

NORTH HERTFORDSHIRE DISTRICT COUNCIL



5 June 2020

Our Ref O&S 16.06.20
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To: Members of the Committee: Councillors David Levett (Chair), Kate Aspinwall (Vice-Chair), Val Bryant, Sam Collins, Terry Hone, Tony Hunter, Jim McNally, Lisa Nash, Sue Ngwala, Adem Ruggiero-Cakir, Claire Strong and Tom Tyson

Substitutes: Councillors Clare Billing, Ruth Brown, Bill Davidson, Morgan Derbyshire, Simon Harwood, Ian Mantle, Gerald Morris, Sam North, Helen Oliver and Kay Tart

NOTICE IS HEREBY GIVEN OF A

MEETING OF THE OVERVIEW AND SCRUTINY COMMITTEE

to be held as a

VIRTUAL MEETING

On

TUESDAY, 16TH JUNE, 2020 AT 7.30 PM

Yours sincerely,

Jeanette Thompson
Service Director – Legal and Community

****MEMBERS PLEASE ENSURE THAT YOU DOWNLOAD ALL AGENDAS AND REPORTS VIA THE MOD.GOV APPLICATION ON YOUR TABLET BEFORE ATTENDING THE MEETING****

Agenda **Part I**

Item	Page
1. APOLOGIES FOR ABSENCE	
2. NOTIFICATION OF OTHER BUSINESS Members should notify the Chair of other business which they wish to be discussed at the end of either Part I or Part II business set out in the agenda. They must state the circumstances which they consider justify the business being considered as a matter of urgency. The Chair will decide whether any item(s) raised will be considered.	
3. CHAIR'S ANNOUNCEMENTS Members are reminded that any declarations of interest in respect of any business set out in the agenda, should be declared as either a Disclosable Pecuniary Interest or Declarable Interest and are required to notify the Chair of the nature of any interest declared at the commencement of the relevant item on the agenda. Members declaring a Disclosable Pecuniary Interest must withdraw from the meeting for the duration of the item. Members declaring a Declarable Interest, wishing to exercise a 'Councillor Speaking Right', must declare this at the same time as the interest, move to the public area before speaking to the item and then must leave the room before the debate and vote.	
4. PUBLIC PARTICIPATION To receive petitions, comments and questions from the public.	
5. URGENT AND GENERAL EXCEPTION ITEMS The Chair to report on any urgent or general exception items which required their agreement. At the time of printing the agenda, the Chair had not agreed any urgent or general exception items.	
6. CALLED-IN ITEMS To consider any matters referred to the Committee for a decision in relation to a call-in of decision. At the time of printing the agenda, no items of business had been called-in.	
7. RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER	(Pages 5 - 10)
To consider the outcome of Overview and Scrutiny Committee resolutions.	

8. **OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME** (Pages
REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER 11 - 20)
- To consider the issues that the Overview and Scrutiny Committee plans to review at future meetings and the activities of its sub-groups.
9. **DISTRICT WIDE SURVEY 2019 - KEY FINDINGS** (Pages
REPORT OF THE COMMUNICATIONS MANAGER 21 - 36)
- To advise Cabinet of the key findings and action points arising from the 2019 District Wide Survey.
10. **CORPORATE PEER CHALLENGE - ACTION PLAN** (Pages
REPORT OF THE DEPUTY CHIEF EXECUTIVE 37 - 58)
- To consider a draft action plan in respect of the Corporate Peer Challenge.
11. **2019/20 QUARTER 4 PERFORMANCE INDICATORS** (Pages
REPORT OF THE SERVICE DIRECTOR - RESOURCES 59 - 68)
- Final monitoring report on Performance Indicators for the 19/20 year.
12. **4TH QUARTER MONITORING REPORT ON KEY PROJECTS FOR 2019-20** (Pages
REPORT OF: THE CONTROLS, RISK AND PERFORMANCE MANAGER 69 - 88)
- To provide a 4th quarter update on the delivery of the key projects for 2019/20.
13. **REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') UPDATE AND ANNUAL REVIEW** (Pages
REPORT OF: THE SERVICE DIRECTOR LEGAL AND COMMUNITY & MONITORING OFFICER 89 - 130)
- To provide an annual update and proposed amendments to the Council's current RIPA Policies following an inspection and report.
14. **MEMBERS' QUESTIONS**
To receive and respond to any questions from Members either set out in the agenda or tabled at the meeting.
15. **GARDEN WASTE COLLECTION SERVICE IMPACTS OF COVID 19** (Pages
REPORT OF THE SERVICE DIRECTOR – PLACE 131 - 136)
- To consider and agree initiatives and recompense that recognises the inconvenience caused to our residents due to the impact of Covid 19 on the Garden Waste Collection Service.
16. **COMMERCIAL WASTE COLLECTION SERVICE IMPACTS OF COVID 19** (Pages
REPORT OF THE SERVICE DIRECTOR – PLACE 137 - 142)
- To consider the impact of Covid 19 on the commercial waste collection service and consider what charges should be made for the 1st Quarter.

17. EXCLUSION OF PRESS AND PUBLIC

To consider passing the following resolution:

That under Section 100A(4) of the Local Government Act 1972, the public and press 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 Paragraphs 3 and 5 of Part 1 of Schedule 12A of the said Act.

**18. COMMERCIAL WASTE COLLECTION SERVICE IMPACTS OF COVID 19
REPORT OF THE SERVICE DIRECTOR – PLACE**

143 -
148

To consider the impact of Covid 19 on the commercial waste collection service and consider what charges should be made for the 1st Quarter.

RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE: AS AT 5 JUNE 2020

COMMITTEE RESOLUTIONS

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	Recycling and Waste		
Jul 18 Min 28 (3)	That the Waste Contract Scope be finalised and agreed by the scoping group in consultation with the Chairman of the Overview and Scrutiny Committee	The Task and Finish Group will commence in the near future – It is suggested that this resolution is removed from the monitoring list	To be removed
Sept 18 Min 37 (4)	<p>(1) That a Task and Finish type review of the waste contract be undertaken shortly following the publication of the SIAS review of the service;</p> <p>(2) That the following issues be referred to the Task and Finish review mentioned in (1) above:</p> <p>(i) Why a decision was made to mobilise the contract in an unreasonable timescale;</p> <p>(ii) Why, when there was such a short mobilisation period, was a decision made to make major changes to the service in what were already challenging circumstances, rather than delay the implementation of changes to the service for one year;</p> <p>(iii) Why sufficient staff resources were not made available prior to implementation of the contract;</p> <p>(iv) What happened when high volumes of calls were received in terms of systems and staff;</p> <p>(v) Consider the differences between area where the service worked well and those where the service was poor.</p>	<p>(1) The Task and Finish Group will commence in the near future – It is suggested that this resolution is removed from the monitoring list</p> <p>(2) To be included within the Task & Finish Scope, see Jul 18 Min 28 (3).</p>	<p>To be removed</p> <p>In progress</p>
Mar 19 Min 11 (2)	That the Scrutiny Officer be requested to ask Group Leaders for nomination to a Task and Finish Group review of the Waste Contract.	The Committee, Member and Scrutiny Officer has contacted Group Leaders asking for Panel Members and Chairs for the 2 proposed T&F Groups.	In progress

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
Mar 19 Min 13 (2)	That the Scrutiny Officer be requested to schedule a review of the Waste Contract Implementation and draw up a draft scope upon completion of the SIAS audit.	The SIAS Report was circulated to Members on 6 September 2019, Draft scopes for the Task and Finish Groups on the Waste Contract will be drawn up and sent to the Chairs of the Task and Finish Groups and the Chair of this Committee for approval.	In progress
July 19 Min 17 (2)	That the Committee, Member and Scrutiny Manager be asked to liaise with the Chairman to schedule in the Task and Finish Group on Waste to start as soon as the current Task and Finish Group is concluded;	The first of two Task and Finish Groups will commence as soon as the Panel and Chair have been appointed and the scope agreed. The second will commence once the final report of the first is written, the Panel and Chair have been appointed and the scope agreed The effects and impacts of Covid 18 on all services of the Council has resulted in a delay in the ability for officers to prepare and organise these Task and Finish Groups, This is further considered in the Work programme report and Members may wish to wait to debate the subject under that report	In progress
Sept 19 Min 38 (3)	That the Task and Finish Group for the Waste Contract be divided into two separate groups: (i) Tender and Contract; (ii) Community Engagement		In progress
Sept 19 Min 38 (4)	That for the balance of political proportionality, 5 Members would sit in each of the two Task and Finish Groups for the Waste Contract.	The Group Leaders have been contacted and asked to supply nominations for panel Members and Chairs for both Task and Finish Groups	Complete To be removed
Sept 19 Min 39 (4)	That the Scope for the Task and Finish Group on the Waste Contract be approved by the Chairman of that Task and Finish Group, (yet to be appointed) and the Chairman of the Overview and Scrutiny.	The scopes for both Task and Finish Groups will be drawn up and presented to the Chair of the relevant Task and Finish Group and the Chair of the O&S Committee for agreement.	

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
	HOMELESSNESS		
Jun 19 Min 10 (3)	That the Controls, Risk and Performance Manager be requested to identify a date when data will be available for REG 1 and 2;	The Committee received a verbal presentation from the Strategic Housing Manager on 21 January 2020	Complete To be removed
Jun 19 Min 10 (4)	That a target must be set regarding REG 1 and 2, based on the data available and the direction of travel at the next target setting review	The Committee received a verbal presentation from the Strategic Housing Manager on 21 January 2020	Complete To be removed
	STAFF		
Jun 19 Min 10 (5)	That the Chairman be requested to discuss sickness data with the Head of Paid Service with the aim of identifying what breakdown of figures would be available to the Committee and to identify any problem areas and the reasons for those issues	Update pending.	In progress
Jun 19 Min 12 (6) Page 7	That the Overview and Scrutiny Committee expresses concern regarding resources available to the Committee and other areas of the Council seem stretched. Therefore the Leader of the Council is requested to speak to the Chief Executive regarding these concerns.	Additional resources for the Committee and Policy departments were agreed through the budget process. Just prior to the Covid lockdown a members of the Committee Team left the organisation, Currently the team consists if two officers. This is further discussed in the Work programme	Complete To be removed
	COMMERCIALISM		
Jun 19 Min 11 (3)	That the Service Director – Commercial be requested to present a report to this Committee regarding the proposed new trading company	The Service Director – Commercial gave a verbal presentation on 17 September and a written report was considered at the meeting on 21 January 2020	Complete To be removed
Jun 19 Min 13 (2)	That the Service Director – Commercial be requested to make regular presentations to this Committee regarding commercial activities.	The Service Director – Commercial gave a verbal presentation on 17 September and a written report was considered at the meeting on 21 January 2020.	Complete To be removed
July 19 Min 16 (4)	That the Service Director – Commercial be requested to attend the next meeting of this Committee to provide a presentation and answer questions.	The Service Director – Commercial gave a verbal presentation on 17 September and a written report was considered at the meeting on 21 January 2020	Complete To be removed

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
July 19 Min 17 (3)	That the Service Director – Commercial be made aware of the requirements of this Committee as detailed above.	The Service Director – Commercial gave a verbal presentation on 17 September and a written report was considered at the meeting on 21 January 2020	Complete To be removed
Sept 19 Min 42	That the Service Director – Commercial present a written report to the next meeting of the Overview and Scrutiny Committee, which should provide the following information: (1) The work of the Commercial Team; (2) The essential provision of future forecasting; (3) Potential uses of “The Company”.	The Service Director – Commercial gave a verbal presentation on 17 September and a written report was considered at the meeting on 21 January 2020	Complete To be removed
	SAFEGUARDING		
Sept 19 Min 41 (4) Page 8	Expressed their disappointment with the apparent disproportionately small number of elected Members who had undertaken safeguarding training and requested that Members were investigated into who had received safeguarding training from other sources. All Members are made aware, once again, of the ability to complete e-learning training and that all relevant group leaders, port folio holders and shadow port-folio holders raise the issue of training requirement at their group meetings.	The Committee, Member and Scrutiny Manager has undertaken a review of the skills audit of Members, which included a question about Safeguarding training. Unfortunately this received a very low response. She is liaising with the Learning and Development Champions promote Safeguarding Training for Members. This work continues, however there is no further role for this Committee at present.	Complete To be removed
	PERFORMANCE MONITORING		
Sept 19 Min 44 (2)	That whilst it had been reported to the Committee that the Local Plan had been marked as complete, following consideration by the Inspector, there was still further work to be prepared. The Controls, Risk and Performance Manager was requested to continue to report to the Overview and Scrutiny Committee on the Local Plan.		In progress
	OTHER RESOLUTIONS		
Sept 19 Min 39 (3)	In respect of Crime and Disorder Issues an alternative presentation format in order to discuss County Lines and Knife Crime with the support of the Community Protection Manager take place at the meeting of the Overview and Scrutiny Committee in January 2020	Inspector Sally Philips and the Community Safety Manager presented to the meeting on 21 January 2020.	Complete To be removed

REF	RESOLUTION	RESPONSE/OUTCOME	STATUS
Jan 20 Min 65	<p>(2) That the following items be considered at its meeting on 17 March 2020:</p> <ul style="list-style-type: none"> • Revised Animal Licensing Policy; • NHDC Draft Electric Vehicle Strategy; and • Environmental Crime Vehicles. <p>(3) That the Task and Finish Group Protocol be reviewed at the meeting due to be held on 17 March 2020.</p>	<p>These items were all considered during the period when meetings were on hold</p> <p>This will be considered as part of the Work Programme report</p>	To be removed
Jan 20 Min 66	<p>(2) That the Service Director- Commercial be requested to present the closure report regarding the Hitchin Town Hall and District Museum to the Overview and Scrutiny Committee for consideration.</p>	<p>The Service Director- Commercial will be requested to present this to the meeting in July 2020</p>	In progress

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**OVERVIEW AND SCRUTINY COMMITTEE
16 JUNE 2020**

***PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME
FOR 2020/21**

REPORT OF THE COMMITTEE, MEMBER AND SCRUTINY MANAGER

EXECUTIVE MEMBER: NOT APPLICABLE

CURRENT COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

NEW COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL /
RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND
CO-OPERATIVE ECONOMY

1. EXECUTIVE SUMMARY

- 1.1 This report highlights items scheduled in the Overview and Scrutiny Committee's work programme and items that may be considered in 2020/21. It includes details of those items that have yet to be assigned to a specific meeting.
- 1.2 The work programme includes both items previously agreed by the Committee and those that the Committee is required by the Constitution to consider.

2. RECOMMENDATIONS

- 2.1 That the Committee prioritises proposed topics for inclusion in the work programme attached as Appendix A and, where appropriate, determines the high level form and timing of scrutiny input.
- 2.2 That the Committee, having considered the Forward Plan attached as Appendix B, suggests a list of items to be considered at its meeting on 16 July 2020 and beyond
- 2.3 That the Committee, in light of the Covid 19 pandemic, consider the timing and method of undertaking the proposed Task and Finish Group Reviews regarding the Waste Contract.
- 2.4 That the Committee request the Committee, Member and Scrutiny Officer to prepare a proposed Protocol on Task and Finish Reviews, taking into account research and the Peer Challenge report, and present it to the Committee as soon as is practicable.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To allow the Committee to set a work programme which provides focussed Member oversight, encourages open debate and seeks to achieve service improvement through effective policy development and meaningful policy and service change.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The Committee has varied its approach to overview and scrutiny activity over recent years. Currently it seeks to enter the process of policy development at an early stage and consequently may consider items associated with service action plans.
- 4.2 The need to observe Constitutional requirements and monitor the Forward Plan for appropriate items to scrutinise remains a key aspect of work programming.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Each Committee meeting includes the opportunity for Members to comment on and input to the Committee's work programme.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.
- 6.2 The Committee is asked to review the Forward Plan at each regular meeting to identify potential issues for inclusion in the work programme. Identification of a focus for the Committee's future activity should be identified at this stage wherever possible.

7. BACKGROUND

- 7.1 Executive Members no longer deliver regular general presentations on a rotational basis. Rather they are invited to either speak on an issue of specific interest or present a report being considered for constitutional reasons.
- 7.2 The Committee now considers a wide range of issues, where appropriate, commencing its reviews early in the policy development process. By doing this it seeks to ensure assumptions are challenged at an early stage, mistakes are avoided and eventual outcomes provide optimal benefit to the community.
- 7.3 The Committee seeks to ensure that consideration of agenda items minimises additional burdens on staff resources. Wherever possible, requests are made for the presentation of documents already in existence rather than the production of new documents specifically for the Committee.

8. RELEVANT CONSIDERATIONS

Work Programme

- 8.1 The Committee's work programme for the year requires reviewing at each meeting and direction is sought from the Committee on the items they wish adding. Appendix A contains the work programme for 2020/2021.

Forward Plan

- 8.2 The Forward Plan for 5 June 2020 is attached at Appendix B for consideration.

Other Topics for Consideration

- 8.3 Potential topics for consideration and inclusion in the Committee's work programme will be considered as part of this meeting. When considering additional topics, their risk assessment and prioritisation will ensure that the most appropriate items are taken forward to the work programme.

Review of Hitchin Town Hall and District Museum Project

- 8.4 The Panel's report and the additional comments of the Overview and Scrutiny Committee were considered by Cabinet on 17 December 2019. All recommendations were accepted by Cabinet.
- 8.5 The Committee, at the meeting held in January 2020, requested "That the Service Director- Commercial be requested to present the closure report regarding the Hitchin Town Hall and District Museum to the Overview and Scrutiny Committee for consideration." The Service Director – Commercial will be asked to present this to the July meeting of the Committee.

Task and Finish Group on the Waste Contract

- 8.5 The Committee resolved at its meeting on 17 September 2019 that:

That the Task and Finish Group for the Waste Contract be divided into two separate groups:

- (i) Tender and Contract*
- (ii) Community Engagement; and*

That for the balance of political proportionality, 5 Members would sit in each of the two Task and Finish Groups for the Waste Contract.

- 8.6 The Committee, Member and Scrutiny Manager was in the process of drawing up a draft scope for each of the Task and Finish Groups, taking into account the SIAS report findings.
- 8.7 The Committee, Member and Scrutiny Team are currently operating with two vacancies and the Covid 19 pandemic has required the team to divert all of its attention to finding new ways to ensure that decision making of the Council continues in difficult circumstances. The provision of virtual meetings is resource intensive and this has contributed to the Team being stretched.

- 8.8 The Waste Team have similarly been concentrating their efforts on ensuring that the collection of waste and recycling continued during the pandemic and subsequent lockdown.
- 8.9 This has meant that the Committee, Member and Scrutiny Officer and Service Manager- Waste and Recycling have been unable to allocate any time to preparing draft scopes for consideration by the Task and Finish Chairs.
- 8.10 This type of review will require evidence being gathered from many people and organisations from various areas including canvassing Members of the public and some thought should be given as to how this could be achieved in the current circumstances or whether the review should be postponed.
- 8.11 Chairing of Task and Finish Groups circulate round the political parties. Based on this the Labour and Cooperative Group will provide the Chair of the first Task and Finish Group and the Liberal Democrat Group will provide the Chair of the second.
- 8.12 The Committee, Member and Scrutiny Manager has contacted Group Leaders to ask for Panel Member and Chair nominations for both Task and Finish Groups. In accordance with the Committee's wishes the panels will be as politically proportional as possible as follows:

Task and Finish Group on the Waste Tender and Contract

- Councillor Mike Hughson (Chair)
- Councillor Kate Aspinwall
- Councillor Terry Tyler
- Conservative nomination
- Conservative nomination

Task and Finish Group on Community Engagement regarding the implementation of the Waste Contract and onwards

- Councillor Sam North (Chair)
- Councillor Daniel Allen
- Councillor Clare Billing
- Conservative nomination
- Conservative nomination

Protocol for Task and Finish Group Reports

- 8.13 The current Protocol for Task and Finish Groups was agreed in 2016 and since this time the Committee has opted to undertake Task and Finish Group Reviews using different methods and receiving reports in different ways, meaning that the protocol has not been adhered to by the Committee
- 8.14 It was envisaged that a proposed protocol for Task and Finish Groups would be considered at this meeting.
- 8.15 The Committee, Member and Scrutiny Officer has undertaken some research regarding protocols of other Local Authorities.

- 8.16 A Peer Challenge Review has been undertaken, part of which focussed on effective Scrutiny. The Committee will be receiving a report regarding this later in the meeting.
- 8.17 It seems sensible to consider the results of the Peer Challenge Review prior to drawing up a new protocol, as this may have an impact on how the Committee would wish future Task and Finish Groups are undertaken.
- 8.18 The Committee Member and Scrutiny Officer will prepare a proposed protocol, taking into account the research and any recommendations from the Peer Group and present it to the Committee as soon as is practicable.

9. LEGAL IMPLICATIONS

- 9.1 Under Section 6.2.5 of the Constitution, the Committee is responsible for setting its own work programme. However, it must ensure it retains sufficient capacity within the programme to meet its statutory obligations.
- 9.2 Section 6.2.7 (u) of the Constitution allows the Committee “to appoint time limited task and finish Topic Groups to undertake detailed scrutiny work and report back to the Overview and Scrutiny Committee to make recommendations to the Cabinet.”

10. FINANCIAL IMPLICATIONS

- 10.1 Dependent on how they are applied in practice, the scope of the options presented in Sections 7 and 8 have the potential to be wide reaching. As detailed Section 14, Human Resource Implications, the wider the reach, the more significant the impact on officer time in terms of report writing, data analysis and committee meeting attendance. Given recent funding pressures and the consequent reduction in officer numbers, significant requests to support scrutiny work will limit officer time available to spend on activities such as identifying and delivering cost reductions, income generation and project management.
- 10.2 Although not significant, a committee attendance allowance of £25.17 per officer per evening meeting is payable to officers in attendance. This is in addition to providing time off in lieu, or overtime as an alternative.

11. RISK IMPLICATIONS

- 11.1 Effective overview and scrutiny of policy, administrative, service delivery and expenditure decisions helps reduce the risk of an inappropriate decision being made. The scope and time frame for scrutiny interventions should be considered in the light of the potential impact of inappropriate scrutiny leading to decisions not being made, inappropriately made or not made at the right time.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 There are no direct equality implications arising from the report. Effective scrutiny is an essential part of ensuring that local government remains transparent, accountable and open which ensures that the delivery of public services benefits all aspects of the community, where practical.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 The widening of the reach of scrutiny reviews has the potential to significantly impact on officer time in terms of the reprioritisation of already agreed projects, their scope or timetabling and resources. There is also the potential for additional resource requirements in relation to report writing, information collection and analysis and committee attendance. Delivery of service plans to achieve the Council’s agreed Corporate Plan objectives might, therefore, be potentially negatively impacted.

15. APPENDICES

15.1 Appendix A – Work Programme for future Committee meetings

15.2 Appendix B – Forward Plan for 5 June 2020

16. CONTACT OFFICERS

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17. BACKGROUND PAPERS

17.1. Previous reports to the Overview and Scrutiny Committee and forward plans.

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PROGRAMME FOR FUTURE COMMITTEE MEETINGS 2020-21

16 June 2020	Resolutions Report Work Programme District Wide Survey 2019 – Key Findings Corporate Peer Challenge Action Plan Performance Monitoring for 2019/20 – Year End Key Projects for the District 2019/20 Year End Garden Waste Collection Service Impacts of Covid 19 Commercial Waste Collection Service Impacts of Covid 19 RIPA Annual Review
14 July 2020	Presentation by the Leader of the Council Resolutions Report Work Programme 3Cs End of Year report Council Plan and Objectives 2020/23 Closure Report on Hitchin Town Hall Project Annual Report 2019/20
8 September 2020	Resolutions Report Work Programme 1st Quarter Performance against PIs 1st Quarter Key Projects
8 December 2020	Resolutions Report Work Programme Annual review of Safeguarding Priorities for the District – Key Projects Half Year Monitoring 2nd Quarter Performance against PIs 3Cs Half Year Report
19 January 2021	Crime and Disorder Matters Resolutions Report Work Programme Priorities for the District – Key Projects Half Year Monitoring
9 March 2021	Resolutions Report Work Programme Annual Report New PIs for 2020/21 Priorities For The District – Key Projects 2020/21 3rd Quarter PIs 3rd Quarter Key projects
	To be Scheduled.

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**OVERVIEW AND SCRUTINY
16 JUNE 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: DISTRICT WIDE SURVEY 2019 – KEY FINDINGS

REPORT OF: THE COMMUNICATIONS MANAGER

EXECUTIVE MEMBER: LEADER OF THE COUNCIL

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

- 1.1 To advise Cabinet of the key findings and action points arising from the 2019 District Wide Survey.

2. RECOMMENDATIONS

- 2.1 That Cabinet comment on and note the key findings and observations from the District Wide Survey.
- 2.2 That Cabinet note that the results will be considered by Senior Management Team in conjunction with Executive Members, to inform the service planning process and future consultation activity.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that Cabinet is aware of the results and any trends from previous surveys and how the results will be used to inform future service delivery.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. The biennial District Wide Survey is one of the Council's key mechanisms for seeking the views and opinions of North Hertfordshire residents on a range of services and issues. The Leader of the Council with responsibility for consultation and the Senior Management Team, have been briefed on the key findings from the report. The results will also be shared at a staff briefing.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on 1 November 2019.

7. BACKGROUND

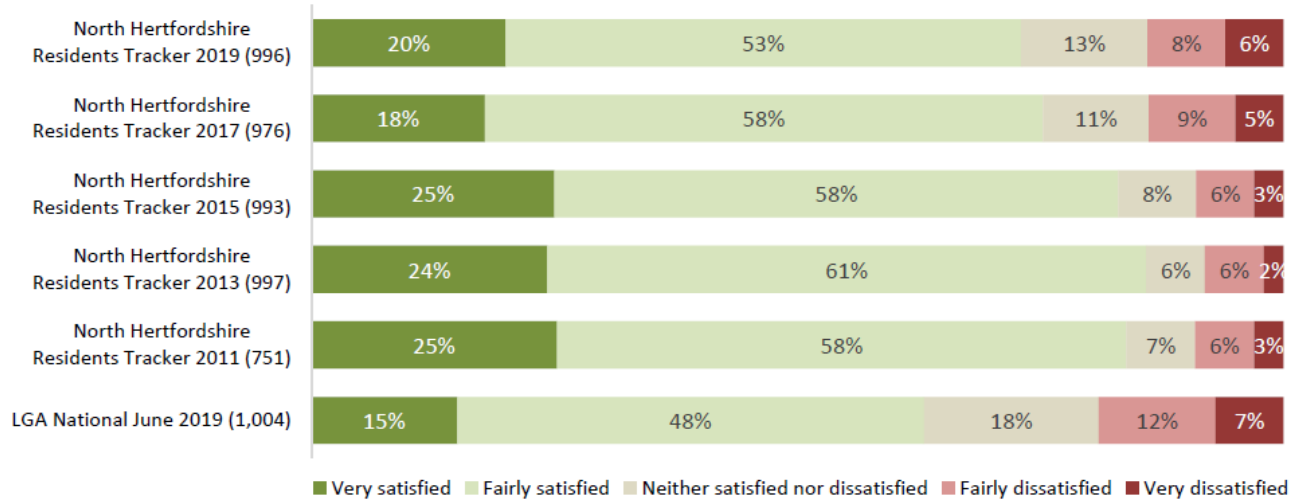
- 7.1 The 2019 District Wide Survey was carried out in line with the Council's agreed Consultation Strategy 2015-2020. The survey is carried out every two years in order to capture residents' views and perceptions of services and facilities provided by the Council.
- 7.2 Opinion Research Services, an independent research agency, were commissioned by the Council to carry out the research on our behalf. They conducted 1000 telephone interviews of North Hertfordshire residents between 7 October 2019 and 19 January 2020. Quota controls were used to ensure a representative sample. The returned sample was subsequently weighted by tenure, working status, ethnic group, age and gender to achieve results which are broadly representative of the North Hertfordshire population.
- 7.3 The question set remains largely consistent from one survey exercise to the next (with some minor variations) to allow benchmarking from year to year. Comparisons with previous results are made at appropriate points in the survey. Prior to 2011 the survey was carried out face to face rather than on the telephone and therefore those results are not directly comparable. Comparisons with national figures are, in the main taken from the Local Government Association national survey, which is carried out three times a year with around 1,000 British adults by telephone.
- 7.4 The results of the survey will be considered by the Senior Management Team in conjunction with Executive Members to help inform the Council's service delivery plan and service action plans and to plan potential future consultation activity.
- 7.5 The figures and tables in the report are extracted directly from the full research report prepared by Opinion Research Services. As only a selection of the figures and tables appear in this report, the numbering is not always in sequential order.

8. RELEVANT CONSIDERATIONS

8.1 About your Local Area / Overall Satisfaction

- 8.1.1 The vast majority of residents (92%) are satisfied with their local area as a place to live. This compares favourably to the latest LGA benchmark from June 2019, where satisfaction was 80%, 12 percentage points lower than in North Hertfordshire.
- 8.1.2 Overall satisfaction with the way the Council runs things has decreased from 76% in 2017 to 73% in 2019. However, satisfaction is still well above the LGA national benchmark from 2019, where satisfaction was 63%. See Figure 2 for comparisons since 2011.

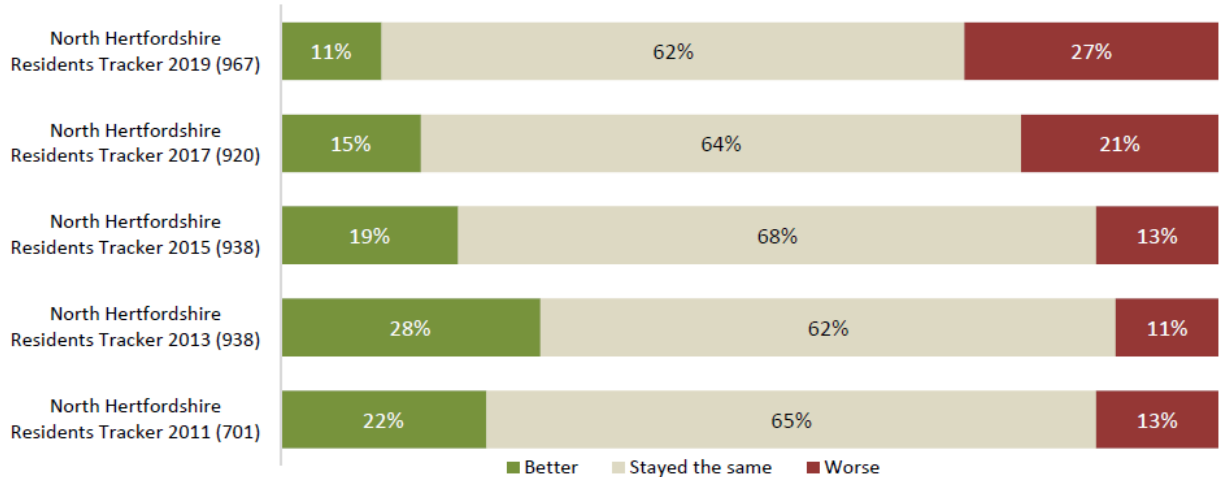
Figure 2: Overall, how satisfied or dissatisfied are you with the way North Hertfordshire District Council runs things?



Base: All Residents (Number of residents shown in brackets)

8.1.3 11% of residents think that the way NHDC runs things has got better over the last two years, a significant decrease since 2017 (15%). Figure six shows comparisons since 2011.

Figure 6: Thinking about the way North Hertfordshire District Council runs things, do you think it has got better, stayed the same or got worse over the last two years?



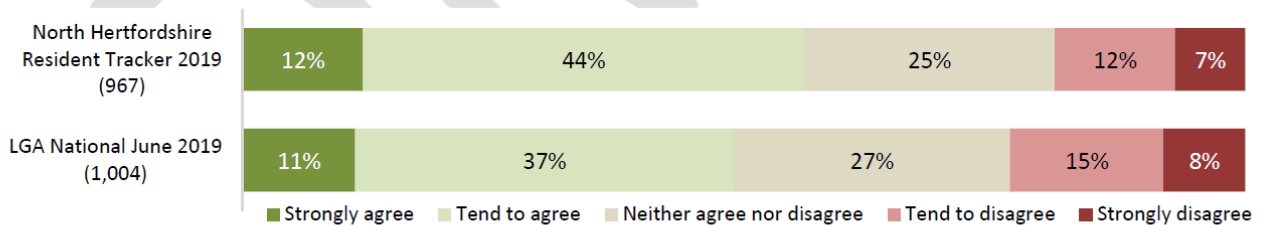
8.1.4 Those residents who expressed dissatisfaction with the way the Council runs things, were invited to comment on how they feel the Council could improve the running of North Hertfordshire. These comments are coded into themes. The top themes are that dissatisfied residents feel the Council should:

- Improve refuse / recycling collections (37%)
- Make improvements to the area / community (33%)
- Stop wasting money (25%)
- Listen / consult more (23%)
- Improve communication (19%)
- Improve the planning process (17%)

A further top theme was road / pavement maintenance e.g. potholes, cited by 19%, however this is not an NHDC function. It should be noted that only 175 residents answered the supplementary question about how the Council could improve the running of North Hertfordshire.

8.1.5 Figure 4 shows that over half (56%) of residents agree that the Council provides value for money, while 19% disagree. Overall agreement that the Council provides value for money is higher than the national LGA figure of 48%.

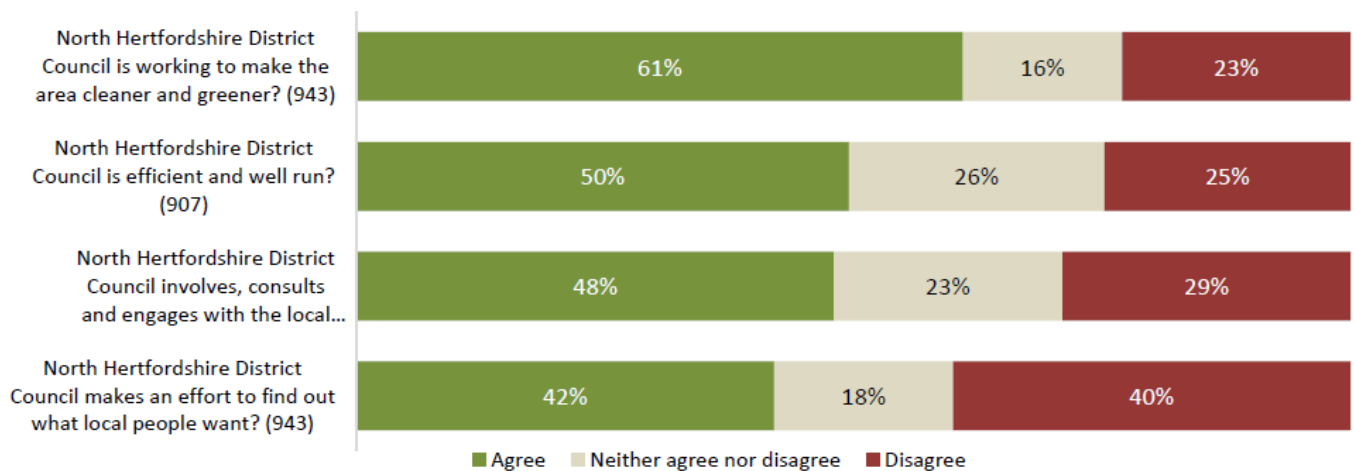
Figure 4: To what extent do you agree or disagree that North Hertfordshire District Council provides value for money?



Base: (Number of residents shown in brackets)

8.1.6 Residents were asked about a number of statements regarding the Council and their agreement levels with those statements recorded. 61% of residents agree that NHDC is working to make the area cleaner and greener, while just under one quarter (23%) disagree. Half of residents (50%) agree that NHDC is efficient and well run, while one quarter (25%) disagree). See figure 8.

Figure 8: Do you agree, disagree or neither agree nor disagree with the following...?



8.1.7 There has been a significant increase in the number of residents agreeing with the four statements since 2017 as can be seen in table 7.

Table 7: Do you agree, disagree or neither agree nor disagree with the following...North Hertfordshire District Council...?

Statements	Agreed % 2008	Agreed % 2011	Agreed % 2013	Agreed % 2015	Agreed % 2017	Agreed % 2019	% change 2017 to 2019
Involves, consults and engages with the local community (932)	n/a	55%	56%	53%	46%	48%	+2%
Makes an effort to find out what local people want (943)	n/a	49%	48%	48%	35%	42%	+7%*
Working to make the area cleaner and greener (943)	70%	69%	72%	67%	55%	61%	+6%*
Efficient and well run (907)	58%	52%	53%	51%	41%	50%	+9%*

Base: (Number of residents in 2019 is shown in brackets)

8.1.8 Observations on Overall Satisfaction: Overall satisfaction with North Hertfordshire as a place to live remains very high and well above the national LGA Benchmark. However, residents' satisfaction with the way the Council runs things has dropped by 3 percentage points and a significant increase in those who think things have got worse over the last 2 years, in terms of how the Council runs things. Issues with the Council's waste and recycling contract in 2018 and the knock on reputational impact are likely to have contributed to the drop in satisfaction, as well as on-going year on year budget savings having to be made. Despite this, satisfaction with the Council is 10 percentage points higher than the national average figure of 73%.

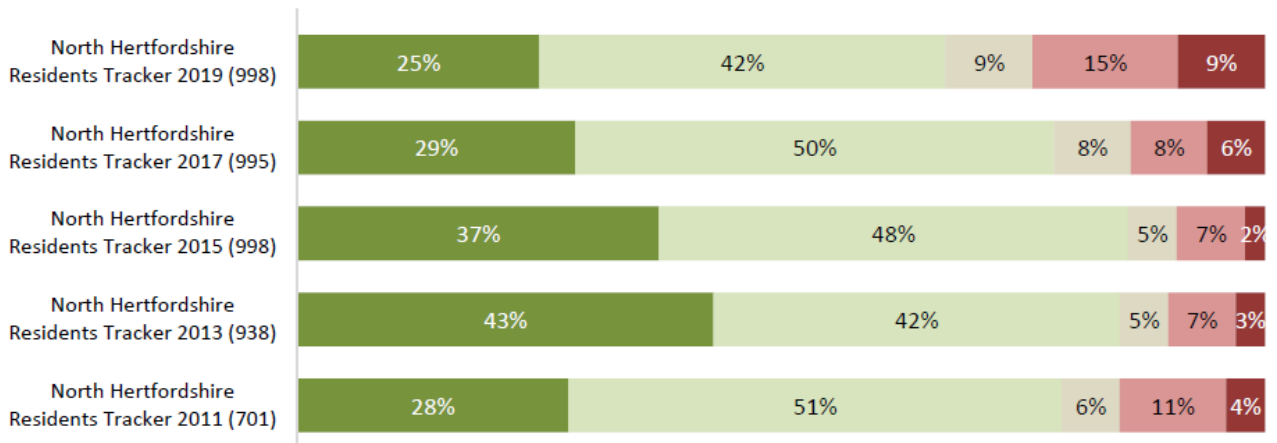
8.1.9 Table 7 shows that there has been an increase in agreement level in people who think NHDC makes an effort to find out what local people want and involves, consults and engages with the local community. This increase could be related to the joint administration's new objective of being a more welcoming and inclusive council. Table 7 also shows an increase in agreement that the Council is working to make the area cleaner and greener, in line with the joint administration's objective to respond to challenges to the environment.

8.2 Council Services

8.2.1 Over two-thirds (67%) of residents are satisfied with general waste and recycling collection, dropping from 79% in 2017, while around one quarter (24%) are dissatisfied. Satisfaction is below the national figure of 74%, although the LGA data is for waste collections (not recycling) only. Figure 12 shows satisfaction levels since 2011. Satisfaction peaked in 2013 at 85%. This was at a time when the Council introduced recycling of plastics at the kerbside, increasing residents' opportunity to recycle.

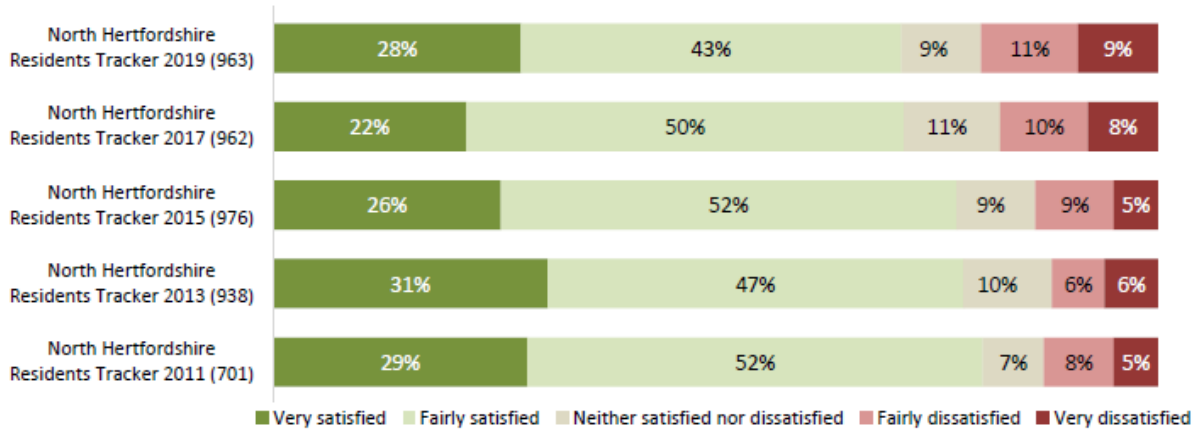
Figure 12: Are you satisfied or dissatisfied or neither satisfied nor dissatisfied with the following...?

General waste and recycling collection



8.2.2 71% of residents are satisfied with the Council's street cleaning, which is in line with the national average of 70%, while one fifth (20%) are dissatisfied. Overall satisfaction with street cleaning has remained level since 2017, although it has seen a general decline since 2011. See figure 12 below:

Street cleaning

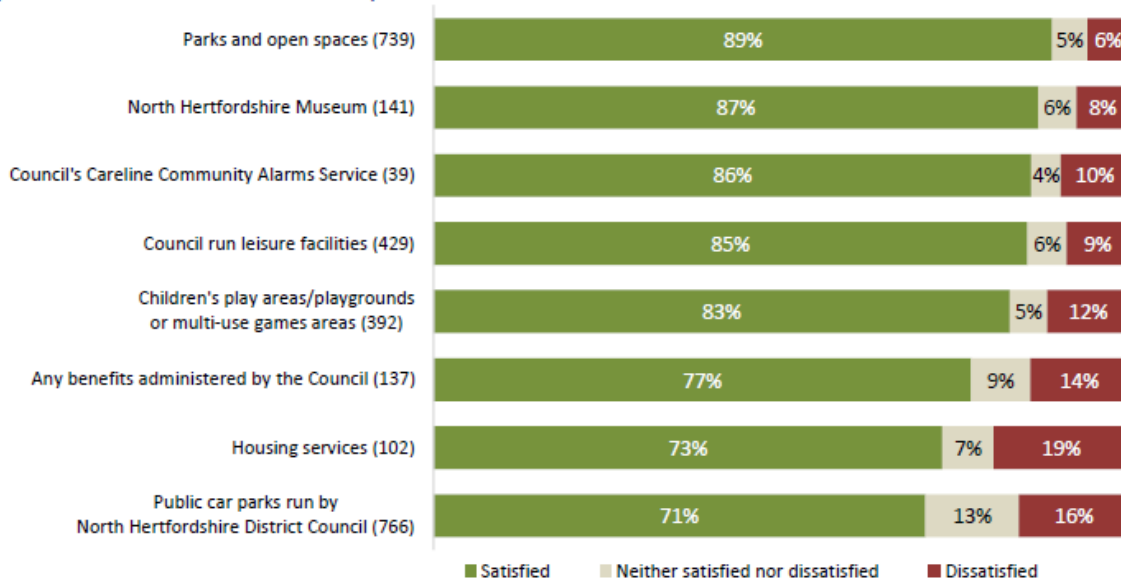


8.2.3 Residents were asked if they had used a number of Council services in the last year. Figure 13 shows that 78% of residents have used public car parks run by NHDC in the last year, while 75% have used parks and open spaces. 44% had used council run leisure facilities, while 40% have used children's play areas / playgrounds, multi-use games areas.

8.2.4 The proportion of residents who have used housing services run by NHDC in the last year, has risen significantly from 7% in 2017 to 11% in 2019.

8.2.5 Residents who had used council services were subsequently asked about their satisfaction with those services. Satisfaction levels can be seen in Figure 14 below.

Figure 14: Are you satisfied or dissatisfied or neither satisfied nor dissatisfied with the following:
Base: (Number of residents shown in brackets)



8.2.6 While satisfaction with services such as parks and open spaces (89%), North Hertfordshire Museum (87%), Careline (86%), leisure facilities (85%) remains high, there has been a significant decrease in levels of satisfaction for all areas, as show in table 11.

Table 11: Are you satisfied or dissatisfied or neither satisfied nor dissatisfied with the following:
(satisfaction of services 2011 – 2019)

Service/facility	Satisfied % 2011	Satisfied % 2013	Satisfied % 2015	Satisfied % 2017	Satisfied % 2019	Percentage % Change 2017 to 2019
Parks and open spaces (739)	89%	93%	93%	92%	89%	-3%
Children's play areas / multi-use games areas (392)	87%	90%	90%	88%	83%	-5%
Council's Careline Community Alarms Service (39)	-	100%	100%	92%	86%	-6%
Council run leisure facilities (429)	92%	90%	91%	91%	85%	-6%
Public car parks run by North Hertfordshire District Council (766)	75%	76%	77%	77%	71%	-6%
Housing Services (102)	79%	76%	77%	79%	73%	-6%

Base: (Number of residents in 2019 is shown in brackets)

8.2.7 Waste and recycling collection was selected by 52% of residents as the most important service the Council provides, followed by housing services (19%) and parks and open spaces (10%). These were also the three services cited (in the same order of importance) in 2017, 2015 and 2013.

Observations on Council Services

8.2.8 Due to issues at the start of the new waste contract in 2018 and also the introduction of a charge for garden waste collections, the decrease in satisfaction with waste and recycling collection was to a large extent to be anticipated. Given that performance levels are now at a business as usual level and that we are into the second year of charging for garden waste, it is hoped that satisfaction levels will improve when the survey is repeated in 2021. However, the reputational impact of previous performance issues may last longer than the actual issues themselves.

8.2.9 Although Table 11 shows a drop in satisfaction of six percentage points for Council run leisure facilities, the figure remains high and our own data shows excellent performance. Stevenage Leisure Ltd (SLL) undertake national quality schemes with the NBS and Quest and recent results show an increase in satisfaction at both Hitchin and Letchworth facilities. At Hitchin, the scores for overall customer satisfaction out of five with visit (4.82) and swimming experience (4.72) are well above the wet site averages (4.29 and 4.26 respectively). At North Herts Leisure Centre, the scores for overall customer satisfaction with visit (4.87) and swimming experience (4.53) are both above the mixed site averages (4.35 and 4.29 respectively). In February 2020, North Herts Leisure Centre also won the NBS Award for 'Overall High Score' and 'Customer Satisfaction'.

8.2.10 Table 11 shows satisfaction with Careline's Community Alarm's service has dropped from 92% in 2017 to 86% in 2019. However, the sample size is very small. Also Careline's own customer satisfaction data showed that 99.8% of customers would recommend Herts Careline to a friend or relative and 99.5% of customers say the help they receive from Herts Careline Control Room Operators is 'excellent' or 'good.'

8.2.11 Table 11 shows a decrease in satisfaction of five percentage points for children’s play areas / multi use play areas from 88% in 2017 to 83% in 2019. One possible reason for this drop in satisfaction could be due to the Council’s adopted Green Space Strategy (2018), where following consultation, the decision was made to rationalise the number of playgrounds which the Council maintains, opting to only maintain those which had higher use.

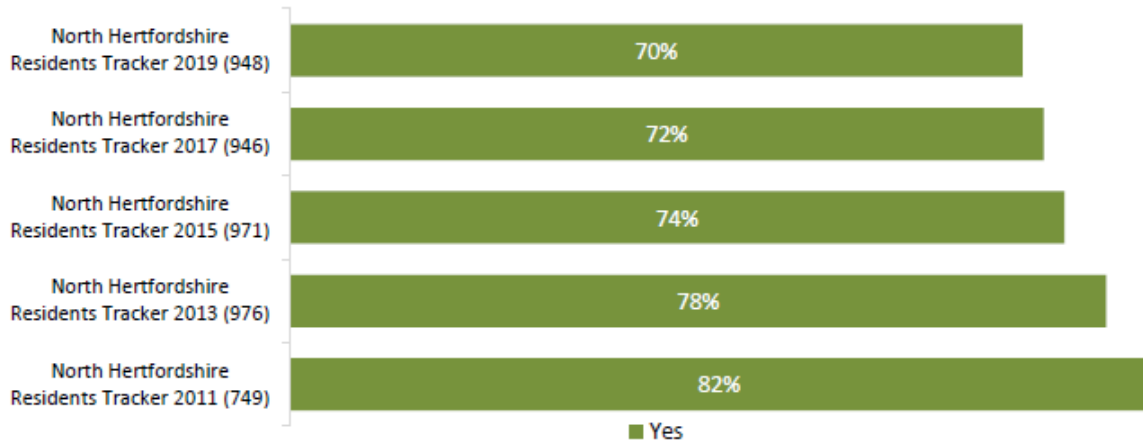
8.2.12 Paragraph 8.2.4 shows an increase in residents who had used the Council’s housing services in the last year from 7% in 2017 to 11% in 2019. This increase could potentially be in large part because of the introduction of the Homeless Reduction Act 2017, which came into force in April 2018 and which compels all local authorities to offer its housing service to everyone, not just those where an accommodation duty exists.

8.3 Information and Communication

8.3.1 Residents were asked where they normally obtain information about the Council. 74% of residents said the Council’s website, followed by 16% who said local newspapers, leaflets etc, 15% said contact with Council staff, 12% said Outlook magazine and 9% said social media.

8.3.2 70% of residents had seen or had a copy of the Council’s Outlook magazine in the last 12 months, this has decreased by 2% since 2017 and by 10 percentage points since 2011 (82%). See Figure 17.

Figure 17: Have you seen, or had a copy of ‘Outlook’, North Hertfordshire District Council’s community news magazine to your door in the last 12 months? (Comparison with previous years)



Base: All Residents (Number of residents shown in brackets)

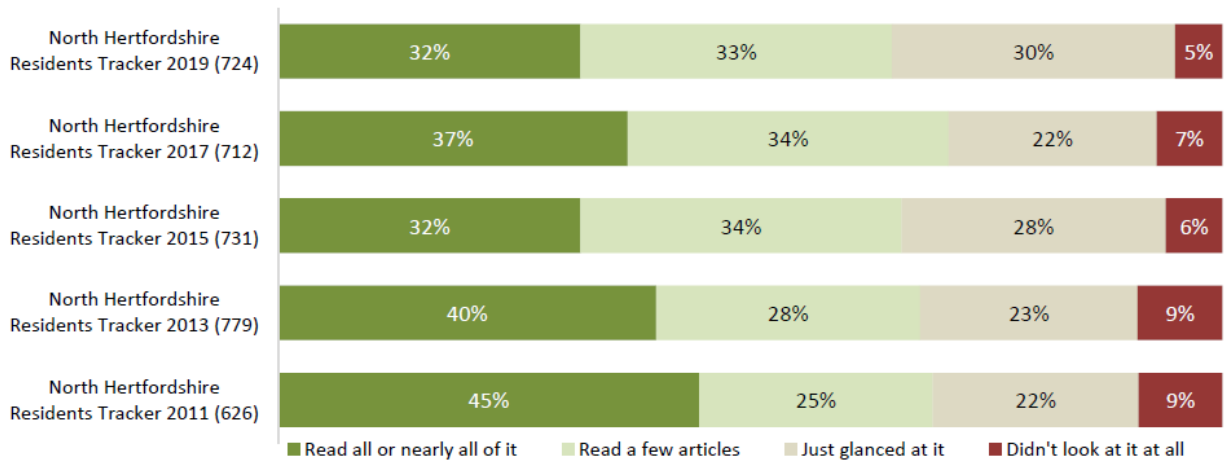
8.3.3 Table 13 shows that residents in Hitchin (78%) are significantly more likely to have seen or had a copy of Outlook magazine delivered to their door in the last 12 months, whereas Royston residents (58%) are significantly less likely to have seen or had a copy of Outlook.

Table 13: Residents who have seen, or had a copy of 'Outlook' by Ward area in the past 12 months:

	Total	Baldock and District	Hitchin	Southern Rural	Letchworth	Royston
Yes	70%	74%	78%	65%	71%	58%
Base	948	135	265	155	247	146

8.3.4 Figure 19 shows that the proportion of residents who have read all or nearly all of Outlook (32%) has decreased significantly since 2017 (37%).

Figure 19: Would you say you have...?



8.3.4 83% of residents like the way Outlook looks and is presented, 77% like the way it is written and 67% find Outlook interesting.

8.3.5 Since the last survey in 2017, we have introduced an email bulletin service @NorthHerts. 10% of residents said they were signed up to the e-bulletin service. Of those residents, 79% like the way the e-bulletins are written, and 81% find the information in them is useful to them. 74% agreed that the topics were of interest to them.

8.3.6 **Observations on Outlook magazine:** Although the proportion of residents who can recall seeing Outlook has declined, under the current Outlook distribution contract, the distributors all wear GPS trackers which show the roads which they have walked down, allowing the contractor to identify any gaps and rectify any missed delivery reports. We can therefore be confident that a much higher proportion of the district has been covered by distribution of Outlook than the results indicate. It also needs to be taken into account that it is industry best practice to check distribution recall within a couple of days of delivery, whereas some residents, depending on when they answered the survey will not have seen an issue of Outlook for several months. The Communications Manager is not aware of any specific issues related to Outlook delivery in Royston, however the contractor has been made aware of the results and copies of the trails for Royston will be requested.

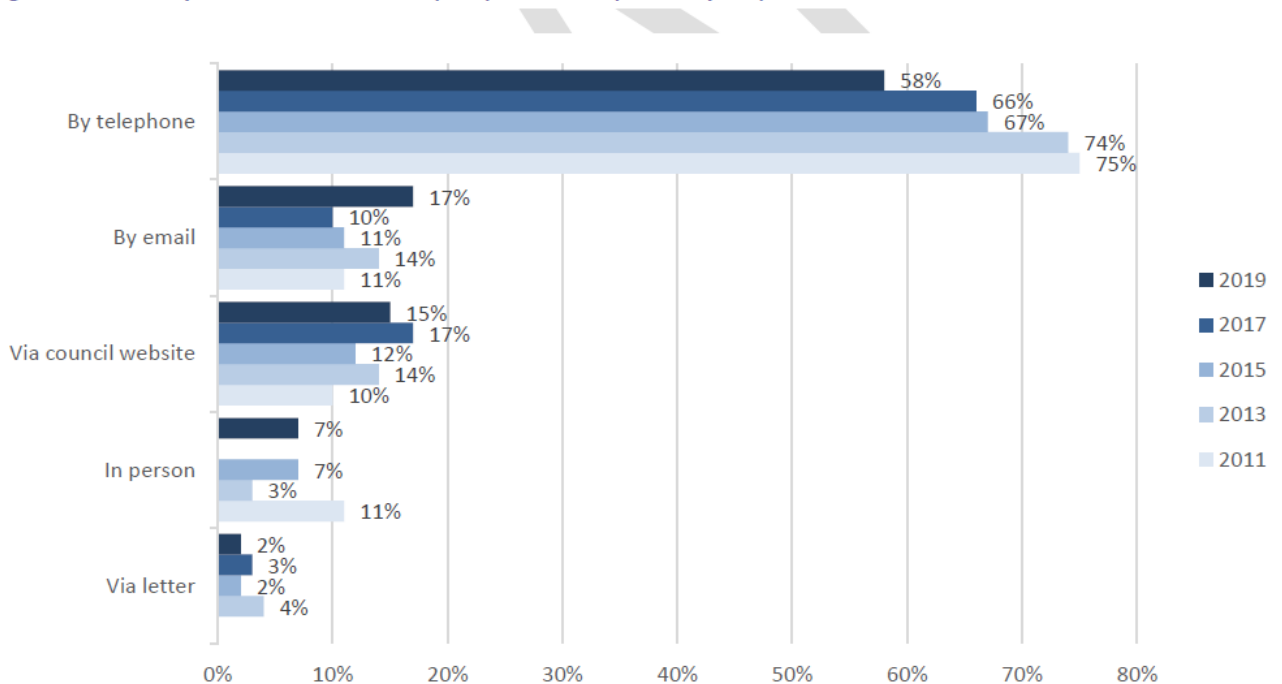
8.4 Contact with the Council

8.4.1 Over half of residents (52%) said they have contacted the Council in the last year. Of those, the main reasons for contact were:

- 34% to report an issue or problem
- 17% to ask for advice / information
- 13% to make a payment
- 12% to make a complaint
- 12% to apply to use a service

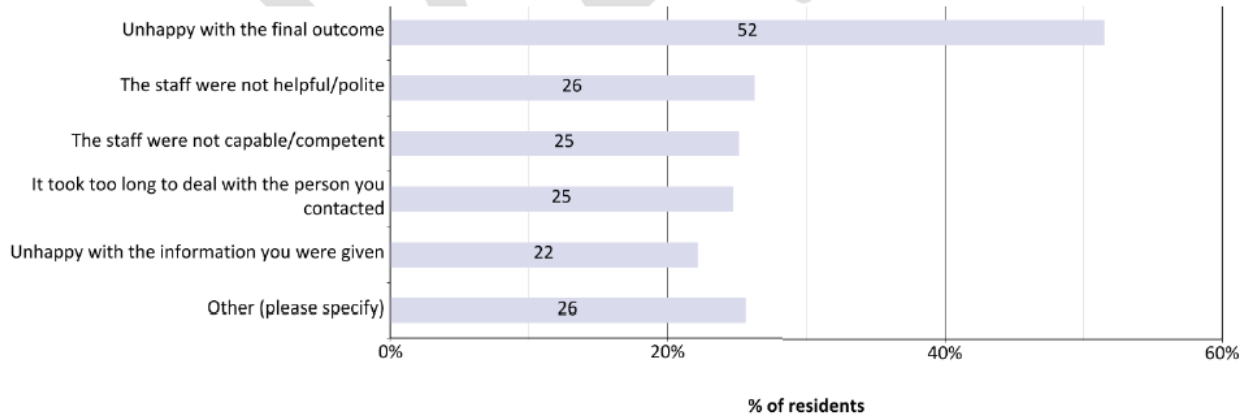
8.4.2 The most popular way to contact the Council was by telephone (58%), with email the second most popular method at 17% and 15% through the Council website. Figure 26 shows the changes in means of contact since 2011.

Figure 26: How did you contact the Council? (Comparison with previous years)



8.4.3 70% of residents said they were satisfied with the service they received last time they contacted the Council, with 38% saying they were very satisfied. 24% of residents were dissatisfied. Of the residents who were dissatisfied, more than half (52%) said they were unhappy with the final outcome. Figure 28 shows reasons for dissatisfaction.

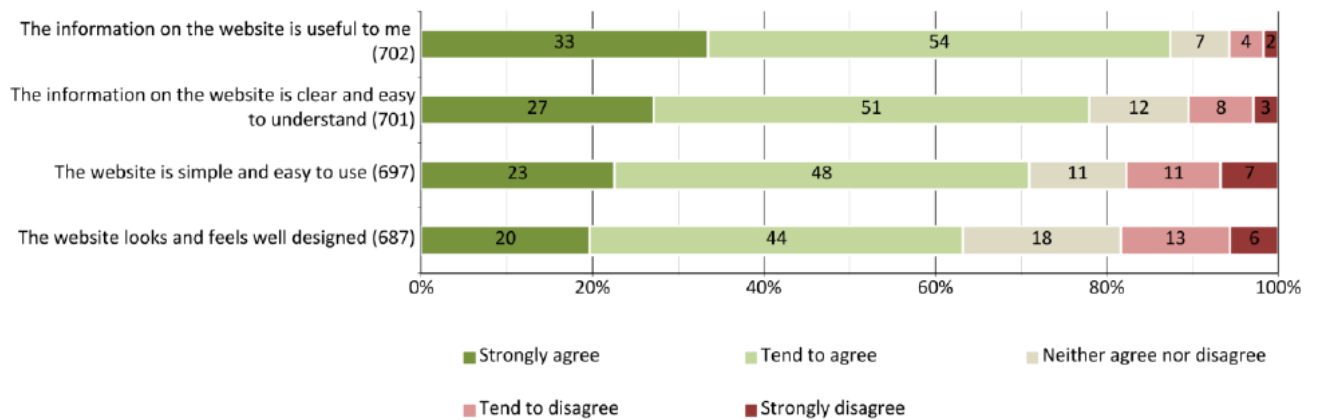
Figure 28: Why were you dissatisfied with the service you received the last time you were in contact with the council?



Base: All Residents who have contacted the council and were dissatisfied with the contact they received (133)

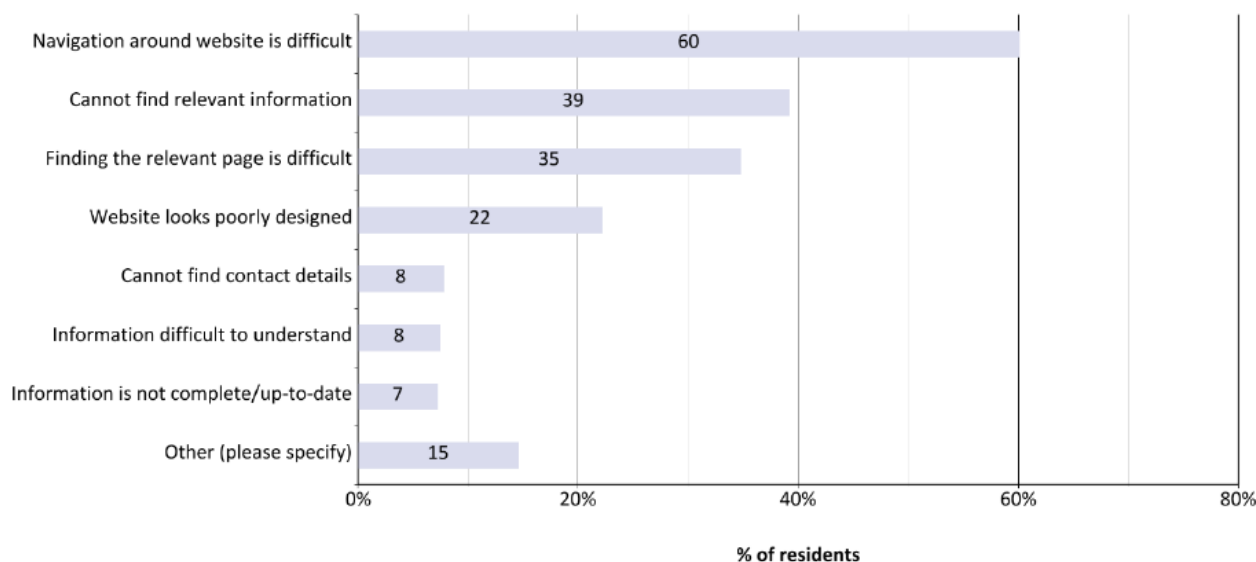
8.4.4 71% of residents said they had visited the Council’s website within the last year. When asked about the website, 87% of residents think that the information on the website is useful to them, 78% think the information on the website is clear and easy to understand, while 71% think the website is simple and easy to use. 63% of residents think that the website looks and feels well designed. Figure 32 shows agreement levels with statements about the Council’s website.

Figure 32: Thinking about the council’s website, do you agree, disagree, or neither agree nor disagree with the following?



8.4.5 Residents who disagreed with any of the statements in Figure 32, were subsequently asked if there were any specific issues which they had experienced with the website. The key issues were on navigating the site and finding the information they wanted. Figure 33 shows specific issues with the site.

Figure 33: What specific issues did you have with the Council's website?



Base: All residents who have had issues with North Hertfordshire District Council's website (166)

- 8.4.6 **Observations on Contact with the Council:** Paragraph 8.4.1 shows that of those residents who had contacted the Council in the last 12 months, 12% contacted us to make a complaint. However the number of complaints we received in 2018/19 only equates to 1% of the total contacts into the Customer Service Centre. The complaints figure includes complaints made directly to our contractors.
- 8.4.7 **Observations on Council website:** Overall opinions on the website are positive, however views on navigation and design will be taken into account during 2020/21 when a project to review the existing website, including design and content will be undertaken.

9. LEGAL IMPLICATIONS

- 9.1 The Cabinet has under 5.6.1 of its terms of reference, the function to prepare and agree to implement policies and strategies other than those reserved to Council.
- 9.2 The Cabinet under 5.6.15 of its terms of reference oversees the provision of all the Council's services other than those functions reserved to the Council, therefore can consider the outcome of the District Wide Service report.
- 9.3 There are no legal implications arising from this report. If any actions are identified as a result of the findings of the District Wide Survey 2019, the legal implications of those will be considered at the time.

10. FINANCIAL IMPLICATIONS

- 10.1 There are no direct financial implications from this report. The cost of the research undertaken was funded from the existing budget provision for corporate consultation.

11. RISK IMPLICATIONS

- 11.1 Conducting the District Wide Survey is an important tool for shaping the Council's Objectives. If the results of the survey are not acted upon, there is a risk that public satisfaction with the Council will reduce, leading to a negative impact on the Council's reputation. In order to mitigate this risk, Service Directors and Corporate Managers use the results as part of the Service Planning process, enabling the Council to address any areas of concern.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. The report highlights areas where satisfaction levels could be improved. Broadly though, the services that NHDC provides to residents are well received as noted at 8.1.7. Any mitigating actions may be incorporated into the formulation of the relevant Service Plans to improve service provision, where appropriate. These will be proportionate and reflect the authority's duty under the public Sector Duty. Any identified service improvements may require an analysis of equality impact prior to implementation.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. As the recommendations in the report relate to a contract below £50,000 the "go local" policy has not been applied due to the specialist nature of the contract and no suitable local providers being able to undertake the work.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 Where actions are agreed to be followed up, those will form part of the relevant department's service action plan and any employee resources and training will be considered as part of that planning.

15. APPENDICES

- 15.1. None

16. CONTACT OFFICERS

- 16.1. Sarah Kingsley, Communications Manager sarah.kingsley@north-herts.gov.uk; Ext 4552
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17. BACKGROUND PAPERS

17.1. The full research report from Opinion Research Services can be found at www.north-herts.gov.uk/districtwidesurvey

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**CABINET
23 JUNE 2020**

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: CORPORATE PEER CHALLENGE ACTION PLAN

REPORT OF: DEPUTY CHIEF EXECUTIVE

EXECUTIVE MEMBER: LEADER AND DEPUTY LEADER OF THE COUNCIL

COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL

1. EXECUTIVE SUMMARY

- 1.1 Cabinet on 24 March 2020 and Full Council on 2 April 2020 (decisions taken under delegated decision following emailed consultation with Members) noted the final report from the Local Government Association Corporate Peer Challenge (CPC) and requested that an Action Plan be developed by the Leader, Deputy Leader, Chief Executive and Deputy Chief Executive to respond to the recommendations within the report. This report submits a draft Action Plan to Cabinet for approval.

2. RECOMMENDATIONS

- 2.1. That the draft Action Plan at Appendix A be approved.
- 2.2. That agreeing the timescales for the actions within the Action Plan be delegated to the Leader, Deputy Leader and Managing Director.
- 2.3. That Cabinet recommend to Full Council that the Special Reserve be used to fund a small transformation team for a period of 18 months from October 2020, with an estimated total cost of £150k (£50k in 2020/21 and £100k in 2021/22).

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the Council responds to the matters identified within the CPC report, ensuring that the benefits of the CPC process are realised.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. The 'do nothing' option of not creating an action plan to follow up on the report has been discounted, as the Council committed to undertake the CPC and should therefore seek to gain benefit from that process.

- 4.2. There is no prescribed format for the Action Plan, so it could have been developed in a different format, however having looked at a number of different approaches from other Councils the proposed draft seemed to present the required information in an easily accessible way. Different actions could have been proposed to respond to the recommendations, however the draft has been developed in consultation with the Leadership Team and Executive Members.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. All staff and councillors who took part in the CPC were invited to attend the feedback session on the final day. The feedback report was presented to Cabinet on 24 March and Full Council 2 April 2020. Executive Members and their deputies, in particular the Leader and Deputy Leader, have been consulted on the draft Action Plan.

6. FORWARD PLAN

- 6.1 This report contains a recommendation on a key Executive decision that was first notified to the public in the Forward Plan on the 5 May 2020.

7. BACKGROUND

- 7.1. The background to this report is set out in the report to Cabinet of 24 March 2020.

8. RELEVANT CONSIDERATIONS

- 8.1. The Action Plan at Appendix A seeks to positively embrace the recommendations from the Peer Challenge and look for ways to implement improvements in the way we work. The recommendations listed include both those obviously marked as such in the CPC report (key, Planning, Overview and Scrutiny) and any recommendation contained within the text in the body of the report.
- 8.2. Members will note that much of the timescale column is currently blank. Due to the current pandemic and the impact of it on the Council's work it is very difficult to populate with accurate and meaningful dates. Therefore, it is proposed that the Leader, Deputy Leader and Managing Director agree these dates in due course.
- 8.3. It is important to adopt the Action Plan in a timely way so that the Council can commence work on the various actions set out, in particular developing an internal transformation programme reimagining the customer experience and progressing the already agreed Shaping our Future organisational development programme to ensure the Council is able to deliver on its programme.

- 8.4. The approach to the third main element of the Action Plan, developing an ambitious place narrative to shape our future agenda, is suggested to be based around sustainability as a central theme. This is recognised as an issue that effects all of our communities across the district, links to the Council declared climate emergency and is consistent with the Council priorities of communities, environment, economy and homes. The key will be to develop a clear simple vision, that is both meaningful but does not stifle opportunities. It is proposed that initially workshops would be held with officers and members to develop proposals, followed by engagement with the community and partners to develop a vision which we can collectively work to deliver. The timing of this work is to be determined and needs to take into account the Local Plan process and the wider place narrative for the whole of Hertfordshire being developed through the Growth Board.

9. LEGAL IMPLICATIONS

- 9.1. Cabinet's terms of reference include at paragraph 5.6.13 "To consider the reports of external review bodies on key aspects of overall service delivery".
- 9.2. The CPC is a voluntary process and therefore there is no legal obligation to either host a CPC or act upon the recommendations. However, it is best practice to undertake a CPC and having done so, to act upon the issues identified.
- 9.3. The CPC makes various recommendations relating to the Council's Constitution. These are matters for Full Council to determine in accordance with paragraph 4.4.1(p) of the Council's constitution and were the subject of a separate report to Annual Council.
- 9.4 The Financial Regulations provide at 10.2 that the 'creation and movements in reserves need to be formally approved by Full Council, which is incorporated into the Revenue Budget Outturn report'. The Council's terms of reference include at 4.4.1 (dd) 'to determine those financial matters reserved to Council by the Financial Regulations.', therefore recommendation 2.3 falls to Full Council for approval.

10. FINANCIAL IMPLICATIONS

- 10.1. The recommended minimum level of reserves referred to in the CPC feedback report only applies to General Fund reserve. When the Council sets its budget each year, there is a requirement for the Chief Finance Officer to recommend a minimum level. This minimum level is set after considering other factors, including the level of specific revenue reserves. The Council's General Fund reserves are currently significantly above the minimum level, but this should not be seen as a target to get down to. Indeed the recent pandemic (and the cost implications arising from that) has shown that events can happen that are not fully reflected when setting the minimum level. It has been a policy of the Council to maintain reserves at a higher level to allow time to adjust to the expected reduction in funding in the medium term. However, having said that there is scope for a level of reserves that is lower than the current level, which is still prudent. This would then provide some limited funding for projects that positively benefit the Council. It could not be used for ongoing revenue costs.

- 10.2. It is proposed that the costs of the transformation team which are estimated to be £150k (£50k in 2020/21 and £100k in 2021/22) are met from the Special Reserve. This is based on a part-time (0.4WTE) Service Director Transformation and two supporting officers for a period of 18 months from October 2020. The balance of the Special Reserve as at 1st April 2020 was £1.175m. Whilst there are other known and expected calls against this reserve, it is not expected that (even with this additional spend) it will all be used. The biggest unknown is discretionary spend in relation to the response to Covid-19. However as this has not been committed to yet, if it came to it then this Covid-19 spend would have to be scaled back to be contained within the available funding.
- 10.3. The Peer Review, alongside many other services and support, is included within the Council's annual subscription to the Local Government Association. For 2019/20 this cost was £12,540.

11. RISK IMPLICATIONS

- 11.1. The CPC recommendations identifies that staff, partners and citizens frequently describe the Council as risk averse. The revised Risk Management Framework referred to in the Action Plan is intended to assist in moving the Council to a position of being 'risk aware' and focused on significant risks. This is an important part of the ongoing push to develop commercial income generating projects, but to move away from being 'risk averse' there would also be a need for a general shift in the level of risk that the Council is prepared to take.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. There are no known equalities implications that apply to this report. Individual actions on the plan may require equalities impact assessments in due course as solutions are developed.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report. Individual actions on the plan may require environmental impact assessments in due course as solutions are developed.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The work set out in the Action Plan will be incorporated into the work programmes of the relevant service areas. The Shaping Our Future programme is a commitment to, and investment in, our staff to ensure that the organisation is able to deliver the programme envisaged. It has been identified that the transformation programme will need additional resource to be delivered and Human Resources will help support the development of (and recruitment to) the proposed new temporary part time Service Director Transformation post and other roles which may be suitable for secondment. Recruitment and secondment to the project will be from existing staff where possible.

16. APPENDICES

- 16.1 Appendix A – Draft Corporate Peer Challenge Action Plan

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 Report to Cabinet, 24 March 2020 – Corporate Peer Challenge Report

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		Recommendation	Action	Led by	Timescale
1	Key 1	Broaden the council's focus to an ambitious place shaping agenda	<p>Agreed. This will be considered as part of the review of the Council Plan. The agenda needs to include political support for key projects and proposals (e.g. Local Plan post adoption, significant planning applications), recognising and promoting the benefits of development and the necessity for us to support this under current Govt policy.</p> <p>This work also needs to clearly identify the role(s) the Council wishes to take during and after the delivery of growth through a consistently applied narrative (see Key 3 below), ensuring there is a clear joint, Member and Officer, view and direction of travel.</p>	Executive Members Leadership Team	
2	Key 2	Align all your resources, policies, capacity to achieve your priorities	Agreed. This will be considered as part of the budget review and review of Council Plan	Executive Members Leadership Team	
3	Key 3	Develop a narrative for place	Agreed, it is proposed to develop a place narrative around sustainability as a key issue of importance to the whole district, given the Council declared a Climate Emergency in May 2019. The place narrative will also need to link to the wider Hertfordshire Growth Board work and the place narrative being developed for the whole county	Executive Members Leadership Team	
4	Key 4	Use reserves to fund internal and external transformation capacity	Agreed, to set a "target level" of reserves that provides greater flexibility to fund transformation that aligns to Council priorities. Subject to understanding the impact of the COVID-19 pandemic on our financial reserves and future reserve baseline	Executive Member Finance and IT SD Resources	

5	Key 5	Take a corporate approach to transformation – top down and programme managed	It is proposed to create a new Director of Transformation post (part-time, fixed term, funded from reserves) and identify appropriate staffing resource to support the director. This transformation team will take the lead on our transformation programme, ensuring a corporate approach	Leader Deputy Leader Managing Director	
6	Key 6	Use external partnerships to benefit North Hertfordshire	Agreed. The Council recognises that the impacts of austerity and the cuts to its budget mean that we need to be an outward looking and ambitious authority, working with partners to deliver our aspirations	Executive Members Leadership Team	
7	Key 7	Best practice needs to look beyond the Hertfordshire area	Agreed. The Council already looks to authorities throughout the country and beyond for inspiration, but this could and should be reinforced and better communicated to ensure we do more and learn from the best examples	Executive Members Leadership Team	
8	Key 8	Be brave	Agreed. Officers and Members should be prepared to question each other if we are failing to be brave in our aspirations, policy setting and decision making, however this needs to be a constructive challenge whilst ensuring that we remain risk aware. We believe the actions set out above show our willingness to be brave. External speaker(s) to inspire innovation/ change of attitude?	Executive Members Leadership Team	
9	Place and Priority setting	Shift service delivery focus towards a more people and place-based approach.	Agreed, this will form a key part of the transformation programme	Executive Members Leadership Team	

10	Place and Priority setting	Realign Town Talk meetings to inform strategic direction, policy shaping and decision making and to proactively take council and place-based issues out to local communities.	We recognise the potential benefits of using Town Talks in this way and will consider how best to utilise them and how they interact with the new Community Engagement Panel	Executive Member Community Engagement SD Legal and Community	
11	Place and Priority setting	Use a strategic needs analysis to inform the council plan and policy shaping.	Agreed	Executive Members Leadership Team	
12	Place and Priority setting	NHDC would benefit from visiting other councils' that have achieved or are some way working towards the objectives and outcomes NHDC is seeking to deliver, such as place shaping, large scale housing development and commercial development.	<p>Agreed. The Council will seek out Councils who have faced and overcome similar challenges, including with areas where large scale housing development by developers has followed adoption of Local Plan. It is also worth noting that part of 'being brave' might mean doing things differently to other Councils.</p> <p>South Cambridgeshire and East Hertfordshire are two immediate neighbours with large-scale, strategic growth projects, recently adopted Plans and existing structures and mechanisms for dealing with delivery.</p> <p>The Council will also consider how best to enable Corporate level 'sounding boards' (or equivalent) for key schemes as it is crucial that there is clear and consistent messaging of the Council's asks and approaches, as well as a common understanding of where compromise on the strict application of all policy requirements (e.g. affordable housing vs open space vs social infrastructure) is required to ensure successful delivery and the best overall outcome.</p>	Executive Members Leadership Team	

13	Place and Priority setting	Place-shaping could be accelerated and supported by maximising the opportunity of working in closer partnership with the Hertfordshire Local Enterprise Partnership (LEP).	<p>Establish regular meetings with LEP.</p> <p>Partnership working should also extend to other key local partners such as Hertfordshire County Council, LGCHF, settle, First Garden Cities Homes, neighbouring authorities. England's Economic Heartland and national partners such as Homes England etc</p> <p>Clarity of a common narrative and agenda will enable discussions and engagement to be undertaken with confidence.</p>	<p>Leader Deputy Leader Managing Director</p> <p>Relevant Executive Members and Service Directors</p>	
14	Leadership of Place	A clear narrative for place is needed to support partners and staff in understanding how they can better contribute towards outcomes and assess strategically how resources can be deployed for maximum impact.	Agreed. The focus will be on an issue that unites the whole district, for example sustainability, emphasising co-operation between settlements rather than competition. The narrative needs to be carefully prepared in order to enable the Council to provide a focus for the District and not inhibit our ambitions.	Executive Members Leadership Team	
15	Leadership of Place	Councillors should be leading the way as brand ambassadors, 'selling' the district and promoting what is good about North Hertfordshire	Agreed	All Councillors Communications Manager	
16	Leadership of Place	Feedback regarding consultation from Citizen's Panel representatives regarding consultation specifically and the future of the district generally	<p>The consultation strategy is due to be reviewed in 2020 and the comments will be considered during that review</p> <p>The points regarding the future of the district to be explored further as we develop the clear place narrative</p>	Executive Member Community Engagement Communications Manager	
17	Leadership of Place	More can be done to actively inform citizens of the work NHDC has	Agreed. We will look to see what others do that we do not already provide	Leader Deputy Leader	

		delivered and how their council tax is being invested.		Communications Manager	
18	Leadership of Place	Ensure the differences in places, main settlements and villages are recognised in policy making	Agreed, provided those differences are used to build a stronger whole rather than being used to divide and create competition within the district	Executive Members Leadership Team	
19	Organisational Leadership and Governance	There needs to be clarity about the roles and responsibility of officers and members.	Agreed and has already been subject to a development session between the administration and the leadership team. Further consideration will be given to how to clarify the roles and responsibilities	Executive Members Leadership Team	
20	Organisational Leadership and Governance	There is an opportunity to involve staff more in the development of the new organisational development and people strategy.	Agreed, it was always the intention that the Shaping Our Future programme would include widespread consultation at all stages and this was agreed by Political Liaison Board prior to the Corporate Peer Challenge	Service Director Resources	
21	Organisational Leadership and Governance	Peers identified an opportunity to use the RPR process to gather information on career development (as done by other councils) and see career aspirations and personal development as an ongoing conversation as people's circumstances, positions and aspirations frequently change.	This is already a component of the RPR process, therefore no action required beyond reminding managers of approach to RPRs	Learning and Development Manager	Completed
22	Organisational Leadership and Governance	All learning and development should be aligned to the emerging organisational development plan and council plan delivery.	Agreed, to the extent that it does not prevent the individual development requirements of staff and members. This will be explored as part of the Shaping Our Future programme	Service Director Resources	
23	Organisational Leadership and Governance	It is recommended that the emerging organisational development strategy identifies the future skills and behaviour requirements and	Agreed, this was always the intention	Service Director Resources Member Training Champions	

		identifies how those skills and capabilities will be developed across the workforce, either in job design, specific learning interventions or other approaches to ensure skills acquisition keeps up with pace and change of organisational priorities.			
24	Organisational Leadership and Governance	As an integral component of future organisational performance, it is recommended that there is an increased focus on management and political oversight of learning & development (for both officers and members) with regular reporting and assessment of impact and readiness e.g. being ready to cope with future increased planning applications post-Local Plan.	Agreed, the mechanism for oversight will be considered as part of setting up the Shaping Our Future programme and the monitoring of its impacts	Executive Members Leadership Team Learning and Development Manager	
25	Organisational Leadership and Governance	The peer team recommends that there is a focused period of time where all staff have the opportunity to understand the direction of the council and the council plan and ensure there is an increased outward-focus for the organisation to help staff to make the shift to understanding the place-shaping agenda and NHDC's role in facilitating curation of place.	Agreed, this was planned to be part of the development of the Shaping Our Future programme	Leader Deputy Leader Managing Director	
26	Organisational Leadership and Governance	Staff reflected that they would like to see more of the Chief Executive and leading more of the internal communication forums.	We have made improvements to the visibility of the leadership team and will continue to look for ways to further improve, in particular as the new Managing Director post develops	Managing Director Communications Manager	

27	Organisational Leadership and Governance	The peer team were surprised that only low / negative PI's were debated at O&S and those reports were shared publicly. Publishing positive performance alongside amber and red performance would provide the public with a rounded summary of performance, allowing NHDC to outwardly celebrate what is being delivered to agreed performance levels.	Agreed. Reports will reflect this going forwards	Chair and Vice Chair Overview and Scrutiny Committee Controls, Risk and Performance Manager	
28	Organisational Leadership and Governance	Peers understand that the full performance report is sent to councillors one month before O&S to provide the opportunity for requesting the appropriate lead executive member and officer to attend O&S to be accountable for questioning. This opportunity has never been requested and should be used in order to strengthen the debate and challenge at O&S.	Agreed. Chair of Overview and Scrutiny to remind committee members of this opportunity	Members of Overview and Scrutiny Committee Controls, Risk and Performance Manager	
29	Financial Planning and Viability	There is a strong need to ensure there is an agreed risk framework shared between officers and members in order to maximise performance and outcomes and ensure the commercial team begins to deliver benefits. The peer team recommends that NHDC defines its approach to risk	The Council updated its Risk Management Framework in March 2020 Agreed that there needs to be a strategic approach to the Council's risk appetite, also noting the Peer team's recommendation to 'be brave'. A strategic discussion around risk will be facilitated at the	Leader Deputy Leader SD Resources	Framework Complete 31 December 2020

		within the context of the council being more outward facing and ambitious for place, as well as being aligned to the council plan.	Political Liaison Board, as this is felt to be more of an issue of attitude rather than policy. A review of some existing practices may be needed to achieve this, as it is arguable these have not facilitated the required culture to date.		
30	Financial Planning and Viability	Peers questioned if commercial plan business cases were taking into account non-cash benefits such as increased social value / outcomes, affordable homes, zero carbon homes and not just solely on financial returns.	Business plans do take into account non-cash benefits, although the financial situation of the Council means financial returns have to be prioritised. We will review our approach to ensure we are happy with the balance being taken.	Executive Member Enterprise and Co-Operative Development SD Commercial	
31	Financial Planning and Viability	The council should invest some reserve budget into funding the transition to the new council plan and making early investment in capacity to deliver place shaping and transformation, inside and outside the council.	Agreed, to set a “target level” of reserves that provides greater flexibility to fund transformation that aligns to Council priorities. Subject to understanding the impact of the COVID-19 pandemic on our financial reserves and future reserve baseline	Executive Member Finance and IT SD Resources	
32	Financial Planning and Viability	Peers questioned whether a statutory / discretionary service and base-budget review is the priority for delivering transformation. The team recommend that starting with the customer and aligning the council plan objectives with the MTFS is a more appropriate point to initiate the design of and impact on services.	The Council will consider its approach to the reviewing the budget, which has been complicated by the COVID-19 pandemic and delays to the Comprehensive Spending Review and the delay to work on a medium-term funding settlement until 2021/22 (for years from 2022/23 onwards)	Executive Member Finance and IT SD Resources	
33	Capacity to Deliver	Although the introduction of new technologies was viewed as positive, the peer team recommend that the council ensure this approach fits	Agreed. This will be a consideration for the transformation team to ensure work undertaken is sustainable	Executive Member Finance and IT SD Customers	

		within the strategic context and is sustainable after the IT graduate resources have left their placement.			
34	Capacity to Deliver	NHDC would benefit from an agreed target operating model (TOM) which would support an overall approach to how operational services are delivered. A TOM would support closing the gap between customer experience, ensuring that services have a common look and feel, supporting customers to navigate around services with more independence and decreasing more costly and avoidable demand.	The Council has been progressing work in this area for some time, particularly in relation to digital interaction with the Council. For example customer and member portals have been procured and will be implemented during 2020. This recommendation will be considered when setting the objectives for the transformation programme	Leader Deputy Leader Managing Director	
35	Capacity to Deliver	Project and programme management resourcing and planning could be improved as peers identified that resources and timescales were often underestimated, resulting in projects being delayed and staff having to manage the pressure of delivering day-to-day operational requirements whilst taking projects forward.	It is worth noting that whilst there may have been delays on some of the Councils most complex and high-profile projects, many progress without issue. The resourcing of projects is considered on a project by project basis and with the change to a single Managing Director post we recognise that this has resource implications for delivering projects. The Council has a pool of trained project managers with different skills and experience and we will look at that pool to see if there is a suitable project manager, whether they are within the commissioning department or not. This will also give the opportunity for staff to broaden their experience of different areas of the Council. This recommendation and the recommendations of the independent review of the District Wide Museum project will be considered as projects are established	Executive Members Leadership Team	

36	Capacity to Deliver	The peer team recommend that the organisational development plan addresses the future skills needs and supports staff, managers and leaders in building the required place-shaping capacity at a strategic level.	Agreed, this was always the intention for the Shaping Our Future programme	Service Director Resources Member training champions	
37	Capacity to Deliver	The peer team suggest that there could be a pooling of roles with generic, flexible skills that could move around the organisation where the work dictates. This pool could operate as a corporate transformation resource pool and be assigned to projects through a programme management approach.	A transformation team will be established to support a new Director of Transformation, initially to deliver the transformation programme on a time limited basis funded from reserves. Once the initial programme is concluded further consideration will be given to this recommendation, as it clearly has financial implications given the budgetary pressures on the Council.	Managing Director	
38	Planning Committee	Have planning training provided by an external trainer with broad experience, to aid understanding of the National Planning Policy Framework (NPPF) and what are material planning considerations.	Agreed. An ongoing training programme will be developed for members and officers, to cover the planning basics plus new policies and specific areas of interest and relevance. Initial contact has already been made with Planning Advisory Service (PAS) for web-based training in light of social distancing restrictions. Training will also be considered for other groups such as Parish Councils.	Planning and Conservation Manager Member training champions	Post Annual Council and appointment of new committee members, however timescales may not allow external training to be implemented prior to the first planning committee in the new civic year.

39	Planning Committee	Submit 'issues paper' to the planning committee early in the process so officers are aware of the concern's members want addressing. This will ultimately lead to less deferments.	Agreed for major and strategic applications and must go on website for public scrutiny. Members need to identify issues in advance of the Committee so they can be addressed in advance of the application being heard. This will allow engagement with the applicant to seek to limit deferments and any refusal to extend the statutory deadline.	Planning and Conservation Manager	
40	Planning Committee	Arrange specific training for the Chair and Vice Chair of planning committee as they have a key role, and this will support the development of a strongly led committee.	Agreed, see above comments regarding training generally for the Committee. Additionally training on chairing meetings has been identified for Chairs and Vice Chairs.	Planning and Conservation Manager	Post Annual Council and appointment of chair and vice chair, however timescales may not allow external training to be implemented prior to the first planning committee in the new civic year.
41	Planning Committee	Lessen the number of call-ins by tightening up criteria for a call-in. Give reasons related to material planning considerations only, not simply in the "public interest" which is too vague and raises objectors' expectations for refusal.	Proposal to Full Council to tighten the criteria, to be supported by training for all councillors on appropriate use of the call-in procedure. Planning Advisory Service (PAS) training can include this item, important as current objections from a Parish Council require Ward Councillor support and the training should reinforce that public interest is not a planning ground for call in.	Group Leaders Monitoring Officer Planning and Conservation Manager	Annual Council (May/June 2020)
42	Planning Committee	Consider starting meetings earlier. Members and officers are not	Moving meeting times is not supported politically at the current time due to concerns it may	Group Leaders Monitoring Officer	

		performing at their best at late night meetings after a full day's work and there is an increased risk of challenge from applicants if it was perceived that an application had been rushed because of a long meeting.	<p>dissuade people with caring responsibilities from standing to be Councillors.</p> <p>Alternative of allowing officers to attend meetings virtually from home to be explored</p> <p>It is proposed that this is reviewed once the other recommendations have been implemented regarding call ins, issues paper, training and chairing of meetings to establish whether it remains an issue or has been resolved by other action.</p>		
43	Planning Committee	Consider reducing the size of the planning committee.	Proposal to Full Council to reduce Committee size to 12	Group Leaders Monitoring Officer	Annual Council (May/June 2020)
44	Planning Committee	Produce supplementary report to table on evening of the planning committee that updates members on changes / updates since publication of report. Currently there is a verbal update at committee which is time that could be saved.	Agreed, noting may still need some verbal updates if any last minute changes after publication of supplementary report which would need to be published the day before the Committee to allow participants time to read it. Tabling a supplementary report at the Committee will simply replace time taken for verbal update with reading time.	Planning and Conservation Manager	
45	Planning Committee	Have specialists at planning committee for example, highways officers where there are highways issues.	<p>Agreed and this already occurs where possible, subject to the availability of those specialists who may not be employed/contracted by the Council.</p> <p>Alternative of allowing external specialists to attend meetings virtually to be explored.</p> <p>Consideration will be given to including sessions with specialists as part of the training programme, so that their role and input is better understood</p>	Planning and Conservation Manager	

46	Planning Committee	Strong and clear legal advice can help.	Agreed. A Planning Control Committee decision aide memoire has already been agreed with the Chair, Vice Chair, Group Leader and relevant officers to assist.	Service Director Legal and Community	
47	Planning Committee	Strong chairmanship of committee required, especially post Local Plan.	Agreed. Chair and Vice Chair will receive the planning training and chairing training referred to above.	Chair and Vice Chair of Planning Control Committee	
48	Planning Committee	Committee reports - Highlight in bold the key material planning considerations.	Report template to be reviewed to ensure material planning considerations are clear to reader	Planning and Conservation Manager	Review prior to training
49	Planning Committee	Committee reports - Location plan to show wider context.	Agreed. Will be included in review of report template	Planning and Conservation Manager	Review prior to training
50	Planning Committee	Committee reports - Training will help understanding of the key points.	Agreed. Review of template to be undertaken prior to training so that it can be included. Training can be delivered by officers as part of the training programme.	Planning and Conservation Manager	
51	Planning Committee	Have up to date council plan and supplementary planning documents.	Council Plan is reviewed annually each summer SPDs will be reviewed post conclusion of Local Plan Examination	Executive Member Planning and Transport SD Regulatory	
52	Planning Committee	Cabinet member or Leader to speak in support of applications at planning committee that support the Council's priorities and where the specifics would amount to a material planning consideration.	Agreed, where it is appropriate	Leader and/or Executive Member	
53	Overview and Scrutiny Committee	Executive members should lead at O&S and be visibly accountable for decisions and performance.	Agreed as recommendation	Executive Members	Immediate

54	Overview and Scrutiny Committee	Future meetings would benefit from taking a longer-term view of the key issues for the district (not just focussing on the next immediate meeting), fewer, more targeted agenda items, and be focused on key areas informed by performance reports and a forward work plan. Fewer agenda items will support more allocated time for meaningful scrutiny and related debate.	Agreed. To be taken forward as part of the training for the committee members	Chair and vice chair of O+S Scrutiny support	
55	Overview and Scrutiny Committee	The current membership of O&S was considered to be too large and would benefit from reducing from 15 members to 11 or 9.	Proposal to Full Council to reduce Committee size to 12	Group Leaders Monitoring Officer	Annual Council (May/June 2020)
56	Overview and Scrutiny Committee	It is recommended that all O&S members undertake formal training to ensure a robust base of skills and expertise can be deployed in the O&S environment.	Formal scrutiny training has previously been provided to the Committee, but given changes to committee membership agree it makes sense to put in place further training and ensure that any new members receive training in the future	Chair and Vice Chair of O+S Scrutiny support Member training champions	
57	Overview and Scrutiny Committee	Use the task and finish programme to support early engagement and involvement with policy making.	Agreed. To be taken forward by the Leader (on behalf of Cabinet) and Chair and vice chair of Overview and Scrutiny, to discuss work programme	Leader Chair and Vice Chair of O+S Scrutiny support	
58	Overview and Scrutiny Committee	It is recommended that finish times should be agreed in the constitution and meetings end promptly at those times. There was a concern around individual personal effectiveness, accessibility, external public perception and health & safety / personal welfare of both members	Moving meeting times is not supported politically at the current time due to concerns it may dissuade people with caring responsibilities from standing to be Councillors. Alternative of allowing officers to attend meetings virtually from home to be explored	Service Director Legal and Community Member training champions	

		and officers from such excessively long and late meetings.	<p>A 'guillotine' provision on committee meetings is not supported politically at the current time due to concerns it might stifle debate. It is proposed that this is considered once the other recommendations have been implemented regarding work programme, training and chairing of meetings to establish whether it remains an issue or has been resolved by other action.</p> <p>Training is provided to Chairs and Vice Chairs, but this could be reviewed to ensure that Chairs and Vice Chairs are able to confidently manage meetings to ensure they proceed in a timely manner</p>		
59	Overview and Scrutiny Committee	Peers recommend clarification of the governance arrangements between O&S and cabinet panels.	Proposal to Full Council to clarify relationship	Group Leaders Monitoring Officer	Annual Council (May/June 2020)
60	Overview and Scrutiny Committee	Ensure the O&S forward work plan includes scrutiny of external partners and contractors as a contribution to the leadership of 'place'.	Agreed as recommendation	Chair and Vice Chair of O+S Scrutiny support	Immediate

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2019/20 Quarter 4 PI Data

For 2019/20, NHDC reported 19 corporate performance indicators. This report presents these indicators and displays the year-end performance achieved, which officers updated and activated on Pentana Risk.

Performance indicator data is cumulative and represents performance between 1 April 2019 and 31 March 2020. Where available, the commentary for an indicator will include national benchmarking data. When annual targets are set, any relevant national minimum requirements are considered.











Key for the Report





Status	
	Data value has met or exceeded the target figure
	Data value has not achieved the target figure, but it is within the agreed tolerance range
	Data value has not achieved the target figure and it is outside the agreed tolerance range
	Data value is for information only and a traffic light status is not applicable



Direction of Travel	
	Data value has improved compared with the same time last year
	Data value has deteriorated compared with the same time last year
	Data value has not changed compared with the same time last year
N/A	A direction of travel is not applicable, as the performance indicator was introduced in 2019/20


Summaries





Status Summary – Q4 2019/20		Direction of Travel Summary – Q4 2019/20	
	7 (Q3 – 6)		9 (Q3 – 10)
	4 (Q3 – 6)		7 (Q3 – 5)
	0 (Q3 – 0)		2 (Q3 – 3)
	7 (Q3 – 7)	N/A	(Q3 – 1)





Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
Executive Member for Finance and IT								
1	BV 8	Percentage of invoices paid on time	March 2020	99.90%	99.6%		 March 19 99.73%	From 1 April 2019 to 31 March 2020, 5,258 invoices out of 5,263 were paid on time.
2	MI P&R 001	Percentage of raised sales invoices due for payment that have been paid	March 2020	97.33%	93%		 March 19 99.27%	As at 31 March 2020: Total value of invoices raised by NHDC - £10,776,788 Total value of invoices raised by NHDC that were not due for payment yet - £636,471 Total value of payments received for invoices raised by NHDC - £9.869,762
3	BV 9	Percentage of council tax collected in year	March 2020	98.14%	98%		 March 19 98.38%	£88,025,673.71/£89,698,509.06
4	BV 10	Percentage of NNDR collected in year	March 2020	97.98%	97%		 March 19 98.31%	£38,821,016.44/£39,622,571.76
Leader of the Council								
5	BV 12	Working days lost due to sickness absence per FTE employee (both short-term and long-term)	March 2020	4.23	Not Applicable		 March 19 6.52	1,238.77 FTE sickness days 292.65 average FTEs National Benchmarking Source: LGA Workforce Survey Latest Quarter - Three-Month Period Sample - Participating English district local authorities Period NHDC Top Quartile Q2 2019/20 0.9 days 0.5 to 1.5 days NHDC ranked 3rd out of 47 (Top Quartile)





Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary						
6	BV 12a	Working days lost due to short-term sickness absence per FTE employee	March 2020	3.56	3.50		 March 19 4.10	1,041.17 FTE short-term sickness days 292.65 average FTEs After adjusting figures from the last SAP data to the new iTrent data, we have ended just 0.06 over the 3.5 days target. At the time of entering this data, no Covid-19 sickness absence has been reported. The mild spring and extensive homeworking may have also helped reduce time lost to normal cold and flu viruses. National Benchmarking Source: LGA Workforce Survey Latest Quarter - Three-Month Period Sample - Participating English district local authorities <table border="0"> <tr> <td>Period</td> <td>NHDC</td> <td>Top Quartile</td> </tr> <tr> <td>Q2 2019/20</td> <td>0.8 days</td> <td>0.2 to 0.6 days</td> </tr> </table> NHDC ranked joint 21st out of 45 (2nd Quartile)	Period	NHDC	Top Quartile	Q2 2019/20	0.8 days	0.2 to 0.6 days
Period	NHDC	Top Quartile												
Q2 2019/20	0.8 days	0.2 to 0.6 days												
7	BV 12b	Working days lost due to long-term sickness absence per FTE employee	March 2020	0.68	Not Applicable		 March 19 2.41	197.60 FTE long-term sickness days 292.65 average FTEs National Benchmarking Source: LGA Workforce Survey Latest Quarter - Three-Month Period Sample - Participating English district local authorities <table border="0"> <tr> <td>Period</td> <td>NHDC</td> <td>Top Quartile</td> </tr> <tr> <td>Q2 2019/20</td> <td>0.1 days</td> <td>0 to 0.8 days</td> </tr> </table> NHDC ranked 2nd out of 45 (Top Quartile)	Period	NHDC	Top Quartile	Q2 2019/20	0.1 days	0 to 0.8 days
Period	NHDC	Top Quartile												
Q2 2019/20	0.1 days	0 to 0.8 days												



Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
Executive Member for Housing and Environmental Health								
8	REG 1	Rate of homelessness prevention	Q4 2019/20	62.08%	Not Applicable		 Q4 18/19 53.11%	During 2019/20, there were 269 cases where a Prevention Duty ended (74 in Q1, 71 in Q2, 52 in Q3 and 72 in Q4). Of these, 167 ended with a positive outcome (34 in Q1, 50 in Q2, 33 in Q3 and 50 in Q4), i.e. where homelessness was prevented. Where homelessness was not prevented, a Relief Duty would have been triggered in most cases.

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
9	REG 2	Rate of homelessness relief	Q4 2019/20	24.51%	Not Applicable		<p>↓</p> <p>Q4 18/19 37.82%</p>	<p>During 2019/20, there were 253 cases where a Relief Duty ended (67 in Q1, 62 in Q2, 56 in Q3 and 68 in Q4). Of these, 62 ended with a positive outcome (15 in Q1, 14 in Q2, 12 in Q3 and 21 in Q4), i.e. where the Relief Duty ended because households were successfully rehoused. A further 62 cases were subsequently owed a main housing duty, under which the Council must provide suitable long-term accommodation.</p> <p>Full breakdown of the 191 relief cases that ended in a non-accommodation outcome by reason:</p> <p>56 days elapsed – 142 households Contact lost – 24 Application withdrawn – 13 Intentionally homeless from accommodation provided - 2 Refused final accommodation or final part six offer – 2 No longer eligible – 5 Local connection referral accepted by other authority - 3</p> <p>Final outcomes for the 142 cases where the relief duty ended because the 56 days elapsed:</p> <p>Main housing duty owed (under which the Council must provide suitable long-term accommodation) – 62 households Found to be not in priority need – 61 Found to be intentionally homeless – 13 Not homeless – 3 Lost contact prior to assessment – 3</p>

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
10	LI 035a	Number of households living in temporary accommodation	Q4 2019/20	93	Not Applicable		↓ Q4 18/19 85	93 households were in temporary accommodation as at 31 March 2020, of which 19 were in Bed and Breakfast accommodation. The majority of Bed and Breakfast placements were due to a Government directive regarding how to respond to the COVID-19 pandemic.
11	REG 3	Percentage of Environmental Health programmed inspections completed	Q4 2019/20	75.6% (Q3 19/20)	95%		Not Applicable	Officers are still currently collating the 2019/20 year-end data for REG3.
Executive Member for Planning and Transport								
12	DC 001a	Number of planning applications taken to appeal due to 'non-determination' within the statutory time period, which were allowed	Q4 2019/20	0	Not Applicable		▬ Q4 18/19 0	There were two appeals against 'non-determination' recorded during the year; one was withdrawn, and one was part allowed, part dismissed.
13	DC 002	Number of planning applications where the fee has been refunded due to the application not being determined within 26 weeks	Q4 2019/20	0	0		▬ Q4 18/19 0	No fees have been refunded.
14	LI 032a	Number of allowed planning appeal decisions	Q4 2019/20	3	Not Applicable		↑ Q4 18/19 5	Out of 31 appeals recorded during the year: 3 were allowed; 22 were dismissed; 3 were part allowed, part dismissed; 1 was withdrawn and; 2 related to appeals against the imposition of conditions, which are excluded from the reported PI figures.

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary																								
Executive Member for Environment and Leisure																																
15	MI LI 015	Number of visits to leisure facilities	March 2020	1,447,868	1,488,000		 March 19 1,493,054	<table border="0"> <tr> <td><u>Facility</u></td> <td><u>2019/20</u></td> <td><u>2018/19</u></td> </tr> <tr> <td>North Herts LC</td> <td>562,790</td> <td>574,481</td> </tr> <tr> <td>Fearnhill</td> <td>14,011</td> <td>14,215</td> </tr> <tr> <td>Letchworth OP</td> <td>33,263</td> <td>48,165</td> </tr> <tr> <td>Hitchin SC</td> <td>305,621</td> <td>306,634</td> </tr> <tr> <td>Archers</td> <td>139,777</td> <td>140,942</td> </tr> <tr> <td>Royston LC</td> <td>392,406</td> <td>408,617</td> </tr> <tr> <td></td> <td>1,447,868</td> <td>1,493,054</td> </tr> </table> <p>The decrease in usage at Letchworth Outdoor Pool was due to the poor weather experienced over the outdoor pool season. The decreased usage at all other facilities was caused directly by the COVID-19 restrictions. The ice rink at Letchworth Outdoor Pool received 15,636 visits over the six-week season, although this usage has not been included in the reported figures, as provision of the rink was in addition to formal contract requirements and it is not guaranteed for future years.</p>	<u>Facility</u>	<u>2019/20</u>	<u>2018/19</u>	North Herts LC	562,790	574,481	Fearnhill	14,011	14,215	Letchworth OP	33,263	48,165	Hitchin SC	305,621	306,634	Archers	139,777	140,942	Royston LC	392,406	408,617		1,447,868	1,493,054
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Executive Member for Recycling and Waste Management																																
16	NI 191	Kg residual waste per household	Q4 2019/20	342kg	355kg		 Q4 18/19 353kg	<p>The reported figure is based on the latest available data.</p> <p>National Benchmarking Source: LG Inform Latest Quarter - Three-Month Period Sample - Participating English district local authorities</p> <table border="0"> <tr> <td><u>Period</u></td> <td><u>NHDC</u></td> <td><u>Top Quartile</u></td> </tr> <tr> <td>Q3 2019/20</td> <td>88.00kg</td> <td>77.80kg to 98.76kg</td> </tr> </table> <p>NHDC ranked 4th out of 36 (Top Quartile)</p>	<u>Period</u>	<u>NHDC</u>	<u>Top Quartile</u>	Q3 2019/20	88.00kg	77.80kg to 98.76kg																		
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Q3 2019/20	88.00kg	77.80kg to 98.76kg																														

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary						
17	NI 192	Percentage of household waste sent for reuse, recycling and composting (Government target is 50% by 2020)	Q4 2019/20	57.34%	56.5%		 Q4 18/19 56.57%	The reported figure is based on the latest available data. National Benchmarking Source: LG Inform Latest Quarter - Three-Month Period Sample - Participating English district local authorities <table border="0"> <tr> <td>Period</td> <td>NHDC</td> <td>Top Quartile</td> </tr> <tr> <td>Q3 2019/20</td> <td>55.02%</td> <td>53.14% to 59.90%</td> </tr> </table> NHDC ranked 7th out of 39 (Top Quartile)	Period	NHDC	Top Quartile	Q3 2019/20	55.02%	53.14% to 59.90%
Period	NHDC	Top Quartile												
Q3 2019/20	55.02%	53.14% to 59.90%												
18	FW 1	Overall tonnage of food waste collected	March 2020	4,866	5,000		 March 19 4,381	We will continue to use baseline tonnage data and the results of the anticipated waste compositional analysis (WCA) to monitor food waste capture. Our overall capture of food waste will have been affected by the six-week suspension of services during the government instigated lockdown for Covid-19. Our primary aim will continue to be to reduce the production of food waste. During 2020/21, our campaigns will focus on reducing food waste, as well as encouraging participation in our food waste recycling scheme, with further communication work undertaken once the WCA has taken place.						

Row No.	PI Code	Title	Last Update	Data Value	Target	Status	Direction of Travel	Commentary
19	GW 1	Overall tonnage of garden waste collected	March 2020	9,240	10,000		 March 19 9,586	Garden waste tonnages are both seasonal and dependent on weather patterns and therefore, annual fluctuations are to be expected and are difficult to predict accurately (from April 2020, this indicator will be reported as data only). It is however anticipated that for 2020/21, we will see a decrease in garden waste tonnages due to the six-week suspension of services during the government instigated lockdown for Covid-19 mitigation.

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**OVERVIEW AND SCRUTINY COMMITTEE
09 JUNE 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: 4th QUARTER MONITORING REPORT ON KEY PROJECTS FOR 2019-20

REPORT OF: THE CONTROLS, RISK AND PERFORMANCE MANAGER

EXECUTIVE MEMBER: LEADER OF THE COUNCIL

CURRENT COUNCIL PRIORITY: ATTRACTIVE AND THRIVING / PROSPER AND PROTECT / RESPONSIVE AND EFFICIENT

NEW COUNCIL PRIORITY: BE A MORE WELCOMING AND INCLUSIVE COUNCIL / BUILD THRIVING AND RESILIENT COMMUNITIES / RESPOND TO CHALLENGES TO THE ENVIRONMENT / ENABLE AN ENTERPRISING AND CO-OPERATIVE ECONOMY / SUPPORT THE DELIVERY OF GOOD QUALITY AND AFFORDABLE HOMES

1. EXECUTIVE SUMMARY

This monitoring report provides a 4th quarter update on the delivery of the key projects for 19/20, first identified to the Committee in March 2019.

2. RECOMMENDATIONS

- 2.1. That delivery against the key projects for 19/20 be noted and commented on by the Overview & Scrutiny Committee.

3. REASONS FOR RECOMMENDATIONS

- 3.1. To enable achievements against the key projects for 2019/20 to be considered

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1. There are no alternative options as this is a monitoring report.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS





- 5.1. No external consultation has been undertaken in the preparation of this report as it is a monitoring report. Members will, however, be aware that a report setting out the key projects was brought to this Committee on 19 March 2019.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. This report provides details on the status of the key projects for 19/20. It does not include any projects initiated after the document was agreed and is not a full report on all the projects that the Council is undertaking
- 7.2. This report summarises the status of each of the key projects. The following symbols have been used to summarise progress.

Status key	
	Project Halted / funding not available/ Extremely Late
	Project behind original due date/ unlikely to hit original due date.
	Project not due for completion in 2018/19 or has not reached due date
-	Project Pending
	Project Completed.

8. RELEVANT CONSIDERATIONS

- 8.1. The 4th Quarter monitoring report against key projects for 2019/20 is included in Appendix A.
- 8.2. Appendix A includes the original milestones which were reported to this Committee in March 2019 and progress made against those actions. In addition, updates may have been provided to Executive Members and where relevant through the Members Information Service. Progress against some, will also have been monitored through the Capital monitoring reports to the Finance Audit and Risk Committee and to Cabinet.
- 8.3. At the September 2018 meeting of the Overview and Scrutiny meeting it was requested that the Service Manager- Waste be requested to publish details of the statistics regarding reports of missed bins and calls made regarding this and communicate the details publicly. In order to fulfil this request, a more detailed update on the Waste Project has been provided at each meeting.
- 8.4. Following the return of the Waste Manager and handover process, it has not been possible to produce the data for this quarter. However regular updates will resume in

MIS going forwards. In addition, a Management indicator will be monitored from April 2020 giving the number of missed bins per 1,000 and it is proposed that this information is brought before this Committee, from April 2020 onwards, replacing the current Waste update. The data for 2019-20 has been included as Appendix B.

- 8.5. Updates on Brexit have now been incorporated into the regular monitoring reports for 2019/20. Whilst not a traditionally defined project for the Council, it was decided that this would provide the best mechanism to monitor key issues and risk and report back on any actions undertaken
- 8.6. In the 3rd Quarter monitoring report for 1920 the North Hertfordshire Community Facility and Town Hall project was reported as a completed project and has therefore been removed from future monitoring reports.

9. LEGAL IMPLICATIONS

- 9.1. No direct legal implications arise from this report. Legal implications for the projects listed in Appendix A are considered as part of those projects and will include (but are not limited to) governance, property, planning and contractual issues. Under the Local Government Act 2000 there is a legal requirement for Councils operating Executive arrangements to appoint an overview and scrutiny committee with remit to review decisions and other actions.
- 9.2. Overview and Scrutiny's terms of reference include at paragraph 6.2.7(s) of the Constitution "to review performance against the Council's agreed priorities and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or service areas". This report gives the Committee an opportunity to comment on progress made against the projects that have been identified for delivery against the Council's objectives.

10. FINANCIAL IMPLICATIONS

- 10.1. There are no specific revenue implications.
- 10.2. The actions identified were resourced through the corporate business planning process cycle for 2019/20 that was undertaken in 2018/19. A number of these projects formed part of the Council's capital programme for 2019/20.
- 10.2. The Council continues to face difficult spending decisions in view of the reduction in government support in future years and the availability of funding continues to impact on the projects that can be undertaken.

11. RISK IMPLICATIONS

- 11.1. The Lead Officer for each project is responsible for identifying any risks to the successful delivery of the Project

11.2. Some of these major projects have been identified as Corporate Risks for the Council and these are monitored by Risk Management Group and the Finance Audit and Risk Committee. These include:

- Local Plan
- Improve Use of Council Assets
- Brexit

12. EQUALITIES IMPLICATIONS

12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2. By reporting delivery against the key projects for 2019/20 this provides a means to monitor whether the council are meeting the stated outcomes of the district priorities, its targets or delivering accessible and appropriate services to the community to meet different people's needs. This assists the Council to fulfil a number of its obligations arising from the Public Sector Equality Duty.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and "go local" requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1. There are no known Environmental impacts or requirements that apply to this report. Environmental Impact Assessments will be undertaken where required for individual projects.

15. HUMAN RESOURCE IMPLICATIONS

15.1.1 There are no additional human resource implications arising from this monitoring report. The resources needed to deliver projects should be considered through the Corporate Business Planning process.

16. APPENDICES

16.1 Appendix A – 4th Quarter Monitoring against Key Projects for 2019/2020
Appendix B – Waste Missed Bins data for 2019-2020.

17. CONTACT OFFICERS

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Jeanette Thompson, Service Director, Legal & Community. Tel 474370

18. BACKGROUND PAPERS

18.1 None.

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Appendix A – 2019/2020 reporting against Projects identified in the Corporate Plan – as at 19/05/2020



For **Q4 2019/2020** North Hertfordshire District Council is reporting against 6 ongoing Projects identified in the Corporate Plan 2019 - 24



Key for the Report


Status key	
	Project Halted / Funding not available / Extremely Late
	Project behind original due date/ unlikely to hit original due date.
	Project not due for completion in year / has not reached due date
--	Project Pending
	Project Completed.



Status	Q4	Q3	Q2	Q1	Summary of Movement this Qtr.
	0	0	1	1	
	4	3	3	2	
	1	2	2	3	
--	1	1	1	1	
	0	1	0	2	North Hertfordshire Museum and Community Facility completed Q3
Total	6	7	7	9	



- Where projects are carried over from previous years, their status is retained until they are complete – to ensure transparency


Description in Corporate Plan	Corporate Objective	Portfolio	Milestones – current year and beyond	Due Date	Overall Status	Comments
Status – RED - 0						
Status – AMBER - 4						
Development of a Crematorium in North Hertfordshire - subject to approval by Cabinet March 2017 NOT Prince II	Prosper & Protect	Waste, Recycling & Env	Obtain outline planning permission from Central Beds. Agree the Heads of Terms and Options Agreements with our nominated partner. Prospective tenant exercises the option and enters into an agreement for lease (the prospective tenant will be responsible for applying for detailed planning permission). The prospective tenant enters into a lease, in accordance with the Heads of Terms, following the grant of detailed planning permission Practical Completion of Crematorium	July 2018 July 2018  31 Dec 2018 31 Mar 2019 December 2020		Central Bedfordshire refused the outline planning application in March 2019. Cabinet approved funding for an appeal on 26 March 2019 The appeal was submitted in September 2019. The Hearing date was originally set for 13/05/2020, however this has been postponed due to Covid19. A new hearing date will be set when this is possible. If planning permission is granted, Officers will assess any planning conditions and the options for progressing development.

<p>Investigating a range of options to improve use of Council assets</p> <p>NOT Prince II Project spans more than one year.</p>	<p>Responsive & Efficient</p>	<p>Various</p>	<p>Report to Cabinet Shareholder Sub-Committee on potential options</p> <p>Obtain Cabinet approval to establish a Property Company</p> <p>Set up Property Company</p>	<p>15 March 2018 </p> <p>31 Mar 2018</p> <p>Mid 2018</p>	<p></p>	<p>Our aim is to set up a company with subsidiary companies, the first being a Property Letting Company. Currently the potential profits that the Property Letting Company would make are marginal. This is because we only have a couple of sites, the conversion of Harkness Court and the Town Lodge project. If we had more sites, this is likely to improve the financial position. We have been investigating other assets that the Council own, refurbishing these and selling them to the company. Unfortunately, there are no other sites that would be viable for conversion into residential, therefore, the financial position remains the same. All the sites that the Council own, which are suitable for conversion, are better being converted to non-residential. Therefore, it makes more business sense to keep these assets under the Council and not the company. Based on this assessment, the proposed company directors recently agreed that it does not make business sense to register the Property Letting Company at this time, as the financial modelling does not achieve a return on investment. Officers continue to investigate</p>
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						other ways to improve the financial viability of the Property Letting Company, which could include acquisitions, developments and refurbishments. Officers will report their findings when this work has been concluded in approximately six months' time.
Submission of a Local Plan for North Herts Project spans more than one year.	Prosper & Protect	Planning & Enterprise	<p>Consultation on major modifications (timescale dependant upon Planning Inspectorate)</p> <p>Response to the Inspectors questions with regard the modifications</p> <p>Additional Hearing dates to discuss modifications</p> <p>Publication of Inspectors Report (timescale dependant upon Planning Inspectorate)</p> <p>Adoption of the new local plan report to Full Council (timescale dependant upon Planning Inspectorate)</p>	<p>Jan - April 2019</p> <p>Dec 2019</p> <p>TBC</p> <p>TBC</p> <p>TBC</p>		<p>2020 Hearings have been postponed and unless/until the Inspector/Government change their current approach, there is presently no suggestion that these might occur 'virtually'. It is difficult to anticipate when things will progress in the current circumstances, although at this stage the expectation is that it is likely to be autumn 2020 for the resumed hearings, followed by a report to/adoption by Council in early 2021.</p> <p>All the information has been added to the Councils website at the link below. www.north-herts.gov.uk/localplan</p>

<p>Designating air quality management areas in Hitchin to address the improvement of the air quality – Stevenage Road and Paynes Park. (5 Year Plan commenced 2018)</p> <p>Not Prince II</p>	<p>Attractive & Thriving</p>	<p>Housing & Env Health</p>	<ul style="list-style-type: none"> •Development of ECO stars scheme for business to reduce emissions from freight deliveries •Investigate options for extending and improving electric vehicle recharging facilities in the district •Anti-idling campaign to encourage drivers to switch off when stationary, including 	<p>To be confirmed</p> <p>On-going</p> <p>Spring/Summer 2019</p> 		<p>The Council were unsuccessful with a bid to DEFRA for a grant to progress this scheme. Officers are reviewing alternative funding options and have created a new milestone, "Work with businesses to reduce emissions from freight deliveries and buses/coaches" for 2019/20.</p> <p>Progress is limited given the lack of dedicated resource and the current situation. Following recruitment of a new staff member the action plan may be amended with the support of the Executive Member.</p> <p>Officers are negotiating with developers through the planning process to implement charging points within new homes. Officers have completed the Electric Vehicle Charging Strategy Scoping Document in consultation with the Executive Members and their deputies and have started work on the strategy itself.</p> <p>An initial survey of Hitchin town centre was completed in February 2019. Due to resource issues and conflicting priorities, it is now anticipated that this action will be</p>
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			<p>investigation of enforcement options</p> <p>•Review of on-street parking in air quality management areas</p> <p>•Participate in National Clean Air Day</p> <p>•Contribute development of Air Alert texting scheme with HCC and other partners</p>	<p>TBC subject to Parking strategy Action Plan</p> <p>Annual </p> <p>2019 </p>	<p>completed in 2020/21. However, Legal are currently looking at the enforcement options relating to vehicle idling, the outcome of which will help to inform any associated campaign.</p> <p>Will be co-ordinated with next general review of parking in Hitchin and adoption of the Electric Vehicle Charging Strategy - date to be confirmed.</p> <p>Due to other work priorities, it was not possible to undertake any activity around National Clean Air Day in June 2019</p> <p>Air Alert texting scheme launched 1 March 2019.</p>
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Status – GREEN -1						
<p>Brexit (Preparation for Brexit - deal or no deal) and implementation / management of those impacts, challenges and risks).</p>	<p>Prosper & Protect</p>	<p>Leader of Council</p>	<p>Working with regional lead and Local resilience forums to prepare for Brexit (deal or no deal).</p> <p>Work with strategically important contractors to understand the risks they will potentially face and to ensure plans are being taken to mitigate those risks if possible.</p> <p>Contribute to countywide preparations for managing potential emergency incidents associated with Brexit, e.g. local food resilience/ strategic co-ordination group and local resilience forums</p> <p>Work with LLG and MHCLG on process mapping for governance/secondary legislation process mapping. Constitution/delegation and warrant checks being undertaken.</p>		<p>NB Rating relates to the Council's actions, rather than the national issue of Brexit.</p> <p>The European Union (Withdrawal Agreement) Act Bill received Royal Assent on Thursday 23 January and we left the EU on the 31 January. There will be a transition period scheduled to end on 31 December 2020, while the UK and EU negotiate new arrangements.</p> <p>What we've done so far?</p> <ul style="list-style-type: none"> • Regular co-ordination meetings through SMT, to assess the critical risks for relevant service areas. • Brexit was added as a corporate risk with our preparations and risk assessments reported through to the Finance Audit and Risk Committee. • We have a designated Brexit page on our website with signposting to relevant information and sites: 	

<p>Not Prince II</p>			<p>Relevant managers to check policies for compliance and enforcement post Brexit issues.</p> <p>Draft contract clause to cover data transfer – use of change of law provision to impose</p> <p>Exceptions and tension monitoring reports to be sent and received.</p> <p>Elections Board preparation for snap election/further referendum considerations (September 2019).</p>			<p>https://www.north-herts.gov.uk/home/council-and-democracy/get-ready-brexid</p> <ul style="list-style-type: none"> • A Brexit Project Board was set up in July 2019 with the Leader as the Lead Executive Member. This is a cross party / officer Board which includes representatives from areas (Regulatory Services, Emergency Planning, Community Protection, Policy and Communications) that are likely to be affected and they have provided input into the preparations. The Board has had monthly updates since January. • Members passed a motion at Full Council in September 2019 to take positive steps to communicate with residents/ publicise links and alert EU nationals about the importance of applying for Settled Status and make this information available at Member surgeries. Since the December election,
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						<p>posters / information has been sent to Libraries and relevant local groups in our area to highlight the settlement scheme and the application process. Our Customer Services is one of the few to have registered with We Are Digital to assist residents by providing Settled Status application support.</p> <ul style="list-style-type: none">• Officers have and continue to liaise with other Brexit, Food, Emergency Planning, Economic Development Officers across the County, regionally, and where appropriate have been liaising with and making representations to central government departments. We have been trying to work with relevant partner organisations on business support and encourage businesses to access information and readiness events. Information for businesses can also be found on the Herts Growth Hub, @BbfaHerts and @HertsGrowthHub
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						<p>What we are doing next?</p> <p>Our aim is to continue to support residents and businesses as much as we are able during the short term of the transitional period and longer one beyond that under the new arrangements with the EU.</p> <p>So, we need to keep providing assistance to those that need information on:</p> <ul style="list-style-type: none">• applying for Settled Status: https://www.gov.uk/settled-status-eu-citizens-families <p>businesses preparing to leave: https://www.gov.uk/business-uk-leaving-eu</p> <p>Most recent PB update from March/ April 2020 confirmed that due to the coronavirus situation, attention nationally and regionally has been focused elsewhere. UK-EU negotiation meetings were rearranged to teleconferences with the agenda for negotiations published on 17 April. Key question will be whether the government decides to seek an extension of the transition period.</p>
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						Without further guidance in terms of the overall negotiation outcomes it is difficult to prepare at this stage, and the danger will be a no deal by default. PB will, however, be kept informed.
Status – PENDING - 1						
Churchgate Project will span more than one financial year Once actual project commences will be Prince II Date of Last Project Board n/a	Attractive & Thriving	Commercial	Further work to be undertaken to explore potential options prior to reporting back to Full Council at a future date	Tbc	--	Full Council on 7 February 2019 approved the principle of purchasing the Churchgate Shopping Centre, subject to the economic case. It also confirmed that any regeneration must be a viable investment that maintains a return to the Council. Full Council on 20 March 2019 voted to put Hitchin forward for a “Future High Streets Fund” bid. MHCLG have announced the 100 bids to be taken forward. Hitchin was not successful. Officers continue to explore the options around Churchgate with a report back to Full Council in due course.
Status – COMPLETED SINCE LAST REPORT -0						

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Data showing number of actual missed bins by collection type for 2019/2020

1 collection of each type of bin per week, apart from recycling where we collect 2 receptacles per week.

North	March	April	May	June	July	August	September	October	November	December	Jan-20	Feb-20	Mar-20
Food	173	168	329	299	251	242	145	117	75	117	114	150	67
Garden	77	131	247	168	180	209	545	127	69	51	26	28	55
Recycling	131	115	205	302	346	258	197	187	215	139	189	118	157
Refuse	69	71	84	80	106	87	78	54	56	69	76	79	73
Total	450	485	865	849	883	796	965	485	415	376	405	375	352

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**OVERVIEW AND SCRUTINY
16 JUNE 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: REGULATION OF INVESTIGATORY POWERS ACT ('RIPA') UPDATE AND ANNUAL REVIEW

REPORT OF THE SERVICE DIRECTOR LEGAL AND COMMUNITY & MONITORING OFFICER

EXECUTIVE MEMBER: THE LEADER OF THE COUNCIL: COUNCILLOR MARTIN STEARS-HANDSCOMB

COUNCIL PRIORITY: BUILD THRIVING AND RESILIENT COMMUNITIES

1. EXECUTIVE SUMMARY

1.1 This report provides an annual update and proposed amendments to the Council's current RIPA Policies following an inspection and report.

2. RECOMMENDATIONS

That the Overview and Scrutiny Committee

2.1. notes the content of this and the Investigatory Powers Commissioner's Office Inspection report (Appendix A)¹; and

2.2. recommends to Cabinet the approval of the RIPA Policy and Social Media in Investigations Policy as amended (in Appendices B-C).

3. REASONS FOR RECOMMENDATIONS

3.1 To comply with the Inspector's recommendations and best practice.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The Chair of Overview & Scrutiny and Executive Members (Leader and Deputy in their relevant roles) have been kept informed of the situation relating to the annual review, Inspection and the fact that amendments will be required to relevant policy documents.

6. FORWARD PLAN

6.1 It is not a key decision; however, it has been referred to in the Forward Plan on 5 May 2020.

¹ The IPCO has confirmed it can be disclosed, subject to the Inspector's name being redacted.

7. BACKGROUND

- 7.1 The Council is required to have a Policy and the current one was last approved by Cabinet in January 2019. The RIPA Policy must be reviewed annually and was due to be reviewed in January 2020, but delayed, firstly, as training was arranged for relevant officers (and amendments could be identified) through an external training body; secondly, following notification of the Investigatory Powers Commissioner's Office's ('IPCO') inspection for April, and subsequent delay of meetings due to the coronavirus.
- 7.2 Members should note the Council has not used surveillance powers or accessed communications data for some time, lastly noted in **2011**. The Shared Anti-Fraud Service ('SAFs') does, however, utilise such powers and these are regulated through Herts County Council's processes. The Council was last Inspected by the IPCO predecessor - the Office of Surveillance Commissioners in June 2016.

8. RELEVANT CONSIDERATIONS

Annual Review of RIPA, IPCO Inspection and RIPA Policy

- 8.1 The last full review of the Policy was undertaken in 2018/19 as indicated.

Inspection April 2020

- 8.2 Since the last full review in 2016, the Council has been inspected. Whilst this was a telephone/ document review on 16 April 2020 (due to the coronavirus lockdown), the Inspector was satisfied with the arrangements in place. In particular:

- 8.2.1 that the Policy was largely accurate, succinct and easy to digest;
- 8.2.2 the Council's approach to monitoring social media and the Policy was comprehensive and a valuable reference tool (respectively);
- 8.2.3 oversight arrangements in terms of quarterly audits and reporting these through to Members via MIS and an annual report, met the Home Office Covert Surveillance and Property Interference Code of Practice requirements²;
- 8.2.4 the IPCO was pleased that training had been arranged for relevant officers as recently as January.

Essentially two recommendation were put forward:

- 8.2.5 Revision of the Policy in terms of communications data to reflect the legislative changes arising from the implementation of the Investigatory Powers Act 2016 (this is covered under the proposed changes to section 5 'Acquisition and disclosure of Communications Data in Appendix B);
- 8.2.6 To review the Council's Data Retention Policy yearly (*note that this is something the Council already does*).
- 8.3 Other than those changes relating to the above, the most notable amendments to the RIPA Policy are management structure or cosmetic in nature (e.g. to reflect the change in authorisation from the Chief Executive to the 'Head of Paid Service' to cover the change in Tier 1 and Tier 2 effective after 17 July 2020 and gender neutral terms).

Social Media Policy in investigations Policy

- 8.4 Whilst the Inspector did not recommend any changes, the version attached with tracked changes at Appendix C was the one viewed by the Inspector. This has proposed amendments following the training received in January 2020 from ACT Now, which included reference to overt Facebook reviews and accounts which may be used as set out under paragraphs 4.1-4.2 and 5.6 of the Policy.

² Paragraph 4.47

Council's Use of RIPA

8.5 None since the last report (see 7.2). No ongoing authorisations.

9. LEGAL IMPLICATIONS

9.1 The Overview and Scrutiny Committee's Terms of Reference and Council's Constitution at paragraph 6.2.7(r) states that it shall be entitled to consider reports relating to the authority's use of the Regulation of Investigatory Powers Act (2000) (RIPA).

9.2 The Overview and Scrutiny Committee are asked to consider this report and make a recommendation to Cabinet in line with its Terms of Reference. It is Cabinet's responsibility to adopt the RIPA Policy.

9.3 Paragraph 5.6.1 of the Council's Constitution states that Cabinet may, by resolution, prepare and agree to implement policies and strategies other than those reserved to Council.

10. FINANCIAL IMPLICATIONS

10.1 There are no financial implications arising from this Report. Training by Act Now was at a cost of £1650.00 and offered/ provided to all those authorising and potentially applying for authorisations.

11. RISK IMPLICATIONS

11.1 It is important that the Council continues to operate in accordance with RIPA to ensure that it is able to effectively manage its reputational risk whilst also exercising its legitimate evidence gathering powers in connection with enforcement activity.

12. EQUALITIES IMPLICATIONS

12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.

12.2 The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

13. SOCIAL VALUE IMPLICATIONS

13.1 The Social Value Act and "go local" policy do not apply to this report.

14. HUMAN RESOURCE IMPLICATIONS

14.1 The officer involvement required to comply with these statutory obligations are factored into service plans and work plans. Further training is in the process of being arranged relating to the use of communications data in investigations and application process by SAFs with relevant officers.

15. ENVIRONMENTAL IMPLICATIONS

15.1 There are no known Environmental impacts or requirements that apply to the amended Policy/this report.

16. APPENDICES

- 16.1 Appendix A – IPCO inspection report.
- 16.2 Appendix B – RIPA Policy amended draft showing tracked changes.
- 16.3 Appendix C – RIPA Social Media Policy amended showing tracked changes.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None other than the documents referred to above.



Investigatory Powers
Commissioner's Office

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David Scholes
Chief Executive
North Hertfordshire District Council
Council Offices
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17 April 2020

Dear Chief Executive,

Inspection of North Hertfordshire District Council

On 16 April, your Council was the subject of a telephone-based inspection by one of my Inspectors, ●●●●. This has been facilitated through your Senior Responsible Officer (SRO), Service Director Legal and Community Monitoring Officer, Jeanette Thompson, who was interviewed over the phone and provided the supporting documentation requested by the Inspector.

The information provided has demonstrated a level of compliance that removes, for the present, the requirement for a physical inspection.

My Inspector has reviewed your Council's RIPA Policy. It is largely accurate, succinct and easy to digest. In addition to a number of minor amendments which were accepted by the SRO, the Inspector recommended a major revision to the chapter covering the acquisition of communications data to reflect legislative changes arising from the implementation of the Investigatory Powers Act 2016 (IPA). I would be grateful if you could ensure this matter is addressed at the earliest opportunity.

The SRO outlined her oversight activity, including a description of the processes used to ensure that no unauthorised surveillance or CHIS management activity takes place. The SRO provides regular updates to the authorising officers, and the Corporate Enforcement Forum facilitates the exchange of views and sharing of best practice.

Although your Council has not exercised its powers since 2011, the SRO was reminded of the importance of ensuring that the designated authorising officers maintain their level of training. It was therefore pleasing to hear that training had been delivered in January 2020 with additional training for environment officers planned for later this year (dependent on the coronavirus).

The Inspector discussed with the SRO your organisation's approach to the monitoring of social media. The SRO confirmed:

- that guidance was provided to staff within the relevant social media policy (a copy of the guidance was emailed to the Inspector and it is a comprehensive and valuable reference tool); and
- that staff were not permitted to use covert profiles or pseudonymous accounts to conduct internet or social media enquiries.

In accordance with paragraph 4.47 of the Home Office Covert Surveillance and Property Interference Code of Practice, the SRO has confirmed that you provide Elected Members with an annual report sufficient to enable them to determine that the Council's policy remains fit for purpose, together with regular reports on RIPA activity (or inactivity).

The IPCO Inspectorate is currently undertaking a programme of work in relation to compliance with the safeguarding measures regarding material acquired under RIPA and the IPA; essentially how this is retained, reviewed and ultimately destroyed. Accordingly, the Inspector was provided with a copy of the Council's Data Retention Policy. Although no amendments are recommended, the Inspector has suggested that it would be helpful to review this policy annually to ensure that it remains current.

In conclusion, it must be emphasised that although your Council has not exercised its RIPA powers since 2011, it is important that the relevant staff remain appropriately trained should the need to authorise covert activity arise. The SRO has assured the Inspector that the integrity of your Council's processes and governance procedures will be maintained.

I hope that this telephone-based inspection has proved to be a worthwhile exercise. My Office is available to you should you have any queries following the recent inspection, or at any point in the future. Contact details are provided at the foot of this letter.

Particular thanks should be passed to Jeanette Thompson who provided comprehensive background reading material, completed the IPCO questionnaire, and made herself available for interview at a time of unprecedented challenges faced by all public authorities.

I shall be grateful if you would acknowledge receipt of this letter within two months.

Yours sincerely,



The Rt. Hon. Sir Brian Leveson
The Investigatory Powers Commissioner

NORTH HERTFORDSHIRE DISTRICT COUNCIL
REGULATION OF INVESTIGATORY POWERS ACT
2000 (RIPA)
POLICY & PROCEDURES



REGULATION OF INVESTIGATORY POWERS ACT 2000

POLICY AND PROCEDURES

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1 INTRODUCTION & BACKGROUND

1.1 This Policy is the framework on which the Council applies the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA) as it relates to covert surveillance. It must be read in conjunction with the statutory codes of practice issued by the Secretary of State and any additional guidance provided by Investigatory Powers Commissioner's Office (IPCO) (~~formerly the Office of Surveillance Commissioners – OSC~~) and individual Directorates to deal with the specific issues of their service.

1.2 For the avoidance of doubt, all references to the Home Office Codes of Practice relate to the latest versions which were issued ~~in August 2018~~ in relation to covert surveillance and covert human intelligence sources; and ~~2016~~ in relation to the acquisition and disclosure of Communications Data. References to the Code of Practice OSC Procedures and other relevant Guidance document relate to the latest version which was issued¹ ~~in July 2016~~.

1.3 The Human Rights Act 2000 requires the Council to have respect for the private and family life of citizens. However, in rare cases, it may be lawful, necessary and proportionate for the Council to act covertly in ways that may interfere with an individual's rights.

1.4 The rights conferred by Article 8 of the Human Rights Act are qualified, so it is still possible for a public authority to infringe those rights providing the following criteria are satisfied;

1.4.1 It is done in accordance with the law

1.4.2 **It is necessary:** Necessity means that in the particular circumstances of each enquiry there is no reasonably available overt method of obtaining the information that is being sought. This test will have to be applied to each case on its own merits but if there is a reasonable alternative to covert surveillance then the necessity test will probably not be satisfied.

1.4.3 **It is proportionate:** Judging proportionality will probably involve three considerations.

- Is the proposed method of surveillance excessive in relation to the seriousness of the matter that is being investigated? Is it proportional to the mischief under investigation?
- Is there a reasonable available alternative method of investigation that would be less intrusive of privacy rights? i.e. It is the only option, other overt means having been considered and discounted.
- Can collateral intrusion be avoided, and is the surveillance proportional to the degree of anticipated intrusion on the target and others? In addition to the subject there may be a possibility that the privacy rights of a third party may be infringed during surveillance.

¹ Home Office – Communications Data Code of Practice 2018
Draft review 2020

- 1.5 It is possible that unauthorised surveillance will be a breach of a person's right to privacy under Article 8. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords.
- 1.6 If the correct procedures are not followed:
- The authorisation will not take effect as it will not be approved by the Magistrates Court if there are not reasonable grounds
 - Court proceedings that rely upon the information obtained by surveillance may be undermined
 - A complaint of maladministration may be made to the Ombudsman
 - The Council could be the subject of an adverse report by the Investigatory Powers Commissioner's Office
 - A claim could be made leading to the payment of compensation by the Council
- 1.7 Through the application of authorisation procedures and Magistrates Court approval RIPA ensures that a balance is maintained between the public interest and the human rights of individuals.
- 1.8 RIPA does not;
- Make unlawful anything that is otherwise lawful
 - Impose any new statutory duties (N.B. but see paragraphs 1.5 –1.7 on the possible consequences of non compliance)
 - Prejudice or disapply any existing powers available to the Council to obtain information by any means not involving conduct that is governed by RIPA. (For example, it does not affect the Council's current powers to obtain information from the DVLA or the Land Registry).
- 1.9 If the RIPA procedures are followed correctly the conduct of an investigation will be deemed lawful for all purposes (section 27 RIPA). This protection extends to criminal and civil proceedings, and a complaint to either the Local Government Ombudsman or the Investigatory Powers Tribunal. It therefore provides protection both for the Council and any officer who may have been involved in an investigation.
- 1.10 It is important to note that the legislation does not only affect directly employed Council staff. Where external agencies are working for North Hertfordshire District Council, carrying out the Authority's statutory functions, the Authority remains liable for compliance with its duties. It is essential that all external agencies comply with the regulations, as they are contractually obliged to do so. Therefore, work carried out by agencies on the Council's behalf should be properly authorised by one of the Council's designated Authorising Officers and requires Magistrates Court approval for applications and renewals. Authorisation for surveillance should not be sought on behalf of another statutory or other organisation or agency. The advice of the Senior Responsible –Monitoring–Officer ('SRO') should be sought in the event of uncertainty.
- 1.11 Applications to the Magistrates' Court for approval of an authorisation must be made in accordance with the requirements of the Court.

- 1.12 The use of the powers conferred by RIPA is subject to scrutiny by the Investigatory Powers Commissioner's Office, which carries out periodic inspections of the Council's practices and procedures. Furthermore, RIPA also provides for the establishment of a Tribunal to determine complaints about the use of RIPA powers. It is therefore essential that surveillance is always carried out in compliance with RIPA, the policies and codes of practice referred to in this document and any advice or guidance that may be issued from time to time by the Service Director: Legal and Community.
- 1.13 RIPA provides a means of authorising certain acts of covert surveillance for a variety of purposes. To fully understand the effects of RIPA, it is essential to understand the various types of activity that are covered, and those that are not permitted, and the purposes that will justify surveillance.
- 1.14 The provisions of RIPA that apply to Local Authorities provide a regulatory framework that permits;
- **The use of Directed Surveillance (Part 3)**
 - **The Use of Covert Human Intelligence Sources (Part 4)**
 - **The Acquisition and Disclosure of Communications Data (Part 5)**

2. SURVEILLANCE

- 2.1 Local Authorities and the Police are permitted under RIPA to carry out covert directed surveillance and to use covert human intelligence sources the definitions for each being as follows;
- 2.2 **"Surveillance"** includes:
- Monitoring, observing, listening to persons, watching or following their movements, listening to their conversations or their other activities or communications;
 - Recording anything monitored, observed or listened to in the course of surveillance; and
 - Surveillance by, or with, the assistance of a surveillance device, which will include cameras, video, and listening or recording devices.

Surveillance can be either **overt** or **covert**.

2.3 Overt Surveillance

- 2.3.1 Most of the surveillance undertaken by the Council will be done overtly – there will be nothing secretive, clandestine or hidden about it. In many cases officers will be going about Council business openly (e.g. a routine inspection by an Environmental Health Officer) or will have notified the subject of the investigation that they are likely to be under surveillance. In the latter case officers need to be particularly alert to the possibility that the proposed surveillance may entail collateral intrusion into the lives and activities of persons other than the subject of the investigation (e.g. a visitor to premises). If there is the slightest possibility of collateral intrusion a RIPA authorisation should be obtained before any surveillance is carried out.

- 2.3.2 Surveillance will be overt if the subject has been told it will happen. This will be the case where a noisemaker is warned that recordings will be made if the noise continues; or where an entertainment licence is issued subject to conditions, and the licensee is told that officers may visit without notice or without identifying themselves to the owner/proprietor to check that the conditions are being met. Such warnings should be given to the person concerned in writing.
- 2.3.3 Overt surveillance does not require any authorisation under RIPA. Neither does low-level surveillance consisting of general observations in the course of law enforcement (for example, an officer visiting a site to check whether a criminal offence had been committed). Repeated visits may amount to systematic surveillance however, and require authorisation: if in doubt, advice should be sought from the RIPA Monitoring Officer or the Senior Responsible Officer
- 2.3.4 Home Office guidance also suggests that the use of equipment such as binoculars or cameras, to reinforce normal sensory perception by enforcement officers as part of general observation does not need to be regulated by RIPA, ~~as long as~~ as if the systematic surveillance of an individual is not involved. However, if binoculars or cameras are used in relation to anything taking place on any residential premises, or in any private vehicle, the surveillance can be intrusive even if the use is only fleeting. Any such surveillance will be intrusive “if it consistently provides information of the same quality as might be expected to be obtained from a device actually present on the premises or in the vehicle”. The quality of the image obtained rather than the duration of the observation is what is determinative. It should be remembered that the council is not permitted to undertake intrusive surveillance.
- 2.3.5 Use of body worn cameras should be overt. Badges should be worn by officers stating body cameras are in use and it should be announced that recording is taking place. In addition, cameras should only be switched on when recording is necessary – for example, when issuing parking tickets.

2.4 Covert Surveillance

Covert surveillance is covert where it is ‘carried out in a manner **calculated** to ensure that the person or persons subject to the surveillance are unaware that it is or may be taking place’.

RIPA requires the authorisation of two types of covert surveillance (directed surveillance and intrusive surveillance) plus the use of covert human intelligence sources (CHIS) or acquisition of Communications Data.

2.5 Covert Human Intelligence Source (CHIS)

- 2.5.1 A person is a covert human intelligence source if that person~~he~~ ‘establishes or maintains a personal or other relationship with a person for the covert purpose of obtaining information or providing access to any information to another person, or they covertly disclose information obtained by the use of such a relationship’. Covert in this context means that it is calculated that the subject should be unaware of the purpose of the relationship.

A member of the public who volunteers information to the Council is not a covert human intelligence source.

2.5.2 The conduct or use of CHIS must be authorised in accordance with RIPA.

Conduct of a CHIS. This is establishing or maintaining a personal or other relationship with a person for the covert purpose of (or is incidental to) obtaining or passing on information.

Use of a CHIS. This includes inducing, asking or assisting a person to engage in the conduct of a source or to obtain information by means of the conduct of such a source.

The use of a juvenile CHIS may only be authorised for ~~one~~four months at a time.

2.5.3 Members of the public who report allegations of anti social behaviour and are asked to keep a note of incidents will not normally be CHIS as they are not usually required to establish or maintain a covert relationship.

2.5.4 Noise

Persons who complain about excessive noise, and are asked to keep a noise diary, will not normally be a CHIS, as they are not required to establish or maintain a relationship for a covert purpose. Recording the level of noise (e.g. the decibel level) will not normally capture private information (if non-verbal noise such as music, machinery or an alarm), and therefore does not require authorisation. Recording sound with a DAT recorder or similar, could constitute ~~covert intrusive~~ surveillance, although if it can be heard from the street outside, may (as per the Code of Practice²) be regarded as having forfeited any claim to privacy. The easiest option is for this to be under taken ; ~~unless it is done~~ overtly – for example it will be possible to record sound if the noisemaker is warned that this will occur if the level of noise continues.

~~However, if the Council serves notice on the owner/occupier of the premises and the source of the noise is a third party, authorisation under RIPA may be required. The investigation may (i) be covert in relation to that third party and (ii) may reveal private information about~~

2.5.5 Test Purchases

Carrying out test purchases will not normally require the purchaser to establish a relationship with the supplier with the covert purpose of obtaining information, and therefore the purchaser will not normally be a CHIS. For example, authorisation would not normally be required for test purchases carried out in the ordinary course of business (e.g. walking into a shop and purchasing a product over the counter). By contrast, developing a relationship with a person in the shop, to obtain information about the seller's suppliers of an illegal product e.g. illegally imported wild meat, or using covert recording equipment is likely to require authorisation as a CHIS. Similarly, using hidden recording devices to record what is going on in the shop (e.g. a hidden CCTV Camera) may require authorisation as directed surveillance. A combined authorisation can be provided if a CHIS is carrying out directed surveillance.

2.5.6 **Note 251 of the OSC's 2016 Procedures & Guidance document states:**

251. A local authority may prefer to seek the assistance of the police or another public authority to manage its CHIS. In such a case a written protocol between the parties should be produced in order to ensure that an identified CHIS is properly managed (see CHIS Code of Practice 6.12). In the absence

² 3.40
Draft review 2020

of such an agreement the local authority must be capable of fulfilling its statutory responsibilities.

2.6 Directed surveillance

Directed Surveillance is surveillance that is:

- covert but not intrusive surveillance; (see paragraph 3.2)
- undertaken for the purpose of a specific investigation or operation carried out in such a manner as is likely to result in the obtaining of private information about a person (~~whether or not~~whether one specifically identified for the purposes of the investigation or operation) and
- not carried out as an immediate response to events which would otherwise make seeking authorisation under RIPA unreasonable (e.g. spotting something suspicious and continuing to observe it).

2.7 Surveillance by way of an immediate response to events or circumstances where it would not be 'reasonably practicable' for an authorisation to be sought is not included within the provisions of RIPA.

2.8 Private Information

This phrase is defined in RIPA section 26(10) as including any information relating to a person's private or family life. The European Court of Human Rights has considered this definition and has found that private life is a broad term not susceptible to exhaustive definition. Aspects such as gender identification, name, sexual orientation and sexual life are important elements of the personal sphere protected by Article 8. The Article also protects a right to identity and personal development and the right to establish and develop relationships with other human beings and the outside world and it may include activities of a professional or business nature. There is therefore a zone of interaction of a person with others even in a public context, which may fall within the scope of "private life".

The fact that covert surveillance occurs in a public place or on business premises does not necessarily mean that it cannot result in the acquisition of private information about a person. Prolonged surveillance targeted on a single person will undoubtedly result in the obtaining of private information about ~~them~~him/her and others that ~~they~~he / she comes into contact with or with whom they associate. Similarly, although the overt use of CCTV cameras does not normally require authorisation, if the camera is used for a particular purpose that involves the prolonged surveillance of a particular person, a RIPA authorisation will be required.

3 EXCLUSIONS

3.1 There are some instances where surveillance is not permissible in any circumstances:

3.2 Intrusive Surveillance

RIPA provides that the Council **cannot** authorise intrusive surveillance. This is covert surveillance carried out in relation to anything taking place on residential premises or in any private vehicle, whether by way of a person or device.

It will also be intrusive surveillance where a device placed outside consistently provides information of the same or equivalent quality and detail, as might be expected if it were in the premises or vehicle

Residential premises are any part of premises occupied for residential purposes or living accommodation, including hotel rooms or prison cells. However, it does not include common areas in blocks of flats and similar premises.

Private vehicle is a vehicle used primarily for private purposes by the owner or person entitled to use it.

Only the police or other law enforcement agencies are permitted to employ intrusive surveillance. Likewise, the council has no statutory powers to interfere with private property.

3.3 Use of Children to gather information about parent/ guardian

Authorisation may not be granted for the conduct or use of a source under the age of sixteen where it is intended that the purpose is to obtain information about ~~their~~ ~~his~~ parent or any person who has parental responsibility for ~~him~~~~them~~.

3.4 Vulnerable Individuals

A vulnerable individual is a person who is, or may be, in need of community care services by reason of mental or other disability, age or illness and who is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation. Where it is known or suspected that an individual may be A-vulnerable ~~individual~~~~they~~ will only be authorised as a CHIS in the most exceptional of circumstances.

4 GROUNDS FOR SURVEILLANCE

4.1 Amendments to the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2010 ("the 2010 Order") mean that a local authority can now only grant an authorisation under RIPA for the use of Directed Surveillance where the local authority is investigating criminal offences which attract a custodial sentence of a maximum term of at least 6 months' imprisonment, or criminal offences relating to the underage sale of alcohol or tobacco under sections 146, 147 or 147A of the Licensing Act 2003 or section 7 of the Children and Young Persons Act 1933.

4.2 Even if the person granting the authorisation believes that the authorisation is necessary, ~~they~~~~he~~ must also be satisfied that the authorised activity is proportionate to what is sought to be achieved by it. This requires the Authorising Officer to balance the need for surveillance with the level of intrusion into any person's privacy.

4.3 ~~Particular consideration~~Consideration should be given to collateral intrusion, which is interference with the privacy of persons other than the subject(s) of the surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

4.4 Confidential information

Careful consideration is also needed when there is a risk of obtaining confidential information. ~~This consists of matters subject to~~

~~legal privilege, which is communication between a lawyer and client; confidential personal information relating to physical or mental health; or to spiritual counselling or other assistance given or to be given, and which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office where there is an undertaking to hold it in confidence; or confidential journalistic material.~~

The Covert Surveillance and Property Interference³ defines this as:

“information held in confidence concerning an individual (whether living or dead) who can be identified from it, and the material in question relates to his or her physical or mental health or to spiritual counselling. Such information can include both oral and written communications. Such information as described above is held in confidence if it is held subject to an express or implied undertaking to hold it in confidence or it is subject to a restriction on disclosure or any legal obligation of confidentiality. For example, confidential personal information might include consultations between a health professional and a patient, or information from a patient’s medical records”.

In cases where it is likely that confidential information will be acquired the authorisation must be granted by the ~~Chief Executive as~~ Head of the Paid⁴ Service (or in ~~their~~his absence by an authorised Chief Officer).

- 4.5 An application for an authorisation must include a full assessment of the risk of any collateral intrusion or interference so that the Authorising Officer can consider this.
- 4.6 Authorising Officers must always consider the need for surveillance or CHIS and balance this against an individual’s right to privacy under the Human Rights Act 1998. An officer seeking an authorisation should always be able to justify why it is necessary and why other, less intrusive, forms of investigation are unsuitable or have previously been tried without success and thus the matter has escalated to the requirement for covert surveillance.

5 ACQUISITION AND DISCLOSURE OF COMMUNICATIONS DATA

5.1. The Investigatory Powers Act 2016 (‘IPA’) provided an updated framework for lawful acquisition of Communications Data, include the who, where, what, when and how a Local Authority can obtain communications and Communications Data. The IPA sets out the three powers, under sections 60A, 61 and 61A, which can be used to authorise the acquisition of Communications Data (CD), dependent on the statutory purpose and urgency. Only section 60A is relevant to local authorities, although a number of new offences would also apply in terms of unlawful acquisition and disclosure of Communications Data⁵. The powers contained in Part 1 of Chapter 2 of RIPA permit Local Authorities to obtain information relating to

³ 2018 @ para 9.29.

⁴ Where any relevant legislation and or codes of practice refers to the Chief Executive, for interpretation purposes this is deemed to be the person who holds the role of Head of Paid Service or their Deputy.

⁵ Sections 11 & 82 IPA 2016

~~the use of a postal service or telecommunications system. It does not permit access to the content of the communication.~~

~~Public Authorities can only apply if this is for 'the applicable crime purpose'. This means the data has to be wholly or partly Events data, the purpose of preventing or detecting serious crime; or in any other case, the purpose of preventing or detecting crime or of preventing disorder. has brought all the statutory purposes together which are as follows:~~

5.2.

- ~~• In the interests of national security;~~
 - ~~• For the applicable crime;~~
 - ~~• In the interests of the economic wellbeing of the United Kingdom so far as these interests are also relevant to the interests of national security;~~
 - ~~• In the interests of public safety;~~
 - ~~• For the purpose of preventing death or injury or any damage to a person's physical or mental health, or of mitigating any injury or damage to a person's physical or mental health;~~
 - ~~• To assist investigations into alleged miscarriage of justice; and~~
- ~~Where a person ("P") has died or is unable to identify themselves because of a physical or mental condition to assist in identifying P, or to obtain information about P's next of kin or other persons connected with P or about the reason for P's death or condition.~~

5.2.5.3. ~~Definition of~~ The types of Communications Data that Local Authorities' can access are Entity and Events Data, which are defined as:~~An authorisation, with Magistrates Court approval, permits the Local Authority to obtain the data itself. A notice would be given to the postal or telecommunications operator which is then obliged to provide the Authority with the information stipulated in the notice.~~

- **Entity Data:** means any data which is about —
 - (a) (i) an entity, (ii) an association between a telecommunications service and an entity, or (iii) an association between any part of a telecommunication system and an entity,
 - (b) consists of, or includes, data which identifies or describes the entity (whether or not by reference to the entity's location) and is not events data.
- **Events Data:** any data which identifies or describes an event (whether or not by reference to its location) on, in or by means of a telecommunication system where the event consists of one or more entities engaging in a specific activity at a specific time. Where the purpose of the acquisition is to prevent or detect crime, and the data required is events data, the offence or conduct of the offence being investigated must meet at least one of the definitions of serious crime⁶.

5.4. The IPA has also removed the necessity for local authorities to seek Magistrates or Justice of the Peace approval to acquire Communications Data. All such applications must now be processed through the National Anti-Fraud Network (NAFN), who will consider the application prior to submitting this for approval to the Office for Communications Data Authorisations

⁶ Section 86(2A) of the Act this means: an offence for which an adult is capable of being sentenced to one year or more in prison; any offence involving violence, resulting in substantial financial gain or involving conduct by a large group of persons in pursuit of a common goal; any offence committed by a body corporate; any offence which involves the sending of a communication or a breach of privacy; or an offence which involves, as an integral part of it, or the sending of a communication or breach of a person's privacy

(‘OCDA’). All applications must be approved before Communications Data is acquired. The Investigatory Powers Commissioner oversees the use of the powers (who with Judicial Commissioners have a role to approve authorisations to identify or confirm the identity of a journalist’s source). The application process has otherwise been made more efficient through the ability to submit these electronically⁷.

6. PROCEDURE TO OBTAIN A RIPA AUTHORISATION

- 6.1 Directed surveillance, the use of CHIS must be lawfully carried out in strict accordance with the terms of the relevant authorisation and Magistrates Court approval.
- 6.2 The Council will only very occasionally make use of CHIS so the applicant officer should consult the Senior Responsible Officer~~Monitoring Officer~~ before making an application for a CHIS authorisation in order to ensure that the current statutory requirements and best practice are being observed.
- 6.3 Applications for Communications Data is as indicated above via NAFN.
- 6.4 All applications for authorisation must be sought and granted *before* any surveillance activity takes place. The decision whether or not to authorise an application must not be taken with the benefit of hindsight. This should be borne in mind when submitting an application to the Magistrates’ Court under Paragraph 7 below.

6.5 Making the Application

Before making an application for an authorisation the requesting officer must;

- read this policy document
- determine whether the activity that they are proposing to conduct involves directed surveillance or the use of a CHIS
- assess whether the activity will be in accordance with the law – is it governed by RIPA
- assess whether the activity is necessary and why
- assess whether the activity is proportionate.

If the activity could be conducted overtly or if a less intrusive option is available and practical use that option in preference to a RIPA authorisation.

- 6.6 The application form once completed by the applicant officer, must be submitted to an Authorising Officer, together with a health and safety risk assessment that should cover any potential risks to Council officers, or third parties, including members of the public.
- 6.7 The persons entitled to grant authorisations are designated in the Schedule of Authorising Officers, which is kept by the ~~Monitoring Officer~~Senior Responsible Officer and is accessible on the Council’s Intranet

⁷ See local authority procedures set out in paragraphs 8.1 to 8.7 of the Communications Data Code of Practice.
Draft review 2020

- 6.8 The Authorising Officer should note:
- the date and time of grant or refusal;
 - the reasons for that decision;
 - the exact date on which the authorisation will be reviewed.
- 6.9 An application must describe:
- any conduct to be authorised;
 - the purpose of the investigation and how long the situation has existed;
 - why it is necessary;
 - why it is proportionate;
 - the intended subjects, if known;
 - the intended product that the surveillance will provide;
 - any potential collateral intrusion and the justification for this;
 - details of any confidential information that may be obtained;

6.10 The Application Forms

- 6.10.1 The Home Office has published standard forms for the use by local authorities. These have been adopted by the Council and can be accessed through the Intranet under *Corporate – Forms - RIPA*. Every box in the application form must be completed or marked n/a where it is not appropriate.
- 6.10.2 Each operation/ investigation must be allocated a unique reference number (URN). This will be the next number in sequence taken from the Central RIPA Log, as identified by the Authorising Officer and should be entered on the form.

7. MAGISTRATES' COURT APPROVAL

- 7.1 All RIPA authorisations (other than Communications Data) will require Magistrates' Court approval in the form of an order to take effect. The court must be satisfied that reasonable grounds exist in relation to the authorisation. The Home Office issued guidance to all Magistrates' Courts in England and Wales for a local authority application seeking an order approving the grant or renewal of a RIPA authorisation or notice⁸.
- 7.2 Legal Services must be consulted on the form and content of the application to the Magistrates' Court for approval.
- 7.3 The types of offences for which RIPA authorisation can be obtained by the Council are outlined under section 4 above.

8 DURATION OF AUTHORISATIONS

- 8.1 It is no longer possible for urgent authorisations to be given orally. However, a Magistrate may consider an authorisation out of hours in exceptional circumstances.
- 8.2 Directed surveillance authorisations will cease to have effect (unless renewed) at the end of a period of three months beginning with the day on which it took effect. ;

⁸ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118174/magistrates-courts-eng-wales.pdf

8.3 ~~Three~~ months' is deemed for the purpose of this guidance to mean three calendar months/twelve weeks from the date of approval by the magistrate~~the start date of the operations.~~

8.4 Authorisations for the conduct or the use of covert human intelligence sources will last for up to 12 months, beginning with the day on which the grant or renewal takes effect.

8.5 Authorisations relating to Communications Data last 1 month.

8.6 Review

8.6.1 The Authorising Officer must review Directed Surveillance authorisations frequently, at least monthly. The frequency of mid term reviews should be risk assessed based on the nature of the operation. If this is a CHIS authorisation, then ordinarily this would be every 3-4 months⁹;

8.6.2 RIPA application forms must be reviewed on or before the expiry date of the authorisation which will be the date stated in the application form. When a RIPA authorisation is reviewed the appropriate form should be completed and record:

- the date and time of that review
- confirmation as to whether the surveillance is to continue or not
- the reasons for that decision

8.7 Renewal

8.7.1 If at any time before an authorisation would cease to have effect, it is necessary for the authorisation to continue for the purpose for which it was given, it may be renewed in writing for a further period of 3 calendar months, beginning with the day when the original authorisation would have expired. Magistrates Court approval is required before a renewal takes effect.

8.7.2 The Authorising Officer must consider the matter afresh, including taking into account the benefits of the surveillance to date and any collateral intrusion that has occurred.

8.7.3 Authorisations may be renewed more than once, provided they continue to meet the criteria for authorisation and are approved by the Magistrates' Court.

8.7.4 Prior to renewal of an authorisation for the use or conduct of a covert human intelligence source, there must be a full review of the use made of that source, the tasks given to that source and the information so obtained.

8.8 Cancellation

8.8.1 The Authorising Officer must cancel an authorisation if they become satisfied that the surveillance is no longer required or appropriate.

8.8.2 Authorisations should not be allowed simply to lapse. The matter should be referred to an Authorising Officer via the same process as for the initial application and a form of cancellation must be completed:

- if the necessary evidence has been obtained; or

⁹ IPCO inspection 2020.
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- it is decided at any time that the surveillance is unlikely to produce the evidence sought, then.

8.8.3 The Authorising Officer must then cancel the Application without delay. When cancelling the authorisation, the Authorising Officer is required to consider whether the surveillance was effective, necessary and met its objectives. Cancellations must be made using the cancellation form and should briefly detail what product(s) resulted from the surveillance.

8.8.4 When cancelling an authorisation, the Authorising Officer must ascertain what recorded material has been obtained ~~by the use of~~ using directed surveillance. The Authorising Officer should comment on the recorded material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any recorded material has been securely destroyed.

9 AUTHORISING OFFICERS

9.1 Authorisations may only be given by the Authorising Officers listed in Appendix B. Only the ~~Head of Paid Service~~ Chief Executive can authorise the use of a CHIS, or the acquisition of confidential information.

9.2 Applications for the acquisition of Communications Data can only be issued by a Home Office accredited single point of contact (SPoC). The Council has two ~~SPoCOes~~, Service Director: Customers and the Investigations Manager.

9.3 ~~NAFN The National Anti-Fraud Network (NAFN)~~ provides a SPoC service to local authorities. Local authorities using the NAFN SPoC service will still be responsible for ~~submitting any applications to a Magistrate and a designated person in the authority is still required to scrutinise the application for~~ Communications Data prior to contacting NAFN. ~~and approve any applications~~

9.4 Determining an Application

The applicant officer must complete the application form in its entirety.

Authorisation under RIPA is quite separate from delegated authority to act under the Council's Scheme of Delegation. **RIPA authorisations are for specific investigations only and must be cancelled or renewed once the specific surveillance is complete, or about to expire.**

The Authorising Officer should not just "sign off" an authorisation, ~~they, but~~ must give **personal consideration** to the necessity and proportionality of the proposed action prior to applying to the Magistrates Court for approval and must personally ensure that the surveillance is reviewed and cancelled.

Any rejected applications must be entered into the RIPA log held by the Service Director: Legal and Community.

9.5 In the case of applications for authority to carry out **directed surveillance** the Authorising Officer should:

- consider the relevant Codes of Practice

- consider whether the specific operation or investigation has been adequately described
- be satisfied as to the reasons for the application¹⁰ (see 4.1 for grounds).
- be satisfied that the directed surveillance is **necessary** in the circumstances of the particular case.
- be satisfied that the surveillance is **proportionate** to the stated purpose and objectives
- be satisfied that the possibility of collateral intrusion has been avoided or minimised
- consider the likelihood of confidential information being acquired
- check that an appropriate review period has been listed on the application form.

If there is an alternative practicable means of carrying out the surveillance, which is less intrusive, then the surveillance is neither necessary nor proportionate and should not be authorised. The least intrusive method should be used

Additional Factors when Authorising a CHIS

In addition, when authorising the conduct or use of a CHIS the Authorising Officer must

- be satisfied that the **conduct** and/or **use** of the CHIS is proportionate to what is sought to be achieved.
- be satisfied that **appropriate arrangements** are in place for the management and oversight of the CHIS.
- consider the likely degree of intrusion of all those potentially effected.
- consider any adverse impact on community confidence that may result from the use or conduct, or the information obtained.
- ensure **records** contain statutory particulars and are not available except on a need to know basis.
- ensure that authorisations relating to the use of a juvenile CHIS are only for ~~four~~^{one} months at a time.
- be satisfied that a full risk assessment has been undertaken.

9.6 The role of Senior Responsible Officer (SRO) is undertaken by the Service Director: Legal and Community. The role of RIPA Co-ordinating Officer is undertaken by the ~~Service Director's Monitoring Officer Technical Support & PA to Service Director: Legal and Community.~~

The SRO is responsible for:

¹⁰ S.I. 2010/521, see article 7A
[Draft review](#) 2020

- the integrity of the process in place within the public authority for the management of CHIS and Directed Surveillance;
- compliance with Part 2 of the Act and with the Codes;
- oversight of the reporting of errors to the relevant oversight Commissioner and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the [OSCIPCO](#) inspectors when they conduct their inspections, where applicable; and
- where necessary, oversight of the implementation of post-inspection action plans approved by the relevant oversight Commissioner.

9.7 The role of CHIS Handler will be allocated to either one of the Service Director: Place, Service Director: Customers, or Service Director: Regulatory, depending which directorate is using the CHIS. The CHIS Controller will be allocated to one of the other two heads of service by the [Head of Paid Service Chief Executive](#).

The CHIS Handler is responsible for:

- dealing with the CHIS on behalf of the Council;
- directing the day to day activities of the CHIS;
- recording the information supplied by the CHIS; and
- monitoring the CHIS's security and welfare.

The CHIS Controller is responsible for management and supervision of the CHIS Handler, and general oversight of the use of CHIS.

10. WORKING WITH / THROUGH OTHER AGENCIES

10.1 The Council may work in conjunction with other agencies to carry out covert surveillance and to use CHIS's, eg police, DWP, Inland Revenue (but does not include RSLs). It is not necessary for each party to complete its own form of authorisation, and the Council can rely upon a duly authorised form completed by another agency providing that the Authorising Officer is made aware and it has been approved by the Magistrates' Court if required. If another agency chooses to rely on a RIPA authorisation from this Council the Authorising Officer must be made aware.

10.2 A copy of another agency's authorisation should be obtained, and copies kept in the same manner as an authorisation granted by the Council. Officers should also ensure that review and renewal dates are noted and that copies of the appropriate forms are also obtained and kept appropriately.

10.3 In the event that a member of staff has concerns that an authorisation, Magistrates' Court approval, review, or renewal completed by a partner agency does not comply with the law, codes of practice, or agreed arrangements for surveillance, they should refer the matter to an Authorising Officer of the Council for further action as necessary.

- 10.4 When another agency (e.g. the Police, Inland Revenue etc), wish to use the Council's premises or facilities (other than CCTV) for their own RIPA action, officers should normally co-operate unless there are good operational or management reasons as to why the Council's facilities should not be used for the agency's activities. Suitable insurance or other indemnities may be sought from the agency in return for the Council's co-operation. In such cases the Council's RIPA forms should not be used if it is merely assisting and is not actually involved in the RIPA activity.

11. RECORD MANAGEMENT

- 11.1 The Council must keep a detailed record of all authorisations, Magistrates' Court approvals, reviews, renewals, and cancellations. Copies of all authorisations, Magistrates' Court approvals, records of oral authorisations, reviews, renewals, cancellations and refusals must be kept in a central register held by an Authorised Officer. In addition, all original authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations, refusals and other relevant documents must be sent to the RIPA Co-ordinating Officer, who maintains the central RIPA log (record of authorisations and rejections).

- 11.2 All information obtained during directed surveillance should be recorded in a surveillance log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.

- 11.3 Copies of all authorisations, records of oral authorisations, Magistrates' Court approvals, reviews, renewals, cancellations and refusals should be kept for a period of 56 years after the conclusion of any Court proceedings arising for which the surveillance or use of the CHIS was relevant. If it is believed that the records could be relevant to pending or future criminal proceedings, the officer in charge of the investigation shall confirm that they should be retained for a suitable further period, subject to any subsequent review, prior to the expiry of the five-year period. This decision must be notified to the Service Director: Legal and Community.

11.4 Records maintained in the Directorates and Centrally

- 11.4.1 Generally, all material (in whatever media) produced or obtained during the course of investigations subject to RIPA authorisation (whether authorised or not), should be processed, stored and destroyed in accordance with the requirements of the Data Protection Act 2018, General Data Protection Regulation (GDPR) (EU) 2016/679, the Freedom of Information Act 2000 and any other legal requirements, including those of confidentiality and the Council's policies and procedures regarding document retention. The following paragraphs give guidance on some specific situations, but advice should be sought from the Service Director: Legal and Community, or the Data Protection and Freedom of Information Officer where appropriate. All documents must be retained securely, and electronic copies of documents must be password protected.

- 11.4.2 Copies of the following documents must be retained securely in the departments. Original documents must be sent to the Monitoring Officer/Senior Responsible Officer within 5 working days. They should be submitted in a sealed envelope marked "Confidential RIPA forms".

- The application and the authorisation together with any supplementary documentation and notification of the approval given by the Authorising Officer;
- The application to the Magistrates' Court and any relevant approval/court order;
- A record of the period over which the surveillance has taken place;
- The frequency of reviews prescribed by the Authorising Officer;
- A record of the result of each review of the authorisation;
- Any renewal of an authorisation, together with the supporting documentation submitted when the renewal was requested and Magistrates' Court approval;
- The date and time when any instruction was given by the Authorising Officer.
- An electronic log is maintained centrally on a restricted public folder within G:/drive. The Log is kept in a password-protected Excel spreadsheet, located in drive G/RIPA 2000/ RIPA Log. Only Authorising Officers can view it.
- The Council shall retain records for a period of at least 6 years from the ending of the authorisation. The Investigatory Powers Commissioner's Office (IPCO) can review the Council's policies and procedures and individual authorisations. The IPCO usually provide notice before an inspection but can arrive unannounced.

Copies of authorisations, renewals and cancellations are discoverable in legal proceedings. If proper records are not maintained, evidence gathered may be inadmissible.

11.5 Records Relating to the CHIS

- 11.5.1 All information obtained by the CHIS and by the officer responsible for recording the use of the CHIS should be recorded by means of a daily log. This should be in a format that gives an accurate and suitably detailed account of the events observed and conversations heard at particular times.
- 11.5.2 All information recorded in respect of authorisations, surveillance or the use of CHIS must only be disclosed for the purposes for which it was gathered at the time or for use in any future civil or criminal proceedings brought by or against the Council.
- 11.5.3 Records which reveal the name(s) of the CHIS should only be disclosed to persons to the extent that there is a need for access to them; if legally necessary; or if ordered by any Court.
- 11.5.4 When it is intended to employ a CHIS a record must be kept that records all the detail specified in Appendix 2. The officer in charge of maintaining a record of the use of each CHIS should record all these details. The way these records are kept is designed to try to keep the CHIS safe from discovery by the subjects and safe from any harm which could result from their disclosure and also to keep in the open any money or other benefits paid to a CHIS who is not an employee officer of an authorising body.

12. RECORDED MATERIAL OBTAINED DURING INVESTIGATIONS

- 12.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should **not** be destroyed, but retained in accordance with the requirements of the Data Protection Act 2018, General Data Protection Regulation (GDPR) (EU) 2016/679, the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the ~~Monitoring Officer~~Senior Responsible Officer or the Information and Records Manager.
- 12.2 Where recorded material is obtained, which is not related to a criminal or other investigation or to any person who is the subject of the investigation, and there is no reason to suspect that it will be relevant to any future civil or criminal proceedings, it should be destroyed immediately.
- 12.3 Recorded Material obtained in the course of an investigation may be used in connection with investigations other than the one that the relevant authorisation was issued for. However, the use or disclosure of such material outside the Council, unless directed by any court order, should only be considered in exceptional circumstances and in accordance with advice from the ~~Monitoring Officer~~Senior Responsible Officer.
- 12.4 Where recorded material obtained is of a confidential nature, then the following additional precautions should be taken:
- Confidential recorded material should not be retained or copied unless it is necessary for a specified purpose;
 - Confidential recorded material should only be disseminated in accordance with legal advice that it is necessary to do so for a specific purpose;
 - Confidential recorded material which is retained should be marked with a warning of its confidential nature. Safeguards should be put in place to ensure that such recorded material does not come into the possession of any person where to do so might prejudice the outcome of any civil or criminal proceedings;
 - Confidential recorded material should be destroyed as soon possible after it is used for the specified purpose.
 - Confidential recorded material should be made available for the ~~Office of Surveillance Commissioners~~PCO at the time of any Inspection.
- 12.5 If there is any doubt as to whether material is of a confidential nature, advice should be sought from the ~~Monitoring Officer~~Senior Responsible Officer.
- 12.6 The Authorising Officer must ascertain what material has been obtained by the use of directed surveillance. The Authorising Officer should comment on the material and how it is to be managed or used thereafter. If the matter is not proceeding to a prosecution, the Authorising Officer must be satisfied that any material has been securely destroyed.

13. SOCIAL NETWORKING SITES

- 13.1 Where privacy settings are available but not applied the data available on Social Networking Sites may be considered 'open source' and an authorisation is not usually required.

- 13.2 Repeat viewing of 'open source' sites, however, may constitute directed surveillance on a case by case basis and this should be borne in mind e.g. if someone is being monitored through, for example, their Facebook profile for a period of time and a record of the information is kept for later analysis, this is likely to require a RIPA authorisation for directed surveillance.
- 13.3 To avoid the potential for inadvertent or inappropriate use of social network sites in investigative and enforcement roles, Council Officers should be mindful of any relevant guidance and the Council's separate policy regarding the use of Social Networking Sites: Conduct of Investigations.
- 13.4 The Home Office Revised Code of Practice on Covert Surveillance and Property Interference, published in August 2018, provides the following guidance in relation to online covert activity:

'The growth of the internet, and the extent of the information that is now available online, presents new opportunities for public authorities to view or gather information which may assist them in preventing or detecting crime or carrying out other statutory functions, as well as in understanding and engaging with the public they serve. It is important that public authorities are able to make full and lawful use of this information for their statutory purposes. Much of it can be accessed without the need for RIPA authorisation; use of the internet prior to an investigation should not normally engage privacy considerations. But if the study of an individual's online presence becomes persistent, or where material obtained from any check is to be extracted and recorded and may engage privacy considerations, RIPA authorisations may need to be considered. The following guidance is intended to assist public authorities in identifying when such authorisations may be appropriate.

The internet may be used for intelligence gathering and/or as a surveillance tool. Where online monitoring or investigation is conducted covertly for the purpose of a specific investigation or operation and is likely to result in the obtaining of private information about a person or group, an authorisation for directed surveillance should be considered, as set out elsewhere in this code. Where a person acting on behalf of a public authority is intending to engage with others online without disclosing his or her identity, a CHIS authorisation may be needed (paragraphs 4.10 to 4.16 of the Covert Human Intelligence Sources code of practice provide detail on where a CHIS authorisation may be available for online activity).

In deciding whether online surveillance should be regarded as covert, consideration should be given to the likelihood of the subject(s) knowing that the surveillance is or may be taking place. Use of the internet itself may be considered as adopting a surveillance technique calculated to ensure that the subject is unaware of it, even if no further steps are taken to conceal the activity. Conversely, where a public authority has taken reasonable steps to inform the public or particular individuals that the surveillance is or may be taking place, the activity may be regarded as overt and a directed surveillance authorisation will not normally be available.

As set out below, depending on the nature of the online platform, there may be a reduced expectation of privacy where information relating to a person or group of people is made openly available within the public domain, however in some circumstances privacy implications still apply. This is because the intention when making such information available was not for it to be used for

a covert purpose such as investigative activity. This is regardless of whether a user of a website or social media platform has sought to protect such information by restricting its access by activating privacy settings.

Where information about an individual is placed on a publicly accessible database, for example the telephone directory or Companies House, which is commonly used and known to be accessible to all, they are unlikely to have any reasonable expectation of privacy over the monitoring by public authorities of that information. Individuals who post information on social media networks and other websites whose purpose is to communicate messages to a wide audience are also less likely to hold a reasonable expectation of privacy in relation to that information.

Whether a public authority interferes with a person's private life includes a consideration of the nature of the public authority's activity in relation to that information. Simple reconnaissance of such sites (i.e. preliminary examination with a view to establishing whether the site or its contents are of interest) is unlikely to interfere with a person's reasonably held expectation of privacy and therefore is not likely to require a directed surveillance authorisation. But where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared online.'

14. TRAINING

- 14.1 Training on RIPA and the procedures set out in this policy document will be given or authorised by the Service Director: Legal and Community. Any officer who wishes to undertake surveillance or employ a CHIS and all Authorising Officers must receive and maintain suitable training before signing any RIPA authorisations.
- 14.2 A Central Register of all officers who have received training on RIPA will be maintained by the Service Director: Legal and Community.
- 14.3 As part of the periodic review of this Policy and Procedures the ~~Monitoring Officer~~ **Senior Responsible Officer** will determine any ongoing training needs both for Authorising Officers and applicant officers. Refresher courses will be held as necessary.
- 14.4 The responsibility for ensuring that staff receive appropriate training in connection with RIPA lies with Service Directors.
- 14.5 The purpose of the training will be to ensure that both applicant and Authorising Officers are not only familiar with the law governing RIPA regulated activities, but also receive practical advice on the making and consideration of applications. In particular the training will be aimed at familiarising officers with the evidence that is needed to show that a covert operation is necessary, proportionate and likely to be conducted in a manner that will minimise collateral intrusion.
- 14.6 The training will also emphasise the need for Authorising Officers to state clearly the nature of the covert activity that they are authorising and the parameters of that activity i.e. what, where, when, how and against whom.
- 14.7 The importance of setting and observing review, cancellations and renewal dates will form part of the training.

14.8 The ~~Monitoring Officer~~ Senior Responsible Officer will invite pertinent officers to a biannual forum to discuss RIPA and issues relating to enforcement. The forum should aim to benchmark best practice.

15. ELECTED MEMBER INVOLVEMENT

15.1 Two new Codes of Practice came into effect on 6 April 2010:

- Regulation of Investigatory Powers (Covert Human Intelligence Source: Code of Practice) Order 2010
- Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010

15.2 The Codes of Practice state that elected members should:

- Set the RIPA policy at least once a year
- Review the local authority's use of RIPA
- Consider internal reports on the use of RIPA on at least a quarterly basis

15.3 The Terms of Reference for Cabinet in the Council's Constitution state that Cabinet is:

"To prepare and agree to implement policies and strategies other than those reserved to Council."

The setting of the RIPA policy annually is therefore a role for Cabinet. The Partnerships Scrutiny Sub Committee will consider the Policy annually and make recommendations to Cabinet.

15.4 The requirement for members to review the local authority's use of RIPA and consider internal reports on the use of RIPA on at least a quarterly basis is to be undertaken by the Overview and Scrutiny Committee in accordance with the terms of reference for that Committee contained in the Council's constitution.

FLOW CHART OF RIPA PROCESS

Requesting Officer ('The Applicant') must:

- Read the ~~Corporate~~RIPA Policy & Procedures ~~documents~~Document. Seek advice from Legal.
- Determine that directed surveillance and/or a CHIS is required.
- Assess whether authorisation will be **in accordance with the law.**
- Assess whether authorisation is **necessary** under RIPA and whether it could be done overtly.
- Consider whether surveillance will be **proportionate.**
- If authorisation is approved – review regularly (including Court approval)
- For directed surveillance, confirm it is for the purpose of preventing/ detecting conduct which constitutes/corresponds to a criminal offence punishable at least 6 months imprisonment (or an offence under section 146, 147, or 147A of the Licensing act 2003).

If a less intrusive/
overt option is available, and practicable **use that option!**

If authorisation is necessary and proportionate, prepare and submit an approved form to the Authorised Officer

Authorised Officer must:

- Consider in detail whether all options have been duly considered,
- Consider whether surveillance is considered ~~by him/her to be~~ **necessary and proportionate.**
- Authorise only if an overt or less intrusive option is not practicable.
- Consult NAFN SPoC for Communications Data (s5 above) application who will submit to OCDA for approval
- Apply to the Magistrates Court for approval. Court approval is required for the authorisation can take effect.
- Set an appropriate review date (can be up to 3 months after authorisation date) and conduct the review.

The Applicant must: REVIEW REGULARLY
(complete Review form) and submit to Authorised Officer on date set in good time to -apply to Court

The Applicant must:
If operation is no longer necessary or proportionate, complete **CANCELLATION FORM** and submit to Authorised Officer.

Authorised Officer must:
If surveillance is still necessary and proportionate:
 Review authorisation
 Set an appropriate further review date

Authorised Officer must:
Cancel authorisation when it is no longer necessary or proportionate.

ESSENTIAL
Send all Authorised **(and any rejected)** Forms, Review, Renewals and Cancellations to the **Monitoring Officer/Senior Responsible Officer** within 5 working days.

- Send all Quarterly Returns to the Service Director: Legal and Community's PA-MO
- ~~Regulation of Investigatory Powers (Covert Human Intelligence Source: Code of Practice) Order 2010~~
- ~~Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2010~~

- The Codes of Practice state that elected members should:
 - Set the RIPA policy at least once a year
 - Review the local authority's use of RIPA
 - Consider internal reports on the use of RIPA on at least a quarterly basis (these are covered by in a Member Information Note or other appropriate notification).

APPENDIX B

AUTHORISING OFFICERS AND RESPONSIBLE OFFICERS

RIPA Authorising Officers	Head of Paid Service <u>Chief Executive</u> , or in their <u>his</u> absence someone acting as a the <u>Deputy Chief Executive</u> , Service Director: Place, Service Director: Customers, Service Director: Regulatory Service Director: Resources
Authorising operations where confidential information may be obtained	Head of Paid Service <u>Chief Executive</u> only
CHIS Authorising Officer	Head of Paid Service <u>Chief Executive</u> only
CHIS Controller/Handler	Service Director: Place Service Director: Customers Service Director: Regulatory Service Director: Resources
Senior Responsible Officer	Service Director: Legal and Community and Monitoring Officer
RIPA Co-ordinating Officer	PA to Service Director: Legal and Community

Please note:

- Where use of a CHIS is authorised, the head of the directorate carrying out the activity shall usually act as the CHIS Handler, with the CHIS Controller role being allocated by the ~~Chief Executive~~Head of Paid Service.
- Authorising Officers must be “an assistant chief officer or investigations manager” or above.
- The Authorising Officers should not be directly involved in the investigation.

NORTH HERTFORDSHIRE DISTRICT COUNCIL

USE OF SOCIAL MEDIA IN INVESTINGATIONS

POLICY AND PROCEDURE



~~Version 1—September 2016~~

2020 [draft updated](#)

USE OF SOCIAL MEDIA IN INVESTINGATIONS
POLICY AND PROCEDURES
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1 INTRODUCTION & BACKGROUND

- 1.1 Social Media has become a significant part of many people's lives, with millions of people regularly using and interacting with a plethora of different forms of what can be categorised as Social Media. By its very nature, Social Media accumulates a sizable amount of information about a person's life, from daily routines to specific events. Their accessibility on mobile devices can also mean that a person's precise location at a given time may also be recorded whenever they interact with a form of Social Media on their devices. All of this means that incredibly detailed information can be obtained about a person and their activities like never before.
- 1.2 Social Media can therefore be a very useful tool when investigating alleged offences with a view to bringing a prosecution in the courts. The use of information gathered from the various different forms of Social Media available can go some way to proving or disproving such things as whether a statement made by a defendant, or an allegation made by a complainant, is truthful or not. However, there is a danger that the use of Social Media can be abused, which would have an adverse effect, damaging potential prosecutions and even leave the Council open to complaints or criminal charges itself.
- 1.3 This Policy sets the framework on which the Council may utilise Social Media when conducting investigations into alleged offences. Whilst the use of Social Media to investigate is not automatically considered covert surveillance, its misuse when conducting investigations can mean that it crosses over into the realms of covert and/or targeted surveillance, even when that misuse is inadvertent. It is therefore crucial that the provisions of The Regulation of Investigatory Powers Act 2000 (RIPA), as it relates to covert and directed surveillance, are followed at all times when using Social Media information in investigations.
- 1.4 It is possible for the Council's use of Social Media in investigating potential offences to cross over into becoming unauthorised surveillance, and in so doing, breach a person's right to privacy under Article 8 of the Human Rights Act. Even if surveillance without due authorisation in a particular instance is not illegal, if authorisation is not obtained, the surveillance carried out will not have the protection that RIPA affords and may mean it is rendered inadmissible.
- 1.5 It is the aim of this Procedure to ensure that investigations involving the use of Social Media are done so lawfully and correctly so as not to interfere with an accused's human rights, nor to require authorisation under RIPA, whilst ensuring that evidence gathered from Social Media is captured and presented to court in the correct manner.
- 1.6 Officers who are involved in investigations, into both individuals and business they suspect to have committed an offence, should consult Legal Services if they are unsure about any part of this Policy and how it affects their investigative practices.

2 REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA)

- 2.1 Given the change in social habits in the last few years, with the almost ubiquitous use of smartphones and personal devices, there is a significant amount of information on an individual's Social Media pages. This information might be

relevant to an investigation being undertaken by the Council. However, unguided research into the sites of suspects could fall within the remit of RIPA and therefore require authorisation prior to it being undertaken. Officers should therefore seek advice from Legal Services prior to undertaking any investigation using Social Media sites.

- 2.2 Council officers embarking on any form of investigatory action should always do so with RIPA in mind. Whilst RIPA will not always be relevant to every investigation, it is vital that Council officers involved in investigative practices against individuals, regularly review their conduct with respect to investigatory actions. Any investigation is capable of evolving from being one that does not require RIPA authorisation, to one that does, at any point.
- 2.3 Accordingly, this Policy should be read in conjunction with the Council's RIPA Policy, as well as the statutory codes of practice issued by the Secretary of State, the Office of Surveillance Commissioners Guidance/ [or Investigatory Powers Commissioner's Office Guidance](#) and any additional guidance provided by individual NHDC Directorates to deal with the specific issues of their service.
- 2.4 Instances of repeated and/or regular monitoring of Social Media accounts, as opposed to one-off viewing, may require RIPA authorisation. Advice should be sought from Legal Services where it is envisaged that this level of monitoring will be required in relation to a particular investigation. See paragraph 6.2 below.

3 WHAT IS MEANT BY 'SOCIAL MEDIA' FOR THE PURPOSES OF THIS POLICY

- 3.1 Social Media, sometimes also referred to as a Social Network, can take many forms, with different examples of Social Media ranging from being very similar to each other to very different. This makes defining Social Media, for the purposes of this policy, difficult, however there are some facets which will be common to all forms of Social Media.
- 3.2 Social Media will always be a web-based service that allows individuals and/or businesses to construct a public or semi-public profile. Beyond this, Social Media can be very diverse, but will often have some, or all, of the following characteristics;
 - The ability to show a list of other users with whom they share a connection; often termed "friends" or "followers",
 - The ability to view and browse their list of connections and those made by others within the system
 - Hosting capabilities allowing users to post audio, photographs and/or video content that is viewable by others

Social Media can include community based web sites, online discussions forums, chatrooms and other social spaces online as well.

- 3.3 Current examples of the most popular forms of Social Media, and therefore the most likely to be of use when conducting investigations into alleged offences, include;
 - Facebook
 - Twitter
 - Instagram
 - LinkedIn
 - YouTube
 - Vine
 - Tumblr
 - Reddit
 - Flickr

- Pintrest
- Google+

3.4 The number and type of Social Media available to the public is fluid. In a given year, many new sites can open whilst some of the more established names can wain in popularity, the classic example being that of Myspace; from 2005 to 2008, Myspace was the largest social networking site in the world, whereas today it is mostly ignored and is therefore largely insignificant. This Policy will concentrate on Social Media generally and will not make reference to specific sites or services.

4 SOCIAL MEDIA – SURVEILLANCE AND PRIVACY SETTINGS

4.1 Surveillance for the purpose of the 2000 Act includes monitoring, observing or listening to persons, their movements, conversations or other activities and communications it may be conducted with or without the assistance of surveillance devices and includes reading of any information obtained.

4.2 Simple reconnaissance of such sites (ie preliminary examination to establish whether the site or its contents are of interest) is unlikely to interfere with a persons expectation of privacy and therefore not require directed surveillance authorisation. As the Code of practice indicates however, where a public authority is systematically collecting and recording information about a particular person or group, a directed surveillance authorisation should be considered. These considerations apply regardless of when the information was shared on line.¹

4.14.3 The majority of Social Media services will allow its users to dictate who can view their activity, and to what degree, through the use of privacy settings. Whilst some users are happy, or otherwise indifferent about who is able to view their information, others prefer to maintain a level of privacy.

4.24.4 Depending on their intentions, many users will purposely use Social Media with no privacy setting applied whatsoever. This could be due to the fact that they are actively promoting something, such as a business or event, and therefore require as many people as possible to be able to view their Social Media profile at all times; others may do so for reasons of self-promotion or even vanity. The information publicly available is known as an individual's public profile.

4.34.5 Those individuals with public profiles who operate on Social Media without any, or only limited, forms of privacy settings being activated do so at their own risk. Often, Social Media sites will advise its users through its terms and conditions of the implications of not activating privacy controls, namely that all content they publish or share will be viewable by everyone, including sometimes people who, themselves, do not have an account with that provider.

4.44.6 Whilst the content or information shared by individuals on Social Media remains the property of that individual, it is nonetheless considered to be in the public domain. Publishing content or information using a public, rather than a private setting, means that the individual publishing it is allowing everyone to access and use that information, and to associate it with them.

¹ Code of Practice 3.15

4.54.7 The opposite of a public profile is a private profile. Some users of Social Media will not wish for their content, information or interactions to be viewable to anyone outside of a very small number of people, if any. In these instances, users will normally set a level of privacy on their Social Media profiles that reflects what they are comfortable with being made available, meaning that, for example, only friends, family and other pre-approved users are able to view their content or make contact with them through that site.

4.64.8 By setting their profile to private, a user does not allow everyone to access and use their content, and respect should be shown to that person's right to privacy under Article 8 of the Human Rights Act. This does not, however, extend to instances where a third party takes it upon themselves to share information which originated on a private profile on their own Social Media profile. For example, Person A publicises on their *private* Social Media page that they intend to throw a party, at which they will be selling alcohol and providing other forms of licensable activities, despite not having a licence from the Council to do so. Person B, who "follows" Person A's Social Media page, re-publishes this information on their *public* Social Media page. The information on Person A's profile cannot be used, however the same information on Person B's profile, can.

5 WHAT IS PERMITTED UNDER THIS POLICY

5.1 Whether or not Social Media can be used in the course of investigating an offence, or potential offence, will depend on a number of things, not least of which is whether the suspect has a Social Media presence at all. Investigating offences will always be a multi-layered exercise utilising all manner of techniques, and it is important not to place too high an emphasis on the use of Social Media in place of more traditional investigative approaches.

5.2 Further to this, a lack of information on an individual's Social Media profile should not be taken as evidence that something is or isn't true. For example, a lack of evidence corroborating an individual's assertions that they were at a particular location on a specific day does not prove that they are being misleading and it is important to consider it only as part of a well rounded investigation.

5.3 For those individuals who do have a presence on Social Media, a lot of what is permitted under this policy for use in investigations will depend on whether they have a public or private profile. As outlined in 4.4 above, where a person publishes content on a public profile, they allow everyone, including those not on that particular Social Media platform, to access and use that information whilst also allowing it to be associated with them.

5.4 In practice, this means that things such as photographs, video content or any other relevant information posted by individuals and businesses to a public profile on any given Social Media platform can be viewed, recorded and ultimately used as evidence against them should the matter end in legal proceedings, subject to the usual rules of evidence.

5.5 When considering what is available on an individual's public Social Media profile, those investigating an offence, or potential offence, should always keep in mind what relevance it has to that investigation. Only information that is relevant to the investigation at hand, and goes some way toward proving the offence, should be gathered. If there is any doubt as to whether something is relevant, then advice should be sought from Legal Services.

5-55.6 The Council may also set up overt Social Media accounts and use these for overt enforcement checks, monitoring of public accessible areas of the internet and trade related information groups without the need for directed surveillance authorisation so long as these are not part of pre-planned or ongoing surveillance of a specific person or group of people².

6 WHAT ISN'T PERMITTED UNDER THIS POLICY

6.1 When it is discovered that an individual under investigation has set their Social Media account to private, Council officers should not attempt to circumvent those settings under any circumstances. Such attempts would include, but are not limited to;

- sending “friend” or “follow” requests to the individual,
- setting up or using bogus Social Media profiles in an attempt to gain access to the individual's private profile,
- contacting the individual through any form of instant messaging or chat function requesting access or information,
- asking family, friends, colleagues or any other third party to gain access on their behalf, or otherwise using the Social Media accounts of such people to gain access, or
- any other method which relies on the use of subterfuge or deception.

Officers should keep in mind that simply using profiles belonging to others, or indeed fake profiles, in order to carry out investigations does not provide them with any form of true anonymity. The location and identity of an officer carrying out a search can be easily traced through tracking of IP Addresses, and other electronic identifying markers.

6.2 A distinction is made between one-off and repeated visits to an individual's Social Media profile. As outlined at paragraph 2 above, under Part II of RIPA, authorisation must be sought in order to carry out directed surveillance against an individual. Whilst one-off visits, or otherwise infrequent visits spread out over time, cannot be considered “directed surveillance” for the purposes of RIPA, repeated or frequent visits may cross over into becoming “directed surveillance” requiring RIPA authorisation. A person's Social Media profile should not, for example, be routinely monitored on a daily or weekly basis in search of updates, as this will require RIPA authorisation, the absence of which is an offence. For further guidance on this point, officers should contact Legal Services.

6.3 Regardless of whether the Social Media profile belonging to a suspected offender is set to public or private, it should only ever be used for the purposes of evidence gathering. Interaction or conversation of any kind should be avoided at all costs, and at no stage should a Council officer seek to make contact with the individual through the medium of Social Media. Any contact that is made may lead to accusations of harassment or, where a level of deception is employed by the officer, entrapment, either of which would be detrimental and potentially fatal to any future prosecution that may be considered.

7 CAPTURING EVIDENCE

7.1 Once content available from an individual's Social Media profile has been identified as being relevant to the investigation being undertaken, it needs to be recorded and captured for the purposes of producing as evidence at any

² [Codes of Practice 3.33](#)

potential prosecution. Depending on the nature of the evidence, there are a number of ways in which this may be done.

- 7.2 Where evidence takes the form of a readable or otherwise observable content, such as text, status updates or photographs, it is acceptable for this to be copied directly from the site, or captured via a screenshot, onto a hard drive or some other form of storage device, and subsequently printed to a hard copy. The hard copy evidence should then be exhibited to a suitably prepared witness statement in the normal way.
- 7.3 Where evidence takes the form of audio or video content, then efforts should be made to download that content onto a hard drive or some other form of storage device such as a CD or DVD. Those CD's and/or DVD's should then be exhibited to a suitably prepared witness statement in the normal way. Any difficulties in downloading this kind of evidence should be brought to the attention of NHDC's IT Section who will be able to assist in capturing it.
- 7.4 When capturing evidence from an individual's public Social Media profile, steps should be taken to ensure that all relevant aspects of that evidence are recorded effectively. For example, when taking a screenshot of a person's Social Media profile, the Council officer doing so should make sure that the time and date are visible on the screenshot in order to prove when the evidence was captured. Likewise, if the evidence being captured is a specific status update or post published on the suspected offender's profile, steps should be taken to make sure that the date and time of that status update or post is visible within the screenshot. Without this information, the effectiveness of the evidence is potentially lost as it may not be admissible in court.
- 7.5 Due to the nature of Social Media, there is a significant risk of collateral damage in the form of other, innocent parties' information being inadvertently captured along side that of the suspected offender's. When capturing evidence from a Social Media profile, steps should be taken to minimise this collateral damage either before capturing the evidence, or subsequently through redaction. This might be particularly prevalent on Social Media profiles promoting certain events, where users are encouraged to interact with each other by posting messages or on photographs where other users may be making comments.

8 OTHER INFORMATION TECHNOLOGY TOOLS AVAILABLE FOR INVESTIGATIVE PURPOSES

- 8.1 Whilst Social Media can be a useful and fruitful means of investigating offences and potential offences, it is by no means the only tool available within the realm of Information Technology. A vast array of other, mostly web-based tools are also at the disposal of those conducting investigations. For example, where there is a website advertising the services of a local business, and there is evidence that this business is engaging in illegal activity, there are IT tools available that can track who is responsible for setting up that website, and so can be a good starting point when trying to link potential offenders to the offending business.
- 8.2 For assistance in identifying which tools may be appropriate, and how best to utilise them, advice should be sought from the Shared Anti-Fraud Service (SAFS), who are best placed to advise on this point.

9 RETENTION AND DESTRUCTION OF INFORMATION

- 9.1 Where recorded material (in any form or media) is obtained during the course of an investigation which might be relevant to that investigation, or another investigation, or to pending or future civil or criminal proceedings, then it should **not** be destroyed, but retained in accordance with the requirements of the Data Protection Act 1998 , the Freedom of Information Act 2000, and any other legal requirements, including those of confidentiality, and the Council's policies and procedures regarding document retention. Advice should be sought from the Monitoring Officer or the Information and Records Manager.
- 9.2 Personal data gathered by the Council is subject to the Data Protection Act 1998. When considering whether to retain the data, the Council should:
- review the length of time it keeps personal data;
 - consider the purpose or purposes it holds the information for in deciding whether (and for how long) to retain it;
 - securely delete information that is no longer needed for this purpose or these purposes; and
 - update, archive or securely delete information if it goes out of date
- 9.3 Due to the nature of Social Media, it is important to remember that when information produced as a hard copy is destroyed in line with this paragraph, that all digital copies of that evidence is likewise destroyed.

10 REVIEW

- 10.1 This Policy will be reviewed periodically and in line with the RIPA Policy & Procedure document to ensure that both Policies remain current and compliant with relevant legal requirements and best practice guidance.

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**CABINET
23 June 2020**

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: GARDEN WASTE COLLECTION SERVICE IMPACTS OF COVID 19

REPORT OF THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER: CLLR ELIZABETH DENNIS-HARBURG

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 This report outlines the service disruption for the collection of garden waste in North Herts since services were suspended due to the Covid 19 outbreak on 30th March 2020 and asks to consider and agree initiatives and recompense that recognises the inconvenience caused to our residents.

2. RECOMMENDATIONS

- 2.1 The Council agrees an extension of the current 12 months payment period for green waste collection, for a further period of 2 months [The loss of income based on current (48%) uptake is approximately £186,000].

3. REASONS FOR RECOMMENDATIONS

- 3.1 To acknowledge service disruption / suspension in our garden waste collection service and demonstrate to residents that the Council accepts the inconvenience caused during the seasonal peak of garden waste production.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Reimbursing all residents that were signed up to the service on 30th March 2020 has been considered by the executive member and officers. This option was discounted as the administrative costs of providing a refund to those affected would not be economic or practical.
- 4.2 Reducing the cost of the next sign up period has been considered. This was discounted as it will not recompense residents who do not sign up to the new subscription period and may benefit residents who have not been affected by the disruption we are seeking to redress. The financial recompense may not be considered sufficient by some residents.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

Consultation was undertaken with our Executive Member and there is a general expectation that fair and proportionate redress will be provided to all residents affected.

6. FORWARD PLAN

6.1 This is a key executive decision and first went on the Forward Plan on 5th May 2020

7. BACKGROUND

7.1 On 30th January 2020 the World Health Organisation declared a Public Health Emergency of International Concern for the coronavirus known as Covid 19. During March social distancing measures were introduced along with initial guidance on self-isolation.

7.2 On 24th March 2020 the government issued a countrywide lockdown and strict social distancing measure in an attempt to reduce the rate of infection from Covid 19.

7.3 The shared waste service operates with 126 frontline staff and on 25th March 10% of frontline staff were self-isolating with concerns that this number would rapidly rise over the coming days and weeks.

7.4 On 26th March the decision was therefore made to suspend garden waste and food waste collections in North Herts.

7.5 A decision was made to reinstate services from 11th May resulting in residents experiencing three missed garden waste collections over a six week period.

8. RELEVANT CONSIDERATIONS

8.1 An extension to the existing 12 month paid garden waste service can be provided with minimum overheads and administrative cost to paying customers of the garden waste service. The loss of income is circa £93,000 per month of extension. There are currently approximately 28,000 residents in North Herts that subscribe to our garden waste collection service.

8.2 An extension of two months would see the new start of the next sign up period beginning on 1st October. This is after the main growing season and may initially result in a reduced take up of the service.

8.3 It is likely that the majority of residents not signing up for an October start, who have previously used the service will sign up in spring. If the majority of these sign ups are after 1st April this will further impact on the financial position for 2020/21.

8.4 Had a reduced rate of £35 for the 2020/21 subscription period been offered the financial implications would be estimated to be in the region of £140,000, assuming a similar level of take-up to this year.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet's terms of reference include, at 5.6.8 To monitor quarterly revenue expenditure and agree adjustments within the overall budgetary framework and at 5.6.11 To approve those major service developments or reductions which also constitute Key Decisions. This report covers such proposed changes.

10. FINANCIAL IMPLICATIONS

- 10.1 As detailed above the total cost of extending the 12-month paid garden waste service by two months would be around £186,000. The cost of the extension would be incurred in 2020/21 and if approved will be incorporated into the budget. This is a one-off cost. The Council will include this in returns to the Ministry of Housing, Communities and Local Government on the financial impact of Covid-19. It is unknown to what extent the Council will receive compensation for lost income.
- 10.2 As highlighted in paragraph 8.3, there is a risk that some residents will not sign up again until after 1st April 2021. This could further affect the budget position for 2020/21, although this could be off-set by an improved position in 2021/22.

11. RISK IMPLICATIONS

- 11.1 There is a reputational risk to the authority if we do not offer any recompense for the suspended service and the inconvenience caused to residents. This could have an adverse effect on our residents' perception of the waste collection service and Council services in general as well as reducing the number of residents choosing to sign up for the service in future. For the vast majority of our residents, there has been understanding and support for our waste collection service and we rely on them to participate in recycling to ensure we maintain our high levels of performance.
- 11.2 There is a risk of reduced sign up numbers as residents are less likely to need the service during the winter months. It is expected that the majority of these will sign up later in March or April 2021.
- 11.3 If the sign up period is not extended this will impact on the length of time available for residents to sign up to the new subscription year. Past experience has demonstrated that short sign up periods put significant pressure on the Customer Contact Centre at Urbaser and would result in poor call answering performance and complaints. A phased sign up period has been planned for this year.
- 11.4 If the sign up period is not extended there is a risk that the new sign up website will not be ready due to delays experienced with Barclays in setting up the direct debit processing due to their Covid 19 related impacts.
- 11.5 The Shared Waste Services client team has two vacancies. Recruitment and training of new staff is impacted by Covid 19. It is therefore not likely that all vacancies will be filled with permanent staff in time for the new sign up period, impacting on capacity within the team. A delay to the sign up period will assist in ensuring the staff resource requirements can be managed.

- 11.6 There is a risk that frontline staff will be affected further by the virus spread. So far only one frontline staff has been confirmed as having had Covid 19 as testing was not available when staff were originally self-isolating. Depending on the impact of future self-isolation, this could lead to further service disruption. Any need for further redress for any disruption experienced will be considered separately in addition to this report.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no equalities implications.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 The Social Value Act and “go local” policy do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no known Environmental impacts or requirements that apply to suggested recompense. Section 8 indicates that there may be a reduced sign up in the removal of garden waste. It is not possible to quantify the reduction or assess what residents will do with green waste if not collected. Waste may be home composted or otherwise disposed of through residual waste streams.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 The garden waste collection service requires an increase in staffing both within the client team and Urbaser during the sign up period, the impact on staff it is not expected to be over and above the normal increase in resource requirements during sign up which we anticipate will be filled by agency staff.
- 15.2 The Shared Waste Services client team has two vacancies, with a third vacancy from mid June. Recruitment and training of new staff is impacted by Covid 19 it is therefore not likely that all vacancies will be filled with permanent staff in time for the new sign up period.

16 APPENDICES

- 16.1 There are no appendices.

17. CONTACT OFFICERS

- 17.1 Chloe Hipwood, Shared Service Manager
Chloe.hipwood@north-herts.gov.uk Ext 4304
- 17.2 Ian Couper, Service Director - Resources
ian.couper@north-herts.gov.uk Ext 4243
- 17.3 Jeanette Thompson, Service Director - Legal & Community
jeanette.thompson@north-herts.gov.uk Ext 4370.

17.4 Reuben Ayavoo Senior Policy Officer
Reuben.ayavoo@north-herts.gov.uk Ext 4212

18. BACKGROUND PAPERS

None

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CABINET
23 June 2020

***PART 1 – PUBLIC DOCUMENT**

TITLE OF REPORT: COMMERCIAL WASTE COLLECTION SERVICE IMPACTS OF COVID 19

REPORT OF: THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER: CLLR ELIZABETH DENNIS-HARBURG

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

1. EXECUTIVE SUMMARY

- 1.1 The government instigated lockdown on 24th March meant that a number of businesses, and therefore our trade waste customers, stopped operating. To support businesses, a decision was made to suspend the issuing of Quarter 1 (1st April to 30th June) invoices and contact all customers to ask if they wanted to temporarily suspend or reduce the service that they received. As businesses are now starting to open up again, it is now necessary to consider what charges should be made for the 1st Quarter.

2. RECOMMENDATIONS

- 2.1 That Cabinet be recommended to agree the recommendation of the Part 2 report.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To acknowledge the reduced service needs and hardship experienced by local businesses during the Covid 19 pandemic and government initiated lockdown. However at the same time there is a need to make sure that proposals are equitable and that any income lost will not be funded by local taxpayers.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Send out all Q1 invoices in accordance with current terms and conditions of contract. This would include only adjusting invoices for suspending or reducing service levels in accordance with the terms of contracts.
- 4.2 To withdraw the Q1 invoices for all commercial waste and recycling customers leading to a budget deficit. [redacted] This is considered to be unaffordable.
- 4.3 To withdraw the Q1 invoices for all customer who we think are likely to have not used the service as well as those customers who suspended their service with us and only resume charges upon the start of services. [redacted] This is considered to be inequitable due to insufficient robust information.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1 Consultation was undertaken with our Executive Member and the Executive Member for Finance and IT.

6. FORWARD PLAN

- 6.1 This is a urgent executive decision– which has not been notified as a decision on the forward plan. The requisite Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 (“the Regulations”) Notice of reasons for Urgency has however been published by the Proper Officer on 22 May 2020 on the Council’s website¹.

7. BACKGROUND

- 7.1 On 30th January 2020 the World Health Organisation declared a Public Health Emergency of International Concern for the coronavirus known as Covid 19. During March social distancing measures were introduced along with initial guidance on self-isolation.
- 7.2 On 24th March 2020 the government issued a countrywide lockdown, closing the majority of businesses; and strict social distancing measure in an attempt to reduce the rate of infection from Covid 19.
- 7.3 After consultation with the Executive Member, and Service Director – Resources, all businesses using the commercial waste and/or recycling services were written to, asking that they inform us if they wished to suspend their collections during the lockdown.
- 7.4 14.5% of residual waste and 13.5% of recycling customers responded and suspended collections.
- 7.5 It is estimated that 55% of customers may have continued to use the services.
- 7.6 The remaining 30% of businesses we estimate have not been operating but have not suspended their collections with us.

8. RELEVANT CONSIDERATIONS

- 8.1 The management of commercial waste invoicing is administratively heavy and requires a significant amount of manual inputting of data by staff.
- 8.2 For those customers who normally pay by direct debit (66% of customers) our invoicing system Integra2 would automatically seek to recover all monies due upon the release of Q1 invoices. This may lead to unnecessary hardship for customers who would normally spread payments monthly.

¹ <https://www.north-herts.gov.uk/sites/northherts-cms/files/Urgency%20Notice%20-%20Part%202%20report%20-%20Commercial%20Waste%20Arrangements%20%281%29.pdf>

- 8.3 Council staff will reconfigure the payment terms for all direct debit customers to ensure the invoice due date is delayed. Customers who need further assistance or a payment plan will be encouraged to contact us via a letter or e-mail sent with the invoice. The Quarter 2 invoices would be due to be issued at the start of July, so the delayed Quarter 1 invoices would become due after when the Quarter 2 invoices should have been due. To further support businesses cashflow the Quarter 2, Quarter 3 and Quarter 4 invoices will be delayed so they are issued at the start of September, November and February (rather than July, October and January).
- 8.4 It is anticipated that some direct debit customers will contact us for a payment plan or to request a cancellation of their invoice where they have not used the service.
- 8.5 The shared waste service does not have comprehensive data on which customers have not been using the service during lockdown. We have some information provided by collection staff however this is not wholly accurate. We are able to identify business types by their Standard Industrial Classification (SIC) code, and assumptions could be made on the use of waste and recycling services on this basis, however this would not account for those businesses who used lockdown to clear out their business premises.
- 8.6 It is anticipated that not all customers will pay their invoices and an additional administrative burden would be added if direct debits are taken and/or invoices produced and retrospective credits are applied. Each customer would be considered on a case by case basis in accordance with this Council's debt recovery procedures.
- 8.7 Many local businesses are likely to experience addition waste disposal cost burdens over coming months due to a requirement to use and dispose of PPE.
- 8.8 The waste services team is currently understaffed and this administrative burden would be over and above the capacity of the team. It is expected that additional support will be identified from within other teams.

9. LEGAL IMPLICATIONS

- 9.1 Cabinet's terms of reference include, at 5.6.8 To monitor quarterly revenue expenditure and agree adjustments within the overall budgetary framework and at 5.6.11 To approve those major service developments or reductions which also constitute Key Decisions. This report covers such proposed changes.
- 9.2 The alternative options outlined under 4.2-4.3 are likely to require Full Council approval under the Financial Regulations.

10. FINANCIAL IMPLICATIONS

- 10.1 The Quarter 1 invoice figure is valued at [redacted] and includes full year income for recycling services.
- 10.2 The Q1 income value from customers who did not suspend their service with us is estimated to be [redacted]. The reduced income based on this figure; is estimated at [redacted] based on customers paying for Q2 services onwards.

- 10.3 The Q1 income value from customers we think used the service is estimated to be in the region of [redacted]. The reduced income based on this figure; is estimated at [redacted] based on customers paying for Q2 services onwards.
- 10.4 It is likely that some customers may continue their suspension into Q2, at this time we cannot quantify the anticipated reduction in income as a result of this. It is also possible that some customers who suspended (or reduced) their service at the start of lock-down will resume (or increase) their service before the end of Quarter 1, in line with the easing of lock-down restrictions.
- 10.5 There will be a reduction in landfill and recycling processing costs but at the time of writing this report it has not been possible to quantify these costs accurately. It is estimated the Q1 reduction in cost will be [redacted], based on customers who suspended collections.
- 10.6 Based on the PPN: 02/20: Supplier Relief Due To Covid 19 we do not anticipate a reduction in costs paid to Urbaser.

11. RISK IMPLICATIONS

- 11.1 There is a reputational risk to the authority if we do not offer any recompense for the suspended services. This could have an adverse effect on our customers' perception of the waste and recycling collection services and Council services in general as well as reducing the number of businesses choosing to use our services in the future.
- 11.2 There is a risk that if we do not change payment terms or offer instalments on invoices which are due, customers may default due to financial hardship, leading to increased costs and a rise in the bad debt provision.
- 11.3 It is likely that any option to invoice customers during lockdown will result in an increase in bad debt for the service.
- 11.4 The PPE requirements for businesses choosing to open may be extensive, adding an additional disposal burden on commercial waste customers. It is therefore likely they may experience additional hardship with increase waste disposal costs on an ongoing basis.
- 11.5 The Shared Waste Services client team has two vacancies. Recruitment and training of new staff is impacted by Covid 19. It is therefore not likely that all vacancies will be filled with permanent staff to support the administrative burden of releasing the Q1 invoices.

12. EQUALITIES IMPLICATIONS

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are no equalities implications. This supportive act for the commercial waste customers will seek to assist the wider community as lockdown eases as noted at 11.4.

13. SOCIAL VALUE IMPLICATIONS

13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

14.1 There are no known Environmental impacts or requirements that apply to the recommendations.

15. HUMAN RESOURCE IMPLICATIONS

15.1 The commercial waste services are administratively heavy and require significant administrative input for both authorities. Any decision made will reduce the time available for the shared client team to respond and manage the domestic collection services and street cleansing operations.

15.2 The Shared Waste Services client team has two vacancies. Recruitment and training of new staff is impacted by Covid 19 it is therefore not likely that all vacancies will be filled with permanent staff in time for the release of Q1 invoices.

15.3 Additional resources will be required and options are being discussed with various teams in the Council to resource this internally. It is not possible to use agency staff for this work due to the difficulty training staff remotely during our current remote working arrangements.

16. APPENDICES

16.1 There are no appendices.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

None

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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