

COUNCIL – 14TH SEPTEMBER 2021

ITEM 10 QUESTIONS ON NOTICE

10.1 Councillor Draycott – GDPR and Data Protection Breaches

Would the Cabinet Lead inform Council of the number of breaches of GDPR/Data Protection in the Council for each of the last 4 years including for 2021/22 as far as available?

What service areas they covered and what lessons have been learnt?

What has been the implications for the Council and have any breaches led to legal action?

The Leader or his nominee will respond:

The table below provide the information requested in terms of numbers and types of data breach over the last 4 years and the affected service area. In addition, the second table shows the outcome of cases referred to the ICO:

Breach numbers per service per year									
Customer Experience (including Revenues & Benefits contractor)	Financial Services	Landlord Services	Leisure and Culture	Neighbourhood Services	Planning & Regeneration	Property Services	Regulatory Services	Strategic & Private Sector Housing	Strategic Support
2 (Capita - 1)		4			5		1	1	
16 (Capita 11)	1		6	1			1	6	
20 (Capita 7)	1	11	1	3	3		6	5	
13 (Capita 4)		17			3	1	7	10	
4 (Capita 1)		2					7	3	
ICO outcome									
2 x No further action									
4 x No further action									
4 x No further action									
1 x no further action									
1 x awaiting									
1 x awaiting									

When a potential breach is reported to the Data Protection and Security Officer, as part of the investigation it is identified what action need to be taken in order to reduce any risk for the future. All future actions are then agreed with the relevant service area and if necessary these are also shared with the ICO. Best practice information and reminders are sent out on a regular basis through One Charnwood to remind staff of their responsibilities under the GDPR/DPA and refresher training is delivered at various times as required.

10.2 Councillor Bolton – Green and Sustainable Housing Developments

In the light of the UN Climate Change report issued on 9th August, can the lead member and officers please tell me what they are planning to do to work with developers to ensure that all new builds will contribute to the UK target of net zero carbon emissions? I really believe that CBC should take a lead and set an example to other Local Authorities.

We have some major targets to achieve in terms of building. Surely it would be best to mandate developers to make new builds more environmentally friendly at the build stage rather than have to retrofit further down the line? For example, installing eco-friendly heating pumps, ultra-high thermal insulation, and solar PV.

Could the lead member and officers please also tell me the standards that developers are expected to meet in terms of sustainability and future proofing properties to avoid the need for retrofitting in the future?

The Leader or his nominee will respond:

The construction of new buildings is regulated by the Building Regulations 2010. The Government's target for the UK to achieve net zero by 2050 will be implemented through national changes to Building Regulations, specifically Part L (conservation of fuel and power), which developers will be required to meet.

The adopted Local Plan Core Strategy (Policy CS16) and the emerging Pre-Submission Draft Local Plan (Policy CC4) encourages all new developments to be designed to exceed national building regulations for carbon emissions through energy efficient design, layout, and orientation and the use of low carbon and renewable sources of energy. All major development proposals are required to demonstrate how the need to reduce emissions has influenced the design, layout and energy source used.

The National Planning Policy Framework expects any local requirements for the sustainability of buildings are expected to reflect the Government's policy for national technical standards.

10.3 Councillor Boldrin – Market Place Risk Assessment

It appears that it is becoming common practice to leave the market stalls in the marketplace without removing them as normal aftermarket day. Has a risk assessment has been completed to assess issues such as health and safety and vandalism and what the benefits of leaving the stalls in place are? If a risk assessment has been completed, I consider it would be helpful for members to see it?

I also recall that it was Council's intention to make the market place a piazza style location, does leaving the stalls in place not conflict with this aspiration as it limits space available outside cafes and restaurants?

The Leader or his nominee will respond:

The current market layout and practice of leaving the central stalls in situ was in response to the Covid pandemic.

The market service is dependent on a small team of operatives who in normal circumstances would erect and dismantle the stalls after each market. The ability to guarantee the work force would be available due to Covid was considered and it was felt appropriate to leave the stalls in place, this reduced the amount of manual handling and allows stalls to be hygienically cleaned and is deliverable within the resources available to operate the service and met the trader's needs.

The markets service underwent a full Covid risk assessment under the guidance of the Council's Health & Safety Advisor which is provided as an appendix to this response. There have been minimal issues around vandalism which in most part is because of the CCTV coverage in the Market Place that is monitored 24/7 and acts as a deterrent.

The market continues to operate in line with this risk assessment albeit some additional gazebo type stalls are being provided on the periphery of the marketplace to meet increasing trader demand following the unlocking of restrictions since April 2021.

The piazza or plaza was a consideration that was given to potentially provide support to local business to operate whilst restrictions limited customer numbers. This did not prove to be necessary with many businesses very effectively providing innovative solutions to generate custom in a Covid safe way.

The Town Deal plan being developed does consider the provision of an open Plaza type area which could be an option in the future.

10.4 Councillor Goddard – Attachments on Benefits

Over the course of the pandemic, many of our residents have found themselves in financial difficulties through no fault of their own. Recently the Guardian reported that across the UK Bailiffs have been called to at least 280,000 homes over council tax debt and "attachments on benefits", whereby benefits are reduced to cover debts, have been requested for 117,492 council taxpayers.

How many instances of bailiffs use or requests for attachments on benefits have been made across Charnwood since March 2020, and in how many instances has action been taken to negotiate and agree an affordable payment plan for residents impacted?

The Leader or his nominee will respond:

Since 1st March 2020 of the 77,246, Council Tax accounts, the Council have sent 3,837 (5%) cases to our Enforcement Agents (EA) and requested 164 Attachment of Benefits. The majority of these debts relate to 2019/20 Council Tax year, not the current 2020/21 year. However, nearly all of these cases have been sent to the Enforcement Agents (EA) since Feb 2021 as during the period March 2020 to Feb 2021 we did not take any recovery action on any Council Tax accounts

due to the Pandemic closing all courts. I am unable to provide specific numbers of accounts where payment arrangements were made as we don't hold those figures in a reportable format.

Sending a debt to an EA is always a last resort and is only done once we have exploited all other means of recovering the outstanding debt. Prior to passing an account to an Enforcement Agent the customer will have received:

- *Bill*
- *Reminders (there maybe 2 reminders and also text messages sent)*
- *Summons (pre summons arrangement letters are also sent)*
- *Liability Order*
- *Attachment of Benefits (AOB)/EA Referral*

In ALL cases customers are given the opportunity to arrange a payment plan at each stage of recovery and prior to the EA or AOB taking action. Once a case is passed to an EA an arrangement can still be agreed. During the Pandemic we offered extra flexibility with people's payment plans, enabling people to spread their outstanding instalments over 12 months instead of the usual 10 or taking their payment holiday at the beginning of the year instead of the end if this was more suitable for their circumstances. In addition, for those customers in receipt of Council Tax Support we were also able to provide a Covid Hardship grant of £150 to help reduce any outstanding Council Tax amounts on their account. We also offer Discretionary Council Tax support to help those customers who are facing financial hardship and are unable to meet their Council Tax liability where they meet the criteria for this scheme.

10.5 Councillor Draycott – Social Housing Decarbonisation Fund

With the Government's recent announcement that the first tranche of £160M is soon to be available for Councils and Housing Associations to bid for, how ready is the Council to place a bid which would help tenants save up to £170 per year by making properties more energy efficient, while cutting greenhouse gases?

The Leader or his nominee will respond:

The Social Housing Decarbonisation Fund emphasises a fabric first approach. The Council has already taken a fabric first approach, completing large external and cavity wall insulation programmes at its stock around a decade ago. The Council does have a potential scheme to install solar PV at its bungalows with D and C rated energy performance certificates. An application of this nature will be progressed, however it may not be scored highly by bid assessors, given that other applicants will likely have large tranches of stock that are worse performing than the Council's.

10.6 Councillor Hamilton – Impact on Businesses of Delays in Bedford Square Gateway Project

The Bedford Square Gateway Project was due for completion on October 2021 but has now slipped some months into early 2022. Some disruption to local businesses was always anticipated but this delay into an already fragile business environment could be devastating for some. One shop owner has reported that after seeing trade return to normal levels when lockdown restrictions first eased, he then experienced a 65% drop in sales when work in the Bedford Square area began with people being discouraged to visit his shop due to the noise and mess of the street works. Councillors were informed that Charnwood Borough Council explored options to give financial support but that none were viable. Other than the current mitigation measures in place, such as promoting the new development, what other options are being explored to support the impacted businesses? and do you think there could be reputational damage to Charnwood Borough Council if a project aimed at enhancing the economy of Loughborough town centre actually resulted in business closures?

The Leader or his nominee will respond:

Working closely with the Loughborough BID, The Borough Council is providing a range of measures to support the impacted businesses and is also considering further measures. The range of measures being provided or currently being considered by the Borough Council include:

- Continuing to provide free customer parking for an hour / Sundays / after 6pm in the Beehive Lane car park (21,000 tickets issued so far);*
- Providing up to £10k into Love Loughborough's gift voucher scheme for local businesses;*
- Investing £5k on a marketing campaign and working with the BID to promote the area making clear businesses are open as usual;*
- Providing free parking passes for up to four employees of independent businesses in the project area for use in Beehive Lane car park during road closure periods;*
- Providing free exit from the Granby Street car park for delivery vehicles delivering goods to businesses in the Bedford Square Gateway area during road closure periods;*
- Establishing delivery drop-off zones and waste collection points for local businesses during road closure periods, with the offer of assistance from Fitzgerald for moving heavy waste bins by prior arrangement;*
- Investigating a porter scheme to help businesses with deliveries during road closure periods;*
- Love Loughborough offering 'Business of the Day' features and creation of professional videos for businesses*
- Videos and other content to be shared across Love Loughborough/Council platforms (combined audience of 34,000 followers on Twitter and Facebook plus email subscribers of 10k for CBC);*

- Offer to cease works during December to enable a clear month without works during the Christmas trading period; and
- New open paved area in Devonshire Square allows for more events to be held in that part of town. Consideration is currently being given to a series of events in the run up to Christmas.

These measures are in addition to those provided by the Government in its Pandemic response.

It is regrettable if any business closes during the project implementation period, for whatever reason. Local businesses have commented on the high quality of those areas that have already been finished. Once the scheme has been completed, the whole area will be transformed into an attractive, safe and comfortable shopping destination, which is what the local businesses were seeking when they first lobbied the Council for improvements to be made to the area.

10.7 Councillor Parton – Bedford Square Gateway Project Update

What progress has been made in construction taking place in Loughborough Town Centre, including its work to both communicate and assist affected shops and businesses?

The Leader or his nominee will respond:

The construction work started in February. However, there have been unforeseen delays arising from several unexpected issues once excavation works commenced, necessitating changes to the scheme. This includes the last minute decision by Severn Trent Water to undertake a water main diversion along the whole length of Devonshire Square and Ward's End resulting in significant disruption to the construction works at the start of the programme, damage to an uncharted water service that took Severn Trent Water 10 days to isolate and repair and the discovery of a significant number of unmapped underground utilities across the scheme area, including a brick culvert. Significant redesign work has had to be undertaken and approval sought from the County Highway Authority for drainage, footway and carriageway changes. As a result, the construction schedule has had to be changed a number of times to ensure work could start and continue (e.g. Bedford Square North car park moved forward in the programme while Devonshire Square was redesigned).

The Council has provided regular communication bulletins, which has been welcomed by the businesses, though this has been difficult at times due to the changing nature of the programme. In addition, Council officers have been engaging in regular face-to-face contact with the businesses affected to provide regular updates and listen to any concerns and comments. The Council's contractor, Fitzgerald, has also engaged with local businesses and provided updates on the construction programme. Furthermore, online Zoom meetings have been held and an in person meeting was held with local businesses at

the beginning of the month, at which local businesses were updated on the scheme and given an opportunity to ask questions and voice any concerns.

The measures to assist shops and businesses are outlined in the response to question 10.6 from Councillor Hamilton.

10.8 Councillor Parton – Graffiti in Southfields

Sadly, some prolific individuals are placing graffiti across the entire ward (and indeed the whole town). How can the Council publicise resident reporting of any incidents taking place, in order that this criminal damage can be limited?

The Leader or his nominee will respond:

Graffiti incidents should be reported to the police using the non-emergency 101 number or the online form on the police website. Furthermore, graffiti can be reported to the Council via cleaner.greener@charnwood.gov.uk and we will endeavour to remove it as soon as possible. Offensive graffiti can be removed on the same day. The removal of graffiti from privately owned assets does require the Council to obtain permission from the property owner which can sometimes cause delays.

Councillors wanting to report graffiti incidents should follow the same procedure.

10.9 Councillor Parton – Rogue Landlord Detection

What reassurance can be given that the new mandatory licensing conditions that will be applied to all HMOs will be utilised to enforce action against ASB and waste management issues?

The Leader or his nominee will respond:

Houses in Multiple Occupation Licensing Scheme

The licence conditions for the Houses in Multiple Occupation Licensing Scheme approved by Cabinet on the 1st July 2021 include conditions for Storage and Disposal of Household Waste and Anti-social Behaviour and Damage.

Condition 6 - Storage and Disposal of Household Waste

6. *The Licence Holder must ensure that:*

6.1 *Arrangements are made that comply with any scheme which the Authority adopt in connection with the storage and collection of household waste at HMOs pending collection.*

- 6.2 *Where no such scheme has been adopted, that suitable refuse and re-cycling containers are provided on a scale sufficient for the number of tenants.*
- 6.3 *Any necessary supplementary arrangements for the disposal or refuse and re-cyclable materials from the HMO are made having regard to the services provided by the Authority.*
- 6.4 *If within the curtilage of the HMO there is insufficient space to store refuse, waste and re-cyclable materials, adequate arrangements for extra collections of such are made.*
- 6.5 *Each tenant is informed in writing, at the start of their tenancy, of the days on which refuse, and re-cycling collection happens, and this information is displayed in a prominent position in the HMO.*

Condition 17 - Anti-social Behaviour and Damage

- 17. *The Licence Holder must ensure that:*
 - 17.1 *The terms of any tenancy or licence agreement include provisions concerning anti-social behaviour.*
 - 17.2 *All reasonable and practicable steps are taken both to prevent (which may include periodic inspections) and deal with any acts of anti-social behaviour occurring at the HMO, which shall include investigating any complaints made about such conduct and liaising with the Authority and/or the Police.*
 - 17.3 *If acts of anti-social behaviour occur at the HMO in breach of the terms of the tenancy or licence agreement, they take appropriate steps to address this which may, in the case of serious or repeated anti-social behaviour, mean possession proceedings.*
 - 17.4 *Records are kept of what action is taken which are provided to the Authority within 7 days of a request to see them.*
 - 17.5 *Appropriate notices are prominently displayed in the common parts of the HMO reminding tenants of their obligation not to act in an anti-social manner, nor to cause a nuisance or annoyance to other occupiers or neighbouring residents, and to take reasonable care to avoid causing damage to property.*

The Licence Holder is responsible for ensuring compliance with the conditions at all times, and/or any person acting on their behalf in the management of the house is made aware of, must comply with the obligations and responsibilities set out in the licence conditions.

It is the Licence Holder's responsibility to ensure compliance with the requirements of all the Licence conditions. Failure to do so may result

in prosecution for breach of Licence conditions; service of a civil penalty of up to £30,000 in respect each Licence condition breach; and/or the revocation of the Licence.

10.10 Councillor Needham – Accessibility of the Local Plan Consultation

During the consultation period on the Local Plan, I received a lot of contact from residents who felt excluded from participating, due the information and process being almost exclusively online. Many had only come to learn of the consultation through speaking to myself or family & friends.

Lots of people do not use the internet and many more don't use social media, which seemed to be the Council's main method of advertising the consultation.

There was further feedback that the consultation webpage was difficult to navigate, and the questions assumed a high level of knowledge about the Local Plan and policies, which most people would not possess.

The reliance on digital methods and the complicated format of the consultation questions, left a significant number of people excluded from the process.

Noting the Council's obligations under the Equality Act 2010, including those relating to indirect discrimination, how will this Council seek to address this digital exclusion in future and make consultations accessible for all?

The Leader or his nominee will respond:

Those without access to the internet were carefully considered when preparing the consultation plan for the Pre-Submission Draft Local Plan. The following arrangements were put in place:

- site notices were placed close to all the sites proposed for allocation to raise awareness of the proposals and to explain how to access on and offline information;*
- hard copies of all the documents were available to view at the Council Offices throughout the consultation period;*
- posters were provided to Parish and Town Councils and Libraries to put up in their windows and notice boards (and were available for free on request by any organisation);*
- press releases were issued and picked up with articles in the Mercury and Echo (front page article on 30th June);*
- people were also been encouraged to access documents online using public library computers;*
- hard copies were available to buy, to cover printing costs;*
- officers were available to speak to on the phone to provide a briefing to anyone unable to access the virtual briefings.*

- *Ward and Parish Councillors were briefed on the plan and the proposals in their areas before the plan was published to assist them in their community leadership roles.*

The website was designed to meet the needs of a range of audiences including those with limited or no knowledge of the local plan process. The website included Frequently Asked Questions, a summary of the draft local plan, a video from the Lead Member and an online form to guide people on how to make their comments. The website also noted that responses 'can be sent in a format of your choice by email or by post'.

The consultation presentations were held online to take account of the national restrictions that were in place at the time of planning the events and to ensure the events were safe. The consultation arrangements met the Council's adopted Statement of Community Involvement commitments (approved by Full Council on 18th January 2021), which aimed to ensure all those that do not have access to the internet are able to engage in consultations.

An Equalities Impact Assessment (EIA) was undertaken of the Statement of Community Involvement and appended to the Council report which noted that for plan-making the statement includes a commitment to maintaining a mix of online and offline consultation methods and to make reasonable adjustments for equalities requests in line with the general equality duty.

QUESTIONS ON NOTICE TO COUNCIL – PROCEDURE

- Councillors are required to submit a question on notice in writing by 12noon on the sixth working day prior to Council, the title of the question is published on the Council Agenda.
- Questions and responses will be published at the end of the previous working day (usually the Friday prior to a Council meeting on a Monday) and will be available at the Council meeting for Councillors, the press, and the public.
- After the questions and responses are published **Councillors may indicate that they wish to ask a supplementary question by noon on the day of the Council meeting.**
- The Mayor will invite those Councillors who have indicated that they wish to do so to ask a supplementary question.
- The Leader (or relevant Lead Member on behalf of the Leader) or Chair of the Committee is able to respond.
- The total time each person can speak on a single question is time limited.