which has been developed in the Memorial Hall.

Being proactive is important to bring these opportunities to fruition. Some success has already been secured through the work of the HSHAZ scheme to support repairs to historic shop frontages and to bring vacant or underused properties back into use.

Additional opportunities for investment could be sought and support for improvements could continue to be provided.



Cross Street, a focus for HSHAZ investment



Good practice precedent: Shopfront improvements

Wheeler Gate, Nottingham and HAZ funded
(image credit: Rayner Davies Architects)

Strands of the vision it relates to:



5 - IMPLEMENTATION

5.1 PARTNERSHIP WORKING

Overseeing the Vision

The Future Oswestry Group is a partnership set up in 2019, made up of representatives from Shropshire Council, Oswestry Town Council and Oswestry Business Improvement District (BID).

Membership of the group includes:

- Two councillors representing Shropshire Council
- Two councillors representing Oswestry Town Council
- Two representatives of the Oswestry Business Improvement District (BID)

Support is provided by officers from Oswestry Town Council, the BID and Shropshire Council.

The Future Oswestry group has already helped support and develop the High Street Heritage Action Zone programme (HSHAZ), hosted workshops to refresh the vision for Oswestry as part of the master planning process, and supported work to help with social distancing measures in the town centre. The partners are co-ordinating resources and expertise to achieve the shared vision for the benefit of the town.

Two Community Representatives have been appointed to provide advice and support to the Future Oswestry partners to shape the

shared vision and help develop appropriate mechanisms for communicating with key stakeholders, established networks and the wider community.

Active engagement of wider stakeholders in the development of proposals and projects will be undertaken by the Future Oswestry partners, working with Community Representatives and established networks. This will be undertaken through a range of engagement methods, including face to face and online approaches. Opportunities to get involved will be actively promoted to ensure the Future Oswestry partners work collaboratively with stakeholders and the wider community on the preparation of the delivery plan and the development of proposals and projects.

Developing projects to deliver the vision

This vision provides the overview of regeneration ambitions. The next step is the preparation of a detailed delivery plan which will provide the framework for the development of key projects and enable long term co-ordination. Engagement with stakeholders and the wider community on the developing proposals will be undertaken, through the Future Oswestry group supported by the Community Representatives.

The type of project will inform the key asks

of partners and stakeholders, appropriate delivery model(s), and organisation lead. The nature and scale of projects identified will determine the need for detailed design, technical studies, and level of consultation with the community and with the relevant authorities as appropriate.

The Vision and preparation of the delivery plan will inform bids for funding and the prioritisation of projects to meet the aspirations of the masterplan vision.

There are a number of smaller scale projects that could be developed as early projects in the short term, to deliver improvements which have been identified as part of the engagement discussions. These projects ideas and ways to be involved in their development will be promoted through the Future Oswestry Group.



5.2 DELIVERY MODELS AND FUNDING OPTIONS

Introduction

The Oswestry Masterplan presents an ambitious programme which, if substantially implemented, will guide the development of this historic border market town. It concentrates on physical development activity as this is the role of this study and it will need to be coordinated with the changes to the highways network and future development proposals of land owners and developers to ensure that maximum benefit is leveraged.

Market Positioning

Oswestry today is an intriguing proposition in market terms. The area does offer significant opportunities for development with the greatest challenge being the identification of the most appropriate uses that would fully benefit the future of the town..

It is an established cultural and commercial location in north Shropshire, serving a cross-border catchment that extends into Wales. It is at the confluence of a number of roads. A thorough analysis would be required to identify the most appropriate uses for the development sites that have been created by the closure of the Morrisons store.

The Council has been developing this strategy to achieve long term sustainable

change and with a strong emphasis on quality and aligning new development to the needs of a target audience. It is important to emphasise that any buildings developed in this area must be of the highest quality given the important heritage and architecture of the town.

This vision is dependent on creating an environment of exemplar quality (green spaces and good design) with excellent connections including ICT, plus decent public transport and attractive walking and cycling routes through the area. It also needs to be perceived as a safe area and one where facilities (including community uses, leisure amenities and shops) are excellent.

Funding Sources and Delivery Mechanisms

In the current financial climate, there is scarcity of funds for site acquisition and capital enabling works. There are severe restrictions on local authority budgets, and this is likely to remain so for a considerable time to come.

The government has committed to 'Levelling Up' the country. Oswestry should be well placed to secure future intervention funding. The following potential sources of intervention funding are likely to present opportunities for the town (note that there are likely to be additional funding streams in due course):

- Levelling Up Fund
- High Street Heritage Action Zone
- Towns Fund
- Future High Streets Fund (or successor)
- Shared Prosperity Fund (in consultation).

In addition to these issues, there are major difficulties for private sector developers gaining access to development loan finance for schemes where there is a property market in transition. This is particularly true for speculative commercial development and this will need to be considered.

Public: Private Joint Ventures

One option for delivery of development sites is through a Joint Venture (JV), an entity formed between two or more parties which both contribute equity and then share in the revenues, expenses and control of the venture. JVs can be for one specific project or for a continuing business relationship. The phrase refers to the purpose of the entity rather than the type of entity, so a JV can be a corporation, a limited liability company, a partnership or another legal structure.

The public sector has extensive land holding in and around Oswestry and clearly has a very important role to play in the facilitation of the further exploration and investigation of opportunities identified. Where land assets are brought in a JV arrangement there will need to be discussions and agreements on

land values during relevant negotiations.

One method of delivery could see the public sector undertaking outstanding land assembly work and selling on to the private sector at market value, thereby realising 'best consideration' and fulfilling the obligations of section 123 of the Local Government Act 1972.

Alternatively, the public sector could elect to put its land into any agreement at a discounted land value and accrue benefits over the medium term through increased values or overage agreements.

Next Steps

It is clear that partnership working will be critical to the success of the plan and with the council and public sector partners having several land holdings in the area, there are strong foundations on which to build links with the wider public and private sectors.

The opportunities identified in the masterplan should form the basis of collaborative partnership working between FOG members. Most identified opportunities will require further engagement and consultation. That should lead to the agreement of an action plan identifying a series of quick wins and short-, medium- and long-term actions which the FOG and its partners can take the lead on. Progress on many of these actions will depend on working in partnership with other key stakeholders.

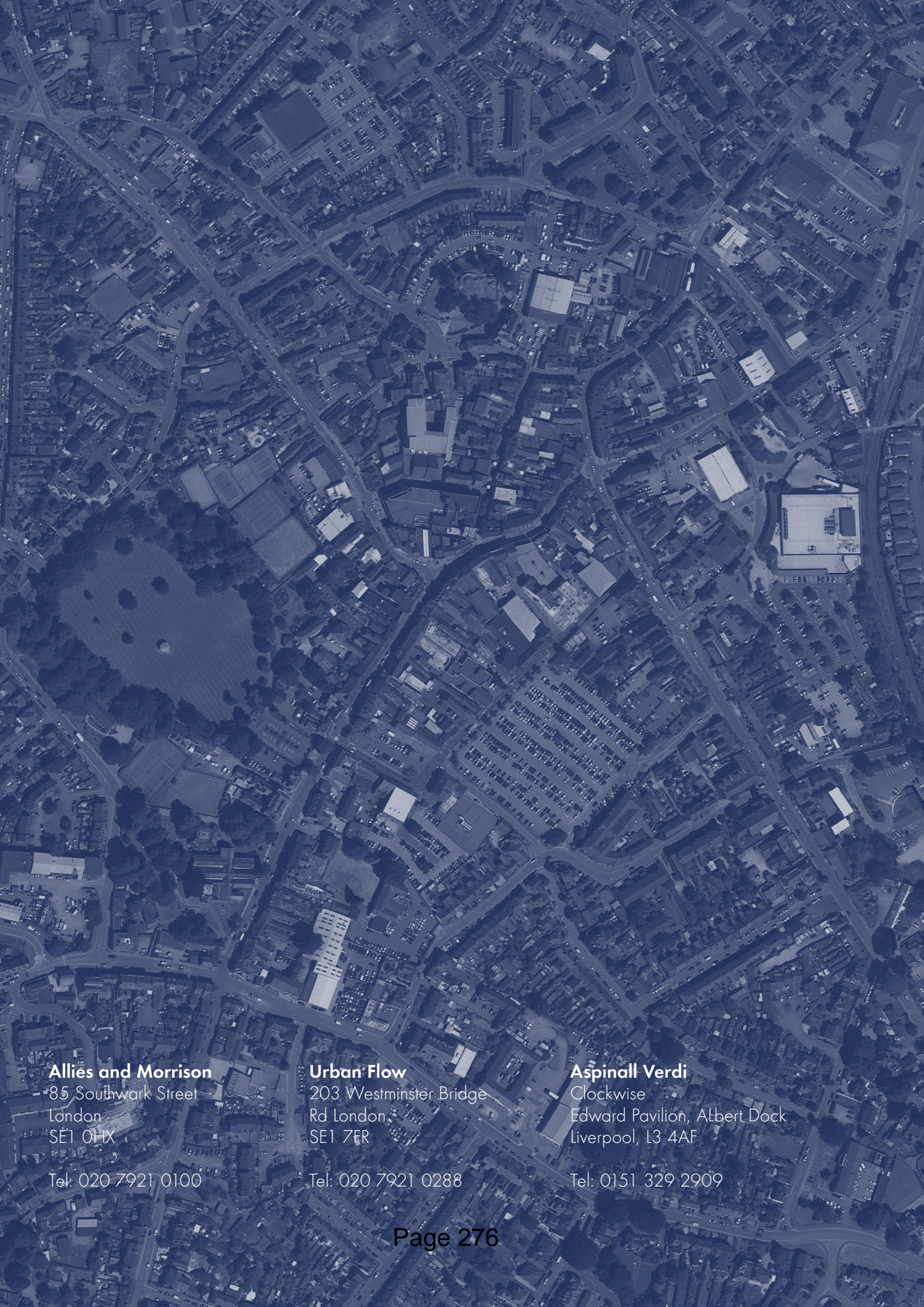




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