

Public Document Pack

Cabinet

Tuesday, 19th December, 2017
at 4.30 pm

PLEASE NOTE TIME OF MEETING

Council Chamber - Civic Centre

This meeting is open to the public

Members

Leader - Councillor Simon Letts
Children's Social Care - Councillor John Jordan
Communities, Culture and Leisure- Councillor Satvir Kaur
Education and Skills - Councillor Darren Paffey
Environment and Transport - Councillor Jacqui Rayment
Finance - Councillor Mark Chaloner
Health and Community Safety - Councillor Dave Shields
Housing and Adult Care - Councillor Warwick Payne
Sustainable Living - Councillor Chris Hammond

(QUORUM – 3)

Contacts

Cabinet Administrator

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BACKGROUND AND RELEVANT INFORMATION

The Role of the Executive

The Cabinet and individual Cabinet Members make executive decisions relating to services provided by the Council, except for those matters which are reserved for decision by the full Council and planning and licensing matters which are dealt with by specialist regulatory panels.

The Forward Plan

The Forward Plan is published on a monthly basis and provides details of all the key executive decisions to be made in the four month period following its publication. The Forward Plan is available on request or on the Southampton City Council website, www.southampton.gov.uk

Implementation of Decisions

Any Executive Decision may be “called-in” as part of the Council’s Overview and Scrutiny function for review and scrutiny. The relevant Overview and Scrutiny Panel may ask the Executive to reconsider a decision, but does not have the power to change the decision themselves.

Mobile Telephones – Please switch your mobile telephones to silent whilst in the meeting.

Use of Social Media

The Council supports the video or audio recording of meetings open to the public, for either live or subsequent broadcast. However, if, in the Chair’s opinion, a person filming or recording a meeting or taking photographs is interrupting proceedings or causing a disturbance, under the Council’s Standing Orders the person can be ordered to stop their activity, or to leave the meeting.

By entering the meeting room you are consenting to being recorded and to the use of those images and recordings for broadcasting and or/training purposes. The meeting may be recorded by the press or members of the public. Any person or organisation filming, recording or broadcasting any meeting of the Council is responsible for any claims or other liability resulting from them doing so. Details of the Council’s Guidance on the recording of meetings is available on the Council’s website.

The Southampton City Council Strategy (2016-2020) is a key document and sets out the four key outcomes that make up our vision.

- Southampton has strong and sustainable economic growth
- Children and young people get a good start in life

Executive Functions

The specific functions for which the Cabinet and individual Cabinet Members are responsible are contained in Part 3 of the Council’s Constitution. Copies of the Constitution are available on request or from the City Council website, www.southampton.gov.uk

Key Decisions

A Key Decision is an Executive Decision that is likely to have a significant:

- financial impact (£500,000 or more)
- impact on two or more wards
- impact on an identifiable community

Procedure / Public Representations

At the discretion of the Chair, members of the public may address the meeting on any report included on the agenda in which they have a relevant interest. Any member of the public wishing to address the meeting should advise the Democratic Support Officer (DSO) whose contact details are on the front sheet of the agenda.

Fire Procedure – In the event of a fire or other emergency, a continuous alarm will sound and you will be advised, by officers of the Council, of what action to take.

Smoking policy – The Council operates a no-smoking policy in all civic buildings.

Access – Access is available for disabled people. Please contact the Cabinet Administrator who will help to make any necessary arrangements.

Municipal Year Dates (Tuesdays)

2017	2018
20 June	16 January
18 July	13 February (Budget)
15 August	20 February
19 September	20 March
17 October	17 April
14 November	
19 December	

- People in Southampton live safe, healthy, independent lives
- Southampton is an attractive modern City, where people are proud to live and work

CONDUCT OF MEETING

TERMS OF REFERENCE

The terms of reference of the Cabinet, and its Executive Members, are set out in Part 3 of the Council's Constitution.

RULES OF PROCEDURE

The meeting is governed by the Executive Procedure Rules as set out in Part 4 of the Council's Constitution.

DISCLOSURE OF INTERESTS

Members are required to disclose, in accordance with the Members' Code of Conduct, **both** the existence **and** nature of any "Disclosable Pecuniary Interest" or "Other Interest" they may have in relation to matters for consideration on this Agenda.

DISCLOSABLE PECUNIARY INTERESTS

A Member must regard himself or herself as having a Disclosable Pecuniary Interest in any matter that they or their spouse, partner, a person they are living with as husband or wife, or a person with whom they are living as if they were a civil partner in relation to:

(i) Any employment, office, trade, profession or vocation carried on for profit or gain.

(ii) Sponsorship:

Any payment or provision of any other financial benefit (other than from Southampton City Council) made or provided within the relevant period in respect of any expense incurred by you in carrying out duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

(iii) Any contract which is made between you / your spouse etc (or a body in which the you / your spouse etc has a beneficial interest) and Southampton City Council under which goods or services are to be provided or works are to be executed, and which has not been fully discharged.

(iv) Any beneficial interest in land which is within the area of Southampton.

(v) Any license (held alone or jointly with others) to occupy land in the area of Southampton for a month or longer.

(vi) Any tenancy where (to your knowledge) the landlord is Southampton City Council and the tenant is a body in which you / your spouse etc has a beneficial interests.

(vii) Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of Southampton, and either:

- a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body, or
- b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you / your spouse etc has a beneficial interest that exceeds one hundredth of the total issued share capital of that class.

Other Interests

A Member must regard himself or herself as having an, 'Other Interest' in any membership of, or occupation of a position of general control or management in:

Any body to which they have been appointed or nominated by Southampton City Council

Any public authority or body exercising functions of a public nature

Any body directed to charitable purposes

Any body whose principal purpose includes the influence of public opinion or policy

Principles of Decision Making

All decisions of the Council will be made in accordance with the following principles:-

- proportionality (i.e. the action must be proportionate to the desired outcome);
- due consultation and the taking of professional advice from officers;
- respect for human rights;
- a presumption in favour of openness, accountability and transparency;
- setting out what options have been considered;
- setting out reasons for the decision; and
- clarity of aims and desired outcomes.

BUSINESS TO BE DISCUSSED

Only those items listed on the attached agenda may be considered at this meeting.

QUORUM

The minimum number of appointed Members required to be in attendance to hold the meeting is 3.

In exercising discretion, the decision maker must:

- understand the law that regulates the decision making power and gives effect to it. The decision-maker must direct itself properly in law;
- take into account all relevant matters (those matters which the law requires the authority as a matter of legal obligation to take into account);
- leave out of account irrelevant considerations;
- act for a proper purpose, exercising its powers for the public good;
- not reach a decision which no authority acting reasonably could reach, (also known as the “rationality” or “taking leave of your senses” principle);
- comply with the rule that local government finance is to be conducted on an annual basis. Save to the extent authorised by Parliament, ‘live now, pay later’ and forward funding are unlawful; and
- act with procedural propriety in accordance with the rules of fairness.

AGENDA

1 APOLOGIES

To receive any apologies.

2 DISCLOSURE OF PERSONAL AND PECUNIARY INTERESTS

In accordance with the Localism Act 2011, and the Council's Code of Conduct, Members to disclose any personal or pecuniary interests in any matter included on the agenda for this meeting.

EXECUTIVE BUSINESS

3 STATEMENT FROM THE LEADER

4 RECORD OF THE PREVIOUS DECISION MAKING (Pages 1 - 10)

Record of decision making held on 14 November 2017 and 30 November 2017.

5 MATTERS REFERRED BY THE COUNCIL OR BY THE OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE FOR RECONSIDERATION (IF ANY)

There are no matters referred for reconsideration.

6 REPORTS FROM OVERVIEW AND SCRUTINY COMMITTEES (IF ANY)

There are no items for consideration

7 EXECUTIVE APPOINTMENTS

To deal with any executive appointments, as required.

ITEMS FOR DECISION BY CABINET

8 MANAGEMENT OF UNAUTHORISED ENCAMPMENTS POLICY □ (Pages 11 - 28)

Report of the Cabinet Member for Health and Community Safety seeking approval of the updated Management of Unauthorised Encampments Policy.

9 ENFORCEMENT POLICY □ (Pages 29 - 42)

Report of the Cabinet Member for Health and Community Safety seeking approval of the updated Enforcement Policy.

10 CHANGES TO EXISTING REVENUE AND CAPITAL BUDGETS (Pages 43 - 62)

Report of the Service Director Finance and Commercialisation and Cabinet Member for Finance (where relevant) detailing proposed changes to existing Revenue and Capital Budgets to incorporate changes to this and future years' budget.

11 AMENDMENT TO TOLL ORDER □ (Pages 63 - 82)

Report of the Cabinet Member for Environment and Transport seeking a decision to propose an amendment to the Toll Order which would introduce a new vehicle class for an electric vehicle and set a charge for that class.

12 EXCLUSION OF THE PRESS AND PUBLIC - CONFIDENTIAL PAPERS INCLUDED IN THE FOLLOWING ITEM

To move that in accordance with the Council's Constitution, specifically the Access to Information Procedure Rules contained within the Constitution, the press and public be excluded from the meeting in respect of any consideration of the confidential report to the following item.

The confidential report contains information deemed to be exempt from general publication based on Category 7A of paragraph 10.4 of the Council's Access to Information Procedure Rules. It is not in the public interest to disclose this information as the report contains confidential and commercially sensitive information. It would prejudice the Council's ability to operate in a commercial environment, obtain best value in contract negotiations and prejudice the Council's commercial relationships with third parties if they believed the Council would not honour obligations of confidentiality.

13 *HIGHWAYS ASSET MANAGEMENT REVIEW □ (Pages 83 - 108)

Confidential report of the Cabinet Member for Environment and Transport outlining the recommended future approach to managing highways assets.

Monday, 11 December 2017

Service Director, Legal and Governance

Agenda Item 4

Record of the decision making held on 14 November 2017 and 30 November 2017.

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SOUTHAMPTON CITY COUNCIL
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 14 NOVEMBER 2017

Present:

Councillor Letts	-	Leader of the Council
Councillor Chaloner	-	Cabinet Member for Finance
Councillor Jordan	-	Cabinet Member for Children's Social Care
Councillor Kaur	-	Cabinet Member for Communities, Culture and Leisure
Councillor Rayment	-	Cabinet Member for Environment and Transport
Councillor Shields	-	Cabinet Member for Health and Community Safety
Councillor Payne	-	Cabinet Member for Housing and Adult Care
Councillor Hammond	-	Cabinet Member for Sustainable Living
Councillor Dr Paffey	-	Cabinet Member for Education and Skills

22. CORPORATE REVENUE FINANCIAL MONITORING FOR THE PERIOD TO THE END OF SEPTEMBER 2017

On consideration of the report of the Cabinet Member for Finance, Cabinet agreed the following:

General Fund

- (i) Note the current General Fund revenue position for 2017/18 as at September 2017, which is a forecast overspend at year end of £5.00M against the working budget, as outlined in paragraph 3.
- (ii) Note that the forecast overspend for portfolios is £5.36M as outlined in paragraph 4 and further in Appendix 1.
- (iii) Note the actions and assumptions being put in place to address the overspend position as described in paragraphs 5 to 12.
- (iv) Note the performance to date with regard to the delivery of the agreed savings proposals approved for 2017/18 as detailed in paragraphs 13 to 20.
- (v) Note the Key Financial Risk Register as detailed in Appendix 2.
- (vi) Note the performance against the financial health indicators detailed in Appendix 3.
- (vii) Note the performance outlined in the Treasury Management update on benchmarking, prudential indicators and financial outlook in paragraphs 38 to 44 and attached as Appendix 4.
- (viii) Note the performance outlined in the Quarterly Collection Fund Statement attached as Appendix 5.

Housing Revenue Account

- (ix) Note the current HRA budget monitoring position for 2017/18, as at September 2017. There is a forecast overspend at year end of £0.35M against the working budget as outlined in paragraphs 45 to 47.

23. FUTURE OF THE KENTISH ROAD RESPITE SERVICE

DECISION MADE: (CAB 17/18 19659)

On consideration of the report of the Cabinet Member for Housing and Adult Care, and having considered and addressed recommendations made by the Overview and Scrutiny Management Committee at the meeting held on 9 November 2017, and having received representations from Members of the Council, MENCAP, interested organisations, members of the public and parents and carers, Cabinet agreed the following:

- (i) To note that social care assessments of the respite needs of individuals currently using Kentish Road have been completed and have been sent to individuals and carers, along with draft care and support plans and information about the alternative respite arrangements available.
- (ii) To note the work that has been completed since September 2015 to review the provision of respite care and to develop a range of suitable alternatives to Kentish Road.
- (iii) To note that suitable alternative arrangements have been identified to meet the respite needs of individuals currently using Kentish Road.
- (iv) To approve the closure of the current respite service provided by the council at Kentish Road on 30 November 2017.
- (v) To note the proposed use of the annexe at Kentish Road (32B Kentish Road) to provide a smaller, reconfigured respite service with an independence focus, and increasing choice by replicating the service model at the Weston Court scheme on the Kentish Road site.
- (vi) To delegate authority to the Director of Quality and Integration to initiate a procurement exercise to appoint a care provider to deliver a reconfigured respite service at 32B Kentish Road, following consultation with the Cabinet Member for Housing and Adult Care and the Service Director, Adults, Housing and Communities.

24. DEVELOPMENT OF AN OFFER FOR CHILDREN WITH DISABILITIES

DECISION MADE: (CAB 17/18 19662)

On consideration of the report of the Cabinet Member for Children's Social Care, Cabinet agreed the following:

- (i) To note the findings from the review which includes the case for change, which is based on evidence from other Local Authorities, engagement with the disabled children's parent/carer forum, children themselves, providers and professionals. The review presents areas identified for improvement.
- (ii) To approve the recommendation to proceed to formal consultation on the four proposals outlined above.

- (iii) To note the outcome of the consultation will be reported back to Cabinet and subject to final approval.

25. UPDATE OF MEDIUM TERM FINANCIAL STRATEGY AND BUDGET 2017/18 TO 2020/21

DECISION MADE: (CAB 17/18 19635)

On consideration of the report of the Cabinet Member for Finance, Cabinet agreed the following:

- (i) To note that any implications of announcements made in the Autumn Statement on the Councils position will be included in the MTFs update to Council in February 2018.
- (ii) To note that the report identifies potential additional general fund pressures totalling £5.87M as detailed in paragraphs 21 to 24 along with the proposed funding mitigations.
- (iii) To note that further proposals will need to be considered to address the 2019/20 and future years budget gap and that a further update will be provided in the update of the MTFs report to Council in February 2018.
To note the position on the Housing Revenue Account as detailed in paragraphs 42 to 51 including the need to make savings of £3.94M in 2018/19.
- (iv) To note that should any formal budget consultation be required it will be undertaken as necessary.
- (v) To note that if any budget proposals impact on staffing, consultation will be undertaken in line with legislation and the Councils agreed processes before proposals are implemented.
- (vi) To note and ratify the decision to submit a Business Rate Pilot application for 2018/19 as part of a pool with Portsmouth City Council and the Isle of Wight Council as detailed in paragraph 29.
- (vii) To delegate authority to the Service Director – Finance & Commercialisation (S151 Officer), following consultation with the Cabinet Member for Finance, to do anything necessary to give effect to the proposals contained in this report.

26. THE GENERAL FUND & HRA CAPITAL PROGRAMME 2017/18 TO 2021/22

DECISION MADE: (CAB 17/18 19625)

On consideration of the report of the Cabinet Member for Finance, Cabinet agreed the following:

- (i) Approve the revised General Fund Capital Programme, which totals £142.17M (as detailed in paragraph 59) and the associated use of resources.
- (ii) Approve the revised HRA Capital Programme, which totals £182.88M (as detailed in paragraph 59) and the associated use of resources.
- (iii) Notes that £3.86M has been added to the programme, with approval to spend, either under delegated powers or by Cabinet subject to the relevant financial limits. These additions are detailed in paragraph 7 and Appendix 1 and 3.
- (iv) Approve the addition of £0.03M to the E&T - City Services programme and approval to spend £0.03M as detailed in paragraph 9 and Appendix 1.

- (v) Approve the addition of £0.39M to the Sustainability programme and approval to spend £0.39M as detailed in paragraphs 10 to 14 and Appendix 1.
- (vi) Approve the addition of £0.50M to the Transport programme and approval to spend £0.50M as detailed in paragraph 15 and Appendix 1.
- (vii) Notes that the forecast position at Quarter 2 is £125.37M, resulting in a potential underspend of £36.90M, as detailed in paragraph 41 to 52 and Appendix 5.
- (viii) Approve the slippage and re-phasing as set out in paragraph 16-40 and as detailed in Appendix 4.
- (ix) Notes that the capital programme remains fully funded up to 2021/22 based on the latest forecast of available resources although the forecast can be subject to change; most notably with regard to the value and timing of anticipated capital receipts and the use of prudent assumptions of future Government Grants to be received.

27. DECLARATION OF PEARTREE GREEN AS A LOCAL NATURE RESERVE

DECISION MADE: (CAB 17/18 19529)

On consideration of the report of the Cabinet Member for Environment and Transport, and having considered representations from a Member of the Council and an Ecological Advisor, Cabinet agreed the following:

To proceed with the declaration of Peartree Green as a Local Nature Reserve (LNR).

28. DECOMMISSIONING AND ACQUISITION POLICES AND THE DECOMMISSIONING PLAN FOR TOWNHILL PARK REGENERATION

DECISION MADE: (CAB 17/18 19645)

On consideration of the report of the Leader, Cabinet agreed the following:

- (i) To consider and determine the proposals in light of the report on the outcome of the consultation and the comments received in response to that consultation.
- (ii) Subject to (i) above, to review and accept the proposed revisions to the Draft Decommissioning of Housing Stock Policy and the Draft Acquisition and Compulsory Purchase Orders Policy as detailed in sections 16 and 17 of this paper:
 - a) To amend the Draft Decommissioning Policy at section 33 to provide clarification on tenants' right to return.
 - b) To amend the Draft Decommissioning of Housing Stock Policy and the Draft Acquisition and Compulsory Purchase Order Policy to remove the offer of increased compensation payments to incentive voluntary agreements.
- (iii) Subject to (i) and (ii) above, to approve the proposed Decommissioning of Housing Stock Policy and the proposed Acquisition and Compulsory Purchase Orders Policy contained in Appendix 1 and 2.
- (iv) Subject to receipt of Secretary of State consent where required, To approve the proposed Decommissioning Plan for the remaining properties in Townhill Park Regeneration Scheme contained in Appendix 3.

- (v) Subject to approval of (iv), to delegate to the Head of Capital Assets, following consultation with the Leader and Service Director, Adults, Housing and Communities approval of further changes to the order of the Decommissioning Plan for Townhill Park Regeneration Scheme contained in Appendix 3, subject to any necessary statutory consultation.

29. POST 16 SEMI-INDEPENDENT ACCOMMODATION AND SUPPORT

DECISION MADE: (CAB 17/18 19653)

On consideration of the report of the Cabinet Member for Children's Social Care, Cabinet agreed the following:

- (i) To approve the recommendation to proceed with the collaborative procurement of post 16 semi-independent accommodation and support.
- (ii) To delegate authority to the Director of Quality and Integration, following consultation with the Cabinet Member for Children's Social Care, the Chief Executive and the Council's Chief Financial Officer, up to and including entering into contracts following award for the development and delivery of these services.

30. COURT LEET PRESENTMENTS 2017

DECISION MADE: (CAB 17/18 19648)

On consideration of the report of the Leader, Cabinet agreed the following:

- (i) that the initial officer responses to the Presentments approved by the Court Leet Jury, as set out in Appendix 1, be noted; and
- (ii) that individual Cabinet Members ensure responses are made to Presenters regarding presentments within their portfolios as appropriate and as soon as practically possible.

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SOUTHAMPTON CITY COUNCIL
EXECUTIVE DECISION MAKING

RECORD OF THE DECISION MAKING HELD ON 30 NOVEMBER 2017

Present:

Councillor Letts	-	Leader of the Council
Councillor Kaur	-	Cabinet Member for Communities, Culture and Leisure
Councillor Shields	-	Cabinet Member for Health and Community Safety
Councillor Payne	-	Cabinet Member for Housing and Adult Care

Apologies: Councillors Chaloner, Jordan, Rayment, Hammond and Dr Paffey

31. CALL-IN OF EXECUTIVE DECISION CAB 17/18 19659 - FUTURE OF THE KENTISH ROAD RESPITE SERVICE

DECISION MADE: (CAB 17/18 19659)

On consideration of the report of the Cabinet Member for Housing and Adult Care, and having considered and addressed recommendations made by the Overview and Scrutiny Management Committee at the meeting held on 29 November 2017, and having received representations from Members of the Council, parents and carers, Cabinet re-confirmed their decision taken on 14 November 2017, having taken into consideration the following:

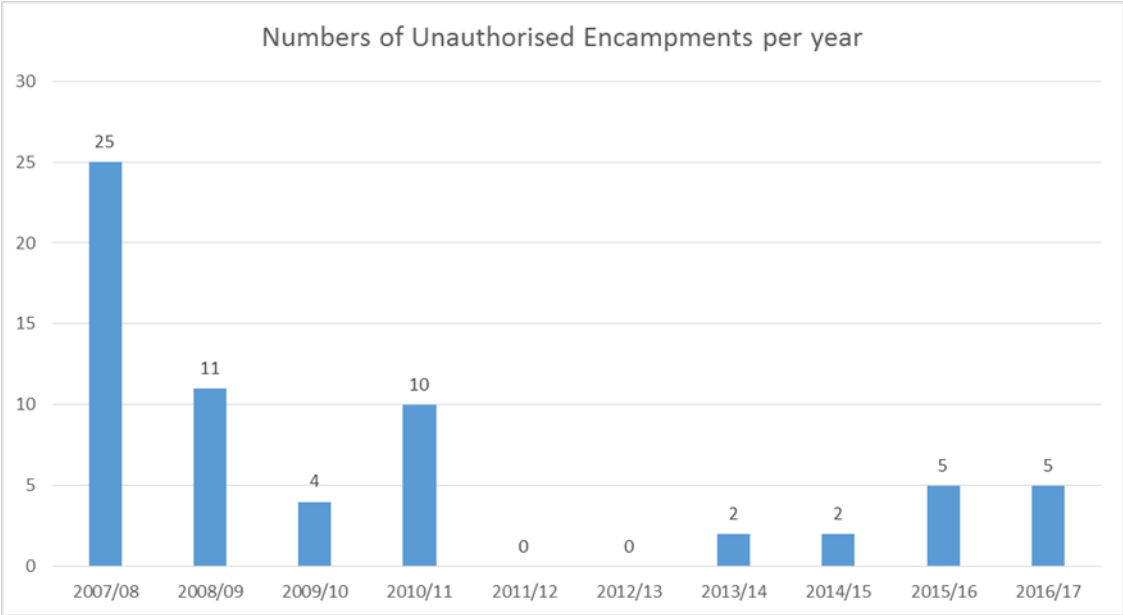
- (i) That Cabinet agrees to keep Kentish Road Respite Service open whilst it undertakes a wide ranging procurement exercise for the existing site. The Cabinet then has the opportunity to move the service to the smaller annex (known as 32b) dependent upon the occupancy levels and demand following the operation of the site by the chosen provider. In addition, Cabinet works with providers to mitigate risks associated with this exercise.
- (ii) That effective and proactive transition plans are put in place immediately and resourced appropriately.
- (iii) That a detailed protocol was developed detailing the range of services to be provided at Weston Court and how usage was to be prioritised.
- (iv) That Cabinet reviews the processes that have been followed relating to the Kentish Road Respite Service decision and identifies any lessons that need to be learnt for any future decisions of this nature.

Cabinet rejected the Overview and Scrutiny Management Committee's recommendation (i) and accepted recommendations (ii) – (iv) above.

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Agenda Item 8

DECISION-MAKER:		Cabinet	
SUBJECT:		Management of Unauthorised Encampments Policy	
DATE OF DECISION:		19 December 2017	
REPORT OF:		Cabinet Member for Health and Community Safety	
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Felicity Ridgway, Service Lead – Policy, Partnerships and Strategic Planning	Tel: 023 8083 3310
	E-mail:	felicity.ridgway@southampton.gov.uk	
Director	Name:	Emma Lewis, Service Director – Intelligence, Insight and Communications	Tel: 023 8091 7984
	E-mail:	emma.lewis@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>The council’s current Management of Unauthorised Encampments Policy was published in September 2005. Since this time there have been a number of legislative changes, as well structural changes in the council. The current policy therefore requires updating to ensure legislative compliance and an accurate representation of Southampton City Council’s approach to managing unauthorised encampments.</p>			
<p>The proposed updated policy is included at Appendix 1. This paper sets out the reasons for updating the policy and the relevant amendments to the 2005 policy.</p>			
RECOMMENDATIONS:			
	(i)	To review and agree the updated Management of Unauthorised Encampments Policy.	
REASONS FOR REPORT RECOMMENDATIONS			
1.	Since the publication of the existing policy in 2005, there have been a number of legislative changes and updates to national guidance relating to the management of unauthorised encampments. Southampton City Council has a responsibility to ensure that unauthorised encampments are managed in line with relevant legislation, and the policy requires updating in order to reflect this.		
2.	There have been a number of structural changes within the council which affect the internal processes and teams dealing with the management of unauthorised encampments. The policy should be an accurate reflection of the way that unauthorised encampments will be managed by Southampton City Council.		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
3.	One option would be to not update the policy and retain the current one, published in 2005. This option was considered and rejected as an outdated policy creates a risk to the council and to residents/customers affected by the		

	policy.																						
4.	A further option would be to rescind the existing policy and rely solely on national guidance. This option was considered and rejected as it is important for the council to have a clear policy in relation to the management of unauthorised encampments.																						
DETAIL (Including consultation carried out)																							
	Background																						
5.	The draft updated Management of Unauthorised Encampments Policy sets out the approach that will be taken in cases of unauthorised encampments, including the undertaking of statutory welfare checks. The purpose of this policy is to affirm the council's commitment to dealing with unauthorised encampments in a fair and proportionate manner, taking into account the needs of Travellers, as well as the needs of the settled residents of Southampton.																						
6.	Over the last decade, Southampton has seen reduced numbers of unauthorised encampments. In 2007/18, 25 unauthorised Gypsy and Traveller encampments were recorded, reducing to zero in 2011/12 and 2012/13. This has increased to 5 in 2016/17.																						
	 <table border="1"> <caption>Numbers of Unauthorised Encampments per year</caption> <thead> <tr> <th>Year</th> <th>Number of Encampments</th> </tr> </thead> <tbody> <tr> <td>2007/08</td> <td>25</td> </tr> <tr> <td>2008/09</td> <td>11</td> </tr> <tr> <td>2009/10</td> <td>4</td> </tr> <tr> <td>2010/11</td> <td>10</td> </tr> <tr> <td>2011/12</td> <td>0</td> </tr> <tr> <td>2012/13</td> <td>0</td> </tr> <tr> <td>2013/14</td> <td>2</td> </tr> <tr> <td>2014/15</td> <td>2</td> </tr> <tr> <td>2015/16</td> <td>5</td> </tr> <tr> <td>2016/17</td> <td>5</td> </tr> </tbody> </table>	Year	Number of Encampments	2007/08	25	2008/09	11	2009/10	4	2010/11	10	2011/12	0	2012/13	0	2013/14	2	2014/15	2	2015/16	5	2016/17	5
Year	Number of Encampments																						
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2016/17	5																						
7.	The policy applies to the management of all unauthorised encampments, regardless of who the occupiers may be. The policy specifically refers to the management of unauthorised encampments from the Traveller communities in order to outline how the council meets its Public Sector Equalities Duty and Human Rights obligations towards these communities.																						
8.	The council has a duty to ensure that statutory welfare checks are undertaken to identify any support needs of Traveller communities before any legal action is taken to remove them from the site. Any legal action, and the timing of that action, will take into account the circumstances identified in the Welfare Check.																						
9.	In cases where the encampment is on non-council land, it is the responsibility of the private landowner to take action to remove trespassers and to deal with any environmental risk or nuisance relating to the encampment. The landowner is responsible for meeting the costs of any action taken. Upon notification of an																						

	encampment on private land, Southampton City Council will liaise with the landlord (if identified), including seeking permission to enter the land to undertake Welfare Checks as above where necessary.
10.	All cases of unauthorised encampments will be dealt with on a proportionate and case by case basis, taking into account the welfare of the inhabitants of the encampment, and the needs of residents, visitors and businesses in the city.
	Policy updates
11.	The majority of the proposed Management of Unauthorised Encampments Policy remains the same as the existing 2005 policy, however the policy has been updated to reflect the introduction of the Equality Act 2010 and the Department for Communities and Local Government (DCLG) guidance on Dealing with illegal and unauthorised encampments .
12.	Other proposed changes to the policy are the: <ul style="list-style-type: none"> • Removal of references to the Senior Project Worker role for liaising with encampments. This role has been removed since the 2005 policy, and liaison with unauthorised encampments is managed through the council's Community Safety Team. • Removal of detail regarding communications in the case of an unauthorised encampment. Communications will be handled with relevant stakeholders on a case by case basis. • Removal of appendices formalising the information provided to Gypsy and Traveller Encampments. Information will be provided as appropriate to the inhabitants of encampments on a case by case basis to ensure that that information is relevant and up to date.
13.	The draft updated Management of Unauthorised encampments policy has been developed by officers working across Housing Services, Environment and Street Scene, Planning and City Services.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
14.	Following consultation with the relevant service areas involved in enforcement activity, the proposed change in policy is not expected to have an adverse financial impact arising from officer involvement and actions in dealing with enforcement issues in the future. City Council activity is already compliant with legislation; the policy update is intended to ensure that the City Council's policy is in line with the legislation.
<u>Property/Other</u>	
15.	The delivery of the policy will have implications relating to the management of Capital Assets. Delivering a clear policy in relation to the management of unauthorised encampments will support good management of the council's land assets.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
16.	There is no specific legislative duty placed on local authorities to deal with unauthorised encampments but there exists a range of legal powers available to the Council. Local authorities can take action as landowners through, for example, civil actions against trespass using Civil Procedure Rules Part 55 and have further powers conferred by the Criminal Justice and Public Order 1994,

	sections 77 and 78. The use of these powers requires the council to carry out a number of welfare assessments before exercising them. Further information in this regard is contained in the proposed policy included at appendix 1.
Other Legal Implications:	
17.	<p>The Equality Act 2010 obliges public authorities, when exercising their functions, to have ‘due regard’ to the need to:</p> <ul style="list-style-type: none"> • Eliminate discrimination, harassment and victimisation and other conduct which the Equality Act 2010 prohibits; • Advance equality of opportunity; and • Foster good relations between people who share relevant protected characteristics and those who do not. <p>The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.</p>
18.	The decision-maker, Cabinet in this instance, must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or course of action. Members should in particular note that the duty is for them personally. It is not sufficient to rely on officers to discharge the duty by the preparation of the Equality Impact Assessment and this report. Members must themselves read and actively take into consideration the Equality Impact Assessment at appendix 2. This Public Sector Equality Duty (PSED) applies not only to the formulation of this policy but also to decisions made in individual cases where the policy is applied.
19.	The Human Rights Act 1998 requires that local authorities and other public bodies covered by the HRA must be able to demonstrate that policy formulation and all decisions in this regard are ‘proportionate’ in weighing individual harm against the wider public interest.
20.	In exercising this policy, central Government guidance, currently ‘Dealing with Illegal and Unauthorised Encampments – A Summary of Available Powers’ (2015) should be considered as well as guidance relating to duties in respect of welfare enquiries.
21.	There is a duty on Local Authorities under section 17 of the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of its functions on crime and disorder in its area and the need to do all that it can reasonably do to prevent crime and disorder, including on any anti-social behaviour and other behaviour that affects the local environment, misuse of drugs, alcohol and other substances and on re-offending in the area.
RISK MANAGEMENT IMPLICATIONS	
22.	The updating of the policy in line with legislation reduces potential risks to the council of having an outdated policy in place.
POLICY FRAMEWORK IMPLICATIONS	
23.	<p>The Management of Unauthorised Encampments Policy will support the delivery of the Council Strategy 2016-2020 outcomes:</p> <ul style="list-style-type: none"> • People in Southampton live safe, healthy, independent lives • Southampton is an attractive, modern city where people are proud to live and work

24.	The policy will also support the delivery of the Safe City Strategy 2017-2020 in relation to the reduction of anti-social behaviour.	
KEY DECISION?	Yes	
WARDS/COMMUNITIES AFFECTED:	All wards	
<u>SUPPORTING DOCUMENTATION</u>		
Appendices		
1.	Proposed Management of Unauthorised Encampments Policy	
2.	Management of Unauthorised Encampments Policy ESIA	
Documents In Members' Rooms		
1.	None	
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	None	

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Southampton City Council Managing Unauthorised Encampments Policy



Southampton City Council Managing Unauthorised Encampments Policy

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Managing Unauthorised Encampments Policy			
Version	1.0	Approved by	TBC
Date last amended	01/11/2017	Approval date	TBC
Lead officer	Mitch Sanders, Service Director – Transactions and Universal Services	Review date	TBC
Contact	mitch.sanders@southampton.gov.uk	Effective date	TBC

Purpose

1. The purpose of this policy is to affirm the council's commitment to dealing with unauthorised encampments in a fair and proportionate manner, taking into account the needs of Travellers, as well as the needs of the settled residents of Southampton.
2. Southampton City Council acknowledges that the right to choose to lead a nomadic existence is enshrined in law and that it is not the role of a local authority to endorse, disrupt or discourage this lifestyle. However, managing unauthorised encampment must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the unauthorised encampment. Local authorities have a statutory duty to ensure that both sides are fairly represented when it comes to unauthorised encampment on public land.

Scope

3. This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, or other structure, by a person(s), in an area where they have no permission to reside or occupy. This policy covers the management of unauthorised encampments regardless of who the occupiers may be. The policy incorporates the council's duties in relation to Traveller communities, outlining how the council will meet its Public Sector Equalities Duty and Human Rights obligations towards these communities.
4. In this case, the term 'Traveller' is an encompassing term that refers to people who choose to live in a nomadic manner, often referred to as Gypsies and Travellers. There are different groups of Travellers in the UK, including but not limited to Romany Gypsies, Irish Travellers, Scottish Gypsies and Travellers, Welsh Gypsies and Travellers, New Travellers or New Age Travellers, and fairground/circus families.
5. The policy applies to all Southampton City Council staff involved in the management of authorised encampments, and agencies acting on behalf of Southampton City Council.

Legislation

6. Gypsy and Traveller Communities can constitute ethnic minority groups and possess the same rights and obligations as any other groups or individuals in the UK.
7. Southampton City Council will fulfil its obligations under the **Equality Act (2010)** and the **Human Rights Act (1998)** whenever carrying out its functions, and in particular when making any decisions regarding the management of any unauthorised encampment.
8. Southampton City Council will have due regard to its **Public Sector Equality Duty**, which includes compliance with the general duty to eliminate discrimination, advance equality of opportunity and foster good relations.
9. The council will exercise its legal powers according to relevant legislation and also any relevant statutory guidance. The Council will also take into account other relevant guidance such as the Department for Communities and Local Government (DCLG) guidance on [Dealing with illegal and unauthorised encampments](#).

POLICY STATEMENT

10. In respect of unauthorised encampments, the council strives to balance the interests of local residents and the Travelling population and every unauthorised encampment will be considered on its individual circumstances.
11. Southampton City Council provides an authorised fixed site with a total of 14 residential pitches for Travellers at Kaneshill. Any applications for further permanent sites will be considered in accordance with the relevant Local Plan policies.
12. On receiving an initial notification of an unauthorised encampment, Southampton City Council will:
 - a. Establish if encampment is unauthorised and if action has already been taken.
 - b. Establish if the land is owned by Southampton City Council, privately owned or leased, and the identity or manager of the land where appropriate.
 - c. Contact any relevant stakeholders to notify them of the unauthorised encampment, including Hampshire Constabulary and the relevant owner or manager of the land.

Unauthorised encampments on council land

13. In cases where the unauthorised encampment is on council owned land, Southampton City Council will visit the site of the unauthorised encampment, as soon as possible following notification of the encampment, to undertake a welfare check.
14. The welfare check will take into consideration:
 - a. The health, welfare and housing needs of any individuals on site.
 - b. The educational needs of any children on site.
 - c. Whether any individuals on site are vulnerable or disabled.
 - d. What facilities are available to individuals occupying the encampment on the site (such as refuse, water and toilet facilities).
 - e. Whether there are any risks associated with the encampment such as traffic hazards, proximity to sensitive sites, antisocial behaviour issues.
15. The welfare check will consider the individual needs of the residents of the encampment, including whether there is any reason why the encampment cannot immediately move. Information obtained during this visit may be shared with other council services or relevant authorities, where there is a legal basis to do so, to support the welfare needs of individuals at the site.
16. Subject to any specific considerations being taken into account following the initial Welfare Check, the council may serve notice on individuals occupying the site to move. If the site is not vacated within the period set out in the notice, the council may take legal action to evict individuals occupying the site.
17. In exceptional circumstances, the council may implement a 'decision to tolerate' for a limited period of time, based on needs identified by the Welfare Check.
18. A decision to take legal action to evict individuals occupying the site will only be taken by the relevant Authorising Officer, as set out in the council's [Officer Scheme of Delegation](#), in line with council policies.

Unauthorised encampments on private land

19. It is the responsibility of the private landowner to take action to remove trespassers and to deal with any environmental risk or nuisance relating to unauthorised encampments on private land. The landowner is responsible for meeting the costs of any action taken.
20. Upon notification of an encampment on private land, the Southampton City Council will liaise with the landlord (if identified), including seeking permission to enter the land to undertake welfare checks as above where necessary.
21. If a safeguarding concern is identified, Southampton City Council may take remedial action to limit or remove the concern. This action may be taken with relevant partners, and may be taken outside of the process set out above in relation to welfare checks, regardless of the landowner's permission to enter the site.
22. In some circumstances, the council may consider taking action to deal with any items or substances deposited on land which are causing harm or nuisance to public health or the environment. In these cases the council will always seek the encampment landowner's permission and cooperation, and will seek to recover all costs.

Rapid eviction

23. Any unauthorised encampment reported to Southampton City Council will be considered on its own merits against criteria such as health and safety considerations for the unauthorised campers, traffic hazard, public health risks, serious environmental damage, and genuine nuisance to neighbours and proximity to other sensitive land-uses.
24. If any significant risk is identified (including risks to the individuals occupying the unauthorised encampment, local residents or otherwise), Southampton City Council will report the site to Hampshire Constabulary.
25. Southampton City Council advises members of public and staff to report instances of anti-social behaviour to the police non-emergency number 101.

Governance

26. Enforcement activity in relation to the management of unauthorised encampments will be undertaken in line with Southampton City Council's Enforcement Policy.
27. This policy will be reviewed when there is any significant change in legislation or other circumstances that affect its effectiveness and validity.

[END]

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Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Management of Unauthorised Encampments Policy
Brief Service Profile (including number of customers)	
<p>This policy applies to the management of all unauthorised encampments, including the establishment of a tent, vehicle, or other structure, by a person(s), in an area where they have no permission to reside or occupy. This policy covers the management of unauthorised encampments regardless of who the occupiers may be. The policy incorporates the council’s duties in relation to Traveller communities, outlining how the council will meet its Public Sector Equalities Duty and Human Rights obligations towards these communities.</p> <p>Over the last decade, Southampton has seen reduced numbers of unauthorised encampments. In 2007/18 25 unauthorised Gypsy and Traveller encampments were recorded, reducing to zero in 2011/12 and 2012/13. This has increased to 5 in 2016/17.</p> <p>Southampton City Council provides an authorised fixed site with a total of 14 residential pitches for Travellers at Kanes Hill.</p>	
Summary of Impact and Issues	
<p>The purpose of this policy is to affirm the council’s commitment to dealing with unauthorised encampments in a fair and proportionate manner, taking into account the needs of Travellers, as well as the needs of the settled residents of Southampton.</p> <p>Southampton City Council acknowledges that the right to choose to lead a nomadic existence is enshrined in law and that it is not the role of a local</p>	

authority to endorse, disrupt or discourage this lifestyle. However, managing unauthorised encampment must involve a balance between the rights of the landowner and/or wider community and the rights and welfare needs of those who have established the unauthorised encampment. Local authorities have a statutory duty to ensure that both sides are fairly represented when it comes to unauthorised encampment on public land.

In order to proactively meet its Public Sector Equalities Duty towards Travellers, who can fall under the Equality Act under protected characteristics of race and ethnicity, the council will carry out welfare checks on the site. The welfare checks will consider:

- The health, welfare and housing needs of any individuals on site.
- The educational needs of any children on site.
- Whether any individuals on site are vulnerable or disabled.
- What facilities are available to individuals occupying the encampment on the site (such as refuse, water and toilet facilities).
- Whether there are any risks associated with the encampment such as traffic hazards, proximity to sensitive sites, anti-social behaviour issues.

Potential Positive Impacts

By carrying out welfare checks the council can proactively ensure that that Travellers have the same rights to access services as the rest of the community.

This policy helps to protect equal rights in accessing public spaces, by enforcing against persons who abuse public spaces, or prevent the use and access to public spaces for others.

This policy also helps to improve Community Safety as the welfare checks will assess any risks to, or from, the encampment in relation to anti-social behaviour.

Responsible Service Manager	Rosie Zambra
Date	27/11/17
Approved by Senior Manager	Mitch Sanders
Date	27/11/17

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	No identified negative impacts	N/A
Disability	If an individual residing within an unauthorised disabled, they may need additional support in understanding the policy and/or relocating from the site of the encampment.	<p>Additional support will be provided, where necessary and on a case by case basis, to assist with communicating the policy. This requirement will be identified in the welfare check.</p> <p>The welfare check will determine if any individuals residing within the encampment has needs which can be supported with local services.</p> <p>The decision to take legal action (and any toleration) will be informed by needs identified in the welfare check.</p>
Gender Reassignment	No identified negative impacts	N/A
Marriage and Civil Partnership	No identified negative impacts	N/A
Pregnancy and Maternity	If there is a member of an unauthorised encampment who is pregnant then it could have a negative equalities impact if the encampment is moved on and the woman is unable to maintain a stable living situation and access to healthcare services.	<p>The welfare assessment will determine whether there are any pregnant individuals within the encampment.</p> <p>The welfare check will determine if any individuals residing within the encampment has needs which can be supported with local services.</p> <p>The decision to take legal action (and any toleration)</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
		will be informed by needs identified in the welfare check.
Race	Some Travelling Communities can be identified as protected ethnic groups in accordance with the Equality Act 2010. Nomadic lifestyle is an important way of life for these communities.	<p>The council has a permanent site available at Kanes Hill for 14 residential pitches.</p> <p>There are no transit, or temporary sites available in Southampton for Travellers.</p> <p>The decision to take legal action (and any toleration) will be informed by needs identified in the welfare check.</p>
Religion or Belief	The belief in a nomadic lifestyle could be impacted by this policy as outlined in the section on Race.	As above
Sex	No identified negative impacts	N/A
Sexual Orientation	No identified negative impacts	N/A
Community Safety	No identified negative impacts	N/A
Poverty	Individuals living within an unauthorised encampment may be living in poverty, and legal action to move them on could exacerbate any financial issues.	<p>The welfare check will determine if any individuals residing within the encampment has needs which can be supported with local services.</p> <p>The decision to take legal action (and any toleration) will be informed by needs identified in the welfare check.</p>

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Health & Wellbeing	The health of individuals residing within an unauthorised encampment may be poorer than other communities, and any health and wellbeing issues could be aggravated by eviction and relocation of site.	<p>The welfare assessment will check to determine whether there are any health of wellbeing issues and may direct campers to the relevant support services.</p> <p>When there are health issues which are serious enough to complicate relocation, the council has the ability to make a 'decision to tolerate' for a limited period of time, based on needs identified by the welfare check.</p>
Other Significant Impacts	No identified negative impacts	N/A

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DECISION-MAKER:		Cabinet	
SUBJECT:		Enforcement Policy	
DATE OF DECISION:		19 December 2017	
REPORT OF:		Cabinet Member for Health and Community Safety	
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Felicity Ridgway, Service Lead – Policy, Partnerships and Strategic Planning	Tel: 023 8083 3310
	E-mail:	felicity.ridgway@southampton.gov.uk	
Director	Name:	Emma Lewis, Service Director – Intelligence, Insight and Communications	Tel: 023 8091 7984
	E-mail:	emma.lewis@southampton.gov.uk	
STATEMENT OF CONFIDENTIALITY			
None			
BRIEF SUMMARY			
<p>Enforcement is defined as any action by an officer which encourages compliance with legislation enforced by the council. A range of actions are available, including informal interventions (e.g. offering advice) through to more formal measures such as prosecution.</p> <p>Southampton City Council’s Corporate Enforcement Policy was last published in 2006. Since 2006, new relevant legislation has been introduced, including the Regulator’s Code (2014), which emphasises the role of regulators in assisting people to comply with regulations by setting out clear and transparent explanation of the regulations, as well as actively providing education and advice. The current policy therefore requires updating to ensure that it is in line with the latest legislation.</p>			
RECOMMENDATIONS:			
1.	To consider and approve the proposed Enforcement Policy		
REASONS FOR REPORT RECOMMENDATIONS			
2.	<p>The Enforcement Policy outlines the council’s approach to encouraging compliance with its regulations and policies in a way that is in line with current government legislation and guidance. Encouraging compliance with council policies and regulations enables the council to promote positive outcomes as set out in the City Strategy 2016-2020. In addition, it supports the Southampton City Council Strategy (2016-2020) outcomes:</p> <ul style="list-style-type: none"> • People in Southampton live safe, healthy, independent lives • Southampton is a modern, attractive city where people are proud to live and work. 		
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED			
3.	<p>One alternative would be to have no council-wide Enforcement Policy and instead have individual service area enforcement policies. This is inadvisable since having a general Enforcement Policy provides a solid common reference point from which other more service-specific policies can be developed as</p>		

	necessary. The general policy sets out the principles by which all council enforcement action should be carried out. If there is no common reference point, there is a risk that principles are inconsistently applied across different service areas. This might increase the risk of legal challenge and reduce the fairness and effectiveness of the council's approach to enforcement.
4.	Another alternative option would be to have no policies on enforcement. This would be strongly inadvisable since it would undermine the council's ability to support its policies and regulations with effective enforcement. It would also leave the council vulnerable to legal challenge.
DETAIL (Including consultation carried out)	
5.	Southampton City Council's Enforcement Policy is a high level council wide policy, setting out the principles by which the council will carry out enforcement activity. It also sets out enforcement options and procedures. In order to ensure that the policy is in line with latest legislation, and accurately reflects the council's enforcement approach, the Enforcement Policy has been reviewed and updated. The appropriate use of enforcement powers is important, both to secure compliance with legislation and to ensure that those who have duties in law may be held to account for failures to safeguard health, safety and welfare or breach of legislation enforced by the council.
6.	The current Corporate Enforcement Policy was written in 2006 and required updating to take into account the introduction of the Regulator's Code (2014) by the Department for Business, Innovation and Skills. This guidance code emphasises the role of regulators in actively assisting and communicating with businesses and individuals who are affected by the regulations, before resorting to more formal enforcement measures (prosecutions, cautions etc.). In line with this guidance and best practice across the council, the draft updated policy includes 'education/advice' as an enforcement option.
7.	Another update to the previous policy has been the inclusion of a set of overarching enforcement principles, which will guide the council's enforcement activity: <ul style="list-style-type: none"> • Proportionate – our enforcement activities should reflect the level of risk to the public and enforcement action taken should correspond to the seriousness of the offence. • Accountable – our activities should be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures. • Consistent – our advice to those we regulate should be reliable and we will respect advice provided by other regulators. The council should seek to ensure fair and level enforcement, however the council recognises that consistency is not the same as uniformity. Officers should exercise their professional judgement and discretion according to the circumstances of each individual case. • Transparent – those we regulate should be able to understand what is expected of them and what they can anticipate in return; regulations and enforcement procedures should be as clear and simple as possible.
8.	This Enforcement Policy is an overarching general policy. All of the council's enforcement activity will have regard to the principles it outlines. Some services also require service specific enforcement policies, and in these cases the additional specific policies will adhere to the general principles of the overarching Enforcement Policy.

9.	The draft policy has been updated with input from Environment, Street Scene & Health, City Services, Housing Services (including the Street Homelessness Prevention Team), The ICU (Housing Support Services and Drugs and Alcohol Services), Legal Services, Planning, and Intelligence, Insight and Communications.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
10.	Following consultation with the relevant service areas involved in enforcement activity, the proposed change in policy is not expected to have an adverse financial impact arising from officer involvement and actions in dealing with enforcement issues in the future. City Council activity is already compliant with legislation; the policy update is intended to ensure that the City Council's policy is in line with the legislation.
<u>Property/Other</u>	
11.	None
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
12.	The Regulators Code 2014 ("Code") was approved pursuant to S23 Legislative and Regulatory Reform Act 2006. The Council must have regard to the Code when developing policies and operational procedures that guide the council's regulatory activities including enforcement action.
<u>Other Legal Implications:</u>	
13.	The Council must have due regard to the Public Sector Equality Duty under the Equality Act 2010 when carrying out any functions including developing any policies that may have any effect on any protected persons, in particular the duty to eliminate discrimination, harassment and victimisation and advance equality of opportunity and fostering good relations. Local Authorities also have a duty under the Human Rights Act 1998, when carrying out any function, not to act incompatibly with rights under the European Convention for the Protection of Fundamental Rights and Freedoms.
RISK MANAGEMENT IMPLICATIONS	
14.	If the council does not adopt a revised Enforcement Policy and there is no common reference point, there is a risk that the principles are inconsistently applied across different service areas. This might increase the risk of legal challenge and reduce the fairness and effectiveness of the council's approach to enforcement.
POLICY FRAMEWORK IMPLICATIONS	
15.	The Enforcement Policy supports Southampton City Council Strategy (2016-2020) outcomes: <ul style="list-style-type: none"> • People in Southampton live safe, healthy, independent lives • Southampton is a modern, attractive city where people are proud to live and work
KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All wards/communities

<u>SUPPORTING DOCUMENTATION</u>			
Appendices			
1.	Proposed Enforcement Policy		
2.	Enforcement Policy ESIA		
Documents In Members' Rooms			
1.	None		
Equality Impact Assessment			
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.			Yes
Privacy Impact Assessment			
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.			No
Other Background Documents			
Other Background documents available for inspection at:			
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)	
1.	None		

Southampton City Council Enforcement Policy 2017



Southampton City Council Enforcement Policy 2017

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Southampton City Council Enforcement Policy			
Version	1.0	Approved by	tbc
Date last amended	01/11/2017	Approval date	tbc
Lead officer	Mitch Sanders, Service Director – Transactions and Universal Services	Review date	tbc
Contact	mitch.sanders@southampton.gov.uk	Effective date	tbc

Scope and Definitions

1. The Southampton City Council Enforcement Policy is a general policy which outlines the principles of enforcement that the council will follow and apply. This policy indicates the different enforcement options that the council may follow and apply, and how decisions are made on enforcement; it also explains the role and authorisation of officers who have enforcement responsibilities. This policy sets out the high level principles of enforcement procedures and, where applicable, is supported by additional enforcement policies specific to individual services of the council.
2. Enforcement is defined as any action by an officer which encourages compliance with legislation enforced by the council. A range of actions are available – including informal interventions (e.g. offering advice) through to more formal measures such as prosecution.
3. Southampton City Council is committed to carrying out its duties in a fair and consistent manner and ensuring that enforcement action is proportional to the seriousness of failure to comply with statutory requirements.

Legislation and Guidance

4. This policy is linked to a number of different pieces of legislation and guidance, and linked service specific policies will relate to further legislation. The council will adhere to all relevant legislation and guidance including:
 - Human Rights Act (1998)
 - Data Protection Act (1998)
 - Legislative and Regulatory Reform Act (2006)
 - Equality Act (2010)
 - Code for Crown Prosecutors (2013)
 - The Anti-social Behaviour, Crime and Policing Act (2014)
 - Regulators' Code (2014)

Policy Statement

5. Southampton City Council recognises that the vast majority of people in Southampton abide by the law. The appropriate use of enforcement powers is important, both to secure compliance with legislation and to ensure that those who have duties in law may be held to account for failures to safeguard health, safety and welfare or breach of legislation enforced by the council.
6. Enforcement action can be taken by a range of council services, who may set out more detail on their approach in individual service level enforcement policies.

7. Enforcement decisions and actions will be made with due regard to the provisions of the Human Rights Act 1998, Equality Act (2010) and the council's Equality Policy.
8. In the public interest, matters concerning non-compliance may be shared, where appropriate and possible, with other enforcement agencies and within the council. Where this takes place, due regard will be paid to the provisions of the Data Protection Act 1998.

Enforcement Principles

9. The council's enforcement policies will have regard to the [Regulators' Code \(2014\)](#). Enforcement activity undertaken by Southampton City Council should be:
 - **Proportionate** – our enforcement activities should reflect the level of risk to the public and enforcement action taken should correspond to the seriousness of the offence.
 - **Accountable** – our activities should be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
 - **Consistent** – our advice to those we regulate should be reliable and we will respect advice provided by other regulators. The council should seek to ensure fair and level enforcement, however the council recognises that consistency is not the same as uniformity. Officers should exercise their professional judgement and discretion according to the circumstances of each individual case.
 - **Transparent** – those we regulate should be able to understand what is expected of them and what they can anticipate in return; regulations and enforcement procedures should be as clear and simple as possible.

Enforcement Procedure

10. The decision to pursue enforcement action will depend on the severity of the noncompliance. Factors that will be taken into consideration include:
 - the risk that the non-compliance poses to the safety, health or economic welfare of the public at large or to individuals;
 - evidence that suggests that there was pre-meditation in the commission of an offence;
 - the alleged offence involves a failure to comply in full or in part with the requirements of a statutory notice, order, or policy;
 - there is a recorded history of previous warnings or the commission of similar offences; and
 - aggravated circumstances such as obstruction of an officer or aggressive/violent behaviour.

Enforcement Options

11. There are range of actions that are available to the council as set out in the different legislation the council enforces. This includes, but is not limited to:

- No Further Action
- Education/Advice
- Verbal or Written Warnings
- Civil Enforcement Measures
- Fixed Penalty Notices
- Simple Cautions
- Prosecutions.

No Further Action

12. This will be appropriate for minor offences or technical breaches that are immediately remedied.

Education and Advice

13. The provision of education and advice is an informal option available to officers. Information on legal requirements and education on compliance may be issued during the course of routine inspection visits, following complaints, investigations or from applications to approve licenses and or permissions.

Verbal or Written Warnings

14. Verbal warnings are appropriate for advising about contraventions that are easily remedied. The officer will usually give the person, business or organisation suitable advice and set an appropriate timescale for any remedial action to take place.

15. Written warnings shall be issued for more serious contraventions, or those that have not been remedied by the offender when requested, or where the offender had a responsibility to know they should comply. Written warnings should be recorded on internal council systems. Written warnings should state clearly and simply:

- The requirements contravened
- What remedial action is required
- The consequences of non-compliance i.e. fixed penalty notice, legal proceedings, revocation of licence, etc.

Civil Enforcement Measures

16. There are a range of civil enforcement measures used in different services including, but not limited to: detention, seizure, prohibition, and injunction. These measures allow officers to deal promptly with circumstances that represent a risk to public health or safety.

Fixed Penalty Notices

17. A significant number of offences are covered by a fixed penalty regime. Such notices may also be referred to as penalty charge notices and are identified within applicable legislation.
18. Failure to pay a fixed penalty notice within the relevant statutory period will, save in exceptional circumstances, result in prosecution.
19. Fixed Penalty Notices may be issued as a more efficient enforcement action than prosecution where it is more proportionate to the offence. Fixed penalty notices should be used under the same guidelines for prosecution (see below).

Simple Cautions

20. A simple caution is an alternative to a prosecution. The Defendant must admit to the offence and the simple caution will be disclosable in any further criminal proceedings for a period of three years. A simple caution can only be considered where the factors for a full prosecution are met; there is not a lesser test. A caution may only be considered where there is an acceptance of guilt and remorse is shown.
21. Cautions may be issued by officers with appropriate delegated powers as set out in the council's Scheme of Delegation.

Prosecutions

22. The decision to prosecute is very significant and is related to the seriousness of the offence. In general it is reserved for those persons who blatantly disregard the law, refuse to implement basic legal requirements and those who put the public at risk.
23. Officers other than the Prosecuting Solicitor may make recommendations to the solicitor to pursue prosecution. Any officer recommending prosecution should ensure that there is sufficient evidence to provide a realistic prospect of conviction.
24. Where a decision to prosecute is made, this decision will be taken in accordance with the Code for Crown Prosecutors and the Regulator's Code. A decision to prosecute will be taken by the council's Prosecuting Solicitor.

Seizure of Goods

25. In certain cases the council has the power to seize goods, or vehicles, from any offender, as evidence of the offence or when deemed necessary. In appropriate cases application will be made for destruction orders at court.

Recovery of Costs

26. Southampton City Council will always attempt full recovery of enforcement costs.

Governance

Authorisation of Officers

27. Officers are only authorised to enforce regulations in accordance with the council's [Scheme of Delegation](#).

28. Officers must be competent by appropriate training, qualification and/or experience will be authorised to take enforcement action relevant to that training, qualification and/or experience. Officers will also have sufficient training and understanding of this enforcement policy to ensure a consistent approach to their duties.

Appeals and Complaints

29. Appeals in relation to enforcement action taken should be via the statutory appeals process outlined in the relevant legislation.

30. Complaints about the conduct of officers should be made via the council's corporate complaints procedure.

Policy Review Process

31. This policy will be reviewed when there is any significant change in legislation or other circumstances that affect its effectiveness and validity.

[END]

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Equality and Safety Impact Assessment

The **Public Sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with Section 17 of the Crime and Disorder Act and will enable the Council to better understand the potential impact of proposals and consider mitigating action.

Name or Brief Description of Proposal	Draft Enforcement Policy
Brief Service Profile (including number of customers)	
<p>Southampton City Council has wide-ranging enforcement responsibilities, which span across multiple service areas.</p> <p>The appropriate use of enforcement powers is important, both to secure compliance with legislation and to ensure that those who have duties in law may be held to account for failures to safeguard health, safety and welfare, or breach of legislation enforced by the council.</p> <p>Potentially, any residents or visitors to Southampton could be subject to enforcement activity if found to be in breach of legislation.</p>	
Summary of Impact and Issues	
<p>The Southampton City Council Enforcement Policy is a general policy which outlines the principles of enforcement that the council will follow and apply.</p> <p>Southampton City Council recognises that the vast majority of people in Southampton abide by the law. The appropriate use of enforcement powers is important, both to secure compliance with legislation and to ensure that those who have duties in law may be held to account for failures to safeguard health, safety and welfare or breach of legislation enforced by the council.</p> <p>This policy should not adversely affect any specific groups as one of the principles it outlines is consistency of enforcement. Consistent enforcement means that there should not be discrimination on the grounds of any protected characteristic outlined in the Equality Act 2010.</p>	

Potential Positive Impacts	
<p>This policy should have a positive impact on community safety because it enables the council to effectively enforce against activities that threaten community safety.</p> <p>The updating of the Enforcement Policy includes the Enforcement Principles that will be followed by all officers (at section 9). This will ensure that enforcement activity undertaken by Southampton City Council is proportionate, consistent and transparent, and that the council is accountable for its activity.</p>	
Responsible Service Manager	Rosie Zambra
Date	27/11/17
Approved by Senior Manager	Mitch Sanders
Date	27/11/17

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	No identified negative impacts.	N/A
Disability	No identified negative impacts.	N/A
Gender Reassignment	No identified negative impacts.	N/A
Marriage and Civil Partnership	No identified negative impacts.	N/A
Pregnancy and Maternity	No identified negative impacts.	N/A
Race	No identified negative impacts.	N/A
Religion or Belief	No identified negative impacts.	N/A
Sex	No identified negative impacts.	N/A
Sexual Orientation	No identified negative impacts.	N/A
Community Safety	No identified negative impacts.	N/A
Poverty	No identified negative impacts.	N/A
Health & Wellbeing	No identified negative impacts.	N/A
Other Significant Impacts	No identified negative impacts.	N/A

DECISION-MAKER:	CABINET		
SUBJECT:	CHANGES TO EXISTING REVENUE AND CAPITAL BUDGETS		
DATE OF DECISION:	19 DECEMBER 2017		
REPORT OF:	CABINET MEMBER FOR FINANCE		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Munira Holloway	Tel: 023 8083 4476
	E-mail:	Munira.holloway@southampton.gov.uk	
Director	Name:	Mel Creighton	Tel: 023 8083 4897
	E-mail:	Mel.creighton@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY
None

BRIEF SUMMARY	
<p>This report is to update members on the progress being made with the procurement and implementation of an Enterprise Resource Planning (ERP) system for the council, and to seek approval for changes to Capital and Revenue budgets to procure and implement additional modules.</p>	
RECOMMENDATIONS:	
(i)	To note in accordance with the Financial procedure rules capital expenditure of £1.47m in 2017/18 capital programme to facilitate the purchase of additional modules from Unit 4 to enable the ERP system, as part of the capital digital transformation project. This is subject to Council Capital Board reviewing the business case to proceed.
(ii)	To approve the one-off increase in the revenue budget of £1.35M to facilitate the change process, and this to be funded from savings as a consequence of the project and the Transformation Reserve. This expenditure will be phased over 2017/18 and 2018/19 with the majority of the expenditure being in 2018/19.
REASONS FOR REPORT RECOMMENDATIONS	
1.	<p>By implementing an ERP system it will enable the council to</p> <ul style="list-style-type: none"> • consolidate the number of IT applications, reducing the number of contracts and independent support and maintenance costs, • rationalise and streamline business processes • enable easier access to correct data • provide a single view of debt • provide a single view of the employee • support the provision of a single point of payment for the customer • improve management information

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	Implement a completely new system including replacement of the financial ledger. This has been rejected as the cost of acquiring and implementing a new financial ledger as well as the other ERP modules makes the cost prohibitive.
3.	Do nothing. This option has been rejected as the current systems are not fit for the future as they are cumbersome in their business processes. They do not readily provide the management information required to make informed, evidence based decisions helping managers to run the business effectively
DETAIL (Including consultation carried out)	
	Background
4.	The council currently has a number of different systems supporting key business functions. This creates complexity, cost, duplication and the requirement for manual intervention which leads to increased risk and potential policy non-conformance.
5.	<p>Across the council there is an agreed understanding that to address this properly will require a move to an Enterprise Resource Planning (ERP) solution, extending the Unit 4 modules where there is a reasonable business case to do so. The Council has been a Unit 4 customer since 2001 with a Finance and Procurement solution (Agresso). To create the ERP system the Council would look to upgrade the current Finance and Procurement modules to the most up to date version of the system, Milestone 7 (currently on Milestone 5) and procure the following additional modules</p> <ul style="list-style-type: none"> • HR and Payroll • E-recruitment • Income Manager and Cash Receipting • Project Management • Corporate Reporting Management
6.	<p>The final solution will be flexible enough to support future changes and capable of integrating: -</p> <ul style="list-style-type: none"> • Finance – including payment, invoicing and improve experience of these tasks • HR – including single view of performance Management, HR analytics, and Employee Account • Resource planning and management – improved with clearer view of resources and workload • Single sign on across the Unit 4 modules for Members and employees • There is also a module for Asset and Estate Management that the Council would look to implement in the future.
	Strategic Case
7.	<p>The key objectives for implementing an ERP system are</p> <ul style="list-style-type: none"> • Integrated and streamlined business processes along standard system routes • Reduction in the number of business systems involved in managing the Councils resources of Finance, People and Assets. • Provision of robust and accurate organisational data and dashboards to enable efficient financial reporting and forecasting • Reduction in the administration of tasks and steps in current business processes

	<ul style="list-style-type: none"> • Improve the customer experience of payments with single view of debt • Systems with the same look and feel and improved user experience • Improved and extended self-service options. • More accurate view and analysis of staffing profiles and associated resources to deliver Council objectives 	
8.	By implementing income manager modules customer experience of payments and the ability for both staff and customers to see a single view of debt should be achievable. This will be dependent on the website being able to facilitate this.	
9.	The aim is to ensure that our managers and staff are responsible for delivering a range of processes and activities independently using self-service functionality, but with a system which is intuitive and supportive and even perhaps enjoyable to use rather than one that is perceived as a barrier to effective business processes.	
10.	The intended outcome from this project is a more engaged, more enthusiastic and better supported workforce, able to focus more on outcomes and less on process, with access to business information which allows easier decision making.	
	Economic Case	
11.	By implementing a single and flexible ERP solution it will allow the Council to consolidate on the number of major IT systems it currently runs, by implementing the additional modules the council will be able to replace the current HR system (Resourcelink), e-recruitment (WCN) and Income Management/Cash receipting (Civica ICON). Over the next four years the savings from the additional support and maintenance will be £663k.	
12.	During the implementation of the ERP system the council will look to rationalise and standardise all relevant business processes, further analysis of these process will need to take place.	
13.	The following highlights savings made from other local authorities using this ERP solution	
14.	<p>Wokingham Council</p> <ul style="list-style-type: none"> • £2m saving in 9 months positively contributing to frontline services • Expected £4m annual savings by 2020 • 24% of business process have been eliminated • 9% of processes now completely automated <p>Wigan</p> <ul style="list-style-type: none"> • Annualised Invoice Processing Savings of over £120,000 <p>Cotswold District Council, Cheltenham Borough Council, Forest of Dean District Council and West Oxfordshire District Council (GO Shared Services)</p> <ul style="list-style-type: none"> • The shared service is expected to deliver £3.8m over 10 years by bringing together Finance, Procurement, HR and Payroll functions together with one platform. • With effect from April 2013 the shared service is delivering savings of £673,000 per annum, representing a return on investment of 47%. 	

Timeline																																																																																	
15.	<p>A high level time line for the implementation of the ERP system is below</p> <ul style="list-style-type: none"> • Agree procurement of additional modules – 22nd December 2017 • Start Process and configuration workshops – January 2018 • Implement upgrade to Milestone 7 – January 2018 to March 2018 • Corporate reporting tool (Prevaro) – (3-4 months) Jan 2018 to April 2018 this is dependent on the number of reports required • HR and Payroll – (6 months) April 2018 to October 2018 this includes 3 parallel payroll runs. • E-recruitment – (1 month) can be implement in parallel to upgrade so can implemented from April 2018 when current subscription service ends. • Income Manager – (6-9 months) April 2018 to December 2018 																																																																																
RESOURCE IMPLICATIONS																																																																																	
<u>Capital/Revenue</u>																																																																																	
16.	The total 4 year capital cost to procure and support the additional modules is quoted to be £1.08m.																																																																																
17.	This report informs Cabinet of capital expenditure of £1.47M identified for this project as detailed in the table below. It is proposed that this will be funded by existing council resources, specifically from the approved £3m capital budget for Digital Transformation.																																																																																
18.	It also requests approval of additional annual revenue costs, these are set out in the table below:																																																																																
19.	<table border="1"> <thead> <tr> <th rowspan="2">Item</th> <th rowspan="2">Total</th> <th colspan="2">Revenue</th> <th rowspan="2">Capital 2017/18</th> </tr> <tr> <th>One off</th> <th>Recurring</th> </tr> <tr> <th>Estimated costs</th> <th>£M</th> <th>£M</th> <th>£M</th> <th>£M</th> </tr> </thead> <tbody> <tr> <td>Additional modules inc 4 yr support and licences</td> <td>1.08</td> <td></td> <td></td> <td>1.08</td> </tr> <tr> <td>Current annual maintenance fee</td> <td>0.07</td> <td></td> <td>0.07</td> <td></td> </tr> <tr> <td>Implementation</td> <td>0.58</td> <td>0.58</td> <td></td> <td></td> </tr> <tr> <td>IT infrastructure</td> <td>0.15</td> <td></td> <td>0.01</td> <td>0.14</td> </tr> <tr> <td>Additional SCC resources</td> <td>0.25</td> <td></td> <td></td> <td>0.25</td> </tr> <tr> <td>Cost to terminate existing contracts</td> <td>0.45</td> <td>0.45</td> <td></td> <td></td> </tr> <tr> <td>Contingency</td> <td>0.24</td> <td>0.24</td> <td></td> <td></td> </tr> <tr> <td>Total estimated costs</td> <td>2.82</td> <td>1.27</td> <td>0.08</td> <td>1.47</td> </tr> <tr> <td colspan="5">Funded by:</td> </tr> <tr> <td>Council Capital Resources already assumed within the programme</td> <td>(1.47)</td> <td></td> <td></td> <td>(1.47)</td> </tr> <tr> <td>Saving from maintenance from additional systems</td> <td>(0.17)</td> <td>(0.10)</td> <td>(0.07)</td> <td></td> </tr> <tr> <td>Transformation Reserve</td> <td>(1.18)</td> <td>(1.17)</td> <td>(0.01)</td> <td></td> </tr> <tr> <td>Total Funding</td> <td>(2.82)</td> <td>(1.27)</td> <td>(0.08)</td> <td>(1.47)</td> </tr> </tbody> </table>	Item	Total	Revenue		Capital 2017/18	One off	Recurring	Estimated costs	£M	£M	£M	£M	Additional modules inc 4 yr support and licences	1.08			1.08	Current annual maintenance fee	0.07		0.07		Implementation	0.58	0.58			IT infrastructure	0.15		0.01	0.14	Additional SCC resources	0.25			0.25	Cost to terminate existing contracts	0.45	0.45			Contingency	0.24	0.24			Total estimated costs	2.82	1.27	0.08	1.47	Funded by:					Council Capital Resources already assumed within the programme	(1.47)			(1.47)	Saving from maintenance from additional systems	(0.17)	(0.10)	(0.07)		Transformation Reserve	(1.18)	(1.17)	(0.01)		Total Funding	(2.82)	(1.27)	(0.08)	(1.47)			
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20.	Any further revenue savings from the implementation of an ERP will be utilised towards closing the medium term financial funding gap. (NT)																																																																																
<u>Property/Other</u>																																																																																	
21.	No implications at this stage.																																																																																

LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
22.	The purchase of financial management software as set out in this report is authorised by virtue of s.111 Local Government Act 1972 (power to do anything ancillary to, conducive to or calculated to facilitate the delivery of the Council's core functions) together with s.1 Localism Act 2011 (the general power of competence), subject to compliance with all relevant EU and UK procurement Rules and Contract Procedure Rules as set out below.
<u>Other Legal Implications:</u>	
23.	Under the Public Contracts Regulations 2015 (the "PCRs"), a contract may be modified without triggering the need for a procurement if the modification was provided for in the original procurement documents. Purchase of the majority of the additional Agresso modules was provided for in clear terms in the original procurement documents. The Agresso modules not provided for within the original procurement documents, cannot be obtained from an alternative supplier for economic and technical reasons and because there would be substantial duplication of costs. In circumstances where additional supplies can only be obtained from the incumbent supplier for such reasons the PCRs do not require a competitive procurement to be run, but instead allow the existing contract to be modified, provided the increase in price as a result of purchasing the additional supplies does not exceed 50% of the original contract, as is the case here.
24.	Notwithstanding the above justification for modifying the current contract, the PCRs also allow the direct purchase of supplies without a competitive procurement where competition is absent for technical reasons. The purchase of an additional system from an alternative provider to supplement the current one and to provide the required additional functionality would cause a number of avoidable and problematic technical and operational difficulties and would simply not provide the ERP that SCC requires.
25.	Additionally, the interfacing of a new system with that currently provided by Unit 4 would require the agreement and cooperation of Unit 4 and the potential granting of licences to use the Unit 4 software. SCC is not in a position to be able to guarantee that such agreement and cooperation and the provision of all necessary licences would be forthcoming. Again in such circumstances the PCRs enable the direct award of a contract without competition to the supplier holding the exclusive rights.
26.	A Data Protection Impact Assessment (DPIA) has been drafted the main outcomes from it are <ul style="list-style-type: none"> • To ensure that all data in existing systems is cleansed as per the service areas retention schedules before migration into the new system • All modules will go through full security checks with IT to ensure that all personal data is secure and protected.
RISK MANAGEMENT IMPLICATIONS	
27.	Key risks associated with this project will be captured in a risk log which will be actively monitored by the ERP Project Board and the Customer and Digital Board as appropriate. Main risks identified for the project are <ul style="list-style-type: none"> • Transfer and migration of sensitive HR data, if this is handled in the wrong way it could lead the council to breach GDPR regulations this will be mitigated by ensuring that our supplier has an agreed and up to date data sharing agreement with the council and that all Councils policies and processes are followed.

	<ul style="list-style-type: none"> Inadequate change management during the implementation leading to users not accepting the new system and the changed processes this will be mitigated by developing a clear change management plan as well as a detailed communications to all staff. 	
POLICY FRAMEWORK IMPLICATIONS		
28.	<p>The recommendations in this paper support the delivery of outcomes in the Council Strategy. The proposals particularly support Council Priority Outcome</p> <ul style="list-style-type: none"> A Modern Sustainable Council 	

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	None directly as a result of this report
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Privacy Impact Assessment
2.	

Documents In Members' Rooms

1.	None
2.	

Equality Impact Assessment

Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	No
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Privacy Impact Assessment

Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	Yes
--	-----

Other Background Documents

Other Background documents available for inspection at:

Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	
2.	



What is a Data Protection Impact Assessment?

A Data Protection Impact Assessment (“DPIA”) is a process that assists organisations in identifying and minimising the privacy risks of new projects or policies.

Projects of all sizes could impact on personal data.

The DPIA will help to ensure that potential problems are identified at an early stage, when addressing them will often be simpler and less costly.

Conducting a DPIA should benefit the Council by producing better policies and systems, and improving the relationship with individuals.

Why should I carry out a DPIA?

Carrying out an effective DPIA should benefit the people affected by a project and also the organisation carrying out the project.

Whilst not a legal requirement, it is often the most effective way to demonstrate to the Information Commissioner’s Officer how personal data processing complies with data protection legislation.

A project which has been subject to a DPIA should be less privacy intrusive and therefore less likely to affect individuals in a negative way.

A DPIA should improve transparency and make it easier for individuals to understand how and why their information is being used.

When should I carry out a DPIA?

The core principles of DPIA can be applied to any project that involves the use of personal data, or to any other activity that could have an impact on the privacy of individuals.

Answering the screening questions in **Section 1** of this document should help you identify the need for a DPIA at an early stage of your project, which can then be built into your project management or other business process.

Who should carry out a DPIA?

Responsibility for conducting a DPIA should be placed at senior manager level. A DPIA has strategic significance and direct responsibility for the DPIA must, therefore, be assumed by a senior manager.

The senior manager should ensure effective management of the privacy impacts arising from the project, and avoid expensive re-work and retro-fitting of features by discovering issues early.

A senior manager can delegate responsibilities for conducting a DPIA to three alternatives:

- a) An appointment within the overall project team;
- b) Someone who is outside the project; or
- c) An external consultant.

Each of these alternatives has its own advantages and disadvantages, and careful consideration should be given on each project as to who would be best-placed for carrying out the DPIA.

How do I carry out a DPIA?

Working through each section of this document will guide you through the DPIA process.

The requirement for a DPIA will be identified by answering the questions in **Section 1**. If a requirement has been identified, you should complete all the remaining sections in order.

The Data Protection Impact Assessment Statement in **Section 7** should be completed in all cases, and a copy of this document should be sent to the Information Lawyer (Data Protection Officer) to record and review.

The Information Lawyer (Data Protection Officer) will review the DPIA within 14 days of receipt, and a draft DPIA report will be issued within 28 days. The report will confirm whether the proposed measures to address the privacy risks identified are adequate, and make recommendations for additional measures needed.

These measures will be reviewed once in place to ensure that they are effective.

Advice can be found at the beginning of each section, but if further information or assistance is required, please contact the Information Lawyer (Data Protection Officer) on 023 8083 2676 or at information@southampton.gov.uk.

Section 1 - Screening Statements

The following statements will help you decide whether a DPIA is necessary for your project.

Please tick all that apply.

The project will involve the collection of new information about individuals.

The project will compel individuals to provide information about themselves.

Information about individuals will be disclosed to organisations or people who have not previously had routine access to the information.

You are using information about individuals for a purpose it is not currently used for, or in a way it is not currently used.

The project involves you using new technology which might be perceived as being privacy intrusive. For example, the use of biometrics, facial recognition, or profiling.

The project will result in you making decisions or taking action against individuals in ways which can have a significant impact on them.

The information about individuals is of a kind particularly likely to raise privacy concerns or expectations. For example, health records, criminal records, or other information that people would consider to be particularly private.

The project will require you to contact individuals in ways which they may find intrusive.

The project involves making changes to the way personal information is obtained, recorded, transmitted, deleted, or held.

If any of these statements apply to your project, it is an indication that a DPIA would be a useful exercise, and you should complete the rest of the assessment, including the Data Protection Impact Assessment Statement in **Section 5**.

If none of these statements apply, it is not necessary to carry out a DPIA for your project, but you will still need to complete the Data Protection Impact Assessment Statement in **Section 5**.

Section 2 - Identifying the Need for a DPIA

Briefly explain what the project aims to achieve, what the benefits will be to the Council, to individuals, and to other parties.

Section 3 - Describe the Information Flows

The collection, use, sharing, and deletion of personal data should be described here.

Section 4 - Identifying the Privacy Risks

Answering the questions below will help identify the key privacy risks, and the associated compliance and corporate risks.

The questions cover the key data protection principles, and whilst all may not be relevant to your project, they may prompt you to consider areas of risk which aren't initially apparent.

Principle 1

Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject.

What personal data will be collected and/or shared?

With whom will the personal data be shared?

How will individuals be told about the use of their personal data?

Conditions for processing

For all data (tick all that apply):

The data subject has given consent to the processing.

The processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract.

The processing is necessary for compliance with a legal obligation to which the Council is subject.

The processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Council.

Does your project involves the processing of the following?

Tick all that apply:

data revealing racial or ethnic origin

political opinions

religious or philosophical beliefs

trade-union membership

genetic data or biometric data for the purpose of uniquely identifying a natural person

data concerning health

data concerning a natural person's sex life or sexual orientation

If so, which of the following apply?

The data subject has given explicit consent to the processing.

The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the Council or of the data subject in the field of employment and social security and social protection law.

The processing is necessary for the establishment, exercise, or defence of legal claims, or whenever courts are acting in their judicial capacity.

The processing is necessary for reasons of substantial public interest.

The processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services.

The processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety of health care and of medicinal products or medical devices.

The processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes.

If you are relying on consent to process personal data, how will this be collected and recorded?

What will you do if consent is withheld or withdrawn? How will this be recorded?

Can an alternative condition for processing (see page 7) be used instead of consent? If yes, please provide details. See conditions on page 6 for options.

How will individuals be informed at the point of collection about how their personal data will be used?

Will any personal data be published on the Internet or in other media? If yes, please provide details.

Will a third party contractor be processing the personal data on our behalf, or involved at any stage in the data processing process?

Principle 2

Personal data shall be collected for specified, explicit, and legitimate purposes, and not further processed in a manner that is incompatible with those purposes.

Do you envisage using the personal data for any other purpose in the future? If so, please provide details.

Principle 3

Personal data shall be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed.

Are you satisfied that the personal data processed is of good enough quality for the purposes proposed? If not, why not?

Is there any personal data that you could not use, without compromising the needs of the project? If yes, please provide details.

How will you ensure that only personal data that is adequate, relevant, and not excessive in relation to the purpose for which it is processed?

Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

Are you able to update and amend personal data when necessary, after it has been collected and recorded? Please provide details.

How will you ensure that personal data obtained from individuals or other organisations is accurate?

Principle 5

Personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.

What retention periods are suitable for the personal data you will be processing?

How will you ensure the personal data is deleted in line with your retention periods?

What processes will be put in place for the destruction of the personal data?

Principle 6

Personal data shall be processed in accordance with the rights of data subjects under this Act.

If an individual requested a copy of the personal data held about them, detail how this would be provided to them.

If the project involves marketing, have you got a procedure for individuals to opt out of their personal data being used for that purpose?

Principle 7

Personal data shall be processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Where, and in what format, will the personal data be kept?

Will an IT system or application be used to process the personal data? Please provide details.

How will this system provide protection against security risks to the personal data?

What training and instructions are necessary to ensure that staff know how to operate the system securely?

Will staff ever process the personal data away from the office (e.g. via paper files, on laptops, tablets, or smart phones)? If so, please provide details.

How will access to the personal data be controlled?

Principle 8

Personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Will the project require you to transfer personal data outside of the EEA? If yes, please provide details.

If you will be making transfers, how will you ensure that the personal data is adequately protected?

If a contractor is being used to process the personal data, where are they (and their data stores) based?

Section 5 - Data Protection Impact Assessment Statement

This statement must be completed for all projects, regardless of whether a DPIA was deemed to be necessary on completion of the screening questions in Section 1.

Name:

Position:

Project Summary:

Estimated date of project completion:

Please choose one of the following options:

None of the screening statements in Section 1 of this document apply to the above project, and I have determined that it is not necessary to conduct a Data Protection Impact Assessment.

Some of the screening statements in Section 1 of this document apply to the above project, and a need to carry out a Data Protection Impact Assessment was identified. The assessment has been carried out, and the outcomes will be integrated into the project plan to be developed and implemented.

Date:

Once completed, please send a copy of this document to Corporate Legal.

Email: information@southampton.gov.uk

Internal post: Corporate Legal, Civic Centre, Municipal, Ground Floor West

Document Information

Title: Data Protection Impact Assessment

Author: Chris Thornton, Senior Legal Assistant (Information)

Version: v2.7

Owner: Information Governance Board on behalf of the Council's Management Team

Agreed by: Information Governance Board on behalf of the Council's Management Team

Effective from: 31st January 2017

Review Date: 31st January 2018

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06/12/13 - Version 1.0 - Reviser: Vikas Gupta - Document Created

10/03/15 - Version 2.0 - Reviser: Chris Thornton - Updated to PDF form format

17/07/15 - Version 2.1 - Reviser: Chris Thornton - Added information re report in introduction

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24/01/16 - Version 2.4 - Reviser: Chris Thornton - Added service level for issuing reports

29/04/16 - Version 2.5 - Reviser: Chris Thornton - Removed sections 5 and 6, and revised questions

22/02/17 - Version 2.6 - Reviser: Chris Thornton - Changed wording to reflect GDPR

26/05/17 - Version 2.7 - Reviser: Chris Thornton - Changes made to consent to reflect GDPR

DECISION-MAKER:	CABINET		
SUBJECT:	AMENDMENT TO TOLL ORDER		
DATE OF DECISION:	19 DECEMBER 2017		
REPORT OF:	CABINET MEMBER FOR ENVIRONMENT AND TRANSPORT		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Richard Alderson	Tel: 023 8083 2725
	E-mail:	richard.alderson@southampton.gov.uk	
Director	Name:	Mitch Sanders	Tel: 023 8083 3613
	E-mail:	mitch.sanders@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
NOT APPLICABLE	
BRIEF SUMMARY	
<p>Southampton has been identified as one of the five areas in the UK that is forecast to exceed EU air quality limits beyond 2020. Alongside a Clean Air Zone, Southampton City Council is committed to encouraging greater use of electric vehicles within the city to aid the City Council's targets to improve air quality.</p>	
<p>One of the principal reasons for maintaining a Toll on the Itchen Bridge is to manage congestion in the city and the impacts of congestion (including idling and queuing vehicles) to preserve the character and amenity of the area. Encouraging a greater use of electric vehicles by introducing a concession on the Itchen Bridge Toll for vehicles of this type would better preserve the amenity and character of the area by improving air quality impacted by vehicles stationary in queues and moving through the areas adjacent to the bridge.</p>	
<p>Any concession for electric vehicles would need to be introduced by means of proposing an Amendment to the Toll Order for which a public notice and representation period is required.</p>	
<p>If uptake of electric vehicles became such that there was a significant impact on traffic using the route, then the amendment to the Toll Order would need to be reconsidered in line with the other statutory reasons for charging (including ongoing maintenance costs of the bridge and bridge facilities).</p>	
RECOMMENDATIONS:	
	<p>(i) To delegate authority to the Service Director, Transactions and Universal Services to publish notice of an amendment to the Itchen Bridge Tolls Order introducing a new class of vehicle (Electric) for which there will be a zero charge concession until air quality standards have improved and / or the maintenance requirements of the bridge require further consideration of proposed charging structures.</p>
REASONS FOR REPORT RECOMMENDATIONS	

1.	To encourage drivers to use electric vehicles for the benefit of air quality in Southampton, in the region of the A3025 and the City Centre to improve the quality of the environment in the areas adjacent to the Itchen Bridge where traffic congestion occurs at peak times.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	
2.	Not amending the Toll Order
DETAIL (Including consultation carried out)	
3.	Southampton has been identified as one of the five areas in the UK that is forecast to exceed EU air quality limits beyond 2020. Alongside a Clean Air Zone, Southampton City Council is committed to encouraging greater use of electric vehicles (EV) within the city to aid the City Council's targets to improve air quality. This has included examining concessions for Electric Vehicles to encourage drivers to adopt this technology at an early stage where this delivers environmental improvements and or addresses air quality issues caused by vehicle congestion. The City Council has already implemented a 90% discount on City Centre Parking Season Tickets for electric vehicle users.
4.	<p>The Itchen Bridge was opened in 1977 to improve access from the east side of the city to the City Centre. A toll was introduced to;</p> <ul style="list-style-type: none"> i) cover the costs of construction and ongoing maintenance ii) preserve the character and amenity of the area by controlling the composition and flow of traffic using the bridge <p>The standard toll charge for a car at peak times is £0.60 while the off-peak charge is £0.50. Residents of Southampton are entitled to a discount of £0.20 per crossing through the use of a Smart Cities card. The Bridge sees in the region of 7M crossings per annum with the tolls generating revenue of approximately £3.2M.</p>
5.	One of the principal reasons for maintaining the Toll on the Bridge is to preserve the amenity and character of the area. As air quality can be considered a key component of the amenity of the area, the Council could consider amending the Toll Order to create a new class of vehicle that would allow a concession for electric vehicles. This would encourage a greater proportion of vehicles using the route to be electric for the benefit of air quality within the area. To further ensure that the amenity and character of the area is maintained, the electric vehicle concession should only be available to traffic that is local in nature. Once uptake of electric vehicles by drivers using the route is such that there is an impact on traffic through the area (i.e. improved air quality but increased congestion) or the maintenance and planned maintenance requirements of the bridge require further investment, the Amendment to the Toll Order would need to be reconsidered to once again ensure the character and amenity of the area is preserved and planned and reactive maintenance costs are covered by toll revenue.
6.	The Toll is regulated by statute by the Hampshire Act 1983 and the Toll Order made pursuant to that Act. Any changes to the Tolls and/or concessions requires an amendment to the Toll Order. The amendment needs to be formally proposed and there is statutory representation period of 21 days to enable the public to make comment or objection. These representations are then taken into consideration before a final decision is made on whether to implement the amendment and revise the Toll Order. A report will be

	presented to cabinet to consider those objections or representations in due course.
RESOURCE IMPLICATIONS	
<u>Capital/Revenue</u>	
7.	The Itchen Bridge generates around £3.2M of revenue per annum. As electric vehicles currently represent around 1% of road traffic, the initial impact to revenue is expected to be minimal. Mid-range forecasts suggest that by 2020, 3.1% of vehicles will be electric and by 2025, 12.5% of vehicles will be electric. Assuming traffic across the Itchen Bridge remains relatively static, the revenue loss can be estimated as follows; <p style="text-align: center;">2018/19 - £32,000 2020/21 - £99,200 2025/26 - £400,000</p>
8.	The legal costs for proposing an amendment to the Toll Order are likely to be between £4,000 and £8,000 depending on the volume of the consultation responses.
<u>Property/Other</u>	
9.	N/A
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
10.	Southampton City Council has the statutory power to propose and subsequently Amend the Toll Order subject to a formal public notice and representation period.
11.	Section 22 of the Hampshire Act 1983 grants the Council the powers to maintain a toll on the bridge. Furthermore, Section 22 Part 3 states that, " <i>In exercising their powers under this section, the council shall have regard to... the need to control the composition and flow of traffic over the bridge so as to avoid causing traffic congestion in areas adjacent to the bridge and so as to preserve the character and amenities of those areas.</i> " In proposing this amendment, the Council is seeking to control the composition of traffic, specifically the means by which vehicles are powered, to protect the character and amenities of the area, i.e. air quality where emissions are being generated by vehicle usage of this key route into and out of the City Centre.
<u>Other Legal Implications:</u>	
12.	In considering the impact of the introduction of the revised Toll class and concession, the Council must have regard to the impact of its proposals under the Public Sector Equality Duty (s.149 Equality Act 2010) and be prepared to take steps to mitigate any negative impacts associated with the proposals. A detailed equality impact assessment will be undertaken and updated as the representation period progresses to identify any positive or negative impacts on protected characteristics or mobility vehicle users etc. arising out of the proposals and what steps may be required to address any such impacts.
RISK MANAGEMENT IMPLICATIONS	
13.	The key risk is that an Amendment to the Toll Order is subject to a formal

	public representation process the decision maker may determine as a result of representations made or other evidence coming forward during this period that the Amendment to the Toll Order should not be made. However, the City Council will have demonstrated that it has considered this option for promoting electric vehicle use even if it is subsequently found to be undeliverable.
POLICY FRAMEWORK IMPLICATIONS	
14.	Traffic along routes related to the Bridge will need to be monitored to ensure that the concession does not result in increased congestion but the proposals are wholly in accordance with the published policy framework.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Equality and Safety Impact Assessment
2.	Privacy Impact Assessment

Documents In Members' Rooms

1.	None
Equality Impact Assessment	
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.	Yes
Privacy Impact Assessment	
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.	Yes
Other Background Documents	
Other Background documents available for inspection at:	
Title of Background Paper(s)	Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.	None



Equality and Safety Impact Assessment

Appendix 1

The **public sector Equality Duty** (Section 149 of the Equality Act) requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people carrying out their activities.

The Equality Duty supports good decision making – it encourages public bodies to be more efficient and effective by understanding how different people will be affected by their activities, so that their policies and services are appropriate and accessible to all and meet different people’s needs. The Council’s Equality and Safety Impact Assessment (ESIA) includes an assessment of the community safety impact assessment to comply with section 17 of the Crime and Disorder Act and will enable the council to better understand the potential impact of the budget proposals and consider mitigating action.

Name or Brief Description of Proposal	Traffic Regulation Order to propose amending the Toll Order to introduce a new class of vehicle (Electric) that would receive a concession on the toll for crossing the Itchen Bridge
Brief Service Profile (including number of customers)	Electric Vehicle users. Electric vehicles currently constitute <1% of privately owned vehicles.
Summary of Impact and Issues	No significant issues identified
Potential Positive Impacts	Encourage drivers to adopt electric vehicles for the benefit of air quality along the A3025 and within the City Centre
Responsible Service Manager	Richard Alderson
Date	11/12/2017

Approved by Senior Manager	Rosie Zambra
Signature	
Date	11/12/2017

Potential Impact

Impact Assessment	Details of Impact	Possible Solutions & Mitigating Actions
Age	None	N/A
Disability	None	N/A
Gender Reassignment	None	N/A
Marriage and Civil Partnership	None	N/A
Pregnancy and Maternity	None	N/A
Race	None	N/A
Religion or Belief	None	N/A
Sex	None	N/A
Sexual Orientation	None	N/A
Community Safety	None	N/A
Poverty	None	N/A
Other Significant Impacts	None	N/A



What is a Privacy Impact Assessment?

A Privacy Impact Assessment (“PIA”) is a process that assists organisations in identifying and minimising the privacy risks of new projects or policies.

Projects of all sizes could impact on personal data.

The PIA will help to ensure that potential problems are identified at an early stage, when addressing them will often be simpler and less costly.

Conducting a PIA should benefit the Council by producing better policies and systems, and improving the relationship with individuals.

Why should I carry out a PIA?

Carrying out an effective PIA should benefit the people affected by a project and also the organisation carrying out the project.

Whilst not a legal requirement, it is often the most effective way to demonstrate to the Information Commissioner’s Officer how personal data processing complies with the [Data Protection Act 1998](#).

A project which has been subject to a PIA should be less privacy intrusive and therefore less likely to affect individuals in a negative way.

A PIA should improve transparency and make it easier for individuals to understand how and why their information is being used.

When should I carry out a PIA?

The core principles of PIA can be applied to any project that involves the use of personal data, or to any other activity that could have an impact on the privacy of individuals.

Answering the screening questions in **Section 1** of this document should help you identify the need for a PIA at an early stage of your project, which can then be built into your project management or other business process.

Who should carry out a PIA?

Responsibility for conducting a PIA should be placed at senior manager level. A PIA has strategic significance and direct responsibility for the PIA must, therefore, be assumed by a senior manager.

The senior manager should ensure effective management of the privacy impacts arising from the project, and avoid expensive re-work and retro-fitting of features by discovering issues early.

A senior manager can delegate responsibilities for conducting a PIA to three alternatives:

- a) An appointment within the overall project team;
- b) Someone who is outside the project; or
- c) An external consultant.

Each of these alternatives has its own advantages and disadvantages, and careful consideration should be given on each project as to who would be best-placed for carrying out the PIA.

How do I carry out a PIA?

Working through each section of this document will guide you through the PIA process.

The requirement for a PIA will be identified by answering the questions in **Section 1**. If a requirement has been identified, you should complete all the remaining sections in order.

The Privacy Impact Assessment Statement in **Section 7** should be completed in all cases, and a copy of this document should be sent to the Senior Legal Assistant (Data Protection Officer) to record and review.

The Senior Legal Assistant (Data Protection Officer) will review the PIA within 14 days of receipt, and a draft PIA report will be issued within 28 days. The report will confirm whether the proposed measures to address the privacy risks identified are adequate, and make recommendations for additional measures needed.

These measures will be reviewed once in place to ensure that they are effective.

Advice can be found at the beginning of each section, but if further information or assistance is required, please contact the Senior Legal Assistant (Data Protection Officer) on 023 8083 2676 or at information@southampton.gov.uk.

Section 1 - Screening Statements

The following statements will help you decide whether a PIA is necessary for your project.

Please tick all that apply.

The project will involve the collection of new information about individuals.

The project will compel individuals to provide information about themselves.

Information about individuals will be disclosed to organisations or people who have not previously had routine access to the information.

You are using information about individuals for a purpose it is not currently used for, or in a way it is not currently used.

The project involves you using new technology which might be perceived as being privacy intrusive. For example, the use of biometrics, facial recognition, or profiling.

The project will result in you making decisions or taking action against individuals in ways which can have a significant impact on them.

The information about individuals is of a kind particularly likely to raise privacy concerns or expectations. For example, health records, criminal records, or other information that people would consider to be particularly private.

The project will require you to contact individuals in ways which they may find intrusive.

The project involves making changes to the way personal information is obtained, recorded, transmitted, deleted, or held.

If any of these statements apply to your project, it is an indication that a PIA would be a useful exercise, and you should complete the rest of the assessment, including the Privacy Impact Assessment Statement in **Section 5**.

If none of these statements apply, it is not necessary to carry out a PIA for your project, but you will still need to complete the Privacy Impact Assessment Statement in **Section 5**.

Section 2 - Identifying the Need for a PIA

Briefly explain what the project aims to achieve, what the benefits will be to the Council, to individuals, and to other parties.

Section 3 - Describe the Information Flows

The collection, use, sharing, and deletion of personal data should be described here.

Section 4 - Identifying the Privacy Risks

Answering the questions below will help identify the key privacy risks, and the associated compliance and corporate risks.

The questions cover the 8 Principles of the [Data Protection Act 1998](#), and whilst all may not be relevant to your project, they may prompt you to consider areas of risk which aren't initially apparent.

Principle 1

Personal data shall be processed fairly and lawfully.

What personal data will be collected and/or shared?

With whom will the personal data be shared?

How will individuals be told about the use of their personal data?

Conditions for processing

For all data (tick all that apply):

The individual who the personal data is about has consented to the processing.

The processing is necessary in relation to a contract which the individual has entered into, or because the individual has asked for something to be done so they can enter into a contract.

The processing is necessary because of a legal obligation that applies to you (except an obligation imposed by a contract).

The processing is necessary to protect the individual's "vital interests".

The processing is necessary for administering justice, or for exercising statutory, governmental, or other public functions.

The processing is necessary for the purposes of the Council's legitimate interests.

If your project involves the processing of [sensitive data](#)* (tick all that apply):

The data subject has given his explicit consent to the processing of the personal data.

The individual who the sensitive personal data is about has given explicit consent to the processing.

The processing is necessary so that you can comply with employment law.

The processing is necessary to protect the vital interests of the individual (in a case where the individual's consent cannot be given or reasonably obtained), or another person (in a case where the individual's consent has been unreasonably withheld).

The processing is carried out by a not-for-profit organisation and does not involve disclosing personal data to a third party, unless the individual consents. Extra limitations apply to this condition.

The individual has deliberately made the information public.

The processing is necessary in relation to legal proceedings (for obtaining legal advice, or otherwise for establishing, exercising or defending legal rights).

The processing is necessary for administering justice, or for exercising statutory or governmental functions.

The processing is necessary for medical purposes, and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.

The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals.

* Under the Data Protection Act 1998, sensitive personal data is defined as personal data consisting of information as to:

- (a) the racial or ethnic origin of the data subject,
- (b) his political opinions,
- (c) his religious beliefs or other beliefs of a similar nature,
- (d) whether he is a member of a trade union,
- (e) his physical or mental health or condition,
- (f) his sexual life,
- (g) the commission or alleged commission by him of any offence, or
- (h) any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in such proceedings.

If you are relying on consent to process personal data, how will this be collected and what will you do if it is withheld or withdrawn?

How will individuals be informed at the point of collection about how their personal data will be used?

Will any personal data be published on the Internet or in other media? If yes, please provide details.

Will a third party contractor be processing the personal data on our behalf, or involved at any stage in the data processing process?

Principle 2

Personal data shall be obtained only for one or more specified and lawful purposes, and shall not be further processed in any manner incompatible with that purpose or those purposes.

Do you envisage using the personal data for any other purpose in the future? If so, please provide details.

Principle 3

Personal data shall be adequate, relevant and not excessive in relation to the purpose or purposes for which they are processed.

Are you satisfied that the personal data processed is of good enough quality for the purposes proposed? If not, why not?

Is there any personal data that you could not use, without compromising the needs of the project? If yes, please provide details.

How will you ensure that only personal data that is adequate, relevant, and not excessive in relation to the purpose for which it is processed?

Principle 4

Personal data shall be accurate and, where necessary, kept up to date.

Are you able to update and amend personal data when necessary, after it has been collected and recorded? Please provide details.

How will you ensure that personal data obtained from individuals or other organisations is accurate?

Principle 5

Personal data processed for any purpose or purposes shall not be kept for longer than necessary for that purpose or those purposes.

What retention periods are suitable for the personal data you will be processing?

How will you ensure the personal data is deleted in line with your retention periods?

What processes will be put in place for the destruction of the personal data?

Principle 6

Personal data shall be processed in accordance with the rights of data subjects under this Act.

If an individual requested a copy of the personal data held about them, detail how this would be provided to them.

If the project involves marketing, have you got a procedure for individuals to opt out of their personal data being used for that purpose?

Principle 7

Appropriate technical and organisational measures shall be taken against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

Where, and in what format, will the personal data be kept?

Will an IT system or application be used to process the personal data? Please provide details.

How will this system provide protection against security risks to the personal data?

What training and instructions are necessary to ensure that staff know how to operate the system securely?

Will staff ever process the personal data away from the office (e.g. via paper files, on laptops, tablets, or smart phones)? If so, please provide details.

How will access to the personal data be controlled?

Principle 8

Personal data shall not be transferred to a country or territory outside the European Economic Area (EEA) unless that country or territory ensures and adequate level of protection for the rights and freedoms of data subjects in relation to the processing of personal data.

Will the project require you to transfer personal data outside of the EEA? If yes, please provide details.

If you will be making transfers, how will you ensure that the personal data is adequately protected?

If a contractor is being used to process the personal data, where are they (and their data stores) based?

Section 5 - Privacy Impact Assessment Statement

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Name:

Position:

Project Summary:

Estimated date of project completion:

Please choose one of the following options:

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Document Information

Title: Privacy Impact Assessment

Author: Chris Thornton, Senior Legal Assistant (Information)

Version: v2.1

Owner: Information Governance Board on behalf of the Council's Management Team

Agreed by: Richard Ivory, Head of Legal and Democratic Services

Effective from: 17th July 2015

Review Date: 17th July 2016

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