

PLEASE NOTE VENUE

FINANCE AND EFFICIENCY PORTFOLIO

DECISION SCHEDULE



Friday 21 September 2007

at 10.00am

in Training Room 2,
Belle Vue Community Sports and Youth Centre,
Kendal Road, Hartlepool

Councillor Payne, Cabinet Member responsible for Finance and Efficiency will consider the following items.

1. **KEY DECISIONS**

None.

2. **OTHER ITEMS REQUIRING DECISION**

- 2.1 Regulation of Investigatory Powers Act 2000 – *Chief Solicitor*
- 2.2 Diversity in Procurement Update – *Head of Procurement and Property Services*
- 2.3 Strategic Housing Improvement Programme (SHIP) – Transfer of Properties – *Head of Procurement and Property Services*
- 2.4 Proposed Compulsory Purchase – Land at Trincomalee Wharf – *Head of Procurement and Property Services*
- 2.5 Proposed Compulsory Purchase – 45 Lancaster Road, Hartlepool – *Head of Procurement and Property Services*
- 2.6 Proposed Licence, Lauder Street Car Park – *Head of Procurement and Property Services*
- 2.7 Proposed Tenancy on Unit 95/96 Middleton Grange Shopping Centre – *Head of Procurement and Property Services*
- 2.8 Former Focus Building, Lynn Street - Variation of Covenant – *Head of Procurement and Property Services*
- 2.9 Variation of Covenant and Sale of Land, Shakespeare Public House, Catcote Road, Hartlepool – *Head of Procurement and Property Services*

3. **REPORTS FROM OVERVIEW OF SCRUTINY FORUMS**

None.

FINANCE AND EFFICIENCY PORTFOLIO

Report to Portfolio Holder

21st September, 2007



Report of: Chief Solicitor

Subject: REGULATION OF INVESTIGATORY POWERS ACT, 2000

SUMMARY

1. PURPOSE OF REPORT

To inform the Portfolio Holder of the outcome of an inspection on the 30th May, 2007 through the Office of Surveillance Commissioners (OSC), to review the Council's management of covert activities.

2. SUMMARY OF CONTENTS

The report outlines the findings and recommendations following on from the visit by the OSC appointed Inspector.

3. RELEVANCE TO PORTFOLIO MEMBER

The Portfolio Holder is responsible for various service areas and functions including that relating to the Council's legal services. The Chief Solicitor has responsibility to review and maintain the Council's policy and procedure documentation relating to the Regulation of Investigatory Powers Act, 2000

4. TYPE OF DECISION

Non-key

5. DECISION MAKING ROUTE

Finance and Efficiency Portfolio Holder meeting on 21st September, 2007.

Report of: Chief Solicitor

Subject: REGULATION OF INVESTIGATORY POWERS
ACT, 2000

1. PURPOSE OF REPORT

1.1 The purpose of this report is to advise the Portfolio Holder of the outcome of the Inspection by Mr Graham Wright, an Inspector appointed by the Office of Surveillance Commissioners (OSC) to review the Council's management of covert activities. Similar reports have been provided to the relevant Portfolio Holder following various inspections in January, 2003 and May, 2005.

2. BACKGROUND

2.1 The Regulation of Investigatory Powers Act, 2000 provides a statutory procedure for public authorities in connection with certain of their functions to employ covert surveillance techniques in the collection of evidence. On the 30th May, 2007, an Inspector, Mr Graham Wright, visited the Council as part of the review of the Council's management of such covert activities. The inspection took the form of discussions with relevant Officers, including the Council's Chief Executive, Chief Solicitor and Legal Services Manager and staff responsible for authorising applications in relation to covert operations. It is to be noted, that the Borough Council is not "a prolific user" of the statutory powers available under the Regulation of Investigatory Powers Act, 2000. Whilst the Council has authorised on occasions, covert activities relating to "directed surveillance" it has taken a policy decision that it would not use personnel known as "covert human intelligence sources" (CHISs) to acquire evidence.

2.2 For the purpose of this report, the recommendations on the Inspector are summarised below :-

- the Council's policy and procedure document be amended to reflect the comments made by the Inspector (see attached amended document at **Appendix 1**)
- that the Central Record be amended in accordance with the Home Office Code of Practice issued pursuant to Section 71 of the Regulation of Investigatory Powers Act, 2000.

- that the content of applications and authorisations comply with the statutory framework,

2.3 Whilst the Inspector noted that the “core processes employed are sound” he also indicated the need for “more robust management in quality assurance at a corporate level”. However, it should be noted, that such comments are somewhat at variance with the previous inspection findings through the Office of Surveillance Commissioners following an inspection on the 10th May, 2005. It is recognised by the Office of Surveillance Commissioners that the Council accepts the recommendations contained in the Commissioner’s report and will see that the same are implemented. As indicated, attached at **Appendix 1** is a copy of the Council’s Policy and Procedure document as revised in the light of the present findings and following on from earlier revisions in April, 2005 and from the original documentation circa December, 2002.

3. RECOMMENDATION

That the Authority formerly confirm acceptance of the recommendations as made by through the Office of Surveillance Commissions and that they will be implemented.

HARTLEPOOL BOROUGH COUNCIL



REGULATION OF INVESTIGATORY POWERS ACT 2000

POLICY AND PROCEDURE

for

SURVEILLANCE

and

COVERT HUMAN INTELLIGENCE SOURCES

and

ACQUISITION OF COMMUNICATIONS DATA

**December 2002
(Revised April 2005)
(Further revisions August 2007)**

HARTLEPOOL BOROUGH COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT 2000

POLICY **for** **SURVEILLANCE** **and** **COVERT HUMAN INTELLIGENCE SOURCES**

Introduction

1. The Regulation of Investigatory Powers Act 2000 ("RIPA") provides a framework for control and supervision of investigatory powers exercised by public bodies, including local authorities, in order to balance the need to protect privacy of individuals with the need to protect others particularly in light of the Human Rights Act 1998. RIPA provides a statutory basis for the authorisation and use by the security and intelligence agencies, law enforcement and other public authorities of covert surveillance, agents, informants and undercover officers. It regulates the use of these techniques and safeguards the public from unnecessary invasions of their privacy.

2. This policy addresses solely issues having relevance to the activities of the Council.

3. It is the intention of the Hartlepool Borough Council ("the Council") to comply with the Act and with the provisions of the Human Rights Act 1998 and in particular provisions under Article 8 obliging respect for an individual's privacy. However the citizen's right to privacy is qualified and may be interfered with when necessary in the interests of the protection of others rights and interests. There are circumstances in which a local authority will have a legitimate reason to carry out investigations which may require the use of surveillance as permitted under the RIPA. Within the limits stipulated in the Human Rights Act, such investigations are compatible with the human rights of the individual whose privacy is interfered with.

Investigatory Powers

4.1 The Council may wish to exercise investigatory powers in connection with (but not limited to) audit investigation, benefit fraud, community safety, health and safety compliance, environmental protection and pollution control, planning enforcement, trading standards, control of building works, and employee terms and conditions compliance.

4.2 The single ground for a district council's applications is – preventing or detecting crime or disorder. Acquiring data must be proportionate to what is sought to be achieved.

Surveillance caught by the Act

5. Covert directed surveillance is covered by RIPA.

- Surveillance is 'directed' when it is undertaken in relation to a specific investigation or a specific operation which is likely to result in the obtaining of private information about a person.
- Surveillance is covert where it is carried out in a manner calculated to ensure that the person or persons subject to the surveillance are unaware that it is or may be taking place.

6. Such forms of surveillance involve observing an individual or group of people whether through unaided observation or listening or through the use of technical devices and when information regarding their private or family lives is likely to be obtained.

7. Special provisions apply where information enjoying legal privilege or certain types of confidentiality may be obtained. In such circumstances, which are not expected to be relevant to the Council's activities, the approval of the Council's Head of Paid Service is required, or in his/her absence by the Council's Chief Solicitor.

Covert Human Intelligence Sources

8. When person A establishes, maintains or uses a relationship (personal or otherwise) with person B for information gathering purposes or uses, or discloses information obtained by such a relationship, or arising from it, and s/he does so when B is unaware that it is or may be happening, then person A is a Covert Human Intelligence Source (CHIS).

NOTE: The Council have determined that CHIS will not be used or authorised without the approval of the Chief Solicitor. Accordingly, references to CHIS within this policy document is for information purposes only.

Compliance with legislation

9. The investigatory powers will be exercised by the Council in compliance with the Act and also the Codes of Practice contained in –

- The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Code of Practice) Order 2002 (S.I. 2002/1932), and
- The Regulation of Investigatory Powers (Covert Surveillance: Code of Practice) Order 2002 (S.I.2002/1933).

Authorisation

10. The Council will apply a procedure for the proper authorisation and recording of its surveillance activities and for the use of Covert Human Information Sources in accordance with the Act. The model forms published by the Home Office shall be used where available.

11. The Council shall ensure that officers with responsibility for authorising or carrying out surveillance and the use of Covert Human Intelligence Sources shall be made aware of their obligations to comply with the Act and with this policy. Furthermore officers shall receive appropriate training or be appropriately supervised in order to carry out functions under the Act. In particular, all officers with responsibilities under

the Act will be familiar with the Codes of Practice referred to above, so far as they relate to their responsibilities.

Communications Data

12. The effect of Chapter 2 is to render unlawful the acquisition and disclosure of 'communications data' unless proper authorisation or notice has been given.

13. So far as relevant to the Council, 'Communications data' is -

any information which includes none of the contents of a communication and is about the use made by any person -

- (i) of any postal service or telecommunications service; or*
- (ii) in connection with the provision to or use by any person of any telecommunications service, of any part of a telecommunication system;*

This includes everyday data collected relating to the customer's use of their communications system – e.g. dates and times they have made calls and which telephone number they have called.

and

any information not falling within paragraph (a) or (b) that is held or obtained, in relation to persons to whom he provides the service, by a person providing a postal service or telecommunications service.

This would include, for example, personal records of a customer or subscriber – their name and address, payment method, contact number etc.

The Council may wish to use such communications data for tracing persons trading through a telephone number or for other investigatory purposes. To enable such use to be made of communications data, the Council may lawfully seek the information from service providers.

14. The Council will request such information only in accordance with the Home Office Code of Conduct which provides that applications for communications data may only be made by persons in the same public authority as a designated person. It further calls for the identification of Single Points of Contact (Spoc) within relevant public authorities

15. The Council will provide a Spoc who will be in a position to:

- where appropriate, assess whether access to communications data is reasonably practical for the postal or telecommunications operator;
- advise applicants and designated persons on the practicalities of accessing different types of communications data from different postal or telecommunications operators;
- advise applicants and designated persons on whether communications data falls under section 21 (4)(a), (b) or (c) of the Act;
- provide safeguards for authentication;
- assess any cost and resource implications to both the public authority and the postal or telecommunications operator.

16 The Council recognise that forms of notice requiring the provision of communications data are subject to inspection by the Commissioner and both applicant and designated person may be required to justify their decisions.

Review of Authorisations and Policy

17. Council departments will ensure that authorisations granted are regularly reviewed, and are renewed or cancelled as appropriate.

18. This policy and accompanying procedure shall be reviewed from time to time in light of changes in legislation, case law, or for the better performance of the procedure.

Advice and Guidance

19. Advice and guidance is available from the Council's Monitoring Officer and his staff. Additionally, information on the Act, the codes of practice, model forms etc. can be found on **www.homeoffice.gov.uk/ripa**

Member involvement

20. It is inappropriate for members to be involved in the actual authorisation process. However, they need to be able to assure themselves that the Council's surveillance activities are undertaken in accordance with the Act. There shall, therefore, be prepared half-yearly a summary of the authorisations given, reviewed, renewed and cancelled which will be open to inspection by members.

December 2002
Revised April 2005
Further revisions August 2007

HARTLEPOOL BOROUGH COUNCIL

REGULATION OF INVESTIGATORY POWERS ACT

Procedure for approval of Surveillance and Covert Human Intelligence Sources

Introduction

1. The object of this policy is to ensure that

- surveillance of an individual or a group of persons
- the use of agents and informers

by officers of the Council shall be lawful and shall comply with the Regulation of Investigatory Powers Act 2000 ("the Act") and the relevant codes of practice namely –

- The Regulation of Investigatory Powers (Covert Human Intelligence Sources: Code of Practice) Order 2002 (S.I. 2002/1932), and
- The Regulation of Investigatory Powers (Covert Surveillance: Code of Practice) Order 2002 (S.I. 2002/1933).

Authorising officers

2. The officers referred to in the Schedule to this procedure are the Authorising Officers for the Departments and activities shown opposite their names

3. The officers referred to in the Schedule are the "Authorising Officers" for the purposes of this procedure

Application for Authorisation

4. Except in a case of urgency, before commencing any investigatory action which is to involve –

- covert directed surveillance or
- the use or conduct of a Covert Human Intelligence Source

the officer responsible for the investigation shall submit the relevant form of Application for Authorisation, in triplicate, to the appropriate Authorising Officer. The investigatory action shall not be commenced unless and until the Authorising Officer has approved the application as signified by the Authorising Officer endorsing the application with his/her approval and returning one copy to the applicant.

5. The application form shall be submitted not less than 7 days before the intended date of commencement of the investigatory action.

6. All information required in the application form shall be provided. In particular the description of the activity proposed shall be sufficient to enable the Authorising Officer to judge whether the authorisation applied for is **necessary and proportionate**. The Home Office Code of Practice issued pursuant to Section 71 of the Regulation of Investigatory Powers Act 2000, provides at paras 2.4 and 2.5 of the Code, guidance upon the requirements of necessity and proportionality, as follows;

“2.4 Obtaining an authorisation under the 2000 Act, the 1997 Act and 1994 Act will only ensure that there is a justifiable interference with an individual’s Article 8 rights if it is necessary and proportionate for these activities to take place. The 2000 Act first requires that the person granting an authorisation believe that the authorisation is necessary in the circumstances of the particular case for one or more of the statutory grounds in section 29(3) of the 2000 Act for directed surveillance and in section 32(3) of the 2000 Act for intrusive surveillance.

2.5 Then, if the activities are necessary, the person granting the authorisation must believe that they are proportionate to what is sought to be achieved by carrying them out. This involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.”

In the case of an application for Covert Human Intelligence Source authorisation, details of how the source will be managed and supervised, and protected against identification must be provided.

7 Before authorising surveillance, account will need to be given to the risk of intrusion into the ‘privacy of persons other than those who are directly the subjects of the investigation or operation’, otherwise known as **collateral intrusion**. The Code of Practice provides the following guidance at paras 2.7 – 2.10;

“2.7 An application for an authorisation should include an assessment of the risk of any collateral intrusion. The authorising officer should take this into account, when considering the proportionality of the surveillance.

2.8 Those carrying out the surveillance should inform the authorising officer if the investigation or operation unexpectedly interferes with the privacy of individuals who are not covered by the authorisation. When the original authorisation may not be sufficient, consideration should be given to whether the authorisation needs to be amended and reauthorized or a new authorisation is required.

2.9 Any person granting or applying for an authorisation or warrant will also need to be aware of particular sensitivities in the local community where the surveillance is taking place and of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance. In this regard, it is recommended that where the authorising officers in the National Criminal Intelligence Service (NCIS), the National Crime Squad (NCS) and HM Customs and Excise (HMCE) consider that conflicts might arise they should consult a senior officer within the police force area in which the investigation or operation takes place.

2.10 The matters in paragraphs 2.1 – 2.9 above must also be taken into account when applying for authorisations or warrants for entry on or interference with property or with wireless telegraphy. In particular they must be necessary in the circumstances of the particular case for one of the statutory ground listed in section 93(2)(a) of the 1997 Act and section 5(2)(c) of the 1994 Act, proportionate and when exercised steps should be taken to minimise collateral intrusion.”

8. In a case of urgency an application may be made verbally for an authorisation which shall expire at the end of 72 hours from the time of granting. An authorisation given as a matter of urgency shall be formalised by the submission of a form of Application for Authorisation within 24 hours of the grant.

Grant of Authorisation

9. Except as provided in the next paragraph, no officer of the Council shall authorise an application for surveillance or for conduct or use of a Covert Human Intelligence Source unless s/he has received appropriate training with respect to the duties, obligations and liabilities of the Council under the Act

10. An Authorising Officer who has not received the training required, may authorise surveillance after consulting the Monitoring Officer of the Council and receiving approval in writing.

11. An Authorising Officer shall ensure

- prior to granting an authorisation for use of a Covert Human Intelligence Source, that specific arrangements will exist to ensure that, amongst other things, the source is independently managed and supervised, that records are to be kept of the use made of the source,
- prior to granting an authorisation for surveillance, that the purpose is permitted under the Act and the surveillance is necessary, and proportionate to what it aims to achieve. In the event of doubt whether proposed surveillance will constitute directed surveillance requiring authorisation under the Act, an Authorising Officer should err on the side of caution and issue an authorisation if all other considerations warrant an authorisation.

Obtaining authorisation where no authorisation is necessary is preferable to not obtaining authorisation where authorisation is necessary.

12. If necessary, an Authorising Officer shall refer the matter for legal advice.

Review of Authorisations

13. Each Authorising Officer shall determine the standard review period for authorisations granted by him/her. Different review periods may apply to authorisations for different categories of investigatory action. Not later than 3 working days before the expiration of the review period for an authorisation relating to an ongoing investigation, the officer responsible for the investigatory action shall submit a Review of

Authorisation form to the Authorising Officer who granted the authorisation. Unless the circumstances warrant the continuation of an authorisation, it should be cancelled.

Renewal of Authorisations

14. A renewal of authorisation should be sought before expiration of the authorisation in any case where, in the view of the officer responsible for the investigatory action, the continuation of the authorised activity continues to be necessary and proportionate. The Renewal of Authorisation form should be submitted and dealt with in the same manner as the application for authorisation.

Cancellation of Authorisations

15. Upon conclusion of the investigatory action, the officer responsible for the investigatory action shall submit a Cancellation of Authorisation form to the Authorising Officer by whom the authorisation was granted. **All authorisations must have properly recorded cancellations.** Upon cancellation of an authorisation, all officers concerned with the investigatory action to which it relates should be notified of the cancellation and no further action in reliance upon the authorisation should be taken.

Registers of Authorisations

16. The director of each department undertaking activities regulated by RIPA shall determine whether there shall be maintained in that department, either

- a single register for the authorisations granted within the department, or
- a register for the authorisations granted by each of the Authorised Officers within the department.

17. The Council shall keep a Central Register of every authorisation granted. The Council's register shall be maintained by the Monitoring Officer. For this purpose, the Authorising Officer will send a copy of the authorisation, review, renewal or cancellation to the Monitoring Officer within 2 working days of issue of the signature.

18. Every authorisation, review, renewal and cancellation shall be kept in a permanent form and shall be entered in both the departmental and the Central Register. The registers should also include all reviews, renewals and cancellations.

Expiration and Review of Authorisations

19. Unless renewed or cancelled the duration of an authorisation is –

Urgent authorisation - 72 hours,
From the time of authorisation or urgent renewal of authorisation

Covert Human Intelligence Source authorisation - 12 months, and
Any other authorisation - 3 months

from the date of authorisation or renewal of authorisation in each case

General

20. All applications shall be submitted to the Authorising Officer in triplicate.

21. After signature by the Authorising Officer, one copy shall be returned to the applicant officer by way of confirmation of approval, one copy shall be retained by the Authorising Officer for inclusion in that officer's or department's register and one copy shall be sent to the Monitoring Officer.

22. The officer responsible for any relevant action shall use the model form issued by Home Office attached to this procedure document, namely:

Directed Surveillance

Form 1	Application for Directed Surveillance Authorisation
Form 2	Review of Directed Surveillance Authorisation
Form 3	Cancellation of Directed Surveillance Authorisation
Form 4	Renewal of Directed Surveillance Authorisation

Covert Human Intelligence Sources ('CHIS')

Form 5	Application for conduct/use of CHIS Authorisation
Form 6	Review of CHIS Authorisation
Form 7	Cancellation of CHIS Authorisation
Form 8	Renewal of CHIS Authorisation

December 2002
Revised April 2005
Further revisions August 2007

Schedule of Authorising Officers

<u>Service Area</u>	<u>Authorising Officers</u>	<u>Authorisation Limits</u>
Whole Council	Chief Executive Monitoring Officer	
Consumer Safety	Community Safety Strategy Officer <u>Deputy</u> Director of Community Services	
Environmental Action	Neighbourhood Services Manager <u>Deputy</u> Environmental Action Manager	
Finance Department	Chief Financial Officer Chief Financial Officers (2) <u>Deputies</u> Group Auditor Benefit Investigation Manager	
Neighbourhood Services	Chief Tenants' Services Officer Head of Housing Management	
Personnel Division	Chief Personnel Services Officer Principal Personnel Services Officer <u>Deputies</u> Health & Safety Adviser & Health & Safety Off. Team Leaders (2)	Urgency only " "
Public Protection	Head of Public Prot'n & Housing <u>Deputy</u> Consumer Services Manager Principal Trading Standards Officer	Urgency only

HARTLEPOOL BOROUGH COUNCIL

COMMUNICATIONS DATA

1. With effect from 5th January 2004, Part 1 Chapter 2 of the 2000 Act came into operation. The effect of Chapter 2 is to render unlawful the acquisition and disclosure of 'communications data' unless proper authorisation or notice has been given.

The object of this procedure is to ensure that the acquisition and disclosure of communications data by officers of the Council shall be lawful and shall comply with

- the Regulation of Investigatory Powers Act 2000,
- the Regulation of Investigatory Powers (Communications Data) Order 2003 ("the Communications Data Regs") and
- the relevant code of practice namely "Accessing Communications Data" (Home Office – currently in draft)

2. **Designated Officer**

Under the Communications Data Regs, the following officers are specified as "Designated officers" for the acquisition of the specified categories of information for the purposes described –

Designated Officer	Categories of Information s. 21(4)	Purposes s.22(2)
Assistant Chief Officer	(b) Use of services (c) Service user	(b) preventing or detecting crime or of preventing disorder;

2. **'Communications data'** is –

- (a) any **traffic data** comprised in or attached to a communication (whether by the sender or otherwise) for the purposes of any postal service or telecommunication system by means of which it is being or may be transmitted;

This includes network data such as cell site data and routing information

- (b) any information which includes none of the contents of a communication (apart from any information falling within paragraph (a)) and is about **the use made** by any person -

(i) of any postal service or telecommunications service; or

(ii) in connection with the provision to or use by any person of any telecommunications service, of any part of a telecommunication system;

This includes everyday data collected relating to the customer's use of their communications system – e.g. dates and times they have made calls and which telephone number they have called.

*(c) any information not falling within paragraph (a) or (b) that is held or obtained, in relation to **persons** to whom he provides the service, by a person providing a postal service or telecommunications service.*

This would include, for example, personal records of a customer or subscriber – their name and address, payment method, contact number etc.

3. **Nature of Restrictions**

The Act restricts the ability to have access to communications data to specified bodies; district councils are within the authorised bodies, but the nature of the data which can be accessed is further limited. The Regulations stipulate the persons designated within relevant authorities who are entitled to authorise relevant conduct within the authority (s.22(3)), or require the provision of data by an outside provider (s.22(4)). An application must be made through the Single Point of Contact (“SPOC”) who has undergone the necessary training for the purposes of compliance with the Code of Conduct.

Relevant Officers in the Legal Division and Public Protection Division have undertaken the relevant training and been accredited to function as SPOCs (see Annex 3). In the event that it is contemplated that an investigation calls for access to communications data, one of the accredited officers must be contacted to co-ordinate the relevant action.

4. **SPOC input**

The SPOC will:

- where appropriate, assess whether access to communications data is reasonably practical for the postal or telecommunications operator;
- advise applicants and designated persons on the practicalities of accessing different types of communications data from different postal or telecommunications operators;
- advise applicants and designated persons on whether communications data falls under section 21(4)(a), (b) or (c) of the Act;
- provide safeguards for authentication;
- assess any cost and resource implications to both the public authority and the postal or telecommunications operator.

5. **The Application**

The application form is subject to inspection by the Commissioner and both applicant and designated person may be required to justify their decisions.

An application to obtain communications data under the Act should be made on a standard form (paper or electronic) which must be retained by the public authority. It should contain the following minimum information:

- the name (or designation) of the officer requesting the communications data;
- the operation and person (if known) to which the requested data relates;
- a description, in as much detail as possible, of the communications data requested (there will also be a need to identify whether it is communications data under section 21(4)(a), (b) or (c) of the Act);

- the reason why obtaining the requested data is considered to be necessary for one or more of the purposes in paragraph 4.1 above (the relevant purpose also needs to be identified);
- an explanation of why obtaining the data constitutes conduct proportionate to what it seeks to achieve;
- where appropriate, a consideration of collateral intrusion, the extent to which the privacy of others may be affected and why that intrusion is justified; and
- the timescale within which the communications data is required. Where the timescale within which the material is required is any greater than routine, the reasoning for this to be included.

The application form should subsequently record whether access to communications data was approved or denied, by whom and the date. Alternatively, the application form can be marked with a cross-reference to the relevant authorisation or notice.

6. **Issues for Designated Officer**

A designated person must take account of the following points, so that s/he is in a position to justify decisions made:

- whether the case justifies the accessing of communications data for one or more of the purposes referred to in the table above, and why obtaining the data is *necessary* for that purpose;
- whether obtaining access to the data by the conduct authorised by the authorisation, or required of the postal or telecommunications operator in the case of a notice, is proportionate to what is sought to be achieved. (A designated person needs to have in mind the conduct which he is authorising or requiring in each case. In making a judgement as to proportionality, a designated person needs to have in mind whether he is granting an authorisation or issuing a notice, and also what the scope of the conduct is. For example, where the conduct covers the provision of ongoing communications data);
- where appropriate, where accessing the communications data is likely to result in collateral intrusion, whether the circumstances of the case still justify that access; and
- whether any urgent timescale is justified.

7. **The Authorisation or Notice**

The designated person will make a decision whether to issue a notice based upon the application which is made. The notice that the holder of the communications data receives contains only enough information to allow them to fulfil their duties under the Act. The notice served upon the holder of the communications data should be in a standard format (written or electronic) which must be retained by the public authority (see section 7 of this code) and must contain the following information:

- (in the case of an authorisation) the conduct authorised
- a description of the required communications data;
- for which of the purposes in paragraph 4.1 above the data is required;
- the name (or designation) and office, rank or position of the designated person; and
- the manner in which the data should be disclosed.
- a unique reference number;

and a notice should also include

- where appropriate, an indication of any urgency;
- a statement stating that data is sought under the provisions of Chapter II of Part I of the Act. i.e. an explanation that compliance with this notice is a legal requirement; and
- contact details so that the veracity of the notice may be checked.

The forms to be used by way of authorisation (s.22(3)) and notice (s.22(4)) shall be substantially in accordance with the following drafts – Annex 1 and Annex 2

This data is necessary for [one or more of] the following purpose[s] specified in the Regulation of Investigatory Powers Act 2000 *[delete those purposes not permitted to your public authority]*

It is necessary for this communications data to be obtained:

- for the prevention and detection of crime or preventing disorder s.22 (2)(b)
- in the interests of public safety s.22 (2)(d)
- for the purpose of protecting public health s. 22 (2)(e)
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge or charge payable to a government department s.22 (2)(f)
- for the purpose, in an emergency, of preventing death or injury or damage to a persons physical or mental health or of mitigating any injury or damage to a persons physical or mental health s. 22 (2)(g)

Period of Validity

This authorisation is valid from *[issue date]* to *[end date]*. *[This must be no more than one month from the date of this notice, or earlier if cancelled under section 23(8)].* This authorisation may be renewed at any time by the giving of a further authorisation.

Authorisation

I am satisfied that disclosure of the communications data by the conduct required by this authorisation for the data is necessary for that/those purpose(s) shown above and proportionate to what is sought to be achieved by so obtaining the data. In authorising this requirement, I have considered the issues of necessity and proportionality under the Human Rights Act 1998 and these considerations have been recorded.

<u>Designated Person/ Authorising Officer Name</u>		Division	
<u>Position in Public Authority</u>		<u>Department</u>	
<u>Contact Telephone Number</u>		<u>Address</u>	

This notice may be authenticated by contacting the following:			
<u>Accredited Officer Name</u>		Accredited Number	Officer
<u>Position in Public Authority</u>		<u>Department</u>	
<u>Contact Telephone Number</u>		<u>Address</u>	

INSERT YOUR PUBLIC AUTHORITY NAME

ANNEX 2

**NOTICE REQUIRING
DISCLOSURE OF COMMUNICATIONS DATA
(UNDER SECTION 22(4) OF THE REGULATION OF INVESTIGATORY POWERS
ACT 2000)**

To:	[Insert name of postal or telecommunications service provider and address]
You are required to produce the communications data described in this notice to: [Single Point of Contact name and address] by :-	
<input type="checkbox"/> fax to [number]	
<input type="checkbox"/> e-mail to [address]	
<input type="checkbox"/> post to [address]	
<input type="checkbox"/> hand to [name or designation, rank/position]	

SPOC Ref No. (To be completed by SPOC)	Application Ref No. (To be completed by SPOC)
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In accordance with Section 22(4) of the Regulation of Investigatory Powers Act 2000, by this notice I hereby require you:
<input type="checkbox"/> if not already in possession of the data to which this notice relates, to <u>obtain</u> it;
<input type="checkbox"/> to <u>disclose</u> all communications data to which this notice relates whether in your possession [or subsequently obtained by you] <i>[square bracketed text is only for those cases where data is required to be captured for the duration of the notice - this should be omitted only the disclosure of historical data is required].</i>

Description of communications data to which this notice relates:
<i>[enter details of the communications data required, distinguishing between data (a) to be obtained if not already in the possession of the operator (omitting if not relevant) and (b) to be disclosed. Each should be described separately].</i>
<i>[(a) communications data to be obtained];</i>
<i>[(b) communications data to be disclosed].</i>

This data is necessary for [one or more of] the following purpose[s] specified in the Regulation of Investigatory Powers Act 2000 <i>[delete those purposes not permitted to your public authority]</i>
It is necessary for this communications data to be obtained:
<input type="checkbox"/> for the prevention and detection of crime or preventing disorder s.22 (2)(b)
<input type="checkbox"/> in the interests of public safety s.22 (2)(d)
<input type="checkbox"/> for the purpose of protecting public health s. 22 (2)(e)
<input type="checkbox"/> for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge or charge payable to a government department s.22 (2)(f)
<input type="checkbox"/> for the purpose, in an emergency, of preventing death or injury or damage to a persons physical or mental health or of mitigating any injury or damage to a persons physical or mental health s. 22 (2)(g)

<u>Period of Validity</u>
This notice is valid from <i>[issue date]</i> to <i>[end date]</i> . <i>[This must be no more than one month from the date of this notice, or earlier if cancelled under section 23(8)].</i> This notice may be renewed at any time by the giving of a further notice.

Authorisation
I am satisfied that disclosure of the communications data by the conduct required by this notice the data is necessary for that/those purpose(s) shown above and proportionate to what is sought to be achieved by so obtaining the data. In authorising this requirement, I have considered the issues of necessity and proportionality under the Human Rights Act 1998 and these considerations have been recorded.

<u>Designated Person/ Authorising Officer Name</u>		Division	
<u>Position in Public Authority</u>		<u>Department</u>	
<u>Contact Telephone Number</u>		<u>Address</u>	

This notice may be authenticated by contacting the following:			
<u>Accredited Officer Name</u>		Accredited Number	Officer
<u>Position in Public Authority</u>		<u>Department</u>	
<u>Contact Telephone Number</u>		<u>Address</u>	

ACCESS TO COMMUNICATIONS DATA

OFFICERS ACCREDITED AS SPOC

LEGAL DIVISION

Tony Brown, Chief Solicitor

Alyson Carman, Solicitor

PUBLIC PROTECTION DIVISION

Mike Welsh, Trading Standards Manager

FINANCE & EFFICIENCY PORTFOLIO

Report to Portfolio Holder

21st September 2007



Report of: Head of Procurement and Property Services

Subject: DIVERSITY IN PROCUREMENT UPDATE

SUMMARY

1.0 PURPOSE OF REPORT

To provide an update on the inclusion of the Local Government Equality Standard in the Council's procurement processes.

2.0 SUMMARY OF CONTENTS

The report highlights the significance of mainstreaming Equality and Diversity into the procurement process and highlights the progress made to date.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder is the Procurement Champion.

4.0 TYPE OF DECISION

Non key decision

5.0 DECISION MAKING ROUTE

Portfolio Holder only

6.0 DECISION(S) REQUIRED

The Portfolio Holder notes the progress to date.

Report of: Head of Procurement and Property Services

Subject: DIVERSITY IN PROCUREMENT UPDATE

1. PURPOSE OF REPORT

- 1.1 To provide an update on how the Local Government Equality Standard has been integrated into the Council's procurement processes.

2. BACKGROUND

- 2.1 Improving the way in which the Council buys goods and services is a key factor in modernising local government but a specific requirement of the Government National Procurement Strategy and Gershon Efficiency Agenda.
- 2.2 The Council's decision to adopt the Local Authority Equality Standard places a number of requirements with regard to equality and diversity that need to be mainstreamed into the Council's procurement processes.
- 2.3 The Council needs to utilise procedures and systems to ensure we secure the best goods and services in a cost effective and timely way. And to ensure that this is done with due regard to ensuring our customers, employees and providers of goods, works and services are dealt with, and operate, in a manner reflecting the Equality Standard.
- 2.4 A report endorsing the Officers Guide to Procurement and associated Standard Contract Documents was approved by the Portfolio Holder on 8th August 2005. The last update report to Portfolio Holder was provided on 26th March 2007.

3. CONSIDERATIONS

- 3.1 The Portfolio Holder is the Council's Procurement Champion and therefore it is important that updates and developments are considered at appropriate times.
- 3.2 A Corporate Procurement Group (CPG) made up of Senior Officers from all departments is now well established and ensures that the Officers Guide & Contract Documents are updated as appropriate. A Diversity in Procurement subgroup was formed from members of the CPG, consisting of representatives for procurement, legal, human resources, adults and children's services, to consider the necessary

changes to the Officers Guide and Contract Documents required by the Equality Standard.

3.3 The Council's target of reaching level 3 of the Equality Standard by March 2008, requires the following equality & diversity objectives to be mainstreamed into the Council's procurement process:

- To promote equality and diversity.
- For agencies delivering services on behalf of the council, include within contracts a requirement to deliver an effective and appropriate service, fairly and without discrimination.
- Provide training for managers on the implementation of the equality standard within procurement.
- Establish mechanisms for ensuring that equality targets are met by suppliers through contract management.
- Establish monitoring of contracts to secure equal employment and equal service delivery targets.

3.4 These objectives have been met via the following actions:

- Arranging for a letter to all current suppliers, contractors & services providers explaining how equality & diversity objectives will be included in future contracts. And asking them, although they are not contractually obliged to until the new contracts come into effect, to 'join in the spirit' of the Equality Standard, in the meantime.
- Updating the Standard Contract Documents to include appropriate equality and diversity clauses.
- Updating the equality & diversity section of the Officers Guide to include appropriate equality and diversity guidance.
- Including reference to the Equality Standard, and the guidance available, in the 'Leadership & Management Development Programme' module in Procurement.
- Including, within the Officers Guide to Procurement, guidance on the mechanisms necessary for the setting of equality targets for suppliers, to ensure that they compliment, agree and promote compliance with the objectives of the service being provided.
- Including, within the Officers Guide to Procurement, guidance on the mechanisms necessary for the monitoring of equality targets via contract management as part of the standard monitoring of the service, to ensure that equality targets and service objectives are met.

4. RECOMMENDATIONS

4.1 That the Portfolio Holder notes the progress made to date.

FINANCE AND EFFICIENCY PORTFOLIO

Report To Portfolio Holder

21st September 2007**Report of:** Head of Procurement and Property Services**Subject:** STRATEGIC HOUSING IMPROVEMENT
PROGRAMME (SHIP) – TRANSFER OF
PROPERTIES

SUMMARY**1.0 PURPOSE OF REPORT**

To advise the Portfolio Holder on the outcome of a recent tendering process to secure a suitable partner to improve and bring empty houses back into use in Hartlepool, and to obtain a decision on the proposed transfer of Council property to the appointed partner (a Registered Social Landlord).

2.0 SUMMARY OF CONTENTS

The report outlines the rationale behind the scheme and provides details of the properties proposed be involved in the process.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder is responsible for the Council's land and property holdings.

4.0 TYPE OF DECISION

Non Key Decision

5.0 DECISION MAKING ROUTE

Portfolio Holder only

6.0 DECISION(S) REQUIRED

Authority to proceed with the transfer of those properties listed subject to the terms proposed.

Report of: Head of Procurement and Property Services

Subject: STRATEGIC HOUSING IMPROVEMENT PROGRAMME (SHIP) – TRANSFER OF PROPERTIES

1. PURPOSE OF REPORT

- 1.1 To advise the Portfolio Holder on the outcome of a recent tendering process to secure a suitable partner to improve and bring empty houses back into use in Hartlepool, and to obtain a decision on the proposed transfer of Council property to the appointed partner (a Registered Social Landlord).

2. BACKGROUND

- 2.2 In line with government guidance, Hartlepool joined with the other Tees Valley authorities to bid for SHIP funding from the Regional Housing Board for the 2006-8 period. The bid included several different projects, one of which was the Tees Valley Empty Homes Scheme which is aimed at bringing long-term empty houses back into use.
- 2.3 The Scheme involves each authority providing the same financial contribution or providing assets in lieu of the finance, or a mix of the two. A reduced Hartlepool financial contribution of £180,000 was allocated in the 2006/8 Housing Capital Programme for the Scheme on the basis that properties previously purchased by the Council for housing market renewal might be identified as suitable for transfer and considered as an asset contribution. Under the Scheme, further privately-owned houses will be identified for purchase and refurbishment.
- 2.3 Following a rigorous selection process overseen by Stockton Borough Council as lead authority, Accent Regeneration, a Registered Social Landlord, was selected as the partner. One of the significant factors involved in selecting them was their previous experience of carrying out similar work.
- 2.4 In addition to the Council's overall contribution, Accent will provide an average of £55,000 per property for refurbishment to the Decent Homes Standard, project-manage the works, arrange tenancies at affordable rents subject to nomination rights by the Council, and manage the properties.
- 2.5 The Council currently holds three empty houses acquired as part of the North Central Hartlepool Regeneration Scheme:

- 4 Furness Street
- 25 Parton Street
- 31 Cameron Road

Since their purchase, priorities for redevelopment have been refined. These houses are in streets considered by residents to have a viable and sustainable future and are not targeted for possible demolition. Dealing with these properties in this way is seen as contributing to the sustainability of the area and also. However, there has been little private interest in the houses.

- 2.6 The properties are currently in a state of disrepair and significant modernisation and refurbishment works are required to bring them back into use. It is proposed that Accent will undertake these works and let the properties at an affordable rent to tenants nominated by the Council.
- 2.7 The financial implications of transferring these properties to Accent are contained within the attached confidential **APPENDIX 1**.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial implications can be found attached at the confidential **Appendix 1**. **This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information) (Variation) Order 2006) namely, information relating to the financial or business affairs of any particular person (including the authority holding that information).**

4. CONCLUSIONS

- 4.1 The properties proposed for transfer have been owned by the Council for 3 years and have been vacant throughout this time. There has been little evidence of any interest from the open market for these properties.
- 4.2 Accent Regeneration has been selected as the partner for the Tees Valley Empty Homes Scheme and it is proposed that these assets be transferred to Accent Regeneration to enable them to be brought back into use.

5. RECOMMENDATIONS

- 5.1 That Portfolio Holder approves the transfer of the 3 properties listed subject to the terms proposed.

FINANCE AND EFFICIENCY PORTFOLIO

Report To Portfolio Holder

21st September 2007



Report of: Head of Procurement and Property Services

Subject: PROPOSED COMPULSORY PURCHASE –
LAND AT TRINCOMALEE WHARF

SUMMARY

1.0 PURPOSE OF REPORT

To obtain Portfolio Holder approval to the proposed Compulsory Purchase of an area of land required to facilitate the complete development of the site known as 'Trincomalee Wharf'.

2.0 SUMMARY OF CONTENTS

Background to the proposed redevelopment is outlined with an explanation of the reasons behind the proposed Compulsory Purchase. The proposed financial implications are demonstrated within the exempt part of the report.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder has responsibility for the Council's land and property assets

4.0 TYPE OF DECISION

Non Key Decision

5.0 DECISION MAKING ROUTE

Portfolio Holder and Mayor's Portfolio

6.0 DECISION(S) REQUIRED

- i) That Portfolio Holder approves the proposed instigation of Compulsory Purchase Procedures to secure the land for development subject to a satisfactory letter of comfort being received from English Partnerships.

Report of: Head of Procurement and Property Services

Subject: PROPOSED COMPULSORY PURCHASE –
LAND AT TRINCOMALEE WHARF

1. PURPOSE OF REPORT

- 1.1 To obtain Portfolio Holder approval to the proposed Compulsory Purchase of an area of land required to facilitate the complete development of the site known as 'Trincomalee Wharf'.

2. BACKGROUND

- 2.1 In 2006, a Partnership consisting of English Partnerships, Hartlepool Borough Council and the Trincomalee Trust marketed the last remaining waterfront site on Hartlepool Marina known as 'Trincomalee Wharf'.
- 2.2 From this exercise, Jomast Developments were selected as the preferred bidder and the legal documentation relating to the proposed development is currently being drafted by the respective legal teams. Jomast Developments aim to provide a mixed use scheme at Trincomalee Wharf including a high class hotel, offices and shops and restaurants with a small amount of retail development. It is hoped that the development will be in place for the 2010 Tall Ships Race.
- 2.3 During the legal process it has emerged that English Partnerships do not own all of the land that they had thought that they were able to contribute to the scheme. It has emerged that this land was registered to Hartlepool Renaissance. Investigations with Hartlepool Renaissance have indicated that the land has now in fact been transferred to the Mandale Group.
- 2.4 The land is shown hatched on the plan attached as **Appendix 1**. It is considered that when the land was owned by the Teesside Development Corporation, this area was retained to be developed as a lay-by or a bus stop, but this development did not materialise. The land is 95 square metres in area.
- 2.5 Attempts have been made to acquire this land from the Mandale Group to allow it to be developed as part of the Trincomalee Wharf scheme. To date, these attempts have not been successful.
- 2.6 It is therefore considered that the best remaining option open to the Council is for it to use its Compulsory Purchase Powers to acquire the land from Mandale.

- 2.7 Jomast Developments have indicated that this is their preferred course of action. They have also suggested that in the meantime, they are prepared for the legal process to proceed to allow them to commence development prior to this land being secured. They are doing this at risk to themselves, given that there is no guarantee that the proposed Compulsory Purchase will be successful.
- 2.8 The Chief Solicitor has advised that an attempt to Compulsory Purchase this land will be best supported if it is accompanied by an outline planning permission in respect of the land. Jomast Developments have been in extensive discussions with the Council's Development Control Section regarding this and it is anticipated that a planning application will be made once legal documentation has been approved by Jomast Developments and their Solicitor.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial implications can be found attached at the confidential **Appendix 2. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

4. CONCLUSIONS

- 4.1 It is considered that attempting to purchase the land using Compulsory Purchase powers will be the most successful way to acquire this land to allow the development to proceed.
- 4.2 Failure to acquire this land will risk it being left in an untidy state within an otherwise prestigious development.

5. RECOMMENDATIONS

- 5.1 That Portfolio Holder approves the proposed instigation of Compulsory Purchase Procedures to secure the land for development.

FINANCE AND EFFICIENCY PORTFOLIO

Report To Portfolio Holder

21st September 2007



Report of: Head of Procurement and Property Services

Subject: PROPOSED COMPULSORY PURCHASE - 45
LANCASTER ROAD, HARTLEPOOL

SUMMARY

1.0 PURPOSE OF REPORT

To obtain Portfolio Holder approval to the proposed Compulsory Purchase of this property by the Council

2.0 SUMMARY OF CONTENTS

The report contains background to the proposal with the financial implications of the Compulsory Purchase contained within the confidential appendix.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder has responsibility for the Council's land and property assets.

4.0 TYPE OF DECISION

Non Key Decision

5.0 DECISION MAKING ROUTE

Portfolio Holder only.

6.0 DECISION(S) REQUIRED

That Portfolio Holder authorises officers to progress with the Compulsory Purchase of this property to enable it to be brought back into use.

Report of: Head of Procurement and Property Services

Subject: PROPOSED COMPULSORY PURCHASE - 45
LANCASTER ROAD, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To obtain Portfolio Holder approval to the proposed Compulsory Purchase of this property by the Council

2. BACKGROUND

- 2.1 45 Lancaster Road is located on a prominent road frontage and is an imposing 3 storey property. A plan is attached at **Appendix 1**. The property has caused concern for the Council for a number of years due to its poor condition, and these concerns strengthened 7 years ago after a fire caused significant damage to the property, rendering it uninhabitable.
- 2.2 In recent years, the Council's Private Sector Housing Team have maintained regular contact with the owner of the property who claimed that it was his intention to refurbish the property and bring it back into use.
- 2.3 Despite information having been requested by the Council and deadlines having been set for progress of the refurbishment, the property remains empty, boarded up and in a poor state of repair.
- 2.4 It is considered now that the best way to bring the property back into use is for the Council to acquire the property using its compulsory purchase powers with a view to selling the property to a party who gives clear evidence about their intentions to refurbish the property.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial implications can be found attached at the confidential **Appendix 2**. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. CONCLUSIONS

- 4.1 The property has been in a semi-derelict unoccupied state for at least 7 years and attempts by the Council to insist that the owner refurbishes the property have not been successful.
- 4.2 It is therefore considered that Compulsory Purchase of the property may be the only way to ensure that the property is brought back into use.

5. RECOMMENDATIONS

- 5.1 That Portfolio Holder authorises officers to progress with the Compulsory Purchase of this property to enable it to be brought back into use.



LOCATION 45 Lancaster Road, Hartlepool		DRAWN MW	DATE 24/8/97
DEED PACKET		SCALE 1:500	
PAGE No	OS MAP NZ80338W	DRWG No EDG/148	
 HARTLEPOOL BOROUGH COUNCIL NEIGHBOURHOOD SERVICES DEPARTMENT PROPERTY SERVICES SECTION Graham Frankland BSc(Hons) C.Eng M.I.C.E. Head of Property Services Leadminer Buildings 10 Seaborn Street Hartlepool TD8 7BU TEL: 01429 285222 FAX: 01429 521869		This map is reproduced from Ordnance Survey records with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Hartlepool BC LA99571 1996.	

FINANCE AND EFFICIENCY PORTFOLIO

Report To Portfolio Holder

21st September 2007



Report of: Head of Procurement and Property Services

Subject: PROPOSED LICENCE, LAUDER STREET CAR PARK

SUMMARY

1.0 PURPOSE OF REPORT

To obtain Portfolio Holder approval to the proposed licence of Lauder Street Car Park by Cleveland Police as a temporary office base to be used whilst their premises is under refurbishment.

2.0 SUMMARY OF CONTENTS

The report contains an outline of the proposal with proposed terms for the granting of a licence.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder is responsible for the Council's land and property assets.

4.0 TYPE OF DECISION

Non Key Decision

5.0 DECISION MAKING ROUTE

Portfolio Holder only

6.0 DECISION(S) REQUIRED

- i) Authority to proceed with the licence subject to the terms proposed.

Report of: Head of Procurement and Property Services

Subject: PROPOSED LICENCE, LAUDER STREET CAR PARK

1. PURPOSE OF REPORT

- 1.1 To obtain Portfolio Holder approval to the proposed licence of Lauder Street Car Park by Cleveland Police as a temporary office base to be used whilst their premises is under refurbishment.

2. BACKGROUND

- 2.1 The Council's Car Parking Manager has recently been contacted by the Facilities Officer from Cleveland Police to request that the Police be permitted to licence Lauder Street Car Park from the Council to allow them to place portacabins on site for office use whilst their building goes under extensive refurbishment.
- 2.2 Lauder Street Car Park, shown outlined on the plan attached to this report at Appendix 1, is currently used by Council staff but it is considered that these staff could be relocated elsewhere to assist the Police with this refurbishment.
- 2.3 The proposed terms for the licence are contained within the Financial Implications Section of this report.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial implications can be found attached at the confidential **Appendix 2. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**

4. CONCLUSIONS

- 4.1 The proposed Licence will assist the Police in the provision of upgraded office facilities within Hartlepool.

4.2 It is important that the Council ensures that it does not have increased liabilities resulting from the use of the Car Park by the Police.

5. RECOMMENDATIONS

5.1 Authority to proceed with the licence subject to the terms proposed.

FINANCE AND EFFICIENCY PORTFOLIO

Report To Portfolio Holder

21st September 2007



Report of: Head of Procurement and Property Services

Subject: PROPOSED TENANCY ON UNIT 95/96
MIDDLETON GRANGE SHOPPING CENTRE

SUMMARY

1.0 PURPOSE OF REPORT

To obtain confirmation of Portfolio Holder's approval to the taking of a short term tenancy on a unit in Middleton Grange Shopping Centre for use by the Council's Traffic and Transportation Section for a period of three weeks.

2.0 SUMMARY OF CONTENTS

The report contains background to the proposed scheme, with the proposed cost implications being detailed within the Financial Implications Section of the report.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder has responsibility for the Council's land and property assets.

4.0 TYPE OF DECISION

Non-key

5.0 DECISION MAKING ROUTE

Portfolio Holder only

6.0 DECISION(S) REQUIRED

That Portfolio Holder confirms approval for the Council taking the short term tenancy agreement, subject to the terms proposed.

Report of: Head of Procurement and Property Services

Subject: PROPOSED TENANCY ON UNIT 95/96
MIDDLETON GRANGE SHOPPING CENTRE

1. PURPOSE OF REPORT

- 1.1 To obtain confirmation of Portfolio Holder's approval to the taking of a short term tenancy on a unit in Middleton Grange Shopping Centre for use by the Council's Traffic and Transportation Section for a period of three weeks.

2. BACKGROUND

- 2.1 The New National Concessionary Travel Scheme is due to commence on April 1st 2008, and will allow those who are currently in possession of a bus pass to travel anywhere in England free of charge. Hartlepool Borough Council is therefore required to register/re-register between 10,000 and 15,000 Hartlepool residents who are eligible for bus travel under the new scheme.
- 2.2 This requires all of those who are eligible to attend a venue to have their photograph taken and to fill in registration forms. Clearly, the venue that is to be provided must be in a highly accessible location, with good transport links and adequate parking near-by. The property also needs to be in a location suitable for such a high volume of visitors. Given the ongoing works to the Civic Centre, the Contact Centre is not yet available for this type of high volume visitors, therefore a vacant ground floor unit in the Middleton Grange Shopping Centre with good access for the disabled was identified as the ideal location because of its transport links and disabled access.
- 2.3 The unit is that formerly occupied by Barratt Shoes, within the main square of the shopping centre.
- 2.4 The above event is to be held over a three week period starting on Monday October 9th through to Friday October 26th 2007 and all Hartlepool residents who will be over the age of 60 before 31st March 2008 are to register for the new national pass and those who are currently in position of an aged persons travel pass or disabled travel pass will need to re-register.
- 2.5 This is a coordinated event throughout the Tees Valley. Each Authority: Stockton, Hartlepool, Redcar & Cleveland and Middlesbrough will be hosting a similar event to ensure that all those who are eligible for free travel on April 1st 2008 are able to do so.

3.0 FINANCIAL IMPLICATIONS

- 3.1 Discussions have taken place with Cushman and Wakefield, the Managing Agents for Middleton Grange Shopping Centre, and they have proposed a tenancy agreement that the Council would need to sign to use the unit for three weeks.
- 3.2 The proposed tenancy agreement and some comment on the terms proposed are contained within the attached confidential **Appendix 1. This item contains exempt information under Schedule 12A of the Local Government Act 1972, (as amended by the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).**
- 3.3 Funding is being provided for the scheme from the Department for Transport, with any excess being funded from the Concessionary fares Revenue Budget.

4. RECOMMENDATIONS

- 4.1 That Portfolio Holder confirms approval for the Council taking the short term tenancy agreement, subject to the terms proposed.

FINANCE AND EFFICIENCY PORTFOLIO

Report To Portfolio Holder

21st September 2007



Report of: Head of Procurement and Property Services

Subject: FORMER FOCUS BUILDING, LYNN STREET –
VARIATION OF COVENANT

SUMMARY

1.0 PURPOSE OF REPORT

To obtain Portfolio Holder approval on the proposed variation of lease covenants on this property to enable the building to be brought back into use.

2.0 SUMMARY OF CONTENTS

The report contains details of the various property interests involved in the transaction, with an outline of the application for the variation of the covenant and a description of what is proposed for the site.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder has responsibility for the Council's land and property assets.

4.0 TYPE OF DECISION

Non-key

5.0 DECISION MAKING ROUTE

Portfolio Holder only

6.0 DECISION(S) REQUIRED

That Portfolio Holder approves the variation of covenant subject to the terms proposed.

Report of: Head of Procurement and Property Services

Subject: FORMER FOCUS BUILDING, LYNN STREET –
VARIATION OF COVENANT

1. PURPOSE OF REPORT

- 1.1 To obtain Portfolio Holder approval on the proposed variation of lease covenants on this property to enable the building to be brought back into use.

2. BACKGROUND

- 2.1 The Council owns the freehold of the land shown hatched in the plan attached as Appendix 1. The land is subject to two 99 year leases to Perma Limited. These leases were granted in 1979 and 1987 and therefore have considerable period left to run.
- 2.2 Perma Limited in turn sub lease their site to MFI Properties Limited for the former Focus Do It All unit for a term of 35 years from 6th October 1980.
- 2.3 In summer 2006, Focus vacated the site at Lynn Street and moved onto the Highpoint Retail Estate on Marina Way. At this time, the lease of the Lynn Street site was put up for sale and although the Chartered Surveyors involved did receive expressions of interest, no replacement tenants were identified.
- 2.4 It should be noted that the lease between Perma Limited and MFI Properties Limited contains a restrictive covenant limiting the use of the site to:
- “retail sale of paint wallpaper kitchen furniture timber insulation and ‘Do-It-Yourself’ products and bathroom fittings or as a warehouse...and not to permit or suffer anything to be set up or used or done upon any part of the demised premises which may be or become a nuisance annoyance or cause damage to the tenant or occupiers of premises adjoining or near thereto”.*
- 2.5 In June 2007, the Council were approached by Perma Limited, who advised that they had been approached by a potential sub-tenant of for the site, who would like to provide a ‘family entertainment centre’ from the premises. This proposed sub-tenant had applied for planning permission for the proposed change of use and this planning consent was confirmed in August 2007.

- 2.6 To enable the property to be brought into use as a family entertainment centre, the Council were asked to vary to existing covenant to incorporate use as a family entertainment centre.

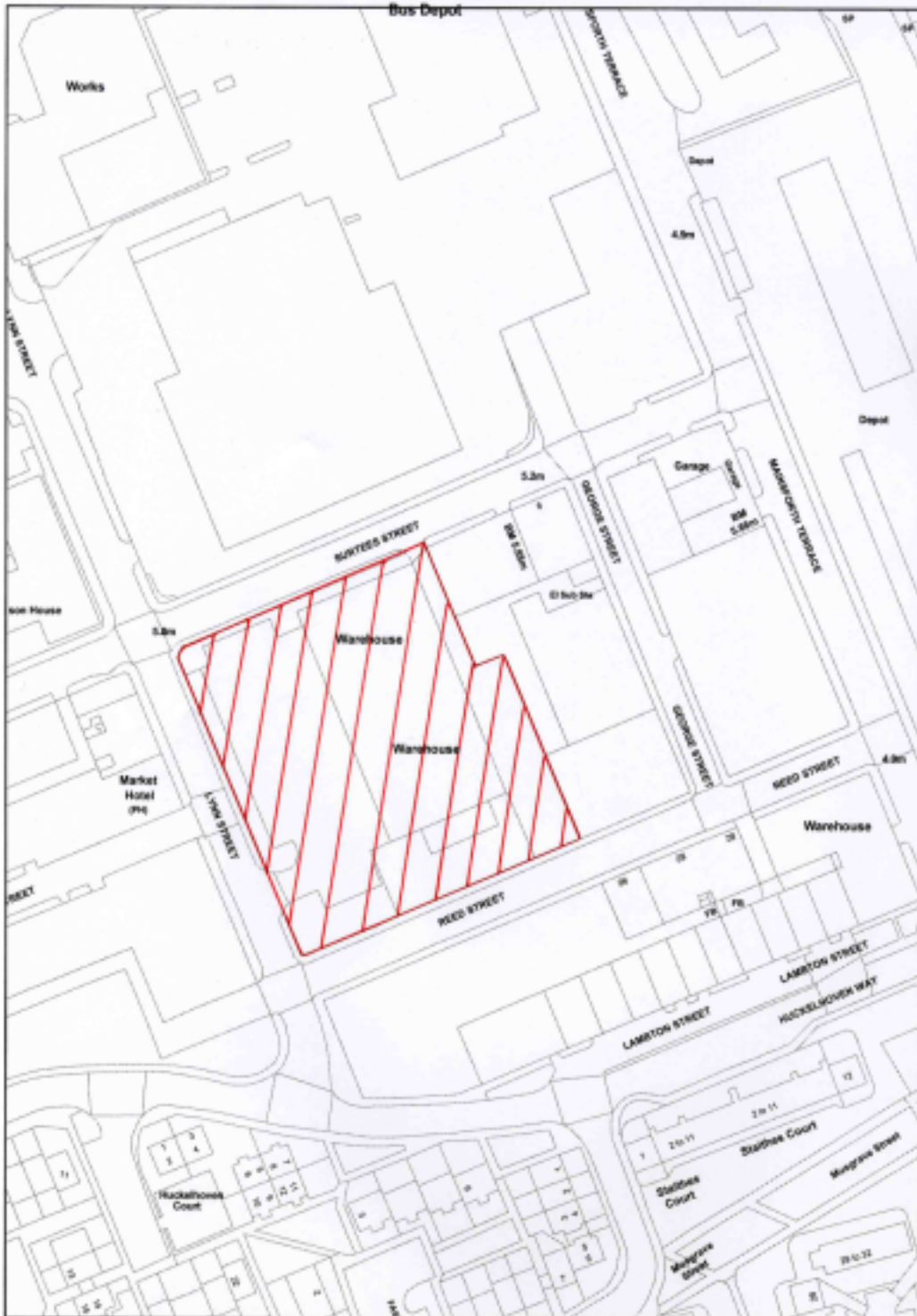
3.0 FINANCIAL IMPLICATIONS

- 3.1 The financial implications of the variation of covenant are contained within the attached confidential Appendix 2.

4. RECOMMENDATIONS

- 4.1 That Portfolio Holder approves the variation of covenant subject to the terms proposed

Location Plan



FINANCE AND EFFICIENCY PORTFOLIO

Report To Portfolio Holder

21st September 2007



Report of: Head of Procurement and Property Services

Subject: VARIATION OF COVENANT AND SALE OF
LAND, SHAKESPEARE PUBLIC HOUSE,
CATCOTE ROAD

SUMMARY

1.0 PURPOSE OF REPORT

To obtain Portfolio Holder approval to the proposed variation of a restrictive covenant on the former public house and for the sale of a small area of land within the car park grounds to facilitate a new development.

2.0 SUMMARY OF CONTENTS

The report contains an outline of the proposed development and lists the terms subject to which it is recommended that the transaction proceeds.

3.0 RELEVANCE TO PORTFOLIO MEMBER

Portfolio Holder has responsibility for the Council's land and property assets.

4.0 TYPE OF DECISION

Non Key

5.0 DECISION MAKING ROUTE

Portfolio Holder only

6.0 DECISION(S) REQUIRED

- i) That Portfolio Holder approves the variation of the covenant to allow retail use subject to the terms proposed.

- ii) That Portfolio Holder approves the sale of the land within the grounds of the public house subject to the terms proposed.

Report of: Head of Procurement and Property Services

Subject: VARIATION OF COVENANT AND SALE OF
LAND, SHAKESPEARE PUBLIC HOUSE,
CATCOTE ROAD

1. PURPOSE OF REPORT

- 1.1 To obtain Portfolio Holder approval to the proposed variation of a restrictive covenant on the former public house and for the sale of a small area of land within the car park grounds to facilitate a new development.

2. BACKGROUND

- 2.1 The Council's Head of Procurement and Property Services was contacted in August 2007 by a local developer who is acquiring the former Shakespeare Public House on Catcote Road with a view to carrying out a redevelopment of the site.
- 2.2 The site is shown hatched on the plan attached at **Appendix 1**. There is a restrictive covenant placed by the Council when it sold the land in 1956. The covenant states:

That the land hereby conveyed or any part thereof shall not nor shall any building which may be constructed or erected thereon be used without the consent of the Corporation in writing under the hand of their Town Clerk for the time being other than for the purpose of premises licensed for the sale and consumption of alcoholic liquors and beers and any other purposes ordinarily or necessarily incidental thereto.

- 2.2 In addition, part of the site that is currently used as car parking for the public house is in fact within the ownership of the Council. This area is shown hatched on the plan attached at **Appendix 2**.
- 2.3 The Purchaser of the site proposes to undertake a redevelopment of the site for retail use and is currently making investigations with the Council's Development Control Section in relation to their proposal.

3. FINANCIAL IMPLICATIONS

- 3.1 The financial implications can be found attached at the confidential **Appendix 3**. This item contains exempt information under **Schedule 12A of the Local Government Act 1972, (as amended by**

the Local Government (Access to Information)(Variation) Order 2006) namely, Information relating to the financial or business affairs of any particular person (including the authority holding that information).

4. RECOMMENDATIONS

4.1 That Portfolio Holder approves the variation of the covenant to allow retail use subject to the terms proposed.

4.2 That Portfolio Holder approves the sale of the land within the grounds of the public house subject to the terms proposed.