



The Arc
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To: Chair & Members of the Customer
Service & Transformation Scrutiny
Committee

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Friday, 6 March 2020

Dear Councillor

CUSTOMER SERVICE & TRANSFORMATION SCRUTINY COMMITTEE

You are hereby summoned to attend a meeting of the Customer Service & Transformation Scrutiny Committee of the Bolsover District Council to be held in the Council Chamber, The Arc, Clowne on Monday, 16th March, 2020 at 10:00 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 from page 2 onwards.

Yours faithfully

A handwritten signature in black ink that reads "Sarah Steenberg".

Joint Head of Corporate Governance & Monitoring Officer

The logo for Bolsover District Council, featuring the word "Bolsover" in a large, black, serif font, with "District Council" in a smaller, black, sans-serif font below it. A black swoosh underline is positioned beneath the text.

We speak your language
Polish **Mówimy Twoim językiem**
Slovak **Rozprávame Vaším jazykom**
Chinese **我们会说你的语言**

**If you require this agenda in large print
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

CUSTOMER SERVICE & TRANSFORMATION SCRUTINY COMMITTEE AGENDA

Monday, 16th March, 2020 at 10:00 hours in the Council Chamber, The Arc, Clowne

Item No.	<u>PART 1 – OPEN ITEMS</u>	Page No.(s)
	<u>PART A FORMAL</u>	
1.	Apologies for absence	
2.	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.	
3.	Minutes	
	Minutes of a meeting held on 3 rd February 2020	4 - 11
4.	List of Key Decisions and Items to be Considered in private	12 - 18
	<i>(Members should contact the officer whose name appears on the List of Key Decisions for any further information. NB: If Members wish to discuss an exempt report under this item, the meeting will need to move into exempt business and exclude the public in accordance with the Local Government (Access to Information) Act 1985 and Local Government Act 1972, Part 1, Schedule 12a for that part of the meeting only).</i>	
5.	Post-Scrutiny Monitoring: Review of Standards Committee - Operational Review - Final Report	19 - 35
6.	Policy Reviews;	36 - 104
	<ul style="list-style-type: none">• Joint Data Protection Policy• Joint Access to Information Policy• Joint Use of Overt Surveillance Systems• Joint Equality Policy	
7.	Work Programme 2019/20	105 - 112
	<u>PART B - INFORMAL</u>	

The formal meeting of the Customer Service and Transformation Scrutiny Committee ends at this point. Members will meet informally

as a working party to carry out their review work. This meeting is closed to the public, so members of the public should leave at this point.

8. Review Work.

CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE

Minutes of a meeting of the Customer Service and Transformation Scrutiny Committee of the Bolsover District Council held in the Council Chamber, The Arc, Clowne, on Monday 3rd February 2020 at 1000 hours.

PRESENT:-

Members:-

Councillor Rose Bowler in the Chair

Councillors Allan Bailey, Jane Bryson, Anne Clarke, Tricia Clough, David Dixon, Ray Heffer, Rita Turner and Andrew Joesbury.

Officers:- Karen Hanson (Strategic Director – Place), Kath Drury (Information, Engagement and Performance Manager), Matt Broughton (Head of Partnerships and Transformation) (for Minute No. 0606), Ken Eastwood (Interim Head of Environmental Health) (for Minute No. 0609), Joanne Wilson (Scrutiny & Elections Officer) and Alison Bluff (Governance Officer).

0599. APOLOGIES

Apologies for absence were received on behalf of Councillors Paul Cooper and Mary Dooley (Portfolio Holder for Partnerships and Transformation).

0600. URGENT ITEMS OF BUSINESS

There were no urgent items of business to consider.

0601. DECLARATIONS OF INTEREST

There were no declarations of interest made.

0602. MINUTES – 2ND DECEMBER 2020

Moved by Councillor Ray Heffer and seconded by Councillor Andrew Joesbury
RESOLVED that the Minutes of a Customer Service and Transformation Scrutiny Committee held on 2nd December 2019 be approved as a correct record.

0603. LIST OF KEY DECISIONS AND ITEMS TO BE CONSIDERED IN PRIVATE

Moved by Councillor Ray Heffer and seconded by Councillor Rose Bowler

CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE

RESOLVED that the List of Key Decisions and items to be considered in private document be noted.

Councillor Turner entered the meeting.

0604. CORPORATE PLAN TARGETS PERFORMANCE UPDATE – OCTOBER TO DECEMBER 2019 (QUARTER 3 – 2019/20)

Committee considered a report which provided the Quarter 3 outturns (October to December 2019) for the Corporate Plan 2019-2020, which sat under the 'providing our customers with excellent service' and 'transforming our organisation' aims as of 31st December 2019.

Providing our Customers with Excellent Service

There were 10 targets in total under this Corporate Aim – 8 targets were on track and 2 were on alert.

The following 2 targets were on alert as they may not achieve their intended outcome by 31st March 2020.

C10 - Carry out 300 disability adaptations to Council houses each year. 200 welfare adaptations completed. The report noted that works completed to date were larger, complex works i.e. wet rooms, ramps etc. A large schedule of smaller works (grab rails/handrails etc.) were currently being ordered. The demand for adaptations remained high and work planning would accommodate this. The lead officer expected this target to be met by 31st March 2020.

The Strategic Director – Place advised Members that there was a backlog due to the high demand for adaptations. Funding came directly from Government and consideration was now being given to use residual money from 2019/20 to help DCC with the assessments and reduce the backlog. In response to a Member's query, the Strategic Director – Place confirmed that any residual money was not required to be given back to the Government)

A Member felt that the target should be in relation to timescale and not the number of adaptations carried out as this would make the target more measureable. The Scrutiny & Elections Officer noted that it had been previously raised that customer satisfaction levels with works carried out could also be an alternative measure of success. Members agreed that both of these areas should be targets. The Strategic Director – Place agreed to implement these changes for the new targets in 2020-23.

C13 - Reduce average relet times of Council properties (not including sheltered accommodation) to 20 days by March 2020. The outturn for this target was 25 days, which was the same in Quarter 2. The standard was achieved in Q1 at 20 days.

Transforming our Organisation

One target in total which was on track.

Moved by Councillor Rose Bowler and seconded by Councillor Ray Heffer
RESOLVED that the report be noted.

CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE

0605. DEVELOPMENT OF NEW PERFORMANCE FRAMEWORK TO SUPPORT THE VISION FOR 2019 - 2023

Committee considered a report which gave Scrutiny the opportunity to help develop a new performance framework to support the Council's ambition statement for 2019 – 2023.

Committee suggested that the following additions, highlighted in bold below, be added to the Aims and Values;

Aims

We will focus on:

- Our Customers by providing excellent **and accessible** services.

Values

We:

- Are proud, **caring and compassionate** ~~and passionate about what we do~~
- Will work with partners **and as a team** to provide quality services

Priorities - Customers:

- Promoting equality and diversity and supporting vulnerable and disadvantaged people
- Transforming services through the use of technology

A Member felt that these two priorities conflicted with each other as technology could leave vulnerable and disadvantaged people behind; he added that there were also those who did not want to embrace technology which was understandable. The Information, Engagement and Performance Manager replied that this was where consultation with residents was key and assumptions tested; she added that technology was a solution for some but not for all and it was important that the Council offered choice to customers on a range of options for access to its services.

- Improving health and wellbeing and increasing participation in sport and leisure activities

It was reported that there were no specific targets for this as Leisure Services received external funding for a lot of their activities and currently, it was uncertain what future funding they would be receiving.

- Prepare a Customer Satisfaction Survey for members of the public attending Planning Committee for implementation by May 2020

The Strategic Director – Place, advised Members that this target was in relation to finding out customers views of the service in terms of levels of response, timescales for speaking at Planning Committee etc. Members felt that any complaints in relation to these issues should be dealt with via the Compliments, Comments and Complaints system rather than surveys carried out. The Strategic Director – Place would take Members' views on this into consideration.

CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE

- Ensure that at least 50% of transactions are made through digital channels by Dec 2024

This was a Government standard target.

- To mobile enable 18 field workers by 31/03/2021

This was in relation to Environmental Health.

- Monitor performance against the corporate equality objectives and publish information annually

This was in relation to consulting with equality groups.

- Prevent homelessness for more than 50% of people who are facing homelessness each year

In response to a Member's question, the Strategic Director – Place advised that this target covered a range of issues in relation to preventing homelessness. The Council carried out a lot of work on homelessness prevention and the Strategic Housing Team had been put forward for an award regarding this.

- Reduce average relet times for standard voids (Council properties) to 20 calendar days by March 2021 and maintain thereafter

The Strategic Director – Place noted that void properties was a concern for Members and she reassured them that it was being looked at in detail. She added that a piece of work was being carried out on the Allocations Policy as well as voids.

The Scrutiny & Elections Officer noted that emergency repairs had been previously raised as a concern by Members and this wasn't included in the new targets. Other possible areas for future targets were Overall Satisfaction with Council Housing; and Disability Adaptations, as discussed under the previous agenda item.

A Member raised that there did not seem to be a mechanism for older and vulnerable people to bring forward any issues to the Council they may have. The Information, Engagement and Performance Manager replied that to monitor its equality objectives, the Council engaged with local disability groups through Equality Panels held on a quarterly basis. All staff had received adult and child safeguarding training and a lot of staff worked out in the District on a daily basis, for example, the CAN Rangers, refuse operatives etc who would report any issues to relevant officers. The Council also had a 24 hour emergency telephone number. Another Member raised that some people had been on the Council Housing waiting list for a very long time and others only months. The Strategic Director – Place replied that this was being looked at as part of a review of the Housing Allocations policy.

Priorities – Economy:

Add in '*education and skills*'.

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- Through the Derbyshire Business Rates Retention Pilot grant scheme improve 40 shops fronts in Shirebrook town centre by 2023

A Member felt that investment was needed in all 4 market towns in the District. The Strategic Director – Place advised Members that the Director of Development would be focused on this. She added that the shop front refurbishment work in Shirebrook was linked to the Building Resilience Programme and this was why it was specific to Shirebrook. Another Member noted that villages in the District should also not be forgotten as some villages no longer had a shop.

A Member suggested that a business directory be produced for the District as there were a lot of businesses that people were unaware of - this would also contribute to promotion of the District.

It was felt there were some gaps in this part of the framework and the following was identified;

- No mention of B@Home phase 2 (Bolsover Homes) or Dragonfly and how this would be taken forward. The Strategic Director – Place replied that this would be added in.
- Current Growth Strategy – not mentioned, will it be refreshed, do we still need it, or will this document be all encompassing and it will be enough to do the Housing Strategy, or is it a gap?
- Investment Strategy – not mentioned - how do we become more commercial?
- A few of the targets are SMART i.e., an end date but not a lot of detail of how these will be measured, e.g., local skills base should be more detailed – lower level/higher level?
- Local labour clauses – do we want a minimum number secured? Does there need to be another level to show we've made progress?

Priorities – Environmental

Add in ***Enforcement re Environmental Crimes (suggest could be added in to 'Developing attractive neighbourhoods')***

In response to Members' comments regarding enforcement, the Strategic Director – Place advised that a lot of work had been carried out; fines had been issued and cases had been to court. Enforcement was a priority for the Council and more work would be done on this. It was agreed that the number of fixed penalty notices issued and public cases which had been to court needed publicising more. The Council employed two dedicated officers who went into schools to promote awareness of littering, flytipping and dog fouling and the Strategic Director – Place suggested these officers could provide a presentation to a future Committee on their work.

A Member queried if enforcement could be carried out where private properties were neglected, for example, overgrown gardens and rubbish laying around which attracted vermin. The Strategic Director – Place advised that this would come under a Section 215 Notice under the Town and Country Planning Act and dealt with by Environmental Health Officers.

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A Member queried if the CAN Rangers had a schedule of the areas they visited on a weekly basis. The Strategic Director – Place agreed to provide this to Members who could also advise of any hotspots in their ward.

- Provide 10 waste, recycling and environmental advice to schools and community events per year.

A Member felt that 10 events per year was not enough. The Information, Engagement and Performance Manager advised that this target was in relation to the activities carried out by Streetscene. It was noted that the Healthy Safe Clean & Green Scrutiny Committee had been monitoring a target in relation to the activities carried out by Environmental Health in schools and it was agreed that these two targets be combined. The Scrutiny & Elections Officer added that it was up to schools to take up the offer of the activities as this was something the Council could not enforce.

A Member raised concern regarding waste taken to landfill. The Strategic Director – Place agreed that a target could be included regarding this.

In relation to green waste it was noted that new regulations were awaited with regard to disposal of food waste which may affect the future scheduled collection of green bins.

- Co-ordinate and facilitate car parking patrols outside schools within the District, working with Derbyshire County Council, Police and Education partners by 31st June 2020.

Members raised concern that parking outside schools was a huge problem throughout the District. The Strategic Director – Place noted that the Council had carried out a successful car parking patrol pilot at a school where awareness had been raised of the impact on the environment of emissions from idling cars and also the safety of school children.

The Strategic Director – Place and the Information, Engagement and Performance Manager left the meeting.

0606. TRANSFORMATION GOVERNANCE GROUP PROGRESS UPDATE

Committee considered an update report in relation to the Council's Transformation Plan 2018.

The Transformation Plan 2018 had been approved by Executive in December 2018 and set out the vision of "A self-sustaining Council, delivering excellent services to the community, when and how they want them".

Significant progress had been made on achieving the aims across all of the themes within the Transformation Programme and a report presented to Executive on 20th January 2020, which was appended to the report, provided a detailed update on each of these.

Moved by Councillor Ray Heffer and seconded by Councillor Rita Turner
RESOLVED that (1) the report to Executive be noted,

CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE

(2) the Digital Transformation Strategy be noted.
The Head of Partnerships and Transformation left the meeting.

0607. SCRUTINY COMMITTEE WORK PROGRAMME 2019/20

Committee considered their work programme 2019/20.

Members were reminded that the scheduled meeting on 11th May would now take place on 13th May at 2pm.

Moved by Councillor Rose Bowler and seconded by Councillor Ray Heffer
RESOLVED that the Work Programme 2019/20 be noted.

0608. EXCLUSION OF THE PUBLIC

Moved by Councillor Rose Bowler and seconded by Councillor Rita Turner
RESOLVED that under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the stated Paragraph of Part 1 of Schedule 12A of the Act and it is not in the public interest for that to be revealed.

0609. POST SCRUTINY MONITORING – REVIEW OF DELIVERY OF ENVIRONMENTAL HEALTH & LICENSING – PROGRESS UPDATE EXEMPT PARAGRAPHS 1, 2, & 4

Following scrutiny of the Environmental Health & Licensing Service in 2018/19 the Customer Service & Transformation Scrutiny Committee recommended: -

- The development and approval of a revised Service Level Agreement (SLA).
- A review of the online 'Report It' system to ensure that customer engagement remains efficient and effective, with systems that are simple to use.

The Interim Head of Environmental Health provided Committee with a progress update in relation to the current review of the Environmental Health Service, which would further impact on delivery of the scrutiny review recommendations.

It was noted that progress had been made against both recommendations but due to the wider service review an extension was required to the agreed target dates, in order to fully implement the scrutiny recommendations as required.

Members were updated on the current position with the service and recent interventions/interim arrangements, and were briefed on a recent report submitted to Executive.

CUSTOMER SERVICE AND TRANSFORMATION SCRUTINY COMMITTEE

Members agreed to a further extension of the target date for the scrutiny review recommendations, with a report to be submitted to Committee early in the new municipal year.

Moved by Councillor Rose Bowler and seconded by Councillor Andrew Joesbury
RESOLVED that the update be noted.

The Interim Head of Environmental Health left the meeting.

The meeting concluded at 1215 hours.



The Arc
High Street
Clowne
Derbyshire
S43 4JY

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Key Decisions & Items to be Considered in Private

To be made under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Published on: 28th February 2020

INTRODUCTION

The list attached sets out decisions that are termed as “Key Decisions” at least 28 calendar days before they are due to be taken by the Executive or an officer under delegated powers.

Preparation of the list helps Executive to programme its work. The purpose of the list is to give notice and provide an opportunity for consultation on the issues to be discussed. The list is updated each month with the period of the list being rolled forward by one month and republished. The list is available for public inspection at The Arc, High Street, Clowne, S43 4JY. Copies of the list can be obtained from Sarah Sternberg, Joint Head of Service for Corporate Governance, Solicitor to the Council & Monitoring Officer at this address or by email to sarah.sternberg@bolsover.gov.uk. The list can also be accessed from the Council's website at www.bolsover.gov.uk.

The Executive is allowed to make urgent decisions which do not appear in the list, however, a notice will be published at The Arc and on the Council's website explaining the reasons for the urgent decisions. Please note that the decision dates are indicative and are subject to change.

Members of Executive are as follows:

- 13
- Councillor Steve Fritchley - Leader and Portfolio Holder - Policy, Strategy, Resources and Media
 - Councillor Duncan McGregor - Deputy Leader and Portfolio Holder - Corporate Governance
 - Councillor Mary Dooley - Portfolio Holder - Partnerships and Transformation
 - Councillor Clive Moesby - Portfolio Holder - Finance and Resources
 - Councillor Sandra Peake Portfolio Holder - Housing and Community Safety
 - Councillor Nick Clarke - Portfolio Holder - Environmental Impact
 - Councillor Deborah Watson - Portfolio Holder – Street Scene and Environmental Health
 - Councillor Liz Smyth - Portfolio Holder – Economic Development

The Executive agenda and reports are available for inspection by the public five clear days prior to the meeting of the Executive. The papers can be seen at The Arc at the above address. The papers are also available on the Council's website referred to above. Background papers are listed on each report submitted to the Executive and members of the public are entitled to see these documents unless they contain exempt or confidential information. The report also contains the name and telephone number of a contact officer.

Meetings of the Executive are open to the public and usually take place in the Council Chamber at The Arc. Occasionally there are items included on the agenda which are exempt and for those items the public will be asked to leave the meeting. This list also shows the reports intended to be dealt with in private and the reason why the reports are exempt or confidential. Members of the public may make representations to the Joint Head of Corporate Governance & Monitoring Officer about any particular item being considered in exempt and why they think it should be dealt with in public.

The list does not detail *all* decisions which have to be taken by the Executive, only “Key Decisions” and “Exempt Reports”. In these Rules a “Key Decision” means an Executive decision, which is likely:

(1) **REVENUE**

- (a) Results in the Council making Revenue Savings of £75,000 or more; or
- (b) Results in the Council incurring Revenue Expenditure of £75,000 or more

(2) **CAPITAL**

- (a) Results in the Council making Capital Income of £150,000 or more; or
- (b) Results in the Council incurring Capital Expenditure of £150,000 or more

(3) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

In determining the meaning of “significant” the Council must have regard to any guidance for the time being issued by the Secretary of State. The Council has decided that revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is significant.

The dates for meetings of Executive for 2019/20 are as follows:

Monday 9th March 2020
Monday 30th March 2020
Monday 27th April 2020
Tuesday 26th May 2020

The Council hereby gives notice of its intention to make the following Key Decisions and/or decisions to be considered in private:

Matter in respect of which a decision will be taken	Decision Maker	Date of Decision	Documents to be considered	Contact Officer	Is this decision a Key Decision?	Is this key decision to be heard in public or private session
Provision of Flat Roofing Repairs or Replacement for Bolsover District Council Housing Repairs Section	Executive	9 Mar 2020	Report of the Portfolio Holder for Portfolio Holder - Housing & Community Safety	Mark Dungworth, Strategic Repairs Manager	Key It is likely to result in the Council making capital savings or incurring capital expenditure of £150,000 or more.	Open
LED Lighting Upgrade to The Arc 15	Executive	9 Mar 2020	Report of the Portfolio Holder for Portfolio Holder - Economic Development	David Broom, Facilities and Contracts Manager	Non-Key	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Appointment of a contractor to the 4 year New Build framework - Bolsover Homes	Executive	30 Mar 2020	Report of the Portfolio Holder for Councillor Sandra Peake	Ian Barber, Property Services Manager	Key It is likely to result in the Council making revenue savings or incurring Revenue expenditure of £75,000 or more.	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Matter in respect of which a decision will be taken	Decision Maker	Date of Decision	Documents to be considered	Contact Officer	Is this decision a Key Decision?	Is this key decision to be heard in public or private session
<p>Contact Centre Staffing</p> <p>16</p>	Executive	30 Mar 2020	Report of the Portfolio Holder for Portfolio Holder - Partnerships and Transformation	Matthew Broughton, Joint Head of Partnership and Transformation	Non-Key	<p>Fully exempt</p> <p>Information relating to any individual. Information which is likely to reveal the identity of an individual. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under the authority.</p>

Matter in respect of which a decision will be taken	Decision Maker	Date of Decision	Documents to be considered	Contact Officer	Is this decision a Key Decision?	Is this key decision to be heard in public or private session
Extreme Wheels Manager (Business Development and Volunteer Programme)	Executive	30 Mar 2020	Report of the Portfolio Holder for Portfolio Holder - Partnerships and Transformation	Wayne Carter, Leisure Operations Manager	Non-Key	Fully exempt Information relating to any individual. Information which is likely to reveal the identity of an individual.

SCHEDULE 12A
ACCESS TO INFORMATION: EXEMPT INFORMATION

PART 1
DESCRIPTIONS OF EXEMPT INFORMATION: ENGLAND

1. Information relating to any individual.
 2. Information which is likely to reveal the identity of an individual.
 3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
 4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
 5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
 - 18 6. Information which reveals that the authority proposes –
 - (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) To make an order or direction under any enactment.
 7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
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Bolsover District Council

Customer Service & Transformation Scrutiny Committee

16th March 2020

Review of Standards Committee-Operational Review – Post-Scrutiny Monitoring (Final Report)

Report of the Chair of Customer Service & Transformation Scrutiny Committee

This report is public.

Purpose of the Report

- To present the Final Post-Scrutiny Monitoring Report on the Review of Standards Committee-Operational Review to Customer Service & Transformation Scrutiny Committee.

1 Report Details

- 1.1 During 2018/19, the Customer Service & Transformation Scrutiny scrutinised the work of the Standards Committee and how it operated. Committee concluded that the following were key issues requiring further activity:
- The introduction of a more formalised approach to training, particularly at Parish level;
 - Consideration of Article 9 of the Constitution and the Committee Terms of Reference (Part 3.6) as part of the annual review process – see benchmarking exercise at 5.5 and 5.6 in the main report which highlights areas for consideration;
 - Improved public information, both web-based and hard-copy, to ensure the role of Standards Committee is clear.
- 1.2 The Committee and subsequently Executive, approved seven recommendations which aimed to assist the Council in improving existing approaches to Member training and engagement on Standards.
- 1.2 The appendix to this report acknowledges progress by Officers implementing the recommendations:
- Three out of the seven recommendations have been implemented to date.
 - Four recommendations require an extension due to the timing of meetings of Standards Committee post the May 2019 Elections and the review of the Terms of Reference; development of the new committee management system/current re-development of the website; and availability within the Parish Council Liaison meeting schedule. It is suggested that these four recommendations are extended until June/July 2020 to accommodate full implementation of the recommendations.

2 Conclusions and Reasons for Recommendation

- 2.1 Committee is required to monitor implementation of their recommendations in accordance with Part 3.6(2) of the Constitution.
- 2.2 Members are required to make their report and findings public, in accordance with Part 4.5.17(3) of the Constitution.

3 Consultation and Equality Impact

- 3.1 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.
- 3.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.
- 3.3 A key consideration of the review was that both Parish and District Councillors have equal access to the same information and training.

4 Alternative Options and Reasons for Rejection

- 4.1 There are no alternative options. Members are required to note the service's response to progress against the review recommendations. Where required, further monitoring may be required.
- 4.2 Committee is required to monitor implementation of their recommendations in accordance with Part 3.6(2) of the Constitution and as such the report cannot be rejected.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None from this report.

5.2 Legal Implications including Data Protection

- 5.2.1 In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000 and subsequent legislation which added to/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

5.3 Human Resources Implications

- 5.3.1 None directly from this report.

6 Recommendations

- 6.1 That Members note the progress against the review recommendation.

- 6.2 That Members acknowledge any exceptions to delivery and clarify any additional action required by the service.
- 6.3 That Members consider and approve the suggested extension to the monitoring period where recommendations have not been fully implemented, as outlined in section 1 of this report and Appendix 2.
- 6.4 That Members make its findings public, in accordance with Part 4.5.17(3) of the Constitution.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: Revenue - £75,000 <input type="checkbox"/> Capital - £150,000 <input type="checkbox"/> NEDDC: Revenue - £100,000 <input type="checkbox"/> Capital - £250,000 <input type="checkbox"/> <input checked="" type="checkbox"/> Please indicate which threshold applies	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	Aim: Transforming Our Organisation Priority: Demonstrating good governance

8 Document Information

Appendix No	Title
1.	Review of Standards Committee – Operational Review – Original Service and Executive Response.
2.	Review of Standards Committee – Operational Review – Action Plan
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 documents related to the Review of Standards Committee – Operational Review Please contact Scrutiny & Elections Officer where further information is required.	
Report Author	Contact Number
Joanne Wilson, Scrutiny & Elections Officer	2385

Original Recommendations from Review and Executive's Response

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
CS&TSc18/19 1.1 22	That training in relation to Code of Conduct and DPLs is programmed as part of District Member Induction Programme, with a refresher course two years later, to accommodate any changes to legislation/Council membership.	Improved knowledge of both newly elected and existing Members of the minimum standards expected of them.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Officer time. Production and printing of training materials.	Agreed. This will help to improve not only the knowledge of Councillors but the standing of the Standards Committee and its role. This is also the same for the Monitoring Officer and Deputy Monitoring Officer.	Recommendation Approved.
CS&TSc18/19 1.2	That training in relation to Code of Conduct and DPLs is programmed on a minimum annual basis to Parish Council Liaison, to accommodate in-year changes to legislation/Council membership.	Improved knowledge of both newly elected and existing Members of the minimum standards expected of them.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Officer time. Production and printing of training materials.	Whilst two sessions a year would be good, there is a capacity issue. It is also a concern that those who come to Parish Council Liaison are generally knowledgeable on the ethical framework so could be training the same Parish Councillors twice.	Recommendation Approved.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						Preference would be for once a year training at Parish Council Liaison, and a second session later in the year for Parish Clerks so they can train their own Parish Councillors.	
CS&TSc18/19 6.3	That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including: <ul style="list-style-type: none"> • Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers); 	Greater clarity around the work of the Standards Committee and the functions that the Council is required to oversee – both for the public and District/Parish Elected Members.	October 2019	Governance Manager/ Communications, Marketing & Design Manager	Officer time	This is welcomed. It is clear we need to spend more time on the contents of the website to make it more user friendly. In terms of timescale for delivery, it may not be practical to implement all changes for the start of the new municipal year in May 2019. However, much of this should be addressed once the proposed	Recommendation Approved.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
	<ul style="list-style-type: none"> A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication. 					committee management system is fully operational in late summer/early autumn 2019.	
CS&TSc18/19 1.4	That Standards Committee considers the analysis of our current membership and benchmark data, as part of any review of Article 9 of the Constitution.	That the findings of the scrutiny review supports the Standards Committee's annual review of the Constitution.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Member/Officer time as Constitution Working Group	Agreed. The data collected will be very helpful in this task.	Recommendation Approved.
CS&TSc18/19 1.5	That the appointment of the Co-opted Independent Chair is maintained, as a demonstration of our commitment to the Seven Principles of Public Life.	That BDC is seen to adhere to the Seven Principles of Public Life and where possible go above the required standards expected.	May 2019 onwards	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Officer time/ Designated Allowance for Co-opted Members	Agreed. This would be dealt with formally at the Annual Council Meeting in May 2019.	Recommendation Approved.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
CS&TSc18/19 1.6	That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the Committee Terms of Reference, within Part 3.6 of the Constitution.	That the findings of the scrutiny review supports the Standards Committee's annual review of the Constitution.	April 2019	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	Member/Officer time as Constitution Working Group	Agreed. This would be very helpful to the Standards Committee.	Recommendation Approved.
CS&TSc18/19 1.7	That the Standards Committee produces an Induction Pack for all new Councillors to be utilised by the Monitoring Officer/Parish Clerk when working with newly appointed District and Parish Councillors.	Improved knowledge of both newly elected and existing Members of the Code of Conduct and the Seven Principles of Public Life.	September 2019	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Member/Officer time Production and printing of training materials	The induction is put together by the Member Development Working Group. One of the first sessions is for the Monitoring Officer and Deputy Monitoring Officer to train all the Councillors on the ethical framework. It is a problem that Councillors reach overload at this time if given too much information. Therefore we would suggest a	Recommendation Approved.

PERFORM Code	Recommendation	Desired Outcome	Target Date	Lead Officer	Resources	Service Response	Executive Response
						reminder in Sept 2019 by sending out a pack.	

RESPONSE TO SCRUTINY COMMITTEE ON IMPLEMENTATION FOLLOWING SCRUTINY REVIEW

Title of Review:	Review of Standards Committee – Operational Review				
Timescale of Review:	July 2018 – November 2018.		Post-Monitoring Period:	12 months commencing March 2019. Interim report due September 2019.	
Date agreed by Scrutiny:	January 2019		Date agreed by Executive:	February 2019.	
Total No. of Recommendations and Sub Recommendations	No. completed	3	No. partially completed	4	No. not progressed 0
Total No. of Recommendations and Sub Recommendations	Achieved	3	On track	0	Extended 4
	Achieved (Behind target)	0	Overdue	0	Alert 0

Key Achievements:

- The 2019 Induction Programme included Code of Conduct and DPLs. A further session will be included in the Member Development Programme in 2021/22.
- The appointment of the Co-opted Independent Chair has been maintained.
- Induction/Training Pack reviewed at September 2019 Standards Committee and subsequently shared with Parish Clerks for use by local Cllrs.

Reasons for non-implementation of Recommendations:

- Extended review of the Terms of Reference to accommodate approval by Full Council in 2020.
- Delays in securing a slot at Parish Council Liaison, due to busy agenda schedule and some meeting cancellations.

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
CS&TSc18/19 1.1 28	That training in relation to Code of Conduct and DPIs is programmed as part of District Member Induction Programme, with a refresher course two years later, to accommodate any changes to legislation/Council membership.	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	May 2019 onwards	May 2019	Achieved		Officer time. Production and printing of training materials.	<u>September 2019</u> Completed. The 2019 Induction Programme included Code of Conduct and DPIs. A further session will be included in the Member Development Programme in 2021/22. <u>March 2020</u> As reported previously this has been implemented. Refresher courses will take place on a regular basis.
CS&TSc18/19 1.2	That training in relation to Code of Conduct and DPIs is programmed on a minimum annual basis to Parish	Joint Head of Corporate Governance and Monitoring Officer/ Deputy	May 2019 onwards Revised date of July 2020		Extended		Officer time. Production and printing of training materials.	<u>September 2019</u> Development of this is still in progress. Date of training is still to

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
29	Council Liaison, to accommodate in-year changes to legislation/Council membership.	Monitoring Officer						<p>be confirmed following the May 2019 elections</p> <p><u>March 2020</u></p> <p>This is set to be delivered on a bi-annual basis to Parish Council Liaison. Co-ordination is via the Partnership Team, with the Monitoring Officer/Deputy Monitoring Officer attending as invited.</p> <p>Officers attended in September 2018 to cover Data Protection (GDPR) and Chair/Vice-Chair Training, and in January 2017 to cover Code of Conduct.</p>

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
30								<p>Specific training has been given direct to two Parish Councils at their request and a session is planned for early in the new municipal year to Parish Council Liaison. It is envisaged that the training will be programmed on a bi-annual basis based to accommodate legislation changes, with ad-hoc additional sessions, as and when requested.</p> <p>A further report will be submitted to Committee following the initial session in summer 2020, to give feedback on the session.</p>

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
CS&TSc18/19 1.3 31	<p>That the website is reviewed to ensure information in relation to the Standards Committee is both more accessible and user-friendly, including:</p> <ul style="list-style-type: none"> • Publication of the Standards Annual Report as a document in its own right (rather than embedded in Committee papers); • A review of Customer Information Booklet 8, with improved publicity of its availability given that it is not a hard-copy publication. 	Governance Manager/ Communications, Marketing & Design Manager	<p>October 2019</p> <p>Revised date of June 2020</p>		Extended		Officer time	<p><u>September 2019</u></p> <p>The Standards Annual Report was submitted to Council in July and a publication version will shortly be published on the website under the Code of Conduct section. Further review of this information will be included in the implementation of the committee management software and/or new website design.</p> <p><u>March 2020</u></p> <p>The new Committee Software System is now in place and incorporates this information.</p>

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
32								<p>The last three Annual Reports of the Standards Committee are on the new website.</p> <p>A review of the Booklet has yet to take place and this will now be progressed following the launch of the new Committee system.</p>
CS&TSc18/19 1.4	That Standards Committee considers the analysis of our current membership and benchmark data, as part of any review of Article 9 of the Constitution.	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	April 2019 Revised date of June 2020		Extended		Member/Officer time as Constitution Working Group	<p><u>September 2019</u></p> <p>This has been included on the Standards Committee Work Programme for 23rd September 2019.</p> <p><u>March 2020</u></p> <p>The Terms of Reference has now been</p>

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
								reviewed by Standards Committee and will be given final consideration at the Council AGM in May 2020.
CS&TSc18/19 1.5 33	That the appointment of the Co-opted Independent Chair is maintained, as a demonstration of our commitment to the Seven Principles of Public Life.	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	May 2019 onwards	May 2019	Achieved		Officer time/ Designated Allowance for Co-opted Members	<u>September 2019</u> Completed. No further action required. <u>March 2020</u> The Terms of Reference has now been reviewed by Standards Committee and incorporates the on-going position of a Co-opted Independent Chair. This will be given final consideration at the Council AGM in May 2020.

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
CS&TSc18/19 1.6 34	That the information gathered as part of the review benchmark exercise is taken in to consideration when reviewing the Committee Terms of Reference, within Part 3.6 of the Constitution.	Joint Head of Corporate Governance and Monitoring Officer/ Governance Manager	April 2019 Revised date of June 2020		Extended		Member/ Officer time as Constitution Working Group	<u>September 2019</u> This has been included on the Standards Committee Work Programme for 23 rd September 2019. <u>March 2020</u> The Terms of Reference has now been reviewed by Standards Committee and will be given final consideration at the Council AGM in May 2020.
CS&TSc18/19 1.7	That the Standards Committee produces an Induction Pack for all new Councillors to be utilised by the Monitoring Officer/Parish Clerk when working with newly appointed	Joint Head of Corporate Governance and Monitoring Officer/ Deputy Monitoring Officer	Sept 2019	Sept 2019	Achieved		Member/ Officer time Production and printing of training materials	<u>September 2019</u> A reminder to Members regarding the training pack would be discussed at the

PERFORM Code	Recommendation	Lead Officer	Target Date	Completion Date	Status	Status	Resources	Progress/ Action
35	District and Parish Councillors.							<p>meeting on 23rd September 2019.</p> <p><u>March 2020</u></p> <p>Induction/Training Pack reviewed at September 2019 Standards Committee and subsequently shared with Parish Clerks for use by local Cllrs.</p>

Bolsover District Council

Customer Service and Transformation Scrutiny Committee

16th March 2020

Policy Updates – Performance Team, Corporate Governance

Report of the Information, Engagement & Performance Manager

This report is public

Purpose of the Report

- To report progress on a suite of policies which fall under the responsibility of the Performance Team, Corporate Governance Department and to seek comments.

1 Report Details

- 1.1 The following policies have been appended for the Committee's attention:
 - 1.1.1 Joint Data Protection Policy
 - 1.1.2 Joint Access to Information Policy
 - 1.1.3 Joint Use of Overt Surveillance Systems
 - 1.1.4 Joint Equality and Diversity Policy for Service Delivery
- 1.2 Joint Data Protection Policy Previously the Councils had a combined Freedom of Information, Environmental Information Regulations and Data Protection policy. A separate policy has been drafted to strengthen the accountability requirements under the General Data Protection Regulation (GDPR). The policy sets out the main requirements of the data protection legislation and how the Councils will comply. It is not a statement of how compliance will be achieved as that continues to be a matter for operational procedures and processes.
- 1.3 Joint Access to Information Policy This policy covers requests made under the Freedom of Information Act, Environmental Information Regulation and Re-use Regulation. It has been reviewed and updated to reflect the data protection aspect being separated out. The policy ensures compliance with the relevant legislation and that customers gain appropriate access to information on request.
- 1.4 Joint Overt Use of Surveillance Systems Policy This is a new policy. A surveillance camera is a broad term to describe closed circuit television (CCTV), body worn cameras and other devices used for overt surveillance purposes. The Councils use overt surveillance systems for the purposes of public safety, crime prevention, detection and prosecution of offenders, monitoring council buildings and assets to protect the public, staff, elected members and visitors, and its property. The Councils use CCTV, Body Worn Video (BWV) and deployable cameras. As such it is prudent for the Councils to have a separate policy on the use of these systems.

- 1.5 Joint Equality and Diversity Policy for Service Delivery It is good practice to review policies every three years and this is contained within the Councils' guidance on policy development. This policy was formally approved in 2016 and has been reviewed as part of the three year cycle. The main change is the inclusion of the Anti-Semitism definition following recent adoption by both Councils. The other changes relate to naming of forms and procedural housekeeping.

2 Conclusions and Reasons for Recommendation

- 2.1 It is important that the Councils have up to date policies that reflect current legislation and the Councils position around those obligations.
- 2.2 This is an information report to keep Members informed of policy developments and to seek any comments on those policies.

3 Consultation and Equality Impact

- 3.1 Service Managers and SAMT have had an opportunity to provide feedback on the policies. All comments are in the process of being considered.
- 3.2 New equality impact assessments have been undertaken.

4 Alternative Options and Reasons for Rejection

- 4.1 Effective corporate governance requires up to date policies.
- 4.2 The Councils are relevant authorities as defined by section 33 of the Protection of Freedoms Act and therefore must have regard to the Surveillance Camera Code of Practice. That advocates having a clear policy on the use of surveillance systems.

5 Implications

5.1 Finance and Risk Implications

Not having up to date policies could put the Councils at risk of criticism from the appropriate regulators. This could be a consideration in the event of a serious data breach which carry financial penalties.

5.2 Legal Implications including Data Protection

See above

5.3 Human Resources Implications

No human resource implications within this report.

6 Recommendations

- 6.1 That Scrutiny Committee provide comments on the policies and endorse the continuation of their approval onto Executive.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: BDC: <i>Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> NEDDC: <i>Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	Yes
District Wards Affected	Not applicable
Links to Corporate Plan priorities or Policy Framework	Links to all Corporate Plan 2019-2020 aims and priorities

8 Document Information

Appendix No	Title
1.	Joint Data Protection Policy
2.	Joint Access to Information Policy
3.	Joint Overt Use of Surveillance Systems Policy
4.	Joint Equality and Diversity Policy for Service Delivery
Background Papers	
Report Author	Contact Number
Kath Drury, Information, Engagement and Performance Manager	01246 242280

Data Protection Policy

January 2020

We speak your language

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

Hablamos su idioma

Slovak

Rozprávame Vaším jazykom

Chinese

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Council on **01246 231111**

CONTROL SHEET FOR DATA PROTECTION POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Data Protection Policy
Current status – i.e. first draft, version 2 or final version	Draft v2
Policy author (post title only)	Information, Engagement and Performance Manager
Location of policy (whilst in development)	S Drive
Relevant Cabinet Member (if applicable)	Portfolio holder for Corporate Governance (BDC) Portfolio holder for Council Services (NEDDC)
Equality Impact Assessment approval date	28/11/19
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	JSAC Executive (BDC) Cabinet (NEDDC)
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance (to include on Extranet and Internet if applicable to the public)	

DATA PROTECTION POLICY

1. Introduction

- 1.1. The processing of personal data is essential to many of the services and functions carried out by local authorities. North East Derbyshire and Bolsover District Councils ('the Councils') recognise that compliance with data protection legislation will ensure that processing is carried out fairly and lawfully.
- 1.2. The Data Protection Act 2018 (DPA) is an Act of Parliament which updates data protection laws in the UK. It is national law which complements the European Union's General Data Protection Regulation (GDPR 2016, applicable 2018). Together they form the framework for data protection law in the UK.
- 1.3. The Information Commissioner's Office (ICO) is the relevant supervisory authority for the UK. Set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

2. Scope

- 2.1 The policy is applicable to all employees, Elected Members, apprentices, agency workers, unpaid volunteers and those on work experience. In certain circumstances it will apply to contractors working for the Councils.
- 2.2 This policy applies to the collection and processing of all personal data as defined by the legislation as that of a 'natural person'. It covers all formats including paper, electronic, audio and visual formats. The policy will only deal with the personal data of a living person and does not apply to the data of a deceased person.
- 2.3 The policy applies to all employees working within Elections although the post of Electoral Registration Officer is registered, for the processing of elections data, with the Information Commissioner's Office separately.
- 2.4 Organisations who process data on our behalf, will have their own policy statements in respect to data protection.

3. Principles

- 3.1 The policy sets out the main requirements of the data protection legislation and how the Councils will comply. It is not a statement of how compliance will be achieved as this will be a matter for operational procedures and processes.
- 3.2 The policy will be made available to the public.

4. Data Protection Statement

4.1 Key Definitions (GDPR)

- 4.1.1 The GDPR applies to the processing of personal data that is wholly or partly by automated means or to the processing other than by automated means which forms part of, or is intended to form part of, a filing system. **'Filing system'** means any structured set of personal data, whether centralised, decentralised or dispersed on a functional or geographical basis.
- 4.1.2 **'Personal data'** means any information relating to an identified or identifiable natural person (data subject). An identifiable natural person is one who can be identified directly or indirectly in particular by reference to an identifier such as a name, a number, location data etc. This may also include online identifiers provided by their devices, applications, tools and protocols, such as internet protocol addresses, cookie identifiers. Such identifiers may leave traces which combined with other information may be used to create profiles of the natural person and identify them.
- 4.1.3 The Councils are the **'Data Controller'** who determines the purposes and means of processing personal data. **Processing** means any operation or set of operations which is performed on personal data or on sets of personal data, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaption or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction.
- 4.1.4 GDPR also applies to **'Data Processors'** who act on the controller's behalf and places further obligations on both parties. The 'Processor' means a natural or legal person, public body, agency or other body which processes personal data on behalf of the Councils.

4.2. Data Protection Principles

- 4.2.1. The following **principles** relate to the processing of personal data and set out the main responsibilities for the Councils under GDPR. Article 5 requires that personal data shall be:
- (a) Processed lawfully, fairly and in a transparent manner in relation to the data subject. **(Lawfulness, fairness and transparency).**
 - (b) Collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered incompatible with the initial purposes. **(Purpose limitation).**
 - (c) Adequate, relevant and limited to what is necessary in relation to the purpose for which they are processed. **(Data minimisation).**
 - (d) Accurate and where necessary, kept up-to-date; every reasonable step must be taken to ensure that personal data that are inaccurate, having

regard to the purposes for which they are processed, are erased or rectified without delay. **(Accuracy)**.

- (e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by this legislation in order to safeguard the rights and freedoms of the data subject. **(Storage limitation)**.
- (f) Processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures. **(Security)**.

4.3. Lawful Basis for Processing

4.3.1 The lawful bases for processing are set out in Article 6 of the GDPR. At least one of these must apply whenever the Councils process personal data:

(a) Consent: the individual has given clear consent for us to process their personal data for a specific purpose.

(b) Contract: the processing is necessary for a contract we have with the individual, or because they have asked us to take specific steps before entering into a contract.

(c) Legal obligation: the processing is necessary for us to comply with the law (not including contractual obligations).

(d) Vital interests: the processing is necessary to protect someone's life.

(e) Public task: the processing is necessary for us to perform a task in the public interest or for our official functions, and the task or function has a clear basis in law.

(f) Legitimate interests: the processing is necessary for our legitimate interests or the legitimate interests of a third party, unless there is a good reason to protect the individual's personal data which overrides those legitimate interests. (This cannot apply to public authorities processing data to perform their official tasks.)

4.4 Special Category Data

4.4.1 Special category data is broadly similar to the concept of sensitive personal data under the 1998 Data Protection Act and covers information about an individual's:

- race;

- ethnic origin;
- politics;
- religion;
- trade union membership;
- genetics;
- biometrics (where used for ID purposes);
- health;
- sex life; or
- sexual orientation.

4.4.2 To process sensitive data the Councils must also satisfy a specific condition for processing under [Article 9](#) of the GDPR.

4.4.3 This type of data could create more significant risks to a person's fundamental rights and freedoms. For example, by putting them at risk of unlawful discrimination. As such the Councils must ensure that adequate organisational and technical measures are in place to safeguard this data.

4.4.4 The GDPR rules for sensitive (special category) data do not apply to information about criminal allegations, proceedings or convictions. Instead, there are separate safeguards for personal data relating to criminal convictions and offences, or related security measures, set out in Article 10.

4.4.5 To process personal data about criminal convictions or offences, the Councils must have both a lawful basis under Article 6 and either legal authority or official authority for the processing under Article 10.

4.4.6 Article 10 states that processing of personal data relating to criminal convictions and offences or related security measures based on Article 6(1) shall be carried out only under the control of official authority. This means that the Councils must either process the data in an official capacity or meet a specific condition in Schedule 1 of the Data Protection Act 2018, and comply with the additional safeguards set out in that Act.

4.5 Data Subject Rights

4.5.1 The GDPR provides the following rights for individuals:

- The right to be informed
- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling.

The exercise of some of the rights is conditional upon the lawful basis for processing the personal data.

- 4.5.2 The Councils will ensure that information on how to exercise these rights is made easily available to individuals through its staff, website and appropriate documentation e.g. application forms.
- 4.5.3 Upon receipt of a verified request the Councils have one month to respond and cannot charge a fee to deal with a request under most circumstances.
- 4.5.4 Individuals have the right to be informed about the collection and use of their personal data. This is a key transparency requirement under the GDPR.
- 4.5.5 The Councils must provide individuals with information including: purposes for processing personal data, retention periods for that personal data, and who it will be shared with. This is commonly referred to as 'privacy information'.
- 4.5.6 Articles 13 and 14 of the GDPR specify what information individuals have the right to be informed about. This information needs to be provided at the time the personal information is collected and must use clear and plain language. The information must be concise, transparent and easily accessible.
- 4.5.7 The Councils will provide privacy information in a variety of ways including published privacy statements, privacy notices on forms and posters and through its staff.
- 4.5.8 Individuals have the right to obtain the following from the Councils:
- confirmation that we are processing their personal data;
 - a copy of their personal data; and
 - other supplementary information – (this largely corresponds to the information that should be provided in a privacy notice).

This is commonly referred to as subject access.

- 4.5.9 An individual is only entitled to their own personal data, and not to information relating to other people (unless the information is also about them or they are acting on behalf of someone).
- 4.5.10 Responding to a subject access request may involve providing information that relates both to the individual making the request and to another individual. The DPA 2018 says that we do not have to comply with the request if it would mean disclosing information about another individual who can be identified from that information, except if:
- the other individual has consented to the disclosure; or
 - it is reasonable to comply with the request without that individual's consent.

In these circumstances the Councils will need to decide whether it is appropriate to do so in each case. This decision will involve balancing the data subject's right of access against the other individual's rights.

- 4.5.11 The Councils may seek to confirm the identity of an individual before responding to a request if needed.
- 4.5.12 The Councils will have in place operational processes for identifying and processing requests in line with legal requirements.
- 4.5.13 In some circumstances, the DPA 2018 provides an exemption from particular GDPR provisions. If an exemption applies, the Councils may not have to comply with all the usual rights and obligations e.g. the right to be informed. The full list of exemptions are contained within Schedules 2-4 of the DPA 2018. Those covering crime and taxation and disclosures required by law or in connection with legal proceedings are the ones most likely to be relied upon by the Councils. The Councils consider the use of exemptions on a case-by-case basis and keeps records of its decisions.
- 4.5.14 Should any member of the public wish to make a complaint about the processing of their data by either of the Councils then they should use the Councils Complaints Procedure which is available on the website. The public also have a right to contact the Information Commissioners Office (<https://ico.org.uk/>) who are the supervisory authority for data protection matters under the legislation.

4.6 Accountability and Governance

- 4.6.1 Accountability is one of the data protection principles - it makes organisations responsible for complying with the GDPR and says that they must be able to demonstrate their compliance.
- 4.6.2 The Councils will put in place appropriate technical and organisational measures to meet the requirements of accountability including:
- adopting and implementing data protection policies;
 - putting written contracts in place with organisations that process personal data on our behalf;
 - maintaining documentation of our processing activities;
 - implementing appropriate security measures;
 - recording and, where necessary, reporting personal data breaches;
 - carrying out data protection impact assessments for uses of personal data that are likely to result in high risk to individuals' interests and implement measures to meet the 'data protection by design and default' approach;
 - appointing a data protection officer at an appropriate level within the organisation and provide suitable resources to support the role.
- 4.6.3 Accountability obligations are ongoing. The Councils will keep its measures under review and update, where necessary.

4.7 Contracts

- 4.7.1 The GDPR makes written contracts between controllers and processors a requirement. (Rather than just a way of demonstrating compliance with the

seventh data protection principle (appropriate security measures) under the Data Protection Act 1998).

4.7.2 Contracts must include specific minimum terms. These terms are designed to ensure that processing carried out by a processor meets all the GDPR requirements, not just those related to keeping personal data secure.

4.7.3 The Councils will only use processors that can give sufficient guarantees they will implement appropriate technical and organisational measures to ensure their processing will meet GDPR requirements and protect data subjects' rights.

4.8 Security

4.8.1 The Councils are required to process personal data securely. This is not a new data protection obligation. It replaces and mirrors the previous requirement to have 'appropriate technical and organisational measures' under the Data Protection Act 1998.

4.8.2 The Councils fully understand that poor information security leaves systems and services at risk and may cause real harm and distress to individuals. The Councils take their security obligations seriously.

4.8.3 The Councils recognise that information security is important, not only because it is itself a legal requirement, but also because it can support good data governance and help us demonstrate our compliance with other aspects of the GDPR.

4.8.4 The Councils will have technical and organisational measures in place to ensure a level of security appropriate to the risk of the personal data processing. These security measures will seek to ensure that:

- the data can be accessed, altered, disclosed or deleted only by those we have authorised to do so (and that those people only act within the scope of the authority we give them);
- the data we hold is accurate and complete in relation to why we are processing it; and
- the data remains accessible and usable, i.e., if personal data is accidentally lost, altered or destroyed, we should be able to recover it and therefore prevent any damage or distress to the individuals concerned.

4.8.5 The Councils technical measures will include physical and Information Technology (IT) security such as premises security, access control within the building including visitors, paper and electronic waste, keeping IT equipment, especially mobile devices, secure, and cybersecurity e.g. network and information systems, data, online and device security.

4.8.6 The Councils organisational measures will include this policy, its Information Security policy and internal guidance, provision of advice and a point of contact via the Data Protection Officer, developing a cultural awareness around information security, periodic checks to ensure that security measures remain appropriate and training.

- 4.8.7 All employees will receive initial and refresher data protection training appropriate to the personal data processing activities they undertake. The training will be mandatory for new employees and take place during their induction. Thereafter all staff who process personal data will be required to undertake refresher training every two years. Information security training is a requirement for every new starter using IT equipment and usually undertaken on the first day of work. Thereafter all staff who use IT equipment will undertake refresher training every two years. Elected Members will receive training on data protection and information security during their induction and thereafter as required.

4.9 Personal Data Breaches

- 4.9.1 A personal data breach means a breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorised disclosure of, or access to, personal data. This includes breaches that are the result of both accidental and deliberate causes.
- 4.9.2 Under GDPR (Recital 87) when a security incident takes place, we need to quickly establish whether a personal data breach has occurred and, if so, promptly take steps to address it, including notifying the Information Commissioner's Office (ICO) if required.
- 4.9.3 The duty requires the Councils to report certain types of personal data breach to the relevant supervisory authority (ICO) within 72 hours of becoming aware of the breach, where feasible.
- 4.9.4 If the breach is likely to result in a high risk of adversely affecting individuals' rights and freedoms, then the Councils must also inform those individuals without undue delay.
- 4.9.5 When notifying individuals the Councils will use clear and plain language to describe the personal data breach, provide contact details where more information can be obtained, describe any likely consequences of the personal data breach and the measures taken, or proposed to be taken, to deal with the personal data breach and including, where appropriate, of the measures taken to mitigate any possible adverse effects.
- 4.9.6 The Councils must also keep a record of any personal data breaches, regardless of whether we are required to notify the ICO. The Councils will document the facts relating to the breach, its effects and the remedial action taken.
- 4.9.7 The Councils will investigate whether or not the breach was a result of human error or a systemic issue and consider how a recurrence can be prevented – whether this is through better processes, further training or other corrective steps.
- 4.9.8 The Councils will ensure that they have robust breach detection, investigation and internal reporting procedures in place. A risk based approach will be used to facilitate decision-making about whether or not we

need to notify the relevant supervisory authority (ICO) and the affected individuals.

4.10 International Transfers

4.10.1 The GDPR restricts the transfer of personal data to countries outside the European Economic Area (as individuals risk losing the protection of the GDPR).

4.10.2 A transfer of personal data outside the protection of the GDPR (referred to by the ICO as a 'restricted transfer'), most often involves a transfer from inside the EEA to a country outside the EEA.

4.10.3 Personal data which the Councils process themselves is held on UK servers. When using an external provider for processing e.g. storing customer records, the Councils will use companies which have UK/EU/EEA based servers or ensure that any restricted transfer is undertaken in accordance with GDPR provisions.

5. Responsibility for Implementation

5.1 Keeping the policy under review and updating the policy is the responsibility of the Data Protection Officer for the Councils. The Senior Management Team are responsible for implementing this policy and the legislation in general.

5.2 Managers at all levels are responsible for ensuring that employees, agency workers, apprentices, unpaid volunteers and work placements for whom they are responsible are aware of and adhere to this policy. Managers are also responsible for ensuring that employees are updated in regard to any changes in this policy and receive regular training.

5.3 The Data Protection Officer assists the Councils to monitor internal compliance, informs and advises on data protection obligations, provides advice regarding Data Protection Impact Assessments (DPIAs) and acts as a contact point for data subjects and the supervisory authority (ICO).

Access to Information Policy **(Freedom of Information Act and** **Environmental Information Regulations)**

January 2020

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CONTROL SHEET FOR ACCESS TO INFORMATION POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Access to Information Policy
Current status – i.e. first draft, version 2 or final version	Final Draft
Policy author (post title only)	Information, Engagement & Performance Manager
Location of policy (whilst in development)	S:drive
Relevant Cabinet Member (if applicable)	Portfolio holder for Corporate Governance (BDC) Portfolio holder for Council Services (NEDDC)
Equality Impact Assessment approval date	18/11/19
Partnership involvement (if applicable)	N/A
Final policy approval route i.e. Executive/ Council	JSAC Executive (BDC) Cabinet (NEDDC)
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance (to include on Extranet and Internet if applicable to the public)	

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USEFUL LINKS

1. INTRODUCTION

The Freedom of Information Act 2000 (FOIA) gives a right of access to information held in any recorded form, electronic or paper.

It does this in two ways:

- Public authorities are obliged to publish certain information about their activities; and
- Members of the public are entitled to request information from public authorities.

The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities.

The Regulations do this in two ways:

- Public authorities must make environmental information available proactively;
- Members of the public are entitled to request environmental information from public authorities.

The Regulations apply only to the environmental information held by public authorities. The Freedom of Information Act gives people access to most other types of information held by public authorities.

The Regulations and the Freedom of Information Act do not give people access to their own personal data (information about themselves), such as their council tax records or housing file. Individuals have a right of access to information held about them under the General Data Protection Regulations (the GDPR) and the Data Protection Act 2018 (the DPA 2018). The Councils have a separate Data Protection Policy.

Bolsover District Council and North East Derbyshire District Council ('the Councils') recognise that compliance with information access legislation will support openness and transparency in the public sector.

2. SCOPE

This policy applies to all employees, unpaid volunteers/work experience placements and elected members. In certain circumstances it will apply to contractors working for the Councils.

The policy will be made available to the public.

3. THE PRINCIPLES OF THE POLICY

The policy has been produced to ensure compliance with the relevant legislation and to ensure customers gain appropriate access to information on request.

4. THE POLICY STATEMENT

4.1 FREEDOM OF INFORMATION

The Freedom of Information Act 2000 makes provision for the disclosure of information held by public authorities. In line with the Act the Councils aim to create a climate of openness with all customers and improve access to information about the Councils.

The Councils believe that individuals also have a right to privacy and confidentiality. This policy does not overturn the common law duties of confidence or statutory provisions that prevent disclosure of personal identifiable information. The release of such information is covered by data protection legislation.

The Councils believe that public authorities should be allowed to discharge their functions effectively. This means that the Councils will use the exemptions contained in the Act where an absolute exemption applies or where a qualified exemption can reasonably be applied in terms of the public interest of disclosure. Exemptions are covered in more detail in section 4.1.3.

This policy will be underpinned by operational procedures and guidance.

The Councils have a duty to provide employees and elected members with training and development to assist and support them in understanding and complying with the Freedom of Information Act (FOIA).

4.1.2 General Rights of Access

Section 1 of the Act gives a general right of access to recorded information held by the Council, subject to certain conditions and exemptions. Any person making a request for information to the Councils is entitled:

- To be informed in writing whether the Council holds the information of the description specified in the request; and
- If the Council holds the information, to have that information communicated to them in the format they require (if reasonable).

This is referred to as the 'duty to confirm or deny'.

Information is 'held' by the public authority if it is retained for the purposes of the public authority's business. Purely personal, political, constituency, or trade union information, for example, will not be 'held' for the purposes of the Act.

The Councils understand that under section 77 of the Act that it is a criminal offence to alter, deface, block, erase, destroy or conceal any information held with the intention of preventing disclosure following a request under the Act for information.

In accordance with section 8 of the Act, a request for information under the general rights of access must be received in writing, stating the name of the requester and an address for correspondence (email address is acceptable as well as postal), and

describing the information required. For the purposes of general rights of access, a request is to be treated as made in writing if it is transmitted to the Council by electronic means, is received in legible form and is capable of being used for subsequent reference.

The Councils will maintain corporate systems and procedures to process requests made under the Act.

4.1.3 Conditions and Exemptions

The duty to confirm or deny and provide information is subject to certain conditions and exemptions. Under section 1(3) the duty does not arise where the Councils:

- Reasonably require further information in order to identify and locate the information requested; and
- Has informed the applicant of that requirement.

The Councils will make reasonable efforts to contact the applicant for additional information regarding their request if required.

Under section 2 of the Act the Councils do not have to comply with this duty if the information is exempt under the provisions of Part II of the Act sections 21 to 44. These provisions either confer an absolute exemption or a qualified exemption. A qualified exemption may be applied if, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information. The Councils will seek to use the qualified exemptions sparingly and will, in accordance with section 17 of the Act justify the use of such exemptions.

Exemptions also provide an option to claim an exclusion from the duty to confirm or deny whether the information is held. This duty will be considered separately to the duty to provide information and will only be used for particularly sensitive information.

The duty to confirm or deny and provide information does not arise if a fees notice has been issued to a requester and the fee has not been paid within the period of three months beginning on the day on which the fees notice is given to the requester (section 9 FOIA).

The duty to comply with a request for information does not arise if the Councils estimate that the cost of compliance with the request would exceed the appropriate limit (section 12 FOIA). The Councils will work with requesters to keep compliance costs to a minimum but reserves the right to either (a) refuse or (b) charge for the information in accordance with the provisions under the Act (section 13)

The Councils are not obliged to comply with a request for information if the request is vexatious. Where the Councils have previously complied with a request for information which was made by any person, it is not obliged to comply with a subsequently identical or similar request from that person unless a reasonable interval has elapsed between compliance with the previous request and the making of the current request (section 14 FOIA). The Councils will log all requests for information for monitoring purposes and will be able to identify repeated or vexatious requests. The Councils will work to the guidance provided by the Information

Commissioners office regarding repeated or vexatious requests. The Councils have set out their approach to vexatious complainants in their Compliments, Comments and Complaints Policy and this will be considered also noting that the request itself (and not the requester) needs to be considered vexatious.

4.1.4 Charges and Fees

The Act does not allow public authorities to charge a flat fee for requests. Communication costs, such as for photocopying, printing and postage can be recovered. Other costs such as for staff time spent searching for information cannot be charged for unless other relevant legislation authorises this. The Councils will adhere to these provisions.

If the cost of complying with the request would exceed the “appropriate limit”, or ‘cost limit’ (section 12) then the Councils can offer to supply the information and recover their full costs (including staff time), rather than refusing the request (see section 4.1.3).

In all cases where the Councils choose to charge a fee, a fees notice will be issued to the requester as required by section 9 of the Act. Requesters will be required to pay any fees within a period of three months beginning with the day on which the fees notice is given to them. The Councils are not required to make the requested information available if the fee is not paid within this period.

4.1.5 Time limits for compliance with requests

Public authorities must respond to requests for information promptly and within 20 working days following the date of receipt of the request (section 10 FOIA). The Councils have established systems and procedures in place to meet this timescale. On occasion the Councils may need to seek an extension and will do so in accordance with the regulations and advise the requester in writing.

If the information requested by the requester incurs a charge or a fee and the requester has paid this in accordance with section 9(2), the working days in the period from when the requester received the fees notice to when they paid will be disregarded for the purposes of calculating the 20th working day following receipt.

If the Councils choose to apply an exemption to any information or to refuse a request as it appears to be vexatious or repeated, or exceeds the appropriate limit for costs of compliance, a notice shall be issued within 20 working days informing the requester of this decision.

4.1.6 Means by which information will be conveyed

When a requester, on making their request for information, expresses a preference for communication by any one or more of the following means, namely:

- The provision to the requester of a copy of the information in permanent form or in another form acceptable to the requester;
- The provision to the requester of a reasonable opportunity to inspect a record containing the information, and

- The provision to the requester of a digest or summary of the information in permanent form or in another form acceptable to the requester;

The Councils shall, in so far as is reasonably practicable, give effect to that preference in accordance with section 11 of the Act.

In determining whether it is reasonably practicable to communicate information by a particular means, the Councils will consider all the circumstances, including the cost of doing so. If the Councils determine that it is not reasonably practicable to comply with any preference expressed by the requester in making their request, the Councils will notify the requester of the reasons for its determination and will provide the information by such means as which it deems to be reasonable in the circumstances.

4.1.7 Refusal of requests

As indicated under 4.1.3, the duty to confirm or deny and provide information does not arise if the Councils:

- Under section 2 of the Act apply an exemption under Part II of the Act,
- Have issued a fees notice under section 9 of the Act and the fee has not been paid within a period of three months beginning with the day on which the fees notice was given to the requester;
- Under section 12 of the Act estimate that the cost of compliance with the request for information exceeds the appropriate limit;
- Can demonstrate that the request for information is vexatious or repeated, as indicated by section 14 of the Act.

If the Councils choose to refuse a request for information under any of the above clauses, the requester will be informed of the reasons for this decision within 20 working days. As set out in section 17(7) of the Act, the requester will also be informed of the procedures for making a complaint about the discharge of the duties of the Council under the Act and the rights of appeal to the Information Commissioner conferred by section 50 of the Act.

If the Councils are, to any extent, relying on a claim that:

- Any provision of Part II (relating to the duty to confirm or deny) is relevant to the request; or that information is exempt information.

A notice will be issued within twenty working days under section 17 of the Act which:

- States that fact;
- Specifies the exemption in question; and
- States (if that would not otherwise be apparent) why the exemption applies;
- Gives details of the Council's complaints procedure and how to appeal to the Information Commissioner.

Where the Councils are considering applying an exemption and have not yet reached a decision as to the application of an exemption, the notice will indicate that no decision as to the application of an exemption has been reached. It will contain

an estimate of the date by which the Council expects that a decision will have been reached.

As outlined in the Cabinet Offices' Code of Practice issued under section 45 of the Act, such estimates should be realistic and reasonable and compliance is expected unless there are extenuating circumstances. If an estimate is exceeded, the requester will be given a reason(s) for the delay and offered an apology by the Council. If the Council finds, while considering the public interest, that the estimate is proving unrealistic, the requester will be kept informed.

The Councils have the right to refuse to deal with questionnaires or surveys which purport to be Freedom of Information requests but which ask for perceptions or views rather than information held.

4.1.8 Duty to provide advice and assistance

The Councils will provide advice and assistance, so far as it would be reasonable to expect the Councils to do so, to persons who propose to make, or have made, requests for information. This is a duty under section 16 of the Act and supports the Councils' aim of providing excellent services and equality.

4.1.9 Transferring requests for information

If the Councils believe that some or all of the information requested is held by another public authority, the Councils will consider what would be the most helpful way of assisting the requester with their request. In most cases this is likely to involve providing the requester with contact details for that authority.

The Councils will not transfer any requests without the consent of the requester as they may object to their details being passed on. Where the Councils are unable to advise the requester which organisation may hold the information, the Councils will consider what advice, if any, it can provide to the requester to enable them to pursue their request.

4.1.10 Consultation with Third Parties

The Councils recognise that there will be circumstances when it should consult third parties about information held in scope of a request in order to consider whether information is suitable for disclosure. These may include:

- When requests for information relate to persons or bodies who are not the requester and/or the public authority; or
- When disclosure of information is likely to affect the interests of persons or bodies who are not the requester or the authority.

The Councils will consult third parties where there are contractual obligations which require consultation before information is released. In other circumstances the Councils will endeavour to consult third parties as good practice where the information is likely to affect their business or private interests. The Councils recognise that third parties who have created or provided the information held by the Councils may have a better understanding of its sensitivity and will give their

comments appropriate weight. The views of third parties will be particularly relevant in cases where it is necessary to consider the prejudice and public interest tests.

The Councils also recognise that they are not required to accept views provided to them from third parties about whether or not information should be released. It is ultimately for the Councils to take the final decision on release following any consultation it undertakes. The Councils will endeavour as best practice to give third parties advance notice or to draw it to their attention as soon as possible if the decision is to release the information.

The Councils may consider that consultation is not appropriate where the cost of consulting with third parties would be disproportionate. In such cases, the Councils will consider the most reasonable course of action for it to take in light of the requirements of the Act and the individual circumstances of the request. Consultation will be unnecessary where:

- The Councils do not intend to disclose the information relying on some other legitimate ground under the terms of the Act;
- The views of the third party can have no effect on the decision of the Council, for example, where there is other legislation preventing or requiring the disclosure of this information; and
- No exemption applies and so, under the Act's provisions, the information must be provided.

Where the interests of a number of third parties may be affected by a disclosure and those parties have a representative organisation that can express views on behalf of those parties, the Councils will, if it considers consultation appropriate, consider that it would be sufficient to consult that representative organisation. If there is no representative organisation, the Councils may consider that it would be sufficient to consult a representative sample of the third parties in question.

4.1.11 Contracts

When entering into a contract with a third party it is likely that both the Councils and the contractor will hold information about the contractual arrangements. If a contractor holds information relating to the contract on behalf of the Council, this information should be considered in the same way as information held by the Council and so will be subject to the Act. Such information would include where a public authority is using a contractor to store records or where a contract stipulates that certain information about service delivery is held on behalf of an authority for Freedom of Information purposes.

When entering into a contract the Councils and the contractor should agree what types of information they consider will be held by the contractor on behalf of the Council and indicate this in the contract or in an annex or schedule. Consideration will also be given to putting in place appropriate arrangements for the Council to gain access to the information if a request is made under the Act. These arrangements may include:

- How and when the contractor should be approached for information
- How quickly the information should be provided
- How any disagreement about disclosure between the Council and the contractor will be addressed

- How any request for internal review or subsequent appeal to the Information Commissioner will be handled
- The contractor's responsibility for maintaining adequate systems for record keeping in relation to information held on behalf of the Council
- Where the Council itself holds the requested information, the circumstances under which the Council must consult the contractor about disclosure.

As good practice these arrangements should be set out in the contract or in a related Memorandum of Understanding.

Requests for information held by contractors on behalf of a public authority should be answered by the Councils. Contractors will be instructed to pass on any requests received directly or advise the requester to direct their request to the Council.

Where contractors deliver services on behalf of the Council the contract will make clear that contractors will need to fully assist the Council with their obligations under the Act. The contract should also include details of how non-compliance with these obligations will be dealt with.

The Councils may be asked to accept confidentiality clauses when entering into a contract with a third party. The Councils will give careful consideration as to whether these agreements are compatible with their obligations under the Act and the public interest in accountability. The Councils are aware of the legal limits placed on the enforceability of such confidentiality clauses and the importance of making sure that the public can gain access to a wide range of information about contracts and their delivery. The Councils are also mindful of their broader transparency obligations to publish regular details of spending, tenders and contracts on external suppliers.

4.1.12 Accepting information in confidence from Third Parties

The Council will only accept information from third parties in confidence, if it is necessary to obtain that information in connection with the exercise of any of the Council's functions and it would not otherwise be provided.

The Council will not agree to hold information received from third parties "in confidence" which is not confidential in nature. Again, acceptance of any confidentiality provisions must be for good reasons and compatible with the Councils' obligations under the Act.

4.1.13 Complaints about the discharge of the duties of the Council under the Act

The Councils will deal with complaints about the discharge of their duties under the Act, including the handling of requests for information under their Compliments, Comments and Complaints Policy and associated procedures. The policy is published on the Councils' websites.

These complaints will usually be dealt with as a request for an "internal review" of the original decision. As required under section 17(7) of the Act, the Councils will notify requesters of their internal review process and also of their right to complain to the Information Commissioner under section 50 if they are still dissatisfied following the outcome of the Council's internal review.

The Councils will observe the usual practice to accept a request for an internal review made within 40 working days from the date a public authority has issued an initial response to a request.

Requests for internal review will be acknowledged and normally responded to within 20 working days of receipt. If an internal review is complex and/or requires consultation with third parties then longer may be needed to consider the issues and respond. In these instances the Councils will inform the requester and provide a reasonable target date by which to respond. It is best practice for this to be no more than an additional 20 working days and the Councils will adopt that practice wherever possible.

4.1.14 Corporate Record Retention and Disposal Schedule

The Councils have a Corporate Record Retention and Disposal Schedule to ensure compliance with the Code of Practice on the Management of Records under section 46 of the Freedom of Information Act 2000. The schedule can be provided to customers on request.

Council records should be kept for as long as they are needed for statutory, business and historic purposes. After which they should be disposed of in accordance with the information they contain i.e. confidential records including those containing personal data destroyed securely.

The aim of the retention schedule is to provide a consistent approach to the way the Councils handle their records, and provides a clear set of guidelines to staff.

A record can be defined as *'information, in whatever medium, received or created by an organisation in the course of its business, and retained by that organisation as evidence of its activities or because of the information contained'*.

4.1.15 Publication Schemes

Under section 19 of the Act public authorities are required to produce and maintain a publication scheme. The purpose is to increase transparency and allow members of the public to routinely access information relating to the functions of a public authority.

The Councils publish their scheme documents on their websites. The document details what information is published, the format in which the information is available, who to contact to obtain the information and whether or not a charge will be made for the provision of that information.

The Councils review their publication schemes every three years.

The Councils will also publish details of their performance on handling requests for information under the Act (compliance statistics) as recommended for public authorities with over 100 Full Time Equivalent (FTE) employees.

4.1.16 Data Transparency

The Councils will publish information in accordance with the Local Government Transparency [Code](#) 2015.

Information published on the Councils data transparency web page will be published under the UK Open Government [Licence](#).

4.1.17 Datasets

Sections 11, 11A, 11B and 19 of Part 1 of the Act provide additional rights in relation to the disclosure and in some cases, re-use of datasets.

The dataset provisions are intended to ensure that public authorities make datasets, either in response to a Freedom of Information request or proactively under a publication scheme, in a way that allows them to be re-used. They create a duty to provide datasets in a re-usable form and under licensing conditions that permit re-use. A re-usable format is one that is machine readable, such as Comma-separated Value (CSV) format and based on open standards.

Where datasets are only held in non-re-usable formats, the Councils are not obliged to convert the dataset before releasing it where it is not reasonably practicable to do so.

A dataset is a collection of factual information in electronic form to do with the services and functions of the public authority that is neither the product of analysis or interpretation, nor an official statistic and has not been materially altered.

Examples will include datasets comprising combinations of letters and numbers used to identify property or locations such as postcodes and references; datasets comprising numbers and information related to numbers such as spend data; datasets comprising text or words such as information about job roles.

The Councils will observe guidance contained within the Cabinet Office's Freedom of Information Code of Practice and guidance issued by the Information Commissioner's Office on datasets.

4.2 ENVIRONMENTAL INFORMATION REGULATIONS

The Environmental Information Regulations 2004 provide public access to environmental information held by public authorities.

The Regulations do this in two ways:

- public authorities must make environmental information available proactively;
- members of the public are entitled to request environmental information from public authorities.

The duty under the Regulations is to provide access to environmental information either by allowing inspection or providing copies of the information.

The Councils have a duty to provide employees and elected members with training and development to assist and support them in understanding and complying with the Environmental Information Regulations (EIR).

4.2.1 General Rights of Access

The Regulations give people a right of access to information about the activities of public authorities that relate to or affect the environment, unless there is good reason for them not to have the information. This is sometimes referred to as a presumption in favour of disclosure.

This means that everybody has a right to access environmental information. Disclosure of information should be the default – in other words, information should be kept private only when there is a good reason and the Regulations allow it.

Requesters do not need to give a reason for wanting the information. The presumption of disclosure requires the Councils to justify when refusing to disclose information.

The Councils will treat all requests for information equally and understands that information released under the Regulations is released to the world at large. This does not prevent the Councils from voluntarily giving information to people outside the provisions of the Regulations.

The Regulations cover any recorded information that the Councils hold that falls within the definition of 'environmental information'. It is not limited to official documents or information created by the Councils; it can cover, for example, drafts, emails, notes, recordings of telephone conversations and CCTV recordings.

Any person making a request for environmental information to the Councils is entitled to receive that information no later than 20 working days after the Council receives the request

The Regulations stipulate that a request for environmental information does not need to be in writing. The Councils will process verbal requests for environmental information in the same way as written ones. As good practice the Councils will endeavour to confirm that they have noted the request as intended by the requester.

4.2.2 Conditions and Exceptions

The Regulations state exceptions that allow public authorities to refuse to provide requested information. Some of the exceptions relate to categories of information, for example, unfinished documents and internal communications. Others are based on the harm that would arise from disclosure, for example, if releasing the information would adversely affect intellectual property rights. There is also an exception for personal data if providing it would be contrary to the General Data Protection Regulations (the GDPR) or the Data Protection Act 2018 (the DPA 2018).

Under the Regulations, most exceptions are subject to the public interest test. This requires the Councils to balance the public interest arguments for disclosing the information against those for upholding the exception.

Regulation 12(4)(b) allows the Councils to refuse requests that are 'manifestly unreasonable'. Requests may be manifestly unreasonable if:

- dealing with a request would create unreasonable costs or an unreasonable diversion of resources; and
- an equivalent request would be found 'vexatious' if it was subject to the Freedom of Information Act.

The Councils will give due consideration to the use of exceptions under Regulations 12 and 13 when required and also to other provisions to enable the effective administration of requests.

4.2.3 Charges and Fees

The Regulations do not require charges to be made but public authorities have discretion to make a reasonable charge for environmental information (Regulation 8). Providing access to a public register or if the requester examines the information at a place made available by the authority is free of charge. The Code of Practice (EIR) suggests that the charge must not exceed the cost of producing the information unless the authority is entitled to also levy a market-based charge. The Councils will comply with these guidelines.

Where the Councils choose to charge for environmental information, a fees notice will be issued to the requester as stated in Regulation 8(4). Requesters will be required to pay advance fees within a period of 60 days beginning with the day on which the fees notice is given to them. The Councils are not required to make the requested information available if the fee is not paid within this period.

4.2.4 Time limits for compliance with requests

The Councils have established systems and procedures to ensure that they comply with the duty to provide the information requested within 20 working days of a request in accordance with Regulation 5(2). The 20 working day limit can be extended to 40 working days if the complexity and volume of the information means that the 20 working day limit cannot be complied with.

If the Councils need to extend the deadline a notice shall be issued within 20 working days informing the requester of this decision. This is in accordance with Regulation 7.

If the information requested by the requester incurs a charge or a fee and the requester has paid this, the working days in the period from when the requester received the fees notice to when they paid will be disregarded for the purposes of calculating the 20th working day following receipt. This is in accordance with Regulation 8(6).

4.2.5 Means by which information will be conveyed

When a requester, on making their request for information, expresses a preference for communication by any one or more of the following means, namely:

- The provision to the requester of a copy of the information in permanent form or in another form acceptable to the requester;

- The provision to the requester of a reasonable opportunity to inspect a record containing the information, and
- The provision to the requester of a digest or summary of the information in permanent form or in another form acceptable to the requester;

The Councils shall, in so far as is reasonably practicable, give effect to that preference in accordance with Regulation 6(1).

In determining whether it is reasonably practicable to communicate information by a particular means, the Councils will consider all the circumstances, including the cost of doing so. If the Councils determine that it is not reasonably practicable to comply with any preference expressed by the requester in making their request, the Councils will notify the requester of the reasons for its determination and will provide the information by such means as which it deems to be reasonable in the circumstances. This is in accordance with Regulation 6(2).

4.2.6 Refusal of requests

If the Councils choose to refuse a request for information in accordance with an exception, the requester will be informed in writing which exception has been claimed and why that exception applies, and will do so no later than 20 working days after the date of receipt of the request. This is in accordance with Regulation 14. As set out in Regulation 14(5) the requester will also be informed of the process for making a complaint about the discharge of the duties of the Council under the Regulations and the rights of appeal to the Information Commissioner conferred by Regulation 18.

If applying an exception under Regulation 12(1)(b), the Councils will, in the decision letter, state the reasons for claiming that the public interest in maintaining the exception outweighs the public interest in disclosure.

The Councils will keep a record of all notices issued to refuse requests for information.

4.2.7 Duty to provide advice and assistance

The Councils will provide advice and assistance, so far as it would be reasonable to expect the Councils to do so, to persons who propose to make, or have made, requests for information. This is a duty under Regulation 9 and supports the Council's aim of providing excellent services and equality.

The Councils will ensure that the systems and procedures that are deployed to meet the Regulation 9 duty also conform to the Code of Practice issued under Regulation 16.

4.2.8 Transferring requests for information

If the Councils believe that some or all of the information requested is held by another public authority, the Councils will consider what would be the most helpful way of assisting the requester with their request. In most cases this is likely to involve providing the requester with contact details for that authority.

The Councils will not transfer any requests without the consent of the requester as they may object to their details being passed on. Where the Councils are unable to advise the requester which organisation may hold the information, the Councils will consider what advice, if any, it can provide to the requester to enable them to pursue their request.

4.2.9 Consultation with Third Parties

The Councils recognise that unless an exception is provided for in the Regulations in relation to any particular information, it will be obliged to disclose that information in response to a request. The Councils understand that they are not obliged by the Regulations to consult on information which may be wholly or jointly owned by third parties but recognises that it may be prudent to do so.

The Councils acknowledge that, unlike the Freedom of Information Act, the Regulations contain no 'absolute' exceptions, and that lack of consent of a third party does not necessarily preclude disclosure. The Councils will disclose the information if the public interest in disclosing it outweighs the public interest in withholding it.

The Councils may consider that consultation is not appropriate where the cost of consulting with third parties would be disproportionate. In such cases, the Councils will consider the most reasonable course of action for it to take in light of the requirements of the Regulations and the individual circumstances of the request.

The fact that the third party has not responded to consultation does not relieve the Councils of its duty to disclose information under the Regulations, or its duty to reply within the time specified in the Regulations. In all cases, it is for the Councils, not the third party (or representative of the third party) to determine whether or not information should be disclosed under the Regulations. A refusal to consent to disclosure by a third party does not, in itself, mean information should be withheld.

4.2.10 Contracts

When entering into contracts the Councils will refuse to include contractual terms that purport to restrict the disclosure of environmental information held by the Councils and relating to the contract beyond the restrictions permitted by the Regulations. Unless an exception provided for under the Regulations is applicable in relation to any particular information, the Councils will be obliged to disclose that information in response to a request, regardless of the terms of any contract.

When entering into contracts with non-public authority contractors, the Councils may be under pressure to accept confidentiality clauses so that information relating to the terms of the contract, its value and performance will be exempt from disclosure. As recommended by the Code of Practice (EIR), the Councils will reject such clauses wherever possible and explain the relevance of the public interest test. Where, exceptionally, it is necessary to include non-disclosure provisions in a contract, the Councils will investigate the option of agreeing with the contractor a schedule of the contract that clearly identifies information which should not be disclosed. The Councils will take care when drawing up any such schedule, and be aware that any restrictions on disclosure provided for could potentially be overridden by obligations under the Regulations, as described in the paragraph above. Any

acceptance of such confidentiality provisions must be for good reasons and capable of being justified to the Information Commissioner.

The Councils will not agree to hold information 'in confidence' which is not in fact confidential in nature. The Councils acknowledge that certain exceptions including those for commercial confidentiality, and voluntarily supplied data, are not available when the information requested is about emissions into the environment.

It is for the Councils to disclose information pursuant to the Regulations, and not the non-public authority contractor. The Councils will take steps to protect from disclosure by the contractor information that the authority has provided to the contractor (which would clearly be exempt from disclosure under the Regulations) by appropriate contractual terms. In these cases, contracts or other working arrangements will be made to ensure appropriate consultation about the handling of requests for information exchanged between the parties. Any such constraints will be drawn as narrowly as possible and according to the individual circumstances of the case. Apart from such cases, the Councils will not impose terms of secrecy on contractors.

4.2.11 Accepting information in confidence from Third Parties

The Councils will only accept information from third parties in confidence, if it is necessary to obtain that information in connection with the exercise of any of the Councils' functions and it would not otherwise be provided. Even in these circumstances, the Councils will explain the relevance of the public interest test and the fact that there could be circumstances in which the public interest in responding to a request outweighs the desires for confidentiality of a third party.

The Councils will not agree to hold information received from third parties "in confidence" which is not confidential in nature. Again, acceptance of any confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

4.2.12 Complaints about the discharge of the duties of the Council under the Regulations

The Councils will deal with complaints about the discharge of their duties under the Regulations, including the handling of requests for information under their Compliments, Comments and Complaints Policy and associated procedures. The policy is published on the Councils' websites.

These complaints will usually be dealt with as a request for an "internal review" of the original decision. As required under Regulation 14(5), the Councils will notify applicants of their internal review process and also of their right to complain to the Information Commissioner under Regulation 18 if they are still dissatisfied following the outcome of the Council's internal review.

Requests for internal review will be acknowledged and normally responded to within 20 working days of receipt. The Code of Practice (EIR) does allow for 40 working days however the Councils will endeavour to work to 20 working days for consistency with FOIA internal reviews. If an internal review is complex and/or requires consultation with third parties then longer may be needed to consider the

issues and respond. In these instances the Councils will inform the requester and provide a reasonable target date by which to respond. It is best practice for this to be no more than an additional 20 working days and the Councils will adopt that practice wherever possible.

4.3 RE-USE OF PUBLIC SECTOR INFORMATION

The Councils have a duty to comply with the Re-use of Public Sector Information Regulations 2015. These regulations do not provide access to the information itself. That remains available through the usual channels such as printed materials, information published on the website and through requests made under the Freedom of Information Act, Environmental Information Regulations, General Data Protection Regulation and Data Protection Act.

Re-use means using the information for a purpose other than the purpose for which the information was originally produced, including commercial purposes. This includes copying, adopting, developing, adding value, broadcasting or commercially exploiting.

The regulations apply only to information produced, held or disseminated within a public sector's body public task and for which they hold copyright.

Guidance on the regulations has been produced by the National Archives and adopted by the Councils. The guidance is published on the Councils' websites.

5 RESPONSIBILITY FOR IMPLEMENTING THE POLICY

The Information, Engagement and Performance Manager who has delegated responsibility for Freedom of Information and Environmental Information Regulations, will oversee the implementation of this policy and establish processes to support the policy on behalf of the Joint Chief Executive.

Managers at all levels are responsible for ensuring that the employees/ unpaid volunteers and work placements for whom they are responsible are aware of and adhere to this policy. They are also responsible for ensuring that employees are updated in regard to any changes in this policy.

All employees, unpaid volunteers/work placements and elected members are obliged to adhere to this policy.

USEFUL LINKS

The Information Commissioner's website – <https://ico.org.uk/>

Code of Practice – Freedom of Information

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/744071/CoP_FOI_Code_of_Practice_-_Minor_Amendments_20180926_.pdf

Code of Practice – Environmental Information Regulations 2004

[https://ico.org.uk/media/for-organisations/documents/1644/environmental_information_regulations_code_of_practice.p
df](https://ico.org.uk/media/for-organisations/documents/1644/environmental_information_regulations_code_of_practice.pdf)

Use of Overt Surveillance Systems Policy

January 2020

We speak your language

Polish

Mówimy Twoim językiem

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Nous parlons votre langue

Spanish

Hablamos su idioma

Slovak

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01246 242424 or

North East Derbyshire District
Council on **01246 231111**

CONTROL SHEET FOR Use of Overt Surveillance Systems Policy

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Use of overt surveillance systems (Joint policy)
Current status – i.e. first draft, version 2 or final version	Final Draft
Policy author (post title only)	Information, Engagement & Performance Manager
Location of policy (whilst in development)	S Drive
Relevant Cabinet Member (if applicable)	Portfolio holder for Corporate Governance (BDC) Portfolio holder for Council Services (NEDDC)
Equality Impact Assessment approval date	27/02/20
Partnership involvement (if applicable)	
Final policy approval route i.e. Joint Strategic Alliance Committee, Cabinet/Executive/Council	JSAC Executive (BDC) Cabinet (NEDDC)
Date policy approved	
Date policy due for review (maximum three years)	
Date policy forwarded to Performance (to include on Extranet and Internet if applicable to the public)	

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1. Introduction

- 1.1. This document sets out Bolsover District Council's and North East Derbyshire District Council's ('the Councils') policy on the use of overt surveillance systems.
- 1.2. A surveillance system is a broad term for the linked equipment used for capturing, recording and viewing images for overt surveillance purposes.
- 1.3. A surveillance camera is a broad term to describe close circuit television (CCTV), body worn cameras and other devices used for overt surveillance purposes.
- 1.4. The Councils use overt surveillance systems for the purposes of public safety, crime prevention, detection and prosecution of offenders, monitoring council buildings and assets to protect the public, staff, elected members and visitors, and its property.
- 1.5. The Councils fully recognise that the use of overt surveillance systems need to comply with a legal framework notably the General Data Protection Regulation (GDPR) and Data Protection Act 2018, and Article 8 of the European Convention on Human Rights (the right to respect for private and family life).
- 1.6. The policy covers the use of surveillance camera systems and processing of images and information obtained from those systems. The policy takes on board guidance provided in the Surveillance Commissioner's, Surveillance Camera Code of Practice and the Information Commissioner's CCTV Code of Practice.
- 1.7. This policy together with Councils' Data Protection Policy and operational guidance will support surveillance system owners, managers and users on the management, administration and operation of surveillance systems for overt use.

Definitions

Term	Definition
BWV (Body worn video)	Body worn video (BWV) is a wearable audio, video, or photographic recording system used to record events by relevant council officers. They are typically worn on the torso of the body on the officer's uniform.
CCTV (Closed circuit television)	The use of video cameras to transmit a signal to a specific place on a limited set of monitors. Frequently used for monitoring public space.
Data controllers	Those who determine the purposes and means of processing personal data i.e. the Councils.
(DPIA) Data protection impact assessment	A process designed to help data controllers (the Councils) to systematically analyse, identify and minimise the data protection risks of a project or plan. These are a legal requirement under general data protection regulation (GDPR) for any type of processing, including certain specified types of processing that are likely to result in a high risk to the rights and freedoms of individuals.
Overt	Done or shown openly e.g. in a public place
Surveillance camera	Broad term to describe CCTV, body worn cameras and other devices used for overt surveillance purposes.

Surveillance system	Broad term for the linked equipment used for capturing, recording and viewing images for overt surveillance purposes. They are used to monitor or record the activities of individuals, or both.
System operator	Those with overall responsibility for the surveillance systems i.e. the Councils.
System owner	A designated lead officer who has overall responsibility for the specific surveillance system.
System manager	An operational lead officer for the day to day running of a specific surveillance system.
System user	Designated members of staff who are authorised to use the surveillance equipment and/or system.

Legislation

The policy takes into account the:

- Surveillance Commissioners, Surveillance Camera Code of Practice.
<https://www.gov.uk/government/organisations/surveillance-camera-commissioner>
- Information Commissioners CCTV Code of Practice
<https://ico.org.uk/media/1542/cctv-code-of-practice.pdf>
- Protection of Freedoms Act 2012. (2012 Act)
<http://www.legislation.gov.uk/ukpga/2012/9/contents/enacted>
- Documents issued by the Home Office in October 2016 (revised 2018):
 - [Technical Guidance for Body Worn Video Devices](#)
 - [Safeguarding Body Worn Video Data](#)
- Requirements for processing personal data as set out in the General Data Protection [Regulation](#) (GDPR) and Data Protection [Act](#) 2018
- Right to privacy as set out in Article 8 of the European Convention on Human Rights
https://www.echr.coe.int/Documents/Convention_ENG.pdf

2. Scope

- 2.1. The policy is applicable to all employees and service areas which operate any form of overt surveillance system.
- 2.2. This policy does not apply to covert surveillance for investigation purposes which must only be carried out in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).
- 2.3 This policy will be made available to the public.

3. Principles

- 3.1 The Surveillance Camera Code of Practice (the Code) was issued in 2013 following the introduction of the Protection of Freedoms Act 2012 and further updated in 2014. The Code provides guidance on the appropriate and effective use of surveillance camera systems.
- 3.2 The Councils are relevant authorities as defined by section 33 of the Protection of Freedoms Act and therefore must have regard to the Code.
- 3.3 The Code applies to the use of surveillance camera systems that operate in public places, regardless of whether or not there is any live viewing or recording of images or information or associated data.
- 3.4 The Code provides 12 guiding principles which the Councils have adopted. These are:
1. Use of a surveillance camera system must always be for a specified purpose which is in pursuit of a legitimate aim and necessary to meet an identified pressing need.
 2. The use of a surveillance camera system must take into account its effect on individuals and their privacy, with regular reviews to ensure its use remains justified.
 3. There must be as much transparency in the use of a surveillance camera system as possible, including a published contact point for access to information and complaints.
 4. There must be clear responsibility and accountability for all surveillance camera system activities including images and information collected, held and used.
 5. Clear rules, policies and procedures must be in place before a surveillance camera system is used, and these must be communicated to all who need to comply with them.
 6. No more images and information should be stored than that which is strictly required for the stated purpose of a surveillance camera system, and such images and information should be deleted once their purposes have been discharged.
 7. Access to retained images and information should be restricted and there must be clearly defined rules on who can gain access and for what purpose such access is granted; the disclosure of images and information should only take place when it is necessary for such a purpose or for law enforcement purposes.
 8. Surveillance camera system operators should consider any approved operational, technical and competency standards relevant to a system and its purpose and work to meet and maintain those standards.
 9. Surveillance camera system images and information should be subject to appropriate security measures to safeguard against unauthorised access and use.

10. There should be effective review and audit mechanisms to ensure legal requirements, policies and standards are complied with in practice, and regular reports should be published.

11. When the use of a surveillance camera system is in pursuit of a legitimate aim, and there is a pressing need for its use, it should then be used in the most effective way to support public safety and law enforcement with the aim of processing images and information of evidential value.

12. Any information used to support a surveillance camera system which compares against a reference database for matching purposes should be accurate and kept up to date.

4. Statement

4.1 Use of surveillance camera systems

Surveillance camera systems operating in public places must always have a clearly defined purpose in pursuit of a legitimate aim and necessary to address a pressing need.

The Councils use CCTV on and within its buildings to:

- Protect staff, Elected Members, visitors and customers
- Protect its premises and other assets

The Councils will publish a list of areas where CCTV is in operation.

The Councils designate officers undertaking relevant job roles to use body worn video (BWV) cameras to:

- Protect staff and residents
- Protect premises and other assets
- Collate evidence for enforcement action, including tenancy management, premises inspections, prosecution and to support the issuing of fixed penalty notices
- Increase personal safety and reduce the fear of crime
- Deter and reduce incidents of violence and aggression to staff members
- Support the Police in reducing and detecting crime
- Assist in identifying, apprehending and prosecuting offenders
- Provide a deterrent effect and reduce criminal and antisocial behaviour

The Councils have established lawful bases under data protection legislation for the processing of personal data for these purposes.

The use of established surveillance cameras shall be in accordance with the purposes specified under this policy.

Any proposals for the use of new surveillance cameras or systems or for existing surveillance cameras or systems to be used for a new purpose will require a Data

Protection Impact Assessment (DPIA) undertaking before the procurement and implementation stages. This will enable the impact on privacy to be assessed and for any appropriate safeguards to be put in place. It will also demonstrate that both the necessity and extent of any interference with Article 8 rights (Human Rights Act – respect for private and family life) has been considered.

The Councils note the need to consult with the Regulator (Information Commissioner's Office – ICO) when after conducting a DPIA a high risk to the rights and freedoms of individuals remains. Under these circumstances the Councils note that they cannot proceed with the processing until this consultation has taken place. Where the Councils can take steps to reduce the risk then there is no requirement to consult with the ICO.

The Councils may also need to consider whether consultation with those most likely to be affected is required before any decision is taken if proposing an extension to the purposes for which a surveillance system was established or considering a new surveillance system.

4.2 Privacy

The right to respect for private and family life is set out in Article 8 of the European Convention on Human Rights. The use of any form of surveillance may impact on an individual's privacy and rights under the Human Rights Act and data protection legislation (General Data Protection Regulation (GDPR) and Data Protection Act (DPA) 2018).

BWV cameras are likely to be more intrusive than CCTV style surveillance systems because of its mobility. BWV cameras have the ability to be switched on or off. The Councils recognise that continuous recording will require strong justification as it is likely to be excessive and cause a great deal of collateral intrusion.

The Councils will therefore only deploy surveillance systems in public places where there is a particularly high expectation of privacy, such as toilets or changing rooms, to address a particularly serious problem that cannot be addressed by less intrusive means. Such deployment will be subject to regular review, to ensure it remains necessary.

The Councils note the Code's statements on a surveillance camera system use on recording conversations between members of the public as highly intrusive and requiring a strong justification of necessity to establish its proportionality.

The Councils will prescribe guidance to officers covering the use of surveillance camera especially in situations where a higher level of privacy is expected, for example, use of BWV cameras in private dwellings. This guidance will also cover use with vulnerable individuals and sensitivities around religious or cultural beliefs and practices.

With regards to CCTV installations every consideration will be given to the right of the general public to go about their daily business with minimum loss of privacy. Whilst total privacy cannot be guaranteed within a CCTV area, the cameras and their recordings will not be used to unduly monitor persons going about their lawful business. Where appropriate, cameras will be configured with 'privacy screening' preventing privacy intrusions.

4.3 Transparency

People in public places should normally be made aware whenever they are being monitored by a surveillance camera system, who is undertaking the activity and the purpose for which that information is to be used. This is an integral part of overt surveillance and a legal obligation under data protection legislation.

The Councils will publish information on its websites on the surveillance camera systems that they use, how to make requests for images and how to make a complaint about the use of surveillance camera systems. The Councils will use their corporate complaints policies and procedures for this purpose. Information on surveillance camera systems is also included in its published privacy statements.

Signage will be displayed informing individuals that CCTV is in operation. This information will include the purpose for the installation and a contact number for enquiries. BWV cameras will be worn on the users uniform or clothing in a prominent and overt position and will show that it is a recording device (the recording screen faces outwards). Users will also carry cards to give to individuals as and when required providing the purpose for the use and contact information for further information.

The Councils will prescribe guidance on how to record an incident using a BWV camera including making a verbal announcement at the start of any recording or as soon as it is practicable to do so which is captured for the record and informs the individual concerned.

4.4 Accountability

The Councils will have proper governance arrangements for each surveillance camera system and understands that it is good practice to have a designated individual responsible for the development and operation of a surveillance camera system.

The Councils are the system operators and data controllers for each surveillance system. A system owner (lead officer) will be established for each system. They are responsible for the system as whole and its compliance with this policy and associated documentation. Other roles as required will be assigned for each system with clearly documented responsibilities in operational procedures or guidance supporting this policy.

4.5 **Use or processing of images and information**

The Councils recognise that having clear policies and procedures aid the effective management and use of a surveillance camera system.

All system users will undertake training and be issued with guidance before they use a surveillance camera. This will ensure that staff have the necessary skills and knowledge on the operational, technical and privacy requirements and fully understand the policies and procedures. This also ensures the reliability of staff having access to personal data including images and information obtained by surveillance camera systems as required by data protection legislation.

4.6 Retention

The Councils will keep images and information obtained from a surveillance camera system for no longer than necessary to fulfil the purpose for which they were obtained in

the first place. This period will be decided in advance, be the minimum period necessary and documented in supporting operational procedures. The retention period for different surveillance camera systems will vary due to the purpose for the system and how long images and other information need to be retained so as to serve its intended purpose.

On occasions the Councils may need to retain images for a longer period, for example where a law enforcement body is investigating a crime to give them the opportunity to view the images as part of an active investigation.

The Councils will ensure that information is stored so that recordings relating to a specific individual or event can be easily identified, located and retrieved.

4.7 Access

Access to surveillance systems will be restricted to those who need access as part of their job role to support the purpose of the system in question. The disclosure of images and other information obtained from a surveillance camera system will be controlled and consistent with the stated purpose for which the system was established.

The Councils have clear policies and guidelines in place to deal with any requests that are received.

4.8 Application by individual data subjects

Individuals can request images and information about themselves through a subject access request under GDPR. The Councils have a centralised team which handles requests. The Councils publish information on its websites on how to make a request and also have specific forms to request CCTV and BWV footage. Data subjects rights and the Councils' processes for handling requests are covered in the corporate data protection training which is mandatory for all new employees with refresher training provided every two years.

The disclosure of images to data subjects is done securely to ensure that they are only seen by the intended recipient. Consideration is also given to whether images of other individuals need to be obscured to prevent unwarranted identification.

4.9 Access to and disclosure of images to third parties

Disclosure of images or information may be appropriate where the Data Protection Act 2018 makes exemptions which allow it provided that the requirements of the Act are met, or where permitted by other legislation such as the Counter Terrorism Act 2008. These exemptions include where non-disclosure would be likely to prejudice the prevention and detection of crime, and for legal proceedings purposes.

There may be other limited occasions when disclosure of images to another third party, such as a person whose property has been damaged, may be appropriate. The Councils will consider such requests with care and in accordance with data protection legislation.

The Councils have discretion to refuse any request for information unless there is an overriding legal obligation such as a court order or information access rights. Once the Councils have disclosed an image to another body, such as the police, then the recipient becomes responsible for their copy of that image.

The Councils will include in its operational guidance supporting this policy arrangements for secure disclosures to third parties.

4.10 Freedom of information

The Councils are relevant public authorities under the Freedom of Information Act. As surveillance systems record the activities of individuals then in most cases requests for information will concern personal data and unlikely to be disclosed in response to a freedom of information request. Requests may need to be administered under data protection legislation instead.

Some requests may ask for information regarding the operation of surveillance systems, the siting of cameras, or the costs and such requests will fall under the scope of the Freedom of Information Act.

The Councils have resources and processes in place to administer freedom of information requests. Information on how to make a request is published on its websites.

4.11 Standards for the surveillance camera industry

The Surveillance Camera Commissioner has a statutory role to provide the surveillance camera industry with a current list of standards. The Councils will adhere to those standards where appropriate and any supporting guidance, for example Technical Guidance for BWV devices ([2018](#)).

4.12 Security measures for surveillance camera system images and information

The Councils will have effective security safeguards in place to help ensure the integrity of images and information should they be necessary for use as evidence in legal proceedings.

This policy together with operational guidance supports the requirement under data protection legislation (General Data Protection Regulation and Data Protection Act 2018) to have a clear policy on how images and information are stored and who has access to them. The Councils will only use or process images and information for the purpose (or consistent with that purpose) of the camera deployment and purpose stated for collection of images.

Security extends to technical, organisational and physical security and the Councils will have measures in place to cover these aspects and guard against unauthorised use, access or disclosure.

Organisational measures

The Councils will not use surveillance cameras if there are less intrusive and more effective methods of dealing with the problem. As such prior to any decision to procure a new surveillance camera system a Data Protection Impact Assessment (DPIA) will be undertaken to inform the decision making process and advice sought from the Councils' Data Protection Officer.

Other measures include this policy, supporting guidance and the Councils' Data Protection policy.

No equipment other than that authorised by the Councils shall be used to undertake overt surveillance and record images.

All system users will receive training on all relevant aspects of the surveillance camera system before using the system. This training will be refreshed as required.

Technical measures

The Councils will ensure that any surveillance camera system procured will be fit to meet the stated purposes for the system and can produce images of the right quality. This will include the involvement of relevant technical employees in the procurement process, completion of a data protection impact assessment, adherence to procurement procedures and due diligence.

Permanent and movable cameras will be sited and image capture restricted to ensure that they do not view areas that are not of interest and are not intended to be the subject of surveillance, such as individuals' private property.

All surveillance camera systems will be fully maintained and any faults or defects dealt appropriately with in accordance with the procedure for that system.

Physical measures

Where any CCTV is installed the Councils will display signage to inform the public. Signs that CCTV cameras are operating will be displayed in and around surveillance areas in visible locations. There is however no requirement to place signs directly under individual cameras. The signs will state who is operating the system i.e. the data controller and provide a contact number for further information.

No unauthorised persons will have access to any restricted CCTV control rooms without an authorised member of staff being present. Any monitors showing live images will be positioned so that they are visible to relevant staff and members of the public will not be allowed access to the area where staff can view them.

Viewing of BWV footage will only take place in a location agreed by a System Manager. Any footage (including audio) will not be played in an area where it might be overseen or overheard by others.

The casual viewing or trawling of images is strictly forbidden. Viewings must only be undertaken for a specific, legitimate and documented purpose and anyone accessing footage for a purpose not consistent with this may be subject to disciplinary action.

4.13 Review and audit mechanisms

The Councils will review annually the continued use of their surveillance camera systems to ensure that it remains necessary, proportionate and effective in meeting its stated purpose for deployment.

4.14 Processing images and information of evidential value

The Councils recognise that the effectiveness of a surveillance camera system will be dependent upon its capability to capture, process, analyse and store images and information at a quality which is suitable for its intended purpose. Wherever the purpose of a system includes crime prevention, detection and investigation (as for body worn video cameras) then the Councils note that the system needs to be capable through its processes, procedures and training of system users, of delivering images and information that is of evidential value to the police and the criminal justice system.

Such recorded material will be stored in a way that maintains that meta data e.g. time, date and location, is recorded reliably, and compression of data does not reduce its quality. A record will be kept as an audit trail of how images and information are handled if they are likely to be used as exhibits for the purpose of criminal proceedings in court.

The Councils body worn video surveillance system can (with appropriate safeguards in place):

- Export images and information when requested by a law enforcement agency without interrupting the operation of the system.
- Export images and information on a format which can be readily accessed and replayed by a law enforcement agency.
- Preserve the quality of the original recording and any associated meta data e.g. time, date and location.

4.15 Reference databases

Whilst not in use by the Councils they note that any use of technologies such as ANPR (Automatic number plate recognition) or facial recognition systems which may rely on the accuracy of information generated elsewhere such as databases provided by others should not be introduced without regular assessment to ensure the underlying data is fit for purpose.

5. Responsibility for Implementation

Keeping the policy under review and updating the policy is the responsibility of the Data Protection Officer for the Councils. The Joint Chief Executive Officer has overall responsibility for the policy.

System owners have overall responsibility for the operation of the surveillance system under their control and adherence to this policy, associated legislation and codes of practice.

System managers have operational responsibility for the surveillance system under their control and adherence to this policy, associated legislation and codes of practice. Key areas of responsibility include the implementation of and adherence to operational guidance, that system users have received appropriate training and that the equipment and surveillance system is working effectively.

System users are responsible for using the surveillance equipment and system in accordance with this policy and operational guidance.

Joint Equality and Diversity Policy for Service Delivery

October 2019

We speak your language

Polish

Mówimy Twoim językiem

French

Nous parlons votre langue

Spanish

Hablamos su idioma

Slovak

Rozprávame Vaším jazykom

Chinese

我们会说你的语言

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Bolsover District Council on

01246 242424 or

North East Derbyshire District
Council on **01246 231111**

CONTROL SHEET FOR EQUALITY POLICY

Policy Details	Comments / Confirmation (To be updated as the document progresses)
Policy title	Joint Equality and Diversity Policy for Service Delivery
Current status – i.e. first draft, version 2 or final version	
Policy author	Information, Engagement & Performance Manager
Location of policy (whilst in development)– i.e. L-drive, shared drive	S:\Improvement Team\Equalities
Relevant Cabinet Member (if applicable)	
Equality Impact Assessment approval date	Not applicable
Partnership involvement (if applicable)	Not applicable
Final policy approval route i.e. Cabinet/Executive/ Council	Joint Strategic Alliance Committee BDC Executive / NEDDC Cabinet
Date policy approved	
Date policy due for review (maximum three years)	2023
Date policy forwarded to Improvement (to include on Intranet and Internet if applicable to the public)	

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1. Introduction

Bolsover and North East Derbyshire District Councils are committed to equalities as employers and in delivering the services they provide to all sections of the community. We believe that no person should be treated unfairly and are committed to eliminating all forms of discrimination, advancing equality and fostering good relations between all groups in society.

1.1 Legal obligations

The [Equality Act 2010](#) aims to reduce inequality by extending protection across a range of 'protected characteristics'. These are:

- Age
- Disability
- Race
- Sex (or Gender)
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Religion or belief
- Sexual orientation

The Equality Act 2010 makes employers legally responsible for acts of discrimination, harassment or victimisation committed by their employees in the course of employment unless they can show that they took reasonable steps to prevent such acts. The Councils are also liable for such acts committed by anyone authorised to carry out public functions on their behalf. It does not matter whether the employer knows about or approve of the acts.

The Equality Act 2010 defines the following as prohibited behaviours.

Direct discrimination

Direct discrimination occurs when a person treats another less favourably than they treat or would treat others because of a protected characteristic. For example, denying a customer a service because of their ethnicity or disability.

Direct discrimination is generally unlawful. However, it may be lawful in the following circumstances:

- In relation to the protected characteristic of disability, where a disabled person is treated more favourably than a non-disabled person;
- Where the Equality Act 2010 provides an express exception which permits directly discriminatory treatment that would otherwise be unlawful. For example, providing a single sex swimming session to encourage more women to participate in an activity where they are underrepresented, where such positive action can be objectively justified.

Direct discrimination by association

It is direct discrimination if a service provider treats a service user less favourably because of the service user's association with another person who has a protected characteristic.

Direct discrimination by perception

It is also direct discrimination if a service provider treats a service user less favourably because the service provider mistakenly thinks that the service user has a protected characteristic.

Indirect discrimination

Indirect discrimination may occur when a service provider applies an apparently neutral provision, criterion or practice which puts persons sharing a protected characteristic at a particular disadvantage.

Indirect discrimination occurs under the following four conditions:

- The service provider applies (or would apply) the provision, criterion or practice equally to everyone within the relevant group including a particular service user
- The provision, criterion or practice puts, (or would put), people who share the service user's protected characteristic at a particular disadvantage when compared with people who do not have that characteristic
- The provision, criterion or practice puts, (or would put), the service user at that disadvantage
- The service provider cannot show that the provision, criterion or practice is justified as a proportionate means of achieving a legitimate aim.

Harassment

Employees of the Councils should not discriminate against or harass a member of the public in the provision of services or goods. Harassment occurs when a person engages in unwanted conduct relevant to a protected characteristic and that conduct has the purpose or effect of violating the other's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. The Equality Act 2010 specifically prohibits:

- Harassment related to a 'relevant protected characteristic';
- Sexual harassment; and
- Less favourable treatment of a service user because they submit to or reject sexual harassment or harassment related to sex or gender reassignment.

Unwanted conduct covers a wide range of behaviour, including spoken or written words or abuse, imagery, graffiti, physical gestures, facial expressions, mimicry, jokes, pranks, acts affecting a person's surroundings or other physical behaviour.

For example:

- Criticising a gym customer who is unable to perform certain activities because of their age
- Making unwanted advances to a customer (sexual harassment)
- Mocking or laughing at a customer with a stammer
- Making any jokes about gay or lesbian people when a person with that characteristic is present
- Mocking people with a mental or physical impairment
- Egging on others at a local football match to make animal noises at a black player

Victimisation

Employees of the Councils should not victimise any member of the public in the provision of services or goods. Victimisation occurs when an individual is subjected to a detriment because they made or supported a complaint under the Equality Act 2010, or because he or she is suspected of doing so. However, an individual is not protected from victimisation if he or she acted maliciously or made or supported an untrue complaint.

It is unlawful to instruct someone to discriminate against, harass or victimise another person because of a protected characteristic or to instruct a person to help another person to do an unlawful act. Such an instruction would be unlawful even if it is not acted on.

There are two further key legal requirements within the Equality Act 2010 which the Councils must observe: the general equality duty and the public sector equality duty.

General Duty

The general equality duty sets out the broad aim to advance equality by requiring public bodies to consider equality issues in every aspect of their work. The public sector duty helps public sector organisations to implement the general duty by setting out what they should do to achieve compliance and to advance equality.

To meet the general equality duty, the Councils must demonstrate due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other prohibited conduct
- Advance equality of opportunity
- Foster good relations between different groups

The duty to have due regard is a continuing duty which cannot be delegated to any organisation exercising public functions on behalf of either or both authorities.

The law requires that public authorities demonstrate that they have had 'due regard' to the three aims of the equality duty in their decision-making. Assessing the potential impact on equality of proposed changes to policies, procedures and practices where relevant and proportionate is one of the key ways in which the Councils demonstrate that they have had 'due regard'. This is to ensure that the authorities can identify and then mitigate or objectively justify any adverse impact resulting from the policy or practice.

The Brown principles derive from case law and define what having 'due regard' means in practice for public authorities, as set out in s.2.21 of the Equality & Human Rights Commission's *Technical Guidance on the Public Sector Equality Duty: England* (August 2014). The Councils have regard to the Brown principles in exercising due regard to their obligations under the Equality Act 2010:

- Those responsible for the duty to have due regard must consciously bring it to mind when considering the duty. If they do not or if their appreciation of the duty is incomplete or mistaken, the courts will deem that due regard has not been applied.
- The due regard duty must be fulfilled before and at the time that a particular policy is being considered. Compliance with the duty should not be treated as a rearguard action after a decision to implement the policy in question. It must be exercised with rigour and with an open mind. Due regard involves more than a tick box exercise. The "substance and reasoning" of the decision must be examined.
- A failure to make explicit reference to the relevant positive equality duty will not, of itself, be fatal to a court's decision.
- The due regard duty cannot be delegated to a third party by the public authority charged with it.
- The duty is ongoing.
- It is good practice for public authorities to keep an adequate record showing that they have considered their equality duties and pondered relevant questions.
- When applying the "due regard" test, the public authority must take into account whatever countervailing factors are relevant in the circumstances.

Specific Duty

To meet the public sector specific duty as specified in the [Equality Act \(Specific Duty\) Regulations 2011](#), the Councils must:

- Publish information to demonstrate how they are complying with the Public Sector Equality Duty; and
- Prepare and publish equality objectives at least every four years.

The specific duty requires the Councils to provide clear information about the equality results they achieve. This requires the publication of data with regard to:

- Their workforce
- Their service provision
- Setting equality objectives with a focus on outcomes
- Their engagement with protected groups in setting their equality objectives.

This policy reinforces our responsibilities under the Equality Act 2010 to ensure equality of opportunity for all sections of the community and in particular our due regard to the general and specific equality duties.

The equality objectives contained within the Single Equality Schemes for each authority outline the specific steps the Councils will take to achieve these duties. These can be found on each of the Councils' websites:

<http://www.ne-derbyshire.gov.uk>

<http://www.bolsover.gov.uk>

Reasonable adjustments

[Part 2, Chapter 2, S.20 of the Equality Act 2010](#) requires public bodies to consider reasonable adjustments as a way of ensuring that disabled people can access services. This goes beyond simply avoiding discrimination. It requires service providers to anticipate the needs of potential disabled customers for reasonable adjustments. Specifically:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage compared with those who are not disabled, to take reasonable steps to avoid that disadvantage
- Where a physical feature puts disabled people at a substantial disadvantage compared with people who are not disabled to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage compared with people who are not disabled, to provide that auxiliary aid
- Where the provision, criterion or practice, or the need for an auxiliary aid or service, relates to the provision of information, the steps which it is reasonable to take include steps to ensure that the information is provided in an accessible format.

The Councils aim to make reasonable adjustments to enable disabled people to access information and services. However, as public service providers, while we are not expected to anticipate the particular needs of every individual who may use our services, we are required to think about and take reasonable steps to overcome barriers that may impede people with different kinds of disability.

The Councils' approach to reasonable adjustments:

- We aim to make sure that our public access areas are accessible to disabled customers or that reasonable adjustments are available to support disabled customers
- Where we use alternative premises for public events, we will check that these are suitable for disabled customers where possible
- We offer a registration system whereby disabled customers can register their specific format requirements, such as large print documents. The Reasonable Adjustments Form is available on the intranet and corporate websites.

2. Scope

This policy applies to elected Members, officers and those carrying out public functions on behalf of either or both of the authorities.

We will work to deliver our commitments by tackling inequality arising out of:

- Age
- Disability
- Gender re-assignment
- Marital status and civil partnership
- Pregnancy and maternity
- Race
- Religion and belief, including non-belief
- Sex or gender
- Sexual orientation

- Other forms of disadvantage such as rural deprivation and isolation
- Responsibility for dependents
- Or any other reason which cannot be shown to be justified

This policy does not apply to our employment functions. The Councils have comprehensive employment policies and monitor their employment practices to ensure that no-one is treated unfairly at any stage when applying for jobs or following appointment.

3. Principles

The Councils aim to:

- Treat our customers fairly
- Make our buildings and services accessible
- Make our public information accessible through providing alternative formats, interpretation and sign language services as required
- Work with our partners and stakeholders to tackle all forms of bullying, harassment and intimidation
- Work with our communities to tackle disadvantage and discrimination through consultation and involvement
- Consider the needs of all communities in the methods we use for communicating with those who visit, live or work in the Districts
- Identify the potential impacts of major consultation proposals on the protected categories of service users or citizens and make this available to stakeholders and consultees to inform the process
- Consider the potential impact and assess the effect on customers and communities of our policies and practices and take action to improve them
- Consider the potential impact on customers and communities before making important decisions
- Carry out equality impact assessments and set objectives as required
- Consult with relevant groups to help shape our future plans, decisions and changes
- Promote equality and diversity within partnership working and in our dealings with the media
- Require any company or business that wishes to be one of our contractors or suppliers to have developed policies on equalities, proportionate to their size of operation.

4. Statement

The following section sets out the approach of the Councils to meeting their respective equality duties, the steps they will take to deliver their equality objectives, and the mechanisms in place to support this.

4.1 Single Equality Scheme

Each Council has a Single Equality Scheme which sets out their equality objectives and the steps they will take to achieve them. These Schemes also contain information about our communities which helps inform our service planning.

The Single Equality Schemes are supported by associated Action Plans which set out the steps each Council will take to deliver their equality objectives. These Action Plans are updated regularly and made available to the public via each Council's website.

Progress on delivery of the Single Equality Schemes is reported to Executive at Bolsover District Council and Cabinet at North East Derbyshire District Council annually

Schemes can be found on the Councils' websites.

4.2 Equality Impact Assessment

The Councils carry out Equality Impact Assessment (EIA) of relevant policies, plans and procedures to ensure that they do not impact unfairly on individuals and/or groups because of their equality characteristics. The impact assessment process is an important driver for improving our services and actions to achieve these improvements are incorporated into service plans.

As part of our joint approach to delivering better public services with limited resources, we have streamlined impact assessment processes and documentation to support joint services and reduce the volume of EIAs by taking a proportionate approach. Joint Equality Impact Assessment template and guidance are available to staff via the intranet and we have undertaken joint Equality Impact Assessments with partners where appropriate.

Equality Impact Assessments are published in Council reports and/or on each Council's website as required.

4.3 Equality monitoring

The Councils undertake equality monitoring to enable us to better understand who is accessing our services as well as their experiences and outcomes. For example, when we undertake consultation, we collect monitoring data (when appropriate to do so) to check that any feedback on our services is representative of the people we serve.

Whenever we ask members of the public for information for equality monitoring purposes, we will take care that this is relevant and appropriate. The Councils will:

- Only ask for the information we need

- Provide an explanation of why we need the information and how it will be used
- Take care to ensure that individuals cannot be identified from the information collected, especially where the results of monitoring are made public or shared
- Comply with the law in relation to confidentiality, data protection and freedom of information.

Our customer satisfaction measurement may also gather data on equality and diversity to enable us to better understand who is accessing our service, the types of requests/complaints that they bring forward, their experiences and outcomes.

4.4 Consultation and engagement

Consultation is the process by which the Councils seek comments, information and opinions about our strategies, policies and services to inform and evidence our decision-making and design good services. This includes many familiar activities such as surveys, public meetings and user and resident forums. We make decisions influenced by the knowledge we have gathered through consultation.

Each authority has an Engagement Plan and Consultation Policy which sets out how we will consult with and involve people in our decision-making processes.

With regard to equality matters, the Councils engage and consult with their Citizens' Panels, and reference groups - the Equality Panel and Tenants Participation Group at Bolsover District Council and local equalities interest groups. Where relevant, we also consult these groups on our Equality Impact Assessments and take their feedback into account by amending our policies or plans or by inclusion of mitigating actions to address any issues raised.

Consultation Policies can be found on the Councils websites.

Current and past consultations by both Councils can be found on the [Ask Derbyshire](#) website.

4.5 Reasonable Adjustments Form

The Councils do not routinely provide printed information in languages other than English except where those communications are of a legal nature or concern public safety.

Our 'We speak your language' statement is prominent on all corporate communications and we can offer a telephone interpretation service or officer support to customers with communication or other individual needs.

As a reasonable adjustment for disabled customers, the Councils will provide communications in alternative formats (such as large print, Braille) on request.

Disabled customers in Bolsover and North East Derbyshire can also register their specific information needs with us. Any personal sensitive details about customers' specific information needs will be stored securely in line with data protection

principles (Data Protection Act 2018). The Reasonable adjustments form is available via the intranet and corporate websites.

4.6 Customer Service Standards

The Councils have adopted a Joint Customer Service Code of Practice and Standards outlining how we deal with customers by telephone, letter, face-to-face, email and other forms of communication. Our promise to customers, together with the standards, can be found on our websites.

4.7 Equality and diversity training

The Councils are committed to developing and managing their workforce to ensure each organisation is able to deliver high quality and effective services.

Equality and diversity training is mandatory for all new employees at each Council. In line with guidance from the Equality and Human Rights Commission, our corporate training includes:

- The law covering all the protected characteristics and what behaviour is and is not acceptable
- The risk of ignoring or seeming to approve inappropriate behaviour and personal liability
- How discrimination can affect the way an employer functions and the impact that generalisations, stereotypes, bias, and inappropriate language in day-to-day operations can have on people's chances of obtaining work, promotion, recognition and respect
- Monitoring arrangements
- Our equality policy, why it has been introduced and how it will be put into practice.

We routinely evaluate our corporate training to ensure that it meets quality standards as well as the learning aims and objectives of individual staff. Individual learning needs are identified through the staff appraisal process and any additional specialist equality-related training for frontline employees is identified through the Single Equality Schemes.

Equality and diversity training needs for Elected Members are identified through the Member Development Working Group.

4.8 Hate incidents and hate crime

The Councils are committed to tackling hate crime and harassment arising from perceptions of difference and to fostering good relations between different groups. We take hate crime and hate incidents very seriously. The police are responsible for investigating criminal offences and for gathering evidence.

The definition of a **hate crime** is:

Any **criminal offence** which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or transgender status or based on perception of a persons' race, religion, sexual orientation, disability or transgender status.

The definition of a **hate incident** is:

Any **non crime incident** which is perceived, by the victim or any other person, to be motivated by a hostility or prejudice based on a persons' race, religion, sexual orientation, disability or transgender status or based on perception of a persons' race, religion, sexual orientation, disability or transgender status.

It is worth noting that all hate crimes are also hate incidents, but some hate incidents may not constitute a criminal offence. To report or record hate incidents evidence is not needed. Evidence is not the test - **perception** on the part of anyone is all that is required.

The Councils will when appropriate to do so:

- Work in partnership with the police and all relevant external agencies to deal with incidents of harassment and hate crime
- Take reports of harassment and hate incidents / crimes seriously and encourage reporting
- Ensure complainants/witnesses are dealt with sympathetically
- Signpost victims and witnesses to specialist support and advice services where appropriate
- Keep victims and witnesses informed on their complaints about harassment and hate incidents / crimes
- Deal with perpetrators of harassment or hate incidents / crimes effectively and appropriately. For example, seeking remedies such as injunctions or seeking possession of council property using our powers under the Anti-social Behaviour, Crime and Policing Act 2014 and the Housing Act 1985 and 1996.
- Send out a clear message that the Councils will not tolerate harassment or hate incidents /crimes.

Any hate incident witnessed by or reported to a council employee will be recorded and where appropriate, investigated by relevant officers at the Councils and/or reported to police. Anyone witnessing or reporting a hate incident should be treated with sensitivity with regard to the protected characteristics specified in section 1.1 above.

The Councils have produced separate guidance to assist employees in the reporting and recording of hate incidents.

4.9 Anti-Semitism

Both Councils have formally adopted the International Holocaust Remembrance Alliance working definition of anti-Semitism. The definition is an important tool for public bodies to understand how anti-Semitism manifests itself in the 21st century, as it gives examples of the kind of behaviours which can constitute anti-Semitism.

The definition states:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed towards Jewish or non-Jewish individuals and/ or their property, toward Jewish community institutions and religious facilities.” The International Holocaust Remembrance Alliance has provided a number of examples of anti-Semitism in public life include, but are not limited to:

- calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion
- making mendacious, dehumanising, demonising, or stereotypical allegations about Jews as such or the power of Jews as collective - such as, especially but not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions
- accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews
- denying the fact, scope, mechanisms (for example gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War 2 (the Holocaust)
- accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust
- accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations
- denying the Jewish people their right to self-determination, for example by claiming that the existence of a State of Israel is a racist endeavour
- applying double standards by requiring of it a behaviour not expected or demanded of any other democratic nation
- using the symbols and images associated with classic antisemitism (for example claims of Jews killing Jesus or blood libel) to characterise Israel or Israelis
- drawing comparisons of contemporary Israeli policy to that of the Nazis
- holding Jews collectively responsible for actions of the state of Israel

Both Councils will use the definition when determining complaints of discrimination and anti-Semitism

4.10 Safeguarding Children and Vulnerable Adults

The Councils have a statutory duty to safeguard children and vulnerable adults:

- The welfare of children, young people and vulnerable adults is the primary concern

- A duty to work in partnership with the upper tier authority to ensure adults and children are safeguarded against abuse.
- It is the responsibility of all employees, Councillors and volunteers to report any concerns regarding suspected abuse against children and young people or vulnerable adults
- All children and young people, whatever their age, culture, disability, gender, language, racial origin, religious beliefs and/or sexual identity have the right to protection from abuse
- All incidents of suspected poor practice and/or allegations should be taken seriously and responded to quickly and appropriately. This includes allegations of poor practice against employees, volunteers and Councillors.

A network of designated Link Officers has been established at both Councils to act as contact points for any employee that needs to report any incidents or concerns they may have.

There is also a Child Protection Safeguarding Lead Officer and Strategic Alliance Management Team Lead.

A joint Corporate Safeguarding Group meets bi monthly to ensure that activity around safeguarding is co-ordinated and that all staff and members are aware of the process.

As part of the process for publicising our Child Protection and Vulnerable Adult Policies, staff are made aware via information published on the extranet and receive briefings and awareness training as required.

The Councils recognise that Derbyshire County Council's Children's Social Care Service and the police are the lead agencies with regard to child protection. The Councils also recognise that everyone has a responsibility for child protection, including all employees and Councillors who come into contact with children and young people. Young people and families within our community also have a role to play as well as the community at large.

The Councils' Adults and Childrens Safeguarding policies can be found on our websites.

4.11 Breastfeeding

Under the Equality Act 2010 ([s.13 \(6a\)](#)) treating a woman unfavourably because she is breastfeeding, when this treatment occurs within the period of 26 weeks beginning with the day on which she gave birth ([s.17 \(4\)](#)), it is discriminatory. Outside of the 26 week period of protection specified in [s.17 \(4\)](#), sex discrimination provisions may still apply to breastfeeding mothers. However, the Act does allow exceptions where there are genuine health and safety reasons.

The Councils encourage breastfeeding in our Council buildings except where there are genuine health and safety reasons for not doing so.

5. Responsibility for Implementation

This Policy applies to every Elected Member and employee of Bolsover District Council and North East Derbyshire District Council, and any other person or organisation employed by the Council to work or to deliver services on its behalf.

A good understanding of the policy will ensure that equality considerations are given due regard and applied consistently throughout the Councils.

The Performance Team (Corporate Governance) responsibilities are:

- To provide advice and guidance on equality matters to Officers, Managers and Elected Members
- To coordinate, review and support the equality objectives within the Single Equality Schemes for each authority
- To collate and publish equality information in line with our statutory equality duties
- To deliver equality and diversity training for staff and Elected Members
- To co-ordinate the agreed corporate programmes of Equality Impact Assessments and any ad hoc assessments as required
- To deliver and support the Equality Panel
- To support the reporting and recording of hate crime incidents.

Departmental service area responsibilities are:

- To undertake Equality Impact Assessments on relevant policies, plans and procedures, as agreed by the Strategic Alliance Management Team and noted in the corporate guidance
- To ensure staff receive equality and diversity guidance and training to undertake their role effectively
- To undertake equality monitoring at a service/function level where appropriate to do so
- To support the reporting and recording of hate crime incidents.

Decision Maker responsibilities are:

- To give genuine and conscientious consideration to equality issues and to take into account any equality impact when considering any proposals and making decisions.

If you think we are not providing a service in line with this policy or you think you have been treated unfairly in any way, you can make a compliment, comment or complaint about us or any of our services by:

- Completing the on-line **Compliments, Comments and Complaints form** [Bolsover](#) / [North East Derbyshire District Council](#)

- Writing to the relevant council -

Bolsover District Council, The Arc, High Street, Clowne, Derbyshire S43 4JY

NE Derbyshire District Council, 2013 Mill Lane, Wingerworth, Chesterfield, Derbyshire S42 6NG

- Calling in at one of our **Contact Centres**
- Asking one of our employees to put it in writing for you.

This policy draws extensively on the [statutory Codes of Practice and non-statutory guidance](#) of the Equality & Human Rights Commission:

Employment: Statutory Code of Practice, January 2011

Good equality practice for employers: equality policies, equality training and monitoring, April 2014

Guidance for Employers: Your rights to equality from local councils, government departments and immigration, updated June 2015

Services, Public functions and Associations: Statutory Code of Practice, January 2011

Supplement to the Statutory Code of Practice on Services, Public Functions and Associations, May 2014

Technical Guidance on the Public Sector Equality Duty: England, August 2014

Bolsover District Council

Customer Service & Transformation Scrutiny Committee

16th March 2020

Scrutiny Committee Work Programme 2019/20
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Report of the Scrutiny & Elections Officer

This report is public

Purpose of the Report

- To provide members of the Scrutiny Committee with an overview of the meeting programme of the Committee for 2019/20.

1 Report Details

- 1.1 The main purpose of the report is to inform members of the meeting programme for the year 2019/20 and planned agenda items (Appendix 1).
- 1.2 This programme may be subject to change should additional reports/presentations be required, or if items need to be re-arranged for alternative dates.
- 1.3 Review Scopes will be submitted agreed within Informal Session in advance of the designated meeting for Member approval to ensure that there is sufficient time to gather the information required by Members and to enable forward planning of questions.
- 1.4 Members may raise queries about the programme at the meeting or at any time with the Scrutiny & Elections Officer should they have any queries regarding future meetings.

2 Conclusions and Reasons for Recommendation

- 2.1 This report sets the formal Committee Work Programme for 2019/20 and the issues identified for review.
- 2.2 The Scrutiny Programme enables challenge to service delivery both internally and externally across all the Corporate Plan Ambitions.
- 2.3 Part 3.6(2) of the Council's Constitution requires each Scrutiny Committee to set an annual work plan.
- 2.4 Committee is required to formally approve review scopes in advance of commencing a review.

3 Consultation and Equality Impact

- 3.1 All Scrutiny Committees are committed to equality and diversity in undertaking their statutory responsibilities and ensure equalities are considered as part of all Reviews. The selection criteria when submitting a topic, specifically asks members to identify where the topic suggested affects particular population groups or geographies.
- 3.2 The Council has a statutory duty under s.149 Equality Act 2010 to have due regard to the need to advance equality of opportunity and to eliminate discrimination.
- 3.3 As part of the scoping of Reviews, consideration is given to any consultation that could support the evidence gathering process.

4 Alternative Options and Reasons for Rejection

- 4.1 There is no option to reject the report as Part 3.6(2) of the Council's Constitution requires each Scrutiny Committee to set an annual work plan.

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None from this report.

5.2 Legal Implications including Data Protection

- 5.2.1 In carrying out scrutiny reviews the Council is exercising its scrutiny powers as laid out in s.21 of the Local Government Act 2000 and subsequent legislation which added to/amended these powers e.g. the Local Government and Public Involvement in Health Act 2007.

5.3 Human Resources Implications

- 5.3.1 None from this report.

6 Recommendations

- 6.1 That Members note this report and the Programme attached at Appendix 1. All Members are advised to contact the Scrutiny & Elections Officer should they have any queries regarding future meetings.

7 Decision Information

Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000 <input type="checkbox"/></i> <i>Capital - £150,000 <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	No
Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)	No
Has the relevant Portfolio Holder been informed	N/A
District Wards Affected	N/A
Links to Corporate Plan priorities or Policy Framework	All

8 Document Information

Appendix No	Title
1.	Work Programme 2019/20
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) Previous versions of the Committee Work Programme.	
Report Author	Contact Number
Joanne Wilson, Scrutiny & Elections Officer	2385

Report Reference –

Customer Service and Transformation Scrutiny Committee

Work Programme 2019/20

Vision: To enhance and improve the wealth profile, well-being and quality of life for the communities of Bolsover District

**Corporate Aims: Providing our Customers with Excellent Service
: Transforming our Organisation**

Formal Items – Report Key

Performance Review	Policy Development	Policy/Strategy/ Programme Monitoring	Review Work	Call-In/Review of Executive Decisions	Petition

Date of Meeting	Items for Agenda		Lead Officer
17 th June 2019	Part A – Formal	• Post-Scrutiny Monitoring: Review of Disability Adaptations to Council Properties – Final Report	Chair/Scrutiny & Elections Officer
		• Corporate Plan Targets Performance Update – January to March 2019 (Q4 – 2018/19)	Information, Engagement and Performance Manager
		• Agreement of Work Programme 2019/20	Scrutiny & Elections Officer
	Part B – Informal	• CANCELLED	Scrutiny & Elections Officer
15 th July 2019	Part A – Formal	• Post-Scrutiny Monitoring: Review of The Strategic Alliance – Final Report	Chair/Scrutiny & Elections Officer
		• Work Programme 2019/20	Scrutiny & Elections Officer
	Part B – Informal	• Review Work – Officer Briefing to support Scoping of Review; Agreement of Scope	Scrutiny & Elections Officer
1 st August 2019	Part B – Informal	• Review Work – Briefing and discussion on revision of Housing Allocations Policy	Strategic Housing and BDC Housing Officers/ Scrutiny & Elections Officer

Date of Meeting	Items for Agenda		Lead Officer
9th September 2019 *Note revised date 10am at The Arc, Clowne Commencing 1:30pm at Bainbridge Hall, Bolsover	Part A – Formal	<ul style="list-style-type: none"> Customer Service Standards and Compliments, Comments and Complaints Annual Report 2018/19 	Customer Standards and Complaints Officer
		<ul style="list-style-type: none"> LG&SCO and Housing Ombudsman Annual Report 2018/19 	Customer Standards and Complaints Officer
		<ul style="list-style-type: none"> Corporate Plan Targets Performance Update – April to June 2019 (Q1 – 2019/20) 	Information, Engagement and Performance Manager
		<ul style="list-style-type: none"> Update Briefing on Transformation Plan and submissions to Transformation Governance Group 	Joint Strategic Director – People/ Joint Head of Partnerships & Transformation
		<ul style="list-style-type: none"> Post-Scrutiny Monitoring: Review of Standards Committee – Operational Review – Interim Report 	Chair/Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Post-Scrutiny Monitoring: Review of Delivery of Environmental Health & Licensing – Interim Report 	Chair/Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Work Programme 2019/20 – Formal Agreement of Scope 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work – New Bolsover Model Village (site visit and background discussion); Agreement of Review Scope 	Scrutiny & Elections Officer
23rd September 2019	Part B – Informal	<ul style="list-style-type: none"> Review Work – Site visit to Doe Lea offices and discussion on revision of Housing Allocations Policy Review Work – Agreement of Draft Scope for New Bolsover review 	Strategic Housing and BDC Housing Officers/ Scrutiny & Elections Officer
7th October 2019	Part A – Formal	<ul style="list-style-type: none"> Redevelopment of BDC Website – Implementation of Public Sector Bodies (websites and mobile applications) (No.2) Accessibility Regulations 2018 	Communications, Marketing and Design Manager
		<ul style="list-style-type: none"> Post-Scrutiny Monitoring: Review of The Strategic Alliance – Follow-up Report 	Joint Chief Executive/ Joint Strategic Director – People
		<ul style="list-style-type: none"> Work Programme 2019/20 – Formal Agreement of Scope 	Scrutiny & Elections Officer
	Part B – Informal	<ul style="list-style-type: none"> Review Work – Review of progress to date and next steps 	Scrutiny & Elections Officer
21st October 2019	Part B – Informal	<ul style="list-style-type: none"> Review work – Meeting with Friends of New Bolsover 	Scrutiny & Elections Officer

Date of Meeting	Items for Agenda		Lead Officer
4th November 2019	Part A – Formal	• Corporate Plan Targets Performance Update – July to September 2019 (Q2 – 2019/20)	Information, Engagement and Performance Manager
		• Rent Arrears Policy and Procedure – Consultation	Contentious Team Manager
		• Work Programme 2019/20	Scrutiny & Elections Officer
	Part B – Informal	• Review Work	Scrutiny & Elections Officer
2nd December 2019	Part A – Formal	• Customer Service Standards and Compliments, Comments and Complaints Report 2019/20 – 1 st April 2019 to 30 th September 2019	Customer Standards and Complaints Officer
		• Development of new performance framework to support the vision for 2019-2023	Joint Strategic Director – Place/ Information, Engagement and Performance Manager
		• Housing Allocations Policy consultation and progress update	Housing Needs Manager/Strategic Housing
		• Submissions to Transformation Governance Group	Joint Strategic Director – People/ Joint Head of Partnerships & Transformation
		• Work Programme 2019/20	Scrutiny & Elections Officer
	Part B – Informal	• Review Work - Summary of Findings/Recommendations: Review of Re-letting of Council Properties	Scrutiny & Elections Officer
		• Review Work – Review of New Bolsover New Beginnings – Evaluating the Customer Experience	Scrutiny & Elections Officer
3rd February 2020	Part A – Formal	• Post-Scrutiny Monitoring: Review of Delivery of Environmental Health & Licensing – Progress Update	Joint Strategic Director – Place Interim Head of Environmental Health Chair/Scrutiny & Elections Officer
		• Corporate Plan Targets Performance Update – October to December 2019 (Q3 – 2019/20)	Information, Engagement and Performance Manager
		• Development of new performance framework to support the vision for 2019-2023	Joint Strategic Director – Place/ Information, Engagement and Performance Manager

Date of Meeting	Items for Agenda		Lead Officer
		• Transformation Governance Group Update	Joint Head of Partnerships & Transformation
		• Work Programme 2019/20	Scrutiny & Elections Officer
	Part B – Informal	• Review Work – Review of Re-letting of Council Properties	Scrutiny & Elections Officer
		• Review Work – Review of New Bolsover New Beginnings – Evaluating the Customer Experience	Scrutiny & Elections Officer
16 th March 2020 1111	Part A – Formal	• Post-Scrutiny Monitoring: Review of Standards Committee – Operational Review – Final Report	Chair/Scrutiny & Elections Officer
		• Joint Equality Policy	Information, Engagement and Performance Manager
		• Joint Data Protection Policy	Information, Engagement and Performance Manager
		• Joint Access to Information Policy	Information, Engagement and Performance Manager
		• Joint Use of Overt Surveillance Systems	Information, Engagement and Performance Manager
		• Work Programme 2019/20	Scrutiny & Elections Officer
	Part B – Informal	• Review Work	Scrutiny & Elections Officer
13 th May 2020 *Note amended date. 11 th May cancelled due to PCC Election Count. *2PM START	Part A – Formal	• Corporate Plan Targets Performance Update – January to March 2020 (Q4 – 2019/20)	Information, Engagement and Performance Manager
		• Review work – Executive Response: Review of Re-letting of Council Properties – Interim Report (Provisional)	Chair/Scrutiny & Elections Officer
		• Review work – Approval of Final Report: Review of New Bolsover New Beginnings – Evaluating the Customer Experience (Provisional)	Scrutiny & Elections Officer
		• Work Programme 2019/20	Scrutiny & Elections Officer
	Part B – Informal	• Review Work	Scrutiny & Elections Officer

Provisional items for 2020/21 Work Programme

Date of Meeting	Items for Agenda		Lead Officer
TBC	Part A – Formal	<ul style="list-style-type: none"> Review work – Executive Response: Review of New Bolsover New Beginnings – Evaluating the Customer Experience (Provisional) 	Chair/Scrutiny & Elections Officer
		<ul style="list-style-type: none"> Post-Scrutiny Monitoring: Review of Delivery of Environmental Health & Licensing – Final Report 	Chair/Scrutiny & Elections Officer