



The Arc
High Street
Clowne
Derbyshire
S43 4JY

Date: 19 February 2016

Dear Sir or Madam,

You are hereby summoned to attend a meeting of the Executive of Bolsover District Council to be held in Chamber Suites 1 and 2 at **The Arc, High Street, Clowne** on **Monday 29 February 2016 at 1000 hours**.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised on pages 2 to 3.

Yours faithfully


Assistant Director – Governance & Monitoring Officer
To: Chairman & Members of the Executive

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The Arc, High Street, Clowne, Derbyshire, S43 4JY

EXECUTIVE AGENDA

Monday 29 February 2016 at 1000 hours in
Chamber Suites 1 and 2, The Arc, High Street, Clowne

Item No.		Page No.(s)
	PART 1 – OPEN ITEMS	
1	Apologies for absence	
2	Urgent Items of Business To note any urgent items of business which the Chairman has consented to being considered under the provisions of Section 100(B) 4(b) of the Local Government Act 1972.	
3	Declarations of Interest Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of: a) any business on the agenda b) any urgent additional items to be considered c) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.	
4	Minutes To approve the minutes of the meeting of the Executive held on 1 February 2016.	Circulated
5	Recommended Items From Other Standing Committees None.	
6	Update on Hard to Let Warden Aided Properties <i>Recommendations on page 7</i>	4-10
7	New Bolsover – Local Lettings Policy <i>Recommendations on page 13-14</i>	11-14
8	Corporate Plan Targets Performance Update – October to December 2015 (Q3 – 2015/16) <i>Recommendations on page 17</i>	15-39

9	RIPA Policy and Procedures <i>Recommendations on page 41</i>	40-80
10	Arrears – Irrecoverable Items over £2500 <i>Recommendations on page 82</i>	81-86
11	Strategic Risk Register and Partnerships Arrangements <i>Recommendations on page 91</i>	87-98
12	PART 2 – EXEMPT ITEMS <i>The Local Government (Access to Information) Act 1985, Local Government Act 1972, Part 1, Schedule 12a.</i>	
13 (KD)	Accommodation <i>Recommendations on page 103</i>	99-105
14 (KD)	Land at Yorke House, Creswell <i>Recommendations on page 108</i>	106-117

Notes for agenda:

Items marked (KD) are all Key Decisions. A Key Decision is an executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that income or expenditure of £50,000 or more is significant.

There have been no representations from the public to hear items 13 and 14 in public session.

Bolsover District Council

Executive

29 February 2016

Update on Hard to Let Warden Aided Properties

Report of the Portfolio Holder for Housing and IT

This report is public

Purpose of the Report

To provide an update to members on progress on the recommendations from the Improvement Scrutiny report into hard to let properties and the work of the Housing Working Group.

1 Background

- 1.1 On 2nd March 2015 Executive received a report from Improvement Scrutiny Committee on hard to let properties. That report made the following recommendations.
- That Bedsits be renamed Studio Flats and this term be used in all advertising of the properties
 - That a programme of improvements to void properties be developed which includes basic decoration to ensure that the properties are ready to move into.
 - That an advertising/marketing campaign be undertaken to promote the sheltered accommodation with a number of void properties (predominantly Valley View, Bolsover and Victoria House, Creswell).
 - That the flat at Valley View currently used as an office for the Support Officers be returned for use as residential accommodation.
 - That support be considered to offer to interested tenants as an incentive to move into Sheltered Accommodation.
 - That the costs of changing the Abris system to allow the wording of the Choice Based Letting adverts to be amended together with any impacts on A1 Housing and Rykneld Homes be investigated with a view to improving the adverts on the Choice Based Lettings System for Sheltered Accommodation.

- 1.2 The Executive did not accept the full range of recommendations, but did accept the following
1. The report of the scrutiny review into Hard to Let properties be noted.
 2. That recommendations concerning operational actions (such as painting and decorating) be undertaken as soon as practicable, with a further report to come back to Executive in three months times setting out what action had been taken and how the other recommendations could be taken forward.
 3. Thanks be expressed to the Scrutiny Officer for her support to the Scrutiny Committee over the past year. .
- 1.3 An update was provided to Executive on 15th June 2015. This provided an update on the operational issues identified by the scrutiny report and established a working party made up of officers and members to consider the issues considered by the Scrutiny Review and other issues around sheltered housing.
- 1.4 Further updates were provided on 2nd November 2105 on the progress of the working group. This included the wider review of sheltered housing
- 1.5 Special Executive on 18th November also received an update on the progress of upgrading the heating arrangements within The Sheltered Housing schemes as part of a report which agreed the purchase of a temporary heating rig.

2. Update

- 2.1 Appendix A provides an update of the progress against the proposals from the Scrutiny Report. This demonstrates that progress is being maintained towards implementing the recommendations, however, the timescale for implementation has been shaped by the requirement to ensure that changes are introduced in a cost effective fashion. The recommendations are therefore generally being introduced in line with wider changes either in the Council's own systems or in Supporting People arrangements. It is recommended that this report is used as the basis of a report back to the Customer Service and Transformation Scrutiny Committee concerning progress to date.
- 2.1 As a consequence of the support office moving into the guest room at Valley View, another flat has been identified as the replacement guest room. Members are asked to approve removing flat1 from the rent roll as this is now used as the replacement guest room.
- 2.2 The Housing Working Group has been making progress on the longer term future for sheltered housing schemes, this has included site visits and making use of the Peter Fletcher report which looked at the longer term future for services, and the buildings from which the service is provided. This report was commissioned against a background of declining demand for Sheltered Housing schemes which is part of a wider national trend. Locally, the main evidence of the reducing popularity of Sheltered Accomodation has been the increasing difficulty which has been experienced in securing tenants for properties in Sheltered Housing schemes.

2.3 Options that have been considered have included

- considering alternative use for those schemes that are located away from town centres as these are both less suited to residents needs and less popular.
- Conversion to other housing uses for properties with small flats, and
- provision of more accommodation in popular areas close to town centres

2.4 The group have also recognised that there are two significant decisions that will have an impact on the long term future of sheltered housing.

2.5 Firstly, Derbyshire County Council are considering the long term future of a number of services that were previously funded through the Supporting People regime, these includes services for older people and in particular Scheme Managers and Support Workers.

2.6 Secondly, that the Housing Service has commissioned an M&E consultant to look at the provision of heating and hot water at all schemes with communal heating, which includes sheltered housing. The aim of this work is to provide heating and hot water systems that are more efficient, controllable by the end user, allow individual billing based on usage and eliminate Health and Safety risks including Legionella. This upgrading of the heating systems should address one of the areas which results in greatest tenant dissatisfaction.

2.7 It is likely that both these issues will have significant impact on sheltered housing 'offer' that the council can make. In particular, the DCC review is likely to change the nature of support, possibly by removing this entirely. This is likely to significantly reduce existing levels of demand.

2.8 The group has followed on from the Scrutiny Recommendations and considered a wider marketing and branding of the range of services that are offered. As a result of this the intention is, from April 2016, to brand all the services as Independent Living. The timing of this is intended to coincide with the launch of the new Central Control platform.

3 Conclusions and Reasons for Recommendation

3.1 Executive are aware that there have been significant changes to both the demand for sheltered housing and to the level of funding that is available through Supporting People. The Council is seeking to adapt to these changes by improving the current 'offer' through upgrades to the heating systems and by more active marketing of the Sheltered Housing scheme. While the Council will continue with work designed to ensure that Sheltered Housing meets the needs and aspirations of local residents it needs to be recognised that there has been a reduction both locally and nationally in the demand for Sheltered Schemes and that this reduction in demand is likely to be further exacerbated by reduction of funding under the Supporting People changes which will effectively pass some of the costs of the scheme onto the residents.

4 Consultation and Equality Impact

4.1 While no direct consultation has been undertaken in respect of this report the Council does undertake regular structured consultation with our tenants through tenant liaison groups and by way of the Tenant Satisfaction survey.

5 Alternative Options and Reasons for Rejection

5.1 These are considered throughout the report

6 Implications

6.1 Finance and Risk Implications

None arising directly from this report.

6.2 Legal Implications including Data Protection

None arising directly from this report.

6.3 Human Resources Implications

None arising directly from this report.

7 Recommendations

7.1 That the contents of this report are noted.

7.2 That flat 1 Valley View is removed from the rent roll to reflect its current use as a guest room.

7.3. That officers provide an update of progress to date to the Healthy, Safe, Clean and Green Communities Scrutiny Committee.

8 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	

9 **Document Information**

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Peter Campbell	3038

Report Reference –

Review of Hard to Let Sheltered Accommodation Updated Feb 2016

Recommendation	Update	Status
1. That Bedsits be renamed Studio Flats and this term be used in all advertising of the properties	Executive agreed this will take place as part of the review of CBL and 'cleaning' of the waiting list. This will be launched on April 2016.	Complete
2. That a programme of improvements to void properties be developed which includes basic decoration to ensure that the properties are ready to move into.	Originally this was included in a painting contract, which having being procured did not deliver good value. An alternative contract is currently being procured which it is anticipated will be reported to Executive in March 2016	Revised target April 2016
3. That an advertising/marketing campaign be undertaken to promote the sheltered accommodation with a number of void properties	Previously agreed that this would be deferred until action 2. Is completed However, note that the wider service, including support officers and Careline is to be promoted from April 2016 to coincide with the fresh launch of Careline	On hold
4. That the flat at Valley View currently used as an office for the Support Officers be returned for use as residential accommodation	As discussed at a previous meeting of Executive the support officers (previously known as mobile wardens) have moved from their office from a vacant flat into the former guest room (which is smaller). As a consequence another flat will be used as the guest room.	Complete
5. That support be considered to offer to interested tenants as an incentive to move into Sheltered Accommodation	This was not accepted by Executive as a priority. This can be explored once SP funding is clarified.	On hold. Pending clarification by DCC concerning future operation of Supporting

<p>6. That the costs of changing the Abrisas system to allow the wording of the Choice Based Letting adverts to be amended together with any impacts on A1 Housing and Rykneld Homes be investigated with a view to improving the adverts on the Choice Based Lettings System for Sheltered Accommodation.</p>	<p>The cost of this change were prohibitive within the Abrisas system Moreover, as A1 and CBC withdrew from the regional scheme this effectively ended.</p> <p>Executive agreed to consider other options for CBL software and if introduced this recommendation would be implemented.</p>	<p>People regime.</p> <p>On hold, pending a decision about the future of the software used for CBL.</p>
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Peter Campbell

Bolsover District Council

Executive

29 February 2016

New Bolsover – Local Lettings Policy

Report of the Portfolio Holder for Housing and IT

This report is public

Purpose of the Report

To agree a local letting policy for New Bolsover

1 Report Details

- 1.1 All allocations to Council properties are made in accordance with the Councils Allocations scheme. This was introduced in 2012 and most recently revised in 2015. The allocations scheme aims to be fair and to make the best use of the councils housing stock.
- 1.2 As previously reported, the Council are to embark on a major regeneration and refurbishment scheme at New Bolsover. This is partly funded by Heritage Lottery fund, but the majority of the investment is made from the HRA
- 1.3 The work at New Bolsover is substantial and each tenant will need to move from their property for a period of around 13 weeks whilst the work is completed. Some people will move to temporary 'decant' accommodation for the durations of works before moving back to their own home, others will make their own arrangement. However, in some cases it is likely that residents will want to make permanent moves, either to properties that have already been refurbished, or to other areas. This report considers making temporary changes to the allocation policy to allow this to happen.
- 1.4 These changes are intended to be temporary and will only apply to tenants of the Council who are living in unimproved properties on New Bolsover. These changes will not apply to situations where the Council would not obtain vacant possession of the property following a move.
- 1.5 The changes proposed are:
 - a. Any tenant applicant from New Bolsover can be directly matched with any improved property on New Bolsover for a property of the appropriate size. This means that such properties will not be advertised.

- b. Any tenant applicant who wishes to move to another area must apply through the Council waiting list. In considering such applications appropriate weight will be given to their needs in the light of the requirement to undertake extensive refurbishment to their existing home.
 - c. Any tenant applicant who wishes to be rehoused in a sheltered housing scheme, or has a need for a property with adaptations will be directly matched with a property to suit their needs.
- 1.6 Note, that if the council have begun possession proceedings against a tenant (defined as the tenant has a current Notice of Seeking Possession, or a Court order for any breach of tenancy) any decision will be considered by the HARP Panel before any offer of accommodation is made. The HARP panel decision will be based on a balance of the status of the tenancy, the amount of rent arrears, the payment history of the tenant and the age of the debt, as well as the personal situation of the tenant. The Panel will be able to approve a move, refuse a move, or make a move conditional.
- 1.7 It is also proposed that from April 2016 for a period of 2 years the Council will provide assistance for tenant's applicants who move within New Bolsover or to an alternative Council property. This will include removal costs, lifting and refitting carpets and disconnection and connection of cookers and washing machines.
- 1.8 Members should be aware that tenants on New Bolsover are not entitled to statutory homeless payments. Members should also bear in mind that the costs incurred as a consequence of 1.7 are likely to be significantly less than the costs of moving a tenant into temporary accommodation during works, and back to their own home following works.
- 1.9 Members should also be aware that there will be a further local letting policy developed for New Bolsover which will cover how newly refurbished property in the area is let. This will be reported to a future meeting of Executive.

2 Conclusions and Reasons for Recommendation

- 2.1 The current allocations policy does not offer sufficient flexibility to cope with a large regeneration scheme. However the policy does allow for local lettings policies to be adopted where appropriate. The proposals contained within this report are in effect a local letting policy, albeit for people moving from and within an area rather than being concerned with people moving to an area. This scheme will ensure that any allocation of property is transparent and within the scope of the policy.

3 Consultation and Equality Impact

- 3.1 None directly

4 Alternative Options and Reasons for Rejection

- 4.1 None

5 Implications

5.1 Finance and Risk Implications

Any costs arising from the proposals outlined within this report will be met from within the previously approved scheme costs for the New Bolsover project. To the extent to which tenants choose to move away from their existing home in New Bolsover then costs are likely to be reduced, as only one rather than two moves will be necessary.

5.2 Legal Implications including Data Protection

None

5.3 Human Resources Implications

None

6 Recommendations

6.1 That a local lettings policy is adopted for existing tenants of New Bolsover.

a. Any tenant applicant from New Bolsover can be direct matched with any improved property on New Bolsover for a property of the appropriate size. This means that such properties will not be advertised.

b. Any tenant applicant who wishes to move to another area must apply through the Council waiting list. In considering such applications appropriate weight will be given to their needs in the light of the requirement to undertake extensive refurbishment to their existing home.

c. Any tenant applicant who wishes to be rehoused in a sheltered housing scheme, or has a need for a property with adaptations will be directly matched with a property to suit their needs.

6.2 Note, that if the council have begun possession proceedings against a tenant (defined as the tenant has a current Notice of Seeking Possession, or a Court order for any breach of tenancy) any decision will be considered by the HARP Panel before any offer of accommodation is made. The HARP panel decision will be based on a balance of the status of the tenancy, the amount of rent arrears, the payment history of the tenant and the age of the debt, as well as the personal situation of the tenant. The Panel will be able to approve a move, refuse a move, or make a move conditional.

6.3 It is also proposed that from April 2016 for a period of 2 years the Council will provide assistance for tenants applicants who move within New Bolsover or to an alternative Council property as a result of this scheme. This will include removal costs, lifting and refitting carpets and disconnection and connection of cookers and washing machines.

- 6.4 That 6.1 and 6.3 only apply to tenants of the Council who are living in unimproved council owned properties on New Bolsover. These changes will not apply to situations where the Council would not obtain vacant possession of the property following a move.
- 6.5 That the scheme starts from 1 April 2016 and runs until 31 March 2019.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No The decision of 7 th September was a key decision. This decision will not incur additional expenditure over £50,000
District Wards Affected	All
Links to Corporate Plan priorities or Policy Framework	

8 Document Information

Appendix No	Title
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number

Report Reference –

Bolsover District Council

Executive

29th February 2016

**Corporate Plan Targets Performance Update – October to December 2015
(Q3 – 2015/16)**

Report of the Deputy Leader

This report is public

Purpose of the Report

- To report the quarter 3 outturns for the Corporate Plan 2015-2019 targets.

1 Report Details

1.1 The attached contains the performance outturn as of 31st December 2015 (Information compiled on 9th February 2016).

1.2 A summary by corporate plan target is provided below:

1.3 Unlocking our Growth Potential

- **14** targets in total
- **12** targets on track
- **1** target has been achieved – **G04** 'Support 200 young people to raise their aspirations and provide them with relevant employability skills by December 2015'. As of 31st December 2015 322 young people had been supported to raise their aspirations.
- **1** target has been flagged as an 'alert' i.e. it may not achieve its intended outcome by the target date: **G13** 'Work with partners to deliver an average of 20 units of affordable homes each year'. Year to date 9 affordable units brought back into use. This target may not be achieved this year. Target runs until March 2019. Officers are working with registered provider partners to bring forward sites outside the Council's ownership.

1.4 Providing our Customers with Excellent Service

- **16** targets in total
- **15** targets on track
- **C16** – 'Agree a project with DCC to deliver alarm monitoring to 12,000 people county wide by April 2016'. DCC has withdrawn their previous offer of funding and therefore the target cannot be met. Agreed at the Directorate Meeting to recommend to Executive that this target be withdrawn. Officers to work on an alternative proposal.

1.5 Supporting our Communities to be Healthier, Safer, Cleaner and Greener

- 16 targets in total
- 1 target already achieved and reported on under Q2 performance report.
- 13 targets on track
- 2 targets have been flagged as an 'alert' i.e. they may not achieve their intended outcome by the target date:
 - **H03** – 'Deliver a health intervention programme which provides 900 adults per year with a personal exercise plan via the exercise referral scheme'. Upto the end of December 2015 558 referrals had been received. Monthly referrals continue to increase so it is expected that this target will get back on track in subsequent years.
 - **H05** – 'Support 417 inactive 16+ individuals per year and increase their activity levels to more than 30 minutes of moderate intensity physical activity per week'. A total of 132 inactive adults were engaged in year 1 of the programme (December 2014 – November 2015). Any yearly targets not met will roll over to years 2 and 3 of the programme. Two new projects will be funded in year 2 to support more inactive individuals.
- **H06** 'Provide signposting and support for people who want to volunteer and recruit 150 new volunteers by February 2016'. It is requested that this target be reduced to 60 new volunteers to reflect the longer than anticipated time it takes to progress an individual from initial engagement into a volunteering opportunity. Delivery of this work is subcontracted to the Volunteer Centre for Chesterfield and North East Derbyshire. Progress against other project targets e.g. volunteer hours, number of engagements, number of groups supported are on track or have been exceeded.

1.6 Transforming our Organisation

- 14 targets in total
- 8 targets on track
- 1 target achieved – **T02** 'Produce a Strategic Alliance People Strategy by December 2015'.
- 2 targets not started yet (**T04** and **T08**) – all within timescales. No concerns raised by respective lead officers.
- 1 target is overdue – **T03** 'Establish interest from the market to work in partnership to develop a delivery method for the development and or refurbishment of key council-owned assets and report findings back to Members by October 2015'. The lead officer has informed that a report was taken to Executive on 1st February 2016.
- 2 targets have been flagged as 'alerts' i.e. they may not achieve their intended outcome by the target date:
 - **T07** - 'Produce a Procurement Strategy by March 2016. The lead officer has advised that work has commenced on the strategy but that more time will be needed to complete the full approval process. A target extension to 30th September 2016 is requested.
 - **T12** – 'Develop a series of strategies and plans to support the ambition of a sustainable leisure service by March 2016'. Good progress is being made against this target. However more time is needed to complete the Built Facilities Plan due to the external consultant market. A target extension to 31st December 2016 is requested.

- 1.7 The Corporate Plan is still in its early stages of delivery and the progress is indicative at this point in time. Progress will be reported on a regular basis to Members and an Annual Report will be provided to Council.

2 Conclusions and Reasons for Recommendation

- 2.1 Out of the 60 targets 48 are on track, 3 have been achieved (1 previously), 2 have not started, 1 is overdue, 1 is to be withdrawn and 5 have been flagged as an 'alert' i.e. the target may not achieve its intended outcome by the target date.
- 2.2 This is an information report to keep Members informed of progress against the corporate plan targets noting achievements and any areas of concern.

3 Consultation and Equality Impact

- 3.1 Not applicable to this report as consultation was carried out on the original Corporate Plan.

4 Alternative Options and Reasons for Rejection

- 4.1 Not applicable to this report as providing an overview of performance against agreed targets.

5 Implications

5.1 Finance and Risk Implications

No finance or risk implications within this performance report.

5.2 Legal Implications including Data Protection

No legal implications within this performance report.

5.3 Human Resources Implications

No human resource implications within this performance report.

6 Recommendations

- 6.1 That early progress against the Corporate Plan 2015-2019 targets be noted.
- 6.2 Target extensions be approved for T07 and T12 as noted in the report.
- 6.3 Target C16 be withdrawn as noted in the report.
- 6.4 Target H06 be amended as noted in the report.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	Not applicable
Links to Corporate Plan priorities or Policy Framework	Links to all Corporate Plan 2015-2019 aims and priorities

8 Document Information

Appendix No	Title
1.	Corporate Plan Targets Update – Q2 October to December 2015
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
All details on PERFORM system	
Report Author	Contact Number
Kath Drury, Information, Engagement and Performance Manager on behalf of Assistant Director – Customer Service and Improvement	01246 217641

Report Reference –

Corporate Plan Targets Update – Q3 October to December 2015

Aim – Unlocking our Growth Potential

Key Corporate Target	Directorate	Status		Progress	Target Date
G 01 - Through the use of Key Account Management develop a relationship with a minimum of 50 local businesses by March 2019.	Growth	On track		Q3 (2015/16) 3 businesses engaged this quarter . Support provided to businesses on completing D2N2 Local Growth Fund 3 infrastructure bids inc. Bolsover Land/Coalite; Bolsover North housing site; Penny Hydraulics, Clowne. 7 businesses engaged to date .	Sun-31-Mar-19
G 02 - Establish business support programme by engaging with D2N2 (Local Enterprise Partnership for Derby, Derbyshire, Nottingham and Nottinghamshire) and SCR (Sheffield City Region) Growth Hub by March 2016.	Growth	On track		Q3 (2015/16) Meetings held with D2N2 and SCR Growth Hubs. Attended SCR Investment / UKTI event and a D2N2 Growth Hub Business Breakfast and hosted the D2N2 EAFRD/LEADER launch event. SCR Growth Hub service launched December 2015.	Thu-31-Mar-16
G 03 - Optimise business growth (as measured by gross NNDR) by £2.5m	Operations	On track		Q3 (2015/16) Estimated NNDR income figure at 31/3/16 is £23,370,950 . (Baseline: £23,476,638 Gross NNDR for 2014/15)	Sun-31-Mar-19
G 04 - Support 200 young people to raise their aspirations and provide them with relevant employability skills by December 2015.	Growth	Achieved		Q3 (2015/16) A number of different strands of activity contributing to this overall target. To date, 322 young people had been supported to raise their aspirations . This is broken down as follows: Raising Aspirations (193), Talent Match (63), Ambition (42), Traineeship/Apprenticeship Programme (24)	Thu-31-Dec-15

Key Corporate Target	Directorate	Status	Progress	Target Date
G 05 - Through the Bolsover North East Derbyshire LEADER Approach collectively support the creation of 65 sustainable jobs in the combined programme area by December 2020.	Growth	On track	Q3 (2015/16) BNED LEADER opened for business on 19.10.15, widely publicised through the local press and targeted mailings, officially launched on 16.11.15 (attended by 78 people). A range of business networks in Bolsover District have been attended to promote interest. 5 Outline Applications (OAs) have been received (all NEDDC area), from 45 initial enquires (12 from BDC area [one previously noted has been reclassified]). Nationally, OAs cannot be progressed until Defra provide the Applicant Handbook, which has been significantly delayed, although expected shortly.	Thu-31-Dec-20
G 06 - Undertake statutory public consultation on the Local Plan (Strategic Policies and Site Allocations) in line with the adopted Local Development Scheme timetable by July 2017.	Growth	On track	Q3 (2015/16) Consultation took place on the 'Identified Strategic Options' during Oct/Nov 2015 in line with the adopted Local Development Scheme timetable. Currently analysing consultation responses and evidence base to work up a Draft Plan for public consultation in September 2016.	Mon-31-Jul-17
G 07 - Submit Local Plan (Strategic Policies and Site Allocations) for examination by the Planning Inspectorate by November 2017.	Growth	On track	Q3 (2015/16) Consultation took place on the 'Identified Strategic Options' during Oct/Nov 2015 in line with the adopted Local Development Scheme timetable. Currently analysing consultation responses and evidence base to work up a Draft Plan for public consultation in September 2016.	Thu-30-Nov-17

Key Corporate Target	Directorate	Status		Progress	Target Date
G 08 - Process all major planning applications 10% better than the minimum for special measures per annum.	Growth	On track		Q3 (2015/16) As at 31st December we achieved 83.3% . (Target 2015/16: 60%, National Target 50%)	Sun-31-Mar-19
G 09 - Deliver a minimum of 100 new Council properties by March 2019.	Operations	On track		Q3 (2015/16) Rogers Avenue, Creswell started on site (7 units to be built). Other sites being progressed.	Sun-31-Mar-19
G 10 - Enable the development of at least 1,000 new residential properties within the district by March 2019.	Growth	On track		Q3 (2015/16) Figures for completions are collected annually so will be reported following the end of the financial year. The planning application for the Bolsover North site for 950 homes is currently being processed. The B@home scheme to provide new council housing has commenced with 7 units to be built at Rogers Avenue, Creswell.	Sun-31-Mar-19
G 11 - Through a programme of targeted refurbishment bring 15 empty private sector properties back into use per annum.	Growth	On track		Q3 (2015/16) Action Housing have submitted a bid for funding to the HCA for refurbishment of 15 empty properties. Outcome of the bid is expected early 2016. The Empty Property Strategy has been formally adopted by Council in January 2016. One of the key measures contained within the strategy is a proposed loan renovation scheme. Funding for this scheme is now being investigated	Sun-31-Mar-19

Key Corporate Target	Directorate	Status	Progress	Target Date
<p>G 12 - Achieve an increase of £850,000 in additional New Homes Bonus from the government by March 2019.</p>	<p>Growth</p>	<p>On track</p>	<p>Q3 (2015/16) Private Sector Leasing Scheme is subject to a bid to the HCA from Action Housing. Outcome expected early 2016. Matching service has been developed to match owners of empty properties with developers.</p> <p>The empty property strategy has been formally adopted which will enable operational processes to be developed around empty property work.</p> <p>Work has started with regeneration to identify empty property hotspots and how these could tie in with regeneration areas.</p> <p>Work on development of a loan scheme is in the early stages to enable owners of empty properties to access funding to renovate the properties to standards suitable for reoccupation.</p> <p>Note: Proposed changes to the New Homes Bonus scheme are currently being consulted on by the government. Any changes subsequently implemented may have consequences for the amount of New Homes Bonus achieved by the Council.</p>	<p>Sun-31-Mar-19</p>

Key Corporate Target	Directorate	Status		Progress	Target Date
G 13 - Work with partners to deliver an average of 20 units of affordable homes each year.	Growth	Alert		Q3 (2015/16) No homes delivered this quarter. Year to date 9 affordable units brought back into use (empty properties funding in Q1 and 2) . Ongoing contact with Registered Providers partners to bring forward sites outside the council's ownership	Sun-31-Mar-19
G 14 - Identify with partners key actions and funding mechanisms to bring forward priority employment sites at Markham Vale, Shirebrook and former Coalite site by March 2016.	Growth	On track		Q3 (2015/2016) Former Coalite site - D2N2 Local Growth Fund 3 bid submitted for infrastructure funding for remediation. Enterprise Zone bid submitted however it was unsuccessful. Officer seconded two-days per week (from November to May 2016) to work with NEDDC to progress the residential planning application.	Thu-31-Mar-16

Aim – Providing our Customers with Excellent Service

Key Corporate Target	Directorate	Status		Progress	Target Date
C 01 - Retain Customer Service excellence accreditation year on year.	Transformation	On track		Q3 (2015/16) - Requests for 2015/16 evidence made to service areas. Evidence to be reviewed at the end of January 2016. Dates for on-site assessment arranged - 11/04/16 and 12/04/16. Update report to be taken to Improvement Group on 19/01/16.	Sun-31-Mar-19

Key Corporate Target	Directorate	Status		Progress	Target Date
C 02 - Achieve an overall biennial external satisfaction rate of 85% or above for services provided by the Contact Centres.	Transformation	On track		Q3 (2015/16) - Survey scheduled for February 2016. Planning meeting held with Improvement Officer, timetable, survey and actions agreed.	Sun-31-Mar-19
C 03 - Achieve an overall annual satisfaction rate of 80% or above for leisure, recreation and cultural activities and services.	Transformation	On track		Q3 (2015/16) - Of the service areas measured 90% average satisfaction rate was scored. (Overall average to be provided at year end.)	Sun-31-Mar-19
C 04 - Promote the Council website and increase (unique) visitor numbers by 7% year on year.	Transformation	On track		Q3 (2015/16) - Statistics from Google Analytics for the period October 1 to December 31 2015 show a 53.13% increase in new unique users of the website. Service Area currently analysing this data further as this looks a very high increase.	Sun-31-Mar-19
C 05 - Implement the new EU Regulations on Data Protection within the timescales stipulated by the Information Commissioners Office.	Transformation	On track		Q3 (2015/16) - Still awaiting EU implementation (Regulations expected to take force in June 2018 - Source: ICO). However work is underway to improve our internal data protection processes in-line with the new regulations. For example we are currently developing a database of personal data held by the Council which is one of the proposed regulations.	Sun-31-Mar-19

Key Corporate Target	Directorate	Status		Progress	Target Date
C 06 - Prevent homelessness for more than 50% of people who are facing homelessness each year.	Operations	On track		Q3 (2015/16) April - December 2015 - 214 approaches from people seeking homeless assistance, of which 136 cases were prevented from being homeless:- 63.5% prevented cases.	Sun-31-Mar-19
C 07 - Install 150 new lifelines within the community each year.	Operations	On track		Q3 (2015/16) April - December 2015 - 177 units of careline equipment installed	Sun-31-Mar-19
C 08 - Process all new Housing Benefit and Council Tax Support claims within an average of 20 days.	Operations	On track		Q3 (2015/16) Data will not be available until the end of January 2016 Quarter 2 = 16.76 days Quarter 1 = 16.86 days	Sun-31-Mar-19
C 09 - Process changes to Housing Benefit and Council Tax Support within an average of 10 days.	Operations	On track		Q3 (2015/16) - Data will not be available until the end of January 2016 Quarter 2 = 7.12 days Quarter 1 = 8.98 days	Sun-31-Mar-19
C 10 - Carry out 300 disability adaptations to Council houses each year.	Operations	On track		Q3 (2015/16) April - December 2015 - 353 adaptations completed	Sun-31-Mar-19

Key Corporate Target	Directorate	Status		Progress	Target Date
C 11 - Fully deliver the equality objectives identified in the Single Equality Scheme by March 2019.	Transformation	On track		Q3 (2015/16) - Good progress against action plan is being made. Notable actions this quarter - EIA corporate mapping exercise approved by SAMT, Customer Requirements Form working well on Firmstep, Data on migrant worker communities updated and shared with Cohesion partners and Greater East Midlands Commissioning Support Unit.	Sun-31-Mar-19
C 12 - Ensure a minimum of 50% of clients experiencing Domestic Violence each year are satisfied with the support they received.	Operations	On track		Q3 (2015/16) - 36 new referrals were received during Q3 of which 7 did not engage with the service. Positive responses were received from 26 service users (90%) who were asked: <ul style="list-style-type: none"> •Did the service met with your requirements? •Did the service make a difference? •How satisfied are you with the service you have been given? 	Sun-31-Mar-19
C 13 - Reduce average relet times of Council properties (not including sheltered accommodation) to 20 days by March 2019.	Operations	On track		Q3 (2015/16) - 29 days (32 if sheltered are included) - note this figure has been heavily skewed by a small number of upstairs flats for older people that were difficult to let. If these 4 properties are excluded (each of which was empty for over 6 months) the average falls to 16 days. Members are to be asked to consider reclassifying some schemes.	Sun-31-Mar-19

Key Corporate Target	Directorate	Status	Progress	Target Date
			<p>Q1 - 21 days (24 days if sheltered are included)</p> <p>Q2 - 18 days (19.3 days if sheltered are included)</p> <p>Average year to date (excluding sheltered) = 22.2 days (24.9 days including sheltered).</p> <p>If the difficult to lets are excluded as well this falls to 17.6 days (estimated).</p>	
C 14 - Carry out 99% of emergency repairs within 6 working hours.	Operations	On track	<p>Q3 (2015/16) Formula up and running:</p> <p>November 372 completed within 6hrs. 32 after 6hrs = 90%</p> <p>December 299 completed within 6hrs. 29 after 6hrs = 90%</p> <p>Potential problem that some emergencies are reported in the afternoon - and tenant requests next day attendance. Service Area will be monitoring and reminding staff.</p>	Sun-31-Mar-19
C 15 - Ensure a minimum of 50% of clients receiving parenting support each year express a positive outcome.	Operations	On track	<p>Q3 (2015/16) - no further courses have been undertaken in this quarter.</p> <p>Three courses completed in quarter 2 and 90% of those who have completed an evaluation form are satisfied.</p>	Sun-31-Mar-19

Key Corporate Target	Directorate	Status	Progress	Target Date
			<p>The first course had 5 attendees who all successfully completed the course. Second course - 13 started the course with 12 completing the course. Third course - 5 started the course who all successfully completed the course.</p> <p>Year to date - 23 attendees (22 completed the course).</p>	
C 16 - Agree a project with Derbyshire County Council and other stock retaining authorities to deliver alarm monitoring to 12,000 people county wide by April 2016.	Operations	Withdrawn	<p>Q3 (2015/16) - Derbyshire County Council has withdrawn their previous offer of funding and therefore this objective cannot be met. Suggest that this target is withdrawn, and an alternative target developed based around increasing numbers of Careline customers. Officers to work on proposal for Q1/2016 report. (Agreed at Directorate Meeting for this to be recommended to Executive).</p>	Sat-30-Apr-16

Aim – Supporting our Communities to be Healthier, Safer, Cleaner and Greener

Key Corporate Target	Directorate	Status	Progress	Target Date
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Key Corporate Target	Directorate	Status		Progress	Target Date
H 01 - Deliver a minimum of 8000 hours of positive activity through community based culture and leisure engagement per year.	Transformation	On track		Q3 (2015-16) At this stage of the year the target figure is 6000 hours, actual performance to date is 5428 - although we are behind target we are on track - this is merely a profiling issue as work around this time of year slows down dramatically. We are positive we will achieve the annual target.	Sun-31-Mar-19
H 02 - Increase participation/attendances in leisure, sport, recreation, health, physical and cultural activity by 3,000 per year.	Transformation	On track		Q3 (2015-16) Down on quarterly target - however this is primarily a profiling issue - expect to achieve annual target following our busiest quarter 4. Target to date = 173,250 actual to date = 169,760	Sun-31-Mar-19
H 03 - Deliver a health intervention programme which provides 900 adults per year with a personal exercise plan via the exercise referral scheme.	Transformation	Alert		Q3 (2015/16) The health referral team have received 558 referrals from GP surgeries throughout the district up to the end of December 2015. The referral criteria has been changed slightly and is therefore reflected in these figures. Monthly referrals continue to increase.	Sun-31-Mar-19
H 04 - Tackle childhood obesity through the delivery of a child focused health intervention programme to all Key Stage 2 year groups by the end of each academic year.	Transformation	On track		Q3 (2015/16) During the current financial year the Five:60 programme has been delivered to key stage 2 pupils within 19 out of the 28 schools in the Bolsover schools sports partnership area.	Sun-31-Mar-19

Key Corporate Target	Directorate	Status		Progress	Target Date
H 05 - Support 417 inactive 16+ individuals per year & increase their activity levels to more than 30 minutes of moderate intensity physical activity per week.	Transformation	Alert		Q3 (2015/16) A total of 132 inactive adults were engaged in year 1 of the programme (December 2014-November 2015). Targets that haven't been met in year 1 will roll over to year 2 and year 3. The Bolsover District Physical Inactivity steering group have decided to fund 2 new proposals for year 2 - Girls Hub at Hillstown, to be delivered by Sporting Futures and Active 4 Life project to be delivered by the Community Sports Trust (CST).	Sun-31-Mar-19
H 06 - Provide signposting and support for people who want to volunteer and recruit 150 new volunteers by February 2016.	Growth	On track		Q3 (2015/16) Delivery of this work has been subcontracted to the Volunteer Centre for Chesterfield and North East Derbyshire and aims to increase participation in volunteering activity. Delivery commenced in April 2014. The number of new volunteers recruited at the end of December 2015 was 71. At the last monitoring point, it was reported that the project's targets had been reduced to 60 and the reasons for this reduction. The revised target has since been exceeded with three months activity remaining. (Agreed at Directorate Meeting to recommend to Executive that the target be reduced to 60 new volunteers to reflect the longer than anticipated time it takes to progress an individual from initial engagement into a volunteering opportunity)	Mon-29-Feb-16

Key Corporate Target	Directorate	Status	Progress	Target Date
H 07 - Assist partners in reducing crime by delivering 12 Crime Cracking events in the community each year.	Operations	On track	<p>Q3 (2015/16) 2 Crime Cracking events held this quarter engaging with 190 people:</p> <p>02.12.15 - Domestic Violence Candle Lit Vigil at Crooked Spire Church Chesterfield</p> <p>11.12.15 - ASB Perception Survey at Shirebrook Market Place</p> <p>(Year to date 9 events held)</p>	Sun-31-Mar-19
H 08 - With partners organise 3 community cohesion events each year to bring communities together in identified areas.	Operations	On track	<p>Q3 (2015/16) Two events in this quarter:</p> <p>1. International week at the Christian Centre including organisation of an exhibition on Polish Heritage in the East Midlands & Polish food – 4-5.11.15.</p> <p>2. Eats and Treats Event at Shirebrook Christian Centre – 25.11.15</p> <p>(Year to date 8 events held)</p>	Sun-31-Mar-19

H 09 - Achieve a combined recycling and composting rate of 49% by March 2019.	Operations	On track		Q3 (2015\16) Waste Data Flow information is estimated on like performance at ending December 2014, in particular as WDF information will not be available until April 2016. It is estimated 2,463tonnes of recyclable\ compostable wastes will be diverted, yielding a combined estimated recycling rate of 44% between April and December 2015 (Q1 to Q3).	Sun-31-Mar-19
H 10 - Sustain standards of litter cleanliness to ensure 96% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).	Operations	On track		Q3 (2015\16) LEQS's established 6% of streets and relevant land surveyed fell below grade B cleanliness standards resulting in 94% meeting the target standard. Combined (Q1, Q2 & Q3) performance is 4.6% falling below grade B, resulting in 95.4% not quite achieving the 96% target.	Sun-31-Mar-19
H 11 - Sustain standards of dog fouling cleanliness to ensure 98% of streets each year meet an acceptable level as assessed by Local Environment Quality Surveys (LEQS).	Operations	On track		Q3 (2015\16) LEQS's established 0% of streets and relevant land surveyed fell below grade B cleanliness standards resulting in 100% land surveyed meeting the target standard. Combined (Q1, Q2 & Q3) performance is 0% land surveyed falling below grade B and achieving the 98% target.	Sun-31-Mar-19
H 12 - Annually undertake 10 local environmental enforcement and educational initiatives in targeted areas to deal with dog fouling, littering or fly tipping.	Growth	On track		Q3 (2015/16) No further initiatives undertaken in quarter three, remaining two initiatives will be completed in quarter four. (8 initiatives delivered Q1 and Q2).	Sun-31-Mar-19
H 13 - Develop an action plan for the improvement of each of the four town	Growth	On track		Q3 (2015/16) Regeneration Frameworks - Consultant consortium appointed to deliver four frameworks, which will focus on the four main town centres – Shirebrook, Clowne,	Sun-31-Mar-

centres by March 2019.				Bolsover and South Normanton. Officer group meets regularly to project manage outputs against the Project Initiation Document.	19
H 15 - Reduce energy use in sheltered housing schemes by 10% by March 2019.	Operations	On track		Q3 (2015/16) A portable heating system has been purchased and installed at Victoria House. Initial reports for 3 schemes have been received. Energy saving lights have been fitted at Woburn House. The lighting to the communal areas at Ashbourne court has been changed to energy efficient fittings and bulbs and the second complex, Woburn House, is nearing completion.	Sun-31-Mar-19
H 16 - Replace each year 200 gas fired back boilers in our Council houses with more efficient 'A' rated combi boilers.	Operations	On track		Q3 (2015/16) 357 Combi boilers fitted to the end of December 2015 which is 157 over the 200 per year target.	Sun-31-Mar-19

Aim – Transforming our Organisation

Key Corporate Target	Directorate	Status		Progress	Target Date
T 01 - Retain accreditation against the Investors in People (IIP) extended framework by July 2015 and full external assessment in 2018.	Transformation	On track		Q3 (2015/16) A report outlining future options regarding IIP is being prepared for consideration by senior management. (Accreditation retained in June 2015)	Tue-31-Jul-18
T 02 - Produce a Strategic Alliance People Strategy 2016-2019 by December 2015	Transformation	Achieved		Q3 (2015/16) The Strategic Alliance People Strategy has been approved by Council and implemented.	Thu-31-Dec-15
T 03 - Establish interest from the market to work in partnership to develop a delivery method for the development and or refurbishment of key council-owned assets and report findings back to Members by October 2015.	Operations	Overdue		Q3 (2015/16) - Joint Venture model to deliver developments to council owned and stalled land sites around the district is being explored. Partnership set up with Woodheads to build council house properties. Partnership being explored through the Business Executive Group (BEG) for Pleasley Vale Business Centre. Report to Executive on 01/02/16.	Sat-31-Oct-15
T 04 - Access the potential revenue impact and develop an action plan to address issues arising from the implementation of the Minimum Energy Standards on commercial properties by April 2018.	Operations	Not Started		Q3 (2015/16) Project not started. Well within timescale.	Mon-30-Apr-18

Key Corporate Target	Directorate	Status		Progress	Target Date
T 05 - Initiate a build programme for the new Clowne leisure facility by December 2015 and complete by December 2016.	Transformation	On track		Q3 (2015/16) Build programme initiated, contractors on site and construction phase underway. On track for December 2016 completion.	Sat-31-Dec-16
T 06 - Introduce alternative uses to 20% of garage sites owned by the Council by March 2019.	Operations	On track		Q3 (2015/16) Garage survey completed, and potential sites identifies subject to more detailed appraisal through asset management group.	Sun-31-Mar-19
T 07 - Produce a Procurement Strategy by March 2016.	Growth	Alert		Q3 (2015/16) The Procurement Strategy has been commenced but is in very early stages. The Director of Operations and the Procurement Unit are involved. (Agreed at Directorate Meeting to seek an extension at Executive to 30/09/16 to enable the full approval process to be completed).	Thu-31-Mar-16
T 08 - Fully deliver the electoral changes to District and Parish wards as a result of the Local Government Boundary Commission for England's electoral review by 1 December 2018.	Growth	Not Started		Q3 (2015/16) The Local Government Boundary Commission has just contacted the Council to commence this review. The review will take a year or so and accordingly this target cannot be commenced until that has been completed. It is not due yet therefore.	Sat-1-Dec-18

Key Corporate Target	Directorate	Status		Progress	Target Date
T 09 - Reduce the percentage of rent arrears by 10% through early invention and effective monitoring by 2019.	Operations	On track		<p>Q3 (2015/16) The baseline figure (April 2015) is £562,328 (2.7% of the annual rent roll) and a reduction in Council Housing Tenants arrears by 10% by March 2019. If 10% reduction the figures will be £506,095. At the end of December the figure stands at 2.6% (£570,262.90) which is a decrease of 4%.</p> <p>(Note: this target is a reduction in the percentage rather than the monetary value - this is common in measuring rent arrears and allows comparisons with other, and over time. A reduction from 2.8% to 2.6% is measured as $((2.8 - 2.6) / 2.8) \times 100 = 8\%$).</p>	Sun-31-Mar-19
T 10 - Reduce the level of Former Tenants Arrears by 10% through early intervention and effective monitoring by 2019.	Operations	On track		<p>Q3 (2015/16) The baseline figure is £570,254 and a reduction in former Council housing tenants arrears by 10% by March 2019 if 10% is collected then that will be £513,227. At the end of December the figure was £668,254.65 which is an increase of 15% - the majority of these are newly arising (i.e. people being evicted or leaving their tenancy with debt).</p> <p>So far this financial year £40,750.58 former tenancy arrears has been collected and £12,238.07 has been written off which has been a reduction of £52,988.65.</p>	Sun-31-Mar-19

Key Corporate Target	Directorate	Status		Progress	Target Date
T 11 - Through successful delivery of projects within the Transformation programme achieve total income/savings of £600,000 by March 2019.	Transformation	On track		Q3 (2015/16) The Transformation Programme 2015-2019 was agreed and communicated to employees/members in late September 2015. The current programme identifies potential savings of £393,000 to date for BDC as well as many non cashable service improvements. Some projects are in the very early stages and yet to quantify the savings. This is a four year programme and savings will be recorded as achieved and confirmed by Finance.	Sun-31-Mar-19
T 12 - Develop a series of strategies and plans to support the ambition of a sustainable leisure service by March 2016.	Transformation	Alert		Q3 (2015/16) The following are being progressed and on track: Subsidy Reduction Plan Marketing Plan Arts Development Plan The following is complete: Sport Development and Physical Activity Plan, however Sport England and Derbyshire Sport are delivering a new Sport, Physical Activity and Active Recreation Plan in July 2016. Leisure Services intend to produce their own 'local' version of this. (Agreed at Directorate Meeting for this to be a service plan target – target date March 2017).	Sat-31-Dec-16

Key Corporate Target	Directorate	Status		Progress	Target Date
				Extension requested re Built Facilities Plan. Leisure are governed by the external consultant market. They are at present out to tender and anticipate a 9 month delay for the completion of this work until Dec 2016. (Agreed at Directorate Meeting for this to be a recommendation to Executive)	
T 13 - Increase on-line self service transactions dealt with by the Contact Centre by 20% each year.	Transformation	On track		Q3 (2015/16) On line transactions = 98. Target for 9 months = 297 transactions (based on baseline data). Achieved to date = 372 = 25% increase. Baseline data from 2013/14 was 396 online transactions. 2015/16 - Q1 = 129 transactions, Q2 = 145 transactions.	Sun-31-Mar-19
T 14 - Achieve the Member Development Charter by December 2018.	Growth	On track		Q3 (2015/16) Member Development Sessions held in September and December on a variety of topics including universal credit, Government housing proposals and consultation with customers. Discussions being held with LGA over leadership development. Personal Development Plans (PDPs) are being undertaken by the team and this will culminate in a report to SAMT and Member Development Working Group setting out a member development timetable for	Mon-31-Dec-18

Key Corporate Target	Directorate	Status	Progress	Target Date
			<p>the next two years.</p> <p>A review of the timing of meetings and other member events is being undertaken through the Member Development Working Group. External training courses now being evaluated.</p>	

Bolsover District Council

Executive

29 February 2016

RIPA Corporate Policies and Procedures

Report of Assistant Director – Governance and Monitoring Officer

This report is public

Purpose of the Report

- To present a new joint policy and procedures document covering the Council's activities under the Regulation of Investigatory Powers Act 2000.

1 Report Details

- 1.1 The Regulation of Investigatory Powers Act enables the Council to use covert surveillance, covert human intelligence sources (CHIS) and the acquisition of service use or subscriber information in relation to communications data in a manner that is compatible with Article 8 of the European Convention on Human Rights governing an individual's right to respect for their private and family life, home and correspondence.
- 1.2 Local authorities are sparing users of RIPA legislation. This has become more so since the enactment of the Protection of the Freedoms Act in 2012 which required local authority use of RIPA to be subject to approval by a Magistrate. Use of directed surveillance is also subject to a separate "seriousness threshold" which means that it may only be used where the offence is punishable by a maximum term of at least six months imprisonment, or where it would constitute an offence involving sale of tobacco or alcohol to underage children regardless of length of prison term.
- 1.3 In the past three years, neither Bolsover nor North East Derbyshire District Councils have used RIPA although officers within the Benefits section have assisted the Department of Work and Pensions - who are not required to obtain judicial approval - on applications and investigations. The Councils have also met with the Clerk to the Magistrates' Court to establish lines of communication and a procedure should the need to use RIPA arise.
- 1.4 Regardless of our low level of use, the Council is required to have in place up-to-date policies and procedures. Following the issue of new codes of practice for covert surveillance and CHIS in December 2014 and for acquisition, disclosure and retention of communications data in May 2015 a new joint policy covering the Alliance has been produced and is attached for consideration. This will replace the separate policies each Council adopted in 2013. It is attached as **Appendix A**.

1.5 The policy has been informed by a recent inspection from the Office of the Surveillance Commissioner on 17 November 2015. A copy of the inspection report is attached at **Appendix B** and is generally positive with a handful of suggestions to strengthen the policy.

2 Conclusions and Reasons for Recommendation

2.1 To ensure the Councils have in place a fit for purpose policy and procedures document that complies with legislation.

3 Consultation and Equality Impact

3.1 The new policy has been through extensive consultation with the Strategic Alliance Joint Committee, Standards Committee and Office of the Surveillance Commissioner.

4 Alternative Options and Reasons for Rejection

4.1 None.

5 Implications

5.1 None.

6 Recommendations

6.1 That the joint policy for RIPA, attached at Appendix A, be approved.

6.2 That the recent report of the RIPA inspection of Bolsover and North East Derbyshire be noted.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	
Links to Corporate Plan priorities or Policy Framework	

Document Information

Appendix No	Title
A B	RIPA Corporate Policy and Procedures Document Report of RIPA Inspection
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N/A	
Report Author	Contact Number
M Kane Governance Manager	(01246) 217753

AGIN 6 (CAB 0210) RIPA Policy/AJD



REGULATION OF INVESTIGATORY POWERS ACT 2000 (“RIPA”)

CORPORATE POLICY AND PROCEDURES

**CONTROL SHEET FOR REGULATION OF INVESTIGATORY POWERS ACT 2000
("RIPA") – CORPORATE POLICY AND PROCEDURES**

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	RIPA Corporate Policy and Procedures
Current status – i.e. first draft, version 2 or final version	First draft
Policy author	M Kane
Location of policy – i.e. L-drive, shared drive	L Drive
Member route for approval	Strategic Alliance Joint Committee and Standards
Cabinet Member (if applicable)	Cllrs K Reid and N Barker
Equality Impact Assessment approval date	N/A
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Executive/ Council /Planning Committee	Cabinet / Executive
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Strategy and Performance (to include on Intranet and Internet if applicable to the public)	

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1. Abbreviations

CCTV	Closed Circuit Television
CSP	Communications service provider
Council	Bolsover/North East Derbyshire District Council
CHIS	Covert Human Intelligence Sources
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedom agreed on 2 November 1950
HRA	Human Rights Act 1998
ICCO	The Interception of Communications Commissioner's Office
NAFN	The National Anti Fraud Network
OSC	Office of Surveillance Commissioners
PFA	Protection of Freedoms Act 2012
RIPA	Regulation of Investigatory Powers Act 2000
SPoC's	Single Points of Contact for Acquisition and Disclosure of Communications Data

Introduction

This Corporate Policy and Procedures document is based upon the requirements of the Regulation of Investigatory Powers Act 2000 and the Home Office's Codes of Practice on Covert Surveillance and Property Interference, Covert Human Intelligence Sources and Acquisition and Disclosure of Communications Data.

The use of covert surveillance, covert human intelligence sources and the acquisition of service use or subscriber information in relation to communications data is sometimes necessary to ensure effective investigation and enforcement of the law. However, they should be used only rarely and in exceptional circumstances. RIPA requires that public authorities follow a clear authorisation process prior to using these powers. Authorisations granted under Part II of RIPA are subject to all the existing safeguards considered necessary by Parliament to ensure that investigatory powers are exercised compatibly with the ECHR.

Any potential use of RIPA should be referred to the Monitoring Officer, Sarah Sternberg, for preliminary advice at the earliest possible opportunity. Her telephone number is 01246 217058/242414. In her absence, advice should be sought from her deputies Adele Wylie (BDC) and Matthew Kane (BDC/NEDDC). Their phone numbers are 01246 242477 (AW) and 01246 217753/242505/0799 9924276 (MK).

Consequences of Failing to Comply with this Policy

Where there is interference with Article 8 of the ECHR, and where there is no other source of lawful authority for the interference, the consequences of not following the correct authorisation procedure set out under RIPA and this Policy may result in the Council's actions being deemed unlawful by the Courts under Section 6 of the HRA or by the Investigatory Powers Tribunal, opening up the Council to claims for compensation and loss of reputation. Additionally, any information obtained that could be of help in a prosecution will be inadmissible.

2. Background

On 2 October 2000 the Human Rights Act 1998 (“HRA”) made it unlawful for a local authority to breach any article of the ECHR. An allegation that the Council or someone acting on behalf of the Council has infringed the ECHR is dealt with by the domestic courts rather than the European Court of Justice.

The ECHR states:-

- (a) individuals have the right to respect for their private and family life, home and correspondence (Article 8 ECHR); and
- (b) there shall be no interference by a public authority with the exercise of this right unless that interference is:-

- **in accordance with the law;**
- **necessary; and**
- **proportionate**

RIPA, which came into force on 25 September 2000, provides a lawful basis for three types of covert investigatory activity to be carried out by local authorities which might otherwise breach the ECHR. These activities are:-

- covert directed surveillance;
- covert human intelligence sources (“CHIS”); and
- acquisition and disclosure of communications data

RIPA sets out procedures that must be followed to ensure the investigatory activity is lawful. Where properly authorised under RIPA the activity will be a justifiable interference with an individual’s rights under the ECHR. If the interference is not properly authorised an action for breach of the HRA could be taken against the Council, a complaint of maladministration made to the Local Government Ombudsman or a complaint made to the Investigatory Powers Tribunal. In addition, if the procedures are not followed any evidence collected may be disallowed by the courts. RIPA seeks to balance the rights of individuals against the public interest in the Council being able to carry out its statutory duties.

A flow chart attached at **Appendix A** to this policy sets out the process in pictorial form.

What RIPA Does and Does Not Do

RIPA does:-

- require prior authorisation of covert directed surveillance;
- prohibit the Council from carrying out intrusive surveillance;
- compel disclosure of communications data from telecom and postal service providers;
- permit the Council to obtain communications records from communications service providers;
- require authorisation of the conduct and use of CHIS;
- require safeguards for the conduct of the use of a CHIS.

RIPA does not:-

- make unlawful conduct which is otherwise lawful;
- prejudice any existing power to obtain information by any means not involving conduct that may be authorised under RIPA. For example, it does not affect the Council's current powers to obtain information via the DVLA or to obtain information from the Land Registry as to the owner of a property;
- apply to activities outside the scope of Part II of RIPA. A public authority will only engage RIPA when in performance of its "core functions" – i.e. the functions specific to that authority as distinct from all public authorities.
- cover overt surveillance activity.

Under no circumstances can local authorities be authorised to obtain communications traffic data under RIPA. Local authorities are not permitted to intercept the content of any person's communications and it is an offence to do so without lawful authority.

3. Policy Statement

The Council is determined to act responsibly and in accordance with the law. To ensure that the Council's RIPA activity is carried out lawfully and subject to the appropriate safeguards against abuse, Bolsover and North East Derbyshire District Council adopted separate RIPA Policies in 2013, which have subsequently been combined into a single Corporate Policy and Procedures document as detailed below.

All staff who are considering undertaking RIPA activity should be aware that where that activity may involve handling confidential information or the use of vulnerable or juvenile persons as sources of information, a higher level of authorisation is required. Please see paragraphs 4.6 (in respect of handling confidential information) and 5.2 (in respect of using information sources who are vulnerable or juvenile persons) below.

The following documents are available on the Council's intranet:-

- 2014/15 Home Office Statutory Codes of Practice on:-
 - Covert Surveillance and Property Interference
 - Covert Human Intelligence Sources
 - Acquisition and Disclosure of Communications Data
- Office of the Surveillance Commissioners' Guidance Procedures
- Home Office Guidance on Protection of Freedoms Act 2012 – changes to RIPA;
- RIPA forms for covert surveillance; CHIS and acquisition and disclosure of communications data;
- Application for Judicial approval and Order made for Judicial approval;
- Surveillance camera training;
- Corporate RIPA Training.

The Monitoring Officer is the Council's Senior Responsible Officer (SRO) and is responsible for the following roles:-

- Appointing Authorising Officers (see 8.1[a]);

- Appointing Designated Persons (see 8.1[a]);
- Maintaining a central record for all RIPA authorisations;
- Arranging training to individuals appointed as Authorising Officers and Designated Persons, and
- Carrying out an overall monitoring function as the SRO for the Council's use of RIPA powers.

Any officers who are unsure about any RIPA activity should contact the Monitoring Officer for advice and assistance.

4. Types of Surveillance

Surveillance can be overt or covert and includes:-

- Monitoring, observing or listening to persons, their movements, their conversations or their other activities or communications;
- Recording anything monitored, observed or listened to in the course of surveillance; and
- Surveillance by or with the assistance of a device.

4.1 Overt Surveillance

The majority of the Council's surveillance activity will be overt surveillance, i.e. will be carried out openly. For example (i) where the Council performs regulatory checks on licensees to ensure they are complying with the terms of any licence granted; and (ii) where the Council advises a tenant that their activities will be monitored as a result of neighbour nuisance allegations. This type of overt surveillance is normal Council business and is not regulated by RIPA.

4.2 Covert Surveillance

This is where surveillance is carried out in a manner calculated to ensure that the person subject to the surveillance is unaware it is taking place. Covert surveillance can be intrusive or directed. **The Council is not permitted to carry out covert intrusive surveillance.** Para 4.3 below explains when covert surveillance is intrusive and therefore not permitted. The Council is permitted to carry out covert directed surveillance subject to strict compliance with RIPA. Paragraph 4.4 below explains when covert surveillance is directed.

4.3 Covert intrusive Surveillance

Covert intrusive surveillance takes place when covert surveillance is carried out in relation to anything taking place on residential premises or in a private vehicle and which involves the presence of an individual or surveillance device on the premises or in the vehicle, or which uses a device placed outside the premises or vehicle which consistently provides information of the same quality and detail as expected of a device placed inside.

Additionally, the Regulation of Investigatory Powers (Extension of Authorisations Provisions: Legal Consultations) Order 2010 states that covert surveillance carried out in relation to anything taking place in certain specified premises is intrusive when they are being used for legal consultation.

4.4 Covert Directed Surveillance

This is surveillance that is:-

- Covert;
- Not intrusive;
- For the purposes of a specific investigation or operation;
- Likely to obtain private information¹ about a person (whether or not that person was the target of the investigation or operation); and
- Not carried out as an immediate response to events or circumstances which could not have been foreseen prior to the surveillance taking place.

Private information includes any information relating to a person's private and family life, home and correspondence (whether at home, in a public place or in the work place).

4.5 Directed Surveillance Crime Threshold

Following the changes to RIPA introduced by the Protection of Freedoms Act 2012, a crime threshold applies to the authorisation of covert directed surveillance by local authorities.

Local Authority Authorising Officers may not authorise covert directed surveillance unless it is for the purpose of preventing or detecting a criminal offence **and** meets the following test:-

- The criminal offence is punishable by a maximum term **of at least six months imprisonment**, or
- It would constitute an offence under Sections 146, 147A of the Licensing Act 2003 or Section 7 of the Children and Young Persons Act 1993 (**offences involving sale of tobacco and alcohol to underage children**) regardless of length of prison term.

The crime threshold **only** applies to covert directed surveillance, not to CHIS or Communications Data.

The Home Office Statutory Covert Surveillance and Property Interference Code of Practice can be found on the Home Office website and on the intranet.

4.6 Confidential Information

A higher level of authorisation to apply to the Magistrates Court is required in relation to RIPA activity when the subject of the investigation might reasonably expect a high degree of privacy, or where "confidential information" might be obtained. For the purpose of RIPA this includes:-

- Communications subject to legal privilege (see below);
- Communications between a member of parliament and another person on constituency matters;
- Confidential personal information (see below); and
- Confidential journalistic material (see below).

The authorising officer and the person carrying out the surveillance must understand that such information is confidential and is subject to a stringent authorisation procedure. **Authorisation can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service.**

Legal privilege is defined in Section 98 of the Police Act 1997 as:-

- communications between a professional legal adviser and his client, or any person representing his client which are made in connection with the giving of legal advice to the client.
- communications between a professional legal adviser and his client or any person representing his client, or between a professional legal adviser or his client or any such representative and any other person which are made in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.
- items enclosed with or referred to in communications of the kind mentioned above and made in connection with the giving of legal advice, or in connection with or in contemplation of legal proceedings and for the purposes of such proceedings.

Communications and items are not matters subject to legal privilege when they are in the possession of a person who is not entitled to possession of them, and communications and items held, or oral communications made, with the intention of furthering a criminal purpose are not matters subject to legal privilege.

If advice is required on this point, officers should contact the Monitoring Officer.

Confidential personal information is described at paragraph 4.28 of the Home Office Covert Surveillance and Property Interference Code of Practice.

Confidential journalistic material is described at paragraph 3.40 of the Home Office Covert Surveillance and Property Interference Code of Practice.

Any officer contemplating RIPA activity where the above circumstances may apply must seek advice from the Monitoring Officer prior to making any application.

4.7 Social Media

The use of the internet may be required to gather information prior to and/or during an operation, which may amount to directed surveillance. Whenever a public authority intends to use the internet as part of an investigation, they must first consider whether the proposed activity is likely to interfere with a person's Article 8 rights, including the effect of any collateral intrusion. Advice should be sought.

Any activity likely to interfere with an individual's Article 8 rights should only be used when necessary and proportionate to meet the objectives of a specific case. Where it is considered that private information is likely to be obtained, an authorisation (combined or separate) must be sought as set out elsewhere in this code. Where an investigator may need to communicate covertly online, for example, contacting individuals using social media websites, a CHIS authorisation should be considered.

5. Covert Human Intelligence Sources (“CHIS”)

5.1 CHIS

The Council is permitted to use CHIS subject to strict compliance with RIPA.

A CHIS is a person who establishes or maintains a personal or other relationship with a person for the covert purposes of facilitating:-

- (a) covertly using the relationship to obtain information or provide access to information to another person, or
- (b) covertly disclosing information obtained by the use of the relationship or as a consequence of the existence of such a relationship.

A RIPA authorisation and order from a magistrate is required for the above activity and should be obtained whether the CHIS is a Council officer or another person who is asked to be a CHIS on the Council's behalf. Authorisation for CHIS can only be granted if it is for the purposes of “preventing or detecting crime or of preventing disorder”.

Members of the public who volunteer information to the Council and those engaged by the Council to carry out test purchases in the ordinary course of business (i.e. they do not develop a relationship with the shop attendance and do not use covert recording devices) are not CHIS and do not require RIPA authorisation.

However, by virtue of Section 26(8) of RIPA, there may be instances where an individual, covertly discloses information obtained by the use of such a relationship, or as a consequence of the existence of such a relationship. In such circumstances where a member of the public, though not asked to do so, gives information (or repeated information) about a suspect, then serious consideration should be given to designating the individual as a CHIS, particularly if the Council intends to act upon the information received. It is recommended that legal advice is sought in any such circumstances.

The Home Office Statutory CHIS Code of Practice can be found on the Home Office website and on the intranet.

5.2 Vulnerable Individuals/Juvenile CHIS

A vulnerable individual is a person who by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves or protect themselves against significant harm or exploitation.

Additional requirements apply to the use of a vulnerable adult or a person under the age of 18 as a CHIS. In both cases **authorisation for an application to the Magistrates Court can only be granted by the Chief Executive or in their absence by an officer acting as Head of Paid Service. Any officer contemplating the use of a juvenile or a vulnerable person as a CHIS must seek advice from the Monitoring Officer prior to making the application.**

The use or conduct of a CHIS under 16 years of age **must not** be authorised to give information against their parents or any person who has parental responsibility for them.

In other cases authorisations should not be granted unless the special provisions contained in The Regulation of Investigatory Powers (Juveniles) Order 2000 are satisfied. This set out rules about parental consent, meetings, risk assessments and the duration of the authorisation.

6. CCTV

The installation and use of unconcealed CCTV cameras for the purpose of generally observing activity in a particular area is not surveillance requiring RIPA authorisation. There are specific provisions relating the use of CCTV cameras in public places and buildings. However, if CCTV cameras are being used in such a way that the definition of covert directed surveillance is satisfied, RIPA authorisation should be obtained.

For instance the use of town centre CCTV systems to identify those responsible for a criminal act immediately after it happens will not require RIPA authorisation. However, the use of the same CCTV system to conduct planned surveillance of an individual and record their movements is likely to require authorisation.

Protocols should be agreed with any external agencies requesting the use of the Council's CCTV system. The protocols should ensure that the Council is satisfied that authorisations have been validly granted prior to agreeing that the CCTV system may be used for directed surveillance.

CCTV systems cannot be used without prior production of an authorisation and such authorisations must be retained.

7. Acquisition and Disclosure of Communications Data

7.1 Communication Service Providers ("CSPs")

CSPs are organisations that are involved in the provision, delivery and maintenance of communications such as postal, telecommunication and internet service providers but also, for example, hotel or library staff involved in providing and maintaining email access to customers. The Council must obtain communications data from CSPs in strict compliance with RIPA.

7.2 Types of Communications Data

Communications data is the “who”, “where”, “when” and “how” of a communication such as a letter, phone call or email but not the content, not what was said or written. The Council is not able to use RIPA to authorise the interception or acquisition of the content of communications. There are three types of communication data:-

Service Use Information

This is data relating to the use made by any person of a postal or telecommunications, internet service, or any part of it. For example itemised telephone call records, itemised records of connection to internet services, itemised timing and duration of calls, connection/disconnection/reconnection data, use of forwarding or re-direction services, additional telecom services and records of postal items.

Subscriber information

This is information held or obtained by the CSP about persons to whom the CSP provides or has provided a communications service. For instance, subscribers of email and telephone accounts, account information including payment details, address for installing and billing, abstract personal records and sign up data.

Traffic Information

This is data that is comprised in or attached to a communication for the purpose of transmitting it and which identifies a person or location to or from which it is transmitted. **The Council is not permitted to access traffic data.**

7.3 Authorisation and Notices

RIPA provides for acquisition and disclosure of communications data by two alternative means:-

- authorisation of a person within the Council to engage in specific conduct, in order to obtain communications data (a section 22(3) RIPA authorisation); and
- a notice issued to a CSP requiring them to collect or retrieve and then provide the communications data (a section 22(4) RIPA notice).

A Section 22(3) RIPA authorisation is appropriate where (for instance) there is an agreement in place between the Council and the relevant CSP regarding the disclosure of communications data which means a notice is not necessary (currently the Council does not have any such agreements in place); or the Council needs to identify an individual to whom communication services are provided but the relevant CSP is not yet known to the Council, making it impossible to issue a notice.

A Section 22(4) RIPA notice is appropriate where the Council receives specific communications data from a known CSP. A notice may require a CSP to obtain any communications data, if that data is not already in its possession. However, a notice must not place a CSP under a duty to do anything which is not reasonably practicable for the CSP to do.

As a local authority the Council must fulfil two additional requirements when acquiring communications data. Firstly, the request must be made through a SPoC at NAFA (see more about NAFA at 8.3(b) and 8.4). Secondly, the request must receive prior judicial approval.

Under Sections 23A and 23B of RIPA the Council must also obtain judicial approval for all requests for communications data. Judicial approval must be requested once all the Council's internal authorisation processes have been completed, including consultation with a NAFN SPoC, but before the SPoC requests the data from the CSP. The authorisation must be provided by a magistrate.

The Home Office Acquisition and Disclosure of Communications Data Code of Practice can be found on the Home Office website and on the intranet.

8 Authorisation Procedures

8.1(a) Authorising Officers/Designated Persons be directed surveillance and CHIS

Authorising Officers are responsible for assessing and authorising covert directed surveillance and the use of a CHIS.

Designated Persons fulfil a similar role in relation to applications to obtaining communications data, assessing and approving authorisations and notices.

It is the responsibility of Authorising Officers and Designated Persons to ensure that when applying for authorisation the principles of necessity and proportionality (see 8.2 below) are adequately considered and evidenced; and that reviews and cancellations of authorisations are carried out as required under this Policy (8.8 – 8.10 below).

Lists of authorising officers and designated persons are set out below. Any requests for amendments to the lists must be sent to the Monitoring Officer.

The authorising officers and designated persons for Bolsover and North East Derbyshire District Councils are as follows:

Chief Executive – Dan Swaine (01246 242401/217155)
Executive Director – Operations – Bryan Mason (01246 242431/217053)
Executive Director – Transformation – Paul Hackett (01246 242566/217543)

Schedule 1 of statutory instrument No 521 (2010) prescribes the rank or position of authorising officers for the purposes of Section 30(1) of RIPA (covert surveillance and CHIS). Schedule 2 of statutory instrument No 480 (2010) prescribes the rank or position of designated person for the purposes of Section 25(2) of RIPA (access to communications data). For Local Authorities they prescribe a "Director, Head of Service, Service Manager or equivalent".

The Monitoring Officer designates which officers can be authorising officers or designated persons. Only these officers can authorise directed surveillance, the use of CHIS and acquisition and disclosure of Communications data. **All authorisations must follow the**

procedures set out in the Policy. Authorising officers/designated persons are responsible for ensuring that they have received RIPA training prior to authorising RIPA activity. When applying for or authorising RIPA activity under the Policy, officers must also take into account the corporate training and any other guidance issued from time to time by the Monitoring Officer.

8.1(b) Single Point of Contact (SPoC)

SPoCs are responsible for advising officers within the Council on how best to go about obtaining communications data, for liaising with CSPs, and advising whether applications and notices are lawful. As required under the latest Acquisition and Disclosure of Communications Data Code of Practice, the Council has engaged the National Anti-Fraud Network (NAFN). NAFN's SPoC services relate only to communications data. For information on using NAFA, see 8.4 below.

8.2 Authorisation of Covert Directed Surveillance and Use of a CHIS

RIPA applies to all covert directed surveillance, use of CHIS and acquisition and disclosure of communications data whether by Council employees or external agencies engaged by the Council. Council officers wishing to undertake covert directed surveillance or use of a CHIS must complete the relevant application form and forward it to the relevant (see para 8.6) authorising officer. Authorisations or notices in relation to communications data should be referred to NAFN.

Any potential use of RIPA should be referred to the Monitoring Officer for preliminary advice.

Covert directed surveillance, use of a CHIS and acquisition and disclosure of communications data can only be authorised if the authorising officer/designated person is satisfied that the activity is:-

- (a) **in accordance with the law** i.e. it must be in relation to matters that are statutory or administrative functions of the Council. As such the Council is unable to access communications data for disciplinary matters.
- (b) **necessary** for the purpose of preventing or detecting crime or preventing disorder. This is the only ground available to the Council for authorising RIPA activity and there is a crime threshold for directed surveillance as described in paragraph 4.5 above; and
- (c) **proportionate** to what it seeks to achieve. This involves balancing the seriousness of the intrusion into the privacy of the subject of the operation (or any other person as may be affected) against the need for the activity in investigative operational terms. Any conduct that is excessive as to the interference and the aim of the conduct, or is in any way arbitrary will not be proportionate. Serious consideration must be given to identifying the least intrusive method of obtaining the information required.

Applicants should ask the following types of questions to help determine whether the use of RIPA is necessary and proportionate:-

- why it is believed the proposed conduct and use is necessary for the prevention of crime or the prevention of disorder (as appropriate);
- how the activity to be authorised is expected to bring a benefit to the investigation;
- how and why the proposed conduct and use is proportionate to the intelligence dividend it hopes to achieve, having regard to the gravity and extent of the activity under investigation;
- how and why the methods to be adopted will cause the least possible intrusion to the subject/s i.e. interfere with their rights under the ECHR;
- what other reasonable methods of obtaining information have been considered and why they have been discounted.

Authorising officers/designated persons should not be responsible for authorising their own activities, i.e. those operations/investigations in which they are directly involved. However, it is recognised that in exceptional circumstances this may sometimes be unavoidable. The Monitoring Officer should be informed in such cases.

Particular consideration should be given to **collateral intrusion on or interference with the privacy of persons who are not the subject(s) of the investigation**. Collateral intrusion occurs when an officer undertaking covert surveillance on a subject observes or gains information relating to a person who is not the subject of the investigation. An application for an authorisation must include an assessment of the risk of any collateral intrusion or interference and measures must be taken to avoid or minimise it. This must be taken into account by the authorising officer/designated person, particularly when considering the proportionality of the surveillance.

Particular care must be taken in cases where **confidential information** is involved e.g. matters subject legal privilege, confidential personal information, confidential journalistic material, confidential medical information, and matters relating to religious leaders and their followers. In cases where it is likely that confidential information will be acquired, officers must specifically refer this to the Monitoring Officer for advice.

The activity must be authorised before it takes place.

At the time of authorisation the authorising officer/designated person must set a date for review of the authorisation and review it on that date (see 8.8).

The original completed application and authorisation form must be forwarded to the Monitoring Officer as soon as possible. In the case of a section 22(4) RIPA notice requiring disclosure of communications data a copy of the notice must be attached to the application form. The Monitoring Officer will maintain a central register of the Council's RIPA activity and a unique reference number will be allocated to each application.

Approval by Magistrates Court

Following changes under the Protection of Freedoms Act 2012, there is now an additional stage in the process for all three investigatory activities (covert directed surveillance, CHIS and Communications Data). After the authorisation form has been countersigned by the authorising officer/designated person, the Council is required to obtain judicial approval for either the authorisation or a renewal of an authorisation.

The Council has a protocol for the Magistrates' approval process, attached as **Appendix B**.

The magistrate will have to decide whether the Council's application to grant or renew an authorisation to use RIPA should be approved and it will not come into effect unless and until it is approved by the Magistrates Court.

A separate application should be completed when the Council is requesting judicial approval for the use of more than one of the surveillance techniques (i.e. Directed Surveillance, CHIS and Communications Data) at the same time.

It should be noted that only the initial application and any renewal of the application require magistrates' approval.

There is no requirement for officers presenting authorisations to the Magistrates Court to be legally qualified but they do need to be authorised by the Council to represent it in court. **Generally the applicant should be accompanied to Court by the authorising officer and a member of the legal team.**

The Role of the Magistrates Court

The role of the Magistrates Court is set out in Section 23A RIPA (for communications data) and Section 32A RIPA (for directed surveillance and CHIS).

These sections provide that the authorisation, or in the case of Communications Data, the notice, shall not take effect until the Magistrates Court has made an order approving such authorisation or notice. The matters on which the Magistrates Court needs to be satisfied before giving judicial approval are that:-

- There were reasonable grounds for the local authority to believe that the authorisation or notice was necessary and proportionate;
- In the case of a CHIS authorisation, that there were reasonable grounds for the local authority to believe that:
 - arrangements exist for the safety and welfare of the source that satisfy Section 29(5) RIPA;
 - the requirements imposed by Regulation of Investigatory Powers (Juveniles) Order 2000 were satisfied;
- The local authority application has been authorised by an authorising officer or designated person (as appropriate);
- The grant of the authorisation or, in the case of communications data, notice was not in breach of any restriction imposed by virtue of an order made under the following sections of RIPA:
 - 25(3) (for communications data),
 - 29(7)(a) (for CHIS),
 - 30(3) (for directed surveillance and CHIS).

The procedure for applying for covert directed surveillance or use of a CHIS is:

- Applicant obtains preliminary legal advice from Monitoring Officer;
- Applicant completes an application;

- Monitoring Officer quality checks the completed application before organising it to go to the Authorising Officer;
- Approval is sought from the Authorising Officer;
- Authorising Officer completes authorisation form in long-hand;
- Monitoring Officer organises paperwork for court and Authorising Officer proceeds to court;
- If approval given, applicant organises the covert directed surveillance or use of a CHIS to take place;
- Original copy of application lodged with Governance Team.

8.3 Additional Requirements for Authorisation of a CHIS

A CHIS must only be authorised if the following arrangements are in place:-

- There is a Council officer with day-to-day responsibility for dealing with the CHIS and a senior Council officer with oversight of the use made of the CHIS;
- A risk assessment has been undertaken to take account of the CHIS security and welfare;
- A Council officer is responsible for maintaining a record of the use made of the CHIS;
- Any adverse impact on community confidence or safety regarding the use of a CHIS has been considered taking account of any particular sensitivities in the local community where the CHIS is operating; and
- Records containing the identity of the CHIS will be maintained in such a way as to preserve the confidentiality or prevent disclosure of the identity of the CHIS.

8.4 Authorisation of Acquisition and Disclosure of Communications Data

The rules on the granting of authorisations for the acquisition of communications data are slightly different from directed surveillance and CHIS authorisations and involve three roles within the Council. The roles are:-

- Applicant
- Designated Person
- Single Point of Contact

Applicant

This is the officer involved in conducting an investigation or operation who makes an application in writing for the acquisition of communications data. The application form must:-

- Set out the legislation under the operation or investigation is being conducted. This must be a statutory function of the Council for the prevention or detection of crime or preventing disorder;
- Describe the communications data required i.e. the telephone number, email address, the specific date or period of the data and the type of data required. If the data will or may be generated in the future, the future period is restricted to no more than one month from the date on which the authorisation is granted.
- Explain why the conduct is necessary and proportionate.

- Consider and describe any meaningful collateral intrusion. For example, where access is for “outgoing calls” from a “home telephone” collateral intrusion may be applicable to calls made by family members who are outside the scope of the investigation. The applicant therefore needs to consider what the impact is on third parties and try to minimise it.

Designated Person

This is the person who considers the application. A designated person’s role is the same as an authorising officer’s role in relation to directed surveillance and CHIS authorisations. The designated person assesses the necessity for any conduct to obtain communications data taking account of any advice provided by the single point of contact (SPoC). If the designated person believes it is necessary and proportionate in the specific circumstances, an authorisation is granted or a notice is given.

Single Point of Contract (SPoC)

The accredited SPoCs at NAFN scrutinise the applications independently, and provide advice to applicant officers and designated persons ensuring the Council acts in an informed and lawful manner.

The procedure for applying for acquisition of communications data:

- Applicant obtains preliminary legal advice from Monitoring Officer;
- Applicant officer creates an application using the Cycomms Web Viewer on the NAFN website;
- SPoC Officer at NAFA triages and accepts the application into the Cyclops system;
- SPoC Officer uses Cyclops to update the application details and completes the SPoC report;
- Approval is sought from the Designated Person (DP);
- If approval given, Monitoring Officer organises paperwork for court and DP proceeds to court;
- SPoC receives signed court documents and sends requests to Communications Service Provider (CSP);
- SPoC receives results back from CSP and returns results to Applicant;
- Applicant accesses the Web Viewer and downloads results;
- Original copy of application lodged with Governance Team.

8.5 Urgent Authorisations

By virtue of the fact that an authorisation under RIPA is not approved until signed off by a Magistrates Court, urgent oral authorisations are not available.

8.6 Application Forms

Only the RIPA Forms listed below can be used by officers applying for RIPA authorisation.

(a) Directed Surveillance

- Application for Authority for Directed Surveillance
- Review of Directed Surveillance Authority
- Cancellation of Directed Surveillance
- Renewal of Directed Surveillance Authority

(b) CHIS

- Application for Authority for Conduct and Use of a CHIS
- Review of Conduct and Use of a CHIS
- Cancellation of Conduct and Use of a CHIS
- Renewal of Conduct and Use of a CHS

(c) Acquisition and Disclosure of Communications Data

- Application for a Section 22(4) RIPA Notice
- Notice under Section 22(4) RIPA requiring Communications Data to be Obtained and Disclosed

8.7 Duration of the Authorisation

Authorisation/notice durations are:-

- for covert directed surveillance the authorisation remains valid for three months after the date of authorisation;
- for a CHIS the authorisation remains valid for 12 months after the date of authorisation (or after one month if a juvenile CHIS is issued);
- a communications data notice remains valid for a maximum of one month.

Authorisations should not be permitted to expire, they must be either renewed or cancelled when the activity authorised has been completed or is no longer necessary or proportionate in achieving the aim for which it was originally authorised. This is a statutory requirement which means that all authorisations must be reviewed to decide whether to cancel or renew them.

8.8 Review of Authorisations

As referred to at 8.2 authorising officers/designated persons must make arrangements to periodically review any authorised RIPA activity. Officers carrying out RIPA activity, or external agencies engaged by the Council to carry out RIPA activity, must periodically review it and report back to the authorising officer/designated person if there is any doubt as to whether it should continue. Reviews should be recorded on the appropriate Home Office Form (see 8.6).

A copy of the Council's notice of review of an authorisation must be sent to the Monitoring Officer as soon as possible to enable the central record on RIPA to be authorised.

8.9 Renewal of Authorisations

If the authorising officer/designated person considers it necessary for an authorisation to continue they may renew it for a further period, beginning with the day when the authorisation would have expired but for the renewal. They must consider the matter again taking into account the content and value of the investigation and the information so far obtained. Renewed authorisations will normally be for a period of up to three months for covert directed surveillance, 12 months in the case of CHIS, one month in the case of juvenile CHIS and one month in the case of a communications data authorisation or notice. Authorisations may be renewed more than once, provided they are considered again and continue to meet the criteria for authorisation. Applications for the renewal of an authorisation for covert directed surveillance or CHIS authorisation must be made on the appropriate form (see 8.6). The reasoning for seeking renewal of a communications data authorisation or RIPA notice should be set out by the applicant in an addendum to the application form which granted the initial authorisation.

All renewals will require an order of the Magistrates Court in accordance with the requirements in para 8.2 above.

A copy of the Council's notice of renewal of an authorisation must be considered by the Monitoring Officer before it is made and all original copies lodged with the Governance Team together with a copy of the Magistrates Court order renewing the authorisation to enable the central record on RIPA to be updated.

8.10 Cancellation of Authorisations

The person who granted or last renewed the authorisation must cancel it when they are satisfied that the covert directed surveillance, CHIS or communications data authorisation or notice no longer meets the criteria for authorisation. Cancellations must be made on the appropriate Home Office Form (see 8.6). In relation to a Section 22(4) notice to a CSP, the cancellation must be reported to the CSP by the designated person directly or by the SPoC on that person's behalf.

A copy of the Council's notice of cancellation of an authorisation must be sent to the Monitoring Officer within one week of the cancellation to enable the central record on RIPA to be updated.

8.11 What happens if the surveillance has unexpected results?

Those carrying out the covert surveillance should inform the authorising officer if the investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation. In some cases the original authorisation may not be sufficient to cover the activity required or information likely to be gathered and in such cases, consideration should be given as to whether a separate authorisation is required.

9. Records and Documentation

9.1 Departmental Records

Applications, renewals, cancellations, reviews and copies of notices must be retained by the Council in written or electronic form, and physically attached or cross-referenced where they are associated with each other. These records will be confidential and should be retained for a period of at least five years from the ending of the authorisation. Where it is believed that the records could be relevant to pending or future court proceedings, they should be retained and then destroyed five years after last use.

In relation to communications data, records must be held centrally by the SPoC. These records must be available for inspection by ICCP and retained to allow the Investigatory Powers Tribunal, established under Part IV of the Act, to carry out its functions.

9.2 Central Record of Authorisations, Renewals, Reviews and Cancellations

A joint central record of directed surveillance, CHIS and access to communications data authorisations is maintained by the Monitoring Officer at the District Council Offices, Mill Lane, Wingerworth for both Bolsover and North East Derbyshire District Councils.

The central record is maintained in accordance with the requirements set out in the Home Office Codes of Practice. In order to keep the central record up-to-date authorising officers/designated persons must, in addition to sending through the Home Office application, authorisation form and Magistrates Court order as soon as possible following the authorisation being approved by the Magistrates Court (see 8.2) send notification of every renewal, cancellation and review on the Council's notification forms (see 8.9 – 8.11).

Using the information on the central record the Monitoring Officer will:-

- remind authorising officers/designated persons in advance of the expiry of authorisations;
- remind authorising officers of the need to ensure surveillance does not continue beyond the authorised period;
- remind authorising officers/designated persons to regularly review current authorisations;
- on the anniversary of each authorisation, remind authorising officers/delegated persons to consider the destruction of the results of surveillance operations.

9.3 Surveillance products and communications data

Where the product of surveillance could be relevant to pending or future criminal or civil proceedings, it should be retained in accordance with established disclosure requirements for a suitable further period, commensurate to any subsequent review.

Particular attention is drawn to the requirements of the Code of Practice issued under the Criminal Procedure and Investigations Act 1996. This requires that material which is obtained in the course of a criminal investigation and which may be relevant to the investigation must be recorded and retained.

There is nothing in RIPA which prevents material obtained from properly authorised surveillance from being used in other investigations. The Council will ensure that adequate arrangements are in place for the handling and storage of material obtained through the use of covert surveillance to facilitate its use in other investigations.

Material obtained through the use of directed surveillance, CHIS or acquisition of communications data containing personal information will be protected by the Data Protection Act 1998 (DPA) and in addition to the considerations above must be used, stored and destroyed in compliance with the appropriate requirements of the DPA and the Council's Data Protection, Information Security and Records Management Policies.

10. Training & Advice and Departmental Policies, Procedures and Codes of Conduct

10.1 Training & Advice

The Monitoring Officer will arrange regular training on RIPA. All authorising officers, designated persons and investigating officers should attend at least one session every two years and further sessions as and when required.

Training can be arranged on request and requests should be made to the Governance Team. In particular training should be requested for new starters within the Council who may be involved in relevant activities.

If officers have any concerns, they should seek advice from RIPA from the Monitoring Officer.

10.2 Departmental Policies, Procedures and Codes of Conduct

Where in practice, departments have any policy, procedures or codes of practice in relation to RIPA that are different from or in addition to this Code, they must immediately seek advice from the Monitoring Officer.

11. Complaints

Any person who believes they have been adversely affected by surveillance activity by or on behalf of the Council may complain to the authority.

They may also complain to the Investigatory Powers Tribunal at:-

Investigatory Powers Tribunal
PO Box 33220
London
SW1H 9ZQ

12. Monitoring of Authorisations

The Monitoring Officer, Sarah Sternberg, is the senior responsible officer in relation to RIPA and is responsible for:-

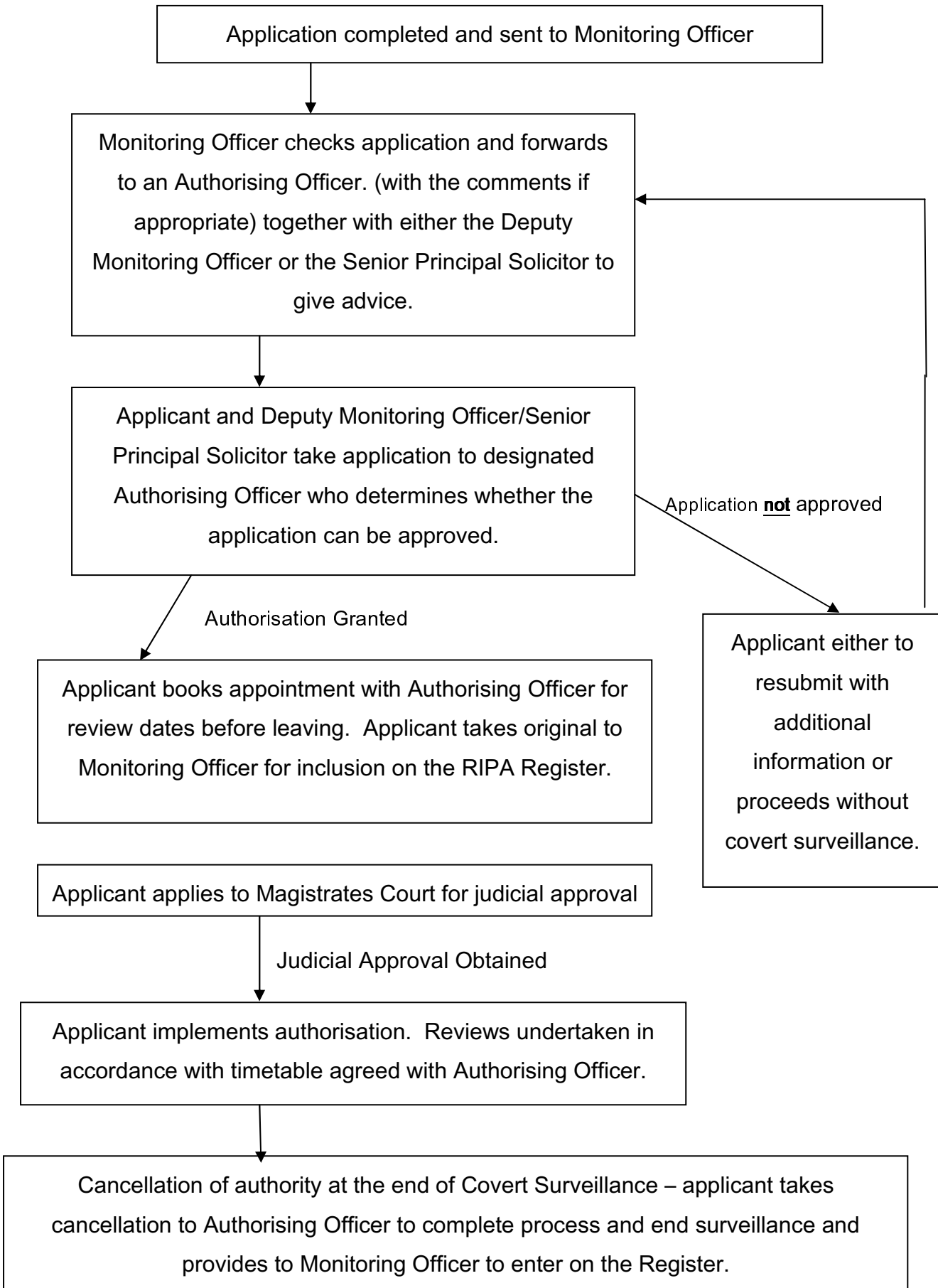
- The integrity of the process in place to authorise directed surveillance, the use of CHIS and the acquisition and disclosure of communications data;

- Compliance with Part II of RIPA and this Policy;
- Engagement with the Commissioners of the OSC and ICCO when they conduct inspections; and
- Where necessary, overseeing the implementation of any post-inspection plans recommended or approved by a Commissioner.

The Monitoring Officer is also required by law to ensure that the Council does not act unlawfully and will undertake audits of files to ensure that RIPA is being complied with and will provide feedback to the authorising officer/designated person where deficiencies in the RIPA process are noted.

The Monitoring Officer will invite the Standards Committee to review the Council's RIPA Policy on an annual basis and to recommend any changes to the Council's Policy or Procedures and will also provide members with an annual update on use.

APPENDIX A - RIPA PROCESS



APPENDIX B - RIPA applications process for Derbyshire Magistrates Court- non-police applicants

Urgent application (for service within next 24 hours)

- Applicant telephones the court of application (see below for contact details) to agree the time when the application can be made.
- Admin will contact the duty Clerk or available Legal Advisor (LA) to agree a suitable time and venue. Buxton – if no Legal Advisors available the applicant will be instructed to contact Chesterfield Court.
- Having agreed a time and venue for the application to be made the applicant will email the information and application to the relevant court generic email account. The Subject of the email must read 'Urgent or Non urgent application. The section under which the application is being made and if known the date of the application'.

Non urgent application

- Applicant will email the Information, application and completed pro-forma to the court of application. Note: non availability of the applicant must be recorded to ensure accurate listing.
- Admin will email the pro-forma to the Duty Clerk or available LA for consideration and guidance on listing. The Subject of the email must read 'Urgent or Non urgent application. The section under which the application is being made'.
- Legal Advisor will liaise with Listings to agree the listing of the application and complete the second part of the pro forma with the details of when, where and how long the application will take. The LA will confirm the arrangement by e-mailing the completed forma to them.
- Administration will email the applicant to confirm date, time and court room of where the application will be heard and the need to bring paper copies of the Information and application; one copy of the Information and three copies of the application. Note at no stage will admin print copies of the Information or Warrant.
- Admin will maintain the generic email box by moving the pending application to a sub file, Monday to Friday for the day of the week when the application will be heard. The subject header of the email will be amended to include the date and time of the application.
- On the date of application the Duty Clerk or available LA will check the generic mail box for any application to be heard on the day. This will become a standing agenda item for team meetings to ensure that applications are not missed.

Bulk Applications

- Applicant to ring the court of application to advise how many applications are required. Thereafter the local authority will be required to submit the application as above.

Applications where special circumstances apply

- Applicant telephones the court of application to advise that application is to be made.
- The administrator will identify the Legal Advisor who will take responsibility for the application(s)

- Local authority to email the information and application to the identified Legal Advisor's personal mail box.

Upon arrival at Court

- The applicant/authorising officer will bring one paper copy of the information and 3 paper copies of the application to Court and pass to the Legal Advisor.
- Upon issue of the application the applicant/authorising officer will be given 3 copies of the application in readiness for execution.

After issue

- Legal advisor will pass the Information to the administration for retention and notation. Documents will be filed in date of application order. The electronic copy of the email should be deleted from the generic email box.
- Following approval the applicant/authorising officer is required to cancel or renew the application within 3 months for directed surveillance and 12 months for CHIS (1 month if under 18) all other instances via internal mail addressed to Admin Team Leader. There is an expectation that the local authority will monitor the returns to the issuing court of the respective application within the prescribed time limits to comply with regulations.
- Upon approval of the application the admin team will update the spreadsheet and file the application with the information.
- In the event of the warrants not being returned to Court within the prescribed timescales, admin will write to the applicant.

Out of hours applications

In relation to urgent applications which cannot be dealt with in office hours, Legal Advisers may be contacted at home. The following numbers are for this purpose only and should not be used for any other enquiries. They must not be disseminated to any other party.

Michael Brassil	0115 939 2466
Sandra Jenkins	01629 733733
Nick Daber	0161 439 9359
Emma Gilberthorpe	(On maternity leave until June 2015)
Lynette Holland	01629 732074
Leonora Salkeld	0114 2364435
Sarah Mettam	01246 471614
Michelle Smith	(On maternity leave until December 2015)
Glyn Plant	07879 002998
Christina Hayes	01629 57408

Governance and Access to generic mail boxes

Access to any Search warrant data or documentation must be treated as highly confidential.

Contact details of the recipient Courts

Court	Generic email address	Telephone
Buxton & Chesterfield	DB-Chf-HPSearchWarrants@hmcts.gsi.gov.uk	01246 224040
Derby	DB-DbySearchWarrants@hmcts.gsi.gov.uk	01332 333047

The following will have access to the Search Warrant generic email boxes

Buxton and Chesterfield	Derby
All Legal Advisors Emma Mottram Pauline Salt Rachel Spencer Helen Damarell Alistair Cooper	All Legal Advisors Jane Griffiths Dawn Maguire Jane Brearley Sharon Lambert Emma Young Lynda Binch Andrew Goode

- The team Leader responsible for Listing will review the mail box on a monthly basis and report any anomalies to the Operations Manager and Deputy Clerk to the Justices without delay.
- At no stage will the admin be asked to print a copy of the Information or Warrant

Record retention (subject to modification in accordance with HMCTS Records management schedule) – currently:-

RIPA applications	Destroy after 6 years.
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Chief
Surveillance
Commissioner

Official -Sensitive

Dear Mr. Swaine,

18 December 2015

Covert Surveillance

His Honour Brian Barker CBE, QC, an Assistant Surveillance Commissioner carried out an inspection into the arrangements made by the Council to ensure compliance with the RIPA legislative arrangements I enclose a copy of his report to me dated 23 November which I have studied and endorse.

I note the Strategic Alliance formed by the two councils in 2011, followed by new arrangements for staffing and indeed for the accommodation of the offices. As it happens the last inspection at North East Derbyshire is now well over three years ago, whereas Bolsover was inspected very recently.

I regard this as a positive report, not merely because the recommendations made in the earlier reports can now be discharged, but because of the positive attitude adopted to these provisions by those responsible for the implementation. Mrs Sternberg and Mr Kane should be commended. The new recommendations imply no criticism of either.

The new draft Policy and Procedure document should be reconsidered in the light of the detailed observations in paragraph 15. The arrangements for ensuring that councillors are kept up-to-date with RIPA activity should be made more intense by adopting the suggestion discussed during the inspection for four monthly reports to be made. Beyond these recommendations perhaps it is worth highlighting paragraph 17 with the reference to the use of social media. This particular area may yet create problems, and it is therefore sensible to keep developments in mind when intrusive surveillance, using social media, may inadvertently occur.

Yours sincerely,

Clare Kington-Dowle

Dan Swaine Esq
Chief Executive
North East Derbyshire District Council
Council House, Saltergate
CHESTERFIELD, Derbyshire
S40 1LF

PP The Rt Hon Lord Judge



OFFICE OF SURVEILLANCE COMMISSIONERS
INSPECTION REPORT

North East Derbyshire and Bolsover District Council

17th November 2015

**Assistant Surveillance Commissioner:
HH Brian Barker.**

OFFICIAL- SENSITIVE

DISCLAIMER

This report contains the observations and recommendations identified by an individual surveillance inspector, or team of surveillance inspectors, during an inspection of the specified public authority conducted on behalf of the Chief Surveillance Commissioner.

The inspection was limited by time and could only sample a small proportion of covert activity in order to make a subjective assessment of compliance. Failure to raise issues in this report should not automatically be construed as endorsement of the unreported practices.

The advice and guidance provided by the inspector(s) during the inspection could only reflect the inspectors' subjective opinion and does not constitute an endorsed judicial interpretation of the legislation. Fundamental changes to practices or procedures should not be implemented unless and until the recommendations in this report are endorsed by the Chief Surveillance Commissioner.

The report is sent only to the recipient of the Chief Surveillance Commissioner's letter (normally the Chief Officer of the authority inspected). Copies of the report, or extracts of it, may be distributed at the recipient's discretion but the version received under the covering letter should remain intact as the master version.

The Office of Surveillance Commissioners is not a public body listed under the Freedom of Information Act 2000, however, requests for the disclosure of the report, or any part of it, or any distribution of the report beyond the recipients own authority is permissible at the discretion of the Chief Officer of the relevant public authority without the permission of the Chief Surveillance Commissioner. Any references to the report, or extracts from it, must be placed in the correct context.

OFFICIAL – SENSITIVE



Chief Surveillance Commissioner,
Office of Surveillance Commissioners,
PO Box 29105
London SW1V 1ZU

November 23rd, 2015.

INSPECTION REPORT:

NORTH EAST DERBYSHIRE [NED] DISTRICT COUNCIL & BOLSOVER DISTRICT COUNCIL

Inspection November 17TH 2015

Inspector His Honour Brian Barker CBE, Q.C.
Assistant Commissioner.

North East Derbyshire [NED] and Bolsover District Councils:

1. The two adjacent District Councils cover an area of approximately 160 square mile with a mixed urban and rural population of around 175, 000. The area has a rich mining and industrial heritage, and regeneration has been a priority since the 1980's.
2. The Councils formed a Strategic Alliance in 2011 which resulted in a replacement three tier management structure consisting of a single chief executive, two joint executive directors and ten joint assistant directors covering customer services, leisure, HR and payroll economic growth, planning and environmental health, governance, finance and revenues and benefits, streetscene, community safety and housing, and finally property and estates. Each of these officers is jointly employed by the two authorities. The new structure has led to savings and reductions, as well as greater flexibility in the use of the separate workforces.
3. NED moved to new headquarters at Mill Lane, Wingerworth S42 6NG this year, where I conducted the inspection. Bolsover District Council moved to new and more efficient premises in Clowne in 2013, and they also maintain contact centres in the four main settlements. Each authority employs the equivalent of about 450 full time staff.
4. The Strategic Alliance Management Team [SAMT] is monitoring the Government's policy on combined authorities and evolution plans which may well affect future policies; and each Council is a non constituent

member of both the Sheffield and Derbyshire Regional Combined Authorities to maintain access to regional economic development funds.

5. NED was last inspected in June 2012 by Mr. Graham White, Surveillance Inspector; and Bolsover in July 2015 by Mr. Neil Smart, Surveillance Inspector. There were a few, relatively minor, recommendations in both cases as to tightening in some areas of the policy and procedure documents and in improving the narrative of some authorizations. Subsequently both authorities produced revised policy documents, both approved in the summer of 2013, taking into account the *Protection of Freedoms Act 2012* and *RIP (Directed Surveillance and CHIS)(Amendment) Order 2012, SI 2012/1500*; and more importantly have recently produced a new document which also takes into account the 2015 training. Given the steps that have been taken, the recommendations in both cases can be considered to be discharged.
6. The policy of the SAMT is to focus on overt surveillance and deterrence, and only the sparing use of the *RIPA* provisions where necessary to deal with 'over the threshold' crime. There have been no applications since the last inspections. There had been some assistance given to the DWP activities in recent years when requested; but due to redeployment this activity is no longer followed.

Inspection:

7. Having arrived quite late due to a disrupted mainline train service, I was welcomed and forgiven by the senior solicitor Mrs. Sarah Sternberg and the governance manager Mr. Matthew Kane. The SAMT is fortunate to have two such experienced and knowledgeable officers
8. We discussed general *RIPA* issues and the changes brought about by the 2012 legislation and the consequent unlikely use of *Covert Human Intelligence Sources*. Also considered was the impact of the Alliance and the approach to *RIPA* by the officers of both Councils, including awareness of the widespread use of social media sites and the dangers of unauthorized, enthusiastic investigatory use. We then took time to consider the draft new joint Policy document, part of the greater scheme of reorganization and due to be placed before the Strategic Alliance Joint Committee on December 8th. The final version due to be approved by the Councils' executives in January.
9. We were later joined by Mr. Dan Swaine, the new Chief Executive. He has only been in post since October and has had *RIPA* monitoring experience from his previous positions, and impresses as someone who is anxious to maintain throughout the SAMT a proper level of understanding and readiness as well as an appreciation by his officers of following the *RIPA* provisions to provide an 'insurance policy.'

Examination of Central Record

10. The central records were available but not produced as there had been no additions since the last inspections, but are kept in recognized, complying computerized as well as printed form. The suggestion that there should be a single record for any future entries was taken up.

RIPA Management Structure

11. Sarah Sternberg as Joint Director, senior solicitor and Head of the legal and governance group, is the long standing RIPA Senior Responsible Officer and Monitoring Officer; and Matthew Kane is her deputy. It is understood that all prospective applications come through her.
12. The raising of *RIPA* awareness was also considered. Following the 2012 legislation, potential applicants and the authorizing officers were additionally advised through the Councils' intranet systems of the requirement for judicial approval and the new threshold. Each Council has a dedicated *RIPA* page on its system containing the *RIPA* policy, forms, training slides and the latest Home Office Guidance. I was given a demonstration of both pages and impressed with the ease of access and clarity of navigation.

Training:

13. Training, using prepared slides which were included in my briefing pack, took place for the authorizing officers and some other departmental leaders in January 2015 following the receipt of the Home Office codes of practice. The topics were satisfactorily comprehensive and included references to social media. Three further briefings took place on November, which were well attended by potential applicants from both Councils including representatives from environmental health, licensing, streetscene and planning.
14. Mrs. Sternberg and Mr. Kane were fully alive to the necessity of spreading the message through regular training and the use of the intranets, and took into consideration the possibility of the next training session coming from an outside professional organization to give perspective.

Policy and Procedures:

- 15.** The new draft Policy and Procedure Document was well designed and comprehensive. Some amendments were discussed with Mrs. Sternberg and Mr. Kane which may further improve the publication and these include:
- The addition of the name and contact number for the Monitoring Officer in the introduction
 - The addition of flow charts at an early stage in the document for directed surveillance, *CHIS* and application to the Justice of the Peace
 - A reference in the list of available documents on the intranet to the latest OSC Procedures and Guidance
 - After 'Covert Directed Surveillance' [4.4] add a section as to use of Social Networking Sites and the Internet to the effect: "Use of the internet to gather information may amount to directed surveillance and where an officer intends to use the internet consideration must be given to possible infringement of Article 8 privacy rights and collateral intrusion and if so is it necessary and proportionate to meet the objectives of the specific case. Advice should be sought.
 - Add to the CCTV section [6] further guidance on directed surveillance that: "the system cannot be used without the prior production of an authorisation and the authorisations should be retained"
 - Add to the list of Authorising Officers their names and contact numbers
 - In the 'Authorisation' section [8.2] amend the exhortation that "All uses of RIPA should be referred to the Monitoring Officer for preliminary advice" to start "Any potential use of RIPA..."
 - Add to 'Approval by Magistrates Courts': "Generally the applicant should be accompanied to Court by the authorising officer and a member of the legal department"
 - In relation to the Central Records [9.2] kept by both Authorities, consideration be given to maintaining a single, combined record for any future use.

See recommendation.

CHIS

- 16.** Although the use of a Covert Human Intelligence Source has not been considered by either Authority for some considerable time, some attention should continue to be directed to this area and the satisfaction

of statutory requirements of *CHIS* management, as situations may change. One example being should either Authority decide to investigate social networking sites.

Social Media:

17. The recent 2015 training alerted the recipients as to the potential pitfalls of over enthusiastic use of internet 'research' by officers, and the use of the two internal intranet systems to highlight from time to time the possible problems and the necessity to take advice was discussed so as to highlight the 'rule of thumb' that authorisation is not required in this area unless there are return visits, and if privacy controls are breached e.g. becoming a Facebook 'friend' then directed surveillance authorisation is required and *CHIS* authorization if any relationship is established.

Authorising Officers:

18. There are three Authorising Officers of appropriate rank: the chief executive and the two joint executive directors Mr. Paul Hackett and Mr. Bryan Mason. Each has had previous experience of *RIPA* authorizing and were familiar with expected standards.

Protection of Freedoms Act 2012 and RIP (Directed Surveillance and CHIS)(Amendment) Order 2012, SI 2012/1500.

19. The new draft Policy and Procedure document gives appropriate guidance to potential applicants as to the crime threshold.

Councillors

20. The importance of keeping the elected members aware of both the 'up to date Policy' and any activity under it, was appreciated. A system of annual reporting to the Standards Committees was in place. The advisability of extending the process on perhaps a four monthly basis to include reporting inactivity was discussed, as it also keeps the subject profile somewhat higher than it otherwise would have been.

See recommendation.

CCTV

21. NED does not operate a public town centre CCTV control centre, but does operate rapid deployment portable devices with clear signage when required to deal with anti-social complaints or in some cases in order to disprove perceived problems. This is a utility of last resort, although the machines are used quite frequently
22. I met Mrs. Faye Green the Community Safety Manager and P.C. Nicky Atkinson who explained the range of usage of these devices and the strict procedures and record keeping that were used to record use and continuity so as to be able to present suitable evidence when required.
23. Bolsover District Council have a secure CCTV control centre in Chesterfield, although this is operated by Chesterfield Borough Council. Only Bolsover officers who are authorized may view footage on completion of a 2011 form, and police officers must produce appropriate authorization before being allowed access, and a register is maintained. Although a view was offered, I was not able to accept due to extensive mainline disruption.

Conclusions

24. The creation of the Strategic Alliance and a new management structure must have generated considerable problems, and the burden will have been increased by the effects of austerity and the move of each authority to new premises. 2015 has also seen the quite large turnover of councilors and the appointment very recently of new Chief Executive from outside the area.
25. With such an era of change, it would not be surprising if consideration of *RIPA* procedures had taken a back seat; so it is encouraging to see that effective training has recently been given; and that a new, updated Policy and Procedures document is about to be presented to each Council.
26. Mrs. Sternberg, as Monitoring Officer, is clearly well informed and efficient; and further has the advantage of experienced support from Mr. Kane. Both of whom takes their responsibilities seriously.
27. Although neither Authority has undertaken an authorisation since the last inspection, and it is not possible to assess the effectiveness of the procedures; the system in place and the awareness of the responsible officers give confidence that any future application under *RIPA* would be compliant and the end product survive any criticism. In consequence the recommendations made are limited.
28. Finally, I would like to thank Mr. Kane for the efficient organization of my inspection and the other members of the staff who made themselves available and gave me assistance.

Recommendations

- 29.** i. Amend the draft Policy and Procedures document where appropriate
- ii. Ensure continued levels of awareness of potential and pitfalls of *RIPA* to Councillors through regular reporting; and to officers and staff through the active use of the internal internets.

**His Honour Brian Barker, CBE, Q.C.
Assistant Surveillance Commissioner.**

Bolsover District Council**Executive****29th February 2016****Arrears – Irrecoverable Items over £2500****Report of the Joint Executive Director Operations**

This report is public

Purpose of the Report

- Executive is requested to approve the write off of the under-mentioned irrecoverable items including costs amounting to £40,169.71 as itemised on the attached schedules.

1 Report Details

1.1 The report details the amounts which are recommended for write off:

Bankruptcy/ Liquidation		
No of Accounts	Type of Account	
3	Council Tax	£19,782.56
1	Benefit Overpayments	£17,387.15
	Total	£37,169.71

No Trace		
No of Accounts	Type of Account	
1	Benefit Overpayments	£3,000
	Total	£3,000

1.2 The above schedules are recommending the write off of these outstanding debts. Where the debtor is bankrupt / in liquidation there is no realistic prospect of recovery. Where debtors leave properties without forwarding addresses extensive efforts are made to trace them. In addition to departmental checks, statutory undertakers and other agencies are contacted, enquiries are made of neighbours and family members, where known. Where it is known that a person has moved to

another area, contact is made with the relevant local authority to alert them and request reciprocal information.

2 Conclusions and Reasons for Recommendation

- 2.1 The report seeks agreement to writing off of outstanding debts in respect of persons who are bankrupt / in liquidation or cannot be traced. The process of writing off debts which are not collectable allows resources to be directed at those elements of outstanding debt where there is greater chance of recovery, while it improves the accuracy of the Council's financial statements in that they no longer detail debt which is effectively irrecoverable.

3 Consultation and Equality Impact

There are no issues concerning consultation or equalities arising directly from this report.

4 Alternative Options and Reasons for Rejection

The only option is not to write off the amounts concerned which for reasons outlined within the report is not considered to be an appropriate course of action.

5 Implications

5.1 Finance and Risk Implications

The costs will be met from the provision for doubtful debts that has been agreed as part of the Council's budget.

5.2 Legal Implications including Data Protection

There are no issues arising directly from this report.

5.3 Human Resources Implications

There are no issues arising directly from this report.

6 Recommendations

- 6.1 That approval is given to write off the irrecoverable items including costs amounting to £40,169.71 with the proviso that should any of the debts become collectable the amounts be re-debited.

7 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
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District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	Strategic Organisational Development - Continually improving our organisation

8 Document Information

Appendix No	Title
1	Council Tax: Amounts for Write Off – Bankruptcy
2	Benefit Overpayments: Amounts for Write Off – Bankruptcy
3	Benefit Overpayments: Amounts for Write Off – No Trace
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Billing and Recovery Manager	Ext 2432

COUNCIL TAX: AMOUNTS FOR WRITE OFF - BANKRUPTCY

<u>Account Reference</u>	<u>Lead Liable Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Liabile From</u>	<u>Liabile To</u>	<u>Bill Balance</u>
1 901462666	BEECH,EXORS OF MRS VERONICA	3 ROCKSIDE COTTAGES CLOWNE S43 4QD	£ 4,019.99	05/02/2012	01/04/2012	£ 127.52
				01/04/2012	01/04/2013	£ 520.64
				01/04/2013	01/04/2014	£ 1,097.01
				01/04/2014	01/04/2015	£ 1,127.22
				01/04/2015	01/04/2016	£ 1,147.60
2 90061147X	WILLIAMS,MR PETER T	85 DALE CLOSE LANGWITH NG20 9EG	£ 7,682.64	01/04/2006	01/04/2007	£ 432.54
				01/04/2007	01/04/2008	£ 723.94
				01/04/2008	01/04/2009	£ 757.22
				01/04/2009	01/04/2010	£ 790.52
				01/04/2010	01/04/2011	£ 802.93
				01/04/2011	01/04/2012	£ 798.91
				01/04/2012	01/04/2013	£ 799.39
				01/04/2013	01/04/2014	£ 842.52
				01/04/2014	01/04/2015	£ 859.58
				01/04/2015	01/04/2016	£ 875.09
3 901098330	HILL,MR TREVOR	171 SOUGH ROAD SOUTH NORMANTON DE55 2LE	£ 8,079.93	01/04/2005	01/04/2006	£ 711.64
				01/04/2006	01/04/2007	£ 754.71
				01/04/2007	01/04/2008	£ 781.80
				01/04/2008	01/04/2009	£ 836.33
				01/04/2009	01/04/2010	£ 999.49
				01/04/2010	01/04/2011	£ 1,159.54
				01/04/2011	01/04/2012	£ 1,161.88
				01/04/2014	01/04/2015	£ 412.00
				01/04/2015	01/04/2016	£ 1,262.54
			£ 19,782.56			

BENEFIT OVERPAYMENT: AMOUNTS FOR WRITE OFF: BANKRUPTCY

	<u>Account Reference</u>	<u>Lead Liable Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Invoice Number</u>	<u>Bill Balance</u>
1	73008	MR P WILLIAMS	85 DALE CLOSE LANGWITH NG20 9EG	£ 17,387.15	30169704	£17,387.15

£ 17,387.15

BENEFIT OVERPAYMENT: AMOUNTS FOR WRITE OFF: NO TRACE

	<u>Account Reference</u>	<u>Lead Liabile Name</u>	<u>Address</u>	<u>Account Balance</u>	<u>Invoice Number</u>	<u>Bill Balance</u>
1	75792	MISS L MACGREGOR	5A HARDWICK COURT SOUTH NORMANTON DE55 2FQ	£ 3,000.00	30178177	£ 3,000.00

£ 3,000.00

Bolsover District Council

Executive Committee

29th February 2016

Strategic Risk Register and Partnership Arrangements

This report is public

Report of the Executive Director - Operations

Purpose of the Report

- To update Members concerning the current position regarding Risk Management and Partnership Arrangements and to seek approval for the revised Strategic Risk Register as at 31st December 2015, as part of the suite of Finance, Performance and Risk reports.

1 Report Details

Background

- 1.1. The Council's Strategic Risk Register has been developed in the light of a consideration of the strategic and operational risks which have been identified by Elected Members and Officers as part of the Council's risk, service management and quarterly performance arrangements.
- 1.2. In its approach to Risk Management the Council is seeking to secure a number of objectives and to operate in line with recognised best practice. In order to appreciate the importance of Risk Management it is useful to reiterate these objectives:
 - To improve the way in which the Council manages its key risks so as to reduce the likelihood of them happening, and to mitigate their impact in those cases where they do materialise. This is a key element in protecting service delivery arrangements, the financial position and the reputation of the Council.
 - To strengthen the overall managerial approach of the Council. From a Governance perspective the effective operation of Risk Management is a key element of the managerial framework operating within an authority.
 - Effective Risk Management is a key component in ensuring that organisations are able to achieve their objectives, and that key projects proceed in line with plan.
 - The identification of the risks attached to existing service delivery, or to a project or new initiative allows a fully informed decision to be made, and

helps ensure that all appropriate measures to mitigate (or reduce) the risk are in place from the outset.

- Finally, an appreciation of the risk environment within which the Council operates assists in determining an appropriate level of financial reserves, whilst ensuring the organisation has a good awareness of its overall risk exposure.

2. The Strategic Risk Register

2.1. The revised Strategic Risk Register as at 31st December 2015 is set out in **Appendix 1** for consideration by Executive. The intention is that this review of the Register will secure the following objectives:

- Identify any newly emerging risks which need to be added to the Register and removing any risks that have been resolved to maintain a focus on current risks.
- To revisit risk scores assessments and ensure that appropriate mitigation remains in place.

2.2. In overall terms a key theme which emerges from the Strategic Risk Register is one of an ongoing requirement to maintain our current performance in respect of service delivery, performance and governance. This objective needs to be secured against a background of both declining and less certainty concerning financial resources. Allied to the financial position local authorities are faced with significant legislative change impacting upon Housing, Planning, the welfare system, devolution and finance. These developments are anticipated to require some significant changes in the manner in which our services to local residents are delivered with the level of change required clearly having the potential to disrupt service provision.

2.3. During the recent round of Quarterly Performance meetings two key issues were raised. The first concerned the pace of legislative change covered in section 2.2 (above). Secondly, the issue of the loss of key staff and the difficulties being experienced in finding suitable replacements continues to be a widespread concern expressed by managers. While a limited number of services are experiencing significant problems it is clear that all areas of work are now finding it difficult to attract suitable candidates at a time when we are facing increased staff turnover. This issue already featured within the Strategic Risk Register and is detailed as Item 3 within Appendix 1.

2.4. In order to develop the understanding of risk throughout the organisations a series of training sessions for senior managers which covered the issue of Risk Management have been held in both the summer of 2014 with further training in the Autumn of 2015. Likewise, as part of the Budget Scrutiny Meeting on 14th September 2015 there was a presentation to Members concerning Risk Management.

Partnership Arrangements.

- 2.5. The Council has recently reviewed its arrangements resulting in Executive agreeing in January 2016 to a revised Risk Management (Including Partnership Working) Strategy. The approach proposed in that document is that a range of strategic partnerships will be reported on and monitored as part of the Council's quarterly report in respect of Risk. These will be complementary to the existing reports prepared by the Partnership Team in respect of the Partnerships it co-ordinates. The Partnership Team provides to Executive twice on year a Partnership Funding and Performance Monitoring report which sets out the range of partnerships it works directly with. While the Partnership Team co-ordinate the Council's work with these external organisations it should be noted that many of these have been assessed as being of relatively limited risk, with officers adopting a proportionate and 'light touch' approach in developing appropriate working relationships which fully recognises and respects the independence of partner organisations.
- 2.6. While there will invariably be an overlap between the two reports this report will set out what might be termed as the Council's key partnerships. These are as follows:
- The relationship with the North Midlands authorities (Derbyshire and Nottinghamshire) and Sheffield City Region in progressing the economic development and devolution agenda.
 - The strategic alliance with North East Derbyshire District Council which is central to the transformation agenda of delivering services at lower costs whilst enhancing service resilience.
 - Shared Services arrangements with Chesterfield, Derbyshire Dales, North East Derbyshire and the Chesterfield Royal Hospital which help secure cost effective arrangements in a number of specialist service areas.
 - Arrangements with Derbyshire County Council amongst others to secure aligned services across the public sector in areas such as health and economic development.
 - As outlined in section 2.5 (above) Bolsover Partnership drives the delivery against key priorities for the Sustainable Community Strategy and is the local vehicle for Bolsover district to deliver successful outcomes for local people involving the public, private, community and voluntary sectors.
 - The Community Safety Team and associated statutory partners including the Police.

Although the Partnerships outlined above are very different in terms of scope and working arrangements they all have in place formal governance arrangements between the partners, supported by appropriate internal governance arrangements which cover performance, finance and risk. Appropriate approvals have been agreed through the Council's formal committee arrangements, with partnership issues and developments being considered and required by the Council's constitution.

- 2.7. While the Council has in place appropriate arrangements for the management of its relationship with partner organisations it needs to be recognised that these arrangements are specific to particular partnerships. The arrangements in place are intended to be both risk based and proportionate to the risks / exposure of the Council. In all cases the Council seeks to ensure that the benefits from partnership working in terms of securing the Council's corporate objectives exceed the associated risk.

3 Conclusions and Reasons for Recommendation

- 3.1 The Strategic Risk Register is intended to highlight those areas where the Council needs to manage its risks effectively. One of the key purposes of this report is to set out the risks that have been identified (see Appendix 1) and to encourage both Members and Officers to actively consider whether the Strategic Risk Register and supporting Service Risk Registers actively cover all of the issues facing the Council. The section of Partnerships serves to highlight the extent of these working arrangements, together with the approach that has been adopted for their effective management.

Reasons for Recommendation.

- 3.2 To enable Executive to consider the risks identified within the Strategic Risk Register / Partnership Arrangements in order to assist in maintaining effective governance arrangements, service and financial performance.

4 Consultation and Equality Impact

Consultation

- 4.1 There are no issues arising from this report which necessitate a formal consultation process.

Equalities

- 4.2 There are no equalities issues arising directly out of this report.

5 Alternative Options and Reasons for Rejection

- 5.1 Under the relevant good practice and to facilitate the development of robust managerial arrangements the Council is required to prepare a Strategic Risk Register as part of its risk management framework. This report is in part intended for Members and Officers to consider whether the Council has adopted an appropriate approach to its management of risk and partnerships. Given that this report is part of the approach to help ensure the effective management of risk / partnerships there is not an alternative to the presentation of this report.

6 Implications

6.1 Finance and Risk Implications

Financial

There are no additional financial implications arising out of this report at this stage. While where appropriate additional mitigation measures have been identified and implemented during the course of preparing the Strategic and Operational Risk Registers, the cost of implementing this mitigation will be met from within previously agreed budgets.

Risk

Risk Management Issues are covered throughout the body of the main report.

6.2 Legal Implications including Data Protection

There are no legal or data protection issues arising directly out of this report.

6.3 Human Resources Implications

There are no human resource issues arising directly out of this report.

7 Recommendations

- 7.1 That Executive notes the report and approves the Strategic Risk Register as at 31st December 2015 as set out in Appendix 1.

8 Decision Information

Is the decision a Key Decision? (A Key Decision is one which results in income or expenditure to the Council of £50,000 or more or which has a significant impact on two or more District wards)	No
District Wards Affected	None directly.
Links to Corporate Plan priorities or Policy Framework	Robust Governance (including Risk Management) arrangements underpin the effective operation of the Council and its ability to secure all of the Corporate Plan priorities.

9 **Document Information**

Appendix No	Title
1	Strategic Risk Register as at 31 st December 2015.
Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
Report Author	Contact Number
Executive Director – Operations	2431

STRATEGIC RISK REGISTER SUMMARY AS AT: 31st December 2015

	Risk	Consequences	Risk Score (Likelihood Impact) x	Risk Score (Likelihood Impact) Taking into Account Current Controls x	Risk Owner / Lead Officer
1	Government Legislation / adverse external economic climate has an accelerating impact on Council (poor grant settlement), or upon the local economy, to which Council is unable to adopt an appropriate change of Strategic direction. An increase in policy announcements / legislative changes has been evident following the May 2015 election.	<ul style="list-style-type: none"> • Unable to deliver a package of services that both addresses changing national priorities whilst meeting changing local needs and aspirations. • Reduced influence over delivery of local services. • Unable to effectively support local communities. • Increased demands on Council services at a time when Council resource base is reducing. 	4,4, 16	3,4 12	SAMT / Political Leadership
<p><u>Mitigation.</u></p> <ul style="list-style-type: none"> • The Council is outward looking and actively works to secure details of proposed changes and the approaches that might be adopted to mitigate against these. • The Council has effective political and managerial arrangements in place to manage change. 					

	<ul style="list-style-type: none"> • Appropriate levels of financial reserves / investment funding are maintained to fund strategic shifts in service delivery. • Effective engagement with staff to ensure they embrace necessary change. 				
2	<p>Failure to deliver a balanced budget in line with the MTFP, at a time when the Council's reserves are only at reasonable levels.</p>	<ul style="list-style-type: none"> • Impact upon ability to deliver current level of services. • Unable to resource acceptable levels of service. • Significant adverse reputational Impact. 	3,4 12	2,4 8	SAMT / Chief Financial Officer / Political Leadership
<p><u>Mitigation</u></p> <ul style="list-style-type: none"> • The Council has effective financial management in place to ensure budget arrangements are robust. • The recent settlement has indicated challenging but manageable savings targets. A key risk is that under 'localism' there is less certainty concerning income levels (NNDR, NHB). • The Council has 'adequate' financial reserves in place to cushion against any loss of income for a period of at least one financial year. 					
3	<p>It becomes increasingly difficult to recruit to key posts or to replace key staff who leave. Staff morale is adversely affected by as a result of pace of change, tightening financial circumstances or external circumstances.</p>	<ul style="list-style-type: none"> • Deterioration in services to the public. • Increasing inefficiencies in service provision. • Weakening of Internal Control arrangements. • Increased pressure on other members of staff. 	3,4 12	2,4 8	SAMT / Asst Director HR
<p><u>Mitigation</u></p> <ul style="list-style-type: none"> • The Council has effective communication and working with staff as validated by securing 'silver' accreditation at IIP. 					

	<ul style="list-style-type: none"> • There is sufficient funding to bring in agency staff where required to maintain service performance. • At this stage the problematic areas are those where there are national 'shortages'. In the majority of areas it has proved possible to recruit appropriate replacement staff. • Appropriate training budgets are in place to ensure that staff receive necessary training to maintain service quality / continuity. • The Council will look at introducing appropriate apprenticeship / training schemes in order to develop suitable staff. 				
4	<p>Delivery of the Council's Agenda is dependent upon effective delivery of both a number of major initiatives / projects and implementing a range of new government reforms whilst maintaining service quality, which may overstretch our reduced organisational capacity.</p>	<ul style="list-style-type: none"> • New initiatives are not delivered in a cost-effective manner. • Failure to maintain / improve services in line with local aspirations. • Failure to generate the savings required to balance the budget. • Financial efficiencies weaken Governance / Internal Control arrangements. • Service deterioration / failure arising from capacity issues. 	3,4 12	2,4 8	SAMT / Chief Executive
<p><u>Mitigation</u></p> <ul style="list-style-type: none"> • The Council has effective prioritisation and project management arrangements in place to ensure resources are directed at key objectives. • The Council has made efforts to ensure effective use of employees by utilising shared services to protect service 					

	<p>resilience, by maintaining appropriate training arrangements and by investing in transformational ICT projects.</p> <ul style="list-style-type: none"> The Council has a robust performance management framework that should serve to highlight emerging issues. 				
5	<p>Emergency Planning and Business Continuity arrangements fail to meet required standards when tested by flu pandemic, natural disaster (flood), etc.</p>	<ul style="list-style-type: none"> Inability of Council to provide services as a consequence of a severe catastrophic external event (e.g. flooding, major terrorist incident, flu pandemic, fire). Failure of IT infrastructure, leading to inability to effectively operate services and to safeguard income streams. Business Continuity Plans prove ineffective in practice. 	3,4 12	2,4 8	SAMT / Director of Transformation
<p><u>Mitigation</u></p> <ul style="list-style-type: none"> The Council works in partnership with a range of partners on its Emergency Planning arrangements to ensure that we operate in line with best practice. There is an annual 'desktop' scenario to test officers understanding of the arrangements and that they are fit for purpose in a realistic 'trial' scenario. All sections have Business Continuity plans in place which identify key risks and mitigation. Corporate IT systems have been tested against Industry standards for Business Continuity. The Council works in partnership with a range of other agencies that should be able to provide support in the event of the Council's own procedures failing to be effective. 					
6	<p>Lack of strategic direction from Members / Corporate Management, external partners change Strategic direction.</p>	<ul style="list-style-type: none"> Failure to deliver high quality services which address national and local priorities. Deterioration in Governance Arrangements. Refocus of current services necessary with associated disruption. 	3,4 12	2,4 8	Chief Executive / Political Leadership Team
<p><u>Mitigation</u></p>					

		<ul style="list-style-type: none"> • There are appropriate structured training arrangements in place for both Members and Officers. • The Council is an outward looking organisation where both Members and Officers are encouraged to network with peer groups to ensure a developed awareness of the broader environment within which we operate. 			
7	<p>A major operational or failure of data protection risk materialises resulting in a significant impact upon the Council's ability to secure its corporate objectives. Given the efficiency measures that have been introduced to date this is considered to be an increasing issue for the Council.</p>	<ul style="list-style-type: none"> • Deterioration in services to the public, potentially a major initial impact upon a local resident or a group of local residents. • Significant staff and financial resources required to resolve position, impacting on other services. • A major service has its operating capacity significantly impact and is required to introduce major reform in its approach to service delivery. 	3,4 12	2,4 8	SAMT / Assistant Directors
	<p><u>Mitigation</u></p> <ul style="list-style-type: none"> • The Council has appropriate managerial arrangements in place supported by staff recruitment and training to ensure these risks are effectively managed. • Performance is formally managed on a quarterly basis to ensure that any emerging issues re service performance are effectively identified and resolved at the earliest possible opportunity. 				
8	<p>Governance Arrangements including Performance, Finance and Risk Management need to be maintained in order to continue to operate effectively in</p>	<ul style="list-style-type: none"> • Adverse Impact upon Service Quality. • Failure to deliver high quality services which address national and local priorities. • Significant adverse reputational impact. 	3,4 12	2,4 8	Chief Financial Officer / Monitoring Officer

a rapidly changing environment.				
<p><u>Mitigation</u></p> <ul style="list-style-type: none"> • The Council has appropriate managerial arrangements in place supported by staff recruitment and training to ensure these risks are effectively managed. • The Council has an active Standards and Audit Committee which provide independent review of the Governance arrangements in the Council. • The Annual Governance Report sets out an evidence based structured assessment of the operation of the Council's governance arrangements. 				